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SENATE

TUESDAY, JULY 9, 1940

(Legislative day of Monday, July 8, 1940)

The Senate met in executive session at 12 o'clock meridian, on the expiration of the recess.

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

O Lord, our Governor, whose glory is in all the world, we commend this Nation to Thy merciful care, that, being guided by Thy Providence, we may dwell secure in Thy peace. Grant to the President of the United States, the President of this Senate, and all others in authority wisdom and strength to know and to do Thy will. Fill them with the love of truth and righteousness; and make them ever mindful of their calling to serve this people in Thy fear. Through Jesus Christ, our Lord. Amen.

THE JOURNAL

As in legislative session,

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the legislative day of Monday, July 8, 1940, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Downey	Lodge	Schwellenbach
Andrews	Ellender	Lucas	Sheppard
Ashurst	Frazier	Lundeen	Shipstead
Austin	George	McCarran	Slattery
Bailey	Gerry	McKellar	Smathers
Barbour	Gibson	McNary	Smith
Barkley	Gillette	Maloney	Stewart
Bilbo	Green	Mead	Taft
Bone	Guffey	Miller	Thomas, Idaho
Bridges	Gurney	Minton	Thomas, Okla.
Bulow	Hale	Murray	Thomas, Utah
Burke	Harrison	Neely	Tobey
Byrd	Hatch	Norris	Townsend
Byrnes	Hayden	Nye	Tydings
Capper	Herring	O'Mahoney	Vandenberg
Caraway	Hill	Overton	Van Nuys
Chandler	Holman	Pepper	Wagner
Chavez	Holt	Pittman	Walsh
Clark, Idaho	Hughes	Radcliffe	Wheeler
Clark, Mo.	Johnson, Calif.	Reed	White
Connally	Johnson, Colo.	Reynolds	Wiley
Danaher	King	Russell	
Davis	La Follette	Schwartz	

Mr. MINTON. I announce that the Senator from Alabama [Mr. BANKHEAD], the Senator from Michigan [Mr. BROWN], the Senator from Ohio [Mr. DONAHEY], the Senator from Virginia [Mr. GLASS], the Senator from Oklahoma [Mr. LEE], and the Senator from Missouri [Mr. TRUMAN] are unavoidably detained from the Senate.

The VICE PRESIDENT. Ninety Senators have answered to their names. A quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, returned to the Senate, in compliance with its request, the bill (H. R. 9576) relating to the admission to St. Elizabeths Hospital of persons resident or domiciled in the Virgin Islands of the United States.

The message announced that the House had passed the bill (S. 326) for the payment of awards and appraisals heretofore made in favor of citizens of the United States on claims presented under the General Claims Convention of September 8, 1923, United States and Mexico, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 9875) to provide that payments made to States or Territories to aid in the maintenance of disabled veterans in State or Territorial homes shall be used solely for such purpose, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 2289. An act for the relief of the Leesburg Welding & Garage Co.; and

H. R. 7233. An act to amend the act entitled "An act to provide for the disposition, control, and use of surplus real property acquired by Federal agencies, and for other purposes," approved August 27, 1935 (Public, No. 351, 74th Cong.), and for other purposes.

During the executive session the following legislative business, by unanimous consent, was transacted as in legislative session:

INTERSTATE COMMERCE ACTS ANNOTATED, 1940 SUPPLEMENT (S. DOC. NO. 202)

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the Interstate Commerce Commission, transmitting, pursuant to (S. Res. 259) authorizing the preparation of a supplement to the document on the Compilation of Federal Laws Relating to the Regulation of Carriers Subject to the Interstate Commerce Act (submitted by Mr. TYDINGS, and agreed to May 28, 1940), a manuscript supplement bringing as closely to date as practicable Senate Document No. 166, Seventieth Congress, first session, and Senate Document No. 139, Seventy-third Congress, second

session, which, with the accompanying document, were referred to the Committee on Interstate Commerce, and, under the terms of the resolution, ordered to be printed.

PETITION AND MEMORIAL

The VICE PRESIDENT laid before the Senate a petition of several citizens of Weehawken, N. J., praying that the United States keep out of war, which was ordered to lie on the table.

He also laid before the Senate a telegram in the nature of a memorial from the Legion of American Mothers, Helen Hamilton, chairman, Oakland, Calif., remonstrating against confirmation of the nominations of Henry L. Stimson, of New York, to be Secretary of War, and Frank Knox, of Illinois, to be Secretary of the Navy, which was ordered to lie on the table.

REPORTS OF COMMITTEES

Mr. WHEELER, from the Committee on Interstate Commerce, to which was referred the bill (H. R. 10014) to amend the Transportation Act, 1920, as amended, reported it without amendment and submitted a report (No. 1948) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 3163. A bill to provide for a national cemetery in the vicinity of Portland, Oreg. (Rept. No. 1949); and

S. 4106. A bill to authorize the construction of certain facilities in Marjorie Park, Davis Island, Tampa, Fla., and for other purposes (Rept. No. 1950).

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that that committee presented to the President of the United States the following enrolled bills and joint resolutions:

On July 5, 1940:

S. 349. An act for the relief of C. F. Cooley, administrator of the estate of Charles F. Cooley, Jr.;

S. 1009. An act granting a pension to Bert W. Helmer;

S. 1376. An act for the relief of Cothran Motors, Inc.;

S. 1789. An act to authorize the cancelation of deportation proceedings in the case of Florence Sinclair Cooper and daughter, Margaret Lavallie, and Philip P. Roy;

S. 2111. An act to amend the act entitled "An act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service," approved February 15, 1893, as amended;

S. 2413. An act granting a pension to Arminda Bauman;

S. 2704. An act for the relief of Mr. and Mrs. C. W. Black and Marion Rabren;

S. 2768. An act authorizing the naturalization of Thomas A. Lambie;

S. 2773. An act to authorize the payment of compensation to recess appointees in certain cases;

S. 2774. An act for the relief of Jose Mauri;

S. 2775. An act for the relief of Henry Gideon Schiller;

S. 2909. An act for the relief of Dexter and Elizabeth Shiomi;

S. 2915. An act relating to rentals in certain oil and gas leases issued under authority of the act of February 25, 1920, as amended, and for other purposes;

S. 2969. An act for the relief of Louise Thorne;

S. 3021. An act for the relief of A. A. Ramsay;

S. 3059. An act for the relief of Velvie W. Smith, and the legal guardian of Glenn Richard Smith;

S. 3062. An act for the relief of Rodgers Tile Co.;

S. 3101. An act for the relief of certain purchasers of, and entrymen upon, open lands of certain Indian reservations;

S. 3111. An act for the relief of Thomas L. Gardner;

S. 3146. An act relating to the citizenship of William Lawrence Tan;

S. 3256. An act to enable Sadao Tanaka to remain permanently in the United States;

S. 3412. An act for the relief of John Nicholas Chicouras;

S. 3436. An act for the relief of Ethel G. Hamilton;

S. 3456. An act to provide for the reimbursement of certain personnel or former personnel of the United States Marine Corps for the value of personal effects destroyed as a result of a fire at Raritan Arsenal, Metuchen, N. J., on October 10, 1938;

S. 3502. An act for the relief of the Epes Transportation Corporation;

S. 3587. An act for the relief of Earl P. Collins;

S. 3597. An act for the relief of Vernon C. Brown and F. L. Copeland;

S. 3647. An act for the relief of the legal guardian of Paul Sanford, a minor;

S. 3649. An act for the relief of Harry D. Gann;

S. 3706. An act for the relief of Alfred G. Balls;

S. 3707. An act for the relief of certain disbursing agents and certifying officers of the Indian Service, the United States Veterans' Administration, and the Treasury Department;

S. 3742. An act for the relief of M. E. McGivern;

S. 3748. An act for the relief of Guy F. Allen, chief disbursing officer, Division of Disbursement, Treasury Department;

S. 3769. An act for the relief of Jerry McKinley Thompson;

S. 3780. An act authorizing Alabama Bridge Commission (an agency of the State of Alabama) to construct, maintain, and operate a toll bridge and causeway between Dauphin Island and the mainland at or near Cedar Point, within the State of Alabama;

S. 3807. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Arrow Rock, Mo.;

S. 3808. An act to provide for the reimbursement of certain officers and enlisted men or former officers and enlisted men of the United States Navy for personal property lost in the hurricane and flood at New London, Conn., on September 21, 1938;

S. 3899. An act to defray the cost of returning to the United States the remains, families, and effects of officers and employees dying abroad, and for other purposes;

S. 3916. An act for the relief of Lawrence T. Post, G. F. Allen, and D. Buddrus;

S. 3931. An act for the acquisition of Indian lands for the Parker Dam and Reservoir project, and for other purposes;

S. 3972. An act to authorize exchanges of lands within the Navajo Indian Reservation, Ariz.;

S. 3978. An act for the relief of certain former employees of the National Reemployment Service;

S. 4048. An act for the relief of Elizabeth K. Peeples;

S. 4090. An act to authorize the Attorney General to donate on behalf of the United States to H. S. Scott, D. W. Collins, Fred M. Gross, trustees, Ashland District Council, Boy Scouts of America, the log house known as the John Secrest home, located on the site of the Federal Correctional Institution near Ashland, Ky.; and

S. 4126. An act for the relief of Anne Howard Lay.

On July 8, 1940:

S. 134. An act providing for continuing retirement pay, under certain conditions, of officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability while in the service of the United States during the World War, and for other purposes;

S. 182. An act for the relief of Edward Hagenson;

S. 993. An act for the relief of J. H. Wootton;

S. 1251. An act for the relief of certain settlers in the town site of Ketchum, Idaho;

S. 1531. An act for the relief of Edmund S. Dennis;

S. 1810. An act for the relief of the Citizens State Bank of Marianna, Fla.;

S. 2560. An act for the relief of Marjorie Buchek;

S. 2561. An act for the relief of Ina Jones;

S. 2570. An act for the relief of Mary Boyd;

S. 2595. An act for the relief of Lloyd S. Harris;

S. 2799. An act for the relief of James George Mayfield;

S. 2800. An act for the relief of Edward J. Ross, and the legal guardian of Betty Ross, a minor;

S. 2817. An act for the relief of J. H. Churchwell Wholesale Co., of Jacksonville, Fla.;

S. 2988. An act for the relief of Bessie Sharrah;

S. 3023. An act for the relief of Clarence E. Enders and Gertrude Ray Enders;

S. 3039. An act for the relief of Twila Snyder;

S. 3280. An act for the relief of Ina May Everett;

S. 3351. An act for the relief of I. M. Cook, J. J. Allen, and the Radiator Specialty Co.;

S. 3401. An act for the relief of Charles N. Barber, former United States property and disbursing officer, Vermont National Guard, and for other purposes;

S. 3424. An act for the relief of George O. Elliott and Winslow Farr Smith;

S. 3617. An act granting the consent and approval of Congress to an interstate compact relating to control and reduction of pollution in the Ohio River drainage basin;

S. 3749. An act to relieve certain employees of the Veterans' Administration from financial liability for certain overpayments and allow such credit therefor as is necessary in the accounts of certain disbursing officers, and for other purposes;

S. 3763. An act for the relief of Capt. David H. Passell and First Lt. Paul E. LaMaster;

S. 3794. An act for the relief of certain Navajo Indians, and for other purposes;

S. 4032. An act to provide for the reimbursement of Philip A. Penston, pharmacist's mate, first-class, United States Coast Guard, for the value of personal and household effects lost and destroyed during the hurricane of September 21, 1938, at New London, Conn.;

S. 4097. An act to provide for the disposition of estates of American citizens who die abroad;

S. J. Res. 133. Joint resolution to confer jurisdiction on the Court of Claims or the District Court of the United States for the Northern District of Georgia to hear, determine, and render judgment upon the claim of Mrs. J. W. Marks, of Stephens County, Ga.; and

S. J. Res. 222. Joint resolution granting the consent of Congress to the States of Maryland and West Virginia and the Commonwealths of Virginia and Pennsylvania and the District of Columbia as signatory bodies, to enter into a compact for the creation of a Potomac Valley Conservancy District and the establishment of the Interstate Commission on the Potomac River Basin.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON of Colorado:

S. 4193. A bill for the relief of Jose Mendez (Anthony Sayer); to the Committee on Immigration.

By Mr. DOWNEY:

S. 4194. A bill to provide for the issuance of immigration visas to, and the admission into the United States of, children from certain European countries; to the Committee on Immigration.

S. 4195. A bill providing for an integrated system of superhighways in the United States, and for other purposes; to the Committee on Military Affairs.

By Mr. WALSH:

S. 4196. A bill establishing overtime rates for compensation for employees of the field services of the Navy Department and the Coast Guard, and for other purposes; to the Committee on Naval Affairs.

HOUSE BILL REFERRED

The bill (H. R. 9875) to provide that payments made to States or Territories to aid in the maintenance of disabled veterans in State or Territorial homes shall be used solely for such purpose was read twice by its title and referred to the Committee on Military Affairs.

META DE RENE M'LOSKEY—CHANGE OF REFERENCE

Mr. MINTON. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from the consideration of House bill 554, for the relief of Meta De Rene McLoskey.

I have spoken to the senior Senator from Georgia [Mr. GEORGE], the chairman of the subcommittee having the bill in charge, and it is entirely satisfactory to him that the committee be discharged, and that the bill be referred to the Committee on Claims.

Mr. HARRISON. I have no objection, if the Senator has spoken to the chairman of the subcommittee.

Mr. MINTON. I have done so. I spoke to the Senator from Georgia about the matter today, and it is entirely agreeable to him.

The VICE PRESIDENT. Without objection, the Committee on Finance is discharged from the further consideration of House bill 554, and the bill is referred to the Committee on Claims.

TITLE TO LOW-VALUE LANDS OF THE UNITED STATES—AMENDMENT

Mr. BILBO submitted an amendment intended to be proposed by him to the bill (H. R. 9736) to amend section 355 of the Revised Statutes, as amended, to authorize the Attorney General to approve the title to low-value lands and interests in lands acquired by or on behalf of the United States subject to infirmities, and for other purposes, which was ordered to lie on the table and to be printed.

INDEPENDENCE DAY ADDRESSES AT NEW YORK WORLD'S FAIR

[Mr. AUSTIN asked and obtained leave to have printed in the RECORD the address by Harvey D. Gibson, chairman of the board, New York World's Fair, 1940; the address by Messmore Kendall, chairman, committee on patriotic activities; the remarks of General Nolan introducing Lt. Gen. Robert Lee Bullard, retired; the address by General Bullard; the address by Senator AUSTIN; and the address by Rear Admiral C. H. Woodward, all delivered on Independence Day at the New York World's Fair, which appear in the Appendix.]

ADDRESS BY SENATOR O'MAHONEY ON SIGNIFICANCE OF THE MONOPOLY COMMITTEE

[Mr. DOWNEY asked and obtained leave to have printed in the RECORD an address delivered by Senator O'MAHONEY before the National Townsend Club convention at St. Louis, Mo., on July 1, 1940, which appears in the Appendix.]

ADDRESS BY SENATOR MURRAY BEFORE CONVENTION OF AFFILIATED YOUNG DEMOCRATS

[Mr. MURRAY asked and obtained leave to have printed in the RECORD an address delivered by him before the convention of the Affiliated Young Democrats, Inc., New York City, Thursday, June 27, 1940, which appears in the Appendix.]

PAN AMERICANISM OR WAR—ADDRESS BY SENATOR CHAVEZ

[Mr. CHAVEZ asked and obtained leave to have printed in the RECORD an address delivered by him on July 8, 1940 on the subject America Must Choose—Pan Americanism or War, which appears in the Appendix.]

ADDRESS BY JAPANESE AMBASSADOR AT WORLD'S FAIR JAPAN DAY BANQUET

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD the address delivered by Hon. Kensuke Horinouchi, Japanese Ambassador to the United States, at the world's fair Japan Day banquet, at the Hotel Astor, New York, N. Y., on June 28, 1940, which appears in the Appendix.]

PARTICIPATION IN THE WAR

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD a letter from Joseph L. Carlton, Esq., of Winston-Salem, N. C., regarding possible participation in the war, which appears in the Appendix.]

FINLAND'S CANDLE—ARTICLE FROM THE OREGONIAN

[Mr. WILEY asked and obtained leave to have printed in the RECORD an article from the Portland Oregonian entitled "Finland's Candle," which appears in the Appendix.]

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one

of his secretaries, who also announced that on July 8, 1940, the President had approved and signed the following bills:

S. 2915. An act relating to rentals in certain oil and gas leases issued under authority of the act of February 25, 1920, as amended, and for other purposes;

S. 3436. An act for the relief of Ethel G. Hamilton;

S. 3456. An act to provide for the reimbursement of certain personnel or former personnel of the United States Marine Corps for the value of personal effects destroyed as a result of a fire at Raritan Arsenal, Metuchen, N. J., on October 10, 1938;

S. 3780. An act authorizing Alabama Bridge Commission (an agency of the State of Alabama) to construct, maintain, and operate a toll bridge and causeway between Dauphin Island and the mainland at or near Cedar Point, within the State of Alabama;

S. 3807. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Arrow Rock, Mo.;

S. 3808. An act to provide for the reimbursement of certain officers and enlisted men or former officers and enlisted men of the United States Navy for personal property lost in the hurricane and flood at New London, Conn., on September 21, 1938;

S. 3899. An act to defray the cost of returning to the United States the remains, families, and effects of officers and employees, dying abroad, and for other purposes; and

S. 3931. An act for the acquisition of Indian lands for the Parker Dam and Reservoir project, and for other purposes.

HENRY L. STIMSON

The VICE PRESIDENT. When the Senate took a recess yesterday afternoon it was in executive session. The question then before the Senate was the confirmation of the nomination of Mr. Stimson to be Secretary of War.

Mr. TAFT. Mr. President——

The VICE PRESIDENT. The Senator from Ohio.

Mr. TAFT. With the greatest personal regret, I intend to vote against the confirmation of Mr. Stimson, and desire to state briefly the reasons that have led me to that conclusion.

In my opinion, the greatest issue before the American people today, except our own preparedness for defense, is the question whether we shall go to war with Germany and Italy in the absence of any attack on this Nation by Germany or Italy. I realize that this issue has not been clearly stated nor frankly faced by the people of this country, because most of those who really favor our intervention in the war have not admitted the logical conclusion of their own arguments. This is not true of everyone. A petition urging a declaration of war was recently signed by 30 prominent citizens, including Mr. Frank Kent, one of the leading columnists of the United States; but many of the strongest interventionists still keep up the pretense that they are trying to avoid war. The favorite demand is for all possible aid to the Allies "short of war." The argument is that the best and almost the only certain way of defending America is to aid the Allies. William Allen White's committee is a committee to defend America by aiding the Allies. I wonder whether he is going to change the name, now that there are no Allies, and France has gone Fascist.

Of course, if the argument is sound that the best way to defend America is to aid England, then we should go the whole way, and declare war at once on Germany and Italy. Those who advocate intervention usually try to protect themselves by arguing that there is no use in our declaring war at the moment, because we cannot assist the British today by such a course. As a matter of fact, however, we probably could assist the British materially by declaring war. We could render them naval aid, both in the North Sea and in the Mediterranean, even without sending the bulk of our fleet to Europe. We could take over many of the activities in which their fleets are engaged throughout the world, and release British ships for the defense of England. On Saturday Mr. Walter Lippmann, the new apostle of establishing a Fascist government in the United States, published an article in which he took the position that the defeat of Great Britain would leave us completely defenseless, and that any person who opposes active assistance to the British in conducting the war is opposing preparedness. Every argument that he makes for the confirmation of Mr. Stimson is just as good an argument for an immediate declaration of war against Germany and Italy.

The President himself, in a series of speeches protesting his intention to keep the country out of war, has favored policies likely to lead to war, and has left himself clear to advocate a declaration of war. His Chicago speech of November 16, 1937, declared his belief that we should quarantine the aggressor nations. On January 24, 1939, he advocated intervention in Europe through methods short of war, to defend religion, democracy, and good faith throughout the world. His address of January 3, 1940, implies a right and duty to intervene in foreign wars because of the character of government adopted by some of the belligerents. His recent speeches show a willingness to stir up animosity against this country in many other countries with whom we are at peace, and show a complete recklessness with regard to provoking those countries to war. The action of our Government in permitting the sale to England of naval airplanes and motorboats ordered for the Navy is almost a participation in the war, even though legally it is not an act of war.

Mr. Stimson advocates a policy which amounts to war and would certainly lead to war. The day before he was appointed, he made a speech at New Haven in which he advocated, first, the repeal of the cash-and-carry provisions of the Neutrality Act, and sending American munitions in American ships to England under convoy of our own Navy; second, throwing open all our ports to the British and French Navies and merchant marine vessels for repairs, refueling, and other naval services. He devoted most of his speech to the argument that we must allow the British Navy to use our ports as bases in order that it may more effectively carry on the war against Germany. In his appearance before the committee Mr. Stimson stated that since June 19 he had learned that the British bases were not so subject to attack by the Germans as he thought, and that he was, therefore, willing to put off this particular action on our part as long as the British could use their own bases. But this is what he actually said in that speech:

> Today so long as that British sea power still exists, the Atlantic still remains for us a protection instead of a channel for the approach of our enemies. * * *

In other words, if the British Fleet should be defeated, the Atlantic would be simply a channel to approach America.

> If assured of our supplies and of the use of our naval bases, it could in all probability continue to command that ocean and our own fleet could devote itself to its present mission of holding the Pacific for us against the manifest dangers which may face us there.
>
> Such corporation could be made effective and could probably do its work without the necessity of sending any American soldiers abroad. On the other hand, if no such cooperation were given and if the British Fleet were rendered helpless or fell into German power our men would soon be fighting for their own and our lives on American soil. * * *
>
> I say with the utmost earnestness that America today is standing at the parting of two ways: In this moment of world peril she can cling to the dreams of a mistaken fiction of neutrality no longer applicable to her interests or her safety; she can leave the British Fleet to its fate and face the consequences of a future which may leave her virtually defenseless to a Fascist attack. * * *
>
> Or she can frankly realize that now as for many years past our own immediate safety depends in part upon the continuance of British sea power, and she can lend her resources to make our joint sea power effective for that purpose.
>
> By that action she can help to insure that the British Government will not under the stress of the dire attacks to which it will soon be subjected, in a moment of desperation, try to purchase the preservation of its own island home by a submission to Hitler's terms.

A careful reading of Mr. Stimson's speech shows that his argument really applies just as strongly today regardless of the supposed improvement in the British position. Granting his premises, we should be at war today. Regardless of his protestations, he can only believe that war with Germany and

Italy is an immediate necessity, if he believes the statements which he himself made in that speech. The truth is that the course advocated by Mr. Stimson, and certainly receiving sympathetic approval from the President, logically demands immediate declaration of war against Germany and Italy. In my opinion, the real reason why these gentlemen do not openly advocate a declaration of war is that they are afraid that public opinion in the United States does not support such a frank position, and it does not.

The concealment of the real purpose of the interventionists is justified by them on the ground that public opinion can only be gradually educated to support a war policy.

I quite agree that public opinion is not necessarily always right, and I believe we should consider, and consider now, the argument for war. It cannot be lightly dismissed. I disagree with it, but I recognize its strength. It is based on the theory that if the British are defeated we shall be immediately subjected to attack by Germany and Italy, and therefore our own defense requires that we join in the war to maintain the power of the British Fleet over the seas, at least until we have enlarged our defense forces.

And we must face the fact that, no matter what we do now, no matter how much we desire to remain at peace, we may be drawn into the war. If the field of war should shift to America we would be compelled to participate, for we cannot permit the establishment of any German base within reach of this country. But I disagree with the arguments which are urged in favor of our joining in a war in Europe or Asia which has not involved an attack on America.

It is not a light thing to go to war at any time, and certainly not under modern conditions. There is still plenty of death and permanent disability and suffering resulting from the World War, plus a tremendous financial burden, but it would be nothing compared to the loss if we should become involved in this war. No one can say how many years that war might last. It might take 20 years to subdue Germany even if we should retain control of the seas. Those who advocate war or assistance to Britain equivalent to war usually state that it should not involve our sending troops abroad, although Mr. Stimson only says that his proposals could probably be effective without the necessity of sending American soldiers abroad. No one can say that war would not involve sending troops abroad. Today, perhaps, it would be foolish to send troops to the continent of Europe, but if this should become a world war there are many places where American troops might be of tremendous value, and once involved in war we could not refuse to send them.

The idea that we can help democracy by going to war seems to me fantastic. Nothing is so destructive of government, particularly forms of democratic government, as war. Our going to war would be more likely to destroy American democracy than to destroy dictatorships in the totalitarian countries.

The strongest argument for our taking part in the war is that if the British should be defeated we should be immediately subjected to attack by the Germans. I do not minimize the seriousness of the situation that would be produced by a German victory. While I do not think there would be a German attack on the United States, because I see no reason for it, nevertheless it is a possibility in the future which we cannot ignore. I do not believe that the Germans could effectively attack the United States even if they should destroy the British Fleet or capture part of it. Our Navy would be the strongest in the world, and the idea that it must remain in the Pacific is contrary to all principles of naval strategy which we have been taught for the past 20 years. But we should find ourselves in a world where ruthless force had been triumphant over every principle of justice, and where the possibility of its continued triumph would always be before the peoples of the world. We should have to expend a very large sum every year on armament, and that would involve some reduction in our standard of living. We should have to dominate the Caribbean Sea and assist the defense of Canada. But if we do this and develop our preparedness program as it should be developed, I do not believe we shall ever face an actual attack on this country by European or Asiatic nations.

On the other hand, if we become involved in this war, if we admit that Germany is a perpetual enemy, I see no reason to think that we will ever see any real peace during our lifetime. We will be involved in the same expense for preparedness, and we will be involved in a much larger expense of money and lives in carrying on continuous warfare. We would become a totalitarian state and subject ourselves to exactly the same kind of tyranny which we oppose in Germany today. It seems to me clear that the proper defense of America should be undertaken on the Atlantic and Pacific Oceans. If we admit that those are our borders to be defended, then we can hope to remain at peace. If we admit that our boundary is the English Channel, then we would be certain to be involved in warfare for years to come.

It is said that our foreign trade would be destroyed, but I do not see the reason for that result—so long as we are at peace. It is said that we would be conquered by a wave of totalitarian ideas, which we will be too lacking in intellect to resist. I see no reason why we cannot remain a democratic nation even if the totalitarian ideas prevail in other parts of the world—so long as we remain at peace. The extra expense for armament can be met by a reduction of domestic expense and an increased taxation which will still permit the operation of a system of free enterprise within our boundaries.

For these reasons I am convinced that our best interests require a policy which does not involve intervention in Europe. It is hard for many of us to consider these questions solely from the point of view of the American people, when we have such an intense sympathy for England and a desire for English success. I earnestly pray for that success, but surely we must consider first the interest and welfare of 130,000,000 Americans, who came to this country largely to escape the conflicts of Europe and have an intense yearning to remain at peace.

I voted for the repeal of the arms embargo, and I believe our markets should remain completely open to the British. The very capacity to produce munitions and implements of war which we need for our own protection can be available to the British. In fact, probably that is one of the most effective forms of aid we can render. It has always been permitted by international law and cannot be regarded by anyone as an intervention in Europe, particularly while we maintain our cash-and-carry policy.

Mr. Stimson has been appointed Secretary of War. On the witness stand he attempted to claim that as Secretary of War he was concerned only with preparedness and in no way with foreign policy. That position does not recognize the real importance of the President's Cabinet. On all questions involving intervention in Europe the advice of the Secretary of War will be sought, and he will be compelled by his position to give it. In fact, when I asked him whether he had any argument to present in support of his position that he could immunize himself as Secretary of War against participation in other policies he admitted that he could not so immunize himself. In view of the position he has already taken, it is a reasonable conclusion that his advice will always be in favor of intervention, even though intervention takes the form of acts of war on our part against Germany and Italy. He has also taken always an aggressive attitude toward Japan, and would apparently be likely to advocate intervention in Asia as well as in Europe. Under these circumstances, I cannot bring myself to vote in favor of Mr. Stimson's confirmation. I am myself convinced that such a vote would be a vote leading to intervention in the European war.

Mr. BARKLEY. Mr. President, will the Senator yield for a question, for information?

Mr. TAFT. Certainly.

Mr. BARKLEY. I recall reading a dispatch from Philadelphia a few days before the Republican convention in which the Senator from Ohio was quoted as having said that he would vote for the confirmation of Mr. Stimson and Mr. Knox unless the hearing which was to be held the following week

developed some fact which might change his opinion about it. I am wondering whether the Senator was misquoted or whether something happened subsequently which changed his opinion regarding Mr. Stimson.

Mr. TAFT. The Senator will understand that I do not remember exactly what happened in Philadelphia [laughter], but I might well have made such a statement. If so, what changed my opinion was the reading of the speech of June 18, which I had not read, and which I read in connection with the hearings. It was Mr. Stimson's speech of June 18, I think, which determined the actual position he occupied. I had not read that speech before returning from Philadelphia.

Mr. BARKLEY. He had made the speech practically a week before the Senator made his statement which was quoted. I am not impunging the Senator's motives at all.

Mr. TAFT. I was busy at the time. [Laughter.]

Mr. BARKLEY. Not busy enough, however.

Mr. TAFT. I collected all the speeches of Mr. Stimson——

Mr. BARKLEY. The Senator says he does not recall everything that happened in Philadelphia. He recalls vividly the blitzkrieg that was operated there during the week of the convention.

Mr. TAFT. I collected all those speeches, but I put them in a folder to be read later. I did not read them until after the convention, and I did not know Mr. Stimson had gone to the extent to which he had gone.

Mr. BARKLEY. What happened after the Senator made the statement that he would vote for confirmation was that he read a speech which had been made previous to his statement.

Mr. TAFT. That is correct.

EXTENSION OF BENEFITS OF THE UNITED STATES EMPLOYEES' COMPENSATION ACT

As in legislative session,

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3131) to extend the benefits of the United States Employees' Compensation Act to members of the Officers' Reserve Corps and of the Enlisted Reserve Corps of the Army who were physically injured in line of duty while performing active duty or engaged in authorized training between dates of February 28, 1925, and July 15, 1939, both inclusive, and for other purposes, which were, on page 2, line 4, after the word "inclusive", to insert "when such injury or death results from an accident involving a military hazard such as flying in military aircraft, participation in military drills, target practice and tactical exercises, and in injury cases where such injury has resulted in permanent partial or permanent total disability"; on page 3, line 7, to strike out all after "status:" down to and including "Act:" in line 11; and in line 17, after the word "approval" to insert "and the 8-year period of limitation in section 10–G of the Federal Employees' Compensation Act of September 7, 1916, shall be computed for purposes of this act, from the date of approval thereof."

Mr. HILL. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

SUPERHIGHWAY SYSTEM AND ADMISSION OF EUROPEAN REFUGEES

As in legislative session,

Mr. DOWNEY. Mr. President, I ask unanimous consent to introduce, for appropriate reference, at this time two bills, one providing for an integrated system of superhighways in the United States for military and other purposes, which is self-explanatory; and one providing for the issuance of immigration visas to, and the admission into the United States of, children under 16 years of age from Great Britain and other countries in Europe.

In connection with this bill I should like briefly to call to the attention of the Senate a very tragic and unhappy condition now existing in France, arising from the internment in that country of a very large number of soldiers of the unsuccessful Spanish Army, who fled from Spain to France and who are there now interned and who face possible death from the German or Italian Governments.

Interned now in France there is also what is termed the "international army" or the "international brigade," made up of soldiers from Poland, Czechoslovakia, and other European countries who went to France to fight against fascism. I am informed that the Government of Mexico is willing freely to admit all these ex-soldiers without any conditions, but I am also informed that only by the interposition of the United States Government in helping to perfect some arrangement with the Italian Government, the German Government, and the French Government, and the offering of American ships, can hope be afforded that this humanitarian plan will be successfully worked out.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. NORRIS. Does the Senator's bill provide any method for working out a program by which the United States could assist Mexico in carrying out such an arrangement, if it could be made, and provide a place of refuge for these unfortunate people?

Mr. DOWNEY. I will say to the distinguished Senator from Nebraska that my bill does not cover that at all. I think the appropriate action would have to be taken by and that it lies entirely within the hands of the Chief Executive, and I hope that the Chief Executive will proceed very vigorously to do whatever can be done.

Mr. NORRIS. If the Senator will further yield, I feel a very deep sympathy for these people. As vigorously as any people in the world they have demonstrated by their conduct, it seems to me, that they are opposed to fascism and nazism. They have shown that by their willingness to fight on the battlefields to carry out their ideas. There are between three and six thousand of these people now held in France, I understand. Germany and Italy claim that they are all German or Italian subjects. Undoubtedly some of them come within that category—some are German, some are Italian, some are Polish, some are Czechoslovakian—but under the rule of Hitler or Mussolini, if these people are surrendered to Hitler and Mussolini, in all probability they will all be shot, whether they are German citizens without any question, or whether they come from Czechoslovakia, or some other country which Hitler has captured and taken over.

If I am correctly informed, the Government of Mexico has agreed to take all these people and provide a refuge for them if they can be transported from France to Mexico, and the question arises, How can they be transported? The proposal the Senator advocates, and which I think is very noble in its purpose, is that the Government of the United States transport these people if it can be done. To do that it will be necessary, under the circumstances, it seems to me, to get the consent of Hitler and Mussolini and to arrive at an agreement or understanding with them that they will permit American ships, if American ships are to be used, to transport these refugees to Mexico. Whether such an understanding could be reached or not I do not know, and I express no opinion with respect to it. I have some doubt whether Hitler would consent to it. He claims these people are either Italian or German subjects and that in taking part in the controversy in Spain they were fighting against Germany and Italy, and I suppose he naturally feels a desire to shoot them or to punish them, as under his law they could be punished, because, if the statements just made are true, he considers the persons mentioned as being traitors to Germany and to Italy.

I know considerable disagreement existed in our own country with respect to the controversy in Spain. It seems to me a good deal of that disagreement has now disappeared. I confess that my sympathy was always with the Loyalist Army, which was defeated. The people in question were soldiers in the Loyalist Army. Unless something is done to relieve them from their present situation, they are probably headed straight for death.

I do not see how Congress could pass any law which would change the situation. I do not believe any law is necessary. It seems to me that there would be no difficulty if an understanding could be reached whereby our private shipowners, if they were willing to do so, would bring these people over

to Mexico, if Hitler and Mussolini would not object. Then they could be brought over without any trouble. I do not know that we could pass any statute which would help the situation.

Mr. DOWNEY. I do not think we could.

Mr. NORRIS. I sincerely hope that some method may be agreed upon by which the lives of these people can be saved, because whether we agree with them or not, they stand before the world today as brave soldiers who were willing to back up their belief and opposition to Hitler and Mussolini by risking their lives in the Spanish controversy.

Mr. DOWNEY. I thank the distinguished Senator. He has so fully covered the subject that I will not remark upon it any further.

The PRESIDENT pro tempore. Without objection, the bills will be received as in legislative session, and appropriately referred.

(For bills introduced by Mr. DOWNEY, see under the appropriate heading of "Bills introduced" Senate bills 4194 and 4195, which were referred, respectively, to the Committee on Immigration and the Committee on Military Affairs.)

HENRY L. STIMSON

The Senate resumed the consideration of the nomination of Henry L. Stimson, of New York, to be Secretary of War.

Mr. NYE. Mr. President, I most heartily agree with the Senator from Ohio [Mr. TAFT] in his declaration that the question involved in the pending appointment is one of intervention or nonintervention. I am somewhat amazed at the ease with which some Members of this body entertain the feeling that the President has a right to name whomsoever he may choose to name to his official family. I am not ready to agree with those who so maintain. After all, there is a constitutional provision calling for Senate confirmation of Cabinet appointments. The writers of the Constitution were not given to superfluous language. There must have been some reasoning behind that constitutional provision. That is the reason I am provoked even by the mere thought of the chance of the appointment to the Cabinet of policymakers who would run contrary to what is considered the accepted American policy.

I think there has never been such need as now exists, not only for a clear enunciation of what is American policy, but, more than that, for it to be made so clear to all Americans that they may have assurance that there has not been a departure from the policy which has prevailed through all the years and which has given America such complete security against danger from abroad.

No one has better declared the American foreign policy than Henry Clay, who after all was only repeating the declarations previously made by Washington, by Jefferson, by Madison, and by others.

Dr. Charles Beard, in his most recent book, has brought to light Clay's declaration of what was American foreign policy. The declaration grew out of the request of Hungary for help at the hands of the United States in her conflict with Austria. Clay's response was simply this, that by giving official aid to Hungary we would abandon "our ancient policy of amity and nonintervention" and that by taking such a step we would also justify European monarchs in surrendering their policy of forbearance, and in turning upon us in an hour of weakness and exhaustion for the purpose of crushing us "as the propagandists of doctrines destructive of the peace and good order of the world." Clay went on to say:

> By the policy to which we have adhered since the days of Washington * * * we have done more for the cause of liberty in the world than arms could effect; we have shown to other nations the way to greatness and happiness. * * * Far better is it for ourselves, for Hungary, and the cause of liberty, that, adhering to our pacific system and avoiding the distant wars of Europe, we should keep our lamp burning brightly on this western shore, as a light to all nations, than to hazard its utter extinction amid the ruins of fallen and falling republics in Europe.

Mr. President, those are worth-while words in this particular hour when some Americans would seemingly have America hazard her liberty "amid the ruins of fallen and falling republics in Europe" today.

What does Mr. Stimson, whose nomination is pending before the Senate at this time, think should be our policy? Others have too clearly portrayed Mr. Stimson's thought on this matter to warrant any repetition on my part. We know that Mr. Stimson hides behind the theory that as Secretary of War he would not be a shaper of American policy, that it would be only for him in his official capacity to cause the Army to be in such a state of preparedness that it could pursue any policy which the policymakers might lay down.

In his testimony before the Senate Military Affairs Committee Senator BRIDGES asked:

> I would like to ask Mr. Stimson whether or not he believes that the Secretary of War—the post of Secretary of War—is a policy-making post, or whether or not the Secretary of War would be within his jurisdiction to in any way outline policies of this country.

Mr. Stimson responded:

> I am very glad that you asked that question, Senator. I touched upon it when I spoke of the duties, just a minute ago, of the Secretary of War. It has nothing to do with policy. Policy is determined by other branches of the Government, and it is his duty to prepare for the troubles that may be brought about by their determinations.

Mr. President, that testimony by Mr. Stimson rather clearly reveals that he would intervene in the European war if only certain conditions could be made to prevail.

In that hearing the Senator from Indiana [Mr. MINTON] said:

> I was going to ask, Mr. Stimson, whether you thought the defense of this country requires our intervention in the war in Europe.
>
> Mr. STIMSON. I do not think so today.

I place emphasis on the "today."

> I think that it will, however, depend upon what you call intervention. I think it does involve the taking of steps which can be counted on as necessary to protect the defenses of the United States.
>
> Senator MINTON. Do you think that that entails the sending of troops to Europe?
>
> Mr. STIMSON. I do not today; no.

And again I emphasize Mr. Stimson's "today." Why does Mr. Stimson think it would not entail the sending of troops today? The following is his own language:

> I do not think you could land any troops in Europe today.

Then alone for the reason that he believes we could not land troops in Europe today we should not intervene, but if only the means and the ways could be found to land troops there it might alter the situation considerably.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. NYE. I yield to the Senator from Montana.

Mr. WHEELER. Of course, Mr. Stimson's whole attitude has been that we should take steps which he, as a great international lawyer and a former Secretary of State, knows are not "acts short of war" but are acts of war.

Mr. NYE. Quite so.

Mr. WHEELER. The significant thing is that immediately after he makes the speech he is invited to become a member of the Cabinet. I am sure Mr. Stimson would not have taken a position in the Cabinet if he had felt that the President of the United States disagreed with his views; and certainly I cannot conceive of the President of the United States taking him into the Cabinet if the President did not agree with Mr. Stimson's views.

Ordinarily the President of the United States ought to be permitted to have in his Cabinet anyone he wishes. However, it seems to me that there is involved a question of policy in which the Congress of the United States is vitally interested and in which the people of the United States are particularly interested. I refer to the question of war or peace.

As a propagandist outside the Cabinet and outside official life, Mr. Stimson's voice probably would not carry very much weight; but as Secretary of War, a member of the Cabinet, a high-ranking Government official to whom the people should look up, he would be in a powerful position to try to

mold public sentiment in favor of his views, namely, to intervene and to take steps which he knows are steps which mean war.

Under those circumstances, as I have said, I cannot bring myself to vote for the confirmation of Mr. Stimson's nomination. I am not voting against him because he is a Republican. I am not voting against him because he has criticized every social advance which has been made in the past few years. I am not voting against him because he is 73 years of age, even though his duties as Secretary of War would be more arduous than those of members of the Supreme Court. However, I believe that, regardless of party, Members of the Senate who believe that we should not get into war ought to vote against confirmation of the nomination of a man who has constantly advocated steps to get us into the war.

Some time ago I said in a radio address that it is all right to talk about acts "short of war," but if one gets his shirt tail caught in the wringer he cannot pull it out if someone continues to turn the wringer. Consequently, I shall vote against confirming the nomination of Mr. Stimson, and I shall vote against confirming the nomination of Mr. Knox for the same reasons.

In a speech before a bankers' convention in the city of Grand Rapids, Mich., Colonel Knox said we should do everything to "keep the battle going." The "we" must refer to the people of the United States and the Government of the United States. What does he mean by "keeping the battle going" in Europe? Do the American people want to keep the battle going between any two governments of the world? Instead of trying to keep the battle going, our Government ought to be trying to bring about peace between nations.

Mr. Knox's whole attitude in his newspaper columns has been for doing practically the same things which are advocated by Mr. Stimson, although he has not been as bold about it as has Mr. Stimson.

I shall not vote against the nomination of Mr. Knox because he has criticized every single thing the President has stood for. I shall not vote against him because he has ridiculed Jim Farley. I shall not vote against him because he has ridiculed Secretary Hull and said he was weak. I shall not vote against him because he has ridiculed Secretary Perkins. I shall not vote against him because he has ridiculed the Secretary of Agriculture and every other Secretary. I shall not vote against him because he was a defeated candidate on the Republican ticket, who criticized in the most bitter terms everything the administration has done. He has criticized the administration more bitterly than have any of those who were sought to be purged in the last campaign because they did not go along 100 percent with the administration.

Never has any man criticized the President of the United States in such bitter terms as has Colonel Knox. I shall not vote against him even for that reason, although I do not agree with his bitter criticism. I think the tone of his criticism indicates that he is not fitted to guide the Navy of the United States in times of hysteria. He has denounced every single social reform which has been made; and now we find the new dealers clasping him to their bosom, although a few weeks ago, if one of us did not agree 100 percent with every speech, every suggestion, and every act of the President of the United States, it was thought that we ought to be purged and run out of the Democratic Party. We should be denounced as reactionaries, as having sold out to Wall Street. Now the new dealers have taken Colonel Knox to their bosom, and they ask everyone else to do the same thing. They love him, and say he is all right, because he wants to get us into the war.

I say the time has come when Senators, regardless of party affiliation, ought to have the courage and backbone to stand up and be counted. So far as I am concerned, I intend to vote against the nominations of both these men. As I say, I do not agree with their political philosophy, but that fact would not influence me. I have not agreed with the political philosophy of a great many persons. However, my vote is not governed by such considerations. I shall vote against them because of their attitude toward war. Ninety-eight percent of the American people want to keep this country out of war; and it will not be reassuring to the American people, or create unity in this country, to put these men in the Cabinet at a time when we ought to be trying to unify sentiment wholeheartedly back of the country and to build up a peace program in which the people of the country will have confidence.

Mr. NYE. Mr. President, I am most happy to have yielded to the Senator to place in the RECORD a very clear statement of what ought to be the point around which we should rally to determine the merits of the pending appointment. In my mind there is absolutely no doubt about Mr. Stimson; and I believe the same thing is true of Mr. Knox. They are ready to stick out the American "neck" farther than it has already been stuck out in involvement in the European conflict. Such a policy might very readily result ultimately in what Clay prophesied—the utter extinction of liberty from the face of this earth if we do not stay at home and mind our own business, of which we have so very much to mind.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. NYE. I yield.

Mr. CHAVEZ. In addition to the point suggested by the Senator from Montana [Mr. WHEELER] there is a question in my mind from another point of view as to the advisability of the nomination of Colonel Stimson. Much has been said of late with reference to good will. In my opinion, this administration has done much in the past 7 years to bring about good will in this hemisphere. Our business is in the Western Hemisphere, and we should devote our time to it. Considering the racial characteristics of the people whose good will we seek, I am wondering whether or not the appointment of Mr. Stimson would promote the good will which we so much desire. Knowing the official history and action of Colonel Stimson, I am wondering whether or not the countries to the south of us would actually accept our professions of good will, for, after all, actions speak louder than words. Knowing the racial characteristics of the people south of the border, it seems to me they would say, "Yes; we believe in the goodwill efforts of the Roosevelt administration; but what are we to think now, when we investigate the actions of Mr. Stimson, who has been appointed to deal with matters affecting Latin America?" I am wondering about the possible effect on the conference to be held at Habana within the near future, when the Latin-American countries begin to think about the past actions of a member of the President's Cabinet. I hope the new Secretary of War will cooperate with the President and Secretary of State in creating good will with Latin America.

Mr. NYE. Mr. President, the Senator makes an important point about the possible reaction in the Latin-American Republics, whose friendship we are so anxious to retain. In a few minutes I shall deal at greater length with that subject, particularly Mr. Stimson's record in Nicaragua.

Mr. Stimson very obviously does more than detest the very idea of trying to practice a neutrality that seeks to fortify our own country against being drawn into other people's wars. I do not need today to argue the theories which Mr. Stimson has enunciated on the question of neutrality. I am rather inclined to hew close to the line to which the President of the United States hewed so closely for so long a time when he defended the cause of isolation on the ground that isolation was nothing more than an effort to save ourselves, to isolate ourselves against war. But Mr. Stimson thinks that the question of going to war is, on certain occasions, a comparatively minor consideration and thus expressed himself in 1935.

The proceedings of the American Society of International Law at its conference in 1935 at page 121 reveal a portion of Mr. Stimson's speech. Obviously he did some editing of it after it was made and before it was printed, but, as it is printed, I quote from it to the Senate:

> In the first place, when the average man speaks of neutrality he often confuses it with impartiality. Of course, a greater mistake could hardly be made.
>
> When a serious war breaks out anywhere in the world we are likely to be gravely hurt whatever we do. Whether we shall allow

ourselves to be drawn into the actual fighting or not, is then of comparatively minor importance. All we can do then is to consider whether the additional injury which will be done us by entering the war will offset the evils which will be done to us by some of the combatants if we do not step forward and defend ourselves against them. The theory that we can save ourselves entirely by isolation is today an economic fantasy, worthy of the ostrich who thinks he is hidden when he buries his head in the sand.

Those who heard this address tell me that this line was added, but it does not appear in the printed proceedings—

Fortunately he is so poised—

Meaning the isolationist—

Fortunately he is so poised that one can conveniently kick him in the appropriate place.

Mr. President, I submit that this and other evidence that has been laid before the Senate clearly reveal that here is a man utterly impatient with any cause that is contrary to an immediate readiness to step into foreign wars whenever someone may think that ultimately our own defense and our own liberty may be at stake.

Mr. Stimson has said that, as Secretary of War, he is not to be a policymaker. That will not matter the least to Mr. Stimson; he makes policy without authority. He has done it and done it handily before. At a time such as this when some men are espousing a foreign policy that finds them shaking their fists at every power upon the earth though they have nothing in their fists to fight back with if that shaking should invite a fight, it seems to me we ought to have in the Cabinet less of the kind of attitude which is so largely contributing to our increased need for more and ever more national defense. In an hour when we ought to be reaching out and inviting and winning good will, instead we are slapping and punching wherever a disliked nose may put itself in evidence. After all, however, little as we may like some portions of this earth and some peoples and some leaderships, we are going to have to get along with them, whether we like it or not. We have always had to do that, more or less, and we are going to have to continue to do it throughout the life of our Nation, I presume, and we will get along much better with this world if we will conduct ourselves along lines in keeping with a policy which calls upon us more largely to mind our own business.

Referring now to Mr. Stimson's ability to shape foreign policy without authority, I desire to read to the Senate an article by an author and lecturer, Mr. Lawrence Dennis, published by the McClure Newspaper Syndicate under date of July 7 this year. I should like to add that Mr. Lawrence Dennis was formerly in the United States Diplomatic Service in Nicaragua at a very interesting period, at a time when Mr. Stimson was moving without authority. I shall read the article in its entirety.

Mr. WHEELER. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. CHANDLER in the chair). Does the Senator from North Dakota yield to the Senator from Montana?

Mr. NYE. I yield to the Senator from Montana.

Mr. WHEELER. I do not know whether the Senator was a Member of the Senate at that particular time, but I fought on the floor of the Senate for a considerable period of time to get the marines out of Nicaragua. Finally an election was held in Nicaragua, and I flew there shortly after the inauguration of Mr. Hoover in this country. I happened to be the first civilian who had flown there. We had always thought of the Nicaraguans as a great many others had, as being the same kind of people as we are and having the same high ideals. The real reason why we sent the marines into Nicaragua—and Mr. Dennis was in Nicaragua at the time—was that the financial interests in the city of New York wanted them there to protect them from the dictator who was in power.

I may say that after the new President and the new crowd, the so-called progressives and liberals, came into power, the element that had wanted to get the marines out of Nicaragua, the new President of Nicaragua said to me, "Senator, we want to keep the marines here." I said to him, "You and those associated with you have been fighting the marines and wanting them to get out." He said, "That is right, but now we have won, we want to keep the marines here, because if we do not the other crowd will overthrow us."

We will have to be careful and not to let the very same thing take place in other Central and South American countries. We like to think of the South American countries as being democracies like our own. That is not true, of course; there are dictators in many of those countries, and when something happens and an attempt is made to overthrow one of those dictators, he will probably come here and say to the United States Government, "For pity's sake send marines down here or send an army here and keep me in power." We want to be careful that we do not get into the position of trying to protect dictators in South America who may run over their people and persecute them. They may say, "The Japs are going to overthrow us, the Italians are going to overthrow us, the Russians are going to overthrow us, or the Nazis or the Fascists or someone else," and they may call upon us to go down and try to maintain them in power. Perhaps we ought to do that, but I say we are not going to make friends of South Americans by interfering too much in their affairs. I want to see nazi-ism, communism, and all the other "isms" kept out of there, but I do not want to have the United States take those countries over, because it would only involve us in difficulty and trouble; it would not bring any trade and would not do us any good from an economic standpoint, as our action in sending marines to Nicaragua, to Haiti, and other places has distinctly shown. Yet, if we follow the policy of Mr. Stimson, we will be sending marines there on the slightest provocation.

Mr. NYE. I thank the Senator, especially for his contribution as respects Mr. Dennis as an authority. This very article bears immediately upon the pending appointment, and I am going to read it in its entirety. It is as follows:

INTERVENTIONIST WITH A RECORD

(By Lawrence Dennis, author and lecturer; formerly United States Diplomatic Service)

A dogmatic man of 73 may be expected to run true to his record and convictions. Henry L. Stimson's major dogma through the years has been that the United States should not miss opportunities to intervene in foreign wars. And now he is Secretary for War.

The chief episodes in Mr. Stimson's interventionist record are Nicaragua in 1927 and Japan in 1931. In Nicaragua he had a success, in Japan a failure. His success in Nicaragua made him Secretary of State and cost the lives of 116 United States Marines and of some 3,000 Nicaraguans in a 4-year war which took an American expeditionary force of over 5,000 marines and bluejackets to fight. His failure to get Britain and the United States into a war with Japan in 1931 doubtless saved tens of thousands of American and British lives. American patriots, mothers, wives, and children should now be praying for the failure of "Wrong Horse Harry's" next design for American intervention in a foreign broil. Germany, Italy, and Japan will be tougher nuts than Nicaraguans for the American fighting man, though not for Stimson's legalistic mind and crusading (in a Washington desk chair) spirit.

Mr. Stimson as a legalist, a moralist, and a propagandist of commercial international interests, stands for all that has been most foolish and proved most disastrous in foreign relations for both America and Britain over the past quarter of a century. It was this ideology that prevented a realistic policy in Mexico after the overthrow of Diaz in 1910, with results costly to our relations there. It was this same ideology that got us into war in April 1917 and got Britain and France into war in September 1939.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. NYE. I yield to the Senator from Missouri.

Mr. CLARK of Missouri. Is it not a fact that when Colonel Stimson was Secretary of State, very precipitate and ill-advised actions of his with regard to a great republic in South America, namely, Brazil, earned him the soubriquet of "Wrong Horse Harry," which he still carries?

Mr. NYE. The Senator is quite right.

I return to a reading of Mr. Dennis' article:

Mr. Stimson was of no use in carrying out the military phases of the Nicaragua intervention. A tired old attorney who can work only with legal papers and only for a few hours at a time, he will now be of little use in connection with any purely military problems America may have to face as a result of his interventionist policy. But, for committing American soldiers to fighting on foreign shores without a congressional declaration of war, for tricking Congress and the American people into a war they don't want, and for making

out a case for such intervention based on misrepresentation of facts and disregard for the plainest imperatives of the Constitution, no better legal mind or moral propagandist could have been mobilized by our war-minded President. Moreover, his powerful personal claque, carefully cultivated in each of the 48 States, has long been accustomed to indorse by phone, wire, cable, mail, and political pressure the plans of "Mr. Secretary."

This writer was United States chargé d'affaires in Nicaragua from August 1926 to the beginning of 1927. I am, therefore, qualified by the possession of much unpublished information to discuss both Mr. Stimson as a diplomat and Mr. Stimson's interventionist record in Nicaragua. In the 8 months of 1926–27, during which I was in charge of the American Legation in Managua, I carried out with full approval the instructions of our State Department to get Adolfo Diaz designated President of Nicaragua so Washington could recognize him; I presided over an unsuccessful peace conference held aboard an American warship between the Managua Government and the rebels, who called themselves the legal government; and I sent the inaccurate telegram, as instructed by Washington, saying that American marines were needed to protect American lives and property in Nicaragua.

On my return to Washington in early April 1927 I was at once rushed into the palsied presence of old Secretary Kellogg and his hard-boiled Under Secretary of State, R. E. Olds, both of whom complimented me on my handling of the Nicaraguan situation. But they said that the Nicaraguan developments had become so grave that it required the talents of the biggest man they could find. Accordingly, President Coolidge had drafted Mr. Stimson to go to Nicaragua as his personal representative to make peace—something Admiral Latimer with the Special Service Squadron and I with the Legation had failed to achieve. The admiral and I, when asked our opinions, had told Washington that our only alternatives were: (1) To let the Nicaraguans fight it out, with every probability that the rebels would win and oust our puppet President; or (2) to take over all Nicaragua with a force of 5,000 marines, which we said would probably involve a long-drawn-out war similar to our 4-year pacification of the Philippines after the Spanish-American War. Washington turned from its professional fighting men and diplomat to the high-priced Wall Street corporation lawyer who was supposed to possess a magic formula for making peace with legal words and legal contracts.

Stimson reached Nicaragua in early May 1927. Under a Marine-arranged truce, he entered at once into negotiations with President Diaz and Rebel General Moncada. The latter saw no reason to quit with victory in sight. Stimson told him that Washington, having recognized Diaz, could not allow our picked man to be ousted. Moncada quickly came to the point. If the honorable special emissary of the White House would put it in writing, so Moncada could prove to his generals that American armed forces would be used against the rebels to force compliance with the Stimson terms, he, Moncada, would lay down his arms and try to get his men to do likewise, fully realizing the futility of a little Nicaraguan Army defying the mighty United States.

Stimson, to avoid a return to Washington in failure, reluctantly put this threat in writing. When he advised Washington by cable in a code message that he was doing so, Secretary Kellogg shot back instructions not to do it. But Stimson had already proceeded and, going over Kellogg's head to President Coolidge, was upheld. Meanwhile, just after the ultimatum had been delivered, against Kellogg's instructions, the State Department permanent officials had publicly denied its delivery, assuming that Stimson had not exceeded his authority.

Once Moncada and his generals had signed on the Stimson dotted line, the Wall Street attorney wired back to a waiting America that he had brought peace to Nicaragua. Shortly thereafter, one of Moncada's generals, Sandino by name, refused to lay down his arms to Yankee imperialism, as he called it, with a resulting loss of the 3,000 Nicaraguan and 116 American lives. But this minor sequel, engaging over 5,000 American naval forces in the Nicaraguan jungle for several years, was not allowed to tarnish the luster of Stimson's peace. Sandino was merely labeled a bandit. Actually, he was an exalted, if foolish, patriot and no more a bandit than George Washington or Garibaldi.

Stimson had no legal authority and President Coolidge had not a shadow of constitutional right, without a congressional declaration of war or sanction, to authorize Stimson to pledge the armed forces of the United States to a war on Nicaraguans on Nicaraguan soil in enforcement of Stimson's ultimatum. Several Senators, including Borah, said publicly that the President of the United States was properly impeachable for this excess of authority. Stimson, as Secretary of State, made out a Philadelphia lawyer's case for his Presidential client. The difficulty was met largely by euphemisms and name calling. It was not a war but cooperation with the Nicaraguans to put down banditry. Sandino was not a rebel but a bandit.

With that precedent, how easy it would be now for Mr. Stimson to call an American expeditionary force to Europe a mere matter of cooperating with the British in stamping out the banditry of Hitler et al. Stimson will be no good for the military aspects of the enterprise, but his record proves him an expert at putting over a foreign war by the President without congressional authorization. He can put it over in a legal, propaganda, and moral way. The task of putting it over in a practical way, of course, will fall to younger fighting men and executives, the age limit even for generals being 64.

Mr. President, I submit that information of that nature, coming from such splendid authority, rather well portrays what we may expect from an administration of the Office of Secretary of War by Mr. Stimson, the kind of administration we may expect at a time when we ought to be praying for the directly opposite sort. This is an hour, we must agree, that commands of America her utmost in providing an adequate national defense. Not only is this call upon us by reason of what is alleged to be a backwardness on the part of Congress in affording defense through the years; the largest demand upon us today for national defense grows out of a conduct of foreign policy that has been insulting to every power upon the earth, and that might ultimately invite need for a larger defense than is ours.

This is a time to be asking for the filling of such places as there are in the President's official family by men who are avowedly determined that this country is not going to be drawn into other people's wars; certainly not by men of the caliber of Mr. Stimson, who has found so many fine reasons why we ought to go to war.

NILE SHAW AND EDGAR C. BARDIN

As in legislative session,

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2018) for the relief of Nile Shaw and Edgar C. Bardin, which were, on page 1, line 3, to strike out "is" and insert "be, and he is hereby"; in line 6, to strike out "$3,626.50" and insert "$2,000"; and in line 7, to strike out "$3,107.35" and insert "$2,000."

Mr. WHEELER. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

FACILITIES FOR ELEMENTARY-SCHOOL PURPOSES

As in legislative session,

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 29) to authorize the use of certain facilities of national parks and national monuments for elementary-school purposes, which were, in line 5, after the word "in", to insert "Indian reservations"; in line 10, after the word "such", to insert "Indian reservations"; and to amend the title so as to read: "An act to authorize the use of certain facilities of Indian reservations, national parks, and national monuments for elementary-school purposes."

Mr. WHEELER. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

HENRY L. STIMSON

The Senate resumed the consideration of the nomination of Henry L. Stimson, of New York, to be Secretary of War.

Mr. BONE obtained the floor.

Mr. HOLT. Mr. President, I feel that we should have a quorum present, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Downey	Lodge	Schwellenbach
Andrews	Ellender	Lucas	Sheppard
Ashurst	Frazier	Lundeen	Shipstead
Austin	George	McCarran	Slattery
Bailey	Gerry	McKellar	Smathers
Barbour	Gibson	McNary	Smith
Barkley	Gillette	Maloney	Stewart
Bilbo	Green	Mead	Taft
Bone	Guffey	Miller	Thomas, Idaho
Bridges	Gurney	Minton	Thomas, Okla.
Bulow	Hale	Murray	Thomas, Utah
Burke	Harrison	Neely	Tobey
Byrd	Hatch	Norris	Townsend
Byrnes	Hayden	Nye	Tydings
Capper	Herring	O'Mahoney	Vandenberg
Caraway	Hill	Overton	Van Nuys
Chandler	Holman	Pepper	Wagner
Chavez	Holt	Pittman	Walsh
Clark, Idaho	Hughes	Radcliffe	Wheeler
Clark, Mo.	Johnson, Calif.	Reed	White
Connally	Johnson, Colo.	Reynolds	Wiley
Danaher	King	Russell	
Davis	La Follette	Schwartz	

The PRESIDING OFFICER. Ninety Senators having answered to their names, a quorum is present.

Mr. BONE. Mr. President, it is not an easy task to voice opposition to the confirmation of any citizen, certainly as distinguished a citizen as either of the gentlemen whose names are now before us. They have been selected by the President, and it is upon rare occasions that this body rejects such a nomination. Recently we have done it in the case of judicial appointments; therefore it is not a novel procedure in the United States Senate.

It is not an easy task, but rather a somewhat embarrassing one, to object, and therefore one must search his own conscience and his own attitude of mind to be sure that he finds a sound and legitimate reason for such an objection. I rise to voice my objection to confirmation of Colonel Knox, and I base it upon what I consider sound and tenable grounds. I have not reached this attitude of mind without mature reflection.

The Constitution of the United States imposes upon the Senate of the United States the duty, however unpleasant, of passing judgment upon men who are nominated by the President for appointment to various high public offices. Whether we like it or not we cannot, we may not, escape the performance of that duty. It being a constitutional duty, it has more significance than many people attach to it, because it actually makes the Senate a part of the appointing power. Brilliant and able men have long since reached that conclusion, and I think it is one which may not easily be challenged. If the Constitution does not mean that in practical effect, the language should be stricken from the Constitution as an utterly futile gesture.

Under our representative system, when a man is elected or appointed to an office, we elect or appoint his viewpoint. When a man elected or appointed to an office undertakes to discharge the duties of that office, he necessarily brings to bear upon the discharge of his duties his own judgment about what should be done or what should not be done in given circumstances.

So long as God Almighty makes men what they are, that utterly human personal element will of necessity enter into the picture. If a man has certain beliefs which he honestly cherishes he would be untrue to himself, and he would be a reproach to the man who appointed him, knowing those views, unless he attempted to carry them into execution.

It is ridiculous to suggest that a member of the Cabinet of the President of the United States has no influence. If that were true, the Cabinet ought to be abolished. I think it must have been in the minds and the hearts of the framers of our form of government, and in the hearts and minds of those who have perpetuated it, that the men whom the President names to his Cabinet should be something more than mere automatons. It has always been my sincere conviction that they were named by the President to be advisers; to sit with him in a confidential advisory capacity, and to bring to bear upon the problems of that terrifying office their own sound judgment; to try to steer the Presidency itself upon a course that would not either wreck that high office or injure the country. Believing that, I could not in good conscience as a Senator, as a Member of this body, vote for or against confirmation of a nominee without trying to understand his viewpoint, and if I did not share that viewpoint, and I believed that it was a dangerous viewpoint, I would be a recreant Senator if I did not express by my vote my own honest conviction upon that subject. If that is not true, then the vote itself is an idle gesture.

I confess myself much in the dark over some of the nuances and shadings of this particular picture.

I have read many editorial observations by Colonel Knox, and as a labor of love I have tried to follow the editorial policy of his great newspaper.

I have observed over recent years that Colonel Knox has repeatedly indicted the Democratic Party and its representatives as enemies of good government, in their legislative program; as having set out upon a course coldly, purposely calculated to undo most of the worthwhile things in this Republic. Personally I have felt that his criticisms were not as restrained as they should have been. Only time will prove to posterity whether his observations are right and his dire prophesies are to be realized. Perhaps we are too close to the picture to dare sit in judgment on the pattern of argument he has woven. But it is sufficient to say that he has indicted in language that sizzles practically every major objective of this administration. He has without restraint indicted it as a perversion of good government. Were we to accept that appraisal of our own acts we would have to admit that we were utterly wrong from the very beginning, and that the administration of which we are a part, is an enemy of the Republic. I am not prepared to do that, Mr. President.

When I voted for the utilities bill in 1935 I believed in it.

When I voted for other legislative proposals, I did so because I believed in them, and if I had not I would have voted the other way, even though I should have been the only Senator to have so voted.

Some very fine and purposeful party leaders have upon occasion rather sharply criticized certain votes of our brethren on this side of the aisle because those votes did not square with the current program of the New Deal. I am not going to amplify that statement, for everyone here understands precisely what I am talking about. I am not going to sit in judgment myself upon any of the votes or the acts of my fellow Senators. I am not sufficiently worthy to entitle me to do that. But every member of this body reserves unto himself the right to feel in his own heart that the vote of his brother was perhaps not exactly the right vote.

But some of the criticism has been sharp and pointed. Perhaps the erring brother merely forsook for the moment the straight and narrow pathway of party rectitude, for the purpose of dalliance with some sort of political faith the description of which would be forbidden on the floor.

But here we are confronted, all of us, with the necessity of taking into the innermost bosom of the party family a man who has indicted us, and even indicted our Republican brethren on the other side who strayed from the pathway of pure and undefiled republicanism, because they were misled by Democrats into voting for some of these New Deal propositions.

A number of Members of this body have, in a moment of weakness, been inclined to talk to me and tell me of their bewilderment, to tell me of their inability to understand why we should cheerfully, kindly, or otherwise, indict one of our own brothers for occasionally straying from the fold, but proceed without a moment's hesitation to accept as one of the pinnacle figures in the administration a man who has bitterly assailed everything we have done in language which I can in no wise employ because of my limited vocabulary. I should like to describe the colonel's perfervid editorials upon New Deal proposals, but I can find no words in my vocabulary, either singly or in combination, that by the grace of inflection or poetic license, can serve my purpose, and therefore I shall not undertake the task. Now Democrats will proceed to bless this bitter excoriation of themselves, if they vote to confirm their critic. No form of self-indictment could be stronger.

Let me repeat that I can have no objection to these two gentlemen on personal grounds, because I know nothing to the personal discredit of either of them. They are probably as fine and high type private citizens as you might find in the Republic. I content myself with repeating what I said in the beginning, that when they are appointed to this office you appoint their viewpoint, and therefore it becomes important to understand that viewpoint. If the viewpoint itself can lead them into the commission of some act, or lead them to advise the President of the United States to adopt a course which in itself might be disastrous, then it becomes vitally important to know what sort of an adviser sits at the elbow of the President. Obviously these nominees are not going to agree with anything that the President has in mind as a domestic program, and I cannot imagine, nor can I imagine that anyone else by the wildest flight of his imagination can possibly contemplate that the President had in mind an adviser on domestic problems when he appointed either Colonel Knox or General or Colonel Stimson.

Therefore the President must have had in mind some other purpose. What that is is locked within his breast, and is his own business, and I am not going to challenge it or indict it. As a co-partner in the constitutional process of appointment, I am concerned with what these men think about this international situation. What Colonel Knox thinks has been expressed in his statements, and as a man thinketh in his heart so is he. He would be a peculiar individual, he would not be worth the powder to blow him across the street unless he would translate his own honest impulses into action the moment he was in a position to do so.

Mr. President, above all things in this world right now I fear the impact of war upon this Republic. It is a deadly fear that gnaws at my vitals, because I believe and I know that if this country ever enters another great world war the impact of that war upon our social and economic system will be utterly disastrous. So I summon to my aid a few witnesses, who feel as I do.

I am doing this because I think the supreme question now before the American people is whether or not this country shall prepare fully to defend itself and to remain out of the war, because we cannot win a war any more. Total war drags down the alleged and so-called victor into the same indescribable ruin which overwhelms the vanquished.

David Lloyd George, who is soon to become a member of the British Cabinet, said only a short time ago:

> The nations of Europe are today feverishly engaged in preparing themselves for the final suicide of war—for that insensate carnage for which they are headed. No calm reasoning, no sane reflection, seems able to deflect them from the path of death.
>
> Statesmen of these countries are slipping helplessly and inevitably down the slope which will land their people in grim final disaster.

On May 15, 1938, Secretary of War Harry Woodring, who is now to be supplanted by one of the gentlemen whom I am discussing, had this to say before the Kansas Bankers' Association:

> For the world to continue to rely solely on a constant expansion of its military forces and a constant addition to its military might can lead only to one conclusion—war and social revolution.

I do not want anyone to assume that I am either adopting or rejecting these suggestions. I am merely putting them in the RECORD so that posterity—if none of us is sufficiently interested—may read what these authorities have to say regarding war.

Here is an editorial from the Washington Evening Star of December 26, 1936, written at a time when there was a little more calm and dispassionate contemplation of the possibilities pregnant in the present situation. The Star said this editorially:

> The world has struggled—indeed, it is still struggling—out of the morass of the last Great War. Another such conflict will wipe civilization, as it is known today, from the face of the earth.

When we were conducting the munitions investigation in this body, Eugene Grace, of the Bethlehem Steel Co., came before our committee. At that time I made it a practice to ask everyone situated somewhat as Mr. Grace is situated in the world of business what he thought would happen to this country if we should participate in another great world war. Mr. Grace had this to say in answer to that question—and let me say parenthetically that it was substantially the answer of J. Pierpont Morgan, former Secretary of War Pat Hurley, and a dozen other men, including some of the du Ponts who appeared before the committee.

On February 26, 1935, Mr. Grace said—

> It is unthinkable to me that we must subject civilization to another conflict similar to the one we had back in 1914 to 1918. Just an anticipation of it is too horrible to even think of.

On January 15, 1938, Herbert Hoover, in a public statement, warned that American democracy might not survive another war, and that we would emerge from such a struggle in despotism itself.

On August 4, 1937, William Dodd, American Ambassador to Germany, in a public statement said that another world war would probably destroy civilization.

On March 10, 1938, a little more than 2 years ago, Secretary of War Woodring, in an address to members of the Commercial Club in Chicago, stated that another world war would "prove universally disastrous—to victor, to vanquished, and to neutral," and that such a war would endanger civilization itself.

In an editorial on January 26, 1938, the Washington Post, referring to the disordered condition of the world, pointed out that the winds of disaster blow stronger and stronger and that if world chaos spreads, with its inevitable concomitant and increasing barbarism, no nation on earth and no people will be spared.

On September 8, 1936, Cordell Hull, Secretary of State, in an open statement, said that a new general war would set loose forces beyond control—forces which might easily bring about virtual destruction of modern political thought and all its achievements, and possibly a veritable shattering of civilization itself.

On March 22, 1939, Francis B. Sayre, Assistant Secretary of State, in a radio address, stated that a war to defend democracy, even though victorious, may end by crushing it.

On March 19, 1937, Secretary Cordell Hull, commenting on the armament programs then under way in various parts of the world, stated that in his judgment such programs would lead to an economic catastrophe in the near future unless they were abandoned.

Mr. President, I have trespassed upon the time of the Senate to read these things because I want the Senate to understand that the fear which I entertain in my own heart is not an illusory thing. It is a very real thing. It is very real, not only in the hearts and minds of the writers and statesmen whom I have quoted but in the hearts of millions of Americans who will be the inevitable victims of another war. Therefore, it becomes important to know whether or not there are any trends present which may in themselves lead to incidents or events which are a part and parcel of the easy pathway to war.

Five years ago in this body I took advantage of the good nature of the Senate to discuss at great length what is commonly called the doctrine of "freedom of the seas." We abandoned that doctrine in a statutory way in the past 5 years, and I think we did it because we were convinced that it is the most dangerous doctrine this Government could embrace in these troubled times. It is the doctrine which says that neutral nations—all nations—have access to all parts of the seas as public highways. It is a groundwork doctrine of international law. Every text writer on the subject has seen fit to expatiate at great length on this doctrine of freedom of the seas. It is the theory that any man may use the seas to ship anything he pleases to any country on earth, even though he might run the gantlet of a cordon of battleships, a submarine blockade, or, in these latter days, a blockade from the air. Upon this floor time after time in recent years we have heard able Senators say that the United States went to war in 1917 because Germany disregarded our rights as a neutral and sunk our vessels, many of them without warning, and that our neutral rights were thus horribly violated and outraged. That has repeatedly been asserted as the leading cause of our entrance into the war. Our ships in war zones were sunk, and in we went.

Do Senators doubt that that was the motivating cause? If so, we shall have to expunge from the records of the Senate speech after speech of its most able and distinguished Members; and I am not prepared to suggest that, because they were not deceiving the American people. They have properly given that cause as a justification for our entry into the war. In 1916 and 1917 the theory was that an American businessman had a right to send his vessel across the seas to neutral ports and to have free access to the seas without being blown out of the water by a German submarine. When Germany denied us the exercise of that right, that in itself was a justification for war, when the ships were sunk and American citizens went to a watery grave on ships which flew the American flag at their mastheads.

I do not think any Member of this body will take exception to that postulate. So when we calmly, coldly, objectively, and dispassionately surveyed the whole picture, after reading the innumerable books which have been written on the subject by men who have with microscopic accuracy examined the whole picture, we concluded that the doctrine of freedom of the seas was the most bloody and dangerous doctrine any nation ever attempted to espouse. Why? Because in modern times no nation under the sun has ever exhibited a shred of respect for international law when its back was to the wall and it was fighting for the preservation of its national life. If any Senator present knows of any modern nation which has ever evinced any respect for international law in time of war, I wish he would now rise and point it out to me; for I have searched the books with passionate earnestness to find a single case in which any great nation struggling for its life in a bloody war did anything other than utterly cast into outer darkness every shred, every jot, and every tittle of international law. So to say that we may safely rely on international law is to say that we can build a permanent foundation of national well-being on a thing as illusory and phantomlike as the vagrant winds of the heavens.

We protested to Great Britain. We protested to Germany. What did they do? For generations, international law had set up certain categories of materials which were considered noncontraband; but England promptly junked them, and put 300 items on her contraband list, and said, "If you ship any one of them, even to nearby neutrals, we will stop your vessels, impound them, put prize crews on them, and take them into our ports under convoy of cruisers." She did so. Germany was unable to do so because she was encircled with the iron band of England's Navy. She said, "We cannot do that, but we will stop them in another way. We will blow them out of the water."

It was a bloody game while it lasted, but such a ghastly performance could go only so far without inciting war. And war came because our rights as a neutral under international law were flouted and our property and the lives of our citizens destroyed. And all this under so-called international law.

That picture led us to forego certain rights in war zones, and we did this by passing the so-called neutrality law with its cash-and-carry provision. If any Senator has the desire further to pursue this particular phase of American history, I suggest that he read Senator McAdoo's book, Crowded Years, in which he describes what a glorious game blockade running came to be. It was like rum running or dope peddling. A man would obtain possession of some old hulk, some old "hooker" which had been lying in a harbor for years, with her hull rusted and her engines almost ready to drop through the bottom. He would give her a little dab of paint, put a little oil on the engines, and start out. The first trip across paid for her. Two or three trips across and he was a rich man. Why? Because tonnage rates zoomed up to stratospheric heights. Of course, no sane insurance company would write insurance on that kind of dangerous traffic, but good old Uncle Sam, who by that time had lost his shirt and was getting ready to lose all the rest of his raiment, rushed to the rescue of the boys in this dangerous traffic, and put on the statute books a law like that put on the books the other day, the War Risk Insurance Act of 1914, which said, "Uncle Sam will underwrite all losses in this business."

Let the boats be sunk; the Government Treasury is illimitable and will foot the bills. What happened? When ships went down and word came that Americans had gone to a watery grave, you know what happened. Millions of Americans, then not having before them the vast bloody panorama of history of the last 40 years, said, "We will stop it if we have to go to war; we will not longer tolerate this violation of our rights; we will not suffer having Americans 'sunk without trace' on the high seas." And to war we went.

We fought at least two great wars over this same doctrine of freedom of the seas. When we got through with those wars there was not a line in the treaties of peace resulting therefrom, which laid at rest this vexatious and dangerous issue, although it had been the real, fundamental cause of these two costly and bloody wars. That is how smart our diplomats were. That is the oblique fashion in which diplomats shape international law, which is, in part, made up of treaties, but which is as illusory as anything that can be imagined, with no substance and no reality. The only place it is real is on the pages of books written by men who have seen fit to describe its application, if ever it is applicable. It disappears in wartime, when it is most needed.

I want to go back and call attention to a published statement from the distinguished chairman of the House Foreign Affairs Committee on May 3 of this year:

> Chairman SOL BLOOM, of the House Foreign Affairs Committee, said today that the new neutrality act has kept America out of war, averted loss of American life and property, and maintained commerce.
>
> In a formal statement on the 6-month anniversary of President Roosevelt's signing of the revised act which lifted the arms embargo, Representative BLOOM said it also had permitted the United States to keep its national defense modernized without the necessity of spending huge sums for equipment—

And so forth.

* * * It was said—

He stated—

> that the United States was unwise in withdrawing its ships from embattled areas. We were accused of abandoning the freedom of the seas. The wisdom of the act in this respect has been demonstrated. Other neutral nations have sent ships into the war zones and these ships have been sunk, with great loss of life. The United States has not lost a single ship. American citizens have not perished in attacks upon American ships. This fact alone vindicates the wisdom of the Neutrality Act.

If the Senate will bear with me I will go through the record. I call attention to what the President of the United States himself had to say about the doctrine of freedom of the seas. He said it indirectly through Secretary Hull. To a message of July 14, 1939, which the President sent to the Congress, he appended a statement on peace and neutrality by the Secretary of State, Cordell Hull. Among the statements of Secretary Hull, which the President endorsed, is the following:

> Furthermore, under the proposals that have been made American nationals would be divested of all right, title, and interest in these and other commodities before they leave our shores, and American citizens and ships would be kept out of danger zones.
>
> Controversies which would involve the United States are far more likely to arise from the entrance of American ships or American citizens in the danger zones, or through the sinking on the high seas of American vessels carrying commodities other than those covered by the arms embargo. In the recommendations formulated by the Executive as a substitute for the present legislation it was especially urged that provisions be adopted which would exclude American nationals and American ships from zones where real danger to their safety might exist, and which would divest goods of American ownership, thereby minimizing to the fullest extent the danger of American involvement.

That is plain enough, is it not? I desire to emphasize the last line and will repeat it:

> Thereby minimizing to the fullest extent the danger of American involvement.

Mr. President, the truth of that statement has been demonstrated, it seems to me, to the satisfaction of every thinking human being. It is because our ships did not go into war zones and because we did not rely on so-called international law, which in reality has no existence, that this country so far has been kept out of war.

Five years ago I stood on this floor for 3 or 4 hours and emphasized what international law would mean as a provoker of war. To rely on it would be to go back to the formula of freedom of the seas, a doctrine whose history is literally written in pages of blood. It is a doctrine that dragged America into war twice. I could name, if I had the time, many volumes written by the most brilliant minds in the western world pointing out that defense of the doctrine of the freedom of the seas dragged America into these wars. Listen to Admiral

Sims, who commanded our fleet during the World War. He was the man who went over to Britain and supervised and superintended our entire naval operations during that bloody conflict. He was speaking of the traffic that led men to insist upon this Government underwriting their ventures through Government insurance and encouraging them to engage in every way in a traffic wholly lawful under international law, which we abandoned to that extent by our neutrality law.

Once in a while we hear some publicist say that anti-war folk have suggested that munition makers dragged us into the World War. It was general traffic, whether it was munitions, wheat, cotton, or what not, that got us into that war. It was the destruction of American lives on ships flying the American flag and operating in war zones, that got America into the war. If that is not true, then, we will have to unwrite all the history of the World War. Referring to the situation confronting this country in 1916, Admiral Sims said:

> Thus the enormous pressure of the golden stream of war profits made us insist upon our right to make money out of the vital needs of nations fighting for their lives, and to insist upon being protected in this trade.

He added:

> The point of the whole business is this: We cannot keep out of war and at the same time enforce the freedom of the seas—and that is the right to make profits out of countries in a death struggle. If a war arises, we must therefore choose between two courses, between great profits with grave risks of war, on the one hand, or smaller profits and less risk, on the other.

He was talking at that time about American ships carrying this general commerce. The President of the United States, and the Congress, being realists, and thoroughly dry behind the ears, decided to hereafter keep American ships out of this sort of business so far as the war zones were concerned. Thus the so-called cash-and-carry idea was adopted which was the wisest and sanest provision which this body ever wrote into law, for it has so far been the great bulwark that has kept America from being plunged again into a bloody conflict, through loss of ships.

Last year in the Merry-Go-Round column, there appeared a story about Mr. O'CONNOR, a Representative from Montana, going down to see the President, and Mr. O'CONNOR is quoted as asking the President, "How can you reconcile repeal of the embargo with keeping this country out of war?"

I now read the brief quotation; it is very interesting. If it is not accurate, if it does not actually quote the President, it certainly "ties in" with his own statement which he sent to us, which adopted the statement of Secretary Hull and which he endorsed.

> "But, Mr. President," asked O'CONNOR, "how can you reconcile repeal of the embargo with keeping this country out of war?"
>
> The President's answer to this was another question. "Jim, what do you think got us into the last war?"
>
> "As I see it, two things were responsible. Entangling credit alliances and the sinking of our ships."
>
> "Very well," retorted Roosevelt. "The neutrality bill guards against the sinking of our ships by excluding them from combat areas, and the Senate has banned credits through an amendment."

I should hesitate to use that sort of a quotation unless it were verified by the President, except for the fact that the President himself has put the stamp of approval upon that doctrine by O. K.'ing the statement of Secretary Hull.

I now quote Mr. Raymond Clapper on May 7 of this year. I am only going to read a few lines of this article. He said, in one of his articles:

> When Germany tried to exclude our ships from the danger zone in the first World War, we went into the war. This time we voluntarily imposed an even more severe restriction upon ourselves in the belief that it would minimize the danger of our becoming involved.

Let me digress to say that that is precisely what the President says through Secretary Hull, to the effect that we have completely, and to the greatest extent possible, minimized the possibility of our getting into war.

Again quoting Mr. Clapper:

> Whatever may come to pass, the Neutrality Act would seem to have justified its purpose thus far. Shipping lines may have lost some profitable war business. Yet most of the displaced ships have gone into service on other runs. And up to now no American ship has been sunk. Why? Because the seas are safe for neutrals? No. Neutrals have had more ships sunk than the British, although not as much in tonnage. More than 200 neutral ships have been sunk. The reason none of them was an American ship was because our Neutrality Act kept American ships out of danger zones.
>
> Not only have American ships been spared. American lives have been spared. Except for the *Athenia*, sunk west-bound the night war was declared, Americans have been safe—largely because under the Neutrality Act we have not permitted Americans to travel on belligerent ships except by special permission.
>
> We may not continue to be so fortunate, yet that is the record up to now. And the war is 8 months old.
>
> Consider the situation when the first World War was just 9 months old.

Let me digress at this point to say that this war is, I think, now between 8 and 9 months old, so Mr. Clapper's application of facts is applicable.

To resume:

> Twenty-five years ago, on May 7, 1915, the *Lusitania* went down. Read Walter Millis in The Road To War. Of 159 American passengers aboard, 124 were lost. Besides munitions, destined for England, the *Lusitania* carried 129 children, of whom 94 went down. Americans included sightseers, passengers bound for Europe to see the fun.
>
> That tragedy set off American agitation for going into the war. Successive incidents increased the cry for war. The Wilson administration defended the right of American citizens to travel on belligerent ships. High officials here may have had a conviction that it was necessary for the United States to go into the first World War to save the British Empire. But the case for war gained its popular support through American indignation over the loss of American lives in submarine sinkings.
>
> Thanks to the Neutrality Act, the issue is being kept this time to the fundamental question. It is not complicated by mass fury over the loss of American lives in European waters.
>
> No nation should go into war except upon the clear ground of national self-interest. It may be more difficult to take this Nation into war without the aid of inflammatory incidents to arouse popular passion. But the absence of such incidents, thanks largely to the Neutrality Act, gives us time to think. If the case for intervention cannot stand on its own feet before the American people, well-informed and intelligent as they are, then it can scarcely be a sufficiently conclusive case to warrant the sacrifices that war requires.

Mr. LUNDEEN. Mr. President, will the Senator yield at that point?

Mr. BONE. Yes; I yield.

Mr. LUNDEEN. When the Senator mentions the *Lusitania*, it may be well to remember that when the war broke out the British liner *Lusitania* became a British auxiliary cruiser, on their naval list; yet she was permitted to carry passengers, including American passengers, though she was an auxiliary cruiser. It may be well to remember, too, that she was a British ship, though most of our fellow citizens seem to think the *Lusitania* was an American ship; and we find that impression in conversation on the streets today.

Mr. BONE. I realize that that is true. There was extant at that time a popular idea that the *Lusitania* was an American ship; and, of course, Americans were violently inflamed by the sinking of the *Lusitania*. I seriously doubt whether there is in this body a man who does not sincerely and honestly and wholeheartedly believe that the sinking of American ships would again be the one thing that would most quickly send us into the hell of war.

I am emphasizing this matter because I have a purpose in doing so. I am now going to examine the testimony of Colonel Knox and tell you what he thinks about this same doctrine of "freedom of the seas" and international law.

I should also like to quote at considerable length Mr. Charles Warren, former Assistant Attorney General of the United States; but out of a spirit of charity for my brethren I am not going to do it, because I do not want to take too much time in presenting my own viewpoint.

It is sufficient to say that Mr. Warren's conclusions agree with those I have expressed, that there is no such thing as international law in wartime, that it ceases to exist, and

that any suggestion that it can be relied on is like trying to lay one's hands on a ghost. It is like a fire department which is notified of a fire, but merely says, "Well, we are sleeping at this moment. Let the fire burn. We will come out and squirt some water on it when the ashes are cold." Just how long would you tolerate that kind of a fire department? And who would be bold enough to say that that is the sort of a fire department he wants? Would you make him mayor of the city? Would you appoint him a member of the city counsel, when he insisted that he wanted to rely on a fire department that was useless when a fire was blazing?

The relevancy of this argument more clearly appears from the testimony of Colonel Knox, because when Colonel Knox was before the Committee on Naval Affairs, of which I am a member, I interrogated him at considerable length on his attitude toward this doctrine of freedom of the seas. I wanted to find out whether he believed in a fire department that actually put out fires, or whether he believed in a fire department that rowdies smashed up while a building was burning down. So I am going to read the record of the testimony, which is on the desk of every Senator.

We entered into a general colloquy about wartime traffic and the use of American-flag ships going into war zones, and that led to specific questions: Let me read some questions and the answers.

Senator BONE. That is precisely what would happen, Colonel, if you repealed that part of the Neutrality Act which forbids American vessels going into zones teeming with submarines.

We had been discussing this business of ships getting blown up.

Colonel KNOX. That would depend upon the attitude that the administration would take.

* * * * * * *

Senator BONE. Well, we fought two wars over this freedom of the seas business and it is not established now, is it?

Colonel KNOX. No.

Senator BONE. Was there a line in any one of the treaties, the Treaty of Ghent or the treaties that grew out of the World War, that established and laid at rest this question of the freedom of the seas?

Colonel KNOX. I don't know, sir.

Senator BONE. Well, I will tell you now that there was not, and so we fought two bloody wars over an issue that still remains unsettled.

Colonel KNOX. That is true.

Senator BONE. And I take it that your view is that we should again make the problem even more difficult by wiping out the one barrier to American vessels being sunk, which, as sure as you and I are in this room, Colonel, would lead to war; men going down to a watery grave, with the American flag at the masthead, would do more to inflame public opinion toward war than anything else.

Again coming back to this question:

Senator BONE. Under international law there is no barrier to a neutral vessel going into belligerent waters.

Go back to Admiral Sims' doctrine, and he said that if we were going to protect that doctrine it meant war, it meant that you would have to convoy those ships.

Colonel KNOX. That is an act of war.

Senator BONE. Precisely, and that is the only way they could get through.

And then we got off into a discussion of the rescue ships, some bearing Red Cross labels, and I suggested to Colonel Knox that they were not carrying munitions of war or contraband, and the Colonel said:

That is true.

I again interrogated him, as follows:

Are you aware that during the World War Great Britain and France put practically every known object of commerce on their list of contraband?

Colonel KNOX. Yes; I am aware of that.

Senator BONE. Well, there isn't anything known to mortal men that could be shipped over there today that wouldn't be contraband of war, and therefore every ship carrying that stuff would be immediately subjected to an attack by the vessels of the belligerent powers. Now, do you want us to run that risk?

Colonel KNOX. I want us to repeal the Neutrality Act for other reasons than that.

Senator BONE. But sinking our vessels is the thing that dragged us into the World War and you want to repeal the neutrality law for other reasons. Do you want to walk away entirely from the most highly provocative factor of all?

Colonel KNOX. No.

Senator BONE. I want to know your state of mind about that.

Colonel KNOX. I would assume that no administration would want to get us into war, and would prevent provocative acts.

Senator BONE. You recall that we had a campaign in 1916 about getting into the war, and nobody wants to go into a war, and when war was declared we were assured that we would merely send a token regiment over there, that we would not send troops.

Colonel KNOX. Yes.

Then he suggests that he is familiar with the fact that when war was declared there was a general impression that troops would not be sent to Europe, and he says that statements of that kind were made at the time.

Then, in attempting to defend his idea about repealing the Neutrality Act, which carries with it the repeal of the prohibition against American vessels going into the zones teeming with submarines of belligerent powers, we went back to the discussion. I said:

Senator BONE. If we went back to that, and ships were sunk, flying the American flag, would that, in your mind, be a justification for war?

Colonel KNOX. No.

Senator BONE. What would you do about it?

Then Colonel Knox referred to what he calls "vital American rights" which we have surrendered under the Neutrality Act, one of them being the right to freely traverse danger zones in belligerent waters. Then I interrogated him as follows:

Senator BONE. Don't you think that the people, during the World War, who went into zones knowing they were teeming with submarines must have fully understood they were taking a long risk?

Colonel KNOX. They did.

Senator BONE. And yet we made that the reason for entering war—the fundamental reason.

Colonel KNOX. That is why we amended the law this time so that wouldn't occur.

Senator BONE. But you suggest we junk all that and go back to the same old hazardous game?

That is to say, rely on international law.

Colonel Knox said, as appears on page 54:

I believe that it is unwise for us to abridge a liberty which we have enjoyed from the time our Government was organized in order to accomplish that. I think that can be accomplished without that legal infringement of our rights.

The "right" he refers to is the right of some fellow to send an American vessel into a war zone where it will be sunk. Even though you have no stake in it, your son has no stake in it, the sons of millions of Americans have no interest or stake in that vessel, yet they are to be drawn or sucked into a war to vindicate the private shipper's right, which Colonel Knox calls "a vital American right." An army of boys would have to vindicate that sort of a "right" and the exercise of that right with their lives and their blood. That is the honestly expressed viewpoint of Colonel Knox, who, if confirmed, will sit at the elbow of the President of the United States and advise him on international matters in these uncertain hours when a false move may mean war. Imagine the immediate possibility of "incidents" occuring—deadly and highly provocative incidents. Let our ships be blown up, and we are on the road to war, and nothing would stop us in such a course.

Mr. LUNDEEN. Mr. President, will the Senator yield?

Mr. BONE. I yield.

Mr. LUNDEEN. Do I understand the able Senator to say that Colonel Knox revealed his position to be that he wished us to go back to the situation in which we were when we entered the first World War?

Mr. BONE. Colonel Knox frankly says that he wants to junk every line of the Neutrality Act and go back to and rely upon international law, knowing full well that international law could not protect American vessels in a war zone; that they would be sunk one after another, and we would be in war as fast as we could get into it. America would again blaze with wrath.

I asked Colonel Knox this question:

Have you any reason to believe now that German submarines wouldn't sink the vessels now as they did in 1915 and 1916?

Colonel KNOX. They would.

I admire his candor. But think of a man urging that we now discard our cash-and-carry neutrality law which is the one thing which the President of the United States, which the chairman of the Foreign Affairs Committee of the House of Representatives, which the chairman of our own Foreign Relations Committee, assure us has protected us in all these 8 or 9 months of bloody warfare. He wants to cast it away like a worthless bubble. That he would urge such a course upon the President seems too clear for dispute. Colonel Knox is a man with firm convictions, or I misjudge his type.

Mr. LUNDEEN. Mr. President, will the Senator yield?

Mr. BONE. I yield.

Mr. LUNDEEN. Then perhaps the title or description I sometimes see about these two gentlemen, that they are interventionists, may be justified.

Mr. BONE. I do not know what their purpose is. I am confining this argument to the fact that Colonel Knox wants to throw away the fire hose when the building is burning. Either he is right or the President is right. They cannot both be right. The President says the thing that has kept this country out of war—speaking through the typewriter of Secretary Hull—the one thing that has so far kept us out of war is the fact that under our neutrality law American vessels are keeping out of war zones where they would surely be sunk. Colonel Knox says the President is dead wrong. If he says the President is dead wrong, certainly he could not object to a Senator questioning his judgment or the wisdom of his position, or fearing his influence in such a vital matter.

I asked Colonel Knox this question:

Do you believe that the American nature has changed since then, or is it still the same old American nature?

Colonel KNOX. It is still the same old American nature.

Senator BONE. And we could expect, in the normal course of events, precisely the same reaction from the 130,000,000 Americans—war, stop these fellows, they are interfering with a right which is a traditional right, a right recognized through the ages.

Now, one other thing. Do you know any belligerent power in the World War that respected international law?

Colonel KNOX. Not even ourselves.

Imagine that. Of course, he is not a lawyer, but what would be thought of a lawyer who insisted upon absolute reverence for and naive reliance upon a theory of law when he says in the same breath that even his own countrymen do not respect it and no belligerent power respects it? What sort of ducks and drakes are we making of this whole pattern of life in America, not to say legislative pattern, when a man who is to be the adviser of the highest officer of this Government tells us that we must hereafter rely upon a theory that no one respects or obeys. Fortunately, we have an example of a deadly, deadly danger. A few nights ago I was lying in my bedroom listening to the radio, and a flash came, "United States warship *Barry* sunk by a German submarine." The folks in my apartment house jumped up and said, "My God! That means war." Search your hearts and state whether you could find anything but a quiver of fear when you heard that news. I venture that every man in this body realized that here was a hideous threat against peace; that at last war was coming to America. Do you remember the *Maine*? Let a German submarine torpedo an American battleship and see how long we stay out of war. What more argument do we need? How shall we justly appraise the viewpoint of a man who would throw away a life preserver, who would cut a fire hose when a building is burning and little children are in the building? Shall we juggle with the lives of an army of men who will die if war comes?

I asked him:

Why do you want to rely on it (international law) when it is a frail reed?

Then I asked him if he was familiar with the quoted statement of Mr. SOL BLOOM, of the House Foreign Affairs Committee.

The colonel also wants all "aid to the Allies short of war." That is another interesting aspect of the present situation, which we canvassed.

I do not know whether my colleagues have read his testimony. If they will take the trouble to read it they will find not only this theory advanced by Colonel Knox of relying upon something which has no existence, but they will also find him making a statement which should clarify the "aid to the Allies" picture for the American people more than any other statement made recently.

A few days ago I took the liberty of rising on this floor and saying that we should clarify this war picture for the American people in order to allay and still some of the fear that was being generated by speeches and radio and press commentators. In hundreds of publications in this country, including that of Colonel Knox, there has been the cry of "all aid to the Allies short of war." Some of the editorial comment has been so unfortunately phrased as to leave in the public mind the idea that we were somehow holding back and not giving the Allies all aid short of war. I wanted to put the matter to rest, and to whom might I better ask the question than the man who is to be the Secretary of the Navy? Colonel Knox is an able editor. He should know. So I asked Colonel Knox to describe to the committee this process of giving aid to the Allies and to tell us where it had fallen down. I shall read just a little of the testimony. I think the American press would do this country and all of its citizens a great service if they would reprint this portion of Colonel Knox's testimony. It is very brief.

Mr. LUNDEEN. Mr. President, will the Senator yield?

Mr. BONE. I yield.

Mr. LUNDEEN. The Senator has referred to the slogan we have heard about "aid to the Allies." Which ally?

Mr. BONE. Colonel Knox answers about the whole thing.

Mr. LUNDEEN. Which ally? The Allies are fighting each other now, so which ally are we to aid?

Mr. BONE. I will admit that the present picture is so kaleidoscopic, so weird, that it defies description. Allies have become enemies.

One does not have to go to the gallery of the Louvre, or wander through Paris or old France, to realize what a peculiar pattern of life has been woven in that unhappy country; and the same may be said as to almost every European country. I am a great lover of history. I have read the story of France written by Thomas Watson years ago. I have read Carlyle's French Revolution. I have a sizable library of French history, and I still find interest in the story of Charles Martel, the Hammer of Tours, of Charles the Bold, Condé Vauban, Turrene, and Louis Le Grand, and all the glories and the depths of iniquity of the French court. The same conditions prevailed in all the other courts of Europe. For 2,000 years, since the day when Varus took his Roman legions into the dark, gloomy forests of what is now modern Germany, and there saw them consumed in the withering fire of the Army of Arminius, that segment of Europe has been a bloody cockpit.

I took the liberty of asking Colonel Knox if he knew of any period in European history, in all that sweep of time, twenty centuries, when Europe was in repose for any length of time, and he admitted that he knew of no period when there was any repose there. The nationalistic, racial, and religious differences have made Europe one living and breathing human hell for 2,000 years, and it is worse now, because there are so many more people in Europe than there have ever been before. Problems multiply with the increase of population.

Mr. LUNDEEN. Mr. President——

The PRESIDING OFFICER (Mr. SMATHERS in the chair). Does the Senator from Washington yield to the Senator from Minnesota?

Mr. BONE. I yield.

Mr. LUNDEEN. A short time ago I ran across the Minerva survey of wars, conflicts, rebellions, and armed clashes of one kind or another which had occurred in Europe and concerning Europe and its colonies. The number of conflicts given in that survey was 450 in the last 448 years, 2 more conflicts

than 1 a year since Christopher Columbus discovered America. If we are going to save Europe by war, we had better build stone barracks over there and stay there permanently. Europe's troubles are Europe's, not America's. Let them settle their own quarrels, real-estate titles, and boundary disputes. I am not concerned about Europe, Asia, and Africa; I am concerned about America and American interests—nothing more than that and nothing less than that.

Mr. BONE. Of course, I doubt if any student of European history can be found bold enough to say that we should undertake to recast the European picture. The present situation is one which would melt a heart of stone. I have great compassion in my heart for the people of Europe. They have the misfortune to be born on a wretched continent, but I do not want to see my own country destroyed in an attempt to resurrect Europe from the slough of despond into which it has fallen. I emphasize this fact because I know war will destroy our country. Everyone within the sound of my voice knows that the moment war begins certain laws will go on the statute books. What those statutes will be was brought out in the hearings before the Munitions Committee. Those proposed statutes will set up a dictatorship in America.

If we fight totalitarianism by force, the first price we shall pay is the destruction of our own democracy. If any Senators have any doubt of that statement let them read the bills to which I referred. We go to the rescue of some other nation and we sacrifice everything that we tell the world we are fighting for. Shall we destroy the thing we love? There is not a Senator here who does not know that this country will be a dictatorship the moment war starts, and yet we rise day after day and damn and execrate the whole theory of dictatorial government. Yet modern total war requires that sort of government. That is why I fear it.

Let us now see what Colonel Knox has in mind about "aid to the Allies short of war." Let us examine Colonel Knox:

Senator BONE. Colonel Knox, you have stated that the aid short of war, which you envision would be necessary, was the aid that our private manufacturers could give France and England; am I correct?
Colonel KNOX. Yes; that is correct.

I hope the American press will quote Colonel Knox on this matter of aid to the Allies.

Senator BONE. Now, so that the chronological order may be properly presented, you recall that that part of the Neutrality Act which forbade the sale of munitions of war to belligerents was promptly repealed right after the declaration of war; that is correct, is it not?
Colonel KNOX. Yes.
Senator BONE. Do you know now, as a publisher, any bar, legal or otherwise, that has stood in the way of a free and unlimited sale of munitions of war by private manufacturers in this country to England and France?
Colonel KNOX. I do not know that there is any.
Senator BONE. The aid short of war to which you made reference has been freely extended, so far as American private facilities permit?
Colonel KNOX. I think you are correct.
Senator BONE. There has been no single barrier interposed?
Colonel KNOX. That is true.
Senator BONE. For some reason, I do not know what reason, there has been an impression left in the minds of the public by certain publishers that there was some, to the public invisible, barrier to the free sale of munitions of war to the Allies.
Colonel KNOX. No.
Senator BONE. Will you state, for the purpose of the record, that no such thing has existed since the beginning of war?
Colonel KNOX. That is correct.
Senator BONE. That is your understanding?
Colonel KNOX. It is.
Senator BONE. Everybody in Congress understands it, but there is a gross misconception in the public mind. That fact has been obscured in the press of the country. As a Member of the Senate, I know of no barrier that has existed in the free and unlimited sale of every kind of munitions of war to France and England practically since the outbreak of the war.

Let me add that no barrier has existed to the sale of any sort of commodities to the Allies. After war started they, of course, had to ship such freight, including war munitions, in their own vessels.

Before the outbreak of the war there was no barrier there on the sale of food or munitions or anything else, so that England and France have always had access to everything we marketed, and could produce, at any time stretching back over the years.

I continue to read:

Senator BONE. Therefore, if there has been any delay, it has been due to the inability of American manufacturers to supply the demands of both France and England.
Colonel KNOX. And partially, I suspect, because of mechanical difficulties.
Senator BONE. Well, mechanical difficulties of tooling up factories.
Colonel KNOX. Yes.

Then the colonel goes on to add:

Then I think there was a lot of delay incurred in getting adequate supplies to the Allies through their own methods of purchase, which were very slow and very costly. I am talking wholly from what has been told me by plane manufacturers. One of the difficulties included the purchasing commission that has been here from England and France.

I referred to the fact that some of our mail seems to carry the suggestion that there has been some sort of a barrier somewhere against the sale of food and clothing and munitions of war. Colonel Knox suggested immediately that he knew of no such barrier, and that it has no existence in fact.

Now, that ought to be sufficient to lay at rest any question about this matter, but I probed the colonel's mind a little further, and I said this:

Senator BONE. Are you prepared to say to us now that you think that the private interests of this country, whom you have defined as the agencies through which the "short of war" help should be given, have defaulted in any way in this program?
Colonel KNOX. I don't know, sir; I don't know.
Senator BONE. Well, you have been writing editorials about this "short of war" aid, and I wondered just how you would define any course of conduct beyond what has been already accomplished in that field?
Colonel KNOX. There is nothing that I can suggest that hasn't been done, except this. Let me make this qualification, and this is more or less on hearsay evidence. I have talked with a number of munitions and airplane manufacturers, and they lay a large portion of the blame for failure to get more supplies to the Allies before this crisis arose upon the Allies' shoulders.

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Senator BONE. Then, there can be no blame attaching to either this country in a governmental way or the business interests?
Colonel KNOX. That is right.
Senator BONE. If there be blame, it must rest upon the shoulders of those who failed properly to handle the situation on the other side of the Atlantic?
Colonel KNOX. That is right.

I am not going to read any more of it. Sufficient to say that Colonel Knox said that if England and France did not get all they wanted in the way of aid, it was their own fault.

That only clarifies that one particular part of the picture. The real danger in this thing is that Colonel Knox, now to be a confidential adviser of the President, says we must throw away the one thing which the President and our own brethren here in the Senate solemnly assert has kept us out of war. He would restore the "vital right" of American vessels to enter war zones for trade. He would swing wide open the gates of opportunity for a few men, bent on profits, to incontinently thrust 130,000,000 of us into war in an attempt to vindicate such a right—a "vital right" is his characterization.

The President repels such an idea. The chairman of the House Foreign Affairs Committee, Representative SOL BLOOM, has repudiated this dangerous doctrine. The chairman of the Senate Foreign Relations Committee, the able Senator from Nevada [Mr. PITTMAN] shares their views, because he said repeatedly on the floor of this body that the thing which has kept us out of war was the fact that our ships did not go into the war zone, and that our action in this regard is sound and salutary. Yet we are urged by our own vote on Colonel Knox to repudiate what we have done. We voted this cash-and-carry provision on the statute books. Why in the name of Heaven should we vote it off again, by a process of indirection? Let us be consistent. If you were hiring a man you would not hire one who fundamentally disagreed with your theory of running your business. What the President approves is the very thing that Mr. Knox decries as wholly bad.

Mr. President, I have said those things which are in my heart, and that is the reason I cannot vote for the confirmation of Mr. Knox. Though he were my own father I could not vote for him. I have nothing in the world against him personally. Probably were I privileged to know him as an individual I would care deeply for him, because I have learned to have a great affection for people with whom I have been so frequently in disagreement, but I could not vote for him for such a post of adviser in these terrible times, when he entertains that sort of view. This war business is more important than anything else. I would surrender every other view I have if that were the price of keeping my country out of war. I would not want to carry to my grave the last thought that I had done something that might have remotely contributed to plunging my country into war. When we realize that war would destroy us, why should we vote for a man whose every impulse is to remove the most vital safeguard that stands in the way? Senators do not have to take my word about this safeguard. The President said as much. Senators have heard it stated a hundred times on the floor of the Senate.

I shall not challenge the wisdom or judgment of the President in appointing Mr. Knox. The challenge is to us. We are also part of the appointing power. Senators do not have to consent to the appointment of a man if they honestly disagree with his views on public policy. If it is wrong for me to vote "nay" on this question, then that part of the Constitution concerning "advice and consent" should be stricken out and I should not have to face the necessity of voting "yea" or "nay" on the nomination of a man with whose views I am in such thorough disagreement.

I cannot escape the responsibility resting on my own soul. I cannot put the stamp of approval on the viewpoint entertained by Colonel Knox. Were he my warmest friend I might cherish his friendship as something beautiful and lovely, but I do not have to approve his viewpoint. I have stood here for 5 years saying that above everything else I would fight to preserve the one thing which so far has kept us out of this war. Yet I might vote to destroy what I cherish by voting for a man who wants to remove the last barrier, which our President says is the best insurance against our entry into war. Let me read the final sentence from the message of the President. I say the message of the President. It was Secretary Hull, who would be a fellow Cabinet member of Colonel Knox, who said this, but the President said:

I am in hearty agreement with it.

The Hull statement—

I am appending a statement from the Secretary of State which has my full approval.

Speaking of the "cash and carry" provisions of the neutrality law, which have kept American vessels out of war zones, Secretary Hull, with the blessing and approval of our President, says this provision has minimized "to the fullest extent the danger of American involvement."

This is the insurance we are asked to discard by Colonel Knox.

Secretary Hull approves keeping American ships out of war zones, where they would surely go, under international law, and he says that this is a policy which minimizes to the fullest extent the danger of American involvement. That is all I need to justify my vote. That is the statement of my own President, whom I supported ardently. He believed it when he said it. I believe it now. Therefore I shall vote "nay" on the confirmation of the nominations of these men with whose views I disagree, not because of any feelings toward them, but because of a deep, passionate, and abiding love of my own country, and the terrifying fear in my own heart that this country may be involved in war if we make a mistake now. I would do anything in reason to keep my country out of war. If I have to choose between some other country and my own country, I will not be like the infidel who denies the faith. I will choose my own country. I will not surrender it for any country on earth.

When we took on the protection of one-half the known world, the whole Western Hemisphere, we took on a terrifying engagement for any nation of 130,000,000 people. When we build 85 battleships and a vast number of cruisers and submarines, and pay the bill, we shall know what it means to protect half the world. We shall not have to be in war to understand its implications. We ought to get down on our knees and pray to Almighty God that the Republic be fortified to stand the financial shock of taking care of that sort of a problem.

Mr. President, I should not have taken the time of the Senate to express these views except that I feel so passionately about this war business. I think it transcends in importance every other issue before the American people. The views I express are well known to the people of my State and I merely reassert them here.

We owe a duty to posterity. We came into a beautiful world, but we can leave our part of it a broken and battered thing. If we make the deadly mistake of letting our country get into war, we shall make our very names a by-word for hissing and a sign of reproach to the boys and girls coming on, because we shall destroy the thing which has been built from widows' sighs and orphans' tears. Every boy who laid down his life on the battlefield to preserve the Republic will have made the sacrifice in vain. The spirit of every boy whose life's blood drained out on the battlefield to preserve government of the people, by the people, and for the people would rise to rebuke unworthy descendants who allowed this sort of thing to happen. Government of the people, by the people, and for the people will perish if we are so stupid as to allow ourselves to be dragged in. If we should allow a dictatorship to arise in America, how many Senators think that the Republic would come back in their time? It would mean street barricades, liquidations, and generations of misery and suffering. That is the price of war; and yet some men talk glibly of rushing into that sort of hell.

Mr. President, I apologize for taking this time, but tempus fugit. I may not have the opportunity to stand here and protest very long. We are now going down the primrose pathway of dalliance with international evils so rapidly that it makes us dizzy to contemplate our course. So while there is yet time, while a Member of Congress may stand in his place and speak a word of protest, I rise to do so, for it will be too late when war comes along with dictatorship. I have always supported our program of national defense and I went beyond that program in demanding even more, because for several years the danger signals have been flying. If war comes, let it not be an avoidable war, but one in defense of our own legitimate sphere of activities and one in defense of our own homeland. By my vote I would discourage any other viewpoint, and this is said with no animus in my heart and with the utmost charity toward those who differ with me.

Mr. CAPPER. Mr. President, it is a matter of sincere regret to me that I feel compelled to vote against confirmation of the nomination of Hon. Henry L. Stimson to be Secretary of War. This is the first time I have been obliged to vote against a nomination for President Roosevelt's Cabinet.

Mr. Stimson's patriotism, personal integrity, and abilities are above reproach. I have the sincerest respect and admiration for Mr. Stimson; but his appointment and confirmation to the post of Secretary of War raise a question of public policy which transcends any personal or political considerations.

I feel that my vote on confirmation either approves or disapproves Mr. Stimson's declarations urging immediate intervention in the present European war. I can place no other interpretation upon the statements made by Mr. Stimson in his radio broadcast within 48 hours before his appointment as Secretary of War by the President.

In that broadcast, among other statements, he declared that the United States should "immediately throw open all our ports to British and French naval and merchant marine for repairs and refueling and other services." In my judgment, that would come close—very close—to being an act of war.

In the same broadcast Mr. Stimson declared that the United States should send planes and other munitions to

Britain and France, "if necessary in our own ships and under convoy." United States warships convoying unconditional contraband to a belligerent would clearly invite—almost insure—attack by the opposing belligerent.

It would be difficult to conceive a policy more certain to lead to an attack upon the Navy of the United States—an attack which would leave no practical alternative for Congress except to declare war when subsequently asked by the Executive to do so. What Mr. Stimson proposed in his broadcast are not steps short of war, but steps into war.

It is highly significant that within a few hours after the broadcast calling for intervention was made, the President, to use plain language, "fired" the then Secretary of War, Harry H. Woodring, of my native State of Kansas, and named Mr. Stimson in his place. It is common knowledge that Mr. Woodring was opposed to intervention in the European war. Mr. Stimson's broadcast plainly labels him as in favor of intervention.

That view is held by a great many citizens of my State of Kansas.

I have received many letters and telegrams from farm groups, businessmen, and others protesting against the nomination now before us. Here is one which is typical of many:

McPHERSON, KANS., *June 29, 1940.*

Hon. ARTHUR CAPPER,
Washington, D. C.

DEAR SENATOR CAPPER: I do not approve President Roosevelt's dismissal of former Secretary of War Harry Woodring for he is a capable man for any position.

The appointment of Frank Knox and Henry L. Stimson as Secretary of Navy and Secretary of War, respectively, is a smart move to put the blame on both parties for the President's actions—a move toward entanglement in the European war. The people of Kansas and these United States disapprove that action. Therefore, the people do not approve their confirmation by the Senate.

I remain,
Very truly yours.

PAUL A. RAMSEY.

Mr. President, if I should vote to confirm the nomination of Mr. Stimson under these circumstances, I should be approving his proposal that the United States Navy convoy United States vessels carrying planes and munitions to a belligerent European nation. I should be approving what I regard as an act of war which inevitably would result in our going to war, either declared or undeclared.

Mr. President, I cannot and will not cast that vote. With deepest regret I must vote against confirmation of the nomination of Mr. Stimson to be Secretary of War.

Mr. GILLETTE obtained the floor.

Mr. JOHNSON of California. Mr. President, will the Senator yield?

Mr. GILLETTE. Not for the purpose of suggesting the absence of a quorum. I shall speak for only a very short time, and I do not wish to impose on my colleages.

Mr. JOHNSON of California. I was about to suggest the absence of a quorum. Under the circumstances I think a quorum should be present.

Mr. GILLETTE. I thank the Senator for his courtesy, but I prefer not to yield for that purpose.

Mr. JOHNSON of California. I do not know what the Senator is about to say; but it was reported continuously and officially that in the Naval Affairs Committee there was a vote of 9 to 5 in favor of confirmation of the nomination of Colonel Knox. I desire to suggest the absence of a quorum in order that the whole Senate may see, if it be necessary, that possibly the vote was 9 to 6, or perhaps 9 to 7. That is my reason for desiring to suggest the absence of a quorum.

Mr. GILLETTE. Mr. President, I reiterate that I appreciate the courtesy of the Senator and the purpose he has just announced. Had I been present, I should have voted in the Naval Affairs Committee against a favorable report on the nomination referred to. I wish the Senator would not ask for a quorum at this time.

Mr. JOHNSON of California. Very well. I shall defer to the wishes of the Senator.

Mr. GILLETTE. Mr. President, it is not my intention to detain the Senate by covering ground which has been covered again and again in the course of this discussion by my distinguished colleagues, who are far more able to present the matter than I am.

It is not my desire to question any action of the Chief Executive of the United States. Neither do I conceive it to be my function as a Member of this body to question this particular action of the Chief Executive. In my opinion, however, there is considerable misconception as to the exact question which is before the Senate for decision. It appears in the public press; it appears in editorial columns; it has appeared from time to time in discussion on this floor, spoken, I think, carelessly. The question before the Senate is not whether the Senate shall confirm the appointment of Henry L. Stimson and the appointment of Frank Knox. No power can appoint either of these men to a position in the Cabinet of the President of the United States except through the machinery laid down in the Constitution. By that instrument the Chief Executive is clothed with the sole power of nominating men for considered appointments. The President has sent to the Senate the nomination of Henry L. Stimson and the nomination of Col. Frank Knox. There is no power in the governmental machinery of the United States that can deprive the President of the right to submit those nominations. If the nominations do not reach the appointment stage, the President may send other nominations, and still other nominations, and yet other nominations, without end.

The Constitution clothes the Senate, and clothes me as a Member of the Senate, with a particular duty in this regard. The Constitution says that the President may nominate and by and with the advice and consent of the Senate may appoint his Cabinet and other officers. The President has taken the action it is his to take. It is not for me or any other Member of the Senate to question that right; it is his right under the Constitution to nominate any man he sees fit to nominate, send the nomination to the Senate for our consideration, and ask us to advise and consent to it. If we do, then he may make the appointment, but he cannot make the appointment until we have acted.

I am not standing on this floor to question, in any way, the right of the President to nominate, but, as a Senator from the State of Iowa, I have a duty on my mind, I have a duty on my heart, I have a duty on my conscience, as to whether or not I will consent and advise to the appointment of either of these gentlemen to the Cabinet positions to which they have been nominated.

A little over a year and a half ago I stood right where I now stand when there was before the Senate the nomination of Mr. Harry Hopkins to the position of Secretary of Commerce. I had had some personal relations with Mr. Hopkins which were somewhat less than pleasant, but I stood on this floor and advocated that we should give the President our advice and our consent to the appointment of Secretary Hopkins to the portfolio of Commerce. Why? As I said then, and repeat now, I have opposed with all the power that the Almighty has given me any attempt on the part of the legislative branch or the executive branch to infringe on the duties and functions of the judicial branch, for I firmly believe that the coordinate action of the separate branches of our Government as created by the founding fathers is essential. I oppose now, as I opposed then, any attempt by the legislative to infringe or interfere with the rights of the Chief Executive to act in the matters which concern him. If there is any power that ought to rest in the President, it is the power to nominate for place in his official family men in whom he has confidence, who are in accord with his purposes, his policies, his goal, his efforts, his administration; he ought to have that right, and I would be the last person on earth to interfere with it.

Why, then, did the constitutional fathers impose on the Members of the Senate the power that is given us under that provision of the Constitution to which I have referred? It was given us for a purpose. I have been at some pains to read, as voluminously as I have had the time and opportunity to do, the discussion of learned commentators along this line. They uniformly present two matters: One is that the power

given to the Senate might act as a deterrent or might prevent a Chief Executive making a nomination that would be unpopular or unjustified. That particular factor is not pertinent to the question now before the Senate; whatever deterrent element there may be is beside the point, because the nomination is here.

The other consideration which has been discussed over and over again, is that the power to prevent an appointment being made until the Senate has advised and consented to it would operate, should operate, and must operate so that the Chief Executive could not run away with the nominating power and take action which, in the opinion of the majority of the Members of the United States Senate, would not be consonant with the national welfare and security.

That, Mr. President, is the situation that faces us today. The President has sent to the Senate two nominations. Now action is dependent on us, as he cannot make the appointments without our action. Do not let anybody say that we refused to confirm or that we overrode him. He has not appointed and he cannot appoint until we give him our advice and our consent; and that is the question that will be presented here this afternoon.

In my position as a Senator from the State of Iowa and a Member of this body am I going to vote to give my consent and my advice to the appointment of these two men to the Cabinet. I go back to the proposition I made a few moments ago, that the President has a right, and should have a right, to have surrounding him in appointive office men who are in sympathy with him and in accord with him in the functions, the powers, the responsibilities and the duties that are his. I would not interfere with that right in any way in the world. It is not a question of whether the selection is one which I would make; it is a question of the selection of men with whom the President wants to work. In this particular case is that the situation? In the Senate, Mr. President, there have been read many quotations from the men whose nominations are before us, which show that they are not only not in accord with the policies of the President of the United States, his purposes, his goal, and his endeavors, but that they have opposed them in season and out of season, week in and week out, year in and year out, from the public platform, in the public press, and in editorial columns. He certainly did not select them for that reason.

For what purpose were they selected? Is there anyone who thinks that the President selected them for a political purpose, as has been suggested in some of the newspaper columns? I do not think so meanly of the President of the United States. I do not think there is any man in official life who would be so despicable as to play a game of pussy wants a corner with the national security or a game of partisan squat tag with the interests and welfare of the American Nation. I do not believe it. Then, why did he send the nominations to the Senate? Why did he go outside the 100,000, yea, the 500,000 able, keen Democrats, members of his party who are in accord with all he stands for, and select two men who are known all over the United States and internationally as the outstanding interventionists of the Republican Party? Other Senators have a right to ask themselves why, and I have a right to ask myself why. I shall not go over the too familiar ground of the manner in which these men have expressed themselves except to call attention to two statements that appear in the evidence. One is in the testimony of Henry L. Stimson in which he refers to the need for the use of the element of time:

> Today the time which we will have for our rearmament is very largely dependent upon the continuance of Great Britain's control of the North Atlantic. Under these conditions any assistance which we can safely give toward the continuance of that sea power in the North Atlantic is a step most important and vital to our own interest in preparation.

I quote from Mr Knox:

> It is for us to put at the disposal of the British all of the munitions and supplies needed to keep the battle going.

A contest of ideologies? Support for the democracies? No; but keep the battle going; keep them fighting. Not to win—neither of these men ever expressed any interest in seeing them win—but keep the battle going as a measure of defense for ourselves.

Mr. President, I promised the eminent Senator who now graces the chair [Mr. SMATHERS in the chair] that I would not talk longer than 10 minutes. I have used 9 minutes of that time. I desire to state in closing that there is not a man, woman, or child in the United States who does not believe that he or she knows the purpose of the selection of these men for nomination to the Cabinet of the President of the United States. Are they mistaken? I do not believe they are mistaken; but, even granting that they are mistaken, there is the situation as it will be construed all over the world. That is the situation which is in the minds and hearts of the people.

I recently returned from a visit to the State of Iowa. I talked over the fences with the farmers there. I went into the business places of my constituents. I find that every one of them is disturbed to the core of his being over the fact that Europe is on the bloody butcher block right at this minute, and is wondering what action we will take.

What action will you take? What action will I take? Will we question the President's right to nominate? No; but you as United States Senators, and I as a United States Senator, have a duty to the public to see that no action is taken that has only one plausible, only one reasonable, only one fair deduction as to its purpose. That duty is not to take the further step that will permit the appointment. We do not propose to override the President; no. We cannot override the President. He has done his duty, and no one but the President had power to submit the nomination; but the appointment cannot be made unless we consent to it, unless we advise it. I as a Member of the Senate, I as a representative of my State of Iowa, will never sit in the Senate and give my consent and my advice that will permit an appointment that will be construed and must be construed, in America and abroad, as a step toward our involvement in war.

Mr. TYDINGS obtained the floor.

Mr. JOHNSON of California. Mr. President, will the Senator permit me to suggest the absence of a quorum?

Mr. TYDINGS. There is a pretty good attendance now.

Mr. JOHNSON of California. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Downey	Lodge	Schwellenbach
Andrews	Ellender	Lucas	Sheppard
Ashurst	Frazier	Lundeen	Shipstead
Austin	George	McCarran	Slattery
Bailey	Gerry	McKellar	Smathers
Barbour	Gibson	McNary	Smith
Barkley	Gillette	Maloney	Stewart
Bilbo	Green	Mead	Taft
Bone	Guffey	Miller	Thomas, Idaho
Bridges	Gurney	Minton	Thomas, Okla.
Bulow	Hale	Murray	Thomas, Utah
Burke	Harrison	Neely	Tobey
Byrd	Hatch	Norris	Townsend
Byrnes	Hayden	Nye	Tydings
Capper	Herring	O'Mahoney	Vandenberg
Caraway	Hill	Overton	Van Nuys
Chandler	Holman	Pepper	Wagner
Chavez	Holt	Pittman	Walsh
Clark, Idaho	Hughes	Radcliffe	Wheeler
Clark, Mo.	Johnson, Calif.	Reed	White
Connally	Johnson, Colo.	Reynolds	Wiley
Danaher	King	Russell	
Davis	La Follette	Schwartz	

The PRESIDING OFFICER. Ninety Senators have answered to their names. A quorum is present.

Mr. TYDINGS. Mr. President, when a Senator proposes to vote against the confirmation of two outstanding Americans as members of the Cabinet of a President, when under ordinary conditions he would be happy to vote for their confirmation, it becomes necessary to state the reasons why such a course is wise.

Neither Colonel Stimson nor Colonel Knox needs any words of mine to prove his capacities, his Americanism, his patriotism, his integrity, or to show that he possesses the attributes which make up good citizenship. Those things are not in-

volved in this case. What is involved in this case is a definite point of view toward the future which might possibly have dire consequences for this Government and for its people if pursued to its logical conclusion.

Today in America, in the face of wars in Europe and Asia, there are evolving two schools of thought. One school of thought feels that it would be wise for the United States to join with the democracies which are still in existence and fight the totalitarian or aggressor nations. There is much to commend this point of view from the standpoint of argument. It is pointed out by those who hold to this theory that if America stays out now, the time will come when the totalitarian or aggressor nations will combine; and then, bereft of all possible aid from other nations, we may be called upon to bear the brunt of a combined attack by these adversaries. Of course, that is mere speculation. No one knows how long the totalitarian nations will be together, nor how soon they will fall apart, nor when conquest may divide them.

It seems to me that in many cases those who advocate this course are not quite as candid as are those who feel that it would be unwise for this country at the present time to become involved in the war either in Asia or in Europe. Many of them belong to a group advocating what is known as aid to the Allies short of war. Certainly as a government, as differentiated from a free people, aid to the Allies short of war is not neutrality. When you are neutral, you do not aid any one who is engaged in a controversy or a conflict. I take it, therefore, that aid to the Allies short of war means not that the Government should aid, but that our citizens are free to aid, in that they may sell to the belligerent powers anything the belligerent powers desire to buy from us so long as they pay cash for it, and so long as they take it home in their own ships.

Therefore we do not need a committee to do that, for that is already permissible under the existing laws of the United States. There is no possible aid which our people can give to the belligerent nations, if they are able to purchase goods and take them home in their own ships, which is not being given now by the producers, the farmers, and the manufacturers of goods in the United States. So it seems to me that we cannot escape the conclusion that aid to the Allies short of war quite ofen means not private aid by businesses or by individuals, but aid by government, either direct or indirect.

The method of securing aid up to the present has been indirect, through the medium of having our Government take articles designed for its Army or Navy and turn them in to some private manufacturer, because they are obsolete or outmoded or not modern, and, on the promise that they will be replaced with new and modern equipment, the manufacturer then resells the articles to the Allies, and in that way the Allies are aided. Indeed, from personal conversation, as well as from letters, I know that many members of the Committee to Aid the Allies Short of War—not all of them, but many—favor taking all the planes and all the ships which in their own words can "reasonably be taken," whatever that may mean, and, through the intermediary of a private corporation, using them to aid the Allies in this struggle. That, briefly, is the position of those who advocate either intervention or aid to the Allies in one form or another.

The other school of thought realizes that there is a great deal in some of the arguments made by the opposition. They realize that we do not live in a safe world; that even if we do not intervene now war may come to our shores; that it may come to South America; that Canada may be lost in the game at the peace table, or before the peace; and that, whether we will it or not, the conflict may come to us anyway. However, the fact that there is an ocean on our east and an ocean on our west makes us feel that perhaps even then we might stay out of the struggle. But even if we should stay out of the European war for the present there is the possibility that eventually it may come to our shores. Thus we have the cleavage between those who feel certain it will come, and therefore urge that we should join in the struggle while we have yet someone to fight by our side, and those who feel that, even if it shall come, if we remain here and prepare we will be in a better position to safeguard the interests of our people and our governmental institutions by remaining out now and preparing and waiting for the war to reach us. That, briefly, represents as I see it the two conflicting general points of view.

Colonel Stimson and Colonel Knox both believe in the first point of view. They may differ in degree; they may differ as to methods; but both of them favor aiding the Allies now.

These conclusions bring us face to face with the question, Suppose we should intervene now, suppose we should embrace the view of the interventionists, those who advocate joining the struggle now, while England is still holding off the totalitarian or aggressor nations; what would happen if we were to intervene? Would we be a decisive factor? Would we win the war for the cause of democracy? Could we by any imaginable chain of events throw enough into the scales in time to bring victory to the democracies? Let us examine that picture first, and see whether it would be wise for us to go down that roadway.

In the last World War we declared war on April 6, 1917. The war in Europe had been proceding for more than 2 years when we got into it. As a matter of fact, it was closer to 3 years than 2. We had all that time to see the European war developing. Many munitions, many arms, were being manufactured in this country; indeed, the Allies used the United States as a great producing agency to supply their military forces with the vital necessities with which only war can be made. Yet, after the war had gone on for nearly 3 years, by April 6, 1918, 12 months after we finally entered it as a belligerent, how much were we able to achieve? We had only 300,000 men on the other side in a year, and those 300,000 men were to a large extent not fighting troops, but S. O. S., Service of Supply, and other incidental forces, who were being organized behind the line so that when the fighting men came over the supplies would go to the front where the men would be engaged. The point is that in 1 year, when we were not threatened at all, when we had a free hand to prepare, we were able to transport only 300,000 men across the water by April 6, 1918.

It was not until the summer of 1918, from 15 to 16 months after we entered the war, that fighting men in great numbers were transported to European battlefields. Even when they got over there, 15 months after we entered the struggle, in many cases they had neither the arms nor the munitions with which to fight, except as they were obtained from either English or French sources. The artillery of many American divisions was supplied to them by the French Government. The machine guns of most all the American divisions, including my own, were supplied to the American troops by the British Government. So I might go on with the picture.

As for airplanes, there used to be a standing joke in the American Army about our air force. Whenever a single airplane was in view in the sky, the men at the front would look up at it and say, "Look! our whole air force is attacking Germany this afternoon." We had no airplanes, in fact, until the war was over, insofar as American manufacture was concerned.

These are things we remember; they are facts; these brief little pictures of what actually happened in 1917 and 1918. There are men on this floor who served overseas or in the Army in this country, and they know that what I have said is true. That was the picture 1 year after war was declared. That was the picture 16 months after war was declared. It was not until September 1918 that the volume of arms and munitions and men was sufficient so that the last great drive was made which resulted in victory for the Allies.

What is the picture today? Could we do better now if we were to intervene either directly or indirectly, gradually, step by step, than we did 22 years ago? Let us look at that picture.

A few days ago General Marshall, the Chief of Staff, appeared before the Committee on Appropriations of the Senate. He asked for the appropriation of some $34,000,000, as I recall. He wanted that money so as to build plants in which to make powder for the shot and shell which might be used by the American Army if we should become involved in the struggle. The money was provided quickly; the bill passed this body

and is now the law, and perhaps the plants are now in the course of construction.

This question was asked General Marshall:

How long will it be, General, before these plants, by all the speed-up system you can evolve and evoke, turn out the powder in sufficient quantities to be of use should we get into war?

The General answered:

It will be 14 months from today—

And this is only a month ago—

before all of these forces, private and public, can turn out sufficient powder to serve 1,000,000 soldiers in combat.

It would therefore be 13 months from today, July 9, 1940, which would make it August 9, 1941, roughly, before we would have enough powder to supply a million troops in war. There is nothing secret about that, for I asked General Marshall, "Do foreign governments know about this, General?" To which he replied, "No doubt they do; for we do business in a democratic atmosphere. They know how much money we appropriate and what it is appropriated for." So I feel no compunction in telling this incident to the Senate and to the country.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. SHIPSTEAD. I believe we have been informed that we have been selling powder——

Mr. TYDINGS. I would rather not discuss the powder situation now. It is a long story. It is worth discussing, but I do not want to be led away from my train of thought, if the Senator will pardon me.

Mr. SHIPSTEAD. I simply wanted to check up on the information I had received.

Mr. TYDINGS. The Senator's information is incorrect. In a word, let me say to the Senator that after the war we had no powder plants at all, public or private, equipping the Army with ammunition. One of the big powder manufacturers in the United States wanted to close down his plant, but officers of the Ordnance Department begged him to keep his plant open. They tried to get him some South American and Central American orders with which he could keep his plant running. In response to the appeal from the Ordnance Department in heaven's name to keep his plant operating, this powder manufacturer kept his plant in operation at a loss of $300,000 for 1 year in order that his machinery would not be idle and his personnel would not be dispersed. At any rate it would take 13 months before we would have enough powder with which to supply a million soldiers, and who in the name of common sense wants to go to war short of 13 months if the Army is not to have enough powder with which to fight.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. LUCAS. The Senator discussed the question of powder on the theory that it would take 13 months to supply a million men with the powder necessary. Is the Senator now talking about powder we supply for both the Army and the Navy?

Mr. TYDINGS. I am glad the Senator from Illinois raised that question. Powder used by the Navy is a different kind of powder, to begin with, than that used by the Army. Furthermore, the Navy does not use a great quantity of powder compared with the amount used by the Army. The Navy has ample powder. It has a special powder plant of its own at Indianhead, Md., and because it uses it only rarely, the Navy is equipped with powder. I thank the Senator from Illinois for raising that point.

I am dealing now only with the Army, and I do not suggest these facts in criticism of anyone, because there was no effort made in the country, there was no effort made in the Congress, or in any other place, to appropriate public moneys to enlarge private powder plants until the present emergency arose. I am simply stating the situation so as to get the picture before the country, and not in a spirit of criticism at all, for certainly no one, from the humblest citizen to the most exalted, would escape criticism if it were sought to be made. The situation was due to a state of thought; it was due to a state of mind in this country. The country was not interested in developing powder in private plants until this emergency arose. I hope, therefore, that no one will suppose that I am trying to be partisan or political in this discussion, because that is far from my mind.

That is the situation with respect to powder. What is the situation with respect to arms, what is the situation with respect to planes, what is the situation with respect to pilots, what is the situation with respect to tanks and with respect to engineer equipment, and what is the situation with respect to Signal Corps equipment? I might go down the whole list and discuss the situation with respect to each item. I shall shortly read a statement of the situation affecting some of these categories. But simply to illustrate, let me say that if we were to go to war tomorrow morning on land, as differentiated from on sea, we would have very little in the way of a land force with which to go to war, in comparison with the modern armies of belligerent nations today.

Mr. HILL. Mr. President——

The PRESIDING OFFICER (Mr. MEAD in the chair). Does the Senator from Maryland yield to the Senator from Alabama?

Mr. TYDINGS. I yield.

Mr. HILL. I do not want to divert the Senator from Maryland from his train of thought, if he wants to address himself more directly to the pending nomination. However, he has raised a very interesting question with respect to powder and munitions and matériel which we must have, which brings to mind the thought that when we provide the hundreds of millions of dollars and even billions of dollars which the Government must appropriate to provide these things, it ought to be done in such a way that when the emergency is over we will have the plants, we will have the factories, so that they can remain in a stand-by condition and be ready in any future emergency.

Of course, the Senator knows that in the case of a powder plant which is privately built and owned, perhaps with the aid of money borrowed from the Government, when the emergency is over, when there are no longer orders from the United States Government, the private concern will hardly be in a position to keep the plant in a stand-by condition. I think the Government ought to build such plants, and then lease them, if need be, for a dollar a year, to private operating companies.

Mr. TYDINGS. Mr. President, I do not want to be diverted from the subject I was discussing.

Mr. HILL. I do not want to divert the Senator, but it is a very important matter.

Mr. TYDINGS. I will say to the Senator that a few days ago I was speaking in the Naval Affairs Committee to a representative of Mr. Knudsen's committee, who said they are attempting now, wherever they can do so, to build plants in the manner suggested by the Senator. They cannot do it in every case, but where it is possible and will not result in too long a delay, that is the plan now being followed.

I have gone into the situation with respect to powder. I do not need to go into the situation with respect to airplanes or pilots, because I think that those who serve on the Military Affairs Committee and the Naval Affairs Committee of the Senate know from what they have heard there, and from information in the press, that a considerable time will elapse before we can approach a state of preparedness in the air and on the ground supporting the air, which will be comparable to that of the belligerent nations now engaged in war.

Let me for a few moments refer to manpower. Our standing Army a short while ago was approximately 200,000 men. We gradually have increased its size, so that now it is authorized to have a strength of 375,000 men. An enlistment campaign has been put on by the Navy, by the Marine Corps, and by the Army to get the number of men authorized by Congress. Have the recruits come? Is the Army up to the figure of 400,000 and the Navy up to its authorized strength? No. In spite of the most intensive campaigns, by means of moving pictures, by means of radio, and through the press, by letters to high-school graduates, by means of booklets, the Navy and the Army and the Marine Corps are having tre-

mendous difficulty in getting even the moderate increase in recruiting necessary in order to fill the very modest program laid out, in view of present world conditions.

Mr. AUSTIN. Mr. President, will the Senator yield to me for a question?

Mr. TYDINGS. I yield.

Mr. AUSTIN. On the Fourth of July at the World's Fair in New York I made a statement similar to that which the Senator from Maryland is now making, and my statement was published so that it came to the notice of The Adjutant General of the Army. This morning I was called by him and advised that I had been misinformed; that the figures were inaccurate. He asked where I obtained them, and I told him I had obtained them in the hearing of the Military Affairs Committee of the Senate recently. He then told me that the voluntary enlistments during the first 6 months of this year had been completely satisfactory.

Mr. TYDINGS. Did he give the Senator the figures?

Mr. AUSTIN. He did. My memory of figures is so poor that I state the number with reservation. My recollection is that he stated that one-hundred-and-fifty-four-thousand-three-hundred-and-some-odd enlistments had occurred during 6 months, which is very much more than I had previously stated, in view of what had occurred in the Military Affairs Committee. Thereupon I asked if he would please furnish me in writing both figures, the gross increase and the net increase, and in what units. That information will, I presume, be forthcoming tomorrow. But according to his statement the enlistments to fill the quota under the voluntary plan in the first 6 months have proved to be satisfactory.

Mr. TYDINGS. I thank the Senator from Vermont for his observation. However, even if he is quoting from memory correctly, let me say that that picture is not at all a comforting one, if it takes 6 months to get a mere 150,000 men into the Army, when armies today should be numbered by the millions. The German Army numbers four, five, or six million. The army of Great Britain numbers at least 2,000,000 or more; and the army of France numbered four or five million. Even when we get 50,000 more in 6 month's enlistments we will only have 400,000, half of whom will be comparatively new troops. The point I wish to make is that even in 6 months we have been able to obtain only 150,000 recruits in the Army, if the Senator's figures as he recalls them from memory are accurate. It is said that time is an important element. I believe it is, and so does every Senator, and every other citizen in this country. If time is important—and we are always hearing that we are racing against time—certainly 300,000 voluntary enlistments a year, strung out from January to December, are not keeping up with time very well.

I know the Senator would like to see enlistments come more rapidly than they have been coming. The point is that such enlistments are not preparedness. Even if we get 200,000 new men, what can we do with 400,000 men, half of whom are new, and for many of whom we have not the equipment, and cannot possibly obtain it for some time? What will they avail, scattered as they are all over the Philippines, Hawaii, Alaska, the Panama Canal Zone, Puerto Rico, and other places? What will those 400,000 men avail against the seasoned, disciplined, trained armies of Europe, against which we would have to contend?

Let me read a few further facts about national defense, to paint the background before arriving at the conclusion which I think is inescapable from the facts.

The United States anticipates the need of 3,922 antiaircraft guns of various types in times of emergency.

But—

It has a total, old and new, of only 1,477.
None of these is the new and efficient 90-mm. gun.
The Army needs 1,423 of the 37-mm. antiaircraft guns. It has 15; won't get any more for at least 6 months.

That is a little sidelight.

Here is another one:

"There are three things necessary for air defense," said Gen. George C. Marshall, United States Army, Chief of Staff, "pursuit planes, antiaircraft guns, and the warning devices or detectors which will give notice to pursuit aviators and to gun crews so that they will be prepared to meet the approaching hostile aircraft."

* * * * * * * * *

For the initial defense only, the Army declares it must have immediately available 1,350 of these devices.

But—
It has an aggregate of 404.
It requires 273 directors, but has only 168.
It wants 276 height finders, but can muster but 142.
It says 801 sound locators are needed, but can only mobilize 194.
At the present rate of manufacture it may be 2 years before these instruments can be put in service.

Here is another one:

"The Signal Corps," says a United States Army circular, "keeps the different units of the Army in constant touch, during battle and campaign, through radio, telegraph, telephone, messengers, and other communications means."

Although it still must be supplemented by other means, radio, of course, has become the vital link of liaison between various units of the field and their supporting troops. In any engagement, a series of networks—to the Artillery, to the Air Corps, between divisions and small units, to general headquarters—are set up by the Signal Corps.

Army technicians have developed a number of distinctive types of 2-way radios. They think that in three particular classifications there always should be 4,388 installations on hand and ready for use.

But—
The Army has a total of 1,225 of all of these classifications.
It is 3,163 short.

It will take a considerable length of time to supply that defect.

I have a statement on clothing. We shall require 5,000,000 yards of clothing to take care of the troops. We have no surplus on order. It will take a long while to manufacture the cloth. That is just a side light.

An army fights on its stomach; and when we get these men we must have field kitchens so that they may eat if they are to march and fight; but the Army has on hand only 756 of these. It needs 4,244 more. Considerable time would be required to obtain them.

Another statement says:

The famous French "75," modernized, is the basic gun of the Field Artillery. The War Department calculates it needs 1,439 of them, in shape for immediate use, to resist any sudden invasion of the continental United States.

Last year it had 141 modernized guns.

It has, all told, something like 700 guns, including the unimproved type which can only fire 3° to the right or left of center without changing position.

My recollection is that 2 years would be required to supply that deficiency.

Another statement says:

The United States Army figures that its Regulars require 28,850 motor vehicles at peacetime strength. It lacks approximately 1,850 vehicles.

There are very few for the National Guard. We need such vehicles. Many of them are armored cars, which are different from automobiles, and would require considerable time to build.

I shall not read all these items. I have statements on almost every line of Army endeavor. The time required to supply the deficiency is usually from 1 year to 2 years.

We cannot go into a war and stay out of a war at one and the same time. We cannot stay out of the war with one foot and at the same time go into the war with the other foot. If we feel that we ought to save democracy by joining the Allies while they are still fighting; if that is the thing for us to do; if time is precious; if we must fight while England is there to fight with us, then let us declare war and go the "whole hog."

But if, on the other hand, we consider that in our best interests, the best way to safeguard the Nation, preserve peace, and take care of our Government and its people is to stay out of the war, then let us quit moving two or three steps ahead, one step back, two steps ahead, and one step backward again, always inching, step by step, little by little, voluntarily and involuntarily, closer, closer, and closer to war. If this country is to go into war, let it decide to go into war, and not be dragged down the roadway of war against its will, step by step, until it can no longer retreat, retire, or retrace its steps.

That is what is involved in these 2 nominations, and nothing else. Not very long ago those who advocated aiding the Allies "short of war" were in hearty approval of stripping the Navy of its best planes, and the Army of some of its planes, and turning them over to the Allies. More than that, they wanted to take the mosquito fleet of some 23 boats, brand new, most modern, the finest in the world, necessary for our own defense, and turn them over to the Allies.

If those 500 or 600 Army and Navy planes and 23 mosquito boats would enable England to defeat Hitler and save us from the great catastrophe which threatens us, that is one thing; but is there a man in his right senses who believes that 400, 500, or 600 antiquated planes and 22 boats 50 feet long represent the balance of power in the struggle which is now taking place on the English Channel? That is silly.

Some of my good friends tell me that moral support will win the day. We must give the Allies spiritual and moral support. My God! The widows, women, old men, and children of 10 countries fall to their knees every night and pray to Almighty God for deliverance from the holocaust and the destruction and misery which are all around them. Spiritual support? Of course; but wars are the most unspiritual things in which men ever engage. When two men get together, each with a cannon or a gun, they do not even think about religion. They think about self-preservation. "Destroy the other man before he can destroy you."

So of what avail would it be to take a few planes from our Navy and our Army, and 23 boats no longer than this room is wide, and send them to the Allies, and say that that is aid to the Allies? If it were determinative, if it were decisive, if by any reasonable stretch of the imagination it could turn the tide, then perhaps on some grounds it might be justified; but to have our Government strip our own defenses of the best planes it has in some cases, planes which will not be replaced for 6 or 8 or 10 months or a year, leaving in many cases planes inferior to those which are being taken away and sent to Europe, is another thing.

There are those who predict that if Hitler defeats England we shall then have to take him on over in this hemisphere; but they are not willing to advocate a declaration of war now, as the logic of their position demands. None of them is advocating going to war. They are advocating so-called aids short of war, a term which is a misnomer. If we must face Hitler, as has been said, then in God's name let us keep what we need, our first line of defense, the best things we have, and add to them as rapidly as possible to face the dire threat which it is said is sure to be a part of our future.

Mr. HOLMAN. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield to the Senator from Oregon.

Mr. HOLMAN. In support of the Senator's charge of inconsistency in the Government moving two or three steps forward and one step backward, let me call attention to a heading in tonight's newspaper, "Japs demand United States apology."

Mr. TYDINGS. I am about to come to that.

Mr. HOLMAN. At the same time, I wish to call attention to a statement in a letter I have received from Portland, Oreg., that ships are still loading scrap iron for Japan, as they have been loading scrap iron for the last several years. Here in a newspaper item is a list of the ships in a Columbia River harbor now loading scrap iron for Japan with which the Japanese will make battleships to enforce the demand for an apology from us. Without trespassing upon the Senator's time further, I should like this little news item printed in the RECORD as a part of my remarks.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

SHIPS SLATED TO LOAD HERE—WHEAT CARGOES TO BE TAKEN

The motorship *Clevedon* and steamer *Kentucky* will both be back in Portland late this month to load cargoes of wheat for Shanghai, China, under the direction of States Steamship Co., operator of the *Clevedon* and owner of the *Kentucky*, according to Friday announcement.

Both ships are en route home from oriental voyages, the former having just delivered a cargo of salt from San Francisco to Moji, and the latter having taken flour and general freight to Tsingtao. The *Clevedon* is expected to load at Kerr, Gifford elevator, and the *Kentucky* at Vancouver.

Other ships scheduled to load bulk cargoes here soon are the Greek steamer *Penelopi*, due in port next Monday from Vladivostok; the Japanese motorship *Kozui Maru*, due in the river in mid-July; the Spanish steamer *Maria del Carmen*, due at Longview next Wednesday, and one or more of three vessels chartered this week for scrap-iron cargoes from the Pacific coast to Japan.

Mr. TYDINGS. I thank the Senator from Oregon.

Mr. President, whether one is a so-called isolationist or an interventionist or believes in neutrality or "aid short of war," or whatever his view may be, he must realize that today the main thing for the country to do is to prepare, to prepare, to to prepare, to prepare, not as we are preparing in the more or less leisurely, democratic way of ours, but intensively. We ought to have three shifts in every navy yard, we ought to have three shifts on every shipway, we ought to have three shifts in every school where mechanics are being trained. If the danger is one-tenth so great as most people think it is, and as some of our experts say it is, then we are certainly making preparation in a most lackadaisical way. Are we going to repeat the mistakes of 1917 and 1918? This time there will be no French to supply us with artillery; there will be no English, perhaps, to furnish us machine guns; this time we have got to provide them for ourselves.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. WALSH. Can the Senator explain the state of mind of a large number of our people who apparently want us to go into the war, according to their statements, and yet at the same time object to the Senator and to me on the floor of the Senate stating what the real condition of our national defense is? How does the Senator explain it? Is it that they are so completely disregardful of the protection of the youth of this country that they would have us go into a European war unprepared?

Mr. TYDINGS. I will answer the Senator, because he suggests a very interesting point. My opinion is that today the average American citizen has no conception whatsoever of the requirements necessary to develop an army, a navy, and an air force with which to fight a modern war.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. TYDINGS. Let me finish the sentence. Today the average American citizen has the feeling that if we were to declare war tomorrow, in about 60 days we would be all ready to do the job. It would more likely be 16 months or two years and a half before we would be in the condition in which he thinks we would be within 60 days. When injustices are done to small nations, when cruelties are perpetrated, when oppression takes place, the natural instinct of our citizens is to fight wrong, to fight injustice, to hate force, to sympathize with misery, and to deplore the killing of women and children. That instinct expresses itself in the feeling that we ought to go in and stop such crimes and outrages, when it is not realized by our people that it would be 13 months from this hour before we could even make the powder with which to supply a mere million men.

I now yield to the Senator from Florida.

Mr. PEPPER. I do not mean to detract from Congress or the sincerity of Congress, but, out of fairness to the people, it has been my humble observation that the people have been a little more aroused and a little more alert about this whole situation than the Congress has been.

Mr. TYDINGS. I cannot agree with the Senator completely as to that. Let me say that I could read a long list of things which we must have for our Army and Navy and air force but which we have not; and I am satisfied the average person does not realize that to be so. I feel embarrassed in rising on the floor and referring to the defects in our national defense, and only the knowledge that other governments, through their military and naval attachés, are aware of the situation, that there is nothing secret about it, and that much of the information is in public hearings enables me to overcome my reluctance to pointing out some of the defects in our defense and to stating that, in spite of all we can do, in spite of all the money we can appropriate, it will be 13 months from the 10th of July 1940 before we, with all the

private and public plants we can build, can manufacture enough powder to supply an army of a million men. That is a sobering thought. Then, when we realize that we will not have airplane ammunition and antiaircraft ammunition for another 6 months, and we will not have the antitank guns or an adequate supply of artillery for 2 years, we begin to understand that an American soldier cannot meet a well-trained and equipped German soldier and with his bare fists hope to overcome him.

The magnificent French Army, four and a half million men, with the Maginot line on the east flank, a line built through the years, but lacking in planes, lacking in tanks, but, in spite of the reports, not lacking in valor, has laid down its arms. I do not believe half the stories that the French Army was "rotten," that it was weak, that it was of no account. I believe it was outmatched with the equipment with which wars are won, and after trying with their hearts and their brawn and their bodies to stop the gigantic German onslaught for days and weeks at a time, the morale and spirit of the French soldiers were broken when they realized that their Government, in the time of preparation, had failed to provide them with the things which alone can win a war.

Take Mr. Reynaud, the last French Premier before the German victory. Mr. Reynaud, as shown by the records of the French Senate, time and time again in days of peace begged France for mechanized divisions, begged France for more airplanes, asked the Senate for larger appropriations, and, thanks to his tireless and unceasing energy, the French did have a few mechanized divisions.

Winston Churchill, in the House of Parliament on at least 20 occasions, and outside Parliament in books and on the public platform, begged the English people over and over again to prepare for the rearming Germany, but all to no avail. The week ends went on just the same; the regular 6- or 8-hour day continued; the lackadaisical way of doing things, the leisure, which is such a charming part of the normal English life, continued. What is the price they are paying today? The possibility that the British Empire may be divided and dismembered, as now the French Empire lies in ruin. That is the picture. If France could not stop Germany, if England could not stop Germany, both of which at least prepared for years, what could be done by our little Army, fine though it be, but poorly equipped—200,000 men, now increased by 150,000 new troops—without adequate equipment, as I have in part shown? If we should intervene, what kind of intervention would it be; and what consequences would it bring to the United States of America if in that pitiable condition we were to intervene?

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. TYDINGS. I will yield to the Senator in a moment or two.

Do not misunderstand me. I am not unsympathetic toward the democracies; I have no cold heart to turn toward England and France; on the contrary, they have my sympathy and, indeed, some little atom of the worries and despair of their own people has been translated to my own being as the weeks have unrolled. I realize what kind of a world we may live in if certain events should transpire, but all my wishing to change them will not change them. The only thing that will change them will be a determined democracy here ready to make sacrifice, ready to train a sufficient number of men, to build up its Army and its air force. We can do nothing else in the immediate future but remain neutral; we can do nothing else certainly before the end of this year, and by that time the indications over in Europe will be clear. If all the other democracies lose, if the struggle is to come over here, and if we need to do all we can to preserve ourselves, then we certainly are not going about it very intensively. Wars cannot be fought with guns that have merely been ordered, or with men who have not been trained. That simply cannot be done; and all the spiritual support and all the moral support in the world is not worth a single bullet to the man who is actually at the front and has not that bullet.

I now yield to the Senator from Illinois.

Mr. LUCAS. Mr. President, I was interested in the observation made a moment ago by the distinguished Senator from Florida [Mr. PEPPER], in which he said that in his opinion public sentiment was in advance of the Congress upon the preparedness program. I think perhaps in certain sections of the country that observation is correct; but I want to say that it is easy enough to change public sentiment overnight, as we have seen public sentiment change in this country from the time Mr. Hitler and his legions ruthlessly invaded Holland and other lowland countries of Europe. At the same time, changing public sentiment does not meet the conditions about which the Senator from Maryland has been talking.

Mr. TYDINGS. The Senator is exactly right about that.

Mr. LUCAS. Furthermore, I should like to ask the Senator, What would the people of this country have done 1 year ago if the Congress had sought to appropriate five, six, seven, or eight billion dollars for national defense?

Mr. TYDINGS. In my opinion, if that course had been advocated a year ago, unless it had been preceded by a campaign of information such as I have outlined in part here, most of it, if not all of it, would have been overwhelmingly defeated not only by the people but by the Representatives of the people in Congress, because up until a year ago I do not think there was a man in Congress—certainly if there had been he would have been something of a seer—who could remotely visualize that Germany would conquer Holland and Belgium and France all within a period of about 5 weeks.

Mr. LUCAS. Mr. President, will the Senator further yield?

Mr. TYDINGS. Yes; I yield.

Mr. LUCAS. Does the Senator agree with me that if the Congress of the United States in 1938, just prior to the primary and the general election, had adopted a program of appropriating five, six, seven, or eight billion dollars for national defense, not a single man would have been returned to Congress who advocated such a program?

Mr. TYDINGS. I should not like to prophesy, but I think the inference of the Senator's question will speak for itself.

Mr. President, what have I been attempting to do on the floor? I have been attempting to show what will happen to this country if by any means, by direct intervention or by indirect intervention superinduced by persons in a position to superinduce it, this country should be drawn into a war against the wishes of those in a position to know its real state of preparedness. What would that mean? It would mean that we could contribute no real help to either Great Britain or France or anybody else, except by the Navy, for a period of from 1 to 2 years from this date. There is nothing of a material nature that we could throw into the scales; and if in the meantime Great Britain should be defeated, as she conceivably might be, we should then be in the war without the aid of Great Britain, and find ourselves then in the position that Great Britain is in today, when France has been taken from her side as an ally.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. TYDINGS. Not until I finish this thought. Then I will yield.

There is one thing more that I should like to say in this debate, without any reflection on any foreign government, that ought to be a part of the thinking of every American today when he considers what course his country is going to take.

A few years ago Russia and Germany were looked upon as having clashing ideologies or philosophies of government. The Russians were looked upon as the "reds" or the extreme Communists.

The Germans were looked on as somewhat of a new institution to take care of property. That was the common American conception of those two governments. They were looked upon as natural antagonists, and the thought was that they would inevitably clash in war. They are both one-man governments. What happened? Instead of clashing in war, those two so-called divergent philosophies joined together in advance and divided up Poland. But 2 years ago it looked as if Germany and Russia would be sure to clash. Indeed, Hitler said, "Drang nach Osten," the "march to the east," did he

not?—and he openly intimated from the platform that Germany's destiny was to the east. But, instead of going to the east in conflict with Russia, we saw Germany and Russia divide up Poland, which, incidentally, Germany conquered in 17 days from the day of invasion.

That was a strange thing. We knew that Italy was an ally of Germany, did we not? But Italy was not in the picture then. At the appropriate time, however, Italy was drawn into the picture; and now, while there are plenty of grounds for disagreement, while there is a conflict of interest, we see Russia and Germany and Italy with a kind of an understanding and plan that so far has not conflicted, while each reaches out and takes in more and more territory.

Here of late there has been a new force creeping into the scene in the Far East. Realizing that the moment looks propitious, we find that another great nation, Japan, is beginning to coordinate her program of China and French Indo-China and the Dutch East Indies with that of Germany and Russia and Italy. It is said—I do not know whether or not it is authentic—that there are consultations back and forth between these governments, and that there is a general agreement, and so long as each stems out in a direction which does not basically conflict with the direction taken by the other there is not much room for conflict. Perhaps in the end some of them may fall out and start a war among themselves; but for the moment all four of them are working together, and all four of them are evolving into pretty much the same general type of government. Keep that fact in mind.

Suppose we were to intervene, where would we send our fleet—over to aid Great Britain? What would happen in the Far East while our fleet was over in North Atlantic waters?

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. TYDINGS. I will yield in a moment. And if something did happen in the Far East while our fleet was over aiding the British, what would we do? Leave our fleet over there or bring it home again—scuttle and run and leave the British and have the British cursing us for coming home and taking care of our own interests rather than joining in the war with them?

I now yield to the Senator from Missouri.

Mr. CLARK of Missouri. Mr. President, let me suggest to the Senator from Maryland that the nominee now under discussion, Colonel Stimson, in his New Haven speech answered the Senator's question as to what should be done with the United States Fleet by saying that it should be used to convoy munitions to Great Britain.

Mr. TYDINGS. Well, even stronger than that, in a letter in the New York Times published on March 6, 1939, Colonel Stimson said—it is a short sentence:

> The defense against such joint action in Europe and Asia by the Fascist powers can only be securely accomplished by the common action of the naval power of the three large democracies, including the United States.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. PEPPER. Does the Senator challenge the truthfulness and the accuracy of that statement?

Mr. TYDINGS. Well, I have been talking here for an hour trying to challenge it. I do not know whether or not I have made any headway. [Laughter and applause in the galleries.]

The PRESIDING OFFICER (Mr. MEAD in the chair). The occupants of the galleries are not permitted by the rules of the Senate to indulge in any demonstrations.

Mr. TYDINGS. Understand that I do not mean to say that Colonel Stimson is doing anything unpatriotic, or doing anything he has not a right to do. He thinks that is the best course for his country. I tried to show by these facts about our national defense that we would not be in a position to intervene effectively, even if that course were wise; and it is quite possible that our Allies might be defeated before we could come to their aid, and then certainly we would draw the attack of the totalitarian nations.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. TYDINGS. Yes; I yield.

Mr. PEPPER. So, if I understand the argument of the able Senator, it is that because we are weak we must not aid the British Fleet, which is the only possibility of our being strong enough to defend ourselves.

Mr. TYDINGS. Because we are weak we ought not to aid the British Fleet? As I recall, the French were trying to aid the British Fleet about a month ago; and, as I recall, the British were not trying to aid the French Fleet about a week ago. So in that action, when the English, and perhaps justifiably, sent the French Fleet to the bottom, the real truth comes out, that nations in time of war, like individuals, consider self-preservation the first law of nature. If the English could do that with their French ally, I am going into any war along with Great Britain in the light of realities, and with my eyes wide open. I do not say whether the English did right or wrong; that is for them to judge. We have no part in that war. I am not here to denounce them. I sympathize with them. I say there appears to be a measure of justification. I feel sorry for the French. But we know that the primary job of Great Britain is to take care of Great Britain, of France to take care of France, of Japan to take care of Japan, of Germany to take care of Germany, and of Russia to take care of Russia, and I am going to be a realist so long as I am walking around in a realistic world.

If we were to intervene, and the British were not able, even with our naval help, to repulse an attack by the totalitarian powers, then surely we would be at war. Britain would perhaps be forced to do the same thing France has been forced to do; she might be required to turn over her fleet. The Senator from Florida and I do not believe she would. I believe her ships would go down with their guns blazing, or that the ships would come to Canada. But in war we cannot believe, we have to know. When we send men out to fight a foe, we have to know how strong he is, how he will fight, the arms with which he is equipped, and we have to have as much determination to drive him backward as he has to keep us in our place. We cannot know those things 3,000 miles away, because any country put in the position in which Great Britain is today would naturally clutch at any aid very tenaciously and very strongly if she thought it would be a means of saving her from the disaster which might be in store.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. PEPPER. How does the able Senator distinguish the advice he is now giving his country from the advice the statesmanship of every country which has collapsed gave, with the result which the world has seen?

Mr. TYDINGS. Let me ask the Senator a question. Is he in favor of declaring war on Germany now?

Mr. PEPPER. I answer as I have reiterated heretofore—no.

Mr. TYDINGS. Then, what would the Senator have us do that is not already being done?

Mr. PEPPER. For one thing, I would have the Congress pass a law which would authorize somebody speaking for the United States Government to make Mr. Henry Ford, or anybody else, make airplanes for Britain or for anybody else the Government said they should be made for.

Mr. TYDINGS. It would be going quite far afield to have the Congress of the United States pass a law compelling an American manufacturer to make arms for a foreign country. I certainly feel that if we should go that far, we might as well declare war and take the whole cake at one bite, because we would very soon be eating the last bite, anyway.

Mr. PEPPER. Mr. President, will the Senator yield further?

Mr. TYDINGS. I yield.

Mr. PEPPER. Does not the Senator think that the best chance Great Britain has to win this war is to have air superiority over Germany?

Mr. TYDINGS. I am not worried about Great Britain winning the war. I hope she will win it. What I am worried about is the United States of America. [Applause in the galleries.]

Mr. BARKLEY. Mr. President, I insist that the Chair enforce the rule against demonstrations in the galleries. If the rule cannot be enforced, a motion will be made that the galleries be cleared. Occupants of the galleries know the rules of the Senate. They know that it is a violation of the rules to engage in demonstrations of any sort, and I insist that the rule shall be observed.

Mr. PEPPER. Mr. President, will the Senator from Maryland yield?

The PRESIDING OFFICER. The Chair will ask the Senator to desist for a moment. The Chair admonishes the occupants of the galleries, realizing that they fully appreciate the fact that they are the guests of the Senate; that they must observe the rules; that they must remain in order. If they do not, the Chair will order the galleries cleared. The doorkeepers are admonished to enforce the rules.

Mr. TYDINGS. Mr. President, for the sake of the RECORD, I do not want to appear quite as callous as my remarks understandably might make me appear. Of course, I care for the preservation of democracy in Britain, and I wish the Britons well, and I hope they will resist invasion. What I wanted to say was that in this body our primary concern should be to determine how we can shape our course so that no matter what may happen, come hell or high water, this country and its people may be placed in the most advantageous position we can possibly place them in.

Mr. PEPPER. Mr. President, I want to say that I do not share in the admonition to the occupants of the galleries. Let them manifest any enthusiasm or disapproval they may care to express, so far as I am concerned, because we are all in a goldfish bowl anyway, and we like to be observed.

What I wanted to ask the Senator in my second question was, Does he think that if Great Britain should win the war, the United States would be in any danger?

Mr. TYDINGS. No.

Mr. PEPPER. Then why is not that the first question?

Mr. TYDINGS. It is the first question.

Mr. PEPPER. If air superiority were given to the British, the Senator would no doubt admit that they would win the war. Then the Senator is applauded for saying that we are not interested in England winning the war.

Mr. TYDINGS. The Senator's question brings to my mind an illustration. There is a gangster loose, we will say for want of a location, with no reflection on the place, in Chicago, Ill. [Laughter.] We will assume that he is devastating that locality.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. TYDINGS. I mean no reflection on Chicago. It is a great city. Let us say, a city as large as Chicago, but not Chicago.

Mr. LUCAS. The Senator might take Baltimore. [Laughter.]

Mr. TYDINGS. I cannot use that city, because I live in the State of Maryland, and it would spoil my illustration. We will assume a gangster is loose in Chicago, Ill., or let us assume he does not live in that State but has come there to operate. Let us assume the Senator says to me, "Do you know the police are hunting that gangster in Chicago, Ill.? Why don't you go out there and help them hunt, because, if they do not succeed in catching him, he might conceivably take a train and go to Havre de Grace, Md., and make trouble for you there?" I say, "First of all, I am not in Chicago and cannot arrange to spend my time in Chicago"—any more than we can arrange to send our Army to Europe when it is not equipped and prepared. "Further than that, because I am afraid the police may not get the gangster, I shall buy firearms and do all I can to put my family in a position of safety in the event the gangster should kill all the policemen in Chicago. Knowing I cannot do anything about it, cannot give any aid because of one circumstance or another, I shall get all the firearms I can and teach my family how to take care of themselves in the event the gangster comes to Havre de Grace." That is the analogy.

Mr. PEPPER. In spite of the fact that the Senator has already told the Senate that it would be 13 months before we could possibly get ready to defend ourselves.

Mr. TYDINGS. And I think it will be 13 months before Mr. Hitler can get ready to come over here.

Mr. PEPPER. If Britain should be crushed in a month, does the Senator think it would be 13 months before the issue would become acute for the United States?

Mr. TYDINGS. Mr. President, if England should not be crushed for 2 years, if finally the totalitarian powers should predominate on this globe, it is perfectly inevitable, even if we were not drawn into the war, that there would be not only a trade war but a war of ideas and of philosophies to which in the end we would be bound to be a party.

The difference between the Senator and me is not a fundamental one. He and I both want to preserve democracy. Our sympathies are with the Allied form of government and way of life, rather than with the totalitarian powers. The difference between the Senator and me is that while he says he does not want to declare war now, but that he wants to make Henry Ford make automobiles for the English——

Mr. PEPPER. Airplanes, for Great Britain.

Mr. TYDINGS. If I felt as the Senator does about this situation I would rather declare war now. I would rather go over with what I have, if I felt as blue about the situation as the Senator does, and aid the Allies and fight it out. Merely because we could not do that even if it were wise is one of the reasons why I cannot go along with the Senator. Even if we had the equipment, I am not saying I would then go along, but so long as we have not the equipment, I do not have to make the choice.

Mr. PEPPER. Does the Senator think that so long as the British Fleet and the American Fleet remain intact there is any danger of either Japan or Hitler or anybody else invading the Western Hemisphere?

Mr. TYDINGS. Yes, I do; and when we got off on this subject, if the Senator will recall, I had just pictured that Russia and Germany had joined and divided up Poland. Then I had pictured that Italy had joined in that action, and it appeared that Japan was working in concert with them. If they should run out of territory to conquer or to satisfy their appetite, it is possible that those foreign nations, through a chain of circumstances which we ourselves might inadvertently set in motion, might altogether take the United States of America. That is not beyond the realm of possibility at all.

Mr. PEPPER. The possibility I surmised was that with the fleets of Great Britain and the United States standing together, I do not know of any naval force in the world that could invade this hemisphere.

Mr. TYDINGS. The trouble with the Senator's argument—and I believe he will agree with me—is, how do we know that Great Britain is going to withstand invasion by the Germans?

Mr. PEPPER. I am supposing that Britain will not lose the war.

Mr. TYDINGS. That is just the point; if Great Britain does not lose the war, then what we do with the fleet will not amount to anything anyway.

Mr. PEPPER. Because they will be ready to aid us.

Mr. TYDINGS. That is correct.

Mr. PEPPER. So then our safety is tied in with the maintenance of the British Fleet and the British Government.

Mr. TYDINGS. Oh, the Senator from Florida has made a loophole for himself and is trying to get out before I can get hold of him. The Senator said "if Britain won the war." He was assuming that our fleet, together with the English Fleet, could resist all other nations.

Mr. PEPPER. That is what I said.

Mr. TYDINGS. Very well. But I say suppose Britain should not win the war.

Mr. PEPPER. If Britain should not win the war, we could not in 5 years build a fleet that would give us half safety against the existing naval and military forces of the world, and the Senator knows it.

Mr. TYDINGS. Then, if the Senator's premise is sound, if Britain should win the war, we would be in no danger. We agree on that point, do we not?

Mr. PEPPER. Quite.

Mr. TYDINGS. The Senator says he would not declare war on Germany to help Britain win it. Am I right on that point?

Mr. PEPPER. I did say that at the present time I would not declare war on Germany.

Mr. TYDINGS. Very well. What can we do then?

Mr. PEPPER. There are a great many things we can do. One of them—to go back to that point—is that we can turn every automobile-manufacturing plant in the United States of America that is not engaged in making airplanes to building airplanes, and we can say to General Motors and Chrysler and Ford and all the rest of them, "You are going to build airplanes and sell them to Great Britain," because if Britain has air superiority Germany cannot win this war. If the British Fleet is maintained intact, Germany cannot jeopardize the safety of our continent.

Mr. TYDINGS. If, if, if!

Mr. PEPPER. Mr. President, let me finish. The safety of this continent depends upon the maintenance of the British Fleet. The amount of money the American taxpayer must spend for armament in America is partly determined by whether Britain's air force and fleet are maintained or collapse.

Mr. TYDINGS. If the French had only had so many more mechanical tanks; if the French had only had 10,000 airplanes; if the British had only had 10,000 airplanes; if the French had not gone forward from the little Maginot line to the support of Belgium and Holland; if there had not been any break through in Holland; if the French had not given up; if the French had not turned over their fleet to the Germans, when the French had solemnly agreed with the English that that would not be done; if the English had not destroyed part of the French Fleet at Oran; if the British had not destroyed the battle cruiser *Richelieu* this afternoon; if Japan was not moving in the Pacific; and if the English hold out against Germany—and if after that their fleet still is intact—oh, what a great bridge of "ifs" over which to carry the safety of 130,000,000 Americans!

Mr. PEPPER. Are we jeopardizing the defense of America, are we in any way impairing our own facilities by doing that which I have suggested, by making and selling airplanes to Britain? What sacrifice are we making by doing that?

Mr. TYDINGS. No one is objecting to that.

Mr. PEPPER. Then, the Senator from Maryland agrees that that would be a good thing?

Mr. TYDINGS. We are doing it already.

Mr. PEPPER. Mr. Ford is not making them, is he?

Mr. TYDINGS. I should not want to compel Mr. Ford to make them.

Mr. PEPPER. I see.

Mr. TYDINGS. Mr. Ford may do whatever he wants to do. I may not agree with what he thinks, perhaps. I do not agree with many people, and many people may not agree with me. But if we are to compel manufacturers to make only certain things, then let us go the whole hog and out-Hitler Hitler.

Mr. PEPPER. If, in order to defend America, it is necessary to compel people to do certain things, is the Senator agreeable to doing that?

Mr. TYDINGS. Mr. President, we are going far afield. I should rather discuss naval and military strategy.

Mr. PEPPER. One more question. The Senator from Maryland has been bemoaning the feeble effort of this Government to do things. What supreme proposals, what dynamic proposals does the Senator from Maryland make that would speed up the whole procedure and accelerate it? I should like to hear what the Senator would do.

Mr. TYDINGS. I shall be delighted to tell the Senator. If I had authority today I would cut every bit of red tape that surrounds the preparedness program.

Mr. PEPPER. What does the Senator mean by that? Let us be specific with respect to that program.

Mr. TYDINGS. I do not think the Senator wants me to do that.

Mr. PEPPER. I asked the Senator the question. I want to know what the Senator proposes the Congress shall do to defend America the way he thinks it ought to be done. I will vote for it if the Senator will propose such a thing.

Mr. TYDINGS. Mr. President, I shall refer again to the Naval Affairs Committee, of which my friend the Senator from Massachusetts, who was present a moment ago, is chairman. Only 3 or 4 months ago in that committee I proposed a 25-percent increase in the Navy. Think of it. Three or four months ago I made that proposal. My colleagues on that committee will recollect that. I see several of them here. The Senator from California [Mr. JOHNSON] is one, the Senator from Virginia [Mr. BYRD] is another. They know that in the committee I tried to get an authorization for a 25-percent increase in the Navy. Why did we not put that increase through then? Because those who came from the Navy Department in effect said that they were under injunction not to ask for more than 11-percent increase. And lo and behold, after 4 months had gone by we put through the other 14-percent increase, and lost 4 months in construction of naval vessels, which are going to be our first line of defense.

That is one way I tried to act to cut down the delay, the unconscionable delay. I agree with the Senator from Florida that the situation is serious. I do not want to be hypercritical and make broad sweeping statements, but I say that I believe that the time is rapidly coming, in fact, I believe it arrived several weeks ago, when we must expedite in every way we can, and far beyond what we have done up to the present time, the entire armament program. We must expedite enlistments. If we cannot get enough men by enlistment, if we cannot get more than 150,000 men a year, and we want an army of 400,000, we have to find ways and means to get the personnel.

Mr. PEPPER. Will the Senator support universal service?

Mr. TYDINGS. Of course, I will support it if there is no other way to get the troops necessary to protect this country.

Mr. PEPPER. How long is the Senator willing to wait until we see whether we get enough troops by voluntary enlistment?

Mr. TYDINGS. I am not the President of the United States. I am only one individual Senator. If I were President of the United States, I would not wait at all. Does that answer the Senator's question? Does not the Senator know that such a proposal could not be put through without the aid of this administration being thrown in the balance? What is the use of fooling ourselves?

Mr. PEPPER. If the administration recommends it, will the Senator from Maryland vote for it?

Mr. TYDINGS. I thought I answered that question a moment ago.

Mr. PEPPER. That is one thing the Senator from Maryland would do?

Mr. TYDINGS. Yes.

Mr. PEPPER. What else would the Senator do to accelerate our preparedness effort?

Mr. TYDINGS. I would not talk so much about meddling in foreign affairs, and talk more about home defense.

Mr. PEPPER. The Senator is having a little difficulty in being specific. Before he finishes I wish he would give the Congress a program so we can do something about it.

Mr. TYDINGS. Mr. President, that is childish argument, it seems to me. I tried here on the Senate floor only a month ago to get a tax bill written that would raise the money to help pay for this program, did I not? I did not hear the Senator from Florida support me in that effort.

Mr. PEPPER. The Senator from Texas offered a bill, and did the Senator from Maryland hear the statement of the Senator from Florida after the conference report on that bill was adopted?

Mr. TYDINGS. There was not a word said about taxes on the floor here then. I have been making talks every Monday morning about it, and put up charts so Senators could see them, and finally my good friend the Senator from

Mississippi [Mr. HARRISON] was kind enough to say—perhaps he was flattering me, but he said casually one day:

Millard, I think those talks of yours are beginning to bear some fruit. There is a movement now to have a tax bill designed to raise $600,000,000 or $700,000,000.

Who else advocated taxes here on the floor, besides members of the Committee on Finance?

Mr. PEPPER. The Senator from Texas.

Mr. TYDINGS. Who else? The Senator from Texas is on the Committee on Finance, is he not? The Senator did help. Other Senators have different means. Does the Senator call that cutting red tape? I would have had the tax bill on the books now.

Mr. PEPPER. The defense program is not being held up for lack of money, is it?

Mr. TYDINGS. I would quit political action and raise the money.

Mr. PEPPER. There are no bills being unpaid, are there?

Mr. TYDINGS. Everyone is scared to death about a German invasion. There is no program brought here that Congress does not put through in a week. There has been absolutely no dissenting vote here; everything that has been sent up has been approved. It is not my duty to evolve the policies for this Government. The Senator realizes that my program would not get very far. I tried to build up the Navy 25 percent some 4 months ago, and the administration was not in favor of it then. Now, 4 months later, the administration is in favor of it. I tried to get a tax bill written 2 months ago, and the administration was not in favor of it. A week later it was in favor of some increased taxation, and 2 weeks later it was in favor of a billion dollars more. The bill went to conference, and we got word finally, after 4 months had gone by, that we would finally have a tax bill.

Before the Senator asks me any more questions, let me ask him what has he done to effectuate the program the Senator from Maryland has suggested? Let us come into court with clean hands.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. TYDINGS. No; I will not yield now. This is a two-way street here, and I want to have this matter out. I will take care of myself, and let the Senator from Florida take care of himself.

Mr. PEPPER. I certainly would not want the virtue of the issues that we are discussing to be determined by the relative merits of the Senator from Maryland and the junior Senator from Florida.

The question is not what either of us has done that is so laudable. The question is what the country and the Congress can do to effectuate a preparedness program.

Mr. TYDINGS. That is just what I have been talking about.

Mr. PEPPER. The Senator from Florida stood on this floor and advocated a seven-point program which was more vigorous and would assure a more effective preparedness program than anything the Senator from Florida has yet heard from the Senator from Maryland. I challenge him to lay his program alongside that of the Senator from Florida and let the Congress and the country determine which one would get action first and best.

Mr. TYDINGS. The only point about the Senator's program is that he has got nowhere with any of his seven points, and I have got 100 percent with both my points.

Mr. President, I believe in preparedness; but the seven-point program reminds me of what the old politicians used to say: "You can always believe in three things and be elected to office: One, large appropriations; two, no taxes; and three, the American flag. They can never lick you on those."

Mr. PEPPER. Mr. President, will the Senator yield for a question?

Mr. TYDINGS. I would rather not yield, because I do not wish to prolong this debate by useless questions. However, I do not wish to be discourteous to the Senator. I will yield again.

Mr. PEPPER. This will be the last inquiry. If the Senator will examine those seven points, I think perhaps he will not repeat the accusation he has just implied, that they are glittering generalities.

Mr. TYDINGS. What points have been accomplished?

Mr. PEPPER. The first point was to give the President full wartime power to prepare to defend America.

Mr. TYDINGS. The President has had full wartime power for 7 years.

Mr. PEPPER. The Senator knows that that is not so.

Mr. TYDINGS. Very well. What is the second point?

Mr. PEPPER. Another phase of that program was to authorize the President to take into custody and confine any alien in this country whose freedom would, in his opinion, jeopardize the defense program. Is that a glittering generality?

Mr. TYDINGS. How many aliens has the President taken into personal custody since that power was conferred on him?

Mr. PEPPER. The President has not had such power, because Congress has never passed such a law.

Mr. TYDINGS. Then the Senator is not really putting his program over, as I put mine over.

Mr. PEPPER. I thought the Senator was going to discuss the specific nature of the program. If the Senator will remember the attitude he took when the seven-point program was offered, it was that it would confer dictatorial power and authority on the President.

Mr. TYDINGS. Yes; I remember it well.

Mr. PEPPER. And the Senator was not in favor of such a step. So he does not want to defend America in that way, and he does not offer any program of his own to speed up the program now in progress.

Mr. TYDINGS. Mr. President, I do not wish to continue this personal controversy with the Senator. The Senator is a good representative of his State. He is a man of his own opinion. He does the best he can, and so do I; and I do not want to reflect on him.

The Senator says we have accomplished nothing. We have a 25-percent increase in the Navy, have we not?

Mr. PEPPER. Yes; and in accordance with the recommendation of the administration a 70-percent increase is in progress.

Mr. TYDINGS. The Senator from Maryland was first in this body to advocate such an increase. We have a tax bill of $1,000,000,000 to pay for it, have we not? We also have a new tax bill written.

Mr. PEPPER. Does the Senator refer to the tax bill of the Senator from Mississippi [Mr. HARRISON] and of the Senator from Texas [Mr. CONNALLY]? To what bill does the Senator refer?

Mr. TYDINGS. I am saying that we have a tax bill. It is not my tax bill, but I think I can say without conceit that I believe I had some little part in helping to get a tax bill started in this body and in the other body. So I can show some little constructive efforts which have borne fruit.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. HARRISON. The Senator had much to do with the tax bill.

Mr. TYDINGS. I thank the Senator.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. TYDINGS. I wish to conclude. I will ask the Senator to be brief.

Mr. BARKLEY. I wish to cooperate with the Senator in concluding. I hope we may get away from the tax bill, conscription, and all the side issues, and return to the question before the Senate, so that we may obtain a vote on the nomination of Mr. Stimson. The Senator from Maryland has delivered a very interesting address——

Mr. TYDINGS. And he proposes to talk for as long as he desires. I ask the Senator from Kentucky please to take his seat so that I may conclude with all possible dispatch.

Mr. BARKLEY. I do not wish to irritate the Senator——

Mr. TYDINGS. I shall be the judge of when I speak and how long I shall speak.

Mr. BARKLEY. I appreciate that. I was hoping——

Mr. TYDINGS. This debate has been prolonged because I have wanted to be kind and tolerant. I have gone far afield, and I do not feel that I am now called upon further to yield.

Mr. BARKLEY. I merely wished to say to the Senator that if I can cooperate with him in courteously yielding or refusing to yield to the distinguished Senator from Florida, to whom he has been extremely courteous, I wish to offer my services in that connection. I did not mean in any way to irritate the Senator from Maryland by suggesting that we get back to the question before the Senate.

Mr. TYDINGS. The Senator is very tolerant and kindly. If occasionally I exhibit a little heat, he knows that it is not from lack of affection or regard for him, because I have both in quantity.

Mr. President, I have painted the picture. All the byroads up which we have gone in this debate in response to the questions of the Senator from Florida have nothing to do with the essential facts in the case. The naked truth is that on land we are woefully unprepared. First, I should say that on sea we are splendidly prepared. With the exception of a modern air force, more modern planes, our Navy is the finest afloat. Its personnel and its morale are of the very best; but on land we are pitifully unprepared. Part of that has been due to our traditional policy to have a small Army, relying on our Navy; but the point is that if we were to go into the war now, we probably could not throw any decisive factor into the balance. If we were to go into the war we might find that Great Britain, as much as the Senator from Florida and I would like to see her survive, would go down, and we might even see the British Fleet in the same position in which the French Fleet now is. If that should happen, we should be left alone, with no allies.

So I cannot believe that at this juncture, in our present state of unpreparedness, we ought to induct into the Cabinet men whose definite philosophy is one of intervention.

On the first day of the hearings I thought that Colonel Knox was pretty much of an interventionist in the light of facts which an able committee brought out; and, in answer to specific questions, he gradually restricted his intervention aspirations and ideas until on the last day I did not think there was much difference between Colonel Knox and myself on that point. However, I feel that basically, emotionally, and inspirationally the colonel would like to go to the aid of the Allies; and inasmuch as it is proposed to place him at the head of a Department which has recently to some extent been stripped of some of its necessary equipment, I do not believe, much as I like him, much as I admire him, much as I respect him, that the thing should be judged on the general lines upon which nominations are usually judged.

I want to see to it that this country shall not be driven inch by inch into war. So far as my vote is concerned, I intend to cast it to keep America out of war, certainly so long as it is unprepared.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. TYDINGS. I prefer not to yield.

Finally, if we are drawn into this war, the picture of the totalitarian nations banded together, as well they might be, putting us in a position in which we should invite their attack, is one which we ought to avoid if we can.

For all these reasons, without reflecting on either of the nominees in the slightest degree, and even though I admire and like Colonel Knox, I shall cast my vote against confirmation of the nominations of both these men.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the joint resolution (S. J. Res. 283) authorizing Col. Donald H. Connolly to hold the office of Administrator of Civil Aeronautics in the Department of Commerce.

BERT W. HELMER—VETO MESSAGE (S. DOC. NO. 253)

As is legislative session,

The PRESIDING OFFICER (Mr. MEAD in the chair) laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying bill, referred to the Committee on Pensions and ordered to be printed:

To the Senate:

I am returning herewith, without my approval, S. 1009, "granting a pension to Bert W. Helmer."

It is the purpose of the bill to authorize and direct the Administrator of Veterans' Affairs to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bert W. Helmer, late of the United States Coast Guard, and pay him a pension at the rate of $30 per month.

This veteran filed an application in August 1934 for pension on account of tuberculosis alleged to have resulted from his service in the United States Coast Guard. He is not entitled to pension for the reason that the disability was incurred prior to the approval of the act of July 2, 1930, "An act to apply the pension laws to the Coast Guard."

Aside from any question of merit in this or other similar cases, approval of this bill is objectionable for the following reasons: First, it would give preferential treatment to this claimant over others whose claims are equally meritorious; second, it would arbitrarily fix a rate of pension without the usual administrative investigation and appraisal of the degree of disability and service connection; and, third, it would perpetuate, without change, a rate of pension which would not take cognizance of any change in the disability status of the veteran.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *July 9, 1940.*

HENRY L. STIMSON

The Senate resumed the consideration of the nomination of Henry L. Stimson, of New York, to be Secretary of War.

Mr. CLARK of Missouri. Mr. President, within a few hours after the nominations of Colonel Stimson and Colonel Knox were sent to the Senate, I stated upon this floor that it was my intention to vote against the confirmation of both of them, not because I had any doubt as to the patriotism of either, not because I doubted the high character of either, not because either was a Republican, and not because they were both reactionaries along political lines.

I do not desire to detain the Senate unnecessarily by restating what I stated on that occasion. I desire only to say that the testimony before the Military Affairs Committee in the case of Colonel Stimson, and before the Naval Affairs Committee in the case of Colonel Knox, has abundantly justified the statement which I made on that occasion, that Colonel Stimson and Colonel Knox are both interventionists.

Mr. President, as I read the record before both committees, there has been no dispute as to the facts going to make up the record of Colonel Stimson and of Colonel Knox. They admit the facts. They admit the theory. They admit the positions which they have maintained in the past, and which they are now maintaining. They only quibble about the use of the term "interventionist."

I insist that the testimony of Colonel Stimson before the Military Affairs Committee, and of Colonel Knox before the Naval Affairs Committee, is in each case a perfect portrait drawn by the skillful hand of an interventionist—in each case by his own hand. They may deny that the policies which they have advocated, and which neither has recanted except to a very minor extent in the case of Colonel Knox, constitute intervention.

Mr. President, when it is said that Colonel Stimson recommends the use of the United States Navy in convoying munitions to a belligerent; when it is said that Colonel Stimson recommends turning over United States naval vessels to belligerents, he may deny as much as he pleases the applicability of the term "interventionist." The fact still remains that he

is in favor of committing the United States to a course of war—war not next year, not war 2 years from now, but war the very moment his recommendations are carried into effect.

The poet said:

> You may break, you may shatter the vase if you will,
> But the scent of the roses will hang round it still.

And Colonel Stimson and Colonel Knox may deny as much as they please the use of the term "interventionist," but the fact remains that the policies which they have recommended and still recommend constitute intervention, and constitute a course designed to take the United States into war.

Mr. President, the suggestion has been made here by the Senator from Texas [Mr. SHEPPARD], the chairman of the committee, for whom I have very great respect and affection, that the purpose of the appointment of Colonel Stimson and Colonel Knox is to present an appearance of national solidarity. The suggestion has been made that it is a coalition Cabinet. It is no such thing. The opposition to Colonel Stimson and Colonel Knox does not come because they are Republicans. Heaven knows, during the past 7 years we have confirmed enough persons in the Cabinet who were not Democrats. [Laughter.] On the first day of the first special session, on the day the President was sworn into office on the 4th of March 1933, we confirmed Secretary Ickes, Secretary Wallace, and Secretary Perkins, none of whom had ever claimed to be a Democrat. It was done without a dissenting voice, without the slightest semblance of dispute or debate; and so far as Colonel Knox and Colonel Stimson being Republicans is concerned, there would not be a single dissenting voice on the floor of the Senate today as to their confirmation.

It is said that these nominations are in the interest of national solidarity, a coalition Cabinet. Mr. President, let us see what a coalition Cabinet is. Under a government employing the ministerial system—which we do not have—a coalition Cabinet is one bringing together the various parties, at least two or more of the various parties in the country, for a common purpose. The idea of a coalition Cabinet presupposes that the representatives coming to the Cabinet shall be the representatives by authority of the parties which they are supposed to represent.

In the last war we all recall that when the British formed a coalition Cabinet, before Mr. Bonar Law, the leader of the opposition, entered the coalition Cabinet there was a meeting of the conservative members of the House of Commons, who authorized and directed Mr. Law as their representative to enter the coalition Cabinet. He and other members of the various parties, as the representatives and by the authority of their parties, laid aside party lines and entered the Cabinet and pursued a common purpose. At the end of the war, when the Conservative Party instructed Mr. Bonar Law to withdraw from the coalition Cabinet, from the Lloyd George Cabinet, Mr. Bonar Law withdrew, and the Cabinet fell. In the present war, Mr. Atlee, leader of the Labor Party, only entered a coalition Cabinet by authority of the great party, which he led. In other words, a coalition Cabinet presupposes a responsible representation.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield to the Senator from Illinois.

Mr. LUCAS. Will the distinguished Senator from Missouri advise me who has said that this is a coalition Cabinet?

Mr. CLARK of Missouri. It has been repeatedly said on this floor and off this floor. It has been put out by the ballyhooers in favor of the confirmation of Colonel Knox and Colonel Stimson.

Mr. LUCAS. I am in favor of the confirmation of the nominees, though I have not been one of the ballyhooers; but I have never understood in the slightest sense that this is a coalition Cabinet, if I understand what the term "coalition Cabinet" means; and certainly Colonel Knox does not understand that it is a coalition Cabinet, because he explained that very thoroughly.

Mr. CLARK of Missouri. If the Senator from Illinois heard the distinguished chairman of the committee——

Mr. LUCAS. I did not.

Mr. CLARK of Missouri. He stated that these appointments were in the interest of national solidarity. I am coming to that in just a minute, if the Senator will permit me.

Mr. SHEPPARD. Mr. President, that does not mean a political coalition.

Mr. CLARK of Missouri. Well, that was the implication. If the Senator from Illinois and the Senator from Texas will permit me, I will come to that point in just a moment.

Mr. President, the purpose, the only purpose of the appointment of these two gentlemen—who, so far as any party ties are concerned, apparently do not represent anybody except themselves—is not a coalition Cabinet, not a Cabinet in the interest of national solidarity, but a war Cabinet. Why else should two distinguished gentlemen be selected, the two outstanding advocates in the whole Republican Party, and possibly in the whole United States of intervention, of measures inevitably and directly leading to war, except to set up a Cabinet which would be known as being willing to carry out such policies? Why should Colonel Stimson, the leading interventionist of the country, succeed Harry Woodring, known to all men to be the leading noninterventionist member of the Cabinet for the past several years, except for the purpose of establishing the very policies which Colonel Knox and Colonel Stimson have advocated and made their own?

Mr. HOLT. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield to the Senator from West Virginia.

Mr. HOLT. I wish to advise the Senator from Missouri that Colonel Knox's own newspaper, the Chicago Daily News, had in large, black type clear across the front page this headline:

> Coalition for United States.
> Knox, Stimson, nominated for Cabinet posts.
> Roosevelt chooses two Republicans in action without precedent.

That is the headline on the front page of Colonel Knox's own newspaper.

Mr. CLARK of Missouri. I thank the Senator.

Mr. President, it is for this reason that with very great regret I find myself unable to vote for the confirmation of either Colonel Stimson or Colonel Knox. As I said the other day, I have known Colonel Knox for a great many years, and have the very highest respect for his character, his ability, and his patriotism; and I am happy to say that for many years I have enjoyed his friendship. I am not acquainted with Colonel Stimson, but I have a high regard for his patriotism and his ability and standing. But for the reason that the confirmation of the nominations of these two gentlemen will inevitably be taken, as their nominations already have been taken, abroad and in this country, as the constitution of a war Cabinet, one geared for intervention, I find myself completely unable to vote for the confirmation of either one.

Mr. SHIPSTEAD. Mr. President, on account of the lateness of the hour I shall not take the time of the Senate to discuss at any length, from my point of view, the issue raised by the nomination which is now before the Senate. It is quite apparent that the issue is clearly drawn. We have advanced very far into interfering in foreign affairs.

I do not question the patriotism of any man who disagrees with some of us who deplore the intervention we have already taken. We have not been neutral. We admit that we are not neutral. We say that we are going to go as far as we can without going to war; that we will do everything short of war. Applying that to men as to nations means the same to me as if we would say to a man, "I will kick you in the shins, I will spit in your face, but I will not fight."

Americans have a reputation far different from that. I do not think America is afraid to fight when there is occasion for it, but I cannot help remembering, having read history, how well we did in 150 years, starting with a little strip along the Atlantic and becoming the most powerful nation in the world, and the envy of the world, by minding

our own affairs. Our people came here to escape the religious persecutions and the political prejudices and upheavals and wars of Europe. They came here to find sanctuary, and they were protected here under our Constitution. We became great because we were true to our confession of faith, until we began to go back to the things from which our people from the beginning escaped, and started to experiment again, to go back to the political travesties of Europe.

I question the point of view but not the patriotism or the honesty of Mr. Stimson or Mr. Knox. Honest men may differ. Those of us who are called isolationists have been maligned because we have stuck to the old fundamental doctrine which we have followed so long in foreign policy, which has made the United States what it is today, because we believe that the place to defend American institutions is on American soil, where they first found life on this earth. Those who want to go back and intervene in the politics and the wars of Europe I have no doubt are as patriotic as we are. I do not want to malign them, but I cannot agree with them.

I have never had bad neighbors, but if I did I would not go out in front of their houses and call them names. I notice that a man who goes around among his neighbors and tells them how to run their business, and finds fault with the way in which they run their business, always neglects his own. A man's first duty is to attend to his own business, and to take care of his own family. Our first duty is to take care of the United States and its people, to protect ourselves and to protect them, by military force if necessary, and by our lives if necessary, against the shambles ruining and degrading Europe, the result of centuries of religious and political conflicts.

Doctrines and problems from which our people from the very beginning, from the descendants of those who came over on the *Mayflower*, came here to escape, we will avoid so long as we keep from meddling. The last experiment we made has not yet been paid for nor its malignant results appraised. We were told we were going over in a holy crusade, a holy crusade to make a new world, to save democracy. In that experiment we went to the aid of the Czar of Russia, with his imperial government, and of the Emperor of Japan, fighting for democracy. When we had finished, we first found out what the game was about when the secret treaties came out, which showed how the other powers had under the table dealt the cards to divide the world among themselves. Then we knew they were not fighting for democracy at all, but, as Woodrow Wilson said after the war was over in a speech at St. Louis, he discovered that the World War was fought for trade, and commerce, and land, and oil fields.

Two or three years ago we discovered the secret treaties had been in the State Department since 1917, yet President Wilson, who led us into that crusade, when he came back from his first trip to Paris, said to the Senate Foreign Relations Committee that he did not know anything about the treaties until his first trip to Paris; but they had been here for more than 2 years, placed in the State Department by Mr. Balfour.

Now here we are, the sons of every race in Europe, the descendants of people who came here to escape the persecutions of Europe and the troubles of Europe. This country has been a refuge, so far, for the poverty-stricken and the persecuted races and peoples of every country. They have been protected here. They could come with their own language, with their children, and build their homes, and they could become citizens. They could sing the songs they sang in the old country, and no one interfered with them. They could worship God according to the dictates of their conscience, in the kind of a church in which they worshipped in the old country. It did not make any difference what creed or what race they came from, they all had the same protection from our courts and our Constitution. There have been waves of religious and political prejudice here, but they made no headway, because, no matter who the people were, they were protected in their right to the pursuit of happiness, to freedom of speech, freedom of assembly, freedom of worship. Have American institutions cost the recent generations so little that they consider them cheap? Their fathers paid a heavy price in toil, thrift, self-denial to build our country and foster, encourage, and preserve them.

Mr. President, it seems to me that we are on dangerous ground when we forget our glorious past, that we are on safe ground when we follow the road of keeping out of the coils of Europe, under the advice of our first President, George Washington, and of Jefferson, Monroe, Andrew Jackson, and Grover Cleveland. We followed that advice from the time we were small until we became great. I sometimes think that now we are worthy of being great. Can we so remain? We can remain great, by being true to our confession of faith, our national political confession of faith, which our founders wrote in the Declaration of Independence, and later the Constitution.

A nation which remains true to its confession of faith—like a man—cannot go far wrong. But we have been importuned since the last World War, propagandized with the idea of the inevitablity, as we are told, of getting into the next world war, which is now upon us. The propaganda has been very well organized, and has been persistent, to instill into the minds of our people the idea that whenever there is a war in any part of the world we must necessarily go in. That is a new doctrine. That is the internationalist doctrine. That is not the doctrine of one who pays first attention to the salvation and the safety of his own country. Of course, we abhor these dictatorial forms of government which mean political slavery. People who do not know history, do not know that old forms have been resurrected from the political garbage dump heaps of the past, and painted up and given new names, and sold to the gullible as new methods and processes for economic and political salvation for the human race.

The question is: Are we, with what little defense means we have, to venture upon another experiment, to do missionary work with bomb and bayonet all over the world, when, as I believe, we have plenty to do to look after our own affairs and to protect our own shores? We have 20,000,000 people on relief who we should put back to work. They are in that condition as a result of our experiment in the last war. The cost of that experiment has not been calculated to this day. It cost the Federal Government $5,000,000,000 to fight the so-called Civil War for 4 years, and for the 3 years of reconstruction. We know now that the last World War experiment has cost us $50,000,000,000 up to date, and I do not know how much it will cost us in the future by reason of the depression that was caused by the collapse of our national economy, which is still with us. Then we have the expenses of pensions, and the costs of operating hospitals all over the country, hospitals filled with ruined victims, thousands with mutilated bodies, many insane.

If we could save Europe that would be one thing. Europe is going to pieces. Europe is conducting its wars on paper money, and is rapidly ruining its credit and its currencies. Last winter there were millions of hungry men and women in Europe, and next winter there will be ten times as many.

What can we do to save Europe? Europe must save itself. The United States must save itself. I cannot agree with those who want to interfere with war in Europe on the assumption that we are the richest Nation in the world, and that we can save the world simply by spending money. The strength of a nation depends upon the moral character of its citizenship, upon its production, upon its courage and willingness to labor and toil, and not to waste. We are a wasteful Nation. We waste almost as much in times of peace as other people do in times of war.

We speak of going to war to save democracy. War does not save democracy. Mechanized war destroys democracy. War is the greatest enemy of democracy in these modern days, because it brings national bankruptcy, and national bankruptcy brings hunger, unemployment and famine and suffering, and that is the best soil in which to grow dis-

order, discontent, and revolution. Instead of saving democracy I am afraid the World War will end all democracy that is left in Europe.

I do not believe the democratic form of governments of Europe or the constitutional form of government, such as ours, can be maintained and sustained, defended and preserved on a bankrupt national economy.

I do not question the honesty or the patriotism of those who ever since the last World War have been prepared to get us into the World War that is now in progress. But have they every stopped to think that if we get into this world war, and we may prolong the war for 5 years, it may destroy whatever democracy is left? Are they perfectly sure that no matter who wins in this war there will be any democracy left?

We told the boys we sent into the last World-War experiment that they were going on a great crusade to make an entirely new order of society. Cannot the statesmen who in good faith are now trying to get us into the world war be a little bit more honest with the boys who would be sent overseas in the event we enter the war? Are you absolutely sure that there will be a better order in Europe? Are you absolutely sure that it will restore to the world a more idealistic democratic society? Did you ever stop to think that it may ruin whatever democracy and civilization is left, including our own?

I do not know whether he was correctly quoted or not, but at least some years ago Mr. Churchill, of England, was quoted as saying that because the United States entered into the last World War the war was prolonged for a year longer than it would have otherwise lasted, and resulted in a worse treaty of peace than would have been made had a negotiated treaty been entered into.

The people of England are fighting for their lives in good faith, and I agree with the Senator from Maryland [Mr. TYDINGS] when he said that every nation, no matter how good its people, no matter what its form of government, when it is fighting in a war fights for its own salvation, and it will do whatever it finds necessary to do to save its life, and I do not blame it. I cannot agree with the interventionists, who evidently want to drive us into this world war, although they have not had the courage to come out openly and say it to this day. The writing, however, is on the wall as plainly as though it were written there by the hand of God Almighty Himself, that that is what they mean. I cannot agree with them.

Mr. President, I say I cannot vote for the confirmation of Mr. Stimson. I do not question his patriotism or his honesty, or his ability.

Much is said about unity. There cannot be unity among 130,000,000 people on a question so vital as that, studying it in the light of the history of the past, and we have no light to guide our future except the light of the past.

I ask unanimous consent that there be printed in connection with my remarks an editorial from the newspaper called The Wanderer, of St. Paul, Minn.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the St. Paul Wanderer of June 27, 1940]

FEAR OF INVASION

In his address before the House of Commons on June 18, Prime Minister Churchill briefly stated the facts of the colossal military disaster which overtook France. He then estimated the chances of invasion of England, both from the sea and from the air. If his words were reassuring to the people of the British Isles they certainly ought to be reassuring to the people of this country. Americans are now being bombarded with the fear that when Hitler has finished off France and England he will marshall his forces to conquer South and North America. Many Americans are succumbing to this fear. A panic of fear is running through the country. President Roosevelt unfortunately is feeding its flames. The fear hysteria is giving him another opportunity to spend some five to ten billions of dollars prior to the November elections.

With regard to an invasion from the sea, Prime Minister Churchill said: "Now we must remember that even 5 divisions, even lightly equipped, would require 200 to 250 ships, and with modern air reconnaissance and photography, it would not be easy to collect such an armada and marshall it across the seas with any powerful naval force to escort it with any possibility that it would not be intercepted long before it reached the coast and the men all drowned in the sea, or at the worst, blown to pieces with their equipment when they were trying to land."

Americans ought to ponder these words. They come from a man who is an expert in naval affairs. If such are the difficulties an invading force would face in trying to span less than a hundred miles of sea, what would be the difficulties in trying to reach American shores over 3,000 miles of water? The men of the Navy at Washington are not giving the American people the full facts as to the difficulties that would be incurred by a foreign invading armed force. They see a chance now to get billions of dollars to spend which under normal conditions of mind they would not get.

Prime Minister Churchill then touched on the chances of invasion from the air. While not underrating the power and number of the German air forces, he showed what difficulties would be encountered by an invasion from the air, and concluded: "It seems quite clear that no invasion on a scale beyond the capacity of our ground forces to crush speedily is likely to take place from the air until our air force has been definitely overpowered." In proportion as the distance from air bases to enemy military objectives increases the difficulties of invasion by air increase. Even Hitler knew this, and hence against all rights and treaties invaded the Netherlands and Belgium in order to have air bases from which to operate closer to England.

Sinister forces are at work in order to draw the American people into a war which is not of their making and with which they have nothing to do. The American people want peace. To have it, it is necessary to keep cool and rational.

Mr. WALSH. Mr. President, in my opinion there is a sharp distinction between the case of Mr. Stimson, nominee for Secretary of War, and that of Colonel Knox, nominee for Secretary of the Navy. Both of the nominees are able and patriotic citizens; and I am willing to pass over their somewhat extreme views, frequently expressed, in reference to the extent to which governmental aid should be given to the Allies.

I am unwilling, however, to advise the President to put at the head of the War Department a citizen who advocates policies that, in my judgment, would invite, if not actually precipitate, our entry into the European war. The country is opposed to war, the President has declared himself against war, yet Mr. Stimson on his own statements is one of the strongest interventionists in the Nation, and has been boldly outspoken in developing the war spirit in America.

Mr. Stimson's public declaration before his nomination as Secretary of War, and which he does not deny, precludes my giving my consent and advice to his confirmation. Two days before his nomination Mr. Stimson recommended that this country should immediately throw open all its ports to the British and French naval and merchant marines for all repairs, refueling, and other services. Mr. Stimson himself admits that this is an unneutral act. In my opinion, it is an act of war, an invitation to bring the European war to our own ports.

In contrast with this statement of Mr. Stimson is the statement of Colonel Knox before the Committee on Naval Affairs. I quote:

> I should think we would have to intern every belligerent warship that comes into our ports.

Mr. Stimson also said, two days before his nomination, that we should send planes and other munitions (admittedly contrabands of war) to Britain and France, if necessary in our own ships and under convoy. Such a course of action would, in my opinion, permit American ships filled with munitions to go into foreign combat zones, where our own laws now prohibit them from going. He would even go further, and permit them to be convoyed by the American Navy, which, of course, would be making our naval vessels subject to immediate attack, and we would be participating immediately in the European war. Other statements made by Mr. Stimson indicate his conviction that we should have entered the war some time ago.

In view of the evidence in these two cases, and my own strong opposition to any action by our Government that would tend to involve us in the European war, I cannot consent and advise the President to place Mr. Stimson in the important post of Secretary of War.

As to Colonel Knox, I shall vote for his confirmation, for he has denied entertaining any such war-provocating sentiments and his views with respect to speeding up our naval-vessel and aircraft-building program, so as to provide our

country with an impregnable defense are in accord with the sentiments of the country.

Mr. BARKLEY. Mr. President, I had intended to make some brief observations, as I thought it my duty to do, concerning the nomination now pending before the Senate. I had purposed to do so largely because most of the addresses—in fact, all of them except the address delivered by the able Senator from Texas [Mr. SHEPPARD]—have been made in opposition to the nominations of Mr. Stimson and Colonel Knox. However, it is very desirable that we conclude the consideration of this nomination and vote before we adjourn for the day. Therefore I shall not detain the Senate with any extended remarks on the subject.

It seems that the bulk of the opposition to Colonel Stimson grows out of the fact that on the 18th of June he made a speech in which he expressed certain views, among them being the view that he would repeal the neutrality law now on the statute books. I do not recognize any fundamental difference between the views of a man who would repeal a law now on the statute books and the views of those who voted against putting it in the statutes in the original situation. So I do not think his nomination should be rejected because if he were a member of the legislative body he would vote to repeal the Neutrality Act.

In his address on the 18th of June he conveyed the opinion that it would be in the interest of the United States and our defense to open up our ports to the repair and refueling of British ships. As I have read the testimony of Colonel Stimson, his entire speech, and his attitude in the speech on the 18th, were based upon his conception of the defense and the best interests of the United States. Many men of honest judgment and views differ as to the best way of defending the United States.

In his speech he also suggested that we might convoy munitions to the belligerent nations of Europe. I myself certainly disagree with that view. No matter how strongly Colonel Stimson entertains it, he could not execute it as Secretary of War. Nobody could execute it as Secretary of War. Nobody could execute it as Secretary of the Navy unless the Congress itself should pass legislation authorizing and directing that that course be pursued.

In a world of chaos and confusion, such as that in which we are living today, it is perfectly natural for honest and patriotic men to disagree about the best course to pursue in defending our own rights and our own country; and yet it is hardly fair to say that because men disagree as to the best method of defending our own country and guarding against future dangers they are to be denied the opportunity of service to our country. Such disagreements cut through all strata of our society. They cut through political lines. They cut through religious differences. They cut through all grades of our society and our population. On any street corner in America heated arguments may be found in progress—probably at this very hour—over what is the best course to be pursued by the United States in protecting our interests.

It has been my feeling, and it is now my feeling, that we ought not to be swept off our feet by emotion. We have our emotions and our prejudices. We have our deep-rooted conceptions of the rights of men and of liberty; yet we cannot afford, as Members of the Senate and as responsible officers of the Government, to allow ourselves to be swept aside from the performance of our duty merely by emotion. We must mix judgment and discretion with emotion.

Thirty years ago Colonel Stimson was Secretary of War under President Taft. He was an able Secretary of War, and he has maintained his familiarity with the War Department from that time until this. He was Secretary of State under Mr. Hoover. He was an able, conscientious, and, I may say, outstanding Secretary of State. I have heretofore said—and I believe it will bear repetition—that if some of his recommendations and views had been carried out by other nations during his incumbency as Secretary of State, the world might not be found in its present tragic situation.

Whatever Mr. Stimson's views may have been as a private citizen, no doubt without any contemplation that he would be again called into public service, as he says in his testimony, I have faith to believe that in the discharge of his duties as head of the War Department he will have single-mindedness of purpose in undertaking to build up our defenses to guard our Nation and our hemisphere in the protection of all the rights which Americans regard as sacred.

Whether or not there should be a coalition Cabinet is immaterial. Whatever may be our views as to the merits of the European war, they seem to me to be immaterial and beside the point. Nobody disputes or doubts Mr. Stimson's ability, his integrity, or his patriotism. If, because of their differences of opinion, we are to deny to outstanding Americans the opportunity to serve their country we might even say that that distinction ought to be carried even to the voters, and that they should not be allowed to vote for or against men who are candidates for public office because their opinions do not happen to agree.

Mr. President, I hope the nomination of Colonel Stimson will be confirmed by the Senate in the interest of American unity, not because there are not thousands of Democrats in the country who are qualified to be Secretary of War, but because in these days our defense program is not partisan. It is neither Democratic nor Republican. If war should overtake us—which God forbid it should ever do—it would be neither a Democratic nor a Republican war, but an American conflict in defense of our rights and our institutions.

If such be our hope and aspiration, certainly it seems to me that we do not endanger our safety, our peace, or our defense by inviting into the Cabinet of a Democratic President an outstanding Republican who has spent most of his life in the interest of peace, advocating peace, and working for peace, not only in our country but throughout all the nations of the world.

I ask for the yeas and nays on the confirmation of Mr. Stimson's nomination.

The yeas and nays were ordered.

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Davis	Lodge	Schwellenbach
Andrews	Downey	Lucas	Sheppard
Ashurst	Ellender	Lundeen	Shipstead
Austin	Gerry	McCarran	Slattery
Bailey	Gibson	McKellar	Smith
Barbour	Gillette	McNary	Stewart
Barkley	Green	Maloney	Taft
Bilbo	Guffey	Mead	Thomas, Idaho
Bone	Gurney	Miller	Thomas, Okla.
Bridges	Hale	Minton	Thomas, Utah
Bulow	Harrison	Murray	Tobey
Burke	Hatch	Neely	Townsend
Byrd	Hayden	Norris	Tydings
Byrnes	Herring	Nye	Vandenberg
Capper	Hill	O'Mahoney	Van Nuys
Caraway	Holman	Overton	Walsh
Chandler	Holt	Pepper	Wheeler
Chavez	Hughes	Pittman	White
Clark, Idaho	Johnson, Calif.	Radcliffe	Wiley
Clark, Mo.	Johnson, Colo.	Reed	
Connally	King	Reynolds	
Danaher	La Follette	Schwartz	

The PRESIDING OFFICER. Eighty-five Senators have answered to their names. A quorum is present.

The question is, Will the Senate advise and consent to the nomination of Henry L. Stimson to be Secretary of War? On that question the yeas and nays have been demanded and ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NYE (when Mr. FRAZIER's name was called). My colleague [Mr. FRAZIER] is paired on this question with the senior Senator from Alabama [Mr. BANKHEAD]. If the Senator from Alabama were present, I am advised that he would vote "yea." If my colleague were present, he would vote "nay."

Mr. KING (when Mr. GEORGE's name was called). The senior Senator from Georgia [Mr. GEORGE] was compelled to leave the Chamber because of a previous engagement which he could not avoid. He authorized me to state that if present he would vote "yea." He also authorized me to state that his colleague the junior Senator from Georgia [Mr. RUSSELL], if present, would vote "yea."

Mr. THOMAS of Oklahoma (when Mr. LEE's name was called). My colleague the junior Senator from Oklahoma [Mr. LEE] is absent on public business. Were he present he would vote "yea."

Mr. SHIPSTEAD (when his name was called). I have a pair with the senior Senator from Virginia [Mr. GLASS]. I am informed that if present he would vote "yea." If I were at liberty to vote, I should vote "nay." I withhold my vote.

Mr. CLARK of Missouri (when Mr. TRUMAN's name was called). My colleague the junior Senator from Missouri [Mr. TRUMAN] is unavoidably detained on important public business. I am not advised how he would vote if present.

The PRESIDING OFFICER (when Mr. WAGNER's name was called). The present occupant of the chair announces the unavoidable absence of his colleague the senior Senator from New York [Mr. WAGNER]. If he were present, he would vote "yea."

The roll call was concluded.

Mr. HILL. My colleague the senior Senator from Alabama [Mr. BANKHEAD] is absent on important public business.

Mr. MINTON. I announce that the Senator from Michigan [Mr. BROWN] and the Senator from New Jersey [Mr. SMATHERS] are both unavoidably detained from the Senate. If present, they would both vote "yea." The Senator from Ohio [Mr. DONAHEY] is necessarily absent.

Mr. BYRD. My colleague the senior Senator from Virginia [Mr. GLASS] is necessarily detained. If present, he would vote "yea."

The result was announced—yeas 56, nays 28, as follows:

YEAS—56

Adams	Chavez	Herring	O'Mahoney
Andrews	Connally	Hill	Overton
Ashurst	Davis	Hughes	Pepper
Austin	Downey	King	Pittman
Bailey	Ellender	Lodge	Radcliffe
Barbour	Gerry	Lucas	Reynolds
Barkley	Gibson	McKellar	Schwartz
Bilbo	Green	McNary	Schwellenbach
Bridges	Guffey	Maloney	Sheppard
Burke	Gurney	Mead	Slattery
Byrd	Hale	Miller	Stewart
Byrnes	Harrison	Minton	Thomas, Okla.
Caraway	Hatch	Neely	Thomas, Utah
Chandler	Hayden	Norris	White

NAYS—28

Bone	Holman	Murray	Townsend
Bulow	Holt	Nye	Tydings
Capper	Johnson, Calif.	Reed	Vandenberg
Clark, Idaho	Johnson, Colo.	Smith	Van Nuys
Clark, Mo.	La Follette	Taft	Walsh
Danaher	Lundeen	Thomas, Idaho	Wheeler
Gillette	McCarran	Tobey	Wiley

NOT VOTING—12

Bankhead	Frazier	Lee	Smathers
Brown	George	Russell	Truman
Donahey	Glass	Shipstead	Wagner

So the nomination of Henry L. Stimson to be Secretary of War was confirmed.

Mr. BARKLEY. Mr. President, I ask unanimous consent that the President be notified immediately of the action of the Senate in confirming the nomination of Mr. Stimson to be Secretary of War.

The PRESIDING OFFICER. Without objection, the President will be notified.

Mr. BARKLEY. In view of the lateness of the hour we shall not attempt to take up the nomination of Colonel Knox to be Secretary of the Navy until tomorrow, but I ask that the remaining nominations on the executive calendar be acted on at this time.

PUBLIC UTILITIES COMMISSION

Mr. McCARRAN. I report favorably from the Committee on the District of Columbia the nomination of Mr. Riley E. Elgen to be a member of the Public Utilities Commission of the District of Columbia. In view of the fact that Mr. Elgen is out of office, and that the Commission is without a chairman, and that a majority of the Committee on the District of Columbia recommended the confirmation of Mr. Elgen, I ask unanimous consent that Mr. Elgen's nomination be considered at this time.

Mr. McNARY. Mr. President, has the committee reported favorably on the nomination?

Mr. McCARRAN. The committee reported favorably on the nomination.

The PRESIDING OFFICER. Is there objection to the present consideration of the nomination? The Chair hears none, and without objection, the nomination is confirmed.

Mr. McCARRAN. I ask unanimous consent that the President be immediately notified.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the President will be notified.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

IN THE NAVY

Mr. WALSH. Mr. President, from the Committee on Naval Affairs, I report favorably sundry nominations of persons for promotion in the Navy, which were made by the President today. These nominations are entirely of routine character and total several hundred, and because of the large amount of printing involved, I ask unanimous consent for present consideration and confirmation.

The PRESIDING OFFICER. Is there objection to the present consideration of the nominations? The Chair hears none, and the nominations are confirmed.

Mr. WALSH. Mr. President, I ask unanimous consent that the President be at once advised of the confirmations.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the President will be immediately notified.

EXECUTIVE REPORTS OF COMMITTEES

Mr. WALSH, from the Committee on Naval Affairs, reported favorably the nominations of sundry officers for promotion, and citizens for appointment as second lieutenants in the Marine Corps.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

Mr. ADAMS, from the Committee on Public Lands and Surveys, reported favorably the nomination of Mrs. Evelyn Adams Whyte, of California, to be recorder of the General Land Office [reappointment].

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the next nomination on the Executive Calendar.

FEDERAL HOME LOAN BANK BOARD

The legislative clerk read the nomination of William H. Husband to be a member of the Federal Home Loan Bank Board.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask unanimous consent that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed. That concludes the calendar.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 2717. An act for the relief of Edward J. Broggi;

S. 3676. An act to withdraw certain portions of land within the Hawaii National Park and to transfer the same to the jurisdiction and control of the Secretary of War for military purposes;

S. 3720. An act to create and establish a Board of Funeral Directors and Embalmers for the District of Columbia and to prescribe its powers and duties; and

S. 3870. An act to amend the act entitled "An act authorizing the Commissioners of the District of Columbia to furnish Potomac water without charge to charitable institutions, etc., in the District of Columbia," approved February 23, 1905.

RECESS

Mr. BARKLEY. Mr. President, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock p. m.) the Senate took a recess until tomorrow, Wednesday, July 10, 1940, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate July 9 (legislative day of July 8), 1940

DIPLOMATIC AND FOREIGN SERVICE

The following-named persons for appointment as Foreign Service officers, unclassified, vice consuls of career, and secretaries in the Diplomatic Service of the United States of America:

Leonard J. Cromie, of Connecticut.
W. William Duff, of Pennsylvania.
Richard E. Gnade, of Pennsylvania.
John M. McSweeney, of Massachusetts.
Claude G. Ross, of California.
Robert Rossow, Jr., of Indiana.
John W. Tuthill, of Massachusetts.
Andrew B. Wardlaw, Jr., of South Carolina.
Fraser Wilkins, of Maryland.
Elwood Williams 3d, of New York.

FEDERAL BOARD FOR VOCATIONAL EDUCATION

Dr. Clarence Poe, of North Carolina, to be a member of the Federal Board for Vocational Education for the 3-year term expiring July 17, 1943.

COAST GUARD OF THE UNITED STATES

TO BE LIEUTENANTS, TO RANK AS SUCH FROM THE DATES OPPOSITE THEIR NAMES

Lt. (Jr. Gr.) Alvin H. Giffin, July 1, 1939.
Lt. (Jr. Gr.) Joe G. Lawrence, July 1, 1939.
Lt. (Jr. Gr.) James A. Alger, Jr., July 1, 1939.
Lt. (Jr. Gr.) Albert J. Carpenter, July 16, 1939.
Lt. (Jr. Gr.) Willard J. Smith, August 5, 1939.

APPOINTMENTS IN THE REGULAR ARMY

DENTAL CORPS

To be first lieutenants with rank from date of appointment

John Robert McEvoy	Pearson White Brown
Andrew Bainter Anderson	Robert Lincoln Coombs
Raymond Joseph Talbot	Richard Durham Darby
James Maxwell Murphy	Frederick Robert Krug

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO QUARTERMASTER CORPS

Maj. Chauncey Aubrey Bennett, Field Artillery, with rank from August 1, 1935.

Maj. Edwin Turner Bowden, Infantry, with rank from August 1, 1935.

TO CHEMICAL WARFARE SERVICE

First Lt. Lloyd Elmer Fellenz, Infantry, with rank from June 12, 1937.

TO AIR CORPS

Second Lt. John Christian Habecker, Cavalry, with rank from June 12, 1939, effective July 26, 1940.

PROMOTIONS IN THE NAVY

The following-named captains to be rear admirals in the Navy, to rank from the 1st day of July 1940:

Isaac C. Kidd	Sherwoode A. Taffinder
Roland M. Brainard	Alexander Sharp

The following-named commanders to be captains in the Navy, to rank from the 1st day of July 1940:

Wilbur J. Ruble	Charles J. Parrish
Walter E. Doyle	Oliver L. Downes
Paulus P. Powell	Roy Pfaff
Henry A. Seiller	Joseph R. Redman
Carleton F. Bryant	

The following-named lieutenant commanders to be commanders in the Navy, to rank from the date stated opposite their names:

George F. Mentz, August 1, 1939.
Fred A. Hardesty, August 1, 1939.
Abel C. J. Sabalot, September 23, 1939.
Rockwell J. Townsend, September 23, 1939.
Jerome F. Donovan, Jr., December 8, 1939.
Dixwell Ketcham, December 8, 1939.
James R. Tague, December 29, 1939.
James E. Dyer, January 1, 1940.
Steven W. Callaway, February 1, 1940.
Charles H. Murphy, April 1, 1940.
Charles C. Hartman, May 1, 1940.
Roy W. M. Graham, May 29, 1940.
William G. Tomlinson, June 1, 1940.
Martin J. Gillan, Jr., June 1, 1940.
Charles D. Edmunds, June 26, 1940.

The following-named lieutenant commanders to be commanders in the Navy, to rank from the 1st day of July 1940:

Myron A. Baber	William Hibbs
Austin K. Doyle	Wade DeWeese
Willard M. Downes	Thomas H. Binford
William E. Miller	John L. Murphy
Charles L. Surran	Charles Wellborn, Jr.
James H. Doyle	

The following-named lieutenants to be lieutenant commanders in the Navy, to rank from the 1st day of November 1939:

Roy W. Lajeunesse	Waldo Tullsen
Charles A. Ferriter	Thomas C. Thomas
William P. McGirr	Joe W. Stryker
Paul A. Hartzell	Eugene E. Paro

The following-named lieutenants to be lieutenant commanders in the Navy, to rank from the 8th day of December 1939:

Lermond H. Miller	Roland B. Vanasse
Alwin D. Kramer	Raymond R. Lyons
Herbert P. Rice	John F. Goodwin
Carleton C. Hoffner	Adolph Hede
William L. Turney	Reuben T. Thornton, Jr.

The following-named lieutenants to be lieutenant commanders in the Navy, to rank from the date stated opposite their names:

Joseph M. Carson, December 29, 1939.
William S. Howard, Jr., December 29, 1939.
Charles F. Chillingworth, Jr., January 1, 1940.
Percy H. Lyon, June 1, 1940.
Walter C. Ford, June 26, 1940.
Frank W. Fenno, Jr., June 26, 1940.
William O. Floyd, June 26, 1940.
James S. Russell, June 26, 1940.
Jesse L. Phares, June 26, 1940.

The following-named lieutenants to be lieutenant commanders in the Navy, to rank from the 1st day of July 1940:

Paul D. Stroop	Clarence Broussard
Jesse S. McClure	Karl F. Poehlmann
Edward N. Dodson, Jr.	Everett H. Still
Robert W. Cavenagh	Francis L. Black
John B. McLean	William L. Anderson
John F. Newman, Jr.	Wendell F. Kline

Ensign Fred D. Michael to be a lieutenant (junior grade) in the Navy, to rank from the 4th day of June 1939.

The following-named ensigns to be lieutenants (junior grade) in the Navy, to rank from the 3d day of June 1940:

Russell H. Wallace	William F. Bringle
Kenneth W. Patrick	William R. Stevens
Roger B. Woodhull	John C. Patty, Jr.
Frank N. Shamer	Fillmore B. Gilkeson
Frank W. Taylor	Joseph F. Dalton
Earl W. Cassidy	Theodore M. Peterson
Thomas D. Davies	George L. Street 3d

William L. Fey, Jr.
Anthony P. Zavadil, Jr.
Kenneth E. Hanson
Robert V. Tate
John R. Wadleigh
John A. Thomas
Howard W. Nester, Jr.
John F. Morse
Harry H. Barton
Harold S. Bottomley, Jr.
Charles S. Minter, Jr.
Howard W. Baker
Eli Roth
Walter J. Barry
William S. Stewart
Robert B. Erly
Robert H. Wescott, Jr.

The following-named medical inspectors to be medical directors in the Navy, with the rank of captain, from the 1st day of July 1940:

Harold L. Jensen
Ogden D. King
John P. Owen
Thomas C. Anderson
Jesse W. Allen

The following-named surgeons to be medical inspectors in the Navy, with the rank of commander, from the date stated opposite their names:

Wendell P. Blake, July 1, 1939.
Fred M. Rohow, July 1, 1939.
Gilbert E. Gayler, July 1, 1940.
William R. Manlove, Jr., July 1, 1940.
James F. Hays, July 1, 1940.
John M. Brewster, July 1, 1940.

The following-named dental surgeons to be dental surgeons in the Navy, with the rank of captain, from the 1st day of July 1940:

George M. Frazier
Alfred W. Chandler
Albert Knox

Paymaster Edwin A. Eddiegorde to be a pay inspector in the Navy, with rank of commander, from the 1st day of July 1940.

The following-named passed assistant paymasters to be paymasters in the Navy, with the rank of lieutenant commander, from the date stated opposite their names:

Clinton J. Thro, June 26, 1940.
Walter W. Honaker, July 1, 1940.

Assistant Paymaster J. Harry Hayes to be a passed assistant paymaster in the Navy, with the rank of lieutenant, from the 1st day of October 1939.

Civil Engineer Ralph D. Spalding to be a civil engineer in the Navy, with the rank of captain, from the 3d day of June 1937.

The following lieutenants (junior grade) to be assistant civil engineers in the Navy, with the rank of lieutenant (junior grade) from the 3d day of June 1940:

Mark H. Jordan
Herbert J. Hartman

Carpenter Harold L. Carpenter to be a chief carpenter in the Navy, to rank with but after ensign, from the 1st day of March 1940.

The following to be assistant surgeons in the Navy, with the rank of lieutenant (junior grade), from the 15th day of July 1940:

John W. Thomas
Charles J. Allen
Milo A. Youel
Alfred E. Cronkite
Vernon W. H. Campbell
George M. Davis, Jr.
Rodney D. Chamberlain
Thomas C. Ryan
Charles G. Butler
John W. Flaiz
Lloyd B. Kingsbery
Hardy Ulm
Thomas L. Greason
James H. Abernethy
John F. Roach
Paul T. Moore
Vinton Hall
John W. Derbyshire
Owen J. Deuby
Herschel E. Richardson
Harry F. Lenhardt
David C. Stoner
Neville C. Bowers
Melville M. Driskell
Samuel S. Spicer
Frank T. Norris
George H. Moseley
Henry T. Gannon
Simon W. Eyer
Paul D. Hurley
Raymond W. Owens
John J. Head
John F. Shronts
John E. Gorman
David P. Hightower
Richard B. Williams, Jr.
James G. Kurfees
Lester M. Fox
Vayle S. Briden
James H. Higgins
Robert A. Welch
Richard B. Brodrick
Deane S. Marcy
Mark R. Rhea
Bernard G. Geuting
Charles F. Hudson
Jesse H. Suitor
Leonard A. Becker

The following-named ensigns to be lieutenants (junior grade) in the Navy, to rank from the 3d day of June 1940:

David B. Bell
William L. Brantley
Richard G. Colbert
David C. Crowell
Thomas D. Cunningham
John P. Currie
Frederick E. Dally
Daniel B. Deckelman
Carl R. Doerflinger
John C. Dyson
Frank M. Eddy
Jesse D. Elliott, Jr.
Clifton W. Flenniken, Jr.
Alexander Groves
Richard Holden
John G. Hughes
Frederick E. Janney
Dwight L. Johnson
Dayle W. Lyke
John R. Madison
Edward P. Madley
Roger W. Mehle
John L. Mehlig
Charles H. Meigs
Peter G. Molteni, Jr.
John L. Nielsen
Walter L. Phaler
John D. Reese, Jr.
Franklin S. Rixey
George M. Rouzee
Lewis A. Rupp
Maurice W. Shea
William R. Smith, Jr.
Archie H. Soucek
Edward D. Spruance
Lewis D. Tamny
Albert O. Vorse, Jr.
Donald M. White
Fay E. Wilsie

The following-named lieutenant commanders to be lieutenant commanders in the Navy from the date stated opposite their names to correct the date of rank as previously nominated and confirmed:

Oliver F. Naquin, September 23, 1939.
Thomas H. Tonseth, September 23, 1939.
William L. Benson, September 23, 1939.
Waldeman N. Christensen, September 23, 1939.
Fred R. Stickney, September 23, 1939.
Warren P. Mowatt, September 23, 1939.
Willis H. Pickton, November 1, 1939.
Douglas E. Smith, December 8, 1939.
William G. Beecher, Jr., December 29, 1939.

The following-named lieutenants to be lieutenants in the Navy from the date stated opposite their names to correct the date of rank as previously nominated and confirmed:

Earl T. Hydeman, September 23, 1939.
John R. Van Evera, September 23, 1939.
Jack I. Bandy, September 23, 1939.
Travis R. Leverett, September 23, 1939.
George R. Beardslee, October 1, 1939.
Thomas F. Williamson, October 1, 1939.
William B. Perkins, October 1, 1939.
Alvin W. Slayden, November 1, 1939.
Herbert J. Campbell, November 1, 1939.
George W. Kehl, November 1, 1939.
Charlton L. Murphy, Jr., November 1, 1939.
Nicholas J. Nicholas, November 1, 1939.

The following-named lieutenants to be lieutenant commanders in the Navy to rank from the date stated opposite their names:

Clarence C. Ray, December 8, 1939.
John M. Taylor, June 26, 1940.
James H. Ward, July 1, 1940.
Charles A. Buchanan, July 1, 1940.

The following-named lieutenants (junior grade) to be lieutenants in the Navy, to rank from the date stated opposite their names:

Albert A. Wellings, August 1, 1939.
Clayton R. Simmers, August 1, 1939.
Scott K. Gibson, September 1, 1939.
Levering Smith, September 1, 1939.
Thomas M. Fleck, September 1, 1939.
Edwin C. Woodward, September 23, 1939.
Charles M. Sugarman, September 23, 1939.
William T. Zink, Jr., October 1, 1939.
Daniel L. Carroll, Jr., December 8, 1939.
Frank M. Parker, December 29, 1939.
James L. Kemper, December 29, 1939.

Frederic N. Howe, January 1, 1940.
Ralph C. Johnson, January 1, 1940.
Burdette E. Close, February 1, 1940.
Allen B. Adams, Jr., February 1, 1940.
Mason J. Hamilton, February 1, 1940.
James G. Craig, Jr., February 12, 1940.
William H. Groverman, Jr., February 20, 1940.
William W. Vanous, April 1, 1940.
George W. Pressey, April 13, 1940.
Robert P. Walker, May 1, 1940.
Theodore S. Lank, May 1, 1940.
Thomas G. Warfield, June 1, 1940.
Jack W. Wintle, June 21, 1940.
Charles F. Brindupke, June 26, 1940.
Alton E. Parker, June 26, 1940.
Arthur H. Vorpahl, June 26, 1940.
Malcolm E. Garrison, June 26, 1940.
Charles E. Phillips, June 26, 1940.
Charles W. Musgrave, June 26, 1940.
Frederick Wolsieffer, June 26, 1940.
Mark E. Dennett, June 26, 1940.

The following-named lieutenants (junior grade) to be lieutenants in the Navy, to rank from the 1st day of July 1940:

John W. Ramey	John F. Fairbanks, Jr.
Albert E. Gates, Jr.	James D. Collett
Norman J. Sampson	Charles B. Lanman
Lindsey Williamson	Reader C. Scott
John S. Fahy	Edgar G. Chase
Robert C. Leonard	Herbert L. Jukes
Samuel P. Moncure	Charles E. Perkins

The following-named ensigns to be lieutenants (junior grade) in the Navy, to rank from the 3d day of June 1940:

William P. Mack	Guy E. O'Neil, Jr.
Thomas McC. Adams	John B. Carroll
Fletcher Hale, Jr.	Edwin C. Finney

POSTMASTERS

ALABAMA

Max B. Wells to be postmaster at Ashford, Ala., in place of M. B. Wells. Incumbent's commission expired June 2, 1940.

William Lee English to be postmaster at Elba, Ala., in place of W. L. English. Incumbent's commission expired April 25, 1940.

ARKANSAS

George H. Grafton to be postmaster at Hughes, Ark., in place of R. L. Cooper, removed.

CALIFORNIA

James W. Barr to be postmaster at Big Creek, Calif., in place of J. W. Barr. Incumbent's commission expired May 22, 1940.

Eugene Francis O'Donnell to be pastmaster at Hollister, Calif., in place of E. F. O'Donnell. Incumbent's commission expired May 10, 1940.

Vernon H. Adams to be postmaster at Livingston, Calif., in place of C. A. Ottmann. Incumbent's commission expired February 14, 1940.

Thomas Budd Van Horne, Jr., to be postmaster at Reseda, Calif., in place of T. B. Van Horne, Jr. Incumbent's commission expired June 2, 1940.

Mary A. Black to be postmaster at Terminal Island, Calif., in place of M. A. Black. Incumbent's commission expired January 23, 1940.

COLORADO

Charles A. Fitzsimmons to be postmaster at Leadville, Colo., in place of J. W. McMahon, deceased.

CONNECTICUT

John F. Fields to be postmaster at Fitchville, Conn., in place of J. F. Fields. Incumbent's commission expired July 1, 1940.

FLORIDA

Grace E. Moon to be postmaster at Crystal River, Fla., in place of C. A. Miller, retired.

IDAHO

Vernon Lance to be postmaster at Eden, Idaho, in place of L. H. Perkins, deceased.

ILLINOIS

Claude Wilson Pyle to be postmaster at Sidell, Ill., in place of C. W. Pyle. Incumbent's commission expired June 20, 1940.

Palmer E. Cogdal to be postmaster at Tallula, Ill. Office became Presidential July 1, 1939.

INDIANA

Flossie M. Taylor to be postmaster at Maywood, Ind., in place of Henry Wyrick, deceased.

IOWA

Samuel J. Gray to be postmaster at Blencoe, Iowa, in place of S. J. Gray. Incumbent's commission expired January 23, 1940.

Hattie Bandy to be postmaster at Redfield, Iowa, in place of Hattie Bandy. Incumbent's commission expired April 24, 1940.

LOUISIANA

Albert G. Boudreaux to be postmaster at Thibodaux, La., in place of A. G. Boudreaux. Incumbent's commission expired June 16, 1940.

MAINE

Sewell H. MacDaniel to be postmaster at Kezar Falls, Maine, in place of A. D. Chase, removed.

MARYLAND

Claude B. Doing to be postmaster at Lansdowne, Md., in place of J. H. Reinhardt, retired.

MASSACHUSETTS

William F. McNamara to be postmaster at Clinton, Mass., in place of P. H. McIntyre, retired.

MICHIGAN

Myron P. Hancock to be postmaster at Holt, Mich., in place of H. E. Gunn, retired.

MINNESOTA

Carl A. Smaby to be postmaster at Halstad, Minn., in place of C. A. Smaby. Incumbent's commission expired June 20, 1940.

MISSISSIPPI

Mrs. Dewey M. Collins to be postmaster at Boyle, Miss., in place of Mrs. D. M. Collins. Incumbent's commission expired June 18, 1939.

NEBRASKA

Agnes E. Sullivan to be postmaster at O'Neill, Nebr., in place of A. E. Sullivan. Incumbent's commission expired June 1, 1940.

NEW HAMPSHIRE

Maude M. Warner to be postmaster at Hancock, N. H., in place of C. B. Ware, retired.

NEW YORK

Alice Vaughn Beebe to be postmaster at East Chatham, N. Y., in place of A. Y. Mulligan, resigned.

Gerald Carmichael to be postmaster at Eastport, N. Y., in place of Gerald Carmichael. Incumbent's commission expired May 8, 1939.

Albert Werner to be postmaster at Gardenville, N. Y., in place of Albert Werner. Incumbent's commission expired March 13, 1940.

Asahel G. Harvey to be postmaster at Hudson, N. Y., in place of A. G. Harvey. Incumbent's commission expired August 27, 1939.

John L. Cass to be postmaster at Palenville, N. Y., in place of Arthur Congdon, removed.

NORTH CAROLINA

John E. Creech to be postmaster at East Flat Rock, N. C., in place of J. E. Creech. Incumbent's commission expired May 19, 1940.

Clifton C. Munday to be postmaster at Taylorsville, N. C., in place of M. R. Ingram. Incumbent's commission expired June 19, 1940.

OHIO

Helen M. Maag to be postmaster at Foster, Ohio, in place of John Maag, retired.

Thomas C. Washington to be postmaster at Grafton, Ohio, in place of T. C. Washington. Incumbent's commission expired May 20, 1940.

Garnet W. Reynard to be postmaster at Mount Pleasant, Ohio, in place of C. J. Mitchell, retired.

OKLAHOMA

John L. McClung to be postmaster at Wewoka, Okla., in place of B. G. Carter, resigned.

PENNSYLVANIA

Edna T. Brodhead to be postmaster at Delaware Water Gap, Pa., in place of E. T. Brodhead. Incumbent's commission expired June 28, 1940.

William Boyle to be postmaster at Linwood, Pa., in place of J. P. Connolly, deceased.

Samuel T. Hershey to be postmaster at Paradise, Pa., in place of E. R. Diller, resigned.

Claude E. Minnich to be postmaster at Wiconisco, Pa., in place of C. E. Minnich. Incumbent's commission expired July 22, 1939.

TEXAS

William Milton Chitwood to be postmaster at Hebbronville, Tex., in place of T. N. Draper, removed.

WASHINGTON

Edward B. Gibson to be postmaster at Eastsound, Wash., in place of M. E. Stowers, retired.

WISCONSIN

Edward H. Joosten to be postmaster at Junction City, Wis., in place of Paul Bernhagen. Incumbent's commission expired February 9, 1939.

Thomas M. Crawford to be postmaster at Readstown, Wis., in place of T. M. Crawford. Incumbent's commission expired July 1, 1940.

Earl S. Judkins to be postmaster at Wood, Wis., in place of F. G. Dillon, resigned.

WYOMING

Arthur R. Fish to be postmaster at Wheatland, Wyo., in place of A. R. Fish. Incumbent's commission expired April 2, 1940.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 9 (legislative day of July 8), 1940

WAR DEPARTMENT

Henry L. Stimson to be Secretary of War.

DISTRICT OF COLUMBIA

Riley E. Elgen to be a member of the Public Utilities Commission of the District of Columbia.

PROMOTIONS IN THE NAVY

(NOTE.—All nominations of persons named today for promotion in the Navy were confirmed. Their names appear in today's proceedings under the caption "Nominations.")

FEDERAL HOME LOAN BANK BOARD

William H. Husband to be a member of the Federal Home Loan Bank Board.

POSTMASTERS

ALABAMA

Vera G. Howell, Greensboro.
James A. Johnson, Tuskegee Institute.

FLORIDA

James O. Parker, Mayo.

ILLINOIS

Clinton S. Warrick, Donovan.
Chrystal W. Beckett, Golden.
Amos C. Westphal, Herscher.
George S. Thornton, Oquawka.
Theodore P. Wadett, Thornton.
Henry F. Schneider, Waterloo.

IOWA

Mina N. Umbehaun, Arnolds Park.
Arthur A. Dingman, Aurelia.
Gertrude M. Kueter, Bellevue.
Jacob Van Houte, Boyden.
Charles J. Murphy, Chester.
John F. Alexander, Conrad.
Claude G. Herman, Dunkerton.
Walter W. Jacobs, Guttenberg.
Alden F. Palmquist, Hartley.
Frank C. Hentges, Le Mars.
Louis E. Maxfield, Malcolm.
John M. Stephenson, Mediapolis.
Oliver Van Syoc, Milo.
Forest Davis, Moulton.
Chris G. Wiemer, Radcliffe.
Claude A. Baber, Rudd.
Ulysses G. Pedersen, Schaller.
Kathleen A. Nettell, Shellsburg.
Nelle Cullen, Sioux Rapids.
Joseph A. Clark, Sloan.
Walter L. Hurd, Stanhope.

LOUISIANA

Frank M. Caldwell, Robeline.

MASSACHUSETTS

Susan F. Twiss, Three Rivers.

NEBRASKA

Harley G. Moorhead, Omaha.

NEW HAMPSHIRE

Joseph P. Collins, Concord.

NEW MEXICO

Hazel F. Patton, Maxwell.
John A. Foreman, Tatum.

NEW YORK

Americo Masucci, Sparkill.

UTAH

David John Black, Blanding.

VERMONT

William H. Lang, Beecher Falls.

WEST VIRGINIA

J. Leo Holsberry, Rainelle.

WISCONSIN

Quiren M. Groessl, Algoma.
Nellie Drew, Footville.
Harr L. Williams, Hazel Green.
Charles V. Porter, Menomonie.
Charles I. Nixon, Ontario.
Fred V. Stephan, Shullsburg.

HOUSE OF REPRESENTATIVES

TUESDAY, JULY 9, 1940

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O sacred Head, with grief and shame weighed down, look upon us with Thy favor and vouchsafe to us Thy grace. Dissolve our hearts in thankfulness and may we rejoice in the sinner's dying Friend. We pray that each succeeding day may bring us in closer relationship with Thy truth, for in Thee our hope finds satisfaction and battles on through the contradictions of life. We thank Thee, dear Lord, for the cup of mercy which Thou hast forever filled. Bless us with the sense of pardon, with its sweet peace and joy; bless the altars of our homes with that love which will not let us go. When the splendor of the west is lingering in the summer sky, help us to see beyond the farther distances flowing into the sunset which is the dawn and the milestones of earth are past forever. In Christ Jesus, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate disagrees to the amendment of the House to the bill (S. 3929) entitled "An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Memphis, Tenn," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BAILEY, Mr. SHEPPARD, and Mr. MCNARY to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 2289. An act for the relief of the Leesburg Welding & Garage Co.;

S. 2717. An act for the relief of Edward J. Broggi; and

S. 3676. An act to withdraw certain portions of land within the Hawaii National Park and to transfer the same to the jurisdiction and control of the Secretary of War for military purposes.

INFORMATION ON DESTROYERS, TORPEDO BOATS, AND OTHER VESSELS SOLD TO ANY BELLIGERENT NATION

Mr. VINSON of Georgia. Mr. Speaker, on behalf of the Committee on Naval Affairs, I present a privileged report and ask that the report be read.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

House Resolution 536

Resolved, That the President of the United States be, and he is hereby, requested, if not incompatible with the public interest, to inform the House of Representatives how many destroyers, torpedo boats, and other war vessels of the United States Navy have been sold directly or indirectly to any belligerent nation, and by what authority.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

ADVERSE REPORT (TO ACCOMPANY H. RES. 536)

The Committee on Naval Affairs, to whom was referred the resolution (H. Res. 536), that the President of the United States be, and he is hereby, requested, if not incompatible with the public interest, to inform the House of Representatives how many destroyers, torpedo boats, and other war vessels of the United States Navy have been sold directly or indirectly to any belligerent nation, and by what authority, having had the same under consideration, report it back to the House and recommend that the resolution do not pass.

The action of the committee is based upon the following letter to the chairman of the committee from the Acting Secretary of the Navy, which letter contains the information requested in the resolution.

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent that the letter be read.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. VINSON]?

There was no objection.

The Clerk read as follows:

WASHINGTON, D. C., *July 5, 1940.*

The CHAIRMAN, COMMITTEE ON NAVAL AFFAIRS,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: Further reference is made to your letter dated June 20, 1940, transmitting House Resolution 536, requesting the President of the United States to inform the House of Representatives concerning the sale of certain vessels of war to belligerent nations.

No destroyers, torpedo boats, or other war vessels of the United States Navy have been sold directly or indirectly to any belligerent nation.

Sincerely yours,

C. W. NIMITZ,
Acting Secretary of the Navy.

Mr. VINSON of Georgia. Mr. Speaker, in view of the fact the letter contains the information called for in the resolution, I move that the resolution be laid on the table.

The motion was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an editorial from the Gaelic American on the subject, Is United States a British Protectorate?

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. SWEENEY]?

There was no objection.

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a letter by myself and reply by the Acting Secretary of War.

The SPEAKER. Is there objection to the request of the gentleman from Indiana [Mr. LUDLOW]?

There was no objection.

Mr. ANDERSON of Missouri asked and was given permission to extend his own remarks in the RECORD.

WARNING TO THE UNITED STATES

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oregon [Mr. PIERCE]?

There was no objection.

Mr. PIERCE. Mr. Speaker, at my request, there is being sent to each Member of the House through the post office a little pamphlet written by a man in my district, Mr. Fred Fletcher, a lawyer, a scholar, and a student. It is a warning to the United States. This is an analysis of Hitler's Mein Kampf. I ask those of you who have not had the patience nor the time to read that German bible to give this pamphlet a few minutes of study, because Mr. Fletcher does set forth the philosophy of that amazing and terrible man—Hitler. His book, which my constituent has analyzed, tells what he planned to do and is doing.

I do not agree with all the conclusions of my friend Fletcher as to the action our Nation should take to combat the menace, but I think his pamphlet will inform those who have not clearly grasped the import of the philosophy back of Hitler's frightfulness.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include as a part thereof an editorial from the Umatilla County Record.

The SPEAKER. Is there objection to the request of the gentleman from Oregon [Mr. PIERCE]?

There was no objection.

Mr. McGREGOR. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a resolution adopted by certain members of the faculty of Ohio Wesleyan University.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. MCGREGOR]?

There was no objection.

Mr. KUNKEL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a radio address delivered by me.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. KUNKEL]?

There was no objection.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address by my colleague the gentleman from Connecticut, the Honorable THOMAS RAYMOND BALL, at Natchaug Grange, Chaplin, Conn., on July 5, 1940.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut [Mr. AUSTIN]?

There was no objection.

Mr. JENSEN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a speech on the Monroe Doctrine by Kenneth Cock, of Glenwood, Iowa.

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. JENSEN]?

There was no objection.

Mr. HAWKS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an address by my colleague the gentleman from New Hampshire [Mr. STEARNS].

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin [Mr. HAWKS]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. RICH]?

There was no objection.

Mr. RICH. Mr. Speaker, yesterday I called attention to the fact that we went in the red at the rate of $7,118 a minute last year. This year since July 1 we have increased the rate of going in the red to $42,693 a minute, according to the statement of Mr. Morgenthau on July 2. This is horrible.

Let me call your attention to the platform of the Democratic Party in 1932. And I quote:

We favor maintenance of the national credit by a Federal Budget annually balanced.

Since this administration has been in power, since that platform was written, they have not balanced the Budget once. It has been out of balance every year anywhere from $1,500,000,000 to $4,000,000,000. No woodpecker ever put more holes in a tree than the Democratic Party has put in that plank of the platform of 1932. If you do not get out and kill the woodpeckers in the New Deal Democratic Party, we are going to have so many holes in this Nation we will not be able to float any longer. [Applause.]

[Here the gavel fell.]

NARRAGANSETT BAY CRUISE

Mr. KEEFE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

[Mr. KEEFE addressed the House. His remarks appear in the Appendix of the RECORD.]

EXTENSION OF REMARKS

Mr. DONDERO. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a short editorial from Social Justice on the action of the University of Michigan in regard to expelling Communists.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. GIFFORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and I also ask unanimous consent to revise and extend my remarks in the RECORD and include therein some editorials.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

[Mr. GIFFORD addressed the House. His remarks appear in the Appendix of the RECORD.]

EXTENSION OF REMARKS

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial from the New York Journal-American.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. VAN ZANDT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article by General Rivers, retired, of the Army.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GOODWIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a radio address.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. FISH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FISH. Mr. Speaker, on June 17 I asked in the House, "Why risk our involvement in war by maintaining American cruisers and destroyers at Lisbon, Portugal, in the midst of the war zone? Suppose a German or Italian submarine takes a potshot, mistaking them for Allied warships?"

The war hysteria engendered by the fake radio report on Sunday that the American destroyer *Barry* had been sunk is indicative of what would happen if one of our warships should be mistakenly attacked and sunk by warring powers.

I protested against such a policy 3 weeks ago, and I now emphasize and reiterate that protest.

This hoax brought home to the American people the tremendous risk to which the administration is submitting America by this policy of maintaining our warships in war zones with no American flags painted on their sides, no spotlights being used on the flag at night, or without any other clear identifications except the flag to distinguish them from British destroyers while in European waters.

There should be a thorough investigation by the administration or the Congress of this false S O S, as prior to that we had three fake radio reports of attacks by German submarines on belligerent vessels in American waters. It is time that this kind of alarmist propaganda should be exposed and stopped. [Applause.]

WATER-POLLUTION CONTROL

Mr. MANSFIELD. Mr. Speaker, I offer a privileged motion, which I send to the Clerk's desk.

The Clerk read as follows:

Mr. MANSFIELD moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill S. 685 be, and they are hereby, instructed to discontinue their insistence upon the retention in the House amendment of subsections (d) (1) and (d) (2) of section 2, reading as follows:

"(d) (1) After date of enactment of this act, no new sources of pollution, either by sewage or industrial waste, shall be permitted to be discharged into the navigable waters of the United States and streams tributary thereto until and unless approved by the Division; and

"(2) The discharge of new sources of water pollution without review and approval of the Division as required under the foregoing provisions is hereby declared to be against the public policy of the United States and to be a public and common nuisance. An action to prevent or abate any such nuisance may be brought in the name of the United States by any United States attorney, and it shall be the duty of such attorney to bring such an action when requested to do so by the Division, the Surgeon General, and any duly constituted interstate agency dealing with control of water pollution, any State agency dealing with control of water pollution, any "State health authority," or any incorporated municipality. Such action shall be brought as an action in equity and may be brought in any court of the United States having jurisdiction to hear and determine equity cases."

Mr. MANSFIELD. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, for the past 4 years or longer the Committee on Rivers and Harbors, as well as the Congress, has been confronted with the problem of trying to work out a stream-pollution bill. What is known as the Barkley bill, S. 685, was passed by the Senate a little over a year ago. Four months ago the bill was passed by the House, but very materially amended.

The Senate bill provided for loans and grants to municipalities and to industries to put in works for the abatement of pollution in all the cities and all the industries that were discharging pollution into the streams of the United States. In the House everything was stricken out after the enacting clause and the House bill substituted, in which no grants were allowed but loans were provided for at a low rate of interest, to be made through the Reconstruction Finance Corporation. On the floor of the House, as I am advised—I was not here, being in the hospital at the time—what is known as the Mundt amendment was accepted and made a part of the bill. That is the portion you have just heard read in the motion I presented a moment ago.

The conferees have had several meetings on this bill. The Senate conferees have declined up to this time to accept this Mundt amendment. The public health service of practically all, if not all, of the States are opposed to it; industry generally is opposed to it; the Walton League and other associations of a like nature are all favoring it.

I think it extremely doubtful that the Senate conferees will accept the amendment. I also think it extremely doubtful that the Senate would accept it if the conferees did. However, that is neither here nor there. I do not believe we can reach an agreement. The question now is, Will the House want to instruct its conferees to not insist upon it further, or do they want the matter to stand as it is, with the probability that the bill will go dead on the calendar at the expiration of the term?

Mr. Speaker, I reserve the remainder of my time.

Mr. DONDERO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DONDERO. Under the rules of the House, in the consideration of the pending motion, how much time is granted?

The SPEAKER. One hour is granted for the consideration of the conference report and the motion of the gentleman from Texas.

Mr. MANSFIELD. Mr. Speaker, I yield 10 minutes to the gentleman from Michigan [Mr. DONDERO], a member of the Committee on Rivers and Harbors.

Mr. DONDERO. Mr. Speaker, when this matter was before the House on the 1st day of March of this year, I took occasion to point out to the House that in the course of some 20 years 65 different bills had been presented to the Congress on stream pollution, and not a single bill had been passed, with the exception of 1 which had to do with the pollution of coastal waters by oceangoing liners or oil-burning ships; not a single piece of legislation has been enacted to affect the inland waters of the United States or her territorial possessions.

The question of stream pollution is not new to the United States. For nearly 50 years we have discussed stream pollution, and that is all we have done about it. We have never passed any legislation to enforce the object of keeping the waters of the United States pure and clean; we have just talked about it.

Mr. MANSFIELD. We passed a bill with respect to oil pollution.

Mr. DONDERO. I have mentioned that. It was in 1921 or 1924 that such a bill was passed.

So, on the 1st day of March of this year, we did pass a stream-pollution bill, which seems to me to be a very reasonable and a very sensible approach to this very troublesome problem. This is not a minor matter. Stream pollution in the United States is one of the major inland problems of this country, and unless something is done about it very soon we may have an epidemic in this country of very large proportions; but it is a hopeful sign to know that the question of sewage treatment, both industrial and domestic, has been advanced in this land from a point in 1904 when only 3 percent of our sewage was treated to the point where 30 percent had been treated up to 1930, and from 1938 to the present time we find that 60 percent of the sewage, both industrial and domestic, is now being treated in this country.

Until very recently, and without any legislation of a drastic nature, we find that in the Ohio River Valley, where stream pollution undoubtedly is at its worst stage because of large industrial plants, and density of the population is very great, 428 cities, towns, and other political units have corrected their stream-pollution problem by cooperation between Federal and State Governments. I say this is a very hopeful and encouraging sign.

We come now to the problem before the House and the question that we must decide. The question is whether or not we are going to accept this bill as we passed it on the 1st day of March or whether we are going to recede by eliminating the so-called Mundt amendment in order to preserve the rest of the bill as passed by the House, which also provides for loans to municipalities and political subdivisions through the R. F. C. at a very low rate of interest.

What is the Mundt amendment; what does it do, and how drastic is it? Let me read two or three lines of it to refresh your memory. The Mundt amendment was adopted by a very sizable majority in the committee when it was under consideration in this House before. This is what it provides:

> No new sources of pollution, either by sewage or industrial waste, shall be permitted to be discharged into the navigable waters of the United States and streams tributary thereto until and unless approved by the Division.

The Division refers to the Division set up in this bill to handle stream-pollution problems. Now, what is the sense of trying to abate a nuisance on a river, now established, and then permit new pollution to be started on the same stream? It seems to me it is neither common sense nor reasonable. It is the height of inconsistency.

Mr. LUTHER A. JOHNSON. Mr. Speaker, will the gentleman yield?

Mr. DONDERO. Yes.

Mr. LUTHER A. JOHNSON. I am not familiar with the use of the word "new" as it is used there. Does the bill as written provide only for existing conditions and not for the future? Is that why it is necessary to speak of "new" pollution?

Mr. DONDERO. The Mundt amendment is directed particularly to preventing new sources of pollution of our waters. That means new factories, new industries, villages, towns, and cities, as I understand it and interpret it.

Mr. LUTHER A. JOHNSON. I do not know enough about the terms of the bill, but would not the bill cover existing and future conditions? Does the bill relate only to the existing status?

Mr. DONDERO. I think it relates to the existing status, and the Mundt amendment is aimed at future sources of pollution. This is to prevent new sources of pollution, without the approval of the Division which is set up in the bill. If that Board says that a new industry or political unit may pollute a stream, it can do it even under the provisions of the Mundt amendment, but it means that new problems or new pollution which are presented to the Nation of stream pollution shall first be approved or passed on by this Board.

Mr. CARTER. Mr. Speaker, will the gentleman yield?

Mr. DONDERO. Yes.

Mr. CARTER. Does the phrase "new sources" apply to enlarged factories; that is, where a factory already in existence makes an addition to its plant?

Mr. DONDERO. I think it may be broad enough to include that, and I think it should include it, because there would be no sense or reason and neither would there be consistency in spending money and making loans to abate established nuisances and permit new nuisances to nullify or counteract the very thing that you have done by spending money to correct. It does not seem reasonable to me. It is not even common sense.

Mr. HOPE. Mr. Speaker, will the gentleman yield?

Mr. DONDERO. Yes.

Mr. HOPE. Do I understand that if the Mundt amendment is not continued in the bill that there will be no way under this legislation of meeting the problem of new sources of pollution?

Mr. DONDERO. That is exactly the problem.

Mr. HOPE. And there is nothing in the present bill that will enable any agency to deal with new sources of pollution?

Mr. DONDERO. I believe the gentleman is correct. It gives this Board which is set up in this Division the right to deal with new sources of pollution.

Mr. MANSFIELD. Mr. Speaker, will the gentleman yield?

Mr. DONDERO. Yes.

Mr. MANSFIELD. If the Mundt amendment is not adopted new pollution will be treated exactly as existing pollution is under the bill.

Mr. HOPE. That is the purpose of my inquiry—to see if there is any way of dealing with new pollution without the Mundt amendment.

Mr. DONDERO. Yes; you can treat new pollution as existing pollution, but you do nothing to stop it. Not only is the pollution of our streams involved, but it seems to me that

wildlife, fish life, sanitation, and public health are all involved and bound up in this problem.

Mr. VORYS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. DONDERO. Yes.

Mr. VORYS of Ohio. Do I understand that there is no power in the State courts to enjoin pollution as a common nuisance at the present time? The gentleman says that if this Mundt amendment does not prevail nothing can be done about new pollution. I would think that a State court could enjoin it as a nuisance.

Mr. DONDERO. I question that very much, if the pollution is of a navigable stream over which the Federal Government has exclusive jurisdiction.

Mr. SMITH of Illinois. Mr. Speaker, will the gentleman yield?

Mr. DONDERO. Yes.

Mr. SMITH of Illinois. In a world where there is so much pollution and where pollution has its rights, why discriminate against new pollution in differentiation from old?

Mr. DONDERO. Old pollution, of course, is being eradicated or corrected as fast as possible by cooperation on the part of the State and the States under compact with the Federal Government. The purpose of the Mundt amendment is to stop new pollution and to augment what we are trying to do under present and existing laws.

Mr. SMITH of Illinois. Does it mean dealing more drastically with the dynamic than it does with the old?

The SPEAKER. The time of the gentleman has expired.

Mr. MANSFIELD. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. ELSTON].

Mr. ELSTON. Mr. Speaker, I believe this is a very critical hour for the millions of persons who are the victims of contaminated streams. Although we vote today upon the instructions that we are to give to our conferees, actually we are voting upon the question of whether or not we are to have any legislation at all on this very important subject.

The fundamental principles of this bill are not in dispute between the House and the Senate.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. ELSTON. I yield.

Mr. RANKIN. Why does the gentleman say we are voting on whether we will have any legislation at all?

Mr. ELSTON. I think the gentleman from Texas [Mr. MANSFIELD] gave the reason. He stated he did not believe that if the bill were considered again in the Senate it would pass with the Mundt amendment.

Mr. RANKIN. Well, let us let them vote on it and see.

Mr. ELSTON. I think too much is at stake for us to take a chance on the Senate doing that.

Mr. DONDERO. Mr. Speaker, will the gentleman yield?

Mr. ELSTON. I yield.

Mr. DONDERO. I think the House would be interested in knowing what is the objection to the Mundt amendment.

Mr. ELSTON. I want to say to the gentleman from Michigan that while the Mundt amendment does not appear on its face to be objectionable, it is unnecessary, and if insisted upon may be the means of preventing the passage of legislation which is of vital importance. I do not feel that we can afford to insist upon the Mundt amendment. If we do, and this bill goes back to the Senate, and the Senate votes it down because it will not accept the amendment, we will have no legislation whatever on the subject of stream pollution. Conditions have reached such a stage in this country, particularly in the Ohio Valley, that it is absolutely essential that we have some legislation on this important subject. I do not believe that the Mundt amendment is essential. I say that for this reason: The Mundt amendment only seeks to enjoin future pollution. It is within the power of the State courts now to enjoin not only future pollution but to enjoin present pollution.

Mr. RANKIN. Mr. Speaker, will the gentleman yield further?

Mr. ELSTON. I am sorry. I do not have time.

We not only have the power within the States to enjoin the nuisance of water pollution, but we have criminal statutes in most States which make it an offense to pollute a stream. It is within the power of our States to correct the situation without giving further power to the Federal Government. Therefore we do not need the Mundt amendment.

I think both the friends and opponents of this amendment are attaching entirely too much significance to its importance. If we leave it out entirely we will get some legislation which is very much needed. If later on we find that we are not able to cope with the situation with existing law we can then pass more drastic enforcement legislation.

The gentleman from Michigan [Mr. DONDERO] stated a few moments ago that he thought it would not be possible to obtain injunctions in the State courts, because the Federal Government only has jurisdiction over navigable streams. I am sorry that I cannot agree that this is correct. Incidentally, his suggestion reminds us that there is a very serious question as to the constitutionality of the Mundt amendment. It is my impression that the Constitution provides that the Federal Government has jurisdiction over a navigable stream only so far as navigation is concerned. It does not have jurisdiction so far as stream pollution is concerned unless we want to stretch our imaginations so far that we can say that the pollution of a stream interferes with navigation. Under these circumstances there is a grave question about the constitutionality of this amendment. Aside from the constitutional question we are face to face today with the fact that if we insist upon the Mundt amendment we are not going to receive any legislation at all, and I do not believe we can take that much of a chance with the lives and health of millions of people.

I was very much interested in the statement that the gentleman from Michigan [Mr. DONDERO] made about conditions in the Ohio Valley. I would like to take just a moment to further elaborate on that point.

The drainage basin of the Ohio Valley includes about 200,000 square miles. It comprises parts of 14 States. The population of that basin is about 17,000,000 people. Raw, untreated sewage from localities containing about 6,000,000 people flows into the Ohio River and its tributaries every day. In addition thereto, there is treated sewage from areas containing two and one-half million additional persons. More than 6,000,000 persons are supplied with water from the Ohio River and its tributaries. The Ohio River now is not like it used to be. The time was when the natural flow of the river would, to a certain extent, purify the water. Now it is a series of navigation dams.

The SPEAKER. The time of the gentleman has expired.

Mr. MANSFIELD. Mr. Speaker, I yield the gentleman two additional minutes.

Mr. ELSTON. There are more than 50 of those dams at the present time. At times the pools formed by these dams are nothing more nor less than cess pools. The Public Health Service has found that it is safe to chemically treat drinking water containing 5,000 colon bacteria per cubic centimeters. To go beyond that is dangerous. In the city of Cincinnati for example, in 1935 the average rose to 10,330. In August 1930 it was raised to 28,840, more than 5 times the number considered by the medical profession to be safe. The average for the entire year was 10,580, indicating the extreme danger of permitting our streams to remain contaminated.

The friends of the Mundt amendment seem to consist largely of those who belong to sportsmen's organizations, such as the Izaak Walton League. I have no quarrel with the objectives of that league or of any other sportsmen's organizations, but it seems to me that sportsmen should be sportsmen enough to consider the health and the safety of human beings rather than the interests of men who fish or hunt ducks a few days in the year. As a matter of fact, the Ohio is becoming so contaminated that even the ducks avoid it, although they used to stop there on their way north and south.

[Here the gavel fell.]

Mr. MANSFIELD. Mr. Speaker, I yield 1 additional minute to the gentleman from Ohio.

Mr. Speaker, will the gentleman yield?

Mr. ELSTON. I yield.

Mr. MANSFIELD. I suggest to the gentleman that the intake for the waterworks of his home city is now located 15 miles above the city and on the Kentucky side in order to try to avoid pollution.

Mr. ELSTON. Yes; and I may say that the city of Cincinnati has spent millions of dollars to provide pure drinking water for its citizens but there is a limit to which even the most expensive treatment plants may go. Just across the river from Cincinnati in the district represented by the gentleman from Kentucky [Mr. SPENCE] I am informed they have not been able to spend the money that Cincinnati has yet they are compelled to obtain their drinking water from that part of the Ohio River into which the sewers of Cincinnati empty. They are therefore suffering even more than those who live in Cincinnati.

I hope we will not insist that the Mundt amendment remain in this bill. Let us get some legislation that will at least begin to curb the most serious menace to life and health existing in the Nation today. Later on if we need to amend the legislation by the Mundt amendment perhaps then will be the time to consider it. [Applause.] I hope the Members of the House will not be actuated in their votes by the pleas of sportsmen's organizations, such as the Izaak Walton League, that we insist upon the Mundt amendment or no legislation at all. Obviously, the Izaak Walton League is interested only in those who can take a few days off a year for fishing or for hunting ducks. We must consider the interest of those who are forced to drink contaminated water 365 days in the year. In his testimony before the Rivers and Harbors Committee the general manager of this league, when asked as to its membership, stated, "We have about 25,000 members in good standing. We have about 100,000 who call themselves members of the Izaak Walton League, but they are just a little slow in paying their dues." Many of the members of this organization do not depend for their water supply upon polluted streams, nor does the protest of this organization necessarily reflect the views of the entire membership. Even if it did its entire paying and nonpaying membership is only 20 percent of the population of a city the size of Cincinnati, and Cincinnati is only one of many cities seriously affected by water contamination.

Some legislation is imperative if we are to begin the correction of the greatest menace to life and health existing in America today. The bill which we have passed is the result of 28 years of study by the United States Public Health Service. It is similar in many respects to a bill passed by the Seventy-fifth Congress and vetoed for a technicality with respect to administration which has now been corrected. It is admitted on all sides that it is a good bill. The only appreciable difference of opinion is on the Mundt amendment. Sportsmen's organizations want the Mundt amendment because they feel it will help to purify polluted streams. The millions of persons who reside in polluted areas want the bill because they believe it will rid our waterways of pollution. Consequently, they all are seeking the same thing. Persons whose health and lives are in jeopardy are pleading that the House not insist upon the Mundt amendment, knowing full well that our insistence will kill all legislation for perhaps a long period of time and allow pollution to continue unabated.

It follows as a matter of logic that if steps are taken to protect human life, and they can be under this bill without the Mundt amendment, the lives of the fish in the streams will likewise be protected. I need not argue to the Members of this House that it is of infinitely greater importance to protect human life than to accede to the demands of those who are thinking only of wildlife. It is not contended by those interested in the preservation of wildlife that this bill without the Mundt amendment will be injurious to such life. Their contention is that with the Mundt amendment the enforcement provisions of the law in the hands of Federal agencies will bring about greater protection. I doubt this, but is that not beside the point today? We are face to face now with the sole question—shall there be any legislation upon the subject at this session?

It is rather illogical to argue that States and cities will take advantage of the provisions of this bill and will make loans from the Federal Government to construct sewage disposal plants and then permit industries to contaminate the waterways from which such cities must derive their water supply. Persistent violators can and undoubtedly will be prosecuted. If it should develop, after the law has been in operation, that the States are unable to cope with those who may continue to pollute our streams, I am confident that there would be no hesitation on the part of Congress to enact such provisions as are contained in the Mundt amendment. I am sure you realize that if cities and industries make loans, they are not going to tolerate persistent violations on the part of a few. The zeal with which the States have entered into the interstate compact agreements which have been authorized by Congress in order that legislation of this type might be put into effect, is a clear indication that the States, individually and collectively, are anxious to cooperate with the Federal Government in order to make more effective laws which are designed to eliminate water pollution.

I hope the House will not adopt a "dog in the manger" attitude on a matter of such vital importance. I can readily appreciate that some of the friends of the Mundt amendment will say "why is it not just as much the responsibility of the Senate? Why cannot the same result be obtained if the Senate will agree to the Mundt amendment?" With this philosophy I have no quarrel, but this attitude will be of little consolation to those who suffer in the event the Senate does not agree with us. As matters now stand, if we insist upon the Mundt amendment and the Senate does not concur, there may be no legislation. If we now concur with the Senate conferees we know we will have on our statute books legislation adequate to deal with a serious problem. Let us take the only certain course. We cannot afford to gamble human lives upon the uncertainty of favorable Senate action.

[Here the gavel fell.]

Mr. MANSFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Speaker, let me make just one observation about this bill. It occurs to me that in the last 100 years the fight to stop the defiling and polluting of American streams has been a rear-guard action. There has not been any place where they could take a position and say, "From this point on we can evolve a program of restoration in the country and restore some of the natural resources and the wildlife." Pollution is one of these progressive things that continues year in and year out. Being a rear-guard action neither the State nor the Federal Government has ever accomplished much in that field. There is only one sensible and logical way to go about it, and that is to freeze the so-called pollution condition in the country and say, "This far and no farther." We set up a stop sign. Having dealt with the question of new pollution we can ultimately address ourselves to the question of restoring clean streams, outdoor life, and the natural resources that were once one of the great values of this country.

I think the Mundt amendment is predicated on common sense, for there is absolutely no logic, no sense at all about a program that seeks first of all to lend money out of the Federal Treasury to meet existing pollution with the right hand and then condone new pollution with the left hand.

Mr. MANSFIELD. Mr. Speaker, will the gentleman yield? I will yield him an additional minute.

Mr. DIRKSEN. I yield with pleasure.

Mr. MANSFIELD. What is the view of the gentleman with regard to the great preparedness program we are undertaking? We are encouraging industries, practically every industry in the United States, to double and quadruple their present output. That will bring new pollution, because they are all polluting the streams to a certain extent. What effect will it have on the national-defense program?

Mr. DIRKSEN. I would say that only by the thinnest and most tenuous kind of logic can you ever hook up this proposition of national defense with stream pollution. We are making national defense a sort of cloak to cover a multitude of sins. For one, I do not go along with a notion of that kind. Too often and too long have the American people, and American industries, and American enterprise followed the line of

least resistance. It is like the family that throws its garbage and tin cans out behind some bush or tree in summer because the foliage screens it. That is all right in the summer when the foliage is on the trees, but in the winter there stands exposed in all its naked ugliness all of the garbage pile. That is the attitude we have exercised heretofore in connection with this question of pollution.

The thing to do is to resolutely take a stand and say to all industry everywhere: "You can find some other way of taking care of coal mine waste waters, industrial waste, city sewage, and all the other things that flow into the streams of America today and contaminate them."

Let us not follow the line of least resistance any longer. Let us give some direction to this question of pollution control, stop new sources under the Mundt amendment and then at some subsequent time address ourselves to the larger question of restoring the beauty and the utility of the outdoors of America. [Applause.]

[Here the gavel fell.]

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. How does the time stand, Mr. Speaker?

The SPEAKER. Thirty-five minutes remain at the disposal of the gentleman from Texas.

Mr. MANSFIELD. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia [Mr. BLAND].

Mr. BLAND. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks and to include certain quotations.

The SPEAKER. Is there objection to the request of the gentleman from Virginia [Mr. BLAND]?

There was no objection.

Mr. BLAND. Mr. Speaker, the Mundt amendment is to be found in the bill S. 685 on pages 17 and 18, beginning with line 11 on page 17 and ending with line 6 on page 18.

It reads as follows:

(d) (1) After date of enactment of this act, no new sources of pollution, either by sewage or industrial waste, shall be permitted to be discharged into the navigable waters of the United States and streams tributary thereto until and unless approved by the Division; and

(2) The discharge of new sources of water pollution without review and approval of the Division as required under the foregoing provisions is hereby declared to be against the public policy of the United States and to be a public and common nuisance. An action to prevent or abate any such nuisance may be brought in the name of the United States by any United States attorney, and it shall be the duty of such attorney to bring such an action when requested to do so by the Division, the Surgeon General, and any duly constituted inter-State agency dealing with control of water pollution, any State agency dealing with the control of water pollution, any State health authority, or any incorporated municipality. Such action shall be brought as an action in equity and may be brought in any court of the United States having jurisdiction to hear and determine equity cases.

A motion has been made that the House conferees discontinue to insist on this amendment. The effect would be to reject that amendment. For nearly 22 years I have been attempting to secure legislation in this House which would do away with pollution. The gentleman from Michigan [Mr. DONDERO] is correct, only one bill has been passed in that period of 22 years. The reason why other legislation has not been written upon the statute books is that the proponents of pollution legislation have urged too drastic remedies, and always upon a rock, such as the Mundt amendment, pollution legislation has been wrecked.

The gentleman from Illinois [Mr. DIRKSEN], as I recall, once said that he would present a picture which would mean more than many words. Let me present such a picture. I live on the shores of Hampton Roads. There is probably no body of water in the United States that is in greater need of correction from pollution. It is increasing. Contributing to that pollution are the cities of Norfolk, Portsmouth, the territory adjacent Nansemond River and the James River, the cities of Newport News, Hampton, Phoebus, and intermediate territory. Among the contributing agencies may be found the Federal Government which has Fortress Monroe at Point Comfort. There are also the Hampton Roads naval base, and other agencies. I am unable to say to what extent these Federal agencies are now taking care of their pollution.

Realizing the condition that exists at Hampton Roads we have been trying for years to effect a remedy. When it first became apparent some years ago that the oyster planting grounds were being affected, a fight was made which involved the legal right of the city of Newport News to dump its sewage into Hampton Roads. A suit was brought for damages, and as I recall an injunction was sought. That fight went to the Court of Appeals of Virginia and subsequently to the Supreme Court of the United States. In decisions rendered by those courts, and I think in other suits at other times, it was held that the municipality had the right under ancient law and under the Constitution to deposit its sewage in that body of water and in the navigable waters. Realizing that something must be done, a careful survey has been made at great expense to find a remedy.

Plans were proposed, and it was estimated that it would cost $8,000,000 to relieve the conditions there. This heavy burden would have to be borne by the communities around that body of water. The cost now would probably be greater.

The city and adjoining communities went to the Legislature of Virginia and sought to have created one or more sanitary districts. Such a district was created. Bonds were to be issued for the money needed to relieve the situation. It was contemplated that there should be installed sewage plants for the treatment of raw sewage. This procedure required an election, which was held. Some of the localities, including my own community, voted in favor of the establishment of the district and the issuance of bonds, which would have helped to correct the evil. Other localities did not vote that way. The result was that the proposal did not carry. We still have pollution and must again go to the general assembly for enabling legislation.

The Mundt amendment provides that after the date of the enactment of this act no new source of pollution, either by sewage or industrial plants, shall be permitted to be deposited into navigable waters. In other words, under a reasonable interpretation of that amendment, no house may be connected with an existing sewer that deposits its waste in Hampton Roads. Certainly this cannot be done without the consent of Federal agencies. We are penalized and yet we have been doing everything we could to remedy conditions and to provide instrumentalities that would speed the time after which no sewage would be deposited into Hampton Roads.

Mr. Speaker, shall we be penalized, shall our industrial growth stop, shall the progress of our cities stop, though we have done all we could and have not been able to comply and through no fault of our own?

[Here the gavel fell.]

Mr. MANSFIELD. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. BLAND. Mr. Speaker, it is our belief that we may in a few years be able to secure the creation of that sanitary district. If this bill passes even without the Mundt amendment, we may yet borrow money to help us out. The bill without the Mundt amendment will be a start. The picture I have painted applies in many sections of the country. I join with the gentleman from Ohio in asking that you let us proceed with such legislation as we are able to secure now, and do not wreck pollution legislation again upon the rock of drastic procedure such as we have here. By the process of evolution we may take care of the existing conditions and avoid the creation of new sources of pollution. Let us recede from this amendment and make a start after twenty-some years of talk. [Applause.]

Under the leave granted to me to extend my remarks, I wish to present the existing situation more fully than I can in 7 minutes.

The Mundt amendment will impose unreasonable burdens on existing communities and established industries.

Under the Mundt amendment every new attachment to an existing line of sewer discharging in navigable water or a tributary thereof would constitute an additional source of pollution. This would paralyze progress in existing communities.

Under the Mundt amendment every new addition to an established industry would be a violation of the law if it contributed in the slightest to the pollution of a tributary to a waterway, however remote.

The amendment takes effect on enactment of the bill. It does not provide any time within which adjustments may be made to take care of situations which have developed through decades. It is true the bill leaves approval with the Division of Water Pollution Control, but it provides no measure whereby the Division may determine the question. It would require every home owner or other person discharging pollution into a navigable stream or its tributary to make application to the Division. It may be that the Mundt amendment contains meritorious features. If so, they should be worked out as an amendment later.

What may be considered as a tributary within the meaning of the act is not determined. How far removed may the tributary be from the main stream is not specified. There is nothing to control the exercise of arbitrary or unreasonable authority. If the members of the Izaak Walton League wish to be helpful they should assume a reasonable attitude toward these problems and not a policy of rule or ruin. If we did nothing else but create a Division of Water Pollution Control in the United States Public Health Service and started the machinery moving for water-pollution control, we will have made great progress. With a question as important as this, affecting all parts of the United States, we should not undertake to make the law perfect. That can be done as we gain experience. I concur fully in the statement of Dr. Herman G. Baity, professor of sanitary engineering, division of public health, University of North Carolina, Chapel Hill, N. C., who said in a paper read before the public health engineering section of the American Public Health Association at the sixty-eighth annual meeting in Pittsburgh, Pa., October 8, 1939:

> All persons and agencies interested in the stream-conservation problem are mutually agreed that there exists in this country a pollution situation that is most undersirable and uneconomical; that such conditions are so widespread as to constitute a major national concern; and that such remedial and preventive measures should be taken as to protect the public health, preserve public decency, conserve the wild-life resources, and promote the use of natural waters for wholesome recreational purposes. It is ironical and unfortunate that some of these agencies, whose interests and objectives are common, should differ so widely and fight so bitterly over ways and means of accomplishing desirable ends. The greatest contribution that can be made to the cause would be the encouragement of a dispassionate consideration of the opposing points of view and a reconciliation of differences.

If we would write into law those things upon which we all agree, provide machinery acceptable to all, and omit those things which cause our difference, we shall have made a start. The evolutionary processes of that legislation will resolve many of our differences and reduce the others to a minimum which time, I have no doubt, would solve. The greatest present difference as I see it is the impatient desire to enforce by mandate. That is the rock on which all attempts to obtain legislation have been wrecked in my 22 years of service in this House.

I quote again from Dr. Baity on this subject. He says:

> Enforcement by mandate: To the provoked and impatient the correction of public evils by mandate has the appeal of being quick and effective. Regulation appears on the surface to be a simple device for curing all ills. Critics proclaim: "There ought to be a law." Perhaps it will be well to remember other times in our national life when similar evils have been observed, and when the laws designed to provide the perfect panacea proved to be unenforceable and disappointing. Moreover, those who have had occasion to invoke the police power of government in dealing with the public have long ago learned that the mailed fist is less productive than the velvet glove. Public psychology reacts adversely to arbitrary force. Persuasion, education, and cooperation are more effective instruments than the "big stick," and the power of law should be held in reserve for exercise only when milder measures fail. The Lonergan, Clark, and Mundt types of legislation provide for actions in equity to be brought in the Federal courts and instruct United States attorneys to institute such actions when requested to do so by the Secretary of War or any one of the district boards. These bills appear to remove all existing authority of the States over sewage and waste-treatment plants and place their operation directly under the supervision of the Chief of Engineers, except for those waters ruled not to be navigable.
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> Although these bills carry provisions for cooperation with State agencies, for advisory services of other Federal agencies, for the collection and dissemination of information, and for Federal financial assistance, it is feared by many that the emphasis upon drastic control by court action would result in inadequate investigations of actual stream requirements and of the economy and applicability of treatment processes. Precipitate action without complete information would result not only in mental anguish but in the gross waste of public and private funds. Enforcement of the provisions of these measures with respect to new or additional pollution would tend to hinder industrial development and municipal growth, and might preclude the extension of sewers to presently unsewered and insanitary communities. In any case, such measures would be concerned with pollution alone and would neglect consideration of the many other related and inseparable problems of water conservation and use.

In the testimony of Mr. Kenneth A. Reid, general manager of the Izaak Walton League, Chicago, Ill., before the Committee on Rivers and Harbors on March 3, 1939, he said, when discussing various bills pending before the committee:

> There is only one issue involved in all of these bills. That issue is the matter of enforcement. Whether a bill shall provide for control of pollution or merely for study and investigation of the subject. Other differences that occur in the bills are minor details. Enforcement is the only important consideration.

He contends:

> All of these bills are purely study bills which depend entirely on voluntary action on the part of polluters. We contend that they would not only be ineffective in correcting pollution, but that the passage of one of them would constitute a victory for polluters rather than for pure streams, as they are masquerading under the title of "water-pollution control" bills, but provide no control whatever. It is significant in this connection that polluting industries support these innocuous bills.

The argument of the Izaak Walton League, as thus presented, proceeds upon an initial fallacy which permeates all of their reasonings. They classify polluters generally as criminals. That is not the case and repeated decisions of courts, even including the Supreme Court of the United States, have held otherwise. None are so blind as they who will not see; and these gentlemen refuse to see that the conditions to be remedied are economic conditions created through a long period of industrial, municipal, and commercial development which should be progressively and gradually corrected by processes which will permit the survival of these industrial, municipal, and commercial agents, who, in accordance with general practices and recognized law have created conditions which they, along with others, would like now to see removed. Just so long as the Izaak Walton League and similar organizations refuse to face the facts but proceed upon their present false philosophy, they are an obstacle to progress. I would submit for Mr. Reid's consideration that many of us who are trying to relieve these conditions are not concerned with victory or defeat for any organization or group, but anxious for a solution which we believe the processes of governments through the centuries show can only be reached by evolution. Since the Izaak Walton League and similar organizations have made no progress for 20 years, but seen pollution grow worse from year to year, why not use a little common sense and try out for a few years, at least, the remedies that we suggest. Surely, that League and those organizations must recognize that others can be as honest as they, and that many who differ with them are no less sincere than they.

As an illustration of the extreme and unreasonable position of the representatives of this league, I call attention to the testimony of Mr. Reid, page 56 of House Hearings of March 3 and 6, 1939:

> I think I could answer your question about the broke municipalities in this way: The Izaak Walton League has consistently urged on the administration that the allocation of Federal funds for public works, or emergency work of any kind, that the inclusion of one simple principle in allocating those funds would greatly simplify the matter and would be eminently fair; and that is that unless and until the municipality that has a sewage system either has an adequate sewage-treatment plant or bona-fide plans for installing one, it would not be eligible for Federal funds for any other purpose. If we had had such a ruling as that we would not have any municipal sewage problem today, with the hundreds of millions of dollars that have been spent on swimming pools, playgrounds, Brown Memorials, and Smith Parkways and what not.

In other words, whatever the demand or need for other purposes, however emergent those purposes and needs might

be, however much the municipality might be able financially to provide the funds required of it for a new school or other improvements needed, and yet however impossible it might be to provide a plant for sewage treatment, however impossible it might be for topographical or geographical reasons to provide the money for such a plant, or however expensive or impossible to prepare plans for that purpose, yet the Izaak Walton League urges that that community should be denied all funds for public works or emergency work of any kind unless and until that municipality, though financially unable to do so, either has an adequate sewage-treatment plant or bona fide plans for installing one.

Mr. Reid says that the Izaak Walton League has 25,000 members in good standing and about 100,000 that call themselves members, but they are slow in paying their dues. I wish to remind members that after all only 25,000 persons are speaking through them. It is surprising that they think they speak with so much authority. If legislation is to be determined according to the relative size of the groups supporting that legislation, then this law should pass. I hope that those who are interested in fighting pollution along whatever reasonable lines may promise success will organize. If they do so, we will win.

In the case of municipalities on Hampton Roads, the financial burden of correcting the conditions is large. A report made in 1934 estimated the cost to be $8,370,000, of which $7,616,000 is for immediate construction and $734,000 for future consideration. The cost now may exceed this sum. Many contributing areas such as Norfolk, Portsmouth, South Norfolk, Newport News, Hampton, Phoebus, and the adjoining counties are involved. The Federal Government contributes some of the waste and refuse. The solution of the problem involves a large financial outlay. Sanitary districts must be created. Bonds must be issued. The expense must be divided equitably among the areas affected. Coordination of activity must be secured. Existing sewage facilities must be altered. Engineering obstacles must be overcome. Sewage-treatment plants must be provided. These conditions cannot be corrected in a few months even if we secure the money, and provide the machinery. Yet the Mundt amendment makes it possible for the governmental agencies to say that not another house may be connected with existing sewers, not another industry shall be established if it increases the pollution in the slightest degree, not another activity may be added to the community, if thereby, the contribution of waste in the water is increased. The proposal is so unreasonable and so arbitrary that it defeats the objects which its proponents claim they seek. The House should recede on this amendment.

Mr. MANSFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. HALLECK].

Mr. HALLECK. Mr. Speaker, as has been pointed out, the whole problem of stream pollution has been bothering the country and all of us for a long time. Bills have been introduced. They have been considered by the House and the Senate. In order that we may act intelligently upon the proposition here before us I think we ought to review some of the history.

This particular bill was enacted by the Senate. It came over to the House and it was considered by the committee. Certain committee amendments were written into the bill. Then on the floor of the House the so-called Mundt amendment was written into the bill by a vote of something like 2 to 1. That represented the judgment of the House. There has been controversy as to the form the bill should take. Generally speaking, the Senate bill is a kind of study measure, designed to bring about cooperative voluntary effort looking toward the elimination of stream pollution.

There was before the committee and placed on the calendar here the Mundt bill, that would have introduced a larger element of force into the matter of the elimination of stream pollution. That bill was not reported by the committee. The committee's bill did come on for consideration and I understood that the majority of the proponents of the bill were in agreement with the Mundt amendment. The Mundt amendment is limited solely to pollution hereafter occurring.

To my mind it is a very modest beginning to this whole proposition. Now, the bill goes to conference with the Mundt amendment written in on the floor of the House. Why have not the conferees of the Senate taken that amendment to the floor of the Senate to be acted on by the Senate? Why do they say to us, "You take that amendment back to the House and get the House to recede?" That is not my idea of the way to do business here. First of all the Senate ought to have the right to pass upon this amendment. Why should we recede from our position after the action was taken, not by conferees, not by a committee of the House, but by the majority of the House itself? Someone says we will not get any legislation if we do not recede from our position. Well, personally, that sort of an argument has never made very much of an impression on me. If we were right in writing the Mundt amendment into this bill on March 1, then I say the amendment is still right and we ought to stand on that amendment. [Applause.]

[Here the gavel fell.]

Mr. MANSFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. HARTER].

Mr. HARTER of Ohio. Mr. Speaker, I rise in favor of sustaining the House action taken on March 1 in voting for the Mundt amendment. In this matter of the pollution of navigable waters and control of existing conditions it is most unfortunate that many local communities find themselves in such a plight today. We know their troubles are real. But the solution of local problems is not in the defeat of the Mundt proposal.

If we are going to conserve national resources, if we are going to prevent the defiling of waters that are still unpolluted, we can do it with the Mundt amendment. This amendment, which was accepted by the Rivers and Harbors Committee when S. 685 was passed by the House on March 1, does not disturb existing pollution. Many of us would like to put a stop to that, but the Mundt amendment merely says it is time to call a halt. It states that new sources of pollution shall be illegal unless approved by the United States Public Health Service.

Much confusion and misunderstanding has arisen over the Mundt amendment. Its language is simple and easily understood. It provides that "after date of enactment of this act, no new sources of pollution, either by sewage or industrial waste, shall be permitted to be discharged into the navigable waters of the United States and streams tributary thereto until and unless approved by the Division," which is the water-pollution-control authority set up in the Barkley bill itself. You will note that the prohibition against new sources of pollution apply only to sewage or industrial waste, and there are no restrictions against incidental types of pollution, occasional pollution, farm wastes, additional units of existing sources of pollution, and the like.

Through this amendment we have the opportunity to really do something constructive by preventing the future contamination of the navigable waters of the United States and tributary streams which are not subject to pollution at the present time. It is difficult to understand why there should be serious objection to a conservation measure of this kind. We are spending millions of dollars in preventing soil erosion, in endeavoring to remedy some of the neglectful and harmful practices of this and former generations. We are not through this amendment placing additional burdens upon existing industrial plants; they are established, and their pollution doubtless will continue unless they voluntarily take steps to improve existing conditions. This it is their moral duty to do. But we do serve notice upon all that there cannot be constructed new sources of pollution, either by sewage or industrial waste, unless the public necessity therefor is affirmed by proper Government authority.

The amendment is needed. It is unfortunate that such a provision of law was not enacted many years ago. In agreeing to accept S. 685 with the Mundt amendment, the real

conservationists have leaned over backward in effecting a compromise. Any attempt to sabotage, soften, or delete this amendment would be most pleasing to those who want to use every public water course as their private sewers.

[Here the gavel fell.]

Mr. MANSFIELD. Mr. Speaker, I yield 3½ minutes to the gentleman from Kentucky [Mr. SPENCE].

Mr. SPENCE. Mr. Speaker, I come from a district that I believe is more affected by water pollution than any other district in the United States. This district lies across the river on the Kentucky side from the city of Cincinnati and extends down the river to Louisville. The Ohio River is highly improved for the purposes of navigation. It is locked and damned. It consists of a series of pools. There is a pool commencing about 5 miles below Cincinnati and extending 7 or 8 miles above Cincinnati. Into this pool goes the industrial waste and the domestic sewage of approximately 800,000 people, and out of it comes the water supply of the city of Cincinnati and of the cities I represent on the other side of the river.

It is true that the city of Cincinnati is a rich city. It has established a great water-purification plant. Many of the cities I represent are unable by reason of their size and financial ability to treat the water as the city of Cincinnati has done, and we are compelled to use that water with insufficient treatment. This is a deplorable condition. It is a condition that is much more important to the people than the opportunity of hunting ducks or fishing, because it involves the health and the happiness and even the lives of the people of the Ohio Valley.

I do not believe you can reasonably approach this matter as the Mundt amendment attempts to solve it. The cities, we can assume, being responsive to the will of the people, want to clean up the rivers out of which comes their water supply. How can the Mundt amendment operate with regard to conditions caused by the cities of the United States?

The pertinent part of the amendment is as follows:

> After date of the enactment of this act, no new sources of pollution, either by sewage or industrial waste, shall be permitted to be discharged into the navigable waters of the United States and streams tributary thereto until and unless approved by the Division.

Almost all of the industrial waste in the great centers of population in our country goes into the sewers of the cities. The only way you can stop the flow of this waste into the rivers is by enjoining the operation of the sewers of the cities. Certainly this could not be done. No court in the land would consider a petition for that purpose. What does one have to do under this amendment before he can establish an industry? He has to go before the Division of Water Pollution Control in the city of Washington and get a permit to organize his corporation to build his plant. It is the most dangerous concentration of power at the seat of government that has ever been proposed. A bureau in Washington would control the industries of the United States. Under the common law an individual could abate a private nuisance or a public nuisance if it peculiarly affected him. The States and their subdivisions have the right to bring suits to abate public nuisances. These nuisances in the great industrial areas cannot be abated by order of court without destroying the industries. Almost all the cities are limited in their tax rate, limited in their indebtedness, and limited in their expenditures. The only way the intolerable condition that exists in the Ohio Valley can be relieved is by Government assistance in form of loans at low rates of interest, and over long periods. That is what the act without the Mundt amendment provides. It also provides for compacts between the States having a common interest for the purpose of eliminating the pollution of the waters. Drastic measures have been tried and failed to accomplish their purpose. If the House insists on the amendment, I am confident it will result in no legislation being passed. [Applause.]

Mr. MANSFIELD. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. REED].

Mr. REED of New York. Mr. Speaker, I favor the spirit and the objective of the Mundt amendment. We would all like to see pollution done away with. But I agree with the last speaker and also with the gentleman from Texas that this is perhaps a very inopportune time to bring in an amendment of this character, investing this amount of power in another bureaucracy here in Washington.

In the first place, this amendment will make it practically impossible for new industries to locate without going through a lot of red tape, which will make their situation very difficult. In the case of oil wells, I can visualize that some of the refuse of those that are already established may be going into navigable streams, but I do not believe that as a rule the new wells that are going down are dangerous as far as pollution is concerned. However, they are faced with this question, because, although most of the water that comes from these oil wells where they use a new process of pumping in the water is drained into the ground, they are going to come in conflict with this Federal power vested in the Mundt amendment. I believe that right now, in a time of national preparedness, we ought to move with caution. [Applause.]

[Here the gavel fell.]

Mr. MANSFIELD. Mr. Speaker, I yield 10 minutes to the gentleman from South Dakota [Mr. MUNDT].

Mr. MUNDT. Mr. Speaker, I want first of all to express my appreciation to the chairman of the committee, the gentleman from Texas, Judge MANSFIELD, for the very fair and very fine manner in which he has handled this legislation and for the manner in which he has distributed the time to debate this particular measure. Unfortunately, I find myself in disagreement with his present position from the standpoint of wishing to recede from the action previously taken by the House, but I am gratified by the fact that a majority of the members of the Committee on Rivers and Harbors of the House, as the bill was brought before us on March 1, joined with the Members of the House who were interested in a measure sponsored by the conservationists and agreed on a compromise form of legislation. That legislation is S. 685, as amended, on page 17, section (d), by the amendment which I introduced.

You will recall that early in the Seventy-sixth Congress we were confronted with two types of legislation on the matter of pollution. One was sponsored by conservation groups which would have done something about the existing problem of pollution, would have set up a series of easy steps whereby the pollution problem as it now exists could be abated. The other was S. 685, originally introduced in the Senate and the authorship of which is claimed by the Cincinnati Chamber of Commerce. Whether or not they are correct in their assumption, I do not know, but they claim the authorship of that original legislation which was far from a pollution-control measure. In fact, they even had it titled, "The Water Pollution Act."

I think it is interesting to quote a passage from S. 685 in its original form, because we are confronted today with a mighty serious and far-reaching decision, and that decision is simply this: Is the Congress of the United States going to reaffirm its position as being opposed to pollution as a public practice and establishing safeguards against new sources and new forms of pollution, or are we going to recede and, by implication, place the official stamp of approval of the House of Representatives on the reprehensible practices of polluters? Now, this bill as first introduced had this unique and intriguing paragraph which was included in the original version of S. 685. I quote from section 6 of the original bill:

> Any person—
>
> Not a corporation, not a municipality, but an individual—
>
> Any person discharging or building works which will discharge untreated or inadequately treated sewage or waste in character or quality sufficient to be deleterious to the navigable waters of the United States or streams tributary thereto is hereby declared to be eligible to Federal aid in the form of grants in aid."

Think of it! This bill as originally introduced and as originally worded by its authors would actually have placed a premium upon pollution by offering grants from the public treasury to any individual who engaged in the practice of pollution. This was the bill we had to start with. And as it

passed the Senate, S. 685 provided these cash Government rewards to persistent polluters.

That bill has been gradually corrected and gradually amended and some of its more vicious aspects taken out, until now we are presented with S. 685 with that language no longer in it, but still granting aids and loans to people engaged in pollution practices.

Mr. LEAVY. Mr. Speaker, will the gentleman yield?

Mr. MUNDT. I yield to the gentleman.

Mr. LEAVY. If the Mundt amendment were taken out of this bill, then we would have nothing but the creation of a new, independent agency that sits in an advisory capacity.

Mr. MUNDT. That is exactly correct, and it would cost the taxpayers a quarter of a million dollars a year to study a problem we have been studying for 150 years in America and have done nothing about. It would cost the taxpayers a quarter of a million dollars to study pollution and at the same time we, as the representatives of the people, would be saying we will do nothing whatsoever to discourage new sources of unknown pollution in virgin streams.

Now, it seems to me, as a matter of consistency, that if the time has come, and it surely has, when we should pass some pollution legislation; if the time has come, and it surely has, when we should encourage State compacts; if the time has come when we are going to appropriate $250,000 a year to set up a bureau to deal with pollution, then certainly the time has come when we should put some prohibitions, some restrictions, and some regulations against new sources of pollution which might be dumped into the public waters of America.

Let us be honest with ourselves and with the public. Either this Congress endorses and encourages the pagan practice of pollution or it does not. If it does, let us not kid the public by voting $250,000 a year to study its elimination, but let us frankly surrender our public waters to private polluters. However, if this Congress opposes indiscriminate pollution as I think it does, let us be equally frank and honest. Let us reaffirm our support of the Mundt amendment. Let us vote "no" against receding from our action of March 1. Let us take action against new sources of pollution while studying the best approach to the solution of existing pollution evils. Surely no sincere enemy of pollution, no genuine supporter of a program to rid our streams of death-dealing pollutants; no real advocate of clean streams, pure waters, and public health, can object to my amendment to restrict the expansion of unregulated pollution. I expect polluters to oppose my measure, but I urge all of you interested in cleaning up the malodorous Ohio River or any other poison-laden stream to support my amendment which, for the first time in American history, puts this Government on record against promiscuous and unrestrained pollution.

Mr. STEFAN. Mr. Speaker, will the gentleman yield?

Mr. MUNDT. Yes.

Mr. STEFAN. The bill as written now with the Mundt amendment is the bill that the Izaak Walton League and the outdoor enthusiasts want.

Mr. MUNDT. That is correct. That is the compromise measure on which they have agreed. We conservationists wanted considerably more, but we have agreed on this as a fair and reasonable compromise.

Mr. STEFAN. It is not as far as they would like to go, but it is the best that we can get at this time.

Mr. MUNDT. That is correct. I think I said when debating this bill on March 1 that we came in here asking for a loaf and were offered a stone. We are compromising with a few slices of bread. The national conservation organizations, every one of them, are in favor of the Mundt amendment, and they believe that the passage of S. 685 without that amendment would be a backward step instead of a forward step. The public-health agencies, the State Health Departments of Indiana, Ohio, Mississippi, Tennessee, Wyoming, Kentucky, and Illinois have endorsed the amendment. Dr. McCormack, of Kentucky, himself, the head of the department of public health in that State, has endorsed the Mundt amendment. Surgeon General Parran, of the United States Public Health Service, has endorsed it, Secretary Ickes has endorsed it, and I urge sincerely that Members vote "no" against the motion to recede. Let us present this to the Senate and see whether or not the criticism that is made that the Senate will vote in favor of pollution and against conservation is just. I am inclined to doubt it. I believe that the Members of the Senate will prove to be just as sincere in their conservation desires as the Members of the House. I deny the assumption that the Senate will let the polluters of America write its legislation for them now that the facts are understood.

Mr. MASSINGALE. Mr. Speaker, will the gentleman yield?

Mr. MUNDT. Yes.

Mr. MASSINGALE. I am wondering whether the committee considered a real, effective piece of legislation against pollution. Of course, it is within the power of the Congress to prevent further and additional pollution in Government-controlled streams. Why is it not within the power of the Congress also to abate by legislative act existing nuisances?

Mr. MUNDT. I am very glad that the gentleman has asked that question, because the bill that I originally introduced in the Seventy-sixth Congress did that, and the cry was made against that by the polluters and by some conscientious objectors that it was "too drastic," and we receded from that, said that we would withdraw that legislation; but let us at least quarantine at this time against an extension of the disease. And now today we again hear it said that this is "too drastic" because it will stop new sources of pollution which are not presently operating. If you are going to start at all to eliminate pollution, we cannot start any more slowly, any more easily, than to say that we are going to prohibit new sources and types of pollution. If we are to do less than that, we will be surrendering our streams to the polluters altogether. I am sure this House will not do that, and I am sure the Senate will also refuse to make such an abdication to avarice.

Mr. DONDERO. Mr. Speaker, will the gentleman yield?

Mr. MUNDT. Yes.

Mr. DONDERO. Even if new pollution is started, it can be continued if they will get a permit from the board set up in the bill. It does not mean that a new industry cannot start.

Mr. MUNDT. Not at all. It simply means that before pollution, detrimental to the public health and to the public interests, can be dumped into the public waters of America, they must secure from the United States Public Health Service in the Division of Water Pollution control set up in the bill a permit in order to do that type of thing.

Mr. RAMSPECK. Mr. Speaker, will the gentleman yield?

Mr. MUNDT. Yes.

Mr. RAMSPECK. I want to inquire about the effect of the gentleman's amendment on existing conditions. Suppose a mill now existing wants to put an additional shift on, what would be the effect of the gentleman's amendment, and also what would be the effect of his amendment on the construction of a hotel or an apartment house in a city?

Mr. MUNDT. My amendment would have no effect whatever on that, because those are extensions of existing forms and sources of pollution and not a new source, nor could it be considered a new source of pollution by any stretch of the imagination.

Mr. HALLECK. As a matter of fact, if the Mundt amendment is retained, the particular language writing that into the law could be adjusted by the conferees?

Mr. MUNDT. Yes; or amended in the Senate, if any further clarification is needed, which I doubt.

Mr. HALLECK. Yes.

Mr. MUNDT. That is correct. I plead with this body not to take a backward step, not by implication and by receding from a 2 to 1 vote which we had on March 1, to tell the polluters of America that this body gives them open sesame to pollute the streams of America without restriction of any kind whatsoever. We have heard opponents here say this afternoon "I believe in the amendment; I voted for it last time; I think it is a good thing, but we are afraid the

Senate will not approve it." Let us give the Senate an opportunity to vote on it. They have never had an opportunity to do so. Then if they reject it, there is still sufficient time to get together in conference and work out some other solution on which the House will vote. But let us by all means insist that before appropriating money to study the problem of pollution we include in the bill a provision against aggravating and increasing the very problem we are to spend tax money to help solve. Give the Senate an opportunity to vote on this forward-looking measure. I am confident the Senate will not let the conservationists of America down.

The SPEAKER pro tempore. The time of the gentleman from South Dakota has expired.

Mr. MANSFIELD. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, statements have been made several times that this bill without the Mundt amendment is nothing more than a survey. That is entirely erroneous. It provides loans both to industries and to municipalities for the purpose of putting in treatment works to treat sewage and pollution generally. That is the main purpose of the bill. They are not able without this help to put in these treatment plants. You can pass all the drastic legislation you can imagine, but that does not put money into their hands with which to do this work. Practically every State in the Union has a pollution law now along the terms of the Mundt amendment. Not one has ever succeeded in abating pollution, but in 6 years, through loans made through the P. W. A., more pollution was abated than had been abated in more than 100 years previous to that time under those drastic laws. That is the reason why many people in the United States thought that we ought to get up a new plan and try it out and see if it will work. Industries and municipalities all over the United States, practically every large industry imaginable, has agreed to cooperate, and wherever it is possible, to abate pollution, through loans that could be made to them at 2½-percent interest, through the Reconstruction Finance Corporation; that they will gladly avail themselves of the opportunity, and put on such regulations as the Public Health Service may require.

Now, here is one bad feature about the Mundt amendment. It leaves it in the hands of a dozen different agencies all over the United States to institute these proceedings in court. In one State they may have one rule. In another they may have another. There is nothing to say what constitutes pollution. There is nothing to say what constitutes new pollution. It will be left to a dozen decisions of courts and it may be 20 years before it will be finally settled by the Supreme Court of the United States. The court reports of the United States are full of decisions on these matters pertaining to pollution. States that now have the most drastic laws—I will give you an instance in the State of Pennsylvania. I have received more complaint from the State of Pennsylvania than any other State in the Union about pollution. They have tried for years to enforce their law there. It is impossible. It never has been done. We have no reason to believe that it ever will be done.

Mr. SPENCE. Mr. Speaker, will the gentleman yield?

Mr. MANSFIELD. I yield.

Mr. SPENCE. Is it not true that the cities are limited in their indebtedness, limited in such a way that they cannot build these interceptory sewers and disposal plants without our help?

Mr. MANSFIELD. There is no question about that.

Mr. DONDERO. Will the gentleman yield?

Mr. MANSFIELD. I yield.

Mr. DONDERO. Of course, the Mundt amendment would not stop the making of loans to municipalities in order to help them abate the nuisance?

Mr. MANSFIELD. Not at all. I mentioned that in answer to the charge that the bill was nothing more than a survey.

Mr. MUNDT. Will the gentleman yield?

Mr. MANSFIELD. I yield.

Mr. MUNDT. Does not the gentleman feel that with my amendment as a part of the bill, which can protect industries against new sources of pollution and new types of pollution, there would really be encouragement for existing polluters to avail themselves of the loan provisions of the bill?

Mr. MANSFIELD. I am sorry, but I did not understand the gentleman's question.

Mr. MUNDT. If my amendment prevails and new sources and new types of pollution are inhibted, does not the gentleman think that will encourage existing polluters to avail themselves of the loan provisions of the bill, because they will then have some protection against unfair and unjust polluters?

Mr. MANSFIELD. My judgment is that you are not going to do anything to abate pollution unless you can assist the polluters in doing it themselves.

Mr. MUNDT. Yes; and I am in favor of assisting them, not only assisting them, but encouraging them by giving them protection against new types of pollution.

Mr. MANSFIELD. The bill without the Mundt amendment gives all the encouragement in the world.

Mr. LEAVY. Mr. Speaker, will the gentleman yield?

Mr. MANSFIELD. I yield.

Mr. LEAVY. If those who would create any new source of pollution would secure permission of the division they would not be subject to court review at all, would they?

Mr. MANSFIELD. Well, I do not know just how the amendment reads.

Mr. LEAVY. The language seems to be very clear upon that, and it is only new sources of pollution that are created without review that will become subject to court procedure. I am referring to paragraph 2 under subsection (d).

Mr. SPENCE. Will the gentleman yield?

Mr. MANSFIELD. I yield to the gentleman from Kentucky.

Mr. SPENCE. Is it not true that the pact bill that we recently approved in this House by unanimous consent provides for the abatement of stream pollution by action of the States?

Mr. MANSFIELD. That is true. Only last week a bill was passed approving a compact between certain States on the Ohio River.

Mr. SPENCE. A compact approved by the States involved growing out of their effort to eliminate stream pollution.

Mr. DIRKSEN. Mr. Speaker, will the gentleman yield?

Mr. MANSFIELD. I yield.

Mr. DIRKSEN. With respect to the question raised by the gentleman from Kentucky about diversity of interpretation, is it not true of all legislation? It must all be interpreted. The law books are full of interpretations of every conceivable kind of legislation that has gone through the Congress. So that ought not to operate as an argument against the adoption of the Mundt amendment.

Mr. MANSFIELD. Does not the gentleman realize that it would cause a delay of many years?

Mr. DIRKSEN. I doubt that.

Mr. MANSFIELD. What is "new pollution"? What is "pollution"? The Mundt amendment does not define what "pollution" is. All these matters by the terms of the bill are left to the Public Health Service to determine. But the question of pollution under the Mundt amendment is left entirely in doubt and has got to be left to the decisions of the court hereafter for determination as to what it means.

Mr. DIRKSEN. That is true with respect to all legislation when final interpretation is had.

Mr. MANSFIELD. But the bill for other purposes now gives authority for determining what constitutes pollution and the extent of the purification of water, and everything of that kind, to the Public Health Service.

Mr. ELSTON. Mr. Speaker, will the gentleman yield?

Mr. MANSFIELD. I yield.

Mr. ELSTON. Is it not a fact that under the provisions of the Mundt amendment it would be possible for the United States Government to enjoin even a State or the municipalities within a State?

Mr. MANSFIELD. The gentleman is more of a lawyer than I, but I think he is correct.

Mr. STEFAN. Mr. Speaker, will the gentleman yield?

Mr. MANSFIELD. I yield.

Mr. STEFAN. I do not think there is a greater authority in the House on streams than the gentleman from Texas. As I understand it, the Mundt amendment would not prohibit any of these loans to which the gentleman refers.

Mr. MANSFIELD. Not at all. It leaves that open and intact.

Mr. STEFAN. In view of the fact that all of the conservationists—the Izaak Walton Leaguers, and so forth—are for this amendment, and in view of the fact that it would help eliminate pollution, would the gentleman from Texas mind stating the greatest objection he has to the amendment?

Mr. MANSFIELD. For one thing, it divides authority for its enforcement. The bill without the Mundt amendment places enforcement entirely under the Public Health Service. The Mundt amendment would place enforcement, so far as new pollution is concerned, in the various authorities throughout the country. There is that undesirable division of authority. It should all remain under the Public Health Service, as the bill originally placed it.

[Here the gavel fell.]

The SPEAKER pro tempore. The time of the gentleman from Texas has expired, all time has expired.

Mr. MANSFIELD. Mr. Speaker, I move the previous question.

The previous question was ordered.

Mr. DIMOND. Mr. Speaker, not being able to obtain time to speak on the motion I ask unanimous consent to extend my own remarks at this point in the RECORD.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

Mr. DIMOND. Mr. Speaker, the interests of my constituents and the welfare of a great industry in Alaska impells me to express the hope that the motion of the gentleman from Texas [Mr. MANSFIELD], not to insist further on the Mundt amendment contained in this bill, be adopted and that the Mundt amendment be thereby eliminated. The gentleman from Texas has pointed out the weakness and the danger inherent in the Mundt amendment through lack of definition and through failure to prescribe a unified and orderly procedure. The amendment speaks of "pollution" but there is nothing therein to define pollution or to say just how far a stream may be said to be polluted by the disturbance of its bed or the introduction into its waters of sand or gravel or other natural materials that are not physically harmful or deleterious. And so the placer mining operators in Alaska, having in mind the general definition of the word "pollution" and the further general tendency of Government bureaus to place the largest possible construction upon terms embraced in laws falling within the administration of those bureaus, and the drastic and sometimes totally unexpected constructions which are thus placed upon words, or phrases, or sections of acts of Congress, are greatly apprehensive lest the term "pollution" as stated in the Mundt amendment shall be so construed as to include the results of the normal and ordinary operations of that industry and, therefore, will be gravely hurtful and perhaps disastrous to the continued and successful operation of placer mining in Alaska.

This type of mining consists of the sluicing or washing of the gravels of creek and river beds for the recovery of the small particles of native gold and other precious metals, or nonprecious metals, such as tin or tin ore, contained therein. Many of the streams of Alaska contain gold or silver or platinum or tin-bearing gravels; and these gravels are worked in several ways: By pick and shovel and by sluice box, by hydraulic, and by dredge, and thus the gold, silver, platinum, tin, and other precious and nonprecious metals are saved. In all of Alaska the industry gives direct employment to perhaps 4,000 men and indirect employment to several thousand more. The output of gold and other precious and useful metals of the placer operations of Alaska amount to about $15,000,000 per year, a large part of which is paid out in wages to those employed in the industry.

The amendment referred to forbids what is called new sources of pollution, either by sewage or industrial waste, to be discharged into the navigable waters of the United States and streams tributary thereto "until and unless approved by the division." It seems possible—perhaps probable—that the operation of placer gravels which always results in the impregnation of the flowing waters of the creeks and rivers where such operations are carried on with fine silt much of which is held in suspension for many miles, will be called pollution resulting from industrial waste, and so, if this amendment is adopted, before a single cubic foot of new ground may be worked by the placer miners of Alaska, it will be necessary for each operator to secure the approval of the division of water-pollution control created by the act.

It is of the very essence and nature of placer mining that new ground be continuously worked and the materials contained therein be extracted. Every year, and indeed, every month, every week, every day, and every hour, and, perhaps, every minute during each mining season new bodies of gravel are dredged or hydraulicked or otherwise washed, and thus it would be easy for some bureaucrat to say that every minute's operations would constitute a new source of "pollution," by "industrial waste."

A statement made a few minutes ago by the gentleman from South Dakota [Mr. MUNDT] indicates that in drafting the Mundt bill and the Mundt amendments he had no thought of attempting to prevent any "pollution" except such as might be deleterious to human health or objectionable from a sanitary standpoint, and yet the division that will have charge of the administration of this bill, if it becomes an act, is only too likely to arrogate to itself all possible power and thus to include in its jurisdiction every bit of placer mining or other mining in which the waters of streams are necessarily used.

The Yukon River is more than 2,000 miles long and it has innumerable branches and tributaries, on many of which placer-mining operations are now carried on. While it may be that under the terms of the act the present operations may continue without securing the approval of the division, it seems certain that no new operations may be undertaken, and no additional ground may be acquired and worked under the present operations, unless the division approves it in advance. The burden thus sought to be imposed upon the industry is a heavy one. Probably the operators who work on an extremely large scale with an investment of millions will be able without grave loss to employ the necessary lawyers, and engineers, and accountants, and experts, and geologists, and all of the others, in the city of Washington or elsewhere, to support and maintain the applications for approval of new work made by those operators; but those who are less well financed, the man who must operate on a total investment of ten, or fifty, or even one hundred thousand dollars can never afford compliance with the burdensome red tape which is bound to surround the application for and the granting of approval of the division. There is no short and easy way likely to be followed in the administrative set-up. I assume that if the bill passes, a placer operator who wishes to work a few thousand, or a few million, cubic yards of gravel on one of the tributaries of an Alaskan river, or one of the branches of such tributaries, will first necessarily make his application for the approval of the division. And, of course, the division will not grant such approval offhand. Very likely a notice must be given to all who may be concerned in the proposed operation. That is to say, to all of those who live near or who operate further downstream and perhaps anywhere in the valley of the river in which the operation is carried on; and I further assume that after such notice is given hearings will be had and at those hearings it will be necessary to prove that the so-called pollution will really not be injurious to anyone, and to support his case the operator at such hearing must have the assistance not only of lawyers, but of engineers, accountants, and of various classes of experts. The burden thus imposed upon the operator who is not a millionaire is likely to be insuperable.

I am not directly concerned, Mr. Speaker, with the operation of the Mundt amendment, except as to mining in

Alaska and particularly with respect to placer mining and, therefore, I take no part of the debate which has had to do with the pollution of streams in the main body of the United States through industrial operations or through the emptying of sewage therein. It is easy to understand and sympathize with the concern of those who wish to correct at the earliest possible moment the present evil conditions and even by drastic measures to prevent any extension of those conditions in the future. But it is never justifiable through carelessness in draftsmanship or through, as in this case, entire lack of definition to run the risk of ruining a great industry just in order to correct evils existing elsewhere. That type of procedure can only be compared with the doctrine that it is always necessary to burn down a house in order to get rid of the mice.

Whatever may be the result of the motion of the gentleman from Texas [Mr. MANSFIELD], and even if that motion should be voted down and thus the House conferees be required to insist upon the Mundt amendments, I earnestly hope that the House and Senate conferees will in conference, by definition or by suitable words of exception, exclude from the scope and operation of the Mundt amendment all placer mining in Alaska or elsewhere.

The laws of Alaska at the present time are ample to prevent any "pollution" of streams either through placer mining or otherwise. The courts are always open to entertain suits of those who are injured by any kind of operations which affect the character of a stream. There is absolutely no need of such drastic legislation as is proposed by the Mundt amendment to take care of the rights of those who may be affected by the operation of this industry in Alaska. The miners of Alaska now take sufficient risks and now undertake sufficient burdens without being required to spend their time and their money and their thought upon compliance with another and, in this case, as to them, a burdensome and a useless Federal bureau.

If the motion should be voted down, it will be easy enough, Mr. Speaker, in conference, to insert in the Mundt amendment a provision that silt, soil, and gravel thrown into streams by ordinary placer mining operations in Alaska and containing no extraneous matter which is offensive, poisonous or deleterious to health should not be considered as pollution of the streams within the meaning of the act.

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to extend my own remarks at this point in the RECORD on this bill.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. DINGELL. Mr. Speaker, I am opposed to any modification or change as regards the so-called Mundt amendment. There can be no compromise. The House has previously expressed itself and should now hold the line. If the Senate insists upon the half-baked, insipid, and ineffective proposals made heretofore, then it appears we will have no bill, and I do not know but what we will be just as well off. The bill to have any real value must prevent future new pollution, and at the same time should reduce as rapidly as possible existing contamination. No undue hardship will be placed upon existing industries, mines, and municipalities. All future sources of pollution will be prevented by the proposal now being debated. The House conferees, if they "stand by their guns," will force the acceptance of this valuable amendment. Let the Senate at least vote upon the question.

Mr. HARRINGTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD at this point, having been unable to obtain time on the motion.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. HARRINGTON. Mr. Speaker, at the outset permit me to say that I have enjoyed membership on the Rivers and Harbors Committee, particularly because of the wise counsel and able guidance of our excellent and distinguished chairman, Judge MANSFIELD. He has at all times been more than fair in his consideration of all problems, and I want to take this opportunity to pay tribute to him. I am sorry indeed that I cannot agree with the motion to recede and concur.

Several months ago this House passed the stream-pollution bill and with it the so-called Mundt amendment, which had for its purpose the making of a beginning in the problem of keeping pure our streams, rivers, and water supply. It does not affect any existing industrial pollution; it in no way affects or restricts the activities of cities or towns which do not now have water-treatment of sewage-disposal plants. On the contrary, it turns its back on existing conditions but does state definitely that from here on no new sources of pollution will be tolerated.

This, it seems to me, is a sensible, logical, and reasonable approach to a condition which is admittedly bad and which requires the best in cooperative efforts of not only all of industry but of all civic and conservation bodies, as well as the public generally.

Water pollution has been discussed since the beginning of this century, and until recently those who opposed pure-stream legislation were sufficiently powerful to defeat all national proposals in an outright manner.

Conservationists, on the other hand, have been willing and ready to compromise and cooperate, as is evidenced by their acceptance of the Barkley bill with the Mundt amendment. This amendment does not disturb existing pollution, as I have said before, but only states that new sources shall be illegal unless approved by the United States Public Health Service. It therefore simply calls a halt and, in my opinion, makes futile the Barkley bill without this excellent provision offered by the able gentleman from South Dakota.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. BENDER) there were—ayes 61, noes 99.

Mr. SPENCE. Mr. Speaker, I object to the vote on the ground there is not a quorum present.

The SPEAKER pro tempore. The Chair will count. [After counting.] Two hundred and eleven Members are present; not a quorum.

The doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas, 155, nays 198, answered "present" 2, not voting 76, as follows:

[Roll No. 167]

YEAS—155

Allen, La.	Englebright	Kennedy, Michael	Richards
Anderson, Mo.	Evans	Keogh	Rogers, Mass.
Arends	Faddis	Kerr	Sabath
Austin	Fay	Kilday	Sasscer
Ball	Fitzpatrick	Kitchens	Satterfield
Barden, N. C.	Flaherty	Kleberg	Schuetz
Bates, Ky.	Folger	Kocialkowski	Seger
Beam	Ford, Miss.	Lanham	Shanley
Beckworth	Ford, Thomas F.	Larrabee	Shannon
Bender	Garrett	Lea	Sheppard
Bland	Gathings	Lewis, Colo.	Smith, Maine
Bloom	Geyer, Calif.	Lewis, Ohio	Smith, Ohio
Boren	Gore	Lynch	Smith, Va.
Boykin	Gossett	McAndrews	Snyder
Brewster	Grant, Ala.	McCormack	South
Brooks	Gregory	McGregor	Sparkman
Bryson	Griffith	Mahon	Spence
Bulwinkle	Guyer, Kans.	Maloney	Starnes, Ala.
Burdick	Hart	Mansfield	Stearns, N. H.
Byrns, Tenn.	Hartley	Marshall	Sumners, Tex.
Carlson	Hendricks	May	Sutphin
Cartwright	Hess	Mills, La.	Terry
Cochran	Hobbs	Monkiewicz	Thomas, Tex.
Colmer	Holmes	Nichols	Thomason
Cooley	Hope	Norrell	Tinkham
Cooper	Houston	O'Neal	Tolan
Costello	Jacobsen	Osmers	Treadway
Courtney	Jarman	O'Toole	Vincent, Ky.
Crawford	Jarrett	Patman	Ward
Crowe	Jenkins, Ohio	Patrick	Warren
Darden, Va.	Johns	Patton	Weaver
Dempsey	Johnson, Luther A.	Pearson	West
Disney	Johnson, Lyndon	Peterson, Ga.	Whittington
Doxey	Johnson, Okla.	Poage	Williams, Del.
Duncan	Johnson, W. Va.	Ramspeck	Williams, Mo.
Durham	Jones, Tex.	Rayburn	Winter
Edelstein	Kefauver	Reed, N. Y.	Wood
Elliott	Keller	Rees, Kans.	Zimmerman
Elston	Kelly	Rich	

NAYS—198

Allen, Ill.	Ferguson	Kirwan	Robsion, Ky.
Andersen, H. Carl	Fish	Knutson	Rockefeller
Anderson, Calif.	Flannagan	Kunkel	Rodgers, Pa.
Andresen, A. H.	Flannery	Lambertson	Rogers, Okla.
Andrews	Fries	Landis	Romjue
Angell	Fulmer	Leavy	Rutherford
Barnes	Gamble	LeCompte	Sandager
Barton, N. Y.	Gartner	Lemke	Schafer, Wis.
Bates, Mass.	Gearhart	Lesinski	Schiffler
Blackney	Gehrmann	Luce	Schwert
Boland	Gerlach	Ludlow	Seccombe
Bolles	Gibbs	McArdle	Secrest
Bolton	Gifford	McDowell	Shafer, Mich.
Bradley, Mich.	Gillie	McGranery	Sheridan
Brown, Ga.	Goodwin	McLaughlin	Short
Brown, Ohio	Graham	McLean	Simpson
Buckler, Minn.	Grant, Ind.	McLeod	Smith, Conn.
Burgin	Gross	McMillan, Clara	Smith, Ill.
Byron	Gwynne	McMillan, John L.	Smith, Wash.
Camp	Hall, Edwin A.	Marcantonio	Smith, W. Va.
Carter	Hall, Leonard W.	Martin, Iowa	Springer
Case, S. Dak.	Halleck	Martin, Mass.	Stefan
Chiperfield	Hancock	Mason	Sumner, Ill.
Church	Hare	Massingale	Sweeney
Clason	Harrington	Michener	Sweet
Claypool	Harter, N. Y.	Mills, Ark.	Taber
Clevenger	Harter, Ohio	Monroney	Talle
Cluett	Havenner	Moser	Tarver
Coffee, Nebr.	Hawks	Mott	Tenerowicz
Coffee, Wash.	Healey	Mundt	Thill
Cole, Md.	Hennings	Murdock, Ariz.	Thomas, N. J.
Cole, N. Y.	Hill	Murdock, Utah	Tibbott
Connery	Hoffman	Murray	Van Zandt
Corbett	Hook	Myers	Vinson, Ga.
Cox	Horton	O'Brien	Vorys, Ohio
Cravens	Hull	O'Connor	Vreeland
Crosser	Hunter	Oliver	Wadsworth
Crowther	Izac	Pace	Wallgren
Curtis	Jeffries	Pierce	Walter
D'Alesandro	Jenks, N. H.	Pittenger	Welch
Davis	Jennings	Plumley	Wheat
Dingell	Jensen	Polk	Whelchel
Dirksen	Johnson, Ill.	Powers	Wigglesworth
Dondero	Johnson, Ind.	Rabaut	Wolcott
Douglas	Jones, Ohio	Randolph	Wolfenden, Pa.
Dunn	Jonkman	Rankin	Wolverton, N. J.
Dworshak	Kean	Reece, Tenn.	Woodrum, Va.
Eaton	Keefe	Reed, Ill.	Youngdahl
Eberharter	Kennedy, Md.	Robertson	
Fenton	Kinzer	Robinson, Utah	

ANSWERED "PRESENT"—2

Hinshaw Woodruff, Mich.

NOT VOTING—76

Alexander	Creal	Green	O'Leary
Allen, Pa.	Culkin	Harness	Parsons
Arnold	Cullen	Kee	Peterson, Fla.
Barry	Cummings	Kennedy, Martin	Pfeifer
Bell	Darrow	Kilburn	Risk
Boehne	Delaney	Kramer	Routzohn
Bradley, Pa.	DeRouen	McGehee	Ryan
Buck	Dickstein	McKeough	Sacks
Buckley, N. Y.	Dies	Maas	Schaefer, Ill.
Burch	Ditter	Maciejewski	Schulte
Byrne, N. Y.	Doughton	Magnuson	Scrugham
Caldwell	Drewry	Martin, Ill.	Somers, N. Y.
Cannon, Fla.	Edmiston	Merritt	Steagall
Cannon, Mo.	Ellis	Miller	Sullivan
Casey, Mass.	Engel	Mitchell	Taylor
Celler	Fernandez	Mouton	Thorkelson
Chapman	Ford, Leland M.	Nelson	Voorhis, Calif.
Clark	Gavagan	Norton	White, Idaho
Collins	Gilchrist	O'Day	White, Ohio

So the motion was rejected.

The Clerk announced the following pairs:

On the vote:

Mr. Byrne of New York (for) with Mr. Schulte (against).
Mr. Woodruff of Michigan (for) with Mr. Alexander (against).
Mr. Kilburn (for) with Mr. Allen of Pennsylvania (against).
Mr. Cannon of Florida (for) with Mr. Maas (against).
Mr. Leland M. Ford (for) with Mr. Culkin (against).

General pairs:

Mr. Burch with Mr. Ditter.
Mr. Doughton with Mr. Harness.
Mr. Fernandez with Mr. Engel.
Mr. Boehne with Mr. Miller.
Mr. Drewry with Mr. White of Ohio.
Mr. McGehee with Mr. Gilchrist.
Mr. Magnuson with Mr. Darrow.
Mr. Steagall with Mr. Routzohn.
Mr. Cullen with Mr. Thorkelson.
Mr. Gavagan with Mr. Risk.
Mr. Martin of Illinois with Mr. Barry.
Mr. Mouton with Mr. Creal.
Mr. Edmiston with Mr. Ryan.
Mr. Kramer with Mr. O'Leary.
Mr. Arnold with Mr. Pfeifer.
Mr. White of Idaho with Mr. Bell.
Mr. Buck with Mr. McKeough.
Mr. Parsons with Mr. Dickstein.
Mr. Scrugham with Mr. Delaney.
Mr. Sachs with Mr. Maciejewski.
Mr. Green with Mr. Nelson.
Mr. Bradley of Pennsylvania with Mr. Merritt.
Mr. Martin J. Kennedy with Mr. Schaefer of Illinois.
Mr. Collins with Mrs. Norton.
Mr. Sullivan with Mr. Chapman.
Mr. Dies with Mr. DeRouen.
Mr. Cannon of Missouri with Mr. Casey of Massachusetts.
Mr. Ellis with Mrs. O'Day.
Mr. Clark with Mr. Peterson of Florida.
Mr. Buckley of New York with Mr. Kee.
Mr. Somers of New York with Mr. Cummings.
Mr. Celler with Mr. Caldwell.

Mr. ENGLEBRIGHT changed his vote from "nay" to "yea."

Mr. WOODRUFF of Michigan. Mr. Speaker, I have a pair with the gentleman from Minnesota, Mr. ALEXANDER. Were he present, he would vote "nay." I voted "yea." Therefore I withdraw my vote of "yea" and vote "present."

The doors were opened.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ARGENTINE FELICITATIONS ON ANNIVERSARY OF AMERICAN INDEPENDENCE

The SPEAKER laid before the House the following communication from the Secretary of State:

WASHINGTON, *July 6, 1940.*

MY DEAR MR. SPEAKER: The American Ambassador at Buenos Aires has informed me that on July 4, deputies representing the four principal political parties in the Argentine Chamber of Deputies joined in paying tribute to the anniversary of the independence of the United States upon the motion of Señor Vincente Solano Lima, National Democrat, of Buenos Aires, who proposed that the Chamber of Deputies should stand as a tribute to the Congress of the United States and that the president of the chamber should send the corresponding communication. Agreement on behalf of the Anti Personalista Party was expressed by Señor Adolfo Lanus in an address in support of democratic institutions. Señor Jose Luis Cantillo, speaking for the Radical Party, stated that the present, of all times, called for their warm support for such a motion. Señor J. V. Gonzalez, Socialist deputy, spoke in support of the motion on behalf of his party. At the invitation of the Chair, the Chamber of Deputies and the public in the galleries stood as a tribute to American Independence Day.

Sincerely yours,

CORDELL HULL.

[The Members applauded.]

The SPEAKER. In connection with the letter of the Secretary of State, the Chair lays before the House the following English translation of the resolution.

The Clerk read as follows:

[Translation]

JULY 4, 1940—9:59 p. m.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA, WASHINGTON.

The Chamber of Deputies of the Argentine nation resolved in today's session to pay homage of sympathy to the people and the Congress of the great American Nation because of the glorious date of its independence which created immortal models for the exercise of free institutions in all America. I greet the Speaker with my most distinguished consideration.

AGUIAR,
President of the Chamber of Deputies of the Argentine.
CARLOS G. BONORINO,
ZAVALLA CARBO,
Seretaries.

[The Members applauded.]

Mr. BLOOM. Mr. Speaker, I offer a resolution and ask for its immediate consideration.

The Clerk read as follows:

HOUSE RESOLUTION 547

Whereas there have long existed historical ties of friendship between the United States of America and Argentina; and

Whereas these ties, based on the respect and admiration of two free and independent nations, happily grow firmer day by day; and

Whereas on July 4, 1940, the Chamber of Deputies of the Argentine Congress graciously paid tribute to the anniversary of the independence of the United States of America and to this House of Representatives of the Congress of the United States of America; and

Whereas today, July 9, 1940, marks the anniversary of the Declaration of Independence of the Argentine Republic, a memorable day in the progress of democratic institutions; therefore be it

Resolved, That this House pay tribute to the Chamber of Deputies of Argentina and to the great Argentine Nation on this their anniversary of the signature by a group of 28 patriots in the city of Tucumán on July 8, 1816, of the Declaration of Independence of the United Provinces of the Rio de la Plata; and be it further

Resolved, That a copy of this resolution be forwarded through the Secretary of State to His Excellency the Ambassador of Argentina at Washington for transmission to the Chamber of Deputies of the Argentine Republic.

The SPEAKER. The Chair recognizes the gentleman from New York [Mr. BLOOM].

Mr. BLOOM. Mr. Speaker, on July 4, 1940, deputies representing the four principal political parties in the Argentine Chamber of Deputies joined in paying tribute to the anniversary of the independence of the United States upon the motion of Señor Vincente Solano Lima, National Democrat of Buenos Aires, who proposed that the Chamber of Deputies should stand as a tribute to the Congress of the United States and that the President of the Chamber should send the corresponding communication. Agreement on behalf of the Anti Personalista Party was expressed by Señor Adolfo Lanus in an address in support of democratic institutions. Señor Jose Luis Cantillo, speaking for the Radical Party, stated that the present, of all times, called for their warm support for such a motion. Señor J. V. Gonzalez, Socialist Deputy, spoke in support of the motion on behalf of his party. At the invitation of the Chair, the Chamber of Deputies and the public in the galleries stood as a tribute to American Independence Day.

It occurs to me that on this day, July 9, 1940, the Argentine is celebrating the anniversary of the Congress of Tucumán which met in the city of Tucumán on July 9, 1816, and pledged itself to a declaration of independence for the United Provinces of the Rio de la Plata.

On March 8, 1822, President Monroe sent to the Congress a message in which he renewed his sympathy for the cause of Buenos Aires, and the Congress voted the recognition of Argentine independence unanimously. The United States was then the first country after Portugal to recognize Argentina and I am pleased to say that the friendly relations then established have ever since been maintained between the Government of Argentina and the Government of the United States.

Mr. Speaker, I move the adoption of the resolution. [Applause.]

The SPEAKER. The Chair recognizes the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, it is very fitting that we should commend and congratulate our sister republic of the Argentine on the one hundred and twenty-fourth anniversary of its independence.

Argentina is one of the largest, the richest, and the most powerful of the Latin-American republics. In these days, as the nations of the Old World are going to the right and to the left into autocracies and dictatorships, we of this Congress should be very happy to send a word of greeting down to this great Republic, and to congratulate Argentina on its anniversary of independence, to wish her long life, freedom, and prosperity, and to send our best wishes to our sister Republic through His Excellency, the Argentine Ambassador in Washington, Senor Don Felipe A. Espil. Ambassador Espil is one of the ablest and most popular of the diplomats now living in the city of Washington, and his charming American wife is equally well liked. [Applause.]

The SPEAKER. The question is on agreeing to the resolution. The Chair demands a division.

The House having divided, the Speaker said: "On this vote the yeas are 350, nays none, and the resolution is unanimously adopted."

AUTHORIZING COL. DONALD H. CONNOLLY TO HOLD OFFICE OF ADMINISTRATOR OF CIVIL AERONAUTICS

Mr. BULWINKLE. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate Joint Resolution 283.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina [Mr. BULWINKLE]?

Mr. MICHENER. Mr. Speaker, reserving the right to object, will the gentleman explain what this resolution is?

Mr. BULWINKLE. Mr. Speaker, the Administrator of the Civil Aeronautics Authority has resigned, and it has been decided to appoint as Administrator an officer in the Regular Army, Col. Donald H. Connolly, a man of great reputation, very efficient and capable, both in training and in the other work that will be necessary in this office. For this reason and in order that he may hold his rank in the Army, it is necessary for the Congress to authorize him to take this appointment.

Mr. MICHENER. Does this have a unanimous report?

Mr. BULWINKLE. It has a unanimous report from the Committee on Interstate and Foreign Commerce.

Mr. MICHENER. And the minority Members understand the gentleman is calling it up at this time?

Mr. BULWINKLE. Yes; they do.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina [Mr. BULWINKLE]?

There being no objection, the Clerk read the joint resolution, as follows:

Resolved, etc., That notwithstanding the provisions of section 1222 of the Revised Statutes (U. S. C., title 10, sec. 576), Col. Donald H. Connolly, being a commissioned officer on the active list, Corps of Engineers, United States Army, is authorized to hold the office of Administrator of Civil Aeronautics in the Department of Commerce without loss of or prejudice to his status as a commissioned officer on the active list of the United States Army and if appointed to such civil office he shall receive in addition to his pay and allowances as such commissioned officer an amount equal to the difference between such pay and allowances as such commissioned officer and the salary prescribed by law for such civil office.

The joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. FOLGER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and include therein an address by Hon. Franklin W. Hancock, Jr., member of the Home Loan Bank Board.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from California [Mr. BUCK] be permitted to extend his remarks three times in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and include therein a short editorial on Senator MCNARY.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

EXTENSION OF ACT TO PREVENT PERNICIOUS POLITICAL ACTIVITIES

Mr. DEMPSEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 514.

The Clerk read the resolution, as follows:

House Resolution 514

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 3046, an act to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939. That after general debate, which shall be confined to the bill and shall continue not to exceed 4 hours, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary, the bill shall be read for amendments under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. DEMPSEY. Mr. Speaker, I yield 30 minutes to the gentleman from New York [Mr. FISH], and I now yield myself 5 minutes.

Mr. Speaker, this resolution makes in order the consideration of S. 3046, better known as the Hatch amendments to the original Hatch Act. This bill extends the same protection to those employed in the States, who are paid in whole or in part from Federal funds, as the original Hatch bill extended to those Federal employees who were not covered by the civil-service regulations. The amendments provide that not only Federal employees, who are now covered by the original bill, but employees in the States who are paid in whole or in part with Federal funds, may vote as they please. They cannot be coerced or threatened with loss of their jobs because of the manner in which they vote or the candidate for whom they vote. In addition, if these amendments are adopted, it will no longer be possible to assess Federal employees with dues for campaign purposes.

The bill, as originally passed, which I believe embraces something more than 200,000 Federal employees who are not appointed by State agencies, has brought about a situation, as reflected by my mail, that has given these people a new outlook on life and on the political picture. It is a veritable Bill of Rights for them. I do not know of one employee in the Federal service who would give up the protection afforded him by the Hatch Act and go back to the chaotic and oppressive condition that has existed in many States for many years.

The Congress has seen fit to pass and the President to approve legislation which was deemed desirable from the standpoint of giving employees of the Federal Government the protection afforded them by the original Hatch Act. Most certainly, then, it is fitting and proper to give those public employees in the various States, who occupy much the same status as the Federal employees, the same protection. There should be no discrimination, no class legislation, and I am confident it is not the desire of this House that there should be.

This legislation is based upon honesty and integrity in the political structure of our Nation; it is intended to extend further the intention expressed by this Congress last year that public moneys, paid into the Treasury of the United States, shall not be forcibly collected to foster political machines or selfish political ambitions. It does not prevent any person, except those paid from relief funds, from making a voluntary contribution if that person so desires. It does strike directly at "bossism" and political dictatorship.

This legislation, Mr. Speaker, will prevent the extreme application of the spoils system, which countenances, even demands, that through the devious channels of ruthless machine politics, the taxpayers' money shall finance partisan political activities.

Every poll, every survey made since the passage of the original Hatch Act reveals that more than 75 percent of the people of the Nation favor the original law and its protective inclusion of the thousands of State employees, whom these amendments seek to cover.

Consideration of this legislative proposal should and must transcend partisan politics; it should and does, I am certain, tower far above the individual political fortunes of any of us. Let us, then, consider it from that standpoint—purely on the basis of the reestablishment by both political parties of decency, common honesty, and true democratic principles in the conduct of their campaigns and the people's governmental affairs.

This is not a revolutionary or novel idea. It is simply a return to the principles of government and political procedure which have been enunciated by this Nation's greatest leaders.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. DEMPSEY. I will be glad to yield to the gentleman.

[Here the gavel fell.]

Mr. DEMPSEY. Mr. Speaker, I yield myself 3 additional minutes.

Mr. RANKIN. Since the greatest danger to our democracy now lies in the domination of the public utilities——

Mr. DEMPSEY. Mr. Speaker——

Mr. RANKIN. Wait a minute, I am going to ask the gentleman about the amendment I propose to offer.

Mr. DEMPSEY. Ask a question about the amendment and I will be glad to yield.

Mr. RANKIN. I want to ask the gentleman if he will support an amendment to prevent these hirelings of public utilities that are supposed to be publicly regulated from also going out and making speeches and using money and other influences to control elections in this country.

Mr. DEMPSEY. Mr. Speaker, I will say to the gentleman from Mississippi that the purpose of the original bill and the amendments is to free the employees of the Federal Government. This bill has nothing whatever to do with private individuals except that a private individual cannot coerce, intimidate, or threaten anyone in order to secure his vote.

Mr. RANKIN. But it permits employees of the public utilities to continue to dominate politics in this country.

Mr. DEMPSEY. Mr. Speaker, I do not yield further.

Now, who is opposed to this type of legislation and who is for it? The press quotes the President of the United States as being one who is for it. I notice the press also quotes the gentleman who has permitted his name to go before the Republican Convention and be selected as their candidate for the Presidency as being for this type of legislation.

Mr. RANKIN. Why, of course, but I dare say he would not want us to curb the employees of the utilities. [Laughter.]

Mr. DEMPSEY. The majority leader of the Senate and the minority leader of the Senate favor this legislation. I am sure the leadership of this House on both sides of the aisle favor this type of legislation.

Mr. HOUSTON. Mr. Speaker, will the gentleman yield?

Mr. DEMPSEY. I yield to the gentleman from Kansas.

Mr. HOUSTON. Under the proposed amendments would it be unlawful for a State organization or a State administration to assess or solicit funds from a State agency that participates in Government funds?

Mr. DEMPSEY. Yes.

Mr. HOUSTON. It would be unlawful?

Mr. DEMPSEY. It would be unlawful but they can contribute if they desire to do so voluntarily.

Mr. HOUSTON. But they cannot assess them.

Mr. DEMPSEY. Absolutely, they cannot assess them.

There are people who oppose this legislation, who are honest in their belief, and I have all the respect in the world for them. Then we have the other type of person who opposes this legislation because he believes that the party in power has the right to the spoils that go with that power. With that I disagree. I think it is wrong to assess employees against their will, who are working for the Federal Government. I think it is wrong to dismiss an employee of the Federal Government because he dares to vote for the candidate of his own choosing.

Now, a short time ago I heard the distinguished gentleman from Texas make a marvelous speech on the floor of the House. He spoke about the law of nature which he has observed so carefully. I have always been delighted to listen to the gentleman. He pointed out the greatness of the law of nature, stating that he observes such things and tries to follow in that pathway.

[Here the gavel fell.]

Mr. DEMPSEY. Mr. Speaker, I yield myself 2 additional minutes.

If all the people of this country were of the same character as the great chairman of the Judiciary Committee, there would be no occasion for the Hatch Act. While he views and watches and tries to uphold the things that God is for and wants, there are others who try to emulate the devil. Those are the people at whom the Hatch Act is aimed. [Laughter and applause.]

Mr. Speaker, this bill gives rights to certain people in this country. I have seen women on sewing projects getting $35 a month and being assessed $2 or $3 of their wages when they had little children that were not getting enough milk and bread.

Mr. BARDEN of North Carolina. Mr. Speaker, would the gentleman mind——

Mr. DEMPSEY. I have not yielded, Mr. Speaker, although I will yield to the gentleman for a question.

Mr. BARDEN of North Carolina. I was trying to ask one.

Mr. DEMPSEY. I am yielding for a question.

Mr. BARDEN of North Carolina. Would the gentleman mind reciting the instance where that took place, in what State, and what kind of a set-up brought that about?

Mr. DEMPSEY. Well, that was in the W. P. A. and has been entirely cured by the original Hatch Act. There has been no more scandal in W. P. A. since the Hatch Act was passed, and that is what cleaned it up. I can go State by State through the United States if I desired, but I do not wish to reflect on any State or any people. I hope to help clean up a condition that exists, and which is generally known to exist. That is all that I am seeking to do.

The SPEAKER. The time of the gentleman from New Mexico has expired.

Mr. FISH. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota [Mr. KNUTSON].

Mr. KNUTSON. Mr. Speaker, we have passed from the subject of water pollution to political pollution. I hold in my hand a photostatic copy of an order blank for advertising space in the Democratic Book of 1940. The number of this particular application has been deleted, because we have no desire to see the recipient persecuted by the income-tax people, the wage and hour people, the social-security people, and all of the other New Deal evils that now afflict the body politic. I shall read a few excerpts from this application:

THE DEMOCRATIC BOOK OF 1940

Make checks payable to Democratic National Committee, National Press Building, Washington, D. C. Hotel Biltmore, New York City.

I wonder if that name should not be spelled with an "M." That is a good place for the Democrats to have their intake—the Hotel Biltmore or "Milkmore." Then it goes on and says:

The Democratic National Committee accepts this order under the following conditions: This order is not binding on the Democratic National Committee—

I am not surprised at that, because nothing is—

until accepted in writing by a duly authorized officer of the committee, and upon acceptance in writing shall become a binding and enforceable agreement between the advertiser and the Democratic National Committee. Advertiser is to pay for all drawings, photographs, and engravings used in the space hereby ordered, and the committee retains the right to edit all copy.

I suppose the advertiser might forget to glorify the New Deal, so the committee reserves the right to correct the omission or the oversight. To continue:

All alterations of this order must be written on the original and duplicate to be binding and valid—

And so on. Now we come to the most interesting part. Here are some of the prices:

Black and white: Full page, $2,500; preferred position 25 percent extra. Full color page, $3,125; no preferred position.

Mr. ANDERSON of Missouri. Mr. Speaker, will the gentleman yield?

Mr. KNUTSON. Not now.

Mr. ANDERSON of Missouri. Has Mr. Willkie's company got an ad there?

Mr. KNUTSON. To continue with the prices:

Preferred positions: Back cover in full color, $8,500.

Why, Mr. Speaker, that is more than one would pay for a page in the Saturday Evening Post, the Ladies' Home Journal, and the Woman's Companion combined. That is the price for a back cover, full-color page in this Democratic book. Then for the inside back cover in full color they ask $5,000, and for the inside front cover in color, $6,000. Of course, all of this space will be taken by Government contractors; that is, contractors who are doing business with the Government, the cost of which will be passed on to the people. Now here is some mechanical information:

Standard process colors—no metallic colors.

I presume that means that there is neither gold nor silver used in the manufacture of the ink with which this publication is printed.

Color pages and covers same size as black and white pages.

Then here is something interesting:

Bleed cover pages 15 percent extra.

That is rather an appropriate word, "bleed." Of course, they are all being bled. Then it says:

No bleed pages inside.

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. KNUTSON. Mr. Speaker, I ask the gentleman to yield me a little more time.

Mr. FISH. Mr. Speaker, I yield the gentleman 2 minutes more.

Mr. KNUTSON. No bleed pages on the inside. That is rather misleading, because I find that the inside back cover in full color costs $5,000. If that is not bleeding, then I do not know what the term means.

Then, to continue:

Engravings: Halftones should be 120-line screen for best reproduction.

Mr. Speaker, ordinary newspapers use 85-line screen, but this seems to be an extraordinarily fine job. In other words, they are going to bleed you with a stiletto or some fine instrument rather than use a hacksaw or a meat ax. I presume the faithful are out now soliciting advertising at the point of a gun for this publication, and we shall all wait the appearance of this wonderful book with a great deal of interest. I am sure that it contains all the information that the heart could desire. I believe the Republicans could learn something from this priceless publication.

Mr. HENDRICKS. Mr. Speaker, will the gentleman yield?

Mr. KNUTSON. Yes; for a brief question.

Mr. HENDRICKS. I note that the Republicans have voted for this bill all the way through except when it came to the Bankhead amendment in the Senate where they limited contributions to $5,000, and only one Republican voted for that. Can the gentleman tell me why?

Mr. KNUTSON. Because we thought that figure was too high.

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. KNUTSON. I notice that Mr. Willkie has announced that no contribution in excess of $5,000 will be accepted by his campaign committee in the coming campaign.

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. FISH. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Speaker, this rule gives plenty of time to discuss this matter, and the way the thing starts out there will be much partisan political talk indulged in. Of course, following my usual custom, I shall not do that. [Laughter.]

This rule makes in order the Hatch bill, S. 3046, with 4 hours of general debate, and then the bill is thrown open to amendment under the general rules of the House.

The gentleman from New Mexico [Mr. DEMPSEY], coauthor of the bill with Senator HATCH of New Mexico, has explained in a general way the purpose of the bill. However, I hope you will bear with me while I read a part of Senator HATCH's explanation when the bill was before the Senate. It is in the CONGRESSIONAL RECORD of March 5, 1940, and is as follows:

At the last session, Congress passed a law (the Hatch Act) which, among other things, prohibited political activity on the part of employees of the Federal Government, with certain exceptions. The purpose of the pending measure is to extend exactly the same provision to employees in the States whose employment is made possible by the use of Federal funds or appropriations from the Federal Treasury.

We have tried to approach the task mindful of the difference between the Federal Government and the several States, and mindful of our obligation to protect the funds which the Gov-

ernment itself appropriates, as well as the rights of the States and of the employees who are technically State employees from a legalistic standpoint, but nevertheless are perhaps in a greater sense Federal employees, for their employment could not be were it not for the aid given from the Federal Treasury.

In approaching this task, we—referring to the Senate committee—have tried to follow as nearly as possible the exact language of the act we passed last year—

That is, the original Hatch Act—

which, in turn, was the exact language of the rule of the Civil Service Commission, which has been in effect for more than 50 years.

I want to accentuate that. The original Hatch Act was in the language of the civil-service law for more than 50 years. There is nothing new about it; nothing new in principle, only it applied to non-civil-service Federal employees the same as the civil-service law applied to civil-service employees.

And that language was originally chosen because it had been in effect in this country so long and was so thoroughly understood.

Now, that is a part of Senator Hatch's explanation of this bill.

Mr. ZIMMERMAN. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I would rather not. My time is so limited.

Mr. ZIMMERMAN. I simply wanted to ask the gentleman one question on that feature of it.

Mr. MICHENER. Well, for a question.

Mr. ZIMMERMAN. The point is, if the Federal Government, for example, gave the State of Missouri some money for building highways and a contract were let at some country point and the men in the neighborhood were working on this job, and they have a precinct meeting, those men could not participate in that precinct political meeting without forfeiting their jobs?

Mr. MICHENER. The gentleman is opposed to the bill. It is very easy to conjure up fantastic examples. The mischief aimed at here is hard to reach. After all, the effectiveness of any law depends much upon the reasonableness of the administration enforcing it. My friend from Missouri is one of the most able Members of the House, and I hope he will consider the bill in its broader aspects and help us write a law that is fair and just.

Mr. ZIMMERMAN. Would it not apply to those men?

Mr. MICHENER. I am not sure that it would.

Mr. CRAWFORD. Will the gentleman yield for a question?

Mr. MICHENER. I would rather not, I only have 5 minutes.

Mr. FITZPATRICK. Will the gentleman yield?

Mr. MICHENER. I hope the gentleman will not insist. My time is very limited.

Mr. FITZPATRICK. I would like to ask the gentleman as a lawyer one question.

Mr. MICHENER. I hope the gentleman will not insist.

Mr. FITZPATRICK. Just for one question.

Mr. MICHENER. Very well. The gentleman from New York always asks worth-while questions, but sometimes difficult to answer.

Mr. FITZPATRICK. As one of the best constitutional lawyers in this House—and I say that with all sincerity—do you think that Congress has the right to say to a citizen of the United States, if he is on the Federal pay roll, that he cannot express himself publicly on a political question? Under the Constitution can we do that?

Mr. MICHENER. Under the Constitution the Government may attach such conditions to the spending of Federal money as the Congress sees fit. This bill has to do only with the political activities of those compensated from Federal funds. It is only another manifestation of that power of limitation. I do not believe any constitutional question is involved.

Mr. FITZPATRICK. Then you say we have a constitutional right to do that?

Mr. MICHENER. I do. The Congress has a right to provide how the money shall be spent in a building program. We have the right to provide in an appropriation bill the persons who may work on the job. We can even fix the age of the persons who work on a project financed by the Government, and all that kind of thing. So, in my judgment, the gentleman has suggested no constitutional question. Civil-service employees compensated from Federal funds have been prevented from engaging in political campaigns for years. The constitutionality of that control is not even doubted.

The Congress has vastly more power over elections than it has ever sought to exercise. I do not believe that there is sufficient doubt of constitutionality to justify voting against this meritorious measure.

Mr. FITZPATRICK. I thank the gentleman.

Mr. MICHENER. I want to discuss some other things, but I see that my time is about expired.

The SPEAKER. Did not the gentleman from New York yield the gentleman additional time.

Mr. FISH. Yes; I will be glad to do it. I did yield it, but I do not believe the gentleman understood it.

The SPEAKER. The Chair so understood.

Mr. MICHENER. In spite of the dire predictions of the opponents of the original Hatch Act, that law has worked well. None of the things that the opponents insisted would happen has happened. Indeed, the Hatch law makes it impossible for the political boss to corral, herd, and vote W. P. A. workers and other employees of the Federal Government throughout the States of the Union. That law is an emancipation proclamation for the honest, worthy citizen who finds himself receiving financial aid from, or is in the service of, his Government. No longer can he be compelled to work in the political vineyard of the reigning political administration. In no way is he deprived of his constitutional rights. In fact, the Hatch law protects those constitutional rights for him.

The debates on the original Hatch Act are replete with nauseating incidents of political coercion and browbeating of those receiving compensation from the Federal Government. The present debate will not develop any such incidents affecting Federal employees, because the Hatch Act accomplished something. Who then would say that this act should be repealed? Of course, none of us.

Those vehemently opposing this bill are largely the same persons who opposed the original Hatch bill and, mark you again, they will cite no incidents wherein the law now on the statute books has not been effective and beneficial. I use the word "beneficial" in the generic sense; that is, it has benefited the worker and it has made for free, honest, and pure elections.

Now, if the present Hatch law, which applies only to Federal employees, has worked well and is a good thing for the country and the employees, why should the principle not be extended to employees of States who receive their compensation in whole or in part from the Federal Government? This law will bring political freedom and liberty to many of these employees rather than deprive them of any constitutional rights.

Now, I am sure that there are those here who in their opposition to destroying political bossism will take shelter under the old States' rights cloak. I have much sympathy with those of that philosophy. We have too much centralization of government in Washington and the bureaucrats are reaching out their long arms into our States, our counties, our municipalities, and our homes. It is true that during the last 7 years our country has been pretty well regimented, regulated, and controlled from Washington. I am just as much opposed to that as anybody can be. However, this system is now operating and the purpose of the bill now before us is to protect those States and their citizens who are directly controlled by bureaus or money sent from Washington. Most of those opposing this bill do not oppose the Federal Government making these grants and contributions to States and local communities. Well, if the Federal Government is controlling the politics of States and localities by virtue of contributions to those agencies, and if this bill will lessen this

domination, even though it does not destroy it entirely, then we should all be for this bill.

Tell me why the Federal Government should furnish the money to build highways in the States and then permit the administrators of the highways in the States, who spend the Federal money, to build up a political machine not only to elect highway commissioners and highway officials but also to dominate and control the entire political set-up in a whole State. The original Hatch Act put a stop to the Federal employees of a State dominating and controlling politics in the State. Does it seem fair for the Federal Government to furnish the money to permit a State highway department to dominate the political life of the State when that privilege is taken away from the Federal group? Oh, no; money should not control the political elections in any State. Of course, this money is not appropriated to the States for political purposes, but the State political machine is ofttimes the indirect result of the Federal money appropriated. The State highway commissioner has the right to locate roads, the right to employ hundreds of engineers, supervisors, and other subordinates. What is wrong about preventing him from using this authority for pernicious political purposes?

It will be said in this debate that this legislation is not only wrong in principle but that it is only needed in a few places. It seems to me that if the Federal Government is going to spend the money that it is spending in the several States, it has the perfect right to place such limitations as it sees fit on the spending of this money. One Member has suggested that this bill would not be here were it not for a condition obtaining in New Mexico, where the authors of the bill reside. If reports are true, this bill certainly is needed in New Mexico and possibly in many other States. It is always the wounded bird that flutters. Possibly New Mexico is spectacularizing conditions which we know are prevalent in many other sections of the country. Should we close our eyes to these conditions, or should we meet them head-on?

When we reach the 5-minute rule in the consideration of this bill those who would destroy the measure will offer prolific amendments. If you are in favor of remedying the conditions aimed at by this new Hatch bill, then you should vote against these sabotaging proposals.

The people of this country understand in a general way what the Hatch law is, and they favor that type of legislation. They believe in clean politics and are not going to quibble about technicalities when it comes to getting results. This is another step in the right direction, and I predict that if these amendments are adopted they will meet with the same general approval accorded to the original Hatch Act. [Applause.]

[Here the gavel fell.]

Mr. FISH. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. GEYER].

POLL TAXES AND PERNICIOUS POLITICS

Mr. GEYER of California. Mr. Speaker, if this rule passes, I propose to offer an amendment to the bill it makes in order, and this amendment will have to do with the poll tax. I hope we can discuss this thing rather dispassionately and not indulge in personalities. I am sure we are not so much interested in personalities as we are in correcting a situation which I believe to be very un-American; that is, the charging of a fee before one is allowed to vote.

The purpose of the Hatch amendments is to prevent pernicious political activities.

The abolition of poll taxes as a prerequisite to voting in Federal elections is also necessary if we are to curb corrupt practices during elections. In eight States in the United States payment of a poll tax is required for voting in Federal elections. Frequently such taxes are paid for by persons other than the voters as an inducement for voting for certain candidates. Experience proves that existing legislation prohibiting such practices has failed to prevent them. It is therefore necessary in order to insure the honesty of elections that the Congress forbid the requirement that poll taxes be paid as a prerequisite for voting in Federal elections.

HOW POLL TAXES WORK

In these eight Southern States the people have to pay for the right to vote: Alabama, Arkansas, Georgia, Mississippi, South Carolina, Tennessee, Texas, and Virginia. The amount of the poll tax varies from $1 to $2, but in some States it is cumulative. That is, if a voter fails to exercise his franchise in a particular year, he must pay 2 years' taxes the following year before he can go to the polls to vote. In Georgia a man who has not paid his poll tax for 7 years will have to pay $15.50 for the right to vote. In Alabama this bill may run as high as $36. And so hundreds of thousands of sharecroppers, tenant farmers, and city workers have gotten behind with their poll taxes. Because of their low incomes they cannot afford to buy the right to vote. The result has been that powerful cliques have gained and kept political domination by the manipulation and control of elections. The democratic guaranties of the Constitution are thus nullified.

Here is how the poll tax works in the eight Southern States: Months before the election people pay their poll tax. On the poll-tax receipt is recorded the voter's name, age, sex, and color. Then when he goes to the polls on election day he takes his poll-tax receipt and hands it to the proper official and casts his ballot.

VOTES ARE BOUGHT

But what happens? Political machines come along and openly buy receipts. They go to the tax collector, who writes thousands of fictitious poll-tax receipts for them. Then, on election day, the machine politicians call in their henchmen and get them to vote in as many different places as possible. When the fictitious tax receipts are made out the politicians say, "We will make 200 of them for persons between 23 and 25 years of age, 200 of them for individuals about 30, 200 of them for those about 40, and some for those who are older." Then the proper poll-tax receipt is given to a man between 20 and 25 years of age who also has the other qualifications listed. The fictitious voter is loaded with others in cars that go from one polling place to another and along he goes, stopping here to vote as John Doe and there as Henry Smith.

I have in my files a sworn affidavit which reads as follows:

> In 1936 I was interested in the election of a local candidate in Knoxville, Tenn. One evening a man active in local politics approached me and offered me a block of poll-tax receipts for my use. He had a large number of receipts, apparently several hundred. He counted off about 50 for me.
>
> The receipts had no names entered on them, the names of registered voters to be filled in. They were, however, properly signed.
>
> After some consideration of what such activity would involve, I decided against the use of the receipts and handed them back to him.

It is a common thing for employers, whether landowners or heads of manufacturing plants, to lend their employees money to pay the poll tax, or in some instances to pay the tax outright, and then see that these workers vote for the candidate supported by the employer. Ballots are not secret in some of the poll-tax States, but bear an identifying number so that workers know that they will be discovered if they do not vote as they were expected to do.

On many occasions the tax collector in a county will ignore back poll taxes due from a person and restore the voter's name to the polling list merely upon payment of the current tax if he knows he will vote the "right" way.

I have heard of a case where a single individual was armed with 130 poll-tax receipts which had been paid for by candidates for county offices and given to him that he might distribute them to those who thus gained the right to vote. At the same time he reminded them that this precious privilege was given to them with only one condition—"be sure you vote right."

In these ways the poll tax is used to manipulate elections illegally.

PAST EXPERIENCE

Many more States than the eight Southern States at one time or another required a poll tax for the right to vote. But as time went on these other States abolished them.

In 1821 the State of New York found that the poll tax led to fraud and corruption, and so they got rid of it.

As early as 1819, in the Maine constitutional convention, it was said that:

> Pecuniary qualifications of electorates have been productive of little benefit; sometimes of injuries. They are too often relaxed and strained to meet the purposes of the day.

And so it was never established in Maine.

It is interesting to note that all the States which were able to remove the poll-tax requirement for voting through legislative enactment have done so—North Carolina in 1920, Pennsylvania in 1933, Louisiana in 1934, and Florida in 1938.

CONGRESSIONAL ACTION NECESSARY

In the remaining eight poll-tax States the provision has been frozen into the State constitution and requires congressional action in order to remove it.

The poll-tax statutes have reduced the percentage of voters in the eight poll-tax States to one-fourth of those eligible to vote. The great poverty among the masses of workers on the land and in the mills and factories of these eight Southern States makes $1 something tremendously real. The cumulative features of the poll-tax laws make it almost impossible for workers and farmers, tenants and sharecroppers, to catch up with their back taxes once they have fallen behind in their poll-tax payments. And so the situation exists where the percentage of adult citizens who vote in the poll-tax States averages 24 percent compared with the average of 66 percent for the non-poll-tax States.

And because so many of the people have been prevented from exercising their voting privileges, they cannot remove the poll-tax statutes. For instance they had a referendum in Arkansas in 1938 to abolish the poll tax. Payment of the poll tax, of course, was a prerequisite to voting in this referendum. Only 13.1 percent of the adult citizens of Arkansas cast ballots. Consequently 7 percent of the voting population were able to preserve the poll-tax requirement in this State.

Therefore, it is necessary that Congress forbid the requirement that poll taxes be paid as a prerequisite for voting at Federal elections in order to insure the honesty of such elections.

Mr. FISH. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER. The gentleman from New York is recognized for 8 minutes.

Mr. FISH. Mr. Speaker, this is a fair rule. I do not believe there will be any opposition to it. It provides for free, full, and fair discussion of the Hatch bill and for 4 hours of general debate. I trust there will be no dilatory tactics or obstructionist methods used to delay further consideration of the bill. The House I am sure would like to finish the debate this afternoon and proceed under the 5-minute rule tomorrow and see if we can not dispose of the bill by tomorrow night. The House has a right after all these months to pass their judgment upon and work their will on the Hatch bill.

The gentleman from California who has just spoken has raised an important and rather extraordinary issue. I know and realize full well that it is loaded with political dynamite. I would not have raised the issue at this time myself.

There is too much not only dynamite, but too much personal animosity in it, because it affects too many Members from half a dozen Southern States. It is rather extraordinary at least to us in the North that the great Democratic Party that prides itself on having given birth to the democratic ideal and conception of government that all people should have a voice and vote in shaping the destinies of their own government, should tolerate in some 7 or 8 States of the South a poll tax that disfranchises approximately 7,000,000 voters, American citizens, more than half of whom are white citizens. Probably, if the truth were known, these poll taxes were put into effect originally to disfranchise the colored people; and they have succeeded in disfranchising about 3,500,000 of them in the Southern States. At the same time, however, they have disfranchised an even greater number of the poor whites.

My conception of democracy is the right of the people to rule, and my idea is that all people, no matter whether they are white or colored, whether they are rich or poor, whether they own property or do not, should have an equal voice in government and an equal right to cast their ballots in all the States of the Union.

But we find in certain Southern States that large numbers of American citizens are disfranchised by means of the poll tax and in certain congressional districts only five, six, or seven thousand voters elect a Member of Congress. That does not seem to me to be part and parcel of our democratic system or in accord with our free American institutions. After all, as we Members of Congress sit here today, democratic institutions are under attack throughout the world and dictatorships have sprung up all over the Old World, and our answer to those dictators should be to make democracy work in America. We should extend democracy and democratic institutions by giving all the people of this country an equal right to vote in every congressional district in the United States, regardless of race, color, or creed. I feel compelled to speak on this issue and I do it as far as I am able without wishing to tread on anybody's toes or to hurt anybody's feelings or to raise a vexing issue, but I would be derelict if I did not speak on this occasion as long as it has been raised.

The fifteenth amendment to the Constitution was proclaimed by my grandfather as Secretary of State in the Grant administration and reads as follows:

> The right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

The prior amendment, the fourteenth amendment, reads as follows:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

Certainly one of the privileges and immunities of all our citizens is the right to vote. The poll-tax laws were put into effect, I am inclined to believe, to disfranchise the colored people, but they have disfranchised far more of the poor white people in certain Southern States. I am in sympathy with the amendment that the gentleman from California has proposed. How far we should go toward putting it in this bill I do not know. I do not propose to jeopardize in any way the Hatch bill by loading it down with amendments that might prevent its passage.

The reason for the Hatch bill is very simple. We in Congress have appropriated not millions of dollars but billions of dollars for W. P. A., A. A. A., and other governmental agencies. We have created an army of Federal and State employees who are paid either wholly or partially by Federal funds which the Congress of the United States has voted. It is our duty to place as many safeguards around the ballot box if we want to protect and defend our free institutions and if we want our democratic institutions to survive. We all know from experience that the employees on the Federal pay roll and those who are paid partially by Federal funds get into the hands of the partisan spoilsmen. The political spoilsman has just one purpose in view; that is, to try to corral as many votes as he possibly can to keep himself in power. That is the main reason we are forced to meet this issue today and we cannot escape the responsibility.

We Members of Congress have appropriated this money by the billions of dollars; therefore, in order to protect the sanctity of the ballot box, the very heart of democracy, the cornerstone of our free institutions, we have to safeguard these Federal and State employees who are partially paid out of Federal funds from being controlled and delivered by the spoilsmen and having their liberty of political action taken away from them by being coerced, intimidated, and forced to vote for one candidate as against another, either in the primaries or on election day.

It seems to me we are striking a blow in the defense of free institutions, the ballot box, and of democracy itself by affording protection in this bill to those citizens on the pay roll of

the Government, saying to them, "From now on you will not be coerced or intimidated by anyone, and you can vote for any candidate you care to in the primaries or at any election." [Applause.]

[Here the gavel fell.]

Mr. DEMPSEY. Mr. Speaker, I yield 20 minutes to the gentleman from Illinois [Mr. SMITH].

THE HIGHER SPORTSMANSHIP IN POLITICS

Mr. SMITH of Illinois. Mr. Speaker, as a new Member here and one with an extraordinarily high regard for the quality of performance in the House of Representatives, I thought I had a right to expect that out of the Judiciary Committee of the House, whether by majority report or minority report, we would get in solid substance and in form dignified and sedate whatever can be said against this Hatch bill.

THE MINORITY REPORT DISAPPOINTING

To me this minority report of the Judiciary Committee is the most astonishing official report I have seen during my 6 years in State and National politics. It is to me indeed the most saddening document that I have seen come from a public body. I do not say that merely because I regard it as being completely wrong-headed, for after all we have to allow each other as we allow ourselves a wide margin of error. But from the Judiciary Committee I thought we had a right to expect that even when we are wrong-headed we would have a temperate rather than dogmatic discussion of important issues. This is the most logically intemperate report I have seen come from a committee of this House. I wish I had time to discuss the document paragraph by paragraph. It ought to be done for the sake of the logical self-respect of the House of Representatives. Why the heat about a simple, honest effort to make elections honest? Could it be that eight Democrats—not a Republican signed the report—are so unbiased as to have a monopoly upon constitutional reasonableness?

But in a time so short I want to lift what I have to say about the merits of this bill—the rule itself is foregone—from the level of legalism, about which I know little and in which I profess to know less to the level of good sportsmanship. I want to let the light from western windows blow in upon some dogmas that this report likes to dignify as principles of government.

The only conclusions I draw from this minority report which undertakes to state the solid grounds against this Hatch bill are two. One of them is that you can say anything with language. It is an amazing thing about language: you can say anything with it. The other one is that the saying of it does not make it so, not even if the speaker arrogates to himself an intimate knowledge of the laws of nature or a monopoly upon wisdom of the divine. It still is just something said in language: whether true or false depending upon something else, and not upon the mere saying of it.

As I read that minority report, I was reminded of the experience I had some months ago in the northern woods of Wisconsin when I was spending the night with an old trapper. About 9 o'clock in the evening we heard a noise out at the wood pile and he said, "You know, that sounds like a bear," but he did not do anything about it. In another hour we heard the same noise, somewhat intensified, and he said, "You know, I believe that is a bear"; but he sat still for a long time talking. About midnight, that strange mystic hour when the veil between the frail present and the eternal future grows thin, spooks sputter, and goblins growl, we heard this same noise, much intensified. The old trapper said, "I tell you, that is a bear." He got up leisurely and lighted his lantern and we walked out together to the wood pile, and sure enough—it was not a bear. Read this Hatch bill with your eyes open to present abuses of political power, and see, for all the noise raised by the minority report, that this Hatch Act is not a bear.

But I wish now to lift the discussion of the act to a constructive level. We commit ourselves today in voting upon this rule, and tomorrow in voting upon the bill, as to the high matter of improving the rules of the great American game of politics. We seek to make effective in politics by means of this extension of the Hatch Act our American sense of sportsmanship in the field of political action.

Sportsmanship. That is what has saved the Constitution, not dogmas about it. Sportsmanship. That is what makes the two-party system work with us, though it creak in Mexico and break down in many other countries. America lasts only so long as this spirit of sportsmanship continues to grace the American two-party system.

TWO KINDS OF SPORTSMANSHIP

But there are two kinds of sportsmanship, the lower and the higher. The lower we have always had in large measure. The higher we are slowly, very slowly, attaining. It is of this higher sort of sportsmanship that I want particularly to speak, but only after a word, if you will bear with me, on this lower kind of sportsmanship.

THE LOWER SPORTSMANSHIP

The lower sportsmanship is to lose one's case with good humor after fighting with all one's might for his cause. Even this kind of sportsmanship is unknown in many parts of the world today. The dictators take the kingdom of power by violence because they cannot stand to see others win in peace. The temptation to bully also proves for a few politicians, even in America, a strain too great for their democratic stamina. Poor sports may seem to submit to an election, but behind the scenes be buying votes or bullying their employees. That is a little higher than dictatorship, I suppose, but it is much lower than democratic decency.

It is a form of political sportsmanship, any losing of one's case without violence. The higher sportsmanship, however, has to do not with losing but with the manner of winning. The American people were spoiled against poor sportsmanship and sensitized to higher sportsmanship in the very beginning of this Republic.

Two great men, who in many countries then and in most countries now, would have cut each other's throats, taught us Americans how to remain democratic through thick and thin. These men were Alexander Hamilton and Thomas Jefferson. How hard they fought, how bitterly at times they hated each other. Each had his day of success, but neither would ever have harmed a hair of the other's head. Each loved his country, and each was man enough to see his country's need of the other. Their common country, this America of ours, became great enough from the beginning thus to harbor enemies, to stomach opposition, and to turn party contradiction to patriotic purposes, provided the political process itself could be kept cleanly operative.

Hamilton and Jefferson taught us by example that in the American way of life opposition itself is a standard form of cooperation. It was the greatest lesson they or anybody else had to teach. It was the greatest lesson that we had to learn.

THE HIGHER SPORTSMANSHIP

It is this lesson taught by both Jefferson and Hamilton which is forgotten by those among us whose conduct made necessary the first Hatch Act, and now makes necessary this second Hatch Act. The opponents of this bill forget that the American theory is that both great political parties are equally indispensable. As early America could not afford to be without either Hamilton or Jefferson, so the country today cannot afford to be without either of the traditions which these men founded.

If equally indispensable, each party must, of course, be afforded equal opportunity to live and equal opportunity to win elections. The Hatch measure, first and last, seeks only to protect equality of opportunity for the party out of power by preventing the party in power from doing what no decent party should do but which practice allows, using public money for partisan effect. It is rotten sportsmanship as it is sordid citizenship to compromise this equality of opportunity against the party out of power.

Everyone knows, who has reflected upon this matter for even a moment in patriotic mood, that the party in power has already some advantage, simply because it is in power.

I know, for instance, that I start with an advantage over any man who runs against me as Congressman at Large. So with every man in office. The party in power has the public eye; it can catch the public ear; it thus has free publicity to begin with. This natural advantage should surely make incumbents ashamed to snatch also advantages artificial and unsportsmanlike.

It is this kind of dishonest advantage which the Sheppard committee reported certain States to have taken of the W. P. A. in 1936. It is this kind of unsportsmanlike advantage which Senator HATCH wishes to stop. His first bill outlawed this advantage in strictly Federal jobs. But there are several hundred thousand jobs in the States, paid for in whole or in part by Federal money; and it is holders of these jobs which the present Hatch bill proposes to sterilize of political poison. Poor sports never understand how a party in power could voluntarily surrender advantages to the opposing party. Politicians, however, are mostly good sports, and sportsmen hate unfair advantage when they come to see it for what it is.

DEMOCRATS THE PROMOTERS OF THE ACT

So it happens that Senator HATCH, a Democrat, proposed this legislation. So it happens that Senator BARKLEY, Democratic floor leader in the Senate, fought it through that body. So it happens that the gentleman from New Mexico, Representative DEMPSEY, my colleague, a Democrat, furthers this legislation with his legion of honor in the House of Representatives. So it happens that I, a Democrat, am at this moment urging you to vote this rule and then to support this effort at fair play. So it happens that President Roosevelt had joined other Democratic Party leaders in publicly recommending this display of good sportsmanship. Contrary to the Christian Science Monitor editorial of July 6, which my good colleague the gentleman from Kansas [Mr. HOPE] inserted in the RECORD yesterday, responsible Democratic leadership did not have to be "blitzkrieged" into decency by a power magnate turned into a powerful politician overnight. Of course we Democrats want to win this election, but we do not want to win it the dirty way. We want to win it in a way that will keep elections worth winning in the future. That is what I mean by the higher sportsmanship in politics—so to win, or lose, as to keep the game agoing, efficiently and decently.

In a two-party system, for the party in power to use jobs publicly paid for to prosper its partisan advantage is clearly outrageous to any generous conscience; for we have not then a two-party system at all, but in perilous respects a totalitarian one. It is like a game of chess in which you take all the titled pieces and leave to your opponent only the lowly pawns. This practice would ruin any game, and this practice is clearly pernicious in the game of politics. The Hatch Act simply so brands it, and proposes to outlaw it accordingly.

THOMAS JEFFERSON FATHERED THE PRINCIPLE

Good taste and a sense of sportsmanship ought to prevent any such practice. As long ago as President Jefferson, the good sportsman in politics, there came an order from the Presidency saying that a public official should not under him—

> Attempt to influence the votes of others nor take any part in the business of electioneering, that being deemed inconsistent with the spirit of the Constitution and his duties to it.

Shades of mercy upon those who read all of the rest out of the court of reason and out of the law of nature and out of the favor of God because we would enact something so new and radical that it is as old and as reasonable as Jefferson. Jefferson had the whole thing clear in principle and put it in practice besides.

That is the whole case for the Hatch Act, stated and ordered long ago by the Sage of Monticello. I admit it unfortunate that we must now legislate what we should have inherited from him as good sportsmanship; but bad taste cannot be allowed to prevail below a certain level, not even in the name of a cult of otiose constitutionalism. Those who snitch on freedom must have their freedom curtailed so that the freedom of others may be safeguarded. No others are touched by this act, save to be protected from such as these. The Hatch proposal simply defines as pernicious and forbids as contrary to law this thing which Jefferson correctly described as "inconsistent with the spirit of the Constitution."

JAMES MADISON ANSWERED OUR CONSTITUTIONAL CULTISTS

Those who, with Jefferson, say this should be done, but, against Jefferson, say it should not be done by the Federal Government are making public spectacles of themselves before this Nation in 1940. They cannot hide the shame behind the cloaks of the fathers. Such a cult of complacency was accursed by Jefferson and is still accursed, "inconsistent with the spirit of the Constitution!" It is the very States that have most outraged good taste and honest citizenship that would now shout "State rights" and continue to perpetrate the deepest wrong against the democratic state itself. The Federal Government exists, among other reasons, for this very reason, to prevent State rights from becoming national wrongs. This is a question settled long ago so far as Federal power to corrupt goes. We propose to settle it now so far as the power to correct goes. Those who howl about the corrupting influence of Federal money ought to be shouting for the Federal power to correct the corruption. The extension of Federal power is already an accomplished and an abiding fact. What we now need is as much Federal power to correct as history has furnished to corrupt.

What needs to be done should be done by whatever agency can do it most effectively. That is the deepest principle of any constitutionalism that is dynamic enough to live in the world today. That is the division of labor indeed that has always prevailed between the States and the Nation—constitutional cultists to the contrary notwithstanding—and it is the principle that was intended to regulate the leeway left by our fathers under the not too definite separation of powers. The fathers separated the powers but left to the prowess of their sons the working of that separation so as to get government and not stagnation.

The leeway left by the fathers was intended by them to afford flexibility between the States and the Federal Government. When we extend the Federal power to where it can corrupt the machinery of election—and that is a historic fact now to be accepted—and then refuse to extend the power to correct the corruption, we are talking not constitutional law but constitutional anarchy. All this was most clear to that cautious constitutional father, James Madison:

> If the people should in the future become more partial to the Federal than to the State governments, the change can only result from such manifest and irresistible proofs of better administration, as will overcome all their antecedent propensities, and in that case the people ought not surely to be precluded from giving most of their confidence, where they may discover it most due.

That, Mr. Speaker, is the story against the Jeremiahs of States' rights cultism. That is the story of every advance in national power from the settlement of slavery to the founding of the Federal Bureau of Investigation. Starting with jealous States who broke up the Confederation and almost ruined prospect for any America at all, we have moved cautiously but surely for the establishment of a national power adequate to deal with whatever ought to be done but is not being done; and we have moved along the groove marked by Madison's powerful words—"manifest and irresistible proofs of better administration." Those who think that politics ought to be jungle behavior may be entitled to some respect for their frankness. But those who say that politics ought to be purified but insist that nobody shall do the purging save the poor sports themselves or those under their thumbs—such apologists for moral mediocrity and administrative ineffectiveness may be left to the pomposity of their own pusillanimous preachments.

Do you remember the resolution of the city fathers of Podunkville: (1) that they would build a new courthouse, (2) that they would build it of material from the old, but (3) that they would not tear down the old until the new was ready to use? The minority report figures out something very much like that, to the effect that the demand for Federal correction

of Federal corruption shows that the correction is about to take place without our doing anything about it federally at all. Away with such mystic rationalization of civic complacency.

THE ACT LARGELY SELF-ENFORCING

The Hatch Act is dead right. That is its great advantage. But it has another advantage: It will require little Federal power for moderately successful enforcement. It is one of those fortunate things which, born of good sportsmanship, will enlist sportsmanship to make it effective. In the enforcement of any law one good sport is worth a hundred policemen. With the partisan use of public money branded "pernicious," the party out of power will so publicize prospective perniciousness as to minimize its actual perpetration. I have seen the principle already working in this way in our Illinois primary of this very year. It is a case of virtue paying its own way when such a law becomes largely self-enforcing.

THE ACT IS A SCHOOLMASTER TO BRING US TO CIVIL SERVICE

There is, moreover, poetic justice as well as good sense, in leaving to the United States Civil Service Commission, as this bill does, the question as to who has been guilty of the practices defined as pernicious—of course, the courts have the last say here, as elsewhere—it is poetic justice because the law itself points to a day, I hope not distant, when the higher sportsmanship will require us to forego the advantage of patronage altogether in partisan struggles for political place. That means the coming of real civil service; that means efficiency at last and such economy as is compatible with new and heavy governmental responsibilities. Meantime, the justice is not merely poetic in its promise but substantial in its effect. The Civil Service Commission has long experience in determining just this thing: for it is our standard Federal agency to save the most skilled Federal workers from political domination and to prevent them in turn from officially influencing political outcomes.

The Hatch bill only requires federally paid employees in the States still out from under civil service to observe the rules in force when they presently come under the merit system in the several States. Let us regard it, then, on the remedial side, as primarily the schoolmaster to bring all public employment, Federal and State, to the merit basis. The Hatch bill can largely stop corruption; civil service alone can furnish correction. The two should advance together, the House now passing this Senate bill and the Senate now passing the Ramspeck civil-service bill sent over from this House.

When we add thus to the lower sportsmanship of losing with good grace this higher sportsmanship of winning only with good grace, we shall have advanced the prospects of American democracy in days dark for democracy everywhere else. Let us back up our deepest patriotism, not our shallowest partisanship, in the effort offered by this rule to win through to the higher level of politics: the sportsmanship of losing graciously and of winning justly.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. DEMPSEY. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. SUMNERS of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 3046, with Mr. MCCORMACK in the chair.

The Clerk read the title of the bill.

By unanimous consent the first reading of the bill was dispensed with.

Mr. SUMNERS of Texas. Mr. Chairman, there are 2 hours to be controlled by the chairman of the committee and 2 hours by the ranking minority member. The chairman of the committee is opposed to the bill, and I assume that somebody who is in favor of the bill will take the responsibility of making an explanation of it.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. MICHENER. The usual custom under the rule is for 2 hours on a side, and that means the Republican side and the Democratic side, and the gentleman in charge of the 2 hours is presumed to take care of those people on his side who want to speak for or against the bill.

Mr. SUMNERS of Texas. We have not anybody over here who wants to speak for this thing.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield to me?

Mr. SUMNERS of Texas. If nobody wants to speak I yield 25 minutes to the gentleman from Alabama [Mr. HOBBS].

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield to me?

Mr. SUMNERS of Texas. I yield to the gentleman from New Mexico.

Mr. DEMPSEY. To say to the distinguished chairman of the Committee on the Judiciary that I for one propose to speak for the bill on this side, and I think there are many others. I would like to hear some of those who are opposed to the bill if there are any such people.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 25 minutes to the gentleman from Alabama [Mr. HOBBS].

Mr. HOBBS. Mr. Chairman, full well do I know that the voice of anyone speaking reason on this issue is like the voice of one crying in the wilderness. He will not be heard. This is now a moot question. Therefore, I hate to take up the time of the House in debating a question that is already settled. It is like the old story of the caucus of the animals. They got together to decide the future of the animal world. How to vote was the first question. Very few of them could understand the others, so they ruled out the viva voce method. After much argument it was agreed that voting should be done by lifting their tails. Of course, this disfranchised the goats because their tails were already lifted. [Laughter.]

So it is in this matter. [Laughter and applause.] So many people have already voted that there is not any use in talking to the Republican side. Naturally they wish to do what they can to embarrass the Democrats, and they think this is the way to do it. The distinguished professor from Chicago has just demonstrated the fact that he is one of the greatest speakers in America, one of the greatest psychologists in all the world, a lecturer worthy of the utmost attention upon the subject of clarity in the use of the English language. [Laughter and applause.] When he tells us that the minority views of the Judiciary Committee members who espouse it are mere words, I grant that he is right, for words are the vehicles of civilized men in waging their warfare.

But I say to the distinguished gentleman in all kindliness—and we all love him and esteem him highly in his realm—that his confession, with which he began the speech to which I have listened twice, once over the radio and again here today [laughter], that he did not know anything about legal phases of this subject does him credit. I have entirely too much confidence in his integrity and truthfulness to contradict. [Laughter.]

How he can so misjudge the Hatch bill was a mystery to me when I heard him over the radio. To talk about good sportsmanship in connection with this bill is the height and length and breadth of absurdity.

The first reason that I am against this infamous thing is that it is just exactly the reverse of what his word picture

painted. I am against this infamous Hatch bill because, as I said to a Pulitzer prize winner out in the lobby one day when he jumped on me in the presence of several other friends of the press and asked me, "Is this Hatch bill that has been in your committee so long an egg or a doorknob? In other words, is it going to hatch?" I replied, "Well, it surely cannot be a doorknob, for doorknobs don't stink." [Laughter.]

Understand me clearly, I do not say that the intent of the distinguished author, nor of any proponent of this bill is to accomplish this purpose. I am not a prophet nor the son of a prophet, and Solomon's dog has never nipped my leg, much less bitten me hard. I claim to be nothing but what I am, a country boy from Alabama who has great difficulty in finding his way around in this big city. [Laughter.] But I am going to tell you the low-down truth about this thing. This is what this bill means and what it will do: It will turn over to the ring politicians in America, not only control of elections, not only control of who shall vote, but also of how they shall vote.

Now, let us look at this thing for just a minute. You understand, I am not talking about words now. I am not saying a word about the Constitution. I am not saying a word that is in our minority report, although that is as true as gospel. What the gentleman from Illinois, Brother SMITH, said is true as gospel if there were any predicate or foundation for what he said in the bill being debated; but there is not. All of us believe in good sportsmanship and a man would be a cowardly crook who did not. I, for one, appreciate deeply the transcendent intellectuality of the distinguished gentleman from Illinois [Mr. SMITH], but I do not appreciate his insinuation and innuendo that those of us who oppose this bill are cowardly crooks.

This bill will turn over to the machine politicians in this Nation, particularly in the cities, the right to dominate all elections and to say how every mother's son of those whom they can bluff by threat of arrest and conviction of pernicious political activity shall act and vote.

Now, let us get down to brass tacks.

Mr. ZIMMERMAN. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. I am glad to yield, briefly.

Mr. ZIMMERMAN. A gentleman from a large midwestern city recently told me that, if the Hatch bill passed, that city could absolutely control and dominate the politics of that State, and that the rural sections of that State would have nothing to say about it.

Mr. HOBBS. I thank the gentleman for that contribution.

Now, let us get down to brass tacks. I want you to get this. If you forget everything else that I say, please remember this. Who is guilty of pernicious political activity in our family quarrels—our primaries? Those who vote for me or those who vote against me? Now, who is going to be prosecuted as being guilty of pernicious political practice? I will tell you this, there is nobody who ever got out and tore his shirt for me who was in my opinion guilty of a political pernicious practice.

No, sir. It is that blankety-blankety-blank who opposed me who is going to jail if I have the say-so. The ones who are going to jail are our opponents in the primary. We will not bother about the Republicans, for they do not amount to as much as a wart on a dog's tail. [Laughter and applause.]

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. I yield. I am always delighted to yield to my distinguished colleague from Michigan.

Mr. MICHENER. Yes; and I asked the gentleman to yield in order that the thing he attempted to do will be doubly done and that the entire House as well as the country will have their attention called to the statement which he has just made as to the way they do things in a State where they have one party. I just want to join with the man in emphasizing to the country what we in the States where there are two parties have to contend with here in Congress.

Mr. HOBBS. I appreciate the gentleman's calling attention to that. I believe sincerely that since the last Republican administration in Alabama which disgraced the State and your proud party—and I say that advisedly and would be glad to debate that issue with the gentleman or any other man anywhere—from that day to this I am saying to you that the purest politics in all the United States of America are in Alabama, and that the only corruption and crookedness we have ever known has come from the Republican Party. And as long as we Democrats handle the affairs of that great State politically they will be clean.

I have no desire to cast any aspersion upon the many distinguished members of the Republican Party. Your national committeeman, Lonnie Noojin, is one of the finest men living, and I have the highest respect for him. There are other Alabama Republicans just as fine. But what I mean to say is that in Alabama we do not have to worry about November. We settle our little family rows in May, and then we are through. What I am saying is that the ones who are apt to be arrested in Alabama, and in Illinois, and in every other State, for alleged violations of this law are those who do not vote according to the wishes of the bosses. Those who dare thwart the will of the bosses will be the ones you will visit in jails under this Hatch bill.

I repeat, therefore, that this bill turns over to the corrupt rings and political bosses the politics of America.

Mr. SMITH of Illinois. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. Certainly, sir, I am delighted to yield.

Mr. SMITH of Illinois. Merely for information will the gentleman be so kind as to tell me what proportion of his fellow citizens vote?

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. Just a minute, I want to answer the gentleman from Illinois.

Mr. SMITH of Illinois. I ask that as a matter of information.

Mr. HOBBS. Whether the gentleman knows or not I am delighted to tell him that I join him in his ignorance, because I do not know. If the gentleman knows he has the advantage of me. But I will say that my firm conviction and belief is that in the only elections which we have in which there is any real contest, in our Democratic primaries, at least as large a percentage of voters vote as do in the gentleman's State of Illinois.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. I am delighted to yield now.

Mr. RANKIN. The last two United States Senators that were bought by the utilities and sent down here were one from Illinois, bought by the Insull crowd and sent down here, and another from Michigan by the name of Newberry; and the Republican Senate threw them both out because they were sent here corruptly.

Mr. HOBBS. With the highest respect for every Member of the House and the most cordial regard, I must decline to yield further, and finish my statement.

The thought I want to get over to you is that those who are going to jail are those who vote wrong in the opinion of the bosses. You leave absolutely in the hands of those who are now in authority the right to prosecute whomsoever they see fit. And you know, as ordinary, common-sense human beings—and you do not leave your brains outside when you come into this Hall—you know that I am speaking the truth. The ones who are going to get it in the neck as a result of this law, like the turkey at Thanksgiving, are those who vote wrong in the opinion of the bosses. That is exactly what this will do, whether so intended or not.

Not only is that true, but this bill places in the hands of every unscrupulous official the weapon he may use to destroy his opponent in any campaign. All he will have to do is to have an affidavit for the arrest of the candidate opposing him made just before the election, on the charge of violating the Hatch Act, then circulate the report that his opponent is in jail charged with pernicious political practice. The official is in power. He not only can have such an arrest made, but he can probably keep his opponent in jail until the election is over. Nor would it be possible to prove

malicious prosecution or false imprisonment against the incumbent, who has now been reelected, because no one knows what is pernicious political practice under the Hatch Act nor who comes under it.

Every practice condemned clearly by this bill is already condemned by other law. Vagueness is the only real contribution to the body of our law by this bill. Our relief appropriation bills carry the same provisions as the Hatch bill does for the protection of W. P. A. workers and persons on relief.

The Corrupt Practices Acts and the regular criminal codes cover every offense involved in this bill, save one. But this is new. When you have a W. P. A. project painting the walls and ceiling of the courthouse in Red Level, Mo., or Frog Level, Ala., the janitor is paid by the county. So is every other county employee. You understand, they need never have heard of Washington. They need not know that the Federal Government exists. They are paid by the county exclusively. If any person so employed in any administrative position spreads papers on the floor to keep the paint from the walls and ceiling from spattering on the floor, he comes under the Hatch bill. You will not gain that news from the newspapers. I have read them all. They all appear to believe that this bill applies only to persons paid in whole or in part with Federal money. That is not true.

If such a county employee, in the scope of his employment, in connection with any activity financed in whole or in part by loans or grants made by the United States or any department or agency thereof, uses his official authority for the purpose of affecting the election or the nomination of any candidate for Federal office, he has violated this bill.

Mr. HANCOCK. Will the gentleman yield?

Mr. HOBBS. I am delighted to yield to the distinguished minority member of the Judiciary Committee.

Mr. HANCOCK. The gentleman has in mind the original wording of the bill, but not the bill that is before us today. The prohibition applies only to employees of any State or Federal agency whose principal occupation is in connection with a Federal project. That would not include the poor carpenter, janitor, or whoever it was the gentleman was talking about.

Mr. HOBBS. I remember that after I made similar remarks in our committee the wording of section 12 (a) was changed, but the interpretation of the words "principal employment" as used in section 12 (a) will be made by the political boss. But the case I cited would come under section 2, not under section 12 (a). You amended one section but not the other.

Here is the new thought in this bill. Not only does this bill take away a man's job for pernicious political activity but it blacklists him so that he cannot be employed anywhere for 18 months thereafter. He could not even be a watchman on a tower in a forest, a hundred miles from the nearest polling place; although he might be in another State, and would be, of course, wholly removed from circulation.

That may be freedom of speech, that may be freedom of action, that may be guaranteeing the American citizen all the rights that the Bill of Rights was written to give him, but I do not think so; and neither do you, in the cloakroom. But they believe in hunting him, so they take their pack of dogs and put them on this poor devil going from State to State, wherever he finds a job, and root him out of it. The great Government of the United States is asked to lend its support to that merry chase.

The gentleman from Illinois [Mr. SMITH] told you only that it was not a bear. He did not tell you what it was, and I have too much respect for the rules of this House and for the ladies present to tell you what it is.

Mr. Chairman, I want to say just a word about one or two other matters. I understand that a poll-tax amendment is going to be offered to this bill by our friend the gentleman from California [Mr. GEYER]. I hope you will not vote for that amendment if it is offered. It is not in accordance with the wishes of the authors of this bill, it is not in the bill as now written, so neither side, those who propose and those who oppose this bill, are for it. I am asking you now in advance, before it is offered, do not do that. I do not believe you will. I know you are going to do whatever the gentleman from New Mexico [Mr. DEMPSEY] asks and I ask the gentleman from New Mexico [Mr. DEMPSEY] not to support that amendment. I wish I had time to go into that matter fully. I have not. I am just making this appeal to you, for God's sake do not lose your poise, do not let the poison and animus behind such an amendment run away with you; do not kill democracy in America and the last vestige of States' rights by seeking to punish those with whom you disagree as to how they run their internal affairs.

There is one other thing I want to say, and that is about the amendment which would guarantee to those who are charged with crime under this bill a jury trial. I asked my good friend the gentleman from New Mexico [Mr. DEMPSEY] if he was going to strike that amendment out and he said he could not support it; he was going to try. Trying by him under these circumstances is equivalent to doing, so it will be stricken out if he says so, unless many of you vote differently upon that issue from the way you will on the bill itself. Our forefathers wrung from the unwilling hand of King John at Runnymede a guaranty of trial by jury.

At that time the court of star chamber was the order of the day, and an Englishman, no matter how long his forebears had lived in merry England, could be snatched up in any part of the realm, dragged to London, where the court of star chamber sat, and there before three judges, without any right to get witnesses, without any right of jury trial, or any other right, would be adjudged guilty and sentenced, sometimes to be hanged, drawn, and quartered if the judges saw fit. Our forefathers rebelled against that kind of procedure, and they got in the Magna Carta a guaranty which Englishmen have prized from that day to this. I will include in the RECORD, by unanimous consent, a few excerpts from the praise of jury trial by some of the leading legal minds of the world, from men who have lived and died with it, and whose experience has taught them to revere it.

John F. Dillon (1831–1914), New York:

TRIAL BY JURY

It (the trial by jury) is a cherished right. It is protected from legislative overthrow by the National and by all our State Constitutions. It is a historical and essential part of the free institutions of England. It equally belongs to our own free institutions. It springs out of them and tends to support and perpetuate them. It is my firm conviction that the love of liberty, of liberty regulated by law, and a general and habitual reverence for and obedience to the Constitution and the laws, are the only ties which can surely hold together our vast Republic. These are the sources of our greatness and the foundation of our hopes. Let us never forget the truth so nobly expressed by Burke: "Justice is itself the great standing policy of civil society; and any eminent departure from it, under any circumstances, lies under the suspicion of being no policy at all."

Hon. Joseph Neilson, chief justice of the city court of Brooklyn, from address at Saratoga, August 1, 1875:

THE GROWTH OF PRINCIPLES

At the seashore you pick up a pebble, fashioned after a law of nature, in the exact form that best resists pressure, and worn as smooth as glass. It is so perfect that you take it as a keepsake. But could you know its history from the time when a rough fragment of rock fell from the overhanging cliff into the sea, to be taken possession of by the undercurrents, and dragged from one ocean to another, perhaps around the world, for a hundred years, until in reduced and perfect form it was cast upon the beach as you find it, you would have a fit illustration of what many principles, now in familiar use, have endured, thus tried, tortured, and fashioned during the ages. We stand by the river and admire the great body of water flowing so sweetly on; could you trace it back to its source, you might find a mere rivulet, but meandering on, joined by other streams and by secret springs, and fed by the rains and dews of heaven, it gathers volume and force, makes its way through the gorges of the mountains, plows, widens, and deepens its channel through the provinces, and attains its present majesty. Thus it is that our truest systems of science had small beginnings, gradual and countless contributions, and finally took their place in use, as each of you, from helpless childhood and feeble boyhood, have grown to your present strength and maturity. No such system could be born in a day. * * *

It took a long time to learn the true nature and office of governments; to discover and secure the principles commonly indicated by such terms as "Magna Carta," the "Bill of Rights," "Habeas

corpus," and the "right of trial by jury"; to found the family ties of each member of it, so that the music of the domestic hearth might flow on without discord; the household gods so securely planted that "Though the wind and the rain might enter, the king could not"; to educate noise into music and music into melody; to infuse into the social code and into the law a spirit of Christian charity, something of the benign temper of the New Testament, so that no man could be persecuted for conscience sake, so that there should be an end of human sacrifice for mere faith or opinion; the smouldering fires at the foot of the stake put out, now, thank God, as effectually as if all the waters that this night flood the rivers had been poured in upon them. It took a long time to learn that war was a foolish and cruel method of settling international differences as compared with arbitration; to learn that piracy was less profitable than a liberal commerce; that unpaid labor was not as good as well requited toil; that a splenetic old woman, falling into trances and shrieking prophecies, was a fit subject for the asylum rather to be burned as a witch. It took a long time after the art of printing had been perfected before we learned the priceless value, the sovereign dignity and usefulness of a free press.

But these lessons have been taught and learned, taught for the most part by the prophets of our race, men living in advance of their age and understood only by the succeeding generations. But you have the inheritance.

I beg of you not to crucify justice and its administration in America by denying to the humblest citizen, even if he does vote wrong according to the opinion of the boss, the right of trial by jury. Our forefathers thought that right worth dying for. Shall we hold it not worth voting for? They put it in the Constitution of the United States. Of course, that does not matter. As I understood the remarks of the gentleman from Illinois [Mr. SMITH], those are just words. I am saying that they are more than words; they are living fire; and you men and you ladies cannot sit here comfortably in your seats and deny to Americans charged with a violation of the law under this act the right of trial by jury, without being burned in your hearts by that fire.

Your conscience will not let you say, "I did the right thing. I am going to leave you to the mercy of the boss and the machine." He will not know it, but you will. You ought not to vote that way. Every mother's son in America is entitled to that much consideration, at least, to have his cause heard and decided by a jury of "12 good men and true." [Applause.]

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. GWYNNE].

Mr. GWYNNE. Mr. Chairman, I do not propose to discuss the merits or demerits of this bill except to say that I am in favor of it. I should like to point out rather briefly just what the bill does, giving you my opinion, at least, as to what the bill means. I do this with no thought of influencing the vote of any Member here, but I believe if each Member will examine each section of this bill he will find they are not open to the objections that you have often heard made.

In the original Hatch Act, you remember, we prohibited in one of the sections any administrative officer of the Federal Government from using his official authority to interfere with the election of a Federal official. In section 2 of this bill we simply extend that prohibition to any administrative officer of a State or subdivision or agency of a State who is connected with an activity that receives money from the Federal Government.

What is meant by misuse of official authority? It simply means, to give a few easy examples, that if the Governor of your State should refuse to extradite a person or should extradite him, his decision depending upon how that man voted, or if a district attorney should dismiss an indictment in return for a promise to vote as he directed, or if some individual who had authority to let a contract should let the contract or refuse to let it because of the manner in which somebody voted, that would be a misuse of official authority. That is all that is provided in that section. Are you opposed to that? Do you think that restriction placed upon the State officials who are getting money in part from the Federal Government is unfair or unjust or in any way interferes with any of your essential liberties?

You recall that the original Hatch Act provided that employees covered by that act might express their views privately or publicly on all political subjects. This bill amends and broadens that privilege so that they may express their views publicly and privately on political subjects and in regard to candidates; in other words, their right to speak is extended by this bill. You do not oppose that, do you?

Mr. BENDER. Mr. Chairman, will the gentleman yield?

Mr. GWYNNE. I yield to the gentleman from Ohio.

Mr. BENDER. Does that give an employee the privilege of speaking from a public platform?

Mr. GWYNNE. Yes, it does.

Mr. BENDER. At a political gathering?

Mr. GWYNNE. No, not at a political gathering. As I understand, it means, to give an example, that if the district attorney in my district should tonight hire time on the radio and make a speech for or against my candidacy for Congress, he would not, in my judgment, violate this law.

Mr. RANKIN. Oh, yes, he would.

Mr. GWYNNE. Let me say that I have the authority of a ruling by the former Attorney General, Mr. Murphy himself, which I shall be pleased to call to your attention.

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. GWYNNE. I yield to the gentleman from Oklahoma.

Mr. NICHOLS. I am just wondering whether if an employee of a Federal agency under the provisions of this section, W. P. A. or P. W. A., or some other agency of the Government, standing on a street corner some evening in discussion with 5 or 6 or 25 other people, engaging in an argument in favor of the candidacy of someone seeking office, he would not violate the provisions of this section.

Mr. GWYNNE. Let me call the attention of the gentleman to the fact that those parts of the original Hatch law which had to do with people on W. P. A. are not in any way amended by this law. It is my understanding, however, that the action the gentleman describes would not violate the law.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. GWYNNE. I yield to the gentleman from North Carolina.

Mr. COOLEY. In connection with the statement the gentleman made with reference to the district attorney making a political speech in behalf of the gentleman's candidacy for reelection to Congress, I call the gentleman's attention to the language on page 14 in lines 4 and 5, which is as follows:

No such officer or employee shall take any active part in political management or in political campaigns.

Mr. GWYNNE. That is correct.

Mr. COOLEY. In the case the gentleman has used as an illustration, would not the district attorney be taking an active part in a political campaign if he spoke on the radio in the gentleman's behalf?

Mr. GWYNNE. I believe not in the case I cited if he did it not as a part of a political campaign.

Let me read a statement made by the Attorney General, which I believe expresses the thought I have been trying to express:

Civil-service employees are required by the civil-service rules to confine their opinions on political subjects to private expression. From the corresponding provision of the Hatch law, on the other hand, the word "privately" was omitted. Accordingly, as stated by the President—

You recall that the President commented on that very thing when he signed the bill—

in his message to Congress approving the Hatch bill, non-civil-service employees would not violate the act "if they should merely express their opinion or preference publicly—orally, by radio, or in writing—without doing so as part of an organized political campaign."

Now, that is the test. A man may speak anywhere, any time, and as he pleases, under this law, but he cannot do it as part of an organized political campaign.

Mr. COOLEY. Suppose the State director of W. P. A. were to take the radio in behalf of the candidacy of a certain person; for instance, the gentleman from Iowa, and make a speech in behalf of your candidacy, urging all the people of the district to vote for your reelection to Congress, does the gentleman mean to suggest that that would not be a violation of this act?

Mr. GWYNNE. That is what I mean to suggest.

Mr. COOLEY. Why would it not apply to the State director of W. P. A.?

Mr. GWYNNE. Because this law gives any person the right to express his own views. If he did that as a part of an organized campaign, if he spoke, for example, on radio time that was paid for by a political party——

Mr. COOLEY. Well, what is the purpose of the act? If it is not the purpose to prevent an officer such as a State director of W. P. A. from intimidating, coercing, and influencing unduly the voting privileges of the people employed by him——

Mr. GWYNNE. The whole purpose of this act is not to interfere with anybody's right of free speech. The purpose of the act is to prevent these people from participating actively in politics as part of a political machine.

Mr. COOLEY. How could a man be more active than going out on the stump in behalf of his candidate for Congress?

Mr. GWYNNE. That is the opinion of the Attorney General and I certainly think he is right. The test would simply be this, if the gentleman will give me his attention. It might sometimes be a close question whether or not the expression of opinion was or was not a part of an organized political campaign. That is the thing this bill is hitting against.

Mr. SPENCE. Mr. Chairman, will the gentleman yield?

Mr. GWYNNE. I yield to the gentleman.

Mr. SPENCE. I am wondering why it was put in the bill that all such persons shall retain the right to vote. Has Congress the right to deprive a man of the vote under the sections of the Constitution which state that the right of franchise shall not be abridged by reason of race, color, or previous condition of servitude or because of sex?

Mr. GWYNNE. Let me say to the gentleman there is nothing in the Constitution giving everyone the right to vote. There is no question in my judgment about the right of Congress to limit the right to vote. We do it in our registration laws, do we not?

Mr. PATRICK. Was not that just put in there to show him what was still left to him?

Mr. SPENCE. I doubt very seriously that the Congress of the United States can take away the right of a man to vote who otherwise is qualified, because of some activity of his, or can take away his right under the Constitution to express his opinions.

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. SPENCE. When the Constitution states that freedom of speech shall not be abridged and that the right of people to assemble and petition for redress of grievances shall not be abridged.

Mr. GWYNNE. I must decline to yield further, because any question about the right to vote is academic, because, certainly, this bill does not take away the right to vote and you can read this bill all the way through and you will find there is nothing in it that interferes with the right of anybody to speak his own mind as long as he is speaking his own mind and is not speaking as a part of a Republican or a Democratic machine. Now, that is the test.

Mr. McGRANERY. Mr. Chairman, will the gentleman yield?

Mr. GWYNNE. I cannot yield now, but if I get a little more time I shall be pleased to yield to the gentleman.

Remember that the original Hatch Act provided that Federal employees could not take active part in politics. Now, section 3 of this bill extends that prohibition to certain employees of States. It does not extend the prohibition to all the employees of a State. First, it covers only those activities being carried on by a State which are financed in whole or in part by Federal money, and, in the second place, it does not cover every employee on that activity. It simply covers an employee whose principal employment has to do with that particular activity.

Now, these State employees of the executive department are prohibited from three things. First, they must not use their official authority to interfere in any election; second, they must not coerce or advise any other employee, under this act, to make contributions for a political purpose. The right, however, to make a voluntary contribution to a candidate or for a political purpose is not interfered with.

Finally, they must not take an active part in political management or in a political campaign. In substance, that is all there is to that section. Do you think there is anything particularly wrong about that? All it seeks to do is to say that those people who are employed on jobs, part of the finances of which is furnished by the Federal Government, shall devote their time to the job and shall not engage in any political activity in behalf, perhaps, of the person who appointed them.

Following that, the rest of the bill has to do with the machinery for enforcing that provision. It provides that the Federal agency that has reason to believe that this law is being violated will call that to the attention of the Civil Service Commission and there will be a hearing at which the State and its agency may appear. If the Commission decides that the law has been violated they notify the State agency. They cannot, of ccurse, compel the State to dismiss the man, but if the States does dismiss him within 30 days, that is the end of it. If it does not dismiss him within 30 days the Federal Government imposes a penalty, and the only penalty is that the State will have deducted from the funds payable to the State a sum equal to twice the yearly salary of the offending employee.

Mr. MURDOCK of Utah. Mr. Chairman, will the gentleman yield?

Mr. GWYNNE. Yes.

Mr. MURDOCK of Utah. Has the gentleman found anything in the bill anywhere which would put a man in jail without a jury trial?

Mr. GWYNNE. Absolutely not. The only penalty for this part of the bill is that he may lose his job.

Mr. MURDOCK of Utah. If there is a fine imposed, it can only be imposed, and if there is any imprisonment imposed, that can only be imposed after he has been duly convicted and that means a trial by jury, does it not?

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. GUYER of Kansas. I yield 5 minutes more to the gentleman from Iowa.

Mr. GWYNNE. That is correct, on the question of penalty. If an administrative officer uses his official authority wrongfully, there is a fine of $1,000 and a year in prison, but for the employee that is covered by this action I have described the only penalty, that he could lose his position. The only penalty on the State agency is that it may lose twice the yearly salary of the offending employee.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. GWYNNE. Yes.

Mr. MARCANTONIO. Will the gentleman explain to me, and I am quite puzzled over this situation, how this bill will affect the average W. P. A. worker?

Mr. GWYNNE. The gentleman must remember that there are other sections of the original Hatch Act that are not amended by this bill, which cover that general situation. There is no amendment here that affects the W. P. A. worker.

Mr. MARCANTONIO. But I have in mind a painter on a P. W. A. project or any project to which Government funds have been contributed or loaned, such as the building of a bridge or any public improvement. How is that worker on that public improvement affected by this bill? I have in mind a carpenter, a plumber, a painter.

Mr. GWYNNE. The W. P. A. worker is not affected at all.

Mr. MARCANTONIO. Not the W. P. A. worker. Let us say the Government contributes or lends a certain amount of money for the erection of a bridge. How is the carpenter or the stone mason or the bricklayer or other employee on that project affected by this bill, not the W. P. A. worker.

Mr. GWYNNE. I see what the gentleman means. Here is a carpenter who is employed on this project, the money for which is advanced in part by the Federal Government.

If it is his principal employment, then he comes under the bill. He must observe three things. First he must not use his official authority to interfere with an election. That would not mean much, of course, in the case of a carpenter, because he would not have official authority that he could use. Second, he must not coerce or attempt to coerce any fellow employee to contribute to a campaign fund, and, third, he must not take an active part in political management or in a political campaign.

Mr. MARCANTONIO. In other words, he cannot canvass for any candidate?

Mr. GWYNNE. That is correct.

Mr. HENDRICKS. Mr. Chairman, will the gentleman yield?

Mr. GWYNNE. Yes.

Mr. HENDRICKS. As I understood the gentleman from North Carolina [Mr. COOLEY] in asking the gentleman from Iowa a question, it was whether it would be permissible for an administrator to make a speech over the radio in the interest of somebody's campaign, and I believe the gentleman said that it would be all right so long as he did not do it in connection with some organization.

Mr. GWYNNE. That is correct.

Mr. HENDRICKS. Suppose a relief client attempted to do the same thing, what about that?

Mr. GWYNNE. Nothing prevents anybody expressing his own views.

Mr. HENDRICKS. In other words, if a relief client wanted to make a speech and pay for it himself, it would be all right?

Mr. GWYNNE. There are other provisions of the law——

Mr. HENDRICKS. That is something that I have never been able to clear up.

Mr. GWYNNE. The gentleman must remember that the first sections of the original Hatch bill contained far more drastic provisions in respect to the W. P. A. worker. He could not even contribute to a campaign.

Mr. HENDRICKS. Oh, yes; I know that.

Mr. HINSHAW. Will the gentleman yield?

Mr. GWYNNE. I yield.

Mr. HINSHAW. On the defense program that is coming up there will be very large sums of Government money expended for Government material. Does the employee of a firm who has a contract with the Government for the furnishing of defense materials come under this bill?

Mr. GWYNNE. He does not, except there is a section later in the bill which covers, in part, that situation. It is on page 24. I just refer the gentleman to it. It explains itself.

Mr. HEALEY. Mr. Chairman, will the gentleman yield?

Mr. GWYNNE. I yield.

Mr. HEALEY. In the opinion of the gentleman, would it be a violation of the provisions of this act if one of those persons covered should sign a nomination petition of a candidate for public office?

Mr. GWYNNE. I presume it would. I may say for the benefit of everyone that the Attorney General sometime ago made a ruling on the original Hatch Act and pointed out some things that in his judgment constituted taking part in politics and other things that did not. I think if I just read that it may answer the question as quickly as anything.

It has been ruled that the following acts are taking active part in political campaigns:

1. Holding office in a political party or a political club.
2. Attending a political convention as delegate or alternate.
3. Serving on committees of a political party or political club, but not belonging to the club.
4. Distributing campaign or printed matter in support of any candidate.
5. Serving at party headquarters or as watchers at the polls or otherwise assisting a party or candidate in any primary or election campaign.
6. Being a candidate for elective office.
7. Soliciting funds for a political organization or campaign fund.

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. GWYNNE (continuing reading):

I am not so sure that signing a petition would be taking an active part in a campaign. I think circulating the petition would, however.

Mr. HEALEY. From those offenses enumerated it appears that it is not included in any of the offenses.

Mr. GWYNNE. I realize it is difficult to draw the line between what is taking part in a campaign and what is not. Many questions will come up under this law that will have to be determined as they arise.

Mr. RANKIN. Will the gentleman yield?

Mr. GWYNNE. I yield.

Mr. RANKIN. The real danger there is this: If the distinguished gentleman from Iowa is disturbed about what comes under the law, how does he think the millions of voters back at home, who never saw the law, will feel? It would just be "duck soup" for those political bosses who will want to browbeat them into staying away from the polls.

Mr. GWYNNE. Let me say, in answer to that, we have had for many years a provision prohibiting civil-service employees from taking an active part in political campaigns. They have worked out what they can do and what they cannot do.

Mr. RANKIN. But they were instructed by the Civil Service Commission. Here you are dealing with thirty or forty million voters. Here is a large crew of men, we will say, working on a project. How easy it will be for some "flannel-mouthed" boss to go to them and point his finger at them and say, "Now, if I hear a word out of you, you get off of this job." What will be the result? There may be thousands or hundreds of thousands of people who will be intimidated to the point that they will not even go to the polls.

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. BENDER].

Mr. BENDER. Mr. Chairman, I have heard a number of references made to political organizations in big cities and the terms "boss" and "political leader" used many times. Our problem in America is largely that of getting people to vote and being active politically. Political leaders do not discourage voting. I do not believe there is a leader in politics, either Republican or Democrat, who is not anxious to have as many people vote in the primary or election as possible. The point I wish to make is this: It is extremely difficult sometimes to get a man to run for precinct committeeman in a community where there are no jobs involved. Once interested, it is very hard to get that person to retain his interest in politics. I am trying to make up my mind on this bill. I want to vote for things that are wholesome in politics, as every one of you do, whether you are Republicans or Democrats, I am sure.

Are you going to make it more or less attractive for the officeholder to vote? After you help obtain a job for a worker, what happens to that person after he is on the pay roll? In the city of Cleveland not so very long ago there was an issue voted on that had no politics in it; no partisanship. It was a matter of voting for a levy to carry on the city's services, and much to my amazement we discovered that over 30 percent of the people on the city pay roll whose jobs were involved did not take the trouble to go to vote. They would not go to vote because of fear of possible violation of some civil-service rule.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. BENDER. I yield.

Mr. RANKIN. Let me say to the gentleman from Ohio that in my State and in my district when I have opposition in the hottest campaign we can possibly wage we cannot get 50 percent of the registered qualified voters to go out and vote in the congressional primaries. I am afraid that this kind of legislation will discourage more people from going to the polls and that it will make it far more difficult to keep our Government close to the people.

Mr. BENDER. I wish Members on both sides of the aisle would discuss this bill from that point of view.

What does this bill propose? I just heard a Member on my side of the aisle, who is a member of this committee and whom I respect as an expert, admit there was a question in his mind as to what the bill provided and how far the bill would go.

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. BENDER. I would like to get your answers to these questions: Whom does this bill affect? How far does it go? Where does it stop? And what is intended by the language in the bill?

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. BENDER. I yield.

Mr. CRAWFORD. So far as the gentleman understands the bill, can he say whether anyone will be affected by this bill other than those on pay rolls where the money is furnished by the Federal Government?

Mr. BENDER. As I understand, in addition to the persons who are on the regular State pay rolls who receive a part of their pay from the Federal Government, any person who is doing a special job for the Government, a contractor who employs others, he and those he employs are also subject to this measure.

Mr. CRAWFORD. The reason I raised the question was because the gentleman from Mississippi [Mr. RANKIN] said a little while ago, as I understood him, something like 30,000,000 or 40,000,000 voters would be affected if this bill passed. Did the gentleman from Mississippi mean that? And I ask the gentleman from Ohio if he will yield to permit the gentleman from Mississippi to answer?

Mr. BENDER. I yield; certainly.

Mr. RANKIN. I do not know that I used those figures. What I meant to say was that hundreds of thousands would be intimidated because they would not know what the provisions of the bill were. Much damage can be done over the radio. Some of these radio commentators who broadcast every night—if one of them were to make a speech throwing doubt around the right of the people to vote, and the danger of violating some law, and make that speech the day before election, he might easily keep three or four million people from voting because of their fear of violating some law or some regulation.

Mr. BENDER. We are all here as a result of politics and because we take part in politics. If the organizations that control politics are unwholesome it is our fault. If they are good, it is to our credit. If they are no good, someone ought to come along and change the leadership of the organizations. But I resent the wholesale indictment of men just because they engage in politics and work in the field of politics. [Applause.] I resent very much these expressions that are voiced here and elsewhere criticizing people engaged in politics and referring to them in a manner that makes politics so undesirable for the very citizens to enter who should be in politics. It is an all-too-common experience in both our primaries and in our elections that we cannot get the vote out; we cannot get the people to interest themselves in politics. We are not going to help matters any by penalizing the persons who do the active work and attacking them in this way. If you have anything to say regarding that individual or any individual man or party that is doing wrong, then say it; but do not condemn the whole American system of politics by questioning or challenging the people who are active in the political affairs of this country.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. BENDER. I yield.

Mr. MAY. As I understand it, the bill we passed at the last session affected only Federal employees, but this bill proposes to apply to State employees the same rules the other bill applied to Federal employees; that is, that a man who is employed, part of whose salary is paid by the Federal Government, is not permitted to participate in political activity. It seems to me that any such infringement upon such civil liberties of a citizen is an unconstitutional infringement upon his rights.

Mr. McGRANERY. Mr. Chairman, will the gentleman yield?

Mr. BENDER. I yield.

Mr. McGRANERY. It has been said in the explanation of this bill that violation of the act carries as a penalty only dismissal of the employee. I notice on page 13, section 10, however, a double-penalty clause in the bill.

Just as the gentleman from Iowa said, he would like to know how far this bill goes. Section 10 provides that the provisions of this act shall be in addition to and not in substitution for any other provision of law. In other words, dismissal is not the end. Conviction may mean something more than dismissal.

Mr. HARE. Will the gentleman yield?

Mr. BENDER. I yield to the gentleman from South Carolina.

Mr. HARE. The last statement of the gentleman, to my mind, goes to the crux of this bill. I want to supplement the statement with this thought: If you destroy the incentive of the American people to take part in politics, then you destroy democracy as a whole. Is that in accordance with the ideas of the gentleman?

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. BENDER. Mr. Chairman, I am frankly puzzled about the whole business. I do not particularly fancy Members whom I know to be part of political organizations, getting up here and making rash statements about the rank and file of the party who are willing to do political work in the party, many of them without any reward. I want to make politics as attractive as I possibly can to every citizen everywhere. [Applause.] In making it attractive to all persons we will have a better party, we will have a better Government.

The thing that appeals to me, Professor Smith, is this: In your original statement—and I followed you very closely—you talked about the two-party system. Among your associates in universities, schools, and colleges, how many people did you find actually interested in one party or the other? You know that in this Government when we want to get something done it is done through one or the other party, in order to achieve anything in the way of political reform.

Mr. SMITH of Illinois. Will the gentleman yield?

Mr. BENDER. I yield to the gentleman from Illinois.

Mr. SMITH of Illinois. With reference to the discouragement of people in politics, I would estimate that not more than one-half of 1 percent of the voters of America are involved in this bill at all, certainly not 1 percent. Now, to have less than 1 percent of the people engaged in politics setting a standard of indifference to politics in a great many other people, and that is the complaint I hear about the party system, is the sort of thing this Hatch bill prevents and that will do more to enlist the interest of the group the gentleman speaks of, the 99 percent of the people, in politics, because they will believe it is an operation in which they have a chance to be heard and to be effective. That is really the secret of my interest in it. I believe we should prevent a very small minority of people in politics from so corrupting the process that other citizens will be indifferent.

Mr. BENDER. I appreciate the contribution of the gentleman, but the gentleman has not answered my question, and I wish he would answer it. Today your political organizations are voluntary organizations, and if they are corrupt, then it is the fault of the people who belong to that party. If they are dissatisfied with that 1 percent, then surely the 99 percent can change the condition that is complained of.

Mr. SMITH of Illinois. That is exactly what we are doing in this act. We are proceeding to that precise thing, in my opinion.

Mr. BENDER. As I see it, you are by legislation attempting to do something that your people are not willing to do by taking hold of the organization that is theirs for the asking, if they will only participate and if they will only contribute

of their time and services in taking hold of that organization. If you say that the organization is run by a lot of people who want jobs, then why are there not more people in this country interested in politics or in the organization who are not interested in jobs?

Mr. BARNES. Will the gentleman yield?

Mr. BENDER. I yield to the gentleman from Illinois.

Mr. BARNES. Referring to the college professors and the college groups who are supposed to be leaders in thought in this country and who should take an active part in politics, let us assume those professors have as a part of their classroom some N. Y. A. students who are being taught, for instance, in the University of Chicago. Do they come under this act?

Mr. BENDER. I cannot answer. I am not an expert on the subject.

Mr. BARNES. I think those professors are under the act and cannot participate in politics, therefore they would not be able to express their opinion.

[Here the gavel fell.]

Mr. KEFAUVER. Mr. Chairman, I yield 7½ minutes to the gentleman from Maryland [Mr. SASSCER].

Mr. SASSCER. Mr. Chairman, I have listened, as all of us have, with interest and attention to the debate. I have come to the conclusion from what we have read in the public press and from the discussion that has transpired from time to time that if the words "pernicious political activities" were removed from the atmosphere of this bill there would not be 25 votes for it in the House. Under a hysteria of removing pernicious political activity, we strike through and practically change our system of government. I say that because precedent is the best judge by which we can determine future application.

A short time ago under this same guise of removing pernicious political activities and under the thought that we will prevent the heads of departments from bearing down on employees and removing certain things to which everybody is opposed, we enacted the old Hatch Act, which I am proud to say I did not vote for. Under its application what did we do in connection with the removal of pernicious activities? First of all, you said that this great group of Federal employees, people in the middle brackets of life, good American citizens, cannot go out and express an opinion. They say, "You can express your opinion," but the rulings have been, and these people have been led to believe by the departments that they cannot exercise their American right of going out and participating to some degree in the selection of those who may represent them. Still we say that is removing pernicious political influence. And again, not the heads of departments, not those who might have some influence through promotion over persons under them, but the great mass of Federal employees, cannot belong back home in a little town to a club, semicivic or semipolitical, if they are going to hold any office of such as fourth vice president, even though that particular organization might be directed toward the betterment of that particular section.

I have written to the different departments for various interpretations. I have written to the Department of Justice from time to time as numerous people have contacted me in the Federal Government asking whether or not they may do this or that in their particular community.

We found out that under the old bill they cannot freely exercise their rights as American citizens by being officers in some organization—civic, labor, veterans, or what not—because if some public official may have in his course of action been unfriendly or stood for things for which they did not stand, or perchance favored them, and if the particular organization goes on record politically by passing a resolution commending that officer for what he has done or for what he has not done, then those Government employees are engaged in pernicious political activities and subject, possibly, to losing their jobs or being prosecuted.

May I say also that there was not a word in the old act about the little municipalities; still the interpretation of the last Hatch Act was such that if out here over the line in Maryland, in a small community made up probably 75 or 80 percent of Government employees, many of them retaining their votes in your States, interested in the welfare and growth of their community, and not tied up in business and worn out at night after coming home, without compensation serving as councilmen in their particular town, working for the benefit of that community, if such Federal employees were urged by their fellow citizens to run for municipal office, an office for which no salary was paid, they could not do so. They are indulging in pernicious activity and either have to resign their jobs in Washington or get off the town council and no longer take part in local elections. That is what precedent has shown has happened in the matter of interpretation and application of the law. It has thrown confusion in the minds of Government employees to the extent that in walking down to the primaries many of them are cautious and afraid to stop on the street and talk to a friend who may be standing there for fear that somebody may call up their department and say that they were arguing politics on the corner. Can we honestly say to ourselves that such legislation is accomplishing the object it attempts or professes to accomplish?

Under this bill we go a step further and go right down into every community in the State and reach men working on State roads, men belonging possibly to Democratic or Republican clubs, men who for years have been interested in the development of their sections. We here in the Federal Congress, although we do generously say that you can still vote—it was kind to keep that in the bill—say, "You can vote, but you cannot engage in any activities, although you can express your opinion." Express it to whom? To yourself in a closet? No; you get out and attempt to express it to your neighbors and you lose your job by this act of the Federal Congress. Shall we reach right down into the counties and into the States and take away our basic State rights, and take away from citizens on State pay rolls in which there is some Government contribution their right to participate even in their State affairs? [Applause.]

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. SPRINGER].

Mr. SPRINGER. Mr. Chairman, all of us recall the original Hatch bill which was before the House last year and was passed. There comes before us at this time the amendments which are proposed. At the outset of what I have to say regarding these proposed amendments I want to compliment and congratulate the gentleman from New Mexico [Mr. DEMPSEY] on his foresight in presenting this splendid piece of legislation to this body.

The purpose of these amendments is to promote clean politics in our country. The original Hatch Act applies to those who are on the Federal pay roll in the city of Washington and elsewhere whose entire remuneration is paid by the Government of the United States; the original act applies to those on W. P. A., and others, whose sole occupation is with respect to and in the agencies of the Federal Government. These amendments seek to go out into our respective States and prevent those whose principal occupation is on projects which are financed in part or in whole by the Federal Government from taking an active part and in participating in political campaigns.

May I say that I believe that prohibition is right. All of us have witnessed those who have been on the Federal pay roll participating very actively in political campaigns. I recall campaigns in my own State, as do many others on this floor from the State of Indiana, and from many other States, where men and women on the Federal pay rolls in Washington have come back into our States and have taken a very active part in political campaigns. I sometimes think of the influence such persons have upon the average voter in our community. The average voter has a very great respect for those who are in whole or in part employed by the Federal Government; they respect those who are in the Federal employment. It appears that they have a dominant influence over the people. Not only do we have those things to contend with, but we have the added fact that the people of the

United States of America are paying the salaries of those who go out and participate in political campaigns. The people pay the salaries of those employees while they engage in political activities in our country. This is entirely wrong.

I want to mention the particular point brought up by my very distinguished colleague the gentleman from Maryland [Mr. SASSCER] during this debate with respect to matters within his own State and in the area just outside the District of Columbia. That point is taken care of entirely in section 16 of the bill, which is now before the House. I read from section 16:

> Whenever the United States Civil Service Commission determines that, by reason of special or unusual circumstances which exist in any municipality or other political subdivision, in the immediate vicinity of the National Capital in the States of Maryland and Virginia or in municipalities the majority of whose voters are employed by the Government of the United States, it is in the domestic interest of persons to whom the provisions of this act are applicable, and who reside in such municipality or political subdivision, to permit such persons to take an active part in political management or in political campaigns involving such municipality or political subdivision—

Listen to these words—

> the Commission is authorized to promulgate regulations permitting such persons to take an active part in such political management and political campaigns to the extent the Commission deems to be in the domestic interest of such persons.

Therefore the fear which the gentleman from the State of Maryland has expressed is provided for under section 16 of this bill which is now before the House and upon which action will soon be taken. There are some other reasons which I desire to present to this body as an added argument for the passage of these amendments.

Mr. SASSCER. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I beg the gentleman's pardon, but I have only a few minutes remaining.

We sometimes think of the extension of Federal power; all of us reflect upon that great and vast extension of Federal power in this country; when that extension of power reaches the point where fraud and corruption are involved, or where there is an imminent liability of fraud and corruption, is it not the duty of our Federal Government to curb and suppress that very great power, and to eliminate the pending danger? I think this appeals with force and effect to everyone within the hearing of my voice. Does it not then become the duty of our Federal Government to curb and limit that power to which it has submitted itself?

We have that situation existing before us at this very time and I believe, as one of the Members of this House, it is necessary to take such action as may be necessary to curb those ills and those abuses to which that extension of power has taken us in the holding of our elections in this Nation. The people demand that our elections be clean and fair—entirely free from domination.

Just a little while ago mention was made by my distinguished colleague the gentleman from Alabama [Mr. HOBBS] in his splendid address before the House in which he referred to those who would be jailed under these amendments in case of a violation thereof; he emphatically stated that those who failed to vote as the "so-called boss" dictated would be the voters who would suffer under the act. When these amendments are passed and become the law, the people who are employed upon Federal projects as their principal employment will enjoy freedom from political domination; they may then vote as they may choose. I am confident there will never be a majority of our people on the Federal pay roll in this country. Again, may I say, the boss, who is under Federal employment, is governed fully by the provisions of the original Hatch Act. Let that "boss" dare dominate and control those individuals who are under his supervision; he then comes within the provisions of this act, and the "boss," let me say to my very dear and good friend from Alabama, would be the fellow who would suffer the penalty and he would be the one we would meet when we visit the county jail. Yet let us remember when these amendments have been enacted into law, the people to whom it applies will respect it, and the violations will be very few indeed.

This amendment to the original Hatch Act gives the little fellow—the fellow in the highway department back home—an opportunity to vote as he desires to vote. It provides for clean politics. It takes him away from a theory of politics by which he could be called upon and forced to manage political campaigns; it removes the temptation from the so-called political "boss" to compel those Federal employees, who come within the provisions of this bill, to do things which he would not, perhaps, personally desire to do in a political campaign. This bill when passed will give those voters the right to vote as they please, as free Americans, without domination, and it extends to the voters the right and privilege of going to the ballot box and casting their vote as they may freely choose. This is our right as Americans. These amendments protect that right. The people of our Nation demand this protection. Let us not falter—let us give our people this inalienable right. [Applause.]

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Chairman, I yield 7 minutes to the gentleman from South Carolina [Mr. HARE].

Mr. HARE. Mr. Chairman, the Hatch bill which passed the Congress last year made it unlawful for any person receiving a salary direct from the Federal Government to become unduly active in the interest of any candidate or in any political campaign. Since then provision has been added making it unlawful for such persons to be coerced in making contributions to political campaigns. The bill now before us undertakes, among other things, to make the same provisions of law applicable to persons who may be employed by a State, county, or municipality, if such person is paid directly or indirectly from grants or loans to such State, county, or municipality by any agency of the Federal Government.

It is claimed by the proponents of the bill to be a measure to prevent corruption in politics. If this were the sole purpose there would be no objection whatsoever by anyone to its passage. I am one who believes that this feature is only incidental and that the real purpose on the part of many of the proponents is more subtle and calculated to be more dangerous to the life of our Republic than the alleged irregularities or corruptions found in different sections of the country. There can be no objection to that provision of the bill which makes it unlawful for the class of people referred to to make contributions to a candidate or political party, but the same provision should apply to all classes of people. I think it should be unlawful to make contributions to any candidate for office and it should be equally unlawful for any candidate to receive such contributions when they are made for the purpose or intention that a subsequent favor would be asked or requested of the candidate if elected. I think when a man receives such contributions he virtually agrees to return the favor when an opportunity affords. But such irregularities or improprieties are already covered under what is known as the Federal Corrupt Practices Act and if there should be a greater specification required as alleged by the arguments in support of this bill the amendments should be made to the Corrupt Practices Act and not to the Political Activity Act, but I will discuss this feature a little later on. We will find out before this bill is passed that the underlying reason for its passage is for the Federal Government to get control of the election and suffrage laws of the States and we should never forget that the question of suffrage and the privileges incident thereto are matters heretofore conceded to be exclusive prerogatives of the several States and the people therein, and the concession dates back to the ratification of the Constitution. They are matters which have been considered and passed upon time and again by the highest judicial tribunal of our country and invariably it has been decided that they are among the rights and powers never delegated to the Congress or the Federal Government but reserved for the several States and the people. They have exercised these rights and privileges for more than a century and a half without having to be coerced or dictated to by the Federal Government. No doubt there has been some individual corruption in the political machinery in all or most of the States, but the same is true in business and other circles, but the refining pot for such irregularities is found in the discharge

of the responsibilities of citizenship and not in the arm of the Federal Government which undertakes to paralyze and destroy the conscious responsibilities of the people to government. When you destroy or paralyze the people's conception of their obligations to their government you will no longer have a government by the people, but you will have a dictator government or dictator individual in the place of it, and the freedom and liberties of the people are gone, and when once lost they are never regained. There is not an instance in the history of the country where the Federal Government has once acquired a right or privilege from the people, either by delegation or acquiescence, where such right or privilege has been returned.

There can be no objection to legislation that has for its purpose the purification of politics. Where there is corruption and it is known there should be punishment of some kind, because corruption in political machinery or in any public activity is an offense against society, and the offender should be punished. Pernicious political activity has never been considered as an offense against society. It has never been looked upon or considered as corrupt or immoral. The original Pernicious Political Activity Act was not designed to punish anyone for an offense against society, but was designed for the purpose of maintaining the good will, devotion, and loyalty of the citizenry of this country to their flag and to their Government.

Years ago it was discovered that when a person employed in the Government service, under a classified lifetime status, became unduly politically active among the people he served and incurred the displeasure of those who did not happen to agree with him, such displeasure was not only registered against him but was registered against his employer—the Government. It was not because the employee had done anything corrupt or morally wrong, but his conduct became pernicious when he became so active and outspoken in his efforts to influence people to his way of thinking and he became so distasteful to them that their distaste for him was registered in the lack of loyalty and devotion to their Government. Therefore, the first pernicious political activity law was passed for the purpose of maintaining the loyalty and devotion of the citizens to their flag and Government. This bill is labeled a "pernicious political activity bill," but in order to get public support the proponents are emphasizing immorality and corruption in politics, the idea being that if the bill can become a law it can then be construed and interpreted by its administrators and those charged with the responsibility of enforcing it to cover a thousand and one things never dreamed of. Right now, if this law were in effect and the agricultural teachers throughout the length and breadth of this land should attempt to explain the merits of the farm program inaugurated under our administration they could be charged with pernicious political activity by saying they were trying to reelect a Democratic President and a Democratic Congress. A county agent addressing a group of farmers trying to explain the intricacies and, I may say, the unexplainable ramifications of the specifications and rulings set up under this program could also be charged with pernicious political activity in an effort to reelect a Democratic President and a Democratic Congress, although there is nothing corrupt, immoral, or even pernicious in his conduct or activity.

Yes; you may go further than this and say that every farmer who receives a soil-conservation check or a farm-parity check after entering into an agreement or contract with the Government to regulate his farming operations in accordance with the farm program may be subject to the provisions of the law and then subject to the penalties if he should try to give his interpretation to his neighbor and induce him to support his political party or some candidate in which he may be interested.

As a matter of fact, if this bill is enacted into law, it may be construed so as to close the mouths of thousands of cotton-mill operatives of the country in case the mill in which they are employed secures a Government contract to manufacture a certain quantity of cloth and the operatives are paid from the money obtained by their employer from the Government.

In my congressional district there are six colleges in which every member of the faculty will be estopped from explaining the merits of the Democratic Party as contrasted with those of the Republican Party for the reason that these colleges receive funds from the Federal Government through the National Youth Administration.

Mr. Chairman, the original purpose of the author of the bill may have been sincere in trying to enact legislation that would in a measure prevent corruption in politics. The idea and purpose is one that can be endorsed by everyone, but it has long been conceded that you cannot legislate pure thinking and clean acting by passing a resolution. Something has been said about administrative officers in our party being politically corrupt. I do not know whether it is true or not, but if they are, they ought to be weeded out, even if the party has to suffer as a consequence, because no political party in this country should be permitted to survive with open and known corruptions among its leaders and administrative officers. I yield to no one a stronger desire for purity in politics, but the passage of a law by Congress will not prevent corruption. It has been stated here this afternoon there is not a corrupt practice referred to in this bill but what is not already covered by an existing law. The people of the country alone, not legislation, will purify politics. If I should be guilty of accepting bribes or contributions from people who expected to have them returned by favors rendered after election or votes cast in Congress, I should be defeated, and any other man guilty of such conduct should be defeated. I cannot speak for other districts, but I have confidence enough in the political honesty and the political integrity of the people in my district that, if they knew or even thought I was guilty of such conduct, I would not have any more chance of coming back to Congress than the proverbial snowball would have of remaining in Hades.

That is, if the people in my district were convinced that my campaign was being financed by someone who expected to be favored or selfishly rewarded afterward, they would not call on the Corrupt Practices Act or the Pernicious Political Activity Act for help. They would take care of that situation on election day. They would not only give me my deserts under a situation of this kind, but they would do it for any other man. As long as the sentiment is maintained in the minds of the people for clean and upright politics, they will handle corrupt practices and irregularities at the proper time and in the proper way.

No; this bill has resolved itself into one supported and promoted by those who believe in the continued concentration of power in the hands of the Federal Government. The questions raised here this afternoon show conclusively that one of the main purposes of this bill is for the Federal Government to take control of the election machinery in all of the States. I listened to the gentleman from California [Mr. GEYER], who preceded me a short while ago, as he stood in the well of the House and pleaded for the people of my State, as he claimed, saying they are deprived of their right to vote on account of the poll-tax law. I will venture the statement there were not a dozen men in my congressional district who offered to vote in the last general election and were denied because they had not paid their poll tax. I am not arguing as to whether or not the poll tax is a good or bad law. The point I am trying to make is that it is up to the people of South Carolina to say whether they want a poll tax or whether they do not want it, and it is not a prerogative of Congress or the Federal Government.

I agree the administrative functions of our Government should grow and extend in proportion as our social, economic, and political problems enlarge and become more intricate, but the acquisition and the exercise of new powers by the Federal Government with the surrender of such powers by the people and the States is a matter that should receive the most deliberate consideration of the Congress. This gradual and everlasting exercise of powers by the Federal Government, not contemplated in the beginning, may prove to be a sleeping paralysis where the States and the people will find themselves absolutely paralyzed in an effort

to exercise their original functions and opportunities in governmental affairs. It should be remembered that the American ideal underlying our whole governmental fabric is not something that changes with the wind or change of political administrations. These ideals are written in blood and, therefore, cannot easily be erased. They were bought and paid for with a supreme sacrifice at Bunker Hill, Valley Forge, Kings Mountain, Eutaw Springs, and Yorktown. The American ideal is written in the tradition and the history of this Nation for 200 years, and the recent magnified propaganda that the American youth is entitled to a new baptism of American ideals is another step calculated to destroy the defense of this country from within. There are no new ideals in Americanism. There seem to be new ideas, and to my mind they seem to be a threat or a danger to the ideals of the people, especially when we take into consideration the fact that these new ideas are now being promulgated and disseminated by men and women who do not know by experience or inheritance the A B C of Americanism.

If it can be done by legislation, I am in favor of passing a law that will put every man behind the bars who may be found guilty of dishonesty and corruption in politics; but I am not in favor of closing the mouths of the people of the country on such a pretext as provided for in this bill, because the safety of this Republic and the safety of our democracy is contingent upon the right of the people to discuss the questions that affect their security—questions that affect their social and economic life. To me it is elementary to say that when you take from the people the right to express their ideas or discuss among themselves their social, economic, or political problems you destroy their incentive to exercise their responsibilities as citizens; and when the people of this Republic get to the point they do not take any interest in politics or are not allowed to take any interest in politics, their freedom and their liberties are gone and they can kiss democracy good-bye and prepare to be slaves to a dictatorship the balance of their lives, and bequeath to their children and grandchildren an unwelcomed servitude for all succeeding generations. Mr. Chairman, I really believe that every honest and reasonably intelligent man in this country feels and knows that the future of our democratic form of government is dependent upon the sincere and honest interest manifested in politics by the people. One of the greatest and most valid criticisms of our democracy today is that people do not take enough interest in politics. If this bill is passed and enforced, thousands and millions of people will then have a right to say that since they are not permitted to take any part in politics they will not bother with it, and we will soon have the political dictators running the entire country.

From the days of Thomas Jefferson down to the present day the people of the Nation have been urged to study the problems of their State and Nation in order that they may intelligently register their will at the ballot box in selecting their representatives; but this bill, in effect, undertakes to reverse the order and tell many of them they shall take no interest in politics in the exercise of their responsibilities toward their Government. It is equivalent to saying to the States and many of the people therein, "You have failed in the discharge of your duties and you are no longer competent to discharge the duties of citizenship." It is an insult to the integrity, intelligence, and character of the American people.

However, I would not want to appear as a pessimist in this matter, because it may be that this war on democracy may yet prove to be a blessing in disguise. It may cause the American people to arouse themselves and begin once more to exercise their individual prerogatives and discharge their individual responsibilities in directing the affairs of State. If the Federal Government continues for the next decade as it has for the last decade to encroach upon the rights of the individual States and the rights of the people, I can vision the time when such States may rise in their might and exercise their right to amend our Constitution in such a way as to restore to the people and the States the powers to which they know they are rightly entitled. It would not be secession and it would not be revolution. It would be an orderly, legal, and constitutional recovery of power acquired by the Federal Government through legislation, coercion, or acquiescence.

Suppose the States should decide to repeal the sixteenth amendment—the income-tax law—in order that they may have this source of income for their own revenues; and they are going to need it. We can very easily see what might happen to the Federal Government. Of course, I do not expect to see this happen, but only cite it as an example as to what could happen. It is by no means unthinkable that following a continued trespass upon the rights of the States and the people they may finally decide to exercise their constitutional powers and initiate amendments to the Constitution that will have far-reaching effects upon the future powers of the Federal Government. It might be well for the Congress, therefore, to stop, look, and listen before enacting legislation that may eventually contribute in a measure to its undoing.

Mr. GUYER of Kansas. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. HANCOCK].

Mr. HANCOCK. Mr. Chairman, we were all very much interested and moved by the pathetic picture of the janitor in Alabama drawn for us by the distinguished gentleman from Alabama [Mr. HOBBS]. However, the picture was grossly overdrawn, as I suspect was his picture of purity in politics in Alabama. In the first place, the school authorities he mentioned could not under the law browbeat and persecute that janitor in the way described by the distinguished gentleman. The very opening sentence of the present Hatch Act reads as follows:

> It shall be unlawful for any person to intimidate, threaten, or coerce, or to attempt to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such person to vote as he may choose.

That is the present law. The State and local employees on Federal projects have plenty of safeguards against being railroaded under this bill. First of all, a charge must be made against them, and they must be given a right to be heard and tried by the Civil Service Commission. They may introduce new evidence and have a rehearing if they are not satisfied with the first result. They may go into court and be tried by a judge, or they may demand a jury trial. They have the right of appeal to the circuit court of appeals, and they may even go to the Supreme Court of the United States under a writ of certiorari. No such persecution as described by the gentleman from Alabama is possible under the present law or under the proposed law.

It is not necessary for us to spend very much time in debating this bill, because we all know it is going to be passed; and it is going to be passed because the people of the United States wish that it shall be passed. They intend that the next election shall not be bought and shall not be dictated, and they demand that we take every possible precaution to make it a fair and free election. They are acutely conscious that we are facing a grave emergency, with dangers threatening us from within and without.

The coming national Presidential election overshadows everything else in the public mind. People nowadays are not particularly concerned about the political background of the candidates for high office. They do not care whether they are lawyers, editors, manufacturers, bankers, farmers, or public-utility executives. [Laughter.] They want a man big enough to do a big job, and they want a fair election without the misuse of money or the browbeating of Federal employees of the United States by those who control their jobs.

I think there is some misunderstanding as to what this bill does.

Mr. KEFAUVER. Mr. Chairman, will the gentleman yield?

Mr. HANCOCK. I yield.

Mr. KEFAUVER. I would like to ask the gentleman's interpretation of part of section 2 on page 12 of the bill. That is, "any person employed in any administrative position by the United States in connection with any activity." Now, suppose a State or county employee worked all week on some job that is connected with some Federal grant and then on Saturday when the election comes they put him on some other job. He would not be covered by this bill, would he?

Mr. HANCOCK. I suppose we will have to rely on the interpretation to be put on this language by the Attorney General. He will be guided by the precedents already established in interpreting the civil-service rules. Any answer I might give would be purely speculative and of no value.

Mr. KEFAUVER. Would not this necessarily result in the shifting of State, county, or city employees from one job to another, depending on when the election was held?

Mr. HANCOCK. Well, the particular section to which the gentleman refers applies only to administrative positions.

Mr. KEFAUVER. It is section 2—"any person employed in any administrative position." But when they shift them——

Mr. HANCOCK. Any person employed in any administrative position. That is the language and the particular provision mentioned by the gentleman does not apply to workingmen.

Mr. KEFAUVER. Does not the gentleman think that if this is good for a certain length of time, there should be some protective clause that they shall be so employed for 30 or 60 days after their employment ceases?

Mr. HANCOCK. I do not see how the gentleman could object to that provision, no matter who is affected by it. It prohibits the use of official authority for the purpose of interfering with or affecting the election or nomination of any candidate for President, and so forth.

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. HANCOCK. It is doubtless true that there are many imperfections in this bill. There are many ambiguities. It repeats and overlaps a great deal of legislation already on the books.

Mr. SHERIDAN. Will the gentleman yield?

Mr. HANCOCK. Just let me go on for a minute, please. If I am fortunate enough to be returned to Congress and reappointed to the Committee on the Judiciary, I intend to make an effort to create some sort of a commission to rewrite our election laws and codify the Corrupt Practices Act, the two Hatch bills, the various penal statutes affecting political activities, and the provisions on the subject that are in one of the relief bills passed last year. But what we are trying to do here is nothing new, strange, or startling. We have had similar laws even before the original Hatch Act was passed. We are merely extending the protection that other Federal employees have to the State and local employees whose principal occupation is in connection with Federal projects. That is all we are doing. It is not a very large group of people which will be affected. We have a perfect right to do it and it is no interference with anyone's civil rights or with States' rights. Of course, you all know that the civil-service employees are barred from active participation in politics.

This may surprise some of you. A Presidential order directed to the State, Treasury, War, Navy, Interior, Agriculture, and Commerce Departments and various others reads like this:

> Presidential appointees are forbidden by statute to use their official authority or influence to coerce the political action of any person or body, to make any contribution for a political object to any other officer of the United States, or to solicit or receive contributions for political purposes from other Federal officers or employees, or to discriminate among their employees or applicants for political reasons.
>
> Otherwise, a Presidential appointee will be allowed to take such a part in political campaigns as is taken by any private citizen except that he will not be permitted—
>
> 1. To hold a position as a member or officer of any political committee that solicits funds.
> 2. To display such obtrusive partisanship as to cause public scandal.
> 3. To attempt to manipulate party primaries or conventions.
> 4. To use his position to bring about his selection as a delegate to conventions.
> 5. To act as chairman of a political convention.
> 6. To assume the active conduct of a political campaign.
> 7. To use his position to interfere with an election or to affect the result thereof.

That is the law now. That law was in effect before the Hatch Act. I have read it from a pamphlet issued by the United States Civil Service Commission in 1936.

Do not be shocked or frightened by the alarmist talk you have heard today and will hear again tomorrow that this bill is going to deprive men of their civil rights. If it has any effect at all, and we hope it will, it will be to purify politics. I do not regard this as a perfect measure. I realize it will be difficult to interpret, but we are going to pass this bill, and we are going to pass it because the folks back home insist on it and are almost unanimously in favor of the objective it seeks to reach. [Applause.]

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Chairman, may I inquire as to how the time stands?

The CHAIRMAN. The gentleman from Kansas [Mr. GUYER] has 1 hour and 3 minutes remaining. The gentleman from Texas has 1 hour 20½ minutes remaining.

Mr. MICHENER. Mr. Chairman, it is now 5 o'clock, and we have a number of Members on this side of the aisle who are insisting on making a point of no quorum. I hope the gentleman from Texas will move that the Committee rise.

Mr. SUMNERS of Texas. I appreciate that the Members are tired.

Mr. Chairman, I yield such time as he may desire to the gentleman from Indiana [Mr. LUDLOW].

Mr. LUDLOW. Mr. Chairman, on May 10 last, in addressing the House on the Hatch bill, I announced that when the bill came before the House I would move to amend it by adding the following section:

> Nothing in this act shall be construed to alter or amend any provisions of the Federal Corrupt Practices Act of 1925, or any amendments thereto, as to the amount of money that any candidate for Senator, Representative, Delegate, or Resident Commissioner may expend in his own campaign under the provisions of that act.

Since that time the Committee on the Judiciary has adopted the essential part of this proposed amendment in the following language:

> Nothing in this act shall be construed to alter or amend any provisions of the Federal Corrupt Practices Act of 1925, or any amendments thereto.

This amendment carries out the purpose I intended, and I thank the committee.

Mr. Chairman, the philosophy back of the Hatch bill is a sound philosophy, which has my undiluted sympathy and all the support I am capable of bringing to it. It is based on a principle that ought to be emblazoned in characters of living light in every department and ramification of the public service from Maine to California. That principle is that a public office is a public trust. Those who believe in the Hatch bill believe that public servants should perform the duties of their offices faithfully, honorably, and well. They subscribe wholeheartedly to the maxim that "he serves his party best who serves his country best," and their objective is to do all they can to promote honest, clean, and decent government.

This proposed amendment has the approval of Senator HATCH, and I understand that it is acceptable to the gentleman from New Mexico, Representative DEMPSEY, who has charge of the Hatch bill in the House. After the Hatch bill passed the Senate, when it could not be recalled and amended, a doubt arose in the minds of some very good lawyers in that body as to whether it would have the effect to repeal the limitations which the Federal Corrupt Practices Act places on the amounts candidates for the United States Congress may spend in their campaigns and leave the door open for unlimited expenditures. An amendment was prepared by these Senators, and I was invited to introduce it in the House. This amendment would make certain that the present maximum limits of expenditures are retained, $25,000 in the case of a Senator and $5,000 in the case of a Representative, Delegate, or Resident Commissioner.

I am not a lawyer and I am not qualified to pass upon the subtleties of legal interpretations, but some very able lawyers have at least a doubt as to whether the enactment of the Hatch bill without this amendment would not have the effect to repeal by implication the provisions of the Federal Corrupt Practices Act relating to expenditures of candidates. I am sure no one wants to see those provisions repealed. In the past we have witnessed the scandal of candidates for seats

in another body attaining their objectives by the use of enormous slush funds. We do not want to see any repetitions of the colossal expenditures that have been tantamount to the sale of congressional seats on the auction block. Furthermore, the sections of the Federal Corrupt Practices Act that would be safeguarded by my amendment contain certain protective provisions that are valuable to candidates in properly conducted elections, such as the right to spend money for travel, subsistence, stationery, assessments, and so forth, without having the same counted in a statutory limitation on expenditures. The amendment I propose may not be necessary, but that is a question on which lawyers differ. It cannot possibly do any harm, and I am glad that it is acceptable to the proponents of the bill.

The provisions of the Federal Corrupt Practices Act which will be protected by my amendment from repeal by implication if the Hatch Act passes are as follows:

SEC. 309. (a) A candidate, in his campaign for election, shall not make expenditures in excess of the amount which he may lawfully make under the laws of the State in which he is a candidate, nor in excess of the amount which he may lawfully make under the provisions of this title.

(b) Unless the laws of his State prescribe a less amount as the maximum limit of campaign expenditures, a candidate may make expenditures up to—

(1) The sum of $10,000 if a candidate for Senator, or the sum of $2,500 if a candidate for Representative, Delegate, or Resident Commissioner; or

(2) An amount equal to the amount obtained by multiplying 3 cents by the total number of votes cast at the last general election for all candidates for the office which the candidate seeks, but in no event exceeding $25,000 if a candidate for Senator or $5,000 if a candidate for Representative, Delegate, or Resident Commissioner.

(c) Money expended by a candidate to meet and discharge any assessment, fee, or charge made or levied upon candidates by the laws of the State in which he resides, or expended for his necessary personal, traveling, or subsistence expenses, or for stationery, postage, writing, or printing (other than for use on billboards or in newspapers), for distributing letters, circulars, or posters, or for telegraph or telephone service, shall not be included in determining whether his expenditures have exceeded the sum fixed by paragraph (1) or (2) of subdivision (b) as the limit of campaign expenses of a candidate.

SEC. 310. It is unlawful for any candidate to directly or indirectly promise or pledge the appointment, or the use of his influence or support for the appointment of any person to any public or private position or employment, for the purpose of procuring support in his candidacy.

SEC. 311. It is unlawful for any person to make or offer to make any expenditure, or to cause an expenditure to be made or offered, to any person, either to vote or withhold his vote, or to vote for or against any candidate, and it is unlawful for any person to solicit, accept, or receive any such expenditure in consideration of his vote or the withholding of his vote.

In conclusion I want to extend my warm and sincere compliments to the able Representative from New Mexico for his great service to the cause of good government in promoting this measure. The gentleman from New Mexico, JOHN J. DEMPSEY, has made a most creditable record for himself and has written his name high on the roll of honor, for if it had not been for his tireless efforts and unflagging devotion this very meritorious measure would never have reached the statute books.

Mr. SUMNERS of Texas. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and, the Speaker having resumed the chair, Mr. MCCORMACK, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee having had under consideration the bill S. 3046, the Hatch bill, had come to no resolution thereon.

CALENDAR WEDNESDAY

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that business in order on tomorrow, Calendar Wednesday, may be dispensed with.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. GRIFFITH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include therein a short table by the Chief of Staff of the Army.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MCCORMACK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a poem recently received in connection with the Fourth of July.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. EDELSTEIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address by Rear Admiral Clark H. Woodward, of the United States Navy, at Tammany Hall Society on the 27th of June last.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. KELLER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address by the Librarian of Congress entitled "The Librarian and the Democratic Process."

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. TINKHAM. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial from the Wall Street Journal.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MARCANTONIO. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include therein a radio speech I delivered on June 22.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE LATE W. LAIRD HENRY

Mr. WARD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute for the purpose of making an announcement.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. WARD. Mr. Speaker, I desire to make an announcement of the death on July 5 of Judge W. Laird Henry, Sr., of Cambridge, Md., former Member of Congress and former member of the court of appeals.

Judge Henry was elected to Congress in 1893 at the age of 29 to represent the First Congressional District of Maryland, serving the unexpired term of the late Robert F. Brattan. He was not a candidate to succeed himself.

The First District of Maryland and the Nation have lost a great citizen, honored and respected by all who knew him.

Mr. Speaker, I ask permission to have printed in the CONGRESSIONAL RECORD an article from the Daily Banner, Cambridge, Md., concerning Judge Henry's life.

The SPEAKER. Is there objection to the request of the gentleman from Maryland [Mr. WARD]?

There was no objection.

The article referred to follows:

[From the Cambridge (Md.) Daily Banner of July 5, 1940]

JUDGE W. LAIRD HENRY DIED THIS MORNING AT CAMBRIDGE HOSPITAL—DEATH OF WELL-KNOWN JURIST CAME AS SHOCK TO COMMUNITY—WAS ACTIVE IN COUNTY AFFAIRS

In the death of the Honorable Winder Laird Henry, which occurred at the Cambridge-Maryland Hospital this morning at 25 minutes after 12 o'clock, there passed away a gentleman who had been actively identified with the growth and development of Cambridge and Dorchester County for more than 50 years. A quiet, cultured, educated gentleman who left an impress of kindliness, a human touch of real understanding and sympathy with all of those who were associated with him in any capacity, whether professional, business, social, or otherwise.

Judge Henry was one of the few people in the world of today who had been able to retain, through the stress of the times, that calmness of demeanor, the simplicity of manner, the quiet reserved understanding that enabled him to see through the problems that were presented to him and to do those things that were necessary for the protection of those interests that were entrusted to his care, and, at the same time, to deal honorably, uprightly, fairly, and conscientously with all of those who were interested parties in the various matters.

DEATH REGRETTED

There is no man in this community whose death will be more sincerely regretted because, all of his life he was courteous and fair in all of his transactions and sought, always, at all times, only to honorably and justly protect the trusts that had been imposed upon him.

While he was 75 years of age last December, he was one of those men who do not grow old. The passing of time did not dim his views upon life, did not narrow his outlook upon the world, did not occasion his living in the past; but, instead, he lived in the present and the future; he enjoyed the things of life, and he looked with indulgent eyes upon the problems of the world today, never losing his faith in the rising generations, but frequently stating that each generation has its own problems with which to deal and that, usually, each solves them as well as the preceding one and, judging from the advances that have been and are being made, probably a little better.

BORN IN 1864

He was born at Hambrooks on December 20, 1864, and was the son of the late Daniel M. and Susan Elizabeth Goldsborough Henry. His early education was obtained in the public schools of Cambridge and at an early age he engaged in the mercantile business but soon left that to enter the newspaper business. He published for a number of years the Cambridge Chronicle, which under his leadership, was one of the leading weeklies of Maryland. The Chronicle and the Daily Banner were merged May 19, 1889, and from that time on Judge Henry devoted his time to the practice of law. His office, in the early days of his profession, was located in offices in the Spring Valley, now occupied by Mr. Trice. Judge Henry had purchased these offices from the late Judge Henry Lloyd, they having been Judge Lloyd's offices before his elevation to the bench.

The judge had always lived an active life. While never very robust in the greater part of his life he had always enjoyed good health, which he regarded as one of the greatest blessings that could be enjoyed by anyone.

MEMBER OF LLOYD GUARDS

As a young man he was a member of the Lloyd Guards, one of the military companies of early Cambridge, and he enjoyed very much meeting with former companions in the guards and exchanging reminiscences of those days. He developed an interest in politics at an early age and never lost that interest during his lifetime. He served, while a young man, on campaign committees, was a member of the central committee and was enthusiastically allied with one of the other factions of the Democratic Party in all the campaigns.

Because of this interest in politics and the many friends that he had made all over the State as the result of attending various political conventions it was not surprising that he should have been selected to fill a vacancy in Congress when he was only 29 years old, he having been nominated and elected to fill out the short term of the late Robert Brattan.

NAMED LAND COMMISSIONER

When Gov. Austin L. Crothers was elected in 1907 he named Judge Henry Land Commissioner of Maryland and, a little later, when Judge Henry Page died, he named him chief judge of the first judicial district, a position which he held until the election of 1909 when he was defeated for renomination by the late Chief Judge John R. Pattison. When Gov. Phillips Lee Goldsborough was elected in 1911 he named Judge Henry a member of the public service commission, a position which he filled, as he had all others, with credit alike to himself and the appointing powers.

When he retired from the Public Service Commission he reopened his law offices in Cambridge and has been actively engaged in practice since that time. The law firm was composed of himself and his son, W. Laird Henry, Jr., who became associated with him upon his admission to the bar in 1921, a year or so after his return from France where he had been actively engaged in the air services of the United States during the World War.

RESIGNED TO ENTER P. S. C.

Judge Henry was one of the directors and counsel to the old Cambridge Water Co. but resigned this connection when he went on the Public Service Commission. He had been a director in the Dorchester National Bank and became a director in the Eastern Shore Trust Co. upon the merger of the two banks. He was vice president of the company and upon its reorganization into the County Trust Co. of Maryland he became its first vice president and had been a member of the executive committee for several years. He had been a director and counsel of the Cambridge Manufacturing Co. for more than 20 years and was active in the reorganization of that company's affairs making a number of trips to Richmond and other places in the working out of the plans.

For several years he was a member of the vestry of Great Choptank Parish and was a director and president of the Cambridge-Maryland Hospital for nearly 20 years, finally tendering his resignation in order that younger men might be given the opportunity of becoming interested and active in the management of that institution which was always very dear to him.

MANY ALIKE PASS AWAY

Rapidly the men of Judge Henry's kind are passing away. Men who are courteous and thoughtful for all of those with whom they come into contact, considerate of the poor and humble as well as the rich and prosperous, chivalrous to all women of whatever degree. Men who seem to have been blessed with the ability to look with a broad mind upon the shortcomings of their fellow men, to appreciate the weakness of the flesh, not to ask the impossible of any but to view with charity the actions of their fellow men, men who do not know how to be other than real gentlemen under all circumstances and who refuse to allow petty, small considerations to influence their actions and who indignantly refuse to be parties to anything that attempts to undermine or misrepresent their fellow beings. Surely one of God's noblemen has passed on to his reward.

LIVED ON HIGH STREET

For 45 years he has lived at No. 13 High Street, and only recently he stated that he had lived there so long that he would hardly know how to go elsewhere.

He is survived by one son, Winder Laird Henry, Jr.; his wife, who was Mrs. Mattie Adkins Henry, to whom he was married December 7, 1894, having died about 20 years ago. He is also survived by two sisters, Miss Charlotte G. Henry and Mrs. William Dunbar Gould, II, Cherry Grove, Talbot County, and by one brother, Robert G. Henry, Myrtle Grove, near Easton, Md.

EXTENSION OF REMARKS

Mr. KEFAUVER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a short newspaper article.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee [Mr. KEFAUVER]?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. MARTIN J. KENNEDY (at the request of Mr. KEOGH), for 1 week, on account of illness.

To Mr. CELLER, indefinitely, on account of illness.

ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 7233. An act to amend the act entitled "An act to provide for the disposition, control, and use of surplus real property acquired by Federal agencies, and for other purposes," approved August 27, 1935 (Public, No. 351, 74th Cong.), and for other purposes.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2289. An act for the relief of the Leesburg Welding & Garage Co.;

S. 2717. An act for the relief of Edward J. Broggi;

S. 3676. An act to withdraw certain portions of land within the Hawaii National Park and to transfer the same to the jurisdiction and control of the Secretary of War for military purposes;

S. 3720. An act to create and establish a Board of Funeral Directors and Embalmers for the District of Columbia and to prescribe its powers and duties; and

S. 3870. An act to amend the act entitled "An act authorizing the Commissioners of the District of Columbia to furnish Potomac water without charge to charitable institutions, etc., in the District of Columbia," approved February 23, 1905.

BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On July 8, 1940:

H. R. 1435. An act for the relief of A. S. Tait;

H. R. 2358. An act for the relief of Alfred Joseph Wright;

H. R. 3161. An act for the relief of the First National Bank of Gettysburg, Pa., as legal guardian of the three minor children of Dale W. Guise and Gladys M. Guise, both deceased, and Sally C. Guise, Martha G. and Arnold E. Orner;

H. R. 3171. An act for the relief of George L. Sheldon;

H. R. 4828. An act to amend the law limiting the operation of statutes of limitations in certain cases;

H. R. 5258. An act for the relief of the legal guardian of Betty Lou Frady and W. L. Frady;

H. R. 6424. An act to provide for the transportation and distribution of mails on motor-vehicle routes;

H. R. 7843. An act for the relief of Clifford J. Williams;

H. R. 7861. An act for the relief of Hannah S. Bray, Jane Bickers, and Frances Bickers; and

H. R. 9114. An act authorizing advancements from the Federal Emergency Administration of Public Works for the construction of a recorder of deeds building in the District of Columbia, and for other purposes.

On July 9, 1940:

H. R. 7233. An act to amend the act entitled "An act to provide for the disposition, control, and use of surplus real property acquired by Federal agencies, and for other purposes," approved August 27, 1935 (Public, No. 351, 74th Cong.), and for other purposes.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned until tomorrow, Wednesday, July 10, 1940, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON MILITARY AFFAIRS

There will be a meeting of the Committee on Military Affairs of the House in room 1310, New House Office Building, at 10:30 a. m., July 10, 1940, for the consideration of H. R. 10132, "To protect the integrity and institutions of the United States through a system of selective compulsory military training and service."

COMMITTEE ON MERCHANT MARINE AND FISHERIES

There will be a meeting of the Committee on Merchant Marine and Fisheries of the House at 10 a. m., Thursday, July 25, 1940, for the consideration of H. R. 10092, relative to the use of laid-up fleet for export of certain commodities.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1827. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Commerce, for the fiscal year 1941, in the amount of $2,750,000 (H. Doc. No. 872); to the Committee on Appropriations and ordered to be printed.

1828. A letter from the Acting Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated June 26, 1940, submitting a report, together with accompanying papers, on a preliminary examination and survey of Bronx Kills and Harlem River, N. Y., authorized by the River and Harbor Act approved August 26, 1937; to the Committee on Rivers and Harbors.

1829. A letter from the Acting Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated June 26, 1940, submitting a report, together with accompanying papers, on reexamination of Raritan River, N. J., requested by resolution of the Committee on Rivers and Harbors, House of Representatives, adopted February 9, 1939; to the Committee on Rivers and Harbors.

1830. A letter from the Acting Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated June 26, 1940, submitting a report, together with accompanying papers, on a preliminary examination of New Pass, Fla., connecting Sarasota Bay with the Gulf of Mexico, authorized by the River and Harbor Act approved June 20, 1938; to the Committee on Rivers and Harbors.

1831. A letter from the Acting Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated June 26, 1940, submitting a report, together with accompanying papers, on a preliminary examination of Bureau Creek and tributaries, Illinois, authorized by the Flood Control Act approved August 28, 1937; to the Committee on Flood Control.

1832. A letter from the Acting Secretary of the Interior, transmitting a draft of a proposed bill for the relief of Henry Martin Coffman; to the Committee on the Public Lands.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. BATES of Massachusetts: Committee on Naval Affairs. H. R. 9688. A bill to provide for the advancement on the retired list of any officer of the Navy or Marine Corps retired pursuant to the provisions of section 13 or 15 (e) of the act of June 23, 1938; without amendment (Rept. No. 2741). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLER: Committee on the Library. House Joint Resolution 550. Joint resolution to provide for the use and disposition of the bequest of the late Justice Oliver Wendell Holmes to the United States, and for other purposes; without amendment (Rept. No. 2742). Referred to the Committee of the Whole House on the state of the Union.

ADVERSE REPORTS

Under clause 2 of rule XIII,

Mr. VINSON of Georgia: Committee on Naval Affairs. House Resolution 536. Resolution calling on the President for information concerning the sale directly or indirectly of naval vessels to any belligerent nation (Rept. No. 2740). Laid on the table.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. D'ALESANDRO:

H. R. 10179. A bill to amend the act of March 16, 1926, providing for a Board of Public Welfare in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. EBERHARTER:

H. R. 10180. A bill to amend the Motor Carrier Act of 1935, designated as Part II of the Act to Regulate Commerce, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. McCORMACK:

H. R. 10181. A bill to amend the Tariff Act of 1930, as amended by section 34 (c) of the Customs Administrative Act of 1938 (U. S. C., 1934 ed., Supp. IV, title 19, sec. 1001, par. 1529 (a)); to the Committee on Ways and Means.

By Mr. SASSCER:

H. R. 10182. A bill establishing the United States Naval Academy police, and for other purposes; to the Committee on Naval Affairs.

By Mr. SMITH of West Virginia:

H. R. 10183. A bill authorizing the Secretary of War to convey to the town of Marmet, W. Va., two tracts of land to be used for municipal purposes, and prescribing the terms and conditions thereof; to the Committee on Military Affairs.

By Mr. WHELCHEL:

H. R. 10184. A bill authorizing the issuance of a special postage stamp in honor of Miss Moina Michael in recognition of her origination of Poppy Day; to the Committee on the Post Office and Post Roads.

By Mr. BREWSTER:

H. R. 10185. A bill providing for the utilization of beryllium and other strategic metals for national-defense purposes; to the Committee on Military Affairs.

By Mr. TENEROWICZ:

H. J. Res. 581. Joint resolution to authorize the admission into the United States of a limited number of refugee children from Poland and other occupied European countries for the duration of the European war; to the Committee on Immigration and Naturalization.

By Mr. TAYLOR:

H. J. Res. 582. Joint resolution making an appropriation to enable the United States Maritime Commission to establish

the marine and war-risk insurance fund; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FAY:

H. R. 10186. A bill for the relief of the alien, Jacques (Giacomo) Medvedieff; to the Committee on Immigration and Naturalization.

By Mr. GRIFFITH:

H. R. 10187. A bill to correct the naval record of Miller Frederick Simmons; to the Committee on Naval Affairs.

By Mr. HOBBS:

H. R. 10188. A bill for the relief of Mrs. Willie M. Maye; to the Committee on Claims.

H. R. 10189. A bill for the relief of William H. Bibb; to the Committee on Claims.

H. R. 10190. A bill for the relief of Charles T. Dulin; to the Committee on War Claims.

By Mr. KENNEDY of Maryland:

H. R. 10191. A bill for the relief of Anthony Borsellino; to the Committee on Claims.

By Mr. McCORMACK:

H. R. 10192. A bill for the relief of Daniel R. Brown; to the Committee on Naval Affairs.

By Mr. MACIEJEWSKI:

H. R. 10193. A bill for the relief of Dr. Michel Konne and Pauline Lucia Konne; to the Committee on Immigration and Naturalization.

By Mr. REECE of Tennessee:

H. R. 10194. A bill for the relief of the late John L. Summers, former disbursing clerk, Treasury Department; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9021. By Mr. SUTPHIN: Petition in the nature of a letter to the editor of the Asbury Park Press of Lorenzo Harris, an officer of the Progressive Colored Democratic Association of New Jersey, endorsing President Roosevelt for a third term; to the Committee on Election of President, Vice President, and Representatives in Congress.

9022. By Mr. WHITTINGTON: Petition of Daniel Beall Post, No. 18, of the American Legion, Lexington, Miss., in behalf of adequate national defense; to the Committee on Military Affairs.

9023. By the SPEAKER: Petition of S. Hutter, of Forest Park, Ill., and others, petitioning consideration of their resolution with reference to foreign affairs; to the Committee on Foreign Affairs.

9024. Also, petition of the Mission Union Auxiliary Club, petitioning consideration of their resolution with reference to foreign affairs; to the Committee on Foreign Affairs.

9025. Also, petition of the Department of Indiana Sons of Union Veterans of the Civil War, Muncie, Ind., petitioning consideration of their resolution with reference to the national-defense program; to the Committee on Military Affairs.

9026. Also, petition of the Miscellaneous Employees' Union, Local No. 110, San Francisco, Calif., petitioning consideration of their resolution with reference to the national-defense program; to the Committee on Military Affairs.

9027. Also, petition of the Iowa City Lions Club, Iowa City, Iowa, petitioning consideration of their resolution with reference to the national-defense program; to the Committee on Military Affairs.

9028. Also, petition of Philadelphia Lodge, No. 1472, the Order Sons of Italy in America, Philadelphia, Pa., petitioning consideration of their resolution with reference to the national-defense program; to the Committee on Military Affairs.

SENATE

WEDNESDAY, JULY 10, 1940

(Legislative day of Monday, July 8, 1940)

The Senate met in executive session at 12 o'clock meridian, on the expiration of the recess.

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

O God, the fountain of wisdom, whose statutes are good and gracious and whose law is truth, we beseech Thee so to guide and bless the Members of this Senate that they may ordain for our governance only such things as please Thee, to the glory of Thy name and the welfare of Thy people. Through Jesus Christ, Thy Son, our Lord. Amen.

THE JOURNAL

As in legislative session,

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the legislative day of Tuesday, July 9, 1940, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Downey	Lodge	Schwellenbach
Andrews	Ellender	Lucas	Sheppard
Ashurst	Frazier	Lundeen	Shipstead
Austin	George	McCarran	Slattery
Bailey	Gerry	McKellar	Smathers
Barbour	Gibson	McNary	Smith
Barkley	Gillette	Maloney	Stewart
Bilbo	Green	Mead	Taft
Bone	Guffey	Miller	Thomas, Idaho
Bridges	Gurney	Minton	Thomas, Okla.
Bulow	Hale	Murray	Thomas, Utah
Burke	Harrison	Neely	Tobey
Byrd	Hatch	Norris	Townsend
Byrnes	Hayden	Nye	Tydings
Capper	Herring	O'Mahoney	Vandenberg
Caraway	Hill	Overton	Van Nuys
Chandler	Holman	Pepper	Walsh
Chavez	Holt	Pittman	Wheeler
Clark, Idaho	Hughes	Radcliffe	White
Clark, Mo.	Johnson, Calif.	Reed	Wiley
Connally	Johnson, Colo.	Reynolds	
Danaher	King	Russell	
Davis	La Follette	Schwartz	

Mr. MINTON. I announce that the Senator from Alabama [Mr. BANKHEAD], the Senator from Michigan [Mr. BROWN], the Senator from Ohio [Mr. DONAHEY], the Senator from Virginia [Mr. GLASS], the Senator from Oklahoma [Mr. LEE], the Senator from Missouri [Mr. TRUMAN], and the Senator from New York [Mr. WAGNER] are necessarily absent from the Senate.

The VICE PRESIDENT. Eighty-nine Senators have answered to their names. A quorum is present.

CLAIMS OF UNITED STATES CITIZENS AGAINST GOVERNMENT OF MEXICO

The VICE PRESIDENT. The Senate met in executive session this morning following a recess taken last evening. The Chair is advised that, as in legislative session, the Senator from Nevada [Mr. PITTMAN] would like to take up for consideration a matter coming from the House of Representatives. Is there objection?

Mr. CHAVEZ. I object.

The VICE PRESIDENT. Objection is heard.

The VICE PRESIDENT subsequently said: The Chair has been advised by the Senator from New Mexico [Mr. CHAVEZ] that he has withdrawn his objection to action being taken on a House amendment in which the Senator from Nevada [Mr. PITTMAN] is interested.

The VICE PRESIDENT, as in legislative session, laid before the Senate the amendment of the House of Representatives to the bill (S. 326) for the payment of awards and appraisals heretofore made in favor of citizens of the United States on

claims presented under the General Claims Convention of September 8, 1923, United States and Mexico.

Mr. PITTMAN. I move that the Senate disagree to the amendment of the House, ask a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. PITTMAN, Mr. GEORGE, Mr. CONNALLY, and Mr. JOHNSON of California conferees on the part of the Senate.

TRANSACTION OF LEGISLATIVE BUSINESS

During the executive session the following legislative business, by unanimous consent, was transacted as in legislative session:

UNITED STATES UNIVERSITY OF PENNSYLVANIA BICENTENNIAL COMMISSION

The VICE PRESIDENT. The Chair appoints the junior Senator from Pennsylvania [Mr. GUFFEY], the senior Senator from Pennsylvania [Mr. DAVIS], the Senator from Delaware [Mr. HUGHES], and the Senator from New Jersey [Mr. BARBOUR] members, on the part of the Senate, of the United States University of Pennsylvania Bicentennial Commission, established by Senate Joint Resolution 214 (Public Res. No. 86, 76th Cong.), approved June 20, 1940.

REPORT OF NATIONAL MUNITIONS CONTROL BOARD (H. DOC. NO. 876)

The VICE PRESIDENT laid before the Senate a letter signed by the Secretary of State, Chairman, and other members of the National Munitions Control Board, submitting, in compliance with law, a report of the operations of the Board for the period January 1 to June 30, 1940, which was referred to the Committee on Foreign Relations.

(The original report above referred to was submitted to the House of Representatives for printing.)

FINAL HOMESTEAD PROOF OF HENRY MARTIN COFFMAN

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation authorizing the Secretary of the Interior to accept the final homestead proof submitted by Henry Martin Coffman, which, with the accompanying paper, was referred to the Committee on Public Lands and Surveys.

J. J. GREENLEAF

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 527) for the relief of J. J. Greenleaf.

Mr. BURKE. I move that the Senate disagree to the amendment of the House, ask a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. BURKE, Mr. BROWN, and Mr. TOWNSEND conferees on the part of the Senate.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a resolution adopted by the Lions Clubs of District 42, in convention assembled at Watch Hill, R. I., favoring enlargement of the powers of the so-called Dies committee of the House of Representatives and also the Federal Bureau of Investigation so that they may be able to investigate all organizations or individuals engaged in inciting or fomenting un-American practices in the Nation, which was referred to the Committee on the Judiciary.

He also laid before the Senate a resolution adopted by the annual convention of the National Editorial Association in New York City, favoring the prompt adoption of measures to provide for universal compulsory military training in peacetime and compulsory universal military service in time of war, which was referred to the Committee on Military Affairs.

He also laid before the Senate a resolution adopted by the Lions Clubs of District 42, in convention assembled at Watch Hill, R. I., favoring the adoption of an adequate national-defense program and the suppression of all subversive activities in the Nation, which was ordered to lie on the table.

Mr. HOLT presented a resolution of Post No. 54, American Legion, of Princeton, W. Va., favoring the enactment of pending immigration legislation and protesting against the enactment of the bill (S. 409) to protect American labor and stimulate the employment of American citizens on American jobs, which was referred to the Committee on Immigration.

He also presented resolutions of Volney Wilson Post, No. 1212, Veterans of Foreign Wars, of Parkersburg, and Voiture No. 1073, La Societe des 40 Hommes et 8 Cheveaux (an organization within the American Legion), in the State of West Virginia, favoring the prompt enactment of legislation to suppress all subversive activities in the Nation, which were referred to the Committee on the Judiciary.

He also presented a resolution unanimously adopted by the Fairmont (W. Va.) Junior Chamber of Commerce, protesting against discontinuance of the air-mail pick-up service at Fairmont, W. Va., which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution of the Men's Club of Hedgesville, W. Va., favoring all measures for the national defense and protection of the Nation, which was ordered to lie on the table.

He also presented a resolution of Adkin District Post, No. 38, American Legion, of Gary, W. Va., favoring a session of Congress during the existing emergency in the interest of the national defense, and also that all subversive activities in the Nation be suppressed, which was ordered to lie on the table.

He also presented the petitions of A. A. Mountain Post, No. 5; Huntington Post, No. 16, of Huntington; Boyce Houser Post, No. 41, and Bartlett Clemens Post, No. 37, all of the American Legion; the Rotary Club, of Weston, the Lions Club, of Weston, and Col. John Evans Chapter of the National Society, Daughters of the American Revolution, of Morgantown, all in the State of West Virginia, praying that Congress remain in session during the existing emergency, which were ordered to lie on the table.

REPORTS OF A COMMITTEE

Mr. ADAMS, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 2644) to set aside certain land in the State of Oregon for a summer camp for Boy Scouts, reported it with amendments and submitted a report (No. 1951) thereon.

He also, from the same committee, to which was referred the bill (S. 4119) to provide for the transfer of certain land in the De Soto National Forest to the Secretary of War for use for military purposes, reported it with an amendment and submitted a report (No. 1952) thereon.

ENROLLED BILL PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on July 9, 1940, that committee presented to the President of the United States the enrolled bill (S. 2289) for the relief of the Leesburg Welding & Garage Co.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SCHWELLENBACH:

S. 4197. A bill for the relief of Clallam County, Wash.; to the Committee on Claims.

By Mr. DAVIS:

S. 4198. A bill to amend the National Housing Act, as amended, so as to give protection to certain mortgagors who are required to render military or naval service during any national emergency; to the Committtee on Banking and Currency.

By Mr. BARBOUR:

S. 4199. A bill to increase the number of cadets at the United States Military Academy; to the Committee on Military Affairs.

S. 4200. A bill to increase the number of midshipmen at the United States Naval Academy; to the Committee on Naval Affairs.

By Mr. McCARRAN:

S. 4201. A bill to amend the Canal Zone Code with respect to the appointment of district judge, district attorney, and marshal, and for other purposes; to the Committee on the Judiciary.

(Mr. LODGE introduced Senate bill 4202, which was referred to the Committee on Military Affairs, and appears under a separate heading.)

By Mr. McKELLAR:

S. J. Res. 285. Joint resolution making an additional appropriation for the Tennessee Valley Authority for the fiscal year 1941 to provide facilities to expedite the national defense; to the Committee on Appropriations.

ADDRESS BY SENATOR WHEELER IN OPPOSITION TO INTERVENTION IN WAR

[Mr. BONE asked and obtained leave to have printed in the RECORD an address by Senator WHEELER before the Peace Action Committee of Missouri, at the St. Louis Municipal Auditorium, St. Louis, Mo., July 2, 1940, which appears in the Appendix.]

FOURTH OF JULY ADDRESS BY SENATOR SHIPSTEAD

[Mr. WALSH asked and obtained leave to have printed in the RECORD an address delivered by Senator SHIPSTEAD in Northfield, Minn., on July 4, 1940, the subject being The Fourth of July, the Nation's Birthday, which appears in the Appendix.]

WHY I AM AN AMERICAN—ADDRESS BY J. REUBEN CLARK, JR.

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD a radio address on the subject Why I Am an American, delivered by Hon. Reuben Clark, Jr., at Salt Lake City, May 29, 1940, which appears in the Appendix.]

PLAIN ECONOMICS—ARTICLE BY JOHN T. FLYNN

[Mr. LUNDEEN asked and obtained leave to have printed in the RECORD an article headed "Plain economics," by John T. Flynn, published in the Washington (D. C.) News of Wednesday, July 10, 1940, which appears in the Appendix.]

GREENLAND FROM 1898 TO NOW—ARTICLE BY ROBERT A. BARTLETT

[Mr. LUNDEEN asked and obtained leave to have printed in the RECORD an article entitled "Greenland From 1898 to Now," written by Robert A. Bartlett, which appears in the Appendix.]

ARTICLE BY WESTBROOK PEGLER ON THE ANNENBERG CASE

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article by Westbrook Pegler under the heading "The Annenberg case," published in his column Fair Enough in the Washington Post of July 10, 1940, which appears in the Appendix.]

QUO VADIS?—EDITORIAL IN THE SATURDAY EVENING POST

[Mr. NYE asked and obtained leave to have printed in the RECORD an editorial entitled "Quo Vadis," published in the Saturday Evening Post of July 13, 1940, which appears in the Appendix.]

IDAHO—THE ROCKY ROAD TO STATEHOOD

[Mr. THOMAS of Idaho asked and obtained leave to have printed in the RECORD a historical sketch of Idaho, which appears in the Appendix.]

AMERICAN INDUSTRY SPEEDS UP TO MEET TOTALITARIAN PACE

[Mr. MCKELLAR asked and obtained leave to have printed in the RECORD an Associated Press article published in the Washington (D. C.) Sunday Star of July 7, 1940, on the subject American Industry Speeds Up To Meet Totalitarian Pace, which appears in the Appendix.]

THIRD TERM FOR PRESIDENT ROOSEVELT

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD an open letter published by the Philadelphia Record under the heading "You are drafted, Mr. President," which appears in the Appendix.]

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Latta, one of his secretaries.

SELECTIVE MILITARY TRAINING AND SERVICE

As in legislative session,

Mr. AUSTIN. Mr. President, for a brief moment I desire to refer to that part of our preparation for national defense which is represented by the Burke-Wadsworth bill for selective military training and service. A question occurred in the Military Affairs Committee this morning with respect to the element of time. The question was asked, What is the hurry? I desire to answer that to some extent by showing that time is of the very essence of our preparedness.

From all the evidence we get in committee and outside of committee, notably in the distinguished address delivered by the Senator from Maryland [Mr. TYDINGS] yesterday, we are persuaded that we cannot perfect or anywhere near perfect our Military and Naval Establishments within a period of years. So that what some of us regard as an unprecedented peril to this country at the instant time is the utter impossibility of creating machinery, that is the physical thing constituting our defense, and also the utter impossibility of enlisting the necessary personnel to man such machinery in a short period of time.

That means to the people of this country, as evidenced by what I am going to point out, that we ought to begin now; that we should not postpone; that we should not delay; and without depriving anybody of the opportunity to express his views, and taking everybody's views as bona fide, and giving full weight and consideration to them, we should progress as rapidly as the circumstances will permit to a solution of the questions relating to national defense.

In order to show to what extent public opinion is in advance of the Congress with respect to the element of time, and as applied specifically to the personnel of the Army, I desire to read a card, copies of which have come to me by the thousands from the State of Vermont, from every part of the State of Vermont, and from persons engaged in all kinds of activities. It is as follows:

> Because I believe that America faces the greatest danger in its history, and because this danger forces us to put the fully trained manpower of the Nation behind the defensive equipment just voted by Congress, I urge the immediate adoption of a selective military-service law for all ages as the only efficient and democratic way of manning our national defenses and protecting our men against the needless slaughter of an ill-equipped and unprepared defense.
>
> Sincerely yours.

This card happens to come from Barton, Vt., but the cards came in such numbers to my office that we could not store them, and they have had to go unresponded to, save as I am now by this means responding to them and acknowledging the receipt of them, and the fact that I give due regard to them, together with all the other evidence which is being taken in the Military Affairs Committee, and all the other evidence that I can gain here on the floor of the Senate and elsewhere.

Mr. President, those cards are being received, and they cannot be answered otherwise than in this way. Their presence here is evidence of a widespread, a deeply rooted persuasion by the people of my State that we should proceed as rapidly as feasible and proper in the passage of a selective military service law. You will observe that the signers of the cards have not been specific. They have declared for a principle; and that is characteristic of Vermonters. I shall, of course, adhere to that in my service for them in the committee and in the Senate.

Mr. President, I desire also to have noted in the RECORD the fact that I have received numerous petitions reading as follows:

> *To the President and Congress of the United States:*
>
> We, the undersigned American citizens, meeting at Middlebury, Vt., July 5, 1940, believe that our security and our way of life are

seriously menaced at this moment. We therefore urge the following program:

(1) Continued and effective aid to Great Britain to insure her survival in this war of democracy against the totalitarian powers.

(2) Modification of any American laws which may hinder such effective aid.

(3) Quick passage of the Burke-Wadsworth bill for universal military training, with any necessary revisions.

(4) Passage of such legislation as may be necessary to permit our citizens to volunteer for military service with Britain.

(5) Speedy confirmation of the appointments of Secretary Stimson and Secretary Knox as outward evidence of the unity of all Americans in the cause of American defense.

(6) Whatever legislation may be needed to facilitate the removal to the New World of refugee children for the duration of the war.

I also have a similar petition from the town of Wolcott, Vt., which I should like to have noted in the RECORD, although I do not care to have the names printed.

Mr. President, I conclude with the request that these petitions be referred to the Committee on Military Affairs.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. BURKE. At the hearing before the Committee on Military Affairs this morning on the bill to which the Senator is addressing his remarks, the distinguished Senator from Vermont made a statement which impressed me as being entirely correct. He said, in answer to some questions, that in his judgment the people of the country were far ahead of Congress in realizing the importance of prompt action upon a measure for selective compulsory military training.

In that connection, I should like to call attention to the fact that a careful compilation shows that the press of the country, as expressed in its editorial policy, endorses the general principle of this bill and substantiates the position taken by the Senator from Vermont to the extent of about 90 percent.

As an example of that, let me read just one short excerpt from the Beatrice (Nebr.) Daily Sun:

> Universal military training for all young men would be justified as an established policy by the benefits it gives the individual, even if unrelated to the national defense. * * * So long as we recognize the possibility, however remote, that armed defense may be resorted to, justice to those who may be called upon to provide the defense demands that they have preliminary training for their duties.

That is the thought which seems to have found lodgment in the hearts and consciences of the people over the country, that in fairness to those who may some time—we hope never, but may—be called upon to engage in the defense of this country, we owe them the duty of providing the training now while there is time.

If the Senator will permit me to do so, I ask unanimous consent that there may be inserted in the RECORD at this point brief excerpts from editorials appearing in some of the leading newspapers of the country.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The matter referred to is as follows:

INLAND EDITORS JOIN COAST EDITORS IN URGING NEED FOR IMMEDIATE LAW FOR SELECTIVE COMPULSORY MILITARY TRAINING

A digest of editorial comment in daily newspapers throughout the United States on selective compulsory military training and service, as provided for in the Burke-Wadsworth bill, reveals that inland editors, as well as coast publishers, are 87 percent united in urging immediate action by Congress.

Heretofore it has been supposed that public realization of the danger of war and sentiment for naval and military expansion were keener in the Coast States than in the inland section. It is now indicated by a survey of editorials by the Military Training Camps Association, which is sponsoring the Burke-Wadsworth bill, that the inland States are just as alive to the perils of a Hitler "blitzkrieg" as are the more exposed States.

Of hundreds of editorials studied and collated, about 13 percent are either mildly or strongly opposed to the immediate enactment of a law for selective compulsory training, but admit that compulsory service will be necessary after war is declared. Most of the favorable comment, however, points out that it will be too late to train an adequate army and expand the existing land and naval forces after this country becomes actually involved in war.

Brief excerpts from editorials in some of the newspapers, both in support of and in opposition to compulsory training, are given below:

Akron (Ohio) Beacon-Journal: "Three months ago it was unthinkable that compulsory military service would ever be invoked except in case of war. * * * Today it has the approval of President Roosevelt and many of the very same people who considered it crass militarism a short time ago."

Augusta (Ga.) Chronicle: "It is folly to think that in an era when two or three million men are thrown into a single battle that the necessity of our country should rest upon the shoulders of an army of less than half a million men. * * * We must have millions trained and ready. * * * How is this manpower to be trained? There is only one known method, and that is some form of compulsory military training."

Albany (Ga.) Herald: "The idea that every citizen should be made to give a year or more out of his lifetime to serving in the armed forces of the Nation is not one which can be sufficiently sugar-coated to be made pleasant to the people of this Nation. * * * We hope that compulsory military training will not become necessary, but we believe that if it does this Nation will adopt it in the spirit of sacrifice without grumbling."

Albuquerque (N. Mex.) Journal: "There undoubtedly is a rising tide in the United States today in favor of compulsory military training, but it is doubtful if public opinion will support legislation at the present time. Volunteer enlistments can fill the requirements in enlargement of the armed forces to the size now contemplated. Until this fails, or the war menace becomes more dangerous, the United States can well pass up compulsory military training."

Alexandria (Ind.) Times-Tribune: "Compulsory training in the essentials of military operations, and especially as they relate to the handling of mechanized equipment and supplies for the fighting forces, appears as one of the certainties of the not far-distant future in the United States."

Amsterdam (N. Y.) Recorder: "We are in thorough sympathy with organization of the whole manpower of the Nation. * * * It is apparent that a great deal of thought has been devoted to the (compulsory training) program, for while every eligible man and woman in the country would be assigned to specific duties and trained for them, care has been taken to assure a minimum of industrial dislocation."

Annapolis (Md.) Capital: "If the United States is to drift still closer to war, and it has been drifting rapidly in that direction in recent months, universal military conscription will probably again be applied. * * * But any indication that this country will be compelled to resist invasion of this hemisphere will lead to clamor for universal governmental command of all resources, human and material."

Anniston (Ala.) Star: "As much as anyone else, we hate the idea of compulsory military training; but in the light of conditions that obtain in the world, it appears necessary. The only power a great army respects is an army just as great."

Antigo (Wis.) Journal: "Universal military training has gained more ground in the last few days than it has in the past 10 years. * * * The situation in Europe should therefore be a lesson to us; and from the activity that has already been started, we are apparently going to profit from it."

Appleton (Wis.) Post-Crescent: "We support it, irrespective of potential enemies, for the wonderful good it would do to the health, morals, and the manhood of our youth. * * * Military training is cleanliness and efficiency. It is independence and self-reliance. It hasn't a single draw-back, not a black mark. And some day it may be used to the salvation of the Nation."

Asheville (N. C.) Citizen: "If the United States is to be able to oppose their aggressions effectively, we will have to discard some of our traditions. We must be prepared at a moment's notice to throw all that we have in wealth and manpower against them if they seek to seize our possessions."

Atlanta (Ga.) Constitution: "We know of nothing to be said against compulsory military training for the United States except its cost. Experience might well prove more expensive to save money than to spend it. * * * Military training in a democracy teaches discipline and responsibility. It makes better citizens, physically and morally. Only in peace does a nation have time to prepare for war. If war comes, we shall have to fight, whether we wish it or not. The question is whether our men go trained and prepared or as mere raw material for enemy guns."

Attleboro (Mass.) Sun: "There is a widespread demand in a world where the makers of war seem to almost rule the planet for compulsory military training."

Baltimore (Md.) Evening Sun: "If we are to expand our defense forces as planned, it is obvious that we cannot rely on volunteers. * * * There are not enough volunteers to do the job. * * * If these are times that try men's souls and strain their emotions, they are also times which test democracy's capacity for unity, sacrifice, and competent effort."

Baltimore (Md.) Morning Sun: "The Constitution gives the Federal Government plenary powers to provide for the national defense. * * * We have a defense problem of the greatest magnitude. * * * We must have trained reserves ready. * * * Such a necessary program cannot be manned by any system of voluntary enlistments. * * * National service, like taxes, must be asked of all of us. Indeed, such national service is a form of taxation, in that the Government must have it if it is to endure."

Baton Rouge (La.) Advocate: "Registration for compulsory service, military or civil, appears to be a primary and vital step toward the national self-discipline which we must acquire and without delay, if we are to meet successfully the regimented nations of the world."

Bay City (Mich.) Times: "Those who are looking upon the proposal for compulsory military training * * * in the United States as something foreign to our traditions are quite correct as far as peacetime service is concerned. But its advocates hold that what is lawful in war is also legal in preparing for war. If that is accepted as true, the compulsory idea is well supported by our history."

Beatrice (Nebr.) Daily Sun: "* * * Universal military training for all young men would be justified as an established policy by the benefits it gives the individual, even if unrelated to the national defense. * * * So long as we recognize the possibility, however remote, that armed defense may be resorted to, justice to those who may be called upon to provide the defense demands that they have preliminary training for their duties."

Berlin (Wis.) Journal: "Compulsory military training, or universal training, embracing certain age groups generally, is a thing this country must now consider. * * * Such training, because it would fall equally on all individuals within the age groups, would be fair."

Bismarck (N. Dak.) Tribune: "A month ago the Bismarck Tribune felt it might be extreme in suggesting compulsory military service for American youth. On the contrary, it found the people here supported the idea. * * * The Bismarck Tribune is an independent paper. * * * The point is that sound Americanism and a proper national-defense policy know no partisanship."

Bordentown (N. J.) Register: "There is a definite trend to universal military training for our American youth. Every sane parent in the United States realizes that a young man who has spent from 3 to 6 months in a military camp has better physical stamina to meet either the normal civilian requirements of later life, or the more severe test of military service in an emergency."

Boston (Mass.) Christian Science Monitor: "If the United States had a background of universal military training there would be available several million trained reserves. The necessity now is to prepare such a body of citizen reserves as rapidly as possible. The United States, through Congress, ought to adopt now a compulsory universal service act along the general lines proposed by the Military Training Camps Association in conjunction with the War Department."

Boston (Mass.) Herald: " 'Compulsory military service, has been an odious expression. But various conceptions have been vanishing not because we have modified our ideals but because the world which is closing in on us is not the world of even 150 days ago. A proposal which we would have dismissed instinctively and angrily even a month ago must now be debated in cold blood."

Boston (Mass.) Herald: "The bill for selective compulsory military training and service which Senator BURKE has introduced should have the closest, most conscientious, most sympathetic attention of every American, whether a pacifist or a fire-eater, an interventionist or an isolationist. There is a preponderant sentiment in the country for something of this kind. The character of the sponsors makes ridiculous any assertion that this is an attempt to pervert democracy, to regiment us, and get us into war. The measure is protective and preventive, and the motives are patriotic."

Buffalo (N. Y.) Courier-Express: "We believe that trained forces, freed for civilian occupations in peacetime but prepared at all times for the serious business of the soldier, are much to be preferred to the creation of an immense standing Army. Compulsory military training, however, is not something of the immediate in this country."

Carlisle (Pa.) Sentinel: "A bill to establish such a system of training and service is built on the right lines; thoroughly democratic in the sense that it calls on all alike; thoroughly fair in the sense that it does not seek to put the burden wholly on the young."

Centerville (Iowa) Iowegian: "America can continue to rely in the present emergency as it has in the past, to a considerable extent on its voluntary preparation for military service. We have had this through enlistment in the National Guard, through attendance at universities and colleges giving military training, by attending citizens' military training camps, by joining such organzations as the National Rifle Association, and in other ways."

Cincinnati (Ohio) Enquirer: "It takes a long time to create a large army by conscription. And there is much to be said for taking the preliminary steps promptly. Apart from its value as national defense, universal military service has certain definite uses. Compulsory military service is a democratic means of providing for the better defense of our homeland."

Champaign (Ill.) News Gazette: "Universal military training would not only greatly benefit young men physically but would mean training in arms invaluable in case of an emergency in which this Nation was called upon to defend itself. The advantages of universal training far outweigh any disadvantages."

Charleston (S. C.) News and Courier: "Let us have the compulsory military training. The News and Courier has always been for it. The News and Courier would advocate some form and period—not too much—of compulsory military service for all youth, whether a threat of war was present or not."

Charleston (W. Va.) Daily Mail: "We must face our defense problems realistically, and that obviously calls for universal compulsory training, if we are to have any program outside of the existing military establishment."

Chattanooga (Tenn.) Times: "* * * The experience of this Nation, since the first day it required the services of soldiers, has been that an adequate defensive force cannot be obtained by voluntary enlistment. And even if that method sufficed to raise an army of a million men, the result would not be representative of the country as a whole. Such an army would not be a democratic army. * * * Without trained men we shall have spent billions of dollars for nothing. And the only way to train men in sufficient numbers and in the spirit of democracy is to call them up in the name of the people from every station in American life."

Chicago (Ill.) Daily News: "There is no worth-while opposition to proper military training for young Americans, and never was. Politicians have mistaken for public opinion the vocal outbursts of the few pacifists and reds who have harried the R. O. T. C. ever since the last war."

Chicago (Ill.) Tribune: "This country has need for a bigger army than it has today, but before it needs conscripts it needs the modern weapons with which they must fight and knowledge on the part of Army officers of how these weapons are employed. France fell not for lack of men but for lack of modern weapons. Until our Regular Army gets the weapons * * * and learns to fight in 1940 fashion, with 1940 cooperation between the various arms, and 1940 speed of movement, there will be no teachers for * * * conscripts. When the Army has caught up with the military times we can begin to think seriously of a program of universal military training."

Chilton (Wis.) Times-Journal: "It must be admitted that universal military training is inconsistent with the ideals of American democracy. * * * Better a system of voluntary training provided under Government auspices."

Clarksville (Tenn.) Chronicle: "Compulsory service for our young men is a sensible program. The simple fact that this country is fast realizing that we must build up a powerful military machine if we are to live in a dictatorial world."

Clinton (S. C.) Samson Independent: "We are inclined to favor compulsory military training, not only because of the present world conditions, but because we believe it worth while, even if we never went to war."

Columbus (Ind.) Republican: "The whole idea is contrary to American tradition and repugnant to most Americans, or at any rate, has been until now. But there is no question that young people of today need more discipline and more purposefulness."

Columbus (Ga.) Ledger: "America cannot take too many precautions to safeguard the Nation and maintain democracy. * * * Compulsory military training as we view it does not mean sending our youth off to battle, but merely a step in preparedness that would insure us an effective and trained arm of defense if the time ever came when we would need it."

Coshocton (Ohio) Tribune: "Universal compulsory military training does not fit into our needs, certainly at this time. On the contrary it would be a positive distraction from our main requirements in national defense—airplanes, pilots, an expanded navy and naval personnel, modernization of naval bases, increase in mechanical equipment for the Army. But universal compulsory military training would be more than a distraction. It would take funds which had far better be used in the improvements just enumerated."

Cumberland (Md.) News: "Americans are so nimble minded that they can jump in a few weeks from an isolationist policy to contemplation of some form of compulsory military service for young men. * * * If the worst fears for Europe are realized, not only a compulsory training period but also universal service under a draft law may become necessary."

Dallas (Oreg.) Chronicle: "Military training never hurt anyone. It will provide healthful, body-building activities for American young men."

Dallas (Tex.) Times Herald: "Its monetary cost would be enormous. So far, the readiness with which our young men have come forward to enlist in the various branches of the service has not indicated a need for compulsion. * * * Technically trained men are needed in the Army but it is possible without compulsory training. The man power that serves men behind the lines cannot be neglected."

Dallas (Tex.) News: "The safest procedure for this country now would be universal and compulsory training * * * with reserve duty made mandatory for a prescribed period after active service. The News reached this conclusion under the compulsion of events abroad, realizing that military training upsets a tradition of more than 150 years to which this newspaper has fully subscribed."

Dansville (N. Y.) Breeze: "Nothing should stand in the way of protecting the Nation, and youths certainly should not and will not be expected to go to war without training. * * * There is no reason in common sense why the youth who willingly go to the Government for assistance in earning a living should not learn the rudiments of military science."

Dayton (Ohio) Herald: "With war racing with the speed of planes and tanks, even democratic people must think faster than they ever have before. It is apparent that America must arm itself to the teeth to defend its freedom, and that requires men, millions of well-trained, resourceful men. And as we think (of becoming a totalitarian nation) let us remember that democracy, if it is to survive, must fortify itself to face a rough, tough world."

Daytona Beach (Fla.) Sun: "Shall the arms burden, in short, designed to protect all, be carried by all in proportion and in manner called for by ability? That would seem, in principle, to be the democratic way. In the World War compulsory service was immediately adopted as the only equitable and effective way to face the situation. It is not too soon to begin considering whether or not today's world demands that we come at last to the European system of universal militarization."

Denison (Tex.) Herald: The American people have never taken very well to compulsory military training. The British have taken the same attitude. Consequently the United States and Great Britain have entered every war in which they have been engaged unprepared. It is utter folly for a great nation to wait until war has been declared before starting to build its army."

Dennison (Ohio) Paragraph: "The idea of compulsory military training for the youth of America gains strength proportionate to Hitler's drive through France. The establishment of such a system will be the country's best answer to the charge of Mussolini that the world's democracies are 'decrepit.' Congress and the country should face the issue now. One fact that helps to make democracies 'decrepit'—if they are—lies in their slowness to reach major decisions."

Devils Lake (N. Dak.) Journal: "If the worst fears for Europe are realized, not only a compulsory training period but also universal service under a draft law may become necessary."

Duquoin (Ill.) Evening Call: "To call in peacetime for compulsory military service, no matter in what form it is disguised, is one more step—and a long step—in taking this country down the long, hard, terrible road the nations of Europe, victor and vanquished alike, are following."

Elwood (Ind.) Call Leader: The most elementary lesson to be learned from the war in Europe and from the strategy and tactics of the "blitzkrieg" is that there may be no time for military training, especially if the initial force is inadequate after a war has begun. Congress will be blind to the most glaring lesson of the present war, and negligent in its duty, unless it provides now at least for setting up the machinery for military training. Compulsory training is a form of insurance which has become essential in the present emergency."

Eugene (Oreg.) Register Guardian: "The nature of modern war makes universal military training almost imperative. * * * Those who argue that 'when we are invaded it is time enough to prepare' speak out of sheer ignorance of modern war."

Fayetteville (N. C.) Observer: "The burden should be spread among many shoulders by a universal military service law which would require at least 1,000,000 young Americans to undergo military service for a period of at least 6 months each year."

Florence (S. C.) News: The Morning News, while strongly opposed to compulsory service as a permanent policy as being utterly inconsistent with American ideals and the American way of life, is at the same time in full sympathy with such a legislative move for the purpose of coping with the present emergency."

Gary (Ind.) Tribune: "In the past, compulsory military training has been a moot question. * * * The answer usually was that we had no need of a large force of trained men. * * * The same answer can't be given now. It is not a question of being warlike but of being ready to meet an aggressive nation—or a combination of aggressors. We should consider seriously the advisability of instituting compulsory training."

Greenfield (Mass.) Recorder: "For the time being, however, it is generally believed that volunteer enlistments will strengthen the Army, Navy, and air services sufficiently to meet the emergency."

Greenville (S. C.) News: "If this country recognizes the need for training a great civilian army reserve for the long-term future, universal military training is the only answer."

Hamilton (Ohio) Journal: "Compulsory training for youth sounds distasteful. But is there a better way in these trying times to guard against attack and at the same time instill in the minds of people that this is a time when our responsibilities to our country are important, and that without a democratic government our homes, our businesses, our mode of living all will vanish?"

Houston (Tex.) Post: "It is doubtful if the United States can avoid compulsory military service under present conditions. We can reject the idea entirely only when some of the world's most powerful nations are willing to lay down their arms and return to a more peaceful method of settling international difficulties, and at this moment that day seems very far distant."

Iola (Kans.) Register: "We see no particular reason to shrink from the thought of universal military service for American youth. * * * If we must have universal compulsory military service in this country in order to live in this military world of today, let's have exactly that. Let's train men how to fight."

Indianapolis (Ind.) Star: "This country is 100 percent for preparedness, but for preparedness in the American way. * * * If there is need for personnel, why not appeal to the people, not order them?"

Jackson (Miss.) News: "Officers of the Mississippi National Guard adopted resolutions declaring that Congress should immediately provide for compulsory military training. * * * It might as well start now as later. * * * Every able-bodied man ought to be trained to bear arms in defense of his Nation."

Kalispell (Mont.) Monitor: "In the face of what has happened and is now going on in Europe, we feel that compulsory military training is one of the first phases of preparedness that should be adopted."

Kansas City (Kans.) Kansan: "The country's defense needs are going to call for some form of compulsory military training. But wars are no longer fought by military units alone. This is the age of total war, and if it should ever come to us, all resources and activities will have to be devoted to it. It sets no bounds to the power of Congress to use men in an army. It can take men and risk their lives; it can take them for the much milder purpose of training."

Kansas City (Mo.) Times: "The first step is authorizing the use of the largest possible amounts of relief funds for preparedness. Then, as events require, a further just and equal principle may be applied through universal training."

Kinston (N. C.) Free Press: "Let's postpone compulsory military service until there is evidence that the traditional patriotism, exhibited and demonstrated in voluntary service when needs arise, is no longer motivating the hearts and souls of the men of this country."

Knoxville (Tenn.) Journal: "If in our democracy we have something worth fighting to preserve, then it is worth while that the fight be made intelligently and effectively when it comes. That can mean only one thing—proper training of American citizens; all of them. Universal service is the only way to insure this result."

Little Rock (Ark.) Gazette: "While the need is keenly realized for equipping and modernizing the Army and Navy on the material side, it must equally be recognized that the United States could not put a million young civilians into uniform and have an army of a million soldiers in a few weeks, or even a few months. Universal conscription would provide * * * the hard and fast military training that United States Army recruits now receive."

Los Angeles (Calif.) Times: "A year ago, had anyone dared make them, proposals for such staggering arms expenditures and defense taxation as we are now not only accepting without protest but actually urging would have been howled down in a chorus of indignation. And yet most of us will now admit that it would have been better for us if we had not lost that time for preparation."

Lowell (Mass.) Citizen: "There is no evidence of a general readiness on the part of young America to volunteer for military service; on the contrary, there is rather more than is comfortable of the idea that national defense is not an inescapable adjunct of American citizenship. * * * That's what these pacifists and youth coddlers have got us into."

Manhattan (Kans.) Chronicle: "Perhaps before many months have passed, the American public will speak out in favor of (compulsory) training, and the Congress will adopt such a program. If it becomes the will of the people, then let it be done, but it should not be sold "wrapped up" to the American people. We wonder how many of those favoring it realize just what training is?"

Memphis (Tenn.) Commercial Appeal: "It (compulsory service) will be adopted eventually because realism is beginning to dominate in this Nation. * * * Selective compulsory military service will require sacrifice, but not out of proportion to the national need. * * * Military training is a great leveling process in which the gold is separated from the dross."

Meriden (Conn.) Journal: "Military power seems now to count more than justice or promises made in treaties. When a strong little nation like Holland can be beaten down in 5 days, it is time for even a great nation to polish up its weapons and learn to shoot."

Millville (N. J.) Republican: "Military training cannot be dismissed as jingoistic or war-mongering. Those who enjoy the blessings of democracy must be prepared to protect and preserve them."

Milwaukee (Wis.) Journal: "War asks better preparation than paddling canoes and kindling fires without matches. Why deny our young men this insurance in a world in which we are surrounded on every side by the apostles of force?"

Moline (Ill.) Dispatch: "There can be no objection to a demand that every American regardless * * * do whatever he can to guarantee our security. Recently this newspaper recommended compulsory military training for all able-bodied young men. * * * It is a good thing to have every potential soldier trained in advance, by compulsion if necessary."

Monett (Mo.) Times: "What about compulsory military service? We should have an army and it should not be less than a million men. Such an army cannot be raised by voluntary recruitment. * * * First, there should be a general registration of all of America's manpower. Then * * * the Government could decide how many men it would need and what age bracket they should be."

Monroe (Wash.) Monitor: "With all the branches of the military service short on enlistment, we go on record as being wholeheartedly for a compulsory form of military training."

Montgomery (Md.) Independent: "By compulsory military training, if merely for the sake of physically developing our men, not to mention the rich lesson in discipline of which there is so little today, we can retain our position of physical supremacy throughout the entire world."

Moultrie (Ga.) Observer: "A year ago anyone who suggested compulsory military training in the United States would have been regarded as one of our wildest radicals. * * * We never dreamed that we would soon be imitating (governments that had conscription). Maybe it will blow over and the skies will clear up. We sincerely hope this will happen before we inaugurate compulsory military service."

Murfreesboro (Tenn.) Journal: "President Roosevelt said that he approved * * * a proconscription editorial. 'Every citizen is bound to serve and defend the state as far as he is capable. Society could not otherwise preserve itself' was the way the idea was expressed by an outstanding (French) jurist of the (1793) period."

Nashville (Tenn.) Tennesseean: "Volunteers are enrolling for military service. * * * but that is a slow and uncertain method of getting soldiers. * * * Before the days of the "blitzkrieg" * * * there might have been some excuse for a leisurely approach to the problem of national defense. * * * Universal military service is well within the democratic tradition. * * * It discriminates against no class or station. If we are to become strong without delay, we must follow the only methods which give results."

Nashville (Tenn.) Banner: "Preparedness is, for a nontotalitarian state, the finest peace insurance. * * * Adequate preparedness

requires not only machines but men. It requires an army and such millions of trained men as could immediately augment that army should need arise."

New Orleans (La.) Item: "There can be no question that the individual who has had military training stands a better chance for health, life, and safety than the untrained man or boy, in peace as well as war. * * * Time is the essence of this situation. * * * The whole world knows what compulsory military service means. The enactment of an equitable law along these lines is worth a million speeches."

New Orleans Times-Picayune: "This newspaper shares the belief now finding Nation-wide expression that this Republic, for its own safety, must now adopt a system of compulsory military training."

Newport (R. I.) News: "For those who find the idea of compulsory military training in peacetime hard to accept, it might be proper at this time to quote from an opinion in World War days of the United States Supreme Court. 'Compelled military service,' the Court held, 'is neither repugnant to a free government nor in conflict with the constitutional guaranties of individual liberty. Indeed, it may not be doubted that the very conception of a just government and its duty to the citizen includes the duty of the citizen to render military service in case of need and the right of the government to compel it.'"

Newton (N. J.) Herald: "During the World War, thousands of young Americans lost their lives because of lack of training. It is not possible to give men a few weeks' training and pit them against well-trained, fully equipped troops, and hope to prevent unnecessary sacrifice of lives."

New York Herald Tribune: "Three months ago the mere introduction of a bill to establish universal service in the United States would have been politically unthinkable. The fact that Senator BURKE could lay before the Senate the bill sponsored by the Military Training Camps Association, calling for the registration of 40,000,000 American men and rendering all of them between 21 and 45 legally liable, as needed, for 8 months' service, represents an enormous advance. With the purposes of the bill this paper is wholly in sympathy. We are convinced not only that the Nation should have the power to call on every citizen in its own defense, but that this common obligation should be made plain to all, and made plain now, by some such measure as this one."

New York News: "We think the logic is all on the side of Senator EDWARD R. BURKE (Democrat), of Nebraska, who introduced the compulsory military training bill in the Senate the other day. Senator BURKE remarked in a radio debate the other night that there is no substitute for the strength to throw an aggressor out of the country, or to keep him from ever getting into that country. We see nothing for it but to adopt universal military training of American men for 1 year or 2 years—meaning every American man physically capable of taking such training, the job to begin when he is 19. It will be a fundamental change for this country to undergo. But we are convinced that it will be a change for the better."

Oneonta (N. Y.) Star: "While the days and weeks go marching on the people of the United States are agreed that we must build an Army and Navy. * * * but we are not doing very much about it. We need to start a program of immediate military training for the first men who would be called to support our standing Army, which is woefully small for a world like today's. The United States must prepare."

Ontario (Oreg.) Argus: "This newspaper never before entertained the thought that the time would come when it would voice approval of a program of compulsory military training for American boys. But times have changed. So, too, have the ideas of this publication. So long as there is a threat in the world to the continuation of American liberties, so long it will be necessary for Americans to defend them. So long as defense is needed, so long will training be required. That training should be compulsory and all-inclusive."

Owensboro (Ky.) Messenger: "Americans are called upon to weigh and act upon the most momentous issue that ever faced them. At any moment this country may become the sole torch bearer of western civilization. But America, too, is vulnerable. * * * Our greatest need is trained manpower. Compulsory military training should be instituted at once."

Palestine (Ohio) Leader: "Whatever may have been true in the past, compulsory military training is ineffective unless it has been started in time of peace. Congress will be blind to the most glaring lesson of the present war and negligent in its duty unless it provides now for military training."

Peoria (Ill.) Journal: "There are in the United States several hundred thousand young men who ought to be in the United States Army. They are men who could easily be taught the business of soldiering so that this country would have a backlog of personnel to handle the material which our national-defense program is to create."

Perth Amboy (N. J.) News: "You cannot get prepared overnight. Compulsory military training has always been a subject of controversy in this country. There will be opposition on the part of parents who didn't raise their boys to be soldiers. But, in the event of war, these young men would have a much better chance of surviving it, if they knew something about the business and had been trained for it."

Philadelphia (Pa.) Bulletin: "The idea that every man has a duty and a privilege in protection of his home and country will eventually be translated into a practical law."

Philadelphia (Pa.) Evening Ledger: "What is the use of all these ships, all these intricate machines for the Army, all of the 50,000 airplanes to be built every year, if we are not prepared to man and operate them? * * * Every piece of mechanical equipment must be understood by the men who must make them function. This applies to the simplest gun, the largest tank, the heaviest cannon. Every plane needs not one pilot, one combat crew, but many. All must know something of the job of all the others. * * * We have the men. We are spending billions to produce ships, equipment, and planes. Now it is up to Congress to make some provision for training the millions of men needed to make our defense plan work. It will not work without them. And training cannot be delayed until after hostilities begin."

Phoenix (Ariz.) Republic: "We have, of course, abandoned the idea of an efficient army flying to arms overnight. Fighting men are no longer besieging the recruiting offices. Compulsory military service became less objectionable as the perils of the European democracies seemed to increase. * * * Later an editorial in the New York Times urging compulsory training was given the approval of the President and, after that, of the press generally."

Pompton Lakes (N. J.) Ledger: "No one here believes in sending our men to Europe; but we do want them to find trained men when, after resting up a year or so, they tackle us through Mexico."

Port Jervis (N. Y.) Union: "Is it too much to ask our young people to give a year of their time to their country to be ready to protect it if it is necessary? The conditions that were found at the drafting in the last war ought to be a lesson to America to be prepared with able-bodied young men ready to start out at short notice."

Portland (Maine) Express: "Sentiment in favor of immediate adoption by the United States of the principle of compulsory military training appears to be gaining headway daily. It should! * * * America has the force potential. And for her own security she must convert it into an actual force of trained men—men not only willing but trained and able to serve, if and when the call should come."

Poughkeepsie (N. Y.) Eagle: "Everybody agreed on an arms program? Yes. Action. Let's go. To propose any (compulsory) training plan for peacetime operation would at any time in American history have produced a storm of opposition. Today even those who oppose it give it the gravest consideration."

Poughkeepsie (N. Y.) Star: "A little good old-fashioned discipline, be it imposed within the confines of a rigorous home life or by means of universal military training, can do no harm to an individual, irrespective of his background. The major problem appears to be unification and training, not of a few isolated hundreds of thousands, but of the citizens of America."

Plymouth (Wis.) Review: "In no other program are we demonstrating the characteristic weakness of democracies more than our efforts to secure national defense. * * * The Senators are still afraid they might lose a few pacifist votes."

Raleigh (N. C.) Times: "It is doubtful that anyone taking the C. M. T. C. courses regrets it. And, should war come, the beneficiaries of this instruction will be in a position to adapt themselves quickly to military life. * * * The draftee will be put through suddenly rigorous training, and in this predicament he might well wish that he had undergone previous military training toughening him for his new duties."

Ridgeway (Pa.) Record: "If we are going to fight a war, let's be prepared for it. Compulsory military training savors of dictatorship, but if America is to live as a democracy we must be prepared to fight for it."

Greenville (S. C.) News: "An important first need is that of military training of sufficient young men of military age to enable the Nation to call into service, if need be, a well-trained army of much greater size than the existing force."

Rockford (Ill.) Republic: "We in America should face the facts. We are vulnerable. Speed, in this age of the blitzkrieg, is the essence of liberty. It is imperative that practical steps be taken We need trained manpower. Compulsory military service would be a terrific wrench on the American population, but it should be instituted."

St. Louis (Mo.) Post-Dispatch: "The Burke bill is sponsored by the Military Training Camps Association, and so would seem, on the surface at least, to represent informed opinion in the field of national defense."

St. Louis (Mo.) Star-Times: "The all-important issue before the United States is self-preservation. Against that consideration and no other the Burke-Wadsworth bill must be appraised. If the answer is affirmative, then the lawmakers should not flinch from enactment of this bill. Nor should they be stayed by the sonorous charges that it is antidemocratic. It is in the best democratic tradition to demand that all men share according to their abilities in the protection of free institutions, providing that civilian standards are restored as soon as the danger is passed."

Salem (Ohio) News: "But it is blind not to see that the only way to preserve what is worth cherishing is to do promptly and decisively what seriously needs to be done."

Salem (Oreg.) Journal: "It must become apparent to any thinking person that if we are to have the manpower necessary for adequate defense, we must enforce compulsion of military training."

Salem (Oreg.) Statesman: "Most any veteran of the World War will testify that military training and experience did not make him a militarist * * * there is actually no valid argument against it. Military traning hurts no one; it promotes democracy through fraternity, rather than building a caste system; it helps to build citizenship; it helps to build bodies, and to some boys it is fun, but they know that real war isn't."

Sandusky (Ohio) News: "Military sentiment in this country is growing at a surprising rate. Recent opinion polls indicate that 85 percent of the people think we are not safe from war."

Sanford (N. C.) Herald: "Military training, almost anyone will admit, is almost universally beneficial from the standpoint of physical fitness. It would be an untold improvement to our national health if every able-bodied man in the United States today had a certain amount of such training. If we ever go to war, our present trained armed forces are pitifully small beside the tremendous manpower that will be demanded. Therefore this manpower should have at least minimum military training and knowledge."

San Angelo (Tex.) Standard: "Should the United States immediately invoke compulsory military training? That question, asked of San Angeloans a year ago, would have drawn a chorus of 'noes.' Yesterday the chrous said, 'Yes,' and in no unmistakable tone. * * * Compulsory military training is the most vital factor in the preparations for war. Britain's fate is the best argument for action now, regardless of how foreign to the old American way it may be."

San Bernardino (Calif.) Telegraph: "Even the professional pacifists whose livelihood depends upon getting together a group so stupid as to be willing to pay for assurances of a false security will encounter tough sledding. * * * Compulsory military service means only that our young men would be able to defend themselves and their country if needs be. It does not mean it would necessarily make militarists of them."

Santa Rosa (Calif.) Press-Democrat: "A growing movement is under way for compulsory military training in the United States. * * * The day of peace idealists, no matter how worthy their object, seems shattered. If we are going to survive in a world of force and violence, we, too, must have force of arms to protect ourselves. Any parent, no matter how he or she might grieve over sending a son away to war, would rather have that son adequately trained to defend himself than to send him untrained against legions of expert warriors."

Schenectady (N. Y.) Union Standard: "There are two steps, which, in our opinion, should be taken immediately. Step No. 1 is compulsory military service. Step No. 2 is the mobilization of the country's industrial resources."

Seattle (Wash.) Post-Intelligencer: "Everyone hopes that war can be avoided. But the fact must be faced that the liberties we enjoy were won by battle and may have to be defended the same way. We will have a better chance of avoiding war if we are prepared for that eventuality. And with universal training we will have an infinitely better chance of avoiding defeat in war, with its horrific implications."

Sheridan (Wyo.) Press: "In our opinion, military training is a very definite advantage for any boy, physically and mentally, and any boy who has a chance to get it is fortunate."

Sioux Falls (S. Dak.) Argus: "The compulsory system should be avoided if it can. It smacks too much of the intense regimentation of the nations that are strictly militaristic and whose sole purpose in life seems to be to prepare for aggression."

Spokane (Wash.) Spokesman-Review: "The necessity for instituting a system of universal military training * * * has been so clear from the start of our vast preparedness undertaking that it seemed strange the plan was not suggested at the same time that Congress was asked to authorize unprecedented expansion of armaments."

Springfield (Ohio) News: "The young man who volunteers to fight may happily need only to volunteer to train. Even this training may have to be made, like service in war, a universal rule. In the paying too, the day of conscription is at hand."

Staunton (Va.) Leader: "'Compulsory military training is undemocratic, illiberal,' say some. Are Switzerland, Finland, Holland, Belgium, France, and now England undemocratic, illiberal? It is necessary for America to become militarized to the extent of maintaining a huge army and navy, and the only fair, democratic, effective way to do it is by conscription."

Steubenville (Ohio) Star: "As the war crisis of 1917 proved, preparation of an army cannot be performed in a few months. Soldiering, even then, was beginning to call for specialists. Today, a soldier who has not learned his trade is hopelessly handicapped. Conscription, in the United States and everywhere else, is one of the unpleasant facts of a world at the mercy of unpleasant individuals."

Syracuse (N. Y.) Herald: "The trouble is that today the voluntary system simply isn't working. Unless it begins to work on a large scale in the very near future, some form of universal military service is inevitable. If the voluntary system fails, as is now indicated, we favor the step."

Swensboro (Ky.) Inquirer: "It is imperative that this country take immediate practical steps. Our greatest need is trained manpower. Compulsory military training should be instituted at once. Now is the time to start. We can prepare for war in peacetime."

Teaneck (N. J.) Times: "Our humble opinion is that people are proving themselves alert to the conditions that confront us and intelligently aware of the dangers we face. Preparations must include compulsory military training for all our physically fit men within the proper age limits in the quickest possible time, or everything else we do and every dollar we spend will merely represent wasted effort and money."

Texarkana (Tex.) Gazette: "Indications are that the United States will be compelled to adopt a system of compulsory military training as a measure of national defense, dictated by new conditions in which the whole world is an armed camp."

Topeka (Kans.) Capital: "Some readers may ask, 'Are you opposed to military preparation?' To that we emphatically answer, 'No.' We are not even absolutely opposed to universal compulsory military service; it may become necessary."

Troy (N. Y.) Record: "Any constitution must set up a government able to defend itself. It must have power to use every resource, including property and human lives. Our Constitution does this."

Tucson (Ariz.) Star: "More than 6 months ago the Star said that in case of a German victory we would have to impost universal military training."

Tulsa (Okla.) World: "It is only sensible for a peaceful nation to take logical steps to prepare itself to turn back the threat of aggression. It is only fair for the Nation to expect universal contributions to that effect."

Tupelo (Miss.) Journal: "No nation in the world can defeat us. (But) even a brutal, inferior group, such as the Nazis, can defeat us unless we are trained and unless we have modern defense equipment. We hope that America will move with unprecedented speed in the training of every one of her citizens and in the production of defense instruments."

Union City (Tenn.) Messenger: "Now be it said to the credit of the Nation, since danger faces, a suggestion of compulsory military training is received with almost universal approval. And why not? Better to adopt a military policy than to be caught unprepared to defend and protect our Nation and its institutions."

Urichsville (Ohio) Chevron: "We shall have a military draft law in this country, with large numbers of men enrolled in training. Our people, greatly shaken by recent world events, are determined to make our country, at least, and our hemisphere, if possible, secure from invasion."

Waltham (Mass.) Tribune: "Senator BARKLEY prophesied that no bill for compulsory military training would be passed at this session of Congress. That is a safe prophecy; on the eve of a political campaign no party will advocate the abandonment of a policy which, with one major and one minor exception, has been maintained since the foundation of the Government. Unless the United States becomes directly involved in war, there are little probabilities of any conscription plan. The plan which was so signally successful in the World War will probably be adopted."

Washington (D. C.) Star: "Favorable reaction in Congress to the selective compulsory military training bill sponsored by the Military Training Camps Association of the United States is a most encouraging indication that the legislators finally have made up their minds to deal with this urgent problem before adjournment. The British put into effect a system of compulsory military training, but by that time the war was so close at hand that there was no time in which to raise, train, and equip an effective army. The grievous consequences of that blunder are all too clear today, and it is simply inconceivable that this country should make the same mistake."

Washington (D. C.) Post: "Should the United States have to defend itself with arms in the future, it could expect no undisturbed period in which to prepare. It would need an army of trained men immediately. Such an army can be prepared in only one way—through routine compulsory military training."

Washington (D. C.) Evening Star: "Plainly, the almost incredible success of the Nazi campaign is based primarily on two factors—first, superior equipment, and, second, troops who were better trained in the use of that equipment. The French soldiers were trained—well trained—but not in the type of war they were forced to fight. * * * In the United States we are beginning the task of assembling the instruments of modern war. But in the equally important matter of preparing an adequate reserve of trained manpower we are doing next to nothing. As one reads of the collapse of France, of Marshal Petain's sorrowful admission that the Republic fell for three reasons—lack of equipment, lack of manpower, lack of determination—it is difficult to believe that we, as a nation, can be so indifferent to our own weakness. But the fact remains that no vigorous effort is being made by the administration or by congressional leaders to set up a system of compulsory military training based on the selective draft, the only fair and effective way in which the necessary number of trained men can be secured."

Washington (N. C.) Progress: "Repugnant as is the idea of compulsory military training for American youth, the state of world affairs suggests the wisdom of such a departure for this country. * * * And the sooner we get started on this policy the better."

West Palm Beach (Fla.) Post: "Whether rightly or wrongly, a majority of Americans have reached the conclusion that a victory for Hitler does constitute a threat to this country. * * * It explains why Congress can vote billions for national defense, with scarcely a murmur of disapproval. It reveals why even a proposal for universal military training was received by the country as a matter of course."

Winston-Salem (N. C.) Journal: "A training system which would teach boys how to perform some manual or technical job, efficiently develop their self-reliance and sense of discipline, and keep them out of mischief would go far, not only toward solving our military defense problem but also our crime and vice problems."

Wichita (Kans.) Beacon: "There is coming an increased realization of the necessity of compulsory military training. Behind all the guns and cannon and warships and airplanes there must be trained men if the defense of this Nation is to be effective. * * * The sooner this Nation adopts some form of national military training the more effective will be the national-defense program."

Yonkers (N. Y.) Statesman: "If military training for youth is chosen by America, that, too, will be universal, allowing in either

case exceptions which the constituted authorities may find reasonable. Any other method of handling this matter would be following the totalitarian way, not the American way."

Mr. VANDENBERG. Mr. President, will the Senator from Vermont yield to me before he takes his seat?

Mr. AUSTIN. I yield.

Mr. VANDENBERG. One of the factors bearing upon the imminence or necessity of universal service, of course, is the degree of success or failure which the Army and the Navy are experiencing in respect to voluntary enlistments.

As I understood the distinguished Senator from Vermont yesterday when he interrupted the Senator from Maryland [Mr. TYDINGS], he indicated that there is some dispute as to whether or not enlistments are now proceeding at an adequate and satisfactory rate. I understood the Senator to say that he anticipated receiving authentic information upon that subject. I ask him if he now has it, because I think it is very important.

Mr. AUSTIN. Mr. President, I have been looking for that information, but it has not arrived. If the Senator will permit a further answer which is really not responsive, I should like to make this statement:

In the first place, we must have comparables in order to make a comparison. The figures which the Military Affairs Committee has, and which I quoted at the World's Fair, related to the first 5 months of the year, showing a net gain of between 14,000 and 15,000 men. The gross accretion was stated to be approximately 37,000; but taking into account the mortalities that occur through expiration of enlistment and other causes, the net accretion was said to be between 14,000 and 15,000 for the first 5 months. The figures given to me by General Adams, The Adjutant General, were for the first 6 months. I do not suppose the slack is all taken up in the sixth month, but it may be. So we cannot yet draw a conclusion from the divergence in these figures; but there should be this further consideration of the figures, namely, that these are the first enlistments. They are the response of those who are enthusiastic and patriotic, and are apt to step out quickly. If we are dealing with a quota for a much larger army, and have to take our voluntary enlistments from the last 6 months, the 18 months, and so on, I think it is a fair assumption to make that the stimulus for voluntary enlistment will thin out as we proceed with the larger demand.

Mr. VANDENBERG. Will the Senator yield further?

Mr. AUSTIN. I yield.

Mr. VANDENBERG. The able Senator from Massachusetts [Mr. LODGE] presented figures from The Adjutant General a few weeks ago upon which I based the same conclusion the Senator from Vermont evidently reached as a conclusion, namely, that voluntary enlistments are behind the quota. As I recall, those figures showed an enlistment of 8,000 men in the Army in 30 days, whereas the quota for July and August would be in the neighborhood of 18,000. So I assumed we were correct in saying that voluntary enlistments are not even now keeping up with the quota. But my understanding of the Senator's statement yesterday was that the War Department denies that assumption.

Mr. AUSTIN. Oh, yes; definitely.

Mr. VANDENBERG. And says that the voluntary enlistments are up to the quota.

Mr. AUSTIN. Definitely. The Adjutant General stated to me that the enlistments were satisfactory, and that he did not like to have my statement get out, because its effect might be derogatory, might slow down the spirit of volunteers who are yet to be summoned; and if I have made a mistake, I am trying to correct it.

Mr. VANDENBERG. The thing which bothers me is that I do not see how the statement of The Adjutant General can be paralleled with The Adjutant General's statement to the Senator from Massachusetts.

Mr. LODGE. Mr. President, if I may interrupt, I call the attention of the Senator from Michigan to a statement in this morning's press by no less an authority than Lt. Gen. Hugh A. Drum, in which he said that the haphazard methods we have been following are incapable of creating an adequate force for defense.

Mr. VANDENBERG. Does he deal with the specific question? It seems as though we should have an authentic answer as to whether voluntary enlistments today are furnishing an adequate quota.

Mr. AUSTIN. I think we should have the answer, and I am trying to get it.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. TYDINGS. Does the Senator know whether the Army favors the conscription bill at the present time?

Mr. AUSTIN. That is another question. I asked specifically of General Adams whether he favored this principle, and he said that he did, that he did not want me to understand that his criticism of my statement was an indication of opposition to the principle of the Burke-Wadsworth bill. I believe the Army does not accept it in the very terms it now contains; that it is their purpose to present amendments, and I believe that the differences will be composed, and that a bill will come out which will be an improvement.

Mr. TYDINGS. Let me suggest to the Senator from Vermont, in order to make the record clear, that my understanding is that the Army favors this proposition as a principle to be utilized as a method in case of emergency, but I likewise understand that the present task of the Army is to take the scattered forces of the Army over this country and make them into nine fighting divisions, equipped, insofar as is possible, in a modern way, and to have those divisions ready for call on 24-hour notice; and that in addition to that policy there will be some skeleton companies, composed, for example, of a captain and a lieutenant or two, a couple of sergeants and a couple of corporals, and that the new recruits will be put into those skeleton companies for training; that if all of the remainder of the Army personnel were put into the fighting divisions, so-called, there would not be any officers and noncoms available at this time to train a conscripted army, even if we were to start conscription tomorrow morning. They have just so much capacity for training, and during the time they are organizing these 9 or 10 or 12 fighting divisions, ready to go forward at a moment's notice, they could not take the personnel from those divisions to develop personnel from other sources in order to train and equip a conscript army, even if we had conscription.

Mr. AUSTIN. Mr. President, if that is offered as a reason for postponement, I wish to make the comment that first there must be registration, which will take time of itself. Second, there must be an administrative set-up created, and that will take time. Third, the poverty of officers for teaching is not so great as is claimed, I think, and under the selective feature of the proposed law, the law could be put into operation gradually and developed from day to day.

Mr. TYDINGS. What I was attempting to show, in the observation I was making, was that those who are prone to feel that the Army should have conscription now, and wonder why, when the men are not coming, they do not ask for conscription, overlook the fact that at this moment it would create a problem which would accentuate the present difficulty rather than aid in a solution. I was not saying that the Army did not favor setting up the machinery and eventually doing what the Senator suggests, but they do not want to do it now because of the reasons I have outlined.

Mr. AUSTIN. We expect to give the Army an opportunity fully to develop its views about this matter.

Mr. HOLT. Mr. President, I ask unanimous consent to have placed in the RECORD, following the remarks of the Senator from Vermont [Mr. AUSTIN] and the Senator from Nebraska [Mr. BURKE], a statement entitled "A Declaration Against Conscription."

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

A DECLARATION AGAINST CONSCRIPTION

The American people are today being deluged by propaganda for military conscription in peacetime. Sincere and distinguished as many of the proponents of conscription may be, and plausible as

many of their contentions may seem, we, the undersigned, urge the American people and their representatives in Congress to deliberate with sober caution before permitting such an unprecedented innovation to become a part of our national life.

In our judgment military conscription in peacetime smacks of totalitarianism, and we are convinced that its adoption would be highly dangerous to the spirit and traditions of American democracy. The reasons upon which we support this conviction are as follows:

First, the essential idea underlying military conscription is the major premise of every dictatorship and all totalitarianism. It is the assumption that the individual citizen is but a pawn in the hands of unlimited state power. Conscription has always been abhorrent to free men because it is, in effect, a seizure of a man's body, time, and service by force and under threat of heavy penalty. For generations millions of Europeans have fled their native countries and become loyal and devoted American citizens in order to enjoy, among other things, our freedom from conscription. Universal military service has been and is today the chief weapon by which dictators suppress free conscience among their people, inculcate them with the false ideals of chauvinistic nationalism, and indoctrinate them with belief in the superiority of brute force over morals and ideas. The adoption of conscription among Americans will be the opening wedge for the totalitarian dogma that individual citizens are pawns of the state from birth until death, without any rights which those in positions of power are bound to respect. Americans must not delude themselves with the belief that their democracy will remain unscathed if we adopt the essentially antidemocratic processes which have worked such havoc abroad.

Second, we consider that peacetime conscription is in itself a flagrant negation of democracy. We reject as transparent sophistry the contention that conscription under the name of "selective service" is democratic and that voluntary military service is undemocratic. The "equality" that conscription makes for is akin to the "equality" which prevails among regimented galley slaves. It is no more democratic than any other form of involuntary servitude. Our American conception of democracy signifies vastly more than mere equality, for it also includes the great concepts of liberty and freedom for the individual. Furthermore, we deny that conscription can be justified by the assertion that it prevails in such democracies as England, Sweden, and Switzerland. The conditions we face in United States are in many respects widely different from and not comparable to those prevailing in European nations. For this reason valid conceptions of American democracy and military service must be derived from American history and tradition, not from contemporary European practices. In our view, peacetime conscription and American democracy are quite incompatible.

Third, the adoption of military conscription in peacetime would be a radical departure from historic American tradition. Never before in American history has it been thought necessary to resort to peacetime conscription for purposes of defense. This fact has been one of the truly glorious traditions of our American democracy; in common with most Americans we take profound pride in it, and we deny that the time has now come to abandon this feature of our national life because of the events in Europe, the gravity of which we well recognize. We are confident that the defense purposes enumerated in the Constitution—"to execute the laws of the Union, suppress insurrections, and repel invasion"—can still be met and effectively discharged without resort to peacetime conscription. As ardently concerned for the safety of our beloved Republic as any advocate of universal service can possibly be, we reject the suggestion that to preserve American democracy we must embrace the worst feature of the totalitarian regimes. We deny that free Americans must now, in the name of freedom, submit to peacetime conscription and thereby become regimented vassals of the national state.

Finally, we oppose conscription because of the disruption it will cause in our American way of life, and also because we question its necessity and wisdom as a defense measure. The military regimentation of the entire manpower of our nation will inevitably result in widespread dislocation in business, industry, agriculture, and higher education; and it may prove unnecessary and ineffectual from a military standpoint. Conscription would have been unnecessary in 1917 if we had been raising a force for the defense of our territory rather than an army of 5,000,000 men for service in Europe. Today the asserted need is for substantial expansion in our Army, Navy, and Air Corps. If the personnel need is for highly trained permanent forces sufficient in number to man expertly the new weapons as they are produced, we contend this need can best be met by voluntary enlistments under pay schedules sufficiently attractive to induce the required numbers to enroll. By such a procedure it may well be that the required enlistments could be obtained before the new weapons themselves are ready. This solution for the asserted need would seem to us to be vastly preferable to the alternative of organizing huge forces of partially trained civilians. It would be free of totalitarian semblance, as it would be in keeping with our democratic traditions and conceptions. Moreover, it would be based on a recognition of the military lesson being taught on European battlefields—that comparatively small forces of highly trained soldier mechanics, properly equipped, can defeat many times their number of partially trained civilian conscripts regardless of how courageous the latter may be.

For these reasons, and for others, we appeal to all our fellow Americans who have a zealous regard for the preservation of their democratic institutions to identify themselves with the cause represented in this declaration.

Rev. Ralph C. Abele, St. Louis, Mo.; Prof. Freeman H. Allen, Colgate University, Hamilton, N. Y.; Rev. Paul J. Allured, Kinde, Mich.; Rev. R. M. Atkins, Flint, Mich.; Prof. Zonia Baber, Chicago, Ill.; Prof. Charles S. Bacon, Chicago, Ill.; Cyrus LeRoy Baldridge, New York City; Dr. Harry Elmer Barnes, Cooperstown, N. Y.; Prof. Albert Barnett, Scarritt College, Nashville, Tenn.; Rev. Norman B. Barr, Chicago, Ill.; Mrs. Helen Marston Beardsley, Los Angeles, Calif.; Dr. John Barrow, Berea College, Berea, Ky.; Prof. Howard K. Beale, University of North Carolina, Chapel Hill, N. C.; Rev. Canon Bernard Iddings Bell, Providence, R. I.; Rev. Shelton Hale Bishop, New York City; Alice Stone Blackwell, Cambridge, Mass.; Frederick H. Blair, Los Angeles, Calif.; Rev. Ralph E. Blount, Oak Park, Ill.; Rev. Edward H. Bonsall, Jr., Philadelphia, Pa.; Prof. Edwin Borchard, Yale University, New Haven, Conn.; Rev. Dr. Charles F. Boss, Jr., Chicago, Ill.; Prof. W. Russell Bowie, Union Theological Seminary, New York City; Harold Leonard Bowman, Chicago, Ill.; Prof. Edward S. Boyer, James Millikin Universality, Decatur, Ill.; Fred G. L. Boyer, Hamilton, Ohio; Dorothy Dunbar Bromley, New York City; Rev. Dr. Edwin A. Brown, Cincinnati, Ohio; Hugh Elmer Brown, Evanston, Ill.; Zaidee Brown, Upper Montclair, N. J.; F. W. Burnham, Richmond, Va.; Harold S. Buttenheim, Madison, N. J.; Benjamin Cadbury, Moorestown, N. J.; Mrs. A. Morris Carey, Baltimore, Md.; Mr. and Mrs. Charles L. Carhart, Chevy Chase, Md.; Rev. J. Henry Carpenter, Brooklyn, N. Y.; Rev. Harold F. Carr, Flint, Mich.; Richard B. Carter, West Newton, Mass.; Prof. Adelaide Case, Columbia University, New York City; Prof. J. McKeen Cattell, Garrison, N. Y.; Dean W. G. Chambers, State College, Pa.; Rev. A. Burns Chalmers, Northampton, Mass.; Harold A. Chance, Philadelphia, Pa.; Rev. Don M. Chase, San Francisco, Calif.; Sarah Cleghorn, Manchester, Vt.; Prof. Frank W. Clelland, Atlanta, Ga.; David L. Clendenin, New York City; Prof. J. Herschel Coffin, Whittier College, Whittier, Calif.; Mrs. E. A. Codman, Boston, Mass.; Rev. Dr. Albert Buckner Coe, Oak Park, Ill.; Prof. Morris R. Cohen, New York City; Prof. Norman F. Coleman, Macalester College, St. Paul, Minn.; Rev. George L. Collins, Madison, Wis.; Dean E. N. Comfort, University of Oklahoma, Norman, Okla.; Rev. Elbert M. Conover, New York City; Paul M. Cope, Atlantic City, N. J.; Mrs. J. Sergeant Cram, New York City; Rev. Dr. Henry H. Crane, Detroit, Mich.; Prof. Earl Cranston, University of Redlands, Redlands, Calif.; Dr. Abraham Cronbach, Cincinnati, Ohio; Prof. Edward E. Curtis, Wellesley, Mass.; Frances G. Curtis, Manchester, Mass.; Rev. Wolcott Cutler, Charlestown, Mass.; Prof. Jerome Davis, West Haven, Conn.; Dorothy Day, editor, The Catholic Worker, New York City; Rev. Dr. Albert Edward Day, Pasadena, Calif.; Prof. John W. Darr, Scripps College, Claremont, Calif.; Rev. E. 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New York City; Clarence V. Howell, New York City; Paul H. Hudson, Upper Montclair, N. J.; B. W. Huebsch, New York City; Dr. Jessie Wallace Hughan, New York City; Rev. Harold Stone Hull, Pasadena, Calif.; Rev. Dr. Allan A. Hunter, Hollywood, Calif.; Rev. Dr. Stanley Armstrong Hunter, Berkeley, Calif.; Paul Hutchinson, Chicago, Ill.; Rev. Dr. Finis S. Idleman, New York City; Mr. and Mrs. Philip E. Jacob, Princeton, N. J.; William C. James, Berkeley, Calif.; Mr. and Mrs. Cornelius Jansen, Pasadena, Calif.; Rev. Dr. Ray Freeman Jenney, Syracuse, N. Y.; Rev. Harold V. Jensen, Seattle, Wash.; Bede A. Johnson, Los Angeles, Calif.; Edwin C. Johnson, New York City; Rev. G. R. Johnson, Durham, N. H.; Bishop Paul Jones, Yellow Springs, Ohio; Prof. Rufus M. Jones, Haverford College, Haverford, Pa.; Rev. Allen Keedy, Shenandoah, Iowa; Rev. Harold R. Keen, Hebron, Conn.; Dean Frederick D. Kershner, Butler College, Indianapolis, Ind.; Edward S. King, Raleigh, N. C.; Dr. William P. 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Lynd, Columbia University, New York City; Robert W. MacGregor, Reed College, Portland, Oreg.; Rev. Oscar Maddaus, Manhasset, N. Y.; Rev. Dr. Charles A. Maddry, Richmond, Va.; Horace Mann, Richmond, Mass.; Benjamin C. Marsh, Washington, D. C.; Prof. Kirtley F. Mather, Harvard University, Cambridge, Mass.; Milton S. Mayer, University of Chicago, Chicago, Ill.; Mary S. McDowell, Brooklyn, N. Y.; Rev. William McFadden, West Lafayette, Ind.; Rev. Dr. D. P. McGeachy, Decatur, Ga.; Rev. Dr. Elmore M. McKee, New York City; Prof. Charles McKinley, Reed College, Portland, Oreg.; William Ayer McKinney, Chicago, Ill.; Rev. Dr. N. C. McPherson, Jr., Atlanta, Ga.; President O. Myking Mehus, Winona State Teachers College, Winona, Minn.; President W. O. Mendenhall, Whittier College, Whittier, Calif.; Rev. Dr. William S. Meyer, Ponca City, Okla.; Orie O. Miller, Akron, Pa.; Bert G. Mitchell, Seattle, Wash.; Bishop Walter Mitchell, Phoenix, Ariz.; Rev. Dr. A. J. Muste, New York City; Rev. 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Henry Scattergood, Philadelphia, Pa.; Rev. Dr. Paul E. Scherer, New York City; Rev. Alfred Schmalz, Darien, Conn.; Prof. Waldo Schumacher, Eugene, Oreg.; Rev. Dr. Frank J. Scribner, New York City; Gale Seaman, Los Angeles, Calif.; Elizabeth Sessions, Hampden, Mass.; Rev. Dr. Charles M. Sheldon, Topeka, Kans.; Mrs. Robert E. Simon, New York City; E. W. Smiley, Warren, Pa.; Mrs. Ida B. Wise Smith, Evanston, Ill.; J. J. Smith, New Concord, Ohio; Don E. Smucker, Chicago, Ill.; Prof. Theodore G. Soares, Altadena, Calif.; Guy W. Solt, Philadelphia, Pa.; Rev. Dr. Frederick K. Stamm, Brooklyn, N. Y.; Dr. Joseph Stokes, Moorestown, N. J.; Rev. Thomas W. Sumners, Houston, Tex.; Rev. Dr. Alfred W. Swan, Madison, Wis.; Prof. Arthur L. Swift, Jr., Union Theological Seminary, New York City; Rev. John M. Swomley, Jr., Harrisburg, Pa.; Alva W. Taylor, Nashville, Tenn.; Katharine Terrill, New York City; Norman Thomas, New York City; Leon Thomson, Lincoln, Nebr.; Rev. 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Yarnall, State College, Pa.; President William L. Young, Park College, Parkville, Mo.

NOMINATION OF MRS. EVELYN ADAMS WHYTE—RECOMMITTAL

Mr. ADAMS. Mr. President, on yesterday, from the Committee on Public Lands and Surveys, I reported favorably the nomination of Mrs. Evelyn Adams Whyte, of California, to be recorder of the General Land Office—reappointment. There seems to have been some misunderstanding in reference to the nomination and as to the office itself. I ask unanimous consent that the nomination be recommitted to the Committee on Public Lands and Surveys.

The VICE PRESIDENT. Without objection, it is so ordered.

FRANK KNOX

The VICE PRESIDENT. The clerk will state the first nomination on the Executive Calendar.

The legislative clerk read the nomination of Frank Knox, of Illinois, to be Secretary of the Navy.

Mr. WILEY. Mr. President, in the debate which has been proceeding in the Senate during the last 2 days in relation to the nomination of Colonel Knox and Colonel Stimson, and on other occasions, we have heard much said about the isolationist viewpoint. Columnists have bastardized its meaning by their peculiar bent of mind. Before discussing the matter of Colonel Knox's nomination, I wish briefly to say a few words on a subject which is often misquoted, misstated, and misunderstood, to wit, isolation.

The current of history is gaining daily added momentum. We have just heard a discussion in relation to the subject of preparedness, the question of drawing our youth into the Army by force. Six months ago the discussion of such a subject would have been out of order. But, as I have said, the current of history is moving swiftly.

Not only do words and phrases have their meanings changed, but overnight nations are obliterated and changed. New methods come into use in every field of human activity. Life is indeed literally "on the fly."

Consequently there is no place in a national-preparedness program for "ostrich minds." Such folks should be taken from the controls of government. We need men at the controls who can and will build America strong.

The dictionary defines "isolationist" as one who would have his country remain politically aloof from other countries. I repeat, "politically aloof." In other words, he is one who agrees with the original idea of Washington. He would have his country beware of entangling alliances. Washington, it will be remembered, spoke very clearly on this subject, but I want it understood that Washington suggested that we engage in free intercourse with nations, free commerce with all nations.

In his day Washington recognized that Europe had different ideas of life and living, different political ideas, that Europe consisted of a group of nations entangled by treaties,

by hatreds, by prejudices. So he suggested that we have no entangling alliances. Let me make it clear that if we had not followed this injunction, we today would be involved in the European conflict. In other words, if we had entered into treaties in relation to our defense, in relation to the war that is now spreading fast over the world, we would be called upon to defend not ourselves but others. We would be called upon to engage in war in case our ally were attacked. Then what would the situation be? What would we fight with? The distinguished Senator from Maryland [Mr. TYDINGS] yesterday again brought a message to our country which I hope every hamlet will be made aware of. He showed that we could not fight. So clearly did he demonstrate it that there should be no question at all about our intervening or mixing up in any quarrel, at least until we are ready.

Let us make it doubly clear that there is nothing in the isolationist doctrine which prohibits the flow of commerce between the nationals of this country and other countries at war. American nationals today are selling airplanes and munitions and supplies to Britain, and note this, to any other nation that can come to our ports and pay for such articles.

Not only the isolationist but everyone else who does not want to get America into war stands for the doctrine that this country as a political entity must not sell munitions or contraband goods to any combatant.

I said that this country must not sell such goods. That does not prohibit the nationals of this country, corporations, or institutions from selling, but this country must not sell. Why? Because if this country sold them it would not only violate the statute law of this Nation but it would violate international law, and it would be equivalent to intervention. It would mean war.

So we revert to the original idea, that an isolationist is one who does not want this country to mix up with other nations in other hemispheres in their political affairs and wars. He is one who wants no entangling alliances with nations in other hemispheres. Why? Because we know that is the road to war, and war would mean what we heard described very clearly and graphically yesterday on the Senate floor. It would mean the ruin of every democratic principle we have, at least temporarily. It would probably mean the submergence on this continent of all democratic concepts, as they are submerged in France. Besides, it would mean loss of life, destruction of property, and probable loss of the great American values.

An isolationist is one who does not want America to become involved in the quarrels of other nations. Now let us make it clear again so there will be no opportunity for anyone to misunderstand. The United States of America as a nation, under the isolationist theory, should not enter into political arrangements, or treaties, with nations in other hemispheres lest such agreements, arrangements, or treaties involve us in Europe's or Asia's quarrels. But, I reiterate, this does not prohibit any of our people from themselves selling for cash anything they possess to any of the combatant nations, nor does it prohibit any war-minded citizen in this country from joining as an individual the forces now fighting in other lands. He can do more than that. If any citizen himself desires to get into war he can give of his own property. He can give his own life. But the isolationist would prohibit this Government from tying up with foreign nations 130,000,000 people who compose this Government, when such action might result in war.

Again let us make it clear that an isolationist is not a pacifist. He is ready to fight if any of America's rights are invaded. The isolationist stands four-square for preparedness and defense. He says to the world, "America for Americans—the American hemisphere for Americans," and he stands four-square for the Monroe Doctrine.

All America is isolationist-minded according to recent polls. All America would send aid "within the law" to the Allies, but all America would not send her ships or her men, to fight on European soil, in Europe's war, unless such a war should become America's war.

In this stand all America shows her common sense, her horse sense. In the first place, we are unprepared. We can not fight battles nowadays with pea shooters because the other fellow will not fight with such weapons.

As this seems to be the sentiment of all America, it would clarify the situation if the President of the United States were to declare our foreign policy to be as stated above, and declare it unequivocally to conform to 99 percent of the sentiment of this country. It would not be a milksop way of putting it, it would be a strong American way of putting it.

America does not want war, but America will prepare herself so that if she is attacked, or her rights and her sphere of action invaded, she will then be able to defend herself. We must be ready then to put into action the saying that the "best defense is an offense."

Mr. President, as I have said, there has been much misunderstanding about the word "isolationist." It has been due in no small part to some of our columnist friends. There is as much misunderstanding about the word "isolationist" as there has been about the word "liberal."

Folks who have been liberal with other people's money, folks who have been careless with American values, folks who have dug up antiquated ideas and outmoded schemes have been called liberals.

Folks who have softened America even as France was made soft, who have taught that loafing, chiseling, and grafting should be indulged have been called liberals.

Yes, all the folks who advocate dressed-up outmoded methods, antiquated tactics, red-tape processes, caste controls have been called liberals.

But, Mr. President, are they? They have not brought about greater freedom, in political matters. A good many of them thought they were doing so, even as France thought so.

Mr. President, the folks who believe in political isolation, as Washington believed in it, have felt that in our own land there should be greater opportunity for the individual to develop, and less regimentation. They have not believed in the caste system which has prevailed under so-called liberal regimes. France had antiquated minds looking after her interests, that is why she is a vassal state today. We do not want such minds looking after America's interests. We want to be strong within. We want the inventive minds to have a chance. We want the great genius that has been dormant in America to express itself again.

Up through the years America waxed strong, due to the fact that the individual knew that he himself had to do the work of building, because there was not available the Government pap which may be had under so-called liberal leadership.

America must awaken to her dependence on self and build herself anew. She must go forth to meet the responsibilities of the present. She must get rid of the rut-ist mind, the mind that becomes set, and remains set. We have had too much of that in our armed forces. We have not had enough men like Billy Mitchell who had vision—to do what? To protect America. No, the rut-ist mind, the ostrich mind, has no place in American defense. We must adventure again, explore again, and get rid of antiquated, outmoded thoughts, actions, and methods. Let the crusading spirit be awakened again in America and we will build its defense.

As I said the other day when speaking in the Senate Chamber in relation to Billy Mitchell, "I pray God that his spirit may enliven and give vision to the men who control the safety of our America."

There have been at the controls of our Government too many men with ostrich minds, men calling themselves liberals. There have been too few isolationists—men who would build America strong.

Mr. President, I have listened to the arguments in relation to the nomination of Colonel Knox, and it seems to me that the issue is flatly presented in this way: What effect upon the country would the appointment of Colonel Knox have? Would the appointment mean war, peace, more preparedness, more defense, more safety?

We all recognize that, unless there is some vital objection, nominations submitted by the Executive of the Nation ordinarily are confirmed by the Senate as a matter of course. The Senator from Iowa [Mr. GILLETTE] yesterday presented clearly the obligations of the Senate and the President in this matter. Each has a constitutional field.

The objections we have heard so far are not that Colonel Knox is a Republican but that he thinks as the President does in relation to intervention, or aid to the Allies. To me the fact that he is a Republican should enhance his value.

Lincoln realized that a difference of opinion in his Cabinet made for strength. He wanted independent minds. After listening to the editorials by Colonel Knox which the distinguished Senator from West Virginia [Mr. HOLT] put into the RECORD a few days ago, I am sure Colonel Knox has an independent mind, such a mind as is needed in the Cabinet of the President.

These editorials of Colonel Knox indicate clearly a grasp upon New Deal policies and their effect upon the Nation. They also show a keen character analysis of our political leaders.

After years of business baiting, this administration has now turned to industry to grind out its defense program; and it seems logical that now, after a woeful lack of defense preparation, the administration should seek the type of leadership represented by men like Colonel Knox.

This brings us to the real objection which has been raised relative to this appointment, the objection that Colonel Knox thinks as the President does in relation to the war situation, or, as it was phrased yesterday, that his appointment would create a war Cabinet. Much has been said on the floor of the Senate which would indicate that possibly Mr. Stimson's views too closely parallel certain administration views which might cause America to intervene. I can find no such degree of parallelism between the views of the President and those of Colonel Knox. An analysis of all the testimony thus far presented does not appear to bear out the conclusion that Colonel Knox is an interventionist. I should say that Colonel Knox is a "preparedist," a man who would prepare. I trust that before I have concluded I shall show why I think he should become a part of the "picture."

The testimony bears out the conclusion that Colonel Knox is sympathetic toward the Allies—now England, and what England represents. I heard him say in the committee room words to this effect: "I would see that England receives munitions and all the things she needs; not that I love England so much, but that there is need for a wall to stand between this Nation and the forces of destruction while we are preparing." In substance, those were his words. In that respect he shares the views of almost 99 percent of the people of this country, who feel that England's Navy has been and will continue to be a line of defense for America against the Nazi, Fascist, and Communist revolution.

Colonel Knox has stated that he is not in favor of violating the law of this country or international law, or doing things which might be construed as intervention or an act of war. He is in favor of seeing that England obtains all the legitimate and humanitarian aid it is possible for us to give her within the law. As has already been indicated, the phrase "within the law" is very important. In other words, he would have England able to buy in this country airplanes, contraband material, and everything she needs from the nationals—not the Government—of this country, provided she pays for them. As a matter of fact, any other combatant nation has the same rights, as I have stated.

We now revert to the principal issue. What effect upon the country would the appointment of Colonel Knox have? It seems likely that the appointment of Colonel Knox would have a healthy effect. This powerful and energetic Chicagoan retains his valuable capacity for getting things done. He retains his capacity for leading the "strenuous life" which he learned from his one-time chief, Col. Teddy Roosevelt. Make no mistake about it; he will need all his tremendous reserve of vitality and all his capacity for strenuous living to perform the tremendous job which will be presented to him.

When we think of this man's appointment, let us remember that he is the man who joined with Teddy Roosevelt to ride up San Juan Hill. These are days when we need men who can speak softly, but who carry a "big stick." I pray that he may be a great instrumentality in providing this Government with such a "big stick."

I do not necessarily agree with Colonel Knox's demand that we should have a two-ocean Navy, although I do believe that our Navy could be infinitely better along some of the lines he has advocated. I believe that in the interest of national solidarity Colonel Knox will at least be able effectively to press for the creation of an invulnerable armada, an armada whose activities would be more closely integrated with our air arm. I do not necessarily concur in every phase of Colonel Knox's foreign policy, but I am impressed by his dynamic plan for the formation of an aviation unit to recruit 10,000 volunteer pilots. This plan was launched weeks ago, and was put over almost immediately.

I am impressed by the fact that Colonel Knox combines the practical experience of a hard-hitting business executive—which we have been lacking for the past 7 years—with the practical experience of a one-time soldier. Colonel Knox is no theorist. The Government has been shot through with theorists. When the United States entered the World War, Colonel Knox enlisted in the Army. He became a major on the western front. When he was mustered out, in 1919, he retained a colonel's commission in the Three Hundred and Sixty-fifth Field Artillery Reserve for the next decade and a half.

Such a man can be a constructive force in aiding the Government to keep out of war and to secure preparedness. He is a man of ability and experience, and apparently his selection results from that very fact. I say "apparently" because some persons claim that these selections were made because of political reasons. I, for one, am reluctant to believe that anyone would play politics in such responsible appointments in trying times such as these. I know that if Colonel Knox should fail to do his part in securing preparedness for the country, he personally would be condemned, and the President would be condemned. If he should secure preparedness for this country, everyone can afford to bestow praise where praise is due.

My concern is not with the political implications of this appointment. I realize that Colonel Knox is faced with a tremendous task. The extent of the task is undoubtedly greater because Colonel Knox will have to start almost from scratch. I realize also that it has been charged that no man will be able completely to accomplish what is now demanded. As a consequence, it may be that Colonel Knox will be placed in the position of pulling someone else's chestnuts out of the fire, so that if he should fail the blame would be laid at his doorstep rather than that of the administration. I hesitate to make such an indictment. I prefer to believe that the Chief Executive is making a conscientious effort to reach out and obtain men of a different political persuasion to do a job which they may be better equipped to do than men of his own political faith. My sole interest in this appointment is to see that Colonel Knox will give leadership, so that our country may be properly looked after and safeguarded.

I met Colonel Knox for the first time in the campaign of 1936. I am satisfied that when he becomes Secretary of the Navy he will use his head. That is more than can be said for some Government officials, who should have been using their heads in recent years. He will not be merely a figure head. He will probably reach out and obtain the ideas of men who do not belong to the Navy clique. He will obtain men with inventive ideas, men with vision. I should not be surprised to see him anticipate much of what is now being considered in Europe, and make our ships more nearly immune to attack by torpedoes and bombs. He will consider new methods, new ways—and probably less expensive ways—to defend this country. He will not be asleep on the job.

In my opinion, the country needs men with such qualities. I believe that Colonel Knox is a man of common sense. I am sure he would not want to get this country into war. He

by hatreds, by prejudices. So he suggested that we have no entangling alliances. Let me make it clear that if we had not followed this injunction, we today would be involved in the European conflict. In other words, if we had entered into treaties in relation to our defense, in relation to the war that is now spreading fast over the world, we would be called upon to defend not ourselves but others. We would be called upon to engage in war in case our ally were attacked. Then what would the situation be? What would we fight with? The distinguished Senator from Maryland [Mr. TYDINGS] yesterday again brought a message to our country which I hope every hamlet will be made aware of. He showed that we could not fight. So clearly did he demonstrate it that there should be no question at all about our intervening or mixing up in any quarrel, at least until we are ready.

Let us make it doubly clear that there is nothing in the isolationist doctrine which prohibits the flow of commerce between the nationals of this country and other countries at war. American nationals today are selling airplanes and munitions and supplies to Britain, and note this, to any other nation that can come to our ports and pay for such articles.

Not only the isolationist but everyone else who does not want to get America into war stands for the doctrine that this country as a political entity must not sell munitions or contraband goods to any combatant.

I said that this country must not sell such goods. That does not prohibit the nationals of this country, corporations, or institutions from selling, but this country must not sell. Why? Because if this country sold them it would not only violate the statute law of this Nation but it would violate international law, and it would be equivalent to intervention. It would mean war.

So we revert to the original idea, that an isolationist is one who does not want this country to mix up with other nations in other hemispheres in their political affairs and wars. He is one who wants no entangling alliances with nations in other hemispheres. Why? Because we know that is the road to war, and war would mean what we heard described very clearly and graphically yesterday on the Senate floor. It would mean the ruin of every democratic principle we have, at least temporarily. It would probably mean the submergence on this continent of all democratic concepts, as they are submerged in France. Besides, it would mean loss of life, destruction of property, and probable loss of the great American values.

An isolationist is one who does not want America to become involved in the quarrels of other nations. Now let us make it clear again so there will be no opportunity for anyone to misunderstand. The United States of America as a nation, under the isolationist theory, should not enter into political arrangements, or treaties, with nations in other hemispheres lest such agreements, arrangements, or treaties involve us in Europe's or Asia's quarrels. But, I reiterate, this does not prohibit any of our people from themselves selling for cash anything they possess to any of the combatant nations, nor does it prohibit any war-minded citizen in this country from joining as an individual the forces now fighting in other lands. He can do more than that. If any citizen himself desires to get into war he can give of his own property. He can give his own life. But the isolationist would prohibit this Government from tying up with foreign nations 130,000,000 people who compose this Government, when such action might result in war.

Again let us make it clear that an isolationist is not a pacifist. He is ready to fight if any of America's rights are invaded. The isolationist stands four-square for preparedness and defense. He says to the world, "America for Americans—the American hemisphere for Americans," and he stands four-square for the Monroe Doctrine.

All America is isolationist-minded according to recent polls. All America would send aid "within the law" to the Allies, but all America would not send her ships or her men, to fight on European soil, in Europe's war, unless such a war should become America's war.

In this stand all America shows her common sense, her horse sense. In the first place, we are unprepared. We can not fight battles nowadays with pea shooters because the other fellow will not fight with such weapons.

As this seems to be the sentiment of all America, it would clarify the situation if the President of the United States were to declare our foreign policy to be as stated above, and declare it unequivocally to conform to 99 percent of the sentiment of this country. It would not be a milksop way of putting it, it would be a strong American way of putting it.

America does not want war, but America will prepare herself so that if she is attacked, or her rights and her sphere of action invaded, she will then be able to defend herself. We must be ready then to put into action the saying that the "best defense is an offense."

Mr. President, as I have said, there has been much misunderstanding about the word "isolationist." It has been due in no small part to some of our columnist friends. There is as much misunderstanding about the word "isolationist" as there has been about the word "liberal."

Folks who have been liberal with other people's money, folks who have been careless with American values, folks who have dug up antiquated ideas and outmoded schemes have been called liberals.

Folks who have softened America even as France was made soft, who have taught that loafing, chiseling, and grafting should be indulged have been called liberals.

Yes, all the folks who advocate dressed-up outmoded methods, antiquated tactics, red-tape processes, caste controls have been called liberals.

But, Mr. President, are they? They have not brought about greater freedom, in political matters. A good many of them thought they were doing so, even as France thought so.

Mr. President, the folks who believe in political isolation, as Washington believed in it, have felt that in our own land there should be greater opportunity for the individual to develop, and less regimentation. They have not believed in the caste system which has prevailed under so-called liberal regimes. France had antiquated minds looking after her interests, that is why she is a vassal state today. We do not want such minds looking after America's interests. We want to be strong within. We want the inventive minds to have a chance. We want the great genius that has been dormant in America to express itself again.

Up through the years America waxed strong, due to the fact that the individual knew that he himself had to do the work of building, because there was not available the Government pap which may be had under so-called liberal leadership.

America must awaken to her dependence on self and build herself anew. She must go forth to meet the responsibilities of the present. She must get rid of the rut-ist mind, the mind that becomes set, and remains set. We have had too much of that in our armed forces. We have not had enough men like Billy Mitchell who had vision—to do what? To protect America. No, the rut-ist mind, the ostrich mind, has no place in American defense. We must adventure again, explore again, and get rid of antiquated, outmoded thoughts, actions, and methods. Let the crusading spirit be awakened again in America and we will build its defense.

As I said the other day when speaking in the Senate Chamber in relation to Billy Mitchell, "I pray God that his spirit may enliven and give vision to the men who control the safety of our America."

There have been at the controls of our Government too many men with ostrich minds, men calling themselves liberals. There have been too few isolationists—men who would build America strong.

Mr. President, I have listened to the arguments in relation to the nomination of Colonel Knox, and it seems to me that the issue is flatly presented in this way: What effect upon the country would the appointment of Colonel Knox have? Would the appointment mean war, peace, more preparedness, more defense, more safety?

We all recognize that, unless there is some vital objection, nominations submitted by the Executive of the Nation ordinarily are confirmed by the Senate as a matter of course. The Senator from Iowa [Mr. GILLETTE] yesterday presented clearly the obligations of the Senate and the President in this matter. Each has a constitutional field.

The objections we have heard so far are not that Colonel Knox is a Republican but that he thinks as the President does in relation to intervention, or aid to the Allies. To me the fact that he is a Republican should enhance his value.

Lincoln realized that a difference of opinion in his Cabinet made for strength. He wanted independent minds. After listening to the editorials by Colonel Knox which the distinguished Senator from West Virginia [Mr. HOLT] put into the RECORD a few days ago, I am sure Colonel Knox has an independent mind, such a mind as is needed in the Cabinet of the President.

These editorials of Colonel Knox indicate clearly a grasp upon New Deal policies and their effect upon the Nation. They also show a keen character analysis of our political leaders.

After years of business baiting, this administration has now turned to industry to grind out its defense program; and it seems logical that now, after a woeful lack of defense preparation, the administration should seek the type of leadership represented by men like Colonel Knox.

This brings us to the real objection which has been raised relative to this appointment, the objection that Colonel Knox thinks as the President does in relation to the war situation, or, as it was phrased yesterday, that his appointment would create a war Cabinet. Much has been said on the floor of the Senate which would indicate that possibly Mr. Stimson's views too closely parallel certain administration views which might cause America to intervene. I can find no such degree of parallelism between the views of the President and those of Colonel Knox. An analysis of all the testimony thus far presented does not appear to bear out the conclusion that Colonel Knox is an interventionist. I should say that Colonel Knox is a "preparedist," a man who would prepare. I trust that before I have concluded I shall show why I think he should become a part of the "picture."

The testimony bears out the conclusion that Colonel Knox is sympathetic toward the Allies—now England, and what England represents. I heard him say in the committee room words to this effect: "I would see that England receives munitions and all the things she needs; not that I love England so much, but that there is need for a wall to stand between this Nation and the forces of destruction while we are preparing." In substance, those were his words. In that respect he shares the views of almost 99 percent of the people of this country, who feel that England's Navy has been and will continue to be a line of defense for America against the Nazi, Fascist, and Communist revolution.

Colonel Knox has stated that he is not in favor of violating the law of this country or international law, or doing things which might be construed as intervention or an act of war. He is in favor of seeing that England obtains all the legitimate and humanitarian aid it is possible for us to give her within the law. As has already been indicated, the phrase "within the law" is very important. In other words, he would have England able to buy in this country airplanes, contraband material, and everything she needs from the nationals—not the Government—of this country, provided she pays for them. As a matter of fact, any other combatant nation has the same rights, as I have stated.

We now revert to the principal issue. What effect upon the country would the appointment of Colonel Knox have? It seems likely that the appointment of Colonel Knox would have a healthy effect. This powerful and energetic Chicagoan retains his valuable capacity for getting things done. He retains his capacity for leading the "strenuous life" which he learned from his one-time chief, Col. Teddy Roosevelt. Make no mistake about it; he will need all his tremendous reserve of vitality and all his capacity for strenuous living to perform the tremendous job which will be presented to him.

When we think of this man's appointment, let us remember that he is the man who joined with Teddy Roosevelt to ride up San Juan Hill. These are days when we need men who can speak softly, but who carry a "big stick." I pray that he may be a great instrumentality in providing this Government with such a "big stick."

I do not necessarily agree with Colonel Knox's demand that we should have a two-ocean Navy, although I do believe that our Navy could be infinitely better along some of the lines he has advocated. I believe that in the interest of national solidarity Colonel Knox will at least be able effectively to press for the creation of an invulnerable armada, an armada whose activities would be more closely integrated with our air arm. I do not necessarily concur in every phase of Colonel Knox's foreign policy, but I am impressed by his dynamic plan for the formation of an aviation unit to recruit 10,000 volunteer pilots. This plan was launched weeks ago, and was put over almost immediately.

I am impressed by the fact that Colonel Knox combines the practical experience of a hard-hitting business executive—which we have been lacking for the past 7 years—with the practical experience of a one-time soldier. Colonel Knox is no theorist. The Government has been shot through with theorists. When the United States entered the World War, Colonel Knox enlisted in the Army. He became a major on the western front. When he was mustered out, in 1919, he retained a colonel's commission in the Three Hundred and Sixty-fifth Field Artillery Reserve for the next decade and a half.

Such a man can be a constructive force in aiding the Government to keep out of war and to secure preparedness. He is a man of ability and experience, and apparently his selection results from that very fact. I say "apparently" because some persons claim that these selections were made because of political reasons. I, for one, am reluctant to believe that anyone would play politics in such responsible appointments in trying times such as these. I know that if Colonel Knox should fail to do his part in securing preparedness for the country, he personally would be condemned, and the President would be condemned. If he should secure preparedness for this country, everyone can afford to bestow praise where praise is due.

My concern is not with the political implications of this appointment. I realize that Colonel Knox is faced with a tremendous task. The extent of the task is undoubtedly greater because Colonel Knox will have to start almost from scratch. I realize also that it has been charged that no man will be able completely to accomplish what is now demanded. As a consequence, it may be that Colonel Knox will be placed in the position of pulling someone else's chestnuts out of the fire, so that if he should fail the blame would be laid at his doorstep rather than that of the administration. I hesitate to make such an indictment. I prefer to believe that the Chief Executive is making a conscientious effort to reach out and obtain men of a different political persuasion to do a job which they may be better equipped to do than men of his own political faith. My sole interest in this appointment is to see that Colonel Knox will give leadership, so that our country may be properly looked after and safeguarded.

I met Colonel Knox for the first time in the campaign of 1936. I am satisfied that when he becomes Secretary of the Navy he will use his head. That is more than can be said for some Government officials, who should have been using their heads in recent years. He will not be merely a figure head. He will probably reach out and obtain the ideas of men who do not belong to the Navy clique. He will obtain men with inventive ideas, men with vision. I should not be surprised to see him anticipate much of what is now being considered in Europe, and make our ships more nearly immune to attack by torpedoes and bombs. He will consider new methods, new ways—and probably less expensive ways—to defend this country. He will not be asleep on the job.

In my opinion, the country needs men with such qualities. I believe that Colonel Knox is a man of common sense. I am sure he would not want to get this country into war. He

knows that we are unprepared. He knows war, because he was in two wars. He also knows what war would do to this country. I also believe he recognizes the significant fact that the greatest aid which could be given to England would be for America to stay out of the war, so that England, now fighting the battle alone, may buy in this country her arms, munitions, and other goods.

At any rate, I am glad to observe that the Chief Executive has finally arrived at the conclusion that if he is to get anything done he must obtain Republicans to do it. His recognition of this fact confirms what great sections of the country recognized in 1938, and what all the country will recognize and affirm in November 1940.

Mr. President, if I believed for one moment that this appointment was an attempt to foist an impossible job—made impossible by our present woeful lack of preparedness—upon a Republican so that he might then be blamed for a failure to complete our defense program, I could not sanction the appointment. If the appointment were made with the idea that through it there might result an unholy coalition predetermined and bent on war, I could not support it. However, I cannot believe such things; and I, for one, prefer to credit the Chief Executive with good faith. It is inconceivable to me that in these trying times anyone could act on such matters in anything but good faith. The President wants Colonel Knox and Mr. Stimson as members of a preparedness Cabinet. He needs such men to do a man-sized job.

Mr. President, in general it seems to me that the appointment of Col. Frank Knox is a sound move in bolstering confidence in the administration of our vast national-defense program. How important that is! The American people need a restoration of confidence, coupled with the desire to go to work, as suggested yesterday by the Senator from Maryland [Mr. TYDINGS], not simply for 40 hours a week, but to go to work unitedly, as a nation, with one great object in mind—to be so prepared that anyone thinking about tackling us would fear the "big stick."

Colonel Knox should bring to the Navy Department both his practical insight into service needs and his executive experience as an outstanding businessman. He is a first-class fighting man, and he is able, trained, and energetic.

Mr. President, I believe that national defense must be neither Republican nor Democratic. If there is any competition between our major political parties with reference to defense, it should be the honest competition of each party attempting to render the fullest measure of leadership and patriotic service.

Our approval or disapproval of the selection of these two Cabinet officials must be based solely on America's best interests. I believe that Colonel Knox's selection will serve those interests.

Mr. President, these are dark days. Out of the shadows must emerge great leadership—leadership which transcends political expediency, leadership which calls lustily for nonpartisan American action on important issues. I believe Colonel Knox can supply such leadership.

Mr. LODGE obtained the floor.

Mr. McNARY. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. HATCH in the chair). Does the Senator from Massachusetts yield to the Senator from Oregon?

Mr. LODGE. I yield.

Mr. McNARY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Bulow	Connally	Green
Andrews	Burke	Danaher	Guffey
Ashurst	Byrd	Davis	Gurney
Austin	Byrnes	Downey	Hale
Bailey	Capper	Ellender	Harrison
Barbour	Caraway	Frazier	Hatch
Barkley	Chandler	George	Hayden
Bilbo	Chavez	Gerry	Herring
Bone	Clark, Idaho	Gibson	Hill
Bridges	Clark, Mo.	Gillette	Holman
Holt	Mead	Reynolds	Thomas, Utah
Hughes	Miller	Russell	Tobey
Johnson, Calif.	Minton	Schwartz	Townsend
Johnson, Colo.	Murray	Schwellenbach	Tydings
King	Neely	Sheppard	Vandenberg
La Follette	Norris	Shipstead	Van Nuys
Lodge	Nye	Slattery	Walsh
Lucas	O'Mahoney	Smathers	Wheeler
Lundeen	Overton	Smith	White
McCarran	Pepper	Stewart	Wiley
McKellar	Pittman	Taft	
McNary	Radcliffe	Thomas, Idaho	
Maloney	Reed	Thomas, Okla.	

The PRESIDING OFFICER. Eighty-nine Senators have answered to their names. A quorum is present.

SELECTION OF PERSONNEL FOR ENLARGED ARMY

As in legislative session,

Mr. LODGE. Mr. President, I am today introducing a bill which has as its stated purpose to procure a highly selected personnel for a Regular Army of 750,000 men. The bill provides for a compulsory registration of all males between the ages of 21 and 25, from which number would be selected enough men to bring the Regular Army up to a strength of 750,000.

Mr. CONNALLY. Mr. President, will the Senator yield at that point?

Mr. LODGE. I yield.

Mr. CONNALLY. Is the Senator's bill compulsory?

Mr. LODGE. Yes.

Mr. CONNALLY. Under it all men from 21 to 25 would be registered, and from them there would be selected a sufficient number to recruit the Army up to the strength suggested by the Senator?

Mr. LODGE. That is correct.

Mr. CONNALLY. Why stop at 25 years of age? I know of many very patriotic people who are older than that and who, seemingly, are interested in military affairs.

Mr. LODGE. The reason I have placed a limitation of from 21 to 25 is in order to avoid the delay which is incident to any wholesale registration. If there were a requirement to register all those between the ages of 18 and 65, it would take a much longer time than if those from 20 to 45 were registered, and, of course, the registration of those from 21 to 25 would take less time. I want to get men to meet the present situation.

Mr. CONNALLY. The Senator from Texas has no desire to quarrel with the Senator from Massachusetts. I want to say for myself, however, that while I hope we will never have war, in the next war, if it should come, I shall not consent to the sending of all the boys to war to be shot to pieces, and leaving at home a lot of the old boys who ought to be right by their side if we should have a war. [Applause in the galleries.]

The PRESIDING OFFICER. The Senator will suspend for a moment. Under the rules of the Senate all demonstrations, applause, and conversation on the part of the occupants of the galleries are prohibited. Visitors in the galleries are here as guests of the Senate, and, as guests of the Senate, they will observe the rules of the Senate. The Senator from Massachusetts.

Mr. LODGE. I continue to yield to the Senator from Texas.

Mr. CONNALLY. I thank the Chair for his admonition to the galleries, but it looks as if every time I get any approval somebody has got to disapprove the approval. [Laughter.]

I wish to say to the Senator from Massachusetts that the boys have not had their chance in life. If when they get out of high school they are thrown into the Army and then sent to the battlefield, they will never have their chance. I am in favor of raising the age limits, when it becomes necessary to raise them, so as to take in some of the old fellows in some of the higher brackets who are sort of loose with their mouths and strong for patriotism, provided somebody else will do the fighting.

Mr. LODGE. I agree with the Senator 100 percent, not only as to those in the higher brackets but I should like, if the Burke bill ever comes up, to strike out the provision for the exemption of Members of Congress. I would take in

everybody. But this bill is merely a limited, specific, short-view proposition to bring the Army up to a respectable strength now. It is not a general proposal to establish a military policy over a long period of years. Of course, the Senator from Texas is entirely correct. We ought to distribute the burden so as to cover everybody, rich and poor alike, old and young, and make it as sweeping as we possibly can; but to meet the immediate situation in which the Army is not able to get soldiers, we want to avoid delay, and, Mr. President, we all know that the men who are best fitted to go out and operate military weapons are the men in their early twenties. There can be no argument about that.

I continue my description of the bill.

As I have said, it provides for a compulsory registration of all males between the ages of 21 and 25, from which would be selected enough men to bring the Regular Army up to a strength of 750,000. If the Army attains its expected total of 375,000 under existing law, this would leave a total to be procured by my bill of 375,000 more.

The bill contains provisions for the creation of a reserve from those who have served under its terms. It provides for service for 1 year in time of peace, and for a continuation of service during war.

Men would become liable for military service by lot with selection on the basis of fitness for service.

There is no exemption for public officials contained in the bill.

I think, Mr. President, there is a unanimity of professional opinion that the United States needs an efficient army which is immediately available for field service, such an army, of course, to be used entirely for our own defense. The times call for placing the emphasis on mechanized armies fully equipped and highly trained.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. CONNALLY. The Senator says an army that is only to be used "for our own defense." Is that what the bill provides?

Mr. LODGE. No; that is my own view. In my opinion, the United States Army and Navy should only be used for the defense of the United States.

Mr. CONNALLY. In no event outside the United States? Would the Senator stop at the seashore?

Mr. LODGE. Oh, no; certainly not. I use the word "defense" in the general comprehensive sense of defending America and its essential outposts; and, of course, if we see somebody coming at us, naturally we go out and stop them.

Mr. CONNALLY. The Senator would defend the Western Hemisphere, would he not?

Mr. LODGE. I would defend what I described here the other day as the base area, which is North America, Central America, and the coasts of the Caribbean.

Mr. CONNALLY. The Senator would not go down to South America?

Mr. LODGE. I doubt whether I would see much point in fighting for the Falkland Islands, off the tip end of South America.

Mr. CONNALLY. How about Colombia, which adjoins the Panama Canal?

Mr. LODGE. That is different.

Mr. CONNALLY. The Senator is getting over into South America now.

Mr. LODGE. Yes; that is correct. That is what I said; I said the coasts of the Caribbean.

Mr. CONNALLY. What about Greenland? Would the Senator regard that as in the Western Hemisphere?

Mr. LODGE. Not only would I regard Greenland as in the Western Hemisphere but also Iceland.

Mr. CONNALLY. Iceland, or Ireland? [Laughter in the galleries.]

The PRESIDING OFFICER. Again the Chair must caution the occupants of the galleries that no laughter, no signs of either approval or disapproval are permitted under the rules of the Senate.

Mr. LODGE. I yield to the Senator from Texas.

Mr. CONNALLY. The Senator said that he would use the Army and Navy only for the defense of the United States.

Mr. LODGE. That is correct.

Mr. CONNALLY. I thought we had already announced here, by solemn legislative act, that we would not permit the transfer of any territory in the Western Hemisphere from one non-American power to another. It might be necessary for us to maintain that doctrine, and I am for maintaining it, with all the armed and naval forces we have and with all of our resources. If we are to maintain that doctrine, it might become necessary for us to use the Army for something other than purely North American self-defense, but for offensive operations as against those who might attack territories in the Western Hemisphere. I did not want the Senator to maneuver himself into a position in which we would have an army which, when it got down the road a certain distance, would have to stop because there was a traffic sign there and it could not go any farther.

Mr. LODGE. Oh, no. I am much obliged to the Senator. Not only am I immensely flattered that he should take so much interest in my proposition, but I really appreciate his solicitude that I shall not be lured into an improper position.

There is no real conflict that I can see between us. I used the word "defense" in a general sense. Call it "the preservation of the United States" or any word you want to use; but I do not want to draw the sword except for an American cause. Let me put it that way.

As I was saying, Mr. President, I think the times call for placing the emphasis on mechanized armies that are fully equipped and highly trained, rather than on the development of huge mass armies with relatively little mechanization. If we have learned any lesson from the terrible war in Europe, I think it is that a modern army simply cannot be created after war is begun, and that if we do not actually possess military strength at the outbreak of the war we shall not be given time to develop it.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. LODGE. I yield to the Senator from Indiana.

Mr. MINTON. I am sure the Senator from Massachusetts will be interested to know that Col. Frederick Palmer, who testified before the Military Affairs Committee the other day, said that only a small percentage of the great German Army was mechanized.

Mr. LODGE. In this particular case I used the word "mechanized" in its broadest sense, to include motorized equipment and all the mechanical appliances. Of course, if tanks alone are to be counted as mechanization, the statement of the Senator from Indiana is correct. If trucks and motor transport are counted as mechanization, I should imagine that almost all of the German soldiers, certainly a great many of them, were transported in motors.

Mr. MINTON. I was surprised to hear from this authority, who was an eye-witness to the operations on the front quite recently, that this small percentage of the great German Army was mechanized.

Mr. LODGE. I think that statement is very interesting.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Utah?

Mr. LODGE. I yield.

Mr. KING. Referring to the statement made by the Senator from Indiana, I wonder if he meant that the German Army, when it invaded France and Belgium, had a limited number of tanks. I recall reading that several thousand—perhaps 10,000—tanks were taken into France and into Belgium in the advance of the German Army. It seems to me that if we regard tanks as a part of the mechanized system, the German Army was pretty well mechanized.

Mr. LODGE. It is a question of percentage. A mechanized division contains about 10,000 men; and if you have, let us say, 10 divisions, that is 100,000 men. Out of an army of several million, of course, that is not a very large percentage measured from the standpoint of men; but judging it by its effect on the battlefield and its relative importance from a tactical standpoint, of course, it is very much greater.

The general statement still holds true, however, that in a war in which machinery plays a large part—whether it is tanks, or whether it is trucks, or whether it is electrical devices for recording the range of artillery, or whether it is photography, or whether it is electric welding, or whether it is any one of a hundred different occupations that are essential to the daily routine of a modern army—those things cannot be improvised on short notice; and when I use the term "mechanized" here, I use it in its broadest possible sense to describe our whole civilization. We have a mechanized civilization in time of peace, and that gives us a mechanized army in time of war; and that, I submit, is something that we cannot improvise on short notice.

Mr. President, prolonged studies by the War Department have long fixed 750,000 as the number of men who in all probability would be sufficient, in conjunction with the Navy, to defend America and its essential outposts. This is only a little larger, let me say, than the late Belgian Army. Congress has approved this study, and has appropriated funds to procure the weapons and equipment for an army of this size; and this equipment, as we all know, is supposed to be ready by December 1941 or early in 1942.

It is obvious that this equipment is worthless without men who know how to operate and fight it. There has been, however, a reluctance to procure the men. The plain fact is that we cannot have an army without men. To date, Congress has appropriated funds for an army of 375,000, such an army to be recruited by voluntary enlistment. It is a matter of common knowledge that for numerous reasons men are not enlisting in large numbers. The Army, at the last report I received, was experiencing difficulty in obtaining the men for an army of 280,000. What the result will be in its efforts to grow to 375,000 by voluntary means can only be conjectured; but I call the attention of the Senate to the statement in the press today by Lt. Gen. Hugh Drum, who surely is an authority of the highest standing, that the present—and I quote—"haphazard method" will never produce men adequate for the Army.

It seems to me clear that the voluntary system is not working. Faced with this fact, some persons suggest that men now on the rolls of the Civilian Conservation Corps and other Government relief agencies be placed in the military service. To my mind, to single out boys for combat service simply because they are of moderate financial means is undemocratic and unjust. The only fair way is to raise the necessary troops from all elements of the population, rich and poor alike.

My bill calls for only 375,000 men in addition to what the Army now has. That is a figure which is so small in comparison with the population of the country that it would create no dislocation whatever and would make it possible for the selections to be made almost entirely from men who are without dependents. As I said to the Senator from Texas, it would avoid the tremendous delay which is inevitable if we try to have a registration that embraces the entire male population.

It is my hope that by developing a standing army of 750,000 we may avoid the necessity for a mass draft and conscription of the total manpower of the country later on.

Ideally speaking, a relatively small army consisting of men who are temperamentally, physically, and mentally qualified for the military life is superior to a much larger body recruited in a wholesale higgledy-piggledy fashion, and including many individuals who are not adapted to the military life. We must not, in our bill, take in so much that we put weapons into the hands of the "fifth columnists" in this country. When we give a man military training and make him the power that he becomes by virtue of that training, I think we ought to know something about him; and we ought not to do it on a wholesale, rough-and-ready basis.

I point out that the army which Germany was allowed to have after the Versailles Treaty was limited to 100,000 men. The Allies prohibited Germany from having general conscription. What was the result? The result was that every rear-rank private in the German Army was a man of officer material; and all of those men, I am advised, are officers today.

Mr. DANAHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Connecticut?

Mr. LODGE. I yield.

Mr. DANAHER. I wish the Senator would be kind enough to develop the last point just a bit further, if he will. It is a most interesting point, and I think highly significant to the purposes he explains to us.

Mr. LODGE. Has the Senator in mind the difference between a professional standing army and a wholesale conscription?

Mr. DANAHER. I had in mind particularly how the officer material was created by the replacement of 100,000 men periodically, and their extraordinary selectivity in the first place.

Mr. LODGE. What they did is what I have covered in the title of the bill, provide a highly selected personnel. They were limited to an army that was very small, by all previous standards, but they exercised the greatest care in enlisting men in that army, so that every man they took into the army and trained was a man of the utmost merit. They continued along that line, never having anything but the highest quality, which gave them a nucleus, the results of which are apparent to the world today.

Mr. KING. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. KING. I have not heard all of the Senator's explanation of his bill. Are there provisions in the bill as to the method of selection, and providing a proper method for determining, under the selective plan, who would be suitable and who would not be suitable for military service? It seems to me that it would be a very difficult task if there were devolved upon a board the duty of determining the selection, those who are to be brought into the Army and those who are to be excluded.

Mr. LODGE. I agree with the Senator that that is a very important question. The way I approach it is by providing for registration of young men, and then for selection by lot from such registration. Then those who have been selected by lot will receive tests to determine their fitness for service.

Of course, the findings of local boards would be of great importance in a matter of that kind, because while a man's physical qualifications can be described, and he can be given intelligence tests, there is a certain knowledge of a man in his community which a local board could impart. In brief, that is the provision I have made for that particular feature.

Let me say, in conclusion, that the bill is not introduced with any idea of taking a long view. It is introduced with the specific purpose of meeting the present situation. We have provided for the weapons, and we all know we should have men for the weapons, and we are not getting men. This is an attempt to meet that practical situation right now, in July 1940. I do not try in this bill to set up a system of military training for all boys when they reach a certain age. However desirable that may be—and there is much to be said for it—the first duty confronting us is to build up our defenses in this particular year 1940.

I ask unanimous consent to be permitted to introduce the bill, as in legislative session, for reference to the Committee on Military Affairs.

The PRESIDING OFFICER. Without objection, the bill will be received, as in legislative session, and referred as requested by the Senator from Massachusetts.

The bill (S. 4202) to procure a highly selected personnel for a Regular Army of 750,000, was read twice by its title and referred to the Committee on Military Affairs.

THE NATIONAL DEFENSE—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 874)

Mr. LUCAS obtained the floor.

The PRESIDING OFFICER. As in legislative session, the Chair will ask the Senator from Illinois to permit the Chair to lay before the Senate a message from the President of the United States.

Mr. McNARY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Downey	Lodge	Schwellenbach
Andrews	Ellender	Lucas	Sheppard
Ashurst	Frazier	Lundeen	Shipstead
Austin	George	McCarran	Slattery
Bailey	Gerry	McKellar	Smathers
Barbour	Gibson	McNary	Smith
Barkley	Gillette	Maloney	Stewart
Bilbo	Green	Mead	Taft
Bone	Guffey	Miller	Thomas, Idaho
Bridges	Gurney	Minton	Thomas, Okla.
Bulow	Hale	Murray	Thomas, Utah
Burke	Harrison	Neely	Tobey
Byrd	Hatch	Norris	Townsend
Byrnes	Hayden	Nye	Tydings
Capper	Herring	O'Mahoney	Vandenberg
Caraway	Hill	Overton	Van Nuys
Chandler	Holman	Pepper	Walsh
Chavez	Holt	Pittman	Wheeler
Clark, Idaho	Hughes	Radcliffe	White
Clark, Mo.	Johnson, Calif.	Reed	Wiley
Connally	Johnson, Colo.	Reynolds	
Danaher	King	Russell	
Davis	La Follette	Schwartz	

The PRESIDING OFFICER. Eighty-nine Senators having answered to their names, a quorum is present.

The Senator from Illinois [Mr. LUCAS] has been recognized, but the Chair, as in legislative session, was about to lay before the Senate a message from the President of the United States. The clerk will read the message.

The message was read, as follows:

To the Congress of the United States:

As President of the United States and as Commander in Chief of its armed forces, I come again to the representatives of the people in Congress assembled, to lay before them an extraordinary estimate of funds and authorizations required for the national defense.

In my opinion, it is necessary now that the people of this Nation and their representatives in Congress look at the problem of the national defense with utterly dispassionate realism. Never have we as a nation attempted to define the word "defense" in terms of a specific attack at a certain place at a certain time or with specified land and sea forces. In the long sweep of the century and a half since our defenses have been concentrated and unified under the Constitution, it has been a prime obligation of the President and Commander in Chief promptly to advise the Congress with respect to any world circumstances calling for either increased or diminished defense needs.

From time to time during the last 7 years, I have not failed to advise the people and their representatives of grave dangers threatening the United States and its people, and the institutions of democracy everywhere. From time to time I have availed myself of opportunities to reassert and to implement the right of all the nations of the American hemisphere to freedom from attack or control by any non-American power.

A year and a half ago, on January 4, 1939, in my address to the Congress, I referred to the fact that I had felt it necessary on previous occasions to warn of disturbances abroad, and the need of putting our own house in order in the face of storm signals from across the seas. On that day I said that a war which threatened to envelop the world in flames had been averted, but that it had become increasingly clear that peace was not assured. I said then that all about us raged undeclared wars, military and economic. I said then that all about us were threats of new aggression, military and economic. I said then that the storms from abroad directly challenged three institutions indispensable to Americans—religion, democracy, and international good faith.

Unhappily, many Americans believed that those who thought they foresaw the danger of a great war, were mistaken. Unhappily, those of us who did foresee that danger were right.

A week later, on January 12, 1939, I submitted a program considered by me as Commander in Chief of the Army and Navy, and by my advisers to be a minimum program for the necessities of defense, saying that every American was aware of the peaceful intentions of this Government and of this people, and that every American knew that we have no thought of aggression and no desire for further territory. The Congress granted that request for the minimum program then deemed necessary.

At the beginning of September the storm broke, and on the 21st of that month, in a message to the extraordinary session of the Congress, I said that this Government must lose no time or effort to keep this Nation from being drawn into the war, and I asserted my belief that we would succeed in these efforts. We have succeeded. I believe we shall continue to succeed.

In September last I increased the strength of the Army, Navy, Coast Guard, and the Federal Bureau of Investigation within statutory authorizations made by the Congress. In January 1940 I submitted a Budget to the Congress which included provision for that expansion of personnel, as well as estimates for the national defense, amounting to approximately $2,000,000,000 for the fiscal year 1941.

On May 16, in a message to the Congress, I pointed out that the swift and shocking developments of that time forced every neutral nation to look to its defenses in the light of new factors loosed by the brutal force of modern offensive war. I called attention to the treacherous use of the "fifth column," by which persons supposed to be peaceful visitors were actually a part of an enemy unit of occupation, and called especial attention to the necessity for the protection of the whole American Hemisphere from control, invasion, or domination. I asked at that time for a sum totaling $1,182,000,000 for the national defense.

On May 31, 1940, I again sent a message to the Congress to say that the almost incredible events of the then past 2 weeks in the European conflict had necessitated another enlargement of our military program, and at that time I asked for $1,277,741,170 for the acceleration and development of our military and naval needs as measured in both machines and men.

Again today, in less than 2 months' time, the changes in the world situation are so great and so profound that I must come once again to the Congress to advise concerning new threats, new needs, and the imperative necessity of meeting them. Free men and free women in the United States look to us to defend their freedom against all enemies, foreign and domestic. Those enemies of freedom who hate free institutions now deride democratic governments as weak and inefficient.

We, the free men and women of the United States, with memories of our fathers to inspire us and the hopes of our children to sustain us, are determined to be strong as well as free. The apologists for despotism and those who aid them by whispering defeatism or appeasement assert that because we have not devoted our full energies to arms and to preparation for war that we are now incapable of defense.

I refute that imputation.

We fully understand the threat of the new enslavement in which men may not speak, may not listen, may not think. As these threats become more numerous and their dire meaning more clear, it deepens the determination of the American people to meet them with wholly adequate defense.

We have seen nation after nation, some of them weakened by treachery from within, succumb to the force of the aggressor. We see great nations still gallantly fighting against aggression, encouraged by high hope of ultimate victory.

That we are opposed to war is known not only to every American but to every government in the world. We will not use our arms in a war of aggression; we will not send our men to take part in European wars.

But we will repel aggression against the United States or the Western Hemisphere. The people and their representatives in the Congress know that the threats to our liberties, the threats to our security, the threats against our way of life, the threats to our institutions of religion, of democracy, and of international good faith have increased in number and gravity from month to month, from week to week, and almost from day to day.

It is because of these rapid changes, it is because of the grave danger to democratic institutions, and, above all, it is because of the united will of the entire American people that I come to ask you for a further authorization of $4,848,171,957 for the national defense.

Let no man in this country or anywhere else believe that because we in America still cherish freedom of religion, of speech, of assembly, of the press—that because we maintain our free democratic political institutions by which the Nation after full discussion and debate chooses its representatives and leaders for itself—let no man here or elsewhere believe that we are weak.

The United States is the greatest industrial nation in the world. Its people, as workers and as businessmen, have proved that they can unite in the national interest and that they can bring together the greatest assembly of human skills, of mechanical production, and of national resources ever known in any nation.

The principal lesson of the war up to the present time is that partial defense is inadequate defense.

If the United States is to have any defense, it must have total defense.

We cannot defend ourselves a little here and a little there. We must be able to defend ourselves wholly and at any time.

Our plans for national security, therefore, should cover total defense. I believe that the people of this country are willing to make any sacrifice to attain that end.

After consultation with the War and Navy Departments and the Advisory Commission of the Council of National Defense, I recommend a further program for the national defense. This contemplates the provision of funds and authorizations for the material requirements without which the manpower of the Nation, if called into service, cannot effectively operate, either in the production of arms and goods or their utilization in repelling attack.

In broad outline, our immediate objectives are as follows:

First. To carry forward the naval expansion program designed to build up the Navy to meet any possible combination of hostile naval forces.

Second. To complete the total equipment for a land force of approximately 1,200,000 men, though of course this total of men would not be in the Army in time of peace.

Third. To procure reserve stocks of tanks, guns, artillery, ammunition, and so forth, for another 800,000 men or a total of 2,000,000 men if a mobilization of such a force should become necessary.

Fourth. To provide for manufacturing facilities, public and private, necessary to produce critical items of equipment required for a land force of 2,000,000 men, and to produce the ordnance items required for the aircraft program of the Army and Navy—guns, bombs, armor, bomb sights, and ammunition.

Fifth. Procurement of 15,000 additional planes for the Army and 4,000 for the Navy, complete with necessary spare engines, armaments, and the most modern equipment.

The foregoing program deals exclusively with matériel requirements. The Congress is now considering the enactment of a system of selective training for developing the necessary manpower to operate this matériel and manpower to fill Army noncombat needs. In this way we can make certain that when this modern matériel becomes available, it will be placed in the hands of troops trained, seasoned, and ready, and that replacement matériel can be guaranteed.

I take this occasion to report the excellent progress being made for the procurement of the equipment already ordered under authorization by the Congress. Every week more and more is being delivered. The several branches of the Government are working in close cooperation with each other and with private manufacturers.

We are keeping abreast of developments in strategy, tactics, and technique of warfare, and build our defenses accordingly.

The total amount which I ask of the Congress in order that this program may be carried out with all reasonable speed is $2,161,441,957, which it is estimated would be spent out of the Treasury between now and July 1, 1941, and an additional $2,686,730,000 for contract authorizations.

So great a sum means sacrifice. So large a program means hard work—the participation of the whole country in the total defense of the country. This Nation through sacrifice and work and unity proposes to remain free.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *July 10, 1940.*

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). Without objection, the message of the President will be referred to the Committee on Military Affairs.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 2751) to repeal sections 3711, 3712, and 3713 of the Revised Statutes which relate to the purchase in the District of Columbia of coal and wood for public use, and for other purposes.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 73) authorizing the printing of the proceedings at the unveiling of the painting depicting the signing of the Constitution of the United States as a document, in which it requested the concurrence of the Senate.

FRANK KNOX

The Senate resumed the consideration of the nomination of Frank Knox, of Illinois, to be Secretary of the Navy.

Mr. LUCAS. Mr. President, I presume that what I shall say on the floor of the Senate this afternoon will make little or no difference in connection with the final vote on the confirmation of the nomination of Col. Frank Knox, who has been nominated by the President to be Secretary of the Navy. However, it seems to me that in view of the charges which have been made on the floor of the Senate that this man is an interventionist and a warmonger, and desires to precipitate the Nation into war, at least I should do him justice by correcting the record in the United States Senate, even though it may not influence a single vote.

There is perhaps another reason why I should not delay the vote upon the confirmation of Colonel Knox's nomination. Yesterday on the floor of the Senate we heard condemnation because of delay, red tape, and indecision on the part of certain governmental agencies in dealing with our tremendous defense program. Yet the nomination of Colonel Knox was sent to the Senate on June 20, just 3 weeks ago, and we are just now getting around to the point of voting either to confirm or reject the nomination. We have required 1 week longer to reach a decision upon this very important appointment, in an hour of emergency, than Germany required to overrun the entire nation of Poland.

Mr. President, I have been a Member of the United States Senate for only a very short time. During my incumbency in office representing the State of Illinois I have never heard a measure dealing with our national-defense program or our foreign policy discussed without hearing from some source the statement that what we were doing in the way of changing the Nation's foreign policy or aiding our national defense was placing America on the road to war. I have heard that expression in the United States Senate, and over the radio. I have seen it in the press, and I have heard it on street corners, until I sometimes wonder how I have been able to keep my feet on the ground and not join the chorus of those who cry, "On the road to war," or "Down the road to war," or "This means war." That cry has been going on in this country for the past two years or more; and yet today America is still at peace, notwithstanding the utterances of many who were no doubt sincere in their belief that what the administration was doing at certain times was a step toward war.

During the neutrality debates a year ago I distinctly recall that more than one Senator and more than one newspaper editor, through the news items and editorial columns, stated

that if we should repeal the arms embargo it would be the first step toward entering the present European war. All through those debates that school of thought was presented to the American people with such force that letter after letter came to my office from mothers of sons who believed that if we should repeal the arms embargo immediately the sons of America would be marching in the streets, going off to war.

Mr. President, we recall that when we walked through the corridor of this building to hear the President's message delivered at the extraordinary session last year, a group of patriotic ladies surrounded Senators as they passed through the corridor and displayed all types of slogans urging us not to repeal the arms embargo because it would mean immediate war. Yet, notwithstanding the propaganda which went out over the country at that time, we did repeal the arms embargo, and in addition we formulated and placed upon the statute books the cash-and-carry plan.

Throughout these debates we have not heard a single word about the argument which was made a year ago with respect to the repeal of the Embargo Act. Every Senator who has discussed our possible entry into the war has used the Neutrality Act which we passed a year ago as a basis for his argument. He has advised the Senate and the public that it is probably the real reason why we are not in the war at this particular time.

I recall that many Senators voted against the Neutrality Act because they placed the importance of repeal of the arms embargo above that of the cash-and-carry plan; but to my knowledge not one word has been said in the debates on the confirmation of these two men as to what would have happened to the country if we had not repealed the Arms Embargo Act. At this particular moment the entire case of a Senator who voted against the repeal of the embargo and against the cash-and-carry plan rests upon the latter, and not the former.

In the present discussion we hear the words "warmongers" and "interventionists." We hear Senators saying that if Colonel Knox becomes a member of the Cabinet he will attempt to take the country into war.

Mr. President, yesterday the able Senator from Ohio [Mr. TAFT], referring to the President of the United States and the various speeches he has made from time to time upon this very question, quoted from three or four speeches, or at least quoted the titles of them, leaving the impression with the country—as the Repulicans have constantly done—that the President of the United States wants war. I challenge that statement. Anyone who cares to take the time to read carefully the speech which the President of the United States made in October 1937, in the city of Chicago, when he was dedicating a new bridge, will surely understand and appreciate the prescience and statesmanship of President Roosevelt when he made that great speech.

Mr. President, I do not believe I am right all the time. If anyone can show me wherein I am in error, I am always willing to admit my mistake, and to go along with a policy or program which I believe to be right. I have always tried to be big enough to do so. When the President of the United States made that speech in the city of Chicago I said he was wrong. I thought it was a bold and daring thing to do. I did not think he was right, and I did not have any hesitancy in so expressing my views. But, Mr. President, President Roosevelt was so uncannily correct in his analysis of the world situation at that particular time that I take off my hat to him. In view of the remarks made yesterday by the junior Senator from Ohio [Mr. TAFT], let me read exactly what the President said on that occasion.

Among other things, he said:

> It seems to be unfortunately true that the epidemic of world lawlessness is spreading. When an epidemic of political disease starts to spread, the community approves and joins in a quarantine of the patients in order to protect the health of the community against the spread of the disease.
>
> It is my determination to pursue a policy of peace.

That last statement is always omitted. Those who are constantly condemning the President of the United States for being an aggressor and wanting to get the Nation into war never use anything except the paragraph which I have just read; but I ask the Senate and the country to listen to what President Roosevelt said in 1937, after he made that statement:

> It is my determination to pursue a policy of peace and to adopt every practicable measure to avoid involvement in war. It ought to be inconceivable that in this modern era, and in the face of experience, any nation could be so foolish and ruthless as to run the risk of plunging the whole world into war by invading and violating, in contravention of solemn treaties, the territory of other nations that have done them no real harm and which are too weak to protect themselves adequately. Yet the peace of the world and the welfare and security of every nation is today being threatened by that very thing.

That was said in October 1937. All over this country there rang from the lips of those who were Roosevelt haters, from those who disapproved of his foreign policy, charges that he was using this message at that time for the purpose of getting America into war.

He further said:

> No nation which refuses to exercise forbearance and to respect the freedom and rights of others can long remain strong and retain the confidence and respect of other nations. No nation ever loses its dignity or good standing by conciliating its differences, and by exercising great patience with, and consideration for, the rights of other nations
>
> War is a contagion whether it be declared or undeclared. * * *
>
> If civilization is to survive, the principles of the Prince of Peace must be restored. Shattered trust between nations must be revived.

This is the President still speaking:

> Most important of all, the will for peace on the part of peace-loving nations must express itself to the end that nations that may be tempted to violate their agreements and the rights of others will desist from such a cause. There must be positive endeavors to preserve peace.

He closes by saying:

> America hates war. America hopes for peace. Therefore, America actively engages in the search for peace.

Mr. President, I unhesitatingly say that, in my humble opinion, from that day on the President of the United States has acted in the spirit of that last declaration and has actively engaged in the search for peace. His utterances, even in the message which is before the Senate at this very moment, prove that to be so.

I make the prophecy that history will record the unerring judgment of this man, who, as no other individual in this country, saw the approach almost 3 years ago of the present world calamity. He was attempting by that speech to fire the imagination of the American people to such a point that he might recommend even at that time the type and kind of preparation for defense on which we are working feverishly and furiously at this very moment. But the American people were in no mood for that. Mr. President, 6 months ago had the Congress of the United States attempted to put through a $5,000,000,000 program for national defense, the senior Senator from Illinois would not have voted for it, and there could not have been found a dozen Senators, I dare say, on this floor who would have supported such a defense policy even 6 months ago when so many of us thought that the war between Germany and France was nothing more nor less than a "phoney" war.

In the discussion of the question of neutrality, which was argued last year, and since that time the statement that we were on the road to war, made constantly over and over again, has created in this country, in my judgment, more war hysteria than any one thing that has been done.

Mr. President, what did the President of the United States say in his message to the Congress when we met in extraordinary session for the purpose of passing the neutrality bill, when men were crying out at that particular time, "The President is trying to get us into war; whatever he does means war; this fellow Roosevelt, in the White House, is not a peaceful man, he is a warrior." Very well, let us see what he said upon that occasion. He said:

> Let no man or group in any walk of life assume exclusive protectorate over the future well being of America, because I conceive

that regardless of party or section, the mantle of peace and of patriotism is wide enough to cover us all. Let no group assume the exclusive label of the peace bloc. We all belong to it.

Yes, Mr. President, we all belong to the peace bloc, as the President of the United States said in the noble and inspiring message which he sent to the Congress of the United States at that time.

What does he say in the message which was just read by the clerk of the Senate with respect to this very matter? May I read one paragraph which I noted in scanning this message hastily a few moments ago? On the road to war. Some have said that the Democratic Party is a war party and that the Republican Party is the party of peace. We all belong, in my humble opinion, to the peace bloc. Mr. President, listen to what the Presidnt has just said—this is hot off the griddle:

That we are opposed to war is known not only to every American, but to every government in the world. We will not use our arms in a war of aggression, we will not send our men to take part in European wars.

That ought to be fairly satisfactory, Mr. President, to every Member of the Senate insofar as the President is concerned because he is directly connected with what we are doing at this particular moment in the confirmation of Col. Frank Knox to be Secretary of the Navy. If Colonel Knox is an interventionist and a warmonger, then, Roosevelt is an interventionist and a warmonger, notwithstanding the constant utterances for peace that he has made in more than one message to the United States Congress and from the platform upon many occasions.

Mr. President, I want it understood that I in nowise reflect upon the integrity or the sincerity of purpose of any Member of this legislation body. I grant every man the right to solve these problems according to the dictates of his own conscience; that is all I expect for myself. It is certainly that we all belong to the peace bloc, and the only difference is, perhaps, the method of approach.

I think that in the Senate we all are alert to the danger which exists to civilization in the Old World. We see at this moment the light burning rather low in practically all of Europe and in certain parts of Asia as well as Africa. I do not believe that any United States Senator will say that what is going on in Europe is not a menace to the democratic civilization of the New World and especially of these United States of America; that is proved beyond a shadow of doubt, because, Mr. President, we have seen in the last 60 days unity of thought, unity of purpose, and unity of action in the United States Senate which cannot be compared with anything in the past since the last great World War. I ask with the utmost sincerity why is it that Senators, regardless of their views as to England or Germany or France or any other nation across the sea, are now advocating almost fervently and passionately the program of defense which means billions of dollars of cost to the taxpayers of America? Why is it that practically every Senator in the last 3 or 4 weeks has voted for every defense measure that has come before the Senate?

Mr. President, have life, liberty, and the pursuit of happiness as guaranteed by the Constitution of the United States, suddenly become imperiled? Is the security of the citizen threatened? Is the American way of living in danger? Are these fundamental possessions handed down to us by our forefathers amidst blood and tears imperiled in some way? If so, is it not our duty to ascertain from what ominous source the danger appears?

Why are we doing all of this? Why is the country aroused at this particular moment as it has not been, perhaps, since the Civil War?

Is it Poland, which was overrun by the ruthless German machine in 14 days, that we fear?

Is it Czechoslovakia and Austria, which were taken over by the German Reich in a bloodless war?

Is it little Denmark, which only wanted to live out its destiny in peace and quietude, that we fear?

Is it Norway, whose neutrality had not been violated for over a hundred years until Hitler went in?

Is it Holland that we fear—a peace-loving nation which for 147 years never drew the sword?

Certainly it is not Belgium.

Is it France, now prone on her knees, and powerless under the iron heel of the most ruthless dictator in the history of civilization?

Whom do we fear? Is it England? Are we making these preparations for fear of England, with her back to the wall, fighting the last great fight for democracy upon the other side of the ocean? Do we fear England? Do we believe that England somehow will turn, and train her guns and men and her ships toward America's shores and invade us? We have lived with Canada in peace for over a hundred years. We have lived with Great Britain and all her possessions in peace for over a hundred years. Is it Britain that we fear at this hour? If it is, why did we not become excited a year ago, and then appropriate billions upon billions when England was at her peak with her army and her navy, the best—at least the Navy—that the world knows anything about?

No, we do not fear any of those countries. If England now held the position on the international stage she had 1 year ago, with her fleet intact, with peace and security on the isle as it was then, we would not be here considering the confirmation of Colonel Knox and Colonel Stimson. We would be just continuing along the same path that we traveled in the past. No, Mr. President; the one fear that we have—and anyone who is honest must admit it—is the spread of the totalitarian germ from Europe to the Western Hemisphere. Of course, we do not care what type of government they have over across the way, but we do care what kind of a government comes in here through "fifth column" tactics, through subterfuge, and subversive movements, to destroy our God-given rights transmitted to us by the founding fathers.

Mr. President, let it be understood that I hold no brief for England. I have no special affection for the English people. I know they drove a hard bargain at Versailles. I know that there were punitive and disciplinary measures in that treaty which never should have been there; but we can not, at this particular moment, assess the blame of the past. We must look the world, as it is, coldly in the face, and look it in the face with a view of determining what is best for our own national defense and the future welfare of 130,000,000 people.

Yes, the only way, Mr. President, by which the totalitarian germ can be kept from spreading is to continue to have in this country the unity of thought and purpose and action that we have seen here on the floor of the United States Senate in connection with all of the defense movements that we have put through in the Senate. I undertake to say that that is what was in the President's mind when he asked Colonel Knox to become Secretary of the Navy.

On July 4, the President of the United States wrote a letter to the Council Against Intolerance in America, and in that message he said, among other things:

Nothing could be more fitting in this troubled year of 1940 than that we, as Americans, should supplement the Declaration of Independence with a declaration of national unity. The adhesion of every man and woman to such a declaration would insure, as naught else would, the perpetuation of those free institutions which have been the source of all of our greatness as a Nation and our happiness as individuals.

Mr. President, the stream of thought running through that message to the Council Against Intolerance in America was the same stream of thought that coursed through the brain of President Roosevelt when he asked for the appointment of Col. Frank Knox to become Secretary of the Navy. When the call for duty came, what did Knox do? What did he say? Here is the statement that he issued, as is shown in the records of the proceedings before the Committee on Naval Affairs:

Colonel Knox made the following statement. Listen to this. I wish every Senator could hear this statement, especially those who have judged this man in advance. I challenge any individual who wants to be entirely fair and impartial to read the record made before the Committee on Naval

Affairs, and I do not see how a single man who does so can vote against his confirmation.

He said this:

> National defense is not a partisan question. It should have the united support of the people regardless of party. Congress in the past few weeks has acted with substantial unanimity on every national-defense proposal.
>
> The administration of the Navy Department is in no sense political.

"The administration of the Navy Department is in no sense political."

> The Navy knows no party. At a time of tremendous naval expansion it is vital that its management shall be wholly nonpolitical. The President has asked me to serve as Secretary of the Navy on that basis and on that basis—

On that basis—

> I have accepted.
>
> I firmly believe that in a time of danger to our country each of us must do whatever he can to meet that danger. As good citizens we must serve in whatever capacity is prescribed for us.
>
> We are in danger now because we are inadequately prepared. The President has said I can help him. If I can help him prepare us for any emergency I must do so. What happens to me is unimportant. If I should be cast into the discard a few months later, the only questions I must answer to myself are these: "Did I do my duty? Did I do it well?"

It was not months later that he was cast into the discard. It was only a day or two afterward when he was read out of the Republican Party by John Hamilton and his coterie of sycophants up at the Philadelphia convention.

Mr. President, that statement was made by a man who for 45 years promoted the principles of the Republican Party in this Republic. That statement of patriotism was made by a man who was the candidate for Vice President on the Republican ticket 4 years ago. That statement was made by a man who was a delegate at large from the State of Illinois to the Republican convention recently held in the city of Philadelphia. Notwithstanding that background of Republicanism, notwithstanding the fact that he is recognized as one of the 15 leaders of the Republican Party in this country, or at least he was until the recent Republican convention, this man, in my judgment—and I say it from a heart chisled with sincerity—placed his patriotism and service to his country above partisanship when he made that acceptance.

What had he to gain, other than the approbation of his own conscience, when he made that great decision, Mr. President? Today he stands in the eyes of many as an individual without a party, but a man who, in my opinion, will live in this country, as a result of his high patriotic ideals, when party labels are long forgotten.

Politics? It was not a matter of politics with Frank Knox. Of course I know that Frank Knox has been against the Democratic Party. Do I know it? I ought to; I live in Illinois. I know that he does not believe in a number of things that this administration has done. I know all about the editorial policy which he followed in 1936 against this administration. But domestic issues sink into insignificance at this particular moment, when the world is on fire and when patriots are needed, Mr. President.

At the recent Springfield, Ill., convention of the Republican Party Frank Knox was present. That convention put a plank in its platform which said, "The Democratic Party stands for war and internationalism, and the Republican Party stands for peace and Americanism." They placed the mantle of peace and Americanism upon their political shoulders, and laid the blood of the sword upon the brow of the Democratic Party. Frank Knox would have no part of that pusillanimous piece of political diatribe, and he went back to Chicago the next day and wrote an editorial condemning that very thing. We all belong to the peace bloc, Mr. President; and the party which attempts to inject into politics this question of defense, before it gets through, will be doomed to defeat.

Mr. President, if I wanted to play politics at this particular moment with this appointment, no one in the Senate would have a better opportunity of doing it, and a more justifiable one, if I may put it in that way. If I wanted to play mean, puny politics in connection with this appointment, I could do it, because 2 days after I was nominated as United States Senator in the primary in Illinois in 1938, a flaming editorial appeared in Frank Knox's paper, the Chicago Daily News, behind whose editorial policy he stands, opposing my election in the fall and he told the State what a great fellow my opponent was.

Politics! If I could not rise in a great emergency of this kind above political consideration, I would expect to lose whatever respect and confidence the people of my State have bestowed upon me in sending me to the United States Senate. As one who is required under the Constitution of the United States to vote either for confirmation or against, I am a party to this action, and I wish to rise to the high plane of patriotism on which the President of the United States and Frank Knox stand at this particular moment. In doing that I do not want others to believe that I am reflecting on their judgment, upon what they may do; that is their own business. But I have a very strong feeling about this whole matter, in view of the record of the past. Roosevelt will long be remembered as rising above what Knox tried to do to him in 1936, issuing to him a challenge of patriotism; and Frank Knox was big enough to forget the past and accept that challenge of patriotism. The Senator from Illinois wants to be in the same category, so far as this great question of national defense is concerned.

It is said Frank Knox is a war monger, that he is an interventionist. What is an interventionist? Frank Knox gave as clear a definition of what an interventionist is before the Committee on Naval Affairs as Mr. Webster, or Mr. Hyde, the writer on international law, has given. Hyde, in his work on international law, says:

> Intervention is sometimes by a written notice to the country intended to be coerced or by an international congress or conference, but coercion actual or intended is essential to constitute an act of intervention, and the term is usually understood as importing an armed interference.

What did Knox say about that? In the Senate committee hearing, on July 3, the Senator from Illinois read into the hearing a statement made by the distinguished Senator from Montana on June 20, and requested Colonel Knox to define the term "interventionist" as he understood it. He said:

> I conceive in broad terms "interventionist" means intervening by force, and I am against that.

I said further:

> If I understand it correctly, you say now to the committee and the country that an interventionist, in your opinion, is one who advocates the intermingling in a foreign debacle such as is going on now through the force of arms?

Colonel Knox replied, "That is right."

I further said, "And you are unalterably opposed to it, as you have testified, time and time again before the committee?"

Colonel Knox's reply was "Yes."

On June 20 the distinguished Senator from Missouri [Mr. CLARK] made a statement on the floor of the Senate which I wish to read into the RECORD at this particular time. He made this statement about Stimson and Knox:

> Both of them have justly earned the high regard of the American people. Both of them are men of ability. Both of them are men of high character. I do not doubt the patriotism of either one of them, although I very violently disagree with some of their views. Each one of them has a right to his own opinion. But, Mr. President, I shall vote against their confirmation because they are both interventionists, not secretly, not clandestinely, but openly. The writings and speeches of both of them conclusively show that they favor a policy of American intervention. They are for war or for acts which amount to war and are certain to precipitate war.

Mr. President, I want first to commend the distinguished Senator from Missouri when he said what he did, that he wished it distinctly understood that his vote would not be cast because he believed for a moment that either of these men has been in treasonable or semitreasonable correspondence with any foreign power, or subjected to the improper influence of any foreign power, or because he was objecting

to their political views, or to the fact that both are ultra-reactionaries in their politics.

Mr. President, that is a frank statement, it is a statement which is not based upon speculation and conjecture, it is a statement which does not convict anyone upon innuendo. It is a frank statement as to why the Senator is against these men. .

I propose to take the allegations of the Senator from Missouri briefly and prove conclusively to any fair-minded person and prudent man who wants to decide the issue on the record that Frank Knox is not an interventionist; furthermore, that he has said nothing which amounts to an act of war, or which amounts to an act which could precipitate us into the war.

Mr. President, I dislike very much to burden the Senate, but I honestly believe that a grave injustice has been done to Colonel Knox throughout the country by statements which have been made to the effect that he is a warmonger and an interventionist, and is likely to precipitate us into war, that he had a feeling we should intervene and send our boys to Europe to fight as combatants on land or on the sea or in the air in the European war. Before our committee he used a speech which he made at Cleveland last year as a basis of the entire philosophy of his foreign policy, not only then, but in the days to follow, so far as his editorial policy was concerned. He started out by saying:

> I am one of those who refuse to believe we will actively participate in this new war—certainly not to the extent of sending an army overseas. And if we do not do that, all these trumped up fears of a wartime dictatorship and the destruction of both our democratic institutions and our free-enterprise economy are fantastically unreal.
>
> * * * * * * *
>
> With the wisdom that comes from experience, we know that the phrases, "a war to preserve democracy," or "a war to end all wars" were afterthoughts—rhetorical incitements to our war spirit. We will not fall for this form of incitement so readily again. We are far more in the mood to heed the wise words of Washington who, in his Farewell Address, adjured us in disputes with other nations to think of our own country first. So much for the contrast of our state of mind in 1917 and in 1939.

Again an editorial dated September 7, 1939, was inserted in the RECORD, an editorial entitled "Keeping Us Out of War." In that he said, among other things:

> We must keep out of this war. It comes first as a whisper of a half-believed hope in the hearts of millions.
>
> We must keep out! It finds expression in the columns of the newspapers, on the air, and from the rostrum. This cry knows no partisanship.
>
> We must keep out! It wells up from the whole people—North, South, East, and West. It comes from the factory and the farm. From the young and the old. From the poor and the rich.
>
> And it thunders at the door of the White House, where sits the man in whose hands rests very largely the decision.
>
> Last Sunday night that man, in reassuring, stirring terms, reiterated this universal hope when he said:
>
> "I hope the United States will keep out of this war. I believe that it will. And I give you assurances that every effort of your Government will be directed toward that end."
>
> You know, Mr. President, that this hope can only be realized if you have at your back the united people of the country.

Mr. President, that is the basis of my plea on the floor of the Senate in connection with this appointment.

> We know that you know this for two reasons. First, because in the same speech from which we have just quoted you urged that partisanship and selfishness be adjourned; and second, because it was precisely in this way that you met the crisis of 1933.

Again, in an editorial of November 3, 1939, entitled "The Time to Think Is Now," he said, among other things:

> What can be demonstrated, in fact has been repeatedly, is that those who advocated repeal are as vigorously opposed to the United States entering the war as are the champions of an embargo. There is no war party in the United States.

That follows out the message the President read to the Congress last year when we met here in extraordinary session.

Again, in an editorial that was introduced into the RECORD, dated April 11, entitled "The Scroll Unfolds," Frank Knox said:

> Why do our public men, disregarding the multiplied evidences that American sympathy is overwhelmingly with those who fight against such dictatorships as those of Hitler and Stalin, seek after the applause of the timid few who tremble before the ruthlessness of a bloody-handed tyrant, and would shush every utterance that told in simple words of American abhorrence of the Stalin-Hitler alliance, and its brutal inhumanity, injustice, and rapine, practiced at the expense of those who cannot defend themselves?
>
> We are not called upon to fight. We do not expect to have to fight. God grant that it is not because we are afraid to fight—that way lies war. But national self-respect calls upon us to speak, as we have always spoken, without fear, when our national sensibilities have been deeply touched. Has that fearlessness for the right gone out of us?

I could read other editorials by Frank Knox written up to the very day he appeared before the committee and testified, which carried along the same philosophy so far as he was concerned, with respect to the present European war.

This is what he said about the Monroe Doctrine:

> Shall we permit the practical transfer of political and military control over islands in the Caribbean Sea to pass from French into German hands?
>
> The Monroe Doctrine, about the only clearly defined foreign policy we have, negatives such a change.
>
> The safety of the Panama Canal, the uninterrupted operation of which is vital to our national defense, forbids it.
>
> Congressional action, not 10 days ago, specifically declares against such a change in sovereignty.
>
> It is clear that we must act—and act promptly.
>
> * * * * * * *
>
> Furthermore, in the new world created by new and undreamed of dangers, we, here in the Americas, must begin to think hemispherically.
>
> Our danger is a common danger and our defense must be a mutual defense. In what better way could be begun this new mode of thought than meeting the first tangible danger by common action?

Again speaking of unity of purpose and unity of thought.

In the hearings on the question of sending boys across the sea to pull out of the fire the chestnuts of some foreign nation, what Colonel Knox said was definite and certain. Of course, it seems to me that all this talk about sending boys to Europe is more or less childish, because I do not know where we could send them at the present time. We would have to lease a field from Hitler on which to have them land, or on which they could fight somewhere, because England has more men than she can take care of at the present time. What England needs is materials and supplies, not men.

The Senator from West Virginia [Mr. HOLT], on page 20 of the proceedings in questioning Colonel Knox, said:

> Senator HOLT. You would not favor sending any of our boys to Europe under any circumstances in the present crisis?
>
> Colonel KNOX. That is right.
>
> Senator HOLT. Even if the vital interests of the United States can best be served by sending our boys over there?
>
> Colonel KNOX. Let me say this again, so there will be no doubt about it. My position has consistently been from the first that we ought to aid them in a moral and economic way, never in manpower.
>
> Senator HOLT. If the moral and economic way would not be sufficient for them to win, would you feel that we should go the rest of the way?
>
> Colonel KNOX. No.
>
> Senator HOLT. You do not?
>
> Colonel KNOX. No.

Then, again, on page 24 of the proceedings, when the distinguished Senator from California [Mr. JOHNSON] was questioning Colonel Knox, the following colloquy took place:

> Senator JOHNSON. The term "short of war," as you understand it—I am not speaking as to how others understand it, but as you understand it—"short of war" will mean doing anything you can do to aid the Allies, as you express it, and stopping when you reach the point where it may be necessary for our own military assistance?
>
> Colonel KNOX. Yes; that is correct.
>
> Senator JOHNSON. Now, you would not go to war under any circumstances in this particular misadventure that is occurring in Europe, would you?
>
> Colonel KNOX. That is right.
>
> Senator JOHNSON. You never, on any occasion, would attempt to send our boys, as we term it, abroad in a European controversy?
>
> Colonel KNOX. That is right.

Mr. President, on the same day I had occasion to examine Colonel Knox as to what he thought a warmonger was, because he had been charged on the floor of the Senate and throughout the press of the country with being one. I read

to him the statement of the Senator from West Virginia upon the floor of the Senate, when he said:

> These two appointments ought to be particularly pleasing to the warmongers, to those who think we ought to go to war; to those who think that isolation means putting our heads in the sand.

I asked Colonel Knox to elaborate and expand upon that statement if he cared so to do, and he said this:

> Colonel KNOX. As I understand the term, it implies a man who seeks to involve his country into war, who thinks war is, under the circumstances, desirable. That is not my position.
> Senator LUCAS. A warmonger and an interventionist, then, practically mean one and the same thing?
> Colonel KNOX. Practically.

So, Mr. President, Senators who will take the speeches, or the editorials, or the statements made by Colonel Knox before the Senate committee and analyze them fairly and impartially will be compelled to give him the benefit of the doubt upon the question of intervention and warmongering. They will be compelled to vote for confirmation upon this occasion. Of course, if Senators are prejudiced against him, it would make no difference what type or kind of evidence he might give; but if they are open to conviction, as American jurors should be in a great case of this kind, when unanimity of thought and action is so necessary for the preservation of the Nation, it seems to me that they should be big enough to give this man the benefit of the doubt upon the question of the confirmation of his nomination.

Mr. President, it was charged, at least by insinuation and innuendo, that Colonel Knox had holdings in South America and had made commitments to foreign governments before he was nominated by the President. That is emphatically denied in the record. Not only that, but he took the necessary precaution to dispose of every share of stock he had—and the amount was negligible—in any corporation in this country that was involved in the making of implements and munitions of war. In other words, he comes before the United States Senate upon this record with absolutely clean hands, as a patriot, wanting to serve his country in time of need.

Mr. President, in conclusion let me say that I shall vote for the confirmation of Frank Knox. He has the experience, the drive, and the capacity to speed full steam ahead in one of our crucial periods. He will get things done in this emergency regardless of red tape and delay. If the Senate refused to confirm this man, I say with the utmost sincerity that Adolf Hitler and Benito Mussolini would be the two real victors in this battle. It would give them comfort and encouragement. Yes; it would inspire and hearten the Nazi and Fascist agents in this country to continue their dastardly and diabolical "fifth column" tactics that we know exist within this Nation.

Yes, Mr. President, he has been in two wars. He was in the war of 1898 with Teddy Roosevelt and his Rough Riders. Colonel Knox was in the last war, doing duty overseas.

Mr. President, that record has been made; it is one of honor and respect; yet, regardless of the heroic deeds he may have performed in line of duty in those two great emergencies, I honestly feel that what Frank Knox is doing at this particular time is just as high and noble and patriotic as any service he has ever performed in his long public life as a citizen and a soldier of this great Republic.

Mr. JOHNSON of Colorado. Mr. President, I have listened with special interest to the vigorous, eloquent, and convincing address of the able senior Senator from Illinois [Mr. LUCAS] in support of the confirmation of the nomination of Col. Frank Knox. Yesterday I would have voted against confirmation because I honestly believed that he was selected to form a war Cabinet. Today I shall vote to confirm his nomination.

In addition to the able Senator's unanswerable argument, I have been tremendously heartened and reassured by one small sentence in the President's message just read to the Senate in which he said:

> We will not use our arms in a war of aggression; we will not send our men to take part in European wars.

As I interpret this important sentence, the despised, so-called isolationists have won a notable victory. On this historic day the noninterventionists welcome the President into their ranks.

Harry Woodring, a courageous statesman, the beloved former Governor of my native State of Kansas, and one of the greatest Secretaries of War who ever sat in a President's Cabinet, has not preached preparedness and nonintervention in vain.

Last night Governor Woodring spoke these significant words in a great gathering to welcome him home. I read from the Times Herald, quoting Secretary Woodring:

> If reaction from my leaving the War Department as a known noninterventionist has caused modification of some policies and sobered some of those provocative and meddling advisers of the administration who would strip our own defenses, then I regret that I had only one set of guts to sacrifice on the altar of public service.

Many of us in the Senate say "Amen" to that notable statement by Secretary Woodring.

I thank the Senator from Illinois.

Mr. LUCAS. I appreciate very much what the Senator from Colorado has said in regard to my remarks. I do not quite follow him about having everyone coming into the isolationist camp.

Mr. JOHNSON of Colorado. I did not say that, Mr. President. I said the noninterventionist ranks. I did not say anything about isolationist camp.

Mr. LUCAS. I have never been able to find anyone on the floor of the United States Senate in making a public utterance, neither have I ever found anyone in the corridors of the Capitol, nor have I ever found any Senator in the lobby, with whom I have discussed the European war, who wanted to intervene. I challenge the Senator from Colorado to make a careful analysis and an exhaustive study of the speeches that have been made by the President of the United States, a number of excerpts from which I have just read. I contend that the President has been the champion of the peace bloc.

He foresaw with an unerring eye the calamity which has descended on the world at the present time, and he was one of the few who did. He was unable to convince me that he was right. He was unable to convince the Senator from Colorado that he was a right at the time in predicting what is now going on throughout the world.

Mr. JOHNSON of Colorado. In answer to the Senator from Illinois, I will say that I have read every word the President has spoken on this great subject; but actions have spoken louder and more eloquently than words. Actions prior to the present time have convinced me of the view I have held, that intervention is a very dangerous policy of the present administration.

Mr. LUCAS. I certainly do not disagree with the distinguished Senator upon the question of intervention. I have never given anyone the slightest intimation that I was for it in any manner, shape, or form; and all my utterances during the past 3 or 4 years will bear out that statement. I want the Senator to know that I am grateful for his change of viewpoint in connection with this matter, because I am tremendously interested in it. I honestly feel, from the bottom of my heart, that Frank Knox has really accepted this appointment as a call to duty in a time of great emergency and stress. Certainly nothing in the record could convince any fair and reasonable man that Colonel Knox is an interventionist.

I thank the Senate.

Mr. HOLT. Mr. President, I rise for the same reason the Senator from Illinois rose, but to take an entirely opposite view. I know that no votes will be changed. I have no such result in mind; but I do feel that the RECORD should be made very clear and complete as to these appointments.

I hold no personal ill will in any degree against Colonel Knox; but I feel that his appointment as Secretary of the Navy would be dangerous. I feel that I have a constitutional duty to oppose the confirmation of nominations of those who I believe would be dangerous to the peace and welfare of my country.

A man may be appointed to the Cabinet for a number of reasons. First, did he give money to the campaign? Many members of the Cabinet in the past have been appointed for that reason and that reason alone. I am sure that Colonel Knox is not in that class. He may be called upon to buy a campaign book in 1940, when he is in the Cabinet, but so far he has not contributed to the campaign fund and is being rewarded therefor. He has not been appointed for faithful party service.

The second reason a man may be named to the Cabinet is that he may have specific qualifications in a particular department which would make him an extraordinary Cabinet official. Colonel Knox said—and correctly—that he has had no experience whatever in the Navy, in building naval vessels, or in naval affairs.

COLONEL KNOX ON DOMESTIC AFFAIRS

We must bear in mind that this is an important appointment in a particular emergency. Therefore we must look for some other reason why he might be named to the Cabinet. I do not say the reasons mentioned are my reasons for such an appointment. Let us consider his viewpoint on domestic issues. How has Colonel Knox stood on domestic issues? Was he appointed for that reason? I shall let the Senate be the judge. I myself will not make the decision. I wish to read what Colonel Knox has said—not what the Senator from West Virginia, RUSH HOLT, is saying, but what Colonel Knox has said:

Mr. Roosevelt is a strange figure in the American scene. He has squandered the savings and future earnings of not merely a part of our people but all our people. He has broken practically every pledge he has ever made to the people.

That is the statement of the new Cabinet member. Let me repeat what I have previously said on the floor of the Senate. Surely the President would not appoint a man who would not speak the truth. He must want a man who has good judgment, because we need men of good judgment in the Cabinet. This is what Colonel Knox said:

Mr. Roosevelt is a strange figure in the American scene. He has squandered the savings and the future earnings of not merely a part of our people—but all our people. He has broken practically every pledge he has ever made to the people. He has driven the people into another depression at a cost of 10,000,000 jobs and at a loss of some $30,000,000,000 in the market value of securities owned by approximately 12,500,000 stockholders. He has weakened the banking structure of the Nation where some 48,000,000 of our people have deposited their savings. He has weakened the insurance companies with their 66,000,000 policyholders. He is using the social-security funds for the daily running expenses of his administration and as security for the appropriated savings is dropping I O U's into special funds in the United States Treasury.

This is the new Cabinet official, who I am sure is a truthful man. Speaking about the President, he said:

He has openly taunted the people about their constitutional rights, and he has ridiculed the Supreme Court of the United States by adding to its membership a common scold, and a Ku Kluxer to boot.

The reason why I am reading this is that we want to know why Colonel Knox is appointed at this particular time, and we want to see if his viewpoint on domestc affairs dovetails with that of the President so that the President desired to name him. Colonel Knox continues:

The President, though posing as both, is neither a true Democrat nor a true liberal—

I want some Democrats who are for the colonel to defend the President against such an attack. This is what Colonel Knox said:

The President, though posing as both, is neither a true Democrat nor a true liberal, but an aristrocratic dilettante—

That is a word which I had to look up in the dictionary. I did not know what the word "dilettante" meant. Perhaps some Senators do not know what it means. I looked it up in the dictionary. According to Webster's dictionary, a dilletante is:

A dabbler in art matters; a superficial amateur.

I am not saying this. This is the statement of a man who the President feels has enough judgment to be in his Cabinet. He would not be in mine, but the President wants him in his Cabinet. He says that the President is—

An aristocratic dilettante with radical leanings and an inordinate appetite for personal power. He has sought and received at the hands of a craven Congress—

He loves us. [Laughter.]

He has sought and received, at the hands of a craven Congress, personal powers over the economic life of the American people which he admits are inherently dangerous to our liberties and which are comparable only to the personal powers of Europe's dictators.

By his misguided efforts at price fixing, wage fixing, and other monopolistic practices, and by his philosophy of scarcity he delayed for 2 long years our natural recovery, which, indeed, began only after the Supreme Court had declared these efforts unconstitutional.

He has upset our monetary stability, clipped our currency, and diluted our gold reserve with silver.

By arbitrary grants of Federal funds he has corrupted the sovereignty of the States and undermined the home rule of local governments.

For the benefit of Senators who may have entered the Chamber since I started to speak, let me say that I am reading what Colonel Knox said about the President.

He has erected a multitude of alphabetical agencies and sent among us swarms of bureaucrats to harass us and devour our earnings.

Without solving either the problem of unemployment or the problem of relief he is wasting the people's substance in extravagant and unnecessary experiments, thus placing an excessive strain of taxes and an excessive burden of debt not only upon us but our children.

In his efforts to secure reelection he has set up a Nation-wide Tammany machine, lending aid and comfort to the most vicious elements in the local politics of our great cities.

While preaching benevolence and extolling freedom, he has heartlessly authorized or permitted his henchmen to try to frighten or coerce the poor and the unprotected into giving him their votes.

In urging the enactment of laws which he knew to be of doubtful constitutionality, he has ignored the true spirit of his oath of office that he would, to the best of his ability, preserve, protect, and defend the Constitution of the United States.

Let me make this emphatically clear. I am sure that the President would appoint a man who would tell the truth. Colonel Knox has said that the President would not pay any attention to his oath. This is what Colonel Knox says:

He has callously repudiated not only his own preelection promises but the solemn pledges of his party and the covenant of the Federal Government with the holders of its bonds.

In his reckless disregard of our basic liberties and his ill-considered impatience with our form of government, nothing will check him save a crushing defeat at the polls.

In a few moments I intend again to introduce Colonel Knox to the various members of the Cabinet. I have found some new quotations about them.

COLONEL KNOX CALLS PRESIDENT A "TORY"

This is a clipping from a speech in Boston, the home of the distinguished Senator from Massachusetts:

PRESIDENT A "TORY," COLONEL KNOX ASSERTS—PUBLISHER, IN FIRST SPEECH AS AN AVOWED CANDIDATE, CALLS NEW DEAL "SMOKE SCREEN"—CHARGES ABUSE OF POWER—"NEVER HAD PATIENCE WITH IDEA THAT ROOSEVELT MEANS WELL," HE SAYS AT BOSTON

BOSTON, February 12.—Col. Frank Knox, in his first address as an avowed candidate for the Republican Presidential nomination, charged the New Deal tonight with abusing power and the public trust.

He hurled back at administration leaders the charge of "Toryism" and asserted that President Roosevelt sought "to undermine the confidence of the people in business leadership to the end that they may place their trust in political leadership."

Colonel Knox, Chicago and Manchester, N. H., publisher, spoke at the Lincoln Day meeting of the Middlesex Club.

Just before the meeting, reporters asked him if he were a candidate.

"Yes. I filed this morning in Springfield," he replied, referring to the Illinois State primary.

For his platform, Colonel Knox referred reporters to his speeches of the past month in which he has denounced the New Deal as "autocratic" and as destroying fundamental principles of the Constitution.

"I never did have any patience with this idea that the New Deal is all 'phony' but that Roosevelt means well," Colonel Knox said.

Colonel Knox, in his speech tonight, asserted that the President, by taking over legislative powers, had broken a balance of power which the Constitution established to protect individual freedom.

"History," he added, "makes it clear that complete power in the hands of one man or one group of men is the prelude to an era of arbitrary and capricious government; therefore I am against the government of men which has been set up by Mr. Roosevelt. I am in favor of a return to a government of laws.

"I am convinced the men and women who now seek to perpetuate the liberties guaranteed to them by the Constitution are the true liberals of the time. To me, the New Deal is essentially a Tory movement, and Mr. Roosevelt, seeking encroachment upon the liberties of the people behind a smoke screen of false liberalism, is the arch-Tory of them all."

As I say, I want to see why Colonel Knox was nominated. I want to see if he was nominated because of his viewpoint on domestic affairs.

This is from a speech which Colonel Knox made in Los Angeles. He was so sure of his position that he did not want to be misunderstood. Here is what he said, and I quote him again:

With a full sense of the meaning of my words, I ask, Are such acts in accord with the sacred oath taken not only to defend and to protect but to preserve the Constitution?

Then he becomes literary for a moment and asks:

Upon what food does this, our Caesar, feed?

Speaking of the President—

What madness has seized upon him? Does he not see how dangerously close this comes to conspiracy to break down our institutions of government?

Mr. President, I want to be sure that no Democrat will think I am saying these things. I do not believe them; but Colonel Knox, a very truthful man and now named by the President as a member of his Cabinet, has called the President a conspirator to break down our institutions of government. Of course, I am sure that when the Senate confirms Colonel Knox it will stamp its imprimatur on that statement and say it is correct.

Now, what does Colonel Knox think about it? Let me read further. I read this once before, but I think it is worth repeating.

Collectivists of every sort are supporting Mr. Roosevelt. That is natural. For at the root of his philosophy lies the view, shared alike by Communists and Fascists, that conditions have suddenly changed fundamentally, and that, in consequence, individual liberty under democracy, as hitherto practiced in this country, is no longer either desirable or feasible.

Colonel Knox said further:

Many people are confused about Mr. Roosevelt—

I admit some of us are confused; I will go that far—

Many people are confused about Mr. Roosevelt because his tactics are confusing, and are meant to be confusing. He knows very well where he is going. It is toward a kind of coercive collectivism—call it socialism or national socialism, or what you will. But, as a matter of tactics—

I want to make it clear that this is Colonel Knox speaking; it is not RUSH HOLT.

But, as a matter of tactics—

Speaking of the President—

he will not avow this aim. And to reach it he is ready to nod, smile, agree, assert, evade, deny, distort, distract—

I am not half way through yet [laughter]—

dally, retreat, startle, dazzle, juggle, sidestep, and circumvent.

He says the President in order to reach his aim "is ready to nod, smile, agree, assert, evade, deny, distort, distract, dally, retreat, startle, dazzle, juggle, sidestep, and circumvent."

I continue the quotation:

Our leader, incidentally, is a showman. He likes to astonish. He likes to keep people guessing.

He kept Frank Knox guessing for 6 months before he gave him this appointment—

He has a taste for the novel, the dramatic, the grandiose. He is strongly attracted by such vast notions as harnessing the tides at Passamaquoddy, planting a thousand-mile belt of trees in the wind-swept western prairies, digging a gigantic ship canal across Florida.

That was before the Congress stepped in the way. Colonel Knox knows whom the President gathers around him. I again quote from Colonel Knox:

In the past it has been customary for a President to gather around him, as his advisers after election, outstanding members of his party—men who helped nominate him and who fought for him in his campaign. But "our leader" has turned his party into a one-man affair. He has brushed aside the outstanding Democrats.

Now, there seem to be no outstanding Democrats fit to be Secretary of the Navy—

His general staff consists of Prof. Rexford Guy Tugwell, a sly social revolutionary; Henry Wallace, a farm-journal editor with a messianic complex; Harold Ickes, a reformer who imagines he is the only honest man in the world [laughter]; Jim Farley, an unscrupulous Tammany boss; John Lewis, a ruthless and ambitious labor leader—

I must not forget Miss Perkins—

Miss Perkins and Harry Hopkins, social workers with a bias against businessmen.

I desire a little later on to indicate what Colonel Knox thinks of the men he is going to sit with in the Cabinet. I want to introduce them to each other so that they will know each other better. I shall refer to that in a moment; but let me go ahead with Colonel Knox' words about the President:

Yes; "our leader" knows where he is going. He is devoted to the cause. He is disposing the forces. He is timing the attacks. Anything that increases his personal power, or that tends to break down the independence of individuals or groups that might oppose him, he favors. The C. C. C., a larger Army and Navy, a swollen Federal bureaucracy, Federal social-security laws, Federal relief, Federal public works, a managed currency—managed by him—and huge personal funds to spend as he likes—power over money, power over people—these fit his aim.

Meanwhile, anyone—

I do not think very many Members of the Senate would say this—

Meanwhile, anyone who brings him an attractive scheme to flatter the momentary hates or fears of the crowd, or to intensify class feeling, or to take money from those who are earning it and give it to those who are not, or to attract attention dramatically to "our leader," or to spend large sums under his personal direction, is assured of a sympathetic audience.

I shall refer to a couple of more quotations about the President. I have many others, but I do not desire to take the time of the Senate to read them all, and I am sure the President and Colonel Knox will become better acquainted as they meet in the Cabinet gatherings. Here is something else Colonel Knox has said:

When will the President find out that he cannot indefinitely be all things to all men? He cannot effectively boast of his democracy, while at the same time reaching out for unprecedented personal powers—powers which in other hands, as he has himself ingenuously admitted, would endanger the people's liberties. He cannot, while practicing collectivism, pose as the savior of capitalism. He cannot appear one day as a radical, the next as a conservative—and expect anyone to take him seriously.

The colonel must have taken him seriously when the President called him in and asked him to become a member of the Cabinet. But I will continue reading what Colonel Knox thinks of the President. This is the last quotation at this time:

A characteristic of the autocrat, as Kipling pointed out, is that he promises right, but brings wrong. So was it, only too lately, abroad. So has it been, all too lately, here.

For President Roosevelt is without doubt—

I want the Senate to note this statement. This is the new beloved member of the Cabinet speaking:

For President Roosevelt is without doubt the greatest autocrat in the history of this country.

After all this, the President must have had a pretty large throat for swallowing. But let me continue. This is not RUSH HOLT speaking; it is Frank Knox:

Behind the pleasant voice and the gay smile is the grasping hand.

Mr. President, you can determine for yourself what he means by that. I shall not do so at this time, because certainly I do not want to delay any more than I have to the proceedings of the Senate. I think, however, it would be unwise

not to introduce the different members of the Cabinet to Colonel Knox in the language of Colonel Knox himself. He is going to sit in the Cabinet room with Secretaries Hull, Morgenthau, Wallace, Ickes, Farley, Perkins, Hopkins, and Jackson. He is going to sit also with Secretary Stimson. He has not said much about Secretary Stimson, but I will quote some of the things he has said about the other members of the President's Cabinet. They should make it interesting when they all sit down at the same table.

KNOX APPRAISES CABINET

I now give a thumbnail sketch of the Cabinet as seen by the newest Cabinet officer, Col. Frank Knox. First, here is what he said about Secretary Hull—I am not responsible for these statements:

Mr. Hull is honest and well-meaning but weak. He will never rank among our great Secretaries of State.

Will Colonel Knox, when he attends his first Cabinet meeting, say, "How are you, Mr. Secretary? I am glad to meet you, but you will never be one of our great Secretaries of State"? I want to provide a little background so that they may introduce each other as Colonel Knox goes into his first Cabinet meeting.

Next, he will meet Secretary Morgenthau. Here is what he said about Secretary Morgenthau:

Henry Morgenthau is out of his depth.

When Colonel Knox goes to his first Cabinet meeting, will he say, "How are you, Mr. Secretary Morgenthau? I am glad to meet you, but you are just out of your depth"?

Referring to members of the Cabinet having a meeting, Colonel Knox said:

Somebody, probably not Mr. Morgenthau, had a bright idea.

In other words, Henry Morgenthau was not very smart; Mr. Knox did not give him credit for having any bright ideas at that time.

Then Colonel Knox will meet Secretary Wallace, and I will only repeat what I said a moment ago. He said that Mr. Wallace was "a farm-journal editor with a Messianic complex."

This will be a good one when he goes up to meet "old Ick" down there at the Cabinet meeting—Secretary Ickes. That will really be a good one, because this is what he said about him:

Harold Ickes, a reformer who imagines he is the only honest man in the world.

I am sure that when he goes up to meet Secretary Ickes in the Cabinet he will say, "How are you, Honest Harold?" And then he calls him a "stalwart of invective."

I do not think Jim Farley will be in the Cabinet very long, from all indications. I do not say this, but this is what the new Secretary of the Navy thinks of Jim Farley, as I mentioned a moment ago. He said he was "an unscrupulous Tammany boss." I disagree. He said of Miss Perkins—now, this will be lovely when he meets Miss Perkins—he said Miss Perkins is "a social worker with a bias against businessmen." He also used the same expression about Harry Hopkins, but he said Harry Hopkins is "a social spiritualist." [Laughter.] Well, I think he is just about right on that, only I do not think the statement is quite direct enough. You should hear what I call him.

This is what he said about the Attorney General. When he calls him up on the telephone to get an opinion I am sure it will be very lovely, because he said this about Bob Jackson:

Secretary Jackson is "a get-while-the-getting-is-good boy." [Laughter.]

That is all. There are only two other members left—Secretary Stimson and Secretary Knox; but I am sure the members of the Cabinet will get along better after I have introduced them to each other.

Let us see who else there is. Of course, as Secretary of the Navy, Colonel Knox will have to deal with Tom Corcoran. The Members of the Senate know that; do they not? Sometimes you have to deal with Mr. Corcoran. This is what Colonel Knox said about Tom Corcoran. He said he is "head man among the whispering brigade"; and a moment ago I mentioned the fact that I am sure at one of these receptions, when he sits down with the Supreme Court, he will meet Mr. Justice Black, and this is what he said about Justice Black. I mentioned it a moment ago. He said he is—

A common scold and a Ku Kluxer, to boot.

[Laughter.]

So it will be very lovely when these men sit down together at the Cabinet meetings. I will leave it to the Senate, after reading those things, to decide whether or not Colonel Knox was appointed because of his viewpoint on domestic affairs. He must have been appointed because of his viewpoint on foreign affairs. He does not like our State Department adviser. This is what he says about him:

Mr. Bullitt—

Of course, he is the one who does most of the advising. He says:

Mr. Bullitt himself would be the last to challenge the validity of that judgment in the light of his experience in Moscow. He must now have accepted the appointment to the vacant Embassy at Paris with a sense of deep relief. For in 3 years he has not been able to effect a settlement of vital Russo-American questions in such a manner as to earn the plaudits of his country. * * *

The reason for the failure is obvious. The Russians expected more of Mr. Bullitt, by virtue of his alleged sympathy with their cause, than they would have expected from a disinterested or avowedly unsympathetic ambassador.

Of the conduct of the State Department, he said:

In his negotiations with foreign powers, Mr. Roosevelt has not been fortunate. He muffed his chance with France and Britain in the spring of 1933. Two months later he laughingly broke up the London Economic Conference, and with it the world's hopes of speedy recovery from the depression. He has done nothing about the war debts. His off-and-on efforts at dollar-pound stabilization have got nowhere. Under him, our foreign trade, and indeed our foreign relations in general, have fallen to a new low. His Russian policy is a fizzle. His far-eastern policy is a naught.

The State Department under Roosevelt is not exactly a tower of strength. Mr. Hull is honest and well-meaning, but weak.

He will never rank among our great Secretaries of State. The President's diplomatic appointments have been equally feeble. Mr. Bingham in London and Mr. Strauss in Paris have been notable chiefly for their ill health, which has incapacitated them for months on end. Mr. Bullitt, first in Moscow, now in Paris, is a jolly amateur, a playboy. Mr. Bowers, in Madrid, spent most of his time writing books. Since the civil war broke out in Spain, with its many complications for the United States, he has been cruising safely on an American warship in the Bay of Biscay.

Mr. Roosevelt was a member of the memorable Wilson administration, which, in trying to keep us out of war, got us into it. He is by nature an experimenter. He likes to try new things. He is no more bound by precedent than by his own statements. Caution, with him, is something to be thrown to the winds. His hand on the tiller of a little sailboat may be skillful enough. But, judging by the zigzag course he has steered in the last 3½ years, his hand on the tiller of the ship of state is amazingly erratic. It is bad enough to have for President in time of peace a man who is overconfident, incautious, self-willed, uncertain, and unreliable. In time of war it would be disastrous.

But, now, let us see. Let us get down to the real reason for the appointment of Colonel Knox.

Colonel Knox was appointed because of his views on foreign affairs. This book called The American White Paper is supposed to have administration sponsorship. It is supposed to be the real viewpoint of the administration on foreign affairs. Colonel Knox once before was called to the White House; and it says:

Colonel Knox was called by the President to the White House to act as "mere window dressing."

Is he today being called to the Cabinet to act as "mere window dressing"? Of course, others can answer that question as well as I can.

FOREIGN AFFAIRS

But, going into his viewpoint on the subject of foreign affairs, let me say frankly that after Colonel Knox got through testifying he almost agreed with us isolationists; and I am still an isolationist. I am not ashamed of it—not at all. Let me quote the words of Colonel Knox himself; not his interpretation, but his words on foreign affairs. This is what he said:

The primary duty of those charged with the conduct of our relations with the rest of the world is the protection, at whatever cost, of the vital interests of the United States.

If these vital interests can best be served by aloofness from any participation in the crucial struggle now in progress in Europe, then we should remain aloof and inactive.

If, however, our vital interests are involved and we will be critically and perhaps disastrously affected by a defeat of the Allies, and a victory for Germany, then indifference to the outcome and pursuit of a policy of rigid isolation not only is cowardly and despicable, but is as well a betrayal of our vital interests.

I questioned Colonel Knox about that. I said, "Would not the defeat of England affect our vital interests?" He said, "Most assuredly." I asked him if the defeat of the Allies would not affect our vital interests, and he said it would. In his own statement he said that if the vital interests of the United States were so affected, we should not remain aloof and he said the vital interests of the United States should be protected at any cost. I asked him, "Including war?" He said, "Including war, most certainly, to protect the vital interests"; and he said that our vital interests were at stake in the war in Europe, and then later hedged on his statement.

In his testimony he said we had given all the aid we could to the Allies; but he made this statement in his newspaper, and I think it is important. He tried to explain what it meant, but to me it states in plain English what it means. This is what he said:

Here is no qualified declaration; here is no limited pledge of assistance to those who are fighting the battle of freedom. All that we have, that they need to win that fight, will be given.

Let me repeat the last sentence:

All that we have, that they need to win that fight, will be given.

"All that we have" means boys. That is what it means. It means first to send them all the materials necessary; and then, if they are not enough, it means and it can unquestionably mean only one thing. "All that we have" means all, and "all that we have" means our troops, regardless of whether he says that he would not send troops across the ocean; and we can find that viewpoint expressed elsewhere. There is an outstanding point in that statement; but Senators talk about a speech he made in Cleveland and the Senator from Illinois has referred to it. Let me quote another speech that he made in Cleveland; not the one he gave to the committee, but the one I looked up and got in his own book. This is what he said, speaking at Cleveland:

May I say in passing the thing that perhaps will shock you. We hope, and some of us earnestly believe, that if another European war comes we can hold ourselves aloof and not be dragged into its turmoil, its suffering, and its cost of treasure and life. I share that hope, but it is without great conviction because what is happening in Europe, obvious to anyone who chooses to see, is a death grapple between two principles of government, the principle of democracy and principle of dictatorship. This is what I have in mind to say: It may come to some of you with a shock, that if that conflict is joined, if that battle begins and there is peril that the democracies of Europe are going under——

KNOX SAID "WE WILL BE IN"

Let me interpolate here that there is not a man in the Senate who does not think there is peril of the democracies going under. We know there is peril of the democracies going under; but this is what Colonel Knox said:

It may come to some of you with a shock, that if that conflict is joined, if that battle begins and there is peril that the democracies of Europe are going under, we will be in that war on the side of democracy, whether we choose to be or not.

That is Colonel Knox.

Let me continue, and then I will comment on this statement. These are the words of Colonel Knox:

We cannot see the democratic principles go down without a certain knowledge that having defeated those principles in the Old World the victors there will cross the ocean to challenge them here.

We will be in the war, he says, if the challenge is against the democracies, and they are in peril; and I do not believe there is a man on the floor of the Senate today who will not say that the democracies are in peril.

Those are the words of the colonel on foreign affairs in Cleveland, just as much as the words that were read before. And what else did he advocate? Not only did he declare that this war was a war of liberty, and that the vital interests of America were tied up in it, but he advocated in his newspaper the extension of credit to the allied nations. Let me quote his exact words:

If, as is entirely possible, we lend other and more positive assistance to the Allies, through modifications of credit requirements, the supply of munitions and foodstuffs, when Allied credit is exhausted—

Get this—

and then financial assistance, it will not be because we love England as our mother country, nor out of gratitude to France because of something that happened 150 years ago, but wholly because it is against our vital interests to have Germany emerge from this war with complete domination of both land and sea in the Eastern Hemisphere.

ADVOCATES REPEAL OF JOHNSON ACT

The last part is not important; but he does say that we would lend financial assistance to the Allies, and he specifically said so in his newspaper; and I asked him in the committee whether he did not favor the repeal of the Johnson Act.

Here is the exact statement:

Senator HOLT. Colonel, you have never advocated the extension of credit to England and to France, according to your statement; is that correct?
Colonel KNOX. No; that isn't correct.
Senator HOLT. You have advocated it?
Colonel KNOX. I have not. I said I had no objection to it if they were in desperate straits, and needed our help to that extent.
Senator HOLT. Wouldn't that be an advocacy of credit?
Colonel KNOX. It would.
Senator HOLT. And you would favor, if they need our money, extending credit to them?
Colonel KNOX. If they are in a desperate situation, and some of our money would help them to resist and prolong a war, and give us a better opportunity to get ready ourselves, I would be willing to give them the money; I wouldn't lend it to them.

Then later he said that he did not know that it was necessary. But his paper has been harping for the repeal of the Johnson Act, to make Uncle Sam "Uncle Sap" once again. The repeal of the Johnson Act is one thing in which some are interested. He wants to repeal that act and allow these defaulting nations once again to come here and get money from us to fight the war over in Europe, with America needing all the money it can get right here, with the thousands and millions of unemployed and many others not on relief upon whom we could spend the money for our betterment.

ADVOCATES REPEAL OF NEUTRALITY ACT

He also advocated the repeal of the Neutrality Act, not just the repeal of part of it, but the repeal of the Neutrality Act. What did that mean? It meant sending our ships—it could mean nothing else—into the war zone. He said that could be controlled by Executive order. But he knows definitely, as we all do, that Executive order does not stop the transportation of supplies to nations in war, as was the case in the last war, as was so ably said by the Senator from Washington [Mr. BONE] yesterday. Colonel Knox advocated repeal of the Neutrality Act, and repeal means allowing our ships to go into the war zone, possibly to be sunk.

I asked him if that did not mean allowing American citizens to travel anywhere at their own risk, and he said "Yes." Here is the testimony:

Senator HOLT. You agree with the sentiment of allowing Americans to go anywhere any time on any ship?
Colonel KNOX. That is an inherent right.
Senator HOLT. Do you agree with that right?
Colonel KNOX. We abridged that right by act of legislation.
Senator HOLT. Do you think we should go back to that?
Colonel KNOX. We should repeal the neutrality law.

Allowing American citizens to go anywhere at their own risk, and then have one of them killed, and, as I stated on the floor of the Senate at other times, from that would be the spark that would cause a declaration of war itself.

A moment ago I spoke about the vital interests, and this is what Colonel Knox had said as to how far we should go to protect our vital interests. He said that our vital interests were at stake in the war in Europe. That is what he said:

The primary duty of those charged with the conduct of our relations with the rest of the world is the protection at whatever cost of the vital interests of the United States.

"At whatever cost." In those three words lies many a coffin. In those three words lies possible war, whether they say so or not. He himself said that vital interests were tied up in the war, and he said we should protect those interests at "whatever cost." Of course, he did make a number of statements which I was very glad to hear. I think, frankly, we made a more definite isolationist out of him than he was when the hearings opened. But his past record has been consistent, regardless of the statements of the Senator from Illinois, and he has been an interventionist as I define intervention. Speaking of intervention, some think it possible to intervene in a contest by standing in a window and throwing rocks at people on the outside, and not expect to get into a fight. You cannot safely be halfway in and halfway out.

Mr. BONE. Mr. President——

The PRESIDING OFFICER (Mr. CHANDLER in the chair). Does the Senator from West Virginia yield to the Senator from Washington?

Mr. HOLT. I yield.

Mr. BONE. In connection with the doctrine of the freedom of the seas, I wish to read a line or two from a colloquy before the committee dealing with the question of the use of belligerent waters by our own vessels:

Senator BONE. Colonel, may I ask what part do you believe the sinking of our vessel played in getting us into the World War?
Colonel KNOX. A great deal.
Senator BONE. It was a major factor, was it not?
Colonel KNOX. I think it was.
Senator BONE. So that when a vessel, flying the American flag, entered waters teeming with submarines, she was in immediate danger of being sunk?
Colonel KNOX. That is true.

In the face of that record Colonel Knox wants these vessels to again enter belligerent waters, and his argument in that behalf is that to surrender that right is to surrender a vital American right, and he characterizes a vital American right as a right worth sustaining by war. I think that record is plain enough, even for the gentleman whom he identifies as a "craven Congressman."

Mr. HOLT. Mr. President, this is an exact quotation about the repeal of the Neutrality Act. This is the exact language of Colonel Knox:

It has repeatedly said, since the repeal, that the whole law should never have been enacted and should best be repealed now.

He speaks about the Daily News supporting repeal. The actual repeal itself was supported by that paper.

"A FEARFULLY GRAVE DECISION"

Before the Committee on Naval Affairs he said we were doing everything we could to help the Allies; that there was nothing else to be done; we were giving all the aid we could possibly give; but this is what he said on the 28th day of May 1940 in his paper, speaking about the destruction of Leopold's army in Belgium and the invasion of France. These are Colonel Knox's own words:

When that hour strikes—

If anyone wants the whole statement, I shall be glad to put it in the RECORD, but he speaks about the hour in which those nations now called Allies would fail—

When that hour strikes—and nothing but a miracle can prevent it—only a cowardly shrinking from facing the truth, a weak and imbecile refusal to confront stark reality would explain, but not condone, a failure of the leadership of America to tell the American people that a fearfully grave decision must be made.

I wish to repeat that. Perhaps I had better read the first two paragraphs so that there will be no question about it. This is what he said:

We are looking today upon the threatened collapse of European civilization.

It is literally impossible to exaggerate the seriousness of the Allied situation produced by the unconditional surrender of King Leopold's army in Belgium, which leaves the left wing of the French and British Army in Flanders open to the swift onslaught of Hitler's tanks, armored cars, and bombers.

News of the utter destruction or the surrender of the encircled armies, betrayed by the treachery of a weak king-commander, and cut off from supplies of ammunition and food, cannot be long delayed.

When that hour strikes—and nothing but a miracle can prevent it—only a cowardly shrinking from facing the truth, a weak and imbecile refusal to confront stark reality would explain, but not condone, a failure of the leadership of America to tell the American people that a fearfully grave decision must be made.

What did he mean by a fearfully grave decision? Before the committee he said that we have given all the aid we can. There is only one implication from that statement about a fearfully grave decision. He said then:

If we become convinced that France and Britain will be defeated without our assistance, are we going to help them, or are we to stand by and permit Germany to become dominant on both land and sea in Europe?

That is the important part. He said that we had given every assistance possible, and then he said:

If we become convinced that France and Britain will be defeated without our assistance, are we going to help them, or are we to stand by and permit Germany to become dominant on both land and sea in Europe?

If we have done everything we can, what did he mean by helping them more? There is only one avenue left along which to help them, and that means sending boys. That is the only avenue left if we continue to go in further. Is that the fearfully grave decision of which he speaks?

Of course, it is not yet proper to say that we will send boys over there, just as the Senator from Illinois said that no one wanted to send boys across. As late as February and March 1917 the very men who got this country into the World War were telling the people of this country that they were not going to war in Europe. What did Secretary Lansing say in 1915? That the people were not educated to go into the war at that time. Then in 1916 he made statements saying that we were not going into the war.

Some of us said last fall that the repeal of the arms embargo was a step toward war. We did not say it was a declaration of war; we said it was a step toward war, as it was. The President himself had said at Chautauqua, quite truly, that it was a day by day decision that would lead us into war, and the day by day decisions have all been in the direction of intervention and involvement in the war.

APPOINTMENT OF ADVOCATE OF WAR

The people are not quite enough "educated" to get this country into war; it is too close to an election to get them into war; but there are some men in this country who want us to go to war. Why did the President of the United States appoint as chief economist to the National Defense Council Mr. Stacy May, shortly after Stacy May made the statement that we should declare war against Germany?

Why was such an individual appointed at that time? The man who is economist of the Council of National Defense went on record publicly asking for a declaration of war against Germany.

There is no need to try to be smug and hide behind the facts. There is a movement to take us into war. The same old slogan is being used. The only reason why we have not come closer to it today than some of us feel we seem to be is the fact that no actual overt incident affecting America has occurred which would take us into war, but let an overt incident happen which affects America, let a spark occur that would set off the dynamite, and we would see how close we really are to war. Today some persons are trying to break down the defense against such overt incidents occurring. You do not always go into war by choice; you may go into war even if you desire not to go into it. Why create possibilities? If you send ships overseas, and they are sunk, if you open the avenue so one of them could be sunk, war would probably result. There is no one within the sound of my voice who does not know that if an overt incident were to occur America might become inflamed toward war overnight. America has not developed to that point yet, but do not fool yourselves; do not believe that the sentiment is not being spread by an interventionist group for such a reaction.

Mr. LUNDEEN. Mr. President——

The PRESIDING OFFICER (Mr. CHANDLER in the chair). Does the Senator from West Virginia yield to the Senator from Minnesota?

Mr. HOLT. I yield.

Mr. LUNDEEN. The other night a public-forum discussion occurred. One of the speakers was Colonel Breckenridge. The colonel proceeded to declare war right then and there. He said, "If I had the power to declare war, I would declare war tonight." As I understand, he is not very far away from the administration.

WAR ADVOCATE SAYS "APPOINTMENT MAGNIFICENT".

Mr. HOLT. Let me say what Colonel Breckenridge said about the appointment of Colonel Knox. He said, "His appointment is magnificent." The man of whom the Senator from Minnesota speaks, when questioned about the appointment of Colonel Knox in New York the day following the appointment, made the statement that Knox's appointment was magnificent. Of course, it is magnificent to all those who would involve us in intervention. I should like to have a single Senator rise on the floor of the Senate and name one interventionist, one individual who has asked for a declaration of war, who has protested against the appointment of Colonel Knox or the appointment of Colonel Stimson. Why is it that they say, "These appointments are magnificent"?

The Senator from Illinois [Mr. LUCAS] referred to the fact that some one spoke of the Cabinet as being a war Cabinet. Let me say that the English themselves seem to know that. This data was given to the Senate Monday by me. In discussing Colonel Stimson's appointment day before yesterday I stated in the RECORD that we all know that his appointment was made because, as Colonel Knox said, "The viewpoints are in accord with those of the President." They have discussed the question with the President, and they agree on the question of foreign policy as it affects the Navy. Does the President want to repeal the Neutrality Act? Does he desire the destruction of the Johnson Act? Does he feel our vital interests are at stake now? If so does he feel that we should intervene at whatever cost when our vital interests were affected?

Let us realize one thing. It is said, "No; we have not made a declaration of war yet." I hope we never do. But step by step we are taking actions that are bringing us close to the brink, and it is too dangerous to play on the avenue to war. I know and you all know that the appointment of Colonel Stimson and the appointment of Colonel Knox to be members of the President's Cabinet was a gesture toward intervention, when the Allies and others needed to have their morale bolstered by America.

I do not condemn the nominees personally when I say that. They have their viewpoint. But I do not think their viewpoint expresses the viewpoint of America, which wants to stay out of this war, and does not want to experiment and play around in Europe at the expense of the boys of America.

So far as I am concerned, I shall use the same judgment that the Senator from Illinois used. He said he was going to resolve the question of doubt in favor of Colonel Knox. I am going to resolve the question of doubt in favor of the American boys, the boys who would have to die as the result of a policy of intervention—a policy which is not publicly stated but privately made.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Frank Knox to be Secretary of the Navy?

Mr. JOHNSON of California. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Capper	Gillette	Johnson, Colo.
Andrews	Caraway	Green	King
Ashurst	Chandler	Guffey	La Follette
Austin	Chavez	Gurney	Lodge
Bailey	Clark, Idaho	Hale	Lucas
Barbour	Clark, Mo.	Harrison	Lundeen
Barkley	Connally	Hatch	McCarran
Bilbo	Danaher	Hayden	McKellar
Bone	Davis	Herring	McNary
Bridges	Downey	Hill	Maloney
Bulow	Ellender	Holman	Mead
Burke	George	Holt	Miller
Byrd	Gerry	Hughes	Minton
Byrnes	Gibson	Johnson, Calif.	Murray
Neely	Radcliffe	Shipstead	Tobey
Norris	Reed	Smith	Townsend
Nye	Reynolds	Stewart	Vandenberg
O'Mahoney	Russell	Taft	Van Nuys
Overton	Schwartz	Thomas, Idaho	Walsh
Pepper	Schwellenbach	Thomas, Okla.	White
Pittman	Sheppard	Thomas, Utah	Wiley

The PRESIDING OFFICER. Eighty-four Senators having answered to their names, a quorum is present.

The question is, Will the Senate advise and consent to the nomination of Frank Knox to be Secretary of the Navy?

Mr. BARKLEY. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. SHIPSTEAD (when his name was called). I have a pair with the senior Senator from Virginia [Mr. GLASS]. I am informed that if present and voting he would vote "yea." If I were at liberty to vote I should vote "nay." I withhold my vote.

Mr. LUCAS (when Mr. SLATTERY's name was called). My colleague [Mr. SLATTERY] is unavoidably detained on important public business. If present, he would vote "yea."

Mr. MEAD (when Mr. WAGNER's name was called). My colleague the senior Senator from New York [Mr. WAGNER] is unavoidably absent. If he were present he would vote "yea."

The roll call was concluded.

Mr. FRAZIER. On this question I have a pair with the senior Senator from Alabama [Mr. BANKHEAD]. If the Senator from Alabama were present he would vote "yea." If I were at liberty to vote I should vote "nay." I withhold my vote.

Mr. THOMAS of Oklahoma. The junior Senator from Oklahoma [Mr. LEE] is absent on account of public business. Were he present he would vote "yea."

Mr. HILL. My colleague [Mr. BANKHEAD] is absent on important public business.

Mr. SCHWARTZ. On this question I am paired with the Senator from Maryland [Mr. TYDINGS], who is unavoidably detained. If he were present and voting he would vote "nay." If I were at liberty to vote I should vote "yea." I withhold my vote.

Mr. BYRD. My colleague, the senior Senator from Virginia [Mr. GLASS] is unavoidably absent. Were he present he would vote "yea."

Mr. CLARK of Missouri. My colleague [Mr. TRUMAN] is necessarily absent. I am not advised how he would vote if present.

Mr. MINTON. I announce that the Senator from Montana [Mr. WHEELER] is paired with the Senator from New Jersey [Mr. SMATHERS]. These Senators are necessarily absent. If the Senator from Montana were present and voting he would vote "nay"; and if the Senator from New Jersey were present and voting he would vote "yea."

I also announce that the Senator from Michigan [Mr. BROWN] is unavoidably detained. If present, he would vote "yea."

The Senator from Ohio [Mr. DONAHEY] is unavoidably detained.

The result was announced—yeas 66, nays 16, as follows:

YEAS—66

Adams	Davis	Johnson, Colo.	Radcliffe
Andrews	Downey	King	Reynolds
Ashurst	Ellender	Lodge	Russell
Austin	George	Lucas	Schwellenbach
Bailey	Gerry	McKellar	Sheppard
Barbour	Gibson	McNary	Stewart
Barkley	Green	Maloney	Taft
Bilbo	Guffey	Mead	Thomas, Okla.
Bridges	Gurney	Miller	Thomas, Utah
Burke	Hale	Minton	Tobey
Byrd	Harrison	Murray	Townsend
Byrnes	Hatch	Neely	Vandenberg
Caraway	Hayden	Norris	Walsh
Chandler	Herring	O'Mahoney	White
Chavez	Hill	Overton	Wiley
Connally	Holman	Pepper	
Danaher	Hughes	Pittman	

NAYS—16

Bone	Clark, Mo.	La Follette	Reed
Bulow	Gillette	Lundeen	Smith
Capper	Holt	McCarran	Thomas, Idaho
Clark, Idaho	Johnson, Calif.	Nye	Van Nuys

NOT VOTING—14

Bankhead	Glass	Slattery	Wagner
Brown	Lee	Smathers	Wheeler
Donahey	Schwartz	Truman	
Frazier	Shipstead	Tydings	

So the nomination of Frank Knox, of Illinois, to be Secretary of the Navy was confirmed.

Mr. BARKLEY. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of Colonel Knox's nomination.

The PRESIDING OFFICER. Without objection, the President will be immediately notified.

EXECUTIVE REPORTS OF COMMITTEES

Mr. PITTMAN, from the Committee on Foreign Relations, reported favorably the nominations of sundry citizens for appointment in the Foreign and Diplomatic Service of the United States.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

POSTMASTERS

Mr. BARKLEY. I ask that the remaining nominations on the calendar be stated.

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. BARKLEY. I ask that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

IN THE MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the Marine Corps.

Mr. BARKLEY. I ask that the nominations in the Marine Corps be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the Marine Corps are confirmed en bloc.

AUTHORITY FOR COMMITTEES TO REPORT DURING RECESS OR ADJOURNMENT

The Senate resumed the consideration of legislative business.

Mr. BARKLEY. Mr. President, I ask unanimous consent that the Appropriations Committee and other Senate committees be authorized to submit reports during any recess or adjournment of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPOSITION OF NAVY AND NAVAL CONSTRUCTION

Mr. WALSH. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 2051, House bill 10100, to establish the composition of the United States Navy, to authorize the construction of certain naval vessels, and for other purposes.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Naval Affairs, with amendments.

Mr. WALSH. I ask unanimous consent that the formal reading of the bill be dispensed with, and that it be read for amendment, the amendments of the committee to be first considered.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WALSH. Mr. President, I desire to offer a brief explanation of the bill.

This is the fourth naval bill which the Committee on Naval Affairs has reported to the Senate this year.

The first bill authorized an expansion of approximately 11 percent, and increased the authorized number of naval airplanes to 4,500.

The second bill increased the number of naval airplanes to 10,000, authorized the creation of facilities to train 16,000 naval aviators, and authorized the construction of additional naval air bases, both continental and overseas.

The third bill authorized the speeding up of naval shipbuilding and the procurement of naval airplanes. It authorized the Secretary of the Navy to negotiate contracts for vessels and planes, and removed the statutory limitation with respect to the cost of vessels and naval construction projects.

The Committee on Naval Affairs in its report recommending the passage of the first naval expansion bill, the 11 percent increase bill, stated:

> It is true that we would be more secure if we maintained a fleet in the Pacific and a fleet in the Atlantic, each superior to any which could be brought against it. In the future we may have to consider the possibility of building and maintaining two fleets.

That statement was written in the early part of the present session before the situation in Europe became so alarming from the standpoint of our own security as it is today. The bill now before the Senate would authorize the building in the immediate future of such an increase in our Navy as would enable us to have a fleet in the Atlantic and a fleet in the Pacific.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. VANDENBERG. The Senator says the result to which he refers is to be achieved in the near future. Can the Senator indicate when we may hope to complete the program to which he now addresses himself?

Mr. WALSH. Not, possibly, before 1946.

Mr. VANDENBERG. So up until 1946 it would not be a bad idea, would it, to maintain in the Far East a diplomatic attitude as reasonably friendly as possible?

Mr. WALSH. I agree with the Senator.

Mr. LUNDEEN. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. LUNDEEN. The total authorizations for the Navy, including those in this bill, will be approximately $10,000,000,000, will they not?

Mr. WALSH. Yes, and I will come to that directly.

Mr. President, the authorized under-age tonnage of the Navy today is 1,724,480 tons. This bill proposes an increase of approximately 70 percent in that tonnage; namely, an increase of 1,325,000 tons.

Mr. KING. Mr. President——

Mr. WALSH. I yield to the Senator from Utah.

Mr. KING. I desire to ask whether or not the appropriations which heretofore have been made at the present session and the last session and the previous session are not sufficient to occupy fully the facilities which the Government has and which it may acquire before it enters upon the program which the bill now under consideration calls for?

Mr. WALSH. It is my information that the money already appropriated will necessitate the use of all the private and public shipbuilding facilities this country now has. We have already, in addition to those facilities, appropriated substantial sums of money to enlarge existing facilities.

Mr. KING. Then, if I may make a further inquiry, the appropriation which is authorized by this bill will probably not be drawn upon for 1 or 2 years?

Mr. WALSH. I understand a request is to be made for an appropriation from the present Congress to provide additional facilities which will make possible commencing next year the building of some of the ships provided for by the pending bill.

Mr. KING. Does the Senator refer to facilities provided in the bill which is now under consideration?

Mr. WALSH. Yes.

I may briefly state what the pending bill provides:

First. It increases the authorized composition of the United States Navy in underage combatant vessels by 1,325,000 tons.

Second. It authorizes an appropriation of $150,000,000 for essential equipment and facilities at either private or naval establishments for building or equipping any complete naval vessel or portion thereof heretofore authorized, or authorized by this bill.

Third. It authorizes an appropriation of $65,000,000 for essential equipment and facilities for the manufacture of ordnance material or munitions at either private or naval establishments.

Fourth. It authorizes an appropriation of $35,000,000 for the expansion of facilities for the production of armor at either private or naval establishments.

Fifth. It authorizes the President to acquire and convert or to undertake the construction of—

(a) Patrol, escort, and miscellaneous craft as may be necessary to supplement the tonnages heretofore authorized or authorized by this bill.

(b) One hundred thousand tons of auxiliary vessels.

Sixth. It provides that no vessel, ship, or boat—except ships' boats—now in the United States Navy or being built for the Navy shall be disposed of by sale or otherwise except as is now provided by law.

Seventh. It increases the number of useful naval airplanes from not more than 10,000 to a total of 15,000, and provides that this total may be exceeded if, in the judgment of the President, this number is not sufficient to meet the needs of the national defense.

I now call attention to costs. The estimated cost of the construction of the vessels authorized by this bill is $3,760,000,000; the cost of additional shipbuilding, armor, and ordnance facilities is $250,000,000, making the estimated total cost of the bill, exclusive of planes, $4,010,000,000.

Now, as to the estimated cost of airplanes. The estimated cost of procuring the additional planes authorized by this bill—and that is optional, of course—is $600,000,000. So the total estimated cost of this bill, if all the authorizations are translated into appropriations, is $4,610,000,000.

The estimated costs of procuring the additional planes, ordnance equipment, and personnel, and the estimated cost of constructing the additional aviation facilities authorized by the act approved June 15, 1940, are as follows:

(a) For additional planes, $1,150,000,000.

(b) For additional shore facilities, $410,000,000.

(c) For training of pilots, $90,000,000.

(d) For procurement and training of additional personnel, $300,000,000.

(e) For ordnance equipment, bombs, torpedoes, ammunition, and so forth, $300,000,000.

Making a total of $2,250,000,000.

The additional appropriations required to complete the large number of vessels now under construction are $2,800,000,000.

The gross total is $9,660,000,000.

So if for every vessel now being constructed and every naval plane heretofore authorized the necessary appropriations are made, and all the planes authorized by this bill and all the increases in the Navy authorized by this bill are translated into appropriations, the total cost to this country between now and 1946, which is the earliest time when this program can be completed, will be $9,660,000,000.

The Navy Department is authorized to spend, approximately, $10,000,000 during the next 6 years for the construction of naval vessels and naval airplanes and for additional shore facilities. This figure of $10,000,000 is in addition to the annual maintenance appropriation which will be required, and it is also exclusive of the cost of replacement of naval vessels and naval aircraft which will become over-age or obsolete during the next 6 years. In other words, these figures do not include the maintenance cost that will continue from year to year. Furthermore, they have nothing to do with and do not relate to the replacement of vessels which will become obsolete and require replacement in the future.

As the Senate knows, whether a naval vessel is over-age or under-age is determined by law, and the Navy Department, without any further authorization, can come before the Appropriations Committee and ask for a replacement of battleships, cruisers, destroyers, submarines, or aircraft which have become over-age by reason of having been in use for a given number of years—26 years in the case of battleships, 20 years in the case of cruisers, 16 years in the case of destroyers, and 13 years in the case of submarines.

Mr. GEORGE. Mr. President, will the Senator allow me to ask him a question?

Mr. WALSH. I am happy to yield to the Senator from Georgia.

Mr. GEORGE. Do the figures given by the Senator relate only to the authorization made for the Navy?

Mr. WALSH. That is all.

Mr. GEORGE. They do not include anything for the Army?

Mr. WALSH. Nothing whatsoever.

Mr. GEORGE. Not even for the Air Service?

Mr. WALSH. Not even for the Air Service of the Army. They relate simply to vessels and aircraft for the Navy and Marine Corps, solely and alone, and to the establishment also of naval bases and the increasing of the facilities for constructing naval vessels and aircraft at expanded navy yards and expanded private yards.

Mr. GEORGE. The recommendations submitted in the President's message today are, of course, additional to the amount which the Senator has mentioned?

Mr. WALSH. Yes. These are additional authorizations.

Mr. DOWNEY. Mr. President——

Mr. WALSH. I yield to the Senator from California.

Mr. DOWNEY. Unless the Senator intends to cover the subject later, I should like to inquire about the number of personnel now in the Navy and how much of an increase will be required by the completion of the program now under way. I also should like to have the Senator tell us whether, in his opinion, conscription will be required to build up the personnel of the Navy?

Mr. WALSH. The present personnel of the Navy is, for the Regular Navy, 10,817 officers and 139,060 enlisted men. The number of retired officers on active duty—men who have been retired, and have been called back because of the emergency—is 527. In the Naval Reserve there are 15,216 officers and 40,204 men. The Reserve personnel on active duty, however, is but 2,437 officers and 4,886 men. This number includes aviation cadets and Fleet Reserve and Naval Reserve men. So the number of officers now on active duty is approximately 13,000. The number of enlisted men on active duty is approximately 143,000 or 144,000. The appropriation bill of this year authorized an increase in the enlisted personnel to 170,000.

The Senator asks me what will be the increase in the personnel. I can answer him only indirectly. The increase that we are proposing is an increase of 70 percent in the size of our Navy; so it would follow that there would be a 70-percent increase in the number of enlisted men and in the number of officers. I understand that approximately 17,000 officers and 226,500 men are required for the Navy now built and building. I assume that a 70-percent increase in officers and men over the figures given will be required for the expansion authorized by the present bill.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. WALSH. I yield to the Senator from Connecticut.

Mr. DANAHER. I should like to direct the attention of the Senator from Massachusetts to section 8 of the pending bill.

Mr. WALSH. Pardon me: In the figures I gave the Senator from California, I gave him only the number of officers and enlisted men in the Navy. I should have added the number of officers and enlisted men in the Marine Corps; and I will add those now, so that they may be connected.

In the regular Marine Corps there are 1,336 officers, 139 warrant officers, and 26,450 enlisted men. In the Marine Corps Reserve there are 1,128 officers, 17 warrant officers, and 15,000 enlisted men. Of aviation cadets there are 42. The number of retired officers on active duty is 89, and 6 warrant officers. The number of Reserve officers on active duty is 270, 1 warrant officer, and 94 enlisted men.

That means a total of approximately 27,000 men now, but in the appropriation bill of this year provision was made for increasing that number by 9,000, so that we shall have in the Marine Corps an enlisted personnel of approximately 36,000.

Mr. DOWNEY. Mr. President, will the Senator from Connecticut yield to me while I point out——

Mr. DANAHER. The Senator from Massachusetts has the floor.

Mr. WALSH. I yield to the Senator from California.

Mr. DOWNEY. I merely want to point out to the Senator that my question also asked him to discuss his opinion of the necessity of increasing the personnel in the Navy through some sort of conscription plan, such as we are discussing for the Army.

Mr. WALSH. The Navy, unlike the Army, has had practically no trouble in enlistments, and that is true also of the Marine Corps. For some reason or other, which I assume Senators have detected in their applications for appointment to the Naval Academy, there seems to be much more willingness to enlist in the Navy than in the Army. I have observed it, as we all have, in our applications for both academies. I have observed, as probably all Senators have observed, that the number of applicants for appointment to the Naval Academy is at least three or four times as great as for the Military Academy; and I am sorry to say that I have observed—it is only personal—rather a reluctance on the part of our young men to enlist in the Army. That, however, is only personal observation, and perhaps conversation, rather than figures or statistics. I judge, from the figures presented here, that I am probably mistaken in that conclusion; but that situation at least does not apply to the Navy, and I do not think there is any doubt whatever that we can get all the enlistments that the Navy needs; and, of course, its needs increase as new ships are commissioned. The present number of 170,000 enlisted men authorized for the Navy in the next fiscal year will be ample, in my opinion; but the new vessels that are coming forth and being commissioned each year will require increased personnel, and we are training men now for that purpose.

The serious problem, the real problem, is the matter of pilots for airplanes. As the Senator knows, in the previous bill which came from this committee provision was made for increasing our aviation schools, so that, instead of having only one school, that at Pensacola, we shall have several others for training purposes; and instead of training 150 a month, we hope to turn out 400 trained pilots per month. The time for training has been reduced from a year to about 8 months. Also, the Navy proposes to reduce the requirements for admission to the aviation training schools from a full college requirement to 2 years of college, and that will be quite an advantage.

I am pleased to say that so far as the Navy is concerned there is no question about filling up our needs, and there seems to be a rather popular appeal for the Navy. Of course, as the Senator knows, for an ambitious boy there is very much greater opportunity for advancement in the Navy than in the Army. A young man who is mechanically inclined, and goes to the Navy schools, can rapidly increase his compensation from the $31 a month he gets in the beginning up to $80, $90, $100, $120, or even as high as $150 a month, and that is an inducement; and a large number of the young men are not only going to the Navy schools, taking advantage of all the educational facilities we have, but they are taking correspondence courses and attending classes on the ships with their officers and showing a disposition to advance themselves and progress.

Since I have been in contact with the Navy, I think I have been more impressed with the personnel of the enlisted men than with anything else in the Navy, even more than with the officers; and that is saying a good deal, because I think the Navy has a very high quality of personnel. But Senators would be proud of the enlisted personnel in the Navy if they knew them as I happen to know them, and as the officers speak of them.

Only yesterday I made a trip down the river on one of the mosquito fleet boats, the only one we have here. It is at the navy yard, and I am sure Senators would be interested to go down and see it. I took the trip down to Mount Vernon in this boat, which ordinarily goes at the rate of about 27 knots and can speed up to 45 or 47 knots. The boat was manned entirely by enlisted men.

There was an officer in command, but all the mechanical work of running the boat was done by the enlisted men; and I assume probably they are paid a substantial wage, perhaps ninety or one hundred dollars a month.

I cannot speak too highly of the enlisted men of the Navy. I have never heard an officer speak of them who has not spoken in the most eulogistic terms of their devotion, their zeal, their intelligence, and their pride in their positions. Officer after officer has said to me, "We just could not exist without the spirit of the enlisted men." That is why I have a great deal of confidence in the personnel of our Navy; and after all, as I have said before on the floor of the Senate, it is not steel that wins naval battles; it is the capacity, the ability, the spirit, and the courage of the men who man the guns.

Mr. DOWNEY. Mr. President, if I may interpolate a few words there, the statement the Senator from Massachusetts has made is very, very encouraging; and our Navy is a very bright spot in our national defense. I think we are all very happy over it; and we here in the Senate give a great deal of credit to the chairman of our Naval Affairs Committee for the very able way in which the affairs of the Navy have been carried on.

May I ask the Senator a further question? I assume that the remarks he has made as to the personnel of the Navy apply equally to the Marine Corps.

Mr. WALSH. Yes. In the Marine Corps, however, advancement is not as rapid as it is in the Navy. There is a real problem there. It has not the opportunity for advancement that exists in the Navy. The members of the Marine Corps are soldiers, and they have only the advancement that the Army has, and it is very limited. Their wages on the average, as the Senator knows, are less than those of men in the Navy—as more of them are in the lower-pay grades. They are, however, supplied with their clothes. The marine must look spick-and-span. In this country he is a good deal on dress parade, and a man who, besides his duties as a soldier, acts as guard, and so forth.

But we have provided, in one of the bills before the committee—a bill which I shall later take up—to increase the number of first-class privates in the Marine Corps from 40 percent to 50 percent. We increased it 2 years ago from 25 to 40 percent, and we increase it in this bill from 40 to 50 percent; and we are also providing for the same wages to be paid young marines who are working on planes, doing the mechanical work on planes, that are paid to naval enlisted men. That will be some inducement, but I have been very much disturbed about the fact that, for example, when I was on the west coast and inspected the fleet, and when I have been at other places, I have asked the guard of marines who extend the courtesy of honoring guests who come to the vessels of the fleet, to raise their hands, those who would seek reenlistment, and I have been very much surprised to find that very few of them reenlist.

That is a disadvantage, and yet it is somewhat of an advantage. By reason of their occupation and the nature of their work, in time of war, as the Senators know, they are the ones who must leave the ships and go ashore and begin the attack ashore. They must be the soldiers on board the vessels of the Navy; and that kind of service requires young men, while in the Navy a man may be 35 or 40 years of age, and be mechanically inclined, and be just as useful as if he were 21 or 24 years of age.

So the turn-over in the Marine Corps, while it is very rapid, has that one single advantage, and I have personally interested myself in finding some way to induce these men to remain longer, and to provide for some system of promotion, which I hope we will be able to work out.

Senators will be interested to know, too, that the Navy Department recently, much against my judgment—I was not consulted, of course—increased the period of enlistment to 6 years from 4 years. I was reluctant to think it was a wise move. I was afraid it would result in a decrease in enlistments, taking 6 years from a boy's life, from 18 to 24, being a pretty valuable gift to his country. But there has been no diminution in enlistments.

Mr. DOWNEY. Does that relate to the Marine Corps, or the Navy?

Mr. WALSH. Just to the Navy, I think. So enthusiastic was I about the enlisted men and their devotion to duty and their capacity that in making a speech not long ago before the Daughters of the American Revolution, when referring to the personnel of the Navy and the enlisted men, I said to them:

> You never should meet an enlisted man on the street without going up and shaking his hand and thanking him that he was for $31 a month giving 6 years of his life in training to protect you and me, our lives, our homes, our fortunes, our institutions.

In the Marine Corps the personnel is quite different from that in the Navy. The Marine Corps personnel is a finer physical group. The marines are all fine appearing, solid, substantial physical types, and their training is the training of a soldier. I would say that man for man, from the physical standpoint, the Marine Corps would make a better showing and a better appearance, but I do not think they are any better in their love of their work, their devotion to duty, than the enlisted men in the Navy, or as good.

Mr. DOWNEY. Mr. President, will the Senator yield for a question?

Mr. WALSH. Certainly.

Mr. DOWNEY. Does a first-class marine receive $31 a month?

Mr. WALSH. Yes; he gets that as a reward of merit. Very few of them get that until after they have been in the service for some time. They begin at $21 and then they can go up to $36. Up to last year only 25 percent of the privates could be privates first class, then it was raised to 40 percent, and this year it is being increased to 50 percent, as an inducement to the men to render meritorious service. Twenty-one dollars is pretty low pay.

I wish to tell a story about some enlisted men. Before I had the position I now occupy, or before I was known as occupying this position, I was on a boat in Newport with some friends and wanted to go over to visit a destroyer where there was an officer whom I knew, and whom I wanted to visit. I hailed a naval barge that was passing, told them who I was, and asked if they would take me over. I got on the barge and was taken to the ship. When I left the barge I threw $2 at the four men on the barge for their kindness in taking me over. Two or three days afterward the commanding officer sent me the $2. The boys had turned it in, because it was against the regulations to accept such a gift. Of course, I could send them cigarettes, as I did afterward. But I thought that was indicative of a high sense of honor and of character and loyalty, and it impressed me very much. I could give many such illustrations.

Seventy to eighty percent of the enlisted men in the Navy send home to their folks money out of their scanty pay. So we have every reason to feel proud of our Navy. I am very happy to say these things publicly, because I think our people have a natural affection for these Navy men, and I like to have them know it is not misplaced, that the Navy is deserving of the best that can be said of it.

As I have said before, so far as the officers are concerned, there is no body of men in the United States, in any profession, who study more and are required to study more to improve themselves, and to pass examinations which recur every 7 years, than the naval officers. There are the medical and the legal professions and the ministry, but no other profession requires the exacting hours of work and study the Navy requires. Man after man at the Navy Post Graduate School has told me that he has not known a single night he was free, except occasionally Saturday night. The intensity of their studies is very remarkable. I have been very much impressed.

No man completes his work or his effort to improve himself in the Navy until he gets to the grade of admiral, then he folds his arms and takes it easy, as he probably is entitled to.

Mr. DOWNEY. Mr. President, will the Senator yield for a further comment?

Mr. WALSH. I am very glad to.

Mr. DOWNEY. I first wish to say that what the Senator has said has been intensely interesting to me, and I believe to most of the Senators present.

I have recently been informed that in the Army only about 10 percent of the privates become what they call first-class privates, entitled to $30 a month. I would suggest that if the Army could somewhat follow the principle now being suggested by the distinguished Senator from Massachusetts, and increase the percentage of first-class privates along the lines indicated by the Senator, it would be a very wise thing.

Mr. WALSH. I think so, too. There is this difference between the Army and the Navy. The naval officers live with their men. They are all on shipboard together. They come in contact morning, noon, and night. They do not mess together, but there is a friendliness and an intimacy that does not interfere with discipline, but makes for a common bond.

I was surprised not long ago to have someone tell me that he had picked up some Marines coming from Quantico, who were thumbing for a ride. They told him they had never yet had an officer refuse to give them a ride, that their officers bring them back to the post frequently. This treatment outside of the post shows a good spirit. The moment an officer gets out on the highway, he is no longer an officer, so far as associating with the men is concerned.

I wish to say one other thing, and I say it only for our consideration, and not in criticism. I suspect there is a feeling that the inadequacy of the Army and the lack of modern mechanism and complete preparation, for which we are all to blame, has had a deterrent effect on enlistments in the Army. I suspect that from things which have been said to me. I do not repeat them in criticism, but I am trying to make a contrast between the two services.

Mr. DANAHER. Mr. President——

The PRESIDING OFFICER (Mr. O'MAHONEY in the chair). Does the Senator from Massachusetts yield to the Senator from Connecticut?

Mr. WALSH. I yield.

Mr. DANAHER. I should like to direct the Senator's attention to section 8 of the bill, and with that section before the Senator, I wish to read two sentences from the committee report dealing with that particular section. The committee advises us:

> Ten thousand airplanes is the number required for our Navy now built and building.

The concluding sentence of the committee report dealing with section 8 states:

> The committee are of the opinion that an authorization for 15,000 useful naval airplanes is justified at this time.

That the total of 15,000 includes the 10,000 referred to in the report?

Mr. WALSH. Yes.

Mr. DANAHER. That is correct?

Mr. WALSH. Yes.

Mr. DANAHER. The committee having concluded that an authorization of 15,000 is justified at this time, will the Senator please explain the remaining language of the section, which reads:

> *Provided*, That if, in the judgment of the Secretary of the Navy, the total number of airplanes authorized herein is not sufficient to meet the needs of the national defense, he may, with the approval of the President, make such plans for procurement as the situation may demand.

Let me say to the Senator that I know of no other bill, though my research, I admit, has been scant, that contains such a clause, and I should be happy if the Senator would explain whether that is the language of the committee, and what they intend by it.

Mr. WALSH. One of the difficulties we have had with all of these bills, including the one before us, was not to have the construction program get too far away from the Congress. I think that is what the Senator has in mind. We have guarded that situation very much in the legislation. I thought at times that if we kept making these sweeping authorizations, the Committee on Naval Affairs might as well go

out of business, there would be nothing for us to do, that all the Navy would have to do would be to go and get the money. So an effort has been made to limit the number of payments. In one other bill, at least, similar language is used, and the Navy construe their authorization to be the number indicated, the same language being employed.

The reason for the legislation is that there was an assumption that Congress might adjourn for 6 months, and if there really was a crisis developing in this country, or a threatened crisis of much more severity than we anticipate now, this sweeping power should be given to the President.

Mr. DANAHER. Mr. President, will the Sentor yield?

Mr. WALSH. I yield.

Mr. DANAHER. The power, let me say to the Senator, is not being given to the President. But, above all, the Senator does not expect that the 15,000 planes herein authorized will be built during the next 6 months, does he?

Mr. WALSH. No. The proviso reads, "with the approval of the President."

Mr. DANAHER. Yes, I understand it says "with the approval of the "President." But it goes on to say that if the judgment of the Secretary of the Navy is to the effect that this authorization is not sufficient, he may, with the approval of the President, make plans for additional procurement.

The Congress certainly is perfectly acquiescent in granting naval defense appropriations, is it not?

Mr. WALSH. Yes.

Mr. DANAHER. And it is expected, of course, that this new bill will be passed?

Mr. WALSH. Yes.

Mr. DANAHER. And by it we are increasing the authorization from 10,000 planes, which we do not even now have, to 15,000 planes, which we will not have in 6 months.

Mr. WALSH. That is true.

Mr. DANAHER. Is there any reason why we should not strike out the language beginning with *"Provided,"* in section 8, on the ground that if and when there be a need demonstrated, the Congress will readily acquiesce and give the Navy whatever it requires?

Mr. WALSH. That proviso was added in the House. We accepted it in the Naval Affairs Committee of the Senate. It was inserted in the House because the Army has exactly the same authority to build unlimited numbers of planes for 2 years. We have sinned on the side of being too liberal. I do not desire to make comparisons, but we have had a good deal of difficulty in holding back the Navy from demanding the extreme authorizations that have been granted to the Army, the Navy's coworker in the field of national defense.

I personally have no objection to that language going out of the bill. We cannot build before another session more than 15,000 planes. But I wish to say that whenever we have inserted a number, as in this case, the Navy Department has construed that number to be the limitation.

Mr. DANAHER. Let me point out to the Senator that, in the very sincere judgment of several earnest Senators, there has been much justifiable criticism of an attitude of mind on the part of the Secretary of the Navy whose nomination was confirmed only this afternoon. Now we find language to the effect that if, in the judgment of the Secretary of the Navy, the total number of airplanes is not sufficient to meet the needs of the national defense, certain things shall be done. Let me point out to the Senator that there is no definition provided of the term "national defense." Let me point out further that when we passed Public, No. 671, less than a month ago, we talked then in terms of defense of the United States.

Mr. President, there is a difference, and I submit to the Senator from Massachusetts himself that he demonstrated his own views on the subject of what is national defense in a splendid speech he made here a few days ago. What may be the judgment of the Secretary of the Navy, now incumbent, as to national defense and what may be necessary for the defense of the United States may easily take two very different and widely divergent lines and may be judged from two very different and opposed points of view.

Mr. WALSH. Of course, there is always the further step of proving before the Committee on Appropriations the need and the requirement in order to get the necessary amount of money. The committee, of course, also had that in mind. Furthermore, it is to be assumed that the Secretary of the Navy, whoever he may be, will be reasonable and will not enter upon an expensive and extravagant program of building planes which are not absolutely needed for national defense. The President himself spoke about 50,000 planes, as the Senator from Connecticut knows.

I have felt that the Congress at this time ought not to put itself in such a position that the Navy Department or the War Department could accuse it of being responsible for not building up the national defense. One former Cabinet officer has attempted to place some blame on the Congress without justification.

Of course, he is a candidate for office, and that may explain why he takes such a position. But I have felt that we ought not to put the Congress in such a position that someone could say, "We asked for this, and Congress did not give it to us. The Congress is therefore responsible. We wanted these vessels, and Congress did not give us the appropriation for which we asked."

Before adjournment I shall try to have a complete record of all that has been done by the Naval Affairs Committee during the time I have been chairman of it, going back to 1934, and during the time when the late Senator Trammell was chairman, to show that we have provided everything for which the Navy has asked.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. CONNALLY. Let me say to the Senator from Massachusetts that, as I recall, the distinguished Senator from Connecticut made a speech about 2 or 3 weeks ago in which he bemoaned the fact that we had not made greater military and naval appropriations. Now he wants to strike out the proviso which would authorize the Secretary of the Navy, with the approval of the President, to secure additional planes. Before he could obtain them he would have to get the Appropriations Committee to provide the money, of course.

The country wants this program speeded up. We all want it speeded up. I do not think the proviso ought to go out of the bill. For God's sake, let us let the Navy proceed and build these planes; and if 10,000 planes are not enough, let us provide 15,000 or 25,000, if it is necessary for the defense of the country. The Secretary of the Navy and the President are not going to have those planes built unless they think it is necessary, and the Congress is not going to give them the money unless it thinks it is necessary. I am not in favor of hampering or hog-tying or hobbling the Navy and the War Department. I think the suggestion of the Senator from Connecticut should be rejected and that the proviso should stay in the bill.

I commend the Senator from Massachusetts. He has always been in favor of an adequate navy. For myself, I have always been classed as a big navy man. A year and a half ago I spoke in this Chamber and pointed out that sooner or later we would have to have a two-ocean navy, a navy which could dominate the Atlantic—we cannot depend on the Canal entirely—and another navy capable of dominating the Pacific. Then, when we get that sort of a Navy, if we want to make faces at Europe, we can do it; and if we want to tell the Japs what we think of them, we can do it. I understand that this bill gives us a two-ocean navy.

Mr. WALSH. This bill provides what the Senator has advocated and what I advocated 3 years ago, a proposal which was received with very much criticism at the time.

Mr. CONNALLY. Yes, there was criticism all over the country. But it is not criticized now. Our people today want a two-ocean navy. This bill will give us a two-ocean navy, and for God's sake let us go on and get it, and not tie the Navy and the Army in the matter of appropriations.

Mr. DANAHER. Mr. President, will the Senator from Massachusetts yield for a moment again?

Mr. WALSH. I yield.

Mr. DANAHER. Let me point out that the Senator from Massachusetts has frankly and honestly admitted that we do not have 10,000 planes now for the Navy. This very bill will increase the authorization limit to 15,000 planes, and that is quite all right. We are all in favor of that, because it is coincident with and collateral to the program which is outlined in the bill.

Mr. President, the Senator from Massachusetts has stated "we will not get the 15,000 planes in the next 6 months." We will not get them in 18 months, as a matter of fact. But the Congress will be back here, and if and when plans needed for additional aircraft expansion, for naval expansion, or any other expansion, are required, the whole situation can be submitted to the Congress, and the Congress will then be able to be in a position properly to evaluate the program and, of course, will provide the money if the Navy Department needs it.

I thank the Senator from Massachusetts for his courtesy.

Mr. WALSH. Mr. President, I will finish the discussion of this question by reading for the information of the Senate the composition of the Navy when this program is completed. It is very interesting:

Composition of Navy when program is completed: When the vessels authorized by the present bill are completed in 1946 or 1947, the United States Navy will be composed of vessels approximately as follows:

Battleships	35
Aircraft carriers	20
Cruisers	88
Destroyers	378
Submarines	180
Total	701

We have now 301 vessels in commission and 72 out of commission. Only 150 of these vessels are under-age. We have about 137 vessels building. Then those in this bill, which would be completed by 1947, would give us a total of 701 vessels, which will be almost 100 percent increase over the present naval strength as of March 1, this year.

Of the above, the following vessels will be over-age in 1947:

Battleships	13
Aircraft carriers	2
Cruisers	10
Destroyers	123
Submarines	74
Total	222

One of the difficulties of the naval program is that all the time vessels are becoming over-age and have to be replaced.

The following combatant vessels were under construction on July 5, 1940. These are the latest figures:

Battleships	10
Aircraft carriers	5
Cruisers	21
Destroyers	61
Submarines	40
Total	137

I think that completes the information.

Mr. CONNALLY. Mr. President, I have been very much interested and I congratulate the Senator from Massachusetts.

What, if anything, is the Navy doing toward putting on more than one shift? We talk about building ships for 1946, but if we were to have a war in 1942 or 1943 those ships would not be of much utility. Why does not the Navy require the contractors to put on a double shift, or why do we not put on double shifts in our navy yards? We have many navy yards, have we not?

Mr. WALSH. In some instances it is being done, but only in connection with essential vessels and certain essential items.

Mr. CONNALLY. They are all essential, or we ought not to spend any money for them.

Mr. WALSH. I am now giving my own opinion. I do not know what the answer of the Navy Department would be, except that it has not yet been done.

Mr. CONNALLY. It ought to be done.

Mr. WALSH. I agree with the Senator, but one of the difficulties is the overtime.

Mr. CONNALLY. I am talking about two or three shifts.

Mr. WALSH. Draftsmen, designers, and specialists of various kinds are very difficult to obtain. In fact, we are draining personnel from our private yards into our navy yards for the purpose of obtaining specially skilled and highly trained experts. We can obtain enough common labor, but one of the difficulties is to obtain enough specialists to carry on certain types of work.

Let me say to the Senator that I am in accord with his view. I know that the Navy is contemplating taking such steps as fast as possible, but one of the handicaps is that which I have mentioned. Furthermore, persons are being trained in schools to qualify them for this specialized work.

Mr. CONNALLY. Some of the personnel may require such training; but the best training on earth is to put a man to work at a job. He then learns it. I certainly think the Army and the Navy ought to put on at least two, and if possible, three shifts a day. Several million men are unemployed throughout the country, and we are still pursuing the old way of building ships.

Mr. WALSH. What the Senator suggests is being done, but not to the sweeping extent which the Senator from Texas, myself, and others would like to see.

Mr. CONNALLY. It ought to be done.

Mr. WALSH. There are some difficulties, and time is required to develop and work out the program.

However, I understand that it is the purpose and intention of the Navy Department to do as the Senator suggests. As the Senator knows, in a previous bill speeding up construction we have given the Navy Department unlimited authority in that direction. We provided that overtime should not be paid on jobs for which persons could be found to do the work. I am sure the Senator agrees with that policy.

Mr. CONNALLY. That is correct.

Mr. WALSH. That policy is now a matter of law. I thank the Senator for his observation.

Mr. CONNALLY. I hope the Senator will do his best to wake up some of the sleepy old admirals and put them to work.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. BARKLEY. I notice that the schedule which the Senator read calls for 180 submarines by 1946.

Mr. WALSH. Yes.

Mr. BARKLEY. Is that enough submarines for a two-ocean navy?

Mr. WALSH. The bill was drafted by the Navy Department on the basis and theory that that number would be sufficient, but we are now developing a small 70-foot motor torpedo boat and other small boats. There is one now at the navy yard, and I think it is leaving tomorrow. It would be well worth while for every Senator to see it. It is thought that such vessels would to some extent take the place of submarines.

The President has a very excellent idea in this connection. He does not believe so much in a large number of big, clumsy, slow-moving ships as in an overwhelming number of small, speedy vessels. I concur in his view in that respect. I was informed that Germany now has operating 400 fast-moving mosquito-fleet vessels. Their speed is only 33 knots, as against our speed of 45 knots. Yesterday I rode down to Mount Vernon in one of the boats, part of the way at 45 knots.

That type of vessel is a very remarkable new development. It first appeared in the Mediterranean 2 years ago under the Italians, at the time of their fight with Ethiopia. Perhaps the Senator read the story, which indicated how surprised the British were to find a cluster of torpedo boats running all around them. Of course, they did not open fire on them, but the demonstration was a revelation at any rate. It is said that Germany has 400 such boats in operation.

A couple of evenings ago I either read or heard on the radio a remarkable story of destruction of commercial vessels by such fast-moving, speedy boats. The same naval officer who gave me the information about the 400 boats told me that since 1938 Germany had had 6,000 men employed in

building this single type of vessel. Having been deprived under the treaty of the opportunity to build large cruisers and battleships, she has concentrated on submarines and smaller vessels.

The Senator has raised a question which I cannot answer. I can only say that this is the Navy Department's bill. I think there is a movement—which I am disposed to favor—toward an overwhelming number of small, swift-moving craft which carry a few torpedoes, and which can go out of our harbors and prevent any raids being made or any attempts to land on our shores, supplementing the fleet itself at some distance from land. I think the Senator has raised a question which I should like to look into.

Mr. BARKLEY. I appreciate the importance of the small boats, and yet they are surface boats. They are frail. They are bound to be frail.

Mr. WALSH. And they will not last very long.

Mr. BARKLEY. They will not last very long. They must be frail, because they are only about 70 feet long.

Mr. WALSH. I think most of them are wooden boats.

Mr. BARKLEY. In view of the effective depredations which have been made by submarines, both in the World War and in this war, I think we should not neglect that phase of the matter. The submarines are able to slip up on their prey. That does not appeal to me as a sportsmanlike way to fight, but still we must deal with conditions and not with theories. It rather struck me that 180 submarines for two oceans is a small number. I appreciate the fact that I am not an expert on either submarines or surface craft, but it seems to me important that there should be enough submarines, as a part of our Navy, to meet all requirements in any sort of naval warfare.

Mr. WALSH. Amplifying what the Senator says, when we learn, as the statistics show, that Italy alone has over 100 submarines, the number seems small.

Mr. BARKLEY. It seems to me small.

Mr. WALSH. I am somewhat surprised to find that the able Senator from Kentucky, who knows so much about general legislation, is so familiar with technical naval terms and has so much technical knowledge of the Navy. I required a long time to obtain what knowledge I have, and I am surprised to see that the Senator's questions indicate a familiarity with the subject equal to that of any member of the committee.

Mr. BARKLEY. I have learned much on the subject of naval construction from the Senator from Massachusetts.

Mr. KING. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. KING. I am interested in the observations made by the Senator from Kentucky. As the Senator may recall—I have forgotten whether or not he was on the Naval Affairs Committee at that time—for several years I was a member of the Naval Affairs Committee. I believed that those in charge of the Navy were a little too inert, a little too old-fashioned, and I was so out of patience with them that I resigned from the committee, having other assignments, of course.

The point I wish to make is that we had an investigation as to the efficacy—indeed, the imperative necessity—of submarines. I had Admiral Sims and Rear Admiral Fullam appear before the committee. The head of the Navy—I shall not mention his name—and others were resistant to the proposal that the Navy should have a considerable number of submarines and airplanes.

Mr. WALSH. Was this after the World War?

Mr. KING. This was immediately after the World War. Admiral Sims testified as to the importance of submarines, and challenged attention to the fact that the British Fleet had to flee, as the Senator will recall, and take refuge in Scapa Flow after the battle of Skagerrak because the submarines were too much of a menace. Notwithstanding the great fleet which the British had, they had to flee and take refuge at Scapa Flow. Admiral Sims stated that one of the imperative needs of the Navy was the submarine, and that we must build more submarines.

I offered a resolution to create a bureau of submarines and a bureau of airplanes. It did not meet with favor in the Navy Department. The Navy Department officials were "sold" on the battleship and the big cruiser, and they were indifferent to the new method of warfare; namely, the submarine and the airplane.

I am glad to see that there has been an awakening, and that we are beginning to appreciate the fact that we must have submarines. They are an indispensable part of the Navy.

I rose particularly to inquire of the Senator whether or not recent investigations have demonstrated that the battleship and the battle cruiser are playing as important a part in naval warfare as it was believed they were called upon to perform a number of years ago, before we had the submarine and the airplane.

Mr. WALSH. There has been no real test as yet. The battleship's value would depend to a great extent upon the result of an open fight between two fleets at sea. If that occurred, I am convinced from my investigations of the subject that the battleship would be found indispensable if the opposing fleet had battleships.

As I have said before, the battleship is a fortress at sea. An airplane carrier is a landing field at sea. The battleship has the heaviest guns that can be carried; it has the longest range guns; and it is like moving a fort that is on land, in a harbor, out into the middle of the sea. When the attack comes the battleship is the most deadly and destructive of all.

If other fleets did not contain battleships it might not be necessary for our fleet to contain battleships; but, however powerful and effective our fleet might be, if the enemy had a battleship or two it could raise havoc, because it could stand far away from the reach of our guns, and pour its fire into our fleet, and destroy it.

Mr. KING. I noticed in the newspapers a few nights ago that in the case of a French battleship in the harbor of Oran, or perhaps at Alexandria—I have forgotten which—a brave Englishman in a little motorboat took a depth bomb and discharged it under the stern of the battleship, and so ruined it that it partially sank.

Mr. WALSH. I understand that the ship was aground, and could not move.

I will ask the members of the committee whether I am correct in the statement which was made before our committee that no battleship yet has been destroyed by a bomb dropped from the air. The Senator from Rhode Island [Mr. GERRY] says I am correct in that statement. We went into that subject. Cruisers have been so destroyed. The armor plate on the battleship and its defenses against airplane and bombing attacks are very great. Of course, the weakest of all our vessels from the standpoint of their own defense are the airplane carriers, because they are lightly constructed, carry a heavy load, and have great speed.

I should say that up-to-date events show that we cannot discard the battleship.

Mr. KING. I rose primarily to support the view expressed by the Senator from Kentucky as to the importance of the submarine. I cannot forget the very clear and concise and strong testimony of Admiral Sims, who was one of the greatest naval men of his day. I do not know whether we have his equal now or not.

Mr. WALSH. I detected in the early days—not so much recently, especially with the lessons of the World War—a disposition on the part of the men who went up through the Navy and became admirals to have an affection, which I suppose was natural, and a fondness for the weapons they themselves used. Most admirals, of course, came from the fleet, where battleships are considered supreme, and therefore there was a little reluctance on their part to accept the value of the submarine, or even the airplane. I am happy to say that that is all gone now.

Mr. KING. Admiral Sims, of course, was overseas, as the Senator knows. He had charge of our fleet, and I think he brought new life into the British Navy, and the result of his fine work made an important contribution to the ending of the war.

Mr. CONNALLY. Mr. President——

Mr. WALSH. I yield to the Senator from Texas.

Mr. CONNALLY. In confirmation of what the Senator from Massachusetts said about the value of the battleship and heavy armor, were not all those aspects vindicated in the recent battle between the English Fleet and the French Fleet? Were not the French vessels put out of business by the heavy armament and the heavy artillery of the British Fleet?

Mr. WALSH. The Senator from Texas is absolutely right.

Mr. CONNALLY. They were not put out of business by the airplane.

Mr. DANAHER. Mr. President——

Mr. WALSH. I yield to the Senator from Connecticut.

Mr. DANAHER. A few minutes since, when the Senator from Massachusetts so graciously yielded to me, we did not have at hand the exact number of planes which the Navy now has; but the committee's report sets forth in two paragraphs exactly what the situation is. I ask unanimous consent that that part of the report be printed in the RECORD at this point for ready reference.

Mr. WALSH. I shall be very happy to have that done.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Planes: One thousand seven hundred and eighty-six useful naval airplanes were on hand on June 1, 1940. Of this number approximately 1,367 were useful combatant planes.

The committee were informed that the Navy Department's airplane-procurement program contemplated approaching the present authorized limit by July 1, 1942.

Mr. WALSH. I ask now to have action taken on the amendments reported by the committee. There are only a few of them. Then there are two or three other measures, which will take only a short time.

The PRESIDING OFFICER. The amendments reported by the committee will be stated.

The first amendment of the Committee on Naval Affairs was, on page 2, line 23, after the word "authorized", to strike out "$50,000,000" and insert "$65,000,000", and in line 25, after the word "material", to strike out "at either private or naval establishments, which shall include the authority to purchase land at such locations as the Secretary of the Navy with the approval of the President may deem best suited to the purpose, erect buildings thereon, and acquire the necessary machinery and equipment, and $20,000,000 for the expansion of facilities, which shall include the authority to acquire land and erect buildings for the production of armor at either private or naval establishments" and insert "or munitions at either private or naval establishments, and $35,000,000 for the expansion of facilities for the production of armor at either private or naval establishments. The authority herein granted for essential equipment and facilities, and for the expansion of facilities, shall include the authority to acquire lands at such locations as the Secretary of the Navy with the approval of the President may deem best suited to the purpose, erect buildings, and acquire the necessary machinery and equipment", so as to make the section read:

SEC. 3. There is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, such sums as may be necessary to effectuate the purposes of this Act, including not to exceed $150,000,000 for essential equipment and facilities at either private or naval establishments for building or equipping any complete naval vessel or portion thereof herein or heretofore authorized, $65,000,000 for essential equipment and facilities for the manufacture of ordnance material or munitions at either private or naval establishments, and $35,000,000 for the expansion of facilities for the production of armor at either private or naval establishments. The authority herein granted for essential equipment and facilities, and for the expansion of facilities, shall include the authority to acquire lands at such locations as the Secretary of the Navy with the approval of the President may deem best suited to the purpose, erect buildings, and acquire the necessary machinery and equipment.

The amendment was agreed to.

The next amendment was, on page 3, line 24, after the word "Patrol", to insert "escort, and miscellaneous", and in line 25, after the word "exceed", to strike out "$25,000,000" and insert "$50,000,000", so as to make the section read:

SEC. 5. The President of the United States is hereby further authorized to acquire and convert or to undertake the construction of—

(a) Patrol, escort, and miscellaneous craft at a total cost not to exceed $50,000,000; and

(b) One hundred thousand tons of auxiliary vessels of such size, type, and design as he may consider best suited for the purposes of national defense.

The amendment was agreed to.

The next amendment was, on page 4, line 14, after the word "boat", to insert "(except ships' boats)", and in line 17, after the word "scrapped", to strike out "without the consent of the Congress" and insert "except as now provided by law", so as to make the section read:

SEC. 7. No vessel, ship, or boat (except ships' boats) now in the United States Navy or being built or hereafter built therefor shall be disposed of by sale or otherwise, or be chartered or scrapped, except as now provided by law.

The amendment was agreed to.

The PRESIDING OFFICER. That completes the committee amendments. The bill, as amended, is now before the Senate for disposition.

Mr. WALSH. Mr. President, I have nothing more to say.

COMMON SENSE NATIONAL DEFENSE, NOT MADNESS AND HYSTERIA

Mr. LUNDEEN. Mr. President, before any action is taken on the bill, I wish to say—and I am not relying upon my own judgment in the matter; I have talked to many experts—that it is my belief that if we took the appropriation for some of these great capital ships and used it in the construction of airplanes and submarines and small, swift surface craft we should be greatly strengthening the defense of America.

ADMIRAL SIMS AND BATTLESHIPS

I cannot forget the statement Admiral Sims made, which has been referred to so many times, that the safest place for battleships in the next war is just as far up the Mississippi River as possible. I still believe he knew what he was talking about.

SECRETARY EDISON AND THE NAVY

I remember that not long ago the Secretary of the Navy of the United States gave us a report in which he admitted that our ships were not ready for battle, and that they would have to be rebuilt and somewhat reconstructed in order to meet the menace of the warplane. I do not want to enter into any debate about the matter, and I am sure it is not necessary, but I want to be on record on this subject.

The Senator from California [Mr. DOWNEY] spoke about the bright spot. I believe he referred to the Navy as the bright spot.

Mr. WALSH. The personnel of the Navy.

Mr. LUNDEEN. And the personnel; and we are glad about that. We are happy about that; but let us see to it that the air force of America is not our blind spot.

For 25 years I have advocated a separate department of the Air Service in the United States. I introduced the first bill on the subject in 1919, and I was supported in it by Brig. Gen. Billy Mitchell, the greatest of them all. We still have the Air Service split up and scattered around among these great services. They are doing very well, of course; but the French, the Italians, the great British Empire, the German Reich, and Japan all have separate departments of the Air Service—all of them.

DEPARTMENT OF THE AIR SERVICE

We should have a separate department of the Air Service. We are coming to that in the not distant future. Why not now? Why always have hindsight; why not a little vision and a little foresight?

THE GREAT MADNESS

Mr. President, we are appropriating $10,000,000,000 for the Navy, more billions for the Army and the Air Service until we approach $20,000,000,000 in this great madness. So far as 1940 and 1941 are concerned, these huge sums will avail

us nothing. It will all end in a great financial debacle—no real planning—no blueprints for the future—only fumbling in the past. I am for common-sense national defense. I am not for madness and hysteria—that will not take us anywhere. I cannot rid myself of the feeling that we are building for offensive warfare—not for defense, but offense. I am against that sort of building.

We must heed the lessons of the second World War in Europe. The war plane has all but driven the surface navy off the sea. We ought to be able to see that by now. The only real sea defense is to achieve supremacy of the air and then the Navy can operate and function, but without that air supremacy the Navy is driven into hiding.

In view of the statements which have been made today, I believe that swifter, smaller vessels filling our harbors and swarming the sea about our coasts would constitute a great measure of safety. I believe in that. I am not sure that I should want to dispense with all our battleships, but I am afraid we are overdoing that part of our naval defense. I am afraid we are still back in the days of yesterday a little too much.

ERICSSON AND THE MONITOR

I remember reading that when Ericsson came to the Navy with his *Monitor*, the Navy scoffed at it. The President had to rescue the situation. We must look into the future. We must try to have a little vision. Certainly we ought to study the lessons of this war, the great second World War. I think the airplane has shown the world a new picture of warfare.

Certainly we must not rely on one form of defense. I am not advocating that; but I think we should emphasize the Air Service more than we have. We should unify it, take it away from the jealousy of the Army and the Navy and the Marine Corps and the Coast Guard, and all that sort of thing, and put it in one great department. I absolutely agree with the able Senator from Utah [Mr. KING] when he talks about the submarine. Certainly the submarine justified itself in the first World War, and it is very destructive now.

MORE WAR PLANES, LESS SUPERDREADNAUGHTS

I am not relying upon my judgment as a layman but on talks I have had with admirals, generals, and our eagles of the air who have been kind enough to give me information. If I had my way about it I should like to turn one or two of these superdreadnaughts into just as many airplanes, submarines, and sea sleds as the money would provide for—more war planes, more submarines, and more faster and smaller vessels that will increase the safety of our country.

Mr. DANAHER. Mr. President, I previously had a colloquy with the Senator from Massachusetts with reference to the language on page 4, line 23, and I move as an amendment that the proviso beginning at that place be stricken out.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. It is proposed to strike out the proviso beginning in line 23 on page 4, down to and including line 2, on page 5.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H. R. 10100) was read the third time, and passed.

ENCOURAGEMENT OF TRAVEL IN THE UNITED STATES

The PRESIDING OFFICER (Mr. O'MAHONEY in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 6884) to encourage travel in the United States, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BILBO. At the request of and on behalf of the chairman of the Committee on Commerce [Mr. BAILEY], I move that the Senate insist upon its amendment, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mrs. CARAWAY, Mr. BILBO, and Mr. VANDENBERG conferees on the part of the Senate.

USE OF OBSOLETE NAVAL VESSELS AS TARGETS

Mr. WALSH. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 2056, Senate bill 3008.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 3008) to authorize the President of the United States to dispose of certain public vessels, and for other purposes, which had been reported from the Committee on Naval Affairs with an amendment, to strike out all after the enacting clause and to insert the following:

That the Secretary of the Navy, with the approval of the President, be, and he is hereby, authorized to use as targets for experimental firings vessels of the United States Navy stricken from the Navy Register pursuant to the act of August 5, 1882 (22 Stat. 296; 34 U. S. C., sec. 491): *Provided*, That the Secretary of the Navy shall first determine that the interests of the Government would be best served thereby: *Provided further*, That the Secretary of the Navy shall make an annual report to the Congress of all vessels disposed of under the provisions of this act.

Mr. McNARY. Mr. President, there should be a brief explanation of the bill.

Mr. WALSH. A reading of the bill states its purpose. It provides:

That the Secretary of the Navy, with the approval of the President, be, and he is hereby, authorized to use as targets for experimental firings vessels of the United States Navy stricken from the Navy Register pursuant to the act of August 5, 1882 (22 Stat. 296; 34 U. S. C., sec. 491): *Provided*, That the Secretary of the Navy shall first determine that the interests of the Government would be best served thereby: *Provided further*, That the Secretary of the Navy shall make an annual report to the Congress of all vessels disposed of under the provisions of this act.

Under the act of 1882 a board sits in judgment and determines what vessels are obsolete and cannot be repaired, or are no longer useful. Then it requires that they should be offered for sale and sold at auction. This measure would permit vessels which are half burned, or are useless, when a certificate is filed by the Secretary of the Navy, and with the approval of the President, to be used for target purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONSTRUCTION OF GRAVING DRYDOCK IN NEW YORK HARBOR

Mr. WALSH. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 2048, Senate bill 4165.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 4165) to provide, in cooperation with the Port of New York Authority, for the construction in New York Harbor of a graving drydock large enough to accommodate the largest naval ships built or building, which had been reported from the Committee on Naval Affairs with an amendment, on page 3, line 3, to strike out "size" and insert "site", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to consider such proposals as may be made by the Port of New York Authority to provide an adequate site in New York Harbor or its vicinity and to construct or cause to be constructed thereon a graving drydock and facilities appurtenant thereto, under the powers and jurisdiction conferred upon said authority by the compact of April 30, 1921, between the State of New York and the State of New Jersey (42 Stat. 174), consented to by the Sixty-seventh Congress of the United States (42 Stat. 174), to purchase, construct, lease and/or operate a drydock in the port of New York district and under the powers conferred on said authority by the comprehensive plan for the development of the port of New York, adopted under and pursuant to the aforesaid compact by the States of New York and New Jersey, which comprehensive plan was consented to by the Sixty-seventh Congress of the United States (42 Stat. 822), and, in the event that a proposal satisfactory to the Secretary of the Navy is received, to submit, subject to approval of the President,

to the Congress, an estimate for an appropriation of an amount equal to one-half the cost of said drydock and facilities appurtenant thereto, including the cost of any land acquired therefor, but in any event not to exceed $7,000,000, which shall be available for the purposes and subject to the limitations hereinafter stated.

SEC. 2. The location of the proposed drydock and its appurtenances shall be subject to the approval of the Secretary of the Navy.

SEC. 3. Any amount appropriated under the authority contained in this act shall be available only for the construction of a graving drydock with dimensions and structural strength sufficient, in the opinion of the Secretary of the Navy, to accommodate the largest naval or merchant vessel built or building, together with an adequate site therefor, and shop, transportation, weight handling, and other incidental appurtenances and facilities, according to designs and general plans and specifications to be submitted with said proposal by the Port of New York Authority (hereinafter called the port authority) as a part thereof.

SEC. 4. (a) Any amount appropriated under the authority contained in this act shall be available for payments on account of a contract to be negotiated and entered into between the Secretary of the Navy and the port authority for the purposes herein stated.

(b) The contract so negotiated shall require the port authority to construct or cause to be constructed the graving drydock and to provide the appurtenances and facilities contemplated by the accepted proposal, to be completed and ready for use within such a time as may be specified in said contract by the Secretary of the Navy, without risk or expense to the United States, except as herein provided, and in accordance with plans and specifications to be approved by the Secretary of the Navy or at his direction by the Chief of the Bureau of Yards and Docks.

(c) From and after the time said graving drydock and drydock facilities are ready for use, priority service shall be given in the drydock, or by means of other drydock facilities of the operator thereof acceptable to the Secretary of the Navy, to naval and other public vessels of the United States and to commercial vessels owned by the United States or by any corporation of which the majority of the stock is owned by the United States. The charges for docking such vessels shall be the actual direct operating costs plus a predetermined allowance for profit and overhead charges, which overhead charges shall not include any interest or amortization upon the amount appropriated by the United States under this act and paid to the port authority on account of the contract to be negotiated and entered into between the Secretary of the Navy and the port authority as aforesaid.

(d) In time of war or national emergency, as declared by the President of the United States, the United States shall have exclusive priority for the use of said graving drydock and appurtenances.

(e) The said graving drydock and appurtenances shall be owned by the port authority, but may be leased to such private operator or operators as may, in the judgment of the commissioners of the port authority, be best suited to operate and maintain said drydock. The drydock shall be maintained continuously to the satisfaction of the Secretary of the Navy.

SEC. 5. There is authorized to be appropriated out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to effectuate the purposes of this act.

SEC. 6. All acts and parts of acts inconsistent and in conflict with the provisions of this act are hereby suspended during the period in which such provisions of this act are in effect to the extent of such inconsistency or conflict.

Mr. McNARY. Mr. President, there are so few Senators present that I think this bill should go over until tomorrow.

Mr. WALSH. I shall be very happy to have it go over. It is understood the measure will be the first business for tomorrow in case the Senate takes a recess?

The PRESIDING OFFICER. Yes.

DE SOTO NATIONAL FOREST

Mr. BILBO. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of Senate bill 4119, which is an emergency defense measure, which has been reported unanimously by the Committee on Public Lands and Surveys, and has the unqualified approval of the Department of Agriculture and the War Department. The purpose is to transfer 65,000 acres from the De Soto National Forest to the War Department, upon the request of the War Department to the Secretary of Agriculture.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill (S. 4119) to provide for the transfer of certain land in the De Soto National Forest to the Secretary of War for use for military purposes, which had been reported from the Committee on Public Lands and Surveys, with an amendment, on page 1, line 9, after the word "select", to strike out the period and insert a colon and the following: "*Provided*, That in the event the area transferred pursuant to the provisions of this act shall cease to be used for military purposes, it shall revert to its former national-forest status", so as to make the bill read:

Be it enacted, etc., That upon request of the Secretary of War, the Secretary of Agriculture is authorized and directed to transfer to the Secretary of War, for military purposes, such tracts of land, not in excess of 65,000 acres, contiguous to the Camp Shelby State Military Reservation, Miss., and now included within the limits of the De Soto National Forest, Miss., as the Secretary of War may select: *Provided*, That in the event the area transferred pursuant to the provisions of this act shall cease to be used for military purposes, it shall revert to its former national-forest status.

The amendment was agreed to.

Mr. McNARY. Mr. President, I should like to make an inquiry. Is this property located in Mississippi?

Mr. BILBO. It is.

Mr. McNARY. It is owned by the Government?

Mr. BILBO. Yes.

Mr. McNARY. The bill provides for a transfer from one agency to another?

Mr. BILBO. Yes.

Mr. McNARY. It does not involve any consideration?

Mr. BILBO. No.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COL. DONALD H. CONNOLLY

Mr. BARKLEY. Mr. President, I ask unanimous consent that the Presiding Officer of the Senate be authorized to affix his signature to Senate Joint Resolution 283, which has been passed by the House and is on the Speaker's desk, but he cannot sign it until it goes back into the House after the consideration of the Hatch bill. It is important that this be done so that the President may appoint Col. Donald H. Connolly Administrator of Civil Aeronautics.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

ADMISSION OF CERTAIN PERSONS TO ST. ELIZABETHS HOSPITAL

Mr. KING. Mr. President, the amendments adopted by the Senate to H. R. 9576, relating to the admission to St. Elizabeths Hospital of persons resident or domiciled in the Virgin Islands of the United States, were, in identical language, incorporated as a part of section 3 of the "Emergency Relief Appropriation Act, fiscal year 1941," which has become a law.

Therefore, I ask unanimous consent that the vote on the passage of H. R. 9576, together with the vote ordering the engrossment of the amendments and the third reading of the bill, and the votes agreeing to the committee amendments, may be respectively reconsidered, and that the amendments be disagreed to.

If the consent is given, the bill may be passed without amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Utah? The Chair hears none, and it is so ordered.

The question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 22 minutes p. m.) the Senate took a recess until tomorrow, Thursday, July 11, 1940, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 10 (legislative day of July 8), 1940

NAVY DEPARTMENT

Frank Knox to be Secretary of the Navy.

PROMOTIONS IN THE NAVY

MARINE CORPS

To be lieutenant colonel

Curtis W. Legette

To be majors

James E. Jones
Charles F. Cresswell
Samuel K. Bird
Martin S. Rahiser
Adolph Zuber
Robert E. Hogaboom
Francis H. Brink
James Snedeker

To be captains

First Lt. Charles A. Miller
Ralph K. Rottet
Samuel R. Shaw
Robert S. Fairweather
Henry W. Buse, Jr.
Robert E. Hommell
Frank C. Tharin
Samuel F. Zeiler

To be first lieutenants

Paul R. Byrum
James C. Bennett
Hewitt D. Adams
James R. Bromeyer

To be second lieutenants

Virgil W. Banning
John H. Blue
William F. Frank
Harry H. Gaver, Jr.
John W. Hughes
Alan R. Miller
William E. Pierce
Gene N. Schraeder
Homer W. Sharpenberg

POSTMASTERS

INDIANA

Norman R. Billieu, Westport.

IOWA

Charles J. Cash, Jr., Anamosa.
Benjamin Roy Bogenrief, Hinton.

KANSAS

Fairfax Barnes, Oswego.
Paul E. Tubbs, Turon.

LOUISIANA

Henry E. Knight, Ferriday.

MASSACHUSETTS

William F. McNamara, Clinton.

MICHIGAN

Myron P. Hancock, Holt.

MINNESOTA

Theodore H. Lohrke, Balaton.
Mary E. Snyder, Canton.
Eric Lind, Chisago City.
Lloyd W. Ohman, Deer Creek.
Clifford J. Fitzgerald, Dilworth.
Elmer Reseland, Fertile.
Herman Frajola, Gilbert.
Stephen Singer, Goodridge.
Raymond P. Nolan, Janesville.
Marcia Russell Tysseling, Stewartville.

NEBRASKA

Weaver Jennings Holliday, Stuart.

PENNSYLVANIA

Ralph M. Dysart, Bellwood.
Ralph L. Bell, Burgettstown.
Catherine M. Golden, Lykens.
William M. Cramer, Mifflin.
Delia Dina Fornataro, Russellton.
John B. Brennen, Wilcox.

TEXAS

Leon W. Rutland, Commerce.

VIRGINIA

Louise J. Taylor, Beaverdam.
Anne L. Bowman, Bonny Blue.
Walter E. Groves, Buckroe Beach.
Ashby W. Mayo, Scottsville.

WEST VIRGINIA

Bennie D. Wiley, Athens.
Oscar R. Conaway, Barrackville.
Rupert B. Mapel, Farmington.
Reuben Williams, Glen Rogers.
Anna F. Cole, Hundred.
Arthur Jackson, Littleton.
Alva O. Shelton, Peach Creek.
Rose B. Crabbe, Ranson.
Maurice C. Carpenter, Reedy.
Charles C. DuLowe, Jr., Whitesville.
Benjamine H. Oxley, Yawkey.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JULY 10, 1940

The House met at 12 o'clock noon.

Rev. Herschel M. Reed, pastor of the Greenfield Christian Church, Greenfield, Ind., offered the following prayer:

Our most gracious Heavenly Father, we are grateful to Thee because we are citizens of this, a great country. We pray this morning that Thou wilt guide the actions and the decisions of this group, upon whose shoulders rest such tremendous responsibilities. Wilt Thou, our Father, have a vote in their decisions, and grant that in the hours that are so heavy upon us we may not fail to look to Thee, because we know that when nations forget Thee they fall. So wilt Thou guide the actions of this body, and wilt Thou bless each and every one, that they may serve Thee and serve their country, to the end that there may be experienced by us all eternal freedom, which we prize so highly, and the love of American citizenship, that is to us so great because that privilege was given us by men who sought freedom to worship Thee. Wilt Thou bless this body. In the name of Jesus Christ, Thy Son, our Saviour, our hope. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 29. An act to authorize the use of certain facilities of national parks and national monuments for elementary-school purposes;

S. 2018. An act for the relief of Nile Shaw and Edgar C. Bardin; and

S. 3131. An act to extend the benefits of the United States Employees' Compensation Act to members of the Officers' Reserve Corps and of the Enlisted Reserve Corps of the Army who were physically injured in line of duty while performing active duty or engaged in authorized training between dates of February 28, 1925, and July 15, 1939, both inclusive, and for other purposes.

MARINE AND WAR-RISK INSURANCE

Mr. WOODRUM of Virginia. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 582) making an appropriation to enable the United States Maritime Commission to establish the marine and war-risk insurance fund.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. TABER. Reserving the right to object, Mr. Speaker, as I understand, this is a bill to provide a revolving fund of $40,000,000 to take care of the operations of the Bland Act, which was passed here a couple of weeks ago. I wonder if the gentleman from Virginia will not explain the bill somewhat, so the Members may know about it.

Mr. WOODRUM of Virginia. Briefly, Mr. Speaker, the Merchant Marine Act of 1936 was amended by the act of June 29, 1940, authorizing the United States Maritime Commission to provide marine insurance and reinsurance for American vessels and their cargoes and crews. It authorizes a revolving fund. This $40,000,000 is the beginning of that revolving fund, and it will likely be the only amount re-

quired to be appropriated. The purpose of it is to provide insurance on American vessels and cargoes and crews which cannot be secured in the ordinary insurance market.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Pennsylvania.

Mr. RICH. Is not this another New Deal adventure, setting up the Government in the insurance business in competition with private industry? I realize there are times when there are hazards and probably Government insurance is wanted that Lloyd's will not come over here and do some insuring, but the fact is that we in this act of 1940 have set the Government up in the insurance business.

Mr. WOODRUM of Virginia. No; the gentleman is not right.

Mr. RICH. I am right.

Mr. WOODRUM of Virginia. The gentleman is very positive in his opinion, and doubtless nothing I can say would change his ideas.

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from New York.

Mr. TABER. As I understand, this is the situation: The American companies at the time of the World War were able to provide hardly anything in the nature of insurance. We had this type of insurance on a much broader scale at that time, and it was operated so that it covered other than American bottoms. This is confined to American bottoms. To start with, we have an insurance capacity, as far as the vessels are concerned, of approximately $4,500,000 on any given vessel, and approximately $5,000,000 on any cargo, exclusive of this Government insurance. It has been customary for Lloyd's to carry most of this insurance in the past, but they are limited at the present time. They have $45,000,000 deposited here. This does not put the Government in competition with private business, but only supplements it.

Mr. WOODRUM of Virginia. If the gentleman will permit, the law specifically provides that the Maritime Commission shall not take advantage of this Government insurance if they can get private insurance coverage.

Mr. TABER. That is correct.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That to enable the United States Maritime Commission to establish the marine and war-risk insurance fund as authorized by and in accordance with title II of the Merchant Marine Act, 1936, as amended by the act entitled "An act to amend the Merchant Marine Act, 1936, as amended, to provide for marine war-risk insurance and reinsurance and for marine-risk insurance, and for other purposes," approved June 29, 1940, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $40,000,000, of which not to exceed $150,000 may be expended by the Commission for personal services in the District of Columbia and elsewhere, traveling expenses, printing and binding, and other necessary administrative expenses: *Provided*, That expenses incurred in the temporary employment of experts in marine insurance, including attorneys, in connection with the investigation and settlement of claims shall not be considered as administrative expenses hereunder.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROCEEDINGS AT UNVEILING OF PAINTING OF SIGNING OF THE CONSTITUTION OF THE UNITED STATES

Mr. JARMAN. Mr. Speaker, from the Committee on Printing, I report back favorably (Rept. No. 2744) a resolution, and ask for its immediate consideration.

The Clerk read as follows:

House Concurrent Resolution 73

Resolved by the House of Representatives (the Senate concurring), That the proceedings, held in the rotunda of the United States Capitol at the unveiling of the painting depicting the scene of the signing of the Constitution of the United States, be printed, with illustrations, in such form and style as may be directed by the Joint Committee on Printing, as a House document; and that 2,000,000 copies be printed, of which 500,000 copies shall be for the use of the Senate and 1,500,000 copies shall be for the use of the House of Representatives.

With the following committee amendments:

Line 7, strike out "two million" and insert "five hundred thousand."

Line 8, strike out "five hundred" and insert "one hundred and twenty-five."

Line 9, strike out "one million five hundred" and insert "three hundred and seventy-five."

The committee amendments were agreed to.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. SHEPPARD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a suggested program for National Aviation Day.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

TRANSCONTINENTAL FLIGHT OF STRATOLINER

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, yesterday there crossed the continent a T. W. A. stratoliner from California to New York. The flight was made in approximately 12 hours' time, at an altitude of about 17,000 feet, and with an average speed of between 240 and 250 miles an hour.

Thus another noteworthy achievement is added to the thrilling and progressive transportation story of this Nation.

We in the United States of America lead the world in the advancement of civil aviation. Fortunate are we, as citizens of this Republic, to possess a great air-transport industry in times of peace; and if in times of war this country faces peril, we will be able to call on this growing network of air lines from the standpoint of more adequate national defense.

Onward and upward are the flight orders of America. [Applause.]

[Here the gavel fell.]

SMALL-BUSINESS MEN'S ASSOCIATIONS

Mr. SABATH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SABATH. Mr. Speaker, I have introduced this morning a resolution (H. Res. 548) authorizing the appointment of a special House committee to conduct a research survey of the problems of independent small-business enterprises and their relationship to reemployment and the national-defense program. I hope the resolution will receive consideration, for I believe such an investigation is of real importance for more reasons than one.

I have introduced this resolution for several reasons. In the first place—because it is the intention of the President and the Democratic Party to assist the honest-to-God small-business man who, unfortunately, is being used now as a cat's-paw by some racketeers and Republican politicians who, under the new power-interest party will stop at nothing to utilize every avenue of publicity in charging, despite the progress that has been made under the Democratic administration, that the small-business man has been forgotten.

I have in my possession several bulletins issued by the National Small Business Men's Association, with headquarters in New York, Chicago, and several other cities, which so-called association is now being used by the big interests and the Republican Party to circulate lies and falsehoods for the purpose of injuring the administration. An honest investigation of this so-called businessmen's association, whose publicity releases do not, strange to say, carry the signatures

of its officers—or, indeed, any other names—will disclose the fact that a few racketeers heading this organization are being financed by the Republican Party. I have been reliably informed that over $50,000 has already been turned over to them for the spreading of false propaganda even against this Congress and the administration of our great President, Franklin Delano Roosevelt.

All the resolution aims to accomplish is to obtain actual facts as to how the small-business man may be aided and assisted and most assertedly not principally to investigate the bunk National Small Business Men's Association.

The extent to which the Republicans will go is made evident by the full-page advertisement appearing in today's issue of the Washington Star. Two of the three signers are former members of Congress, namely, John O'Connor, of New York, and Samuel B. Pettengill, of Indiana. The latter gentleman, though at one time elected as a Democrat, is, I know, in the employ of the Dawes Oil Co., and is being used as a publicity man for the Republican Party.

In fact, even during the time he served in Congress, I was satisfied as to his tie-up, which, since he is out of Congress, has been definitely established. The less I say as to my former colleague, Mr. O'Connor, who called my attention to the advertisement, the better. I asked him, however, whether he paid for the advertisement, and he replied in the negative, and knowing that Mr. Pettengill did not pay for it, I would like to know just who did foot the bill and how much has been allowed them by the Republicans.

If the Republicans, by utilizing the names of former Democratic Members of Congress in the dissemination of this false propaganda, hope to gain the election, they have another guess coming. The people know how and by whom Mr. Willkie was nominated and for what purpose, and they are far too smart to follow the dictates of the Wall Street power and banking interests. The latter gentry are the very ones that, by general discrimination and by deliberate and willful violation of the Antitrust Act, are responsible for the condition of the small-business men of the country. And it is they who have denied them aid in any way to save them from destruction. Their unfair tactics will not only be resented but will be condemned by the American people who have, with the exception of the Wall Street manipulators, the utmost confidence in President Roosevelt, who has accomplished so much in the last 7 years and who saved these same big bankers and industrial leaders from destruction by the crash of the Republican Hoover administration. Today every financial report discloses that thousands of large corporations have made more in 1939 and 1940 than at any time in their entire history, and that these profits are being made at the expense of the small-business man whom we are going to try to honestly aid, so that in the future no private secret agreements can be entered into to their detriment.

The resolution covers 10 major phases into which I desire the committee to conduct its inquiry:

First. The extent and character of the problems of small-business men.

Second. Their relationship to employment.

Third. Their relationship to national defense.

Fourth. The extent to which these problems and those of small farm owners may be interrelated.

Fifth. Their causes, relationship, and effects upon the general economic conditions of the country.

Sixth. The comparative status of the financial resources of independent small businesses as a class today, compared with 25 years ago.

Seventh. The present need for equity capital on the part of small-business enterprises, its available sources through private channels, the chief causes, if any, that tend to restrain the flow of private capital into such enterprises.

Eighth. What means, if any, may be devised under democratic procedure, for the presenting annually to and keeping the Congress advised on the true national small-business viewpoint on governmental affairs.

Ninth. To examine into any or all small-business organizations and associations professing or purporting to represent small-business enterprises and to determine their means and method of financial support and the identity of their financial backers or contributors; and

Tenth. All other questions in relation thereto that would aid Congress in remedial legislation.

EXTENSION OF REMARKS

Mr. KEOGH. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MARTIN J. KENNEDY] may be permitted to extend his remarks in the RECORD in two particulars: First, by inserting an address by the Reverend Thomas B. Cannon, Society of Jesus, on the Story of the Jesuit Missions; and, secondly, by inserting a radio address by Mr. Frederick E. Hassler, of New York City; and, Mr. Speaker, I also ask unanimous consent that I may be permitted to extend my remarks in the RECORD by inserting a radio address of George E. Ernenwein, of the United States Federation of Postal Clerks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

BOULDER CANYON PROJECT ADJUSTMENT ACT

Mr. HILL, acting chairman of the Committee on Irrigation and Reclamation, submitted a conference report and statement on the bill (H. R. 9877), authorizing the Secretary of the Interior to promulgate and to put into effect charges for electrical energy generated at Boulder Dam, providing for the application of revenues from said project, authorizing the operation of the Boulder power plant by the United States directly or through agents, and for other purposes, which was referred to the House Calendar and ordered printed.

EXTENSION OF REMARKS

Mr. BUCKLER of Minnesota. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include therein a poem printed in one of the newspapers of my district.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. HENNINGS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in reference to House Joint Resolution 520.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on two subjects, one a letter from the Regional Forester of my district, addressed to me, and in the other extension to include some excerpts on the nomination of Mr. Willkie.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. SECCOMBE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and include an editorial from the Omaha World-Herald entitled "When France Awoke."

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

W. P. A. MURALS

Mr. TABER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TABER. Mr. Speaker, I wish to call to the attention of the House and the country a situation that has developed in the W. P. A., which indicates that the investigation we have had was not as thorough as it ought to have been. The heading of the newspaper article states, Four protests charge W. P. A. murals are communistic, and these protests come

from the Women's International Aeronautics Association, the Flatbush Chamber of Commerce, and Floyd Bennett Post of the American Legion. They declare that the Wright Brothers at Kitty Hawk are shown in Russian peasant costumes and that prominently displayed is a "red" statue of Joseph Stalin, with a fallen aviator at his feet.

I am glad that Colonel Somervell, the W. P. A. Administrator at New York City, has at last started out to clean up this situation. It is a situation that has been a disgrace to the American Government for a long time. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein an editorial.

The SPEAKER. Is there objection?

There was no objection.

Mr. WINTER. Mr. Speaker, I ask unanimous consent to extend my remarks and to include a speech delivered by John H. Connaughton, general counsel for the National Vegetable Growers.

The SPEAKER. Is there objection?

There was no objection.

NEWARK (N. J.) AIRPORT

Mr. VREELAND. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. VREELAND. Mr. Speaker, on June 7 I brought to the attention of the Congress of the United States the unequitable, unfair, and unjust closing by the Civil Aeronautics Authority of the Newark Airport in New Jersey, and the removal therefrom by the major air lines to LaGuardia Field, in New York. I pointed out at that time the advantages of the Newark Airport over the LaGuardia Field, since which time, and according to the public press, the air lines which were forced to remove by the action of the Civil Aeronautics Authority have admitted to a loss of approximately 20 percent of their air-line business, due to weather conditions, fog, and inaccessibility by air of the LaGuardia Field under such inclement weather conditions, as well as the inadvisability of use because of inaccessibility to air lines at the New York field by New Jersey residents.

It is most gratifying to note the air lines, realizing their error, are again contemplating and will, in all probability, start the use of Newark Airport within a week, provided the Civil Aeronautics Authority will admit their error and allow the opening of the field.

Also located at port of Newark, N. J., is another expenditure on the part of the Federal Government and of taxpayers' money, as represented by the old Army-Navy base of World War days. In 1917 the Federal Government, recognizing Port Newark's 4,000 feet of northern water front and its easy accessibility to the Atlantic Ocean, and yet its safety behind the coast defense of the port of New York, constructed the largest Army base and shipyard on the Atlantic coast. Twenty thousand men were employed in this area during the war, and constructed 118 steel ships. Ten thousand more men were employed at the Army base adjacent to this area. There still stand at that plot 25,000 creosoted piles, representing an investment by the Federal Government of approximately $500,000. This area is served by 3 railroads, is adjacent to the Newark Airport, within 20 minutes by truck of the port of New York and New York City, is within a short distance of the Federal Shipbuilding Co., now constructing many destroyers for the United States Navy, and is in many other ways a perfect location for the erection of the Navy's contemplated dry dock on the North Atlantic coast as appropriated by this Congress this year.

I have this day introduced a resolution calling on the Navy Department to negotiate with the city of Newark for the use of the port of Newark for that purpose and to thereby realize on the $500,000 investment now there and to save the taxpayers that much on an additional expenditure at some other location. I hope it will be given favorable consideration.

EXTENSION OF REMARKS

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent to extend my remarks and to include some excerpts from books on economics.

The SPEAKER. Is there objection?

There was no objection.

Mr. LAMBERTSON. Mr. Speaker, I ask unanimous consent to extend my remarks and to include a letter therein.

The SPEAKER. Is there objection?

There was no objection.

Mr. CHURCH. Mr. Speaker, I ask unanimous consent to extend my remarks and to include an address by James Scott Kemper, president of the Chamber of Commerce of the United States, delivered June 30, 1940.

The SPEAKER. Is there objection?

There was no objection.

LEAVE OF ABSENCE

Mr. GILLIE. Mr. Speaker, I ask unanimous consent for indefinite leave of absence for my colleague the gentleman from Indiana [Mr. SPRINGER] who has been called home on account of the serious illness of his mother.

The SPEAKER. Is there objection?

There was no objection.

POLITICAL RACKETEERING

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute, and to extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, the gentleman from Illinois [Mr. SABATH], the distinguished chairman of the Committee on Rules, called attention to what he considered to be some racketeering activity. Any Member of the House who is interested in real expert racketeering along political lines should read the article by Mr. Flynn in the current number of Collier's Weekly, telling about the activities of the Kelly-Nash machine in the city of Chicago, the home city of the gentleman from Illinois [Mr. SABATH]. The gentleman from Mississippi so often talks about utility. If you want to get some real——

Mr. RANKIN rose.

Mr. HOFFMAN. A point of order, Mr. Speaker; the gentleman is not in order.

Mr. RANKIN. But the gentleman referred to me.

Mr. HOFFMAN. No; I referred to the gentleman from Mississippi. The gentleman represents 4,000 people down there, and my district has 80,000 votes; but you read that Collier's Weekly article, if you want some real information about how funds collected from vice gambling by Democratic officeholders is used for political purposes. How much of that money will be used at the Democratic convention next week?

The SPEAKER. The time of the gentleman from Michigan has expired.

DEMOCRATIC PLATFORM OF 1932

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. RICH. Mr. Speaker, I call attention to the plank in the Democratic platform of 1932 about undue bureaucracy. Mr. Speaker, you promised to eliminate departments and consolidate bureaus. Let me read this plank of the platform, I quote:

> We advocate an immediate and drastic reduction of Government expenditures by abolishing useless commissions and offices, consolidating departments and bureaus, and eliminating extravagances to accomplish a saving of not less than 25 percent in the cost of Federal Government—

And so forth. What has been the result? You have established more bureaus and put on the Government pay roll more people than were ever on the Government pay roll at any one particular time, not excepting the World War.

Mr. THOMAS F. FORD. Mr. Speaker, will the gentleman yield?

Mr. RICH. No; I cannot yield at this time.

The number of Government employees December 31, 1932, was 568,345, and December 31, 1939, the number of Government employees amounted to 932,305, so that instead of decreasing Government bureaus and Government employees 25 percent you have increased employees 60.9 percent and established more bureaus twice over than any three other past administrations. No woodpecker ever put more holes in a plank than the Democratic Party has shot into that plank. Where is there any honesty in promising to do a thing in a party platform and then doing exactly the opposite? Will the American people always be fooled? Will the politician continue to humbug the American voter? I say "No"; the people will protest these promises in November. "You can fool some of the people some of the time, but you cannot fool all the people all the time." America will repudiate a dishonest politician. In November America will do it. They will win with Willkie.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

SURPLUS-PROFITS TAX

Mr. THOMAS F. FORD. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

[Mr. THOMAS F. FORD addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. BREWSTER. Mr. Speaker, I ask unanimous consent to extend my remarks and to incorporate a resolution of the State federation of labor.

The SPEAKER. Is there objection?

There was no objection.

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in connection with the P. W. A. and to insert a short editorial from the Evening Star of yesterday.

The SPEAKER. Is there objection?

There was no objection.

Mr. BOLLES. Mr. Speaker, I ask unanimous consent to extend my remarks and include an editorial.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

By unanimous consent, Mr. MARSHALL was granted permission to extend his own remarks in the RECORD.

Mr. CHURCH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein an address by Gen. Charles G. Dawes, former Vice President of the United States, delivered by him on June 19, 1940, on the subject of preparedness.

The SPEAKER. Is there objection?

There was no objection.

PURCHASE OF COAL AND WOOD FOR PUBLIC USE IN THE DISTRICT OF COLUMBIA

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 2751) to repeal sections 3711, 3712, and 3713 of the Revised Statutes which relate to the purchase in the District of Columbia of coal and wood for public use, and for other purposes with a Senate amendment, and agree to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, lines 9 and 10, strike out "Public, No. 453, Seventy-fifth Congress" and insert "52 Stat. 139."

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. MICHENER. Reserving the right to object, Mr. Speaker, will the gentleman explain what this is all about?

Mr. COCHRAN. When this bill passed the House there was reference made to the public law number. The Senate amendment cites the statute rather than the number of the public law. That is all there is to it.

Mr. MICHENER. It is a mere formality, correcting the citation?

Mr. COCHRAN. That is all.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF ACT TO PREVENT PERNICIOUS POLITICAL ACTIVITIES

Mr. SUMNERS of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3046, with Mr. MCCORMACK in the chair.

The Clerk read the title of the bill.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 7 minutes to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Mr. Chairman, one thing I am afraid of about this bill is that it will be used as a club to intimidate uninformed voters to keep them away from the polls.

I am for clean politics, I am for clean elections, and I practice what I preach. [Applause.] I am rather of the opinion that you are going a long way here toward totalitarianism in intimidating the voters of this country, closing the mouth of everyone who deals with a governmental agency—State or Federal—and leaving the hired henchmen of the utilities unrestrained. I expect to offer an amendment to make this law apply to the employees of public utilities; and if the friends of the Power Trust vote it down, then I shall vote against the bill.

I notice in the paper this morning a headline which says that Mr. Wendell Willkie, the new candidate for President, comes out and condemns the investigation of the utilities' telegraphic campaign at the Philadelphia convention.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. No; I am sorry I cannot yield. I am not surprised that Mr. Willkie, who comes out in favor of this bill as it is written, does not want the same rule applied to those employees and those hired henchmen, those "fifth coumnists" of public utilities that carried on the "blitzkrieg" at Philadelphia a few nights ago. He wants to close the mouth of everyone who deals with his State or Federal Government, but leave the corrupt hirelings of this utility fascisti free to do to the American people what they did to the Republican Party at Philadelphia.

One of the most unusual things I have ever known was the way former President Hoover was treated at that convention. I said then, and I say now, that Mr. Hoover made the greatest speech ever delivered before a Republican convention. He might as well have been speaking out here in Statuary Hall. For some reason, in some mysterious manner, it seems that the "fifth column" had got in its work. I am told by people who were there that the condition of the loud speaker was such that, although we heard his speech all over the country, they could not hear it in the convention hall well enough to understand him. In addition to that, although it was July—and when you warm an old-guard Republican above 32° F., he commences to smother—yet they turned on the heat during Mr. Hoover's speech in the convention, I am told, and made it so uncomfortably hot that those people who wanted to hear him could not do so with any degree of comfort.

That was one of the demonstrations of the "fifth column" technique used by this utility Fascisti. I will point out more later.

You Old Guard Republicans from Michigan, Illinois, and Pennsylvania who are prating about clean politics and then opposing this provision to curb the most corrupt influence America has ever seen are merely keeping the word of promise to the ear and breaking it to the hope of the honest voters

you are supposed to represent. In 1920, when these predatory interests bought a seat in the United States Senate for a man by the name of Newberry from Michigan, I heard Mr. Newberry say that his campaign expenses in the Republican primary amounted to $196,000. It was so rotten that the Senate threw him out. You do not touch a man like that. You refuse to vote to curb those corrupt influences, although your party is the latest victim of their "fifth column" tactics, having paid the death penalty at Philadelphia.

Remember the people of Michigan are paying "through the nose" to maintain this Power Trust Fascisti, this supergovernment, that through these useless holding companies is trying to get control of every State government, every legislature, every public service commission, and is now trying to get control of the Federal Government. In 1938 the people of Michigan were overcharged $40,030,420 for electricity, according to the T. V. A. rates; $49,415,023, according to the Tacoma, Wash., rates; and $47,596,533, according to the Ontario rates, just across the border.

Again the utilities in Illinois, under the leadership of Samuel Insull, whom Wendell Willkie succeeded as the Hitler of the Power Trust, bought a seat in the United States Senate for a man named Smith, a few years ago. They spent hundreds of thousands of dollars to control that election. But the Senate treated him just as it did Newberry; it threw him out, or refused to let him take his seat.

Remember that in 1938 the people of Illinois were overcharged for electric lights and power $69,915,257, according to the T. V. A. rates; $85,480,273, according to the Tacoma rates; and $79,735,032, according to the Ontario rates. The utilities in Illinois could afford to buy a seat in the Senate if they could get away with it.

They had a vote-buying, ballot-stuffing contest in Pennsylvania between a man by the name of George Wharton Pepper—I had not heard of him in years until he showed up on the floor of the Philadelphia convention the other night—and a man by the name of William S. Vare, a few years ago. Vare was the Republican boss from Pennsylvania. He sat right there in the front row in the Sixty-seventh Congress and told a Member from Pennsylvania, "You will not come back to the next Congress because you did not vote the way I told you." And he kept his promise; the man was retired—he was not renominated. Vare and Pepper put on an old-fashioned Republican campaign. Pepper's crowd spent $500,000 trying to get him nominated, and the Vare crowd spent about $900,000, with the result that Vare was declared nominated by about $400,000 majority. The Republican Governor of Pennsylvania, for whom the gentleman from Pennsylvania [Mr. RICH] probably voted, sent Vare's commission down here with this notation, "Partly bought and partly stolen."

The Senate refused to seat Vare.

About that time the Republican administration sent the marines to Nicaragua, as they said, "to see that they held honest elections" down there. One progressive Republican Senator, who has since quit the party, said, "Why in the heck didn't they send them to Philadelphia or Pittsburgh?"

Of course, Pepper and Vare did not put up all that money. The utilities put up most of it, if not all of it. Why not? They had $100,000,000 worth of real estate that was escaping taxation in Pennsylvania—large office buildings that they were using or collecting rent on. They were getting out light. Besides the record shows that in 1938 the electric-light and power consumers in Pennsylvania paid overcharges amounting to $72,513,570, according to the T. V. A. rates, $105,004,244 according to the Tacoma rates, and $76,835,607 according to the Ontario rates. Although electricity can be generated by Pennsylvania coal, oil, or water power and distributed all over the State at the T. V. A. rates, the Tacoma rates, or the Ontario rates without loss on legitimate investments.

But this bill does not reach these corruptionists. You are leaving them footloose and free to participate in the coming campaign.

If you Republicans—if there are any left—would hold a convention and nominate Herbert Hoover for President on the Republican ticket, he would get twice as many votes as Wendell Willkie in every single State in the Union. And the Democrats would beat both of them. [Applause.]

Mr. O'BRIEN. Would the gentleman vote for him?

Mr. RANKIN. The gentleman asks me if I would vote for Herbert Hoover against Wendell Willkie? If they were the only two candidates, I would have to vote for Hoover.

They tell you that they made us pay from ten to twenty million dollars more than that property was worth in the Tennessee Valley, and offer that as an evidence of Mr. Willkie's ability. I know we paid all it was worth, and probably more. I was consulted in advance and I said, "Yes; let us get their loathsome hands out of the pockets of the people of northern Mississippi and northern Alabama and Tennessee." If a thug comes into your office and puts a gun to your head and says, "Give me part of the money in your cash drawer or I will take it all," you are going to give him what he asks for.

We had to take it because the power companies were robbing the people of Tennessee of over $7,000,000 a year, the people of Alabama $7,000,000, and the people of Mississippi $4,600,000 a year in overcharges for electric lights and power.

Understand this same Commonwealth & Southern still has its hands in the pockets of the people of south Mississippi and of central and southern Alabama. But the people in the area where these facilities were purchased will save at least $10,000,000 a year on their rates, and at the same time pay these properties out in a few years.

But the Power Trust still has its hands in the pockets of the people in every other State in the Union and is taking from them about $1,000,000,000, or more, in overcharges every year, for which they get nothing in return. These overcharges are in addition to reasonable returns on legitimate investments.

Between September 12, 1926, and June 30, 1933, the Commonwealth & Southern, of which Wendell Willkie was president, was buying practically the entire output of electricity at Muscle Shoals. That was during the Republican administration. During that time it purchased 2,367,043,931 kilowatt-hours, for which it paid $4,818,476.73, or an average of 2.04 mills a kilowatt-hour.

During the first 11 months of the fiscal year 1940 the T. V. A. sold 3,347,059,822 kilowatt-hours of electricity, wholesale, for $13,816,700.62, or an average of 4.13 mills a kilowatt-hour—or more than twice as much per kilowatt-hour as the Republican administration sold this power at wholesale to this Commonwealth & Southern from 1926 to 1933.

During the time the Commonwealth & Southern was buying this power at 2.04 mills a kilowatt-hour it was selling it to the residential consumers in that area at the following rates:

First 30 kilowatt-hours a month, 10 cents a kilowatt-hour.
Next 170 kilowatt-hours a month, 8 cents a kilowatt-hour.
Next 300 kilowatt-hours a month, 7 cents a kilowatt-hour.
Next 350 kilowatt-hours a month, 6 cents a kilowatt-hour.
Excess, 5 cents a kilowatt-hour.

Today this same power, for which the Government is getting 4.13 mills a kilowatt-hour wholesale, instead of 2.04 mills a kilowatt-hour, is being sold to the residential consumers at the T. V. A. yardstick rates, which are as follows:

First 50 kilowatt-hours a month, 3 cents a kilowatt-hour.
Next 150 kilowatt-hours a month, 2 cents a kilowatt-hour.
Next 200 kilowatt-hours a month, 1 cent a kilowatt-hour.
Next 1,000 kilowatt-hours a month, 4 mills a kilowatt-hour.
Excess, 7½ mills a kilowatt-hour.

The residential rates at Tacoma, Wash., are as follows:

First 20 kilowatt-hours a month, 4½ cents a kilowatt-hour.
Next 400 kilowatt-hours a month, 1 cent a kilowatt-hour.
Excess, one-half cent per kilowatt-hour.

The average Ontario residential rates are as follows:

First 50 kilowatt-hours a month, 1.8 cents a kilowatt-hour.
Excess 7.2 mills a kilowatt-hour.

Any intelligent person can take his own light bill and figure out his overcharges for himself.

When one realizes what this means to the average householder then he can understand why we agreed to the settlement with the Commonwealth & Southern, of which Wendell Willkie was president, in order to get their hands out of the

pockets of the people in the Tennessee Valley area. We simply had to accept their proposition or continue to be robbed in this manner for all time to come. We chose the lesser of the two evils. [Applause.]

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. TABER. Does not the gentleman think that if we could have a "blitzkrieg" every day just like the one we have just listened to that it would elect the full Republican ticket in November?

Mr. HOFFMAN. We do not need even that. [Laughter.]

Mr. Chairman, it is always interesting to listen to the gentleman from Mississippi, but we over on the Republican side are much concerned as to the state of his health. Certainly there is something wrong when he shows so much concern for the welfare of the Republican Party. Why should he be worried about our impending defeat, as he calls it? Is not that the thing he as a Democrat wants? Why does he mourn rather than rejoice? Does he really mean what he said? And why is it that he does not get the record straight?

What Willkie said, according to the paper, was that "they might investigate forever so far as he was concerned." The gentleman talks about this bill and says he feels it will intimidate the voters if it becomes a law. He certainly is not thinking of the voters in Michigan or in any of the Northern States. I notice from the RECORD that in the district represented by the gentleman from Mississippi there were cast at the last election 4,384 votes. [Laughter.] All of the Congressmen from Mississippi received a grand total of 35,441.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. Mr. Chairman, I appeal to the Chair to enforce the rule.

The CHAIRMAN. The gentleman declines to yield. The Chair suggests in view of the fact that two Members have asked that the rules be enforced that those desiring to interrogate the Member in control of the floor address the Chair so that the Chair in turn may ask the Member on the floor whether he will yield. The Chair recognizes that this is unusual, because the practical angle would demand that the Member on the floor meet the situation, but in view of the fact that the Chair has been twice specifically requested to enforce the rules, the Chair asks all Members to cooperate by addressing the Chair first.

The gentleman from Michigan will proceed.

Mr. HOFFMAN. Going back a moment. The total vote in Mississippi for all Congressmen, 7 of them I think, was 35,441. Now, 1 Republican received in the Fourth Michigan District 49,279 votes, and there was cast in that district a total of 83,191 votes. If there was any intimidation anywhere around, it must have been down South somewhere. It must be that some people down in Mississippi do not vote. I wonder why. Intimidation?

Mr. PATRICK. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Michigan yield to the gentleman from Alabama?

Mr. HOFFMAN. Not just now.

The CHAIRMAN. The gentleman from Michigan declines to yield.

Mr. HOFFMAN. There may be a reason for the gentleman's tirade against the utility companies; I do not know. However, I do know from the record the fact that the people of Mississippi pay in per capita $12.38 and that the folks of Michigan contribute $263.48 per capita to the Federal Government. I notice that the gentleman's constituents, the people of Mississippi, get a return per capita of $127.23, while in Michigan we get a per capita return of but $129.80, or only $2.57 more per capita in Michigan than in Mississippi.

The gentleman spoke about corruption. I admit, and we all must admit, that all political parties have at times been corrupt. But there is this distinction, and it is a vital one, in my opinion at least, so far as corruption is concerned between the Republican and the Democratic, or, more properly, the New Deal parties. We Republicans, if we have been corrupt, and when we have, assuming that we have, have at least used our own money. We have never by virtue of Federal statutes collected money from the workers and taxpayers, as was done, according to the report of the Senate Democratic committee, in the last campaign, and then used that money, relief money, money that was voted to buy clothing, shelter, and food for the poor and the unfortunate, to buy votes. Can you think of anything more corrupt than that? I notice the gentleman from Massachusetts agrees with me. It is unthinkable that these righteous, lily-white gentlemen over here would take relief funds, would take money from the poor, the crippled, the blind, and the lame to buy votes. You talk about intimidation! A little less hypocrisy, you may say, would be a fine thing.

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. HOFFMAN. Mr. Chairman, I should like more time. A week would not be enough to tell about the political sins of the majority party. A week would not be long enough. The gentleman from Illinois, the chairman of the Rules Committee, has been here the longest of any man in the House, and, by the way, I want to again call his attention to that article in Collier's Weekly where it tells about his home city of Chicago in which this great, free, and untrammeled convention is going to be held next week—that is, if the President permits. I suppose you are going out there to get your orders. To do the will of the "big boss." Collier's Weekly tells how the Kelly-Nash machine out there has violated the laws of the city, the State, and the Nation by collecting funds from vice, gambling, and all those things and contributing it to the election of the New Deal and Democratic candidates. Now, read it, because Collier's is financially responsible, and if it is lying, sue them for libel. Make them eat it. Those statements are not made on the floor of the House where the question of privilege protects from suit for slander. There is something you cannot get around and as the old farmer said, "It is black on white." Set your teeth into it and make them retract, if it is not true. Make them take it back.

As I was about to ask, can any Member on the Republican side recall when Republicans or Republican organizations, in violation of Federal statutes by the sale of campaign books and by the sale of printed matter on which the President's signature was written, obtained campaign funds? Is there anything as crooked as that in our record? Is there anything as reprehensible as that? I ask the gentleman from New Jersey, Dr. EATON, in all your long career as a minister of the gospel, did ever a sinner come to you with a confession of a crime as repulsive as that? Can you think of anything like that?

Mr. EATON. No; I cannot recall any.

Mr. HOFFMAN. This country of ours has been asleep too long. You folks will remember how in pre-revolutionary days Rip Van Winkle went up into the Catskill Mountains and fell asleep and after some 20 years awakened. The American people have only been asleep for about 7 years, going on 8 years now, but they are awakening. They are learning what has happened to them. I notice the gentleman from Pennsylvania who takes such great delight in reading the Scripture smiling, but does he recall that old incident where Samson went to get his hair cut? He listened to Delilah just the same as our people have listened to this charmer down here, and we have had our hair cut a plenty.

However, we are aroused by the shock of what has happened in Europe, by the destruction of nation after nation over there, by the alteration of the boundaries of those countries, and by the enslavement of their people. We have discovered that like Samson we have sold ourselves into slavery. He spent his last days, until the very final one, when he pulled down the whole temple upon himself in slavery. Is that what you are going to do at Chicago? Pull down the American Government and destroy our Nation to satisfy the ambitions of a Roosevelt? The Lord only knows.

Yes, we are awake, and, God willing, we are going to do something about it. We began over at Philadelphia and we are going on through until November, in spite of what the gentleman from Mississippi may have to say about it.

Mr. PATRICK. Can the gentleman yield now?

Mr. HOFFMAN. I cannot now.

Mr. PATRICK. We have waited for you to say something.

Mr. HOFFMAN. Well, there are some people, you know, who, having ears they hear not, and having eyes they see not, and some people do not even understand, which is not our responsibility, we cannot help it, and I do not know of anything we can do about it, or we would have done it long ago.

Yes, we have accepted without question all these blessings which our country and our people have enjoyed for, lo, these many years, but now the day of reckoning has come. No longer are we listening to the gentleman down here, the master magician, who has pulled the white rabbits and all the other tricks out of the hat. We have discovered now to our sorrow and grief that after all a man must work if he would eat, and the destructive influence of this administration will be routed out on a subsequent date from the floor of the House. [Applause.]

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Chairman, I was just reading in this rule that debate was to be confined to the bill. I have not raised the point heretofore, but may I say that we have a very important bill before us and we have had a showing on both sides. After this I shall ask gentlemen on each side to confine the debate a little bit more closely to the bill.

Mr. GUYER of Kansas. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Mr. Chairman, we know we want clean politics. We want honest politics. That is what this Hatch bill is supposed to give us. We know that if we take politics away from governmental employees and do not intimidate them we will probably elect honest officials.

For some reason or other, Mr. Chairman, the Democratic Manual was sent to me. How they ever made such a terrible mistake as to send any New Deal literature to me I cannot understand. This came in the envelope of the gentleman from Missouri, Mr. CLARENCE CANNON, and it was edited at the instance of James A. Farley.

I looked this manual over this morning, but I cannot find in it any statement to the effect that they will tell the truth or that they will carry out the planks they put in the platform at the Democratic convention in Chicago next week.

I want to call your attention to a number of planks they put in the platform of 1932.

Mr. SUMNERS of Texas. Mr. Chairman, I must ask the gentleman to confine his remarks to the bill.

Mr. RICH. I want to show you that we need clean politics; that is what the bill is for. If we have the Hatch bill enacted into law they cannot do what they did at the national convention in 1932. Paid Government workers will not be intimidated any longer at conventions or at the polls. They put a lot of planks in that platform, and let me show you what the woodpeckers have done to those planks. They have pecked them so full of holes that you cannot see the planks any more. The Democrats had planks for national economy, plank for tax reduction, plank for a balanced Budget, plank for anti-bureaucracy, plank for unemployment cure, and plank for prosperity. Where are all these planks now? Full of holes, shot to pieces; the woodpecker picked them to pieces.

The situation is just this, Mr. Chairman: If you make a plank and put it into your platform, you ought to carry it out. Do an honest job. You ought to see that it is fulfilled, and that the word of a national political party is just as good and just as honorable as any promise you would make in business or any standard you would set up in your own home in trying to regulate it. So I believe you should at this Democratic convention get the Democratic Party to obey the planks they put in the platform and give to the American people. Why be dishonest? Why not do as you say you will do? The New Deal wrecked the platforms of the Democratic Party of 1932 completely.

I wish to call your attention to the fact that a few moments ago the gentleman from Mississippi made the statement that in the Republican convention in Philadelphia you could not hear the speech of Herbert Hoover in the convention hall. That is a falsehood, no truth in the statement, because I was sitting at the back of the platform and I could hear every word of that speech very audibly. Order was perfect and no disturbance of any kind. It was a masterpiece, as the gentleman from Mississippi said it was, in common sense and statesmanship. It told the American people the truth. Herber Hoover is one of the greatest Americans this country has ever known, but the gentleman from Mississippi would not support a man like that. He is following after the New Deal, and he will go down the line 100 percent when the time comes for the New Deal, Roosevelt, and ruin. We want Willkie.

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Chairman, I believe we ought to have more Members here. I make the point of order that a quorum is not present.

The CHAIRMAN (Mr. MCCORMACK). The Chair will count. [After counting.] One hundred and fifty-nine Members are present, a quorum.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. O'TOOLE].

Mr. O'TOOLE. Mr. Chairman, to me, this bill is one of the greatest pieces of hypocrisy I have seen since I have been a Member of this body. There is not a man in this House who at some time in his political life has not gone before a Rotary Club, a Kiwanis Club, or the graduating class of a high school and, with all the pontifical bearing he could muster, said that it is the duty of every American to take part in politics. Now you come here and, with hypocrisy in your soul, try to legislate people out of their constitutional rights. It is the right of every man, regardless of his position, to have something to say about the Government of his country.

I know the profound admiration that certain Members of this House have for political machines. I know how the Republicans have nominated a Tammany Hall Democrat from the Grover Cleveland Club in New York as their Presidential candidate, and I know that they recognize that politics is the game that you make it. If you want to make it a dirty occupation and a dirty way of making a living, it can be dirty; but if you want to make it a clean way, it is up to you. Perhaps the sponsors of this bill in the other body recognize more about the seamy side of politics and are more familiar with it than those who are against the bill.

I plead for honesty in government. I plead with you not to deprive thousands of governmental employees—State, municipal, or Federal—of the right to take part in the Government. [Applause.]

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 10 minutes to the gentleman from Kentucky [Mr. ROBSION].

Mr. ROBSION of Kentucky. Mr. Chairman, ladies and gentlemen, I supported the original Hatch Act of date, August 2, 1939, which was necessary to protect Federal employees from intimidation and coercion by those in charge of them, the assessment of them for campaign funds and the protection of the taxpayers of the Nation.

I favor the Hatch bill now before us in order to protect State employees from such coercion, intimidation, and assessment of those State employees whose salaries or wages in whole or in part are paid from Federal funds, and workers on so-called State projects, the funds of which are provided in whole or in part by Federal appropriations.

These measures are designed to cut out coercion, intimidation, favoritism, and politics, and make the Federal workers as well as the workers on State projects free to support and vote for the persons they desire. It grieves me to know that in this great democracy such measures are necessary to prevent the corruption, intimidation, and coercion of our citizens, and especially our needy citizens. We show deep

concern for the democracies across the sea. Over there the people are coerced with the bayonet. Here in the United States, according to the reports and evidence, we have coercion by threatening to withhold from our needy people food, clothing, and shelter if they are unwilling to surrender their freedom and their rights to vote as their consciences dictate.

The use of money for corrupt purposes in elections has been condemned in this country throughout the years. We have passed stringent laws to keep private citizens and corporations from using their money to coerce and intimidate the voters. It has been pointed out on the floor of the House today that in some few States some years ago a few hundred thousand dollars were used in several States to carry each one of those States. Such action must be condemned, and it was condemned by the refusal of the United States Senate to seat those who were the beneficiaries of these corrupt practices. It is immeasurably worse when we reach down into the pockets of the taxpayers of the Nation and take the tax money from the widows and orphans, the rich and the poor, and use it for partisan political purposes and to intimidate, coerce, and corrupt the voters of this country, and how can we find words to condemn those in charge of the activities of our Government using the taxpayers' money to threaten and browbeat needy men, women, and children to surrender their rights as American citizens, and to indulge in favoritism and partiality?

MR. ROOSEVELT'S ADMINISTRATION RESPONSIBLE

Now, these conditions about which we complain and which cause every honest and decent citizen in the Nation to bow his head in shame can be laid directly at the door of Mr. Roosevelt and his administration, and a subservient Congress that has supinely submitted to the President's demands. During the last 7½ years subservient Congresses at the behest of the President have turned over to him more than $20,000,000,000 in so-called blank checks to be used almost as he pleased. These billions have been handed out to various groups in the 48 States, and many of these billions were used to build political machines and for partisan political purposes. Every State received millions upon millions of dollars. Some States received hundreds of millions of dollars in a single year. These millions wielded powerful political influences in each of the several 48 States.

There has never been such a saturnalia of corruption. There has never been such a waste of the taxpayers' money, or so much of intimidation and coercion as grew out of the distribution of these billions of dollars. There has never been anything to compare with it in this or any other country in the world's history. These are not the statements of unfriendly partisan critics of the administration. These statements are borne out by official statements and records made by Democrats, new dealers, antinew dealers, and the press of the country.

KENTUCKIANS COERCED AND INTIMIDATED

Kentucky is a typical State in the use of taxpayers' money to corrupt, coerce, browbeat, and intimidate voters. Two distinguished Democrats of Kentucky were seeking the Democratic nomination in our State in 1938 for United States Senator. Let me read you a few lines from a letter written by the manager of one of these Democrats who were seeking the nomination. What has this great Democrat to say in a letter to President Roosevelt on May 23, 1938?

For the first time in our observation, the Works Progress Administration, which was conceived and established to feed the families of the unemployed, irrespective of the politics, race, or creed of those to be served, through its directing heads, is seeking what? To drive hungry and destitute people to vote for a certain candidate for office. Meetings and conferences have been held in practically every county in the State by key men in places of importance with the Works Progress Administration, at which definite instructions were given selected agents that no one should be placed on Federal relief except on the advice of campaign managers of the candidate. Furthermore, these same agents have been required to inform all those individuals seeking Federal assistance that unless they are for the candidate for Senator whom the heads of the relief administration are supporting, there will be neither relief funds nor jobs for them.

That is not a Republican speaking. That is a distinguished Democrat and judge of Kentucky. This Democrat says further in his letter:

It is unthinkable that any relief agency of the Federal Government engaged in a charitable and a humanitarian task would be deliberately prostituted by politicians for the benefit of a man seeking public office. The Work Projects Administration in Kentucky has been converted into an out-and-out political machine. Those with starving mouths to feed are forced to surrender their one remaining privilege of choosing for whom they shall vote; otherwise, they and their dependents must go hungry and naked.

Whose money was being used to accomplish this coercion and intimidation? It was not the money of the candidates or their backers. It was the taxpayers' money. Yes; with the taxpayers' own money—taking it from the rich and poor, from the widows and orphans alike, to browbeat, coerce, corrupt, and intimidate the people of Kentucky themselves. This letter also points out that many persons were put on the W. P. A. and other rolls not to render service to the people of Kentucky or the Nation, but to travel about over the State and perform political services for a certain candidate—their salaries and expenses paid by the taxpayers. Instead of being helpful to the people of Kentucky and especially the needy people, they were busy in attempts to corrupt, intimidate, and coerce them. Many affidavits were secured and published showing that the W. P. A. trucks with foremen and bosses of the W. P. A. were used to gather up needy people and carry them to the county courthouses to have these needy persons to change their registrations and exacting promises from them to vote for a certain man.

A certain political organization was set up in Kentucky to go among the W. P. A. workers to collect money from these poorly paid persons to help finance these campaigns. These persons were warned to get cash and take no checks except "payable to cash," so that they could not be traced. The State administrator in a letter ordered one of his State directors in charge of organizing and collecting this money to destroy his records. Many of these cases of sand-bagging these poor, needy workers came to me personally. Among these I recall a lady living in one of my counties and working on the W. P. A. for $30 per month. She had a husband confined to his bed with TB and her four young children. The support of this husband and the children and their education depended upon her meager salary. These politicians demanded of her $10 out of her $30 as her campaign contribution for one of these candidates. She had pledged this money for medicine, food, and clothing for her husband and children and could not make the contribution. Soon after the primary was over she was let out with the statement that she had failed to cooperate. It is admitted that she was a very industrious, capable worker.

The purpose of the Hatch Act of August 1939 and the purpose of this act is to protect our needy people from favoritism, coercion, and intimidation, and to prevent their being required to give of their meager wages or salaries provided by the taxpayers of this Nation to finance politicians or any party or faction of a party. The average fair-minded Kentuckian revolted against such practices. This relief money does not belong to the politicians. It was intended to go to the needy without regard to party affiliations, race, creed, or color. If the hundreds of thousands of political officeholders receiving large salaries and expense accounts had been eliminated at least a million of the needy people of this country that have been denied jobs and relief could have been helped.

Let us pass this wholesome measure and thereby declare ourselves for clean politics. Let us administer this money taken from the taxpayers impartially for the relief of the needy. Let the small wages and salaries received by those needing jobs and relief be free from assessment by politicians. Let us cut out attempts to corrupt, intimidate, and coerce our citizens so that they may stand up as freemen and exercise their priceless privilege as American citizens. [Applause.] The ballot must be free. Our forefathers gave freely of their lives and of their fortunes to create a great, free nation on this side of the Atlantic. I do not propose to sit idly by and see a

lot of politicians for their own selfish purposes and through partisan politics, coercion, and intimidation, consume the taxpayers' money and at the same time take away the liberties and freedom of the American people.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. GUYER of Kansas. I yield the gentleman 3 minutes more.

UNITED STATES SENATE GETS BUSY

Mr. ROBSION of Kentucky. This corrupt use of the taxpayers' money and the attempts to corrupt, intimidate, and coerce the citizens of this country became so flagrant that a committee of United States Senators, composed largely of Democrats, investigated conditions in Kentucky, New Mexico, and other States, and this committee fully confirmed all that had been said about the misuse of the taxpayers' money and the mistreatment of needy citizens. They found that the W. P. A. rolls increased in Kentucky as the primary-election day approached and increased in the Nation as the regular election day approached and the years in which a national election was held. These relief rolls fell off after the election and in the middle of winter. There was left no room for doubt that the taxpayers' money was being used in large amounts to build and maintain political machines.

This investigation also developed the fact that the taxpayers' money appropriated by Congress, the millions of dollars turned over to the States for old-age pensions and other pensions and to construct highways, buildings, and other projects, all of the expense of which was contributed to by the Federal Government, was used to build and maintain political machines in the States. This ran into millions of dollars annually, and the political machines in the States turned their attention to the use of these large sums of money and the jobs for political purposes.

The administration-backed candidate for United States Senator in Kentucky and his friends boldly declared that the old-age-pension money and other sums furnished to the State were being used by the State crowd to coerce voters to vote for the man backed by the State crowd for the nomination for United States Senator. It was said by the national administration candidate that the old people of Kentucky, receiving less on an average than $9 a month, were forced to change their registration and cast their vote according to the wishes of the State administration or be denied old-age pensions or be removed from the pension rolls. Many affidavits were submitted and published on this subject; and those employed on these State-controlled projects but financed wholly or in part with Federal money were forced to vote as the State machine dictated. To my own personal knowledge, these Federal funds were used to aid both factions in Kentucky, needy old people were promised pensions, needy people were promised jobs if they registered and voted right; and it was not confined merely to national and State elections. These huge sums of money and jobs were used to corrupt, intimidate, and coerce voters in city, county, and district elections, and in one particular case known to me these funds and jobs were used in a county wet-and-dry election. All in all, it reached that point in Kentucky where it was spoken of frequently that we no longer had elections but public auctions, and it was the United States Treasury against the State treasury.

It has been the great American ideal that governments exist for the benefit of the governed and by and with their consent. We call that democracy. The ballot box is the place where the American people give their consent. It is here that they select their public servants—not masters. It is here they approve or disapprove of policies of government. The ballot box must be kept clean and pure. It must be free of coercion and intimidation. No great nation has ever fallen by reason of attacks from the outside if it is sound inside. They fall from within first. This Nation cannot be successfully assailed from without if we remain true to the principles and ideals of this Nation within.

The purpose of this Hatch bill is to take the hands of the spoilsmen out of the pockets of the taxpayers and from the throats of the voters and especially the needy voters of this country, so that they may go to the polls unafraid and vote their honest sentiments and chart their own destinies and preserve the principles and ideals of the founding fathers. We need not fear so long as the Nation has clean elections and they are free from attempts to corrupt, coerce, or intimidate.

These billions of dollars sent to the States mean tremendous power. We must not sit idly by here and permit selfish men to use these billions to perpetuate bureaucratic control and their own selfish interests. Last year we put the halter on the Federal officeholders who indulged in these practices inimical to the welfare of the people of this country. The bill before us, the new Hatch bill, puts a halter on State officeholders and agents whose salaries or wages in whole or in part are paid out of the Federal Treasury, the people who are handling these billions of dollars that are being spent in the States. This bill reaches out and says to these politicians, Federal or State, in whose hands has been placed this tremendous power, that it cannot be used to corrupt, intimidate, or coerce the voters of this country.

These billions were appropriated to help the needy and to improve our country. The direct and indirect obligations of this country exceed $50,000,000,000. We are developing a great program of national defense costing billions of dollars. There will be additional burdens placed upon the backs of the taxpayers of the Nation. Congress should see to it that no part of these taxes is used to promote the political fortunes of any person, any party, or any group, or any faction.

We owe it to the needy people, to the taxpayers, and to the American people to pass this bill. [Applause.]

Mr. SUMNERS of Texas. Mr. Chairman, I yield 10 minutes to the gentleman from New Mexico [Mr. DEMPSEY].

Mr. DEMPSEY. Mr. Chairman, so many misstatements have been made about the provisions of this bill that it would take a much longer time than 10 minutes to explain the entire scope of the legislation. This bill simply extends the provisions of the original Hatch Act to those State employees who are paid in full or in part from Federal funds. The entire purpose is to provide this additional group of public employees with the same safeguards and protection accorded Federal workers by the original law. The distinguished gentleman from Alabama [Mr. HOBBS] yesterday said that if a janitor was employed at a little schoolhouse and a W. P. A. project was set up providing for the painting of that schoolhouse, and that janitor should put paper on the floor to cover it so that it would not be stained by dropping paint, he would come within the provisions of the act. That is ridiculous. I cannot understand why a man should make a statement of that kind, and certainly I would not be critical about my friend from Alabama—and he is my friend—except to say this: When he cuts it, he surely cuts it thick, and he has the ability to cut it smooth at the same time. No person comes within the purview of this act who is not receiving directly funds from the Federal Government. I contend it is the duty of the Members of this House and the Members of the Senate of the United States, when they vote appropriations from the Treasury of the United States to so safeguard those funds that they will be expended for the purposes for which they are appropriated, and not diverted into campaign funds. Having been born in the State of Pennsylvania, I have had some experience with political set-ups. I also had some experience in New York. I lived in Missouri for a time, and in Oklahoma, but now I have the good fortune to live in the State of New Mexico.

Mr. BULWINKLE. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. BULWINKLE. On page 13, section 12, of the bill, we find the following language:

> No officer or employee of any State or local agency whose principal employment is in connection with any activity which is financed in whole or in part by loans or grants made by the United States or by any Federal agency.

Will the gentleman please explain how far that goes?

Mr. DEMPSEY. It goes just as far as that says. I think that is a very splendid provision.

Mr. BULWINKLE. All right.

Mr. DEMPSEY. Let me answer the gentleman's question. For instance, we will say an engineer in a city is appointed by the city authorities.

A W. P. A. project is set up in that city. He spends a month on that project, but that is not his principal employment. That is only a small part of his employment. He in no way comes under the provisions of this act.

Mr. BULWINKLE. But this says "whose principal employment is in connection with any activity." It does not say it has to be the activity. You can take a county attorney, where the county has a W. P. A. fund, and that county attorney may have a part of his work with it. You may mean it the way you say it, but this does not read that way.

Mr. DEMPSEY. I think, if the gentleman will read other provisions of the act, he will find the interpretation he is suggesting does not apply, at all. Yesterday when one of the Members of the House was speaking, this question was asked——

Mr. BULWINKLE. Let me ask the gentleman——

Mr. DEMPSEY. Mr. Chairman, I do not yield. I want to finish if I can. I will be glad to yield when I have made my statement.

Yesterday this question was asked: In the construction of highways, where the Federal Government participates with the State, would the men who work for the contractors be permitted to attend a precinct meeting? Every Member of this House knows that the contracts are let by competitive bidding to a contractor. Workers on his pay roll are in private employment, not in the employ of either the State or the Federal Government. The contractor in no way comes under the provision of this bill, nor does a single individual working for that contractor. The only man who does come under it in connection with the project is the Federal inspector for the Public Roads Administration.

Mr. COCHRAN. Will the gentleman yield?

Mr. DEMPSEY. I yield.

Mr. COCHRAN. Does the gentleman mean to say that the other officials of the highway commission of a State, where there are hundreds of them, are in no way affected by the provisions of this bill?

Mr. DEMPSEY. I did not say that. I say they are completely under the provisions of the bill. The highway engineers in the States which receive these grants from the Federal Government—that is their principal occupation, to spend that money, and they do come within the purview of the bill.

Mr. COCHRAN. Not only them but the State inspectors.

Mr. DEMPSEY. Yes.

Mr. COCHRAN. A moment ago the gentleman said only the United States engineers.

Mr. DEMPSEY. Oh, I did not say engineer at any time. I said the contractor or his men in no way came under the purview of this bill.

Mr. COCHRAN. But say all inspectors in the highway department?

Mr. DEMPSEY. All inspectors in the highway department, which is expending funds of the Public Roads Administration, would come under the provisions of this bill.

Mr. COCHRAN. They are using them in my State today in a senatorial primary.

Mr. DEMPSEY. That is the great necessity for this amendment—the very thing you are talking about. We are voting hundreds of millions of dollars to build roads. Instead of building roads, we are building up campaign funds. That is exactly what we are doing with the money, and the very thing this legislation is intended to stop.

Mr. COCHRAN. Has the thought come into the gentleman's mind at all as to what might happen to this bill when it goes into conference? The House has stricken out everything after the enacting clause and substituted new language. Does not the gentleman think the best thing to do, in order to make sure we will get a law, is to pass the bill as it was passed by the Senate, so that it will go to the President and we may get some advantage in some of the primaries? Watch out it does not find a resting place in conference.

Mr. DEMPSEY. If the bill does not leave here in good form, yes; but I think the bill in some way is improved as compared with the form in which it left the Senate. For instance, there is a provision that the gentleman from Alabama spoke about yesterday relating to the dismissal of an employee or the suspension for a period of 18 months of an employee who has been found guilty of pernicious political activity. The gentleman from Alabama has placed in the bill a clause which makes it necessary, if the employee demands it, to provide a jury trial. Never in the history of this Government, as far as I know, has it been necessary to give a man a jury trial when he is dismissed from public employ for cause, even though that cause be based upon prohibited political activity. Now, what does the Hatch bill provide? What does the author of the bill desire? He says if a man is charged with prohibited political activity, the Civil Service Commission will investigate. If the Commission finds sufficient reason to give him a hearing, he is given one.

If it is determined at this hearing that he is guilty of the offense, the man can then appeal to the district court. The district judge finds not only on law but on fact, and if he finds the commission erred, the man is not discharged from his employment. If the court finds that the man is guilty, there is nothing in this bill that requires, without alternative, the dismissal of that man or his separation from the service. The State has that right, and the State can say, "We propose to retain him in his present position." When they do the Federal Government says to the State, "All right. You are going to be penalized for that to the extent of twice the amount of that man's annual salary." We are not going to do like the gentlemen of the House voted to do for the Social Security Board—have them fine a State, as they did the State of Ohio, $1,300,000. There is no discussion around here about that, but the minute we try to clean up a putrid political situation there is immediate condemnation from some sources. Many of the people who are voicing criticism around here and who oppose this bill come from States where, the records show, the grossest violations of the law—at least of the moral code of ethics—have occurred.

Mr. SHERIDAN. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. I yield.

Mr. SHERIDAN. Does the gentleman realize that this is a criminal act?

Mr. DEMPSEY. There is one part of it that is intended to be criminal law. That is the part which provides penalties for coercion and intimidation of voters and similar infractions. In such cases a jury trial is, of course, provided.

Mr. SHERIDAN. Where do they get a jury trial except on making demand? They have to file a petition for it.

Mr. DEMPSEY. Well, they get it. Any person charged with crime may ask for and be granted a jury trial. I was talking primarily, however, about persons involved in cases under the legislation where no criminal penalty is provided.

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. STARNES of Alabama, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee having had under consideration the bill S. 3046—the Hatch bill—had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT—NATIONAL DEFENSE (H. DOC. NO. 874)

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries.

The SPEAKER laid before the House the following message from the President of the United States, which was read, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed:

To the Congress of the United States:

As President of the United States and as Commander in Chief of its armed forces, I come again to the representatives of the people in Congress assembled, to lay before them an extraordinary estimate of funds and authorizations required for the national defense.

In my opinion, it is necessary now that the people of this Nation and their representatives in Congress look at the problem of the national defense with utterly dispassionate realism. Never have we as a nation attempted to define the word "defense" in terms of a specific attack at a certain place at a certain time or with specified land and sea forces. In the long sweep of the century and a half since our defenses have been concentrated and unified under the Constitution, it has been a prime obligation of the President and Commander in Chief promptly to advise the Congress with respect to any world circumstances calling for either increased or diminished defense needs.

From time to time during the last 7 years I have not failed to advise the people and their representatives of grave dangers threatening the United States and its people, and the institutions of democracy everywhere. From time to time I have availed myself of opportunities to reassert and to implement the right of all the nations of the American Hemisphere to freedom from attack or control by any non-American power.

A year and a half ago, on January 4, 1939, in my address to the Congress, I referred to the fact that I had felt it necessary on previous occasions to warn of disturbances abroad, and the need of putting our own house in order in the face of storm signals from across the seas. On that day I said that a war which threatened to envelop the world in flames had been averted, but that it had become increasingly clear that peace was not assured. I said then that all about us raged undeclared wars, military and economic. I said then that all about us were threats of new aggression, military and economic. I said then that the storms from abroad directly challenged three institutions indispensable to Americans—religion, democracy, and international good faith.

Unhappily, many Americans believed that those who thought they foresaw the danger of a great war were mistaken. Unhappily, those of us who did foresee that danger were right.

A week later, on January 12, 1939, I submitted a program considered by me as Commander in Chief of the Army and Navy and by my advisers to be a minimum program for the necessities of defense, saying that every American was aware of the peaceful intentions of this Government and of this people, and that every American knew that we have no thought of aggression and no desire for further territory. The Congress granted that request for the minimum program then deemed necessary.

At the beginning of September the storm broke, and on the 21st of that month, in a message to the extraordinary session of the Congress, I said that this Government must lose no time or effort to keep this Nation from being drawn into the war, and I asserted my belief that we would succeed in these efforts. We have succeeded. I believe we shall continue to succeed.

In September last, I increased the strength of the Army, Navy, Coast Guard, and the Federal Bureau of Investigation within statutory authorizations made by the Congress. In January 1940 I submitted a budget to the Congress which included provision for that expansion of personnel, as well as estimates for the national defense, amounting to approximately $2,000,000,000 for the fiscal year 1941.

On May 16, in a message to the Congress, I pointed out that the swift and shocking developments of that time forced every neutral nation to look to its defenses in the light of new factors loosed by the brutal force of modern offensive war. I called attention to the treacherous use of the "fifth column," by which persons supposed to be peaceful visitors were actually a part of an enemy unit of occupation, and called especial attention to the necessity for the protection of the whole American Hemisphere from control, invasion, or domination. I asked at that time for a sum totaling $1,182,000,000 for the national defense.

On May 31, 1940, I again sent a message to the Congress, to say that the almost incredible events of the then past 2 weeks in the European conflict had necessitated another enlargement of our military program, and at that time I asked for $1,277,741,170 for the acceleration and development of our military and naval needs as measured in both machines and men.

Again today, in less than 2 months' time, the changes in the world situation are so great and so profound that I must come once again to the Congress to advise concerning new threats, new needs, and the imperative necessity of meeting them. Free men and free women in the United States look to us to defend their freedom against all enemies, foreign and domestic. Those enemies of freedom who hate free institutions now deride democratic governments as weak and inefficient.

We, the free men and women of the United States, with memories of our fathers to inspire us and the hopes of our children to sustain us, are determined to be strong as well as free. The apologists for despotism and those who aid them by whispering defeatism or appeasement, assert that because we have not devoted our full energies to arms and to preparation for war that we are now incapable of defense.

I refute that imputation.

We fully understand the threat of the new enslavement in which men may not speak, may not listen, may not think. As these threats become more numerous and their dire meaning more clear, it deepens the determination of the American people to meet them with wholly adequate defense.

We have seen nation after nation, some of them weakened by treachery from within, succumb to the force of the aggressor. We see great nations still gallantly fighting against aggression, encouraged by high hope of ultimate victory.

That we are opposed to war is known not only to every American, but to every government in the world. We will not use our arms in a war of aggression; we will not send our men to take part in European wars.

But, we will repel aggression against the United States or the Western Hemisphere. The people and their representatives in the Congress know that the threats to our liberties, the threats to our security, the threats against our way of life, the threats to our institutions of religion, of democracy, and of international good faith, have increased in number and gravity from month to month, from week to week, and almost from day to day.

It is because of these rapid changes; it is because of the grave danger to democratic institutions; and, above all, it is because of the united will of the entire American people that I come to ask you for a further authorization of $4,848,171,957 for the national defense.

Let no man in this country or anywhere else believe that because we in America still cherish freedom of religion, of speech, of assembly, of the press; that because we maintain our free democratic political institutions by which the Nation, after full discussion and debate, chooses its representatives and leaders for itself—let no man here or elsewhere believe that we are weak.

The United States is the greatest industrial Nation in the world. Its people, as workers and as businessmen, have proved that they can unite in the national interest and that they can bring together the greatest assembly of human skills, of mechanical production, and of national resources, ever known in any nation.

The principal lesson of the war up to the present time is that partial defense is inadequate defense.

If the United States is to have any defense, it must have total defense.

We cannot defend ourselves a little here and a little there. We must be able to defend ourselves wholly and at any time.

Our plans for national security, therefore, should cover total defense. I believe that the people of this country are willing to make any sacrifice to attain that end.

After consultation with the War and Navy Departments and the Advisory Commission of the Council of National Defense, I recommend a further program for the national defense. This contemplates the provision of funds and authorizations for the material requirements without which the manpower of the Nation, if called into service, cannot effectively operate, either in the production of arms and goods, or their utilization in repelling attack.

In broad outline our immediate objectives are as follows:

1. To carry forward the naval-expansion program designed to build up the Navy to meet any possible combination of hostile naval forces.

2. To complete the total equipment for a land force of approximately 1,200,000 men, though of course this total of men would not be in the Army in time of peace.

3. To procure reserve stocks of tanks, guns, artillery, ammunition, and so forth, for another 800,000 men, or a total of 2,000,000 men if a mobilization of such a force should become necessary.

4. To provide for manufacturing facilities, public and private, necessary to produce critical items of equipment required for a land force of 2,000,000 men, and to produce the ordnance items required for the aircraft program of the Army and Navy—guns, bombs, armor, bomb sights, and ammunition.

5. Procurement of 15,000 additional planes for the Army and 4,000 for the Navy, complete with necessary spare engines, armaments, and the most modern equipment.

The foregoing program deals exclusively with matériel requirements. The Congress is now considering the enactment of a system of selective training for developing the necessary manpower to operate this matériel and manpower to fill Army noncombat needs. In this way we can make certain that when this modern matériel becomes available, it will be placed in the hands of troops trained, seasoned, and ready, and that replacement matériel can be guaranteed.

I take this occasion to report the excellent progress being made for the procurement of the equipment already ordered under authorization by the Congress. Every week more and more is being delivered. The several branches of the Government are working in close cooperation with each other and with private manufacturers.

We are keeping abreast of developments in strategy, tactics, and technique of warfare, and build our defenses accordingly.

The total amount which I ask of the Congress in order that this program may be carried out with all reasonable speed is $2,161,441,957, which it is estimated would be spent out of the Treasury between now and July 1, 1941, and an additional $2,686,730,000 for contract authorizations.

So great a sum means sacrifice. So large a program means hard work—the participation of the whole country in the total defense of the country. This Nation through sacrifice and work and unity proposes to remain free.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *July 10, 1940.*

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

Mr. RAYBURN. Mr. Speaker, it is to be hoped that this will complete the program of national defense. These are tremendous sums added to what has already been authorized and appropriated.

I take this minute in order to say a thing that has been rather on my heart for some time. The United States of America, in my opinion—and I think I speak the heart of America when I say this, the heart of America from the head of the Government down—intends that not one dollar of this money shall ever be used to equip an army of aggression, because we covet not one foot of soil over which the flag of any other nation flies today. And may I say further that as far as I am concerned, and I still feel that I speak the heart of America from the head of the Government down, that not one dollar of this money shall ever be used to equip and send American boys to fight on European soil. [Applause.]

EXTENSION OF ACT TO PREVENT PERNICIOUS POLITICAL ACTIVITIES

Mr. SUMNERS of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3046.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 3046) to prevent pernicious political activities, with Mr. STARNES of Alabama in the chair.

The Clerk read the title of the bill.

Mr. SUMNERS of Texas. Mr. Chairman, may I inquire how the time stands?

The CHAIRMAN. The gentleman from Texas has 1 hour and 1 minute remaining. The gentleman from Kansas has 37 minutes remaining.

Mr. SUMNERS of Texas. Mr. Chairman, I yield myself 30 minutes.

The CHAIRMAN. The gentleman from Texas is recognized for 30 minutes.

Mr. SUMNERS of Texas. Mr. Chairman, in my opinion, if I may be privileged to speak it, considering all our circumstances the bill now before the Committee is perhaps the most important bill that has been considered by this Congress in 25 years at least. I am certain that I am not considering this bill from a partisan standpoint, and I am not considering it from the standpoint of any of the factions within any party. We are assembled here today at a time when democratic government is in peril the whole world over, including our own country.

Democracy is a government by the people. Do not forget that. In order for a government by the people to function two things are absolutely necessary: There must be governmental machinery through which a democracy can function, and there must be a governmental capacity on the part of the people capable of operating a democratic system of government. This bill strikes deeply into the vitals of each of these requirements. There is not the slightest question about that. These are sound propositions on which everyone ought to agree.

Democracy in America is in danger from what we are doing to democracy. In Europe the conflict is between democracy and that type of government functioning from the top downward, designated as totalitarian government. The danger to democracy in America is not from that type of government but from another type which also functions from the top downward—a Federal bureaucracy.

An interesting thing is that democracy in the world seems to be under attack by that thing which in each situation could do the most hurt to democracy. In this bill democracy is under attack by the Congress, many Members of which have been deploring the development of Federal bureaucracy.

We are not discussing persons but a system of government. The individuals who make up this rapidly developing bureaucracy are fine American citizens. They are doing the work assigned to them. They are not originating this new power. Congress is doing it. They are not declaring to the world that our democracy is so complete a failure that our States cannot be entrusted with the control of their State employees and State elections. Congress is doing it.

Before we go any further, suppose we examine briefly our structure of government.

The statements of our friends that we began this noble experiment on this continent are entirely erroneous. The facts are that through the long processes of time the democracy of the Anglo-Saxon peoples has been in process of development. When we established our governments in Amer-

ica—first the colonies and then the States—the plan of those governments was that of a democracy, the very nature of which placed responsibility in the main in the small communities which were close to the people, because it was to be and was the people's government. When you examine the governmental structure of our States you see there the possibility of popular control, because most of the business of the States is carried on through cities, and counties, small units of government where the democrat, the person, the human being, elect the chief officers and has a chance to have his influence felt, a chance of control. It is close to him.

When you examine progress in democratic systems of government you find that all progress in those systems from the time they were established has been in that direction which puts power to govern and necessity to govern closer and closer to the individual. That is common sense. It is an absolute necessity.

It has got to be closer and closer to the people because the people are the Government. It has got to be closer and closer to the people in order that the people may have the responsibilities of and may deal with the problems of government and increase thereby their capacity to govern by dealing with the problems of government. I do not suppose anybody will question any of those statements I have made thus far. If they are sound this bill is unsound.

What does this Hatch bill propose to do in the particulars that have been under discussion? It is a most remarkable bill and the thing that is most remarkable to me is to see my friends on the Republican side who have been criticizing bureaucracy and the centralization of government and those who have been talking about State rights, favoring this bill.

The same is true of those on the Democratic side. We get up here and talk about preserving democracy in the world, yet right here we are doing the thing which we know by common sense and the experience of people in the realm of government is removing governmental power away from the people and centering it here in Washington at the place where you say it ought not to be. That is a remarkable thing. We all love our friend from New Mexico, Mr. DEMPSEY, but the gentleman and the rest of you have never once discussed the big feature in this bill, and that is what you are doing to the necessary, the indispensable functioning machinery of our democratic system of government.

We all agree that there should not be political corruption, but that is not the big question. The big question in this proposed legislation is, Will you remove the responsibility of the people to govern from their communities up here to Washington? Will you put it within the power of a bureaucratic organization to deal with a State election, even a primary election in a local community, as is proposed by this bill?

If this legislation is necessary, it is only because the States cannot be entrusted to take care of their own elections and of their own officials. That is the implied charge contained in this bill. There is no governmental responsibility more important or more completely within the governmental capacity of the States unless it be true, as this bill implies, that our democracy cannot govern.

If the States cannot be entrusted to control the elections of their officials, as this bill implies, it is true, as the enemies of democracy claim, that our democracy ought to be abolished. It is utterly ridiculous for anybody to talk about having any respect for our States in connection with his advocacy of this bill, and I say that the only reason which you can offer to your people when you go back to them as to why you voted for this bill is the excuse that you do not think your State and your people can be entrusted with preserving the purity of their elections. You tell your people and you tell the world how in this critical hour, when democracy is on trial, when many people are questioning it, when the friends of democracy ought to demonstrate their confidence in it and adopt those governmental policies calculated to preserve and strengthen it, you declare, "We do not believe the people of a State can be trusted with the protection of the purity of their own local elections."

This bill does not abolish any power to coerce a vote. It shifts the power from those whom the people can control and punish to a Federal agency whose personnel the people cannot punish or control.

You are going to turn over to a Federal bureaucracy the power to coerce the people of my State. I know what I am talking about. You put it in the power of a Federal officer, a part of a bureaucratic machine, to go into the State of Texas, for instance, and bump off the pay roll a State employee in the State of Texas because of local political activities. There is no one who can challenge that. That is where you are putting the power. You are not protecting anybody. You are moving the power of control from the people of the States, who elect their public officers, to somebody from Washington who, under this bill, could go into my State and say to my people: "You put that man off the pay roll and if you do not we will fine you 2 years of his salary." What are you going to do about it? The poor devil involved goes off the pay roll that minute under the provisions of this bill.

Mr. HANCOCK. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield if my statement is not true.

Mr. HANCOCK. Charges must be preferred.

Mr. SUMNERS of Texas. Yes; by somebody connected with the Federal organization.

Mr. HANCOCK. And he must be found guilty by the Civil Service Commission.

Mr. SUMNERS of Texas. Yes, by another part of the same agency. I cannot yield further. A bureau in Washington makes the charges and conducts the investigation. A bureau in Washington makes a finding and demands of the State or employing community that it discharge this employee—its own employee—and if it does not it fines the State 2 years' salary for not taking him off, and there is no one can controvert that statement.

Mr. MURDOCK of Utah. Will the gentleman yield?

Mr. SUMNERS of Texas. If I have made an incorrect statement.

Mr. MURDOCK of Utah. I want to correct the gentleman. Your complaint comes from the State or local agency and it is called to the attention of the Civil Service Commission.

Mr. SUMNERS of Texas. Oh, no; it is not.

Mr. MURDOCK of Utah. Read the bill.

Mr. SUMNERS of Texas. The State does not have a thing to do with it except to do what it is told to do. That is the truth about the matter. Read the bill yourself.

Mr. MURDOCK of Utah. I have read it.

Mr. SUMNERS of Texas. The complaint is made by somebody connected with a Federal activity; then the Civil Service Commission makes an investigation; they tell the State to turn him loose and if it does not turn him loose it is fined 2 years' salary. There is no one can controvert that who has read the bill.

Mr. RAMSPECK. Will the gentleman yield?

Mr. SUMNERS of Texas. No. I want to talk to those who have been hollering their heads off here about developing bureaucracy in this country and yet are supporting this bill. This bill is the farthest reach of bureaucratic powers into the vitals of democratic institutions and in favor of bureaucracy that has been proposed in this Government since the beginning of the Government. I say to you people who have been complaining about the destruction of our democracy and the substitution therefor of a bureaucratic Government, this thing is not proposed by the bureaucracy itself. It is proposed by the Congress of the United States to give to a Federal agency the power to coerce and dominate a sovereign State in a matter of its most intimate and vital governmental responsibility.

Tell it what it has to do with regard to its own employees and its own elections and tell its citizens what they have to do or lose their State and community jobs.

You think of that, you think of the Congress of the United States, the Members of which are talking about

democracy and professing concern that somebody may do something to our democracy, adopting a program and supporting a bill that carries with it a declaration to the world that we do not believe the people can be trusted to govern themselves.

This is the attack on our democracy: The Federal Government goes out into the States and gets more money from the States by taxation and the sale of bonds than is spent for Federal purposes. Then a part of that money is sent back to the States for various projects with an attached power of control. Then Congress comes along and says to these bureaus: "We will enact a law and give you the power to use this money to blackmail the States to compel the States to submit to your demands. You can tell a State that if it does not fire one of its employees whose dismissal is demanded by a Federal agency we will take 2 years of his salary away."

What do you think about that? If you can do it to control an election and to determine whom the States may employ and whether an employee of a State may keep his job, you can do it to control schools; you can do it to control every power that a State exercises. You are endorsing that policy of government when you pass this bill. You are setting a precedent. Nothing has been proposed like this since the organization of the Government. No more serious charge has been made by Hitler, Mussolini, Stalin, or the "fifth column" against the governmental dependability and capacity of the people than is contained in this bill. Talk about a people being able to govern, being able to operate a democracy and then denying to them a duty and a responsibility so intimate as their elections and the right to determine their own employees is the height of absurdity.

You send into your States a Federal agency to control with reference to State employees and State elections, and then go hollering your heads off about this development of Federal bureaucracy. We are discussing governmental power. In the allocation of governmental power it is not only what may be done in a particular respect but what may be done with the power thus located which statesmen must consider. The most remarkable thing perhaps about the whole matter is the lack of evidence of any hesitancy to use the control of this money to exercise a power over the States denied to the Federal Government by the Constitution which we are sworn to defend. It is admitted by Senator HATCH, whom we all respect, that it cannot be done through the Constitution. My distinguished friend will admit the same thing. The Constitution of the United States protects the States in their right to control their own elections in their precincts and to select and retain their own employees and protect these employees from being dependent upon any Federal agency for the retention of their jobs. This is not merely contrary to our written Constitution but it is contrary to common sense to have an agency of government like a State that the public interest requires should be responsible to the people and yet is denied complete responsibility and power in the selection of its own agents through whom that responsibility must be discharged.

You cannot go through the Constitution. Everybody admits it; that is the remarkable thing, talking about the Constitution, talking about the reserved rights of the States, and what do you propose to do? You would break through the constitutional barrier if you could. That is evident. You cannot get through. So what do you do? I quote from the CONGRESSIONAL RECORD, Senate proceedings, March 5, 1940, page 2339:

Mr. HATCH—

Regarding control over State elections—

There are several grounds upon which we may enact this type of legislation.

The Senator—

Mr. MINTON—

asked me the specific question what power the Federal Government had to control directly State elections when no Federal officer was involved. I answered that question, "none"; but we do have control over the funds we appropriate from the Treasury. * * *

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Mr. MINTON. The Senator has admitted that we have no control over the conduct of a State election. Does the Senator contend that the Federal Government may use some power that it does have in order to coerce a State and State employees and State electors in a field in which the Federal Government has no power at all to act?

Pages 2340 and 2341:

Mr. HATCH. Section 3 of the bill which I had started to discuss is the one which affects directly the employees of the States in vast numbers, and provides, in substance, that they shall not engage in political activities. That provision, Mr. President, was the one which gave us difficulty in drafting. * * * All we had to do, of course, was to copy the language of the existing law, the civil-service rule, or adopt new language making such prohibition. * * * We do not have such means with reference to the States. The Congress of the United States could not say that if a particular man did the prohibited act he must be discharged, and then proceed to discharge him or have him discharged. There is no such power as that. There was the question of how far the Congress should go with such legislation. * * *

* * * We adopted the theory of first forbidding political activities of State employees as we have forbidden them on the part of our own employees, * * * not to punish the State but to procure compliance with the nonpolitical provision of the law, which, I take it, the Senator from Indiana is going to say is a method and means of coercing the States and forcing them to comply with standards which we set up.

You lead these bureaus around behind the Constitution, you men sworn to defend it, and make a rear attack on the Constitution that you are sworn to defend. You make a rear attack upon the reserved rights of the States and upon the liberty of speech and action of these citizens. Talk to me about preserving democracy and the right of the people to govern! Of course, there are things in the States that ought to be done. If there was not there would be no need for a State government. But when did you discover that because a thing connected with a State government ought to be done you ought to have a Federal bureaucracy do it? When did anybody discover that every time there is some business to be attended to in a State you have to holler for Uncle Sam to come and do it?

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Michigan.

Mr. MICHENER. The gentleman asked when we discovered that. We discovered it when the Federal Government commenced to do these things in the States which should be done in the States, but which have been done by the Federal Government and the bureaus almost entirely within the last 10 years.

Mr. SUMNERS of Texas. Fifteen years ago I directed the attention of this House to the development of this bureaucracy, and I am going to put those statements in the RECORD. But because this was done that ought not to have been done, you come along and you say, "You have been pikers at this job; we will show you how to do it." You could not get through the Constitution; you are barred. You say, "If you will follow us, Mr. Bureau, we will show you a route around the Constitution where you can attack these States from the rear and compel a sovereign State to yield to the dictation of a Federal bureau, or take the money from them." That is what you are doing.

When you get out on the stump this fall, and we get out on the stump this fall, this bill will come up to confront every man who is appealing to the American people to give democracy in this country the right to exist. If the people of a State cannot be entrusted governmentally with things so intimate and so important as the election of their own public officials and the control of their own employees, in the name of common sense, why do you want a government by the people? Who is going to answer that? I am talking to you as Americans, as the responsible representative of a sovereign people, not as somebody that is being bossed by somebody on the Republican side or on the Democratic side. There has been a good deal of talk here from the Republican side about having some "rubber stamps" on this Democratic side. Well,

we do have a few; we have too many. But it looks to me as if you are going to demonstrate that you do not have "rubber stamps" over there, but you do have wooden ones. People are supposed to vote with their heads.

The thing just does not make sense. It just does not make sense to be up here talking about a democracy, taking about the power of the people to govern, when really we are declaring to the world that in the greatest democracy on earth the people cannot govern. You just take that and think about it. This bill declares to the nations of the earth that the people in the States, in their local communities, cannot govern and you are compelled to send in a Federal bureaucracy to coerce the State. You cannot keep this sort of thing up and preserve democracy in this country. The only way you can preserve democracy is to keep the people in responsibility. It is a tragic thing that is about to happen in this House.

Mr. Chairman, I appreciate the situation. Your candidate for President has endorsed this bill, the President of the United States has endorsed the bill, and we are told that the leadership on both sides is for the bill. I am doing my best to discharge my responsibility. I believe in a democracy, in the right, and in the capacity of the people to govern but only if they are kept in governmental responsibility. If ever there was a time on the face of this earth when individuals in responsibility, like you and myself are in responsibility, should be willing to be guided by the best judgment that God Almighty has given us, instead of being dictated to by somebody else, that time is now. The people of this country are thinking as they have never thought before.

I have just got back from home. The people of this country want another chance to try to preserve democracy and free government in this country. The people are getting tired of somebody coming down from Washington and telling them what they can do or cannot do. [Applause.]

The men out on W. P. A. aspire for something better for their children than to have to follow in their footsteps. These million people on the Federal pay roll—if this thing keeps on and every person keeps climbing on that raft out in the water, the first thing we know the whole thing will sink and they will all be in the water. These Federal employees know that. This having the State and Federal Governments working at the same job has got to quit. There is a limit beyond which the expense of government cannot go.

The people want this sort of business stopped. I have talked with my people. The people of this country are willing to do the job, in a free country. You have the responsibility of leadership and you preach the doctrine of defeatism again from this forum and tell them they cannot even control their own elections.

I want to tell you it is a pretty serious thing we are doing in this country now. What are we going to do about it? Let us see what we are fixing to do. We have a great form of government in America. Unquestionably, we have got the greatest possible—we have the most perfect possible for the functioning of a great democracy that ever developed in the world. First, you have the people; above the people the small units of government; above the small units of government the States; and above that the Federal organization.

When these 13 independent States as a Nation took counsel with reference to their situation they decided that they needed a common agency to look after their diplomatic matters; that they needed a common agency to deal with their Army and their Navy; that they needed one system of weights and measures, and a few other things like that; and they created this Federal organization to act for them in these matters. There never was any purpose to make it a government of general responsibilities.

The people cannot operate so big a system of government dealing with general government responsibilities and they had sense enough to know it, and so they provided that only those powers which they specifically delegated to this central organization should that central organization have, and they reserved all the other powers to themselves and to the people.

Now, I do not mention this as one who makes a fetish of the Constitution, but I mention it as a logical, sensible arrangement of governmental powers.

What are we trying to do? We are trying to make this Government function from the top down. We are trying to send a Federal bureaucrat into my State and yours to deal with a State election. We are attempting by this bill to authorize a Federal bureaucrat to go down there and, in a measure, determine who is to be employed by the State.

We are giving to this great Federal organization the power to go down to that State and say to your State and my State—think of it—you people who come from these States—think what you are authorizing them to do—to go down to your State and say, "If you do not fire this State employee, we will fine you 2 years of his salary." Now, that is what you are voting, and go back there and blah, blah to your people about how much sense you think they have got, and about our great democracy. And today you are going to cast a vote which declares to the world you do not believe what you are saying.

What is the use of the States if we cannot trust them to take care of their State elections and determine who is to do their work? Now, just ask that in your own minds. What is the use of paying the expense of a State government if the State government cannot be entrusted to take care of its own elections and its own employees. If we keep on doing this sort of thing and saying this sort of thing to the people of the country, they are going to say that there is not any use, and there will not be any use for this reason.

When you continue to take these powers from these States, our only agencies through which democracy can function, they will continue to lose power, to function, and that is how we are destroying the States and this democracy. We are taking from these States specific powers, one after another, and every time we take a power from the States, under a law of nature that power to do that thing departs from that State and we leave that State weaker and weaker and weaker with reference to the discharge of its other remaining duties until finally it cannot do the job. In proportion as you take these powers away from the small units of government where the people have responsibility, where they have the necessity to govern, the people lose the capacity to govern, because that same universal law of God Almighty will not permit power to remain anywhere where it is not used, and the day will come when you will undertake to send some of these powers back into the States and they will not be governmentally able to receive them and that will be the end. Are we so blind that we cannot see this or are we so indifferent that it is of no concern to us?

And who will be responsible? We will be responsible. We are doing the trick now. We are destroying these States now. We are destroying the governmental capacity of the people now. We are destroying this democracy now. I do not care who advocates this thing. I try to be loyal to my party, but in this hour of my Nation's peril, when I know that democratic institutions are under challenge everywhere, so help me God, I am not going to do that which I think will destroy my country. [Applause.] This is a solemn hour for us here in this House. No responsibility equal to ours has rested on anybody in this country in 50 years at least. Will we measure up to it? It is an individual responsibility and an individual challenge. There is not a human being in this House who does not know that this proposed legislation, this authorization of a bureaucratic power to do this thing, is against the fundamentals of democracy and is against the increase of the capacity of the people to govern; and whenever the problems of this Government get larger than the governmental capacity of the people, then government turns from that people and lays its hands on a bureau or a Hitler or some other nondemocratic agency. You know that.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield myself 10 minutes more.

Mr. DIRKSEN. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. DIRKSEN. Here is the thought that occurs to me: I think I share this guilt with the gentleman from Texas. The States have already admitted their incapacity to take care of their problems, because they come as suppliants to the Government and ask for money to discharge their functions. Can they very well escape the burdens and accept only the benefits? Must they not come under such restrictions as are necessary to see to it that there is no misuse of the funds that they may receive from the Federal Government?

Mr. SUMNERS of Texas. I agree with what is in the gentleman's mind. I think the States originally are responsible, but they are your people.

Mr. DIRKSEN. And yours.

Mr. SUMNERS of Texas. And mine—you bet your life, and I am standing here, as I believe, protecting not merely the interest of this generation, and their opportunity to govern themselves but of the generations that are to come.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. MAY. We must remember in connection with the question of the gentleman from Illinois [Mr. DIRKSEN] that the Federal Government does not have a dollar in the world except what it gets out of the people of the States.

Mr. SUMNERS of Texas. I am going to say something about that right now. I agree thoroughly that the States are remiss in the first instance, and I recall when first I was here how my State was urging me and urging others to take the liberties of the people, the governmental opportunities of the people which our ancestors had given their lives on a hundred battlefields to obtain, and bring them here and sell them at the door of the Treasury of the United States; but the State is not the entity, a thing apart from our people. We are talking about the people and the responsibility is ours, and the question is, Shall we go on and on and on until we reach the destination you know and I know we are heading for, or will we stop here now and attempt at least to not go further in that direction? Stop the retreat.

Mr. DIRKSEN. The trouble is that we cannot undo the things that have been done in the last 8 years and we have to reckon with a condition rather than a theory.

Mr. FITZPATRICK. But does not the gentleman think that this is the first step to destroy democracy and bring a dictatorship to this country?

Mr. MASON. The first step?

Mr. FITZPATRICK. It is the starting.

Mr. BREWSTER. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. As soon as I make a statement. This thing did not start 8 years ago. I examined this matter a good many years ago. I quote from a statement I made 15 years ago in which I pointed out then that we were engaged in a concentration of governmental power and the development of a bureaucracy which would bring peril to this country:

> Contrary to our traditions, to our philosophy of government, contrary to all the things we profess to believe and against all the warnings of history, we are placing the three powers of government—legislative, executive, and judicial—into the hands of the same personnel, not one of whom is elected by the people.

In 1932 I made a speech before the American Bar Association in which I made a similar statement. I shall put some excerpts in the RECORD.

I quote the following from the speech I made before the American Bar Association, October 14, 1932:

> When we look about us today, conscious of that responsibility, we cannot be happy in any sense of duty well performed. With a rapidity unequaled in the history of governments, we are changing the distinctive characteristics of our system from a representative government, the thing which we inherited, to a bureaucratic government, in many respects, of all systems, the most extravagant, most susceptible to tyranny and corruption, and the most destructive of the governmental capacity of the people.
>
> VIOLATING NATURAL LAW—MOVING TOWARD BUREAUCRACY
>
> Save one, our most basic philosophy of government finds expression in the three separate, coordinate branches of government—legislative, executive, and judicial. It is the fashion of our orators to have much to say about the wisdom and natural harmony of that arrangement, and the necessity to preserve this separation, but when we come to examine the direction in which our policies are moving us, we find that we are constantly consolidating these powers of government, and that, too, in an appointed personnel. They are given the power to make rules, which insofar as the average individual is concerned, have all the force of law, the power to construe these rules, and the power to enforce them; all the powers a king ever had.
>
> This is not all. With a rapidity which makes the heart sick, we are reducing the States from the station of sovereignty to that of vassalage to a great Federal bureaucracy.
>
> With even greater rapidity, by moving power to govern and necessity to govern from the smaller units of government, where the average private citizen has the greatest power to govern and necessity to govern, we are destroying the governmental capacity of the private citizen. We are destroying his self-reliance, his consciousness of responsibility, his pride of position, and making him a mendicant at the door of the Federal Treasury. There is nothing more destructive than nonuse. Nature will not waste its energies. Cease to use the arm, it loses the power to do. Fish in the Mammoth Cave have no eyes. Cease to exercise the power to govern, and the power to govern departs.
>
> NECESSITY OF STATES TO GOVERN
>
> The right of the States to govern was never important, but the necessity of the States to govern in those matters which fall within their governmental capacity is of fundamental importance. Go to the various Federal agencies today and what do you see? Go to the agencies of the Federal Government dispensing credit and gratuities; there you see the private citizen, the municipality, the other divisions of the States; you see the banks, the railroads, other corporations; and you see sovereign States arguing and pleading with appointed persons for the privilege of borrowing money contributed in taxes by their citizens and money raised by mortgaging the tax-paying resources of their citizens for years to come. Whether these beggars, these mendicants, these once sovereign States get a part of this money or not depends upon what these appointed persons decide to do about it.

Mr. Chairman, ours is a joint responsibility. This development was in full operation 15 years ago. This is not a partisan matter. No party is solely responsible for what has happened, but we are responsible for what is happening now, today, here in this Chamber. The people after the World War were indifferent, and things drifted along. There is a community of responsibility and now there is a community of duty.

Mr. BREWSTER. I followed the gentleman's argument with a good deal of interest. Would it result in logical effort to wipe out the entire civil-service system?

Mr. SUMNERS of Texas. I am not wiping it out. I am now trying to wipe out this bill.

Mr. BREWSTER. Will the gentleman agree that would be the logical end of his argument?

Mr. SUMNERS of Texas. Oh, no, I am talking about this bill.

Mr. BREWSTER. And I am asking about the philosophical end of it.

Mr. SUMNERS of Texas. Oh, the philosopher is not here, and I do not want to mix in anything like that.

May I call your attention again to this speech made in 1925?

> There is no use complaining of bureaucracy so long as the total of governmental responsibility concentrated in Washington is beyond the capacity of a government of the representative type to discharge.
>
> When the capacity of the ordinary machinery of the Federal Government becomes overloaded, these bureaus are the only agencies to which the overload can be shifted. When these bureaus have transferred to them such powers of government as it is necessary now to place in them, and they exercise those powers without effective supervision by elected agents of the people, as is now the case, we have a great Federal bureaucracy far toward its full development, regardless of what the Constitution provides.
>
> Is there anybody in position to know the facts—Democrat, Republican, Socialist, or what not—who does not know that the total of governmental responsibility concentrated at Washington is beyond human capacity to discharge through any agency susceptible of popular control?
>
> REACTIONARY MOVEMENT
>
> Gentlemen, the present direction of movement is not progress. It is reaction; I do not care what sort of brand the individual puts upon himself who advocates it. I lay down this proposition, sound in theory, sound in governmental philosophy, and established by history, that after the completion of the formative period of a popular government, all true governmental progress, by the very nature of that system of government, must be in that direction which moves governmental power away from the central established by history, that after the completion of the formative period back toward the people into those governmental agencies

more directly and more completely under popular control. The reasons for that are not founded in theory; they are founded in necessity. We face that necessity now. This is not left to the will of statesmen. It is fixed in the economy of nature. Popular government is not an accident. It is necessary for human development, and nothing necessary for human development is left to chance. Human respect for nature's plan is secured by natural laws which human beings must respect or pay the penalty. We are paying the penalty not only here but in the States.

DESTROYING STATE EFFICIENCY

We are not only destroying the efficiency of our system of government at the Federal end by an overloaded governmental machinery but we are destroying the efficiency of the States. If we want to destroy the States as virile, efficient agencies of popular government, there could be no more effective method than our present policy of taking from them the necessity to discharge the powers that rest naturally within the scope of their governmental jurisdiction. That is what we are doing and doing largely by State and popular surrender as distinguished from Federal usurpation. That is a most remarkable fact. Can anybody question that the States are losing their dignity, their independence, their importance, and their vigor as sovereign units of government when he sees them bereft of responsibility, begging at the door of the Federal Treasury? That is not a beautiful figure.

That is not all. We are not only destroying the efficiency of the Federal Government by the overload, and the vigor and governmental capacity of the States by this process, but we are doing a far greater harm than that. By taking governmental responsibilities from those units of government that are close to the people we are taking from the private citizens the necessity of a more direct grapple with the problems of their Government, which problems and the necessity to work them out in good providence come to develop them for the bigger responsibilities of tomorrow.

SYSTEM DEPENDENT UPON GOVERNMENTAL CAPACITY OF CITIZENS

If this system of government is to endure, it must depend for its strength in the crises that are to come not so much upon its laws or upon the written provisions of its Constitution, or even upon the capacity of men in official position, but upon the virtue and the governmental capacity of its private citizenship. The present policy of creating a feeling of dependence upon a great central government is not calculated to develop such a citizenship. It is the sense of responsibility that sobers judgment, that develops civic virtue; it is the strength which comes from the struggle, from the grapple with the difficulties incident to the operation of a system of popular government which gives capacity. Nor can the lesson, taught by the penalty imposed for mistakes made, be dispensed with. How can we hope to develop a citizenship capable of dealing with the greater difficulties of tomorrow when we are constantly moving the power and responsibility, the necessity to govern, away from the people, away from those units of government wherein the private citizen has the more direct control and the larger share of responsibility? We have turned our backs on the lessons of history and are trying to operate our system of government from the top downward, in violation of the laws of its nature, and in violation of the laws of human nature as well.

I do not care what the form of that government is; I do not care what the political philosophers say, if you injure the governmental capacity of the people you strike at the foundation of governmental strength and at the ability of the people to protect their right against governmental and private oppression. We have not only to stop concentration but we have to begin an intelligent decentralization of governmental responsibility.

I am making the same speech this minute. If you want to destroy the States, you cannot do it more effectively and you cannot adopt a better means than to take from them the necessity of doing these things that are within the governmental capacity.

That is what we are doing, and doing largely by State and popular surrender as distinguished from Federal usurpation.

Today it is congressional leadership of Federal usurpation. Today you cry: "Those of us who have been complaining about Federal usurpation, we show you the route around the Constitution. You cannot get through the constitutional barrier, but you just follow us. We have got a slick way to do it. We will just tell these States if they do not come across and let us boss them we will fine them." The Congress is approving that policy by this bill. Is it not remarkable that you, with your philosophy of government and with all the things that are happening to democracies in the world, would consider for a split second leading the attack of bureaucracy upon your State and its power to control State elections?

I will tell you, this will face you all the days of your life. Nobody ever proposed such a thing as this before. This Congressional thing I am talking about. We are endorsing it. What can you say about the bureaus in the future doing these things? You say, "Come along. You have been a bunch of pikers. I will show you how to get in the back door. You cannot control these States through any constitutional power, but you follow me and I will show you how you can do so. I will show you how you can tell my State you have got to fire that man. I will show you how you can pursue a State employee and make him afraid of somebody up here in Washington."

Talk about pernicious political activity. When we have advanced a little further in this development of bureaucracy in America, do you believe that anybody connected with a government determined to perpetuate itself in office will discover much pernicious activity among those who are trying to keep them in office?

Why do we not use common sense? You know, the most pernicious activity in the world is that of those trying to get those in power out of power. You are putting it into the power of bureaucracy to go into your State and if a man is not voting right bump him off. How many bump-offs will there be before everybody gets to voting right? You are a smart bunch. Talk about control. You are removing this power to coerce the voter from those whom the people can control; those whom they elect and can depend upon—to somebody that they do not elect and cannot control—and you know it. It is the most astonishing thing——

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SUMNERS of Texas. Mr. Chairman, I will take 10 more minutes.

I appreciate your attention. I know, absolutely, that if the country had time to look beneath the surface, to see what this bill really does, it would not be permitted to sail under the false colors of preventing pernicious political activity. People have been deceived by the title of this bill. It is our duty to see what the thing is. That is our business. That is what our people sent us here for. You cannot run this Government with a bunch of back-seat drivers, like those putting pressure on the individual Members of this House, not in an hour like this. Do not be afraid your people will not stand by you if you vote against this bill when you go home and tell them what you have done, because the people of America are getting tired of having somebody in Washington tell them whether they may do it every time they want to take a long breath. People want to govern themselves one more time. They are in the right humor to do it. They are willing to pay the price. By this bill you say "You cannot do it. You cannot even run your elections."

Mr. DIRKSEN. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield briefly.

Mr. DIRKSEN. I would say there is something more involved than purity of politics; rather the preservation of the two-party system, because it is the last effort on the part of Congress to grope for the preservation of that system. Mussolini said in 1934, "The first attribute of the corporate state is one political party." Here we are today writing a bill in the hope that we can hold on to the two-party system because your administration has pushed us so far in the direction of the corporate state. That is what I think is involved here.

Mr. SUMNERS of Texas. Now, you are a pretty smart gentleman. I want to show you how little sense you are using on that. You are putting it into the power of the party in power to scare the life out of every State employee in your State. That is how smart you are. I am telling you the truth and you know it when you stop to think about it.

Mr. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Well, just briefly.

Mr. CHURCH. You have already given power to the Federal Government to control them because of the money given out by the Federal Government.

Mr. SUMNERS of Texas. Now, I cannot yield further.

Mr. CHURCH. This bill means control against bribery or unfair use of that money.

Mr. SUMNERS of Texas. Yes; and you propose to extend bribery further by bribing the State into surrender of control over its elections in order to get the money.

Mr. CHURCH. This bill prevents the bribery.

Mr. SUMNERS of Texas. No; you are bribing them, and browbeating them, and blackmailing them, saying to the

States that if they do not come across here in accordance with the views of somebody in Washington, if they question the infinite wisdom of the Washington bureaucrats as to what they ought to do, we will make you regret it.

And then, take that poor little fellow on the State pay roll. In the bill you exempt the governors and the elected fellows, but here is a poor little fellow working for a living and he is not voting just "right." Who is going to pass on it in the first instance? Washington. Washington has him removed; one or two are enough, and the rest will not have to be bothered with. Now, you know that just as well as you know anything about practical politics.

Mr. HANCOCK. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. HANCOCK. But the right to vote as one pleases is a right preserved by the Constitution.

Mr. SUMNERS of Texas. Oh, yes! And who administers it, who administers the voting laws? The outfit that is trying to stay in office.

Mr. HANCOCK. The Civil Service Commission and the courts.

Mr. SUMNERS of Texas. Yes; and the courts. What can this little fellow who is ousted from his job do? The gentleman from New York has a great remedy for him. He said the other day that the poor little devil could go to the Supreme Court of the United States. [Laughter.]

Mr. HANCOCK. That is the last resort of both great and small.

Mr. SUMNERS of Texas. He can go to the Supreme Court of the United States and have himself restored—this poor man working at an ordinary State job who has already had his pay stopped.

Mr. O'TOOLE. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. O'TOOLE. Does not the gentleman from Texas feel that if this bill becomes a law it will, like the prohibition law, be more honored in the breach than in the observance; that it will create disrespect for all law?

Mr. SUMNERS of Texas. I understand what the gentleman is driving at. Here is an interesting thing I want to call to your attention. You do not have a chance to pass a Federal law until you get the people stirred up to the point where you do not need it. That is a strong statement.

I mean to make it strong. You have got to have a condition of public opinion that is getting ready to do the job in the local governments if let alone for a little while before you can get enough public opinion to scare these fellows here into voting for a Federal law. I do not like to bring up things that I have talked about on other occasions, but take the antilynching bill for instance. When there were 230 lynchings in the country there was not a demand for a Federal law, but in the last Congress, when there had been but 3 lynchings in a year, some 20 bills were introduced. Sentiment was so strong the matter was petitioned out of the committee and passed by a vote of 2 to 1; and in the last 12 months, when there has not been a lynching in the United States, if it had not been that the Senate had more sense than we have, you would have passed it. The States and their communities would have been robbed of the credit and everybody would have been hollowing "See what Uncle Sam has done."

The tragedy of this concentrated Federal responsibility is that it weakens the States. Responsibility is what makes a responsible people but the very minute the Federal Government steps in the States step out. There is a revolution in this country against corruption in public office, but now you come in and instead of letting that revolution force its way back into the States, into the local communities where the people everywhere are starting to clean house, instead of letting them do the job and get strong from their efforts, more capable of sustaining a democracy, the author of this bill or those favoring it jump in here and want to rob them of the glory, the confidence, and the strength with which nature would have rewarded them by passing the Hatch bill. Then the people back home will give up and say, "I guess we'd better let them do it; I guess we could not do it anyway." And thus progresses the destruction of a great democracy.

If we are to preserve democracy we must let the people do the job of governing. I repeat what I said a little while ago, American democracy is in danger. American democracy has its back to the wall fighting against the absorption of all power by a great Federal bureaucracy and the Congress is opening up the way around and is directing the rear attack. Democracy's back is to the wall in America. You keep this thing up and even if Mr. Hitler could get over here there would not be much left for him to do. You cannot preserve a democracy unless you preserve the governmental capacity of a people able to operate it; and you cannot preserve that capacity by taking from the people in the small units of government the necessity to do those things that fall directly within their governmental capacity. I lay that down as a proposition sound in reason and absolutely established by history. I am making the best fight I can. I am not responsible for result. I know I am right. I do not think the historian will pay any attention to me, and I do not give a hoot, but if he did I would have no concern as to his verdict.

I stand here before you gentlemen who speak the judgment of the Nation in the most critical hour of democracy in the history of the world and I plead with you not to send out to the world the expression of judgment of the United States that the people—your people—cannot be entrusted with the responsibility of preserving pure elections in their State. If they cannot, the end of this democracy already has been reached. There is not any excuse for this legislation excepting on that theory.

I thank you. [Applause, the Members rising.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Chairman, I respond with some timidity to the learned, scholarly, and shall I say ingenious argument of the gentleman from Texas. Obviously, I cannot speak with authority on how they conduct elections in States where they have but a single party, but I think I can speak with some authority about my own State, where the two-party system still prevails. May I say that everyone who has spoken thus far in the manner of the gentleman from Texas thoroughly underestimates the resiliency, the robustness, and the independence of the American voter. You give the authority as couched in the language of this bill, and I am satisfied that the people in my State, whenever a politician or a machine seeks to push them around, will stand up and resolutely tell them to go to hell, because they do not have to do it. [Applause.]

The voters will enforce this bill. That is the answer. My good friend from Alabama yesterday talked at great length about how the machines will dominate and administer this bill. The gentleman from Texas echoed the same sentiment today. But I am satisfied that if this goes on the statute book the American voter who will be illegally assessed in contravention to the spirit of the bill, or whose freedom of choice in elections is the subject of interference by a political boss, will stand squarely behind his statutory rights and will take care of the enforcement of the bill. That is the answer to the very ingenious but altogether inconclusive argument that has been advanced here today by the gentleman from Texas. [Applause.]

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. VREELAND].

Mr. VREELAND. Mr. Chairman, it is most difficult to get up before this Committee and follow the eminent chairman of the Committee on the Judiciary and take perhaps the opposite viewpoint to him on some of the points involved in this bill. During the year I have been on that committee I have learned to love and respect our chairman and to realize that his cool judgment and cool thinking are sometimes best in the long run; but even at that good lawyers sometimes disagree.

Some question has been raised on the part of certain Members of the House as to just where I stand on this particular

bill. I think I owe it to myself and to those who have raised the question to have it straight in the minds of those who do question the fact that I have always been for the principles of this bill and am now for the bill. I have never been against it. As a member of the Judiciary Committee, I have tried at all times to respect the rules of the committee with reference to not revealing that which happens in executive session. Unfortunately some word has gotten out, and I have been criticized in the public press about statements with reference to some action taken in the committee. As long as someone else has perhaps violated that rule, may I tell you now why I voted as I did on some of the procedure in committee?

As this bill came from the Senate, after consideration by that body, there was a section in the bill I want to read to you, if I may.

Section 12 of the Senate bill provided that—

No officer or employee of any State or local agency who exercises any function in connection with any activity which is financed in whole or in part by loans or grants made by the United States.

Let us consider that wording for a minute:

No officer or employee of any State or local agency who exercises any function in connection with any activity which is financed in whole or in part by loans or grants made by the United States.

Let us take an exaggerated example of that situation. A police officer walking down the street sees a stone fall into a W. P. A. ditch, and to keep it from hitting a man on the head he siezes that stone and puts it on the bank. Now, that officer would come within the purview of this law because he is exercising a function in connection with an activity. In my opinion, that wording was carrying the Federal Government and the control of Washington too far down into municipalities and States.

As a matter of fact, the Federal Government has entirely too much control at the present time over our local situation. But the Judiciary Committee has amended the bill and it was not until the committee amended it I felt the bill should be reported to the House. Incidentally I was a member of the subcommittee which considered the bill and studied it. I voted to report it with amendments to the full committee and I voted to report it to the House. Section 12 of the bill now reads, including an amendment offered by my good friend the gentleman from Iowa [Mr. GWYNNE]:

No officer or employee of any State or local agency whose principal employment is in connection with.

Mr. HOBBS. Will the gentleman yield?

Mr. VREELAND. I yield to the gentleman from Alabama.

Mr. HOBBS. May I ask the gentleman if section 2 does not substantially read, with regard to administrative employees of a county or municipality, just as section 12 read before the Hancock or Gwynne amendment?

Mr. VREELAND. The gentleman is correct. May I paint the picture of a situation that happened in a community close to mine just prior to an election where the administrator of a particular department stood at the door and told the employees that unless they contributed their 10 percent to the party then in power some heads would be rolling in the dust. That is the situation that has to be cleared up, and if the States cannot clear it up, so far as Federal elections are concerned, it is our job down here to do it.

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia [Mr. RAMSPECK].

Mr. RAMSPECK. Mr. Chairman, it is with great reluctance that I find myself today opposing my distinguished and beloved friend from Texas, the chairman of the Committee on the Judiciary, and my friend from Alabama [Mr. HOBBS], as well as my able colleague from Georgia [Mr. GIBBS], who is a member of this distinguished committee; but it seems to me the philosophy expounded here by the gentlemen from Alabama and Texas is the philosophy of locking the barn door after the horse has been stolen.

In my judgment, this bill does not extend the power of the Federal Government in the States. On the contrary and to the opposite, in my judgment, it will prevent a thing that is now entirely possible, and in some cases has happened; that is, the ordering of the conduct of State agencies by Federal bureaus in Washington because they have control of the funds.

We have heard a great deal of talk this afternoon about the people and the Government. Who is the Government and who are the people? There are 4,500,000 people in the United States who hold public positions, local, county, State, and Federal. There are 130,000,000 people who pay the bill and do not have any such jobs. This bill is designed to protect the 130,000,000 people from those who would manipulate the 4,500,000 for the purpose of controlling the Government in the local communities, in the States, and in this Nation. That is the purpose of the bill and that will be the effect of the bill. It will not give the bureaucrats in Washington, if you want to call them that, any authority which they do not have today. I make this statement, may I say to you, not on the basis of any theory, because my practical experience in contact with governmental units encompasses not only the legislative, the judicial, and the administrative branches of the Government, but includes service in city, county, and State and Federal Governments during a period of 33 years. I know what Government is. I know what politics is. I know how the game is played. I know that as long as anybody can control the job of an employee he is going to tell him how to vote, and he does tell him how to vote. This bill is designed to stop that practice. It is designed to protect the employees of the States, the counties, and the cities in their righ to exercise their ballot as they please without anybody being able to tell them how to do it. That is why I am supporting this legislation.

I say to you in all frankness that I would prefer to see the method different. I would prefer to see the merit system established in local government so that employees could be protected in that way rather than through the method which this bill proposes. But I am going to take the opportunity that is at hand.

May I say to you that this is not a precedent, as the gentleman from Texas said it was, because in the Social Security Act Congress said to the State agencies set up to comply with that act, "You must select your employees under a merit system." Therefore, we have the precedent for it. Any of us who have dealt with these agencies where Federal grants are made to the States know that even the Supreme Court of the United States has upheld the right of the Federal Government, when it gives money to a State, to tell that State how to spend it, and they do it every day in every one of the agencies where the Federal Government grants money to State agencies. The Federal Government may tell them how they may spend it.

I remember in 1929, when I was a member of the Georgia Legislature, a committee of which I was a member was considering the conduct of the agricultural department of the State university. It developed that the Federal Government had made them change some professors in that college and reassign them, and change the curriculum. This was accomplished by threats to hold up the Federal funds provided by an act of Congress. Precedent? Why, the precedent was started way back in the early days of the service of my distinguished friend the gentleman from Texas, and that is the point where the argument ought to have been made. We are trying here to prevent these agencies from controlling the vote of the State and local employees in our States. We are trying to prevent anybody from controlling them and to make them free. That is why I support this legislation. [Applause.]

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield such time as he may desire to the gentleman from North Dakota [Mr. BURDICK].

Mr. BURDICK. Mr. Chairman, this bill will do more to break down the two-party system in the United States than any act we could design for that purpose. In my judgment, the weakness of our democracy lies in the fact that by custom and through the rules of Congress this two-party system is

perpetuated. If this bill will do what I think it will, I am most enthusiastically for it. Since I have confidence that the result will verify my prediction, I will vote for it.

Under this two-party system those in power cannot build a strong organization without the political aid of those who hold political positions under the Government. It is a natural thing for those holding jobs to speak and influence the body of voters to retain in power the party responsible for their position. Furthermore, employees in the Government, no matter which party is responsible for their appointment, become naturally interested in serving the people and interested, therefore, in the program of their party. An employee who is not interested in his work, and his party, and its aims and purposes cannot be found in any democracy. These employees make up a formidable array in political campaigns. Under this bill these employees will not dare venture out in the political arena to defend what they believe to be for the best interests of the country. The party in power, therefore, is much more liable to defeat.

Under our two-party system, the party out of power always tries to get in, and it cannot be said that they do not have also a formidable array of office seekers who are always willing to fight desperately to get into office. They know that under this system they will get all the "gravy" if their party wins. Under this bill these "outs" when "in" will likewise be eliminated from any further political activity, and the party to which they belong will be much more easily defeated.

As long as we cling to this two-party system, this proposal should become a law and through it the people who do the voting will be aided materially in at least changing parties often. When it becomes easy to remove a party, the voters themselves will no doubt try to build a party which is pledged to serve the people. Such a party can be built then because no party has any chance to perpetuate itself through the political influence of officeholders of the party in power, and the second party, which is out of power and wants to get in power, will meet the same fate as its predecessor. In this way the voters may have an opportunity to build something different along party lines than to be compelled to follow the dictates of one or the other of the two great parties.

The voters have very little to say what candidates shall be selected by political conventions. Conventions can be steam-rollered, ballyhooed by artificial public opinion, and when the two conventions are over, the people, if they vote at all, are compelled to take one or the other of the candidates named in a political convention.

We see how this two-party system works here in Congress when this Congress gets into action. Is there any fundamental difference between many Republicans of the East and some Democrats from the South? They vote exactly alike. Is there any fundamental difference in the views which I hold and the views held by many Democrats? We vote exactly alike on all matters of importance. Yet when the election comes around I am supposed to defeat, or at least assist in defeating, the gentleman from Montana, who holds views similar to my own, merely because he is a Democrat. I must do this as a Republican, even though I aid in electing a Republican who is diametrically opposed to every political view I have. This is what your two-party system does. Why should the people not have the right to vote for men and principles instead of blindly voting along strict two-party lines?

I will venture this prediction, that until the voters will vote for men and principles, regardless of party lines, they will never experience any government for which they are directly responsible. The party bosses will feed us the candidates, and we can vote for one or the other of their selection or not vote at all. That is not democracy. If this bill passes, it will be a step in the right direction. The people may be able to break up this tight-laced two-party system and have a voice in not only independent voting but in the selection of candidates of their own choice. For that reason, Mr. Chairman, I will vote for the bill now before the Committee. [Applause.]

Mr. SUMNERS of Texas. Mr. Chairman, I yield to the gentleman from South Carolina [Mr. RICHARDS].

Mr. RICHARDS. Mr. Chairman, the war in Europe, which may conceivably disorganize the whole world, has made a vivid and indelible impression upon the American people. They are taking stock and want to know what we have done to prevent the tragedy of Europe engulfing this country. They have seen the insatiable ambition of dictators, coupled with military power perfected to the last degree, run roughshod over practically every democratic nation in Europe. They have seen the peaceful dreams of the idealist thrown into the scrap heap and the immortal doctrine of the Prince of Peace held up to be scoffed at. They have witnessed the downfall of the peaceful neighbor and have seen his lands overrun by the pirate armed to the teeth. They have seen nations lulled into a false sense of security by promises, later only to be broken, and peace treaties signed only to be proved scraps of paper. They have felt in their own hearts the agony of the millions of people driven from the homes of their birth and from the acres where their ancestors have lived for centuries. They have seen the peaceful and unprepared nation go down to ignominious defeat at the hands of the nation prepared with every known terrible instrument of modern warfare.

Is it any wonder, then, that the American people are demanding that Congress stay in session until every necessary step has been taken, until definite plans have been outlined to the end that what has happened to the downtrodden in Europe will not happen here. Our country may in a few months be the last citadel of liberty in the world, and it is my solemn belief that Congress should stay in session and will stay in session as long as there is anything left undone in our common desire to prepare this country against assault from without or treason from within. We have had our lesson, and I trust there is no one here willing to jeopardize the future welfare of this country by inaction now, or who is so blind as to not profit by what we see around us.

The ideal, the true ideal, of a democratic country and a democratic people is peace. The Christian ideal is peace. Though in the early history of this country she may have been guilty of acts of aggression of which we are not now proud, for almost a hundred years our policy has been founded on respect for the rights of all peoples. Never during this time have we refused to arbitrate our differences with any nation. Never have we espoused the cause of force and aggression. Never have we placed brute force above ideals of humanity. But there comes times in the affairs of men and nations when a definite stand must be taken, when the world must know that we are willing to fight and intend to fight for the ideals we believe in. Holy Writ teaches us:

> If any provide not for his own, more especially those of his own house, he hath denied the faith and is worse than an infidel.

If there was anything that impressed the American soldier of the last World War more than the horrors of war itself and the utter folly of war, it was that flesh and blood alone, no matter how brave or how patriotic, cannot stand up against the prepared soldier and the prepared army provided with all modern means of warfare and destruction. Since I first came to Congress I have preached preparedness, not by choice but from necessity. I have addressed this House on more than one occasion on this subject. I believed then in preparedness, I believe in it now, and I will continue to advocate a strong national-defense system for this country until this world becomes imbued enough with Christian ideals to settle differences around the counsel table; and I fervently hope that this dream of universal peace and good will will not forever remain in the far horizon, but will come to make its home among the children of men. Then, and then only, can we beat our swords into plowshares. Then, and then only, will there be wars no more.

I long ago learned that if a bully is running rampant on the street that he will never cease his bullying until someone calls his number. To successfully call his number he must be met at his own game, and that game is not played under the rules of chivalry. There have been times when bandits and

gangsters have disorganized whole communities in our own Nation. It would have been folly for our law-enforcing officers to go out to meet and capture them with their bare fists. To suppress them it was necessary to meet bullets with bullets, knife with knife, and machine gun with machine gun. It is only in this way that law and order can be preserved within a country, and it is only in this way that a peaceful nation can demand respect of those who rule by force and international lawlessness.

But, Mr. Chairman, we owe one thing to Hitler—even with all the widows and orphans he has made and all the tears that have been shed for his glory. Hitler and his army chiefs have shown us what it takes to win a war in this day of mechanization and machinery. If we had made all of the appropriations that we are now called upon to make, in the name of national defense 2 or 3 years ago, it is entirely possible, in the light of recent events, that we would have had to scrap them all and begin over again now. Just as the battle between the *Merrimac* and the *Monitor* revolutionized sea warfare and overnight scrapped the usefulness of wooden ships, so have the ruthless invasions of Hitler shown that all old concepts of military organization, equipment, and training must go by the board. We have had conclusive evidence that just as machinery in our ordinary day life here in America has largely supplanted manpower, just as one machine in peacetime is now doing what 25 men used to do, 1 tank or 1 airplane is filling the place of a hundred or a thousand soldiers on the battlefront.

This is no time to get hysterical; there is no cause to become panicky; this is the occasion for cool deliberate reasoning and cool deliberate planning to meet the happenings of a world gone mad. It is just hard common sense that this country should prepare, not for war but to preserve peace for our country. In the world of today, the word of the United States will be heeded only in proportion to our evident ability to back up our words and warnings with force. If my two sons are needed by their country in future wars, I owe it to them and the thousands of other mothers' sons not to send them out to the battlefield with naked hands.

Now, let us look over what has been done lately for our national defense; let us consider the matter without partisanship or political rancor. Most Democrats and Republicans here love this country and will fight for it, but, gentlemen, you will remember that only 2 or 3 years ago, when preparedness plans were advanced before this Congress, many Republican brethren and a few Democrats charged those of us who supported these plans with warmongering. Remember, too, that Hitler has accused every democratic nation in Europe, before he overran them, of being warmongers whenever they expressed any fear of him or showed any intention of preparing themselves against him. The warmonger accusation is the strongest form of propaganda used by those who do not want to see an anticipated victim prepare to defend himself.

Let us take stock; let us see how our Army, Navy, and air force stack up today. Figures will show that we are not so weak now, and Providence gave us the great oceans as protection while we grow strong. Before making this speech, I consulted many experts on the subject here, from the War Department and the Navy Department.

NAVY

It is my considered judgment that we have the most efficient and powerful Navy in the world today, and the distinguished chairman of the Naval Affairs Committee, the gentleman from Georgia [Mr. VINSON] has the same opinion. Our Navy far exceeds anything that Germany, Italy, France, or Japan have. It is as strong and as powerful as Great Britain's Navy now, even though we may not have quite so many small units. President Roosevelt has been accused on some sides of being responsible for the fact that we are not prepared in every department of the defense arms of our Government. But allow me to call to your attention that when President Roosevelt was inaugurated as President in 1933 he began then, and has never ceased since, to emphasize to the Congress and the American people that a strong Navy is essential to our welfare. Since 1933 the Navy has been built up step by step until we can hold our own with any in the world. It must be remembered that during President Hoover's 4 years in the White House, not one single battleship was launched by the American Navy. It will be remembered that during President Harding's administration, as a result of the Washington conference, we scrapped some of the best ships we had in the name of peace, and built none, while some other nations were scrapping only blueprints. In 1933 we had sunk to the rating of a second-rate naval power; today we are the strongest in the world. Since 1933 this administration has constructed a total of 111 ships, divided into the following categories: Three airplane carriers, 11 cruisers, 26 submarines, 7 auxiliary ships, 62 destroyers, and 2 gunboats. Further, the Navy has today 68 additional units under construction, as per authorization by Congress in 1934 and 1938. Here are the units being laid now under the authorization: Battleships, 6 of 35,000 tons; 2 of 45,000 tons—it takes 4 years to build a great battleship, and the new ones mentioned should be completed within the next 2 years; two of them are about three-fourths completed now—one airplane carrier, 20,000 tons; 6 cruisers, from 6,000 to 10,000 tons each; 26 destroyers, ranging from 1,600 to 1,800 tons each; 14 submarines, 1,500 tons; and 12 auxiliary craft.

Let us remember, too, that during this Congress, funds were appropriated to cover past authorization for the building of the following naval units: 2 battleships, 1 aircraft carrier, 2 cruisers, 8 destroyers, 60 submarines, and 5 auxiliary ships. These have been laid down in recent weeks, but real work has hardly commenced. In the light of events in Europe, this Congress has also decided to authorize 3 additional aircraft carriers of 24,000 tons each and from 6 to 10 cruisers of varying tonnage; and in addition to that, 21,000 tons for submarines.

A little figuring, therefore, will show that the Navy now has a total of 106 ships, either under construction or authorized, in addition to the units already prepared to go to the battle lines.

It is further understood that upon the advice of Admiral Stark, Chief of Naval Operations, the President and Secretary of the Navy will request of Congress authorization to increase our fleet an additional 70 percent. The fall of the democratic nations on the other side of the Atlantic makes it imperative that we prepare ourselves to defend the Atlantic alone against all comers. It can be seen that if we place the bulk of our fleet in the Atlantic, we lay ourselves wide open to possible enemies in the Pacific, and Japan, by recent actions and utterances, is gradually convincing the American people that she is a potential enemy. It may, therefore, become necessary for us to have a gigantic fleet in both the Atlantic and the Pacific. If this program is completed, we will then be able to take on any power or any combination of powers that may come against us. Our natural line of defense in the Pacific Ocean extends from Alaska to the Aleutian Islands, Hawaii, and Samoa Islands to the Panama Canal. Our naval defense stations in that circle are being provided with air bases and sufficient up-to-date antiaircraft equipment. On the Atlantic coast, navy yards are being expanded and coast antiaircraft defenses improved. On the coast of Puerto Rico is now being built one of the strongest naval bases in the world. That island, along with our other Caribbean possessions, is essential to the defense of the Panama Canal, which is the life line of our commerce. In addition to that, the Navy's job is to see that no aggressor nation gains a footing by force on South American or Central American soil.

The Navy also has between 2,500 and 3,000 up-to-date planes in service in its air branch. These planes and the pilots to fly them are among the best in the world. Still we need 10,000 more up-to-date planes in the Navy and will have them shortly. The Navy is O. K. now.

ARMY

Our Regular Army today has an authorized enlistment of 285,000, though, under the volunteer system we have only reached about 250,000 enlistment. The authorized enlistment will necessarily be increased shortly to 400,000. It

should be remembered that in this day of mechanized warfare 400,000 men will take the place of a million in the wars of a few years ago. A great many people seem to think that when we speak of our Army we only refer to the Regular Army. The Regular Army itself is backed up by the National Guard, the Reserve officers, the Reserve Officers' Training Corps, and the Citizens' Military Training Corps.

Our National Guard is made up of about 250,000 enlisted men and officers. We have 120,000 Reserve officers now, and we have many more in training under the R. O. T. C. system. We have 5,500 military planes of all types; some of them are obsolete now.

As compared to the figures given, it might be well to remember that at the beginning of the World War our Regular Army hardly consisted of more than 80,000 men and officers. Our National Guard had 8,323 commissioned officers and 119,087 enlisted men. The Army only had 13 experimental airplanes at that time. We had practically no guns and artillery. The total expenditures for military purposes for the year 1914 was $114,500,814.39.

It must be never lost sight of that wars these days require the finest type of machinery of destruction that can be built, and this country is blessed in that we are the most highly developed industrialized country in the world. We have inventive genius, industrial genius, administrative genius, and the most intelligent labor in the world. No other nation can compete with us in mechanical equipment and progressive manufacturing methods. This is the only nation in the world that could within a few months be geared up to mass production of any known instrument or machine. This Congress, realizing this, has already provided for $600,000,000 to be spent for the purchase of the finest automatic rifles, armored tanks, motorized artillery, ammunition, and other up-to-date instruments of war. Further enactment of laws for Army expansion are to follow. Only this morning the President requested of Congress an additional authorization and appropriation of over $4,000,000,000 to complete and sustain our Military Establishment in the future. The request will no doubt be granted.

Our Army staff seems to reaize that there must be reorganization of our land forces from the ground up. Gen. George C. Marshall, Chief of Staff, has already begun organization of a new Army corps, patterned after Germany's Panzer mechanized divisions. The corps will consist of two armored divisions totaling 18,000 men, 1,400 tanks, 13,000 semiautomatic rifles, and 600 pieces of artillery. This new corps will be a model for others to come later.

Even though fully realizing that this is a machine age for both war and peace, we must realize, too, that behind it all must be trained up-to-date, intelligent manpower. War today may not need so many men, but those selected must be the best. If we now need an Army largely made up of mechanized units, we also need an Army of intelligent and trained mechanics to run it.

C. C. C. MILITARY TRAINING

Realizing that the time could come when we would need the youth of our country to defend us from aggression, I introduced a bill here on February 1, 1939, which would provide 1 hour a day training in military tactics and drill for the boys in our C. C. C. camps. I have spoken on the floor of the House on more than one occasion in favor of this bill, and I am still of the honest opinion that the bill should be passed. I have never yet been able to fully understand why my bill, in the hearings before the committee, was strenuously opposed by the War Department and the Director of the C. C. C. I have not given up the fight yet.

Mr. Chairman, I am fully aware that the C. C. C. set-up is not an ideal set-up for the military training of the youth of our country. Under ordinary circumstances and conditions it might not be wise to use this great organization for that purpose. I would not destroy for anything in the world the great peacetime achievements of the C. C. C., but I assert here and now that the C. C. C. with its enrollees receiving no military training is evidence of a peace-loving nation gone to sleep. During the past 7 years, over 2,000,000 of our young men have been enrolled in C. C. C. camps. The cost to the Government per enrollee is $1,000 per year. The annual cost per soldier in the Regular Army averages only $853.33. The C. C. C. camp enrollees, other than war veterans, range between 17 and 23 years of age. These boys are within the ages to be called first to the service in case of our involvement in war. Why not give them and the country the advantage of this training? We now have approximately 275,000 enrollees in our C. C. C. camps. The average length of service in the C. C. C. is 10 months. If we had given these boys 1 hour military training per day during their service, we would have had a nucleus of over 2,000,000 young men already partly trained in the rudiments of warfare. Every soldier must be first trained in ordinary tactics and drill before he is ready for assignment to a specialized branch of the service, such as artillery, air force, tank service, and so forth. We would thus have saved this Government over $2,000,000,000 preliminary training costs in case we become involved in war.

I do not mean that the original purposes of the C. C. C. must be abandoned—these camps have done a great work in soil conservation, forestry, and national and State parks. This work should continue to be their primary duty, and the 1 hour per day military training which my bill suggests would not detract one whit from the work they are now doing. In fact, the increased efficiency of the enrollees, because of this limited military training and the added discipline it would bring, would enhance the value and the volume of his work in the conservation field. I do propose that the camps should serve a twofold purpose—one, conservation; the other, a link in our national defense system.

It must be remembered, too, that this military training for C. C. C. enrollees would not cost our sorely harassed taxpayers an additional dollar. The camps are already there, the uniforms are there, the food is there, the Reserve officers to train them are there, and the physically fit manhood of our country is there. All that will still be needed are the rifles, and the United States Army now has enough obsolete military rifles to take care of that need.

GENERALS AND ADMIRALS

One of the great obstacles France and England faced in their plans to prepare for modern warfare was some of the very generals and admirals they depended upon to carry out these defense plans. These officers were trained for old-fashioned warfare, they were wedded to old principles and obsolete tactics; they were too conservative and could not adjust themselves to this day. The admiral who still contends that only the battleship makes a great Navy is, himself, obsolete; the general who still contends that infantry alone is the backbone of the Army has qualified himself only for retirement.

It remains to be seen whether our own admirals and generals have become too wedded to Navy and Army tradition to face facts as they are today. Unless they present evidence to the contrary, they should be relegated to the trash heap along with their fossilized ideas. In fairness, though, I should say that General Marshall, Chief of Army Staff, General Arnold, and Admiral Stark, Chief of our Navy, have shown that they are fully awake to the potentialities of modern warfare and the needs of modern defense.

AIR POWER

Air power is the greatest new development of this war. Hitler's achievements can be traced more to predominant air power than to anything else. Without a great number of fighter and bomber airplanes, our great Navy and our growing Army will be practically useless. We have now about 3,200 up-to-date flying planes with our naval force and about 2,500 with our Army. Industry in our country is now manufacturing planes at the rate of 700 per month. Before the end of 1940, this production should amount to at least 1,200 per month. Construction expansion is going on in practically every plant in the country. Plants not up-to-date are being reequipped with tools and machinery. Industrial genius in our country, and there is none better anywhere, has set its shoulders to the wheel, and there need be no fear that

we are not definitely on the road to mass production of this essential branch of our national-defense program. Henry Ford, General Motors, Packard, Chrysler, and other automobile, airplane, and motor-manufacturing concerns have offered their services and have been awarded contracts by the Government. The goal of 50,000 planes set by President Roosevelt is not an idle dream. To man these planes we must have experienced pilots and mechanics. The Army Air Corps and the Naval Air Corps and the Civil Aeronautics Commission have given the full-speed-ahead sign for the selection and training of these men. Summing it all up, I am convinced that no nation in the world could attack the immediate shores of this country with success even now. With what has been done and with what will be done, I have no doubt that we will in the near future be adequately armed on land, on sea, and in the air. We have in the White House and at the head of the State Department two men who had the vision and the courage months, even years, ago to warn this country and the American people that we must be prepared if we are to retain our liberties and demand respect from potential foes. The wishes, the dreams, and the plans of a democracy are always based on peace. This is as it should be. But the tragedy of it all is that democracies often do not see danger from outside powers until the danger is upon them. Then it is too late. We have learned our lesson from Austria, Norway, Denmark, Poland, Czechoslovakia, Holland, and Belgium. They waited until it was too late, and today they are under the heel of the conqueror. The rights of men and the liberties of the individual citizen are things now spoken of in Europe only in a hushed voice. The dead on a hundred fields of battle in Europe cry aloud to us, "Prepare!" The little child in Belgium beating on its dead mother's breast cries to us, "Prepare!" The echo from every hill and vale in France pleads with us, "Prepare!" England, with all her faults, still the cradle of liberty, with her back to the wall and her children and women dying on every hand, cries to us, "Prepare!" We must heed these warnings.

No; we cannot be blamed that England and France and the others were not prepared. We are not responsible for their errors and faults, but if we have learned our lesson we will heed their warning now. There is little that we can do for them, because the very things they need and want we have not. They still have money, they still have men, and still billions of gold and credit in this country to buy supplies and machinery of war. We are now providing them with every airplane and all other military equipment that we can possibly spare. It may not turn the tide, but in letting them have this equipment we are not only helping them in their battle against aggression, but also are helping ourselves by development of our defense machinery and the gaining of time in which we can get ready.

MONROE DOCTRINE

Mr. Chairman, Congress recently reasserted the Monroe Doctrine, by almost unanimous vote. By that reassertion, we have pledged ourselves to keep dictators and nations hostile to the democratic form of government out of the Western Hemisphere. We have added more coastline to be defended, more nations to be protected, and more oceans to be patroled. There should be full realization here and everywhere that we intend to fight if necessary to preserve freedom for this country and for this hemisphere. President Monroe announced this doctrine to the world over 12 decades ago. It was respected then by other nations, though we were weak then. We demand that it be respected now because we are strong—strong not only in the worldly sense, but in the righteousness of our cause as well. If we do not want to see Trojan horses in the United States, we must keep them out of this hemisphere.

FOREIGN AFFAIRS COMMITTEE

Ladies and gentlemen of the House, as a member of the Foreign Affairs Committee, I doubly feel the weight of responsibility resting on the shoulders of all Members of Congress today. It is through this Committee that any resolution or declaration of war must come. I trust that in the trying days ahead I may never be called upon to vote to send our boys to the horrors of the battlefield; but I am firmly convinced that, if we really intend to prevent war, we must be strong enough to demand and preserve peace, particularly in this hemisphere.

ENEMIES WITHIN

Before closing, allow me to comment briefly on one other great danger to our beloved country. For years and years we have opened our hospitable shores to immigrants from all over the world. They have come here by the thousands and by the millions. They have found freedom and happiness and sustenance here. Many have become good citizens and we are proud of them. But literally thousands of them have proven that they came here to get what they could and give nothing. They accept benefits but assume no responsibility. Our flag is a dirty rag to them. We now have about 4,000,000 aliens in this country. From these come the potential "fifth columnists"; they will be the first to attempt to betray this country.

Congress has been gradually tightening up on our immigration laws, but they are not tight enough yet. The law recently passed requiring aliens to be registered and fingerprinted is a good start. The recent placing of immigration administration under the Department of Justice was a good move.

Hitler, to win his victories, has counted mainly on two factors—overwhelming instruments of war and treason in the camp of his victims. Treason can come from only those who do not love and revere the flag they live under. So we must prepare against enemies within and without. It is a big job, but we can do it. We are on the road now. Our Army, Navy, and air force must be built up, but the job should not be done hysterically or spasmodically. Our plans should be sound, our purposes definite, our goal clear. When we reach that goal we must not go to sleep again, for in these trying times as never before eternal vigilance is the price of liberty.

Mr. SUMNERS of Texas. Mr. Chairman, I ask unanimous consent that each Member may have 5 legislative days in which to extend his remarks in the RECORD on this matter.

The CHAIRMAN. The Chair suggests to the gentleman from Texas that that request must be made in the House.

Mr. GUYER of Kansas. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, I want to reemphasize a few words spoken by the gentleman from Illinois [Mr. SMITH] on yesterday:

> Each party must, of course, be afforded equal opportunity to live and equal opportunity to win elections. The Hatch measure, first and last, seeks only to protect equality of opportunity for the party out of power by preventing the party in power from doing what no decent party should do but which practice allows, using public money for partisan effect.

I think that is important, because it seems to acknowledge that the party in power did what no decent party should have done. The gentleman from Illinois [Mr. SMITH] is honest, and he cannot stand for what the investigations disclosed. Further on he says:

> Let us back up our deepest patriotism, not our shallowest partisanship, in the effort afforded by this rule to win through to the higher level of politics: The sportsmanship of losing graciously and of winning justly.

I thank the gentleman for those words. I think they were well chosen. All the ridicule which the gentleman from Alabama tried to pour upon him because of his great command of language could not lessen the effectiveness of those carefully selected words of condemnation and the persuasive appeal. It was, indeed, an acknowledgment of the pernicious activities of his own party in power.

I want to repeat what others have called to mind, that we do not live in Alabama or other States where we might be elected by perhaps about 3,000 votes. They fight only among themselves and neither faction perhaps has the advantages of full control of funds such as have been used by Democrats against Republicans so shamelessly in other States.

This morning I listened to the gentleman from Mississippi [Mr. RANKIN] again talk about three United States Senators

sent here by the Power Trust, according to his viewpoint. He has told the story often.

As I have said before, some day I may take the time to tell you about Boston Democrats. I might tell you about New Orleans Democrats and about Kansas City Democrats, and I could tell about so many of them that the few Republicans they can find to parade before us will be as nothing compared with the great numbers of Democrats tarred with so-called pernicious political activity.

I regret that I cannot follow the chairman of this committee. Fundamentally, he is probably right; but his Democratic Party has failed, miserably failed. Conditions brought about by his party are so thoroughly bad that they make me vote for this bill in spite of my desire to agree with him on fundamentals. During the last 7 years I have watched him vote for many measures that do not square with his fundamentals. Democracy ought to be what it apparently is not. [Applause.]

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield the remainder of my time to the gentleman from Michigan [Mr. MICHENER].

The CHAIRMAN. The gentleman from Michigan is recognized for 9 minutes.

Mr. MICHENER. Mr. Chairman, it is now after 3 o'clock. This matter has been thoroughly debated for 2 days. I do not believe there is much anybody can add to the general debate. It is expected to complete this bill and vote on it tonight. The time one takes in general debate, therefore, requires us to remain here just that much longer tonight. I expressed my views at the beginning of the debate and am not going to take any more time, nor am I going to yield back any time. Let us read the bill for amendment.

The CHAIRMAN. The time of the gentleman from Michigan has expired; all time has expired. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That section 2 of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939, is amended to read as follows:

"SEC. 2. It shall be unlawful for (1) any person employed in any administrative position by the United States, or by any department, independent agency, or other agency of the United States (including any corporation controlled by the United States or any agency thereof, and any corporation all of the capital stock of which is owned by the United States or any agency thereof), or (2) any person employed in any administrative position by any State, by any political subdivision or municipality of any State, or by any agency of any State or any of its political subdivisions or municipalities (including any corporation controlled by any State or by any such political subdivision, municipality, or agency, and any corporation all of the capital stock of which is owned by any State or by any such political subdivision, municipality, or agency), in connection with any activity which is financed in whole or in part by loans or grants made by the United States, or by any such department, independent agency, or other agency of the United States, to use his official authority for the purpose of interfering with, or affecting, the election or the nomination of any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate or Resident Commissioner from any Territory or insular possession."

With the following committee amendment:

"That section 2 of the act entitled 'An act to prevent pernicious political activities,' approved August 2, 1939, is amended to read as follows:

"'SEC. 2. It shall be unlawful for (1) any person employed in any administrative position by the United States, or by any department, independent agency, or other agency of the United States (including any corporation controlled by the United States or any agency thereof, and any corporation all of the capital stock of which is owned by the United States or any agency thereof), or (2) any person employed in any administrative position by any State, by any political subdivision or municipality of any State, or by any agency of any State or any of its political subdivisions or municipalities (including any corporation controlled by any State or by any such political subdivision, municipality, or agency, and any corporation all of the capital stock of which is owned by any State or by any such political subdivision, municipality, or agency), in connection with any activity which is financed in whole or in part by loans or grants made by the United States, or by any such department, independent agency, or other agency of the United States, to use his official authority for the purpose of interfering with, or affecting, the election or the nomination of any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate or Resident Commissioner from any Territory or insular possession.'

"SEC. 2. The third sentence of section 9 (a) of such act of August 2, 1939, is amended to read as follows: 'All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects and candidates.'

"SEC. 3. Section 10 of such act of August 2, 1939, is amended to read as follows:

"'SEC. 10. The provisions of this act shall be in addition to and not in substitution for any other provision of law.'

"SEC. 4. Such act of August 2, 1939, is further amended by adding at the end thereof the following new sections:

"'SEC. 12. (a) No officer or employee of any State or local agency whose principal employment is in connection with any activity which is financed in whole or in part by loans or grants made by the United States or by any Federal agency shall (1) use his official authority or influence for the purpose of interfering with an election or a nomination for office, or affecting the result thereof, or (2) directly or indirectly coerce, attempt to coerce, command, or advise any other such officer or employee to pay, lend, or contribute any part of his salary or compensation or anything else of value to any party, committee, organization, agency, or person for political purposes. No such officer or employee shall take any active part in political management or in political campaigns. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects and candidates. For the purposes of the second sentence of this subsection, the term "officer or employee" shall not be construed to include (1) the Governor or the Lieutenant Governor of any State or any person who is authorized by law to act as Governor, or the mayor of any city; (2) duly elected heads of executive departments of any State or municipality who are not classified under a State or municipal merit or civil-service system; (3) officers holding elective offices.

"'(b) If any Federal agency charged with the duty of making any loan or grant of funds of the United States for use in any activity by any officer or employee to whom the provisions of subsection (a) are applicable has reason to believe that any such officer or employee has violated the provisions of such subsection, it shall make a report with respect thereto to the United States Civil Service Commission (hereinafter referred to as the "Commission"). Upon the receipt of any such report, or upon the receipt of any other information which seems to the Commission to warrant an investigation, the Commission shall fix a time and place for a hearing, and shall by registered mail send to the officer or employee charged with the violation and to the State or local agency employing such officer or employee a notice setting forth a summary of the alleged violation and the time and place of such hearing. At such hearing (which shall be not earlier than 10 days after the mailing of such notice) either the officer or employee or the State or local agency, or both, may appear with counsel and be heard. After such hearing, the Commission shall determine whether any violation of such subsection has occurred and whether such violation, if any, warrants the removal of the officer or employee by whom it was committed from his office or employment, and shall by registered mail notify such officer or employee and the appropriate State or local agency of such determination. If in any case the Commission finds that such officer or employee has not been removed from his office or employment within 30 days after notice of a determination by the Commission that such violation warrants his removal, or that he has been so removed and has subsequently (within a period of 18 months) been appointed to any office or employment in any State or local agency in such State, the Commission shall make and certify to the appropriate Federal agency an order requiring it to withhold from its loans or grants to the State or local agency to which such notification was given an amount equal to 2 years' compensation at the rate such officer or employee was receiving at the time of such violation; except that in any case of such a subsequent appointment to a position in another State or local agency which receives loans or grants from any Federal agency, such order shall require the withholding of such amount from such other State or local agency: *Provided*, That in no event shall the Commission require any amount to be withheld from any loan or grant pledged by a State or local agency as security for its bonds or notes if the withholding of such amount would jeopardize the payment of the principal or interest on such bonds or notes. Notice of any such order shall be sent by registered mail to the State or local agency from which such amount is ordered to be withheld. The Federal agency to which such order is certified shall, after such order becomes final, withhold such amount in accordance with the terms of such order. Except as provided in subsection (c), any determination or order of the Commission shall become final upon the expiration of 30 days after the mailing of notice of such determination or order.

"'(c) Any party aggrieved by any determination or order of the Commission under subsection (b) may, within 30 days after the mailing of notice of such determination or order, institute proceedings for the review thereof by filing a written petition in the district court of the United States for the district in which such officer or employee resides; but the commencement of such proceedings shall not operate as a stay of such determination or order unless (1) it is specifically so ordered by the court, and (2) such officer or employee is suspended from his office or employment during the pendency of such proceedings. A copy of such petition

shall forthwith be served upon the Commission, and thereupon the Commission shall certify and file in the court a transcript of the record upon which the determination or the order complained of was made. The review by the court shall be on the record entire, including all of the evidence taken on the hearing, and the court shall affirm the determination and order of the Commission if, in the opinion of the court, they are supported by the preponderance of the evidence; if, in the opinion of the court, any such determination and order be not so supported, the court shall make such orders and render such judgment as the ends of justice may require: *Provided*, That any person at the time of filing his petition for review, may demand a trial by jury, and in any such event trial by jury shall be granted, and such trial shall be de novo. If application is made to the court for leave to adduce additional evidence, and it is shown to the satisfaction of the court that such additional evidence may materially affect the result of the proceedings and that there were reasonable grounds for failure to adduce such evidence in the hearing before the Commission, the court may direct such additional evidence to be taken before the Commission in such manner and upon such terms and conditions as to the court may seem proper. The Commission may modify its findings of fact or its determination or order by reason of the additional evidence so taken and shall file with the court such modified findings, determination, or order, and any such modified findings of fact, if supported by substantial evidence, shall be conclusive. The court shall affirm the Commission's determination or order, or its modified determination or order, if the court determines that the same is in accordance with law. If the court determines that any such determination or order, or modified determination or order, is not in accordance with law, the court shall remand the proceeding to the Commission with directions either to make such determination or order as the court shall determine to be in accordance with law or to take such further proceedings as, in the opinion of the court, the law requires. The judgment and decree of the court shall be final, subject to review by the appropriate circuit court of appeals as in other cases, and the judgment and decree of such circuit court of appeals shall be final, subject to review by the Supreme Court of the United States on certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C., 1934 edition, title 28, secs. 346 and 347). If any provision of this subsection is held to be invalid as applied to any party with respect to any determination or order of the Commission, such determination or order shall thereupon become final and effective as to such party in the same manner as if such provision had not been enacted.

"'(d) The Commission is authorized to adopt such reasonable procedure and rules and regulations as it deems necessary to execute its functions under this section.

"'(e) The provisions of the first two sentences of subsection (a) of this section shall not apply to any officer or employee who exercises no functions in connection with any activity of a State or local agency which is financed in whole or in part by loans or grants made by the United States or by any Federal agency.

"'(f) For the purposes of this section—

"'(1) The term "State or local agency" means the executive branch of any State, or of any municipality or other political subdivision of such State, or any agency or department thereof.

"'(2) The term "Federal agency" includes any executive department, independent establishment, or other agency of the United States (except a member bank of the Federal Reserve System).

"'SEC. 13. (a) It is hereby declared to be a pernicious political activity, and it shall hereafter be unlawful, for any person, directly or indirectly, to make contributions in an aggregate amount in excess of $5,000, during any calendar year, or in connection with any campaign for nomination or election, to or on behalf of any candidate for an elective Federal office (including the offices of President of the United States and Presidential and Vice Presidential electors), or to or on behalf of any committee or other organization engaged in furthering, advancing, or advocating the nomination or election of any candidate for any such office or the success of any national political party.

"'The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons. The term "contribution" includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution.

"'It is further declared to be a pernicious political activity, and it shall hereafter be unlawful for any person, individual, partnership, committee, association, corporation, and any other organization or group of persons to purchase or buy any goods, commodities, advertising, or articles of any kind or description where the proceeds of such a purchase, or any portion thereof, shall directly or indirectly inure to the benefit of or for any candidate for an elective Federal office (including the offices of President of the United States, and Presidential and Vice Presidential electors) or any political committee or other political organization engaged in furthering, advancing, or advocating the nomination or election of any candidate for any such office or the success of any national political party.

"'Any person who is engaged in a pernicious political activity in violation of any provision of this section shall upon conviction thereof be fined not more than $5,000 or imprisoned for not more than 5 years. In all cases of violations of this section by a partnership, committee, association, corporation, or other organization or group of persons, the officers, directors, or managing heads thereof who knowingly and willfully participate in such violation, shall be subject to punishment as herein provided.

"'(b) Nothing in this section shall be construed to permit the making of any contribution which is prohibited by any provision of law in force on the date this section takes effect. Nothing in this act shall be construed to alter or amend any provisions of the Federal Corrupt Practices Act of 1925, or any amendments thereto.

"'SEC. 14. For the purposes of this act, persons employed in the government of the District of Columbia shall be deemed to be employed in the executive branch of the Government of the United States, except that for the purposes of the second sentence of section 9 (a) the Commissioners and the Recorder of Deeds of the District of Columbia shall not be deemed to be officers or employees.

"'SEC. 15. The provisions of this act which prohibit persons to whom such provisions apply from taking any active part in political management or in political campaigns shall be deemed to prohibit the same activities on the part of such persons as the United States Civil Service Commission has heretofore determined are at the time this section takes effect prohibited on the part of employees in the classified civil service of the United States by the provisions of the civil-service rules prohibiting such employees from taking any active part in political management or in political campaigns.

"'SEC. 16. Whenever the United States Civil Service Commission determines that, by reason of special or unusual circumstances which exist in any municipality or other political subdivision, in the immediate vicinity of the National Capital in the States of Maryland and Virginia or in municipalities the majority of whose voters are employed by the Government of the United States, it is in the domestic interest of persons to whom the provisions of this act are applicable, and who reside in such municipality or political subdivision, to permit such persons to take an active part in political management or in political campaigns involving such municipality or political subdivision, the Commission is authorized to promulgate regulations permitting such persons to take an active part in such political management and political campaigns to the extent the Commission deems to be in the domestic interest of such persons.

"'SEC. 17. Nothing in the second sentence of section 12 (a) of this act shall be construed to prevent or prohibit any officer or employee of a State or local agency (as defined in section 12 (f)) from continuing, until the election in connection with which he was nominated, to be a bona fide candidate for election to any public office and from engaging in any political activity in furtherance of his candidacy for such public office, if (1) he was nominated before the date of the enactment of this act, and (2) upon his election to such public office he resigns from the office or employment in which he was employed prior to his election, in a State or local agency (as defined in section 12 (f)).

"'SEC. 18. Nothing in the second sentence of section 9 (a) or in the second sentence of section 12 (a) of this act shall be construed to prevent or prohibit any person subject to the provisions of this act from engaging in any political activity (1) in connection with any election and the preceding campaign if none of the candidates is to be nominated or elected at such election as representing a party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected, or (2) in connection with any question which is not specifically identified with any National or State political party. For the purposes of this section, questions relating to constitutional amendments, referendums, approval of municipal ordinances, and others of a similar character, shall not be deemed to be specifically identified with any National or State political party.

"'SEC. 19. As used in this act, the term "State" means any State, Territory, or possession of the United States.'

"SEC. 5. (a) No person or firm entering into any contract with the United States or any department or agency thereof, either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof, or selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, shall, during the period of negotiation for, or performance under such contract or furnishing of material, supplies, equipment, land, or buildings, directly or indirectly, make any contribution of money or any other thing of value, or promise expressly or impliedly to make any such contribution, to any political party, committee, or candidate for public office or to any person for any political purpose or use; nor shall any person knowingly solicit any such contribution from any such person or firm, for any such purpose during any such period. Any person who violates the provisions of this section shall, upon conviction thereof, be fined not more than $5,000 or imprisoned not more than 5 years.

"(b) Nothing in this section shall be construed to permit any action which is prohibited by any provision of law in force on the date this section takes effect.

"SEC. 6. Such act of August 2, 1939, is further amended by adding at the end thereof the following new section:

"'SEC. 20. No political committee shall receive contributions aggregating more than $3,000,000, or make expenditures aggregating more than $3,000,000 during any calendar year. For the purposes of this section, any contributions received and any expenditures made on behalf of any political committee with the knowledge and consent of the chairman or treasurer of such committee shall be deemed to be received or made by such committee. Any violation

of this section by any political committee shall be deemed also to be a violation of this section by the chairman and the treasurer of such committee and by any other person responsible for such violation.'"

Mr. DEMPSEY (interrupting the reading of the amendment). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. RANKIN. Mr. Chairman, reserving the right to object, does that mean that amendments may be offered to any part of the amendment?

The CHAIRMAN. The gentleman's understanding is correct.

Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. DEMPSEY and Mr. RANKIN rose.

The CHAIRMAN. For what purpose does the gentleman from New Mexico rise?

Mr. DEMPSEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New Mexico, a member of the committee. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. DEMPSEY to the committee amendment: Page 17, beginning with the word "and", in line 14, strike out down to and including "de novo", in line 23, and insert in lieu thereof the following: "and shall extend to questions of fact and questions of law."

Mr. DEMPSEY. Mr. Chairman, this amendment strikes out that provision providing for a jury trial for an employee accused of pernicious political activity. It gives the employee a hearing before the Civil Service Commission. If the Civil Service Commission finds him guilty he can appeal to the District Court on either the questions of law or the questions of fact.

Mr. GWYNNE. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. I yield.

Mr. GWYNNE. I understand this amendment would put the bill in the shape it was when it left the subcommittee of the Judiciary Committee.

Mr. DEMPSEY. It will put the bill in the shape it was when it left the subcommittee, and also when it left the Senate.

Mr. GWYNNE. Furthermore, would not this amendment bring this procedure in line with the usual procedure throughout the Government service and in accordance with the provisions and the theory of the Logan-Walter Act?

Mr. DEMPSEY. Yes; that is true.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. I yield.

Mr. MICHENER. As a matter of fact the amendment providing for a trial by jury was not put in by those who favored the bill, was it?

Mr. DEMPSEY. It was put in I think to destroy the bill, and that is what it would do if a jury trial were to be given to an employee not charged with a criminal offense punishable by fine or imprisonment. This amendment has to do with those employees who are charged only with violation of regulations governing their employment, not with a crime. Under my amendment they are given the same treatment that is accorded to civil-service employees, and if one is found guilty by the Civil Service Commission he may appeal to the district court on either the facts or the law. If the district court disagrees with the Commission, the matter, of course, is reversed.

The amendment I have offered is in keeping with the fundamental purpose of the original Hatch Act and the legislation now under consideration—that is, to safeguard and protect the public employee, whether Federal or State—the so-called little fellow—who receives remuneration from the Federal Treasury. It is intended to shield him from political persecution and at the same time to prevent, through that employee, a diversion of Federal Treasury funds into political campaign and machine channels.

This amendment leaves the employee amply safeguarded. It does differentiate, and properly, between those who are merely charged with violation of regulations under which they are employed and those who violate the criminal sections of this law. I never have heard the charge made that civil-service employees are discriminated against because no jury trial is provided in event of charges being brought against them. Why then should the non-civil-service employee be accorded a jury trial, unless he is charged with the commission of a crime? This bill gives him the right to a court review—something the civil-service employee does not have. Let us not be confused about this matter because of attempts to befog it.

Much has been said here about bureaucrats going into your district, or your State, or my State. When I first came to Washington I had some trouble with bureaucrats for about 6 months. I really could not understand why their attitude was as it was or, in some instances, still is. So I checked into the situation and I have had no trouble for a long period of time. What I do now is to find out what Member of the Senate or the House appointed the bureaucrat and I go to his office and work on that individual. The bureaucrats with whom we are having trouble are those who were placed in positions in payment for political service. They are the people who cause the trouble. Many of them are incompetent to do the job to which they were appointed.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. I yield.

Mr. MAY. As I understand the gentleman's amendment he proposes to give to the Civil Service Commission the same functions that would deprive the employee of a trial by jury.

Mr. DEMPSEY. No; wait a minute. It gives to the Civil Service Commission the same authority the Commission now has where civil-service employees are involved, but in addition it gives the employee affected the right to have his case reviewed by the district court on both the facts and the law.

Mr. MAY. As a matter of fact, though, it does not allow the accused employee the right of a trial by jury.

Mr. DEMPSEY. It is strange to me that the gentleman from Kentucky, for whom I have great respect, takes the stand he does. Most certainly he cannot be blind to the fact that little employees of the Federal Government have been dismissed because they vote as they want to, and without hearing or trial by anybody.

Mr. MAY. Will the gentleman yield further?

Mr. DEMPSEY. Not for a minute.

There has been no trial or hearing granted when people have been dismissed because they exercised their right to vote. There has been no appeal when they refused to contribute and because of that refusal were dismissed. For political activity you attempt to take a man out of service, but this bill does not take him out of service. If the State says, "No; we refuse to remove this man," the only thing the Federal Government can do is what the bill provides, and that is to say, "All right; then we will assess you twice that man's salary for 1 year." This is not the case with the Social Security set-up, where the State of Ohio was assessed a fine of more than a million dollars. Why all this talk about some person, an official, if you please, some supervisor, who attempts to coerce them and attempts to interfere in political matters?

Mr. MAY. Will the gentleman yield?

Mr. DEMPSEY. I yield to the gentleman from Kentucky.

Mr. MAY. I am not talking about firing some fellow who holds a small job. I am talking about the fundamental principle of law involved in the right of trial by jury by every citizen of this country. In my State constitution it is guaranteed, and in the Federal Constitution it is guaranteed.

[Here the gavel fell.]

Mr. HOBBS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am surprised that my friend from New Mexico [Mr. DEMPSEY], than whom there is no finer man in this House, does not know his own bill. I say that advisedly. I do not mean to say that he does not know it, but I do mean to say that Jupiter nodded if he knows it.

We will be gracious and say he has forgotten. This whole bill is nothing but an amendment to the act passed last year, which is a criminal statute and provides for a fine of not exceeding $1,000 and imprisonment for not more than 12 months for any violation of the first seven sections of the act. Therefore, when you amend one of those sections of that act you do not change the criminal penalty. That is still in there and still obtains as the basic "mud sill" of this whole legislation.

Mr. GWYNNE. Will the gentleman yield?

Mr. HOBBS. I am glad to yield to the gentleman from Iowa.

Mr. GWYNNE. Is it not a fact that in the original Hatch Act the penalty of a $1,000 fine and 2 years' imprisonment applied only to that section which had to do with misuse of official authority and that the penalty in the act and in the amendment for an employee who was subject to dismissal is simply dismissal?

Mr. HOBBS. I do not so construe it, and I know that in the debate in committee it was not so construed. I know that that was one of the motivating causes actuating the committee in adopting my amendment to preserve the right of jury trial. There cannot be any question about it.

Even if your contention be correct, for it is just as much a punishment for crime to take away a man's job and put him on the blacklist for 18 months as it is to fine him. I would rather be fined and imprisoned for 12 months, than be fired and hounded during the period of the duration of the blacklist. Shades of Uncle Tom's Cabin! Now, a vindictive Government is going to put a pack of its bloodhounds on the trail of these slaves to the rule of the bosses whose will this act will make supreme.

I say it is obligatory upon us to treat every citizen fairly, and to observe our oaths to uphold the Constitution. Yet, in this bill, if the Dempsey amendment be adopted, an employee may be convicted, fired, and blacklisted for 18 months thereafter, without a right to even ask for a jury trial though that right is guaranteed him by the Constitution. Never before in the history of the Government has there been a blacklist established by law until now.

The victims of this outrageous piece of legislation ought to have a chance to submit their cause to the adjudication of a fair and impartial jury.

I want to read to you a few excerpts which I have taken from the Declaration of Independence, listing the causes of the American Revolution.

He has obstructed the administration of justice by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has combined with others to subject us to a jurisdiction foreign to our Constitution, and, unacknowledged by our laws, giving his assent to their acts of pretended legislation.

Now, here is another ground for our revolution:

For depriving us in many cases of the benefits of trial by jury.

For transporting us beyond seas to be tried for pretended offenses.

In other words, to Washington.

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies.

Now, I quote the following from the Constitution of the United States:

ARTICLE III, SECTION II. 3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State the trial shall be at such place or places as the Congress may by law have directed.

AMENDMENT VI

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

AMENDMENT VII

In suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court of the United States than according to the rules of the common law.

In the name of justice, how can you take the right of trial by jury from the people you are supposed to represent?

[Here the gavel fell.]

Mr. GWYNNE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, there is no occasion for any misunderstanding as to what is being done here and what will be done by the proposed amendment. As I stated before, there is nothing in this bill which provides any punishment for any person, so far as criminal punishment is concerned, without proper trial. If you will take the original Hatch bill you will find that the first seven sections have to do with miscellaneous matters with reference to the W. P. A., and among others there is a provision prohibiting any administrative officer in the Federal Government from using his official authority wrongfully. Then comes section 8 which reads as follows:

Any person who violates any of the foregoing provisions of this act shall upon conviction thereof be fined not more than a thousand dollars or imprisoned for not more than 1 year or both.

Then, next, section 9. This is the section of the original act which prohibited Federal employees from taking an active part in politics. The penalty provided for their violation of that part of the act is contained in section 9A, paragraph (2):

Any person violating the provisions of this section shall be immediately removed from the position or office held by him, and thereafter no part of the funds appropriated by any act of Congress for such position or office shall be used to pay the compensation of such person.

In this bill the committee has followed the same procedure as far as the penalty provisions are concerned. The particular thing we have under discussion now is that part of the bill which refers to an employee—

Whose principal employment is in connection with any activity which is financed in whole or in part by loans or grants made by the United States or by any Federal agency.

There is no criminal penalty provided for any employee if he violates that section. The only thing he has to fear—and I admit it is something to fear—is that he will be discharged from his employment.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. GWYNNE. I yield to the gentleman from Kentucky.

Mr. MAY. Punishment, of course, is the basis of any penal statute. How much more punishment is it to me, if I am an employee of the Federal Government or a State government, drawing $100 salary per month, if I am fired for 5 months or 18 months, than if I am fined $10?

Mr. GWYNNE. The only point I am making now is that this does not provide for any criminal punishment as we understand it. For example, almost every State has a workmen's compensation law. People come in there and try their cases before the tribunal provided by law. They do not have an appeal de novo and cannot demand a jury trial. This procedure follows exactly the theory we were contending for in the Walter-Logan bill, which called for a fair trial before some tribunal with an appeal thereafter to a court which had authority to review the law and had authority to set aside the verdict and finding if not sustained by substantial evidence.

I submit that the provision contained in this bill, and which will be in the law if the amendment now offered by the gentleman from New Mexico [Mr. DEMPSEY] is not adopted, will not be in accordance with the procedure adopted in most of the States of the Union and will not be in accordance with the procedure heretofore adopted in regard to appeals from the Civil Service Commission.

There, as you know, a person may be separated from his employment and he has an appeal, but he has no appeal with

a right to jury trial. We are doing nothing here except what we have done all along the line in cases similar in their nature.

Mr. HOBBS. Mr. Chairman, will the gentleman yield?

Mr. GWYNNE. I yield to the gentleman from Alabama.

Mr. HOBBS. The gentleman does not think, does he, that it is a comparable illustration to cite the Walter-Logan bill, which merely provides for appeal from administrative tribunals in the exercise of their duties, which relate merely to details of administration in accordance with the laws we write? Does not the distinguished gentleman realize that this is essentially a criminal statute, punishing for pernicious political activity, which is at least a misdemeanor?

Mr. GWYNNE. No criminal punishment is provided. This bill simply provides that if a man is found to have violated the law he may be removed from office. [Applause.]

[Here the gavel fell.]

Mr. NICHOLS. Mr. Chairman, I move to strike out the last two words.

Of course, Mr. Chairman, I will vote against this bill, which I consider to be almost ridiculous. Certainly I shall oppose the Dempsey amendment. It is a little hard for me to understand the argument that is being made in support of the Dempsey amendment, in the United States, where the personal rights of the people are the things we hold dearer than anything else.

This is a quibble as to whether or not if a man is to be punished under this act it is a criminal punishment. Certainly no one will argue with me that it is not a personal right of his which is being interfered with. You are passing this bill to make politics pure and holy. The test is, find a man who has done something wrong or who has failed to do something that somebody thinks he should have done, and for that and for no other reason you discharge him. Not only do you discharge him but you mark him with having been guilty of pernicious—that is a pretty severe word—pernicious activity of some kind. Thus you take from him a personal right, his right to hold his job as long as he is capable of discharging the duties of that job. How well he is doing the work is not the test under this bill; it is simply whether or not somebody thinks he has done something he should not have done, something disconnected with his work entirely. We hear men stand in the well of this House and say you are kicking this man out of Government employment or some other kind of employment in order to clean up the employment, and you say you are doing that to protect democracy. Then you deny him the right to be heard, by whom? By a jury. A terrible thing, is it not? What is the matter with jury trial? Are you afraid of it? You are certainly not afraid that a jury in your county is going to do something wrong, are you?

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. No.

No, Mr. Chairman; of course the bill is going too far. The distinguished gentleman from Texas made one of the ablest arguments I have ever heard made against this bill. I wish it were within my power to go as deeply into this question and talk as convincingly against it as he does. You are striking at the very heart of American liberty and freedom in this bill.

You struck at it in the original Hatch Act which should never have passed, and should never have been placed on the statute books.

When my friend from Alabama said yesterday that the distinguished gentleman from New Mexico was going to offer an amendment to take this right of trial by jury out of this bill I could not believe it. I could not believe that the author of the original bill in the House would stand here before you and advocate such a thing. If I were to support this amendment I would be ashamed to go home and look my free constituents in the face when I would have to say to them that I voted for and supported an amendment which would deprive them of their Constitution-given right of a trial by jury. I do not believe this House will adopt the amendment. [Applause.]

Mr. KEEFE. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, one would judge from listening to the argument of the distinguished gentleman from Alabama that something new and unusual had been written into this bill and that now a great threat at democracy is involved because of an attempt to take away the right of trial by jury.

I do not know anything about the laws in the State of Alabama, but I do know something about them in some other States and I wanted to ask the distinguished gentleman from Alabama how it is that the thing operates in the case of any removal statute. If a proceeding is instituted to remove a police officer in my State he has a trial before the fire and police commission without any jury and if he is convicted by that commission he has a right of appeal to the court which hears the evidence on a certiorari proceeding.

If a school teacher has a complaint filed against her, her charges are heard before the school board, and the school board, upon the evidence, sitting as a board, issues a removal order. She again has the right of appeal to the court through certiorari proceedings, and there is no jury trial involved at all. In the District of Columbia itself, who has the removal power of your police and firemen in the District? It is vested in a board that has the power to appoint and the power to remove such officials. Those are jobs, are they not, and there is not a jury trial involved any place along the line, and for very good reasons. I could cite instance after instance, in State after State, where in removal proceedings—and that is all this is—the question of jury trial is never involved. A Governor of a State may be removed by impeachment by the legislature. Elective officials in my State and, perhaps, in your State can be removed by a removal body who pass upon evidence, with the right to go into court without a jury trial and with the right of the court to pass upon the questions of law, and, in many cases, upon the sufficiency of the facts adduced at the hearing.

Where is there something new or novel in the suggestion of the gentleman from New Mexico that the same procedure that is universal throughout this country in the matter of removal proceedings, should be written into this law? I would like to have the gentleman answer me.

Mr. HOBBS. I would be most happy to. I deny, sir, most vehemently that this bill is a mere ouster or removal bill.

Mr. KEEFE. Then if the gentleman denies that, while we are on the subject I call his attention to the very wording of the bill itself on page 15:

> After such hearing, the Commission shall determine whether any violation of such subsection has occurred and whether such violation, if any, warrants the removal of the officer or employee.

And so forth. This is the identical language that is found in removal statutes throughout the length and breadth of this land. It is the identical language that provides for removal of public officers and is the same language found in State removal statutes.

Mr. HOBBS. Now will the gentleman yield further?

Mr. KEEFE. Yes; I yield.

Mr. HOBBS. I did not say that it was not a removal statute. I said that it was not merely a removal statute.

Mr. KEEFE. What else is there involved except a removal in this particular section?

Mr. HOBBS. If the gentleman will allow me to give my answer——

Mr. KEEFE. I will be very happy to, because I wanted to ask the gentleman that question when he had the floor.

Mr. HOBBS. You will find that this bill amends section 2 of the original Hatch Act. Section 2 of the original act, of course, precedes section 8 thereof, which is the general penal section. Therefore the penal section in the original Hatch Act applies to section 2 thereof as it will be amended by this act. But I care not whether this be construed as a criminal statute or not. If it be purely civil, in any case under it wherein more than $20 is involved, the victims are entitled to jury trials under the Constitution of the United States.

I cannot see to save my life why you bring up civil-service and ouster proceedings arising in private or similar employment, where the ousting authority has been paying the salary in connection with this criminal statute. Such cases have no more to do with this bill than the price of wheat on the moon.

Mr. KEEFE. I think the gentleman has answered and has done so out of my time and I now want to make this statement. I am not referring to the civil-service procedure, I am referring to the fact that the removal statutes in every State provide substantially the same method of removal as is provided in this law, provided you strike out that jury-trial provision.

Mr. HOBBS. And the position we take is that we have no control over a State nor over the laws of a State. If a State provides by its law for ouster without trial by jury that is no precedent that we may invoke to justify our denial of the right of trial by jury as guaranteed by the Constitution of the United States.

[Here the gavel fell.]

Mr. JENNINGS. Mr. Chairman, I rise in support of the amendment. It occurs to me that some of our good friends in this debate have strained at an academic gnat and swallowed a political camel whose humps are mountain high with all sorts of abuse. Much is said here about these fellows who have the administration of these funds, part of which are contributed by the Federal Government, not having a jury trial if they get caught doing something they ought not to do. As has been suggested and said by my able friend the gentleman from Wisconsin [Mr. KEEFE], removal statutes, and in many States they are called ouster statutes, provide for the summary removal of an unfaithful official, an elected official, when found guilty, and that without trial by jury. The statement has been made that if more than $20 is involved, a party litigant must have a trial by jury. Such is not the law. In respect to the Tennessee Valley Authority, it has been held that in condemnation proceedings for the condemnation of property even though the value of it extends up to $100,000, no jury trial can be had. Just what jury trials have some of these poor men had who worked on P. W. A. projects, and who were thrown out of their jobs by some petty political boss because they would not make political contributions or vote according to the way the political whip was cracked? I hold in my hand the front page of a recent issue of the Knoxville Journal, published in my city, and headed "More W. P. A. workers blame shake-down for job loss," and here is a picture of one of the fellows who had to cough up a dollar out of his meager, paltry pay. Here is the picture of the family: His wife is lying in bed with a newborn child, and there are six more standing by. Just what sort of a jury trial does a fellow like that have when his foreman shakes him down and fires him because he does not come across? In that connection those men who shook those fellows down have been indicted in the Federal court and some have pleaded guilty, and others have been tried and convicted and sentenced to prison terms.

Mr. Chairman, this bill is for the protection of the poor and the needy. This bill is to prevent the playing of politics with human misery. This bill is to stop men from laying the heavy hand of political oppression on some poor fellow who feels holding to his coattails the hands of his hungry children and his helpless wife when he is about to lose his job. I wish that we could put ourselves in the shoes of a fellow like that, the man who is thus beset by poverty and by woe on the one hand by his wife and children and by the coercion of a political boss on the other side.

Mr. BARDEN of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. JENNINGS. Not now. Somebody has said here that he would hate to go home and look at some of his constituents after voting for this amendment. I am not ashamed to go home and look at my constituents after I have supported this amendment and this bill in its entirety, even though I have to look at some of them through bars in jail where they properly are. [Laughter.] I think it is a good bill and ought to be passed, and this amendment ought to be adopted. You know some of our friends have gone on here so long with these relief funds, that they think they have acquired a proscriptive right to use them for political ends. There was an old fellow in my country who had been stealing hogs all of his life. Finally they caught him and indicted him and convicted him. The prosecutor finally said, "Now, Bill, we were boys together, and our children go to school together, and our wives belong to the same church, and if you will sign this agreement not to steal any more hogs, I will turn you loose." Bill said, "Jim, I'll be darned if I will. I am not going to sign away my liberties in any such manner as that." [Laughter.]

This act is the expression of the enlightened and outraged public opinion of the people. The facts that demand its passage constitute a black chapter in the history of this country. It is designed to protect the public, to safeguard the needy. The man who by political power has the control of the right of a poor man and his family to eat, be clothed, and sheltered to a large and dangerous degree is in a position to dictate the vote of that poor man thus dependent on his favor. One of the indictments of George the Third was that he made judges dependent on his will for the payment of their salaries and the tenure of their offices. If a judge can thus be coerced, how much more can a man on relief or on a Government job be put on the spot and his vote controlled? What right has anyone clothed with a little brief authority to prostitute it for political ends; to build a machine held together by the cohesive power of public plunder; and to drive the poor and helpless to contribute from their meager earnings and thus by this unholy coercion rob the Government and oppress the poor? Let us pass the bill and stop the racket.

Mr. SUMNERS of Texas. Mr. Chairman, I ask unanimous consent that all debate upon the Dempsey amendment, and all amendments thereto, close in 5 minutes.

The CHAIRMAN. Is there objection?

Mr. GEYER of California. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. That will not affect the gentleman's amendment. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Illinois. Mr. Chairman, I think in discussing the matter of the jury trial and the whole question of penalties in connection with this bill, we are perhaps overlooking the main beneficence of the bill itself. Insofar as the Hatch Act is effective in actual practice, it is not primarily because of the penalties assessed, including removal, threatened. I have had some experience with the first Hatch Act in the State of Illinois, and I have seen public officials who hitherto neglected during campaigns the duties of their office, now out of prudence staying with the duties of their office. They hesitated "to stick their necks out" so long as the Hatch bill was in force, for fear that the opposing faction or party would use it to political purposes against them or their party.

The greater effectiveness of the Hatch bill will, I think, grow out of the fact that in a two-party system we are hesitant to perform functions that we know we ought not to perform when there are other people watching our conduct, people who will use it to political disadvantage of our party or ourselves. More than with most laws, the Hatch Act is self-enforcing.

With reference now to the question of removal, whether you call it punishment or not, may I call attention to this fact: Much talk about this jury question seems to presume that people who hold political office have some right to the political office, independent of the performance of the duties of the office itself. There is no invasion of the rights of citizenship in removal from any office or job of anybody for doing something pernicious and something quite beyond the duties of the office which he holds. The only removal that is threatened in this case is of people neglecting their duties and doing instead what is so far from duty as to be here

branded pernicious. Consequently, the removal, punishment or not, of course, invalidates no citizenly rights. The penalty involved in this is merely the punishment that a man brings on himself when he accepts office upon the pains of performing the duties of the office and then proceeds to do something else instead of performing the duties. To declare that a man is entitled to a jury trial in such a case is, to say the least, disingenuous.

Mr. ZIMMERMAN. Will the gentleman yield?

Mr. SMITH of Illinois. I yield.

Mr. ZIMMERMAN. The gentleman has talked about officeholders. Will the gentleman address himself to the employee, the man who works for a drainage district or for an irrigation district, which happens to have a loan from the Government? Will the gentleman address himself to that man who is discharged from his position and not permitted to have a job for 18 months, simply because he goes out and takes part in your election? Will you address yourself to that man and talk a little about the employee and not about the man who holds the job?

Mr. SMITH of Illinois. That is exactly the man I have been talking about, if he abuses his office as herein described. This bill proposes to stop misuse of public funds by whomsoever. It proposes to stop it by simply letting the citizen give up the job to which he has not any rights when he ceases to perform its duties.

Mr. SHERIDAN. Will the gentleman yield?

Mr. SMITH of Illinois. I yield.

Mr. SHERIDAN. Is it your contention that you cannot grant an officeholder removal under constitutional form of government, and is it constitutional form of government that a man is not entitled to a trial by jury?

Mr. SMITH of Illinois. The constitutional form of government expects a man, I hope, to perform the duties for which he is publicly paid—and not something else instead. Whatever provision we here make, under the Constitution, for his removal, when he fails of his duty, is constitutional enough for me.

[Here the gavel fell.]

The CHAIRMAN. The time of the gentleman from Illinois has expired. All time has expired on this amendment.

The pro forma amendments were withdrawn.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New Mexico [Mr. DEMPSEY].

The question was taken; and on a division (demanded by Mr. DEMPSEY) there were ayes 108 and noes 79.

Mr. NICHOLS. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chair appointed Mr. DEMPSEY and Mr. NICHOLS to act as tellers.

The Committee again divided; and the tellers reported there were ayes 131 and noes 82.

So the amendment was agreed to.

Mr. DEMPSEY. Mr. Chairman, I offer a further amendment.

The Clerk read as follows:

Amendment offered by Mr. DEMPSEY: Page 20, line 12, strike out the quotation marks.

Page 20 beginning in line 13 strike out down to and including line 18 and insert in lieu thereof the following:

"(b) For the purposes of this section—

"(1) the term 'person' includes an individual, partnership, committee, assocation, corporation, and any other organization or group of persons;

"(2) the term 'contribution' includes a gift, subscription, loan, advance, or deposit of money or anything of value and includes a contract, promise, or agreement, whether legally enforcible to make a contribution."

Page 21, line 7, strike out the period, insert a colon and the following language:

"*Provided*, That nothing in this sentence shall be construed to interfere with the usual and known business, trade, or profession of any candidate."

Page 21, line 8, strike out "any person who is engaged in" and in lieu thereof insert:

"(d) Any person who engages in."

Page 21, line 17, strike out "(b)" and insert "(e)."

The amendment was agreed to.

Mr. CASE of South Dakota. Mr. Chairman, I ask unanimous consent to extend my own remarks at this point in the RECORD on the amendment just adopted.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. CASE of South Dakota. Mr. Chairman, the purpose of the amendment is to make clear that the bill is not intended to limit Federal offices to people who had no business or occupation. The paragraph to which it is added, in the minds of many of us, was open to the interpretation that it would have been unlawful for anyone to buy "goods, commodities, advertising, or articles of any kind or description" from anyone who was a candidate for an elective Federal office.

The language of the bill is:

Where the proceeds of such a purchase, or any portion thereof, shall directly or indirectly inure to the benefit of or for any candidate for an elective Federal office.

That would seem to have made it unlawful for anyone to have bought groceries from a grocer, wheat from a farmer, advertising from a printer, or articles of any kind from anyone who was a candidate for an elective Federal office, under threat of 5 years imprisonment and a fine of $5,000. Obviously, if that was the correct interpretation it would have limited running for Federal office to persons who had no business, who had other means of support, or who would abandon their businesses while a candidate.

No one contends that was the intention of the bill. An interpretation suggested by some is that the language was meant to cover sales only where the proceeds were directly used in the candidacy of the candidate. It would be difficult, however, to divide the personality of the candidate. When would he be farmer, grocer, or businessman selling in his normal occupation, and when would he be candidate? Naturally, he would use the proceeds from his normal occupation in defraying some of his expenses as a candidate.

The intent of the bill is to curb and prevent pernicious political activity, not normal business activity. To prevent the possibility of an unintended construction, the amendment just adopted was worked out. It provides that the paragraph shall not be construed to interfere with the normal and known trade, business, or profession of a candidate for an elective Federal office.

A number of Members on this side of the aisle were concerned with the language as it stood and should be credited with working out the language of the amendment. They include the gentleman from Pennsylvania [Mr. GRAHAM], the gentleman from Ohio [Mr. BROWN], the gentleman from Iowa [Mr. GWYNNE], the gentleman from New Jersey [Mr. VREELAND], and the gentleman from New York [Mr. HANCOCK]. The acceptance of the amendment by the author of the bill and its adoption by this body is appreciated.

Mr. DEMPSEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DEMPSEY: Page 26, line 3, after the period, insert "The terms used in this section shall have the meaning assigned to them in section 302 of the Federal Corrupt Practices Act of 1925, and the penalties provided in such act shall apply to violations of this section."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. DEMPSEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DEMPSEY: On page 26, strike out all of line 4.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. VREELAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VREELAND: On page 20, line 12, after the words "national political party", insert "This subsection shall not apply to contributions made to or by a State or local committee or other State or local organization."

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. SUMNERS of Texas) there were—ayes 93, noes 74.

So the amendment was agreed to.

Mr. SUMNERS of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SUMNERS of Texas: On page 13, beginning with line 18, strike out all of section 12.

Mr. SUMNERS of Texas. Mr. Chairman, this amendment seeks to strike out of this bill the provision dealing with State employees. The matter has been thoroughly discussed. I feel I ought to offer the amendment.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. MICHENER. If we strike out what is suggested in the gentleman's amendment, do we not strike out the heart of the bill?

Mr. SUMNERS of Texas. You strike out that part of the bill that ought never to have been in it. If that is the heart of it, that is what I am after.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The amendment was rejected.

Mr. RANKIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RANKIN: Page 21, after line 7, insert: "It is further declared to be a pernicious political activity, and it shall hereafter be unlawful, for any officer or employee of a public utility holding company registered with the Securities and Exchange Commission under the Public Utility Holding Company Act of 1935, or of any subsidiary company thereof, (1) to take any active part in political management or in political campaigns, or (2) to use his authority or influence as such officer or employee for the purpose of interfering with an election or a nomination for office, or affecting the results thereof, or (3) directly or indirectly to coerce, attempt to coerce, command, or advise any other such officer or employee to pay, lend, or contribute any part of his salary or compensation or anything else of value to any party, committee, organization, agency, or person for political purposes."

Mr. DEMPSEY. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DEMPSEY. Mr. Chairman, I make the point of order that the amendment is not germane to the bill.

The CHAIRMAN. The gentleman from New Mexico makes the point of order that the amendment is not germane to the bill. Does the gentleman from New Mexico desire to be heard on the point of order?

Mr. DEMPSEY. No; I think not.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard on the point of order?

Mr. RANKIN. Yes.

The CHAIRMAN. The Chair will be glad to hear the gentleman.

Mr. RANKIN. Mr. Chairman, in my opinion this amendment is germane. If you are really in earnest about wanting clean politics, about wanting to stop corruption in politics in America, you cannot do anything to that end more directly than to stop the corruption of the public utilities, their representatives, their agents, and their henchmen.

Mr. McLEAN. Mr. Chairman, a point of order.

Mr. GROSS. Will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Pennsylvania.

The CHAIRMAN. The Chair will be very glad to hear from the gentleman on the point of order that has been raised.

Mr. McLEAN. Mr. Chairman, I make the point of order that the gentleman is not addressing himself to the point of order.

The CHAIRMAN. I am sure the gentleman will proceed in accordance with the existing order to address the Chair on the point of order.

Mr. RANKIN. Mr. Chairman, I am addressing myself to the Chair on the point of order.

This is a bill presumably to clean up politics, to try to bring about honest elections in this country; this is a bill allegedly to try to stop corruption in politics, the corruption of elections. It is a matter of common knowledge, and every man within the sound of my voice knows there has been more corruption at the hands of public utilities recently than there has been at the hands of all the Government employees combined. I submit that if this bill means what it says, if this measure is to be passed for the purpose of bringing about honest elections and stopping corruption in politics, the one thing we should do is to put a stop to these utilities not only corrupting elections but controlling conventions as well as primaries.

Mr. MICHENER rose.

The CHAIRMAN. Does the gentleman from Michigan [Mr. MICHENER] desire to address the Chair on the point of order?

Mr. MICHENER. If the Chair desires to hear me.

The CHAIRMAN. The Chair is always glad to hear from the gentleman from Michigan.

Mr. MICHENER. Mr. Chairman, this is an act to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939. Only such matters are relevant and germane in the way of amendment as are included within the title of the act.

This act deals with whom? It does not deal with electric-light companies; it does not deal with railroad companies; it does not deal with fertilizer manufacturers; therefore any amendment offered extending the act to any one of these several agencies which I have mentioned would not be germane and would not be in order.

Mr. RANKIN. Will the gentleman yield?

The CHAIRMAN. The gentleman from Michigan is addressing the Chair on the point of order, and the Chair feels that the gentleman should confine his remarks to the Chair and not yield at this point.

The Chair calls the attention of the gentleman from Michigan to section 13, on page 20. In view of what the gentleman states in reference to the title, the Chair may say that we have to look to the body of the bill itself, and the Chair calls the attention of the gentleman that section 13 declares to be a pernicious political activity certain acts which relate to individuals, covered by the first paragraph of section 13 and in the third paragraph of section 13, having to do with another group.

The Chair would like to have the gentleman's views as to whether or not, the bill covering more than one subject, a third subject of a related nature, an amendment of this sort, would be germane.

Mr. MICHENER. The Chair is undoubtedly correct in that suggestion, but the section to which the Chair refers only has reference to contributions. The agencies included in the Rankin amendment receive no compensation or contributions from the Government.

The CHAIRMAN. The Chair also calls attention to the third paragraph, which has to do with any person, individual, partnership, committee, association, corporation, and so forth.

Mr. MICHENER. Yes; those individuals or groups receive contributions in an indirect way. This bill does not deal with any person or any group or any class of persons excepting such groups or classes as receive their pay or compensation wholly or in part from the Federal Government; therefore, if the Rankin amendment is germane, you can just as well extend this bill to automobile manufacturers or to any other industry. This bill deals with those receiving compensation from the Government. If those industries received their pay or their compensation in whole or in part from contributions of the Federal Government, then the gentleman's amendment would be in order.

Mr. DIRKSEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Michigan is addressing the Chair on a point of order.

Mr. MICHENER. Mr. Chairman, I have nothing further to suggest unless I may answer some further questions.

The CHAIRMAN. The gentleman from Illinois [Mr. DIRKSEN] will state his point of order.

Mr. DIRKSEN. Mr. Chairman, at the time of the reading of the amendment offered by the gentleman from Mississippi [Mr. RANKIN] there was so much confusion in the Chamber that I know a great many Members did not grasp its import. May I ask unanimous consent that it be again reported before the argument on the point of order proceeds?

The CHAIRMAN. Without objection, the Clerk will again report the Rankin amendment.

There was no objection.

The Clerk again reported the Rankin amendment.

Mr. MICHENER. Mr. Chairman, upon hearing the amendment read again I want to accentuate what I said. It might be just as reasonable to include within the list of those proscribed by the gentleman's amendment—the attorney in Tupelo, Miss., who represents the utilities in Tupelo but who receives no compensation from the Federal Government.

Mr. RANKIN. There are no Power Trust attorneys in Tupelo.

Mr. CASE of South Dakota and Mr. COX rose.

The CHAIRMAN. The Chair is ready to rule. However, the Chair would be very glad to hear from the gentleman from South Dakota and the gentleman from Georgia on the point of order. Does the gentleman from South Dakota desire to address the Chair on the point of order?

Mr. CASE of South Dakota. Yes, Mr. Chairman. I wish to point out that the point made by the gentleman from Michigan in regard to the subject matter of the amendment is pertinent because the language of the amendment proposed deals with the activities that are described in section 12, and if this amendment were germane it would be germane to section 12 rather than to section 13, which deals primarily with the subject of contributions and not with the subject of participation in campaigns. A great deal of the amendment is devoted to the subject of participation in campaigns, which is covered in section 12.

The CHAIRMAN. The Chair will be glad to hear the gentleman from Georgia on the point of order.

Mr. COX. Mr. Chairman, the gentleman has in part touched upon what I had in mind. It occurs to me that the bill proposes to lay a restriction on individuals or the agents or employees of individuals who receive some character of favor from the Government. In this particular case, the gentleman from Mississippi, by the amendment which he offers, undertakes to reach out and extend the Federal power to the regulation of the conduct of people who have no connection, direct or remote, with the Government, and who are in no wise agents or employees of individuals who receive such favors.

Mr. RANKIN. Mr. Chairman, I should like to be heard for just a moment in answer to the gentlemen who have spoken on the point of order.

The CHAIRMAN. The Chair is ready to rule.

Mr. RANKIN. Very well, Mr. Chairman.

The CHAIRMAN (Mr. MCCORMACK). The Chair is in complete agreement with so much of the observations of the distinguished gentleman from Michigan [Mr. MICHENER] as relates to the amendment's not being germane if the bill were confined to one group. The Chair would have no hesitancy in ruling if the bill confined itself and its operations to employees of a State or of any political subdivision.

However, the Chair is very much concerned by the provision of section 13, which brings in another class, declaring it to be—

> A pernicious political activity * * * for any person, directly or indirectly, to make contributions. * * *

Then in the third paragraph of section 13 there is brought in another class:

> It is further declared to be a pernicious political activity * * * for any person, individual, partnership, committee, association, corporation, and any other organization or group of persons to purchase or buy any goods, commodities, advertising, or articles of any kind or description where the proceeds of such a purchase, or any portion thereof, shall directly or indirectly inure to the benefit of or for any candidate for an elective Federal office. * * *

There is a well-recognized rule of the House, which has been passed upon on many occasions, that where a bill confines itself to one subject, another subject, even if related, would not be germane, but where a bill covers two or more subjects a related subject would then be in order.

The Chair, naturally, recognizes the power in the argument made by the gentleman from Georgia and others on the merits of the amendment, but it is not the responsibility of the Chair in passing upon a point of order to pass upon the merits of an amendment. What the results of an amendment may be is not properly a matter for the Chair to pass on.

This being a related matter, and the bill covering two or more groups, it seems to the Chair that another group could be included therein, which the amendment offered by the gentleman from Mississippi undertakes to do. For the reasons stated, therefore, the Chair overrules the point of order.

Mr. MICHENER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MICHENER. Would it be proper to include in this bill another group which has nothing to do with the Federal Government and where the compensation of the group is not received directly or indirectly from the Federal Government?

The CHAIRMAN. That is a matter the Chair would pass upon if it were presented to the Chair. The Chair is sure that the gentleman from Michigan himself appreciates that the Chair would be giving gratuitous advice if he undertook to answer the gentleman's inquiry.

The gentleman from Mississippi is recognized for 5 minutes.

Mr. RANKIN. Mr. Chairman, I hope that every Member of the House will vote for this amendment. It is offered in good faith. It is very necessary if we are to check political corruption in this country.

Mr. SECCOMBE. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Ohio because I believe he is probably one man who ought to fall in line, above all others.

Mr. SECCOMBE. I merely wish to ask the gentleman if he would be willing to include the moving-picture industry in his amendment.

Mr. RANKIN. I will say to the gentleman from Ohio that if he has the courage to offer such an amendment I shall give it serious consideration. [Laughter.]

Mr. JOHNS. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Wisconsin for a question.

Mr. JOHNS. If this amendment applies to all public utilities, would that include the employees of the R. E. A.?

Mr. RANKIN. They are already covered. You need not worry about them. You have already tied up the R. E. A. and the T. V. A. and all the other governmental agencies, so you need not worry about them at all, but this will put a stop to these utilities or their agents corruptly influencing or trying to influence elections or controlling conventions. If it had been in effect before the Philadelphia convention, the chances are they would have nominated a candidate of their own choice.

Now, if you really want clean politics, if you really are trying to clean up politics in this country, if you really want decent elections, and honest conventions, if you really want to stop the most pernicious political activity this country has ever known, then support this amendment. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. RANKIN].

The question was taken; and on a division (demanded by Mr. RANKIN) there were—ayes 83, noes 129.

Mr. RANKIN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. RANKIN and Mr. DEMPSEY.

The Committee again divided; and the tellers reported that there were—ayes 84, noes 120.

So the amendment was rejected.

Mr. GEYER of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GEYER of California: On page 13, strike out lines 15, 16, and 17, inclusive, and insert the following:
"SEC. 4. (a) Such act of August 2, 1939, is further amended by adding after section 1 the following new section:
" 'SEC. 1. (a) It is unlawful for any person, whether or not acting under the authority of the laws of a State or subdivision thereof, to require the payment of a poll tax as a prerequisite for voting or registering to vote at any election for a President or Vice President or Presidential elector or Member of the Senate or Member of the House of Representatives of the United States.' "
And after the figure 4 in line 15 insert (b).

Mr. HOBBS. Mr. Chairman, I make a point of order against the amendment that it is not germane to that section of the bill or those sections of the bill to which it is addressed nor to any section of the bill.

Mr. GEYER of California. Will the gentleman reserve his point of order?

Mr. HOBBS. I will not.

Mr. GEYER of California. The gentleman will not?

Mr. HOBBS. No, sir.

Mr. GEYER of California. I would like to be heard on it.

The CHAIRMAN. Does the gentleman from Alabama desire to be heard on the point of order?

Mr. HOBBS. I would be delighted to be heard if the Chair wishes.

The CHAIRMAN. The Chair would like to hear the gentleman.

Mr. HOBBS. Mr. Chairman, this point of order, it seems to me, is so patently well taken as not to require argument. This is a bill the avowed purpose of which is to prevent pernicious political activity on the part of those in authority or employees who have anything to do with projects financed in whole or in part by loans or grants by the Federal Government. It is perfectly manifest that this amendment is an attempt to overthrow our dual system of government by restraining the States from exercising their indisputable right to control their own elections and to make their own laws. There is no provision of law whatsoever that even remotely attempts to justify such an outrageous rape of the sovereign powers of the States.

Mr. GEYER of California. Mr. Chairman, I make the point of order the gentleman is not confining himself to the point of order.

The CHAIRMAN. The Chair believes the gentleman from Alabama is addressing himself to the point of order and the Chair will hear the gentleman from California later.

Mr. HOBBS. And therefore, Mr. Chairman, inasmuch as the amendment relates to the exercise, by a so-called sovereign State, still thought by some to be sovereign of its own power to legislate for the people of the State with respect to its own election machinery, I submit that it is so patent as to require no argument that this amendment is not germane to any portion of the bill.

I read, at the suggestion of the distinguished gentleman from Georgia [Mr. GIBBS], this quotation from the case of *Breedlove* v. *Suttles* (302 U. S. 277):

To make payment of poll taxes a prerequisite of voting is not to deny any privilege or immunity protected by the fourteenth amendment. Privilege of voting is not derived from the United States, but is conferred by the State and save as restrained by the fifteenth and nineteeth amendments and other provisions of the Federal Constitution, the State may condition suffrage as it deems appropriate.

Then follows a number of other citations and this language:

The privileges and immunities protected are only those that arise from the Constitution and laws of the United States, and not those that spring from other sources.

Mr. Chairman, I really see no purpose in prolonging this argument, unless the Chair has some question in mind that I might be able to answer. If so, I would be very happy to try to do so.

The CHAIRMAN. The Chair will ask the gentleman questions later, possibly. The Chair will hear the gentleman from California.

Mr. GEYER of California. Mr. Chairman, I call attention of the Chair to the decision just made on the Rankin amendment. I think this is a parallel case. In addition to that, I point out that the bill before us has as its purpose the purification of politics, and stops the pollution of representative government at its source. The poll tax puts the dollar sign on the right to vote, in violation of section 2 of the Fourteenth Amendment, which reads as follows, in part:

But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crimes, the basis of representation therein shall be reduced in the proportion in which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

My amendment prohibits the purchase of a vote by denying the right, first, to demand poll-tax receipt, before the voter can vote. The evidence before the Committee on the Judiciary of this House on this very point shows the practice of buying poll-tax receipts en bloc, that is, paying the tax for another, is common. This amendment prohibits further political activity.

AMENDMENT TO HATCH ACT TO ABOLISH POLL TAXES

This amendment has been endorsed by A. F. of L., C. I. O., railway brotherhoods, Y. W. C. A., National Negro Congress, and others.

Mr. Chairman, this amendment is very simple. It prohibits the charging of a price for the privilege of exercising the American right of casting one's ballot.

This applies only to the election of national officeholders, President, Vice President, Presidential electors, Members of the Senate or Members of the House of Representatives.

It will give the ballot to the low-income groups in the eight Southern States that are still following the old Roman system that was in operation when Mary and Joseph presented to the world the Babe of Bethlehem.

My good friend from Alabama [Mr. HOBBS] was unable to answer a question propounded yesterday by the gentleman from Illinois [Mr. SMITH]. I will now answer it.

The percentage of voters to the total population for the year 1934 in Alabama was 10.15 percent. The percentage of voters for the 40 States that charge no head tax as a prerequisite for voting was 31.24 percent—10 as against 31. This is for the primary election.

Now, let us look at some general-election figures. In 1936—a Presidential election—adult population.

Percent of poll-tax States	
Virginia	25.7
Arkansas	18.5
Texas	26.2
South Carolina	14.1
Percent of non-poll-tax States	
West Virginia	92
Missouri	80
New Mexico	94
North Carolina	75

About 64 percent of the white voters in these States are disfranchised. Is this democracy? Can any Member of this body who believes in our Government refuse to support this amendment? Let us do our saving of democracy right here at home, or rather let us get it ourselves first.

We have 78 Representatives from these poll-tax States. If we enforced our fourteenth amendment and cut down our vote as provided therein, do you know how many we would have from the poll-tax States? Only 13—13 instead of 78 by the 1936 figures.

Our friend from Alabama asks us not to punish our colleagues. Now I do not blame any Representative for not wanting the political equilibrium disturbed in his district,

especially if he has been here so many years as to be chairman of his committee. I claim that no feudal lord was more secure behind his stone walls than the Congressman fortified behind his poll-tax barricade.

Even Hitler, Mussolini, and Stalin are not more secure in tenure of office under their one-party system than is the Representative from a one-party State if reenforced by the poll-tax restrictions on the ballot.

The other 387 of us must consider labor, the unemployed, the slum dweller, the sharecropper, and racial minorities, for these groups may reward or punish at the polls in our States.

The only punishment that may come to these Representatives from non-poll-tax districts will come to those who have been forgetting these classes and refuse to change. I am sure the politically astute will easily make the proper adjustment in his thinking and in his voting if such adjustments are necessary. Surely we cannot be wavering as to our proper duty as between asking our colleagues to make such an adjustment, and the denying to this vast army of people the right to vote.

They will tell you it is a local matter. Did they say that when they asked us to tax all the people for the benefit of the T. V. A.?

Were my people concerned when the lord high executioner of the W. P. A. came out of Virginia, or the leader against the wage-hour law came from Georgia? Was it the concern of the people of Illinois when the State of Tennessee furnished the leader of the fight to kill the slum-clearance program? Was it a local matter only when the impetus to weaken the National Labor Relations Act sprang from the "cradle of democracy," Virginia?

Let the opponents of this amendment answer these questions before they say the poll tax is of local concern only. Let us have a real democracy here in the United States. Let us give people the right to adjust their wrongs in the American way—at the ballot box—so there will be no temptation to settle them some other way. How long before the trodden worm will finally turn? Let us cast our vote for democracy and scuttle autocracy.

The CHAIRMAN. The Chair is prepared to rule.

Mr. HOBBS rose.

The CHAIRMAN. For what purpose does the gentleman from Alabama rise?

Mr. HOBBS. To advance an additional reason to the argument already made. It violates the Constitution of the United States.

The CHAIRMAN. The Chair feels that he should rule upon the effect of the amendment offered in respect to its being germane to the bill.

The Chair listened with a great deal of interest to the citations and excerpts from a Supreme Court decision which the gentleman from Alabama referred to. The Chair distinguishes clearly between the amendment offered by the gentleman from California [Mr. GEYER] and the amendment offered by the gentleman from Mississippi [Mr. RANKIN]. The Chair is of opinion that the amendment offered by the gentleman from California is in no way related to the provisions of the pending bill; that is, in no way related so as to make the amendment germane in accordance with and under the rules of the House. The amendment relates to the franchise of the voters in the several States, and the bill under consideration so far as the Chair can observe, and the Chair has read it carefully, in no way enters that field. For the reasons stated, and principally and wholly upon the ground that the amendment is not related to the bill under consideration, and wholly eliminating the constitutional question or any other question, the Chair holds that the amendment is not germane, and sustains the point of order.

The CHAIRMAN. The gentleman from Michigan [Mr. HOFFMAN] offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HOFFMAN: Page 12, line 24, after the comma, following the word "States", insert "or (3) any labor organization or any official or employee thereof", and, after the word "authority", at the end of said line 24, insert "or any of the funds of any labor organization."

Mr. HOFFMAN. Mr. Chairman, I ask unanimous consent that the three amendments that I have at the desk, which are all for the same purpose, may be considered at this time, and that I may have 5 minutes on each amendment.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the other two amendments offered by the gentleman from Michigan.

The Clerk read as follows:

Page 20, line 15, after the word "persons", strike out the period, insert a comma and the words "including labor organizations and the officers and employees thereof."

Page 1, line 2 of the title, after the word "Columbia", insert "and to labor organizations and the officials and employees thereof."

Mr. HOFFMAN. Mr. Chairman, if I may have the attention of the Committee, I shall not use a third of the time allotted to me.

Mr. RANKIN. Mr. Chairman, may we have order?

Mr. HOFFMAN. And I want to thank the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. I cannot yield now. We have been talking about doing away with political corruption. This bill is for that purpose. The gentleman from Mississippi offered an amendment which would have prevented individuals and employees in a certain line of business from taking any part in political campaigns.

In my judgment that was not a good amendment for the reason that it denied a civil right of the individual to an unnecessary degree. There is this distinction between the amendment which he offered and the one which I am offering. These amendments—there are three of them—one to the title, one to each of two sections of the bill, offered at one time so as to avoid the point of order raised against the amendment offered by the gentleman from Mississippi, are all directed toward the purpose of preventing the use of the funds of a labor organization as distinguished from the funds of the members of that organization, for any political purpose. The amendment offered by the gentleman from Mississippi applied to the individuals. These amendments do not apply to members of a union. They apply only to the funds of a union, used by the officials of the union, by the employees of the union.

The reason for these amendments is plain. If we are to have Federal corporations preventing contributions for political purposes, if we are to limit political contributions made by individuals, is there any reason why contributions from organizations which, with the aid of the Federal Government—I mean aided by the Senate Civil Liberties Committee, the National Labor Relations Board in collecting not $1,000,000 but approximately $10,000,000 a year from the workers of this country, organizations which have made political contributions of as much as $700,000 in 1 year, should not be limited in their contributions?

Now, here is the report of the special committee appointed to investigate campaign expenditures of Presidential, Vice Presidential, and senatorial candidates in 1936, pursuant to Senate Resolution 225. On page 127 of that report—and do not forget, this committee was appointed by a Democratic Vice President and the policy of the committee was controlled by Democratic Senators, so there is no political discrimination as against the Democratic or New Deal Party, and there can be none in this report.

Here is a part of that report.

The following recapitulation shows total contributions, and so forth:

The committee desires to point out that the labor contributions referred to in the following tabulation do not include contributions by individual local unions to various local organizations, such as county political committees. These compilations are from records as filed in detail with the Clerk of the House.

Recapitulation of labor organization campaign contributions, campaign of 1936, to the Democratic National Committee, $129,000, direct cash contribution. Advertising books of the Democratic National Convention of 1936, $7,500.

For the moment I will skip the others.

The total is $770,324.35, all contributed to the New Deal.

Then there is also a loan in there to the Democratic Committee of $50,000, which I understand has since been repaid. From a political standpoint, how can any Republican refuse to end such an advantage enjoyed by the New Dealers? Is it not enough that they have had the Federal Treasury to draw upon? Should they not be satisfied with the amounts which they have been able, during the past few years, to chisel from the relief appropriations? Can they not be satisfied with the sale of the President's signature on campaign books? Has not the political trough, out of which they have been feeding upon, been wide enough, deep enough, and long enough to satisfy the most greedy and shameless political pap sucker? Is there any reason why one single Republican should now by his failure to vote for this amendment again permit them to sell John L. Lewis a part of the New Deal administration?

Is there any reason in the wide world, if we are to prevent contributions by corporations, why we should not prevent a contribution of $770,000, all made to the Democratic Party—or more properly to the New Deal campaign fund? You Democrats will recall the embarrassment that followed those contributions. Here was a man whose organization contributed some $440,000 to the New Deal campaign fund. Was it a free-will offering? Perhaps the New Deal campaign committee so regarded it, but, much to the embarrassment of the Democratic Party, after the election was over along comes Lewis, and by the statements which he made and by his conduct here in the House and at the White House, he virtually claimed that he had bought a part of the administration—an absurdity on the face of it; but he was able to make that claim because we had not prevented the making of such contributions.

Mr. LUTHER A. JOHNSON. Will the gentleman yield?

Mr. HOFFMAN. Briefly.

Mr. LUTHER A. JOHNSON. Did not Mr. Lewis at the Republican convention in Philadelphia plead failure of consideration—that he had not gotten value received? [Laughter.]

Mr. HOFFMAN. I was not there; but I will say this, if he did, he certainly was most ungrateful, for any man who can buy, for even a million dollars, control of the National Labor Relations Board over a period of 3 or 4 years, favored as he has been—I say for even a million dollars—he made a good bargain, if the corrupting of an administrative board can ever be considered a good bargain. John Lewis and his C. I. O. would not be anywhere if he had not had the support of the N. L. R. B. in his organizing campaigns. That is a known fact. For every dollar his organization contributed it received the value of ten.

Now, we are talking about political corruption——

Mr. ROUTZOHN. Will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. ROUTZOHN. I am in perfect agreement with you in what you are saying. I would like to say also that the garment workers contributed large sums of money in 1938.

Mr. HOFFMAN. Yes; I know.

Let me quote from a newspaper article showing that fact. The article is as follows:

"POOR" CLOTHING WORKERS HELP A RICH POLITICIAN—WE'RE TOLD THEY LIVE IN SLUMS, BUT NEEDLE BOYS EASILY HAND UP "80 GRAND"

Following are the amounts of funds contributed by the "impoverished" Amalgamated Clothing Workers of America, controlled by Sidney Hillman, one of the big three of the C. I. O., to the various Roosevelt campaign funds in 1936, as compiled by the special United States Senate committee from the union's own reports:

June 25. To Labor's Non-Partisan League	$5,000.00
July 21. To American Labor Party	4,000.00
Aug. 27. To American Labor Party	2,137.80
Aug. 29. To American Labor Party	1,500.00
Sept. 25. To American Labor Party	120.00
Oct. 2. To American Labor Party	100.00
Oct. 5. To American Labor Party	$1,000.00
Oct. 6. To American Labor Party	500.00
Oct. 7. To American Labor Party	1,000.00
Oct. 13. To American Labor Party	253.50
Oct. 14. To American Labor Party	1,605.00
Oct. 15. To Labor's Non-Partisan League	5,000.00
Oct. 22. To American Labor Party	371.75
Oct. 26. To American Labor Party	5,000.00
Oct. 28. To Labor's Non-Partisan League	5,000.00
Oct. 30. To American Labor Party	4,843.84
Nov. 3. To American Labor Party	5,000.00
Nov. 3. Loan from Amalgamated Bank to American Labor Party	7,500.00
Nov. 10. Same as above	1,000.00
Nov. 18. Same as above	1,500.00
Nov. 19. Contribution from Amalgamated Bank to American Labor Party	25,000.00
Undated. To Minnesota Farmer-Labor Party	4,350.00
Undated. From Sidney Hillman to Democratic National Committee	500.00
Total	82,281.89

Here is another:

"SWEATSHOP" HELP POURED GOLD IN PRESIDENT'S LAP—DUBINSKY, WHO GAVE MORE TO SPANISH "RED," HAL THEM BETTER DORIS DUKE'S GIFT

Following are the amounts of funds contributed by the "impoverished" International Ladies Garment Workers, controlled by David Dubinsky, one of the Big Three of the C. I. O., to the various Roosevelt campaign funds in 1936 as compiled by the special United States Senate committee from the union's own reports:

June 25. To Labor's Non-Partisan League	$5,000.00
July 21. To American Labor Party	5,000.00
Aug. 29. To American Labor Party	5,000.00
Sept. 10. To American Labor Party	1,150.00
Sept. 22. To American Labor Party	3,000.00
Sept. 25. To American Labor Party	200.00
Sept. 30. To American Labor Party	300.00
Oct. 24. To American Labor Party	5,000.00
Oct. 27. To Labor's Non-Partisan League	5,000.00
Oct. 27. To American Labor Party	5,000.00
Oct. 29. To American Labor Party	7,792.00
Oct. 30. To American Labor Party	1,843.85
Nov. 3. To American Labor Party	5,000.00
Nov. 18. To American Labor Party	100.00
Undated. To Labor's Non-Partisan League for use in New Jersey	2,500.00
Undated. To Labor's Non-Partisan League for use in Pennsylvania	2,500.00
Undated. To Labor's Non-Partisan League for use in Illinois	2,000.00
Undated. To Minnesota Farmer Labor Party	5,000.00
Total	61,385.85

And still another:

"STARVING" MINERS GAVE BIG FORTUNE TO RICH ROOSEVELT—MEN WHOSE LEADERS SAY THEY ARE STARVING RIVAL DU PONTS, MORGAN, AND ROCKEFELLER

Following are the amounts of funds contributed by the "impoverished" United Mine Workers of America, controlled by John L. Lewis, leader of the Big Three of the C. I. O., to the various Roosevelt campaign funds in 1936 as compiled by the special United States Senate committee from the union's own reports:

Apr. 1. For advertisement in Democratic Convention Book	$5,000.00
Apr. 30. For copies of Democratic Convention Book	1,250.00
May 29. To Labor's Non-Partisan League	5,000.00
Aug. 12. To Labor's Non-Partisan League	10,000.00
Aug. 15. To Roosevelt Nominators' Division	185.00
Sept. 1. To Roosevelt Nominators' Division	295.00
Sept. 21. To Labor's Non-Partisan League	18,850.00
Sept. 28. To Labor's Non-Partisan League	18,850.00
Sept. 29. To Labor's Non-Partisan League	10,000.00
Sept. 30. To Roosevelt Nominators' Division	50,000.00
Oct. 1. To Labor's Non-Partisan League	100.00
Oct. 5. To Labor's Non-Partisan League	18,850.00
Oct. 6. To Progressive National Committee	35,000.00
Oct. 8. To Democratic National Committee	50,000.00
Oct. 12. To Labor's Non-Partisan League	18,850.00
Oct. 16. To Labor's Non-Partisan League	9,128.00
Oct. 19. To Labor's Non-Partisan League	18,850.00
Oct. 28. To Democratic National Committee	50,000.00
Oct. 31. Loan to Democratic National Committee (still unpaid)	50,000.00
Nov. 3. To Labor's Non-Partisan League	20,000.00
Dec. 3. To Democratic National Committee	100.00
Undated. To Labor's Non-Partisan League for use in Pennsylvania	12,500.00
Undated. To Labor's Non-Partisan League for use in Luzerne County, Pa	7,500.00
Undated. To Labor's Non-Partisan League for use in 3 Pennsylvania counties	3,500.00

Undated. To Pennsylvania Democratic State Committee	$40,000.00
Undated. For campaign buttons	3,091.43
Undated. For advertisement in J. David Stern's Philadelphia Record	800.00
Undated. For campaign pamphlets	2,597.97
Undated. For campaign postage	3,531.51
Undated. To Congressman McLaughlin	520.00
Undated. To Democratic Senatorial Committee	6,000.00
Total	470,348.91

Mr. MURDOCK of Utah. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. MURDOCK of Utah. If the gentleman will look at the contribution from the Du Ponts to the Republican Party, he will find that labor is a piker when it comes to making contributions. It is in that same book.

Mr. HOFFMAN. I know.

The exact amount of money contributed by the Du Ponts and of all others who contributed to the Republican Party is shown in this report. If you will examine it you will note that they contributed of their own funds; they contributed money which belonged to them, money which was their individual property.

These labor organizations contributed the funds which they held in trust for their members, funds which had been collected through the check-off, through the fear of the loss of jobs, if payment was not made; from men who could ill-afford to make those contributions. Another thing the Du Ponts and others who contributed to the Republican Party made a gift to promote a cause in which they believed. Money which these labor organizations contributed for political purposes was all too often contributed to an organization and for a purpose in which the men who earned that money, the man from whom it was taken, had neither faith nor confidence.

These amendments extend and carry out the announced purpose of this bill. The purpose of the bill, as announced in the papers, is to prevent, as far as possible, the improper use of money, of influence in political campaigns. If the purpose of this bill be as announced by those sponsoring and supporting it, to prevent the influencing or the purchasing of nominations or elections; of buying, through the use of money or of influence, the office of President, of Vice President, of Congressmen, and of Senators, then there is no reason why a labor organization should be permitted to contribute hundreds of thousands of dollars toward the purchasing of public officials, or if you prefer, toward the election of public officials who will do their will.

Experience demonstrates, and the records show, that for the purpose of controlling legislation, John L. Lewis and labor organizations, according to this report of the Senate committee, spent more than $770,000.

Republicans know that that money was spent to defeat their candidates. Democrats know that it was spent to elect new dealers and that some of these organizations used their influence to defeat Democrats. Republicans, if they want equal opportunity to present their views to the voters next November, should vote for these amendments. They should not handicap themselves by the failure to adopt these amendments. They should not exempt from the provisions of this bill contributors to their political enemies while voting to limit contributors to their own party.

Republicans should at least insist upon competing upon an actual basis. Republicans and Democrats who announce that they believe in clean politics should by their vote on these amendments demonstrate their sincerity. These amendments are a test of the sincerity of those who state that they wish to place the office of President, of Vice President, of Members of Congress, beyond the reach of those who believe that such offices can be purchased. These amendments are a challenge to the courage of every Member of this House who says that he wants to do away with contributions to political parties which lead toward corruption.

If you wish to do something toward furthering the cause of clean politics, here is your opportunity. If you fear retaliation through the political activities of certain labor organizations, let me say to you that the organization which would seek to buy you today will cut your political throat tomorrow.

Let me say to you that if through fear of the votes of a labor organization you vote against these amendments, you have not the slightest assurance that that organization will support you; that it will not give aid to your political opponent. And remember this, that those who use money to corrupt the voters are fickle bosses. More than that, they are tyrants, and the moment you cease to do their bidding, an order for your political execution will follow.

This reasoning applies as well to independent Democrats as it does to Republicans.

Let me repeat, here are amendments which place you squarely on the spot. They test your sincerity, your courage, your independence. Here is your opportunity to take a long, long step to free all political parties from the domination of labor racketeers.

The whole record is here. As I understand it, corporations are now limited in the amount which they may contribute, and we propose in this bill to liimt the contributions of individuals. Why not limit the contributions of labor organizations, which are making politics a part of their business? [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. RANKIN. Mr. Chairman, may we have the amendments again reported?

The CHAIRMAN. Without objection the Clerk will again report the amendments offered by the gentleman from Michigan, which will be considered en bloc.

There was no objection.

The Clerk again read the amendments.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Michigan.

The question was taken; and on a division (demanded by Mr. HOFFMAN) there were—ayes 50, noes 86.

So the amendments were rejected.

Mr. RAMSPECK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RAMSPECK: On page 19, line 10, after the period, insert:

"The Civil Service Commission shall have power to require by subpena the attendance and testimony of witnesses and the production of all documentary evidence relating to any matter pending before the Commission. Any member of the Commission may sign subpenas, and members of the Commission and its examiners when authorized by the Commission may administer oaths and affirmations, examine witnesses, and receive evidence.

"Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing. In case of disobedience to a subpena, the Commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence.

"Any of the district courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpena issued to any person, issue an order requiring such person to appear before the Commission, or to produce documentary evidence if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"The Commission may order testimony to be taken by deposition in any proceeding or investigation pending before the Commission at any stage of such proceeding or investigation. Such depositions may be taken before any person, designated by the Commission and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence before the Commission as hereinbefore provided.

"No person shall be excused from attending and testifying or from producing documentary evidence or in obedience to a subpena on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify, or produce evidence, documentary or otherwise, before the Commission in obedience to a subpena issued by it: *Provided*, That no person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying."

Mr. SUMNERS of Texas. Mr. Chairman, I make a point of order against the amendment offered by the gentleman from Georgia.

The CHAIRMAN. The gentleman will state it.

Mr. SUMNERS of Texas. As near as I can gather from the reading of the amendment, it proposes that the procedure prescribed for, and the powers therein granted to, the Civil Service Commission shall apply generally and without specific limitation to the provisions of the pending bill. I may have misunderstood the reading of the amendment, but that is the way I understood it.

Mr. RAMSPECK. Mr. Chairman, there is no question about the fact that the authority conferred by this amendment could be used in other matters. It also relates, however, to the investigations and the hearings required to be made by this bill.

The CHAIRMAN. The Chair would like to ask the gentleman from Georgia a question. The first sentence of the amendment reads:

The Civil Service Commission shall have power to require by subpena the attendance and testimony of witnesses and the production of all documentary evidence relating to any matter pending before the Commission.

Mr. RAMSPECK. That is correct, Mr. Chairman. It goes beyong the scope of this bill, but I point out that the Commission is directed in this bill to investigate complaints made under this act; and the purpose of this amendment is to give them the power of subpena, which they do not now have under the civil-service law, to comply with the directions of this bill.

The CHAIRMAN. Does the gentleman from Texas insist upon the point of order?

Mr. SUMNERS of Texas. Mr. Chairman, I am compelled to insist upon the point of order. It may be that this would be proper legislation when properly considered, but to propose an amendment as comprehensive as this without an opportunity on the part of the Members to study it compels me to insist upon the point of order. For this reason alone I insist upon the point of order.

Mr. WHITTINGTON. Mr. Chairman, may I be heard upon the point of order?

The CHAIRMAN. The Chair will hear the gentleman briefly.

Mr. WHITTINGTON. I point out to the Chair that for the amendment to be germane to the bill under consideration, the power of subpena given to the Civil Service Commission and the right to invoke the aid of the courts ought to be limited to the matters contained in this bill. I suggest that because it is not so limited, it is not germane to the bill.

The CHAIRMAN. The Chair is prepared to rule.

The gentleman from Georgia admits that the amendment goes beyond the provisions of the pending bill. The amendment, of course, is not germane for that reason.

The Chair sustains the point of order.

Mr. DUNCAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DUNCAN: Page 13, line 17, after the word "sections" add a new section to be known as section 12, to read as follows:

"SEC. 12. No person shall be appointed (1) to any administrative position by the United States or by any department, independent agency, or other agency of the United States (including any corporation, all of the capital stock of which is owned by the United States or any agency thereof), or (2) be appointed to any administrative agency of any State or any of its political subdivisions or municipalities (including any corporation controlled by any State or by any such political subdivision, municipality, or agency, and any corporation, all of the capital stock of which is owned by any State or by any such political subdivisions, municipality, or agency), where the United States contributes any sum, directly or indirectly, toward the payment of the salary of such position, within a period of 18 months after such person shall have been a member of any political committee created pursuant to any provision of law, or of any campaign committee for any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate or Resident Commissioner from any Territory or insular possessions, or as judge or clerk of election where names of candidates for the above-named offices have been on the ballot used in such election, or any person who shall have contributed any sum or sums in money or in services of value to any political committee, campaign committee, or person who shall be a candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate or Resident Commissioner from any Territory or insular possessions, or any person who shall have actively campaigned for any person who has been a candidate for any of the above-named offices.

"Before any person shall be appointed to any position as herein defined such person shall file a statement with the appointing authority, duly verified by affidavit, stating that such person has not been guilty of any of the acts defined herein."

Mr. DUNCAN. Mr. Chairman, when the original Hatch bill was up last year, I contributed my feeble efforts to bring about its defeat. My efforts, of course, did not appeal to anybody. With the collusion of a few Democrats and a lot of Republicans it became a law. At that time I felt it was undemocratic and un-American, and I feel the same way about it today. The amendments to the Hatch Act now before us attempt to bring within its provisions State employees. This is not only undemocratic and un-American but it is unfair and discriminatory; it is an attempt on the part of this Congress to do indirectly what you all know you have no right under the Constitution to do directly. It is an attempt to take away from a small portion of the employees of a State or municipality the rights enjoyed by others getting their salaries from approximately the same source with the exception of a few dollars. I say it is discriminatory because it attempts to abridge the right of these employees to go out and make a speech they may want to make in behalf of a political party or an individual in whom they believe. I believe it is un-American. I believe it is discriminatory because it separates and sets apart a few employees in the State as against others.

When I offered this amendment I wanted to test your good faith. You who are going to vote for this bill, I want to test your sincerity, your honesty of purpose. You say you want clean politics. One of the peculiar things I have observed throughout all the propaganda that has been distributed over this country by a Republican press which wants this bill has been the great cry that it takes politics out of relief. Every man and every woman in this House today knows that in the relief bill passed last year and also in the one passed this year a direct provision was written in taking politics out of relief. No man of you who has any degree of honesty wants to compel any person to contribute to a campaign or to force him to vote other than he wants to, to use coercion. On the other hand, any fair-minded man or woman is not going to attempt to take away from either a Federal or a State employee the right to stand up and advocate the thing or the person they believe in.

I say to you that if it is wrong to play politics from within, it is wrong to play politics from without. Why is it any more of a crime for a man or woman who holds a Government job or State job to go out and defend that job and defend the party or the Government, of which they are a part, than for a man or woman on the other side of the political fence or in the other faction to go out and exert every form of political influence known to politicians to take their job away? I submit to you as fair-minded men and women of this committee that if one is wrong the other is wrong.

Mr. Chairman, these gentlemen over here would not be interested in that, of course, because during the past few weeks after the mushroom grows up, they have gained considerable hope and confidence that they may possibly elect a President of the United States and control this House, but I may say in that connection that sunshine causes mushrooms to wither and die as soon as it hits them. They would not be for anything like this because they want to go out and use every device known to politics in this land, and they are past masters at it, and do all of those things, gather in all the money they can get from the corporations, the Power Trust, and others who are interested in their cause, but they would not be interested in this because those men and women who serve on committees, who go out and make

speeches for them, would not be eligible under my amendment to hold office for 18 months after they have gone through the cleansing process, after they have been washed white from all the effects of pernicious political activity. [Applause.]

[Here the gavel fell.]

Mr. HANCOCK. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Missouri [Mr. DUNCAN].

Mr. Chairman, it is perfectly obvious from the gentleman's remarks that his amendment is not offered in good faith. He offered the amendment, then for 5 minutes proceeded to show us its absurdity. If the amendment should be seriously considered and passed by this Committee it would mean that nobody could ever run for office or accept appointment to any Government position until 18 months after he had ceased all participation in politics. At least, that was the impression I had when I heard the proposed amendment read a moment ago.

Mr. Chairman, this bill is directed to two things. We are trying to stop the misuse of official authority to control the votes of men on the pay roll of the United States and we are trying to save them from being gouged for campaign funds whether local or national. The amendment offered by the gentleman from Missouri is not in accord with the principles of this bill and is not designed to improve it or help it to final passage. I hope you will vote down the ridiculous amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri [Mr. DUNCAN].

The question was taken; and on a division (demanded by Mr. DUNCAN), there were—ayes 44, noes 104.

So the amendment was rejected.

Mr. SMITH of Virginia. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Virginia: Page 13, line 10, add a new paragraph at the end of section 9 as follows:

"(c) No provision of this act shall prohibit an employee of the Federal Government or any State Government from (1) participation in local elections either individually or as a member of a citizen's association or other civic organization; (2) sponsoring candidates, principles, and improvements for local election or determination at the polls; (3) seeking election to office in the local government."

Mr. SMITH of Virginia. Mr. Chairman, this is a minor amendment to which I hope there will be no opposition. There is no partisanship in it and there are no politics in it. The amendment is offered to correct a wrong that has been inadvertently done people working for the Government who predominate in communities near Washington and elsewhere. They are deprived under the Hatch Act from participation in their local elections. For instance, in some communities there are so many Government employees that unless a Government employee can run for the school board, using that as an example, we are deprived of some of the very best material in that community for our local officials.

Mr. DEMPSEY. Will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from New Mexico.

Mr. DEMPSEY. I think that what the gentleman has in mind has been taken care of in the bill.

Mr. SMITH of Virginia. I will be glad to say why it has not been taken care of in the bill. The provision in the bill which is designed to take care of this situation does not, as a matter of fact, take care of it because it leaves these people at the mercy of the Civil Service Commission. They cannot participate unless they are exempted by the Civil Service Commission.

Mr. DEMPSEY. Has that not been the condition for many years and have they not by Executive order done the very thing that this bill states they can do?

Mr. SMITH of Virginia. I want to correct that condition.

Mr. DIRKSEN. Will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Illinois.

Mr. DIRKSEN. The gentleman's amendment, however, is not limited to Washington and its environs?

Mr. SMITH of Virginia. Yes.

Mr. DIRKSEN. It applies all over the country.

Mr. SMITH of Virginia. Yes.

Mr. DIRKSEN. That is the danger of the second proviso of the gentleman's amendment. Let us take a local election involving a county judge who appoints the members of the election board and those who serve as judges and clerks of election. What you do is to contribute to the setting up of a political machine that may affect the result of a Federal election. That is exactly what it will do in every metropolitan center in the country.

Mr. SMITH of Virginia. There are not enough Government employees in the sections to which the gentleman refers to have that effect.

Mr. RANDOLPH. Will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. Contrary to the observation of the gentleman from Illinois, most of the people the gentleman seeks to aid are individuals who serve at a sacrifice. There is no salary attached in most instances?

Mr. SMITH of Virginia. They are practically all nonsalaried positions. We are in that situation where the very best material in communities in the neighborhood of Washington do not have the opportunity to participate in their local affairs.

I am told that a condition like that prevails in Boulder City, which is a city of something like 5,000 population, where practically all the residents are Federal employees. How are they going to elect their local officials? How are they going to get their best people to serve if their best people are disfranchised and prohibited from serving their communities under the provisions of the Hatch Act?

Now, going back to the civil-service proposition, here is what happened under the civil service. It used to be that the Civil Service Commission, if it saw fit, could grant that relief to communities. I had this experience. I presented the same proposition from Arlington County and from the city of Alexandria at the same time, under the same conditions, and with the same argument, and asked for the same relief. They granted it in Arlington County and refused it in the city of Alexandria. We just do not want to be left under any such arbitrary situation as that.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. After next January we will have a new Civil Service Commission, which will not function the way the gentleman described.

Mr. SMITH of Virginia. I have served with them in both Democratic and Republican administrations, and I do not see much difference. [Applause.]

[Here the gavel fell.]

Mr. GWYNNE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I trust this amendment will not be adopted. Part of the amendment is bad, as has been suggested by the gentleman from Illinois [Mr. DIRKSEN]. The net result would be that it would allow people under this act to participate in city elections all over the country. The good part of the gentleman's amendment is already in the bill, in section 16. Similar provisions have heretofore been enforced by the Civil Service Commission, and they have been made to apply to towns in Maryland and Virginia such as Takoma Park, Kensington, Garrett Park, and so forth.

There is an additional provision in the bill to which I refer you, section 18, which would allow employees covered by this act to participate in some local matter pertaining strictly and entirely to their own municipality, and which was not and could not be hooked up to partisan Democratic or partisan Republican politics. For that reason, I trust that this amendment will not be adopted.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. GWYNNE. I yield to the gentleman from Virginia.

Mr. SMITH of Virginia. What suggestion does the gentleman make for relief under the situation I mentioned, where the same proposition is presented to the Civil Service Commission for two communities at the same time and one is granted and the other is refused? In other words, you leave it in the hands of an arbitrary body to determine the very vital rights of these citizens.

Mr. GWYNNE. The law is adequate. If the operation of the law by some commission is not fair and just, that is something else again.

Mr. SMITH of Virginia. Yes; but why should the Civil Service Commission have anything to do with the exercise of people's political rights? That is not what the Civil Service Commission was set up for.

Mr. GWYNNE. If we adopt the amendment the gentleman offers it will simply mean that a large part of the operation of this bill throughout the country will be seriously interfered with.

Mr. SMITH of Virginia. Just specify how this amendment will hurt your bill. How is it going to hurt your bill? There is nothing partisan about it and it affects a very few people, except in the area next to Washington. How is it going to hurt your bill? Just specify.

Mr. GWYNNE. If I understood the amendment correctly, it is not restricted to municipalities adjoining Washington.

Mr. SMITH of Virginia. It is not confined to them, but I would be glad to accept an amendment that would confine it to them.

Mr. GWYNNE. I understand it applies all over the country, which is, as I say, the bad part of the amendment.

Mr. KELLER. Mr. Chairman, will the gentleman yield?

Mr. GWYNNE. I yield to the gentleman from Illinois.

Mr. KELLER. Would the gentleman be willing to grant rights to the people of Maryland and Virginia that he would deny to the people of Iowa and Illinois?

Mr. GWYNNE. No. Of course, we realize, and the bill realizes it, too, that there are some small communities around Washington where the population is made up almost entirely of people working for the Government, and necessity compels the making of an exception there so that these people may manage their own little city. That is taken care of in the bill.

Mr. KELLER. Why not give that same right to the people of Iowa, Illinois, Kentucky, and the rest of the States?

Mr. GWYNNE. Because the fundamental purpose of this bill is to keep these employees out of partisan politics.

Mr. KELLER. Out of national, but not out of local politics, surely.

Mr. GWYNNE. No. In that connection I call the attention of the gentleman to section 18 of the bill, which gives the citizens of any town the right to participate in those things which are strictly local and strictly municipal, but they cannot be mixed up in partisan matters.

Mr. DIRKSEN. Mr. Chairman, will the gentleman yield?

Mr. GWYNNE. I yield to the gentleman from Illinois.

Mr. DIRKSEN. The answer to the gentleman from Illinois as to whether an exception ought to be made is simply this: We already make a constitutional exception in the case of the people of the city of Washington, and do not even give them the right to vote. That is the answer, certainly.

Mr. KELLER. That is not the question here at all.

Mr. DIRKSEN. You are simply adding one more exception here to an exception that already constitutionally exists.

Mr. KELLER. Is the gentleman willing to deny it to Illinois?

Mr. DIRKSEN. I would just as leave resist that provision as any other.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. SMITH].

The question was taken; and on a division (demanded by Mr. SMITH of Virginia) there were—ayes 43, noes 112.

So the amendment was rejected.

Mr. HAVENNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HAVENNER: Page 21, after line 7, insert: "It is further declared to be a pernicious political activity, and it shall hereafter be unlawful for any officer, employee, or agency of a public-utility holding company registered with the Securities and Exchange Commission under the Public Utility Holding Company Act of 1935, or of any subsidiary company thereof, to contribute any money derived either directly or indirectly from payments made by rate payers for public-utility services to any candidate for an elective Federal office (including the offices of President of the United States and Presidential and Vice Presidential electors) or to any representative or agent of such a candidate, or to any political party, political committee, or other political organization engaged in furthering, advocating, or advancing the nomination or election of any candidate for such office, or the success of any national political party."

Mr. HAVENNER. Mr. Chairman, this amendment would specifically prohibit the expenditure of moneys collected from the ratepayers of America by public-utility corporations for the purpose of influencing elections.

Mr. HANCOCK. Mr. Chairman, will the gentleman yield?

Mr. HAVENNER. I yield.

Mr. HANCOCK. Are not the contents of the gentleman's amendment already the law of the land?

Mr. HAVENNER. I do not think so.

Mr. HANCOCK. Corporations are now prohibited from making campaign contributions.

Mr. HAVENNER. I will say to the gentleman that I have tried very earnestly since I have been a Member of Congress to find some statute of this kind that was effective and I have been unable to find one.

Mr. HANCOCK. I would suggest the gentleman read the Corrupt Practices Act and certain sections of the penal statutes, beginning at section 208.

Mr. HAVENNER. Mr. Chairman, I am convinced that there is not now statutory authority to carry out the purpose of the amendment which I have offered.

The amendment, Mr. Chairman, strikes at the greatest source of political corruption in the history of modern government. If we prohibit, by law, the expenditure of public-utility funds for political purposes, we shall have taken the greatest step ever taken toward the ideal of purity of elections. There is nothing so repugnant to the American sense of decency as the outrageous expenditure of the money collected from the people of America for light, heat, and water, and the necessities of life in order to control the Government of this Nation. As one distinguished American statesman said not many years ago—and incidentally he was a member of the minority party here today, the public utility corporations are picking the people's pockets to poison their minds.

This amendment will outlaw this pernicious practice and I urge its adoption, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. HAVENNER].

The question was taken; and on a division (demanded by Mr. HAVENNER) there were—ayes 59, noes 109.

So the amendment was rejected.

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DINGELL: Page 26, line 3, after the word "violation", insert a new section to read as follows:

"SEC. 21. Nothing in this act shall be construed as in any way affecting educational, religious, eleemosynary, philanthropic, or cultural institutions, establishments, and agencies, together with the officers and employees thereof."

Mr. DINGELL. Mr. Chairman, I offer what is known as the Brown amendment, and which was adopted in the Senate. It aims primarily to protect academic freedom and to eliminate any interference with certain schools and land-grant colleges. I think the so-called Brown amendment has much merit. Many of our schools and universities which directly or indirectly receive a certain amount of Federal money are apt to be jeopardized by the mere expression of

some underling connected with the school or university. I think it is a very dangerous situation to contemplate. I think that this amendment, without much ado or discussion, ought to be agreed upon because there is no harm in it, and I can see much good. I am sorry that I have not the time to make any lengthy reference, such as is contained in Senator BROWN'S discourse delivered on the floor of the Senate, but I would refer Members to the CONGRESSIONAL RECORD, page 2621, which illustrates very graphically and clearly the merits of this amendment. I think that the school teachers in every city and town in every State in the Union will be proscribed from inculcating or teaching political economy. Their expressions may be misinterpreted and they might be charged with partisanship or pernicious political activity and the school or university to which they are attached penalized by the loss of its grant from the Federal Government. There is nothing partisan in my amendment, and I think both sides of the aisle could very well afford to restore this provision to the bill. Without this amendment the teachers of America in certain schools face a restriction which is tantamount to "muzzling." It is the first step toward applying shackles to our educational freedom. To me it is as important as the freedom of speech and of the press.

Mr. MURDOCK of Utah. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. Gladly, to my friend from Utah.

Mr. MURDOCK of Utah. Merely to make the suggestion that I think the amendment is a very meritorious one and should be adopted.

Mr. DINGELL. I thank the gentleman for his valuable opinion.

Mr. HANCOCK. Mr. Chairman, this amendment was considered in the committee and rejected. There is no more reason why the teachers and the preachers and the social workers of this country, living wholly or partly on Federal funds, should be allowed to engage in pernicious political practices than why anybody else should. As a matter of fact, I think there are very strong reasons for providing safeguards to protect our children in the Sunday schools and in the public schools and institutions from political indoctrination. The bill will not interfere with the teaching of economics, unless the professor becomes active in a political campaign and his "economics" become stump speeches. The proposed amendment was rejected almost unanimously by the committee and it ought to be turned down here.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was rejected.

The CHAIRMAN. The gentleman from Maryland [Mr. SASSCER] has an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. SASSCER to S. 3046: Strike out all of section 16, on page 22, and insert in lieu thereof the following:

"SEC. 22. By reason of special or unusual circumstances which exist in incorporated cities, towns, and villages, any part of which is within 50 miles of the District of Columbia line, no provision of this act shall prohibit any employee of the Government of the United States or the District of Columbia, or any other person to whom this act is applicable residing in such city, town, or village, from taking part in political management or in political campaigns involving such city, town, or village, nor from holding office in said city, town, or village: *Provided*, That the compensation from said municipal office shall not be in excess of $600 per annum."

Mr. SASSCER. Mr. Chairman, I rise with as much sincerity in respect to this amendment as anyone who has ever addressed this House. I ask you to give me your attention for a moment, and I shall briefly explain. When the last Hatch Act was passed, it was not intended that it should apply to small municipalities here close to the District of Columbia, or in fact possibly anywhere where the officers serve with little or no compensation. A situation arises which is crucial and critical to the environments of Washington, where these towns—some of them—have 80 or 85 percent of their citizens made up of Federal employees. Therefore, in order to correct that situation the author and sponsors and those in favor of the bill, realizing that a peculiar situation existed in these localities, wrote section 15 into the act, which permits the people in those towns who work in the Government, to serve their little communities after they get home at night, in most instances, without compensation.

This amendment merely does two things. We have in the bill established the policy of exempting these small communities which are made up, as I said, practically of Government employees who serve for nothing. The bill, however, leaves it to the discretion of the Civil Service Commission. All I am asking the House to do is to do all the way what you partially do in the bill. Instead of leaving it to the discretion of the Civil Service Commission to determine what is the immediate vicinity of Washington, or leaving it to the Civil Service Commission to decide whether special or unusual circumstances exist, and promulgate rules in connection with the elections in these 24 little towns adjacent to Washington, to just exempt them all the way, as you intended to do under the original Hatch Act.

The difference between my amendment and that of my colleague from Virginia [Mr. SMITH] is simply this: It meets the objection made that it is Nation-wide in its scope and may get into a big city political machine. I put 50 miles in the amendment because on the water front in lower Maryland there is one particular case that is involved. The distinguished physician of this House, Dr. Calver, is mayor of that town. There are numerous other instances of fine public servants, who, on account of the pernicious activity phase of the Hatch Act, which did not intend to go that far, had to resign and could not serve their towns for nothing. So I am simply asking to do all the way what you partially do in section 15, and not leave it to the discretion of the Civil Service Commission.

Mr. DIRKSEN. Will the gentleman yield?

Mr. SASSCER. I yield.

Mr. DIRKSEN. The limitation of 50 miles, which the gentleman carries in his amendment, would extend beyond the environs of Baltimore. Is there any reason why it should be more than 25 miles to reach these towns that are predominantly made up of Government employees?

Mr. SASSCER. I am willing to make it 40 miles. North Beach, the town to which I had reference, is probably 30 miles away.

Mr. DIRKSEN. Of course you could not reach everywhere.

Mr. SASSCER. Baltimore City would not be under this amendment, because we say where the compensation is under $600 for the office. I am willing to make it 40 miles.

Mr. WALTER. Will the gentleman yield?

Mr. SASSCER. I yield.

Mr. WALTER. Sections 15 and 16 were inserted in this bill at the request of the United States Senators from Maryland to meet the situation the gentleman has described here. I understand this language is entirely adequate to meet that situation.

Mr. SASSCER. It is adequate, with this exception, that it leaves to the Civil Service Commission to decide whether unusual circumstances exist, and it does not define what is "the immediate environs of Washington." Chicago is close to Washington as compared with California. North Beach, 30 miles away, may be not in the immediate environs compared to Hyattsville. We are not in any particular controversy. I think everybody is in accord. I am just asking to do what we are intending to do and not leave it to the Civil Service Commission.

Mr. Chairman, I ask unanimous consent to strike out "50 miles" and insert "40 miles."

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Maryland [Mr. SASSCER].

The question was taken; and on a division (demanded by Mr. SASSCER) there were ayes 76 and noes 119.

So the amendment was rejected.

Mr. RAMSPECK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RAMSPECK: On page 19, line 10, after the period, insert:

"The Civil Service Commission shall have power to require by subpena the attendance and testimony of witnesses and the production of all documentary evidence relating to any matter pending, as a result of this act, before the Commission. Any member of the Commission may sign subpenas, and members of the Commission and its examiners, when authorized by the Commission, may administer oaths and affirmations, examine witnesses, and receive evidence.

"Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing. In case of disobedience to a subpena, the Commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence.

"Any of the district courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpena issued to any person, issue an order requiring such person to appear before the Commission, or to produce documentary evidence if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"The Commission may order testimony to be taken by deposition in any proceeding or investigation which, as a result of this act, is pending before the Commission at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the Commission and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence before the Commission as hereinbefore provided.

"No person shall be excused from attending and testifying or from producing documentary evidence or in obedience to a subpena on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify, or produce evidence, documentary or otherwise, before the Commission in obedience to a subpena issued by it: *Provided*, That no person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying."

Mr. RAMSPECK. Mr. Chairman, I just want to say a word about this. The Civil Service Commission, under this law, is charged with an enforcement job which they did not seek and do not crave; but they have no power of subpena, and if you want them to do the job under this act they must have power. It is now limited to things arising under this act, and gives them the power to subpena persons and documents so that they can get evidence relating to violations that are charged.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Georgia.

The amendment was agreed to.

The CHAIRMAN. The question recurs on the committee amendment as amended.

The committee amendment as amended was agreed to.

The CHAIRMAN. Under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MCCORMACK, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee having had under consideration the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939. Pursuant to House Resolution 514 he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER. Under the rule the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. BALL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BALL. I am.

The SPEAKER. The gentleman qualifies. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BALL moves to recommit the bill to the Committee on the Judiciary.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. SUMNERS of Texas) there were—ayes 103, noes 182.

So the motion was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. SUMNERS of Texas. Mr. Speaker, on the passage of the bill I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 243, nays 122, not voting 66, as follows:

[Roll No. 168]

YEAS—243

Allen, Ill.	Englebright	Jonkman	Rich
Allen, La.	Faddis	Kean	Rockefeller
Allen, Pa.	Fenton	Keefe	Rodgers, Pa.
Andersen, H. Carl	Ferguson	Kinzer	Rogers, Mass.
Anderson, Calif.	Fish	Kirwan	Routzohn
Anderson, Mo.	Flaherty	Knutson	Rutherford
Andresen, A. H.	Flannery	Kramer	Ryan
Andrews	Gamble	Kunkel	Sabath
Angell	Gartner	Lambertson	Sandager
Arends	Gathings	Landis	Schafer, Wis.
Austin	Gearhart	Lanham	Schiffler
Barton, N. Y.	Gehrmann	Larrabee	Seccombe
Bates, Mass.	Gerlach	Lea	Secrest
Beckworth	Geyer, Calif.	Leavy	Seger
Bender	Gifford	LeCompte	Shafer, Mich.
Blackney	Gilchrist	Lemke	Shanley
Bloom	Gillie	Lewis, Colo.	Short
Boehne	Goodwin	Lewis, Ohio	Simpson
Bolles	Gore	Luce	Smith, Conn.
Bolton	Gossett	Ludlow	Smith, Ill.
Boren	Graham	McCormack	Smith, Maine
Bradley, Mich.	Grant, Ind.	McDowell	Smith, Ohio
Brewster	Griffith	McGregor	Smith, Wash.
Brooks	Gross	McLaughlin	Somers, N. Y.
Brown, Ohio	Guyer, Kans.	McLean	Stearns, N. H.
Burdick	Gwynne	McLeod	Stefan
Byrne, N. Y.	Hall, Edwin A.	Mahon	Sumner, Ill.
Byrns, Tenn.	Hall, Leonard W.	Maloney	Sutphin
Carlson	Halleck	Marshall	Sweeney
Carter	Hancock	Martin, Iowa	Sweet
Case, S. Dak.	Harter, N. Y.	Martin, Mass.	Taber
Chiperfield	Harter, Ohio	Mason	Talle
Church	Hartley	Massingale	Terry
Clason	Havenner	Michener	Thill
Clevenger	Hawks	Miller	Thomas, N. J.
Cluett	Healey	Mills, La.	Thomas, Tex.
Cochran	Hennings	Monkiewicz	Thomason
Coffee, Wash.	Hess	Monroney	Tibbott
Cole, Md.	Hill	Mott	Tinkham
Cole, N. Y.	Hinshaw	Mouton	Tolan
Colmer	Hoffman	Mundt	Treadway
Cooper	Holmes	Murdock, Ariz.	Van Zandt
Corbett	Hope	Murdock, Utah	Vorys, Ohio
Costello	Horton	Murray	Vreeland
Crosser	Houston	O'Brien	Wadsworth
Crowther	Hull	Oliver	Wallgren
Curtis	Hunter	Osmers	Walter
Davis	Jacobsen	Pearson	Ward
Dempsey	Jarman	Pfeifer	Welch
Dickstein	Jarrett	Pierce	Wheat
Dirksen	Jeffries	Pittenger	Whelchel
Disney	Jenkins, Ohio	Plumley	Whittington
Ditter	Jenks, N. H.	Poage	Wigglesworth
Dondero	Jennings	Polk	Williams, Del.
Douglas	Jensen	Powers	Winter
Doxey	Johns	Ramspeck	Wolcott
Dworshak	Johnson, Ill.	Randolph	Wolfenden, Pa.
Eberharter	Johnson, Ind.	Reece, Tenn.	Wolverton, N. J.
Edelstein	Johnson, Okla.	Reed, Ill.	Woodruff, Mich.
Elliott	Jones, Ohio	Reed, N. Y.	Youngdahl
Elston	Jones, Tex.	Rees, Kans.	

NAYS—122

Ball	Brown, Ga.	Cooley	Edmiston
Barden, N. C.	Bryson	Courtney	Evans
Barnes	Buckley, N. Y.	Cox	Fay
Barry	Bulwinkle	Cravens	Fitzpatrick
Bates, Ky.	Burgin	D'Alesandro	Flannagan
Beam	Caldwell	Darden, Va.	Fries
Bell	Camp	Dingell	Fulmer
Bland	Cartwright	Duncan	Garrett
Boland	Claypool	Dunn	Gavagan
Boykin	Coffee, Nebr.	Durham	Gibbs

Grant, Ala.	Kleberg	O'Toole	Smith, Va.
Gregory	Kocialkowski	Pace	Smith, W. Va.
Hare	Lesinski	Patman	Snyder
Harrington	Lynch	Patrick	South
Hart	McAndrews	Patton	Sparkman
Hendricks	McArdle	Peterson, Ga.	Spence
Hobbs	McGranery	Rabaut	Steagall
Hook	McKeough	Rankin	Sumners, Tex.
Izac	McMillan, Clara	Rayburn	Tarver
Johnson, Luther A.	McMillan, John L.	Richards	Tenerowicz
Johnson, Lyndon	Mansfield	Robertson	Vincent, Ky.
Johnson, W. Va.	Marcantonio	Rogers, Okla.	Vinson, Ga.
Kefauver	May	Romjue	Warren
Keller	Mills, Ark.	Sacks	Weaver
Kelly	Moser	Sasscer	West
Kennedy, Md.	Myers	Satterfield	Williams, Mo.
Kennedy, Michael	Nelson	Schuetz	Wood
Keogh	Nichols	Schwert	Woodrum, Va.
Kerr	Norrell	Shannon	Zimmerman
Kilday	O'Leary	Sheppard	
Kitchens	O'Neal	Sheridan	

NOT VOTING—66

Alexander	Crowe	Ford, Thomas F.	Peterson, Fla.
Arnold	Culkin	Green	Risk
Bradley, Pa.	Cullen	Harness	Robinson, Utah
Buck	Cummings	Kee	Robsion, Ky.
Buckler, Minn.	Darrow	Kennedy, Martin	Schaefer, Ill.
Burch	Delaney	Kilburn	Schulte
Byron	DeRouen	McGehee	Scrugham
Cannon, Fla.	Dies	Maas	Springer
Cannon, Mo.	Doughton	Maciejewski	Starnes, Ala.
Casey, Mass.	Drewry	Magnuson	Sullivan
Celler	Eaton	Martin, Ill.	Taylor
Chapman	Ellis	Merritt	Thorkelson
Clark	Engel	Mitchell	Voorhis, Calif.
Collins	Fernandez	Norton	White, Idaho
Connery	Folger	O'Connor	White, Ohio
Crawford	Ford, Leland M.	O'Day	
Creal	Ford, Miss.	Parsons	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Byron (for) with Mr. Martin J. Kennedy (against).
Mr. Martin of Illinois (for) with Mr. Cullen (against).
Mr. DeRouen (for) with Mr. Arnold (against).
Mr. Kilburn (for) with Mr. Scrugham (against).
Mr. Schaefer of Illinois (for) with Mr. Green (against).
Mrs. O'Day (for) with Mr. Maciejewski (against).
Mr. Celler (for) with Mr. Schulte (against).
Mr. Eaton (for) with Mr. Robinson of Utah (against).
Mr. Alexander (for) with Mr. Crowe (against).
Mr. Cannon of Florida (for) with Mr. Buck (against).
Mr. Casey of Massachusetts (for) with Mr. Thomas F. Ford (against).
Mr. Crawford (for) with Mr. Folger (against).

Until further notice:

Mr. Doughton with Mr. Culkin.
Mr. Drewry with Mr. Leland M. Ford.
Mr. Collins with Mr. Springer.
Mr. Ford of Mississippi with Mr. Engel.
Mr. Burch with Mr. Robsion of Kentucky.
Mr. Starnes of Alabama with Mr. Harness.
Mr. McGehee with Mr. Maas.
Mr. Dies with Mr. Darrow.
Mr. Clark with Mr. Risk.
Mr. Peterson of Florida with Mr. Thorkelson.
Mr. Parsons with Mr. White of Ohio.
Mr. Fernandez with Mr. Buckler of Minnesota.
Mr. White of Idaho with Mr. Kee.
Mr. Magnuson with Mr. Cannon of Missouri.
Mr. Chapman with Mr. Delaney.
Mr. Ellis with Mrs. Norton.
Mr. Creal with Mr. O'Connor.
Mr. Taylor with Mr. Cummings.
Mr. Connery with Mr. Merritt.
Mr. Sullivan with Mr. Bradley of Pennsylvania.

Mr. CARTWRIGHT changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. BEAM. Mr. Speaker, my colleague the gentleman from Illinois, Mr. MCKEOUGH, was unavoidably detained. Had he been here, he would have voted "nay" on the bill just passed.

EXTENSION OF REMARKS

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their own remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT OVER

Mr. RAYBURN. Mr. Speaker, I offer a privileged resolution.

The Clerk read as follows:

House Concurrent Resolution 86

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Thursday, July 11, 1940, they stand adjourned until 12 o'clock meridian, Monday, July 22, 1940.

The concurrent resolution was agreed to.

CLERK OF THE HOUSE

Mr. RAYBURN. Mr. Speaker, I offer a privileged resolution.

The Clerk read as follows:

House Resolution 552

Resolved, That notwithstanding the recess or the adjournment of the House until July 22, 1940, the Clerk of the House is hereby authorized to receive messages from the Senate, and the Speaker be, and he is hereby, authorized to sign any enrolled bills or joint resolutions duly passed by the two Houses and which have been examined by the Committee on Enrolled Bills and found truly enrolled.

The resolution was agreed to.

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER. The Chair designates the gentleman from Texas [Mr. RAYBURN] to preside over the House tomorrow as Speaker pro tempore.

EXTENSION OF REMARKS

Mr. SHEPPARD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a resolution I introduced in the House today.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SMITH of Connecticut. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a resolution by the National Guard Association of Connecticut.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. McGRANERY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address by Hon. Francis Biddle, Solicitor General of the United States, before the Philadelphia Forum on March 7 this year entitled "America's Maturity."

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a short article from today's Washington Times-Herald entitled "Britons Call Americans Yellow."

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PROGRAM FOR TOMORROW

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for 1 minute, to make an inquiry of the majority leader.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. MARTIN]?

There was no objection.

Mr. MARTIN of Massachusetts. Mr. Speaker, there has been considerable questioning as to what the program will be for tomorrow. The membership would like to know what we have scheduled.

Mr. RAYBURN. There will be a bill from the Appropriations Committee making an appropriation for an additional dam in the Tennessee Valley.

Mr. MARTIN of Massachusetts. It has been definitely determined to call that up?

Mr. RAYBURN. Yes.

Mr. MARTIN of Massachusetts. I understood there was some opposition to that matter.

Mr. RAYBURN. My first impression was it was going to be unanimous, but I think some opposition has developed.

Mr. MARTIN of Massachusetts. The bill is going to be called up.

Mr. KNUTSON. Will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield to the gentleman from Minnesota.

Mr. KNUTSON. Would it be possible to have that go over until the 30th?

Mr. RAYBURN. May I make this statement to the gentleman. I sat in the hearings on this bill yesterday for awhile. Mr. Knudsen, Mr. Stettinius, and Mr. Dunn, who is one of the great electrical engineers of the country, and who had a great deal to do with the Tennessee Valley Authority, usually in opposition to it, were present, and they made the statement, as I remember, and I can be corrected by the gentleman from Virginia or by the gentleman from New York if I am in error, that it was one of the most essential links in our whole defense program, that it was vitally necessary that additional power be had at the earliest possible moment in order to manufacture aluminum to build airplanes.

Further, it was stated that days count, and that it would take until the winter or early in 1942 to finish it. It was stated that it is essential to be finished by that time in order to catch the spring flood.

Those are some of the arguments of the defense council for the bill and its early consideration. They stated that even 90 days' delay in the passage of the bill might delay the whole project for 12 months.

Mr. FADDIS. Will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield to the gentleman from Pennsylvania.

Mr. FADDIS. Where does the Appropriation Committee at this time get the authorization or legislation necessary to bring this matter out?

Mr. RAYBURN. The gentleman will have to ask the gentleman from Virginia or some member of the Appropriations Committee. I assume it has the authority to make this appropriation or they would not have done it.

Mr. TABER. I do not believe there is any authority for the steam plant which is proposed.

Mr. RAYBURN. The gentleman does not know absolutely?

The SPEAKER. In the opinion of the Chair, those matters might well be threshed out tomorrow.

[Here the gavel fell.]

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota [Mr. KNUTSON]?

There was no objection.

Mr. KNUTSON. Mr. Speaker, I would like to have a little more information from the majority leader. Does the bill that will come before us tomorrow provide for steam plants in the T. V. A. or does it cover only an additional dam?

Mr. RAYBURN. It is an additional dam.

Mr. TABER. Both. It provides for a dam on the Holston River and for a steam plant to produce 120,000 kilowatts, the idea being to take care of the peak loads so that the dry seasons will not affect them and they will have adequate power.

Mr. KNUTSON. I will go into that tomorrow.

EXTENSION OF REMARKS

Mr. SNYDER, Mr. HOFFMAN, and Mr. GRANT of Alabama asked and were given permission to extend their own remarks in the RECORD.

Mr. GIBBS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a resolution from an American Legion post in Georgia.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. GIBBS]?

There was no objection.

ANNOUNCEMENT

Mr. CONNERY. Mr. Speaker, the warning bell in the corridor in which my office is located being out of order, I did not have sufficient time to get here to vote on the Hatch bill. Had I been present I would have voted yea.

Mr. O'TOOLE. Mr. Speaker, my colleague the gentleman from New York, Mr. CELLER, has asked me to announce that he is ill in New York and unable to be present. If present, he would have voted in the affirmative on the Hatch bill.

Mr. HILL. Mr. Speaker, my colleague the gentleman from Washington, Mr. MAGNUSON, is unavoidably absent. If present, he would have voted "yea" on the Hatch bill.

EXTENSION OF REMARKS

Mr. DINGELL asked and was given permission to extend his own remarks in the RECORD.

Mr. HOOK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter from a labor union in my district.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

COMMITTEE ON MILITARY AFFAIRS

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that the Committee on Military Affairs may be permitted to sit during the session of the House tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

REGISTRATION AND REGULATION OF INVESTMENT COMPANIES AND INVESTMENT ADVISERS

Mr. SABATH, from the Committee on Rules, submitted the following privileged resolution, which was referred to the House Calendar and ordered to be printed:

House Resolution 553

Resolved, That immediately upon adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for consideration of H. R. 10065, a bill to provide for the registration and regulation of investment companies and investment advisers, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

EXTENSION OF REMARKS

Mr. FADDIS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article by the Aviation Defense Association.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CARTWRIGHT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein two brief statements relative to highways.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ANTAL OR ANTHONY OR TONY ZAICEK OR ZAICZEK

Mr. POAGE. Mr. Speaker, at the request of the chairman of the Committee on Immigration and Naturalization, and by instruction of that committee, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6056) for the relief of Antal or Anthony or Tony Zaicek or Zaiczek, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Line 9, strike out all after "warrant" down to and including "States" in line 11.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, will the gentleman explain the bill?

Mr. LESINSKI. I will make an explanation to the House, if I may, Mr. Speaker.

This is a bill to allow an alien to stay permanently in the United States. The bill was reported out by the committee, passed by the House, and passed by the Senate.

In the House an amendment was added that the alien could never become a citizen. The Senate struck out that amendment. This request is to concur in the Senate amendment.

Mr. MARTIN of Massachusetts. What was the reason the House adopted the amendment in the first place?

Mr. LESINSKI. Some gentleman inserted an amendment in the bill, as, of course, he has a right to do if the House agrees to it. There is no argument about that.

Mr. MARTIN of Massachusetts. Mr. Speaker, I do not believe this matter should be brought up at this time. I must ask that the request be withdrawn.

Mr. POAGE. I withdraw the request, Mr. Speaker.

EXTENSION OF REMARKS

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein certain official tables.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to include in the remarks I made in Committee of the Whole certain tables and a newspaper article.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DONDERO. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include a letter by our colleague the gentleman from Kansas [Mr. GUYER] on the subject of do Congressmen pay taxes. I further ask unanimous consent to include in another extension of my remarks a short editorial from the Pontiac Daily Press, in my congressional district, entitled, "Ambition Which Didn't Quibble."

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CARLSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a table on our trade with South America.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein the words of an exceptionally fine song entitled "God Keep America," which was written and composed by Martin Brandon, J. V. DeCimber, and Woody Dreyfuss, program director of radio station WISN, of Milwaukee, Wis.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

ANNOUNCEMENT

Mr. GILLIE. Mr. Speaker, my colleague the gentleman from Indiana, Mr. SPRINGER, who was called home today on account of the serious illness of his mother, thus missing his first roll call in 2 years, has asked me to announce that had he been here he would have voted "yea" on the passage of the bill under consideration today.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to the gentleman from New York [Mr. O'LEARY] for 1 week to act as chairman of the Democratic organization of Richmond County, N. Y., for Red Cross drive.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 29. An act to authorize the use of certain facilities of Indian reservations, national parks, and national monuments for elementary school purposes.

S. 2018. An act for the relief of Nile Shaw and Edgar C. Bardin.

S. 3131. An act to extend the benefits of the United States Employees' Compensation Act to members of the Officers' Reserve Corps and of the Enlisted Reserve Corps of the Army who were physically injured in line of duty while performing active duty or engaged in authorized training between dates of February 28, 1925, and July 15, 1939, both inclusive, and for other purposes.

S. J. Res. 283. Joint resolution authorizing Col. Donald H. Connolly to hold the office of Administrator of Civil Aeronautics in the Department of Commerce.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 25 minutes p. m.) the House adjourned until tomorrow, Thursday, July 11, 1940, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON MERCHANT MARINE AND FISHERIES

There will be a meeting of the Committee on Merchant Marine and Fisheries of the House at 10 a. m., Thursday, July 25, 1940, for the consideration of H. R. 10092, relative to the use of laid-up fleet for export of certain commodities.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1833. A letter from the Chairman of the National Munitions Control Board, transmitting the fifth report of the National Munitions Control Board for the period January 1, 1940, to June 30, 1940 (H. Doc. No. 876); to the Committee on Foreign Affairs and ordered to be printed, with illustrations.

1834. A communication from the President of the United States, transmitting emergency supplemental estimates of appropriations for the further strengthening of national defense for the fiscal year ending June 30, 1941, totaling $2,161,441,957, cash, plus contract authorizations totaling $2,686,730,000; consisting of $1,662,265,417 cash and $2,249,730,000 contract authorizations for the War Department; and $499,176,540 cash, and $437,000,000 contract authorizations for the Navy Department (H. Doc. No. 875); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. TAYLOR: Committee on Appropriations. House Joint Resolution 582. Joint resolution making an appropriation to enable the United States Maritime Commission to establish the marine and war-risk insurance fund; without amendment (Rept. No. 2743). Referred to the Committee of the Whole House on the state of the Union.

Mr. JARMAN: Committee on Printing. House Concurrent Resolution 73. Concurrent resolution authorizing the printing of the proceedings at the unveiling of the painting depicting the signing of the Constitution of the United States as a document (Rept. No. 2744). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL: Committee of conference on the disagreeing votes of the two Houses. H. R. 9877. A bill authorizing the Secretary of the Interior to put into effect charges for electrical energy at Boulder power plant, and for other purposes. (Rept. No. 2745). Referred to the Committee of the Whole House on the state of the Union.

Mr. DIMOND: Committee on the Territories. H. R. 8474. A bill to further amend the Alaska game law; without amendment (Rept. No. 2746). Referred to the Committee of the Whole House on the state of the Union.

Mr. DIMOND: Committee on the Territories. H. R. 9571. A bill to authorize the incorporated town of Sitka, Alaska, to purchase and enlarge certain public utilities and for such purpose to issue bonds in the sum of $200,000 in excess of present statutory debt limit; with amendment (Rept. No. 2747). Referred to the Committee of the Whole House on the state of the Union.

Mr. SABATH: Committee on Rules. House Resolution 553. Resolution for the consideration of H. R. 10065, a bill to provide for the registration and regulation of investment companies and investment advisers, and for other purposes; without amendment (Rept. No. 2748). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. EDELSTEIN:

H. R. 10195. A bill to authorize the exemption from jury duty in the courts of the United States of any person who shall have taken 2 or more consecutive weeks of Federal military or naval training in the preceding year; to the Committee on the Judiciary.

By Mr. TAYLOR:

H. J. Res. 583. Joint resolution making an additional appropriation for the Tennessee Valley Authority for the fiscal year 1941 to provide facilities to expedite the national defense; to the Committee on Appropriations.

By Mr. SHEPPARD:

H. J. Res. 584. Joint resolution for the return of the Wright airplane to the United States of America, to be placed on permanent exhibition under such conditions as may be jointly approved by Mr. Wright and the Congress; to the Committee on the Library.

By Mr. SABATH:

H. Res. 548. Resolution creating a select committee to conduct a research and survey into the problems of small-business enterprises and their relation to reemployment and national defense; to the Committee on Rules.

By Mr. FISH:

H. Res. 549. Resolution calling on the President for information concerning sale and shipment of surplus Army supplies to the Allies; to the Committee on Military Affairs.

H. Res. 550. Resolution requesting information from the President concerning any existing secret pact, agreement, or understanding between the United States and Soviet Russia; to the Committee on Foreign Affairs.

By Mr. VREELAND:

H. Res. 551. Resolution authorizing the Navy Department to negotiate with the city of Newark, N. J., for the use of Port Newark as a drydock and base; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CROWE:

H. R. 10196. A bill for the relief of Frank P. Boyd; to the Committee on Claims.

By Mr. LECOMPTE:

H. R. 10197. A bill granting a pension to Amee Turner; to the Committee on Invalid Pensions.

By Mr. REECE of Tennessee:

H. R. 10198. A bill for the relief of Bell Lyons; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9029. By Mr. EDELSTEIN: Petition of the American Labor Party, Eighth Assembly District, New York City, protesting against the provisions of House bill 5138; to the Committee on the Judiciary.

9030. By Mr. HAVENNER: Memorial of the Associated Master Barbers of America, Chapter 151, San Francisco, Calif., urging that the Congress of the United States enact legislation designating barbers' services as surplus and creating an agency to allocate moneys appropriated by Congress, earmarked for stabilization of the barber profession, said moneys to be distributed to relief clients in the form of stamps to be expended only with those engaged in the profession and licensed to practice under the State laws and regulations governing the profession in the States in which such stamps are distributed; to the Committee on Appropriations.

9031. By Mr. LEA: Petition in the nature of a protest of the Marine Cooks and Stewards Association of San Francisco, against nonagreement on their demand for an 8-hour day as approved by Congress under the act of 1892; to the Committee on Labor.

9032. By the SPEAKER: Petition of G. A. Knobel, of New York, petitioning consideration of his resolution with reference to prayer and repentence, seeking dependence on God; to the Committee on Ways and Means.

9033. Also, petition of the Woman's Christian Temperance Union of Kenyon, Minn., petitioning consideration of their resolution with reference to Senate bill 280, concerning block-booking and blind selling; to the Committee on Interstate and Foreign Commerce.

9034. Also, petition of the Lions Club of district 42, Auburn, R. I., petitioning consideration of their resolution with reference to the national defense; to the Committee on Military Affairs.

9035. Also, petition of the International Workers Order, Branches Nos. 79 and 224, Los Angeles, Calif., petitioning consideration of their resolution with reference to House bill 9858, immigration legislation; to the Committee on Immigration and Naturalization.

SENATE

THURSDAY, JULY 11, 1940

(Legislative day of Monday, July 8, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

Almighty God, the Supreme Governor of all things, whose power no creature is able to resist, to whom it belongeth justly to punish and to show mercy, save and deliver us, we humbly beseech Thee, from the hands of all enemies of this Nation, that we, being armed with Thy defense, may be preserved evermore from all perils from within and without, to glorify Thee, who art the only giver of all victory. Through the merits of Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the legislative day of Wednesday, July 10, 1940, was dispensed with, and the Journal was approved.

ENROLLED JOINT RESOLUTION SIGNED DURING RECESS

Under authority of the order of the 10th instant,

After the recess of the Senate on yesterday the President pro tempore affixed his signature to the enrolled joint resolution (S. J. Res. 283) authorizing Col. Donald H. Connolly to hold the office of Administrator of Civil Aeronautics in the Department of Commerce, which had been signed previously by the Speaker of the House.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Latta, one of his secretaries.

CALL OF THE ROLL

Mr. VANDENBERG. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Danaher	Johnson, Calif.	Reed
Andrews	Davis	Johnson, Colo.	Reynolds
Ashurst	Downey	King	Russell
Bailey	Ellender	La Follette	Schwartz
Bankhead	Frazier	Lodge	Schwellenbach
Barbour	George	Lundeen	Sheppard
Barkley	Gerry	McKellar	Shipstead
Bilbo	Gibson	McNary	Smith
Bone	Gillette	Maloney	Stewart
Bridges	Glass	Mead	Taft
Bulow	Guffey	Miller	Thomas, Idaho
Burke	Gurney	Minton	Thomas, Okla.
Byrd	Hale	Murray	Thomas, Utah
Byrnes	Harrison	Neely	Tobey
Capper	Hatch	Norris	Townsend
Caraway	Hayden	Nye	Tydings
Chandler	Herring	O'Mahoney	Vandenberg
Chavez	Hill	Overton	Van Nuys
Clark, Idaho	Holman	Pepper	Walsh
Clark, Mo.	Hoit	Pittman	White
Connally	Hughes	Radcliffe	Wiley

Mr. MINTON. I announce that the Senator from Michigan [Mr. BROWN], the Senator from Ohio [Mr. DONAHEY], the Senator from Rhode Island [Mr. GREEN], the Senator from Oklahoma [Mr. LEE], the senior Senator from Illinois [Mr. LUCAS], the Senator from Nevada [Mr. MCCARRAN], the junior Senator from Illinois [Mr. SLATTERY], the Senator from New Jersey [Mr. SMATHERS], the Senator from Missouri [Mr. TRUMAN], the Senator from New York [Mr. WAGNER], and the Senator from Montana [Mr. WHEELER] are necessarily absent from the Senate.

Mr. MCNARY. I announce that the Senator from Vermont [Mr. AUSTIN] is necessarily absent.

The VICE PRESIDENT. Eighty-four Senators have answered to their names. A quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a joint resolution (H. J. Res. 582) making an appropriation to enable the United States Maritime Commission to establish the marine and war risk insurance fund, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 86), in which it requested the concurrence of the Senate, as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Thursday, July 11, 1940, they stand adjourned until 12 o'clock meridian, Monday, July 22, 1940.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 29. An act to authorize the use of certain facilities of Indian reservations, national parks, and national monuments for elementary-school purposes;

S. 2018. An act for the relief of Nile Shaw and Edgar C. Bardin; and

S. 3131. An act to extend the benefits of the United States Employees' Compensation Act to members of the Officers' Reserve Corps and of the Enlisted Reserve Corps of the Army who were physically injured in line of duty while performing active duty or engaged in authorized training between dates of February 28, 1925, and July 15, 1939, both inclusive, and for other purposes.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 582) making an appropriation to enable the United States Maritime Commission to establish the marine and war risk insurance fund was read twice by its title and referred to the Committee on Appropriations.

PRINTING OF PROCEEDINGS AT UNVEILING OF PAINTING DEPICTING SIGNING OF CONSTITUTION

The VICE PRESIDENT. The Chair lays before the Senate a concurrent resolution coming over from the House of Representatives, to which he invites the attention of the Senator from Arizona [Mr. HAYDEN]. The concurrent resolution will be read.

The Chief Clerk read the concurrent resolution (H. Con. Res. 73), as follows:

Resolved by the House of Representatives (the Senate concurring), That the proceedings held in the rotunda of the United States Capitol at the unveiling of the painting depicting the scene of the signing of the Constitution of the United States be printed, with illustrations, in such form and style as may be directed by the Joint Committee on Printing, as a House document; and that 500,000 copies be printed, of which 125,000 copies shall be for the use of the Senate and 375,000 copies shall be for the use of the House of Representatives.

Mr. HAYDEN. I move that the Senate concur in the resolution.

The motion was agreed to.

EXTENSION OF BENEFITS OF EMERGENCY OFFICERS' RETIREMENT ACT

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 458) extending the benefits of the Emergency Officers' Retirement Act of May 24, 1928, to provisional, probationary, or temporary officers of the Army, Navy, Marine Corps, and Coast Guard who served during the World War, which was, on page 1, line 3, to strike out all after "1928", down to and including "War", in line 9, and insert "(Public, Numbered 506, Seventieth Congress), subject to the limitations contained in section 10 of the act of March 20, 1933 (Public, Numbered 2, Seventy-third Congress) as now or hereafter amended."

Mr. SHEPPARD. I move that the Senate concur in the House amendment.

The motion was agreed to.

Mr. SHEPPARD. I ask that an explanation of the measure be placed in the RECORD at this point.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

WORLD WAR PROVISIONAL OFFICERS (S. 458)

Synopsis of pertinent facts as shown in the pamphlet or Senate Military Committee print—"World War Provisional Officers," April 7, 1939, Seventy-sixth Congress, first session

Prior to our entry into the World War the Government contemplated the emergency expansion of our armed forces. For this purpose ranks of provisional officers in the Army, probationary officers in the Marine Corps, and temporary officers in the Navy were created. By the words used in designating such commissions, it is indicated that they were created because of and for the duration of the emergency. Later, the more general designation of emergency officer was adopted.

These men were among the first to volunteer for military service when this country entered the war. Yet this eagerness to serve, later resulted in certain legal penalties to the extent that there are still approximately 10 of these disabled former officers who are barred from the retirement facilities of either regular or emergency officers. On the other hand, they are also barred from the status of an enlisted man, all of whom received adjusted-compensation certificates as a result of World War service.

After they had left the service, disabled emergency officers were provided retirement by Congress, in the Disabled Emergency Officer's Retirement Act of May 24, 1928. But on February 28, 1929, the Comptroller General denied provisional, probationary, and temporary officers who were disabled in the service, any benefits under this act, when he ruled that they had not served as emergency officers.

The actual evidence now available in the Senate pamphlet, however, indicates that they were in fact, officers for the "duration of the emergency," and that they so considered themselves. The majority of them never applied for nor received permanent commissions in the Regular Establishment. Specific details are in following pages.

Congress has recognized the need for corrective legislation. And S. 458, for this purpose, has been sponsored in the Senate by Senator MORRIS SHEPPARD, chairman of the Committee for Military Affairs. In the House it was sponsored by Representative DOW HARTER, chairman of the Subcommittee on Retirements in the Committee on Military Affairs.

At the public hearing on S. 458, in the above-mentioned Subcommittee on Retirements, June 18, 1940, Edward E. Odom, solicitor, and representative of the Veterans' Administration, included the

following in his testimony: "It is the present opinion of the Administrator that these disabled officers should be entitled to the same treatment or benefits accorded other disabled (emergency) officers. It effects about 10 men, at a cost of $6,000 yearly."

In conclusion, regardless of technicalities, reasonable fairness provides hope that these few disabled former provisionals will be entitled to the same treatment accorded other disabled officers of the World War. Otherwise it would seem to be a rather doubtful example for those who should respond to the call of the President, and volunteer, in the present emergency resulting from the second World War. A humane and analytical study of the facts is welcomed, to reveal the inherent justice of this legislation.

CONGRESS CREATES RANK OF PROVISIONAL OFFICER

The War Department contemplated the rapid expansion of our armed forces prior to our entrance into the World War. Accodingly, Congress passed the National Defense Act of June 3, 1916 (39 Stat. 181), which provided for the commissioning of provisional second lieutenants, whether the War Department then considered these provisionals as part of the emergency forces, or an integral part of the permanent Regular Establishment, seems to have been indicated by the subsequent rulings of the Judge Advocate General on May 31, 1917, and December 6, 1917. "There is no authority in law for the retirement of a provisional second lieutenant found incapacitated for service by reason of a disability incurred in the line of duty." There were also doubts as to the promotion of these officers, as evidenced by a memorandum to the Chief of Staff, August 27, 1917, the first paragraph of which follows: "This office is asked for its opinion as to whether there is any legal objection to approving the proposal contained in the following: The Secretary of War directs that no vacancy occurring in the grade of captain in the line of the Army be filled by the promotion of a provisional first lieutenant so long as there are first lieutenants in some other arm of the line who desire to transfer. Opportunity to transfer should be first offered to first lieutenants in order of length of commissioned service." This was changed later.

ORIGINAL COMMISSIONS MODIFIED BY LAW

The above conditions under the National Defense Act of June 3, 1916, were modified in the Selective Draft Act of May 18, 1917 (40 Stat. 76), and July 9, 1918 (40 Stat. 852). But 1 month later, General Order 73, War Department, August 7, 1918, states in paragraph 4: "And hereafter during the period of the existing emergency provisional and temporary appointments in the grade of second lieutenant and temporary promotions in the Regular Army will be discontinued." The act of June 4, 1920 (41 Stat. 771), officially confirmed the foregoing discontinuance of any further provisional appointments or retirements. And the Judge Advocate General had ruled that they may not be retired upon an application made after leaving the service. In comparison with the foregoing, Congress did provide for disabled emergency officers after they had left the service, in the Disabled Emergency Officer's Retirement Act of May 24, 1928. But on February 28, 1929, the Comptroller General denied disabled provisional officers the benefits of this act when he held that provisionals had not served as emergency officers.

COMPARISON OF PROVISIONAL AND EMERGENCY STATUS

The actual evidence now available, however, indicates that provisionals were in fact "officers for the duration of the emergency," and that they so considered themselves. The majority of them never applied for nor received permanent commissions in the Regular Army.

On page 20 of the Senate pamphlet, the Veterans' Administration shows that of the total number of provisional officers commissioned after the declaration of war, 3,167 came from civil life, and 2,744 were separated from the Service prior to January 1, 1922. In fact, 75 percent of these left in 1919, as soon after the emergency as practical.

Ninety-five percent of them gave as their reasons, "desire to reenter school or college; desire to take up a profession; desire to reenter business."

The facts show that they did not "consider the Army as their career."

After we had entered the war they were concerned only with the representations that it was "an honor to obtain a provisional commission," and that they would "get active combat service in France sooner."

As to certain indefinite "advantages of provisional officers" frequently quoted in the past, the evidence indicates not only disadvantages but, in some cases, penalties for those who were so eager as to volunteer for this type of commission at the beginning of the World War.

1. As the terms implied, these commissions were definitely provisional, probationary, or temporary. They could be and, in fact, were, terminated as promptly as that of any other emergency officer, if he did not in a positive manner "demonstrate satisfactorily his suitability and moral, professional, and physical fitness."

2. The World War actually ended before this conditional or trial period of 2 years had elapsed. Thus the majority of these men had entered and left the service without a permanent commission.

3. They did not have the privilege of retirement facilities under the act of June 3, 1916, after which and prior to July 9, 1918, practically all of the provisionals had been commissioned. Nor did they have the privilege of "6 months' pay to the widow or child, in the case of death." The latter was not enacted until December 17, 1919, when the large majority of the men had returned to civil life.

4. As to approximately 2,200 provisional officers who wished to obtain permanent commissions, there were over 5,000, or two and one-half times more emergency officers who were granted the privilege of permanent commissions in the Regular Establishment. Again, the provisionals who received permanent commissions could do so only by reverting to their lower provisional ranks, 80 percent of which were first and second lieutenants, and none higher than that of captains. But many emergency officers retained their World War rank with permanent commissions, some of them in the grades of captain, major, lieutenant colonel, and colonel. In additional considerations, those under the grade of major were granted adjusted-compensation certificates.

Whereas certificates were issued to some 200 or 300 provisionals in error, and they were required to return the money borrowed on the certificates with interest at 4½ percent compounded yearly.

SUMMARY

Summarizing the foregoing factors, it seems that provisionals were effected adversely either as regular or emergency officers.

For purposes of any benefits as to adjusted compensation or present-day retirement facilities, they were not emergency officers. Yet under the act of June 3, 1916, before it was amended, and during the time most of the provisionals accepted their commissions, they were not regular officers in the legal sense, because they were not entitled to retirement. The act of July 9, 1918, actually changed the legal status of most provisionals after they had accepted their "contracts."

VIEWS OF THE PRESIDENT

It is the mistaken impression of some that the President has disapproved of legislation for provisionals who were disabled in World War service. In S. 3257, Seventy-fourth Congress, and S. 1040, Seventy-fifth Congress, the disapproval of the President concerned the principle of adjusted-compensation certificates for provisionals.

VIEWS OF WORLD WAR OFFICERS AND ENLISTED MEN

This legislation has been recommended by the American Legion, the Disabled American Veterans, the Veterans of Foreign Wars, and other service organizations, by resolutions in their national conventions.

PETITION AND MEMORIALS

The VICE PRESIDENT laid before the Senate a telegram in the nature of a petition from the Citizens Keep America Out of War Committee, signed by William J. Grace, chairman, Chicago, Ill., praying that the United States keep out of war and that Congress remain in session during the present international crisis, which was referred to the Committee on Foreign Relations.

Mr. LODGE presented memorials of 3,000 citizens of Lawrence, Mass., remonstrating against involvement of the United States in the European war, which were referred to the Committee on Foreign Relations.

RESOLUTIONS OF ORA E. PAUL POST, NO. 24, AMERICAN LEGION, VERMONT, RELATIVE TO ADJOURNMENT OF CONGRESS

Mr. GIBSON. Mr. President, I ask consent to present resolutions of Ora E. Paul Post, No. 24, American Legion, Department of Vermont, adopted at the last meeting of the post. I ask unanimous consent that the resolutions may be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

It is hereby resolved by the members of the Ora E. Paul Post, No. 24, of the American Legion, Department of Vermont, that the Congress of the United States should not adjourn, but remain in session during the existence of the present grave international situation, and it be further resolved that a copy of these resolutions be forwarded by our adjutant to each member of our congressional delegation and to the adjutant of the Department of Vermont.

RESOLUTION OF NATIONAL AUXILIARY, UNITED SPANISH WAR VETERANS, UTAH—SUBVERSIVE ACTIVITIES IN THE NATION

Mr. KING. Mr. President, I ask unanimous consent to have inserted in the RECORD a letter which I have received from a patriotic organization in my State known as the National Auxiliary, United Spanish War Veterans, Department of Utah, of Salt Lake City, setting out a copy of a resolution adopted at their annual convention.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL AUXILIARY,
UNITED SPANISH WAR VETERANS,
DEPARTMENT OF UTAH,
Salt Lake City, Utah, July 1, 1940.

HON. WILLIAM H. KING,
United States Senate, Washington, D. C.

DEAR SIR: The following is a copy of our resolution adopted at our annual convention:

"Be it resolved by the Department of Utah, Auxiliaries to the United Spanish War Veterans, in convention assembled at Provo,

Utah, June 15, 1940: That we renew our allegiance to the United States of America and will support, obey, and defend the Constitution of the United States.

"That we wish to go on record as opposed to any and all un-American activities.

"That we favor the enactment of such laws as will control subversive activities of aliens by deportation or otherwise.

"That this resolution be spread upon the minutes of this convention and a copy be sent to the Utah Senators and Representatives."

Respectfully submitted.

Mrs. D. M. KEMP,
Department President.

Attest:

ELSIE L. AUSTIN,
Department Secretary.

REPORT OF THE APPROPRIATIONS COMMITTEE—TENNESSEE VALLEY AUTHORITY

Under authority of the order of the 10th instant,

Mr. ADAMS, from the Committee on Appropriations, to which was referred the joint resolution (S. J. Res. 285) making an additional appropriation for the Tennessee Valley Authority for the fiscal year 1941 to provide facilities to expedite the national defense, reported it without amendment and submitted a report (No. 1953) thereon.

REPORTS OF COMMITTEES

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (H. R. 6823) for the relief of Wilson A. Kramer, reported it without amendment and submitted a report (No. 1954) thereon.

Mr. OVERTON, from the Committee on Appropriations, to which was referred the joint resolution (H. J. Res. 582) making an appropriation to enable the United States Maritime Commission to establish the marine and war risk insurance fund, reported it with an amendment and submitted a report (No. 1955) thereon.

Mr. ASHURST, from the Committee on the Judiciary, to which was referred the bill (S. 2691) to designate the week of October 9 to October 16 each year as National American-Scandinavian Educational Week, reported it with amendments.

Mr. BYRNES, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the resolution (S. Res. 277) increasing the expenditures and directing the filing of its report and recommendations in the matter of the investigation of the conservation of wild-animal life, reported it with an amendment.

REPORTS ON DISPOSITION OF EXECUTIVE PAPERS

Mr. BARKLEY, from the Joint Select Committee on the Disposition of Executive Papers, to which were referred, for examination and recommendation, 35 lists of records transmitted to the Senate by the Archivist of the United States, which appeared to have no permanent value or historical interest, submitted reports thereon pursuant to law.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that that committee presented to the President of the United States the following enrolled bills and joint resolution:

On July 10, 1940:

S. 3676. An act to withdraw certain portions of land within the Hawaii National Park and to transfer the same to the jurisdiction and control of the Secretary of War for military purposes;

S. 2717. An act for the relief of Edward J. Broggi;

S. 3870. An act to amend the act entitled "An act authorizing the Commissioners of the District of Columbia to furnish Potomac water without charge to charitable institutions, etc., in the District of Columbia," approved February 23, 1905; and

S. 3720. An act to create and establish a Board of Funeral Directors and Embalmers for the District of Columbia and to prescribe its powers and duties.

On July 11, 1940:

S. J. Res. 283. Joint resolution authorizing Col. Donald H. Connolly to hold the office of Administrator of Civil Aeronautics in the Department of Commerce.

REPORT OF SPECIAL COMMITTEE ON CONSERVATION OF WILDLIFE RESOURCES—LIMIT OF EXPENDITURES

Mr. PITTMAN. Mr. President, I ask unanimous consent for the present consideration of Senate Resolution 277, which was reported a little earlier today from the Committee to Audit and Control the Contingent Expenses of the Senate with an amendment.

There being no objection, the Senate proceeded to consider the resolution (S. Res. 277) increasing the expenditures and directing the filing of report and recommendations in the matter of the investigation of the conservation of wild-animal life, which had been reported from the Committee to Audit and Control the Contingent Expenses of the Senate with an amendment.

The amendment was, in line 5, before the words "in addition to", to strike out "$6,000" and insert "$5,000."

The amendment was agreed to.

The resolution as amended was agreed to, as follows:

Resolved, That the special committee authorized and directed by Senate Resolution 246, agreed to April 17, 1930, to investigate the conservation of wild-animal life, hereby is authorized to expend from the contingent fund of the Senate, in furtherance of such purposes, $5,000 in addition to the amounts heretofore authorized for such purposes; and the said committee is hereby directed to file with the Senate as soon as practicable its report and recommendations.

WAR AND THE NATIONAL DEFENSE

Mr. CAPPER. Mr. President, I desire to call attention of the Senate briefly to some of the appeals I have received in my mail in the past few days.

From my good friend John Vesecky, of Salina, Kans., national president of the Farmers Union, I received a six-point program which I intend to place in the RECORD for the information of the Senate. Mr. Vesecky, speaking for the Farmers Union, holds that a balance between agriculture and industry should be part of any national-defense program.

"The American farmer is ready to defend his home and country with his life," says Mr. Vesecky, "but the homes and country must be ours to defend and enjoy."

Through most of my correspondence these days runs the main thought that Congress should stay in session during this emergency, and that the national-defense program should not include sending American boys and young men overseas to fight in a European war. I am glad to note that President Roosevelt finally has come to this conclusion, as indicated in his message to the Congress on Wednesday. I hope he will steadfastly maintain that position. Speaking for myself, let me say once more that I shall continue to do everything I can to keep the United States out of Europe's conflicts. I will not vote to send American boys across the seas to fight in foreign wars. Furthermore, I am strong for a tax program that will protect the American people against the war profiteers. We must make it impossible to create millionaire profiteers in this war, as was done in the World War.

I am strong for President Roosevelt's national-defense program. However, I find very strong disapproval of the idea of compulsory military service in time of peace. The selective-service draft in time of war is recognized as fair and equitable and necessary; but, as I say, I find a great deal of opposition to compulsory military service in time of peace. I might add that I feel the same way about the matter. Why turn this country into an armed camp? Is it necessary for us to import the Hitler system into America?

Mr. President, I ask unanimous consent to have printed in the RECORD, as part of my remarks, a few typical letters, resolutions, and so forth, I have received from Kansas groups who are deeply interested in the subject of war and national defense.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

FARMERS UNION PRESENTS SIX-POINT PROGRAM TO REPUBLICAN CONVENTION

Presenting the statement of the National Farmers Union to the resolutions committee of the Republican convention, President John

Vesecky outlined a six-point program for the preservation of the family-sized farms.

"We believe that in a country such as ours it is a disgrace and a crime to compel any class of our citizens to supply the necessities of life to other classes at less than parity or the cost of producing such necessities," said Mr. Vesecky. "Our farm program should be so amended as to give our farmers their fair share of the national income and, as far as possible, to do this without recourse to annual appropriations."

The six-point program called for:

1. Rehabilitation of down-and-out farmers; strengthening of the Farm Security Administration with ample funds for the Tenant Purchase Division.
2. Debt adjustment and refinancing.
3. Income certificate domestic-allotment plan legislation.
4. Extension of surplus-removal program.
5. Fullest assistance to our farmers, especially the low-income farmers, for building sound cooperatives.
6. Antiwar; "opposed to sending our boys across the ocean to fight in foreign wars."

He added that "any workable plan of national defense must take into consideration the necessity of giving our people security in their homes and in the exercise of their rights and privileges as American citizens. We do not believe that it is necessary nor good policy to curtail needed assistance to the poor and underprivileged on our farms and in our cities in order to make more money available for armaments.

"The American farmer is, as a rule, ready to defend his home and country with his life," said Mr. Vesecky, "but the homes and country must be ours to defend and to enjoy."

FRANKFORT, KANS., *June 27, 1940.*

DAILY INDEX,
KANSAS UNION FARMER,
Congressman LAMBERTSON,
Senator CAPPER.

DEAR SIRS: The Hopewell Farmers Union, Local No. 809, passed a resolution that read as follows: "We, the members of the Hopewell Farmers Union local, oppose any intervention or such acts in foreign affairs that might lead the United States into the present war."

GLEN L. LEUPOLD, *Secretary.*

NAVY MOTHERS' CLUBS OF AMERICA,
JAYHAWK CLUB, No. 83,
Topeka, Kans., July 8, 1940.

Senator ARTHUR CAPPER,
Washington, D. C.

DEAR SENATOR CAPPER: The members of our club send you our petition, hoping that it may be of help in keeping Congress in session through the duration of this war crisis.

We have sons in the United States Navy, and we pray that they may never have to be in a war.

Yours sincerely,

MRS. LELA BRAKE, *Adjutant.*

Signed by: Mrs. Amanda Frazier, 1230 Kansas Avenue; Mrs. Lela Brake, 1334 Kansas Avenue; Mrs. Anna England, 1330 Kansas Avenue; Mrs. S. V. Kincaid, Route No. 4, Topeka, Kans.; Mrs. B. M. Butters, Route No. 1, Mayetta, Kans.; Mrs. F. W. Stevens, 1007 Strait, Topeka, Kans.; Mrs. Hazel Taylor, 1251 Topeka, Topeka, Kans.; Mrs. A. M. Kaberline, 512 North Chandler, Topeka, Kans.; Mrs. L. R. Baker, 409 Franklin Avenue; Mrs. Veda L. Brewster, 2431 West First Avenue, Topeka; Mrs. Frank Miller, 410 East Seventh Street; Mrs. Harold Rankin, R. R. 8, Topeka; Mrs. P. H. Frisby, 1517 West Sixth Street, Topeka; Mrs. Fred Lynn, 426 Chandler Street, Topeka; Mrs. Lena Barncord, 428 Chandler Street, Topeka; Mrs. Addie Baird, 541 Forest Avenue; Mrs. Bessie Dunn, 2627 Minnesota Avenue; Mrs. Anne Stowig, 1634 Mulvane Street; Mrs. Hope Wells, 712 Lane Street; Mrs. Blanche Koch, 306 Courtland Avenue; Mrs. Mae Price, 4045 West Twenty-first Street, Topeka; Mrs. Geraldine Meyers, 1310 West Tenth, Topeka; Mrs. W. H. West, 1233 High Street, Topeka.

WICHITA, KANS., *June 30, 1940.*

Senator ARTHUR CAPPER,
Washington, D. C.

DEAR SIR: We, the undersigned members of North Wichita Friends Church, are very much concerned about the universal military training bill which is now before Congress. We feel that this marks the spread of militarism and is the beginning of the destruction of democratic ideals in our great and free country. We feel that this program is un-American and unnecessary and has grown out of an unreasoning wave of fear and uncertainty which is sweeping our country. For these reasons we would like to petition you to work against and vote against this bill.

Sincerely,

John Harvey, 103 West Twenty-first; A. E. Wooten, 1307 North St. Paul; E. R. Cox, 1740 North Green Street; Hazel Cox, 1740 North Green; Ruth Gorman, 1545 North St. Frances; W. M. Coleman, 301 West Twenty-third Street, Wichita, Kans.; Myrta Ecklor, 2809 East Thirteenth; Helen Lincoln, 1510 Pennsylvania; Nola Coleman, 301 West Twenty-third; Minnie Bowles, 2205 North Market; Y. J. Cox, 342 Sherman; Carrie Surnger, 1024 Pratt; Mary Pierce, 2007 Burton; Homer Cox, 342 Sherman; Guy W. Harvey, 103 West Twenty-first; Versa R. Harvey, 103 West Twenty-first; Clara Jones, 340 North Millwood; E. R. Dawson, 340 North Millwood; Meta Ruth Ferguson, 445 South Oak.

MONTROSE, KANS., *June 30, 1940.*

Hon. ARTHUR CAPPER,
United States Senator, Washington, D. C.

DEAR MR. CAPPER: We, the undersigned, believe in a strong defense from invasion but ask you as our Senator in Congress to do all in your power to prevent our boys from being sent abroad to help fight European wars.

Mrs. Zola Johnson, Republic, Kans.; Mrs. Abigail Erkenbrock, Republic, Kans.; Robert E. Reed, Mankato, Kans.; Gaylord Rothchild, Mankato, Kans.; Thomas Dahl, Webber, Kans.; Mrs. Lloyd Reed, Mankato, Kans.; Doris Graham, Mankato, Kans.; Lloyd Reed, Mankato, Kans.; E. S. Rothchild, Mankato, Kans.; Norman Rothchild, Mankato, Kans.; Dale Taylor, Webber, Kans.; Warren Reed, Mankato, Kans.; Russell Reed, Mankato, Kans.; Fred Russell, Mankato, Kans.; Fred Webber, Webber, Kans.; A. B. Young, Webber, Kans.; Mrs. Art Lyne, Webber, Kans.; Art Lyne, Webber, Kans.; Mrs. Carrie Thomas, Webber, Kans.; Mrs. Harold Harding, Webber, Kans.; C. E. Barrett, Santa Fe agent, Webber, Kans.; Blaine Warren, Webber, Kans.; Norman Herrmann, Webber, Kans.; Harry Eustice, Concordia, Kans.; P. B. Taylor, Webber, Kans., Edmon Montgomery, Mankato, Kans.; Irvin Osborne, Mankato, Kans.; David Dahl, Montrose, Kans.

THE GENERAL CONFERENCE OF THE
MENNONITE CHURCH OF NORTH AMERICA,
Newton, Kans., July 1, 1940.

The Honorable ARTHUR CAPPER,
United States Senate, Washington, D. C.

DEAR MR. CAPPER: Lest silence give the impression of indifference, may I say, on behalf of the General Conference of the Mennonite Church of North America, that we deplore resort to armed violence and are in full accord with your every effort to maintain strict neutrality and good will with regard to warring nations east and west. The Monroe Doctrine must work both ways, otherwise it is doomed.

Further, compulsory military conscription is the acknowledged cornerstone of militarism and dictatorship, hence it is anything but compatible with true liberty and American democracy.

Be assured that we are in full accord with your every effort to promote peace and good will both at home and abroad, and to that Christian end may you have Divine guidance.

Yours very truly,

C. E. KREHBIEL,
Conference President.

MULBERRY UNION GOSPEL TEAM,
Mulberry, Kans., July 6, 1940.

Senator ARTHUR CAPPER,
Senate Chamber, Washington, D. C.:

Inasmuch as the Senate and House have a bill before them relating to compulsory military training, and whereas we have voluntary training, and inasmuch as this Nation is a democracy and also a Christian nation, and as we do not believe in copying after the Old World: Therefore be it

Resolved, That you use your own influence and the power of your high officials against this bill.

MULBERRY GOSPEL TEAM,
VELDA FRITTS, *Secretary,*
L. M. HAMILTON, *President.*

HERMITAGE, MO., *June 27, 1940.*

Dear Senator CAPPER,
Senate Office Building, Washington, D. C.:

We listen to and enjoy your evening broadcast so much; and whereas the strife and warfare in Europe now threatening to engulf the entire Eastern Hemisphere leads to unsettled conditions, uneasiness, unrest, uncertainty in the Western Hemisphere, and more particularly the United States of America, it now appears that the Government of the United States of America must proceed with all dispatch to prepare for national defense, and at the same time proceed with caution and utmost neutrality, in order that this country may not become involved in this great calamity.

We, the Republican Woman's Club of Hickory County, request that the Congress of the United States remain in session at the Capitol in Washington, D. C., until the crisis is passed. We are writing you at this time to encourage you to live up to the splendid promise you have repeatedly made—that you will not vote to send our boys across to fight Europe's battles again. We wish to impress that Congress should not adjourn but stay on the job and protect us from foreign propaganda. On behalf of the members of our club and due to world conditions and as American citizens and voters of Hickory County, we urge that Congress remain in session as long as there is danger of entanglement in Europe.

We are relying on Congress to keep us away from dictatorship. We feel that our safety lies in our Senators and Representatives. The soldiers and citizens each have an important work to do, but no less and perhaps more important is the work and policy of our Government as formulated by the duly elected representatives, who alone have the constitutional right to vote on the vital issue of war and peace for the United States. We are asking you, and hope we are not intruding on your time by asking you, to please do all you can in our behalf; for if ever Congress is needed in Washington, it surely is now. This is not our war. Please continue to work for the best interest of our fellow countrymen and keep us out of European conflict.

Sincerely yours,

GERTIE LEE WALKER,
Secretary, Hickory County Woman's Republican Club.

MONTROSE, KANS., *June 26, 1940.*

Hon. ARTHUR CAPPER,
Senate of United States, Washington, D. C.

DEAR SENATOR: We, the undersigned, believe in strong defense from invasion but ask you as our Senator in Congress to do all in your power to prevent our boys from being sent abroad to help fight European wars.

Inga J. Dahl; Mrs. C. F. Edgar, Webber, Kans.; Minnie Edgar, Webber, Kans.; Garnet Davidson, Webber, Kans.; Mrs. Irvin Osborne, Webber, Kans.; Mrs. O. E. Ross, Webber, Kans.; Mrs. David Dahl, Mankato, Kans.; Gwendolyn Rothchild, Mankato, Kans.; Mrs. Charley Caskey, Webber, Kans.; Mrs. Ella Dahl, Webber, Kans.; Mary Dahl, Montrose, Kans.; Lena Dahl, Montrose, Kans.; Mrs. Myrtie Dassdson, Webber, Kans.; Mrs. Ruth Rothchild, Montrose, Kans.; Mrs. Edith V. Reed, Montrose, Kans.; Alma J. Dahl, Montrose, Kans.; Alta M. Dahl, Montrose, Kans.; Haakon Dahl, Montrose, Kans.; Erling Dahl, Montrose, Kans.

A PETITION TO THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES

We, the undersigned citizens of the United States, exercising the right granted us by the Constitution, do hereby petition the President of the United States to prepare a national defense strong enough to repel all invaders, but never under any circumstances, to send soldiers to Europe to engage in war.

C. P. Stentz, 1534 Mulvane, Topeka, Kans.; G. P. Walters, 411 East Ninth Street, Topeka, Kans.; Gaillard Russum, 901 Jefferson, Topeka, Kans.; Lewis Lynch, 827 Madison Street, Topeka, Kans.; E. Warner, 1039 North Jackson, Topeka, Kans.; F. B. Kurtz, 220 East Hampton, Topeka, Kans.; Mrs. E. C. Russum, 901 Jefferson, Topeka, Kans.; Youette Russum, 901 Jefferson, Topeka, Kans.; Mrs. Wilbur Stewart, 1900 Hudson, Topeka, Kans.; Mrs. D. C. Woflick; Mrs. M. O. Boyer, 823 Madison, Topeka, Kans.; M. O. Boyer, 823 Madison, Topeka, Kans.; D. H. Phillips, 202 Satland, Topeka, Kans.; Evelyn Horalik, 823 Madison, Topeka, Kans.; L. C. Shoemaker, 1116 Madison, Topeka, Kans.; Clarence Read, 2418 Maryland, Topeka, Kans.; Faye Patch, 509 East Tenth, Topeka, Kans.; Glenn Brown, 114 East Ninth, Topeka, Kans.; Mrs. W. J. Rodgers, 834 Madison, Topeka, Kans.; C. C. Busey, Jr., 1005 Constitution, Emporia, Kans.; Mrs. C. C. Busey, Jr., 1005 Constitution, Emporia, Kans.; Mr. H. E. Chappell, 421 East Eighth, Topeka, Kans.; Mrs. H. E. Chappell, 421 East Eighth, Topeka, Kans.; N. N. Pender, 606 Wayni, Topeka, Kans.; Emma Groening, 405 East Eighth, Topeka, Kans.; Howard Miller, 512 West Eighth, Topeka, Kans.; Mrs. R. B. Parkinson, 1026 Van Buren, Topeka, Kans.; Laurence O. Turk, 1031 Clay Street; John W. Benda, 634 Emmett.

LADIES OF THE GRAND ARMY OF THE REPUBLIC,
NATIONAL SHRINE COMMISSION,
San Diego, Calif., July 1, 1940.

Hon. Senator CAPPER, M. C.,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Accept sincere congratulations for the firm stand you expressed yesterday in debate, a stand in which so many here in California join you, as opposed to the unrestricted military training of the youth of our country at a time when industry needs the chance to respond to the needs of the hour—production of arms necessary to properly supply the several branches of our national defense. Will be glad at any time to receive copies of your speeches that I may present same to others interested.

Most sincerely yours,

Mrs. CLARA N. SAWYER.

PETITION TO THE CONGRESS OF THE UNITED STATES

Stand firm against all efforts to send American youth to the Old World to fight the battles of foreign nations.

Permit no "loosening up" of the Neutrality Act merely for the benefit of warmongers and profiteers. Enact and enforce adequate legislation to take the profits out of war.

Set our own house in order and rush our program for national defense to completion at the earliest possible moment, but in an honest and businesslike manner.

Stop playing politics and place the welfare of our own beloved country and maintenance of peace within its borders as our first and highest objectives.

F. A. Bardwell, 401 North Steuben, Chanute, Kans.; Ida M. Bardwell, 401 North Steuben, Chanute, Kans.; Charles A. Bardwell, 401 North Steuben, Chanute, Kans.; Clara Hoch, 401 North Steuben, Chanute, Kans.; Charlotte Holcomb, 15 South Gretchen, Chanute, Kans.; Charles H. Bardwell, 311 North Grant, Chanute, Kans.; Cora R. Bardwell, 311 North Grant, Chanute, Kans.; Mattie Peterson, 405 North Steuben, Chanute, Kans.; Betty Rose Peterson, 405 North Steuben, Chanute, Kans.

LIONS CLUB,
Elkhart, Kans., July 1, 1940.

ELKHART LIONS CLUB RESOLUTIONS

Whereas the slogan of the International Association of Lions Clubs is "Liberty, intelligence, our Nation's safety"; and

Whereas the Lions Club of Elkhart, Kans., is vitally interested in, and deeply concerned for, the safety of the United States of America; and

Whereas the United States of America is now facing the gravest crisis in its existence; and

Whereas there are in the United States of America many subversive factors tending to undermine the Constitution and abrogate the Bill of Rights on which our country was founded; and

Whereas the fundamental principle on which Lionism is founded is our country's security: Therefore be it

Resolved, That the Lions Club of Elkhart, Kans., offer our collective and individual service to the proper authority in the United States of America, pledging ourselves to use due diligence in the exercise of our rights and the rights of others under this Constitution and Bill of Rights to the end that subversive elements and influences of agents of foreign powers, paid or otherwise, who are working against our democracy be eradicated; and be it further

Resolved, That the Lions Club of Elkhart, Kans., urge the immediate enactment of such legislation as may be necessary to inflict drastic punishment on any citizen or any alien working in the interest of any foreign power, who may willfully engage in any activity whose purpose is to defeat or overthrow our democratic form of government; and be it further

Resolved, That the Lions Club of Elkhart, Kans., stand resolutely for freedom of speech, freedom of press, freedom of thought, and individual liberty, that to this end we believe in adequate and substantial preparedness, to keep the United States safe in a world being consumed by war; and be it further

Resolved, That the Lions Club of Elkhart, Kans., heartily endorse the work of the Dies congressional investigating committee and the Federal Bureau of Investigation of the Department of Justice, and urge that their power be broadened and that ample appropriations be made to enable them to combat all subversive activities, thereby further guaranteeing our Nation's safety; and be it further

Resolved, That duly authenticated copies of these resolutions be sent to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and each Member of Congress from the State of Kansas.

Signed by the president of the Lions Club of Elkhart, Kans., and attested by the secretary this 1st day of July 1940.

LIONS CLUB OF ELKHART, KANS.,
T. H. HARFORD, *President.*

Attest:

SHELBY GAMBLE, *Secretary.*

TOPEKA, KANS., *June 29, 1940.*

Hon. ARTHUR CAPPER,
United States Senate, Washington, D. C.

DEAR SENATOR CAPPER: The board of directors of the Topeka Association of Life Underwriters, in session today, unanimously voted that we go on record urging you to use your influence to keep Congress in session until the state of emergency now existing is in a more settled condition.

Very truly yours,

BOARD OF DIRECTORS OF THE TOPEKA ASSOCIATION OF LIFE UNDERWRITERS,
By ARCH HORTON, *President.*

THE AMERICAN ARTISTS PROTECTIVE ASSOCIATION,
New York City, June 28, 1940.

DEAR SENATOR CAPPER: We are heartily in accord with the views and stand taken by you and your colleagues, Senators WHEELER, HOLT, LUNDEEN, NYE, SHIPSTEAD, WALSH, CLARK—both CLARKS—BONE, and other great Americans who think in terms of America first, last, and all the time.

We agree with Colonel Lindbergh, the late Gen. Smedley Butler, Gen. Hugh S. Johnson, Rev. Chas. E. Coughlin, Boake Carter, etc.

We must return to a policy of strict neutrality and noninvolvement.

If the President does not want to follow in the footsteps of Woodrow Wilson, he still has time to make his place in history secure by following the able advice of the above Senators.

LOUIS BELMORE.

LAKE CHARLES, LA., *June 28, 1940.*

Senator ARTHUR CAPPER,
United States Senate, Washington, D. C.

DEAR SENATOR CAPPER: This is simply a letter of appreciation for your sane and altogether wise attitude during the crisis precipitated by the war abroad. Certainly this is the time for calm judgment and sane thinking if we are not to be rushed into war.

There seems to be a growing certainty that President Roosevelt is simply biding his time until after election (if he is reelected) to make an effort to stampede this country into the European war. Of course, I am sure you understand that the war psychology now rampant along the Atlantic coast is not representative of America.

We will continue to rely on you to do all possible to keep this country out of war.

Sincerely yours,

B. BRUMFIELD.

MCPHERSON, KANS., *June 17, 1940.*

DEAR SIRS: I am opposed to our Government sending our youth to Europe to be slaughtered in trying to settle a European controversy. I am in favor of a program of defense preparedness sufficient to protect us from invasion from any nation. I am willing to make any sacrifice necessary in defense of our flag, our Constitution, our territorial integrity, and our free institutions.

Mrs. Alma Quillen, Mrs. Vendla Larson, Mrs. Grace Wallace, Mrs. Minnie Hultberg, Mrs. Jim Fosha, Mrs. Lillian Tipton, Mr. and Mrs. J. F. Parr, E. G. Adams, Mrs. Mabel Irons, Mr. and Mrs. Thomas Hanley.

M'PHERSON COUNTY COUNCIL OF CHRISTIAN EDUCATION, IN COOPERATION WITH THE KANSAS COUNCIL OF CHRISTIAN EDUCATION

INMAN, KANS, *July 3, 1940.*

Senator CAPPER,
Washington, D. C.

DEAR SENATOR CAPPER: I am sorry to hear that Congress considers to enact a law for conscripted military service of men and women. I am sure you will agree with me that that is not in accordance with the true American spirit of liberty and freedom. I believe that many people in Kansas and elsewhere are opposed to such a program. Personally I believe it to be opposed to religious liberty and Christ's teachings. I urge you to use all your influence against such a program, because such a program has been the downfall of other nations. Also I would urge that Congress does use its influence to end the war in Europe soon in negotiated peace and without further slaughter.

Thank you for your past efforts toward peace and a great American people.

Sincerely,

JOHN E. KAUFMAN.

PHARR, TEX., *July 2, 1940.*

DEAR MR. CAPPER: Am writing you at this time, of course, like everyone else. We are facing a world crisis; our hearts are heavy. We are with you 100 percent, Mr. CAPPER, in trying to keep us out of war. It surely isn't our war to fight; we took plenty medicine in the World War. When we gave our blood and our money and fought the war for them, all we get back is dirt and criticism, so, Mr. CAPPER, we all hope you will do all in your power to keep this Nation at peace. We are with you 100 percent for peace. Mr. CAPPER, do all you can within your power, which we know you are doing, and keep United States a peaceful nation and not have us drawn in this terrible conflict. So we are with you in this awful fight we must win; our prayers must be answered.

Mrs. J. THIER.

NATIONAL MARITIME UNION OF AMERICA,
New York, N. Y., July 1, 1940.

Senator ARTHUR CAPPER,
Senate Office Building, Washington, D. C.

DEAR SENATOR CAPPER: Last night, I listened with a great deal of interest to the broadcast of the American Forum of the Air, in which you participated.

I wish to commend you, on behalf of the membership of the National Maritime Union, for expressing the sentiments of the vast majority of the American people, in your opposition to the plan for compulsory military training.

Very truly yours,

JOSEPH CURRAN, *President.*

THE CROSBY BROS. CO.,
Topeka, Kans., June 21, 1940.

Hon. ARTHUR CAPPER,
The United States Senate, Washington, D. C.

DEAR SIR: We, the undersigned loyal Americans and employees of The Crosby Bros. Co., Topeka, Kans., take this means of expressing to you, our representative in Washington, our hopes and earnest desires as concerns the well-being of our people and the safeguarding of our beloved country in this hour of grave peril to the entire human race.

We ask that you do not vote for a declaration of war except to repel invasion.

Fight with everything at your command for adequate and immediate defense measures.

Vote to keep the Congress in session until we know that this, our country, is safe from all who would seek to destroy it.

Most respectfully yours,

R. O. Allen, 623 Mulvane; N. Peterson, 1115 Frazier Street; Florence Roller, 2401 Kentucky; Wm. A. Montgomery, Grantville, Kans.; Josephine Warren, 528 Swygart; Frances A. Meyers, 1923 High; Margueretb L. Perry, 1410 Lakeside Drive; Margaret Cahill, 822 West Eighth; B. H. Hill, 1420 Oakley Avenue; Ruby Jones, 914 Michigan; Ethel Rhoades, 1029 Oakland; Olive Jardon, 936 Jewell; Evalyn Purnell, 1728 Buchanan; Anna M. Abel, 2208 Kenilworth Court; May M. Bell, 2235 Kenilworth Court; Deli Moore, 309 East Fifth Street; Lorraine McClenny, 428 Locust; Marjorie Amsbacy, 1123 Monroe; Barbara Baird, 1328 West Seventeenth; Ethel C. Ellis, 317 Greenwood; Dorothy King, 1042 High; Mrs. Flavel Blankenship, 1635 Polk; Oda Helbert, 1115 High Avenue; Geraldine Ready, 1938 Sims; Charles Crosby, Jr., 3149 West Fifteenth; Ruth Schaake, 308 West Eighth; Mrs. Harold A. Lepper, 2112 Huntoon; Mrs. R. E. Fritz, 1200 Oakley; Olive Johnson, 417 Lincoln; Lucy Curtis, 919 West Eighth Street; Mary Deits, 211 East Eighth Street, Topeka, Kans.; Beulah Jardon, 1608 Lincoln, Topeka, Kans.; Edna Dickerson, 523 Buchanan; Topeka, Kans.; Irene Hudson, 1118 Grove, Topeka, Kans.; Dorothy Finn, 35 Quinton, Topeka, Kans.; A. G. Trotter, 1226 Jewell, Topeka, Kans.; Olga Clay, 1310 West Fourteenth Street, Topeka, Kans.; Helen Osborne, 212 Tyler Street; Mrs. A. G. Trotter, 1226 Jewell; Mrs. Jessie P. Taylor, 926 North Jackson, Topeka, Kans.; Mrs. Louise Remsbarger, 1217 McVicar; Mildred Woody, 2600 Maryland; Genevieve Shaw, 725 Jewell; Ella L. Jones, 1934 Topeka Avenue; Pauline Willett, 724 Western; Louise Weeks, 812 Madison; John A. Anderson, 608 Kansas Avenue; Clarence A. Brown, 935 College; Leonard A. Burton, 2003 West Tenth Avenue; Mose Murray, 1162 Lane Street; Amos Howard, 709 East Eighth Street; L. T. Longstaff, 1018 Monroe; Norman W. Mott, 714 Swiss; Lester E. Reiber, 201 Country Club Drive; Lawrence J. Redman, 625 Lake Street; Lillian M. Mott, 714 Swiss; Jessie Granger, 1260 Lane; Nona Atkinson, 1123 Monrovia; Ida F. Paul, 1271 College; Mrs. Fred E. Gulick, 424 Topeka; Dorothy Sinel, 2014 Lincoln; Lydia Geiser, 204 Taylor; Mrs. Edward D. Courtney, 1014 East Eighth Avenue; W. E. Stewart, 1527 McVicar; Jerone Fry, 504 Davies; Geo. W. Husband, 1101 West Tenth; Myrtle D. Coon, 2237 Ohio Street; G. B. Fricker, 517 West Eighth; M. A. Wall, 1635 Tyler Street; Catherine Petrik, 2142 Adams; Erma L. Pease, 701 Chandler Street; Martha Pasley, 179 Holman Street; Mrs. Jerome C. Fry, 504 Davies Street; Mrs. Wallace N. Lindsay, 2211 Maryland; Clara Etzel, Route 4; Meryle Hefling, 2240 Maryland; Alona Harbaugh, 2305 Harrison; Dorothy Zimmerman, 315 West Morse; Betty Kimball, 2012 North Monroe; Patricia O'Malley, 1115 West Tenth; Helen Nash, 709 Lawrence Street; Louise Isler, 1114 West Eighth; Myra Howard, 518 Chandler; Jessie Metzger, Route 8; Faye Husted, 631 Randolph; Lettie L. Kemper, 1271 Western; Mollie Schutte, 128 South Broadmoor; Mildred Stark, 404 West Eleventh; W. A. Gregory, 708 Topeka Avenue, apartment 8; Clyde G. Fuhtran, Rural Route 1, Topeka; LeRoy Jones, 1000 Poplar Street; Reginald Spaunhurst, 512 Chester; Henry A. Young, 405 Western Avenue; Clayton C. Jones, 1817 Fillmore; Leonard A. Jones, 914 Michigan; Hulda E. Thoes, Topeka Avenue; Lucile E. Briggs, 1328 MacVicar, Topeka, Kans.; Jess Lewis, 315 Kendall, Topeka, Kans.; Vallorie Contune, 1016 Lincoln, Topeka, Kans.; Dorothy West, 1405 Kansas Avenue, Topeka, Kans.; Elsie Plummer, 510 West Ninth, Topeka, Kans.; Anna McHugh, Route 1, Topeka, Kans.; B. F. Younger, 622 Polk Street, Topeka, Kans.; Martha Brunker, 1275 Tyler, Topeka, Kans.; Gerald F. Deppe, 1211 Eugene Street; Alice Hackett, 210 East Eleventh Street; Esther C. Jass, R. F. D. No. 9; Ruth Davis, 1009 Huntoon; Thelma Shinn, 1269 Topeka; Emma Hopkins, 1016 Quincy; Margaret Forsell, 736 Jewell; Rita Holst, 314 Broadmoor; Edith A. Robinson, 1111 Tyler; Sue Weber, 1035 Taylor; Bernice Lavey, 921 Jefferson; Isabelle Glotzbach, 904 Monroe; Jane Leatherman, 627 MacVicar; Orpha Bryan-Burke, Apartment 104, The Eleamino; Katherine Garnaud, 1307 Mulvane; John A. Mead, 327 Greenwood; C. G. Wanner, 1215 West Sixth; F. L. Rogers, 112 North Western; C. W. Redman, 625 Lake; Emmett E. Stricklen, 513 Burr; T. P. Rice, 519 West Sixth Street; Marie Lewis, 908 Jefferson; Edna Moran, 1619 Clay; Fred Redman, 625 Lake; Lita Rutledge, 1910 Washburn; John A. Carlson, 1025 Watson; Y. Merwick, 1183 High; Myron Harrold, 1312 Jackson; John Holzmeister, 116 North Franklin; Dr. H. B. Gillette, 1354 Mulvane Street; Gladys Grimes, 1618 Hudson Boulevard; Mrs. Florence Fineh, 1007 Zarfield; Henry Kasten, 1277 Lincoln; Edna Staples, 1015 Van Buren; May Jones, 309 West Tenth Street; Grover V. Roller, 2401 Kentucky Street; Elsie Haag, 1013 Topeka; Aileen McCune, 522½ West Sixth; Ethel H. Rigby, 513 Tyler Street; Grace Alton, 625 Horne Street; Edna E. Sproul,

723 Tyler; Mabel Conger, 822 West Eighth; Eleanor Lovey, 921 Jefferson; Lola Jacobs, 211 Topeka; Lou Ella Magnus, 612 Polk; Helen McQuildin, 1622 Topeka; Rose L. Kerwan, 510 West Fifth Street; Carrie C. Sturgis, 1317 North Quincy; Virginia Weekes, Route No. 1; Mary Kirlin, 635 Van Buren; Dorothy Chalmers, 1101 Frazier; Josephine Barrett, 329 Fillmore; Mrs. Alta Smith, 1621 Western; Mrs. Lola Jillson, 107 East Eleventh; Mrs. Anna Gfeller, 1328 Tyler; Mrs. Ida Carlson, 2225 Hazelton Court; Charlotte Drebing, 1029 North Quincy Street; Mabel F. Rankin, 1269 Western; Oleatha McHendry, 435 Lane; Mrs. Helen Dexter, 440 Bellevue; Mrs. Effie M. Smyth, 2145 Maryland; Stella L. Busey, 1508 Polk; Elsie M. Glanz, 115 West Twelfth; Frank E. Leatherman, 725 Fillmore Street; R. W. Talbut, % Crosby Bros. Co.; Ann L. Robinson, 1344 Garfield; Martha Roberts, Haskell Institute, Lawrence, Kans.; Mrs. Bess Webber, 1005 Topeka Boulevard; Anne Elaine Spillers, 418 West Seventh Street; A. A. Sears, 726 Buchanan Court; W. C. Keys, 327 Broadmoor; Betty Snell, 714 West Thirteenth; G. H. Fisk, 709 West Eleventh; Trula B. Robinson, 1112 Harrison Street; Cornelia Coleman, 1810 Fillmore; Madge M. Jackson, 1120 Lane Street; Laura Williams, 1231 North Jefferson; Mrs. Frank Luthey, 132 Medford; Alice Carver, 1177 College; La Vona McCune, 522½ West Sixth; Georgia Age, 1025 Jackson Street; Ruby D. Wolfe, 506 West Sixth; Muriel Leech, 1819 West Twenty-first Street.

MEMORIAL ADDRESS BY SENATOR LUNDEEN ON THE LATE SENATOR, MAGNUS JOHNSON, OF MINNESOTA

[Mr. LUNDEEN asked and obtained leave to have printed in the RECORD a memorial address delivered by him on the occasion of exercises dedicating a memorial monument to the late United States Senator from Minnesota, Magnus Johnson, at Dassel, Minn., June 30, 1940, which appears in the Appendix.]

ADDRESS BY SENATOR WILEY BEFORE GET-TOGETHER CLUB, OF HARTFORD, CONN.

[Mr. WILEY asked and obtained leave to have printed in the RECORD an address delivered by him March 18, 1940, before the Get-Together Club, of Hartford, Conn., which appears in the Appendix.]

ADDRESS BY HON. HARRY H. WOODRING ON THE SUBJECT VIEWPOINTS ON THE NATIONAL ISSUES

[Mr. CLARK of Missouri asked and obtained leave to have printed in the RECORD an address delivered by Hon. Harry H. Woodring on the subject Viewpoints on the National Issues, delivered at Topeka, Kans., July 10, 1940, which appears in the Appendix.]

HIGHWAYS IN WAR

[Mr. HAYDEN asked and obtained leave to have printed in the RECORD a portion of an article by Thomas P. Henry, President of the American Automobile Association, under the heading "Highways in war," published in the Military Engineer for March-April, 1940, which appears in the Appendix.]

EXPERT TRAINING OR UNIVERSAL SERVICE?—ARTICLE BY MAJ. GEORGE FIELDING ELIOT

[Mr. LODGE asked and obtained leave to have printed in the RECORD an article by Maj. George Fielding Eliot entitled "Expert Training or Universal Service?" which appears in the Appendix.]

SELECTIVE COMPULSORY MILITARY TRAINING AND SERVICE—STATEMENT BY GRENVILLE CLARK

[Mr. BURKE asked and obtained leave to have printed in the RECORD a statement by Grenville Clark, Chairman of the National Emergency Committee of the Military Training Camps Association of the United States, in regard to the Burke-Wadsworth bill for selective compulsory military training and service, which appears in the Appendix.]

COMPULSORY TRAINING—EDITORIAL FROM RUTLAND (VT.) HERALD

[Mr. GIBSON asked and obtained leave to have printed in the Appendix an editorial on Compulsory Training, published in the Rutland (Vt.) Herald of July 2, 1940, which appears in the Appendix.]

DEDICATION OF AMERICAN FLAG AT OFFICE OF CAROLINA PROCESS CO.

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article from the Mount Holly News of July 4, 1940, entitled "American Flag Dedicated in Impressive Service at Carolina Process Co.," which appears in the Appendix.]

"AMERICAN CONTINUES TO SUPPORT MEXICO"—EDITORIAL FROM APPLETON POST CRESCENT

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an editorial from the Appleton (Wis.) Post Crescent of June 5, 1940, entitled "America Continues to Support Mexico," which appears in the Appendix.]

NATIONAL ADVERTISING AND THE CONSUMER—ADDRESS BY RAYMOND RUBICAM

[Mr. LUNDEEN asked and obtained leave to have printed in the RECORD an address on the subject, What Does National Advertising Owe the Consumer, delivered to the Business Consumer Relations Conference recently held in New York City, by Raymond Rubicam, which appears in the Appendix.]

CONSTRUCTION OF GRAVING DRYDOCK IN NEW YORK HARBOR

The Senate resumed the consideration of the bill (S. 4165) to provide, in cooperation with the Port of New York Authority, for the construction in New York Harbor of a graving drydock large enough to accommodate the largest naval ships built or building.

The VICE PRESIDENT. There is one committee amendment which will be stated.

The CHIEF CLERK. On page 3, line 3, after the word "adequate", it is proposed to strike out "size" and insert "site."

The amendment was agreed to.

The VICE PRESIDENT. The question is on the engrossment and third reading of the bill.

Mr. McNARY. Mr. President, I prefer that the bill be not passed without an explanation. Apparently, the Senate is willing and able to pass it; but I desire an explanation of the bill.

Mr. WALSH. Mr. President, the bill provides for the construction in New York Harbor of a graving drydock of sufficient size and capacity to accommodate the largest naval or merchant vessels built, building, or proposed.

There are at present only four naval drydocks on the east coast of the United States that can construct or repair a modern 45,000-ton battleship. They are in South Boston, New York, Philadelphia, and Norfolk. Only three of these docks can take the proposed 45,000-ton battleships, and the dock at New York is not one of them. South Boston, Philadelphia, and Norfolk have drydocks of a size which will enable them to accommodate 45,000-ton battleships. The fact that we are now venturing into the field of building 45,000-ton battleships necessitates building a drydock of such size as will permit building and repairing this type of naval vessels.

An unusual arrangement has been made with the New York Port Authorities with respect to this particular drydock. The United States Government is to pay $7,000,000 toward the construction and building of the drydock. The Port Authorities of New York are to pay $7,000,000. The management and control of the dock will be under the Port Authorities of New York. It will be used both for merchant vessels and for building and repairing large naval vessels, battleships.

At the present time large merchant vessels are obliged to go to Boston or Philadelphia from New York in order to have the proper equipment for repairs and servicing. The port authorities, as I said, are to have the management and control of the dock. It is to be used for both merchant vessels—for which, of course, a fee will be paid—and for naval vessels. The Navy Department, however, is to have preferential rights in the use of the drydock, and is to pay reduced charges for its occupation of the dock for repairing naval vessels.

Briefly stated, that is all there is to say about the bill.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. WALSH. Yes.

Mr. VANDENBERG. Am I to understand from the Senator's statement that this will be the only drydock which can accommodate one of the new 45,000-ton battleships?

Mr. WALSH. No. The South Boston dock, which was authorized 2 years ago, and for which some money was appropriated last year, is being built, and will be able to do that.

The drydocks at Norfolk and at Philadelphia are able to do that. They are Government-owned naval drydocks. There is no drydock of such size in New York Harbor; and, in the opinion of the naval authorities, there is special need for such a dock in and about New York Harbor. This would be the only drydock that could repair and service large merchant vessels and large naval vessels. Large merchant vessels now must go from New York to Boston or Philadelphia to be serviced as needed.

Mr. VANDENBERG. May I ask the Senator, for my own information on the same general subject, whether a 45,000-ton battleship can go through the Panama Canal?

Mr. WALSH. Yes; but it is a very tight squeeze.

Mr. VANDENBERG. Almost too tight, is it not?

Mr. WALSH. Almost too tight; I agree with the Senator.

Mr. McNARY. Mr. President, I ask the able Senator if there is a drydock on the Pacific coast which can accommodate a 45,000-ton battleship.

Mr. WALSH. The Hunter's Point drydock at San Francisco can service 45,000-ton battleships, and also the one in the State of Washington.

Mr. McNARY. At Bremerton?

Mr. WALSH. At Bremerton; yes. They are both of the size required for the largest vessels afloat. New York, of course, being one of the very largest maritime and commercial centers, ought to have a large drydock.

Mr. VANDENBERG. Mr. President, of course the question of construction facilities is intimately related to the entire defense program. I simply wish to call attention, in passing, to the fact that there are upon the Great Lakes shipbuilding facilities which apparently are being entirely ignored in the present undertaking.

There are on the Great Lakes 23 shipbuilding ways and 16 drydocks. The facilities for reaching the open sea could accommodate submarine chasers, motor torpedo vessels, many patrol vessels, and various auxiliary craft. Insofar as the Great Lakes shipbuilding facilities were used, there would be proportionate relief to the facilities upon the coast.

I am making this statement in the hope that it will come to the attention of the Navy Department in connection with the problem; and I ask to have inserted in the RECORD at this point an editorial from the Chicago Daily Tribune discussing these facilities and this opportunity.

The VICE PRESIDENT. Without objection, the editorial will be printed in the RECORD.

The editorial is as follows:

[From the Chicago Daily Tribune of July 9, 1940]

GREAT LAKES SHIPYARDS

Navy yards and private shipbuilding ways on the Atlantic and Pacific coasts are already crowded close to capacity with naval and commercial craft. Most of the vessels provided by the most recent naval bills will constitute only a paper navy for years to come because of lack of facilities for building. As usual, the Roosevelt administration has shown itself more adept at voting money than at obtaining useful results from its expenditure.

In this defense emergency the shipbuilding facilities of the Great Lakes form a considerable asset which the Navy has to date neglected. There are on the Lakes 23 shipbuilding ways and 16 drydocks. The latter can be used in an emergency for building purposes, although most of their facilities are required for repair of existing commercial craft, which perform such essential functions as transporting the bulk of the iron ore for the Nation's steel mills.

The building ways would permit construction of more than 23 naval craft at one time, since most of them are of a size to accommodate large Lake steamers. The outlets of the Great Lakes limit the size of ocean craft built at the inland ports. The locks will take vessels up to 250 feet long, drawing 14 feet.

Thus, while the ways on the Great Lakes would accommodate ships as large as cruisers, not even destroyers, which are more than 300 feet long, could be gotten to the sea. In an emergency, of course, the World War practice of building ships in two sections for transit through the locks could be adopted again. Ships so built were found to be perfectly seaworthy.

The greatest utility of the Great Lakes shipyards, however, is for the construction of the multitude of small craft necessary to the functioning of the fleet. These include submarine chasers, motor torpedo vessels, tugs, patrol vessels, and various auxiliary craft. By concentrating such construction in the Great Lakes area the tidewater plants would be left free to build the larger naval craft.

The PRESIDING OFFICER (Mr. THOMAS of Utah in the chair). The bill is still before the Senate and open to further amendment. If no further amendment be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INCREASE IN NUMBER OF NAVY AND MARINE CORPS AVIATORS

Mr. WALSH. Mr. President, I move that the Senate proceed to the consideration of House bill 10030, Calendar No. 2052, a bill increasing the number of naval aviators in the line of the Regular Navy and Marine Corps, and for other purposes.

The PRESIDING OFFICER. The clerk will state the title of the bill.

The LEGISLATIVE CLERK. A bill (H. R. 10030) increasing the number of naval aviators in the line of the Regular Navy and Marine Corps, and for other purposes.

The PRESIDING OFFICER. The question is on the motion of the Senator from Massachusetts.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Naval Affairs, with amendments.

Mr. WALSH. I ask unanimous consent that the formal reading of the bill be dispensed with, and that it be read for amendment, the amendments of the committee to be first considered.

Mr. KING. Mr. President, I was about to observe that we ought to have the bill read, and an explanation should be made of it. The trouble is that we are passing bills in a sort of hysterical or emotional frame of mind; and apparently we can pass almost anything at this time.

Mr. WALSH. I shall be pleased to explain the bill; but this is the customary request to dispense with the formal reading of the bill and proceed first with committee amendments.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts? The Chair hears none.

Mr. WALSH. I shall now be glad to explain the bill.

In 1935 the Senate launched upon a new program for the purpose of increasing the number of naval aviators. It commenced training young college men, who were to be sent to the Naval Aviation School at Pensacola for 1 year, and then were to serve for 3 years longer as aviators in the Navy. They were to be known as aviation cadets. Over 4 years have elapsed since the first class was received. The young men who have spent their time in the service in the Navy have made a very creditable record. It would be difficult for anybody to distinguish between a naval aviator who is a cadet and an aviator in the Regular Service who is a graduate of the Naval Academy.

As the time approached last year for the release from active service of the first class, the fourth year having expired, an act was passed extending the time of service 4 years more, and also recognizing a just complaint which had been made by these young men that they were known only as cadets, when, as a matter of fact, those who had spent 3 or 4 years in the service were more mature and more experienced and had had longer service in naval aviation than some of the regular aviators of the Navy who were commissioned as ensigns and as lieutenants.

Therefore in the act we authorize these cadets to be promoted to the rank of commissioned officers in the Naval Reserve. The young men were given the right to leave the naval service at the end of the 4 years or to reenroll in the reserve force for another 4-year period.

The members of the committee of which I have the honor to be chairman and I were desirous that those who wished should be inducted into the regular naval service. For some reason or other at that time the Navy did not desire that these young men be inducted into the regular naval service, but still desired to continue them as cadets or as Reserve officers.

The arrangement made for the training of these young men was unusual also. They were not to receive the full pay of a

regular naval aviator who had a commission in the Navy. Their pay was somewhat less than that of regular naval aviators, but provision was made that upon their release from active service at the end of 4 years they should be given a cash bonus which represented approximately the difference between what they received as cadets and what they would have received as naval officers. So that at the end of 4 years a young man could take his accumulated salary, if it may be called that, leave the naval service, and go into private aviation, as a considerable number of them have done, and some of the best pilots now in the private air transportation lines are from this group of cadets.

The bill seeks to make it compulsory for the Navy Department to take some of these Reserve aviators into the regular service. If these young men desire, a number of them can now, after meeting the physical requirements and meeting the educational and other requirements, be inducted into the regular naval service with commissions and rank as regular naval officers.

There is a reserve naval aviation base in Washington, and one in Boston, and there are several throughout the country. Many young men who are in the Naval Reserve spend Saturdays and Sundays in learning to pilot planes, and the Government furnishes them planes. They are a very valuable adjunct to the naval air service. The bill permits some of those who desire to do so, who are well trained and are now Reserve aviators, to be inducted at once into the regular naval service.

They have an opportunity of entering the service for 4 years and then leaving the service, if they choose to do so thereafter. The first opportunity they have is to come in and be regular naval officers, assuming their record in satisfactory to the Navy, and that they are physically qualified, and qualified by experience. The second opportunity is that they may join as officers for a 4-year period. A very great concession is made in the bill to those who choose to give up 4 years of time from their private lives and join the air service of the Navy, a bonus of $500 being provided for each year they serve in the Navy in the capacity of officers in the Naval Air Service.

A naval Reserve officer now in private life can, if he meets the exacting requirements, say, "I will enter the service for 4 years on the conditions you have named. I do not want to be a regular naval officer, but I will go in for 4 years, in view of the emergency, and in return, besides my pay, at the end of 4 years I will expect the Government to give me $500 for each year, or $2,000."

Mr. President, that is a plan worked out in an attempt to induce persons in private life to come into the naval aviation service for a period of time, the Government offering them the inducement of a bonus of $500 instead of remaining in as permanent officers. It is expected that a reasonable number of these trained Reserve pilots will take advantage of either one of these alternative proposals, and that the Navy will have little difficulty in obtaining a sufficient number of young men to take up pilot training.

Very briefly, that is the whole story in reference to the proposed legislation. As the bill designates, it is an attempt to increase the number of naval aviators in the line of the Regular Navy and Marine Corps, and for other purposes.

Mr. KING. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. KING. I understood the Senator to say something in the earlier part of his observations about compulsorily bringing them into the Navy. I was wondering whether there was a provision in the bill compelling the Navy, even though it needed no aviators, even though it had an adequate number, to accept these men in the Navy as officers.

Mr. WALSH. No. I think I very inappropriately used the word "compulsory." What I meant to say was that the bill opens the door for the Navy to do something which it cannot do now. No Reserve officer can come into the naval air service as a regular naval officer under existing law. I assume the Navy Department will send out invitations, and I think perhaps they have already done so, inviting all Reserve officers to take advantage of this opportunity of entering the regular service.

Mr. KING. As I understand the Senator, then, there is nothing in the bill which will compel the Navy to add a large number of pilots, unless they are required.

Mr. WALSH. That is true.

Mr. KING. There are thousands of them who take the training, but the Navy would not be compelled, after they had completed their training, to place them in the Navy as officers.

Mr. WALSH. Not at all, and it is not expected that more than 200 a year will be taken into the Regular Service in this manner. The Naval Aviation Reserve Corps is not a large corps. It is an important adjunct to the Navy, and it has been more or less experimental, but at this time, with the greater necessity for an increased number of aviators, it is very important to get into the Regular or Reserve force every aviator who is already trained and experienced.

Mr. KING. I should like to ask the Senator one other question. Because I am putting this in interrogative form, I hope the Senator will not get the impression that I am critical. Does not the Senator think the emoluments and advantages which are granted will lead to some criticism on the ground that a preference is given in this branch of the service over other branches of the service?

Mr. WALSH. I think the suggestion and idea contained in the bill, which was presented to the committee by the Navy Department, comes from legislation already enacted for the Army. I personally feel that it is rather unfortunate that the Army and Navy legislation is not in the hands of one committee. I think I have introduced at every session 15 or 20 bills whose purpose is to put the Navy in the position in which the Army is, and I am sure the War Department is having bills introduced for the same purpose. The best example of that was an Army bill passed in 1939, about which none of us knew until a few days ago, increasing the profit to airplane manufacturers from 10 percent to 12 percent. That provision was contained in an Army bill, and even the members of the Senate Committee on Naval Affairs did not know about it, and the Navy Department did not know about it, until it was actually law. It was included in some Army bill, yet it was made applicable to planes built by the Navy.

I make that suggestion only because I have at times felt that it would be helpful if matters relating to both services were handled by one committee; and we have before us an illustration. In other words, the inducement should be the same as to both services.

Mr. KING. Exactly.

Mr. WALSH. That is probably what prompted the Senator's question.

Mr. KING. Exactly.

Mr. WALSH. The Navy has resisted, up to now, the matter of inducting these cadets into the regular service. I understand the Army gets about 800 aviators a year from the cadet system, and they are given commissions in the Army Air Corps. But not until this bill is passed will aviation cadets and Reserve officers be given the opportunity to be inducted into the Regular Navy. The first 4 years expired only a year ago. The Navy's attitude was not hostile in any way, but they wanted to distinguish between aviators who had graduated from the Naval Academy and those who came into the service from colleges.

Let me say again that these young men who come from colleges are excellent aviators. The only suggestion I have heard made—and it is a very minor one—is that they are not always so amenable to discipline, because they come from college life with all the buoyancy and enthusiasm of college life as compared with the men who come from the Naval Academy.

Mr. KING. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. KING. I was much interested in the suggestion made by the Senator that there ought to be one head over both the Army and the Navy. A number of years ago when I was a member of the Naval Affairs Committee, before I resigned

from that committee, I introduced a bill—and I offered similar bills on several occasions—providing for the consolidation of all the activities for national defense, the War Department, the Navy Department, and the Air Force under one head. I introduced a bill creating a Department of National Defense, providing for a Secretary of National Defense, and an administrative secretary for the Army, an administrative secretary for the Navy, and an administrative secretary for the air force; consolidating all these activities into a Department of National Defense, under one head. If that had been accomplished, in my opinion, greater uniformity and greater efficiency would have resulted, and there would have been infinitely greater savings than are now possible under the present tripartite division.

Mr. WALSH. Mr. President, when I first came to the Senate I had a similar idea, and I think I introduced a bill somewhat similar to that mentioned by the Senator from Utah, providing for three assistant secretaries, and one head over all our national defenses.

If there are no further questions, I ask that the committee amendments be acted upon.

The PRESIDING OFFICER. The clerk will state the committee amendments.

The first amendments of the Committee on Naval Affairs were in section 2, page 1, line 8, after the word "Corps", to strike out "Reserves" and to insert "Reserve"; in line 9, after the words "necessary and", to strike out "except as hereinafter provided"; on page 2, line 1, after the words "officers of", to insert "the line of"; in the same line, after the words "Navy and", to insert "the"; in line 2, after the word "accordingly.", to strike out "officers so appointed shall, upon appointment, occupy the same grade, with the same precedence therein now occupied by them in the Naval or Marine Corps Reserve, as the case may be:" and to insert "These officers shall be appointed to the same grade occupied by them in the Naval or Marine Corps Reserve, as the case may be, at the time of such appointment and shall take precedence in such grade in accordance with the provisions of section 8 (e) of this Act."; in line 22, after the word "requirements:", to strike out "And provided"; on page 3, after the word "completed", to strike out "2 or more years" and to insert "not less than 1 year"; in line 2, after the word "of", to strike out "continuous"; in the same line, after the word "service", to strike out "other than training duty"; in line 3, after the word "Reserve", to strike out "immediately preceding the date of approval of this act"; and at the end of the section to insert a colon and the following language: "*And provided further*, That in computing the pay of officers appointed under the authority of this act, credit for longevity shall be given them for all service, including service as aviation cadets, with which they have heretofore been credited", so as to make the section read:

SEC. 2. The President of the United States is authorized to appoint to the line of the Regular Navy and Marine Corps, by and with the advice and consent of the Senate, as many naval aviators of the Navy and Marine Corps Reserve as he may deem necessary and the authorized number of commissioned officers of the line of the Navy and the Marine Corps is increased accordingly. These officers shall be appointed to the same grade occupied by them in the Naval or Marine Corps Reserve, as the case may be, at the time of such appointment and shall take precedence in such grade in accordance with the provisions of section 8 (e) of this act: *Provided*, That they shall first establish their moral, physical, mental, and professional qualifications in accordance with such rules and regulations as the Secretary of the Navy may prescribe: *Provided further*, That officers so appointed shall, on June 30 of the calendar year in which they are appointed, have completed not less than 18 months of continuous active service next following the completion of their duty as aviation cadets undergoing training and shall, on June 30 of the calendar year in which appointed, be less than 26 years of age: *Provided further*, That during a period of 6 months from the date of approval of this act the Secretary of the Navy is authorized to waive the foregoing age requirement and continuous-service requirements: *Provided further*, That during a period of 6 months from the date of approval of this act those naval aviators who have not undergone training as aviation cadets but who have completed not less than 1 year of active service other than training duty in the Naval or Marine Corps Reserve may also be so appointed regardless of their age. Officers appointed under the authority of this proviso shall, upon appointment, be additional numbers in the grade to which appointed and in any grade to which they may thereafter be promoted: *And provided further*, That in computing the pay of officers appointed under the authority of this act, credit for longevity shall be given them for all service, including service as aviation cadets, with which they have heretofore been credited.

The amendments were agreed to.

ICELAND, GREENLAND, AND THE UNITED STATES—LETTER FROM VILHJALMUR STEFANSSON

Mr. LODGE. Mr. President, I should like to read to the Senate a brief letter which I have received from the noted explorer, Mr. Vilhjalmur Stefansson, in connection with the question of whether or not Iceland is in the Western Hemisphere. Yesterday the junior Senator from Texas [Mr. CONNALLY] discussed the question of whether or not we ought to defend the Western Hemisphere, and at that time I repeated the contention I have made here before, that we ought above all to be prepared to defend our base area, and that is North America, Central America, and the coast and islands of the Caribbean. The coast of the Caribbean, of course, includes part of South America. The question arises, of course, where we should draw the eastern boundary of the Western Hemisphere. At the time I discussed the question I had a map hanging on the wall and for the purpose of the discussion I used the thirtieth parallel of longitude, which takes in most of Greenland but does not include Iceland.

This is what Mr. Stefansson, who, I think, is a real authority on the subject, says:

1. The President has been quoted to the effect that Greenland is in the Western Hemisphere, from the Monroe Doctrine angle. Now, Greenland extends farther east than Iceland.

I think that is something which many of us do not realize.

For the 1937 map of the Geodaetisk Institut, Copenhagen, shows that a line drawn south from the northeastern tip of Greenland passes about 50 miles east of the most easterly point of Iceland. Therefore, all of Iceland is farther west than some parts of Greenland.

2. If we decide upon a hemisphere defense in the North Atlantic, and if we decide to take our stand at our side of the main or broadest ocean channel, then Iceland, geographically, is our frontier in its quarter. For the sea is only about 180 miles wide between Iceland and Greenland but is more than 500 miles wide between Iceland and Scotland, more than 600 miles wide between Iceland and Norway. There are, of course, the Faroes in between Iceland and Europe; but they are tiny, they do not have very good harbors, and they do have about the worst weather of the North Atlantic.

Then he says as his third point:

3. By implication at least, the State Department, under Secretary William H. Seward, took the position 72 years ago (perhaps earlier?) that Iceland would come under the Monroe Doctrine geographically. For, in 1868, the Department published A Report on the Resources of Iceland and Greenland, compiled by Benjamin Mills Peirce, wherein you find on page 1 that "* * * it (Iceland) belongs to the Western Hemisphere and is an insular dependency of the North American continent."

Mr. President, I ask unanimous consent that this letter be printed in the RECORD at this point as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter is as follows:

NEW YORK, *June 22, 1940.*

The Honorable HENRY CABOT LODGE, Jr.,
United States Senator from Massachusetts, Washington, D. C.

DEAR SENATOR LODGE: Your letter of June 20 asks permission to publish through the CONGRESSIONAL RECORD what I wrote you June 19. That letter contains some things which do not bear on what interests you, whether Iceland should or should not be looked upon as part of the Western Hemisphere. I restate the case, and I shall be glad to have you use this letter in any way you like. The main points are:

1. The President has been quoted to the effect that Greenland is in the Western Hemisphere from the Monroe Doctrine angle. Now Greenland extends farther east than Iceland, for the 1937 map of the Geodaetisk Institut, Copenhagen, shows that a line drawn south from the northeastern tip of Greenland passes about 50 miles east of the most easterly point of Iceland. Therefore, all of Iceland is farther west than some parts of Greenland.

2. If we decide upon a hemisphere defense in the North Atlantic, and if we decide to take our stand at our side of the main or broadest ocean channel, then Iceland, geographically, is our frontier in

its quarter. For the sea is only about 180 miles wide between Iceland and Greenland but is more than 500 miles wide between Iceland and Scotland, more than 600 miles wide between Iceland and Norway. There are, of course, the Faroes in between Iceland and Europe, but they are tiny, they do not have very good harbors and they do have about the worst weather of the North Atlantic. Besides the Iceland-Faroe gap is wider than the one between Iceland and Greenland.

3. By implication at least, the State Department, under Secretary William H. Seward, took the position 72 years ago (perhaps earlier) that Iceland would come under the Monroe Doctrine geographically. For in 1868 the Department published A Report on the Resources of Iceland and Greenland, compiled by Benjamin Mills Peirce, where you find on page 1 that "* * * it (Iceland) belongs to the Western Hemisphere, and is an insular dependency of the North American Continent."

Seward wanted the United States to have Iceland and Greenland for about the reasons he gave for wanting Alaska. One of these was a defense reason, that Iceland and Greenland dominate the North Atlantic somewhat as Alaska dominates the North Pacific.

It will be understood that I write this letter strictly from geographical and historical points of view, with no thought of tendering political or military advice.

VILHJALMUR STEFANSSON.

INVITATION TO DELEGATES TO DEMOCRATIC CONVENTION TO VISIT WISCONSIN

Mr. WILEY. Mr. President, there came over from the House of Representatives a few moments ago a concurrent resolution providing for adjournment of the Senate until the 22d of this month. Before the Senate takes action on that resolution I wish to express to my Democratic brethren an invitation to visit "the little bit of heaven" which lies a little north of Chicago, my own beloved State of Wisconsin.

Mr. President, shortly there will convene in Chicago a group of Democrats who will nominate men for the Presidency and the Vice Presidency of the United States.

Of course, this group will listen to "their master's voice," and that voice will determine the nominations.

Physically this group will welter and swelter in Chicago's heat, and after the convention adjourns they will be in need of rest and recreation—something that can build them up for the campaign. The Lord knows they will need the build-up, because the gentlemen who were nominated in Philadelphia are going to be the next leaders of this Nation.

But I did not rise particularly to give Senators that information, of which they are well aware; but I rose to say that immediately north of Chicago there is the Nation's greatest dairy land and one of the Nation's greatest vacation lands—Wisconsin—"all this and heaven, too." The north half of the State of Wisconsin from the Mississippi to Lake Michigan—in fact, all of the State—has been dotted by Nature with a myriad of lakes and rivers and streams, and in these waters are found the muskie, northern pike, wall-eyed pike, the croppy, and bass. Here also is found the brook trout and the German brown trout. Here, Mr. President, the tired politician could recuperate from his disappointments; and here nature, with its natural beauty unmarred by man, still exists to smooth over the scars obtained in the convention.

Mr. VANDENBERG. I was absent from the Chamber when the Senator began his remarks. Is the Senator discussing Michigan? [Laughter.]

Mr. WILEY. I was not discussing Michigan. I was speaking about heaven—Wisconsin—that State which lies west of Michigan. I am surprised at the lack of perception of my Michigan colleague. This is an invitation to tired New Deal Democrats, after they conclude their business in Chicago, to come to the State of Wisconsin and recuperate in the north woods.

Mr. VANDENBERG. I do not want even tired Democrats. [Laughter.]

Mr. WILEY. We prefer tired Democrats to none at all. We love them, in spite of their mistaken ways. We are asking them to come up and enjoy "a little bit of heaven" in Wisconsin, where there are rolling hills covered with flowers, hardwoods, and pines. Here one can bathe and fish in the lakes and streams, loaf and rest, and forget the wrongs of man and the "fears of coming events"—a Republican victory.

Mr. CHANDLER. Mr. President, will the Senator yield?

Mr. WILEY. I yield.

Mr. CHANDLER. The only tired Democrat I have heard of is Wendell Willkie. [Laughter.] Neither Michigan nor Wisconsin got him. He went to Colorado. I remind the Senator that Alf Landon went to the same place 4 years ago. [Laughter.]

Mr. WILEY. I am glad to have the prognostications of the distinguished Senator from Kentucky. I am hoping that a few months later he will be able to see "the light," now so plain on the horizon, to practically everybody, everywhere—the light of a Republican victory.

So far as Mr. Willkie being tired is concerned, "You ain't seen nothin' yet." Wait until he gets into action. The country needs the dynamic energy and vision of this "builder," a man who can perform as well as promise.

Mr. President, I am being diverted from my purpose. My purpose is to invite the Democrats up into heaven for a little rest. They certainly have done enough evil to merit a rest therefrom. In Wisconsin one can prepare the body and the mind to become efficient to meet the problems ahead.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. WILEY. I yield.

Mr. WALSH. I rise to ask a favor of the new member of the Naval Affairs Committee. I ask that he suspend his remarks until one or two more amendments to the pending bill may be agreed to, so that I may leave the Chamber to attend a committee meeting.

Mr. WILEY. I shall take only a moment more.

I have spoken to Senators on the other side of the beauties of nature in Wisconsin—of lakes and streams, woods and flower-bedecked hillsides, moonlight nights, healthful sunshine, and cooling showers. But there is something else; for in this picture will be found "genuine folks," with kind hearts—folks who have built pleasant, comfortable lodges where one can sleep and eat very reasonably. These folks strive to give cheer and radiate helpfulness and kindness. Here also the tired politician will be fed with tales of the old "Pinery Days," tales of adventure—and, what is more, with Wisconsin's best cheese.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. WILEY. I yield.

Mr. BARKLEY. Are we to be fed only on tales of the past? [Laughter.]

Mr. WILEY. The Senator from Kentucky asks whether or not he is to be fed only on tales of the past. We might feed them on "twice-told tales" of democratic failures, but we shall not. God knows, after the Democrats get through in Chicago, they will need strength, Wisconsin's cheese, and the prayers of us all. [Laughter.]

In Wisconsin the tired politician can be fed on Nature's food, Wisconsin's great dairy products. Here he will find hunks of cheese, butter that is butter, milk that is milk, which will put iron in his system. That means red corpuscles. It will put the flush of health on his cheeks, and put "pep" all through him.

Wisconsin would like to put some sane ideas into the New Deal Democrats; but as they still think the New Deal is the only thing, they can come to Wisconsin after the convention to rest and recuperate. We will call off politics and let Nature takes its course in trying to "reform the reformers."

Wisconsin, Nature's dairy land and vacation land, welcomes Democrats and their friends for the recuperation they need.

INCREASE IN NUMBER OF NAVY AND MARINE CORPS AVIATORS

The Senate resumed the consideration of the bill (H. R. 10030) increasing the number of naval aviators in the line of the Regular Navy and Marine Corps, and for other purposes.

The PRESIDING OFFICER. The next committee amendment will be stated.

The next amendment was, in section 4, on page 3, line 24, after the word "officers," to insert "nurses," and on page 4, line 10, after the words "warrant officers," to insert "nurses," so as to make the section read:

SEC. 4. All officers, nurses, warrant officers, and enlisted men of the United States Naval Reserve or United States Marine Corps Reserve, who, if called or ordered into active naval or military service by the Federal Government for extended naval or military service in excess

of 30 days, suffer disability or death in line of duty from disease or injury while so employed shall be deemed to have been in the active naval service during such period, and they or their beneficiaries shall be in all respects entitled to receive the same pensions, compensation, retirement pay, and hospital benefits as are now or may hereafter be provided by law or regulation for officers, warrant officers, nurses, and enlisted men of corresponding grades and length of service of the Regular Navy or Marine Corps: *Provided* That if a person who is eligible for the benefits prescribed by this act be also eligible for pension under the provisions of the act of June 23, 1937 (50 Stat. 305), compensation from the United States Employees' Compensation Commission under the provisions of section 304 of the Naval Reserve Act of 1938 (52 Stat. 1181), or retired pay under the provision of section 310 of the Naval Reserve Act of 1938 (52 Stat. 1183), he shall elect which benefit he shall receive.

The amendment was agreed to.

The next amendment was, in section 7, on page 5, after line 14, to insert a proviso, so as to make the section read:

SEC. 7. The Secretary of the Navy is authorized, in his discretion, to distribute the enlisted personnel of the Marine Corps among the various grades in such numbers as he deems to be to the best interests of the naval service: *Provided,* That not more than 50 percent of the authorized number of privates in the Marine Corps shall have the rank of private, first-class.

The amendment was agreed to.

The next amendment was, in section 8, on page 5, line 22, after the words "in line 1", to strike out the comma and "page 1177" and insert "of said section"; in line 25, to strike out "adding" and insert "inserting after the word 'days' in line 28, page 1177,"; on page 6, at the beginning of line 2, to strike out "proviso" and insert "provisos"; on page 6, line 2, to strike out *"And provide"* and insert *"Provided further"*; at the end of line 6, to insert *"Provided further,* That all periods during which chief warrant officers have held commissions in the Naval Reserve shall be included in computing their pay as provided in the act of February 16, 1929 (45 Stat. 1186)"; on page 6, line 15, after "line 8", to insert "page 1184"; and on page 7, line 15, to strike out "report" and insert "reporting", so as to make the section read:

SEC. 8. The Naval Reserve Act of 1938, approved June 25, 1938 (52 Stat. 1175), as amended, is hereby amended as follows:

(a) Section 7, title I, by inserting after the words "commissioned officers" in line 1 of said section the words "exclusive of chief warrant officers", by inserting after the word "midshipmen", in lines 8 and 13, page 1177, the words "chief warrant officers", and by inserting after the word "days" in line 28, page 1177, the following provisos: "*Provided further,* That no chief warrant officer promoted to other commissioned grade or warrant officer promoted to chief warrant officer or other commissioned grade shall suffer any reduction of pay by reason of such promotion: *Provided further,* That all periods during which chief warrant officers have held commissions in the Naval Reserve shall be included in computing their pay as provided in the act of February 16, 1929 (45 Stat. 1186)";

(b) Section 309, title III, by deleting the word "thirty", in line 5 of said section, and inserting in lieu thereof the word "twenty";

(c) Section 312, title III, delete the second proviso beginning on line 8, page 1184, and insert in lieu thereof the following: *"Provided further,* That hereafter all officers of the Naval Reserve and the Marine Corps Reserve who may be advanced to a higher grade or rank in time of peace or in time of war or national emergency under the provisions of this act, shall be allowed the pay and allowances of the higher grade or rank from the dates of rank as stated in their commissions, as distinguished from the dates of commission, or dates of acceptance of commission, and the dates of rank as stated in their commissions shall be conclusive for all purposes."

(d) Section 313, title III, by inserting after the word "Navy", in line 5 of said section, a comma and the words "including drills performed on Sunday."

(e) "SEC. 311. In time of peace, officers of the Naval Reserve shall take precedence according to such regulations as the Secretary of the Navy may prescribe: *Provided,* That when mobilized with the Regular Navy for war or a national emergency, each officer of the Naval Reserve shall take precedence next after that officer of the Regular Navy of the same rank or grade whose length of service in such rank or grade on the date of the declaration of such national emergency or war is one-half or the nearest one-half of that of the Reserve officer: *Provided further,* That a Naval Reserve officer appointed after the declaration of the war or national emergency shall take precedence, upon reporting for active duty, next after the officer of the Regular Navy of the same rank or grade whose length of service in such rank or grade on the date the Reserve officer reports for active duty, is one-half or the nearest one-half of that of the Reserve officer."

The amendment was agreed to.

The PRESIDING OFFICER. That completes the committee amendments.

The bill is still before the Senate and open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill H. R. 10030 was read the third time and passed.

BOULDER DAM—CONFERENCE REPORT

Mr. PITTMAN. Mr. President, I submit a second conference report on House bill 9877, relating to the Boulder Dam Act, and ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9877) authorizing the Secretary of the Interior to promulgate and to put into effect charges for electrical energy generated at Boulder Dam, providing for the application of revenues from said project, authorizing the operation of the Boulder Power Plant by the United States directly or through agents, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments.

KEY PITTMAN,
HIRAM W. JOHNSON,
ALVA B. ADAMS,
HENRY F. ASHURST,
CHAS. L. MCNARY,
Managers on the part of the Senate.

KNUTE HILL,
J. W. ROBINSON,
CHAS. HAWKS, JR.,
Managers on the part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the report? The Chair hears none.

Mr. PITTMAN. Mr. President, let me briefly explain the report.

Several days ago a report was made by the conferees. It will be remembered that both Senators from New Mexico opposed the report. The bill was worked on for 2 years by representatives of the seven Colorado River Basin States which were interested, and by the Department of the Interior. The Governors of the seven States appointed commissioners. Those commissioners, after 2 months of work, recently agreed on a bill. The bill on which they agreed is the bill reported in this conference report.

The bill on which they agreed, and which the Government approved, was introduced simultaneously in this body and in the House of Representatives. It passed the House of Representatives first. This body then took up the House bill, the Senate bill being on the calendar, and passed the House bill with three amendments, which were offered by the Senator from New Mexico [Mr. CHAVEZ] at the time the bill was under consideration.

The bill went to the House, and the House asked for a conference. We had a conference, and the Senate receded from two amendments, and the House receded from its objection to the third amendment, with a modification.

The amendments in that form were unsatisfactory to the Senators from New Mexico. The bill was debated one night, just before we recessed on account of the Republican convention in Philadelphia. As chairman of the conferees on the part of the Senate, I asked that the conference report be recommitted to the conferees, and that was done. The conferees met. The conferees on behalf of the House were emphatically opposed to any amendment of the bill. In fact, they gave it as their opinion, in their argument against the amendments, that the conference report would be defeated in the House if the amendments were left in.

Mr. KING. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. KING. Were the conferees representing the House unanimous in their attitude?

Mr. PITTMAN. They were.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. CHAVEZ. The information I have is that the House conferee from the State of Utah was not in favor of the conference report.

Mr. PITTMAN. The Senator is absolutely mistaken.

Mr. CHAVEZ. That is the information I have received.

Mr. PITTMAN. Not only did the Representative from Utah vote against all the amendments, but he made one of the arguments—a new argument, by the way, because he was a new conferee.

There was some opposition to the conference report among the Senate conferees. However, after a majority of the Senate conferees had agreed to recede from the amendments, the conferees on the part of the Senate then made it unanimous by all signing the report. It is a unanimous report.

It will be remembered that the other night, when the conference report was under consideration, I supported one of the amendments of the Senator from New Mexico, with a modification. I did not think then, and I do not now think, that the modification injured the amendment. However, the Senator from New Mexico thought it did.

Mr. President, this conference report deals with a bill which is of vast importance to the seven Colorado River Basin States. It is also of great importance to the United States Government. A readjustment of the old Boulder Canyon Act, which was passed in 1928, has become necessary by reason of the changed conditions in the West with regard to the cost of power. We now have the Bonneville project and others. The Bonneville project allocates a certain amount to navigation—about a third, I believe. The Government bears that part of the cost. It is not chargeable to the power generated there. Therefore, that power may be sold cheaper than the power generated at Boulder Dam. While there was an allocation of $25,000,000 for flood control, the power had to pay the interest on that money.

Again, back in 1928, the interest rates on money were very much higher. Those excessive interest rates have become a burden upon the power, requiring a higher cost per kilowatt-hour to the consumer.

The bill therefore is designed to bring the old Boulder Canyon Act into line with the recent Government interest rates. The result will be to reduce costs considerably and allow a reduction in the rate for power.

The Government is interested by reason of the fact that it assures the repayment of the Government's money, while there might be some doubt about it if the rates were too high; for, then, the power would come in competition with steam.

The three lower States are interested in it because it reduces the cost of power to their people. The four upper States are interested in it because, through this bill, they immediately get some money derived from the sale of power from Boulder Dam for the purpose of investigating and developing reclamation and power projects in the four States. If we do not pass this bill they will not get a cent for 50 years; if we pass this bill they will commence to get money immediately for the investigation and development of their projects.

I have tried in every way I could to bring about a compromise of this matter because I realize the very great importance of passing this proposed legislation now. It took us over 5 years to agree on the Boulder Canyon Act by reason of the fact that there were seven States involved. We have been working on this bill for 2 years. Finally, by reason of the Governors of the seven States appointing commissioners to consider the matter, this bill was agreed on.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Arizona?

Mr. PITTMAN. I yield.

Mr. ASHURST. The able Senator from Nevada, in charge of the conference report, has stated the purposes of the bill. The Senate will remember that, after years of conflict, the co-called Boulder Dam bill was passed about 12 years ago, Arizona not agreeing. Will the Senator advise me if I am correct in my contention that this present bill does not commit Arizona to entering the so-called Colorado River compact?

Mr. PITTMAN. It does not.

Mr. ASHURST. In the original bill, which authorized the construction of Boulder Dam, the Congress recognized that vast tracts of land and potential power sites belonging to the States of Nevada and Arizona, respectively, would be withdrawn from those States and therefore, as a partial equitable remuneration for such withdrawals and, in lieu of the taxes the States of Arizona and Nevada, respectively, could have levied and collected, a certain percent of the avails of the sales of hydroelectric energy should be paid to these two States——

Mr. PITTMAN. It was 37 percent, to be divided between them.

Mr. ASHURST. Thirty-seven percent, to be divided between the States of Arizona and Nevada, but Congress now proposes that $300,000 each year shall be paid to each of the States of Arizona and Nevada.

Thus far there have been no avails to divide between these two States. Under the conference report of this pending bill, the sum of $300,000 each year will be paid to each of the States of Arizona and Nevada in commutation of the 18¾ percent of "excess" revenues given each of these two States by the original Boulder Dam Project Act.

Mr. PITTMAN. The Senator is correct.

Mr. KING. Mr. President——

Mr. PITTMAN. I yield to the Senator from Utah.

Mr. KING. While the Senator is appraising the advantages which his State and Nevada obtained because of having some land upon either side of the dam, he ought to take into account the fact that Utah, Colorado, and Wyoming, and New Mexico furnish all the water but get no compensation.

Mr. ASHURST. Mr. President, will the Senator from Nevada yield to me further?

Mr. PITTMAN. I yield to the Senator who desires to answer.

Mr. ASHURST. The furthest thing from my mind now is to enter into a debate on the Boulder Dam bill. As a result of that contest I bear scars on my breast, as my colleague the Senator from Arizona [Mr. HAYDEN] bears them on his breast; but our tempers have not been soured; we were vanquished in a fight which lasted 10 years; it was a fair fight; we gave as many sturdy blows as we received. We have no desire to rake the dying embers of the heated past, but I say, with respect to the proportion of water each State contributed to the Colorado River, that years ago I spoke in the Senate for hours at a time without hesitation or remorse, pointing out——

Mr. PITTMAN. I remember the Senator did so.

Mr. ASHURST. Pointing out at that time that the State of California did not furnish even 1 percent of the normal flow of the waters of the Colorado River, and that, except for flash streams, California did not furnish enough moisture to the Colorado River to fill a fountain pen. Those, however, are bygone days; Boulder Dam is an actuality. For the information of some of my constituents who have inquired as to the purpose of this bill, I say it does not commit Arizona to the Colorado River compact. I want to make it clear that it does not disturb the present equities as to the Upper Basin States.

Mr. PITTMAN. That is true.

Mr. ASHURST. I hope I am correct.

Mr. PITTMAN. The Senator is absolutely correct.

Mr. CHAVEZ. Mr. President——

Mr. PITTMAN. I yield to the Senator from New Mexico.

Mr. CHAVEZ. So far as being committed to the compact is concerned, the Senator should be proud that Arizona has not committed itself to anything in connection with Boulder Dam except the fact that they will get $300,000 a year. So far as New Mexico is concerned, we dislike to get into this.

We were committed originally, hence we would like to get our share just like Arizona.

Mr. PITTMAN. Mr. President, I think if this bill passes there is no way by which the State of New Mexico can be kept out of the proceeds of Boulder Dam. If this bill passes, I think the four upper States will get several million dollars from the proceeds of power at Boulder Dam. I do not want to argue that they should not receive it, but they will receive it, and I am really glad of it. I supported the provision in the Boulder Canyon Act which provided a fund for the four upper States, but, through some inadvertence, the money was not to be paid until 50 years hence. That is too long for most of us to wait.

This conference report brings the bill back in the form in which it passed the House and in which it was introduced in the Senate. There have been no changes from that form. I honor and applaud the Senator from New Mexico for offering the amendments to the bill. I think there is a great deal of merit in them. The amendment, however, that mentioned the San Juan project was quite an unusual thing, as I said the other night. The Boulder Canyon Act and this measure proposing to amend it deal with probably 20 or 30 projects or proposed projects in the 7 States. They may be projects someday. We have one in Nevada that I might like to have mentioned by name, although it is a very small project. A Representative from Utah in the other House said that Utah had two projects which they would like to have mentioned by name in the bill. Really, I could not conceive that the bill would be injured by mentioning projects, and I saw considerable reason for mentioning the particular project, but when the argument was made over there that everyone wanted mentioned projects affecting his State, they changed their mind, and said they could not stand for this amendment.

I will not say that the Senator from New Mexico used force at the Interior Department, because it is rarely necessary to use force with the Interior Department, but he rather convinced the Interior Department that the San Juan project should be investigated immediately. There was some fear intimated on the part of the Senator from New Mexico that there would be no investigation of the San Juan project for a long time. While I did not have the pleasure of hearing the argument of the Senator in the committee, I have seen in the hearings that the Commissioner of Immigration has stated, as I interpret his language, that he is going to proceed immediately with the investigation of that project. I understand that the Interior Department has also unequivocally stated that if this bill is passed, and there is available no fund with which to do the work, it will obtain a deficiency appropriation to start immediately the investigation of this project.

So I think the Senator from New Mexico has accomplished something. I think he has accomplished probably as much as he would have accomplished if the amendment had been adopted or even more.

Therefore, I ask that the conference report be agreed to.

Mr. CHAVEZ. Mr. President, I desire briefly to discuss the conference report, not with a desire to delay action by the Senate, but because I feel that I am in duty bound to do for my State, even at this late date, what the Senators from Arizona for years have done for theirs. They have taken care of the interests of the State of Arizona. My purpose is to try to take care of the interests of the State of New Mexico.

I am proud of the friendship of the two Senators from Arizona. In my opinion they represent their State as ably and as effectively as any State is represented in this body. I have stated before the constituency of the State of Arizona that either one of the two Senators from Arizona is worth not merely $10,000 a year but a million dollars a day to the State of Arizona, and I mean it. It is about time, however, for New Mexico also to be taking care of its own, especially when it is a question of what is left after California and Nevada and Arizona "get theirs," notwithstanding the fact that even to this date Arizona has not been committed to anything that has to do with Boulder Dam except getting the benefits of the project.

Mr. President, in the famous Dartmouth College case Daniel Webster, arguing before the Supreme Court, stated in effect that Dartmouth was a small college, that Dartmouth was a poor college, that Dartmouth did not have any political influence, but he said, "Nevertheless, we still love Dartmouth." It is in that spirit that I rise to represent the interest which the State of New Mexico has in this piece of legislation, plus the fact that in my opinion the action of the Senate and of a standing committee of this body should have some respect in Congress.

This bill was before the Senate Committee on Irrigation and Reclamation, ably presided over by the Senator from Arizona on my right [Mr. ASHURST]; and after complete hearings the committee unanimously inserted some amendments that would take not a thing from the contents of the bill, but would do that which we love to talk about, protect States' rights. That is all that the amendments of the Senator from New Mexico import. They do not take one penny away from the State of California. They do not take one penny away from Arizona. They do not take one penny away from Nevada or any other State; but they do this: Whether we get 1 cent or 10 cents or half a million dollars or a million dollars, the sovereign people of the State of New Mexico should determine what shall be done in the State of New Mexico with that money, which belongs to New Mexico and not to any other State.

New Mexico is not complaining of the fact that Arizona is getting $300,000 a year. New Mexico is not complaining that Nevada is getting $300,000 a year. I still think it is Nevada's business and it is Arizona's business what they should do with that money. So is there anything unreasonable in the claim that the Senate should stand by a little amendment that was favorably acted on by the Senate committee and adopted by the Senate, protecting New Mexico along the same lines?

A great deal could be said on the Boulder Dam bill. I shall repeat what I stated some few days ago: After years of effort, the Boulder Dam project became a fact as far as law was concerned. Prior to that time, prior to the passage of the bill, which the Senators from Arizona opposed—and which, if I had been in this body at the time, I would have opposed—conferences were held. The irony of the matter is that when the compact was signed—the compact which was arrived at at a conference presided over by former President Hoover, was held at Santa Fe, N. Mex.—New Mexico, Utah, Wyoming, and Colorado were sacrificed on the altar of expediency so that southern California could get cheap rates.

I do not blame California one bit. I am blaming those who represented New Mexico, Colorado, Utah, and Wyoming at the time because they could not see the matter in the same light in which the two Senators from Arizona saw it, and thereby try to protect the interests of those upper-basin States.

Almost all of the water that goes into Boulder Dam comes from Utah, Wyoming, Colorado, and New Mexico. Whether or not we get a project, the largest amount of water we can utilize in New Mexico out of what belongs to us is some 350,000 acre-feet. We send into Boulder Dam every year, across the Arizona line in San Juan County, N. Mex., 2,400,000 acre-feet of water. The Senate adopted a little mite of an amendment which would give us nothing but a few crumbs, and the Senate conferees receded from that amendment.

Mr. President, for years California has been getting cheap power. We do not envy California at all.

Mr. LUNDEEN. Mr. President, will the Senator yield at that point?

Mr. CHAVEZ. I yield.

Mr. LUNDEEN. What reason was given for receding on the part of the Senate conferees? I am not familiar with the matter.

Mr. CHAVEZ. As I understand, the reason given was that the House conferees would not agree to the Senate amendment because it mentioned one particular project, the only possible project within the State of New Mexico. I am going

to discuss that matter in a few minutes, and call the attention of the Senate to the Senate hearings. But referring to the results of the passage of the original Boulder Dam Act, the four upper-basin States furnish the water. Colorado and Nevada divided, under the law, 37 percent of the revenue. California got cheap rates and more water, and the upper-basin States did not get a thing.

Mr. PITTMAN. Mr. President, will the Senator yield?

Mr. CHAVEZ. Yes.

Mr. PITTMAN. I am sure the Senator wants to be perfectly accurate. All of the proceeds of power were first to be applied to paying back the Government investment with interest.

Mr. CHAVEZ. The amortization; yes.

Mr. PITTMAN. If there was any surplus above what was necessary to pay the Government, then we were to get 37 percent of the surplus.

Mr. CHAVEZ. I said that was the case under the law.

Mr. PITTMAN. We were a little afraid there would not be any surplus a little later.

Mr. CHAVEZ. Anyway, that is the law. Arizona and Nevada were to get 37 percent of the revenue if there was a surplus. California was to get some water facilities, or use of water, plus the benefit of the power. Practically all of it goes to the State of California, and they are the ones who pay the revenue we are talking about.

For years after that efforts were made by some persons to modify the law so as to get cheaper rates in southern California. They would have conferences; they would induce representatives from my State and the other States to get together in an effort to modify the law so as to get more benefits. But, in order to convince the upper basin States that it was good for them, they inserted some provisions by which a certain amount was to be used for investigation by the upper-basin States. That was to be distributed, according to the bill, in an equitable way. Then, after a certain period, they were to receive so much for 14 years, $500,000 each year, again to be divided equitably by the upper-basin States, and then proceed to the debt period, and thereafter to be divided equitably by all of the States, including the three lower-basin States, California, Nevada, and Arizona.

There were some meetings at Phoenix and some meetings at some place in Wyoming and elsewhere. Then there were hearings before the Committee on Irrigation and Reclamation, and I wish to read to the good Senators who have had sufficient patience to remain here and listen to me about what this New Mexico proposition is, pure and simple, what happened at the hearings, and what made the committee unanimously report the amendments.

After the hearings started I got in touch with our water authorities in New Mexico and asked Gov. A. T. Hannett, formerly Governor of the State, who is now assistant attorney general, trying to protect the little right we have in this matter, and our State engineer, Mr. McClure, to come to Washington and testify. They both testified before the committee, and it was after they testified that the Committee on Irrigation and Reclamation of the Senate unanimously reported the amendments favorably to this body, and not a single objection was raised in this body to the amendments.

I first read from the testimony of Mr. John C. Page, Commissioner of the Bureau of Reclamation, as follows:

Senator ASHURST. State your name and your position.

Mr. PAGE. John C. Page, Commissioner of Bureau of Reclamation.

Senator ASHURST. How long have you held that position?

Mr. PAGE. Since 1937.

Senator ASHURST. Senator CHAVEZ, you may proceed with any questions that you have.

Senator CHAVEZ. Mr. Page, prior to the money being obtained by the appropriation of the special bill appropriating $50,000 for the investigation of the San Juan, did the Reclamation Bureau make any studies of the possibilities or feasibilities of a project on the San Juan River for a transmountain diversion dam?

Mr. PAGE. Nothing of any consequence. We did make a preliminary reconnaissance. We thought that something could be developed there, but money was not available to make a complete investigation.

Senator CHAVEZ. After the Bureau had allocated this money under the appropriation, did you make an investigation and a survey of the possibilities of the transmountain diversion dam?

Mr. PAGE. We made a rather complete investigation of the thing in connection with the general Rio Grande investigation, sponsored by the National Resources Planning Board. At that time we made estimates on the cost of the work, the physical features that would be involved in making that transmountain diversion from the San Juan to the Rio Chama, and included that in the report of the National Resources Planning Board as an over-all picture on the Rio Grande.

Senator CHAVEZ. Did that include an investigation of the needs of the San Juan County people themselves, including the Navajo Indians?

Mr. PAGE. I think that took into account all prospective uses of the San Juan, with the expectation that probably some conservation work, storage, or something of that kind, would be necessary before there was water exported. That is, it would be necessary to augment the low-water supply before an exportation was possible during that low-water season. That did not ripen into what we consider now as the final answer. That is, there are quite a number of questions still left unsolved in connection with the San Juan-Rio Chama diversion, but that principle of protecting the Navajo and white settlers in the San Juan was given consideration at that time.

Senator CHAVEZ. Are you acquainted with the general needs of a water supply in the Rio Grande area, especially from the Colorado line down to the Rio Grande irrigation project at Elephant Butte?

I want Senators to listen to this:

Mr. PAGE. The water supply of the Rio Grande is entirely used. there is no excess water, no possibility of additional development, as we see it, on the Rio Grande unless water is imported. From our preliminary reconnaissance this San Juan-Rio Chama seems to be the best and only way in which New Mexico can use its share of the Colorado River water.

Mr. Page himself was there telling us that we need the water in the Rio Grande. We have within the State of New Mexico 2,400,000 acre-feet, and when we beg for a meagerly 350,000 acre feet, the Senate conferees recede from the Senate amendments. If my friends from Arizona, and my friends from Nevada, and my friends from California, and even my friends from Colorado, realized the necessity and the logic and the need of that water in New Mexico, they would not have receded from the Senate amendments.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. ASHURST. The able Senator referred to the fact that I presided over the Committee on Irrigation and Reclamation. My presiding arose from the circumstance that the able chairman of the committee was detained on other matters, and could not be present to preside.

The climate, the culture of the people, the geography, the physics, are quite similar between Arizona and New Mexico. The relation between the Senators from New Mexico and the Senators from Arizona is of the most cordial character, and I but mildly state the fact when I say that my admiration for the Senators from New Mexico, for their zeal and their ability with respect to protecting their State regarding the waters of the Colorado River, is great.

Mr. President, I give assurances that if I believed that the bill we are now considering or any other bill destroyed any rights New Mexico possessed, I would not vote for it. Each of the Senators from New Mexico is an able lawyer, and I can well understand their commendable zeal and foresight in trying to see to it that nothing shall become a law which might by some future circumstance affect their State adversely. However, after a careful reading of the conference report on the bill I cannot see wherein they are injured. They have the same amount of water, the same rights, they had before the conference report was signed. When the Colorado River compact was drawn, and subsequently agreed to by six of the seven States of the Colorado Basin, including New Mexico, the waters of the Colorado River were apportioned, so much water to the lower basin, which comprised Arizona, Neveda, and California, and so much to the upper basin States, which embrace Wyoming, Colorado, Utah, and New Mexico.

Mr. CHAVEZ. Mr. President, will the Senator yield there?

Mr. ASHURST. The Senator from New Mexico has the floor, I am speaking at his sufferance.

Mr. CHAVEZ. I should like to ask the Senator a question at that particular point. It is a fact that under the compact 7,500,000 acre-feet should go to the upper basin States, but unless New Mexico gets $50, or a million dollars, how are we to get 1 foot of water to which we are entitled out of this 7,500,000 acre-feet?

Mr. ASHURST. Here are the able Senators from Utah, the able Senators from Colorado, and the able Senators from Wyoming, upper basin States. They might make the same statement. I am not overstating the fact when I assert that no State is better represented in the Senate than are those States of the so-called upper basin. They must take their chances on securing an appropriation, and, so far as I am aware, if they agree on an appropriation, the other States in the West would assist.

Manifestly we may not name projects in a bill of this sort. I was willing to do so if it could be done, to facilitate the Senators from New Mexico, for whom I have a great affection. But if we named a project in New Mexico, how then could we refuse to name a project in the State of Wyoming?

Mr. CHAVEZ. May I answer?

Mr. ASHURST. Certainly.

Mr. CHAVEZ. New Mexico stood in a peculiar position, because it was testified before the committee, and it is a fact, that the only possible place where we can have a project is on the San Juan River, and nowhere else. So we have only one place.

Mr. ASHURST. Mr. President, I have known the Senator from New Mexico since his babyhood.

Mr. CHAVEZ. That is correct.

Mr. ASHURST. I have observed with pride his growth and development, from an earnest, scholarly youth, into a real statesman. He but reflects upon himself when he limits science and emprise and says there is only one place in New Mexico where this water could be used. With all the marvelous discoveries in science, with instruments in geophysics, with this dazzling age before us, and the rich soils there, and water having the proclivity to run down hill, the able Senator, with all his knowledge and understanding, says there is only one place in New Mexico where the water could be used.

Mr. CHAVEZ. Will the Senator listen to me now?

Mr. ASHURST. Certainly.

Mr. CHAVEZ. I read from the hearings:

Senator CHAVEZ. What other sources of water supply are there in San Juan County, outside of the tributaries of the San Juan?

Mr. PAGE. I think there are none that could be counted on for any material amount of water. They seem to be the only source from which you can get water enough to make it worth while.

That was the Commissioner of Reclamation. I know New Mexico, and the Senator from Arizona knows New Mexico. If there is one little bit of a stream and nothing else within a thousand miles, where else are you going to get water supply except from that little stream, the San Juan River?

Mr. ASHURST. Mr. President, I arose to give assurance that if even in a remote excursion of my imagination I believed that this bill would injure the rights of any upper-basin State or any other State, I would not have signed it. I have reached the envied estate where I am not required to sign papers that do an injustice. There is no contingency in life that is going to induce me to sign a paper—this is not a boast—which will cause great injustice to another State.

I remember, as I was presiding over the Committee on Reclamation, that the able Senator from Utah [Mr. KING] came before the committee and argued well, as he always argues, with a clearness of intellect that has made him one of the outstanding figures in American public life. But we were unanimously against him.

Mr. KING. You were wrong.

Mr. ASHURST. We may have been wrong. I did not think so. Between the State of Arizona and the State of Utah the most cordial relationship exists. Our sympathies, if we have any sympathies in the matter, are with Utah, which, as the able Senator from Utah says, contributes much water to the Colorado River. Surely I need not give assurances to the Senator from Utah that I would not do his State an injustice. I have admiration for his learning and his brilliancy of argument. I simply did not believe the amendment was wise or necessary. I was once willing to go so far as to name a project in New Mexico. I did it, I suspect, largely out of my affection for the two Senators from New Mexico.

I assure the Senators from New Mexico that, in my judgment, they will discover upon a closer investigation that their State is not injured; that it stands side by side with the States of Wyoming, Colorado, and Utah.

I thank the Senator from New Mexico for yielding to me.

Mr. CHAVEZ. I want to thank the Senator from Arizona, for I know his sincerity of purpose. I know that he does not want to hurt New Mexico, but I know that New Mexico would be more satisfied if it gets the benefits it wants—the benefits which the Senator from Arizona speaks of. New Mexico would like to see what the benefits would be.

I want to call the attention of the Senator, if he will listen to me, to the amendment, and those people who like to bring up States' rights; I want them to say whether the amendment injures the bill in any way, shape, or form, or whether it only does what we have in mind to do—to use what belongs to New Mexico as New Mexico sees fit.

I only ask that Arizona shall use her $300,000 a year as she sees fit; that Nevada shall use her $300,000 a year as she sees fit. We are not complaining that Colorado, Utah, or any other State do what they please and what they see fit to do. All we ask by this amendment is that this small State be allowed to exercise its sovereignty as it sees fit, and do with what belongs to them as they see fit.

Here is the amendment:

Any moneys—

Not moneys that belong to another State—

Any moneys accruing for projects in New Mexico—

Not in Utah, not in Colorado, not in Wyoming, not in Nevada, not in California—

and appropriated pursuant to the authorizations contained in this subsection shall be available for (1)—

For what?—

the completion by the Bureau of Reclamation of a survey of the transmountain diversion project on the San Juan River in the State of New Mexico.

And no possibilities of having it used anywhere else.

And (2) for the construction of such project; and such project shall be so designed—

We went so far in drawing this amendment that we wanted it designed so it would meet the needs, in fair play and in justice, of anyone who was entitled to one gallon of that water—

so as adequately to protect the present and prospective uses of the water in the State of Colorado and in San Juan County, N. Mex., including those of the Navajo Tribe of Indians, and after providing for such needs, any water from such project remaining available for use shall be used as the State of New Mexico may determine.

I want to tell Senators why we are doing that. I have great faith in the Bureau of Reclamation. I know that they have a wonderful history. But they have worked along a certain line. They have certain standards. And I do not want them to have the final say as to whether a project is feasible in New Mexico when the money belongs to us, because under their standard they might come to the conclusion that it is not feasible, but, nevertheless, we in New Mexico may have a State engineer who may say, "Well, if we built it this way—while it might not comply with the standards and the ideas of bureaucratic Washington, nevertheless we can build a project over here and make a living for the people of the State of New Mexico."

Is there anything unfair about that? Would any Senator here want any bureau in Washington, including the Reclamation Bureau, finally to determine what shall be done in the

State of South Carolina or Arizona or Mississippi or Michigan or elsewhere? Especially, as the money belongs to us, why should not we have something to say about that? Is there anything unfair about that amendment?

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. ASHURST. I need not advise the able Senator from New Mexico that Commissioners of Reclamation may recommend or they may decline to recommend. The able Senator knows, of course, that no matter what the Commissioner of Reclamation may recommend or fail to recommend, Congress is the authority in the matter, Congress has the power to authorize projects where Congress chooses, notwithstanding what the honorable Commissioner of Reclamation may report or fail to report.

Mr. CHAVEZ. Yes; but I have had this experience, that Congress may pass a bill and then the Bureau of Reclamation or some Department of the Government makes an adverse report and sends it to the President, and possibly the bill may not be signed by the President.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. HATCH. I am sure the able Senator from Arizona has studied the bill. It is my interpretation of the bill that the bill itself gives to the Secretary of the Interior absolute and complete power, and it would take a special act of Congress to go back and change the present bill.

Mr. ASHURST. That might be, but Congress nevertheless has the power to authorize projects anywhere Congress chooses. I am not going to be drawn into a legal argument with the able Senator from New Mexico [Mr. HATCH]. I have served with him on the Judiciary Committee so long that I have no disposition to get into an argument with him on legal matters. I have learned to respect his opinion so highly that I seek no controversy with him. But I am sure the able Senator will agree with me that if the Congress desired to take certain action, there is nothing to prevent future Congresses from doing just what they please with respect to the matter.

Mr. CHAVEZ. Mr. President, as a practical proposition, how many bills does the Senate pass which are not favorably reported by some department? How many times have bills been turned down, over and over, or vetoed, not because Congress did not pass them, but because some Government bureau said, "No"? That happens every day in the week, and we see it. And I still want to feel that South Carolina, that Arizona, that Louisiana, that New Mexico should have something to say about whatever little mite belongs to them—at least should have something to say about it. Why leave the complete veto power in a Government bureau, in bureaucrats?

The amendment does not hurt the bill. The amendment does not interfere with California getting $100,000,000 advantage through the Boulder Dam. The amendment does not interfere with Nevada getting $300,000 a year. The amendment does not interfere with Arizona getting $300,000 a year. The amendment does not interfere with lower power rates in southern California. All we ask is fair play and justice from this body.

We are always talking about States' rights. I still maintain that that is a fundamental principle which should be considered in this day and age. I still maintain that this body should realize that throwing away this amendment is a step in the direction of abolishing States' rights, and that perhaps in the not distant future the same proposal may be applied to some other State. This is a question which means more than the actual few benefits which the State of New Mexico might receive. We maintain that we have an interest in Boulder Dam. We maintain that the revenue should be divided in a way which would take care of the interests of all the States involved. We do not want to interfere with what any other State might do with its share, but we do ask that New Mexico be allowed to do what it pleases with its share.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. JOHNSON of Colorado. While the Senator is on the subject of States' rights, I should like to ask him whence does the water come which he would divert under his amendment? What is the source of the water which the Senator from New Mexico would divert under the provisions of his amendment?

Mr. CHAVEZ. Knowing where it comes from——

Mr. JOHNSON of Colorado. Where does it come from?

Mr. CHAVEZ. I shall answer the question of the Senator from Colorado to his satisfaction. The amendment reads:

> For the construction of such project; and such project shall be designed so as to adequately protect the present and prospective uses of water in the State of Colorado and in San Juan County, N. Mex.

Mr. JOHNSON of Colorado. From what State does the water come?

Mr. CHAVEZ. Part of it comes from Colorado.

Mr. JOHNSON of Colorado. Does not all of it come from the State of Colorado?

Mr. CHAVEZ. No.

Mr. JOHNSON of Colorado. Does not all the water which the Senator would divert come from Colorado?

Mr. CHAVEZ. No.

Mr. JOHNSON of Colorado. Has an agreement been reached between Colorado and New Mexico as to the use of that water?

Mr. CHAVEZ. Yes; and Mr. Stone, the representative of the State of Colorado, who appeared before the committee, helped draw that amendment.

Mr. JOHNSON of Colorado. Mr. Stone has no right to agree to anything on behalf of the State of Colorado.

Mr. CHAVEZ. But there is already a compact between Colorado and New Mexico.

Mr. JOHNSON of Colorado. As to the use of this particular water?

Mr. CHAVEZ. That is correct.

Mr. JOHNSON of Colorado. As to the construction of compensating reservoirs?

Mr. CHAVEZ. That is my understanding. We did not want to take advantage of Colorado, so we inserted Colorado, so that Colorado might be fully protected in what she is entitled to.

Mr. JOHNSON of Colorado. The Senator from New Mexico has an entirely different un lerstanding of this whole matter from that of the Senator from Colorado.

Mr. CHAVEZ. This language is certainly clear.

Mr. JOHNSON of Colorado. The language does not mean anything.

Mr. CHAVEZ. The language is—

> For the construction of such project; and such project shall be designed so as to adequately protect the present and prospective uses of water in the State of Colorado and in San Juan County, N. Mex.

Mr. JOHNSON of Colorado. But no agreement has been reached between Colorado and New Mexico as to the use of this water.

Mr. CHAVEZ. The only information I have is from Commissioner Stone. We did not want to take anything away from Colorado or any other State.

Mr. PITTMAN. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. PITTMAN. Is it not a fact that neither the Boulder Canyon Act nor this act prevents any State from taking water out of any river within its boundaries, at its own expense, and for any purpose it wishes?

Mr. CHAVEZ. Yes.

Mr. PITTMAN. That is expressly provided.

Mr. CHAVEZ. That is my understanding.

Mr. PITTMAN. In this bill we are dealing only with a fund.

Mr. CHAVEZ. That is correct.

Mr. PITTMAN. We do not take any rights away from the States. Five years prior to 1928 we had the same argument about who furnishes the water. We knew well enough that the Government could not build any dam on the river unless

all the States should agree, because otherwise we should have a debate here for a long time.

Mr. CHAVEZ. The States did not all agree, but the dam was built.

Mr. PITTMAN. Six of them agreed. The Senator's State agreed.

Mr. CHAVEZ. That is correct.

Mr. PITTMAN. We divided the water, one-half for the upper States and one-half for the lower States. The water we are using at Boulder Dam is our half, no matter where it comes from.

Mr. CHAVEZ. Yes; and unless we build some projects in my State we shall not receive our share. That is why we should like to build these small projects.

Mr. PITTMAN. Is it not a fact that the Commissioner of Reclamation testified that he would immediately investigate the project in New Mexico?

Mr. CHAVEZ. That is correct.

Mr. PITTMAN. If the project is feasible it will be built.

Mr. CHAVEZ. If the Commissioner finds that it is not feasible, does the Senator think the Commissioner should have the say as to what we should do, or what money we might receive?

Mr. PITTMAN. The sponsors of the project may come to Congress if they desire and ask for an appropriation for the project.

Mr. CHAVEZ. My intentions for the State of Nevada are the best; but I still maintain that so far as any benefits to be received by the State of Nevada are concerned, Nevada should depend more on the Senator from Nevada than on the Senator from New Mexico.

ADJOURNMENT TO JULY 22, 1940

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. BARKLEY. The House has sent over a concurrent resolution providing for an adjournment until Monday, July 22, 1940. The House is waiting for us to act on it. Does the Senator from New Mexico object to having the concurrent resolution laid before the Senate so that the Senate may act upon it, and Senators may understand the program?

Mr. CHAVEZ. I yield for that purpose.

Mr. BARKLEY. I ask that House Concurrent Resolution 86 be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate House Concurrent Resolution 86, which will be read.

The Chief Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Thursday, July 11, 1940, they stand adjourned until 12 o'clock meridian, Monday, July 22, 1940.

Mr. BARKLEY. I move the adoption of the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

Mr. BARKLEY. Mr. President, will the Senator further yield to me for just a moment?

Mr. CHAVEZ. I yield.

Mr. BARKLEY. Many Senators have asked what the program, following the 22d, is to be, so far as we can now anticipate it. Efforts had been made to adjourn until the 29th instead of the 22d, because in all probability it will be the middle of the following week before Senators can return to Washington, and the probability is that a quorum would not be present during that week. I have consulted with the minority leader, the Senator from Oregon [Mr. McNARY], and we have reached a tentative understanding that no important business will be transacted during the week of the 22d. Very likely we shall have 3-day recesses, from Monday the 22d until the following Thursday, and then until the following Monday, so that Senators may make their plans according to that schedule. I felt that the Senate was entitled to that information.

BOULDER DAM—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9877) authorizing the Secretary of the Interior to promulgate and to put into effect charges for electrical energy generated at Boulder Dam, providing for the application of revenues from said project, authorizing the operation of the Boulder Power Plant by the United States directly or through agents, and for other purposes.

Mr. CHAVEZ. Mr. President, I wish to call the attention of the Senate to the fact that there is only one source of water from which we can receive any benefits. Much has been said as to the 7,500,000 acre-feet which the upper-basin States are supposed to receive. We have only one source of water supply.

I wish to read from the testimony of Mr. Page, Commissioner of Reclamation:

Senator CHAVEZ. What other sources of water supply are there in San Juan County, outside of the tributaries of the San Juan?

Mr. PAGE. I think there are none that could be counted on for any material amount of water. They seem to be the only source from which you can get water enough to make it worth while.

Senator CHAVEZ. This Animas-La Plata project that has been discussed here is only a small item?

Mr. PAGE. Yes; and that is pretty well covered by a compact, and pretty well used. The storage on the La Plata will help the situation. It has already ripened into an interstate compact.

Senator CHAVEZ. That can only be used by the people who are now using that water?

Mr. PAGE. Yes.

Senator CHAVEZ. And will not provide additional acreage or an additional supply for anything else?

Mr. PAGE. There seems to be no possibility of developing any additional area.

Senator CHAVEZ. Are there any projects contemplated at or near Aztec in San Juan County?

Mr. PAGE. I cannot answer that positively, but none of any consequence that I know of.

Senator CHAVEZ. Then in short, the only possibility to get additional water in the Rio Grande Valley would be through a storage transmountain diversion?

Mr. PAGE. Under the present investigation, that is the fact.

Senator CHAVEZ. And the San Juan is the only source of water supply from which New Mexico could get its proportionate share of the 7,500,000 acre-feet that is allotted under the original compact?

Mr. PAGE. That seems to be the only opportunity we found.

Senator CHAVEZ. So, you feel New Mexico, as far as your end of it is concerned, is on the right road to get that water, if it is at all feasible or proper?

Mr. PAGE. Definitely so; yes.

Senator ASHURST. Did you wish to interrogate Mr. Page on any other matter, just now?

Senator CHAVEZ. That is about all.

Mr. President, I wish to read some further testimony from the committee hearings. Mr. A. T. Hannett, former Governor of the State of New Mexico, who is now assistant attorney general, and in charge of trying to protect what little is left under the Boulder Dam Act, appeared before the committee and testified at the hearing, at which the Senator from Arizona [Mr. ASHURST] presided. I read:

Senator ASHURST. Will you please give the reporter your full name and occupation for the record?

Mr. HANNETT. Arthur T. Hannett, lawyer; post-office box 497, Albuquerque, N. Mex.; special assistant attorney general; attorney before the United States Supreme Court; also attorney general for a good many years, 25 or 26 years.

Senator ASHURST. Governor, you may proceed to make any statement that you wish.

Mr. HANNETT. As you gentlemen all well know, this particular bill has been debated over a period of years by the States involved. The four upper-basin States formed an organization—more or less of an organization—and employed an electrical engineer of national reputation by the name of Sands, also Mr. Tipton, of Colorado, a hydraulic engineer, to advise us on the practical effect that this bill would have on the various States and the revenues produced from the sale of electric energy at Boulder Dam, and from that report deduced certain conclusions. California, with its experts, differed on many of those conclusions. We held, as I said, numerous meetings, and the final meeting was held at Phoenix, Ariz.

New Mexico and its representatives felt at all times that under the original bill the rights and interests of the upper-basin States were inadequately protected. We feel that that is true as to this proposed bill.

Under the terms of the bill, as we see it—

I should like to have the Senate listen particularly to this testimony—

Under the terms of the bill, as we see it, based upon the report of Mr. Sands and Mr. Tipton, the State of California will benefit, over the period of time, not less than $100,000,000, probably $150,000,000. That is not a nebulous thing, it is capable of being figured out in dollars and cents. The States of Nevada and Arizona will benefit definitely, without any question, substantially $300,000 each year. Under the bill, as we see it, as far as the State of New Mexico and the other upper-basin States are concerned, there is nothing definite as to what any State is going to get.

That was the reason for the amendment submitted by the Senator from New Mexico.

We have gone along; we have been a compact State, and we have gone along with the four upper-basin States, and our relations have been very pleasant, but we feel that this bill should have made some definite provision as to what New Mexico was going to derive, if anything. As it stands now, as we conceive it, we have nothing under the old bill, and we think the old bill was inequitable.

We think the new bill is inequitable. We think, under Mr. Sands' report, it shows that instead of getting $500,000 a year we should receive $1,000,000 a year. That report was available to us at a meeting in Denver, and it was available at the Phoenix meeting, together with Mr. Tipton's report. At that time each of the four upper-basin States were in accord and backing up Mr. Sands' report, and it is our firm belief that it was a fair, able, and honest report. Utah was particularly vigorous in denouncing the bill, and Wyoming, likewise, and Colorado to some lesser extent.

When we met in Phoenix, Utah's position had been reversed and Colorado's position very much modified. Wyoming and New Mexico finally stood as opponents to the bill.

[At this point Mr. CHAVEZ yielded to Mr. OVERTON, on whose request House Joint Resolution 582 was considered and passed, which proceedings appear at the end of Mr. CHAVEZ's remarks.]

Mr. CHAVEZ. Mr. President, I shall continue reading from the testimony of Governor Hannett of New Mexico, on the pending bill, before the Committee on Irrigation and Reclamation. I have previously stated that the benefits to be derived by New Mexico were insignificant, I have stated heretofore also the State of California and the other lower-basin States were to get millions of dollars of benefits. I now resume the quotation from Governor Hannett:

Senator MCCARRAN. Wyoming and New Mexico were opposed to the bill?

Mr. HANNETT. Wyoming and New Mexico were opposed to the bill, I do not claim to have any technical knowledge either as a hydraulic engineer or as an electrical engineer, but from the discussions that we had, and from the study that I made of Mr. Sand's report—both our Senators have it—I still believe that that would have been an equitable basis for the distribution of this fund, that is the upper-basin States should have had the $1,000,000 a year instead of the $500,000, considering the benefits that have been definitely pegged down to Arizona, Nevada, and California. As it stands now we have an undivided interest in a fund which will be spent by a Government agency. Whether there will ever be a substantial development in New Mexico out of that fund is problematical.

It has always been our position that whatever New Mexico is to derive out of this should be pegged down like Nevada's rights are pegged down, and California's rights are pegged down. After all, the share we get, compared to the benefits of California, for instance, is trifling. When I say California will receive $100,000,000, that is the minimum. My guess is it is probably somewhere between $130,000,000 to $150,000,000, based on Mr. Sands' report, a large part of which is highly technical, and I am not in a position to discuss the technical details.

Senator CHAVEZ. Governor, may I interrupt you right there? The Mr. Sands you refer to is an engineer of national reputation throughout the United States?

Mr. HANNETT. I understand he has a national reputation. He was selected by Judge Stone and Mr. Tipton, and we four upper-basin States paid them the honorarium that they asked. While I understand they differed widely in some of their findings with California engineers, I have no reason to question the fairness nor the integrity of the California engineers nor the good faith or the integrity of Mr. Sands. Perhaps somewhere between the figures of each lies the truth. I do not know; I am not an engineer.

I think that covers what I desire to say, unless there are some questions.

Senator CHAVEZ. Governor, you mentioned that, under the Sands report, $1,000,000 a year instead of $500,000 a year would appear more equitable to the upper-basin States.

Mr. HANNETT. That was the thought and the belief of all four upper-basin States at the Phoenix meeting.

Senator CHAVEZ. And you further contend, as a representative of the New Mexico water interests, that whatever amount it might be should be set up definitely in the legislation so that New Mexico may know just exactly what it is going to get?

Mr. HANNETT. That has always been our hope.

Senator CHAVEZ. Whether it is part of the $500,000, or part of the $1,000,000?

Mr. HANNETT. Be it ever so small, we think we ought to know what it is, and that we are going to get it.

That is all this amendment would do; it would merely provide what we would get and how it should be used.

Senator CHAVEZ. And that the legislation should contain wording, or be clarified to such an extent that the New Mexico water authorities could decide as to what to do with their little mite?

Mr. HANNETT. That is exactly right.

And that is exactly what the amendment proposed by the Senator from New Mexico contained.

Senator CHAVEZ. Now, what particular projects, if any, did the New Mexico authorities have in mind with reference to this legislation?

Mr. HANNETT. We have three projects in mind: The Navajo Indian Tribe in San Juan County, an area that can be developed; there is a small area along the San Juan River in San Juan County, and some development on the Animas and La Plata. The project that we feel is of the greatest importance to the State of New Mexico is what is generally known as the San Juan-Chama diversion.

Senator CHAVEZ. Is there any source of water supply there by which New Mexico can avail itself of any rights it might have under the compact outside of the San Juan?

Mr. HANNETT. No.

Senator CHAVEZ. That is the only one?

Mr. HANNETT. Yes.

Senator HATCH. That is the San Juan-Chama diversion?

Mr. HANNETT. Yes.

Senator CHAVEZ. What is the situation, Governor, with reference to the water supply in the Rio Grande now between, say, the boundary of Texas on the south and the boundary of Colorado on the north?

Mr. HANNETT. The water supply has been inadequate. Texas sued the State of New Mexico.

We are fighting for what little water we have in New Mexico now. We had to come clear to the Supreme Court of the United States; and when we asked for the protection of a little mite that might help what little we have over there, the Senate conferees receded on that amendment. I do not doubt their good faith at all, but they have done a grave injustice to the State of New Mexico.

Mr. HANNETT. The water supply has been inadequate. Texas sued the State of New Mexico. We had a long and expensive litigation. It has been inadequate at times. We finally entered into a compact, and during the negotiations for this compact the States of Texas, Colorado, and New Mexico entered into an agreement for a joint investigation. A large sum of money was spent by the States and the Federal Government on what is known as the joint Rio Grande investigation. New Mexico asked that the feasibility and practicability of the San Juan diversion and of the transmountain diversion into the Rio Grande be investigated, and a large sum of money was devoted out of that sum to this investigation, and it was found to be feasible and practical.

Along the same lines, testimony was submitted by our State engineer, Mr. Thomas M. McClure. Testimony was submitted by Dr. Woehlke, of the Indian Bureau, concerning the rights of the Navajo Indians in San Juan County, N. Mex. But the appeal I want to make to this body is this: It is fair, and it is just. I know that we are not getting what we are entitled to. I know that California and Nevada and Arizona are getting the bulk of the benefit; but we do ask you, in all sincerity, that, whatever we get, you allow the State of New Mexico to do as it pleases with its share.

Mr. President, I do not want to proceed very much longer. I ask unanimous consent that the complete statements of Governor Hannett; Mr. Page; Mr. Thomas M. McClure, State engineer of New Mexico; and Dr. Woehlke, of the Indian Bureau; and a letter from me to Mr. Page and his answer be inserted in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit A.)

Mr. HAYDEN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Arizona?

Mr. CHAVEZ. Yes; I yield.

Mr. HAYDEN. I desire to make an observation or two in connection with this matter and see if we cannot arrive at a practical understanding of the situation as it faces us.

I am in this position: If the Senator's amendments had been included in the conference report, I would have cheerfully voted for the conference report. I can see no harm or injury to any other State that would come about by including his amendments. Upon the other hand, the failure to enact them, in my judgment, does not reflect in any adverse manner on the State of New Mexico, for this reason:

If these provisions were contained in the bill, after all, it is a mere authorizing act. It does not carry one cent of money. So, in order to carry out the purposes which the Senator from New Mexico has in mind, whether his amendments are in the bill or are not in the bill, an appropriation by Congress would first be required to begin immediate investigations to determine the feasibility and practicability of diverting water from the San Juan over into the Chama and then into the Rio Grande. Let me add further that of my own personal knowledge I am satisfied that additional water for irrigation is the greatest benefit that can possibly come to the State of New Mexico.

Mr. CHAVEZ. May I ask the Senator a question at that point?

Mr. HAYDEN. Certainly.

Mr. CHAVEZ. Suppose the Bureau of Reclamation were to decide that the project which they had been investigating was not feasible either from an engineering or from an economic standpoint, what would New Mexico get then, under the provisions of the bill?

Mr. HAYDEN. I will say to the Senator that I am so firmly convinced that an increased supply of water is absolutely essential for the Rio Grande Valley in New Mexico, and I am so firmly convinced that the only source of getting that water is from the San Juan watershed, that beyond question it is absolutely necessary that it must and will be done. Exactly how to do it is something else, but in the long run for a certainty the water must be brought out of the San Juan drainage basin over into the Rio Grande Valley. Irrigation has been practiced in that valley for as long a time, if not longer, than anywhere else in the United States. They know how to use the water. The present water supply is inadequate. An additional supply must be obtained in that way; and if it were necessary to do it in an unusual way, still the public interest would require that the water be brought from one drainage basin into the other.

If that is the case, the only way to find that out is by first using some money to make an engineering investigation. Conditions change. What turned out to be perfectly practicable in building Boulder Dam would have been utterly out of place 20 or 30 years ago; and so it is on many other irrigation-project investigations that must be made. We are living in a new and a live world, where better ways of doing things are constantly found. I say that this transmountain diversion in New Mexico is a thing which has to be done and a way will be found to do it.

Mr. CHAVEZ. That is just the point. We think—anyway, some of the people of New Mexico have faith that they can also think, as well as the people here in Washington.

Mr. HAYDEN. But let us get at the practical proposition. All that there is in the bill is a promise. If and when the bill passes, a million and one-half dollars contributed by the consumers of power in southern California will be put in the Treasury of the United States subject to appropriation by Congress. The first thing to do then is to get an appropriation to do this work. I say to the Senator this is my honest judgment, as a friend of the State of New Mexico, as one deeply interested in the development of every water resource that we possibly can in the United States, primarily to acquire vested rights ahead of uses in old Mexico by developing projects in the United States. I want to see the work started everywhere within the Colorado River Basin. Following up that idea, I have conferred with the Bureau of Reclamation, and I have here a letter which I desire to read into the RECORD which promises that immediately this bill becomes a law estimates will be submitted, so that there can be enacted, before the present Congress adjourns, an appropriation to carry out the work.

If the Senator will permit me, I will read the letter at this time.

Mr. CHAVEZ. I shall be glad to have that done.

Mr. HAYDEN. It is addressed to me, based upon an inquiry I made:

UNITED STATES DEPARTMENT OF THE INTERIOR,
Washington, July 8, 1940.

HON. CARL HAYDEN,
United States Senate.

MY DEAR SENATOR HAYDEN: Some discussion has arisen as to the manner in which plans for development in the Upper Basin States, to be financed from the Colorado River development fund, will be prepared. Much work needs to be done in this basin and immediately on passage of the proposed Boulder Dam Adjustment Act it is planned to submit a Budget estimate for $320,000, to be divided equally among the States of Colorado, New Mexico, Utah, and Wyoming.

That would be $80,000 in each State—

It is particularly important that work be pushed in determining the feasibility of using the maximum water in the Upper Basin States permitted by the Colorado River compact. It is therefore hoped that such a Budget estimate will receive favorable consideration.

Sincerely yours,

EBERT K. BURLEW,
First Assistant Secretary and Budget Officer.

That money should be available within 30 or 40 days to put engineering parties in the field in New Mexico, in Wyoming, in Colorado, and in Utah to go to work this fall, and work as long as they can. If the altitudes are too high, they may have to drop the work in midwinter, but they will be ready to continue early in the spring.

What will be the result if we do not adopt the conference report? Just take the practical side of it. The money then will not be transferred from the consumers of power in Los Angeles to the Treasury of the United States. A million and a half dollars will not be available for appropriation by Congress.

Mr. CHAVEZ. I think they are more anxious to pass the bill than we are, because we are not getting anything.

Mr. HAYDEN. I am just stating the facts—that if this bill becomes a law, that money will then be transferred to the Federal Treasury. It will be a special fund. It will not be money raised from the taxpayers.

Mr. CHAVEZ. That is the reason why I think it is right to have the State of New Mexico determine whether it is a feasible thing or not, because it does not come from the taxpayers, because it comes from a fund that will have been created by the power derived from some water source in the State of New Mexico in which the people of New Mexico have an interest.

Mr. HAYDEN. I understand; and if that provision were in the conference report I would cheerfully vote for it, because I can see no harm done to any other State; but it is not there.

We are faced with this practical proposition: We have a conference report here. If we adopt it, immediately, and the bill is signed by the President, the million and a half dollars will be transferred into the Treasury of the United States. Then a Budget estimate will be submitted, and an appropriation of $320,000 will be made to put surveying parties out to work this fall and winter. We will get immediate action on money, and I am satisfied that there will be no question about obtaining the money. I can pledge the Senator, as a member of the Senate Committee on Appropriations which has something to do with appropriations of this character, that he shall have my most hearty support in seeing that before this Congress adjourns the very thing that he wants done shall be done, which will convert a promise into a reality.

Mr. CHAVEZ. Yes; I fully understand that, and I appreciate what the Senator from Arizona has said with reference to getting an appropriation for the investigation; but the fund will still continue to increase. If, after they spend this money that the Senator from Arizona and I are going to help

to appropriate, the Reclamation Bureau find that this thing is not feasible either from an engineering standpoint or from an economic standpoint, what is New Mexico going to get in the future?

Mr. HAYDEN. Let us look at the matter in this way: There will be $500,000 a year going into this special fund, and New Mexico's share of that $500,000 will be what? $100,000 a year?

Mr. CHAVEZ. I do not know. I wanted to have it divided equally. Then we would know what we are going to get.

Mr. HAYDEN. If it were divided equally, it would be $125,000 a year for each of the four upper-basin States.

Mr. CHAVEZ. That is correct.

Mr. HAYDEN. One hundred and twenty-five thousand dollars a year would have to accumulate for about how many decades and generations before it would be possible to build a substantial project in New Mexico to divert water from the San Juan River?

Mr. CHAVEZ. But at least we would know what we were going to have. As it is now, we do not know whether we are going to get a penny or anything else; and in our opinion—I am sincere about this——

Mr. HAYDEN. I want to compliment the Senator upon the way in which he has presented this case in behalf of his State; but speaking for all who are anxious to see final action, I want to assure him that so far as we are concerned, all of us, we shall do everything possible to see that his wishes are carried out, and immediately, not by a promise, but by actually putting the cash to work.

Mr. CHAVEZ. Of course, the cash will be all right. The only thing I want is to see that that cash is spent by someone who has an interest in the State of New Mexico.

I am not worried about the Senate. I know I have the confidence of my colleagues and that New Mexico will have its day in court before the Committee on Appropriations. But after we appropriate the money, who is to determine whether it is to be spent in the State of New Mexico, or the State of Wyoming, or elsewhere? That is why I object to this.

Mr. HAYDEN. Mr. President, I very frequently have the same difficulty to meet in my own State of Arizona. There are those who sincerely believe that enormous quantities of water are available in the Colorado River, and can be used to irrigate great areas of land in Arizona, and they insist upon the right of the State of Arizona to acquire that water. Yet, as a practical matter, the only place where we will ever get money enough to build such great projects is the Treasury of the United States, and that is the true situation in New Mexico. The money will have to come from a Federal source. New Mexico is not rich enough to build this project by itself.

Mr. CHAVEZ. That is why we want New Mexico to have something to say about it.

Mr. HAYDEN. Nor is Arizona ever going to have money enough to build great projects without the utmost help from the Federal Government.

Mr. CHAVEZ. That is correct.

Mr. HAYDEN. But we can use the funds made available by this bill to demonstrate their feasibility.

Mr. CHAVEZ. The Senator is correct.

Mr. HAYDEN. I am as thoroughly convinced as that I stand here that water will be diverted out of the headwaters of the San Juan River into the Rio Grande.

Mr. CHAVEZ. We would like to have something to say about it.

Mr. President, I have said about all I care to say regarding the matter. I maintain that we have been reasonable with this body. I still feel that the report of the Committee on Irrigation and Reclamation was a good report, based upon sound reasons and based upon conclusions arrived at after a complete hearing. I still think that this is a matter which affects the future rights of my State and that we are not asking very much when we say that the motion of the Senator from Nevada should be defeated, and that the bill should be allowed to go back to conference to see if we cannot work out something else.

I have extreme confidence in the Senator from Nevada, the Senator from Arizona, and the Senator from California, but whether we like it or not, due to the geographical location of the individual States, their interests are entirely different from those of the State of New Mexico. We were handicapped notwithstanding their sincerity of purpose. Notwithstanding the fact that the committee reported the amendments unanimously and the Senate voted them into the bill without objection, there was no proponent on the conference of one of the States greatly interested in the measure.

I know the Senators meant to do what was right, but, after all, they do represent other States than New Mexico and we feel that New Mexico should have been represented, and should be represented, even if it is necessary to increase the number of conferees. I hope the Senate will defeat the motion.

EXHIBIT A

STATEMENT OF JOHN C. PAGE, COMMISSIONER OF BUREAU OF RECLAMATION

Senator ASHURST. State your name and your position.

Mr. PAGE. John C. Page, Commissioner of Bureau of Reclamation.

Senator ASHURST. How long have you held that position?

Mr. PAGE. Since 1937.

Senator ASHURST. Senator CHAVEZ, you may proceed with any questions that you have.

Senator CHAVEZ. Mr. Page, prior to the money being obtained by the appropriation of the special bill appropriating $50,000 for the investigation of the San Juan, did the Reclamation Bureau make any studies of the possibilities or feasibilities of a project on the San Juan River for a transmountain diversion dam?

Mr. PAGE. Nothing of any consequence. We did make a preliminary reconnaissance. We thought that something could be developed there, but money was not available to make a complete investigation.

Senator CHAVEZ. After the Bureau had allocated this money under the appropriation, did you make an investigation and a survey of the possibilities of the transmountain diversion dam?

Mr. PAGE. We made a rather complete investigation of the thing in connection with the general Rio Grande investigation, sponsored by the National Resources Planning Board. At that time we made estimates on the cost of the work, the physical features that would be involved in making that transmountain diversion from the San Juan to the Rio Chama, and included that in the report of the National Resources Planning Board as an over-all picture on the Rio Grande.

Senator CHAVEZ. Did that include an investigation of the needs of the San Juan County people themselves, including the Navajo Indians?

Mr. PAGE. I think that took into account all prospective uses of the San Juan, with the expectation that probably some conservation work, storage, or something of that kind, would be necessary before there was water exported. That is, it would be necessary to augment the low water supply before an exportation was possible during that low water season. That did not ripen into what we consider now as the final answer. That is, there are quite a number of questions still left unsolved in connection with the San Juan-Rio Chama diversion, but that principle of protecting the Navajo and white settlers in the San Juan was given consideration at that time.

Senator CHAVEZ. Are you acquainted with the general needs of a water supply in the Rio Grande area, especially from the Colorado line down to the Rio Grande irrigation project at Elephant Butte?

Mr. PAGE. The water supply of the Rio Grande is entirely used. There is no excess water, no possibility of additional development, as we see it, on the Rio Grande unless water is imported. From our preliminary reconnaissance this San Juan-Rio Chama seems to be the best and only way in which New Mexico can use its share of the Colorado River water.

Senator CHAVEZ. Do you still have to make further surveys to come to a definite conclusion?

Mr. PAGE. To reach a final decision as to what the cost would be, and the details of that thing, we should have some drilling, dam site drilling, and some more detailed study on the geology of the transmountain tunnel, and several things which should be cinched before we are willing to say that this is what it is going to cost.

Senator CHAVEZ. Is it your purpose, if this bill should be enacted into law, to use some of the money that will be created in this special fund?

Mr. PAGE. Undoubtedly, because we hope to use this money which would be made available by this law to make a complete inventory of all the possibilities of irrigation and development that the Colorado River water in New Mexico and the other States might have, and this is thus far the most attractive proposition that has shown up in that part of New Mexico.

Senator CHAVEZ. What other sources of water supply are there in San Juan County, outside of the tributaries of the San Juan?

Mr. PAGE. I think there are none that could be counted on for any material amount of water. They seem to be the only source from which you can get water enough to make it worth while.

Senator CHAVEZ. This Animas-La Plata project that has been discussed here is only a small item?

Mr. PAGE. Yes; and that is pretty well covered by a compact, and pretty well used. The storage on the La Plata will help the situation. It has already ripened into an interstate compact.

Senator CHAVEZ. That can only be used by the people who are now using that water?

Mr. PAGE. Yes.

Senator CHAVEZ. And will not provide additional acreage or an additional supply for anything else?

Mr. PAGE. There seems to be no possibility of developing any additional area.

Senator CHAVEZ. Are there any projects contemplated at or near Aztec in San Juan County?

Mr. PAGE. I cannot answer that positively, but none of any consequence that I know of.

Senator CHAVEZ. Then, in short, the only possibility to get additional water in the Rio Grande Valley would be through a storage transmountain diversion?

Mr. PAGE. Under the present investigation, that is the fact.

Senator CHAVEZ. And the San Juan is the only source of water supply from which New Mexico could get its proportionate share of the 7,500,000 acre-feet that is allotted under the original compact?

Mr. PAGE. That seems to be the only opportunity we found.

Senator CHAVEZ. So, you feel New Mexico, as far as your end of it is concerned, is on the right road to get that water, if it is at all feasible or proper?

Mr. PAGE. Definitely so; yes.

Senator ASHURST. Did you wish to interrogate Mr. Page on any other matter, just now?

Senator CHAVEZ. That is about all.

Senator ASHURST. Mr. Page, you are at liberty to make any statement you choose for the record.

Mr. PAGE. I am in no position to make a statement.

Senator ASHURST. All right, Mr. Wallace.

STATEMENT OF ARTHUR T. HANNETT, SPECIAL ASSISTANT ATTORNEY GENERAL OF NEW MEXICO

Senator ASHURST. Will you please give the reporter your full name and occupation for the record?

Mr. HANNETT. Arthur T. Hannett, lawyer; post-office box 497, Albuquerque, N. Mex.; special assistant attorney general; attorney before the United States Supreme Court; also attorney general for a good many years—25 or 26 years.

Senator ASHURST. Governor, you may proceed to make any statement that you wish.

Mr. HANNETT. As you gentlemen all well know, this particular bill has been debated over a period of years by the States involved. The four upper-basin States formed an organization—more or less of an organization—and employed an electrical engineer of national reputation by the name of Sands, also Mr. Tipton, of Colorado, a hydraulic engineer, to advise us on the practical effect that this bill would have on the various States and the revenues produced from the sale of electric energy at Boulder Dam. Mr. Sands made a report and from that report deduced certain conclusions. California, with its experts, differed on many of those conclusions. We held, as I said, numerous meetings, and the final meeting was held at Phoenix, Ariz.

New Mexico and its representatives felt at all times that under the original bill the rights and interests of the upper-basin States were inadequately protected. We feel that that is true as to this proposed bill.

At Phoenix, Ariz., the four upper-basin States, in a meeting, voted 2 to 2 as to whether the bill in the form then proposed would have the backing of the upper-basin States—Wyoming and New Mexico voting "No." The meeting broke up about midnight. Mr. McClure and I were leaving the next morning early, and I think it was about 4 o'clock in the morning when we had a conference with Judge Stone and Dr. Harlan H. Barrows, of the National Resources Commission, in which we finally agreed that New Mexico would take the position that it would not fight the bill, but we wanted the record to show, and the record does show, that, while we were not going to fight the bill, we did not approve of it; nor did we claim to have the power to control any action that would be taken, either by our Congressman or our Senators.

I would like to make a brief statement as to why we feel that the bill as it stands now does not adequately protect New Mexico.

Under the terms of the bill, as we see it, based upon the report of Mr. Sands and Mr. Tipton, the State of California will benefit, over the period of time, not less than $100,000,000—probably $150,000,000. That is not a nebulous thing; it is capable of being figured out in dollars and cents. The States of Nevada and Arizona will benefit definitely, without any question, substantially $300,000 each year. Under the bill, as we see it, as far as the State of New Mexico and the other upper-basin States are concerned, there is nothing definite as to what any State is going to get.

We have gone along; we have been a compact State; and we have gone along with the four upper-basin States, and our relations have been very pleasant, but we feel that this bill should have made some definite provision as to what New Mexico was going to derive, if anything. As it stands now, as we conceive it, we have not a thing under the old bill, and we think the old bill was inequitable.

We think the new bill is inequitable. We think, under Mr. Sands' report, it shows that instead of getting $500,000 a year we should receive $1,000,000 a year. That report was available to us at a meeting in Denver, and it was available at the Phoenix meeting, together with Mr. Tipton's report. At that time each of the four upper-basin States were in accord and backing up Mr. Sands' report, and it is our firm belief that it was a fair, able, and honest report. Utah was particularly vigorous in denouncing the bill, and Wyoming likewise, and Colorado to some lesser extent.

When we met in Phoenix, Utah's position had been reversed and Colorado's position very much modified. Wyoming and New Mexico finally stood as opponents to the bill.

Senator MCCARRAN. Wyoming and New Mexico were opposed to the bill?

Mr. HANNETT. Wyoming and New Mexico were opposed to the bill. I do not claim to have any technical knowledge, either as a hydraulic engineer or as an electrical engineer, but, from the discussions that we had, and from the study that I made of Mr. Sands' report—both our Senators have it—I still believe that that would have been an equitable basis for the distribution of this fund; that is, the upper-basin States should have had the $1,000,000 a year instead of the $500,000, considering the benefits that have been definitely pegged down to Arizona, Nevada, and California. As it stands now, we have an undivided interest in a fund which will be spent by a Government agency. Whether there will ever be a substantial development in New Mexico out of that fund is problematical.

It has always been our position that whatever New Mexico is to derive out of this should be pegged down like Nevada's rights are pegged down and California's rights are pegged down. After all, the share we get, compared to the benefits of California, for instance, is trifling. When I say California will receive $100,000,000, that is the minimum. My guess is it is probably somewhere between $130,000,000 to $150,000,000, based on Mr. Sands' report, a large part of which is highly technical, and I am not in a position to discuss the technical details.

Senator CHAVEZ. Governor, may I interrupt you right there? The Mr. Sands you refer to is an engineer of national reputation throughout the United States?

Mr. HANNETT. I understand he has a national reputation. He was selected by Judge Stone and Mr. Tipton, and we four upper-basin States paid them the honorarium that they asked. While I understand they differed widely in some of their findings with California engineers, I have no reason to question the fairness nor the integrity of the California engineers nor the good faith or the integrity of Mr. Sands. Perhaps somewhere between the figures of each lies the truth. I do not know; I am not an engineer.

I think that covers what I desire to say, unless there are some questions.

Senator CHAVEZ. Governor, you mentioned that, under the Sands report, $1,000,000 a year instead of $500,000 a year would appear more equitable to the upper-basin States.

Mr. HANNETT. That was the thought and the belief of all four upper-basin States at the Phoenix meeting.

Senator CHAVEZ. And you further contend, as a representative of the New Mexico water interests, that whatever amount it might be should be set up definitely in the legislation, so that New Mexico may know just exactly what it is going to get?

Mr. HANNETT. That has always been our hope.

Senator CHAVEZ. Whether it is part of the $500,000 or part of the $1,000,000?

Mr. HANNETT. Be it ever so small, we think we ought to know what it is and that we are going to get it.

Senator CHAVEZ. And that the legislation should contain wording or be clarified to such an extent that the New Mexico water authorities could decide as to what to do with their little mite?

Mr. HANNETT. That is exactly right.

Senator CHAVEZ. Now, what particular projects, if any, did the New Mexico authorities have in mind with reference to this legislation?

Mr. HANNETT. We have three projects in mind: The Navajo Indian Tribe in San Juan County, an area that can be developed; there is a small area along the San Juan River in San Juan County, and some development on the Animas and La Plata. The project that we feel is of the greatest importance to the State of New Mexico is what is generally known as the San Juan-Chama diversion.

Senator CHAVEZ. Is there any source of water supply there by which New Mexico can avail itself of any rights it might have under the compact outside of the San Juan?

Mr. HANNETT. No.

Senator CHAVEZ. That is the only one?

Mr. HANNETT. Yes.

Senator HATCH. That is the San Juan-Chama diversion?

Mr. HANNETT. Yes.

Senator CHAVEZ. What is the situation, Governor, with reference to the water supply in the Rio Grande now between, say, the boundary of Texas on the south and the boundary of Colorado on the north?

Mr. HANNETT. The water supply has been inadequate. Texas sued the State of New Mexico. We had a long and expensive litigation. It has been inadequate at times. We finally entered into a compact, and during the negotiations for this compact the States of Texas, Colorado, and New Mexico entered into an agreement for a joint investigation. A large sum of money was spent by the States and the Federal Government on what is known as the joint Rio Grande investigation. New Mexico asked that the feasibility and practicability of the San Juan diversion and of the transmountain diversion into the Rio Grande be investigated, and a large sum of money was devoted out of that sum to this investigation, and it was found to be feasible and practical.

Mr. Debler, of the Reclamation Bureau, at a meeting held by the upper four basin States at Green River, Wyo., stated that its feasibility had been established, and that practically all of the engineering was completed except the final details for contractors' bids, and so forth, and obtaining the right-of-way.

Senator CHAVEZ. Governor Hannett, if I lead you on, you will understand it is not because we want to violate the rules of the court. Over here we are very informal, and it is only to refresh your memory on certain matters. A chart was introduced at the hearings here last week by Judge Stone which included what purported to be the project that Mr. Debler had in mind at the time that you had the gathering at Phoenix, wherein the San Juan-Chama diversion was not included. Have the New Mexico authorities at all times been insisting on this project being taken care of?

Mr. HANNETT. Absolutely. It is our principal stake in the Colorado River.

Senator HATCH. Governor, you have spoken about the interest of New Mexico and that it should be pegged out. Is that interest different from the other upper-basin States? If so, explain it for the record.

Mr. HANNETT. Well, in a way it is. Colorado has some thirty-odd projects, I believe, and the other States have numerous projects. We have two very small projects and one major project. Our major project is such that unless we have assistance from some source other than the ordinary course of placing the burden on the landowner, in all probability our hope in this respect, and our desire will not be fulfilled, and the transmountain diversion will probably be a long time coming.

Senator HATCH. Well, now, as a matter of fact there must be some outside financing of that project?

Mr. HANNETT. Yes.

Senator HATCH. It can be placed in there with some outside financing?

Mr. HANNETT. No question about that.

Senator HATCH. This is the only chance, as far as any of us know, to get any funds for that purpose, is it?

Mr. HANNETT. That is right. That is what we have got in mind. I think it is important to Texas, too. It is important from an international standpoint, because of the ultimate shortage of water that is going to follow in the Elephant Butte district and the Juarez area in Mexico.

Senator HATCH. Under the treaty obligations with Mexico?

Mr. HANNETT. The treaty obligations with Mexico. They have got the All-American Canal there. You are going to hear reverberations when they are going to start to hold the Republic of Mexico down to 30,000 acre-feet per year.

Senator CHAVEZ. Along those lines, of course, we all understand that the water you seek creates a right in the Western States. A suggestion has been made at the hearings here that one of the reasons for this bill is that possibly Mexico might appropriate some of the waters of the Colorado in the basin. Is not that the same position we take, that unless we avail ourselves of our rights now and within the near future make use of some of that water, we might possibly lose out to the lower basin States or the Government of Mexico?

Mr. HANNETT. That is right.

Senator CHAVEZ. I am going to hand you, Governor Hannett, a proposed amendment that I prepared. It might not be in the correct wording, but I want you to look at it and see whether it might cover more or less your views on this.

Mr. HANNETT. I do not like to read it without giving it some study. I would like to have a few minutes' time to consider it.

Senator CHAVEZ. Can we read it for the benefit of the Senators here? Of course, if it has to be changed it can be changed.

Senator ASHURST. Certainly. If you will, Mr. Clerk, you may read the amendment, please.

The clerk [reading]:

"Amendment. On page 6, line 20, after the word 'factors' and before the period, insert a colon and the following: *'Provided,* That any moneys appropriated pursuant to the authorizations contained in this subsection shall be available for (1) the completion by the Bureau of Reclamation of a survey of the transmountain diversion project on the San Juan River in the State of New Mexico and (2) for the construction of such project; and such project shall be designed so as to adequately provide for the irrigation needs of San Juan County, N. Mex., including those of the Navajo Tribe of Indians; and, after providing for such needs, any water from such project remaining available for use shall be used as the State of New Mexico may determine.'"

Mr. HANNETT. I think that covers it.

Senator MCCARRAN. Have you appropriations filed pursuant to a State law that would meet this amendment?

Mr. HANNETT. What do you mean?

Senator MCCARRAN. Has the State of New Mexico ever attempted to exercise its right in the way of appropriating water?

Mr. HANNETT. No. We have determined upon the Colorado River compact. We have an undivided interest in the 7,500,000 acre-feet of water.

Senator MCCARRAN. But prior to the compact, what, if any, steps were taken by the State of New Mexico to appropriate the waters of the natural flow of the Colorado River?

Mr. HANNETT. I do not think any State has, including the State of New Mexico.

Senator MCCARRAN. You have in the State of New Mexico, I take it, as in other Western States, the law that prior appropriation is a prior right. Then I take it you have your statute providing for the filing of appropriations under your State engineer administration, whatever it may be called.

Mr. HANNETT. That is right.

Senator MCCARRAN. I think that is true, is it not, Governor?

Mr. HANNETT. That is true.

Senator MCCARRAN. Now, do I understand, Governor, from your statement made to the committee here, that at the time of the adjournment of the Committee of Sixteen, the State of New Mexico and some other State refused to concur in the agreement?

Mr. HANNETT. In the meeting of the four upper-basin States, that broke up with Utah and Colorado approving, Wyoming and New Mexico disapproving.

Senator MCCARRAN. Then you met at a later hour and said while you did not approve it, you would not oppose it. Is that my understanding of it?

Mr. HANNETT. That is right. While we did not approve it, we were not going to oppose it, and we were not attempting to answer for or bind the hands of either of our Senators or Congressmen.

Senator MCCARRAN. Is that your attitude now?

Mr. HANNETT. That is our attitude now. We feel that the law is inequitable, just as we felt then, but we are not here opposing, we are here explaining our position.

Senator CHAVEZ. And you think that modifications to clarify the rights of the State of New Mexico should be included in the bill?

Mr. HANNETT. I think they should be included in the bill, and I think that meets the objection that Mr. McClure and I have had to the legislation.

Senator MCCARRAN. Under the existing Boulder Canyon Act, do you recall how long it would be before the State of New Mexico would receive any money at all?

Mr. HANNETT. I think it would be in the most remote future, and I think likewise, under the bill as it stands now, it would be equally remote.

Senator CHAVEZ. Governor Hannett, yqu stated in answer to Senator McCarran that we had some interest in some 7,500,000 acre-feet.

Mr. HANNETT. We had an undivided interest, just exactly as Colorado, Utah, and Wyoming have.

Senator CHAVEZ. The statement was made last week that all the possible water we could get out of the San Juan would be something like 200,000 acre-feet.

Mr. HANNETT. The San Juan diversion would give us 350,000 acre-feet.

Senator CHAVEZ. Three hundred and fifty thousand?

Mr. HANNETT. Yes.

Senator CHAVEZ. Which would be a small amount considering our so-called equitable interest in the 7,500,000 acre-feet?

Mr. HANNETT. That is correct.

Senator CHAVEZ. The rest of the waters of the San Juan would still flow down into the Colorado and be of beneficial use, both at the dam and for other purposes below the dam?

Mr. HANNETT. Yes. There is a precedent for transmountain diversion. Colorado is diverting from the Colorado River in the Big Thompson, I think, substantially 350,000 acre-feet.

Senator CHAVEZ. Do you want to ask him any questions?

Senator ASHURST. No. Thank you, Governor.

Senator McCarran, are there any further questions?

Senator MCCARRAN. Not of the Governor.

Senator ASHURST. Your next witness, Senator Chavez.

Senator CHAVEZ. Mr. McClure, our State engineer.

STATEMENT OF THOMAS M. M'CLURE, STATE ENGINEER OF NEW MEXICO

Senator ASHURST. Give your name, your address and occupation for the record, please.

Mr. MCCLURE. Thomas M. McClure. State engineer. Secretary of the Interstate Streams Commission. Santa Fe, N. Mex.

Senator CHAVEZ. What part, Mr. McClure, have you taken in the development of the proposed legislation?

Mr. MCCLURE. I have attended all meetings that have taken place on the Colorado River matters since 1933, as State engineer and representative of New Mexico.

I would like to go into just a little history, if I may, Senator, in regard to the unique position that the San Juan River has in relation to the other tributaries of the Colorado.

Senator MCCARRAN. May I ask a preliminary question?

Senator CHAVEZ. Certainly.

Senator MCCARRAN. How long have you been State engineer?

Mr. MCCLURE. Seven years.

Senator MCCARRAN. Prior to that were you connected with that bureau?

Mr. MCCLURE. I was connected with the State on highway work, but not in the hydraulic end.

Our interest in the San Juan is due to the fact that San Juan is the largest water-producing stream in New Mexico. Some three-fifths of all the water of the streams in New Mexico flow through the San Juan River. It is also the least used. The San Juan flows out of New Mexico into Utah through a barren space for which, up to the present time, no feasible use has been developed, in which the waters of the stream after leaving New Mexico can be used.

Of the 7,500,000 acre-feet allotted to the upper basin under the Colorado River compact, we have a mean annual flow leaving New Mexico of approximately 2,500,000 acre-feet per year.

Senator ASHURST. Out of the San Juan?

Mr. MCCLURE. Out of the San Juan; yes, sir. That water is unavailable for any other uses except in the Boulder Canyon project after leaving New Mexico. We feel for that reason that we have an

appreciable interest in developing that water under the Colorado River compact.

Senator McCARRAN. What would you say the acre-foot flow was per year?

Mr. McCLURE. A mean average of approximately 2,500,000 acre-feet per year. Our major project of putting that water to use in New Mexico is the transmountain diversion from the San Juan to the Chama and Rio Grande Basin, which is decidedly overappropriated; that is, the Rio Grande Basin water is. It involves shortages on that stream in some areas practically every year.

The other project for the utilization of that water would be our Navajo Indian project, which is a very expensive project. The lands are scattered and the construction of canals, the construction of storage facilities at the present time, with lifts that might be necessary for pumping to utilize all the lands that are irrigable, is far beyond our anticipation at this time. There are some 50,000 acres of land under irrigation in New Mexico on the San Juan.

Our interest in the adoption of amendments to this bill before us is in order to get a full protection for New Mexico, so that we can see a possible way of helping to finance the development of this transmountain diversion, so that we can put to beneficial use the equitable portion that we have in the 7,500,000 acre-feet allotted to the four upper States.

We felt, on the basis of the Sands report, that we had arrived at an equitable apportionment. Taking all factors into consideration, placing the rate of falling water at Boulder Dam on a competitive basis, both for steam and taking into consideration the district, we have definitely shown by facts that were brought out in our meetings that the rate of falling water at Boulder Dam was far below the rate of either T. V. A., Bonneville, or any other project of the United States of major hydroelectric plants. Mr. Sands worked with the Los Angeles engineers, among which there is a material difference of opinion in three or four matters, in which they never reached an agreement in any way. However, we felt that the Sands report, being made by Mr. Sands, who is an outstanding electrical engineer in the West, was sound and consistent in regard to the principles used nowadays. He corrected at several times after taking into consideration new developments which the Bureau of Power and Light had brought into the efficiency of their lines and their set-up out there. The upper-basin States, as Governor Hannett said, approved this report and accepted it as being the basis for consideration. That is New Mexico's stand. We see no reason now to go back of that On that basis, why, we feel that we should be fully protected for our development of the Colorado River Basin.

Under the joint investigation of the Rio Grande, which was conducted by the National Resources Committee, under the Planning Board, which was a factual investigation of three States, Texas, New Mexico, and Colorado, for presenting the factual data, which did consummate itself into a compact and settle the controversy of the Rio Grande, a full investigation at an expenditure of some $52,000 was made on the transmountain diversion. Its feasibility was established at that time, and an estimate of cost was made. The sounding of dam sites, the drilling of dam sites, the geology study, everything is complete with probably the exception of final design for contracting and construction work and for obtaining the right-of-way. There were two projects set up in that—that is, two lines run—and an estimate of cost was made of both of those for economy's sake, to determine which was the most economic. Under the Rio Grande compact the project is agreed to by Colorado with the qualification that present and prospective uses of the State of Colorado will not be injured. They have one small diversion that was studied at the same time as this, which would involve only 52,000 acre-feet of water.

Senator ASHURST. May I ask you there, Is the relief you seek expressed in the amendment that was just read? Is that what you seek?

Mr. McCLURE. I believe it is; yes.

Senator ASHURST. You do not ask any additional amendment or change?

Mr. McCLURE. No.

Senator ASHURST. Except this amendment?

Mr. McCLURE. I think that will cover it very well, Senator.

Senator CHAVEZ. May I ask a question?

Senator ASHURST. Senator CHAVEZ.

Senator CHAVEZ. Governor Hannett stated that if the transmountain diversion project was concluded we would use 350,000 acre-feet, more or less.

Mr. McCLURE. That is right.

Senator CHAVEZ. If we use 350,000 acre-feet, there would still be a little better than 3,000,000 acre-feet to go down the Boulder Dam?

Mr. McCLURE. There would be a little less than 2,000,000 acre-feet.

Senator CHAVEZ. A little less than 2,000,000 acre-feet?

Mr. McCLURE. Yes.

Senator CHAVEZ. So we do not use all of the water, or hardly any of the water, that would flow down the San Juan River?

Mr. McCLURE. None at all, hardly. We have 50,000 acres that are depleting their quota of that stream. That, of course, has been under irrigation for many years and is included. Above that we still have approximately 2,500,000 acre-feet per year passing out of the State.

Senator CHAVEZ. Senator Hatch, do you want to ask any questions?

Senator HATCH. No; I do not.

Senator CHAVEZ. Mr. Chairman, I ask permission of the committee to insert in the record of committee hearings, excerpts of testimony on the subject matter contained in the Report of Proceedings of the Fact Finding Committee of the Upper Colorado River Basin States, Green River, Wyo., July 1938, volume 2, page 286, as follows:

"Mr. WALLACE. What is the status now as to construction?

"Mr. McCLURE. I believe that the project with the exception of right-of-way would be practically ready for construction, wouldn't it, Mr. Debler?

"Mr. DEBLER. I would say this, the work is in the same State as we usually proceed to construction. You couldn't get construction contracts, but if money became available for construction we would then proceed to the final location surveys and the designing of the dam.

"Mr. WALLACE. The surveys are nearly enough complete to determine the feasibility?

"Mr. DEBLER. No further surveys needed for feasibility."

STATEMENT OF WALTER E. WOEHLKE, ASSISTANT TO THE COMMISSIONER OF INDIAN AFFAIRS, WASHINGTON, D. C.

Senator ASHURST. Your full name for the record, sir.

Mr. WOEHLKE. Walter E. Woehlke. Assistant to the Commissioner of Indian Affairs, Washington, D. C.

Senator CHAVEZ. Mr. Woehlke, are you acquainted with the whole area of the Colorado River Basin that includes the San Juan River and the tributaries?

Mr. WOEHLKE. I am fairly familiar with that whole region, Senator.

Senator CHAVEZ. Will you kindly state to the committee in your own words what, if any, interest the Navajo Indians might have under this compact, the possibilities of the development of those interests under the pending legislation, and anything that you may care to say to the committee?

Mr. WOEHLKE. May I first state, Senator, the Indian Service is interested in the proper development and use of the waters of the San Juan on both sides of the Continental Divide, both in the Rio Grande area and in the San Juan Basin as such. In the Rio Grande Valley, to which it is contemplated to divert 350,000 acre-feet of the San Juan waters, the Indian Service is interested in some 20,000 acres of irrigable and irrigated land from which some 14,000 Pueblo Indians now derive the better part of their living.

As Governor Hannett and Mr. McClure stated, there is a shortage, a deficiency, in the supply of water in the upper Rio Grande Valley even so far as the presently developed and cultivated land is concerned. So, from that angle the Indian Service is distinctly interested in making possible the diversion of the surplus water of the San Juan to the Rio Grande Valley.

So far as the San Juan Basin is concerned, the Indian Office has to look after some 50,000 Navajo Indians who are now deriving the bulk of their living from the operation of livestock. Some 10,000 Navajo families are making use of a total area which, for livestock, would be sufficient only to supply a fairly decent living to 600 white families, on the basis of about 1,000 sheep units per white family. So that you have the effort of these 10,000 Navajo families to subsist in an area on livestock which will support enough livestock to take care of approximately 600 white families.

On top of that, the Navajos are increasing very rapidly. In fact, the preliminary returns, census returns from one of the Navajo districts in which we had counted 1,200, indicated in this district there were approximately 1,800 Navajos. So that when the census returns are all completed, we may find that we have in excess of 60,000 Navajos trying to make a living on an area which will support only 600 white families.

There is no possibility of enlarging the Navajo Reservation as such, so as to provide more range for these 50,000 or 60,000 people, so that they might increase their livestock operations. There is no chance for doing that. So that these people are caught in a steel ring in which they are confined within their reservation boundaries, and within that steel ring they are expanding very rapidly. So that the only way in which they can possibly manage to survive, in which they can expand their production, is through the supply of irrigable land.

The entire dependence of these 50,000 Navajos is not on livestock. Approximately 25 to 30 percent of their total livelihood is derived from their dry farming, floodwater and irrigation farming. The lot which this irrigated land plays in their support may be judged by the fact that about 1¾ percent of the total Navajo land surface which is under farming operations, both floodwater and irrigation, supplies over 30 percent of their total income. So that the only hope that lies ahead of the Navajos for self-support, continued self-support, is through the development of additional irrigated land, and the only source of water for such irrigated land is the San Juan River.

There is under consideration, and has been under consideration for some time, the feasibility and possibility of providing storage on the San Juan River to supply some 50,000 to 60,000 or 70,000 acres with irrigation water for the benefit of both the Navajo Indians and of the white residents in San Juan County and other people in the San Juan Basin.

Senator CHAVEZ. May I interrupt you there?

Mr. WOEHLKE. Yes.

Senator CHAVEZ. We have several good, first-class white communities in that valley, have we not?

Mr. WOEHLKE. Oh, yes.

Senator CHAVEZ. Hard-working people?

Mr. WOEHLKE. Very hard-working.

Senator CHAVEZ. Were not they more or less the overflow of the white settlers that came from Utah into the upper waters of the San Juan?

Mr. WOEHLKE. Yes.

Senator CHAVEZ. Where they built nice homes and tried to eke out an existence with the shortage of water, water that has not been developed to its full extent?

Mr. WOEHLKE. In that isolated region the settlers that came in there from Utah in the early days have built up a series of communities that are models of their kind. There, again, any expansion of those communities is at the present time impossible, because the low water flow of the San Juan is completely appropriated; and if some of the present projects under contemplation go through, there will be a distinct shortage in this low-water flow covering a period of about 2 months during the growing season. So that even for the preservation of the communities that have been established there for a good many years, the additional storage is vitally necessary.

Senator KING. And the only source of supply is the San Juan River?

Mr. WOEHLKE. The only source of supply is the San Juan River. As Mr. McClure and Governor Hannett stated a while ago, the cost of storage and of distribution to the areas of land which are feasible and economically adapted to cultivation; in that area the land is very expensive, so that some sort of additional nonreimbursable contribution is vitally needed for that whole project.

Senator CHAVEZ. Is there any other source of water, other than the San Juan River, under the compact?

Mr. WOEHLKE. There is none whatsoever.

Senator CHAVEZ. So if we expect to derive any benefits whatsoever under the compact, we will have to avail ourselves of legislation such as this that is now pending, provided it is adequately protected and defined?

Mr. WOEHLKE. That is correct.

Senator KING. May I ask a question?

Senator ASHURST. Certainly, Senator KING.

Senator KING. Are there any Federal lands in the vicinity of the territory which you are describing which might be given to the Navajos as a quid pro quo for the land we have taken from them?

Mr. WOEHLKE. There are such lands; yes.

Senator KING. Unoccupied?

Mr. WOEHLKE. No. There is no unoccupied land in the entire area.

Senator CHAVEZ. We have some very fine possibilities for irrigation of land of their own.

Senator KING. I was wondering if there were not some lands which were suitable for grazing of sheep or cattle which the Government owned, the title to which had not passed to private ownership, so that the Government, if it were so inclined, would transfer some of the Government lands to the Navajo Indians.

Mr. WOEHLKE. It could be done by act of Congress.

Senator KING. What I am trying to get at is whether there is any land not occupied, belonging to the Government, which might be utilized by the Navajo Indians for grazing purposes.

Mr. WOEHLKE. Senator, all the area in there is being used now, and in most instances it is being overused.

Senator HATCH. May I ask a question right there?

Senator ASHURST. Certainly, Senator HATCH.

Senator HATCH. Mr. Woehlke, even if whatever lands might be available around there were included in the boundary, it would not solve this problem of the Navajo Indians?

Mr. WOEHLKE. No.

Senator HATCH. Irrigation is about the only way in which to solve that problem?

Mr. WOEHLKE. Yes.

Senator CHAVEZ. They can do more with 10 or 12 acres of irrigated land than they can with 640 acres of grazing land.

Senator MCCARRAN. I would like to ask the witness whether or not this Navajo project—I style it the Navajo project for brevity—is a self-liquidating project in contemplation?

Mr. WOEHLKE. It could not be a self-liquidating project.

Senator MCCARRAN. That is what I thought. So it is not economically a commendable project excepting as it is humanely commendable, is that true?

Mr. WOEHLKE. It would be economically commendable, Senator, because unless the additional irrigated area is supplied to the Navajos, they will, sooner or later, become public charges.

Senator CHAVEZ. Absolutely dependent, with the probability of rationing.

Senator MCCARRAN. I am asking him this question in view of the history of reclamation. Reclamation has always gone forward on the principle that any contemplated project was self-liquidating, was economically feasible. So I am just looking at what you are describing in the light of reclamation in the past.

I take it that it would not measure up to that standard?

Mr. WOEHLKE. No; it would not measure up to it.

Senator KING. They would have to have a specific grant.

Mr. WOEHLKE. Yes.

Senator KING. From the Federal Treasury.

Mr. WOEHLKE. Yes.

Senator CHAVEZ. We are fair in New Mexico; we want the Navajos to get full benefit of whatever rights we might have under the compact of the different States from the waters of the San Juan.

Mr. WOEHLKE. As I see the situation, throughout that Navajo country the battle for range is so exaggerated, the demand for range on the part of all interests, white, Spanish-Americans, and Indians, is so terrific that practically throughout that area heavy overgrazing has resulted.

Senator MCCARRAN. Are not you under the Taylor Grazing Act?

Mr. WOEHLKE. Not the Navajo Reservation.

Senator CHAVEZ. Not the reservation proper. That is their own.

Mr. WOEHLKE. The adjacent territory in which both Navajos and whites operate and where the Spanish-Americans run their flocks is under the Taylor Grazing Act.

Senator MCCARRAN. The Indians are allocated certain commensurate rights, are they not, under the Taylor Grazing Act, those who graze cattle, livestock?

Mr. WOEHLKE. They are just beginning along that line, but nevertheless, with that allocation, the total demand on the range on the part of all parties is so great and the stocking in the past has been so exaggerated that a reduction rather than an expansion of the livestock business is essential.

Senator MCCARRAN. Of course, that is true in all of the Western States. Under the Taylor Grazing Act administration there has been a very decided reduction in the use of the range.

Mr. WOEHLKE. In this particular area, the overstocking and overgrazing has been more than the average, so that any expansion through grazing land, if you take into consideration the established rights of white and other operators, is absolutely impossible.

Senator MCCARRAN. Let me see if I understand you there: The way I understand it is that these Navajos are an agrarian Indian; is that right?

Mr. WOEHLKE. They are principally stock raisers.

Senator MCCARRAN. They have no rights on the open public domain now?

Mr. WOEHLKE. Yes; they have.

Senator CHAVEZ. They have some allotments.

Senator MCCARRAN. What I am getting at is this: If you increase the base, then you must increase the commensurate rights on the open public domain so as to comply with the base. Do I make myself clear?

Mr. WOEHLKE. Yes.

Senator MCCARRAN. Then, if you increase the commensurate rights on the open public domain and it is already overstocked, how are you going to improve the situation?

Mr. WOEHLKE. That is exactly what I am saying, Senator; you cannot improve the situation.

Senator MCCARRAN. That is what I am trying to get at. Why do you want to increase the base? Why would it be economically feasible to increase the base; that is, the enclosed land, so to speak? That is what I term the base, the lands that will support the livestock during the winter, the nongrazing season that is recognized, as I understand it, in the Taylor Grazing Act as the base lands. If you are going to increase the base, which you propose to do by this reclamation project, what are you going to do with your livestock interests?

Mr. WOEHLKE. On the contrary, what we are endeavoring to do through the irrigation project is to decrease the dependence of the Navajo on that.

Senator MCCARRAN. On the open public domain?

Mr. WOEHLKE. Yes; under any conditions, to substitute irrigated farming for their dependence on livestock, their excessive dependence on livestock.

Senator MCCARRAN. Now, let me ask you one question there. The project that you have described to the committee, has that been approved by the Reclamation officials?

Mr. WOEHLKE. No; it has not been, because it has not been considered by them as yet.

Senator MCCARRAN. I understood you were speaking of the same conditions that Mr. McClure spoke of, and I understood him to say it had been approved, and that lines were run, surveys were made.

Senator CHAVEZ. I think he referred to the Debler report, which included the project you speak of.

Mr. WOEHLKE. The San Juan storage project.

Senator CHAVEZ. The San Juan storage project.

Senator MCCARRAN. That is what you are talking about?

Mr. WOEHLKE. Yes; but the investigations of that project have by no means been completed.

Senator MCCARRAN. I have no more questions.

Senator HATCH. One more question, if I may, Mr. Chairman.

Senator ASHURST. Senator HATCH.

Senator HATCH. The Indian people already have some irrigated lands; is that right?

Mr. WOEHLKE. Yes.

Senator HATCH. That they are farming?

Mr. WOEHLKE. Yes.

Senator HATCH. I think you said that dry land and irrigation together was about 25 percent of their present source of income.

Mr. WOEHLKE. The present source of income, and the total percentage of surface acreage represented by the irrigated and dry farm land, was about 1¾.

Senator HATCH. There is no question in your mind but that if the water could be made available the Indians themselves could be diverted from their old type of occupation, that of stock raising, to irrigated farming and be successful at it?

Mr. WOEHLKE. They would have to be. In fact, the distribution of the acreage which now, for instance, is irrigated under the

arid-lands project was based on the desire to take people out of the livestock business and put them on a farming basis.

Senator ASHURST. Are there any more questions, Senator KING?

Senator KING. No more questions.

Senator MCCARRAN. Mr. Chairman.

Senator ASHURST. Yes., Senator MCCARRAN.

Senator MCCARRAN. At this point, and at the behest of Senator PITTMAN, of Nevada, my colleague, and myself, I desire to have inserted in the record a wire of the date of May 28, from Gov. E. P. Carville, of the State of Nevada, approving H. R. 9877 as it is now in the House, and which will also be S. 4039.

Senator ASHURST. That will be printed in the record, there being no objection.

The telegram referred to is as follows:

CARSON CITY, NEV., *May 28, 1940.*

Hon. P. A. MCCARRAN,
United States Senator,
Senate Office Building, Washington, D. C.:

Re Boulder Dam bill H. R. 9877, have conferred with attorney general and Colorado River Commissioners Caton and Clark. Commissioner Smith ill and cannot be reached. Bill present form has approval attorney general, Caton, and myself. Clark opposes measure because of elimination "in lieu of taxes," stating this would deprive Clark County of opportunity presenting basis for portion of money for that county. Attorney general says "In my opinion the bill as amended eliminating 'in lieu of taxes,' is entirely constitutional and legal and the whole bill is more satisfactory than as originally drawn." Caton says, "I am in favor of bill as amended and hope it will go through." I approve bill in its present amended form and consider Nevada amply protected.

E. P. CARVILLE, *Governor.*

Senator MCCARRAN. Mr. Chairman.

Senator ASHURST. Senator MCCARRAN.

Senator MCCARRAN. I draw the committee's attention to section 15 of H. R. 9877. It is not in the Senate bill before this committee, but is before the Committee on Rules, as I understand it, in the House at the present time.

Senator ASHURST. Yes, Senator.

Senator MCCARRAN. With that in mind, may I say to the committee that this amendment, section 15 of the House bill, has been the subject of very careful and really extensive study by those of us who are interested in the labor angle of this, by the Interior Department, and by, I think, every interested group, and out of that study we have agreed on, and I am now submitting to the committee, and asking to be incorporated in the record a provision to take the place of section 15 of the House bill. Please understand it is not in the bill before the Senate.

Senator ASHURST. The secretary will read the amendment proposed by Senator MCCARRAN.

Senator MCCARRAN. To take the place of section 15.

Senator ASHURST. Your amendment will become section 15 of the Senate bill; is that right?

Senator MCCARRAN. Yes; I guess that is right.

The CLERK (reading):

"All laborers and mechanics employed in the construction of any part of the project, or in the operation, maintenance, or replacement of any part of the Boulder Dam shall be paid not less than the prevailing rate of wages or compensation for work of a similar nature prevailing in the locality of the project. In the event any dispute arises as to what are the prevailing rates, the determination thereof shall be made by the Secretary of the Interior, and his decision, subject to the concurrence of the Secretary of Labor, shall be final."

Senator MCCARRAN. Now, let me say, Mr. Chairman, by way of repetition, for which I apologize, that this matter has been worked out meticulously, and has, I am advised, the concurrence of the Secretary of the Interior, and is pursuant to law as the law now exists. In other words, the Government being the employer, if controversies arise as to the rate of pay the matter would be submitted to the Labor Department under the law for conciliation. But it is the desire of some of us, and the desire of the Department of the Interior, inasmuch as the Department of the Interior has control of the dam, that the Secretary of the Interior should have the right and privilege and it should be his prerogative to have the decision, subject to the concurrence of the Secretary of Labor.

I thank you, Mr. Chairman.

Senator ASHURST. Your amendment will be on the table ready for action.

Senator CHAVEZ. Mr. Chairman, I ask permission of the committee to insert in the record of committee hearings a copy of my letter of June 1, 1940, to Hon. John C. Page, Commissioner of Reclamation, Department of the Interior, and a copy of Mr. Page's reply dated June 4, 1940, as follows:

Hon. JOHN C. PAGE,
Commissioner of Reclamation, Washington, D. C.

DEAR MR. PAGE: In connection with your testimony during the hearings on S. 4039 before the Senate Committee on Irrigation and Reclamation, I desire to obtain from you confirmation of the following interpretation of the statement you made to the committee.

You stated that the San Juan River is an important tributary of the Colorado River and that the San Juan is the only stream tributary to the Colorado which can be used to advantage in the State of New Mexico under the terms of the Colorado River compact.

You also stated that the San Juan, through the proposed transmountain diversion in the Chama, is the only source through which the deficiency in the water supply of the middle Rio Grande Valley can be supplemented.

You agreed that a portion of the flow of the San Juan could be diverted for the relief of the Rio Grande Valley and that another part of the flow of the San Juan could be used beneficially by the landowners of San Juan and adjacent counties in New Mexico, including the Navajo Tribe of Indians.

You stated that, aside from the information compiled during the joint Rio Grande investigation, no intensive study of the San Juan-Chama project had been made until an appropriation of $50,000 became recently available.

You stated that the projects on the San Juan River, being the only ones through which the State of New Mexico could possibly profit under the terms of the Colorado River compact, would be given early priority and their investigation would be carried to completion as soon as the investigation fund accruing under section 2 (d) of S. 4039 became available to the Reclamation Service.

I understand this statement to be a pledge by the Commissioner of Reclamation that, as soon as the above-mentioned fund becomes available, he will allocate a sufficient sum, estimated to be not less than $50,000, for the completion of the Chama-San Juan investigation and that additional sums will be immediately available for the initiation and completion of an investigation of a project for the storage and distribution of San Juan floodwaters for the benefit of the residents and landowners of San Juan and adjacent counties, including the Navajo Tribe of Indians.

I would appreciate the favor if you would let me know by Monday, June 3, whether this interpretation of your statements to the Senate committee is correct.

Yours sincerely,

DENNIS CHAVEZ,
United States Senator.

[Reply]

UNITED STATES DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, June 4, 1940.

Hon. DENNIS CHAVEZ,
United States Senate.

DEAR SENATOR CHAVEZ: Your letter of June 1, 1940, asked me to amplify and confirm the statement which I made before the Senate Committee on Irrigation and Reclamation holding hearings on S. 4039.

The details of the statement which you included in your letter are substantially in accordance with my understanding and intention in introducing this testimony. I prefaced my remarks by stating that complete information on all the details of the proposed San Juan-Rio Chama diversion was not available, but from the information which had been gathered this appeared to be the major opportunity for New Mexico to obtain Colorado River water, and that the diversion to the Rio Chama would remedy a deficiency in the water supply of the Rio Grande Valley. We have not attempted to indicate where this imported water could best be used in New Mexico, but there is definitely a deficiency in the water supply of the middle Rio Grande Valley.

Our studies indicate that approximately 350,000 acre-feet could be diverted to the Rio Chama, after retaining in the San Juan River sufficient water to supply a large development in San Juan and other adjacent counties in New Mexico, including the Navajo Indian Reservation.

I estimated that $50,000 would be sufficient to obtain definite information on which concrete estimates could be made for this project, and that early completion of this investigation would be desirable. My statement constituted a promise that whenever the program would permit and funds were provided, the investigation of the San Juan-Rio Chama would be completed and that at the same time there should be studied the necessary storage works on the San Juan River for the benefit of the adjacent area.

I trust this will furnish the information you desire.

Very truly yours,

JOHN C. PAGE, *Commissioner.*

MARINE AND WAR-RISK INSURANCE FUND

During the delivery of speech of Mr. CHEVEZ,

Mr. OVERTON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Louisiana?

Mr. CHAVEZ. I yield to the Senator from Louisiana with the understanding that the matter which he has in charge will take only a few moments and will not involve long debate.

Mr. OVERTON. Mr. President, I have asked the Senator to yield in order that I may ask for the consideration of an emergency measure, House Joint Resolution 582. I think we can dispose of it in 2 or 3 minutes if the Senator will yield with the understanding that it will not displace the pending business.

The PRESIDING OFFICER. The clerk will state the joint resolution by title.

The CHIEF CLERK. A joint resolution (H. J. Res. 582) making an appropriation to enable the United States Maritime Commission to establish the marine and war-risk insurance fund.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. KING. Mr. President, I wish to state to the Senator that I shall not object to the consideration of the joint resolution, but I am opposed to it. Under the guise of national defense we commit a good many, I will not say crimes but mistakes, and project the Government more and more into the field of private endeavor. We are going now into the insurance business on a national scale. I shall vote against the joint resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution which had been reported from the Committee on Appropriations with an amendment on page 2, line 10, after the word "hereunder," to insert "and all such expenses shall be certified by the Chairman of the Commission in each case as necessary and reasonable."

The amendment was agreed to.

Mr. OVERTON. Mr. President, let me say briefly in explanation of the joint resolution that its purpose is not to place the Federal Government into private business, but it is to authorize the Federal Government through the Maritime Commission to step into the insurance field when the private American insurance market cannot take care of the insurance of our vessels, their cargoes, and their crews. Under the joint resolution the Maritime Commission is authorized to insure and reinsure only when the rates to be obtained from private companies are unreasonable.

Mr. McKELLAR. Mr. President——

Mr. OVERTON. I yield to the Senator from Tennessee.

Mr. McKELLAR. I was merely going to say that the joint resolution is fashioned after the act of 1917, under which the Government made a profit of seventeen and one-half million dollars.

Mr. OVERTON. That is correct. We hope that no loss will be experienced in the administration of the joint resolution if it should be enacted into law.

The PRESIDING OFFICER. If there be no further amendment to be offered the question is on the engrossment of the amendment and the third reading of the joint resolution.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

Mr. OVERTON. I move that the Senate insist upon its amendment, ask for a conference with the House thereon, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. ADAMS, Mr. GLASS, Mr. McKELLAR, Mr. HAYDEN, Mr. BYRNES, Mr. OVERTON, Mr. HALE, and Mr. TOWNSEND conferees on the part of the Senate.

PROMOTION OF TRAVEL IN THE UNITED STATES—CONFERENCE REPORT

Mr. BILBO submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6884) to encourage travel in the United States, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment to section 1 of the bill and agree to such section as it was passed by the House, and the House agrees thereto;

That both Houses agree to the balance of the bill as passed in identical form by both Houses;

That said section 1 of the bill as agreed to by the conferees, following the enacting clause, shall read as follows:

"That the Secretary of the Interior is authorized and directed, through the National Park Service, to encourage, promote, and develop travel within the United States, its Territories and possessions, providing such activities do not compete with the activities of private agencies; and to administer all existing travel promotion functions of the Department of the Interior through such Service."

HATTIE W. CARAWAY,
THEO. G. BILBO,
A. H. VANDENBERG,
Managers on the part of the Senate.

CLARENCE F. LEA,
A. L. BULWINKLE,
CHAS. A. WOLVERTON,
Managers on the part of the House.

The report was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House insisted upon its amendment to the bill (S. 326) for the payment of awards and appraisals heretofore made in favor of citizens of the United States on claims presented under the General Claims Convention of September 8, 1923, United States and Mexico, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. BLOOM, Mr. LUTHER A. JOHNSON, and Mr. FISH were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 6056) for the relief of Antal or Anthony or Tony Zaicek or Zaiczek.

The message further announced that the House had agreed to the amendments of the Senate to each of the following bills of the House:

H. R. 7696. An act to amend the United States Grain Standards Act, to provide for the grading of soybeans, and for other purposes; and

H. R. 10100. An act to establish the composition of the United States Navy, to authorize the construction of certain naval vessels, and for other purposes.

BOULDER DAM—CONFERENCE REPORT

After the conclusion of speech of Mr. CHAVEZ,

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9877) authorizing the Secretary of the Interior to promulgate and to put into effect charges for electrical energy generated at Boulder Dam providing for the application of revenues from said project, authorizing the operation of the Boulder Dam power plant by the United States directly or through agents, and for other purposes.

Mr. HATCH. Mr. President, I will not detain the Senate long, but I desire to add a word or two as to what my colleague, the Senator from New Mexico [Mr. CHAVEZ] has said. He has ably presented the position of New Mexico in his remarks, as he ably presented to the Committee on Irrigation and Reclamation the amendments he thought, and I thought, would safeguard the interests of our State. It is with deep regret that I observe the conference report presented here today, and note that the conferees on the part of the Senate receded and the House conferees prevailed, and the amendments are not now included in the conference report.

A question was raised by the able Senator from Arizona as to the possibility of Congress enacting other legislation, and I think both Senators from Arizona perhaps said that this was only an authorization measure. In a sense they are correct in that statement, but in the bill itself, not in the conference report, provision is made for what I believe to be complete and absolute power in the Secretary of the Interior to determine what projects shall be built, not only in my State, but in all the States, the upper and the lower Basin States.

Mr. HAYDEN. Is that any different from the power he has always had?

Mr. HATCH. The power he has always had under the general reclamation law, with funds which come from the Federal Treasury; but the Senator from Arizona himself pointed out the difference in the situation, that these are

not Federal funds, although they may, and probably will have to be, supplemented later on with appropriations from the Federal Treasury. When that time comes we will all be working together, I am sure. But it will require further acts of Congress.

Under the bill as it now stands, absolute and complete power is given to the Secretary of the Interior over funds which are not Federal funds in any sense or manner. I object to that provision of the bill; although it is too late to object to a provision of the bill when it is before us in a conference report. So far as New Mexico is concerned, the amendments offered by my colleague would have taken care of the situation, to some extent.

Mr. President, as I stated, I shall not delay the Senate. I did want to say that, on account of the rejection of the amendments offered by my colleague, I shall join him in voting against the conference report. I do not know whether we will have a roll call vote or not. If we do not, I want the RECORD to show that I vote against the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT

Mr. HATCH. Mr. President, I ask the Chair to lay before the Senate the amendment of the House of Representatives to Senate bill 3046.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities", approved August 2, 1939, which was to strike out all after the enacting clause and insert:

That section 2 of the act entitled "An act to prevent pernicious political activities", approved August 2, 1939, is amended to read as follows:

"SEC. 2. It shall be unlawful for (1) any person employed in any administrative position by the United States, or by any department, independent agency, or other agency of the United States (including any corporation controlled by the United States or any agency thereof, and any corporation all of the capital stock of which is owned by the United States or any agency thereof), or (2) any person employed in any administrative position by any State, by any political subdivision or municipality of any State, or by any agency of any State or any of its political subdivisions or municipalities (including any corporation controlled by any State or by any such political subdivision, municipality, or agency, and any corporation all of the capital stock of which is owned by any State or by any such political subdivision, municipality, or agency), in connection with any activity which is financed in whole or in part by loans or grants made by the United States, or by any such department, independent agency, or other agency of the United States, to use his official authority for the purpose of interfering with, or affecting, the election or the nomination of any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate or Resident Commissioner from any Territory or insular possession."

SEC. 2. The third sentence of section 9 (a) of such act of August 2, 1939, is amended to read as follows: "All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects and candidates."

SEC. 3. Section 10 of such act of August 2, 1939, is amended to read as follows:

"SEC. 10. The provisions of this act shall be in addition to and not in substitution for any other provision of law."

SEC. 4. Such act of August 2, 1939, is further amended by adding at the end thereof the following new sections:

"SEC. 12. (a) No officer or employee of any State or local agency whose principal employment is in connection with any activity which is financed in whole or in part by loans or grants made by the United States or by any Federal agency shall (1) use his official authority or influence for the purpose of interfering with an election or a nomination for office, or affecting the result thereof, or (2) directly or indirectly coerce, attempt to coerce, command, or advise any other such officer or employee to pay, lend, or contribute any part of his salary or compensation or anything else of value to any party, committee, organization, agency, or person for political purposes. No such officer or employee shall take any active part in political management or in political campaigns. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects and candidates. For the purposes of the second sentence of this subsection, the term 'officer or employee' shall not be construed to include (1) the Governor or the Lieutenant Governor of any State or any person who is authorized by law to act as Governor, or the mayor of any city; (2) duly elected heads of executive departments of any State or municipality who are not classified under a State or municipal merit or civil-service system; (3) officers holding elective offices.

"(b) If any Federal agency charged with the duty of making any loan or grant of funds of the United States for use in any activity by any officer or employee to whom the provisions of subsection (a) are applicable has reason to believe that any such officer or employee has violated the provisions of such subsection, it shall make a report with respect thereto to the United States Civil Service Commission (hereinafter referred to as the 'Commission'). Upon the receipt of any such report, or upon the receipt of any other information which seems to the Commission to warrant an investigation, the Commission shall fix a time and place for a hearing, and shall by registered mail send to the officer or employee charged with the violation and to the State or local agency employing such officer or employee a notice setting forth a summary of the alleged violation and the time and place of such hearing. At such hearing (which shall be not earlier than 10 days after the mailing of such notice) either the officer or employee or the State or local agency, or both, may appear with counsel and be heard. After such hearing, the Commission shall determine whether any violation of such subsection has occurred and whether such violation, if any, warrants the removal of the officer or employee by whom it was committed from his office or employment, and shall by registered mail notify such officer or employee and the appropriate State or local agency of such determination. If in any case the Commission finds that such officer or employee has not been removed from his office or employment within 30 days after notice of a determination by the Commission that such violation warrants his removal, or that he has been so removed and has subsequently (within a period of 18 months) been appointed to any office or employment in any State or local agency in such State, the Commission shall make and certify to the appropriate Federal agency an order requiring it to withhold from its loans or grants to the State or local agency to which such notification was given an amount equal to 2 years' compensation at the rate such officer or employee was receiving at the time of such violation; except that in any case of such a subsequent appointment to a position in another State or local agency which receives loans or grants from any Federal agency, such order shall require the withholding of such amount from such other State or local agency: *Provided*, That in no event shall the Commission require any amount to be withheld from any loan or grant pledged by a State or local agency as security for its bonds or notes if the withholding of such amount would jeopardize the payment of the principal or interest on such bonds or notes. Notice of any such order shall be sent by registered mail to the State or local agency from which such amount is ordered to be withheld. The Federal agency to which such order is certified shall, after such order becomes final, withhold such amount in accordance with the terms of such order. Except as provided in subsection (c), any determination or order of the Commission shall become final upon the expiration of 30 days after the mailing of notice of such determination or order.

"(c) Any party aggrieved by any determination or order of the Commission under subsection (b) may, within 30 days after the mailing of notice of such determination or order, institute proceedings for the review thereof by filing a written petition in the district court of the United States for the district in which such officer or employee resides; but the commencement of such proceedings shall not operate as a stay of such determination or order unless (1) it is specifically so ordered by the court, and (2) such officer or employee is suspended from his office or employment during the pendency of such proceedings. A copy of such petition shall forthwith be served upon the Commission, and thereupon the Commission shall certify and file in the court a transcript of the record upon which the determination or the order complained of was made. The review by the court shall be on the record entire, including all of the evidence taken on the hearing, and shall extend to questions of fact and questions of law. If application is made to the court for leave to adduce additional evidence, and it is shown to the satisfaction of the court that such additional evidence may materially affect the result of the proceedings and that there were reasonable grounds for failure to adduce such evidence in the hearing before the Commission, the court may direct such additional evidence to be taken before the Commission in such manner and upon such terms and conditions as to the court may seem proper. The Commission may modify its findings of fact or its determination or order by reason of the additional evidence so taken and shall file with the court such modified findings, determination, or order, and any such modified findings of fact, if supported by substantial evidence, shall be conclusive. The court shall affirm the Commission's determination or order, or its modified determination or order, if the court determines that the same is in accordance with law. If the court determines that any such determination or order, or modified determination or order, is not in accordance with law, the court shall remand the proceeding to the Commission with directions either to make such determination or order as the court shall determine to be in accordance with law or to take such further proceedings as, in the opinion of the court, the law requires. The judgment and decree of the court shall be final, subject to review by the appropriate circuit court of appeals as in other cases, and the judgment and decree of such circuit court of appeals shall be final, subject to review by the Supreme Court

of the United States on certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C., 1934 ed., title 28, secs. 346 and 347). If any provision of this subsection is held to be invalid as applied to any party with respect to any determination or order of the Commission, such determination or order shall thereupon become final and effective as to such party in the same manner as if such provision had not been enacted.

"(d) The Commission is authorized to adopt such reasonable procedure and rules and regulations as it deems necessary to execute its functions under this section. The Civil Service Commission shall have power to require by subpena the attendance and testimony of witnesses and the production of all documentary evidence relating to any matter pending, as a result of this act, before the Commission. Any member of the Commission may sign subpenas, and members of the Commission and its examiners when authorized by the Commission may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing. In case of disobedience to a subpena, the Commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence. Any of the district courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpena issued to any person, issue an order requiring such person to appear before the Commission, or to produce documentary evidence if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. The Commission may order testimony to be taken by deposition in any proceeding or investigation, which as a result of this act, is pending before the Commission at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the Commission and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence before the Commission as hereinbefore provided. No person shall be excused from attending and testifying or from producing documentary evidence or in obedience to a subpena on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify, or produce evidence, documentary or otherwise, before the Commission in obedience to a subpena issued by it: *Provided*, That no person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

"(e) The provisions of the first two sentences of subsection (a) of this section shall not apply to any officer or employee who exercises no functions in connection with any activity of a State or local agency which is financed in whole or in part by loans or grants made by the United States or by any Federal agency.

"(f) For the purposes of this section—

"(1) The term 'State or local agency' means the executive branch of any State, or of any municipality or other political subdivision of such State, or any agency or department thereof.

"(2) The term 'Federal agency' includes any executive department, independent establishment, or other agency of the United States (except a member bank of the Federal Reserve System).

"SEC. 13. (a) It is hereby declared to be a pernicious political activity, and it shall hereafter be unlawful, for any person, directly or indirectly, to make contributions in an aggregate amount in excess of $5,000, during any calendar year, or in connection with any campaign for nomination or election, to or on behalf of any candidate for an elective Federal office (including the offices of President of the United States and Presidential and Vice Presidential electors), or to or on behalf of any committee or other organization engaged in furthering, advancing, or advocating the nomination or election of any candidate for any such office or the success of any national political party. This subsection shall not apply to contributions made to or by a State or local committee or other State or local organization.

"(b) For the purposes of this section—

"(1) The term 'person' includes an individual, partnership, committee, association, corporation, and any other organization or group of persons.

"(2) The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution.

"(c) It is further declared to be a pernicious political activity, and it shall hereafter be unlawful for any person, individual, partnership, committee, association, corporation, and any other organization or group of persons to purchase or buy any goods, commodities, advertising, or articles of any kind or description where the proceeds of such a purchase, or any portion thereof, shall directly or indirectly inure to the benefit of or for any candidate for an elective Federal office (including the offices of President of the United States, and Presidential and Vice Presidential electors) or any political committee or other political organization engaged in furthering, advancing, or advocating the nomination or election of any candidate for any such office or the success of any national political party: *Provided*, That nothing in this sentence shall be construed to interfere with the usual and known business, trade, or profession of any candidate.

"(d) Any person who engages in a pernicious political activity in violation of any provision of this section shall upon conviction thereof be fined not more than $5,000, or imprisoned for not more than 5 years. In all cases of violations of this section by a partnership, committee, association, corporation, or other organization or group of persons, the officers, directors, or managing heads thereof who knowingly and willfully participate in such violation shall be subject to punishment as herein provided.

"(e) Nothing in this section shall be construed to permit the making of any contribution which is prohibited by any provision of law in force on the date this section takes effect. Nothing in this act shall be construed to alter or amend any provisions of the Federal Corrupt Practices Act of 1925, or any amendments thereto.

"SEC. 14. For the purposes of this act, persons employed in the government of the District of Columbia shall be deemed to be employed in the executive branch of the Government of the United States, except that for the purposes of the second sentence of section 9 (a) the Commissioners and the Recorder of Deeds of the District of Columbia shall not be deemed to be officers or employees.

"SEC. 15. The provisions of this act which prohibit persons to whom such provisions apply from taking any active part in political management or in political campaigns shall be deemed to prohibit the same activities on the part of such persons as the United States Civil Service Commission has heretofore determined are at the time this section takes effect prohibited on the part of employees in the classified civil service of the United States by the provisions of the civil-service rules prohibiting such employees from taking any active part in political management or in political campaigns.

"SEC. 16. Whenever the United States Civil Service Commission determines that, by reason of special or unusual circumstances which exist in any municipality or other political subdivision, in the immediate vicinity of the National Capital in the States of Maryland and Virginia or in municipalities the majority of whose voters are employed by the Government of the United States, it is in the domestic interest of persons to whom the provisions of this act are applicable, and who reside in such municipality or political subdivision, to permit such persons to take an active part in political management or in political campaigns involving such municipality or political subdivision, the Commission is authorized to promulgate regulations permitting such persons to take an active part in such political management and political campaigns to the extent the Commission deems to be in the domestic interest of such persons.

"SEC. 17. Nothing in the second sentence of section 12 (a) of this act shall be construed to prevent or prohibit any officer or employee of a State or local agency (as defined in section 12 (f)) from continuing, until the election in connection with which he was nominated, to be a bona fide candidate for election to any public office and from engaging in any political activity in furtherance of his candidacy for such public office, if (1) he was nominated before the date of the enactment of this act, and (2) upon his election to such public office he resigns from the office or employment in which he was employed prior to his election, in a State or local agency (as defined in section 12 (f)).

"SEC. 18. Nothing in the second sentence of section 9 (a) or in the second sentence of section 12 (a) of this act shall be construed to prevent or prohibit any person subject to the provisions of this act from engaging in any political activity (1) in connection with any election and the preceding campaign if none of the candidates is to be nominated or elected at such election as representing a party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected, or (2) in connection with any question which is not specifically identified with any National or State political party. For the purposes of this section, questions relating to constitutional amendments, referendums, approval of municipal ordinances, and others of a similar character, shall not be deemed to be specifically identified with any National or State political party.

"SEC. 19. As used in this act, the term 'State' means any State, Territory, or possession of the United States."

SEC. 5. (a) No person or firm entering into any contract with the United States or any department or agency thereof, either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof, or selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, shall, during the period of negotiation for, or performance under such contract or furnishing of material, supplies, equipment, land, or buildings, directly or indirectly, make any contribution of money or any other thing of value, or promise expressly or impliedly to make any such contribution, to any political party, committee, or candidate for public office or to any person for any political purpose or use; nor shall any person knowingly solicit any such contribution from any such person or firm, for any such purpose during any such period. Any person who violates the provisions of this section shall, upon conviction thereof, be fined not more than $5,000 or imprisoned not more than 5 years.

(b) Nothing in this section shall be construed to permit any action which is prohibited by any provision of law in force on the date this section takes effect.

SEC. 6. Such act of August 2, 1939, is further amended by adding at the end thereof the following new section:

"SEC. 20. No political committee shall receive contributions aggregating more than $3,000,000, or make expenditures aggregating more than $3,000,000, during any calendar year. For the purposes of this section, any contributions received and any expenditures made on behalf of any political committee with the knowledge and consent of the chairman or treasurer of such committee shall be deemed to be received or made by such committee. Any violation of this section by any political committee shall be deemed also to be a violation of this section by the chairman and the treasurer of such committee and by any other person responsible for such violation. Terms used in this section shall have the meaning assigned to them in section 302 of the Federal Corrupt Practices Act, 1925, and the penalties provided in such act shall apply to violations of this section."

Mr. HATCH. Mr. President, I move that the Senate concur in the amendment of the House.

Before the question is put, I should say that the matter which is now before the Senate is a bill which we debated in the Senate for some 2 weeks in March, and which has been the subject of debate in the House of Representatives for the last 2 days. If any Senator wants to raise a question, I shall be very glad to afford him the opportunity. If not, I am ready for the question to be put.

Mr. McNARY. Mr. President, is this a conference report?

Mr. HATCH. The question is on a motion to concur in the amendment of the House.

Mr. McNARY. I do not recall, and I ask the able Senator whether anyone opposed the particular provisions contained in the House amendment, or their philosophy, when the matter was before the Senate?

Mr. HATCH. The changes made in the House, insofar as the bill debated in the Senate was concerned, relate to the amendment offered by the Senator from Colorado [Mr. ADAMS], which was defeated in the House, and is not now in the bill. The House also added a provision relating to the $3,000,000 expenditure provision, which has been discussed in the newspapers generally, a provision prohibiting campaign committees expending more than $3,000,000. That is a limitation. That was not in the bill as it passed the Senate, but was added in the House.

Mr. McNARY. That is in the bill now?

Mr. HATCH. It is included in the motion to concur.

Mr. SCHWELLENBACH. Mr. President, did the House debate the Bankhead amendment?

Mr. HATCH. That is included in the bill, was not stricken out, but on the floor of the House some additional language was added to that amendment. This is the new language:

This subsection shall not apply to contributions made to or by a State or local committee or other State or local organization.

That was added in the House on the floor yesterday, and is the only change, so far as I can discover, in the original Bankhead amendment, which reads:

It is hereby declared to be a pernicious political activity, and it shall hereafter be unlawful for any person, directly or indirectly, to make contributions in an aggregate amount in excess of $5,000.

That is the provision the Senator had in mind, I am sure.

Mr. President, I renew my motion that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Mexico.

Mr. ADAMS. Mr. President, I desire to inquire of the Senator from New Mexico about an amendment which was adopted in the Senate at my instance, the purpose of which was to qualify one of the provisions in the bill.

The bill as passed by the Senate provided that the interpretations which the Civil Service Commission had put upon the term "political activity" should in substance be read into the bill. Among the interpretations was one which would prohibit practically any official who came within the provisions of the measure from aspiring to another office. I had offered a minor amendment which would make it possible for one who happened to be a minor official or State official and who, the community thought, had demonstrated his capacity for a higher place, to be promoted by his community or his district or his State.

Mr. HATCH. That is not the amendment to which I referred.

Mr. ADAMS. I understand that.

Mr. HATCH. The amendment to which the Senator refers, I think, is retained in this language in the bill, and I will ask the Senator if I am correct. I read from page 14:

SEC. 17. Nothing in the second sentence of section 12 (a) of this act shall be construed to prevent or prohibit any officer or employee of a State or local agency (as defined in sec. 12 (f)) from continuing, until the election in connection with which he was nominated, to be a bona fide candidate for election to any public office.

That is the amendment.

Mr. ADAMS. Yes.

Mr. HATCH. That has not been changed, as I recall, from the exact form in which it left the Senate.

Mr. BILBO. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. BILBO. I have not had an opportunity to examine the bill since the House amended it. I want to ask when the legislation is to go into effect.

Mr. HATCH. The bill, as it left the Senate, contained no provision about when it should go into effect. It would become effective as any other law, after being passed by both Houses and being signed by the President. The House committee inserted a provision, after the bill was reported from the Judiciary Committee, that the bill should not become effective until after October 1. That committee amendment was defeated on the House floor yesterday, and the bill is just as it left the Senate in that regard. It will become effective as soon as it is passed by both branches of the Congress and signed by the Executive.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Mexico [Mr. HATCH] to concur in the amendment of the House.

The motion was agreed to.

"STOP HITLER NOW"—ADVERTISEMENT BY COMMITTEE TO DEFEND AMERICA BY AIDING THE ALLIES

Mr. HOLT. Mr. President, I desire to speak only briefly about a matter that I think has interested many in this country and in the Senate for some period of time. That is the background of an advertisement called "Stop Hitler Now." I shall tell the Senate who financed in part the printing of this advertisement throughout the United States. The reason why it is important as an advertisement is just this. This advertisement that appeared all over the United States on the 10th day of June—"Stop Hitler Now"—said this:

This advertisement, appearing in newspapers from coast to coast, has been paid for with funds contributed by a number of patriotic American citizens who believe in all seriousness and sincerity that the safety of our country, the whole future of our national faith, is gravely threatened by the world revolution of Hitlerism.

The advertisement is signed:

Committee to Defend America by Aiding the Allies.

I have discussed the formation of this committee before and shall add more later.

The reason this ad is important is this: I picked up the New York Herald Tribune of the 12th day of June, and saw this headline:

"Stop Hitler" drive backed by Roosevelt.

Then it says in the article:

When 200 newspaper correspondents crowded into the President's oval study this afternoon for their semiweekly conference with the President they saw spread out on his desk tear-sheets of the full-page advertisement headlined "Stop Hitler Now," such as were published yesterday in the New York Herald Tribune and other papers. The advertisements were signed by the Committee to Defend America by Aiding the Allies, whose national chairman is William Allen White, Emporia, Kans., publisher. The author

of the advertisement, as revealed this morning in the New York Herald Tribune, was the playwright, Robert Emmet Sherwood.

President Roosevelt said that, upon learning that Mr. Sherwood was the author of the advertisement, he had read it and found it to be a great piece of work and extremely educational for the people of the country.

A great piece of work. Now, let us see who paid for the advertisement. I have found out, and I think the Senate should have the facts. You find it is not the little fellows who paid for this advertisement "Stop Hitler Now!" Let us see who did. You find in that list the directors of international banks, and I will name them in a moment. You will find directors of corporations of Great Britain and the British Empire. No wonder they are interested. But they make it appear that they are doing so for America. We find bondholders of foreign countries that are so involved. We find international lawyers who have business in the countries now involved in war. We find directors of steel companies that are selling steel in this war. We find directors of manganese corporations, we find directors of mechanical-equipment corporations that make equipment for warring nations. We find directors of oil companies. Anyone knows what oil means in time of war. We find a director of a celluloid company, we find directors of metal companies, we find directors of electric companies, directors of steamship lines, and others interested in aircraft corporations.

We find these directors and their families paying for the advertisement which the President said was great work in his press conference.

Mr. LUNDEEN. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. LUNDEEN. Has the Senator read the names of those persons?

Mr. HOLT. Not yet. I am coming to that. I wish to speak briefly because I want the Senator from North Carolina [Mr. REYNOLDS] to have the floor later.

Mr. LUNDEEN. I wish the Senator would give the names.

Mr. HOLT. I shall do so. I find directors of these small banks. Listen to these banks. The directors of these banks, or the families of directors, paid for this advertisement. Who are they?

No wonder they want Hitler stopped. Director of J. Pierpont Morgan & Co., director of Drexel & Co., directors of Kuhn, Loeb & Co.—Senators have heard that name before—Kuhn, Loeb & Co., international banking. No wonder Kuhn, Loeb & Co. helped finance such an advertisement. A director in Lehman Bros., another international banking firm, helped pay for this "Stop Hitler" advertisement, and a number of others.

I ask that a part of the list I referred to be placed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The partial list is as follows:

Guaranty Trust Co., with branch offices in Antwerp, Brussels, Havre, Liverpool, Paris, and London, controls French-American Banking Corporation jointly with Comptoir National d'Escompte de Paris and First National Bank of Boston. This corporation does an international banking business.

Kuhn, Loeb & Co., international banking.

Drexel & Co., interlocked with J. P. Morgan & Co.

J. P. Morgan & Co., interlocked with banking operations in London and Paris and one of the best known international banking firms.

Lehman Bros., international banking.

Mr. HOLT. Now let us come down to actual individuals who paid for the advertisement. I have a list of the names. I do not intend to go into it in detail. But you find it is not the fellows who get killed in battle or the fathers of those who get killed in battle that paid for this "Stop Hitler" advertisement. Who do we find helped pay for it? First we find—not Averell Harriman, but Mrs. Averell Harriman. She is one who helped pay for it. The name "Harriman" is quite well known in this country in finance. Mrs. Harriman was one of those who helped pay for the "Stop Hitler" advertisement.

Another one was Mrs. H. P. Davison. Senators all know who H. P. Davison is, the big international financier. He also is a stockholder in many companies. The wife of the financier, Mr. H. P. Davison, helped to pay for that advertisement.

Who else?

Mrs. Daniel Guggenheim. Senators have heard that name "Guggenheim" in international banking. The wife of Daniel Guggenheim helped pay for it.

Here is another name of one who helped pay for it. A name that can be found among international bankers—that is the name Schiff, a banker of New York City, who studied banking in England before he became a partner of Kuhn, Loeb & Co. Mrs. John Schiff helped to pay for this advertisement.

Who else? Fredrick Warburg, partner of Kuhn-Loeb & Co. These are just "little" bankers who helped to pay for the advertisement.

Who else? Cornelius D. Whitney. Whitney helped pay for it. He wanted to stop Hitler. Another man whose name is so well known that he needs no description from me, and that is Thomas W. Lamont, director of J. Pierpont Morgan & Co., the former purchasing agents for England. He helped to pay for this advertisement "Stop Hitler Now!"

Who else paid for it? Joseph Thomas of Lehman Bros. Lehman Brothers! Senators noticed that Governor Lehman was active. Would it be for reasons that I do not care to state? But here we do find a partner of Lehman Bros. helping to pay for an ad placed in the newspapers, a full-page ad the purpose of which is to get America stirred up to interfere in the war.

Now who are these individuals that I mentioned just a moment ago? Not only international bankers, may I say, but individual members of corporations that are profiting as a result of this war.

Mr. President, I ask in order not to detain the Senate too long, to place in the Record the nature of the corporations so involved by their directorships in this "Stop Hitler" advertisement. Names of the corporations shall be given to the Senate at a later date.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list is as follows:

Type of corporations: Iron and steel, chemicals, mechanical equipment, oil, metals, celluloid, electrical equipment, aircraft, munitions, steamship lines, smelting and refining, steel castings, barbed wire manufactures, shell casings, foreign owned and controlled financial and industrial companies, other corporations producing other materials necessary for war, international banking, international insurance.

Mr. HOLT. Then directors of the Columbia Broadcasting System. You hear plenty of war talk on the air. I ask, Mr. President, to place their names in the RECORD, those who donated to the "Stop Hitler" ad.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

I. D. Levy, chairman, board of directors, WCAU, and director of Columbia Broadcasting.

Jerome H. Louchheim, bank director, and director of Columbia Broadcasting.

Mr. LUNDEEN. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. LUNDEEN. I venture to say that some of these persons will not be so popular a few months from now.

Mr. HOLT. The other day Henry Luce, editor of Time magazine, was on the air. It is stated he started his magazine program after he had secured a loan from Lamont, of Morgan & Co., and others. Luce says that we should go further into the war. He helped to pay for the "Stop Hitler" advertisement. Perhaps that will explain why Life magazine tries to show the country that we are in danger of invasion. Week before last Life magazine had the Germans over here already. I wonder if Mr. Luce's interest in this particular group with the international bankers has anything to do with the attitude of the magazine. He helped to pay for the "Stop Hitler" advertisement.

The list includes the names of outstanding film and theater personages. Who they are and what they do are understood by many.

We have all heard the name of Goldwyn. Samuel Goldwyn helped to pay for the "stop Hitler" advertisement. Why is Mr. Goldwyn so interested? I might discuss that question, but I think the recent press dispatches sufficiently show Mr. Goldwyn's interest, so I need go no further.

Let me give the names of some of the other individuals in the theater and motion-picture industries who helped to pay for the advertisement: Maxwell Anderson, Fred Astaire, Irving Berlin, Douglas Fairbanks, Jr., Lynn Fontanne, Myrna Loy, Alfred Lunt, Paul Muni, and Robert Sherwood are a few who helped to pay for it.

It has been said that Hollywood is the best place on earth for "suckers." We find those individuals donating. Perhaps an explanation is needed why the theaters are putting out hate films and hate plays to stir up America with propaganda for war.

Why are pictures which create hate being shown? Through hate is one of the best-known ways of propaganda so that we will feel that we should go across the sea and become involved in war. Why have certain individuals in the theatrical and motion-picture industries helped to pay for the advertisement?

Let me add that this advertisement had President Roosevelt's approval. He said it was great work. The advertisement was paid for by those connected with the banking firm of Kuhn, Loeb & Co., the banking firm of J. P. Morgan & Co., Lehman Bros., by those in the steel industry, the oil industry, and the electrical manufacturing industry, and other industries which profit from war.

I do not care to detain the Senate longer in this connection; but when the Senate knows the full and complete list of individuals who helped to pay for the "Stop Hitler" advertisement, it will realize that the project is backed and permeated from one end to the other by international financiers. Their interest in stopping Hitler is that they want America—American boys—to protect and expand their investments. They want American boys to do the work. This propaganda was promoted by the President's own support of this advertisement from the White House press conference. It is backed by men who made millions out of the last war, men who were never neutral in the last war, and are not neutral in this one.

Mr. LUNDEEN. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. LUNDEEN. We are now told that American soldiers will not be sent abroad.

Mr. HOLT. Yes. I understand that another campaign promise was that we were to balance the Federal Budget and cut expenses 25 percent. Those are only campaign promises.

Mr. LUNDEEN. Let me refer also to an earlier slogan—"He kept us out of war." I am wondering if the two slogans have equal value. I hope the last one will be found to be of greater weight and more value to the American people than the earlier one.

Mr. HOLT. I thank the Senator, and I am very glad he made that statement. I hope the last slogan does not go the way of other campaign promises of the past.

There is one other brief matter since I am discussing bankers, if the Senator from North Carolina [Mr. REYNOLDS] will not think I am trespassing upon his time. A number of times the President has spoken against personal-holding companies, and against those who would evade taxation by setting up such companies. He asked for legislation; but the week before we adjourned for the Republican national convention we picked up the newspaper, and whom did we see appointed as a Secretary to the President of the United States? We saw the name of James V. Forrestal, appointed as Secretary to the President of the United States. That may not mean anything to many of you, but who is James V. Forrestal? I will tell the Senate by reading from the Evening Star of 1933. He was the president of Dillon, Read & Co. This is the article from the Evening Star:

Taxes are evaded by Dillon, Read member's deal; James V. Forrestal tells Senate probers of company in Canada; says he did not pay on $864,000 profits; New York banker explains financing methods through personal corporation.

This is the man whom the President has appointed to be his secretary, after telling the people about the terrible holding companies, one of which was formed by his appointee. I read from the article:

A Dillon, Read & Co. member told Senate investigators how he paid no income tax in 1929 on a stock profit of $864,000 by means of setting up a personal company in Canada.

James V. Forrestal, the banker, testified between puffs on a pipe that the tax would have been far in excess of $95,000 if he had made the sales direct.

Questioned closely by Ferdinand Pecora, committee counsel, Forrestal said he had made an income-tax return on the Canadian company this year after disclosures before the inquiry committee in the investigation of other bankers.

As a result, he said, a tax of $6,000 was paid and another levy of $95,000 was under consideration.

The witness testified at length about various transactions with the Canadian company, including a $800,000 loan, and then Senator Couzens, Republican, of Michigan, said:

"In effect all these transactions were doing business with yourself, weren't they?"

"Certainly, for myself," the witness replied.

"Just shifting money from one pocket to another," Couzens added.

"I hadn't thought of it as such," the witness replied.

The article proceeds to state how a holding company was set up in Canada, and how another holding company was set up in Delaware, in order to protect Forrestal from paying taxes to the Federal Government. Now the President of the United States brings him in as his secretary, and it has been stated he is to be a liaison for Wall Street. Was there a whitewash to his past confessed record of setting up a holding company in order to evade taxation? That is an appointment which does not come to the Senate for confirmation.

Mr. President, I should like to have the entire article from the Evening Star printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TAXES ARE EVADED BY DILLON, READ MEMBER'S DEAL—JAMES V. FORRESTAL TELLS SENATE PROBERS OF COMPANY IN CANADA—SAYS HE DID NOT PAY ON $864,000 PROFITS—NEW YORK BANKER EXPLAINS FINANCING METHODS THROUGH PERSONAL CORPORATION

A Dillon, Read & Co. member told Senate investigators today how he paid no income tax in 1929 on a stock profit of $864,000 by means of setting up a personal company in Canada.

James V. Forrestal, the banker, testified between puffs on a pipe, that the tax would have been far in excess of $95,000 if he had made the sales direct.

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"In effect, all these transactions were doing business with yourself, weren't they?"

"Certainly for myself," the witness replied.

"Just shifting money from one pocket to another," Couzens added.

"I hadn't thought of it as such," the witness replied.

In 1929, after he had transferred some of his stock holdings to the Canadian company, Forrestal said he paid an income tax of $300,000, both State and Federal. He testified that he did not know how much it would have been if the company had not been organized.

Not long before testimony was given the committee that Forrestal sold 16,788 shares of stock for $53 a share which he had acquired for less than a dollar each.

Relating how he had formed a private company for tax purposes which was controlled by himself and Mrs. Forrestal, he said he had obtained 37,000 share of United States and Foreign stock, a Dillon, Read & Co. investment trust.

He testified he bought 7,500 at 20 cents a share, 17,000 at 75 cents, and the remainder at $10, a total of $139,250—one-seventh of what he obtained for the 16,788 shares.

QUESTIONED ON BEEKMAN DEAL

Pecora questioned Forrestal first about formation of the Beekman Corporation, Ltd., of Canada in 1928 or 1929.

He said he held 70 percent of the capital stock and his wife 30 percent in the Beekman Co. of Delaware, which owns the Canada company.

Questioned by Pecora, Forrestal said he obtained 37,000 shares of United States and Foreign; Dillon, Read & Co. investment trust.

In July and August 1929, he testified he transferred 20,000 shares of the stock to the Beekman Corporation of Canada without any consideration.

Paul M. Strieffler, an employee of Dillon, Read & Co., is president of both the Delaware and Canadian companies, the witness said, and John Vincent, a personal friend, is vice president and secretary.

Pecora questioned Forrestal at length about the specific tax advantages derived from the companies, but the witness said he did not know.

"Naturally, I had the desire to pay the minimum taxes which I could legally," Forrestal said.

Shortly after transferring 20,000 shares to the company, he sold 16,788 of them for $896,000, Forrestal said, explaining that was at a price of $53 a share.

Pecora asserted this was stock which the banker acquired at 20 cents a share in the formation of the investment trust.

Forrestal said that out of his total block of 37,000 shares, he obtained 7,500 at 20 cents, 17,000 at 75 cents and the balance at $10.

PRICE PEGGING CHARGED

Into a tale of pyramiding profits to Dillon, Read & Co., from Brazilian and Bolivian bonds, Pecora yesterday interjected a charge of pegging prices by market operations and concealment of impending defaults.

Evidence to show payment of interest on some of the Brazilian securities was made by Dillon, Read from a special fund created from the bonds, instead of a remittance from Brazil, and that bond holders were not apprised of whence the money came, was put before the market inquisitors.

During the day's hearing he developed that the New York Banking House and Associated Bankers realized approximately $6,000,000 in profits from handling about $130,000,000 in bonds, of the two South American republics, virtually all of which now are in default, and valued at only a fractional part of the amounts for which they were sold.

MISSISSIPPI RIVER BRIDGE, CHESTER, ILL.

Mrs. CARAWAY. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 1959, House bill 8372.

Mr. McNARY. Mr. President, to what does the bill relate? I think it would be proper to have the clerk read the title of the bill.

The PRESIDING OFFICER. The Senator from Arkansas asks unanimous consent for the present consideration of House bill 8372.

Mr. McNARY. That depends upon what the bill is. May the title of the bill be stated by the clerk for the information of the Senate?

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 8372) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Chester, Ill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had passed the bill (S. 3097) for the relief of Katherine M. Drier, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 458. An act extending the benefits of the Emergency Officers' Retirement Act of May 24, 1928, to provisional, probationary, or temporary officers of the Army, Navy, Marine Corps and Coast Guard who served during the World War;

H. R. 2751. An act to repeal sections 3711, 3712, and 3713 of the Revised Statutes, which relate to the purchase in the District of Columbia of coal and wood for public use, and for other purposes; and

H. R. 9576. An act relating to the admission to St. Elizabeths Hospital of persons resident or domiciled in the Virgin Islands of the United States.

KATHERINE M. DRIER

The PRESIDING OFFICER (Mr. CHANDLER in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 3097) for the relief of Katherine M. Drier, which were, on page 2, line 5, to strike out "follows" and insert "if an additional award in the sum of $160,000 with interest at 5 percent per annum from January 1, 1920, had been entered by the Mixed Claims Commission, United States and Germany, on behalf of Katherine M. Drier", and to strike out lines 6 to 17, inclusive.

Mr. PITTMAN. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

THE NATIONAL DEFENSE

Mr. REYNOLDS. Mr. President, yesterday in this Chamber I listened with much interest to our distinguished friend and colleague the senior Senator from the Commonwealth of Massachusetts [Mr. WALSH] as he discussed our naval program. I was very happy, indeed, and fortunate to have been in the Chamber at that time, since I found that the information provided was really worth while for any American citizen, particularly in view of the fact that we are all now interested in the subject of national defense.

At the time I sat listening to the Senator from Massachusetts I was wondering, to be perfectly frank, whether or not our armed forces—particularly in respect to naval armaments, battleships, cruisers, submarines, and the forces of the air in conjunction with the Navy Department—would ever be called upon to participate in aggression or a war beyond the shores of America. While I sat listening I found before me a message from the President of the United States. I now desire to read a brief paragraph from that message:

> That we are opposed to war is known not only to every American but to every government in the world. We will not use our arms in a war of aggression; we will not send our men to take part in European wars.

I shall be perfectly frank in stating that when I read that statement, a part and portion of the message of the President of the United States sent to the Congress yesterday, a great load was lifted from my heart, because I had grieved constantly for a month for the American mothers who had been led to believe by many that the time was not far off when their sons would be called upon to fight upon foreign shores in a war that is not our war, to spill their blood upon foreign soil in a controversy that interests itself exclusively in the settlement of territorial lines.

Mr. LUNDEEN. Mr. President, will the Senator yield there?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Minnesota?

Mr. REYNOLDS. I am very happy to yield to my distinguished colleague from Minnesota.

Mr. LUNDEEN. I am wondering if the Senator places any more value in that statement than he attached to the statement "He kept us out of war," in 1916?

Mr. REYNOLDS. In answer to the Senator's statement, I wish to say that I am always willing and glad to read any statement that actually conveys my viewpoint. I am very optimistic; I am ever endeavoring to look upon the bright side of life and to see the radiant gold of the sunshine but never the clouds above. So, I want to believe all that I read or hear to the effect that we are not going to participate in anybody else's wars, wars which are no business of ours; and I want to continue so to believe, for I know, as my distinguished colleague does, that American mothers have been very greatly worried for many months past for fear, as I have said, that the day might arrive—an unhappy one—when their sons would be taken from their arms and their lives would be sacrified upon yonder foreign shores. So, I hope sincerely that every single word of the statement I read in which the President of the United States said that never would our armed forces be called upon to fight upon foreign shores will be accepted at face value, because the mothers of America will

find great relief in that statement, particularly in view of the fact that 90 percent of the American people have ever been positively opposed to our participation in the wars of other nations, including the second world war, which is but one of more than 300 that have taken place upon the continent of Europe within the past 700 years. I know that my friend and distinguished colleague the able junior Senator from Minnesota [Mr. LUNDEEN] has prayed time and again that never would we be sucked into the unfortunate controversy which rages beyond our shores.

Mr. BARKLEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Kentucky?

Mr. REYNOLDS. I am always happy to yield to my distinguished leader.

Mr. BARKLEY. In view of the inquiry made by the Senator from Minnesota, I think it ought to be stated——

Mr. REYNOLDS. I will say to the Senator that I was going to pursue that matter during the course of my remarks.

Mr. BARKLEY. I think it ought to be stated that the statement contained in the message of the President yesterday is not in the slightest degree inconsistent with anything he has said or done during the entire European situation.

Mr. REYNOLDS. And at the Chautauqua conference he employed the words, "I hate war."

Mr. BARKLEY. That is correct. I think it may be said truthfully that no man who was ever President of the United States, or the head of any other government, ever undertook to exercise his influence on other nations more consistently than did President Roosevelt to prevent, in the first place, the breaking out of the war in Europe. While he has in his public statements and in his recommendations to Congress sought to arouse a sense of the necessity for us to prepare ourselves for any emergency or any exigency that might arise, there is nothing in anything the President has ever said or in anything he has ever done which would indicate that he ever had the slightest intention or desire that we should involve ourselves in a European war or send our Army over there or take any physical part in the conflict that is now raging in Europe. It is unfair, it seems to me, to him; it is unfair to the Government of the United States; it is unfair to the American people for these constant jibing efforts to be made here to create the impression that the President of the United States at any time has desired to send the Army of the United States to Europe or to any foreign country to fight their battles.

So far as the campaign of 1916 is concerned, everybody who is familiar with it knows that President Wilson, who was then a candidate for reelection, never at any time used the argument that he had "kept us out of war"; he never at any time obligated himself that we would not ultimately go into the war; but many of his enthusiastic friends, campaigning over the country, did say—and that was the truth—that up to that time he had "kept us out of war"; and he had. It was a truthful statement. The events that ultimately led us into war no one could have foreseen; and they transpired after the election in 1916, at which Woodrow Wilson was reelected President of the United States.

Mr. CONNALLY. Mr. President, will the Senator from North Carolina yield to me?

Mr. REYNOLDS. I am very happy to yield to my distinguished colleague the junior Senator from Texas.

Mr. CONNALLY. I want to say to the Senator from Kentucky that it is also true if the conditions that existed during the campaign at the time of the election had continued as they were then we would not have gotten into the World War.

Mr. BARKLEY. That is absolutely correct.

Mr. CONNALLY. But the German Government inaugurated a new policy of sinking our ships and marking off of territories.

Mr. BARKLEY. That is true. I do not believe that any president or the head of any government ever led his people into war with a heavier heart than did Woodrow Wilson in the spring of 1917.

Mr. LUNDEEN. Mr. President——

Mr. REYNOLDS. I am very happy to yield to my friend from Minnesota.

Mr. LUNDEEN. The statement of our distinguished leader is very reassuring and we need to be reassured. The statement of the able Senator from Texas reminds us that conditions may change. Conditions did change at the time of the World War, and we did get into that war in spite of the country being told that we would be kept out of it. I devoutly hope and pray that the present administration will see to it that we stay out of war; but I have been greatly disturbed about it and, in view of our experience in the World War, I do not think that we can be blamed. If, however, this course of "keeping out of war" is pursued, so that we shall remain at peace, no one will be happier than the Members of the Senate, I am sure—all of them.

Mr. REYNOLDS. Mr. President, I can very readily appreciate the anxiety experienced by my distinguished friend from Minnesota. I never look at him, to be perfectly frank, but that I derive inspiration and hope, for, I recall, as we all do, that when Congress was called upon to vote a declaration of war in 1917 he was one of the very few who then sat in the other House of the National Congress who said, "No, I shall never vote to spill the blood of the sons of American mothers upon foreign soil in order that they may participate in making settlement of quarrels that are no business of ours." So I say, with perfect candor and in all sincerity, I can appreciate how he feels and the anxiety he has experienced, because I know of no man who gives more time to thoughts concerning the welfare and the safety of the American people than does the Honorable ERNEST LUNDEEN, of Minnesota.

ANNIVERSARY OF THE BIRTH OF SENATOR NORRIS

Mr. BARKLEY. Mr. President, will the Senator from North Carolina yield to me?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Kentucky?

Mr. REYNOLDS. I gladly yield.

Mr. BARKLEY. Mr. President, I ask the Senator from North Carolina to yield to me briefly, in order that I may comment on a very happy event of this day.

We have all the profoundest respect and affection for the Senator from Nebraska [Mr. NORRIS]. I doubt very much whether any Member of this body within the recollection of any of us has rendered greater constructive service to the American people or has done it with more unselfishness and with greater vision, than has the Senator from Nebraska. Today he celebrates the seventy-ninth anniversary of his birth. I sincerely trust that he may live many years to celebrate other birthdays; that he will honor the Senate and the United States of America with continuous membership in this body; that he may continue to serve the American people.

I congratulate Senator NORRIS. I congratulate the Senate on having him as a Member. I hope he will not only enjoy this day but will enjoy many more birthdays which he may celebrate as milestones in a peculiarly useful and honorable life, as a private citizen and as a public servant.

Mr. REYNOLDS. Mr. President, never during my service in this body have I more happily yielded than at the present time, because I was very glad to learn of the birthday of our distinguished colleague. I want to say that for him we all have the deepest respect and very great admiration. I take advantage of this opportunity to wish for him many happy returns of the day, because no more valuable Member has any Congress of the United States ever had than the Honorable GEORGE W. NORRIS, our beloved colleague.

Mr. ASHURST. Mr. President——

Mr. REYNOLDS. I happily yield to the senior Senator from Arizona.

Mr. ASHURST. Mr. President, I hope I may not mar the beauty and symmetry of the speech of the Senator from Kentucky [Mr. BARKLEY] and that of the Senator from North Carolina [Mr. REYNOLDS] in the gratulatory vein in which they speak of the able senior Senator from Nebraska.

Mr. President, there is an eloquent line in Shakespeare's Coriolanus in which Brutus refers to the great patriot, and says:

How youngly he began to serve his country.
How long continued.

Those lines seem to apply justly to this really great man, GEORGE W. NORRIS, a product of American soil, who in storm, in sunshine, has been and I believe will be in history the commanding Senator of our time. The laurels that he wears so gracefully he won honorably. He is secure from envy. He is beyond the range of eulogy in usefulness as a statesman; and in attempting to describe his career, which will always be an inspiration to many a storm-tossed American boy, I realize the futility of words.

Mr. REYNOLDS. Mr. President, happily I yielded to these distinguished Senators, particularly at this time.

REGISTRATION OF CERTAIN ORGANIZATIONS

Mr. ASHURST. Mr. President, will the Senator yield for another matter, not related to this?

Mr. REYNOLDS. Certainly.

Mr. ASHURST. I desire to make inquiry.

Some time ago the House of Representatives passed a measure, House bill 10094, to require the registration of certain organizations carrying on activities within the United States, and for other purposes. One of the purposes of the bill was to require the registration with the Attorney General of every organization subject to foreign control which engages in political activities, and so forth.

Mr. President, I realize, as does every other Senator, that freedom of expression is a fundamental principle of the American Government; but with America today a vital and really serious problem has arisen, in that certain organizations, many of whose members are aliens enjoying the hospitality of the United States, nevertheless engage in subversive activities, designed to overthrow the United States.

That bill has been referred to the Senate Committee on the Judiciary. The chairman of the Judiciary Committee named a subcommittee to consider the bill, to investigate it, and to report, which subcommittee is composed of the Senator from Texas [Mr. CONNALLY] as chairman, the Senator from Arkansas [Mr. MILLER], and the Senator from Connecticut [Mr. DANAHER].

I understand that Congress is to adjourn for a week. I see present the able chairman of the subcommittee. I ask him what progress has been made on that important bill, if he will not consider such a question amiss.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. REYNOLDS. I very gladly yield to the Senator from Texas, because the Senators are now discussing a subject in which for years I have been vitally interested, as they know.

Mr. CONNALLY. I thank the Senator for his courtesy in yielding.

In answer to the Senator from Arizona, I desire to say that the Senator from North Carolina [Mr. REYNOLDS] has for years, practically ever since he has been in this body, been a very militant advocate of measures to prevent subversive activities, and to keep out undesirable aliens, and to deport undesirable aliens now here.

The bill to which the Senator from Arizona refers is popularly known as the bund bill. Of course, it does not apply to the bund by name any more than it does to other organizations. The bill, on page 3, lists the character—not the names, but the character—of organizations which are subject to the bill and which must register; for instance, every organization subject to foreign control which engages in political activities. That is simply symbolic of a number of other related provisions bringing certain organizations within the terms of the measure.

In the case of organizations within the terms of the measure, on page 5 there are 14 paragraphs which set forth the information they must file with the Attorney General. I will say that there are no penal provisions in the measure except for failure to register, if the organizations are liable to register. The bill creates no new crimes other than that; and the view of the subcommittee, so far as I am able to ascertain it, is that the measure will be reported to the full committee on the theory that there can be no harm in requiring the fullest publicity of organizations of this kind and their activities. We believe that publicity is one of the greatest weapons against wrongdoing that there is anywhere in the armory of truth, and we believe that the vaunted freedom of speech and freedom of the press are in harmony with that idea; and while people have freedom of the press and freedom of opinion they ought not to conceal from the public any of the purposes of organizations of this character.

Mr. REYNOLDS. Mr. President, may I at this juncture inquire of the distinguished Senator whether or not the bill—and I must confess that I have not read it carefully—requires organizations, for instance the bund, to provide the governmental department with which they are to register with the names and addresses of their members?

Mr. CONNALLY. It does.

Mr. REYNOLDS. I think that is splendid, and I congratulate Senators upon it.

Mr. CONNALLY. Among other requirements, the bill requires the listing of the names of their members, and the places where they meet, and the names of their auxiliary and subordinate organizations. Let me say to the Senator that we had before us some days ago Mr. Kunze, the national leader, as he calls himself, of the German-American Bund.

Mr. REYNOLDS. I had a telegram from him yesterday.

Mr. CONNALLY. He vigorously protested against the measure as an infringement of constitutional rights and the right of the German-American Bund to have its own organization.

Yesterday we had another hearing, and we had before us Mr. Earl Browder, national head of the Communist Party in the United States. Among other things, Mr. Browder testified that he was in sympathy with the invasion of Finland by Russia and the taking over of Estonia, Latvia, and Lithuania by Russia. He also was in sympathy with the movement by which Russia seized Bessarabia and Bucovina from Rumania; and while he withheld any definite commitment on what he thought about Russia taking the Dardanelles, he said that if it were in line with their former policy he would probably favor that also.

I cite these facts merely to show the Senator from North Carolina and the distinguished Senator from Arizona the character of opposition that we have to this measure. Those two witnesses and those two groups are the only persons from whom we have had any protest whatever.

Mr. REYNOLDS. I am very grateful to our distinguished colleague. I am very happy to have that information, which will provide encouragement for the American people.

Mr. ASHURST. Mr. President, will the Senator further yield?

Mr. REYNOLDS. Certainly.

Mr. ASHURST. I hope the Senator from Texas and the other members of the subcommittee will not construe my question as a prod of any sort with intent to hurry them, but I now give notice that on Monday, the 29th of July, the main Judiciary Committee will assemble to consider the bill, and the Senators who are members of the Judiciary Committee will have due notice later on. I give notice at this time that the committee will consider the bill at that time—Monday, the 29th day of this month.

I thank the members of the subcommittee for their diligence.

Mr. CONNALLY. Allow me to say that the other members of the subcommittee are the Senator from Arkansas [Mr. MILLER] and the distinguished Senator from Connecticut [Mr. DANAHER]. The Senator from Connecticut is here.

Mr. ASHURST. I am not trying to prod the subcommittee. It would be improper for me to attempt to do so.

Mr. President, along the lines of this so-called bund bill, opulent with irony as are all human affairs, I know of no more bitter irony than the following:

When men are arrested who engage in criminal activities to overthrow the Government of the United States, the first tribunal and the first document to which they appeal for

protection are the Court and the Constitution. These gangsters, "fifth columnists," and other antisocial persons when arrested always say: "Is there not something in this Constitution protecting me?" In their day of trouble, when brought to court for attempting to overthrow this Government, the disloyal appeal to that very Constitution for their deliverance.

Mr. REYNOLDS. And so has it been for years.

Mr. ASHURST. Which recalls one of the superlative ironies of history—and I will conclude with this, if the Senator will permit me. These are not my words, these are the words of a celebrated orator of bygone days, whose name I do not remember, but who said:

> If all the men who have fallen under American justice since the beginning of this Government could be resurrected at the foot of the gallows and were authorized to frame a government for themselves, they would formulate a government of the same kind as the Government under whose justice they fell.

Mr. REYNOLDS. I am indebted to my distinguished friend, because he has talked very interestingly on a phase of a subject in which my colleagues know I have been vitally interested since the day I first took the oath of office as United States Senator. He stated the truth when he said a moment ago that those who would destroy this Government, and who are constantly attempting its destruction, are now appealing to the very thing they want to destroy, they are appealing for their protection to the very thing which they would destroy.

Mr. ASHURST. To paraphrase, the cornerstone they rejected is the one they gladly accept when in trouble.

Mr. REYNOLDS. Absolutely. Since a subject of such interest to me has been mentioned—I might add, without hesitation or exaggeration, of such great interest to the American people—in particular response to what the distinguished Senator from Texas said a moment ago in reference to the gentleman who heads the bund, and who was here day before yesterday to testify before his subcommittee, I wish to say that I knew that the head of the bund objected to the bill now being considered—that is to say, to require compulsory registration, and to require the furnishing of a list of the names and addresses of the members of the bund—because only yesterday or the day before I received a telegram from that gentleman which I wish to read to this body at the present time. This is dated New York, July 9, 1940, and reads:

> ROBERT R. REYNOLDS,
> *United States Senator, Washington, D. C.*
> We protest against the adoption of the bill S. 4132 on the grounds that it is an attempt to enact bill of attainder, legislation which is expressly prohibited by the Constitution. Refer to my testimony before Judiciary Committee Monday, July 8, clearly showing that above bill is * * * in the name of law. The German-American Bund has never been convicted of any crime. This bill is all vicious and un-American.

That telegram was sent to me by Mr. G. Wilhelm Kunze, national leader, the German-American Bund, 178 East Eighty-fifth Street, New York City. He protested to me for the reason that only about 10 days ago I introduced two bills which would affect his organization. One was that mentioned as Senate bill 4132 in his telegram of the aforementioned date, which provides for the outlawing of the Communist Party and provides for the outlawing of the Nazi Bund or any other sort of Fascist organization. I can well understand why this gentleman is protesting to me, because if my bill shall be enacted, then his organization in this country will be destroyed. But I again point out to the able Senator from Arizona and call to his attention the very words of this man's telegram to me, in which he is appealing to the Constitution of the United States for protection and justice, whereas we find that the people connected with that organization, and with the Communist Party, are attempting now to destroy the things to which they appeal.

Mr. ASHURST. Mr. President, I do not wish to deliver a legal opinion—the Senate does not need one from me—but a vast deal of misconception exists throughout this country on the part of excellent citizens who I am sure would welcome this information.

An alien is a guest of the United States. He may be admitted or not, as the United States pleases. Forsooth, we would not be an independent power; we would be a vassal state, if aliens could come here and remain so long as they wished. One is not the master of his house if a guest may come and remain as long as he pleases. An alien is a guest of the United States, who may be deported at any time, for a good reason, for a bad reason, or for no reason at all. Is not that true?

Mr. REYNOLDS. That is quite true; and I thank the Senator very much.

In pursuance of the telegram of the gentleman who heads the German-American Bund, I might add that I surmise that he will likewise protest a bill I introduced about 10 days ago which would prohibit any labor union, organization, or association from having as its agent an alien, a member of the Communist Party, a member of the German-American Bund, or one who has been a member of any of those organizations for the past 2 or 3 years.

In addition to that, my bill would prohibit any American citizen who has been deprived of his citizenship by reason of conviction of a felony from holding office in a union or serving as an agent or representative of a union engaged in negotiations with industry which interests itself in interstate commerce. We can well understand the protest of these people who are constantly engaged in these activities which we believe to be subversive and un-American.

Mr. President, I may add in this connection that I hope the committees to which my bills have been referred will give them immediate attention, and I respectfully request that I be provided an opportunity to produce witnesses to testify to those respective committees in support of my bills, which measures would destroy and outlaw the Communist Party, the German-American Bund, and Fascist organizations whose members are not thoroughly in accord with our attitude toward the American Government.

Mr. GEORGE. Mr. President, may I propound an inquiry to the Senator?

Mr. REYNOLDS. I am very happy to yield.

Mr. GEORGE. I believe the Senator is a member of the Committee on Immigration.

Mr. REYNOLDS. I am not, I am sorry to say, but I am a member of the Committee on Foreign Relations, the Committee on Military Affairs, the Committee on the District of Columbia, and the Committee on Territories and Insular Affairs.

Mr. GEORGE. I knew the Senator was a valued member of the Committee on Foreign Relations, but I wanted to address an inquiry to him regarding a bill which passed the House of Representatives some time ago providing for the deportation of Bridges. Has the Senator any information about that bill?

Mr. REYNOLDS. I am informed by the junior Senator from Georgia [Mr. RUSSELL], who is chairman of the Committee on Immigration in the Senate, that he named a subcommittee to handle that matter, and I believe the senior Senator from Utah [Mr. KING] was named as chairman of the subcommittee. When I learned that, I questioned the Senator from Utah about the matter. He is here and can speak for himself as to what has become of the bill, a bill in which we are all interested. So I gladly yield to the distinguished senior Senator from Utah in order that he may be provided an opportunity of answering the question so appropriately propounded by our distinguished and beloved friend from my sister State of Georgia.

Mr. KING. I can answer in a word. I am a member of the subcommittee named by the Senator from Georgia [Mr. RUSSELL] to consider the bill to which reference has been made. One of the members of the subcommittee was out of the city for some time and reached Washington only a day or two ago. I think it is the purpose of the subcommittee to meet in the near future, I hope tomorrow or next day, for the purpose of determining the policy to be pursued.

Mr. REYNOLDS. I am very happy to have that information, and I sincerely trust that there will be no delay. I

know how interested the members of the subcommittee are. Insofar as I am concerned, I say without hesitation that I am in high hope that the subcommittee will recommend to the full committee a favorable report on the bill for the deportation of Harry Bridges. It was passed by the House.

I think Bridges should be deported. Of course, if it were left to the Department of Labor, where naturalization and immigration matters formerly rested, Bridges would never be deported, and in substantiation and proof of my assertion, just a few days ago I had inserted in the RECORD the names of 700 alien criminals who had been kept in this country by the Secretary of Labor, and who had been maintained by the American taxpayers.

I hope that Bridges will be deported soon. He is a menace to this country. He is one of the termites that has been boring from within.

Mr. President, you will recall that 7 years ago he was the one who created trouble on the Pacific coast, when the American flag was hauled down, and the American mails were held up, and millions of dollars of investments of American people, including those of widows and orphans, were destroyed as the result of the activities of that alien. I hope our distinguished friend, the Senator from Utah [Mr. KING], will see to it that the committee convenes at an early date, and that we may forthwith and without hesitation, but with joy and happiness, deport at least one alien criminal.

Since I have mentioned the words "alien criminal," let me say that I have had directed to me a number of inquiries from my colleagues, and a number of other interested American citizens as to what we propose to do with alien criminals, thousands upon thousands of whom are running at large and have not been apprehended. What shall we do with them when at last we locate them and put them under arrest? Suppose they have come from some country which has been absorbed by a totalitarian government. I wish to make a suggestion in pursuance to and in addition to the one I made the other day when I spoke upon this subject. I suggested that we provide detention camps in which to place alien criminals, but since making that suggestion I have received numerous letters from sundry citizens protesting against the establishing of detention camps in their States. They say it is all right to confine our own criminals in places of detention in Georgia and other States, but they do not want the criminals from foreign countries confined there. However, we must put them somewhere. I rather assume that Hitler would not want to take back alien criminals who came from Czechoslovakia, from Hungary, from Holland, from Belgium and France. He would say, "You have them. You let them come into your country. You fed them; you provided them with opportunities to rob the American people and destroy your form of government—you keep them."

That being the case, where shall we send them? I suggested that we provide detention camps in the various States, but there were protests against that. I later suggested that we provide camps on some island outside continental United States. I now have a better suggestion. France owes us a great deal of money, about $4,000,000,000, including interest on the debt. In addition to asking France to turn over to us her islands in the Caribbean Sea, the Leeward and the Windward Islands, and Miquelon and St. Pierre, near Newfoundland, I think we should ask France to turn over to us Devil's Island, near French Guiana. That would be the place to send these criminals. While we are asking for other islands to provide for our own national defense, I think we should ask for Devil's Island for that purpose.

Mr. President, getting back to the question of war. We are all opposed to war, but we are relieved now to know that the President of the United States has said specifically and without any hesitation apparently that our soldiers will not go to fight on foreign soil.

I have now before me the clipping to which I referred previously which says:

F. D. R. PLEDGE TO BE DEMOCRATIC PLANK

Administration sources today said a pledge to refrain from sending American troops to take part in European wars would be written into the 1940 Democratic platform.

I am very happy to know that, particularly in view of the fact that I am going to Chicago on Sunday. I was going before the platform committee and respectfully insist that we write such a declaration in our Democratic platform, because the American mothers demand to know whether or not we Democrats are going to send their sons to Europe. So now that much of my difficulty will be eliminated. But I am going to the convention anyway.

The first reason is that I shall have there the pleasure of seeing the most lovable character, and one of the most distinguished Members of the Senate, despite the fact that he is a young Member, and that is none other than our distinguished Presiding Officer, the honorable junior Senator from Kentucky to whom I always refer as "HAPPY" CHANDLER. If we had more "HAPPY CHANDLERS" on earth we would have a better world, because he spreads sunshine and joy, rather than lowering dark clouds to cover the heavens above. What we need is sunshine. Thank God for his smile, and his happy handshake, and his sincerity, and his interest in the American people.

Mr. President, knowing that from now on I shall have your undivided attention, I shall proceed. This article——

Mr. WILEY. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield.

Mr. WILEY. After hearing that scintillating remark about the Nation's needs, I wonder if the distinguished Senator would not agree that the new dealers need Wisconsin cheese?

Mr. REYNOLDS. I wish to say to the Senator that Wisconsin provides our dining room annually with a goodly portion of cheese, and it has always tasted good, and, insofar as I am concerned, I will say that I have never experienced any difficulty in digesting it without the aid of a digestive tablet.

Mr. LUNDEEN. If the Senator has any difficulty in that respect let him eat some Land O'Lakes butter.

Mr. REYNOLDS. I thank the Senator for that suggestion. I am happy to provide the Senator with an opportunity to bring attention to his great State, because I myself always seek the opportunity to advertise the greatest State in the Union—and that is North Carolina.

Mr. BARKLEY. Mr. President, I wish to make a parliamentary inquiry. What sort of advertising medium has the Senate of the United States become?

The PRESIDING OFFICER (Mr. CHANDLER in the chair). Does the Senator wish the Chair to answer that question?

Mr. REYNOLDS. I suggest that the Chair answer that question.

The PRESIDING OFFICER. On second thought the Chair will leave the answer to the distinguished Senator from North Carolina.

Mr. REYNOLDS. Mr. President, I have never lost an opportunity to use this Chamber to advertise North Carolina, and for that I need never extend an apology, because when words in a description of that great and beautiful State flow from my lips I know they are music to every ear upon which they fall.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. REYNOLDS. Gladly.

Mr. BARKLEY. I agree with the Senator's fluent description of North Carolina, where my ancestors resided years ago.

Mr. REYNOLDS. That is one reason it is such a great State.

Mr. BARKLEY. But I think the Senator from North Carolina will readily agree that there is a difference between the balmy atmosphere of North Carolina, and the music of her birds, and also her salubrious climate, and the Limburger

cheese which has been so extensively advertised here today by the Senator from Wisconsin. [Laughter.]

Mr. WILEY. Mr. President, will the Senator yield?

Mr. REYNOLDS. Of course I shall give the Senator an opportunity to answer the distinguished Senator from Kentucky.

Mr. WILEY. I am surprised at the ignorance of the distinguished senior Senator from Kentucky in his reference to the smell of Wisconsin Limburger cheese. When he referred to "smelly stuff" he must have referred to some of that "stuff" that comes out of the back hills of Kentucky. Wisconsin Limburger has arona. Our Cheddar, brick, and Swiss cheese also make the mouth water.

But I did not rise for that particular purpose, Mr. President. The Senator asked a question about what kind of advertising medium the Senate of the United States has become. I want to answer that by saying that on July 11, in the Washington Post, Harlan Miller's column had this to say:

F. D. R.'s mail: At the White House mail room they have counted during the last week 5,000 letters urging Mr. Roosevelt to run for a third term. He has been studying these letters, analyzing their source motivation.

I want to place before the country some real advertising showing real coordination between newspapers and the men behind the scenes who are trying to fool the people.

Mr. President, a few days ago something was said about some telegrams coming to the Philadelphia convention, as the result of a stupenduous popular outburst from people throughout the country. But in this capital of ours, and undoubtedly throughout the country, there is being circulated this card [exhibiting]. We do not know who got it out, but we know someone got it out for the purpose of sending the President this mail. I am going to read the card. Here is what it says on one side:

Please act at once and pass this on.
Rally round Roosevelt.
Will you do this at once?
Write to Franklin D. Roosevelt, the White House, Washington, D. C., and ask him to run again for the Presidency? A letter or even a postcard will do.
We need him desperately today. We need his leadership. We know he has never failed in his duty and we hope we can make him heed the voice of America with our plea to carry us through the next 4 years.
But we must write—today. Will you also ask two other friends to write and have them do the same with just two other friends? They can be men, women, or children because he's the President of all of us.
Please pass this card on, but write, right away. Millions of letters from us will show the politicians the man we want as President the next 4 years.

All this pressure is on the one side of this card. How is this for home-made advertising?

Then it says, "See other side."

On the other side it says:

Please act at once and pass this on.
Rally round Roosevelt.
It is your right as an American citizen to write to the President of the United States. At this moment it is also your duty.
You address him as follows: Hon. Franklin D. Roosevelt, the White House, Washington, D. C.
You can begin your letter "Dear Mr. President," or "Dear Mr. Roosevelt."
Your letter need not be long, but it should be your own, in your own language, telling him that you personally believe he should serve the country another 4 years. If you wish, you can tell him why you think so.
Sign your full name and your address.

The committee which is investigating things in the Senate might take this card and investigate something. Apparently, this is a last-minute rush. It may explain why so many of our Democratic friends are not going to Chicago, and consequently will not come to "heaven," which they have been asked to visit. This bit of advertising at the last minute is a piece of showmanship at which Barnum would not fail to blush.

Mr. REYNOLDS. Mr. President, for the moment I was not listening; but I understood the Senator to mention the Republican convention in Philadelphia. Did the Senator mention the Republican convention in Philadelphia?

Mr. WILEY. For what purpose does the Senator ask the question?

Mr. REYNOLDS. I was told that the Senator mentioned the Republican convention, and immediately said, "He must have thought of the Republican convention, because we were just talking about limburger cheese." [Laughter.]

Mr. BARKLEY. Even if the Senator from Wisconsin did inadvertently mention the Republican convention, he ought not to be required to repeat the reference.

Mr. WILEY. I shall be very happy to have the distinguished Senator from North Carolina repeat his very brilliant remark. I did not quite catch the import of it.

Mr. REYNOLDS. It was simply this: The distinguished Senator from Wisconsin was talking about limburger cheese, and he immediately followed the discussion of limburger cheese by mentioning the Republican convention at Philadelphia. I was wondering if a discussion of limburger cheese gave occasion to the Senator to talk about the Republican convention in Philadelphia. [Laughter.]

Mr. WILEY. Apparently, attention of the distinguished Senator was so diverted by the remark of the distinguished Senator from Kentucky that he did not pay attention to my reading of the "push Roosevelt" card, which has recently been put into action, so that the Democrats, when they reach Chicago, will have nothing to say as to who shall be the nominee for President on their ticket.

This last-minute push, generated by folks behind the Executive, is convincing evidence that there is no spontaneous "push" by the people for a third term.

Quite revealing, Mr. President, is this "propaganda card." It has been gleefully said around the Senate in the past few days that the question of first place had been settled by the big boss, and that now there is competition on the floor of the Senate for second place only.

Mr. REYNOLDS. Mr. President, I am always glad to yield to my friend.

I wish to complete the reading of the article to which I referred a few moments ago, so that it may be embodied in the RECORD:

F. D. R. PLEDGE TO BE DEMOCRATIC PLANK

Administration sources today said a pledge to refrain from sending American troops to take part in European wars would be written into the 1940 Democratic platform.

Such a promise, designed to stop third-party talk, is contained in a tentative draft of the platform taken to Chicago yesterday by Senator ROBERT F. WAGNER, Democrat of New York, who will serve as chairman of the convention's resolutions committee.

NO AGGRESSION

President Roosevelt gave the tip-off on the important foreign-policy plank in his defense message to Congress yesterday.

"We will not use our arms in a war of aggression," he said. "We will not send our men to take part in European wars. But, we will repel aggression against the United States or the Western Hemisphere."

Similar, or almost identical language will be contained in the platform to be adopted by the convention next week, administration sources said.

WHEELER APPEASED

The Republican Party, at its Philadelphia convention 2 weeks ago, approved a keep-out-of-war platform. It contained no pledge to refrain from sending American soldiers to fight on foreign battlefields.

Such a pledge, if adopted by the Democrats, would appease isolationists, led by Senator BURTON K. WHEELER, Democrat of Montana, who have been strongly critical of the administration's policy of giving material aid to Britain.

Senator WHEELER recently threatened to bolt the party if it failed to go into the Presidential election campaign with a firm antiwar platform. He is a candidate for the Presidential nomination in the event Mr. Roosevelt turns down a third term and was among the first to applaud the Chief Executive's pledge yesterday.

Senator WHEELER said formation of a third party, so far as he was concerned, would be unnecessary if the Democratic Convention adopted a similar promise. He indicated he had been assured such action would be taken.

NO WAR PARTY LABEL

A pledge to keep American troops in this hemisphere, it was said, would take the sting out of some Republican efforts to pin upon the Democrats the label "war party."

One of the most outspoken Republican isolationists—Representative HAMILTON FISH, of New York—said yesterday the President's pledge was positive proof he will be a candidate for renomination.

Senators D. WORTH CLARK, Democrat of Idaho, and EDWIN C. JOHNSON, Democrat of Colorado, members of the Wheeler group, also expressed gratification.

As I stated a few moments ago, I was very happy to read that item in the afternoon newspaper.

Mr. LUNDEEN. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield to the Senator from Minnesota.

Mr. LUNDEEN. In that connection I am a little disturbed by the statement of Mr. Stimson, now Secretary of War, who is quoted as saying that we should convoy ships into the war zone. Before that occurs there might be no occasion for war; but if our ships should then be sunk, as the junior Senator from Texas [Mr. CONNALLY] said, conditions might change. I might cite a number of such possibilities. The important thing is that we should have a foreign policy which will meet all such possible incidents. We have a north star which we can follow in reference to our foreign policy. In general, I refer to the foreign policy of Washington, Jefferson, Jackson, Cleveland, and a long line of statesmen, including Henry Clay. The great Andrew Jackson maintained that it would not be necessary for us to intervene in the affairs of Europe. No matter what the incidents are, they can be peacefully adjusted unless we are attacked here at home.

Mr. REYNOLDS. I will say to the distinguished Senator, partly in answer to his statement, that I am particularly interested in our foreign policy so far as it relates to our interest today in an adequate national defense. I do not think any of us has ever been specifically advised as to what we are supposed to defend, and why. Many questions have arisen in that connection. I think we should know definitely, in order that we may more definitely make our plans in reference to the national defense, in which we are now engaged.

Mr. LUNDEEN. Mr. President, will the able Senator yield?

Mr. REYNOLDS. I yield.

Mr. LUNDEEN. I should like to say that we can have no better national defense than to follow the resolutions introduced by the able and distinguished Senator from North Carolina to acquire island bases along the Atlantic coast, and fortify those bases. Then we shall have real defense. We shall not have appropriations by the billion, which seem to evaporate, leaving nothing with which to defend ourselves. We shall have the islands; we shall have the American flag over them. We shall have air, land, and sea bases on them; and we shall have a line of fortifications to meet any threatening force which may come across the ocean should anyone be so mad as to attempt to attack us from across the Atlantic. I doubt whether anyone will try it. If they should, we can meet them at our fortified island bases. I am a supporter of the resolutions introduced and ably defended on the floor of the Senate by the Senator from North Carolina. I hope he will not become weary. I see no signs of that. He is a vigorous defender of all the ideas he presents in this hour of crisis, and I hope the Senator will press for the acquisition of those islands.

Mr. REYNOLDS. I thank the Senator from Minnesota for his tribute and compliment. In conclusion, I expect briefly to mention the resolutions to which he has referred; but, lest I neglect it, and since we are talking about American participation in the war—or, rather, about our nonparticipation—I wish to say that today I received a letter, in the form of a resolution, from Salisbury, N. C. It is signed by Mrs. Pearl Thompson, secretary of the Rowan Pomona Grange. It reads:

ROWAN POMONA GRANGE,
Salisbury, N. C., July 8, 1940.

Hon. ROBERT R. REYNOLDS, M. C.,
Washington, D. C.

DEAR SIR: The Rowan County Pomona Grange in session on June 26, 1940, adopted the following resolution:

"Whereas there are groups in America seeking to involve the United States in the present European war and whereas we believe that the peace and security of the United States should be preserved: Therefore be it

Resolved, That the Rowan County Pomona Grange hereby submits the following resolutions:

"First, that we urge the Congress of the United States to take all possible precaution in keeping the United States from entering the present conflict.

"Second, that we urge the Congress to build a defense program adequate to protect our country from foreign aggression.

"Third, that we urge the Congress not to send war equipment for foreign nations to help carry on their war that would weaken our national defense.

"Fourth, that a copy of this resolution be sent to President Roosevelt, Congressman R. L. DOUGHTON, and Senators J. W. BAILEY and ROBERT R. REYNOLDS."

Yours truly,

PEARL THOMPSON,
Secretary, Rowan Pomona Grange.

In conclusion, since it was mentioned by my colleague from Minnesota, and since we are vitally interested in national defense at this hour, I wish to call one other matter to the attention of the Members of this body.

Several months ago I introduced two resolutions. One of them authorized the President of the United States to enter into negotiations with the Republic of France for the purpose of endeavoring to acquire the island possessions of France in the Western Hemisphere, the price to be agreed upon to be deducted from the billions of dollars which are due us, and have been due us for more than 25 years past.

That resolution went to the Foreign Relations Committee, and our very able and genial chairman immediately dispatched it to the State Department. To date we have never heard from the State Department in reference to that resolution.

A day or so later I introduced another resolution, which authorized the President of the United States to enter into negotiations with Great Britain with a view to acquiring the possessions of Great Britain in the Western Hemisphere, the price to be agreed upon to be deducted from the more than $5,000,000,000 due us from Great Britain and the interest thereon. To date we have not heard from the State Department, despite the fact that the chairman of the Foreign Relations Committee of the Senate immediately had the resolution conveyed to the State Department.

Mr. LUNDEEN. Mr. President, will the Senator yield?

Mr. REYNOLDS. I shall be glad to yield in a moment.

Yesterday afternoon I made a tabulation of the amount of money which we have appropriated during the present Congress for national defense. I am appalled at the total of the appropriations, which reveals to me that we have made appropriations to the extent of more than $17,000,000,000 for ships of the air, for the Navy and naval vessels, for the marines, for the Army, for every branch of the service. Mr. President, I want to know why I have not heard from the administration; I want to know why I have not heard from the State Department as to those suggestions. Why do I want to know? Because I am aware that our actual first line of defense is—where? It is in the Pacific and in the Atlantic. It is there where those islands are and where our bases and fortifications should be. We are putting forth great efforts to provide national defense, and are spending $17,000,000,000 of the taxpayers' money for that purpose, while in the Caribbean Sea, in the Leeward and Windward Islands, extending from Port of Spain in Trinidad only a stone's throw off the coast of Venezuela in South America northward, we find island possessions of Great Britain—Nassau, where the Duke of Windsor will be Governor General; Bimini, only 50 miles off the coast of Florida; Bermuda, only 500 miles due east from the coast of North Carolina—possessions for which the British Empire have no earthly use.

I say now is the time when we should endeavor to secure peacefully from the British those islands for which they have no earthly use, but which we need as outposts in the Atlantic. We would have done well if we had entered into negotiations months ago with the Republic of France, when that Government was in a position legally to have negotiated with us, because it is now under the iron heel of Hitler and the

totalitarian dictators, and it will be a long time before they will agree ever to permit France, which is soon to become a Fascist State, to enter into negotiations with us for French possessions on our coast.

In addition to possessions in the Leeward and Windward Islands, France has two islands that for years I have advocated we acquire, namely, Miquelon and St. Pierre, which are only 15 miles off Newfoundland. Three years ago when returning from Labrador, I visited those island possessions of France near the Crown colony of Great Britain—Newfoundland—I realized that we needed those islands, but nobody is paying any attention whatsoever to acquiring those islands from a nation that has no use for them, and now, that Hitler has taken over France, we may experience great difficulty and trouble in ever becoming the possessor of those islands.

Mr. LUNDEEN. Mr. President——

Mr. REYNOLDS. I yield to the Senator from Minnesota.

Mr. LUNDEEN. As I recall, about 20 resolutions have been introduced on this subject. It appears now that none of them will ever be heard from. I do believe that our State Department should discover the resolutions which the able Senator from North Carolina has offered regarding our islands, and the resolutions which I have presented about these island bases. If they would look around they might discover some resolutions; and let us see if we can have some action on them.

Mr. REYNOLDS. I will say to the Senator that everyone who knows anything about national defense must be aware that we have got to have those islands in the Caribbean and that no nation with any sense would permit a foreign nation to own islands or to be possessed of property 50 miles off its own coast, whether that nation were friendly or unfriendly. The Senator will recall that we actually have no outposts in the North Atlantic. The only one we could possibly get, because it is the only island base in the North Atlantic, is Bermuda. We ought to have that, because 95 percent of the revenue derived by the Government at Hamilton, Bermuda, comes out of the port of New York.

In reference to Miquelon and St. Pierre, the President, addressing the joint session of Congress not so long ago in yonder House, pointed out to us there assembled that, with modern transportation, a plane could fly from Greenland to Newfoundland within 4 hours. Yet we make no attempt to acquire those island possessions. We spend $17,000,000,000 for national defense, and here are outposts which we can get for nothing if we would only take the proper steps.

Mr. LUNDEEN. Mr. President——

Mr. REYNOLDS. I yield to the Senator from Minnesota.

Mr. LUNDEEN. The Senator is absolutely correct, of course, and more than $17,000,000,000 will be expended upon weapons which in the not distant future will become obsolete and absolutely disappear like mist before the morning sun. After some years they will have to be replaced, whereas, if we acquire the islands——

Mr. REYNOLDS. When I first suggested that we acquire them they could have been obtained legally without difficulty, because then France was managing her own affairs.

Mr. LUNDEEN. That is very true, and if we had acquired the islands we would have something definite and positive and everlasting in the way of national defense, whereas military weapons pass with time and become obsolete.

The Senator is of the majority party, and I am supporting his resolutions, for, if we are to have anything done about this matter, it must come through the leadership of the majority party; it must come from the distinguished leader of the majority, the senior Senator from Kentucky [Mr. BARKLEY]; it must come from the Senator from North Carolina. We are pleading with the majority party and asking them to kindly give this matter their attention before it is too late.

Now, when such large sums are being appropriated, it is well to remember, as the Senator has well stated, that the islands could have been acquired without any payment whatever.

I advocated some time ago that we should acquire the Danish islands. I heard something about jibes a while ago. Well, I was jibed when I made that suggestion. My suggestion was smiled at; it was intimated that it was not made seriously. Today it is realized on all sides that the United States needs the Danish islands and possessions in the Western Hemisphere. We need the Danish, Dutch, British, and French possessions. There are important Danish possessions, and also other possessions, not to mention Dutch Guiana, French Guiana, and British Guiana. The United States should have all of these under its Government and its flag.

Mr. REYNOLDS. As a matter of fact, likewise we ought to be possessed of Curacao, which is an important island in the Caribbean Sea, located between Trinidad and the Panama Canal.

I must confess that I am very much interested in our acquiring these possessions in the North Atlantic, for we must have these outposts, and, as a matter of fact, while Martinique and other islands are now in the possession of France, France is under the control of Germany, which is a potential enemy of this country.

While speaking of islands and resolutions, about 2 years ago I introduced a resolution in the Senate, which was referred to the Committee on Foreign Relations, and sent to the State Department, authorizing this Government to ascertain the legal status of Wrangell Island. Of course, only about one person in a million ever heard of Wrangell Island, but Wrangell Island is going to be one of the most important islands in the world. I see before me our distinguished friend, the leader of the minority [Mr. MCNARY], who has been recently selected as one of the standard bearers of the Republican Party. I know that he is thoroughly familiar with world affairs; he knows particularly his section of the country, and I observe now that he is very much interested. I want our Government to ascertain to whom Wrangell Island belongs, because, within a few years, certainly within a quarter of a century, Wrangell Island will be one of the most important outposts in all the world. The first American flag was placed on Wrangell Island about 1860 by an officer of the Jeanette or New York Herald expedition, which was lost in the Arctic. Wrangell Island is about the size of Jamaica. An airplane flying from the west coast direct to Manila in the Philippine Islands would go straight across Wrangell Island. It is only a few miles from northern Siberia and only a few miles from the mainland of northern Alaska, directly on a line from Point Barrow. I could not even get the United States Government to ascertain to whom that island belongs. It is now occupied by a dozen "chucksees" or Siberian Eskimos, and about 15 Soviet soldiers. They know the value of it, and are now establishing fortifications there. I had a letter about it the other day. I referred the letter to the Assistant Secretary of War, Mr. Louis Johnson. I cannot explain why our Government, when we are spending $17,000,000,000 on national defense, does not interest itself in ascertaining the legal status of Wrangell Island, for if we should ever get into trouble with Russia that would be one of the most important spots we could possibly be in possession of. I cannot understand why we do not immediately endeavor to acquire the British and French possessions in the Caribbean and in the North Atlantic. They are of no use to the British and French, but we need them.

Mr. LUNDEEN. Mr. President——

Mr. REYNOLDS. I am very happy to yield to my friend from Minnesota.

Mr. LUNDEEN. Of course, the able Senator from North Carolina is absolutely right about the islands. I think there is nothing more important before the country today than the very question we have been discussing. Perhaps there may be a little impatience about consuming any time on the subject; but this is an important subject, and why should we always have hindsight about these things? Why not have a little foresight and a little vision on these matters?

I wonder if the able Senator from North Carolina will not agree with me that we should possess ourselves of all of these vital island bases on both coasts, not only on the Atlantic but on the Pacific—all island bases that in any way threaten the lifeline or defenses of America; not only the

islands belonging to one nation, say the Danish, but also the Dutch, the French, and the British?

Mr. REYNOLDS. Mr. President, in reference to the Pacific, as the Senator well knows, because I have had the opportunity from time to time of discussing these matters of national interest, we should acquire the islands south of the Equator belonging to Ecuador. I have understood that negotiations have been had by the German Government with the officials at Quito, the capital of Ecuador, in regard to their acquisition. In addition to that, it is just as important for the protection of the Pacific entrance to the Panama Canal that we acquire Goose Island and Cocos Island, both of them, I believe, belonging to Costa Rica. By the way, in pursuance of the matter of protection in that end of the world, Senators know we have experienced a great deal of trouble in making settlement with Mexico in regard to the millions of dollars that we allege they owe us for confiscated oil lands and farm lands and all that sort of thing.

I have suggested from time to time that we endeavor to settle those differences by way of entering into negotiations with Mexico with a view to acquiring Lower California, which is known as the Mexican Peninsula of California, because if the Senator has ever been in those waters he knows and has observed that there are really deep waters between the eastern part of the Mexican peninsula and the western shores of the mainland of Mexico, sufficient to secrete or conceal a fleet there; and the contour of the land is such, even at the point of the peninsula, that without difficulty great air bases could be established there; and that is very important.

But here is another thing that is entirely encouraging: For a number of years, since my visit to the Aleutian Islands, I have endeavored to impress upon the American people the fact that we should establish more bases in the Arctic, and in Alaskan waters, and in the Bering Sea. This spring an appropriation of $12,300,000 was made for additional naval fortifications at Unalaska, and it was stricken out by some Appropriations Committee; but when everybody became excited about the present war that appropriation was put back, and several million dollars, according to my recollection, were added to it.

I have consistently advocated that we fortify the Aleutian Islands, because they extend as an arm into the Pacific toward Japan for more than 1,200 miles, and the most western one of that group is the island of Attu. Attu is only about an hour and a half from Japanese territory, and from Attu across into the Mukden territory is only about a couple of hours. But I noticed in the press the other day that General Arnold or somebody connected with the Navy is going to make a flying trip up into Alaska to give more attention to those fortifications, which long ago should have been attended to. I assume that the reason he is now making this trip by air is that he has learned—at least, I observed through the press—that the Russians are fortifying the Little Diomede Island. They are fortifying Wrangell Island, which belongs to us. They are fortifying other islands in that section, and they are fortifying along the Siberian coast, which is not far withdrawn from Ouellen.

Mr. LUNDEEN. I will say to the Senator that I began my service on the Committee on Territories in 1916, and am somewhat familiar with the Alaskan scene. Of course, the Fairbanks air field should have been built a long time ago, and the Kodiak defenses and other defenses up there, and the Sitka base for seaplanes should have been completed a long time ago. We were up there in 1937, and I found a base that could accommodate only six or eight seaplanes, whereas it could easily, with a very small expenditure, accommodate 100 seaplanes. I will say to the able Senator that I have introduced resolutions covering all of the islands on the west coast.

Mr. REYNOLDS. Cocos, and Goose, and those of Ecuador?

Mr. LUNDEEN. All of the islands within a radius, I think, of 1,800 miles of the Panama Canal; to acquire them by negotiation and purchase from the Latin nations.

Mr. REYNOLDS. That is splendid.

Mr. LUNDEEN. Before we enter into this madness of appropriations which approach $20,000,000,000, and before we enter into more hysteria, let us get down to brass tacks and acquire some real land by negotiation and by purchase and by credits on debts due us, and put the American flag over that land, and have something to show for this great expenditure.

Mr. REYNOLDS. And establish bases there, so that if ever we are attacked not a single drop of American blood will be spilled upon our soil.

Mr. LUNDEEN. The Senator is correct; and I appreciate that he has brought so ably to the attention of the American public and the Senate this very important question.

SIX MEN AND WAR

"This is my war!" proudly exclaimed Isvolski, Russian Ambassador to Paris in 1914. "This is my war!" might well be the boast of Franklin D. Roosevelt when he surveys the catastrophe that is engulfing civilization in Europe today. Europeans have frankly stated what Americans have long suspected, that England and France would have settled their differences with Hitler over the conference table instead of seeking the bloody arbitrament of war, had they not counted upon promises, open and implied, from Mr. Roosevelt and his ambassadors. Poland would not have rejected the reasonable solution proposed time and again by the Fuehrer if England had not encouraged Warsaw with her notorious "blank check," which bounced back as did her I O U to Uncle Sam, worthless and dishonored. The promises of London and Paris were convincing to Warsaw because Mr. Bullitt's soft whispers hinted of a "gentlemen's agreement" between Mr. Roosevelt and the Allies, pledging the United States to come to the aid of England and France.

DOCUMENTS IN THE POLISH ARCHIVES

When the Germans invaded Warsaw they found various documents in the Polish archives. Among these were some purporting to recount conversations between a number of Polish and American diplomats. Most prominent among the latter were William C. Bullitt, our Ambassador to France; and Joseph P. Kennedy, our Ambassador to Great Britain.

I hold in my hand photostatic copies of the documents which the Germans claim to have found in Warsaw. I do not know whether or not these documents are genuine. I hope they are forgeries, but I am afraid they are not. I am afraid they are genuine, both because of the evidence contained in the papers themselves and because of innumerable speeches and other utterances by the President and other high officials of our Government which inevitably arouse the suspicion that they are encouraging secret commitments to the Allies.

Mr. President, the reason I bring up this subject today is because I favor an investigation into this whole matter of diplomatic commitments.

THE GERMAN WHITE PAPER

I have here an American edition of these papers, bearing the imprint of Howell, Soskin & Co., New York, which reproduces under the title "The German White Paper," the full text of the Polish documents and the report on American Ambassador Bullitt's war attitude. In his foreword to this edition, C. Hartley Grattan points out that the White Books, Black Books, Blue Books, etc., published by the various belligerents are colored solely by the interests of the nations involved.

If—

Remarks Mr. Grattan, himself a distinguished historical critic—

by any chance a belligerent does take up a line desirable for the American people as well, that is not because of any solicitude for us. It is because the policy which we think is desirable happens to be one which also serves the belligerent's purpose.

"What Americans have to get straight is what policy will best serve their own interests. This cannot be done if flighty and emotional individuals guide public opinion. They are too apt to decide that it is more important that our policy help or hinder the policies of other nations than that it serves our own interests. We cannot, it should be clear, conclude that American policy is wrong because it happens to fit in with what Germany

would like to have us do; nor that it is right because it happens to serve the interests of Britain and France. To argue in that fashion is to use criteria which are irrelevant to the issue. What we have to decide is what line best serves American interests and stick to it.

THE BRITISH AND FRENCH GUARANTEE TO POLAND

"The documents were released in Berlin and presented by the German Government as those found by Germans in the Polish archives after the Poles had fled. They are a war-booty of Germany and were made known to the world without the wishes or desires of the senders or addressees. They were interpreted by German commentators as evidence of the fact that certain American ambassadors accidentally may have involved American diplomacy in a way that might have encouraged the British-French guaranty to Poland. Such encouragement of the British-French policy was certainly out of line with the expressed American policy of nonintervention, and the Germans have tied the disturbing fact of the diplomatists' apparent support of American participation on the Franco-British side to the familiar argument: The ambassadors encouraged the policy of 'encircling' Germany and, in their view, if 'encirclement' led to war, the United States would, in the end, support the Allies with its fighting forces.

DIPLOMATIC DENIALS

Both President Roosevelt and Secretary Hull have called into question the authenticity of these documents. Unfortunately similar diplomatic denials in the past have not always been reliable. A diplomatic denial is too often merely a circumlocution for a shorter and uglier word.

The majority of experts who have examined these documents are inclined to believe in their authenticity and hold that any alterations which may have been made are not of a sort to change the general character and meaning embodied in the statements.

Under the date of August 8, 1938, appears a letter from department 2 of Polish General Staff to the Polish Foreign Minister in Warsaw. The document contains the following statement made to the writer by Commander Gade, American Naval Attaché:

ONE THOUSAND AIRPLANES ARE TO BE SENT

We are completely on the side of democracy so far as ideas are concerned. At present the possibilities for speedy aid to Great Britain and France are being studied in America. One must conclude that help shall not be sent as in the World War, only after 1 year when the first American soldiers intervened actively, but in the course of 7 to 10 days. As soon as the war begins 1,000 airplanes are to be sent.

Most vocal and active of all in urging European States to take a strong attitude toward the dictatorships and in giving assurance of American aid to Britain and France has been Ambassador Bullitt. In a letter of November 21, 1938, the Polish Ambassador to the United States, Count Jerzy Potocki, tells the Polish foreign minister in Warsaw of the importance and influence of Mr. Bullitt:

THE ENTIRE SCALE OF VERY COMPLICATED EUROPEAN PROBLEMS

Since Bullitt regularly informs Roosevelt about the international situation in Europe, and particularly about Russia, great attention is given his reports by Roosevelt and the State Department. Bullitt speaks vividly and interestingly. Nonetheless, his reaction to events in Europe resembled the view of a journalist more than that of a politician, for in his conversation he alluded to the entire scale of very complicated European problems. From them he draws very negative conclusions.

Further on in the same letter, the Polish Ambassador calls attention to Mr. Bullitt's hatred of Germany and Hitler and his assurance that the United States would certainly come into war on the side of Britain and France if they took up arms against Hitler:

MR. BULLITT'S HATRED OF HITLER AND GERMANY

About Germany and Chancelor Hitler he spoke vehemently and with great hatred. He said that only energy at the end of the war would put an end to a future great great German expansionism. To my question asking how he visualized this future war, he replied that above all the United States, France, and England must rearm tremendously in order to be in a position to cope with German power. Only then, when the moment is ripe, declared Bullitt further, will one be ready for the final decision. * * *

In reply to my question whether the United States would take part in such war, he said, "Undoubtedly yes, but only after Great Britain and France had made the first move."

I think these matters should be investigated. Perhaps these papers are spurious. Perhaps they have been manufactured by the German Government. But let us look into it.

When papers like these are given to the world, and newspaper correspondents are called in to examine them and we are all asked to examine them, they may still be false, but it is about time we looked into the matter.

I believe our foreign relations should be given close attention now. Great appropriations for war may be necessary but our foreign relations may be equally important.

Feeling in United States is so tense against nazi-ism and Hitlerism, he said, that there is today a psychosis among Americans similar to that before America's declaration of war on Germany in 1917.

PEACE HANGING ONLY BY A THREAD

This propaganda, this war psychosis is being artificially created. The American people are told that peace in Europe is hanging only by a thread and that war is inevitable. At the same time the American people are unequivocally told that in case of a world war, America also must take an active part in order to defend the slogans of liberty and democracy in the world.

President Roosevelt was the first one to express hatred against fascism. In doing so he was serving a double purpose; first he wanted to divert the attention of the American people from difficult and intricate domestic problems, especially from the problem of the struggle between capital and labor. Second, by creating a war psychosis and by spreading rumors concerning dangers threatening Europe, he wanted to induce the American people to accept an enormous armament program which far exceeds United States defense requirements.

Just before Mr. Bullitt left Washington to return to Paris, he had a half-hour conference with Ambassador Potocki, which the latter summarizes as follows:

A WHOLE TRUNK FULL OF INSTRUCTIONS

The day before yesterday, I had a longer discussion with Ambassador Bullitt in the Embassy where he called on me. Bullitt leaves on the 21st of this month for Paris, from where he has been absent for almost 3 months. He is sailing with a whole "trunk" full of instructions, conversations, directions from President Roosevelt, the State Department, and Senators who belong to the Committee on Foreign Affairs. In talking with Bullitt I had the impression that he had received from President Roosevelt a very detailed definition of the attitude taken by the United States towards the present European crisis. He will present this material at the Quai d'Orsay and will make use of it in discussions with European statesmen. The contents of these directions, as Bullitt explained them to me in the course of a conversation, lasting half an hour, were:

1. The vitalizing foreign policy, under the leadership of President Roosevelt, severely and unambiguously condemns totalitarian countries.

2. The United States preparation for war on sea, land, and air which will be carried out at an accelerated speed and will consume the colossal sum of $1,250,000,000.

3. It is the decided opinion of the President that France and Britain must put an end to any sort of compromise with the totalitarian countries. They must not let themselves in for any discussions aiming at any kind of territorial changes.

4. They have the moral assurance that the United States will leave the policy of isolation and be prepared to intervene actively on the side of Britain and France in case of war. America is ready to place its whole wealth of money and raw materials at their disposal.

Shortly after Mr. Bullitt's return to Paris, the Polish Ambassador to Paris, Mr. Jules Lukasiewicz, sent the following communication to the Polish Foreign Minister in Warsaw:

A SURVEY OF WASHINGTON'S POLICY

A week ago, the Ambassador of the United States, W. Bullitt, returned to Paris after having spent 3 months' holiday in America. Meanwhile, I had two conversations with him which enable me to inform Monsieur Minister on his views regarding the European situation and to give a survey of Washington's policy.

1. A foreign policy of the United States which endeavors to take part directly in the development of affairs in Europe does not exist. Such a foreign policy, moreover, would not be possible, as it would not be endorsed by public opinion which has not changed its isolationist attitude in this respect. On the other hand, there is an extremely increased interest on the part of the American people in the European situation. Compared with this, even domestic events move into the background and lose the attention which they formerly enjoyed.

The international situation is regarded by official quarters as extremely serious and being in danger of armed conflict. Competent quarters are of the opinion that if war should break out between Britain and France on the one hand and Germany and Italy on the other, and Britain and France should be defeated, the Germans would become dangerous to the realistic interests of the United States on the American continent. For this reason, one can foresee right from the beginning the participation of the United States in the war on the side of France and Britain, naturally after some time had elapsed after the beginning of the war. Ambassador Bullitt expressed this as follows:

WE SHALL END IT

"Should war break out we shall certainly not take part in it at the beginning, but we shall end it."

In the opinion of Ambassador Bullitt, the above-mentioned attitude of competent Washington circles lacks all ideological elements, and results entirely from the necessity to defend the realistic interests of the United States, which would be seriously and directly menaced both from the Pacific as well as from the Atlantic Oceans, in case of a Franco-British defeat. Ambassador Bullitt states that the rumor according to which Roosevelt allegedly said that United States' frontier was the Rhine was false. On the other hand, he expressed the conviction that the President certainly said that he sold airplanes to France because the French army was the first line of defense of the United States. For this quite coincides with his views.

HOSTILITIES TOWARD GERMANY—FRIENDSHIP WITH BRITAIN

From these documents we learn that not only did Mr. Bullitt give the Polish authorities assurance of America's hostility toward Germany, of our friendship with Britain and France, and of the probability that we would come into the war on their side, but he even appears to have urged Britain to back up Poland in opposing Germany. This is of great importance, because such action by Britain was a chief cause of the outbreak of the second world war. In a letter of March 29, 1939, Ambassador Lukasiewicz, wrote to his Foreign Minister in Warsaw that Mr. Bullitt had communicated with Ambassador Kennedy in London, urging him to get in contact with Prime Minister Chamberlain and to request the latter to guarantee British support of Poland:

BULLITT MAY RENDER US DECIDED SERVICE

Ambassador Bullitt declared himself completely in accord with my point of view. The following day, the 25th, he informed me that he had adopted my opinions, and, making use of his privileges, had instructed the American Ambassador in London, Kennedy, to call today, Saturday, at the residence of Prime Minister Chamberlain, and to repeat everything to him, emphasizing, categorically, the responsibility of the English Government. Saturday, the 26th, Ambassador Bullitt received in my presence a telephone call from Ambassador Kennedy regarding the conversation held with Chamberlain.

Concerning this I have already informed you, Mr. Minister, in the telegram which I sent immediately after my visit to Ambassador Bullitt. I believe that Ambassador Bullitt will certainly exaggerate, somewhat, the importance of statements made by his colleague regarding the English Government, but I consider it my duty, Mr. Minister, to inform you of all the aforesaid because I considered that collaboration with Ambassador Bullitt in times so difficult and so complicated may render us decided service.

ACTIVELY MEDDLING IN POLISH-BRITISH RELATIONS

In a letter of March 29, 1939, Count Edward Raczynski, the Polish Ambassador in London, wrote to the Polish Foreign Minister in Warsaw of his conversations with Ambassador Kennedy, indicating that the latter was actively meddling in Polish-British relations. It seems that Mr. Kennedy made the point that Poland must be forceful and warlike in its attitude toward Germany, or else the conciliatory element in the British Government might be unwilling to give any guarantee to Poland. He also gave the impression that the question of American aid to Britain would be likely to depend upon the degree of zeal shown by Britain in guaranteeing and protecting Poland:

I asked Mr. Kennedy point-blank about the conference which he is supposed to have had recently with Mr. Chamberlain concerning Poland. Kennedy was surprised and declared categorically that a conversation of such special significance never took place. At the same time, and thereby contradicting his own assertion to a certain extent, Kennedy expressed displeasure and surprise that his colleagues in Paris and Warsaw "who are not, as himself, in a position to get a clear picture of conditions in England," should talk so openly about this conversation. As I saw that I would not attain very much in this way I turned the conversation to the present situation and begged the Ambassador to judge Britain's willingness for armed action. I have already reported to you, Mr. Minister, by telegram on this part of the conversation. Kennedy—who intimated that his opinion was based on a series of talks with local, competent quarters—declared he was convinced that should Poland decide to resist Germany by arms, especially with regard to Danzig, it would draw England in its wake. That would not be, as Kennedy emphasized, a result of greater cordiality than shown by Britain toward us in the past, but merely a result from political necessity. Should Poland, on the other hand, be undecided, then conciliatory elements in the government would use that, as the Ambassador said, to induce Britain to renounce binding itself to us. Mr. Kennedy is of the opinion that in local governments doubts continue to exist whether Poland is irrevocably determined to resist with regard to Danzig. In view of the present conditions which are changing with lightning speed, assurances of this kind would necessarily have been repeated frequently.

I thereupon touched on the Russian question. Mr. Kennedy was pretty reticent and obviously did not want to be drawn into discussion on British procedure towards Moscow (and also on difficulties which this procedure might encounter). He confined himself to the characteristic utterance that the British Government attached more importance to its cooperation with Poland than with Russia. That much I heard from Mr. Kennedy himself. On the other hand, there are rumors circulating among journalists here to the effect that the Ambassador actually did talk with the premier in recent days about eastern Europe. On this occasion, it is asserted that he emphasized that America's sympathies for England in case of a conflict would depend to a great extent upon the determination with which England would take care of European states threatened by Germany.

That Kennedy remained active in promoting British support of Poland is evident from a note by the Polish Commercial Counselor, Jan Wszelaki, regarding an interview which he had with Mr. Kennedy on June 16, 1939. Mr. Kennedy had been urging the British to make a cash loan to Poland. This they did shortly afterward, thus helping Poland to prepare for war. Mr. Kennedy went on to tell the counselor of the great influence his eldest son had with President Roosevelt and how his sons were planning to return to this country and give lectures which would influence American opinion:

KENNEDY URGING BRITISH LOANS TO POLAND

In conclusion the Ambassador told me that his two sons, who, of late, had toured the whole of Europe and who were able to see and learn much, intended, after their return to the United States, to give lectures on the situation in Europe and individual states at Harvard University. The Ambassador attached great importance to these lectures as an element for helping to shape American opinion.

"You do not believe," said the Ambassador, "to what extent my eldest boy, who was recently in Poland, has the ear of the President. I may say that the President believes him more than me. Perhaps for the reason that Joe presents the case with such conviction and such enthusiasm."

I am to see the Ambassador again next week, when I shall meet his son.

WE WOULD FIGHT BY THE SIDE OF FRANCE AND BRITAIN

We may now summarize some of the salient points brought out in these amazing documents. Polish Army officials were told of American sympathy for Poland, of our hostility to Germany, and of the probability that we would fight by the side of France and Britain.

The same point of view and the same assurances were expressed at length by Ambassador Bullitt to the Polish Ambassadors at Washington and Paris. To the latter he also made representations to the effect that he was urging Britain to guarantee Poland. The Polish Ambassador was also given assurance that the United States would aid Britain and France if they went to war to protect Poland.

Ambassador Kennedy in London urged Britain to guarantee Poland and to lend money to Poland to help the latter arm, and he told the Polish Ambassador that Poland should be strong, bellicose, and inflexible if she wished to assure British aid. He gave the impression that the more zealous Britain was in protecting Poland the greater the certainty of American aid.

BRITAIN IMPERILED HER SAFETY BY GUARANTEEING POLAND

All this surely helped on the second world war. Britain imperiled her safety by guaranteeing Poland. Poland was recalcitrant and unwilling to accept the reasonable German demands of March 1939. Thus any peaceful solution of the problem of Danzig and the Corridor was made impossible. In turn, Britain and France went to war more readily and more confidently because they had assurance of speedy American aid.

The second world war came last September, and the Roosevelt administration has moved as rapidly as it dared to aid Britain and France. It secured the repeal of the embargo and established a system of war trade which gave every advantage to the Allies. We are now giving them all aid short of war. There is grave danger that we will enter the war unless Germany wins before the Roosevelt administration can put the country into the war. Certainly, the friends of peace will need to be extremely energetic if they are to be able to avert this calamity.

AMERICAN WHITE PAPERS

The United States has as yet not issued any white book, green book, or blue book. But Joseph Alsop and Robert Kintner have sponsored the so-called American White Papers. This book is the best summary to date of the Roosevelt administration. It reprints entries in the diary of Mr. Berle, Assistant Secretary of State, and its purpose is to reveal the secrets closest to the President's heart. Neither the President nor Mr. Berle has repudiated the authors.

The book was a trial balloon to test public opinion. Every one of its predictions has come true. Every act of Mr. Roosevelt confirms the view of the authors that the President is determined to drag our country into Europe's war. Half a dozen men, in defiance of the majority of Congress and of the people, may send our sons to be slain in a war to defend, not the history inspired by George Washington, nor the sacred soil of our country, but His Majesty King George, late a guest in the White House. These six men are President Roosevelt, and Secretary Hull, Under Secretaries of State Welles and Berle, and Ambassadors Bullitt and Kennedy.

DANGEROUSLY LIKELY TO LEAD US INTO WAR

Alsop and Kintner show clearly that the President and Messrs. Hull, Welles, and Berle determine our foreign policy with slight regard for either public opinion or the constitutional rights of the Congress of the United States. Despite the fact that both the polls of public opinion and the votes in Congress on matters of foreign policy indicate that the people and their representatives wish to keep this country out of war, the administration is developing a foreign policy which, if the lessons of the past can teach us anything, is dangerously likely to lead us to war.

This policy may be stated as follows: If Great Britain and France are in danger of being defeated by the autocracies, we will at once give them every possible aid short of sending troops to Europe. But we should recognize that this is just what Mr. Wilson envisaged, even after he delivered his war message to Congress. In April 1917 Mr. Wilson said he was opposed to the idea of sending American soldiers to Europe. He thought that we would aid the Allies merely by loans and by sending our Navy to help suppress the German submarine menace. But it was not long before we passed the draft law, took millions of young men into the service, and shipped most of them to France to fight in the trenches.

THE ROAD TO WAR

The road to war under Woodrow Wilson is painfully clear. First, we said that we would not even extend credit to Britain and France. Then, in the autumn of 1914 we extended bank credit to them. A year later, we allowed our bankers to sell Allied bonds in the American market. A year and a half after that, we declared war in their behalf and made them great loans from the American Treasury. In a few months, we were drafting millions of men to fight by the side of British and French soldiers, and it was not long before Mr. Wilson was declaring that the American policy was "force, force to the uttermost, force without stint or limit, the righteous and triumphant force that shall make right the law of the world."

This is where "methods short of war" led us a quarter of a century ago. Do we want to be led into a similar calamity once more under cover of innocent-looking phrases? Alsop and Kintner make it clear that the administration has been held back from taking more rapid and drastic steps in favor of the Allies only because it knows that public opinion is so opposed to our involvement that a dangerous reaction might set in. But these authors also frankly state that the administration proposes to make use of every new trend in European affairs as a means of "dragging" the country behind their policies and bringing us closer to war.

DANGEROUS METHODS SHORT OF WAR

The invasion of Holland and Belgium and the victory over France will provide them with more powerful aid in this campaign than anything which has happened since the Chicago speech of the fall of 1937. Therefore, the events of the last few weeks impose a greater obligation than ever upon American friends of peace to be alert and courageous. There is grave danger that the administration may take advantage of some outburst of public indignation in this country to throw us into war before election day.

Since Alsop and Kintner obviously seek to develop sympathy for the partisan pro-Ally foreign policy of the Roosevelt administration, interesting questions arise as to how this compilation came about and was prepared.

One would get the impression that at times the authors were in very close conference. Indeed, the publication opens with an account of the scene on the morning of September 1, 1939, which could be authentic only if told by an eyewitness who was also listening in on the Presidential phone. Frequently, Alsop and Kintner assume to paraphrase and interpret President Roosevelt's most important opinions on foreign relations. How could they do this without fear of contradiction, unless the President had seen and approved their work? In his press conferences the President has frequently warned against the attempts of newspapermen to formulate his opinions or to speak for him. He has not hesitated to contradict newspapermen when they have tried to do so. It is significant that there has been no official repudiation of the pro-Ally interpretation of the foreign policy of the Roosevelt administration, as set forth in the American White Paper. Even more evidence exists that the authors were made a party to the mental processes of Assistant Secretary Berle. One would like to know how the authors secured free access to the personal diary of Mr. Berle.

KEEP THE UNITED STATES ALOOF FROM EUROPEAN SAVAGERY AND BLOODSHED

Those who wish to keep the United States aloof from the European savagery and bloodshed must be on the alert not only against the partisan diplomacy of the Roosevelt administration and its diplomats, and the secret agents of all belligerents, but also with respect to American organizations which mask under the most benign "front" sinister propaganda designed to swing American opinion into war on the side of the Allies.

Most dangerous and misleading of all these are the various movements designed to make us feel that Britain and France are primarily devoted to creating some form of world state which will provide for international organization and put an end to all war. This war is pictured as a struggle of the world-minded against the apostles of revolution and anarchy.

Just as in the first World War, so now we find a remarkable popularity of plans for European federation. They remind us of the League To Enforce Peace, suggested during the first World War by Hamilton Holt, William Howard Taft, and others, and eagerly snapped up by British propagandists.

THE "UNION NOW" TREASON

Far and away the most popular and influential plan for world federation which has been set forth recently is that embodied in Clarence K. Streit's stimulating book Union Now. Mr. Streit has summarized his views in an article recently published in the Living Age.

The weaknesses in Mr. Streit's proposal have been revealed in a trenchant pamphlet by Rosika Schwimmer, entitled "Union Now for Peace or War?" The danger that this well-meant proposal may be exploited by France and Britain to mislead Americans was emphasized in a skeptical article by C. Hartley Grattan, The Struggle for Peace, in the February 1940 issue of Harper's magazine.

The desirability of accepting what is good in this program, without at the same time becoming a sucker for allied propaganda, was urged by Mr. Alfred M. Bingham in a series of articles in Common Sense. Mr. Bingham has expanded his views in a book on The United States of Europe.

There are those who advocate the necessity of replacing the international anarchy which led to both the first and the second World Wars by some form of world-wide political organization. We need to be on our guard against being hoodwinked by hypocrites who obscure behind this noble ideal their own selfish determination to do exactly the

opposite. They mean to organize for world power through world war.

The first World War should furnish us with ample warning. The British Government propagandists eagerly picked up the League To Enforce Peace idea, suggested by a group of strongly pro-Ally Americans, who looked upon Germany as a wild beast that must be chained up.

WARS TO END WARS

Under the guise of a proposed League of Nations, British propagandists used this idea as a means of ensnaring gullible Americans. Among those who fell for it were men as eminent as Woodrow Wilson and Colonel House. Indeed, Mr. Wilson merged and rationalized his many reasons for wishing to enter the war in the argument that a lasting peace must be made and a League of Nations brought into being to prevent any future wars. By such means, the war became elevated into a holy war to end all wars.

In the end, it all proved a snare and a delusion. The Allies used the League of Nations to enforce a brutal treaty that was founded upon and dedicated to international chaos. In due time this brought on a second world war. The United States was even more illogical. After having squandered our men and money for the alleged purpose of creating a new world order, we promptly spurned the League of Nations as soon as victory was ours.

A SECOND VERSAILLES

We are in grave danger of repeating the same farce once more. Already Britain and France are using "Union now" as a blind to cover up their actual plans to give us a second Treaty of Versailles, worse than the first, which envisages the breaking up of Germany, the restoration of small nations in Central Europe, and the revival of international anarchy. This would bring more than Hitler and a third world war. Perhaps we ought now to exclude France in our mention of Allies, since that empire is now at war with Britain. When you say "Aid the Allies," I ask which ally? France or Great Britain? Of course, it was Great Britain all the time, but we camouflaged that empire and its ambitions of world power and dominion by talking volubly about "our dear Allies."

There are those who agree with H. G. Wells that some form of world-state is mandatory. But international organization can never grow directly out of war. Both logic and experience unite in emphasizing the fact that we should keep out of war and make ourselves strong, independent, feared, and respected. Rarely, if ever, have the gullible been influential or respected.

One of the major forces which is helping to lead many Americans away from a sane neutrality and something which is seized upon with particular delight by our warmongers are the absurd and fantastic scare stories which are being circulated relative to the alleged ambition of Hitler and the Nazis to conquer the world, including the United States.

FANTASTIC PROPAGANDA YARNS

During the first World War we were treated to fantastic yarns about the Kaiser and his associates by German renegades like Richard Grelling. Today, this generation of German renegades is dishing out the same crop of exaggerations and slanders.

Most notable here are the books of Dr. Herman Rauschning, who was once one of Adolph Hitler's buddies. In the first World War the German renegades like Grelling and Dr. Muehlon could write with better taste against the Kaiser than Rauschning now shows, for they were German radicals who had never had much use for the Hohenzollerns.

Dr. Rauschning goes them one better in another way, namely, in that he combines their criticism of the German Government with the propaganda of the foreign alarmists like Andre Cheredame, who, in 1914–18 spread the myth of a pan-German ambition to swallow up the world.

Dr. Rauschning's first and most popular book was the Revolution of Nihilism. Here, along with many keen and commendable comments on modern German history and the Nazi regime, he gave us a fantastic tale about the Nazi plot to conquer the world. He even suggested that Hitler and his henchmen would not hesitate to grab the hammer and sickle out of Stalin's hand, if this proved necessary. Nazi-ism would subdue the world in behalf of the rights of the proletariat.

NAZIS AND ECONOMIC DOMINION

The Nazis have wanted economic dominion rather than military conquest and they wish this mainly over Central Europe and the Balkans. This may indeed be alarming enough, but these important realities with which we must reckon are only obscured by such senseless persons. We are led away from the real facts which must be mastered and faced.

Fantastic alarmist literature is really a disservice to those who wish to understand Hitler. He is portrayed as storming the Antipodes, planning world subjugation.

Now Dr. Rauschning has published another book entitled "The Voice of Destruction," which is sharing the popularity of his earlier volume. It provides us with more curdling bedtime stories about Hitler's plot to swallow the world, to which is added an attempt to convict Hitler of morbid diabolism out of his own mouth. His picture is taken seriously by many.

American journalists in favor of American entry into the second world war are relying more than anything else upon frightening Americans into the conviction that if Hitler defeats Britain and France, he will immediately set about occupying Asia, Africa, and the New World. Indeed, this sort of propaganda in the United States has already developed just about as atrocious absurdities as existed after we had been in the first World War for months.

WAR IN EUROPE NO HOLY WAR

It is high time that we debunked the whole notion that what is going on in Europe is a holy war. This is the cornerstone of the whole propaganda of the warmongers. To discredit this myth I could do nothing better than to quote a column by Prof. Harry Elmer Barnes in the New York World-Telegram on March 29, 1940:

No objective scrutiny of the European scene can produce any evidence of a holy war, whether we examine the peoples or their leaders.

Nothing is more absurd than the popular story for babes which tells us that all the nice people are on one side and all the forces of evil are on the other.

The British and the French are now telling us that they are the only ones who love liberty. But it was only a generation back that we were being told that British and American liberty came from the German backwoods and French liberty from Britain and America.

Some maintain that one people is more cruel and brutal than another. They point to the long-since-exploded German atrocities during the World War and to Hitler's treatment of the Jews.

THE WORLD'S GREATEST ATROCITY

But they overlook that fact that far and away the greatest atrocity in all human history was the British blockade of Germany for months after November 1918, as a result of which over 800,000 German women, children, and old people were starved to death and millions were emaciated and stunted.

Had Hitler tortured and then killed every one of the half million Jews living in Germany in 1933 such a foul and detestable act would still have left him a piker compared to Britain's blockade of 1918–19.

It is high time for a little logic and realism in a matter which so closely touches the future well-being of every American. If we go on ballyhooing the holy war we will sooner or later find ourselves wallowing in blood and clanking chains.

The best possible refutation of our warmongers and holy-war idealists, who claim that we can only set the world right and bring a just peace by entering the present European carnage, is the following sentence from a letter written to the London Times on August 25, 1937, by Lord Lothian, the present British Ambassador to the United States:

NO DEMOCRACY, NOR LIBERTY, NOR PEACE OUT OF A WORLD WAR

The lesson of the last war is that you get neither democracy, nor liberty, nor peace out of a world war, however noble the ends for which it is fought.

These sentiments may be buttressed by a quotation from one of our leading warmongers of today, written at a time when she was less under the spell of holy zeal. In the Pic-

torial Review of December 1929 Dorothy Thompson made the sane observation that—

If I had children I would tell them just one thing about the last war, and I would tell it to them over and over again: No nation won it. Everyone lost it.

Woodrow Wilson was never neutral in the first World War. He was unable to keep us out of the European carnage, though he kept us out of war for campaign purposes. This should serve as an adequate warning with respect to the difficulty of keeping aloof from Europe's second World War now. It is hard enough when we really try to be neutral.

ADMINISTRATION HAS BEEN FLAGRANTLY UNNEUTRAL

At the present time, we find ourselves in special danger because the Roosevelt administration has been flagrantly unneutral ever since the early autumn of 1937. It has offered unprecedented affronts to the governments and heads of governments with whom we are legally at peace and theoretically on good terms. Moreover, the President has not limited his expressions to the conventional channels of diplomatic intercourse but has proclaimed them from the housetops, through the press, and the radio.

Not only has the President been unneutral in his own pronouncements, but he has permitted to go unrebuked and has implicitly approved a vigorously pro-Ally interpretation of his foreign policy in the so-called American White Paper by Alsop and Kintner.

ARE SECRET COMMITMENTS BEING MADE?

According to the Polish documents, we find our Ambassadors abroad exceeding their duties and rights, urging foreign powers to take aggressive action, and making secret commitments for the United States to support such aggression. Poland was urged to take a strong stand against Germany. Britain was then requested vigorously to back up Poland. Then, in turn, the support of the United States was promised to Britain if war came as a result of these promises.

The administration has made no effort to investigate the authenticity of these incriminating Polish documents and to rebuke and punish our Ambassadors if they are guilty of such serious indiscretions. There seems little doubt that these indiscretions, if real, exerted a powerful influence in bringing on the second World War.

HYSTERICAL CRIES THAT WE ARE IN DANGER OF INVASION

Today we find ourselves faced with hysterical cries that we are in danger of invasion by European states, presumably Germany and Russia. There is no substantial basis for such excitement and alarm. We are undertaking a frenzied and expensive defense program without sound policy or logical plan. It is all too likely to duplicate and repeat the preparedness hysteria of 1915–16, which was the prelude to our entry in the first World War. If we are not careful, our present defense mania will land us squarely in the second World War. That war may not wait for us. It moves with rapid tempo. It may not last long enough for us to get in. It seems we are trying our best to be provocative and offensive to some of the world's greatest nations. If this second World War lasts long enough, we may get in. But if the hour of decision comes, I will vote "no" against entry into that war.

To save us from this calamity we should investigate at once the sources and authority of the American "white paper." We should investigate our ambassadors abroad and find out if they are meddling dangerously in the affairs of other countries and making secret and disastrous commitments for this country. We should investigate the aims and goals of the defense program which is now being crammed down the neck of this country with unseemly haste and without either rhyme or reason.

SERVE AMERICA ONLY, AND NO ONE ELSE

Our defense should serve American purposes only. It should not be used as a screen for unneutral aid to the British Empire. No one, neither the Allies nor the axis, can assail us if we are guided solely by American interests. We must take into protective custody, with the cooperation of our sister republics, every strategic point in the Western Hemisphere. We must bar from this American Hemisphere all the nations of Europe. We shall then be unassailable, even if both the axis powers and the Allies should combine against us at the end of the present war or at any time in the future. "Europe for the Europeans"; "Asia for the Asiatics"; "America for the Americans." If we adhere to this slogan, the lamp of liberty will continue to burn brightly in the Western Hemisphere, no matter what happens in Europe or Asia. The lamp of liberty will shine on—the symbol of American civilization—a beacon of hope for all mankind.

AUTHORITY TO RECEIVE MESSAGES AND SIGN ENROLLED BILLS

On motion by Mr. BARKLEY, it was

Ordered, by unanimous consent, That, during the adjournment of the Senate following today's session, the Secretary of the Senate be authorized to receive messages from the House of Representatives, and that the President of the Senate be authorized to sign bills and joint resolutions examined and found truly enrolled by the Committee on Enrolled Bills of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had passed without amendment the bill (S. 4119) to provide for the transfer of certain land in the De Soto National Forest to the Secretary of War for use for military purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6884) to encourage travel in the United States, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9877) authorizing the Secretary of the Interior to promulgate and to put into effect charges for electrical energy generated at Boulder Dam, providing for the application of revenues from said project, authorizing the operation of the Boulder power plant by the United States directly or through agents, and for other purposes.

The message also announced that the House had agreed to the amendment of the Senate to the joint resolution (H. J. Res. 582) making an appropriation to enable the United States Maritime Commission to establish the marine and war-risk insurance fund.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. CHANDLER in the chair) laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the Committee on Commerce.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nominations of sundry Dental Corps Reserve officers for appointment in the Regular Army, under the provisions of law.

He also, from the same committee, reported favorably the nominations of several officers for appointment, by transfer, in the Regular Army.

Mr. BAILEY, from the Committee on Commerce, reported favorably the nominations of several officers for promotion in the Coast Guard.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the calendar.

DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk proceeded to read sundry nominations in the Diplomatic and Foreign Service.

The PRESIDING OFFICER. Without objection, the nominations in the Diplomatic and Foreign Service are confirmed en bloc.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

IN THE ARMY

Mr. SHEPPARD. Mr. President, I ask that the nominations in the Army, which I have reported, be confirmed en bloc, and that the President be notified.

The PRESIDING OFFICER. Without objection, the nominations in the Army reported from the Committee on Military Affairs today are confirmed en bloc, and the President will be notified of their confirmation.

ADMINISTRATOR OF CIVIL AERONAUTICS

Mr. MEAD. Mr. President, from the Committee on Commerce I report favorably the nomination of Col. Donald H. Connolly to be Administrator of Civil Aeronautics in the Department of Commerce, and ask that the nomination be confirmed, and that the President be notified.

The PRESIDING OFFICER. The nomination will be stated.

The legislative clerk read the nomination of Col. Donald H. Connolly to be Administrator of Civil Aeronautics in the Department of Commerce.

The PRESIDING OFFICER. Without objection, the nomination is confirmed, and the President will be notified.

NOTIFICATION TO PRESIDENT OF CONFIRMATION OF NOMINATIONS

On motion by Mr. BARKLEY, it was

Ordered, That the President be at once advised of all confirmations this day made, and that all resolutions of confirmation of nominations now in the hands of the Secretary of the Senate be transmitted to the President.

ADJOURNMENT TO MONDAY, JULY 22, 1940

Mr. BARKLEY. As in legislative session, under the terms of House Concurrent Resolution 86, I move that the Senate do now adjourn.

The motion was agreed to; and (at 4 o'clock and 37 minutes p. m.) Thursday, July 11, 1940, the Senate adjourned until Monday, July 22, 1940, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate July 11 (legislative day of July 8), 1940

DEPARTMENT OF COMMERCE

Col. Donald H. Connolly, Corps of Engineers, United States Army, to be Administrator of Civil Aeronautics in the Department of Commerce.

George P. Baker, of Massachusetts, to be a member of the Civil Aeronautics Board in the Department of Commerce for the remainder of the term expiring December 31, 1943, vice Robert H. Hinckley.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 11 (legislative day of July 8), 1940

DIPLOMATIC AND FOREIGN SERVICE

TO BE FOREIGN SERVICE OFFICERS, UNCLASSIFIED, VICE CONSULS OF CAREER, AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA

Leonard J. Cromie	John M. McSweeney
W. William Duff	Claude G. Ross
Richard E. Gnade	Robert Rossow, Jr.
John W. Tuthill	Fraser Wilkins
Andrew B. Wardlaw, Jr.	Elwood Williams 3d

DEPARTMENT OF COMMERCE

Col. Donald H. Connolly to be Administrator of Civil Aeronautics in the Department of Commerce.

APPOINTMENTS IN THE REGULAR ARMY

DENTAL CORPS

To be first lieutenants

John Robert McEvoy	Pearson White Brown
Andrew Bainter Anderson	Robert Lincoln Coombs
Raymond Joseph Talbot	Richard Durham Darby
James Maxwell Murphy	Frederick Robert Krug

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO QUARTERMASTER CORPS

Maj. Chauncey Aubrey Bennett
Maj. Edwin Turner Bowden

TO CHEMICAL WARFARE SERVICE

First Lt. Lloyd Elmer Fellenz

TO AIR CORPS

Second Lt. John Christian Habecker

POSTMASTERS

ARKANSAS

George H. Grafton, Hughes.

CONNECTICUT

John F. Fields, Fitchville.

FLORIDA

Grace E. Moon, Crystal River.

MAINE

Sewell H. MacDaniel, Kezar Falls.

MISSISSIPPI

Mrs. Dewey M. Collins, Boyle.

MONTANA

Mary S. Smith, Hot Springs.

NEW YORK

Thomas LeRoy Wardle, Amityville.

NORTH CAROLINA

John E. Creech, East Flat Rock.
Clifton C. Munday, Taylorsville.

NORTH DAKOTA

Gladyce J. Schultz, Tappen.

OKLAHOMA

Hallie Clark Forde, Cherokee.
Ruth Gordon, Medford.

OREGON

Nelson J. Nelson, Jr., Cottage Grove.

SOUTH DAKOTA

Harriet L. Rost, Garden City.
Helen E. Becker, Turton.
James L. Simpson, Veblen.

TEXAS

William Milton Chitwood, Hebbronville.

UTAH

William L. Sargent, Coalville.
William E. Woodbury, Hurricane.
John C. Green, Park City.

WASHINGTON

Edward B. Gibson, Eastsound.

WISCONSIN

Edward H. Joosten, Junction City.
Thomas M. Crawford, Readstown.
Earl S. Judkins, Wood.

HOUSE OF REPRESENTATIVES

THURSDAY, JULY 11, 1940

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore, Mr. RAYBURN.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, we are most grateful that the head that once was crowned with thorns, an eternal diadem now adorns our Saviour's brow. We pray Thee to send forth laborers into the harvest, for it is very great. May they come from the east and from the west, and from the north and from the south; may they declare Thy glory among the peoples and Thy marvelous works among all nations. Heavenly Father, hear our prayer, for we are all debtors and stand in the compassion and breath of Thy condescending love. Keep us this day within Thy shadow, O Lord, for there is no life without its need; there is no heart without its pain; there is no hope without its cloud; and there is no prayer without its doubt. We devoutly pray for Thy rich blessing to rest upon every section of our broad land. O Spirit of God, graciously bless our beloved Speaker, who guides and presides over the deliberations of the Congress; mercifully be with every Member, as duties freighted with far-reaching responsibilities are upon all; let Thy fatherly goodness be extended to all officers and employees. O Lord God, preserve us all in good health and strength, peace and happiness, and at the appointed time bring us together again without the loss of one. In our dear Redeemer's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

The SPEAKER. Pursuant to the provisions of Public Resolution 86, Seventy-sixth Congress, the Chair appoints as members of the United States University of Pennsylvania Bicentennial Commission the following Members of the House of Representatives: Mr. SACKS, Mr. SHERIDAN, Mr. WOLVERTON of New Jersey, and Mr. RUTHERFORD.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 9576. An act relating to the admission to St. Elizabeths Hospital of persons resident or domiciled in the Virgin Islands of the United States.

The message also announced that the Vice President had appointed Mr. GUFFEY, of Pennsylvania; Mr. DAVIS, of Pennsylvania; Mr. HUGHES, of Delaware; and Mr. BARBOUR, of New Jersey, as the members on the part of the Senate of the United States University of Pennsylvania Bicentennial Commission, pursuant to Public Resolution No. 86, Seventy-sixth Congress, approved June 20, 1940.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 10100. An act to establish the composition of the United States Navy, to authorize the construction of certain naval vessels, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 3008. An act to authorize the President of the United States to dispose of certain public vessels, and for other purposes; and

S. 4119. An act to provide for the transfer of certain land in the De Soto National Forest to the Secretary of War for use for military purposes.

The message also announced that the Senate insists upon its amendment to the bill (H. R. 6884) entitled "An act to encourage travel in the United States and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mrs. CARAWAY, Mr. BILBO, and Mr. VANDENBERG to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 527) entitled "An act for the relief of J. J. Greenleaf," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BURKE, Mr. BROWN, and Mr. TOWNSEND to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 326) entitled "An act for the payment of awards and appraisals heretofore made in favor of citizens of the United States on claims presented under the General Claims Convention of September 8, 1923, United States and Mexico," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PITTMAN, Mr. GEORGE, Mr. CONNALLY, and Mr. JOHNSON of California to be the conferees on the part of the Senate.

KATHERINE M. DRIER

Mr. HART. Mr. Speaker, I ask unanimous consent for the consideration of the bill (S. 3097) for the relief of Katherine M. Drier, as amended by the committee.

The Clerk read the bill, as follows:

Be it enacted, etc., That, notwithstanding the provisions of section 4 (c) of the Settlement of War Claims Act of 1923, the Secretary of the Treasury is hereby authorized and directed to pay, out of the German special deposit account in the Treasury of the United States, to Katherine M. Drier, an American citizen, formerly resident in Germany, the sum of $160,000, together with interest thereon at the rate of 5 percent per annum from January 1, 1920, being the amount due said Katherine M. Drier pursuant to an agreement between the United States of America and the German Government under which all the claims of said Katherine M. Drier against the German Government were settled and adjusted: *Provided*, That payment of such sum of $160,000 and interest thereon as herein provided shall be made as follows:

(1) There shall be paid forthwith to the said Katherine M. Drier an amount which bears the same proportion to such sum and interest thereon as the amounts heretofore paid out of such special deposit account to claimants on whose behalf awards have been made by the Mixed Claims Commission, United States and Germany, bear to the total awards so made to such claimants; and

(2) Payment of the balance of such sum and interest thereon shall be prorated on the basis of the amount of the respective payments authorized by section 2 (b) of the Settlement of War Claims Act of 1928, as amended, and remaining unpaid.

With the following committee amendments:

Page 2, line 6, strike out the word "follows" and insert "if an additional award in the sum of $160,000 with interest at 5 percent from January 1, 1920, had been entered by the Mixed Claims Commission, United States and Germany, on behalf of Katherine M. Drier."

Page 2, strike out lines 11 to 22, inclusive.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, as I understand the claim, the money is from the German fund?

Mr. HART. Yes; it does not take a cent out of the United States Treasury, but out of the German special-deposit account.

Mr. MARTIN of Massachusetts. I have no objection, Mr. Speaker.

The SPEAKER pro tempore (Mr. RAYBURN). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MEXICAN CLAIMS BILL

Mr. BLOOM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 326) for the payment of awards and appraisals heretofore made in favor of citizens of the United States claims presented under the General Claims Convention of September 8, 1923, United States and Mexico, insist on the House amendment and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. RAYBURN). Is there objection to the request of the gentleman from New York [Mr. BLOOM? [After a pause.] The Chair hears none, and

appoints the following conferees: Mr. BLOOM, Mr. LUTHER A. JOHNSON, and Mr. FISH.

NAVY CONSTRUCTION BILL

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10100) to establish the composition of the United States Navy, to authorize the construction of certain naval vessels, and for other purposes, with Senate amendments, and agree to the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 25, strike out "$50,000,000" and insert "$65,000,000."
Page 3, line 1, strike out all after "material" down to and including "establishments" in line 9, and insert "or munitions at either private or naval establishments, and $35,000,000 for the expansion of facilities for the production of armor at either private or naval establishments. The authority herein granted for essential equipment and facilities, and for the expansion of facilities, shall include the authority to acquire lands at such locations as the Secretary of the Navy with the approval of the President may deem best suited to the purpose, erect buildings, and acquire the necessary machinery and equipment."
Page 3, line 17, after "Patrol", insert "escort, and miscellaneous."
Page 3, line 18, strike out "$25,000,000" and insert "$50,000,000."
Page 4, line 7, after "boat", insert "(except ships' boats)."
Page 4, line 10, strike out "without the consent of the Congress" and insert "except as now provided by law."

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman from Georgia explain the amendments?

Mr. VINSON of Georgia. Mr. Speaker, the first amendment raises the amount of $50,000,000 to $65,000,000, and that is for the purpose of building an additional gun factory similar to the one here in Washington city.

Mr. MARTIN of Massachusetts. Has the site been selected?

Mr. VINSON of Georgia. No place has been designated, and it is contemplated to scatter the plant over the United States in different units, probably from Milwaukee to Chicago, to St. Louis, to Pittsburgh, to Ohio, and various industrial centers where the material and labor will be available.

The other amendment is for the purpose of increasing from $20,000,000 to $35,000,000 the amount that can be expended in the armor-plate factories in the country. There are three factories—at Midvale, Carnegie, and Bethlehem—that engage in armor production. A portion of this money will be lent to these companies, if necessary, to expand their maximum capacity. A portion of the money will be used to build an addition to the Government-owned plant in Charleston, W. Va.

The other amendment puts a limitation of $50,000,000 on the total amount that can be expended for patrol boats or torpedo boats. When the House passed the bill they fixed the amount at $25,000,000. I may say that the Budget only recommends $25,000,000 in accordance with the President's message of yesterday, but the maximum limit is fixed at $50,000,000.

These are the only three important amendments.

Mr. MARTIN of Massachusetts. And it is not necessary to spend the $50,000,000?

Mr. VINSON of Georgia. No; and they only ask for $25,000,000.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to extend my remarks on the subject of pending legislation against Messrs. Pearson and Allen, authors of The Washington Merry-go-Round.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to extend my remarks and include an address I delivered under the auspices of the American Legion Post, No. 2, Indianola, Miss., July 4, 1940.

The SPEAKER pro tempore. Is there objection?

There was no objection.

NATIONAL LABOR RELATIONS BOARD

Mr. WHELCHEL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

[Mr. WHELCHEL addressed the House. His remarks appear in the Appendix of the RECORD.]

NATIONAL DEFENSE

Mr. BALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

[Mr. BALL addressed the House. His remarks appear in the Appendix of RECORD.]

EXTENSION OF REMARKS

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include an excerpt of a letter that I received from a constituent.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to extend my remarks and to include an address delivered by Rev. John J. Carey, of Hartwell, Nebr.

The SPEAKER pro tempore. Is there objection.

There was no objection.

Mr. HEALEY. Mr. Speaker, I ask unanimous consent to extend my remarks and to include an address delivered by Roland L. McDonald, State Commandant, Massachusetts Department of Marine Corps League.

The SPEAKER. Is there objection?

There was no objection.

UNITED STATES GRAIN STANDARDS ACT

Mr. JONES of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 7696) to amend the United States Grain Standards Act, to provide for the grading of soybeans, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The SPEAKER pro tempore. The Clerk will report the Senate amendments.

The Clerk read as follows:

Line 5, strike out "(a)."
Strike out lines 7 to 13, inclusive.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to take from the Speaker's table the bill H. R. 7696, with Senate amendments thereto, and concur in the Senate amendments. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

EXTENSION OF REMARKS

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an editorial.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. DWORSHAK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include an editorial from the Saturday Evening Post.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. LAMBERTSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include two short letters.

The SPEAKER pro tempore. Is there objection?

There was no objection.

REFUGEE CHILDREN

Mr. SANDAGER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

[Mr. SANDAGER addressed the House. His remarks appear in the Appendix of the RECORD.]

Mr. FISH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. FISH. Mr. Speaker, the gentleman from Rhode Island [Mr. SANDAGER], who has just addressed the House, has called attention officially of the House to a matter which we are all hearing about through letters from our constituents. There seems to be a unanimity of opinion among the American people that they would like to do something to help the English children to come over here during the war and escape the ravages of war and bombing in England. I am heartily in sympathy with any sound constructive proposal, but it is up to the Congress to act. I hope the Congress will take into consideration immediately a number of bills that have been introduced. Perhaps we cannot do away with the quota even for the duration of the war, but at least we can do away with the monthly quota and lump it all together, so that these unfortunate children can come here immediately, provided bonds are given for their upkeep and care while here, and it does not cost our taxpayers any further financial burdens. [Applause.]

[Here the gavel fell.]

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. COCHRAN. Mr. Speaker, I rise to advise the gentleman from New York [Mr. FISH] and the gentleman from Rhode Island [Mr. SANDAGER], as well as the House, that just a few moments ago, seeking some information for a constituent, I spoke to the Assistant Secretary of State, Hon. Breckenridge Long, who advised me that he had talked over the telephone to Ambassador Kennedy this morning on the very subject which the gentlemen discussed, and that up to this hour, according to the Ambassador, no child in England had been refused a visa to come to this country; further, if the children are entitled to come here under our quota system, then it is the fault of those in Great Britain in not applying to the proper American authorities for their visa and not the fault of American officials here or abroad that children are not being sent to this country in larger groups.

Mr. FISH. I am glad to have that information.

Mr. COCHRAN. Now let me say also you should take into consideration that there is a country on the north of us, part of Great Britain, that should take and care for some of the children. Why bring them all into the United States?

Everyone sympathizes with the unfortunate children, especially at a time when their country is being bombed by the enemy. We have a liberal quota system at this time and, as you know, our quota system starts with the fiscal year, which was July 1. Why talk about the necessity for legislation when the quota can be used now for the children? I assume some feel our sympathies will run away with our good judgment at this critical period and they probably see an opportunity for increasing the quotas. Do not overlook the fact that so far most of the refugees are English children. When the time comes that there will be accommodations for children of other countries, countries that have practically been taken over by Germany, you will find a very large demand upon the people of this country to care for additional children. Much as I feel for the unfortunate people, still I also cannot overlook the fact that we have in our own midst children, American children, undernourished and in need of proper homes and assistance. Our neighbor on our north, Canada, is not being bombed by Germany. Surely, if children of a former queen can find safety there, the children of others can likewise be assured they are safe within its borders.

I am unwilling to let anyone blame the Congress at this time for not passing legislation throwing the doors open to those who have suffered as a result of Germany's activities.

Undoubtedly the children from Great Britain will be looked upon as being more desirable than children from some other countries but this Nation is not going to be able to do for all others what you want done for the English children. There are hundreds of thousands of orphan children in Poland, Finland, Sweden, Norway, Holland, and other countries which some organization will want us to care for. True there are citizens here who are financially able to guarantee to this country the children will never become a public charge but we cannot escape the fact that when the war is over the parents of many will want to follow their children to this country. What then? Will you authorize their admittance even in the face of exhausted quotas?

Do not forget our unemployed situation. It still exists and even the tremendous sums being advanced for national defense will not absorb all the unemployed. The Federal Government is spending hundreds of millions of dollars along with the States in helping our own widows and orphans and unemployables. We can ill afford to add to the burdens of our people who are taxed to care for them.

The situation affecting the refugees at this moment, with new quotas available, I want to make plain does not warrant an attack upon Congress. Ambassador Kennedy, speaking through Assistant Secretary of State, Mr. Long, tells us every child that comes within our law, as well as rules and regulations, that has applied for a visa has been recognized. With such the case why should any Member rise and criticize? It is not justified.

ANTAL OR ANTHONY OR TONY ZAICEK OR ZAICZEK

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 6056) for the relief of Antal or Anthony or Tony Zaicek or Zaiczek, with a Senate amendment, and agree to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Line 9, strike out all after "warrant" down to and including "States" in line 11.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. RICH. Mr. Speaker, reserving the right to object, what is this bill?

Mr. LESINSKI. This is an immigration bill covering a seaman who was here illegally for over 15 years. The House passed the bill but attached an amendment to the bill that the alien never can become a citizen of this country. The Senate concurred in the bill, but struck out that last line, with the wording that he could not become a citizen. They struck that line out.

Mr. RICH. Are we going to permit him to remain here?

Mr. LESINSKI. Oh, yes. The bill has passed the House already and it has passed the Senate.

Mr. RICH. Why does he have to have four or five names?

Mr. LESINSKI. Of course, I do not know why.

Mr. RICH. Now, let us get this straight. Where is he from and are we going to permit him to remain here, and why?

Mr. LESINSKI. He has been here over 15 years.

Mr. MASON. Will the gentleman yield?

Mr. LESINSKI. I yield to the gentleman from Illinois.

Mr. MASON. I think I can answer the question of the gentleman from Pennsylvania. The man in question has been here and has lived a decent life for over 15 years. He came in illegally by jumping a ship. The House has passed the bill and it has been unanimously approved. It has passed the Senate, but the Senate struck out that one provision, and the motion is to accept the Senate amendment to the bill. That is all there is to it.

Mr. RICH. Let me ask the gentleman this question: Suppose anyone comes in here illegally and remains 15 years, are we, by passing this bill, going to sanction the fact that everyone who has been here 15 years and has lived a good life can still remain in America?

Mr. MASON. No; but we have already sanctioned it and already passed the bill and the Senate has already passed the bill. This is just accepting the Senate amendment.

Mr. RICH. Well, if we have any more coming here and staying for 15 years, if they want the protection of America and want to remain here, they should either become American citizens, or we ought to send them back where they came from, because we are going to get more people in this country than we can take care of. We are going to take care of these 9,000,000 Americans that are out of work first. [Applause.]

Mr. LESINSKI. In answer to the gentleman, the gentleman from Illinois [Mr. MASON] and I were at the White House yesterday, and we expect certain legislation covering all this type of citizens and hope the Congress will pass it.

Mr. RICH. They never let me go to the White House, but I will say this, that if the White House does not pass such legislation that will prohibit these people from coming into this country and the Congress does not do it, we are going to be in trouble pretty soon.

The SPEAKER pro tempore. Is there objection?

Mr. JENKINS of Ohio. Reserving the right to object, Mr. Speaker, I should like to ask the gentleman this one question: The gentleman is chairman of the Committee on Pensions?

Mr. LESINSKI. That is correct.

Mr. JENKINS of Ohio. And the gentleman from Illinois [Mr. MASON], who has just spoken, is a member of the Committee on Immigration?

Mr. LESINSKI. Yes; and I am also ranking member of that committee.

Mr. JENKINS of Ohio. The gentleman is also a member of that committee?

Mr. LESINSKI. Yes.

Mr. JENKINS of Ohio. Now, I would like to ask this question: This change that you make is a very important change and somebody in the House is responsible for having put that amendment in there?

Mr. LESINSKI. The gentleman from California [Mr. COSTELLO] was responsible for it. I spoke to him about it yesterday.

Mr. JENKINS of Ohio. Has the gentleman consulted with those who were instrumental in that and with the minority membership on the committee?

Mr. LESINSKI. I have done so. I talked to the gentleman from Massachusetts [Mr. MARTIN] about it today.

Mr. JENKINS of Ohio. That has been referred to the Committee on Immigration and that committee is satisfied?

Mr. MASON. Oh, yes.

Mr. JENKINS of Ohio. I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. CHURCH. Mr. Speaker, further reserving the right to object, the gentleman from California [Mr. COSTELLO] just came in the Chamber. I would like to know if he has been consulted. He is the author of that amendment.

Mr. MASON. Yes; he was consulted.

Mr. COSTELLO. Mr. Speaker, I personally have no objection to agreeing to the Senate amendment.

Mr. CHURCH. You were the author of the amendment in the House when the matter came up the other day?

Mr. COSTELLO. Yes. I believe I offered the amendment at that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. VAN ZANDT. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and include an article by Lawrence Dennis.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MURDOCK of Arizona. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to extend my remarks and include a letter which I have written.

The SPEAKER pro tempore. Is there objection?

There was no objection.

By unanimous consent, Mr. FULMER was granted permission to revise and extend his own remarks.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOBBS. Mr. Speaker, I ask unanimous consent to proceed for one-half minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HOBBS. Mr. Speaker, the gentleman from Kentucky [Mr. CREAL], a distinguished member of the Committee on the Judiciary, was unavoidably detained this week in his district and was unable to be here yesterday during the consideration of the Hatch bill. During our deliberations in regard to that bill in the committee he took the same position which was taken by the different signers of the minority views. Had he been here yesterday he would have voted as we did. It is a matter of genuine regret to us, to the House, and to him that he was unable to be here.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent that at the conclusion of the legislative business for the day I may be permitted to address the House for 15 minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

REFUGEE CHILDREN

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. RICH. Mr. Speaker, the question was brought up a while ago about bringing children to this country. I, too, am in sympathy with taking care of the children whether they come from England, France, Germany, Holland, Belgium, or any other country. I think that is only humanitarian. But I think we ought to be very, very careful what we do in our zeal to take care of children. During their stay here they may be orphaned. We want to see that we do not have to look after them or take care of them the rest of their days.

It seems to me that the legislation that might be proposed here to take care of these children for the time being should be so framed that in our zeal to take care of them we do not permit them to remain here for years and years and find ourselves unable to get them out. We are glad to take care of these children for the time being, but our responsibility should cease when peace prevails in Europe and we can send them back. We hope that peace will soon come to Europe and we hope that peace will prevail in this country now and forever.

Let us try to take care of everybody in the world, but let us look after American children, American workmen, American individuals first. We are Americans and we must take care of our own people, but we want to do what we can to help everybody. We must, however, look after our own first. [Applause.]

Mr. DIRKSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DIRKSEN. Mr. Speaker, apropos the matter of bringing child refugees into this country, the Members of the House may be interested to know that the Secretary of State has contrived an arrangement with the Western Union Telegraph Co. which I learned in connection with a case of my own only yesterday, whereby a citizen of this country who seeks to bring over a child from a foreign country, whether a relative or otherwise, can go to a Western Union office in any town and there file a telegram which is addressed to the consul in the foreign country in which the child resides, requesting the granting of a visa to a child and then offering to show that they are able and willing to take care of such child or children, and I assume, put up the statutory bond which will be required. That is the expeditious way, I understand, in which the Immigration and Naturalization Service and the State Department are now seeking to handle the individual refugee problem.

Aside from that there is the problem of mass refugees in which it is proposed to bring them over by the shipload. I am informed by the Immigration and Naturalization Service that they are of the opinion that they can best be sent to Canada and then the large group decentralized and the children sent to this country in small groups or as individuals. But alluding for a moment to the proposition of the red tape with which such things seemingly are encrusted, if a citizen can bring a cousin or a nephew, or a child from a foreign country by merely going to the Western Union telegraph office and there filing a notarized telegram, that certainly is cutting straight through red tape.

Mr. JENKINS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. JENKINS of Ohio. As I understand it, they can come over here within the quota.

Mr. DIRKSEN. That is correct. The quota for England and Ireland is 65,000 plus 18,000, a total of 83,000; and there is a tremendous amount of the quota that has been unused up to this time.

Mr. JENKINS of Ohio. They could bring in, as I understand it, a maximum from Great Britain of 6,300 in 1 year.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. PITTINGER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

REFUGEE CHILDREN

Mr. JENKINS of Ohio. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

Mr. JENKINS of Ohio. Mr. Speaker, I asked for this 1 minute to make a correction. When I interrogated the gentleman from Illinois I understood that the quota from Great Britain and the British Isles amounted to 65,000 a year.

Mr. DIRKSEN. Sixty-five thousand for England and 18,000 for Ireland.

Mr. JENKINS of Ohio. In my colloquy with the gentleman I said they could send over 10 percent a year. I meant not more than 6,300 per month. As they come in they will be charged against the quota.

Mr. DIRKSEN. That is correct. Of course, they come in as immigrants and each child must have a visa.

ADDITIONAL APPROPRIATION, TENNESSEE VALLEY AUTHORITY, FISCAL YEAR 1941

Mr. WOODRUM of Virginia. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Joint Resolution 583, making an additional appropriation for the Tennessee Valley Authority for the fiscal year 1941 to provide facilities to expedite the national defense; that it be considered in the House as in the Committee of the Whole, that general debate on the resolution extend for 2 hours, the time to be equally divided between the gentleman from New York [Mr. TABER] and myself.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia [Mr. WOODRUM]?

Mr. McLEAN. Mr. Speaker, reserving the right to object, this matter comes to the House with hearings 27 pages long which have just become available. I understand that I am to meet with the statement that this is a matter of national defense. A short time ago I heard Mr. Lilienthal say over the radio that the T. V. A. was ready for any emergency. If that is so, this legislation is unnecessary. The T. V. A. has had nearly a billion dollars to spend in the last 7 years and it ought to be pretty nearly ready for any emergency which was contemplated when they were organized, and they then knew they were an adjunct to the national defense.

I have an abiding conviction, from what I have been able to read of the testimony so far in the short time I have had, that there is involved in this proposal other matters than national defense and that, as was done here not so long ago in connection with the tax bill, everybody knows a portion of the money raised under that bill only is to be used for national defense, the rest to go for the ordinary purposes of the Treasury. And so in this instance this alleged national-defense measure is to be used as the vehicle to provide T. V. A. with necessary requirements for ordinary peacetime operations. It is my firm conviction that the T. V. A. with its customary cupidity is taking advantage of a situation to enlarge its own facilities and to hoodwink again the American Congress and the American people. While I dislike very much to interfere——

Mr. WOODRUM of Virginia. Will the gentleman yield?

Mr. McLEAN. I yield to the gentleman from Virginia.

Mr. WOODRUM of Virginia. The gentleman observes, of course, that my request was merely to bring the matter up for consideration and for a vote in any way the Members of the House might see fit to vote, not to pass the bill by unanimous consent.

Mr. McLEAN. I understand that, but my point is that the unanimous consent should not be granted because the House has not had sufficient time to digest this measure, to read the testimony, or know anything about it so as to be able to vote intelligently.

Mr. WOODRUM of Virginia. Will the gentleman permit me to propound a unanimous-consent request to speak for 10 minutes in order to explain to the House what is involved in this before the gentleman makes his objection? I would like the gentleman to have the information, in fairness to him.

Mr. McLEAN. If I may reserve my right to object.

The SPEAKER pro tempore. Without objection, the gentleman from Virginia [Mr. WOODRUM] may proceed for 10 minutes.

There was no objection.

Mr. WOODRUM of Virginia. Mr. Speaker, I appreciate the courtesy of the gentleman from New Jersey, and I know of course his very intense feeling toward the T. V. A. May I say that if this were, as my friend from New Jersey has just stated, a scheme of the T. V. A. to come in under the guise of a national defense need to secure additional development of the T. V. A. area, I would heartily join the gentleman in opposing it. I have supported the T. V. A. program, believing that having been started, it should be rounded out. I voted for the last T. V. A. dam appropriated for by Congress, stating, however, to the House and to my constituents that under ordinary circumstances I believed that the T. V. A. development should not be further extended, that if it went further it would certainly be in competition with private industry, and that I believed it should not go ahead.

Let us see what this proposal is. It is a matter that has been brought to our committee, under the solemn statement of men, whose udgment, whose patriotism, and whose

motives cannot be questioned, as a matter vitally necessary to the national defense program. It is critically necessary that the work be started immediately. This calls for the building of a dam in Tennessee on the Holston River for additional water storage and electric generating capacity for the T. V. A., for the construction of a steam electric generating plant to stabilize the T. V. A. electric power production, for the installation of additional generating capacity in empty stalls at existing down-river projects to utilize the added flow contributed by the new storage project, and for new transmission facilities required because of the added generating capacity.

What is the necessity for this? We had before our committee Mr. Knudsen of the Advisory Commission of the Council on National Defense. Mr. Knudsen told us that he was not a power expert and would not attempt to speak for them, but that he was interested in carrying out the plane-production program and the production of the other equipment required for national defense. He told us of the need for aluminum with which to build planes and that to get this aluminum there must be additional aluminum facilities. I want to quote a part of Mr. Knudsen's testimony:

Mr. WOODRUM. Mr. Knudsen, we will be very glad to hear whatever you have to say to us.

Mr. KNUDSEN. I am not a power man; I am a manufacturer. My interest in this project is purely to see that we get aluminum enough or duralumin enough to build the planes with. I suppose you know the average plane takes about 5 tons of this stuff.

Mr. WOODRUM. Five tons of aluminum?

Mr. KNUDSEN. Yes; that is the average, and my interest here in this project is to get aluminum enough for the planes, and the average quantity per plane is about 5 tons, meaning both in the frame itself and in the parts of the motor that are made of aluminum, such as the crankcase, pistons, and cylinder head. And in this area where the T. V. A. is located, that is outlined by the General Staff as area E. We have areas A, B, C, D, and E which are satisfactory to the General Staff for plant location purposes, being away from the shore, and in this area E, besides aluminum plants, we have some other plants projected, the actual location of which I am unable to give you at this time, because the sites have not been picked; but they are in this area E. So that there will be a call for power beyond what will be required for aluminum.

We were told that there would be a shortage of aluminum for plane production purposes by July 1, 1942, of 60,000,000 pounds. Mr. Knudsen said it was the job of Mr. Stettinius to find the aluminum for his use for planes.

Mr. Stettinius said he had gone over the matter carefully, had canvassed it every way, and, in order to have this aluminum, it was necessary to build additional facilities; that they wanted to build these facilities in the neighborhood of an existing plant in the T. V. A. area; that in order to do that they did not have the electric power to run it, nor could they get it from privately operated plants. Here is a pertinent part of what Mr. Stettinius said:

I have been over this matter for approaching 3 weeks now, with Mr. Dunn and the members of our staff, and I am perfectly confident, gentlemen, that from the standpoint of our aluminum production to meet the aviation program which Mr. Knudsen is responsible for, and a great many other developments in the southeastern section, we must have this added power.

Mr. WOODRUM. And you cannot get it from private industry?

Mr. STETTINIUS. We cannot, sir; and it cannot be delayed, for reasons which Mr. Dunn will bring out in his testimony. Not weeks but days count now, from the standpoint of speeding this work up, so that we can get the full effect of the spring floods 2 years hence.

* * * * * * *

Mr. WOODRUM. And the Council of Defense has been over that thoroughly and regards it as necessary and important, and that time is of the essence?

Mr. STETTINIUS. I do not think I can say "the Commission," but Mr. Knudsen, in charge of production, and I from the standpoint of materials, and Mr. Dunn, having jurisdiction of the power to be supplied, all definitely unite in the conclusion that this expansion is justified and must take place to meet the production ahead.

Mr. Knudsen and Mr. Stettinius brought before our committee as a witness Mr. Gano Dunn, president of the J. G. White Engineering Corporation of New York, one of the oldest consulting construction engineering firms in the United States. Mr. Dunn is personally known to the gentleman from New York [Mr. TABER] and perhaps to many of you gentlemen. He has been a persistent, a consistent, and a relentless foe of T. V. A. expansion. The firm of Mr. Dunn was the engineering consultant employed by Mr. Willkie when he contested the constitutionality of the T. V. A. Act.

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from New York.

Mr. TABER. I believe the evidence was that one of his partners was the consultant. His firm was employed as the consultant.

Mr. WOODRUM of Virginia. I said his firm.

Mr. TABER. I believe Mr. Dunn stated that it was his partner in the firm who was the consultant.

Mr. WOODRUM of Virginia. I said his firm was employed, I may say to the gentleman. With that background, recognized as one of the leading power experts of the United States—the gentleman from New York [Mr. TABER] will join me in that statement—a man whose motives and whose ability cannot be questioned, he said to us that after surveying this whole situation he believes it is of the utmost vital importance to the defense program that this matter not only be acted upon favorably by the Congress but that we do not lose a single day in passing it. Why? Because this dam on the Holston River will take 2 years to construct. It will have the power ready just at the time the power is needed. They want to get their orders in for the machinery necessary for the steam electric generating plant. It is necessary to get those orders in before existing manufacturing operations are clogged up with other defense orders. They want to get them in early if they can and get started on them. They want to have the dam ready to be filled by the spring floods of 1942, in order to get this needed power.

Mr. Dunn was asked about other sources of power than T. V. A. He was asked about Bonneville, Grand Coulee, and private sources, and I commend to you the reading of his testimony on these points. When he was asked about getting it from private sources, here is what he said:

No one company system can furnish it. It would have to be furnished by transmission lines coming in from several different companies. It would be a good deal more expensive than the present power from T. V. A. There would be long delays in negotiating such a supply, and we have got T. V. A. right down there where the main plant of the Aluminum Co. is. Now, it is good management, when you want to increase a manufacturing plant and a power supply, to increase an existing manufacturing plant at an existing power supply. They are both right together in the Tennessee Valley. We found no other place as favorable as T. V. A. for this large block of power increase; and, as Mr. Knudsen said, it is not only for aluminum but for other national-defense projects as well. The increase, in our opinion, is justified on the aluminum alone, but almost every day now there is some new national-defense demand for power directed in the region of the Tennessee Valley.

When Mr. Dunn was asked how soon this appropriation would bring results, he said:

The steam will be ready in 18 months and the hydro in 24 months, provided you take prompt action; but there is a trigger action in this and, if the appropriation is not promptly provided, then there may be a whole year's delay, because you will miss the spring floods in filling the reservoir and with an empty reservoir you cannot get power even if your machinery is all installed.

When Mr. Dunn, a man of that unquestioned integrity and ability, backed by the Advisory Commission of the Council of National Defense, through the testimony of Mr. Knudsen and Mr. Stettinius, comes before our committee and begs and pleads with us not only to act favorably but to act with dispatch, I believe it is a matter that every Member of this House ought to give the very utmost consideration before he takes the responsibility of stopping that procedure.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Pennsylvania.

Mr. RICH. I was very much impressed with the statement made by the gentleman from Virginia about the T. V. A. having a well rounded out plan. Can the gentleman tell us whether there has been a definite ultimate expansion program developed as far as the T. V. A. is concerned? Do they

have a limit to their program, or are further additions to be brought up from time to time?

Mr. WOODRUM of Virginia. As I understand, Congress has now authorized and appropriated for all of the expansion of T. V. A. that was in the original T. V. A. development plan. It is my understanding that the last dam which Congress authorized completed that project.

Mr. RICH. If the construction of this dam we are considering now is made necessary by reason of the necessity for the preparation for war, are there liable to be any further increases in the number of dams that the gentleman knows of? Was any statement to that effect made in the hearings?

Mr. WOODRUM of Virginia. It was stated in the hearings that it was thought that this power, together with other potential power coming in from Bonneville and other places that are in course of development, would probably meet the needs, but no man can see what the future is going to make necessary in this defense program. We have to act on it as it comes to us and as our judgment tells us the necessity requires. The problem we are laying on the door of the manufacturing industries of the country is a tremendous one. It is going to call for a maximum of all the energy and all the power we can find. It may be that there will be a necessity to develop other power somewhere or other. I would not undertake to say that.

Mr. RICH. We are doing this for the emergency. What is the emergency?

Mr. WOODRUM of Virginia. The emergency now is that the whole world is being overrun by a madman and, as the gentleman from Connecticut, I believe, said a few moments ago, America is awake to the fact that we have to prepare in this country to defend the Western Hemisphere against any eventualities. We cannot take any chance on it, and the gentleman does not want to take that chance. [Applause.]

May I say that there is no partisanship in this matter. This is not a partisan matter. There is not a man on the side of this aisle to my left who is not just as much interested and just as much committed to do whatever should be done for this defense program as the majority, and I know my friend from New Jersey feels that way. I do not ask you to forego any right to consider this matter on its merits, but I do plead with you today to give us a chance to consider it. It ought to be considered. It is more important than taking any recess for a Democratic convention, as important as that is. [Applause.]

I feel the responsibility here of using every possible method of parliamentary procedure at my disposal to get consideration of this matter. I do not care how you vote. Vote as you please. But I do say that I cannot see how any man can object to its consideration, when it comes here with the endorsement and the urgent appeal which brings it to us.

I do not want to take further time, because the House has been very indulgent. There is no politics in this. But I do want to read you what Mr. Willkie said when this question of the further development of power at T. V. A. was suggested in the press. Mr. Dunn, the engineer of whom I spoke, in testifying before the committee, said this:

I would like to read a statement by Mr. Willkie into the record. Here is what Mr. Willkie said on that subject on June 15:

"Nothing is more important than defense, and there is nothing which might and will mask more political logrolling than the flag-waving variety of national defense. But if some impartial group, the United States Army or its engineers, for instance, do say that the completion of these dams is a link in our national defense, the dams should be completed and as rapidly as those charged with our defense think necessary."

[Applause.]

Now, that is a patriotic statement, and I want to commend that statement to you gentlemen. I want to call upon you; I want to plead with you; I want to beg you to let us consider this vital and critical matter for national defense today, and I want to ask you gentlemen over there who have influence with my beloved and genial friend from New Jersey, to flock around him and put your arms around him in that consoling and persuading way that you use upon occasions and ask him to be good and gracious and kind and let the House take up this matter on its merits. [Applause.]

[Here the gavel fell.]

Mr. McLEAN. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. TABER] may be allowed to proceed for 10 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. TABER. Mr. Speaker, no one is more interested than I am in seeing that everything that can be done to promote national defense is done. On the other hand, the promotion of national defense is vitally dependent upon our not wasting our resources and upon our not being led astray into appropriating funds for things that are not going to promote national defense. It is going to be almost daily from now on the stock argument of those who are trying to get money out of the Treasury for things that ought not to be done, to call it national defense.

I appreciate thoroughly the sincerity of the gentleman from Virginia and of the majority side of the House on this question. I appreciate the ability of Mr. Gano Dunn. I may say to you that I believe he is the foremost electrical engineer in America today. I have known him for many years. I think that probably no man knows more about that subject than he does, but here is the picture as I see it: I do not believe this matter has had proper consideration. We had hearings on it for a while on Monday afternoon and went into it as thoroughly as we could with the opportunity we had. Since that time I spent practically all my time gathering together information upon it, and, frankly, I am not satisfied with the information that I have gathered. I believe that with reference to the power dam that is involved in this resolution, that Mr. Dunn has been misled and has proceeded on the basis of statements made by the T. V. A. engineers and not on the basis of his own investigation. I am satisfied that the construction of this dam will yield very little primary power. It may yield some secondary power, but the most damning evidence on this question is contained in the independent offices hearings for 1940 and 1941, and I would like to yield to the gentleman from Illinois [Mr. DIRKSEN] to read into the RECORD at this point the statement of Mr. Parker, the chief engineer of the T. V. A. on this subject on those two hearings, and I want to say to the House that I did not know about that testimony until after I arrived on the floor today.

Mr. DIRKSEN. I do not want to encumber the gentleman's remarks unduly, but let me say to the House that in the hearings on the independent offices bill for 1941, at page 1781, Mr. Parker, the chief engineer of the T. V. A., stated to us then that this dam on the Holston River would have very little relation to navigation, but would be valuable only for flood control.

In 1940, in the course of the hearings on the Tennessee Valley Authority appropriation, he stated also that these dams on the French Broad, the Little Tennessee, and the Holston River, one of which is contemplated in this bill, were not essential to navigation, and, incidentally, intimated to us that this stream was nothing more than a little trickle up at the head of the stream.

We might also take Mr. Dunn's testimony here where he indicated that it would take 24 months to finish the hydro projects and only 18 months to finish the steam projects, but he also stated, at page 14 of the hearings on this bill, that it would take 3 years to take advantage of the floodwaters on the Holston River.

Three years is a long time, and if we must have this power why not build steam plants instead of taking this rather speculative chance, only to find that we are a year delayed in providing the necessary aluminum for plane-casting plants?

Mr. WOODRUM of Virginia. Mr. Speaker, will the gentleman from New York yield to me to ask the gentleman from Illinois to yield?

Mr. TABER. Yes.

Mr. WOODRUM of Virginia. Is not what the gentleman from Illinois says a reason why the House should not grant the item; it goes to the merits of the matter, but what does the gentleman say about the request of the committee that we be permitted to consider the matter upon its merits?

Mr. DIRKSEN. I would say to the gentleman that I do not oppose the matter on that account at all.

Mr. WOODRUM of Virginia. Would the gentleman go further and join me in an earnest request that we consider this matter after the Advisory Council on Defense says this ought to be done? Will not the gentleman help me to get that permission?

Mr. DIRKSEN. Mr. Speaker, I would say that since my advent into this House I have never objected to the consideration of any bill at any time, anywhere, at any place.

Mr. FITZPATRICK. Mr. Speaker, will the gentleman yield to me, inasmuch as I had charge of that hearing?

Mr. TABER. Yes.

Mr. FITZPATRICK. Is it not a fact that Mr. Dunn testified it would not be beneficial to navigation, but that it would be for the storage of water?

Mr. TABER. For flood control.

Mr. FITZPATRICK. Exactly, and that is what this is, the storage of water and power at some time.

Mr. DIRKSEN. But we are dealing here with the question of time, in order to provide necessary power with which to fabricate aluminum for planes—and if it take 3 years instead of 2, and in my humble judgment it will take 3 years or longer—what would be the matter with providing the necessary steam plant, which will probably cost one-sixth for each plant, of the entire amount?

Mr. FITZPATRICK. Does the gentleman think that Mr. Dunn will not see that that is accomplished within the time limit?

Mr. DIRKSEN. I have great doubt about it.

Mr. TABER. The worst part about that is this: The T. V. A. has built other dams of this same size and type, and it has always taken them 4 years, and they would have charge of this construction.

Mr. JENKINS of Ohio. And is it not true that this dam they propose to build is not in the big T. V. A. program? It is not one of the essential dams at all. This is an afterthought, because it was developed last summer, that the T. V. A. authorities had made a great mistake in that they had not dammed up sufficient water. This is a new phase of their activities. It is the phase of damming up water without any reason except to have a reserve of water, and this will contribute but little to the production of power.

Mr. TABER. I think that is largely true. I will be frank with the gentleman and say that if I had had the items that the gentleman from Illinois [Mr. DIRKSEN] has called attention to, I should have gone into that matter more thoroughly in the hearings. I do not believe that the House has before it the information that it ought to have, before it acts upon the question, and for that reason I cannot join with others in asking the gentleman from New Jersey to withdraw his objection. If I thought it was in the interest of national defense that we proceed without knowing what we are doing—and I believe that is just what we are doing without having the information in front of us, which the time that has elapsed since it was brought before us has not permitted us to develop—I would join in asking him to do this, but I do not think we have.

Mr. JENKINS of Ohio. It is very clear that there is a lot of merit in some of the items covered in this resolution. For instance, where they propose to put in new installation in the Wilson Dam. There is a case where they can produce a tremendous lot of additional power without the construction of any dam, but by the installation of generators.

Mr. TABER. But only secondary power. They cannot produce primary power lasting all through the year without further storage up above.

Mr. JENKINS of Ohio. And the construction of a steam plant is a departure from their program. They never have advocated that until now; and, as far as I am concerned, although I have been opposed to the extension of the T. V. A., I would not interpose any objection to that, because if they are ever going to run the T. V. A. effectively, they will have to have stand-by steam plants, and they might as well start with them now as at any other time if they want to make a success.

Mr. TABER. I think the steam plant is probably something that ought to be built; and the more I go into it the more convinced I am that it ought to be built.

Mr. DIRKSEN. Will the gentleman yield?

Mr. TABER. I yield.

Mr. DIRKSEN. Relating to the question of steam plants, they can be built anywhere where coal is accessible and transportation is not unduly high. They can be spotted anywhere.

Mr. TABER. That is correct, but they should be close to coal mines.

Mr. DONDERO. Will the gentleman yield?

Mr. TABER. I yield.

Mr. DONDERO. Is it not a fact that electric power can be generated cheaper by steam than by water?

Mr. TABER. I think it is.

[Here the gavel fell.]

Mr. McLEAN. Mr. Speaker, I shall only take a very brief moment under my reservation to object to thank the gentleman from Virginia [Mr. WOODRUM] for his very fine compliment and to compliment him on his economy views and economy ideas and the need for economy in government, which I have praised and with which I have been glad to cooperate.

In explanation of my position on this situation, I would like to read a statement that I made here on June 21:

> In the tempo and anxiety of the times, opportunities for leakage, wastefulness, and extravagance are unlimited. Against the plea of national defense resistance is difficult. In fact, any proposal labeled national defense is a signal for affirmative action. The T. V. A. has been quick to take advantage of such a situation. Until we know more about this project and until our committees investigate it, this request ought not to be granted.

I feel very keenly on the subject of national defense. I have voted for recent authorizations and the recent tax bill, but I do not think we ought to become hysterical about it. There should be more time allowed us to study this measure. One element alone is convincing: The expenditure that we would commit ourselves to by its passage is in excess of $65,000,000, but only $25,000,000 is mentioned in the resolution.

Under the circumstances, I am constrained to object to the unanimous-consent agreement.

The SPEAKER pro tempore. Objection is heard.

Mr. WOODRUM of Virginia. Mr. Speaker, I ask unanimous consent to proceed for one-half minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. WOODRUM of Virginia. Mr. Speaker, under the circumstances, I feel that request should be made to the leadership for a rule on this matter. It has been represented to us as being vitally necessary in the defense program, and I want to here publicly request the Speaker to set in motion the machinery that a rule be brought in and let two-thirds of the membership of the House vote on it. I think they will pass it. Then we can go ahead with this defense matter.

The SPEAKER pro tempore (Mr. RAYBURN). Just a moment. I keep my contracts. I promised the House on last Tuesday, and on that promise 100 Democrats have left the city, that after the Hatch bill nothing would come up this week except by unanimous consent.

That is my answer to the gentleman from Virginia and it must be my answer. There can be none other. [Applause.]

EXTENSION OF REMARKS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. FADDIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a report by the subcommittee of the Military Affairs Committee.

The SPEAKER pro tempore. Is there objection?

There was no objection.

By unanimous consent, Mr. HARTER of New York was granted permission to extend his own remarks in the Appendix.

Mr. KEFAUVER. Mr. Speaker, I ask unanimous consent to extend my remarks and include a letter from Dr. Alexander Garey, vice chancelor of Suwanee University.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. DIMOND, by unanimous consent, was granted permission to extend his own remarks in the RECORD.

Mr. SHANLEY. Mr. Speaker, I ask unanimous consent to extend my remarks and include therein an article by Professor Griswold and another on the War Industries Board.

The SPEAKER pro tempore. Is there objection?

There was no objection.

CALL OF THE HOUSE

Mr. WOODRUM of Virginia. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Will the gentleman withhold that for a moment?

Mr. WOODRUM of Virginia. Certainly.

The SPEAKER pro tempore. The Senate has not passed the adjournment resolution. Of course, if we develop no quorum and have to adjourn, it might mean a very embarrassing situation, if the gentleman desires to insist upon his point of no quorum.

Mr. WOODRUM of Virginia. I was curious to know whether we had sufficient membership present to transact the important business of the Government, and to my mind that is the question of national defense.

The SPEAKER pro tempore. The gentleman from Virginia certainly is no more aware of that fact than the one who occupies the chair temporarily. If the gentleman insists upon his point of no quorum, the Chair, of course, will count. There is not a quorum present.

Mr. COOPER. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 169]

Alexander	Darrow	Johnson, Lyndon	Risk
Allen of Illinois	Delaney	Kee	Routzohn
Allen, La.	DeRouen	Kennedy, Martin	Ryan
Allen, Pa.	Dies	Kennedy, Md.	Sacks
Anderson, Calif.	Ditter	Kilburn	Satterfield
Anderson, Mo.	Doughton	Kunkel	Schaefer, Ill.
Arnold	Douglas	Lambertson	Schiffler
Barton, N. Y.	Drewry	Luce	Schulte
Bates, Mass.	Duncan	McArdle	Scrugham
Bell	Eaton	McGehee	Seger
Bradley, Pa.	Ellis	McGranery	Shanley
Brooks	Engel	McKeough	Shannon
Buck	Fernandez	Maas	Sheridan
Buckley, N. Y.	Flannagan	Maciejewski	Short
Byrne, N. Y.	Flannery	Magnuson	Smith, Ill.
Byron	Folger	Marcantonio	Smith, W. Va.
Camp	Ford, Leland M.	Marshall	Springer
Cannon, Fla.	Ford, Miss.	Martin, Ill.	Starnes, Ala.
Cannon, Mo.	Ford, Thomas F.	Merritt	Stefan
Carlson	Fries	Mott	Sullivan
Case, S. Dak.	Gartner	Murdock, Utah	Sweet
Casey, Mass.	Gavagan	Myers	Thomas, N. J.
Celler	Gifford	Norton	Thorkelson
Chapman	Gilchrist	O'Brien	Vincent, Ky.
Clark	Grant, Ind.	O'Connor	Voorhis, Calif.
Collins	Green	O'Day	Vreeland
Cooley	Halleck	O'Leary	Warren
Courtney	Harness	Parsons	White, Idaho
Crawford	Harrington	Patton	White, Ohio
Creal	Hoffman	Pfeifer	Wolfenden, Pa.
Crowe	Horton	Plumley	Wood
Culkin	Jacobsen	Powers	Zimmerman
Cullen	Jeffries	Randolph	
Cummings	Johns	Reece, Tenn.	

The SPEAKER pro tempore. On this roll call 297 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION TO ADDRESS THE HOUSE

Mr. FISH. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes after the disposition of the special order heretofore made.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. SCHAFER of Michigan, Mr. O'NEAL, and Mr. MCLEAN asked and were given permission to revise and extend their own remarks.

Mr. GEYER of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a radio address.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The SPEAKER pro tempore. Under the special order of the House heretofore made, the gentleman from Alabama [Mr. SPARKMAN] is recognized for 15 minutes.

NATIONAL DEFENSE

Mr. SPARKMAN. Mr. Speaker, in view of the sorry spectacle that has just been put on in connection with a vital link in our national-defense program, I would like to say that I propose to use these minutes I have asked for to discuss some of our national-defense problems, and particularly the stand that our Republican brethren have taken on those defense problems. To start with, I want to call to your attention a statement that was made by the permanent chairman of the Republican Convention, recently held in Philadelphia, the esteemed and distinguished gentleman from Massachusetts, the minority leader of this House, our friend, Mr. MARTIN, now the campaign manager of Republican Nominee Willkie. In that address he made a statement that we should not allow to go unchallenged. I am quoting him. He said this:

> As long ago as April 1939 we appointed a special committee of House Republicans to study our national defense. The proposals of that committee were ignored by the administration.

I now call your attention to the fact that in January of 1939—to be specific, on January 12, 1939—the President delivered a message to the Congress with reference to an augmented defense program. I am not going to take your time to read that message, but I do hope you will read it for yourselves and see just how specific that message was in making recommendations for improving our national defense. During the regular session of Congress in 1939 various bills came before us for consideration. When a bill was brought out by the Committee on Military Affairs of the House the gentleman from New York [Mr. WADSWORTH] made a talk on it. He was asked to do that by the ranking minority member of the Military Affairs Committee of the House, the gentleman from New York [Mr. ANDREWS].

The gentleman from New York [Mr. WADSWORTH], had been named chairman of this special defense committee that the Republicans had set up. In the course of his remarks he read to the House the program of national defense which he and his colleagues constituting this Republican defense committee had worked out. I shall not read this statement but I refer the Members to page 1375 of the permanent RECORD of the day of February 14, 1939.

Mr. KELLER. Mr. Speaker, will the gentleman yield?

Mr. SPARKMAN. I yield.

Mr. KELLER. May I suggest that the gentleman include in his remarks both the message of the President on that subject and the recommendations read by the gentleman from New York [Mr. WADSWORTH]?

Mr. SPARKMAN. I appreciate the gentleman's suggestion.

Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein the matters referred to.

The SPEAKER pro tempore (Mr. GORE). Without objection it is so ordered.

There was no objection.

Mr. SPARKMAN. In this very fine statement made by the gentleman from New York [Mr. WADSWORTH], a man to whom I pay great tribute for his patriotism and understanding of our national-defense problems, he gave specific approval to the appropriations strengthening the defenses of the Panama Canal.

First, I may say that he outlined what our national-defense area was and he stressed the importance of the Panama Canal as a vital link in those defenses. He went on to say that we should strengthen the personnel of the Panama Canal, and then he got down to the pending legislation that had come before us as a result of the President's message. Specifically this committee endorsed the appropriations for the Panama Canal defense, the authorization proposed for educational orders, and also the proposal to establish various air bases, both Army and Navy, in the Atlantic and in the Pacific Oceans. Now, I want you to listen to this. The only criticism that committee had to make at all was that the administration was proposing to buy too many airplanes and to procure them too fast.

This bill that was reported by the committee proposed to authorize the War Department to purchase 5,500 planes, and we did not restrict them as to the time in which they could do that. The Republican committee said that they ought to be spread out over a period of 3 or 4 years, and that is the only criticism that they offered to the administration's program.

Mr. CASE of South Dakota. Will the gentleman yield?

Mr. SPARKMAN. Not now. I will yield later.

Mr. Speaker, that was the only criticism that was made to the program. If you will read this statement, as I propose to put it into the RECORD, you will see that every single item recommended by that Republican defense committee was put into effect by the administration, frequently over the protest of the Republican side—every one except the reduction in the number of planes that the Army ought to buy.

Mr. ANDREWS. Will the gentleman yield?

Mr. SPARKMAN. I yield to the gentleman from New York.

Mr. ANDREWS. I believe the gentleman is correct in his interpretation of the statement made by the gentleman from New York [Mr. WADSWORTH] insofar as the preparedness program at that moment was concerned. I call the gentleman's attention to the fact—and I think it is true—that looking back over the whole program of defense and preparedness to this end during the last 2 years, the statement of the special Republican committee outlining our defense policy and what it should be in its entire scheme is the only statement prepared by or submitted by any group either in the House or Senate during the last 2 years. There has never been any such clear statement attempted or made by the White House to give the General Staff an idea of what they might be expected to defend so far as this country is concerned. [Applause.]

Mr. SPARKMAN. I appreciate that from the ranking minority member of our committee, a very able Member and one who I know seeks to do his patriotic duty as he sees it.

It is possibly true that that is the only statement issued giving a general policy, but I am asking you to go back a month earlier and read the President's message, then tell me if there is a single thing in the Republican message that was not included in the President's message.

Mr. THOMASON. Will the gentleman yield?

Mr. SPARKMAN. I yield to the gentleman from Texas.

Mr. THOMASON. Is it not true that when the President and the War Department sent the request down for 6,000 planes most of our Republican friends and the so-called National Defense Committee not only opposed that number but, if my memory serves me right, my genial friend from New York, Mr. ANDREWS, favored a staggering of the program?

Mr. SPARKMAN. That is correct.

Mr. TERRY. Will the gentleman yield?

Mr. SPARKMAN. I yield to the gentleman from Arkansas.

Mr. TERRY. Last year when the War Department appropriation bill came up for a program involving 5,500 planes—3,300 for the first line and 2,200 rotating reserve planes—the Republican membership of the House fought that program very bitterly, wishing to reduce the reserve planes to 12 percent.

Mr. ANDREWS. Will the gentleman yield right there?

Mr. SPARKMAN. I yield.

Mr. ANDREWS. If you will go back to the statement you will see that that report mentioned no objection to the 5,500 planes, providing they were not obsolete, but merely asked for a staggering of the order of 3,300 over a period of 2 or 3 years.

Mr. SPARKMAN. That is correct; it did ask for a staggering.

In the minority leader's statement to the Republican convention he said that the administration paid no attention to that statement from the committee. My contention is that the administration was doing everything possible to put every one of those recommendations into actual effect except the one cutting down the number of planes.

Mr. TABER. Will the gentleman yield for a question?

Mr. SPARKMAN. With all due respect, may I ask not to be interrupted for a while; then I will yield if I can.

I want to comment on the point that the gentleman from Arkansas has just made. When the War Department appropriation bill was before the House, the ranking Republican Member, the gentleman from New Jersey [Mr. POWERS], offered a series of amendments, four in number, seeking to cut down the amount of the appropriations by the sum of some $37,000,000, taking a part of it from the Signal Corps, part from the Ordnance Department, part from the Air Corps and part from the procurement of these airplanes. He stated in his remarks that he advocated only 4,217 planes; in other words, a reduction of some 1,300 planes in the purchase program. I want to read to you a reply to a question that he propounded to the chairman of the subcommittee, the gentleman from Pennsylvania [Mr. SNYDER]:

> The gentleman certainly does not see any immediate emergency?

The reply of the gentleman from Pennsylvania, Mr. SNYDER was:

> I cannot say. World conditions do not look good to me.

The gentleman from New Jersey, Mr. POWERS, the ranking minority member of this committee, said:

> Oh, the gentleman cannot believe that.

That was a little over 2 months before the armies in Europe started marching, yet he was not willing to say that world conditions looked very bad.

Mr. TABER. Will the gentleman yield for a question?

Mr. SPARKMAN. Let me proceed, then I will yield.

Mr. TABER. Right at that point. It is an important question. I wonder if the gentleman at that point would put in the RECORD the number of combat planes that have been delivered to the Army since July 1, 1939?

Mr. SPARKMAN. I do not have those figures with me. I will be glad to have the gentleman put them in the RECORD. I do not have them available, therefore, I will not ask for that privilege.

Furthermore, the gentleman from New Jersey [Mr. POWERS] said:

> Now, who appeared before our committee, who told us there is any immediate emergency? I think this entire thing is nothing but a bubble, and I think the bubble has broken. I may say to the gentleman about national defense, "What crimes have been committed in thy name."

So it went through the course of the debate on the bill, ending up with the gentleman from New Jersey offering amendments to cut these appropriations $37,000,000 and to keep the number of planes down to 3,300, with the argument that that was all the planes this country needed.

In the roll call on the adoption of those amendments, which would have crippled severely our program, there were 150 voting for the amendments, among whom only 3 Democrats were to be found, and there were 217 voting against the amendments, and that number included only 6 Republicans.

[Here the gavel fell.]

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent to proceed for 10 additional minutes.

The SPEAKER pro tempore (Mr. GORE). The Chair may say that the gentleman from New York [Mr. FISH] under a previous special order is entitled to be recognized for 10 minutes at this time.

Mr. FISH. Mr. Speaker, I should like to yield to the gentleman from Alabama but I have been waiting to catch a train and I just cannot do it.

Mr. SPARKMAN. Then, Mr. Speaker, I ask unanimous consent that at the conclusion of the remarks of the gentleman from New York I be allowed to proceed for 10 minutes, and that my remarks be placed in the RECORD immediately following the remarks I have just concluded.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. SPARKMAN. Mr. Speaker, I want to call attention to one other thing in connection with the appropriation bill, the following statement by the gentleman from New Jersey, the ranking minority member, who had control of the time on that side of the aisle, who said with reference to the planes:

> Mr. Chairman, if I had my way and if I were chairman of the committee writing this measure, I would have brought out a bill calling for 3,300 planes.

I mentioned a few minutes ago that some time after that we had this Navy appropriation bill up in the House. It is true that did not meet with a great deal of opposition. Nevertheless, there was a roll call on the bill. There were only 58 votes cast against it, but the noticeable thing is that of those 58, 56 were Republicans. They had been so accustomed to being led into a position against every national-defense measure that the administration brought up that they could not keep from going down the line; and 56 of them, about one-third of the membership on the minority side, still voted against that Navy bill, the bill that was seeking to maintain this great, strong, fine Navy that the gentleman from New York [Mr. FISH] has just discussed.

In this connection, let me say, it has always been a strange thing to me that the Republican Members, when they get up here to discuss our national defense, without exception pay tribute to the Navy. I believe I know why. They sunk our Navy in 1922, and the world knows it. Therefore they are alibiing, or rather building up protection against any such charge as to the weakness of the Navy.

Now, let me say this: Just as surely as they sunk our Navy they likewise sunk our Army. It is not as showy as the Navy. You have to go out among the posts and see; but I have been there. I have been there before we got under way with this national-defense program. I saw people living out there in the district of the gentleman from Colorado who were living under conditions that were an absolute disgrace to the Army of the United States and to the United States, because the Republican administration had never given them proper housing. I saw it not only there, but I saw it in Panama; I saw it in Hawaii; I saw it in practically every State in the United States. Our people who are relied upon to defend our Nation against all enemies, foreign and domestic, living in slum conditions that you would not tolerate for any employee of any company over which you had control.

That is where the great part of the moneys appropriated by the Democratic administration has gone, in order to rehabilitate the run-down conditions as a result of the sinking of our Army by the Republican administration, just as they sunk our Navy.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. SPARKMAN. In just a moment I will yield.

In this year we had up for consideration the building of a third set of locks at the Panama Canal. The President sent down a letter to the committee, I believe, urging immediate commencement of that work.

But under the leadership of the gentleman from New Jersey [Mr. POWERS], ranking minority member of that committee, we likewise had a roll call on that matter. I am not going to give you the results, but you can find it on page 10970 in the RECORD of May 30, 1940. It will be quite illuminating to read that roll call and see how the gentlemen on the minority side felt about giving to this vital link in the United States defense, according to the findings of the committee headed by the gentleman from New York [Mr. WADSWORTH], the defense to which it was entitled. And today we see the sorry spectacle of probably a full year's time lost in building up one of the strongest links in our national defense—that of power—simply because of the objection of one Republican Member, who had the nerve to stand up and object but who apparently was aided and abetted by his brethren on that side of the aisle.

Mr. Gano Dunn, who testified in the hearings, was outside of this Hall while the roll call was going on. He talked to me. I had never met him before. He found out the district from which I came. He said, "You know how I feel toward T. V. A." He said, "You know I am against it and always have been and have worked against it, but this is of such urgency." And yet this bill is carried over during the recess. Oh, you may say, that is only 10 days or 2 weeks, but remember this, that commitments are now being made for the manufacture of generators and for the manufacture of turbines, and all those things that are necessary, and not one single one of them can be authorized until this measure is passed giving them the power to order those things. If we miss these spring floods by 30 days we have lost our power supply for the whole year.

I am through, but that is the record of the Republican Members of this House with regard to national defense.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. SPARKMAN. I yield.

Mr. MAHON. Will the gentleman include in his remarks the statement by Mr. Dunn and by Mr. Stettinius and Mr. Knudsen and others who appeared before the Appropriations Committee to the effect that this bill before us today was of such importance that even hours counted and that we ought to have immediate action?

Mr. SPARKMAN. I shall certainly be glad to do that. Let me say now that I pay tribute to the patriotism of many of my good friends on this side of the aisle. I believe they are patriotic, but you know they have a way of thinking that they alone can see the light. I was amused by the gentleman from New York [Mr. TABER] when he was up here. He said that Mr. Gano Dunn was undoubtedly the most outstanding electrical engineer in the world, he knew more about it than anyone else. But in this case he was wrong. That is what he said. Oh, consistency, thou art a jewel. The great part that the Republicans have played in bringing our country to an adequate defense status has been to delay, to hinder, to obstruct, to reduce appropriations, and to throw every obstacle in the way that they could possibly devise.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. SPARKMAN. I yield.

Mr. SCHAFER of Wisconsin. I do not believe that the gentleman was a Member of the House in 1932. Since he has undertaken to speak about what transpired with reference to national defense, I suggest that he read the record of the Democrat-controlled House in 1932 when the Democrats who had control tried to scuttle our entire national defense by cutting off 2,000 Army and 2,000 Navy officers from our wholly inadequate personnel. They also attempted to sell the few Army transports which we had to private interests and reduce appropriations for the Reserves and the National Guard. I respectfully suggest to the gentleman that he should examine the national-defense scuttling record of the Democrat-controlled House of 1932, and examine the roll calls carefully and he will find nothing to boast about. [Applause.]

Mr. SPARKMAN. It is at least consoling that the gentleman has to go so far back to find anything to justify his remarks.

Mr. BENDER. Mr. Speaker, will the gentleman yield?

Mr. SPARKMAN. I yield.

Mr. BENDER. Is it not a fact that the Democratic Party has not only been in control of the administration but has been absolutely in control of both Houses since 1932? And if the country finds itself in the condition that the gentleman speaks of, then the responsibility rests on the Democratic Party and no one else. [Applause.]

Mr. SPARKMAN. It is true that the Democrats have been in control, and they have done an excellent job of rehabilitating what the Republicans left undone. [Applause.]

Mr. THOMASON. Mr. Speaker, will the gentleman yield?

Mr. SPARKMAN. I yield.

Mr. THOMASON. The gentleman made some reference to alibis. I am sure he will recall that the gentleman from New York [Mr. FISH] made the statement, or at least left the inference that the President of the United States had asked for compulsory military training. I have seen no such statement or no evidence of such request. But I want to ask the gentleman if this is not a fact, that the only bill so far as I know that is now on file or upon which hearings are being held is the one introduced by the very fine and able gentleman on the Republican side, the gentleman from New York [Mr. WADSWORTH]? And that that is the bill upon which hearings are now being held?

Mr. SPARKMAN. That is true.

Mr. THOMASON. Regardless of the merits or demerits of that bill—and some of us would like to express ourselves on it a little later when the hearings have proceeded a little further—the fact remains, nonetheless, that the father of this legislation is none other than the able gentleman from New York [Mr. WADSWORTH]. He is being supported in his stand by Col. Bill Donovan, who ranks high not only in political circles but also in military circles, and also by Mr. Clark, of the firm of the late Elihu Root of New York, and other prominent and leading Republicans. I do not mean to reflect upon anyone's sincerity, but when the gentleman from New York says this was the plan of the President of the United States I undertake to say that the record does not bear it out. It is being fathered and urged by the gentleman from New York [Mr. WADSWORTH]. The criticism, if there be any, should be directed toward him.

Mr. SPARKMAN. That is true.

Mr. BREWSTER. Mr. Speaker, will the gentleman yield?

Mr. SPARKMAN. I yield.

Mr. BREWSTER. I am sure the gentleman does not intend to misrepresent the position of the minority in connection with the naval bill of some 3 years ago. I think the only exception we took was to the existence of a paper navy. Three battleships were proposed there which have never been laid down and which it is not now proposed to lay down. So that had the policy of the Republicans been followed there would have been no difference in the Navy which we now have in contemplation and the one we urged be provided. We did, however, take very serious exception to the proposal of the administration at that time and of the Naval Affairs Committee to limit naval planes to 3,000, and it was a result of the Republican action that the limitation was stricken. I believe the gentleman will agree that events since then have amply vindicated our stand.

Mr. SPARKMAN. I will say to the gentleman from Maine that I did not have reference to that bill. I had reference to the bill that appropriated $770,473,241 for the Navy.

[Here the gavel fell.]

Mr. BENDER. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for 5 additional minutes.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. DIRKSEN] has the right to be recognized at this time.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes, with the consent of the gentleman from Illinois.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama [Mr. SPARKMAN]?

There was no objection.

Mr. COX. Apropos of what the gentleman from Texas said, I would like to make the observation that if the President has not actually declared for compulsory military training he ought to do so because we will not have adequate defense short of such action. Further, I can think of nothing that would counteract so completely those rumors that have for 6 years been going around against strong government here in the United States.

Mr. SPARKMAN. Mr. Speaker, that measure is being carefully considered by committees of both Houses of Congress. Of course, so far as the gentleman from New York [Mr. FISH] is concerned, he is well known for his ability to blow both hot and cold. Today he lambasted us for having no adequate defense, then he turned right around and said we ought not to have compulsory service because our present forces were sufficient to defend this country.

Mr. O'TOOLE. Will the gentleman yield?

Mr. SPARKMAN. I yield to the gentleman from New York.

Mr. O'TOOLE. Is it not true that the present fleet of the United States and all the vessels in the Navy, or at least one-third of them, have been built during the Democratic administration during the last 7 years? Is it not further true that the Democratic administration in the last 7 years brought the Regular Army from around 110,000 up to 215,000 men before we had any foreign question?

Mr. SPARKMAN. That is true. Here is the thing that many people often overlook. Not only did we bring the Army up, so far as its personnel was concerned, but we did a thing that was much more important. We took them out of the slum conditions in which they were living and gave them decent houses to live in and we gave them the equipment and matériel that they needed.

Mr. MAHON. Will the gentleman yield?

Mr. SPARKMAN. I yield to the gentleman from Texas.

Mr. MAHON. There has been some complaint from our Republican friends that we are not doing anything about defense. I would like for the gentleman to point out, or for the record to show, that it is not advisable for the War Department, the Navy Department, and the Government to reveal exactly every gun we may produce and every instrument of national defense we may have, where it is and all about it. The actual quantity and location of all our armament cannot be revealed with safety. Some of these things and some of the action that is being taken has to be kept within the bosom of the War and Navy Departments.

Mr. SPARKMAN. I agree with the gentleman. I do not see how anyone can question that statement. [Applause.]

To the Congress of the United States:

In my annual message to this Congress I have spoken at some length of the changing world conditions outside of the American hemisphere which make it imperative that we take immediate steps for the protection of our liberties.

It would be unwise for any of us to yield to any form of hysteria. Nevertheless, regardless of political affiliations, we can properly join in an appraisal of the world situation and agree on the immediate defense needs of the Nation.

It is equally sensational and untrue to take the position that we must at once spend billions of additional money for building up our land, sea, and air forces, on the one hand, or to insist that no further additions are necessary on the other.

What needs to be emphasized is the great change which has come over conflicts between nations since the World War ended, and especially during the past 5 or 6 years.

Those of us who took part in the conduct of the World War will remember that in the preparation of the American armies for actual participation in battle, the United States, entering the war on April 6, 1917, took no part whatsoever in any major engagement until the end of May 1918. In other words, while other armies were conducting the actual fighting, the United States had more than a year of absolute peace at home without any threat of attack on this continent, to train men, to produce raw materials, to process them into munitions and supplies, and to forge the whole into fighting forces. It is even a matter of record that as late as the autumn of 1918, American armies at the front used almost exclusively French or British artillery and aircraft.

Calling attention to these facts does not remotely intimate that the Congress or the President have any thought of taking part in another war on European soil, but it does show that in 1917 we were not ready to conduct large-scale land or air operations. Relatively, we are not much more ready to do so today than we were then—and we cannot guarantee a long period, free from attack, in which we could prepare.

I have called attention to the fact that "we must have armed forces and defenses strong enough to ward off sudden attack against strategic positions and key facilities essential to insure sustained resistance and ultimate victory." And I have said, "We must have the organization and location of those key facilities so that they may be immediately utilized and rapidly expanded to meet all needs without danger of serious interruption by enemy attack."

I repeat that "there is new range and speed to offense."

Therefore, it has become necessary for every American to restudy present defense against the possibilities of present offense against us.

Careful examination of the most imperative present needs leads me to recommend the appropriation at this session of the Congress, with as great speed as possible, of approximately $525,000,000, of which sum approximately $210,000,000 would be actually spent from the Treasury before the end of the fiscal year ending June 30, 1940.

The survey indicates that of this sum approximately $450,000,000 should be allocated for new needs of the Army, $65,000,000 for new needs of the Navy, and $10,000,000 for training of civilian air pilots.

The several items will be submitted to the appropriate committees of the Congress by the departments concerned, and I need, therefore, touch only on the major divisions of the total.

In the case of the Army, information from other nations leads us to believe that there must be a complete revision of our estimates for aircraft. The Baker board report of a few years ago is completely out of date. No responsible officer advocates building our air forces up to the total either of planes on hand or of productive capacity equal to the forces of certain other nations. We are thinking in the terms of necessary defenses, and the conclusion is inevitable that our existing forces are so utterly inadequate that they must be immediately strengthened.

It is proposed that $300,000,000 be appropriated for the purchase of several types of airplanes for the Army. This should provide a minimum increase of 3,000 planes, but it is hoped that orders placed on such a large scale will materially reduce the unit cost and actually provide many more planes.

Military aviation is increasing today at an unprecedented and alarming rate. Increased range, increased speed, increased capacity of airplanes abroad have changed our requirements for defensive aviation. The additional planes recommended will considerably strengthen the air defenses of the continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone. If an appropriation bill can be quickly enacted, I suggest that $50,000,000 of the $300,000,000 for airplanes be made immediately available in order to correct the present lag in aircraft production due to idle plants.

Of the balance of approximately $150,000,000 requested for the Army, I suggest an appropriation of $110,000,000 to provide "critical items" of equipment which would be needed immediately in time of emergency and which cannot be obtained from any source within the time and quantity desired—matériel such as antiaircraft artillery, semiautomatic rifles, antitank guns, tanks, light and heavy artillery, ammunition, and gas masks. Such purchases would go far to equip existing units of the Regular Army and the National Guard.

I suggest approximately $32,000,000 for educational orders for the Army—in other words, to enable industry to prepare for quantity production in an emergency of those military items which are noncommercial in character and are so difficult of manufacture as to constitute what is known as bottlenecks in the problem of procurement.

The balance should be used, I believe, for improving and strengthening the seacoast defenses of Panama, Hawaii, and the continental United States, including the construction of a highway outside the limits of the Panama Canal Zone, important to the defense of the zone.

The estimated appropriation of $65,000,000 for the Navy should be divided into (a) $44,000,000 for the creation or strengthening of Navy bases in both oceans in general agreement with the report of the special board which has already been submitted to the Congress, (b) about $21,000,000 for additional Navy airplanes and airmaterial tests.

Finally, national defense calls for the annual training of additional air pilots. This training should be primarily directed to the essential qualifications for civilian flying. In cooperation with educational institutions it is believed that the expenditure of $10,000,000 a year will give primary training to approximately 20,000 citizens.

In the above recommendations for appropriations, totaling $525,000,000, I have omitted reference to a definite need, which, however, relates to the implementing of existing defenses for the Panama Canal. The security of the Canal is of the utmost importance. The peace garrison now there is inadequate to defend this vital link. This deficiency cannot be corrected with existing forces without seriously jeopardizing the general defense by stripping the continental United States of harbor defense and antiaircraft personnel. The permanent garrison in the Canal Zone should be increased to provide the minimum personnel required to man the antiaircraft and seacoast armament provided for the defense of the Canal. Such personnel cannot be increased until additional housing facilities are provided; and in the meantime additional personnel must be trained. I recommend, therefore, an appropriation of $27,000,000 to provide an adequate peace garrison for the Canal Zone and to house it adequately. Five million dollars of this sum should be made available immediately in order that work on necessary construction can be initiated.

All of the above constitutes a well-rounded program, considered by me, as Commander in Chief of the Army and Navy, and by my advisers, to be a minimum program for the necessities of defense. Every American is aware of the peaceful intentions of the Government and of the people. Every American knows that we have no thought of aggression; no desire for further territory.

Nevertheless, as the Executive head of the Government, I am compelled to look facts in the face. We have a splendid asset in the quality of our manhood. But without modern weapons and without adequate training the men, however splendid the type, would be hopelessly handicapped if we were attacked.

The young men of this Nation should not be compelled to take the field with antiquated weapons. It would be economically unsound to provide in time of peace for all the modern equipment needed in a war emergency. But it would be nationally unsound not to provide the critical items of equipment which might be needed for immediate use, and not to provide for facilities for mass production in the event of war.

Devoid of all hysteria, this program is but the minimum of requirements.

I trust, therefore, that the Congress will quickly act on this emergency program for the strengthening of the defense of the United States.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 12, 1939.*

Mr. WADSWORTH. Mr. Chairman, I appreciate the courtesy extended to me by my colleague the gentleman from New York, Mr. ANDREWS, and I shall endeavor to restrain my loquacity to such an extent that it shall not keep the Committee of the Whole too long.

The gentleman from New York, Mr. ANDREWS, has stated that at a meeting of the Republican Members of the House held on last Thursday an agreement was reached with respect to a statement concerning the national defense. At the risk of repetition, at least so far as many Republicans now on the floor are concerned, and solely with the purpose of bringing to Members on the Democratic side of the aisle this expression of opinion from the minority, I beg leave to consume about 6 minutes in reading that statement.

Before I do so, I think I can say that you will find no evidence of partisanship in it. Furthermore, you will find no note of belligerency contained in it. We were not concerned with parties or their fortunes, nor were we concerned with any foreign nation in its relation to ourselves at this moment.

The statement is as follows:

"In the foreign policy of the United States, which has been consistent and has developed naturally with the years, there has been for over a century but one principle which has remained definite and unchanged—the principle known as the Monroe Doctrine. The famous declaration of President Monroe informed the nations of Europe that the United States would regard any attempt to extend European domination in the countries of Central and South America as an unfriendly act. It is not a treaty, nor has any foreign power ever approved it. It is, in truth, a 'no trespass' sign posted around the entire area south of the Rio Grande, and as the years have passed we have made it plain that the warning is addressed to all foreign powers, no matter where situated.

"While the doctrine may be of advantage to the nations of Latin America, fundamentally it is our doctrine and ours alone. We adhere to it because we are convinced that our safety is dependent upon its enforcement. It is a policy of defense.

"The United States may from time to time adopt new attitudes and pursue new policies relating to other matters in this ever-changing world, but there can be no lessening of its devotion to the Monroe Doctrine because this, more than any other single aspect of policy, involves the safety of the Nation and its vital interests. Especially is this true now that, by an act of Congress we are withdrawing from the Philippines and shall not be expected to defend those islands.

"Obviously, our Military Establishment must be adequate to carry out the obligation so clearly implied in the Monroe Doctrine—the obligation to prevent the extension of foreign political domination through military action in the Western Hemisphere. This may well be considered as part of the supreme obligation to defend the continental United States. We thus envision our whole defense. Without the Panama Canal we should be sadly handicapped. It is our life line and must be maintained.

"For our defense in the Pacific we believe the mission of our Military Establishment is the maintenance, impregnably, of the line following roughly the one hundred and eightieth meridian, commencing at the Alaskan Islands, passing somewhat westward of Hawaii, and thence generally southeastward to include and cover the Panama Canal. With comparatively slight additions our presently authorized military strength, both Army and Navy, is equal to that particular task.

"We conceive the disposition of our military forces in the Atlantic and the Pacific as having a common objective—the enforcement of our defense policy. We should look upon Oahu as an outpost not only of our Pacific coast but of the Canal. We should look upon Guantanamo and Puerto Rico and our naval and aviation establishments along our Atlantic coast as likewise outposts of Panama. Everything should be done to extend and strengthen such outposts in the areas of defense, whether they be in the hands of the Army or the Navy.

"As for Panama itself, there is great need of a substantial increase in the strength of the garrison in order that the armament now there or shortly to be installed may be manned with at least one shift; and we must add certain equipment vital to the conduct of its defense.

"If we control the sea and the air over a wide radius from the Canal it will not be easy for an enemy to reach it from the sea. Likewise, if when the need arises, we take instant measures to prevent the establishment of hostile bases in Central or South America, we shall have gone a long way toward closing the door.

"With our defense system made effective far out in the Pacific and far out in the Atlantic, with hostile military infiltration promptly prevented, and with the Canal itself fortified to the utmost degree of effectiveness, we shall be secure in the Western World. Such should be our military policy; such must be our defense.

"Proceeding to a discussion of certain provisions set forth in pending legislation having to do with the strengthening of our defense, we make certain recommendations.

"We believe that the item of appropriation which, if adopted, would go far toward perfecting our Panama defenses is sound.

"Likewise, the item providing for the placing of educational orders by the War Department is equally sound. In fact we believe that a state of reasonable industrial preparedness, while not as dramatic, is fully as important as preparedness in the purely military sense.

"Again we find ourselves in agreement with proposals contained in pending legislation looking toward the addition and strengthening of naval aviation and submarine bases in the Atlantic, as well as the addition of similar bases in the vast Pacific area bounded roughly on the west by the one hundred and eightieth meridian.

"We entertain serious doubts as to the necessity or wisdom of extending our line of defense as far to the westward as the island of Guam.

"Coming to a consideration of our air forces, we believe that our vital interests demand the procurement of additional planes for the Army which, when added to useful planes now on hand and to planes now in course of manufacture, shall bring the total to a maximum authorized strength of 5,500—all obsolete planes being eliminated.

"We suggest, however, that instead of acquiring additional planes in substantially a single increment, it would be wise to manage our production so that our maximum authorized strength will be reached by annual increments over a period of 3 or 4 years.

"By such a program the problem of training new pilots and the organization of new tactical units in the Army Air Corps would be greatly simplified, and, further, the ever-present problem of obsolescence in the planes themselves could be met from year to year without impairing the fighting strength of the Air Corps, as might be the case if obsolescence of a large proportion of our planes should overtake us at recurring intervals.

"By thus spreading the effort the financial strain to be reflected in the Budgets of 1940 and 1941 will be lessened.

"In any event, with an Army Air Corps at a maximum strength of 5,500, with additional Army personnel trained for its operation, coupled with a naval air force approximating 3,000 planes—"

And I interpolate here: That is the number now authorized—

"we believe the air defense of our country will be adequate."

That, Mr. Chairman, is the statement agreed upon by the members of the minority on last Thursday afternoon. I am not sure that it is expected of me at this time to continue very far with this discussion of national defense. Perhaps I will be allowed to make some observations and suggestions concerning the Air Corps and the function of aviation generally in warfare.

As has been suggested by questions propounded by the gentleman from Montana, I think we should approach the solution of our problem of defense in the air in a somewhat different way than it is approached in Europe. Every great industrial center in Europe, and every great political capital in Europe is today subject potentially to mass bombing. The air force of any one of those countries can, upon a moment's notice, deliver at least one attack upon the capital or the industrial center of almost any of its neighbors. The stories which have emanated from Spain and from China having to do with the loss of civilians and the destruction of private property have, quite naturally, made a deep impression upon the inhabitants of the capitals of Europe. I think without doubt the fear of mass bombing in that section of the world has had an enormous effect in the psychology of those peoples. I do not say that mass bombing, if inflicted upon London, or Paris, or Berlin, or some other great center of population, would result in the winning of the war by the side which did the bombing. In all probability the world has yet to learn whether mass bombing is actually effective from the military standpoint to the extent now dreaded by people on the other side of the water, but that mass bombing is dreaded and dreaded most acutely by millions of people in Europe cannot be denied. This fear accounts to a considerable degree for the immense importance placed upon war in the air.

I cannot escape the conclusion that at least so far as the art has progressed to this moment and so far as it bids fair to progress within a year or two, or three or four—no one knows just how long the period—no population center of the United States need be in acute dread of mass bombing by an enemy. So I am not quite as panicky as are some people about the menace to continental United States and her centers of population from air attack, although I would not contend that a sudden raid could not be inflicted from a hastily approaching airplane carrier or a secretly established air base. So it seems to me that the mission of our Air Corps in the Army and to a considerable degree the Air Corps of the Navy is somewhat different than that expected to be performed by the air corps, respectively, of great European nations.

As this statement endeavors to set forth, the military policy of the United States is to protect the Western Hemisphere or any part of it from domination by a European or an Asiatic power. This we regard as essential to our national defense, because, if a European power of the aggressor type should secure domination over some country of this hemisphere and from that country launch an attack upon us, then the story would be very different.

We need an air corps not so much to help in the defense of the city of New York or the city of San Francisco, which I cannot conceive to be in dire danger, as we need it to help in the defense of our life line, which is the Panama Canal. It is highly important that we develop an air force which, supplementing the Navy far out at sea, shall prevent an enemy reaching striking distance of the Canal, and then in turn supplement that far-at-sea defense to defend the Canal itself with such effectiveness and thoroughness that even should an enemy break through for a moment it could be repelled.

From the military standpoint that is the suggestion which comes to the House from the minority. May I say a word with respect to our disagreement in the matter of the production of airplanes? As the chairman of the committee has stated, it is the intention of the War Department, should this measure pass in its present form, to embark immediately upon the manufacture of 3,000 new planes. I think testimony before the committee was to the effect that should this legislation pass, the Department would place orders with the industry based almost entirely on present last-approved design—perhaps the phrase "frozen design" was used in the hearing.

GENERAL STATEMENT OF E. R. STETTINIUS, JR.

Are you going to make the initial statement for us, Mr. Stettinius?

Mr. STETTINIUS. I am, sir. I shall introduce it by saying it is a great satisfaction to have our associates on the Defense Commission, Mr. Knudsen and his executive assistant, Mr. John Biggers, with us. Mr. Knudsen and Mr. Biggers must go to Aberdeen immediately, and I hope you gentlemen can see your way free to excuse them after they say what you would like to have them say, as they have an emergency matter to attend to.

We have associated with us on the Defense Commission Mr. Gano Dunn, who is one of my personal aides in charge of power matters as they affect the whole defense program. Mr. Gano Dunn is a well-known electrical and mechanical engineer and has for many years been president and is now president of the J. G. White Engineering Corporation, of New York, one of the oldest consulting and constructing engineering firms in the country, which designed and built the present 60,000-kilowatt steam station of the T. V. A. at Muscle Shoals.

Mr. Dunn was the power-expert member of the Nitrate Commission of the War Department prior to the World War and at that time made studies of the Tennessee River with reference to its suitability as a source of power for the manufacture of nitrates.

In the lawsuit—this will amuse some of you—in the lawsuit which Wendell Willkie and the Commonwealth & Southern brought several years ago to test the constitutionality of the T. V. A. Act, he hired Mr. Dunn's firm to represent him against the Government. Mr. Dunn has previously been opposed to the Government's policy of entering into competition with private utilities, but he now strongly is in favor of this request of T. V. A. purely from the standpoint of the emergency at hand and the interest of the national defense.

I have been over this matter for approaching 3 weeks now, with Mr. Dunn and the members of our staff, and I am perfectly confident, gentlemen, that from the standpoint of our aluminum production to meet the aviation program which Mr. Knudsen is responsible for, and a great many other developments in the southeastern section, we must have this added power.

Mr. WOODRUM. And you cannot get it from private industry?

Mr. STETTINIUS. We cannot, sir, and it cannot be delayed for reasons which Mr. Dunn will bring out in his testimony. Not weeks but days count now, from the standpoint of speeding this work up so that we can get the full effect of the spring floods 2 years hence.

NATURE AND COST OF PROPOSED PROGRAM

With that introduction, Mr. Chairman, I will let Mr. Knudsen tell you about it.

Mr. WOODRUM. The program calls for the erection of a storage dam and hydroelectric power plant to be built on the Holston River, near Jefferson City, Tenn., at a total cost of $36,000,000; then for the installation of steam electric generating facilities at a cost of $10,500,000; Wilson and Pickwick units, $5,300,000; transmission facilities, $14,000,000—making a total of $65,800,000.

Now you are asking for $25,000,000 in 1941, $29,800,000 in 1942, and $11,000,000 in 1943.

Mr. STETTINIUS. That is correct, sir.

Mr. WOODRUM. And the Council of Defense has been over that thoroughly and regards it as necessary and important, and that time is of the essence?

Mr. STETTINIUS. I do not think I can say "the Commission," but Mr. Knudsen, in charge of production and I from the standpoint of materials, and Mr. Dunn, having jurisdiction of the power to be supplied, all definitely unite in the conclusion that this expansion is justified and must take place to meet the production ahead.

I think it would be very helpful if Mr. Knudsen could add a word, and then Mr. Dunn can answer as to the details.

ALUMINUM REQUIREMENT FOR PLANES

Mr. WOODRUM. Mr. Knudsen, we will be very glad to hear whatever you have to say to us.

Mr. KNUDSEN. I am not a power man; I am a manufacturer. My interest in this project is purely to see that we get aluminum enough or duraluminum enough to build the planes with. I suppose you know the average plane takes about 5 tons of this stuff.

Mr. WOODRUM. Five tons of aluminum?

Mr. KNUDSEN. Yes; that is the average, and my interest herein this project is to get aluminum enough for the planes, and the average quantity per plane is about 5 tons, meaning both in the frame itself and in the parts of the motor that are made of aluminum, such as the crankcase, pistons, and cylinder head. And in this area where the T. V. A. is located, that is outlined by the General Staff as area E. We have areas A, B, C, D, and E which are satisfactory to the General Staff for plant-location purposes, being away from the shore, and in this area E, besides aluminum plants, we have some other plants projected, the actual location of which I am unable to give you at this time, because the sites have not been picked; but they are in this area E. So that there will be a call for power beyond what will be required for aluminum.

Mr. WOODRUM. And you cannot get it from private industry?

Mr. KNUDSEN. Well, I do not know; frankly, I am not familiar with that.

Mr. STETTINIUS. I think Mr. Dunn can answer that.

Mr. KNUDSEN. The power people will have to tell you about that. I can only testify as to the manufacturing end.

Mr. O'NEAL. How long will it take to get into production with the money being asked for?

Mr. KNUDSEN. That is something Mr. Dunn will have to answer.

Mr. WOODRUM. Do you mean power production or aluminum production?

Mr. O'NEAL. I mean with the money spent that is proposed here, how quickly will it bring results?

Mr. DUNN. The steam will be ready in 18 months and the hydro in 24 months, provided you take prompt action; but there is a trigger action in this and, if the appropriation is not promptly provided, then there may be a whole year's delay, because you will miss the spring floods in filling the reservoir and with an empty reservoir you cannot get power even if your machinery is all installed.

Mr. O'NEAL. I know you have looked into the possibility of more rapid development along that line, but I understand at Grand Coulee there is a vast amount of power to be developed, and that can probably be developed in less time than here. Is that correct, or am I incorrectly informed?

Mr. WOODRUM. How about letting Mr. Knudsen finish his statement first, and then ask questions?

Mr. O'NEAL. I thought he had completed his statement.

Mr. WOODRUM. What else do you want to say about that?

Mr. KNUDSEN. I do not know of anything else.

Mr WOODRUM. That is the whole story?

Mr. KNUDSEN. Unless you want to ask me something.

Mr. WOODRUM. I would like to ask you this general question, if you do not mind: How is the general work of the Defense Commission coming along? Is everything going satisfactorily?

Mr. KNUDSEN. Well, you are a better judge of that than I am, because, naturally, I have only been here a month and the time has been spent in getting the schedules for the requirements both of the A schedule, which covers the money appropriated here last month, and the B schedule, which is coming up on the Hill here to Congress either this afternoon or tomorrow. We are trying to plan our work so that we can place all the contracts we have got money for now and at the same time we study the capacity, or try to study the capacity, so that we can handle the second program either with contract authorizations or with cash.

Mr. WOODRUM. But you are finding cooperation, are you, in your work?

Mr. KNUDSEN. Yes, sir; absolutely. We have nothing to complain about.

Mr. WOODRUM. There is no holding back or failure to cooperate on the part of anybody that retards your work?

Mr. KNUDSEN. No, sir. We try to work through the existing agencies and act there purely on the basis of our experience to give them our judgment of what is right and what is wrong.

Mr. WOODRUM. Referring to aluminum, the proposition is to build another aluminum plant there near this power?

Mr. KNUDSEN. About that, Mr. Stettinius can tell you. We have split our work this way, that he brings the material up to the siding and then I cut it up; so that there is a straight division of our work.

Mr. WOODRUM. He has to bring this aluminum up to you before you can make planes out of it; is that the idea?

Mr. KNUDSEN. Yes, sir.

Mr. LUDLOW. Is this power needed entirely for the production of aluminum?

Mr. KNUDSEN. No, sir.

Mr. LUDLOW. You are going to use it for other purposes, too?

Mr. KNUDSEN. There are other plants plotted in that area.

Mr. LUDLOW. For what production?

Mr. KNUDSEN. Some of them for munitions, some for other things—for powder.

Mr. LUDLOW. But the major part of it would be for aluminum?

Mr. KNUDSEN. That is the thing I am mostly interested in at the moment, because in planes that is the important item; that is the major item in a plane.

Mr. TABER. To what extent are you shy of your supply of aluminum or aluminum-factory capacity that can be operated by the industry existing now?

Mr. KNUDSEN. I think there are some others here, sir, that will give you that information.

Mr. TABER. Then all you are giving us is a sort of picture indicating that you feel that we need more aluminum capacity?

Mr. KNUDSEN. Yes, sir.

Mr. TABER. That is all you are giving us right now?

Mr. KNUDSEN. That is all I can give you.

Mr. TABER. And how much, in detail, you are not prepared to discuss with us?

Mr. KNUDSEN. Except knowing that it takes 5 tons on the job, on the average.

Mr. WOODRUM. All right; thank you, Mr. Knudsen.

Mr. STETTINIUS. Mr. Chairman, in order to clarify the picture, let me say that Mr. Knudsen was not avoiding a discussion of production. Production is in our division, not in his division, and we are completely responsible for the aluminum study, and we have facts and figures on any question you may wish to ask with regard to aluminum.

Mr. WOODRUM. Do you want to give them to us now, or will Mr. Dunn do that?

Mr. STETTINIUS. Mr. Dunn can give them, or I can easily get them on the telephone, if necessary.

USE OF BONNEVILLE POWER

Mr. O'NEAL. Mr. Chairman, I would like to ask one or two questions of Mr. Dunn first. I want to ask about Bonneville as well as Grand Coulee. I understand that the generators at Bonneville can increase their power facilities, and Grand Coulee, as I understand, can increase their facilities in the near future.

Mr. DUNN. Mr. Chairman, answering the first of Mr. O'Neal's questions, he is exactly right about it, and before we recommended this large block of power for T. V. A., we sought other places where we could get the power. We found a very good supply at Bonneville, and we are planning to take 60,000 kilowatts from there before we take this increase from T. V. A.

Mr. O'NEAL. You can make more speed, then, by T. V. A. than at Grand Coulee?

Mr. DUNN. Yes, sir.

PROSPECT OF GETTING POWER FROM PRIVATE COMPANIES

Mr. LUDLOW. Did you develop the prospect of getting it from private companies?

Mr. DUNN. Yes, sir.

Mr. LUDLOW. And ineffectually?

Mr. DUNN. Yes, sir.

Mr. LUDLOW. What was the problem, then?

Mr. DUNN. No one company system can furnish it. It would have to be furnished by transmission lines coming in from several different companies. It would be a good deal more expensive than the present power from T. V. A. There would be long delays in negotiating such a supply, and we have got T. V. A. right down there where the main plant of the Aluminum Co. is. Now, it is good management, when you want to increase a manufacturing plant and a power supply, to increase an existing manufacturing plant at an existing power supply. They are both there right together in the Tennessee Valley. We found no other place as favorable as T. V. A. for this large block of power increase; and, as Mr. Knudsen said, it is not only for aluminum but for other national-defense projects as well. The increase, in our opinion, is justified on the aluminum alone, but almost every day now there is some new national-defense demand for power directed in the region of the Tennessee Valley.

For instance, since we first investigated this, there has been a contract signed with the Du Pont people for a powder plant, the Tennessee Powder Co. which requires 7,000 kilowatts, and this is already being increased to 14,000 kilowatts. There are other plants where the increased power for national-defense needs, besides this aluminum need, is going to add up to almost the full capacity that we are here recommending for aluminum. Besides this there is the normal growth in the demands for power by the municipalities that are already located in the Tennessee Valley and are being supplied. You cannot limit or cut off that growth; it would disturb the industrial and social conditions if you did. Of the increase that we are recommending, 50,000 kilowatts goes to supply the growth of what is already connected up with T. V. A.

Does that answer your question.

Mr. LUDLOW. Yes.

LETTER IN RE INCREASE IN POWER CAPACITY OF T. V. A.

Mr. WOODRUM. Now I want you to start off in your own way and give us what the picture is, and then we will ask you questions.

Mr. DUNN. We did not expect to come before this committee. We were under the impression when the President had sent in a recommendation several weeks ago, at the time the matter was before the Senate, that his recommendation would be approved. Before we approved this increase in power, I was asked by Mr. Stettinius to write him all the reasons that led us to approve the increase, and I have here a letter which was not intended to be presented to this committee, nor for publication, but as I read it over I rather think

it is the best presentation of the case that we could make, especially as it was made as an interoffice explanation of the purpose in hand. I would like to put it in the record, if you will allow me.

Mr. WOODRUM. All right, sir.

Mr. DUNN. It is dated July 1, 1940, addressed to Mr. Stettinius, from Gano Dunn, and the subject is entitled "Justification of approval of 300,000 kilowatts increase in power capacity of the Tennessee Valley Authority."

It would bore you to have me read that letter in full, and therefore I will only take up the high spots in it, if you wish.

Mr. WOODRUM. Yes; and put the whole letter in the record, if you will.

The letter referred to is as follows:

MEMORANDA FOR E. R. STETTINIUS, JR.

MONDAY, JULY 1, 1940.

From: Gano Dunn.

Subject: Justification of approval of 300,000 kilowatts increase in power capacity of the Tennessee Valley Authority.

In response to your request of June 24, Mr. Raynor and I have prepared a documented chronology of the Tennessee Valley Authority power increase covering all the transactions of which I am aware from June 8 to June 28, inclusive, which chronology in bound form is attached hereto.

The calculations of Mr. Batt and Mr. Folsom for an estimated annual requirement of aluminum (exhibit XVI) based on a production rate of ——— planes per year, beginning July 1, 1942, indicates a shortage of 60,000,000 pounds per year over and beyond the increased production of aluminum that will by that time have been brought about by what may be called a normal increase in the rate of production.

This so-called normal increase involves 30,000 kilowatts of water power to be developed at Nantahala in Tennessee and 30,000 kilowatts more of water power to be developed at Glenville in Tennessee both by the Aluminum Co. itself plus 60,000 kilowatts which by July 1, 1942, will have been developed at Bonneville in Washington and applied to aluminum production there. This represents 120,000 kilowatts of additional power for aluminum before any increase in the capacity of T. V. A. has been considered.

In arriving at the 60,000,000 pounds per year shortage of aluminum after July 1, 1942, due allowance has been made for the supply of aluminum derived from recoveries from scrap and other sources, but no curtailment in normal consumption or its growth during 2 years has been planned.

The energy required to produce aluminum is variously estimated at from 10 to 12 kilowatt-hours per pound. On the assumption that the plants run continuously day and night, which is what is termed at 100 percent load factor, the production of 60,000,000 pounds of aluminum represents a power requirement of approximately 80,000 kilowatts.

There are several possible sources for the whole or part of this power. Among these are the Santee-Cooper project now under construction in South Carolina, the Bonneville project through a still further increase in the power from that project over the 60,000 kilowatts that has already been included, and there is the possibility of some increase in the power from Boulder Dam, although this latter is likely to be preempted for other projects. There are also power increases in varying amounts possible from other sources.

No increase is possible from T. V. A. with its present installed capacity, for this capacity is not only fully loaded but often overloaded and makes maximum use of the limited amount of water that is available. As the documented chronology will show (exhibit I), the Aluminum Co. has already been given notice of the possible necessity of cutting off 30,000 kilowatts of its secondary power on account of low water.

From the point of view of national defense an increase in power for the production of aluminum can best be obtained by an increase in the capacity of the Tennessee Valley Authority. The principal plant of the Aluminum Co. of America, which is practically the sole manufacturer of aluminum, is located in the Tennessee Valley. Notwithstanding the increase of that company's plant at Bonneville the extension of their plant in the Tennessee Valley is likely to be accomplished with greater certainty and with greater facility than the building of new plants elsewhere, having in mind the time limitation within which the airplane-production program must be accomplished. The same argument that applies favorably to the extension of an existing aluminum plant applies favorably also to the extension of an existing power system such as that of the Tennessee Valley Authority. Also, in recommending power expansion in the Tennessee Valley we had in view creating new sources, not all of one kind of power, but partly of water power and partly of steam power, which gives two alternatives on which to rely in the event that something went wrong with the program.

The increase in the hydro power of the Tennessee Valley Authority is advantageous because, by installing 90,000 kilowatts of generating equipment at the Holston Dam, the water impounded by that dam will not only energize the 90,000 kilowatts there installed but an additional 90,000 kilowatts to be installed at the Pickwick and Wilson Dams farther down the river. This is because the Holston Dam happens to be the highest one upstream from other dams in the Tennessee Valley over which other dams the water which is stored in the Holston Reservoir is also discharged with accompanying power, which would not be the case if the Holston Dam stood alone by itself. By this particular development of the Tennessee Valley it may be said that we get 2 kilowatts of power for every 1 kilowatt that the Holston Dam itself develops.

Our approval of 120,000 kilowatts of steam plant to be located near the Watts Bar Dam has the effect of transforming a large amount of what is termed secondary or dump power resulting from the variations in the flow of the river into primary or continuous power which the Tennessee Valley Authority system greatly needs. The amount of power we approved was 180,000 kilowatts of hydro and 120,000 kilowatts of steam, but while this constitutes a total of 300,000 kilowatts of increased installed capacity, it does not constitute 300,000 kilowatts of increased power, since the hydro power and the steam power overlap, and they are not both in full operation at the same time. The net amount of increased power made available by the 300,000 kilowatts of installed capacity is in the neighborhood of 220,000 kilowatts.

If the increased requirements for aluminum were the only increased requirements for the national defense for which power will be needed in the Tennessee Valley, an increase in capacity of 100,000 kilowatts would have been adequate to take care of 80,000 kilowatts demand for aluminum and allow some spare capacity.

But in addition to the national-defense demands for aluminum involved in the airplane program, there are other power increases in prospect for the Tennessee Valley; for instance, 7,000 kilowatts to supply the new Du Pont powder plant at Memphis (Tennessee Powder Co.), for which a contract has just been let. There is also the requirement of 14,000 kilowatts for a proposed paper mill at Savannah, Tenn., and 8,000 kilowatts for metallurgical operations at Wilson Dam. There will also be by the time of 2 years hence an estimated increase of 50,000 kilowatts in the requirements of the various municipalities in the Tennessee Valley which now are supplied with power by the Tennessee Valley Authority. These increases besides the increase for aluminum and others which may yet arise in the development of the defense program fully justify the increased capacity which we have approved.

In the case of hydro expansion at T. V. A. the construction work can be performed in less than the usual time, because, as we have been informed, the designs are wholly complete and the technical staffs, now finishing one of the other projects, can be immediately transferred to the Holston River project. The Tennessee Valley engineers assure us that under these circumstances the hydro expansion can be ready within 24 months if the appropriation is promptly approved, but that if there is delay in starting the hydro work through delay in making the appropriation, the power will be delayed nearly a year through missing the opportunity of filling the new reservoir with the spring floods.

With respect to the steam expansion, we are informed that, provided orders are placed for the machinery prior to July 15 and provided authorization is given to employ negotiated contracts instead of competitive bidding, the first part of the steam power can be available within 18 months.

As has already been mentioned, additional power will probably be available from the hydroelectric development at Bonneville, in Washington, but the plans for the aluminum requirements (exhibit XVI) already include 60,000 kilowatts additional from there by July 1, 1942.

More power than this it is not considered desirable to apply to the production of aluminum at Bonneville because the site is so far from the sources of bauxite, one of the principal raw materials entering into the aluminum production, that the transportation from Tennessee and Arkansas where the material is now found to Bonneville, which is on the Columbia River, in the State of Washington, not only involves large additional expense but with the return shipment of the finished product eastward will tend to clog the railroad systems of the country at a time when the requirements of national defense are going to place heavy additional demands upon them.

In selecting the Tennessee Valley as the location for the principal power expansion which we have approved, we have had in mind not only the location there of the principal plant of the Aluminum Co. of America but also the excellence of the organization, technical and otherwise, that has been assembled there. On account of the large developments that have already been made in the Tennessee Valley, their engineers and others staffs are part of a going organization, experienced in the construction of dams and transmission lines to an extent not likely to be found in any entirely new project not yet completed.

GANO DUNN.

CAPACITY OF PROPOSED POWER SITES FOR PRODUCTION OF ALUMINUM

Mr. DUNN. We have in view power sites that are coming along to take care of the production of aluminum, in the meantime, between now and July 1, 1942, 2 years hence, which latter is the critical period. These are power sites that are already under construction. For instance, there is 30,00 kilowatts at the Nantahala development which is under construction.

Mr. TABER. That is not in T. V. A.?

Mr. DUNN. No; it is privately owned by the Aluminum Co. itself, which has several other sources of power, that it is developing with its own money.

Mr. LUDLOW. It is not Government subsidized in any way?

Mr. DUNN. No, sir. Then, there is another plant at Glenville, Tenn., with 30,000 kilowatts which is also under construction by the Aluminum Co. with its own money. That makes 60,000 kilowatts.

Then we looked to Bonneville, and between now and the expiration of the 2-year intermediate period there will be developed there 60,000 kilowatts. The Aluminum Co. is already building there an extension of its own aluminum plant. And Bonneville therefore, complies with the principle we have followed, namely, that instead of risking a brand new aluminum plant and a brand new power development at some new place, we confine ourselves to extending an existing aluminum plant and an existing power development.

After we take 60,000 kilowatts from Bonneville, 30,000 kilowatts from Nantahala, and 30,000 kilowatts from Glenville, or 120,000 kilowatts in all, there is a shortage of aluminum, as of July 1, 1942, of 60,000,000 pounds per annum. You may remember that the President's program for this extensive aircraft-production schedule provides for gradual increase in the number of airplanes that are made, accumulating up to a point where, on July 1, 1942, the rate per annum of producing airplanes shall reach ———.

Now, for that goal we are 60,000,000 pounds of aluminum per annum short, and there is no other place in the country where such advantageous power arrangements can be made in connection with a going concern in the production of aluminum as the T. V. A. The principal plant of the Aluminum Co. is there. These other private power plants under development by the Aluminum Co. are near there, and it is natural, therefore, to look to T. V. A. for this power increase. Moreover, if we go to T. V. A. under these circumstances we have a case where the water power is cheaper than ordinarily to develop. I have long been opposed to Government water powers, and I think Mr. TABER may remember hearing me speak against Government water powers here in Washington about 2 years ago.

Mr. TABER. I did.

Mr. DUNN. You remember?

Mr. TABER. Yes.

VALUE OF HOLSTON RIVER DAM

Mr. DUNN. And here am I, talking in favor of Government water power. The reason for this is, first, that it is a matter of national defense; and second, this is an unusual situation for a water power, because the storage that will be created by this Cherokee Dam on the Holston River is at the top of a series of dams. It is the topmost storage on the stream, and therefore the storage created by it will not only energize the 90,000 kilowatts that it is proposed to put at its own dam, but 90,000 more kilowatts down the river as that storage water falls over some of the other dams, like the Wilson and Pickwick Dams.

Mr. TABER. Well, that depends.

Mr. DUNN. No, sir; it does not depend. It is absolutely so.

Mr. TABER. It depends on to what extent your storage enables you to increase the normal flow of the stream.

Mr. DUNN. That is right; it does depend on that. And the storage from the Holston Dam is such that in addition to the 90,000 kilowatts that it will energize at Holston, it will energize 90,000 other kilowatts down the river, at the Pickwick and Wilson Dams.

Mr. TABER. You are getting a very considerable portion of that anyway. The only thing you would lose would be what you could hold back during the flood time.

Mr. DUNN. If the Holston Dam was the last dam downstream, you would not get any of it. That is the thing I am pointing out.

Mr. TABER. Well, you would not get any increase on your other dams.

Mr. DUNN. No; you would then get only what your Holston Dam develops. By having the Holston Dam at the top of the series of dams, you not only get the power from the Holston Dam, but you get the increase that that storage gives to the other dams that it goes over.

The CHAIRMAN. It equalizes the stream flow?

Mr. DUNN. That is right. It equalizes the stream flow. I have no hesitation in recommending this particular water-power development, because those are the facts.

Mr. TABER. You mean that none of this water would come down in such a way that it could be used except for storage?

Mr. DUNN. Yes, sir. In other words, all the storage water that comes down adds to the effectiveness of each dam that it goes over; or, to put it the other way, if the Holston Dam was alone, if there was only one dam across the stream, the way most of the water powers in the country are, you would only get 90,000 kilowatts out of it, and no more. Here you not only get the 90,000 kilowatts out of it, but 90,000 more down the stream, and the appropriation that is here asked for covers both of those sets of 90,000 kilowatts.

Mr. O'NEAL. Can that additional power be utilized for the purpose of the manufacture of aluminum?

Mr. DUNN. That is the program.

Mr. O'NEAL. But will the other dams be available for that purpose?

Mr. DUNN. Yes, sir. The whole thing is connected into a network and used in the program for aluminum production.

NORMAL GROWTH WOULD ABSORB INCREASED POWER PRODUCED

Mr. JOHNSON of West Virginia. What would you propose to do with this power if the war should end?

Mr. DUNN. The rate of growth of consumption in the T. V. A. Valley is rapid. The T. V. A. capacities are now overloaded. They are called upon for more power than they can easily deliver, and the rate of growth of the community down there is such that it would only take a few years completely to absorb it in the event the war requirements were removed.

Mr. JOHNSON of West Virginia. In other words, it would not be lost if the war was lost?

Mr. DUNN. Oh, no.

Mr. LUDLOW. You mean there would be such an influx of new industries down there?

Mr. DUNN. There would be the large normal growth. In the 2 years between now and July 1, 1942, the rate of public consumption of power in Knoxville, Chattanooga, Nashville, and those other cities that are now supplied by T. V. A. is estimated to increase so that 50,000 kilowatts more power will be required for this increase alone.

Mr. JOHNSON of West Virginia. Will private industry absorb this power if the war should cease?

Mr. DUNN. A large part of it.

Mr. TABER. After awhile?

Mr. DUNN. Yes; after awhile. But if by "private industry" you mean the public consumption of power in these various municipalities, it will absorb 50,000 kilowatts of it in any event in the next 2 years. While we are approving an increase of 300,000 kilowatts in installed capacity that is not the net amount of power that we are approving. The actual net amount of power that we will get out of that 300,000 kilowatts of installed capacity is about 220,000 kilowatts.

Mr. JOHNSON of West Virginia. In any event, will private industry get the benefit of this development?

Mr. DUNN. By "private industry" do you mean manufacturing concerns and residential users living in the valley?

Mr. JOHNSON of West Virginia. Yes.

Mr. DUNN. Yes; they will.

Mr. O'NEAL. Mr. Dunn, you subscribe, then, to this statement by the Tennessee Valley Authority in connection with the supplemental appropriation for 1941:

"Should the emergency period end in the near future, the power capacity made available by this program will be absorbed within a few years by normal growth in demand."

Mr. DUNN. I do, fully.

RELATION OF INCREASED POWER PRODUCTION TO ADDITIONAL DEFENSE FUND RECOMMENDATIONS

Mr. WOODRUM. Mr. Dunn, is there any relation between this necessity for increased power and the additional defense recommendations that are presently coming before the Congress? We are advised through the public press that we will probably get a very large additional request for defense items.

Mr. DUNN. I think, Mr. Chairman, that Mr. Stettinius can answer that.

Mr. STETTINIUS. Yes; it all is a part of a coordinated whole, in that the plane production, and specifically aluminum, and the powder production that are contemplated to be financed through this approximately $5,000,000,000 request that you will shortly receive, are all part of the program, and are in proper relation to it. The chemical plants, the ammonium and other plants, and the aluminum plants must be served by this power increase.

NEED AND VALUE OF EARLY COMPLETION OF HOLSTON RIVER DAM

Mr. DUNN. There is another reason for haste, which is not as urgent as the reason that I have previously dwelt upon. The reason that I have previously dwelt upon is what I called the "trigger action" of getting this great dam finished in order to fill the reservoir with the spring floods of 1942. It is a case where 2 or 3 weeks lost may mean a year lost. That is unusual. There is a speculative element in it. You cannot tell. We are short of time already and the year may already be lost; but if on account of a short delay now, a year is lost, we will be held responsible by the public when the time comes, and Congress will be held responsible by the public when the time comes.

Mr. LUDLOW. What time limit do you give yourselves on the completion of this program?

Mr. DUNN. July 1, 1942, for the hydro, and December 1941 for the steam.

I think I know what is in Mr. TABER'S mind, and I can show him to his complete satisfaction that in this case the building of this Holston Dam is the equivalent of building two dams, because on account of upstream storage you get 2 kilowatts for 1—for every kilowatt that that dam itself delivers.

Mr. TABER. For every kilowatt that the storage adds to your down-creek production of power?

Mr. DUNN. Exactly. That is exactly it.

Mr. TABER. But not the other way?

Mr. DUNN. I did not say in what other way.

Mr. TABER. You said that every kilowatt that dam produced would add just as much down the creek.

Mr. DUNN. It does.

Mr. TABER. It only adds what it increases the average flow of the creek as a result of your increased storage to your down-creek proposition.

Mr. DUNN. That is right. I did not mean to say anything else than that. This is a huge storage reservoir.

Mr. TABER. How big?

Mr. DUNN. Very large. I understand it is about the size of the Norris Reservoir. It is a very large one, and at the time when the flow of the river is very, very small practically all the water that is released from that dam is storage water.

Now, my original figures, when I was expert of the Nitrate Commission before the war showed that the Tennessee River, which had no dams on it at that time, was good only for about 50,000 kilowatts at minimum flow, and because each dam put upon it stores and increases that minimum flow, the great power that is now developed there is possible. The actual power from the run of the stream at Holston Dam is very small. Its principal power comes from its storage capacity in low-water time.

Mr. WOODRUM. A million four hundred thousand acre-feet?

Mr. DUNN. I am not familiar with the figures.

Mr. TABER. That is approximately 60 percent of the Norris.

Mr. DUNN. But here is the point: If that dam were not there, then all the water that it stores—I am now using "storage" in the limited sense—would be absent from all the other dams down the stream.

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Mr. WOODRUM. Is there anything else that you want to say to us before we ask Mr. Lilienthal to come up to the table?

Mr. DUNN. I do not think so, except to say again that I would like Mr. TABER to verify the statement that the last time he heard me talk I was attacking the Government policy; that I was saying steam power was cheaper than water power, and that I was saying everything I could say against everything that I am now recommending.

Mr. LUDLOW. Mr. Willkie himself was a Democrat up to 2 years ago.

Mr. DUNN. I would like to read a statement by Mr. Willkie into the record. Here is what Mr. Willkie said on that subject on June 15, when this proposal was presented in a memorandum to the President. On June 12 it was presented, and it became public, without our knowledge. The reporters went ahead and saw Wendell Willkie, expecting to get a grand slam from him against doing this thing. I will quote from this newspaper interview of June 14, in a Scripps-Howard paper. This is what Mr. Willkie said:

"Nothing is more important than defense, and there is nothing which might and will mask more political logrolling than the flag-waving variety of national defense. But if some impartial group, the United States Army or its engineers, for instance, do say that the completion of these dams is a link in our national defense, the dams should be completed and as rapidly as those charged with our defense think necessary."

That is a quotation from Mr. Willkie.

Mr. WOODRUM. That is a patriotic statement.

Mr. DUNN. Yes. He said an impartial board, and I think I can submit that men like those associated with the National Defense Commission are an impartial board.

* * * * * * *

NEED FOR INCREASING FACILITIES FOR PRODUCTION OF ALUMINUM

Mr. WOODRUM. Do you wish to say anything further in reference to the aluminum shortage?

Mr. STETTINIUS. There is a shortage of aluminum, and I can tell you that we must increase our aluminum facilities as rapidly as possible to meet the plane program.

Mr. WOODRUM. There is nothing like an adequate amount of power for carrying on this work in connection with the national defense.

SUPPORT GIVEN BY INDUSTRY AND GOVERNMENTAL AGENCIES TO NATIONAL DEFENSE COUNCIL

Mr. STETTINIUS. That is true. I might add, Mr. Chairman, that the support we are getting from the President, and all the way down throughout all the agencies in Washington, is most encouraging and most inspiring. I include Congress in that statement, of course.

Mr. LUDLOW. Do you see anything in the expanding national-defense preparations to indicate that the Government may be infringing upon free private industry too much, or that it is likely to do it?

Mr. STETTINIUS. No, sir. I think there are many emergency expenditures that should be made by the Government for facilities that should be owned by the Government. I might mention the vast expenditures for the item, for instance, of armor plate, which will approach $20,000,000. That, of course, will never be used in peacetime, and my recommendation is that the plants we build be owned by the United States Government. If necessary, they could be leased to private companies for operation, with the title remaining in the Government of the United States.

The CHAIRMAN. Of course, private industry everywhere is interested in the national defense.

Mr. STETTINIUS. That is correct. The Commission is getting full support from industry on all sides, and we are getting the full support of the Government agencies in Washington. Particularly, I would like to go on record as to the magnificent cooperation we have been receiving from the Army and Navy.

Mr. LUDLOW. As a member of the committee, I am heartily in favor of this proposition, but if it were not in a time of emergency you would not be in favor of the Government engaging in the power business?

Mr. STETTINIUS. No, sir.

Mr. DUNN. Neither would I.

Mr. STETTINIUS. Mr. Dunn is an expert in the field of power. I am not an expert in the field of power, but I subscribe to everything that Mr. Dunn has said in his testimony.

SCHEDULE FOR PURCHASE OF EQUIPMENT

Mr. DUNN. Before I conclude, I would like to mention that in this letter of July 1, from which I have taken the high spots, there is one point bearing on the time required to get this work started, on which I have not dwelt. With these huge expenditures that Congress has been providing for, the industries of the country will be filled with orders. Therefore, it is of the greatest importance, particularly with respect to steam machinery, that the orders for the increased T. V. A. equipment be placed promptly while there is a place for them in the factories. In order to place those orders promptly, negotiated contracts are much more desirable than competitive bidding, because of the long time necessary in providing for competitive bidding.

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INCREASED ALUMINUM PRODUCTION

Mr. WIGGLESWORTH. How many pounds of aluminum will this produce annually?

Mr. DUNN. The amount that T. V. A., with this increased power, will produce, is 60,000,000 pounds of aluminum, of which we are short.

* * * * * * *

NEED FOR EARLY COMPLETION OF HOLSTON RIVER DAM

Colonel PARKER. I just want to emphasize the importance of the date of beginning this job; that is, in order to fill the reservoir in the spring of 1942, as is contemplated, and just to get the whole benefit of the thing, we have to get it done before the spring high water, and it is already projected to start almost immediately this summer, so as to get it done before the spring high water. If we actually miss that, it means the thing goes over another year before you can fill it.

Mr. WOODRUM. You mean by that the time is so important that the question of days or weeks would make a difference?

Colonel PARKER. Well, we certainly should actually start it some time next month—actually move in there with our construction force. If we do not, we run a serious chance of not being able to fill it. Of course, we can always concentrate and increase our force; but, in order to guarantee that, we ought to start right away.

Mr. DUNN. May I add a word to what Colonel Parker has said?

Mr. WOODRUM. Certainly.

Mr. DUNN. I want to differ with him somewhat with respect to the urgency of starting this work. There are liable to occur accidents, there is liable to occur bad weather, there are liable to occur delays, and we may have such a glut here in the supply of machinery and other things, before the contract is let, that we feel we have a speculative problem ahead of us. If, for instance, there is a few weeks' delay now—we are already late in starting it—I do not think his organization can complete this water power in 20 months; I think he is underestimating it; therefore, in the Defense Commission, we feel we should lose no time whatever, because something might go against us, and this is a case where a few weeks mean a lot, as I know. In fact, we may already be too late. My firm has built many water powers. It built three of the water powers now in the T. V. A.—Ocoee No. 1, Ocoee No. 2, and Ocoee No. 3. Every once in awhile we get caught with the appearance of spring floods earlier than expected, and then it is impossible to close the dam. We should not take the risk when the defense of the United States is at stake and, if we do take it and lose, we will all be subject to criticism.

COST AND VALUE OF STEAM PLANT

Mr. WOODRUM. Is there anything else, gentlemen?

Mr. TABER. About this steam plant, you state here it will cost you $10,500,000, and it is to take about how long to complete?

Colonel PARKER. Eighteen months. We originally had that down as completed in December, but that was a month ago. It would now not be completed before the middle of January 1942.

Mr. TABER. That is about a year and a half?

Colonel PARKER. About a year and a half from now.

Mr. TABER. Now, that is supposed to produce 120,000 kilowatts?

Colonel PARKER. Yes, sir.

Mr. TABER. Why would not we be better off to do something like that, than to go ahead with the large development of that water proposition, where the cost of the power runs into more money?

Colonel PARKER. There are a number of reasons, sir. In the first place, the over-all cost of the power with hydro development is slightly less, because the cost of operation is so much less; but, in preparing the schedule for the total requirements of some 300,000 kilowatts, we thought, in the first place, we should diversify that in order to avoid getting into difficulties along some one line of endeavor, in an emergency. In the first place, we believe if we should put all of that effort into steam capacity, under present conditions the equipment would be more difficult to get.

That is because there has been so much development by utilities of steam power plants during the last year or two, so that the manufacturers are considerably congested with orders for that kind of equipment, and it is easier now to get hydroelectric equipment. It is ordinarily true you can build steam faster than hydro; but I live down there, and we can put in hydro just as quickly as we can put those additional units in existing stalls, and the hydro storage set-up is a distinct asset to our system and to the Government in any event. But we do think this combination of those two things is really the best plan and avoids getting into difficulties and obstacles along some one line.

Does that answer your question?

Mr. TABER. Well, I just do not understand why we should go ahead with this $65,000,000 development when, for much less money, we could go ahead and put in what we are going to need in the line of steam plant.

Now, here is your trouble: When you get all through, if you have a surplus of power you can lay up your steam plant without any particular cost, except deterioration; but with the water plant you have a great lot more capital tied up in what you have to lay up by five or six times.

Colonel PARKER. Of course, the steam plant, when it is operating full load, will burn about 1,400 tons of coal a day, and that is an awful lot of coal to mine and carry on those railroads down

there, and that sort of thing. There is a limit to what you can do in that direction.

Mr. TABER. Why have not you contemplated putting the steam plant right near the coal mine?

Colonel PARKER. It will be put as near the coal as is possible and still get on a source of water supply, which is equally important. It probably will be put right near all of our major reservoirs and as near to the coal fields as we can; but that means 1,400 tons of coal a day, which is a great deal of coal.

Mr. JOHNSON of West Virginia. Mr. Engineer, why do not you go out in West Virginia and locate one of these electrical outfits? They have coal there; you do not even have to go under the earth to get it in some places.

Colonel PARKER. Another thing is that this particular steam plant is designed not to run continuously. If it had to run continuously and burn all that coal every day, it would cost very materially more than our hydro-generated energy. It is intended to supplement our existing hydro plant and to operate only perhaps 25 or 30 percent of the time; so that it will, in that way, be a relatively economical development. But if we were to overdevelop it, to build more of it than could be taken care of by our present system, or to develop, as the gentleman says, without relation to our present system, it would cost the Government a great deal more—probably twice as much—as water-generated energy does at the present time.

Furthermore, I do not think it is going to be possible in this emergency to get the delivery of very much steam-generating equipment. I think that is going to be a serious difficulty. Do not you agree with that, Mr. Dunn?

Mr. DUNN. I am sure it will; and, unless the orders are placed promptly, they will lose their place in rank in the factories.

Colonel PARKER. Last month we had a quotation from the Westinghouse Co. on a steam turbo generator, and they gave delivery as 14 months. It has now gone up to 16 months, with the lapse of 2 or 3 weeks, and next month I hesitate to think what it will be. We are right at the point where, if we delay any longer, it is going to be almost impossible to get the steam equipment that we can do this thing with.

PERMISSION TO ADDRESS THE HOUSE

Mr. DIRKSEN. Mr. Speaker, I ask unanimous consent that at, the conclusion of the further remarks of the gentleman from Alabama I may be permitted to address the House for 10 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

EXTENSION OF REMARKS

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a short address.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

NATIONAL DEFENSE

The SPEAKER pro tempore. The gentleman from New York is recognized from 10 minutes.

Mr. FISH. Mr. Speaker, I wish to apologize to the gentleman from Alabama who has just spoken. I would have been glad to have let him continue except for the fact that I am scheduled to catch a train, and trains do not wait. That is the only reason I had to insist on taking this time now.

My remarks will be on the same subject as that on which the gentleman from Alabama has been speaking, national defense. I propose to put into the RECORD some information that I think all Members of the House should have and will want to have before they leave here today, before they see their constituents, and before they make up their minds whether they want to support a bill for universal military service. I propose by the information I am about to put in the RECORD to explode a myth that has been built up so carefully—that the American people have been given to believe—that the volunteer system has broken down completely and that the armed forces of America, particularly the Regular Army, have been unable to secure their quotas.

I have received a letter dated today from The Adjutant General of the Army, General Adams, which shows specifically that every quota for the Regular Army has been lived up to, and that they do not expect any difficulty in securing the total number of 375,000 in the Regular Army, as prescribed by the Congress of the United States.

However, everyone I have heard speak about universal military service has said that we must have universal military service because our volunteer system has broken down. This myth should be exploded, and Members of Congress, Republicans or Democrats, who have not yet made up their minds, should study these figures. They will find in every instance where the General Staff, or The Adjutant General following the advice of the General Staff, has established certain quotas over a certain period of months, that those quotas have been lived up to on every occasion.

Mr. Speaker, I ask unanimous consent to place in the RECORD at this point a letter from The Adjutant General of the Army showing the figures and giving the full number of volunteers in the Regular Army up to the present date.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The matter referred to follows:

JULY 11, 1940.

Hon. HAMILTON FISH,
House of Representatives, Washington, D. C.

DEAR MR. FISH: In compliance with your telephone request to General Ulio, I am pleased to inclose figures on the strength of the Army and information concerning our recruiting program.

The Chief of the National Guard Bureau has been requested to furnish you with the desired information concerning the National Guard.

Very respectfully,

E. S. ADAMS,
Major General, The Adjutant General.

Strength of the Regular Army, including Philippine Scouts

	Authorized strength	Actual strength
On July 1, 1939	171,415	174,079
Increase of 38,000 authorized by acts of Apr. 3, 1939, and July 1, 1939 (Bulletin of May 15, 1939, and Aug. 11, 1939), was allotted to corps areas on July 10, 1939, for procurement in monthly quotas and completion by June 30, 1940	38,616	----------
Increase of 16,969 authorized by Executive order of Sept. 8, 1939 (Bulletin No. 18, War Department 1939), was allotted to corps areas on Sept. 17, 1939	16,969	----------
Strength to be reached by June 30, 1940	227,000	----------
On Oct. 30, 1939, instructions were issued to the Recruiting Service to accelerate recruiting and the strength which was to have been reached by June 30, 1940, was obtained by Feb. 7, 1940	227,000	227,986
Increase of 15,000 was allotted to corps areas on May 16, 1940, for procurement by June 30, 1940	15,000	----------
Increase of 38,000 was allotted to corps areas on June 19, 1940, for procurement by Aug. 31, 1940, June quota	3,413	----------
Strength to be reached by June 30, 1940	245,413	246,949
Remainder of 38,000 increase to be procured by Aug. 31, 1940: 38,000−3,413	34,587	----------
Strength to be reached by Aug. 31, 1940	280,000	----------

The additional 95,000 increase to bring the Army to a strength of 375,000 has not yet been released to the Recruiting Service for procurement.

Actual strength of the Regular Army, including Philippine Scouts, June 30, 1940 ---------- 246,949

Estimated strength of the Regular Army, including Philippine Scouts, July 10, 1940 ---------- 252,000

Enlistments received and tabulated in Adjutant General's Office through June 30, 1940, for fiscal year 1940

Corps area	July 1939	August 1939	September 1939	October 1939	November 1939	December 1939	January 1940	February 1940	March 1940	April 1940	May 1940	June 1940	Total
First Corps Area	96	89	217	125	86	84	97	64	89	79	131	88	1,245
	303	338	410	577	636	877	890	29	230	247	387	944	5,868
Second Corps Area	416	530	731	440	271	283	330	321	368	298	307	427	4,722
	697	776	873	1,078	1,001	887	1,487	762	611	468	589	1,190	10,419

Enlistments received and tabulated in Adjutant General's Office through June 30, 1940, for fiscal year 1940—Continued

Corps area	July 1939	August 1939	September 1939	October 1939	November 1939	December 1939	January 1940	February 1940	March 1940	April 1940	May 1940	June 1940	Total
Third Corps Area	286	508	629	436	391	368	468	443	462	430	456	445	5,322
	671	888	1,911	1,827	1,538	1,294	2,587	845	778	598	932	2,083	15,952
Fourth Corps Area	354	518	631	809	682	792	779	962	739	664	1,041	559	8,530
	567	850	1,662	2,327	2,262	2,184	2,447	1,423	1,405	618	1,194	3,351	20,290
Fifth Corps Area	141	140	215	154	153	115	152	89	134	131	128	184	1,736
	250	445	675	3,174	1,690	1,561	1,437	133	181	189	459	2,346	12,540
Sixth Corps Area	95	186	366	222	146	135	101	153	218	219	211	162	2,214
	156	342	953	1,399	1,887	1,645	789	120	115	33	703	1,694	9,836
Seventh Corps Area	275	229	316	282	192	170	203	177	148	176	159	227	2,554
	301	298	596	1,556	1,318	1,274	783	253	129	64	325	951	7,848
Eighth Corps Area	542	714	803	676	730	768	667	639	558	576	421	520	7,614
	500	754	1,720	2,621	2,435	1,985	2,141	1,077	665	167	888	1,751	16,704
Ninth Corps Area	632	709	876	802	547	645	729	536	705	730	532	535	7,978
	658	718	919	1,021	1,049	1,198	1,401	921	625	328	377	831	10,046
Total United States	6,940	9,032	14,503	19,526	17,014	16,265	17,488	8,947	8,160	6,015	9,240	18,288	151,418
Total overseas	222	227	262	289	272	265	332	204	214	259	252	159	2,957
Aggregate	7,162	9,259	14,765	19,815	17,286	16,530	17,820	9,151	8,374	6,274	9,492	18,447	154,375
Approximately 4,500 additional enlistments													4,500
Total													158,875

NOTE No. 1.—Approximately 4,500 additional enlistments during June 1940 the records of which are still in transit or have not yet been tabulated.

NOTE No. 2.—First line for each corps area indicates reenlistments; second line indicates all other enlistments.

NOTE No. 3.—During the months of February, March, April, and May, recruiting was restricted to normal replacements. Present expansion program started in the last week of May 1940.

Enlistments received and tabulated in A. G. O. through June 30, 1940, for fiscal year 1940

1939:	
July	7,162
August	9,259
September	14,765
October	19,815
November	17,286
December	16,530
1940:	
January	17,820
February [1]	9,151
March [1]	8,374
April [1]	6,274
May [1]	9,492
June	22,947
Total	158,875

[1] During the period Feb. 7–May 16 the Army was overstrength, and recruiting was limited to reenlistments and replacements.

Mr. ANDREWS. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman from New York.

Mr. ANDREWS. I would be interested in knowing what The Adjutant General reports as to the number of volunteers in the Regular Army.

Mr. FISH. He says that the estimated strength of the Regular Army, including Philippine Scouts, on July 10, 1940, is 252,000. He further says that they expect to have on August 30, 1940, 280,000, and that the 95,000 additional authorized to bring the Army to its strength of 375,000 has not yet been released to the recruiting service for procurement. Naturally, if they have not asked for these volunteers, they do not have them; but they have not opened for enlistment this extra 95,000, and, according to the figures, they have filled every quota they have asked for. From this record, I cannot see how they can anticipate failure in the future.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Minnesota.

Mr. AUGUST H. ANDRESEN. In view of what the gentleman has stated, what is the reason for this demand on the part of the President for compulsory military training and drafting of that kind?

Mr. FISH. That is what I cannot understand. I could understand if the volunteer system had broken down and we could not raise enough recruits to fill our full quota in the Regular Army of 375,000 that possibly we might need a quasi or a partial conscription system, or a partial universal military service system.

I happen to be bitterly opposed to universal military service in time of peace. [Applause.] I would advocate it in time of war if it were necessary in defense of America, but as a peace measure, when the volunteer system has not broken down, I cannot conceive why we should need it in America when we have the greatest Navy in the world and one that is increasing in comparison every day as the other navies are being destroyed. We are also building up a huge air force, and very properly so, and we have now increased our Army and are getting the recruits according to the quotas as established. The reason I am opposed to universal military service in this country is that I believe that is the war system. I believe it is the European war system that creates wars in Europe and will continue to create them just as long as they have such universal military service, because it does away with all peace elements and leaves nothing but a great armed camp, an armed nation, a huge military machine which eventuates into a Frankenstein. Then some dictator comes along and presses a button, and that nation marches off to war. The wage earners and the farmers have nothing whatever to say. There are no peace elements left. They are educated and trained and they go forth when some dictator, whether it is Hitler or Mussolini or someone else—and we might have the same kind of man in America—presses the button and the whole country goes to war.

So I do not believe, unless we have a war and it is necessary, in importing this vicious, European war system into America, that turns us into an armed camp and does away with our traditions of a volunteer service and makes war in the minds of those peoples abroad inevitable and natural.

This is what I found on my trip abroad. This is what I found in Germany and it is what I found in France. There were no peace elements at all. They were trained to arms. They were an armed camp and they thought that war was inevitable and, naturally, asked "Why not now?" They were armed, the enemy was armed, and they were ready for war and therefore why not go forth to war.

I do not want that war system and that militarism and that autocracy brought over here to free America unless we have to have it in time of war in defense of our country.

Mr. KELLER and Mr. SCHAFER of Wisconsin rose.

Mr. FISH. I would like to yield, but I have not the time.

I now want to say a few words in answer to the gentleman from Alabama [Mr. SPARKMAN]. The President of the United States, Mr. Roosevelt, was elected to office the same year that Mr. Hitler was in Germany. In 1933 they took over power. At that time there was practically no army in Germany.

Hitler built up a huge army, equipped it with all the modern weapons, and turned his country into a gigantic military machine. The President had full knowledge, through his agents over there, his Ambassadors and his counselors and his military attachés and his naval attachés, of exactly what

was going on while Germany was building up this huge military machine, but nevertheless the President did not act and made no recommendation to the Congress until in recent years, until Germany was fully armed, utterly ignoring what was transpiring in the rest of the world, with the net result that our Army today, at this present moment, is totally unequipped in modern weapons, in antiaircraft guns, in tanks, in antitank guns, in mechanized machines and mobile armament and all the modern weapons of modern warfare. We are totally and wholly unequipped, and who is responsible more than anybody else? The Commander in Chief of the Army, the President of the United States, and not the Congress of the United States. The President had all the advantage of this information. He is the Commander in Chief and it is his duty to inform the Congress and insist upon proper armament. I agree that we have a great Navy. I give him all the credit he deserves and I give the chairman of our Naval Affairs Committee all the credit that he deserves for having the greatest and most efficient Navy in the world.

[Here the gavel fell.]

Mr. KELLER. Mr. Speaker, I ask unanimous consent that the gentleman may have 2 additional minutes to answer the questions of certain gentlemen here.

The SPEAKER pro tempore (Mr. GORE). Is that agreeable to the gentlemen who have special orders following the gentleman from New York?

Mr. SPARKMAN. I am agreeable to that, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois that the gentleman from New York be permitted to proceed for 2 additional minutes?

There was no objection.

Mr. COX. Mr. Speaker, I wonder if the gentleman will yield to me?

Mr. FISH. I will yield to both gentlemen. I yield to the gentleman from Georgia now.

Mr. COX. Does the gentleman not find himself in an inconsistent position in condemning the administration for its failure to take account of what has been happening in Germany, when the condition here is the result of the same sort of counsel the gentleman has been giving the House and the country in his present appearance upon the floor? In other words, he is not preaching pacifism, but he has been resisting urge to arms because of what has been happening in Germany.

Mr. FISH. Oh, the gentleman is giving me credit for too much power if he thinks I can control the President of the United States.

Mr. COX. Are not the failure of France, the collapse and ruin of France, and the weakness of England the result of listening to the same sort of counsel that the gentleman has himself been preaching to the House?

Mr. FISH. Mr. Speaker, if the gentleman is criticizing me because I am opposed to universal military training in time of peace, that is his privilege, but I repeat that I am opposed to universal military service as long as the volunteer service can work out in America. As far as armament for National Guard and the Regular Army is concerned, I have always been for it, and I have been for modernizing the Army for mechanized units and for an adequate air force. That is one thing. I am not criticizing today the size of our Navy, though sometimes I think we have too many airplane carriers, weapons of aggression which in my opinion we do not need, but I am not discussing that. I am discussing my opposition to universal military service and that I believe in a voluntary system. I shall put in the RECORD the War Department figures, and I say further that if we had had universal military service 6 months ago, I think this country would have been in war today.

I have always stood for adequate national defense, but I do not believe in hysterical defense or turning this country into a gigantic military machine in time of peace. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from New York has again expired.

Mr. KELLER. Mr. Speaker, I make the same request again for 2 minutes additional for the gentleman from New York so that I may ask him some questions.

The SPEAKER pro tempore. Under the rules of the House the gentleman from Alabama [Mr. SPARKMAN] should be recognized.

Mr. SPARKMAN. Mr. Speaker, it is agreeable to me to let the gentleman from New York have 2 minutes more.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. KELLER. Mr. Speaker, does the gentleman believe that 375,000 men in the American Army, including the Philippine Scouts, are sufficient?

Mr. FISH. That is what the Congress of the United States says.

Mr. KELLER. I did not ask the gentleman that. What does the gentleman think about that?

Mr. FISH. I think in addition to the 400,000 in the National Guard and with our Reserves, making a total of about 800,000, that is adequate and sufficient, because I do not believe with the greatest Navy in the world, no matter what happens to these other navies—and, mind you, they will have to have a navy three times larger than ours to dare to attack us—that they could ever land in America 50,000 troops, and if our 800,000 troops could not liquidate 50,000 foreign troops in a few weeks time, before they could go back and bring any more, then we better give up anyway. And let me say further, that although I happen to be just like anyone else here, a Member of Congress, still at the same time I also happen to be a colonel on the General Staff, and I have been assigned to go out to the maneuvers of 130,000 troops next month as an umpire in maneuvers. I think I know something about the Regular Army, and I am convinced that our National Guard and the Regular Army, amounting to about 800,000 men, when the full complement is secured, will more than take care of all of the national defense that we need, when we have the greatest Navy and a large air force.

Mr. KELLER. One more question. The gentleman says that he is against universal military service in time of peace. I have a bill before the House at the present time along that line, to which I will call the gentleman's attention and I also call attention to the fact that when war comes is no time to train an army and unless we provide for a reserve army, our present system is nonsense.

Mr. FISH. Oh, I think the gentleman is confused. This country is over 3,000 miles from Germany, and it is not Holland, it is not France, it is not Belgium, and I think before war comes we will have plenty of time to train any sized army that we want, and I say to the gentleman from Illinois and also to the gentleman from Georgia, what I have preached in this House and will continue to preach is that this country should keep out of all foreign wars. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

The SPEAKER pro tempore. Under a previous special order, the gentleman from Illinois [Mr. DIRKSEN] is recognized for 10 minutes.

Mr. DIRKSEN. Mr. Speaker, I ask unanimous consent to proceed for an additional 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois [Mr. DIRKSEN]?

There was no objection.

Mr. BENDER. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes at the conclusion of any special orders heretofore entered for today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio [Mr. BENDER]?

There was no objection.

EXTENSION OF REMARKS

Mr. CASE of South Dakota asked and was given permission to extend his own remarks in the RECORD.

PERMISSION TO ADDRESS THE HOUSE

Mr. POAGE. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes after the disposition of the pending special orders.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas [Mr. POAGE]?

There was no objection.

EXTENSION OF REMARKS

Mr. BREWSTER. Mr. Speaker, I ask unanimous consent to incorporate a brief newspaper article in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maine [Mr. BREWSTER]?

There was no objection.

Mr. THILL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a short newspaper article.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin [Mr. THILL]?

There was no objection.

Mr. HOLMES. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts [Mr. HOLMES]?

There was no objection.

Mr. LEMKE, Mr. SMITH, and Mr. SNYDER asked and were given permission to extend their own remarks in the RECORD.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I have just made and to include therein certain extracts referred to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama [Mr. SPARKMAN]?

There was no objection.

Mr. YOUNGDAHL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an article by David Lawrence.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota [Mr. YOUNGDAHL]?

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. DIRKSEN] is recognized for 15 minutes.

Mr. DIRKSEN. Mr. Speaker, I must say I was beguiled by the remarks of my good friend from Alabama because it brought to mind an incident in the life of Abraham Lincoln who once suggested to a man this question. He said, "If you should call a sheep's tail a leg, how many legs has the sheep?" And the man with avidity replied, "Five." Lincoln stated, "No; four, because calling a tail a leg does not make it so."

May I say to my good friend from Alabama that calling the Republicans to account for their derelictions in national defense, according to the record which he cited, does not make it so. Let us look at the proof. In 1930, 1931, and 1932 the administration under Herbert Hoover appropriated $707,500,000 for national defense. Just bear that in mind. In 1932–33 they appropriated $667,000,000. In 1932 there was an election. In fact, it was a debacle, and then came our good friends over on this side. They came here pursuant to a great, dynamic personality and to a platform. That platform provided for national defense, after a careful survey, because the President of the United States had informed the people everywhere that our defense program was going up to $1,000,000,000 and that something must be done about economizing. So what happened? When all you good and lovely folks over on this side came down here to assume the reins of responsibility what did you do? In the first year of your stewardship, in 1933–34, you cut the defense program to $479,000,000. What did you do in 1935? You cut it to $523,000,000. Now, my good friend from Alabama, what have you to say about that record? We were going to the country with a defense program and were way up to $700,000,000 and more, and you come and cut it to the level of $500,000,000, or a net curtailment of about $375,000,000 for a 2-year period.

In view of the attack leveled against the Republican Party for its alleged derelictions on national defense, perhaps it is just as well to document the statement which I just made to the membership conncerning the Democratic plank of 1932 concerning national defense, and so I submit the following plank taken from that platform as recorded on page 147 of the official proceedings of the Democratic National Convention of 1932. It reads as follows:

We advocate a Navy and an Army adequate for national defense, based on a survey of all facts affecting the existing establishments that the people in time of peace may not be burdened by an expenditure fast approaching a billion dollars annually.

May I also, in connection with these observations, submit to the membership a very illuminating article by that well-known student and publicist, Mr. John T. Flynn, which appeared in the Washington Daily News as of July 10, which deals with this very situation and which is very illuminating?

PLAIN ECONOMICS

(By John T. Flynn)

NEW YORK, July 10.—The day does not pass that someone in Washington does not blame someone else for America being defenseless. In fact, almost every day some Democratic statesman rises to damn the Republicans for opposing the President's armament plans.

And now former Navy Secretary Edison uncorks a blast that Congress was responsible for the slowness of naval expansion and the lack of proper facilities to that end.

Now, as a matter of fact, there is a little history here worth repeating. In 1931–32 the Hoover administration appropriated $707,500,000 for national defense and in 1932–33 provided $667,000,000. But this seemed a tremendous menace to the Democrats.

In the platform of 1932, on which the President was elected, appeared a plank declaring for national defense but only on a careful survey of all the facts in order "that the people in time of peace may not be burdened with an expenditure fast approaching $1,000,000,000 a year."

In other words, the expenditures of President Hoover, which never got beyond $707,000,000 in a year, seemed a menace to the Democrats and they pledged themselves to protect the people from the growing burden.

Now, of course, a candidate runs on his party's platform without approving everything in it. But in this case Mr. Roosevelt, running for President, read this plank with approval—singled it out—in several of his national addresses during the campaign. I am informed by men who were then on the inside that he wrote that plank and had it put into the platform.

To make good on that pledge, one of his first acts was to cut defense appropriations to $479,000,000 in 1933–34 and $533,000,000 in 1935. Thus, 2 years after Hitler came into power, the President himself whom many consider a militarist was holding defense expenditures below the Hoover level. Now the Democrats, who denounced the Republicans for spending too much on national defense, are denouncing them for not spending enough.

This is recalled, of course, not in support of either the Democratic or Republican position, but merely to emphasize the amount of purely political twaddle that makes its way into this talk.

Now as to Mr. Edison. Back in 1937 Senator BONE—who has bitterly opposed the administration's policy of foreign meddling, but has believed in the defense of this country—introduced a bill for the immediate expansion of Government arsenals and for the creation of a huge stock of jigs, dies, tools, and machine fixtures sufficient to tool up private plants in case of emergency. He recognized then that the machine-tool industry—at that time idle—was a bottleneck.

This bill went to the Army and Navy, where it was turned down. Private industry, they said, could take care of the situation if an emergency arose. Now, it appears neither private nor Government facilities are adequate to arming this country in less than several years.

But that is not what I rose to speak about today. I know there is some discomfiture and some discomfort of mind on both sides of the aisle because of the earlier action of the House, or a Member of the House, in refusing to grant unanimous consent for the consideration of a bill involving $65,000,000 of over-all expenditure. I say for myself, as I said to the gentleman of Virginia, that I would not object because in all my tenure in the House I have never objected to the consideration of a measure at any time. But there are some facts that I believe ought to be brought to attention. The first one is this:

The 27 pages of hearings on this bill disclose that none other than Wendell Willkie on the 14th of June 1940 made a statement regarding the use of these additional dams. Is it not singular that Mr. Willkie knew all about this almost a

month ago? I did not know about it until yesterday. I went to the Appropriations Committee yesterday afternoon to procure a copy of the hearings. They were not yet in print. I never saw the hearings until 11 o'clock this morning, but Mr. Willkie knew about it a month ago and it was in the press a month ago. Is it fair on the eve of a great convention to come along and ask us to grant unanimous consent to consider a bill involving $65,000,000, when the members of the Appropriations Committee outside of those who are on the deficiency subcommittee never saw the hearings, never saw the bill, and never saw the report until 11 o'clock this morning?

After all, Mr. Speaker, national defense often covers a multitude of sins, and I think we can afford to be cautious in the light of a rather exasperating and delinquent record in the last war. Let me cite something from the Chamberlain report. This is a report prepared after the last World War by Senator Chamberlain of the United States Senate during the Sixty-sixth Congress regarding the military efficiency of the country. These are some of the facts and data that were adduced.

Our Ordnance Department spent $4,000,000,000 between April of 1917 and June of 1918 to fabricate 20,000 guns of all calibers. Why, the Civil War cost less than the amount that was allocated for guns. Only 133 guns of a single caliber and only 600 shells of a single caliber ever got to General Pershing in time to be used in the World War. With that kind of a record before us in the last generation, do you not believe it behooves us to be a little bit cautious?

Further, the War Department ordered 20,000,000 hand grenades, because they were not satisfied with the simple grenades that were being used over on the other side. So what did they do. Not being satisfied with hand grenades that were actually being effectively used, they ordered 20,000,000 that were rather complicated, and not one of those hand grenades got to General Pershing in time to be used in the World War by our forces.

We spent $1,000,000,000 for aviation in 1917 and 1918. There was not a single American pursuit or combat plane that actually got over there that was effective. A few observation planes got to France.

I soldiered in the Tours, the Toul, and the Nancy sector, where they had an air concentration camp known as Colombey La Belle. I used to mess around with the aviators because in those days I was in the balloon service. We used to go out together, and they referred to these planes as suicide crates and flaming coffins. I remember being at a camp down at St. Lazaire when every morning they called the roll and asked for volunteers for the day bombing squad and the night bombing squad. We used to kid each other as to who was going to be killed that particular day. That was the record after we expended $1,000,000,000 in 1917 and 1918.

We spent $116,000,000 for gas to make our chemical warfare service effective, and General Pershing got every pound of gas that was fired by the American troops in France in 1917 and 1918, according to the Chamberlain report.

The Congress appropriated money to build three picric acid plants and seven phenol plants, and all of them produced exactly nothing that was made in time to get over there for effective use in the course of the World War.

Mr. REED of New York. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from New York.

Mr. REED of New York. What does the gentleman say about the gas? Where did we get it?

Mr. DIRKSEN. From the Allies on the other side.

Mr. REED of New York. The gentleman did not say that.

Mr. DIRKSEN. I thought I said that. We got it from the Allied Powers.

We had a plan for an army of 4,000,000 and 86,000 horses, and this, to me, is one of the ironies of our preparation for that war—that we were going to provide for 86,000 horses and here is what some of the experts at the other end of the Avenue bought to caparison and equip 86,000 horses: First, 50,000 sets of double harness, 110,000 sets of single harness, and then they bought 945,000 saddles, or 11 saddles for every horse. [Laughter.] Then they bought 2,800,000 halters, or 33 halters for every horse; 1,500,000 horse brushes, or 18 brushes for every horse, to make sure they were properly manicured before they went into action. Then they bought 2,000,000 feed bags, or 24 bags for every horse. Then they bought 1,000,000 horse covers, or 12 covers for every horse. I may say to you that when I was a horse officer, with a battery in France, I never saw a horse cover. I do not know what happened to them.

Then we bought 195,000 copper branding irons, or 3 branding irons for every horse, and I never saw one of those branding irons on those horses whose backs were galled and seared with mustard gas and chlorine gas.

Mr. TERRY. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. I yield to the distinguished gentleman from Arkansas.

Mr. TERRY. My friend, who is a balloonist now, was in the horse marines during the war, and while he is going back into past history and bringing up the 1917–18 situation, will he not go a little further back and tell us whether they also got some embalmed beef as they did in 1898, under a Republican administration?

Mr. DIRKSEN. May I say, just for the clarity of the RECORD, I landed over in France as an artilleryman and was subsequently assigned to the balloon service as an artillery observer.

Mr. TERRY. I am sure the gentleman was a most excellent soldier.

Mr. ANDREWS. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman.

Mr. ANDREWS. I just want to inform the gentleman that Mr. Willkie was in France.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Texas.

Mr. MAHON. Some of these figures that the gentleman has given here no doubt are ridiculous, and no one, of course, would want to defend them, but does not the gentleman think that he ought to point out that if the war had gone on 4 or 5 years longer—and no one knew in 1917 or 1918 how long it would go on—we might have utilized a lot of those airplanes and a lot of the other things that the gentleman has been talking about?

Mr. DIRKSEN. They started out with plans for 86,000 horses as the maximum and 4,000,000 men, and then they proceeded to order 33 halters for every horse.

Mr. MAHON. I am not talking about the last war. The gentleman has talked about airplanes and other matters of that sort, and as the gentleman knows, you cannot get just as many of those things as you will need, because you do not know when a war is going to be over.

Mr. DIRKSEN. Is not that the very best reason why we should exercise the utmost of caution before spending millions upon millions of dollars so we may be sure that the American taxpayer gets a dollar's worth of value for every dollar that is expended?

Mr. MAHON. We ought to cut the red tape and exercise all the care and caution we can.

Mr. BRADLEY of Michigan. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. BRADLEY of Michigan. What the gentleman means is that at the present time he would like to see them use a lot more horse sense than they used in 1917 and 1918?

Mr. DIRKSEN. Let me go a little bit further, gentlemen, because while this appears ridiculous, yet it is terribly serious when you stop to consider its implications.

Mr. MAY. Mr. Speaker, will the gentleman yield to me?

Mr. DIRKSEN. I yield to the distinguished gentleman, the chairman of the Military Affairs Committee.

Mr. MAY. As I understand the situation, when the debate started it arose over the question of taking up the proposal to authorize $65,000,000 for the T. V. A.

Mr. DIRKSEN. That is correct.

Mr. MAY. Now, in view of the fact that we have appropriated and are planning to appropriate about $10,000,000,000 for national defense, and that the President has been allocated $200,000,000 to use as he likes, why would it not be a good idea, in view of all of the financial situation that confronts us, that he take this $65,000,000 out of that $200,000,000 and let them go ahead with this work?

Mr. DIRKSEN. There is a persuasive point in what the gentleman from Kentucky says.

Mr. WOODRUM of Virginia. Mr. Speaker, will the gentleman yield to me?

Mr. DIRKSEN. Yes.

Mr. WOODRUM of Virginia. It may be a persuasive point, but the gentleman from Illinois and the distinguished gentleman from Kentucky [Mr. MAY] would be two of the first gentlemen on their feet to criticize the President for taking money given to him under a blanket authority and putting forth a project of the kind suggested, without coming to Congress and saying something about it.

Mr. DIRKSEN. And I say frankly to the gentleman that I would exercise my responsibility as a Member of this House to criticize if I felt so disposed.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. Yes.

Mr. MAY. Do I understand the gentleman from Virginia, who is chairman of an important subcommittee of the Committee on Appropriations, to say that the President is going to come back to Congress to see how he shall spend these $200,000,000?

Mr. WOODRUM of Virginia. I said that, if the President should undertake to expand the T. V. A. out of the emergency funds that we have given him, the gentleman, and I think quite properly, would be the first to object if he undertook to build a dam without getting congressional approval—if he did that, my friend would be one of the first to criticize.

Mr. MAY. I might not criticize, but I would oppose it.

Mr. TABER. Then, Mr. Speaker, if the gentleman will permit, I would even propound the suggestion that the President does not have authority with the funds given him to go ahead with the T. V. A.

Mr. DIRKSEN. Mr. Speaker, I think my time is about exhausted and with the permission of those who have subsequent orders I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to proceed for 5 additional minutes. Is that agreeable to the gentleman from Ohio?

Mr. BENDER. It is.

The SPEAKER pro tempore. And also agreeable to the gentleman from Texas?

Mr. POAGE. It is.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. DIRKSEN. There are one or two other items that I wish to emphasize. The next one is that we spent $1,200,000,000 for the building of cantonments all over the country. I lived in one of them for quite a while, and I rather fancy, in view of the fact that they were built on a cost-plus basis, with the contractor sort of writing his own ticket, that there was a tremendous waste and extravagance which might have well been saved to the American taxpayer with the exercise of caution. We spent $50,000,000 on spruce for airplane manufacturing, and yet 92.6 of all of the spruce actually used was obtained independently of the spruce project, on which we spent $50,000,000, and finally we spent $10,000,000 on narrow gage and other types of railroads with which to haul this spruce to market, and those railroads were never used.

In the light of that record I submit that we can very properly proceed with caution as we undertake to expend large sums, because the chances are that with a little more time to look into the matter, to develop the record further, the Congress will do a real service to the people of the country. I emphasize again that it is rather funny that in the RECORD should appear the comment of the Republican candidate for the Presidency of the United States as early as June 14 on the establishment of additional dams and the building of additional dams, when we as the Congress were not advised on the point in particular until yesterday and today. Mr. Willkie's statement regarding this matter was entirely unbiased and statesmanlike. It was what might be expected from a real American.

Mr. PATRICK. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. Yes.

Mr. PATRICK. Is there any concrete evidence available that any group or section or assembly of individuals have inspired this other than those who are interested in national defense?

Mr. DIRKSEN. Oh, I do not believe there is any partisanship or sectionalism in this. I think every Member of the House is big enough to sublimate every bit of provincialism and partisanship he possesses in the larger cause of national defense, but here is a thought that occurred to me in connection with the proposal.

They said it would be 2 years before the Cherokee Dam could be built, and then Gano Dunn also testified, and you will find it on page 14 of the hearings, that maybe the extra year in catching the spring floods is already lost, and, if that is the case, it will be 3 years before the dam could be completed, and we could avail ourselves of the power.

He testifies, also in the hearings, that it will take only 18 months to complete a steam plant. We can build steam plants in any part of the country. We can be absolutely sure that its efficacy and completion is not contingent upon an act of nature or anything else, not upon flood waters or anything else, to make it a producing instrumentality whereby aluminum may be provided for the plane program that is now in contemplation. Under those circumstances, with a probable cost of eleven and one-half million for each plant, developing 120,000 kilowatts of firm power, it persuades itself to reason and sound judgment that perhaps we would be better off to take all this money and spend it for steam plants rather than take a chance on a dam which may not be in operation for 3 years or more, according to Mr. Gano Dunn himself, because he recognizes that contingency if we do not catch the floods in the spring of 1942.

Mr. MAY. To that may be added the fact that it has been demonstrated in a number of ways that electricity can be produced by coal at a steam plant cheaper than it can be produced by hydro.

Mr. DIRKSEN. Yes, and there are figures to establish that fact.

Mr. PATRICK. Will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. PATRICK. But what was attempted here was to get this particular subject before the House for discussion, when all of that could be brought out intellectually and developed and any argument that could be produced for this steam business could be put forward. I will concede there is a lot in its favor by reason of its coming sooner, but what was attempted was to get the measure before this House to be developed and discussed, and not to determine how it should be voted on.

Mr. DIRKSEN. I fully agree with the gentleman from Alabama. I do not set myself up as steward of the action of any Member of this House. I did not oppose consideration of the matter.

Mr. WOODRUM of Virginia. Will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. WOODRUM of Virginia. Just to keep the record straight, I would like to remind the gentleman that the Budget estimates for this development of T. V. A. came to the Appropriations Committee just before the Congress adjourned for the Republican Convention. It was considered in the Senate. They held hearings on it and it was put in the deficiency bill, but because there had been no hearings at all the House conferees, of which the distinguished gentleman from New York [Mr. TABER] and myself and others were members, felt there should be hearings. So it has been

before the committee and before the Congress for some weeks.

Mr. DIRKSEN. But it was not actually presented to the attention of the House.

Mr. WOODRUM of Virginia. It was not presented to the House.

Mr. DIRKSEN. I think the gentleman from Virginia will agree that so often supplementary messages that come up here from the White House for additional appropriations are very meager in their content and do not always give full indication of what the issue is that is involved.

It is one thing to delay and another thing to exercise that degree of prudent supervision over huge expenditures of public funds which the taxpayers of the country expect the people's representatives to assert in connection with every appropriation.

There is not one single Member of the Congress who is disposed to delay the present program. Not a single Member of Congress is insensible to the present need of expeditiously expanding the defense establishment of this country. There is not a single Member of Congress who does not appreciate the need for diligence and proper speed in pursuing the preparedness program which has been shaped to fit the needs of the country.

But, by the same token, there is not a single Member of Congress, be he Republican or Democrat, who would pledge himself to sacrifice proper caution in attempting to make certain that the people of this country will have a defense system which is stable, durable, and efficient, and which was contrived with a minimum of waste. [Applause.]

[Here the gavel fell.]

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6884) entitled "An act to encourage travel in the United States, and for other purposes."

The message also announced that the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9877) entitled "An act authorizing the Secretary of the Interior to promulgate and to put into effect charges for electrical energy generated at Boulder Dam, providing for the application of revenues from said project, authorizing the operation of the Boulder Power Plant by the United States directly or through agents, and for other purposes," be recommitted to the committee of conference.

The message also announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a joint resolution of the House of the following title:

H. J. Res. 582. Joint resolution making an appropriation to enable the United States Maritime Commission to establish the marine and war-risk insurance fund.

The message also announced that the Senate insists upon its amendment to the foregoing joint resolution, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ADAMS, Mr. GLASS, Mr. MCKELLAR, Mr. HAYDEN, Mr. BYRNES, Mr. OVERTON, Mr. HALE, and Mr. TOWNSEND to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 458. An act extending the benefits of the Emergency Officers' Retirement Act of May 24, 1928, to provisional, probationary, or temporary officers of the Army, Navy, Marine Corps, and Coast Guard who served during the World War.

The message also announced that the Senate agrees without amendment to concurrent resolutions of the House of the following titles:

H. Con. Res. 73. Concurrent resolution authorizing the printing of the proceedings at the unveiling of the painting depicting the signing of the Constitution of the United States as a document; and

H. Con. Res. 86. Concurrent resolution providing for an adjournment of the third session of the Seventy-sixth Congress.

MARINE AND WAR-RISK INSURANCE

Mr. WOODRUM of Virginia. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the joint resolution (H. J. Res. 582) making an appropriation to enable the United States Marine Commission to establish the marine and war-risk insurance fund, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the House joint resolution.

The Clerk read the Senate amendment, as follows:

Page 2, line 10, after "hereunder", insert "and all such expenses shall be certified by the Chairman of the Commission in each case as necessary and reasonable."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

Mr. TABER. Mr. Speaker, reserving the right to object, I have been over this amendment and it simply places a restriction upon the way that funds for experts and that sort of thing may be spent, and it requires the Chairman of the Commission to certify to the need of those things. I believe the amendment is desirable and should be adopted.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

BOULDER CANYON PROJECT ADJUSTMENT ACT

Mr. HILL. Mr. Speaker, I call up the conference report on the bill (H. R. 9877) authorizing the Secretary of the Interior to promulgate and to put into effect charges for electrical energy generated at Boulder Dam, providing for the application of revenues from such project, authorizing the operation of the Boulder power plant by the United States directly or through agents, and for other purposes, and I ask unanimous consent that the statement be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington.

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9877) authorizing the Secretary of the Interior to promulgate and to put into effect charges for electrical energy generated at Boulder Dam, providing for the application of revenues from said project, authorizing the operation of the Boulder Power Plant by the United States directly or through agents, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments.

KNUTE HILL,
J. W. ROBINSON,
CHAS. HAWKS, JR.,
Managers on the part of the House.

KEY PITTMAN,
HIRAM W. JOHNSON,
ALVA B. ADAMS,
HENRY F. ASHURST,
CHAS. L. MCNARY,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9877) authorizing the Secretary of the Interior to promulgate and to put into effect charges for electrical energy generated at Boulder Dam, providing for the application of revenues from said project, authorizing the operation of the Boulder Power Plant by the United States directly or through agents, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate recedes from its amendments.

KNUTE HILL,
J. W. ROBINSON,
CHAS. HAWKS, JR.,
Managers on the part of the House.

Mr. HILL. Mr. Speaker, I move the adoption of the conference report.

Mr. MICHENER. Will the gentleman yield?

Mr. HILL. I yield.

Mr. MICHENER. Will the gentleman tell us what this is about?

Mr. HILL. The conference report was agreed to by the conferees of the Senate and the House. The Senate receded on their amendments, and it was passed in the Senate.

Mr. MICHENER. The Senate did recede, and the minority members on the conference are agreed to this report?

Mr. HILL. Yes.

Mr. MAY. Will the gentleman yield?

Mr. HILL. I yield.

Mr. MAY. I want to get some information. Is this power that is being sold at the Boulder Dam being sold by the Government at the switchboard or is it sold after being distributed over power lines to the direct consumer?

Mr. HILL. The gentleman from Arizona [Mr. MURDOCK] probably can answer that better than I.

Mr. MURDOCK of Arizona. The power is being sold at the switchboard by the Government. The charge is based, as I understand it, upon the value of falling water for power production, but is measured at the switchboard.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

Mr. COLMER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 4119) to provide for the transfer of certain land in the De Soto National Forest to the Secretary of War for use for military purposes.

Mr. HOPE. Mr. Speaker, reserving the right to object, this is a bill which has passed the Senate. A similar House bill has never been considered by the House committee to which it was referred. Ordinarily this is not a desirable way of bringing up legislation. I understand, however, that the Department of Agriculture has no objection to this transfer, and that there is some necessity for prompt action. In view of the fact that no appropriation is involved and there seems to be no objection, I am not going to object at this time; although it seems to me that, generally speaking, this is not the proper way to legislate.

Mr. MICHENER. Mr. Speaker, reserving the right to object, did the gentleman take the matter up with the gentleman from Massachusetts [Mr. MARTIN], the minority leader, before he left?

Mr. COLMER. In response to that I may say to the gentleman from Michigan that I did discuss this matter with the minority leader, I did discuss it with the majority of the members of the Agriculture Committee, and there is no objection to it at all. The minority leader, the gentleman from Massachusetts [Mr. MARTIN], agreed that the matter might be considered today and said he had no objection to it.

Mr. MICHENER. Personally, I do not believe in bringing bills up this way that have not had consideration by the House; and were it not for my great respect for the gentleman whose bill it is and for the fact that the minority leader has agreed that it might come up, I would object, but I shall not.

Mr. COLMER. I thank the gentleman for both his compliment and his cooperation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That upon request of the Secretary of War, the Secretary of Agriculture is authorized and directed to transfer to the Secretary of War, for military purposes, such tracts of land, not in excess of 65,000 acres, contiguous to the Camp Shelby State Military Reservation, Miss., and now included within the limits of the De Soto National Forest, Miss., as the Secretary of War may select: *Provided*, That in the event the area transferred pursuant to the provisions of this act shall cease to be used for military purposes, it shall revert to its former national-forest status.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. ANDREWS asked and was given permission to revise and extend his remarks.

Mr. TERRY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein certain excerpts.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. LUTHER A. JOHNSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and to include therein a brief resolution adopted by the Lions Club of Waxahachie, Tex.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

TO ENCOURAGE TRAVEL IN THE UNITED STATES

Mr. LEA submitted the following conference report and statement on the bill (H. R. 6884) to encourage travel in the United States, and for other purposes, for printing under the rule.

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6884) entitled "To encourage travel in the United States, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment to section 1 of the bill and agree to such section as it was passed by the House and the House agrees thereto;

That both Houses agree to the balance of the bill as passed in identical form by both Houses;

That said section 1 of the bill as agreed to by the conferees, following the enacting clause, shall read as follows:

"That the Secretary of the Interior is authorized and directed, through the National Park Service, to encourage, promote, and develop travel within the United States, its Territories and possessions, providing such activities do not compete with the activities of private agencies; and to administer all existing travel promotion functions of the Department of the Interior through such Service."

CLARENCE F. LEA,
A. L. BULWINKLE,
CHAS. A. WOLVERTON,
Managers on the part of the House.

HATTIE W. CARAWAY,
THEO. G. BILBO,
A. H. VANDENBERG,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6884) entitled "To encourage travel in the United States, and for other purposes," submits the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report.

The bill, as it passed the House, authorized the National Park Service "To encourage, promote, and develop travel within the United States," etc. The only Senate amendment provided for insertion of the words "to and" before the word "within."

The Department of State questioned the propriety of this amendment on the theory that it might be inferred that the National Park Service was to conduct activities in foreign lands and with relation to other nations. No such purpose was intended. There was no desire to conduct such foreign service or duplicate the authority of the Department of State as to international relations. To obviate any misunderstanding of the act it is deemed advisable that the Senate amendment should be eliminated.

The Senate recedes from its amendment, which leaves the bill exactly as passed by the House.

CLARENCE F. LEA,
A. L. BULWINKLE,
CHAS. A. WOLVERTON,
Managers on the part of the House.

Mr. LEA. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H. R. 6884) to encourage travel in the United States and for other purposes.

The Clerk read the title of the bill.

Mr. MICHENER. Mr. Speaker, will the gentleman explain the conference report?

Mr. LEA. The Senate added one amendment to the House bill. In conference the Senate receded, on objection of the House to the amendment of the Senate.

Mr. MICHENER. As the matter now stands, therefore, we are just reaffirming the action taken by the House when it passed the bill originally.

Mr. LEA. Exactly.

Mr. MURDOCK of Arizona. Mr. Speaker, reserving the right to object, will the gentleman explain what the amendment was? I notice it was a very short amendment.

Mr. LEA. The amendment from which the Senate receded consisted of the words "in and." These words are stricken out.

Mr. MURDOCK of Arizona. That was in order to get travel from foreign countries headed our way? I rather favored that amendment, especially now that Europe is closed to travel.

Mr. LEA. Those words that referred to travel to the United States were eliminated from the bill.

Mr. MURDOCK of Arizona. Perhaps it will cost less to center our efforts upon our own people. No country has more—or as much—to offer our travelers as has America. I trust that this measure will greatly stimulate our See America First movement.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. SMITH of Washington. Mr. Speaker, will the gentleman from Ohio [Mr. BENDER] yield to permit me to submit a unanimous consent request to address the House for 1 minute?

Mr. BENDER. I have yielded to a great many requests, but I yield to the gentleman for that purpose.

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. SMITH of Washington. Mr. Speaker, within the past 24 hours I have circulated among the Democratic Members of the House a statement urging the reelection of President Franklin D. Roosevelt in 1940. The statement was circulated on the floor of the House and in the cloakrooms. Members from States having favorite-son candidates for the Democratic nomination were not asked to sign. No effort was made to obtain more than a few signatures from any one State delegation. In this brief space of time and limited canvass 77 Democratic Members of the House indicated their desire for the reelection of President Roosevelt. We hope and pray that President Roosevelt will heed the call of his countrymen from every section of the Nation and continue his able and inspired leadership of our domestic and foreign affairs, strengthen our national defense, and keep our country out of war. He can perform each of these difficult tasks better and more successfully than any other man living in America today. [Applause.]

The statement referred to and signatures appearing thereon are as follows:

REELECT FRANKLIN D. ROOSEVELT IN 1940

"Social Justice and Economic Security."

"Preserve American Democracy—National Defense Against All Foreign and Domestic Enemies."

Signed by Members of the House of Representatives:

Martin F. Smith, Third Washington District; Orville Zimmerman, Tenth Missouri District; Abe Murdock, First Utah District; Brent Spence, Fifth Kentucky District; John D. Dingell, Fifteenth Michigan District; Thomas F. Ford, Fourteenth California District; Richard M. Duncan, Third Missouri District; Thomas D'Alesandro, Jr., Third Maryland District; John H. Tolan, Seventh California District; Leo Kocialkowski, Eighth Illinois District; James P. McGranery, Second Pennsylvania District; Knute Hill, Fourth Washington District; Walter M. Pierce, Second Oregon District; Harry R. Sheppard, Nineteenth California District; Raymond S. McKeough, Second Illinois District; Edward A. Kelly, Third Illinois District; Francis J. Myers, Sixth Pennsylvania District; Adolph J. Sabath, Fifth Illinois District; James McAndrews, Ninth Illinois District; Kent E. Keller, Twenty-fifth Illinois District; Michael J. Kirwan, Nineteenth Ohio District; Samuel Dickstein, Twelfth New York District; Ed V. Izac, Twentieth California District; Reuben T. Wood, Sixth Missouri District; Pius L. Schwert, Forty-second New York District; Patrick J. Boland, Eleventh Pennsylvania District; W. H. Larrabee, Eleventh Indiana District; Phil Ferguson, Eighth Oklahoma District; Andrew Edmiston, Third West Virginia District; W. S. Jacobsen, Second Iowa District; John R. Murdock, Arizona; Joseph R. Bryson, Fourth South Carolina District; Zebulon Weaver, Eleventh North Carolina District; Arthur D. Healey, Eighth Massachusetts District; Frank E. Hook, Twelfth Michigan District; Charles Kramer, Thirteenth California District; Herman P. Eberharter, Thirty-second Pennsylvania District; Sol Bloom, Nineteenth New York District; John W. McCormack, Twelfth Massachusetts District; Lindsay C. Warren, First North Carolina District; Jennings Randolph, Second West Virginia District; Jed Johnson, Sixth Oklahoma District; Harold D. Cooley, Fourth North Carolina District; Franck R. Havenner, Fourth California District; Harry P. Beam, Fourth Illinois District; John M. Coffee, Sixth Washington District; John J. Cochran, Thirteenth Missouri District; J. W. Robinson, Second Utah District; M. A. Romjue, First Missouri District; Chas. H. Leavy, Fifth Washington District; Eugene B. Crowe, Ninth Indiana District; Sam Massingale, Seventh Oklahoma District; Wilburn Cartwright, Third Oklahoma District; Will Rogers, Oklahoma; John W. Boehne, Jr., Eighth Indiana District; William L. Nelson, Second Missouri District; J. L. Pfeifer, Third New York District; Lee E. Geyer, Seventeenth California District; Mon C. Wallgren, Second Washington District; J. Joseph Smith, Fifth Connecticut District; J. Buell Snyder, Twenty-fourth Pennsylvania District; Francis E. Walter, Twenty-first Pennsylvania District; Edward J. Hart, Fourteenth New Jersey District; John Lesinski, Sixteenth Michigan District; Leon Sacks, First Pennsylvania District; James H. Fay, Sixteenth New York District; James M. Barnes, Twentieth Illinois District; Leonard W. Schuetz, Seventh Illinois District; Arthur W. Mitchell, First Illinois District; Anthony J. Dimond, Alaska; H. K. Claypool, Eleventh Ohio District; Alfred L. Bulwinkle, Tenth North Carolina District; Graham A. Barden, Third North Carolina District; Carl T. Durham, Sixth North Carolina District; Matthew A. Dunn, Thirty-fourth Pennsylvania District; Lawrence J. Connery, Seventh Massachusetts District; Thomas C. Hennings, Jr., Eleventh Missouri District.

SPECIAL ORDER

The SPEAKER pro tempore. Under a previous special order of the House, the gentleman from Ohio [Mr. BENDER] is recognized for 10 minutes.

Mr. BENDER. Mr. Speaker, the remarks of the gentleman from Alabama prompted me to ask for this time. I recall rereading the Democratic campaign book of 1932 only about a month ago, in which the Republican administration was criticized for its "wasteful, extravagant expenditure of funds for defense purposes." The Democratic administration in this House at that time had been in power for 2 years and since 1932 the present administration, and the New Deal party, has been in overwhelming control of both Houses of Congress, if there is anything to complain of the gentleman should reexamine the record of his administration and of both Houses of Congress during the past decade, because his party has been in power during all this time.

In the remarks of the gentleman from Alabama, the question was raised whether or not the present incumbent of the White House made reference to universal military training. There was a loud denial that the President had made any reference to that matter. This is in line with denials that have been made as the result of the publication of a statement a year ago attributed to the President in which he was alleged to have said that the "new frontiers of America were on the Rhine." After that statement attributed to the President by the American press was made it did not go down so well with the American people, and there was a loud denial on the part of the membership of the House and new dealers generally that the statement had been made.

Then some time later the American press attended a conference at the White House, and there was a certain reference made, and it must have been made, because all the newspapers of the Nation carried a story regarding that conference. The statement at that time which was attributed to the White House was "that Congress should adjourn; that there was no further need of Congress remaining in session," and because that did not go down so well with the American people, the leadership on the floor of this House denied that any such expression had come from the White House.

I recall only a week or two ago a statement was credited to the White House calling for universal service, not only on the part of the men and boys of the country but of the girls of the country as well. Now, apparently because that has not met with great favor, there is denial that any such reference had been made. It seems to me that consistency is a virtue, and that it is essential we keep the record straight and call attention to these statements that are handed out to the press by the White House, then because they are not so well received are denied by his fellow partisans on the floor of the House.

The T. V. A. subject has been referred to by every speaker since the gentleman from Virginia discussed that matter in connection with defense. Only last week I received in my mail a beautiful booklet from the Florida Ship Canal Authority asking that we revive that project, and it was labeled a national-defense measure. I would not be a bit surprised if they did not come in one of these days and ask that the Florida ship canal be built for national-defense purposes, even though the experts say it will take about 6 years to complete. The mail is flooded every day with letters from housing authorities all over the country asking that we give them more money for housing for national defense. In connection with this T. V. A. project they ask us for $68,000,000 when there is plenty of power available now at Bonneville that could be used for all the manufacture of aluminum that is needed.

Mr. MAHON. Will the gentleman yield?

Mr. BENDER. I yield to the distinguished gentleman from Texas.

Mr. MAHON. If the gentleman will read the hearings he will find that the last statement about power at Bonneville will not be sustained. Mr. Knudsen, Mr. Stettinius, and Mr. Dunn, all of whom are Republicans and have been for years, say that this dam ought to be constructed in the interest of national defense and constructed immediately.

Mr. BENDER. Mr. Speaker, all we ask is the opportunity to read the hearings. We understand the printed copy of these hearings was made available only yesterday. By our action here today we ask the time to read the hearings. My impression is that at Bonneville there is plenty of power available for that purpose. I talked to a Member from that State and he so informs me.

Mr. Speaker, I ask unanimous consent to speak for 5 additional minutes so that I may answer questions.

The SPEAKER pro tempore (Mr. SOUTH). Without objection on the part of gentlemen who had previously arranged for time or any other Member, it is so ordered.

There was no objection.

Mr. TABER. Will the gentleman yield?

Mr. BENDER. I yield to the gentleman from New York.

Mr. TABER. Mr. Knudsen did not attempt to say anything about this power proposition. All he attempted to say was there was a need for aluminum. Mr. Stettinius based all he had to say on a recommendation from Mr. Dunn. Now, there are things in that statement that do not go with the statement made by Mr. Carter, Chief Engineer of the T. V. A., as to the value of that dam. My own idea is that that should be pretty thoroughly developed before we spend another $36,000,000.

Mr. ANGELL. Mr. Speaker, will the gentleman yield?

Mr. BENDER. I yield to the distinguished gentleman from Oregon.

Mr. ANGELL. I thank the gentlemen from Ohio. The gentleman mentioned Bonneville, which is in my district. The fact is the dam itself at Bonneville has been completed a long time ago and is now available with the water behind it to generate the full capacity of the plant, 518,400 kilowatts. The generators themselves for all the power units have not been installed. The first two units will have 86,400 kilowatts and an additional two will have approximately 100,000. So it would seem to be a matter of good judgment, the dam being already completed and the water being available, to complete that project and put in the additional units and not wait 2 years to build dams at another project which have not yet been begun. I might add further that an aluminum plant is now being erected by the Aluminum Co. of America in that vicinity to manufacture aluminum for this purpose, and all the facilities may be made available to utilize this power for national defense if additional generators are installed.

Mr. Speaker, as I have said, units 1 and 2 of the Bonneville project are now in production and produce 86,400 kilowatts a year. Two additional units, 3 and 4, under the speed-up program recently authorized by this Congress, will be completed by January 1, 1941, which will make the combined production 194,400. In addition, units 5 and 6 are under way by appropriations made by this Congress and contracts for generating machinery are already let, which will make the combined production of 300,000 kilowatts by June 1, 1942.

There are still four units provided for in this project, which could be installed at once, which will bring the total production of the Bonneville project to 518,400 kilowatts. An aluminum plant is now being constructed in the Bonneville area, and additional plants may be installed or the capacity of the one now under construction increased so as to utilize all of the power which will be available for that purpose. It should be understood that a portion of this power must be reserved for other uses as provided in the Bonneville Act.

In view of the fact that urgency is a factor for defense purposes, it would seem a matter of good judgment for this Congress immediately to authorize the construction of the remaining four units at Bonneville, as the dam is already completed. Under the program for T. V. A., which we considered today, the reports disclose that it would take at least 2 years, and possibly 3, to complete the dam. In addition to the power generated at Bonneville, Grand Coulee will go into production and bring in 300,000 kilowatts by the end of 1941. Transmission facilities will be available within a month to bring 100,000 kilowatts of this power when generated into the Portland area, which could be utilized in connection with aluminum plants there to take care of any shortage in power needed for national defense. Speed is paramount, therefore, regardless of what may be done at T. V. A. Bonneville should be completed to full capacity at once.

Mr. BENDER. I thank the gentleman for his contribution and for his confirmation of my statement.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. BENDER. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. Is it not a fact that this new dam is to furnish power for the aluminum monopoly, and that this very same aluminum monopoly for which our New Deal Democratic brethren are now fronting and which they bitterly denounced in past years, has sufficient money to build steam or hydroelectric plants to generate the electricity which is necessary for the operation of their aluminum plant?

Mr. BENDER. The gentleman is absolutely correct.

We have already spent over $386,000,000 for the Tennessee Valley Authority. The Tennessee River flows through five States and drains the entire Nation. In that connection, I wish to say that it was a former Assistant Secretary of State, Mr. Castle, I believe, who said:

> Our finances are in a deplorable state. We must not further injure them by going into an ill-considered program of military expansion.

It seems to me that in view of our internal condition, in view of our present financial condition when you break down the financial structure of the Nation you break down national defense in our first line of defense. I say that is more essential than anything else. When you create a con-

dition where you appropriate millions of dollars and hand out money by the bushel basketful, as we are handing it out for the Tennessee Valley Authority, without considering it, then it is a serious situation. You are asking us to put this bill through like a cat goes through a dog show, just as you pass most of the bills the White House has sent down here for consideration. Every time the White House sends a bill down here the "rubber stamp" Congress shoots it through. Yet they complain about a lack of national defense.

I will say to the country and to the Members of Congress that if it had not been for the Republican minority, along with an intelligent part of the majority which went along with them during these past 2 years, this country would be in a much worse condition than we find ourselves in today. [Applause.]

I wish to call attention to a statement made by an expert, Colonel Lindbergh. Colonel Lindbergh is an expert; in fact, one of our committees of the House called him here and listened very attentively when he spoke regarding our national defense and the condition of our country. This is what he said:

In times of war and confusion it is essential for our people to have a clear understanding of the elements upon which our national safety depends. Aviation has now become one of these elements, and it is about the air defense of America that I speak to you tonight.

The power of aviation has been greatly underrated in the past. Now we must be careful not to overrate this power in the excitement of reaction. Air strength depends more upon the establishment of intelligent and consistent policies than upon the sudden construction of huge numbers of airplanes.

Even here in America, it is difficult to think clearly amidst the conflict of facts and headlines, the contradictory advice of columnists, the claims and counterclaims of propaganda, and the blind selfishness of party politics. The conservative who scoffed at aviation yesterday has become the radical who says that tomorrow we will be invaded by European aircraft.

Let us reexamine the position of America in the air. New discoveries and developments affect nations in different ways. In Europe aviation has affected England adversely and Germany advantageously. One nation may have a psychology and topography which promote the development of aviation, while another finds itself entirely unadjusted to the tempo of the air.

OUR POSITION FORTUNATE

Judged by aeronautical standards, we in the United States are in a singularly fortunate position. Our people have natural ability in the design, construction, and operation of aircraft. Our highly organized industry, our widely separated centers of population, our elimination of formalities in interstate travel all contribute to the development of American aviation. From the standpoint of defense, we still have two great oceans between us and the warring armies of Europe and Asia.

In fact, there is hardly a natural element contributing to air strength and impregnability that we do not now possess. Aviation is for us an asset. It adds to our national safety. With a firm and clear-cut policy, we can build an air defense for America that will stand above these shifting sands of war.

But until we have decided upon a definite policy of defense, the mere construction of large numbers of aircraft will not be adequate for our national safety. In fact, without a strong policy of defense, we will not even know what types of planes to build.

The speed and range of our fighting planes must depend upon the bases available for their use. If we are to defend the United States alone, then we must construct numerous air bases along the Mexican and Canadian borders. Such a plan would require large numbers of small bombers and pursuit planes, and eventually it would leave us as vulnerable to air attack as the nations of Europe are today. On the other hand, if we are to defend the entire Western Hemisphere, we need long-range bombers capable of attacking a hostile fleet a thousand miles or more at sea. But there is little use discussing types and numbers until a defense policy is established.

SEES ISSUE ON HEMISPHERE PLAN

This brings us to an issue which must sooner or later be faced. An adequate air defense of the Western Hemisphere necessitates the cooperation of the other nations of this hemisphere. Our military aircraft must have access to their bases. Their foreign policy must have some relationship to ours. We cannot hold this hemisphere free from foreign war if nations which lie within it declare war on foreign powers.

Let us not be confused by this talk of invasion by European aircraft. The air defense of America is as simple as the attack is difficult when the true facts are faced. We are in danger of war today not because European people have attempted to interfere with the internal affairs of America but because American people have attempted to interfere with the internal affairs of Europe.

It is true that bombing planes can be built with sufficient range to cross the Atlantic and return. They can be built either in America or Europe. Aeronautical engineers have known this for many years. But the cost is high, the target large, and the military effectiveness small. Such planes do not exist today in any air force. A foreign power could not conquer us by dropping bombs in this country unless the bombing were accompanied by an invading army. And an invading army requires thousands of small bombers and pursuit planes; it would have little use for huge trans-Atlantic aircraft.

THE ADVANTAGE LIES WITH US

No, the advantage lies with us, for great armies must still cross oceans by ship. Only relatively small forces can be transported by air today, and over distances of a few hundred miles at most. This has great significance in Europe, but it is not an element that we have to contend with in America. Such a danger can come, in any predictable future, only through division and war among our own peoples.

As long as American nations work together, as long as we maintain reasonable defense forces, there will be no invasion by foreign aircraft; and no foreign navy will dare to approach within bombing range of our coasts.

Our danger in America is an internal danger. We need not fear a foreign invasion unless American peoples bring it on through their own quarreling and meddling with affairs abroad. Our eyes should not search beyond the horizon for problems which lie at our feet. The greatest lesson we can draw from Europe today is that national strength must be built within a nation itself and cannot be achieved by limiting the strength of others.

What of the unforseen developments of science? Rocket propulsion? New forms of energy? New methods of destruction? No generation can entirely safeguard the future for those that follow. They must meet their own problems as those problems arise. The greatest inheritance we can pass on to our children is a reasonable solution of the problems that confront us in our time—a strong nation, a lack of debt, a solid American character free from the entanglements of the Old World.

CRITICIZES NATION'S RECENT COURSE

Let us guard America today as our forefathers guarded it in the past. They won this country from Europe with a handful of revolutionary soldiers. We certainly can hold it now with a population of 130,000,000 people. If we cannot, we are unworthy to have it.

But the course we have been following in recent months leads to neither strength nor friendship nor peace. It will leave us hated by victor and vanquished alike, regardless of which way the tide of battle turns. One side will claim that we aided its enemies; the other, that we did not help enough.

To be successful in modern warfare, a nation must prepare many years before the fighting starts. If anyone doubts that, let him turn his eyes to Europe. Years ago we decided to stay out of foreign wars. We based our military policy on that decision. We must not waver now that the crisis is at hand. There is no longer time for us to enter this war successfully. The result of vacillating policies lies clearly before us in the chaos of Europe today.

Let us turn again to America's traditional role—that of building and guarding our own destiny. We need a greater air force, a greater army, and a greater navy; they have been inadequate for many years. Let us form with our neighboring nations a clear-cut and definite policy of American defense. But above all, let us stop this hysterical chatter of calamity and invasion that has been running rife these last few days. It is not befitting to the people who built this Nation.

SAYS NO ONE WANTS TO ATTACK US

That the world is facing a new era is beyond question. Our mission is to make it a better era. But regardless of which side wins this war, there is no reason, aside from our own actions, to prevent a continuation of peaceful relationships between America and the countries of Europe. If we desire peace, we need only stop asking for war. No one wishes to attack us, and no one is in a position to do so.

The only reason that we are in danger of becoming involved in this war is because there are powerful elements in America who desire us to take part. They represent a small minority of the American people, but they control much of the machinery of influence and propaganda. They seize every opportunity to push us closer to the edge.

It is time for the underlying character of this country to rise and assert itself, to strike down these elements of personal profit and foreign interest. This underlying character of America is our true defense. Until it awakes and takes the reins in hand once more, the production of airplanes, cannon, and battleships is of secondary importance.

Let us turn our eyes to our own Nation. We cannot aid others until we have first placed our own country in a position of spiritual and material leadership and strength.

[Applause.]

EXTENSION OF REMARKS

Mr. GEYER of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a speech by William Harman Black.

The SPEAKER pro tempore (Mr. SOUTH). Is there objection to the request of the gentleman from California?

There was no objection.

STILL FURTHER MESSAGE FROM THE SENATE

Still a further message from the Senate, by Mr. Baldridge, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 8372. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Chester, Ill.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 3046. An act to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939; and

S. 3097. An act for the relief of Katherine M. Drier.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. POAGE] is recognized for 10 mintues.

NATIONAL DEFENSE

Mr. POAGE. Mr. Speaker, I had not expected to trespass upon the time of the House today. I had thought, and I still think, that we should be doing more work and less talk. I am afraid we are getting too much talk into our program of national defense. However, since at least one Member of the minority party saw fit to make it impossible for this House to work this afternoon, there is nothing left for us to do but talk. I felt that it might not be amiss, since one member of the Republican Party preferred that we should not work this afternoon, for me to talk about the problem that confronts us and the importance of taking prompt action.

The gentleman from Illinois [Mr. DIRKSEN] eloquently suggested a few moments ago that during the World War we spent billions of dollars for matériel, for implements of war, and for ammunition and guns, that did not arrive on the front until after the armistice was signed. We all recognize the truth of those statements. However, he failed to call attention to the fact that we won the war in 1918. We won the war because we were building everything that was necessary to carry on a war, no matter how long it might last.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. POAGE. Surely.

Mr. MAHON. Would not the gentleman also express the hope with respect to all the vast sums that we are spending now for armament, that such armament may never be used in a war; that we may use our military machine to prevent war rather than utilize it in actual combat.

Mr. POAGE. Exactly; I feel that is the hope and the desire of every Member of this House—as we arm that we do so not for the purpose of carrying on war, but that we arm for the purpose of preventing the necessity of every engaging our troops and our equipment in war.

Mr. SPARKMAN. Mr. Speaker, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from Alabama.

Mr. SPARKMAN. Is it not true that the very tactics employed by the minority today will produce exactly the same effect in the event a war should come upon us now that was produced in the World War; that is, we did not start our preparation in time, and the very delay we put in the way of one of these projects now simply means postponing into the future by that much the time that we may be prepared to defend ourselves.

Mr. POAGE. As I see it, the tactics now pursued by a number of minority Members of this House, and as I understand it, the proposal as suggested by my good friend from Illinois [Mr. DIRKSEN] that we should delay—forever delay—to pursue that policy today would be a thousand times more dangerous than the policy we pursued in 1917 and 1918, because war moves with lightning quickness today, far faster than destruction ever moved in 1917 and 1918. We will not have 2 years to prepare now as we had at that time. We must make preparation more rapidly than we made preparation in 1917 and 1918.

Mr. HAWKS. Mr. Speaker, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from Wisconsin.

Mr. HAWKS. I would like to remind my good friend that nobody on the minority side is sticking a dagger in anybody's back.

Mr. POAGE. The gentleman has not heard me refer to sticking a dagger in anybody's back. Does the gentleman mean to infer that he has heard me make any such remark as that?

Mr. HAWKS. No; but I heard the eminent leader of your party talk about it one day on the radio.

Mr. PATRICK. Mr. Speaker, will the gentleman yield?

Mr. POAGE. Just a minute.

Mr. SPARKMAN. May I ask if the gentleman from Wisconsin differs with the President in that statement?

Mr. POAGE. Mr. Speaker, I am not yielding to anybody because I want to get this straight here. When the gentleman from Wisconsin talks about sticking a dagger in anybody's back, the President of the United States referred to the leader of a totalitarian government. If the gentleman of the minority seeks to put himself in that class, if he would proclaim that the minority party of this country stands for that kind of government, then I will be glad to say that the remark belongs to him and all who follow those practices. For my part, neither I nor the President has ever suggested that any party in this great country falls in that category, and may God grant that the day will never come when the great Republican Party will espouse the practices in this country that we have seen engaged in by the leaders of the totalitarian states. If the gentleman feels that he wants to lead his party into that kind of government then, certainly, I would say without hesitation that every man—Republican, Democrat, Socialist, or Communist—who would seek to pervert our form of government into the form of government of which President Roosevelt spoke was definitely sticking a dagger and a six-shooter in the back of free government everywhere.

Mr. DIRKSEN. Mr. Speaker, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from Illinois.

Mr. DIRKSEN. My good friend from Texas is always very fair, and I hope he will not put into my mouth words that I did not use, when he states that I embrace a policy of delay, delay and continuing to delay.

Mr. POAGE. Possibly, I should not have said "continuing," and I will retract the "continuing."

Mr. DIRKSEN. I did not object to the consideration of the bill today.

Mr. POAGE. The delay and delay, however, I will let stand. I understood the gentleman to say that he felt it was wise to delay; that while he would not object, he felt it was the part of wisdom to delay.

Mr. DIRKSEN. The gentleman never heard me say that I objected to the consideration of the bill today.

Mr. POAGE. The gentleman is right, because the gentleman specifically said he would not object, but am I not correct in stating that the gentleman suggested it was wise to accomplish the delay that was accomplished today?

Mr. DIRKSEN. The gentleman heard me say that it is always wise to use caution in examining the expenditure of the people's money.

Mr. POAGE. And did not the gentleman intend to give the impression—if I am wrong I want to be corrected—that he felt it was a good thing that we did not consider the bill today although he himself would not have objected to it?

Mr. DIRKSEN. I stand by the statement I have just made.

Mr. POAGE. Will the gentleman answer my question?

Mr. DIRKSEN. Yes.

Mr. POAGE. Did not the gentleman intend to give that impression?

Mr. DIRKSEN. Yes; for my part——

Mr. POAGE. All right.

Mr. DIRKSEN. Wait a minute. Speaking for myself, I am not in favor of delay. I simply favor caution in the expenditure of money.

Mr. POAGE. But the gentleman did not think it was wise to take up the bill today?

Mr. DIRKSEN. I suggest that if you bring the bill back on the floor you will not hear me object to its consideration.

Mr. POAGE. No; we did not hear the gentleman object to it, but did he not give comfort to those who suggested that we should not take up a matter of vital national defense today?

Mr. DIRKSEN. That comfort was probably given to the Democratic side also.

Mr. SCHAFER of Wisconsin. Is it not a fact that all of this quibbling about a Member of the minority preventing consideration of this so-called national-defense bill for the benefit of the Aluminum Trust is nothing but bunk. The New Deal has a preponderant majority in the House and on the Rules Committee, and if it was so essential for our national defense the bill could be considered in the House under a rule.

Mr. POAGE. And I have a good idea that the bill will be brought up under a rule, but the gentleman knows that there is no way to get it up today except by unanimous consent, and the gentleman knows very well that the majority that he speaks of did not raise any objection and the fact remains, philosophize as you may, that the objection was raised on the minority side of this House. But I don't want to speak simply of what was done today.

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. POAGE. No; I cannot yield. I am not now speaking of the minority Members only, but I am speaking of all Members, and I say that we must realize the importance of carrying on this national-defense program without any kind of delay. It is unfortunate that a great convention is about to take place just at this time, and it is also unfortunate that there was a convention just a week ago that took the time of this House. It is unfortunate that there should be anything that should stand in the way of the consideration of every bit of this defense legislation. I am not criticizing. I realize that the American processes of government must go on, and that it is proper and right that this country should make provision to carry on our free Government under the two-party principle that we have long followed, and that without that two-party principle in this country we would not have the great free Government that we do have.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. POAGE. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER pro tempore. Is there objection?

Mr. DIRKSEN. Mr. Speaker, I reserve the right to object to ask unanimous consent to extend my remarks and to include certain excerpts.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. PATRICK. Mr. Speaker, I ask unanimous consent that as soon as the gentleman has concluded I be permitted to address the House for 5 minutes.

The SPEAKER pro tempore. The Chair informs the gentleman that there are two others who have been granted time.

Mr. PATRICK. Then may I get unanimous consent to talk when they get through?

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas that he proceed for 5 additional minutes?

There was no objection.

Mr. PITTENGER. Mr. Speaker, will the gentleman yield?

Mr. POAGE. Yes.

Mr. PITTENGER. I would like to say in connection with the gentleman's comment about party conventions that it is my understanding that on the 22d there will be another 3-day recess, and after that, another, and that the party leaders do not plan to bring us back until July 29. Is that right?

Mr. POAGE. Certainly I do not know of any such agreement as that, and I would never be a party to such an agreement.

Mr. PITTENGER. Neither would I.

Mr. POAGE. I do not know what agreement anybody else has entered into, but I want the Members of this House to know that I am not going to be a party to any agreement to extend the inactivity of this House one day beyond the necessary requirements to carry on party government in the United States. I think that possibly we have gotten ourselves so close to the departments and to the slow processes of large governmental activities here in Washington that we fail to realize sometimes just how anxious the people at home are that we should proceed with every possible dispatch toward the preparation of the necessary armaments for this land. I think I am justified in calling to the attention of this House an incident that occurred to me last Sunday. I had flown home over the Fourth of July, and Sunday afternoon I went out to a friend's home. A number of people were there, all talking about the war, just like everybody else is talking about the war, all wanting to know what the Government is doing, just what everybody else wants to know, and wanting to know just what contracts are being let, just what dams and power were being provided to manufacture aluminum for airplanes, and what machinery and what airplanes and tanks are being turned out, and they asked me when consideration was going to be given to the next defense measure. I suggested that I had understood the Military Affairs Committee was going to have a meeting on Tuesday, and they almost as one man rose up and said, "Why wait until Tuesday? Why could they not meet this afternoon?"

I said, "Oh, it is Sunday. They do not meet on Sunday." They said, "Wait a minute. When this Nation goes to war the troops will march on Sunday the same as any other day." They said, "If there is no danger of attack, then why are you spending this money, and if we should be attacked, the attacking power is not going to wait until some convenient day to have some committee meet."

I think those questions were well taken. I think that we might well submit those questions to ourselves. I want to know why there should be any delay. I apply that to all of us—to myself, to you, and to all the rest. I want to see this Congress recognize that we are faced with an emergency—not an emergency as my colleague from Texas so correctly suggested that necessarily results in war, but we want to take action now, to take action before it is necessary to have this country go to war. I am firmly convinced that unless we take action to prepare ourselves, we are in danger of armed conflict. I am equally convinced that if we take adequate action immediately we may in all probability avoid any armed conflict.

So I rose to talk, when we could not work, with the idea of simply emphasizing the fact that we all know; that is, that we must not further delay. [Applause.]

[Here the gavel fell.]

PERMISSION TO ADDRESS THE HOUSE

Mr. COX. Mr. Speaker, I ask unanimous consent to proceed for 1 minute, with the consent of the gentleman from Mississippi [Mr. COLLINS].

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. COX. Mr. Speaker, recently this House adopted three kindred or companion bills. I refer to the bill to deport Harry Bridges, the Walter bill, and the Smith amendments to the Labor Act. Those three measures are tied up now in the Senate. It very naturally arises as to the reason why.

Touching those three bills, I ask unanimous consent to extend my remarks by inserting in the RECORD a short editorial appearing in a recent issue of the Washington News. Supplemental to that I ask unanimous consent to insert in the CONGRESSIONAL RECORD a brief statement recently made by the metal-trades department, American Federation of Labor, on the question of national defense.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

EXTENSION OF REMARKS

Mr. McGRANERY. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein a speech I delivered recently at Pottsville, Pa.

The SPEAKER pro tempore. Is there objection?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. COLLINS. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. COLLINS. Mr. Speaker, for a number of years as chairman and member of Military Appropriations Subcommittee, I have insisted that warfare in the future would be carried on in armored vehicles on the ground and in the air and have urged military preparedness in that direction. For this attitude I have been criticized but I am glad to say today a changed attitude prevails and with a proper cooperation between military men and the mass-production enterprises of the country adequate machines can be had and with the training of men to operate them our Army can be transformed into the world's most effective military machine.

It is necessary, however, for us to know what we want and the types of weapons we will have to face in the event of an emergency.

The Chief of Staff, a very efficient officer, and his capable associates are making every effort to find out what other countries, including Germany, are doing, how it is being done, and the weapons that are used, and in this definite progress is being made.

Last week—I believe it was Wednesday—I was talking to Col. W. B. Smith, of the Office of the Chief of Staff, and in the course of the conversation he told me that a picture showing a good deal of Germany's equipment would be presented at 1:30 that day in the auditorium of the War Department, and that while the public would not be admitted, if I would come down at that hour he would see that I was admitted, so I went down and saw the picture. It was shown a number of times in the War and Navy Departments, and I am certain most of the officers stationed in Washington saw it.

The picture was of German origin and represented the German advance into Belgium and perhaps other countries. It showed planes dropping bombs, parachutists, large and small tanks, and the devices for wholesale slaughter, and brought to my mind the definite idea that if we do not prepare to resist this type of warfare our preparation will be futile and our country in a war will perish as have other countries that have clung to the military technique of the past. General Arnold, our able Chief of the Army Air Corps, who saw the picture when I did, told me he learned lots from the picture that he considered valuable to the Air Corps. Colonel Smith, a wide-awake younger officer, commented on the training of the men, the large number of mechanized weapons employed, and the helplessness of an adversary that did not prepare for this type of weapons. Another colonel whose name I do not recall, said he would like to see the picture shown at every Army post so that our officers would see first-hand what Germany was evidently doing in Europe. These were some of the comments I heard.

I felt that if it was safe for Army officers to see the picture—the men who must sacrifice their lives if war comes—and if they were of the opinion that they secured worth-while military information from the picture, that Senators and Members of Congress, who are responsible under the Constitution to maintain an army and navy, should likewise see the German intruments of slaughter and their operation so that they could help to prepare our defense against them. Accordingly, I asked Mr. Brown, of News of the Day, to give a showing to Senators and Representatives, believing when I did so that I was doing a real service to my country.

I then phoned the Speaker and the Democratic leader briefly about the film and the use of the caucus room for Friday night but was advised few Members would be able to attend, so it was postponed until Monday and later until Tuesday night. I had to be at home to vote on Tuesday, so I asked my friend the gentleman from Oklahoma, JED JOHNSON, to tell the Members it was a German news film. I also talked over the phone with the gentleman from South Dakota [Mr. CASE], a Republican colleague on military appropriations, about the picture.

That is the story.

If any Member of Congress has been offended, I am sorry. If, however, there are others who have been made to see the new dangers that lie ahead and are now more determined to so prepare our country that it cannot be overcome by a foreign foe, then I will gladly stand the criticism that may come to me. Our whole present-day defense program is predicated upon the information that has come to us during the last 2 months, and the information has come from foreign sources. There is no virtue in ignorance.

No one knows the intentions of a dictator. We have ample time to prepare in the right way, and we can know the right way if we know the technique of the adversary and the weapons employed by them. We must not bury our heads in the sand. Now is the time to see clearly, to think straight, and orderly remold our defense forces so that our Nation will continue to exist, if necessary by armed force, as a free people who know the blessings of liberty, equality, and the pursuit of happiness. The President correctly said in his defense message to Congress yesterday, "This Nation through sacrifice and work and unity proposes to remain free." [Applause.]

Mr. HINSHAW. Mr. Speaker, will the gentleman yield?

Mr. COLLINS. I yield.

Mr. HINSHAW. As one of those who tried to serve his country in the World War and who spent a year of that time in France, I was very glad to have the opportunity to see this picture and to see the advances that had been made in the art of destruction, as it might be called, and to be able to realize more fully how important it is for us to do as the gentleman has so long advocated—completely mechanize our armed forces.

Mr. COLLINS. I thank the gentleman.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. COLLINS. I yield.

Mr. SCHAFER of Wisconsin. I know that the gentleman from Mississippi was a pioneer in advocating the mechanization of our defense forces. As a Member of this House who served our country 22 months overseas in the World War, I was very glad to receive the invitation to see the picture and observe the operation of mechanized war machinery. I saw the picture to which the gentleman refers. It brought me to a realization, as it did to many other Members, that we have to get away from "horse and buggy day" methods of defense and spend some money for many better mechanized units than those we saw in operation in that movie.

Mr. COLLINS. I thank the gentleman from Wisconsin; and I want to say to him that he is sitting by the charming wife of the late Chester Bolton, who worked side by side with me all these years in trying to provide this country with mechanized military weapons on the ground and in the air. [Applause.]

Mr. VORYS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. COLLINS. I yield.

Mr. VORYS of Ohio. I was much interested in and instructed by the picture to which the gentleman refers. While there obviously were propaganda parts to it, I feel I am capable of being exposed to propaganda without succumbing to it. I want to congratulate the gentleman for arranging the program, and I express the hope that he will arrange more in the future. I feel that we have had entirely too much secrecy and hush stuff about acquainting Members of Congress with what is going on in our own Government and in other governments, and I am delighted to see the gentleman take the lead in informing his colleagues as to what is going

on in a military way or in a propaganda way on the part of foreign governments.

[Here the gavel fell.]

Mr. COLLINS. Mr. Speaker, I ask unanimous consent to proceed for 1 additional minute.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. COLLINS. I yield.

Mr. JOHNSON of Oklahoma. Permit me to say that I too saw the picture in question and feel that the distinguished gentleman from Mississippi rendered a real service to both Houses of Congress in arranging for its showing.

I desire to add that no man in America has made a greater contribution to the mechanizing of our armed forces than has the able gentleman from Mississippi. [Applause.]

THE REPUBLICAN NATIONAL CONVENTION

Mr. McGRANERY. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. McGRANERY. Mr. Speaker, on last Tuesday week my lovable, distinguished, and able friend the gentleman from Illinois [Mr. DIRKSEN] was on the floor of this House and made a very fine campaign speech on behalf of Mr. Willkie—if one, of course, did not know the facts. At that time, without any intention on my part of becoming engaged in the inner councils of the Republican Party, I stated what I had read in the newspapers, that 100 good, decent colleagues of mine on the Republican side of this House had gone to Philadelphia in order to stop Willkie from receiving the nomination. That statement was challenged at that time by both the gentleman from Illinois [Mr. DIRKSEN] and the equally able and distinguished gentleman from Pennsylvania [Mr. DITTER]. I would not take time to address the House now on this subject were it not for what the gentleman from Pennsylvania said at that particular time, and I quote him:

> Mr. DITTER. I was about to make the observation that the information that my friend has here—
>
> Meaning myself—
>
> like much of the information that he gives to the House from time to time is neither factual nor real. It is one of these hypotheses of the imagination upon which my friend here delights to found many of the observations that he usually makes.

I had read it in the newspapers and I had heard it over the radio. While I was home over the week end I made it my business to gather the facts, to see whether I was correct or not, because there were many things that transpired in the Republican Convention that did not concern me as a Democrat. But for the respect and regard I have for my colleagues on the Republican side of this House I was curious to find out what was going on.

I will take first the Philadelphia Record, which has a heading, "Stampede to Willkie stalled—One hundred G. O. P. Congressmen oppose him." Now, apparently I was right in my statement of July 2.

Mr. MICHENER. Will the gentleman yield?

Mr. McGRANERY. In just a moment. I will use a direct quote and perhaps save some of my fine friends from embarrassment. I will use a direct quote.

> The Idaho Senator, Senator THOMAS, said, "I would not even attempt to run for reelection if the $75,000 a year Wall Street tycoon is the standard bearer. The public utilities have done enough damage to our party, the Republican Party, in the last 15 years."

One of the leaders of the "Stop Willkie Drive" would appear to be one Senator from Idaho [Mr. THOMAS]. Following that they quote the gentleman from Wisconsin, Representative KEEFE, the gentleman from Minnesota, HAROLD KNUTSON, and the gentleman from Indiana, the home State of the very erstwhile candidate, FOREST HARNESS. They also quote the gentlemen from South Dakota, CARL MUNDT and FRANCIS CASE. There are some other quotations in here. So for the benefit of the RECORD, it might be well at this time to ask unanimous consent that this article be included in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania [Mr. MCGRANERY]?

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, what paper is that?

Mr. McGRANERY. It is the Philadelphia Record.

Mr. SCHAFER of Wisconsin. That is a Democratic paper owned by the multimillionaire, 100-percent new dealer, David Stern.

Mr. McGRANERY. The paper is owned by Mr. Stern, yes.

Mr. MICHENER. Mr. Speaker, reserving the right to object, I asked the gentleman to yield awhile ago. He stated as a fact that 100 Members of Congress did a certain thing. He gets what he calls facts from that newspaper article. The gentleman does not mean to vouch for the truth of the statements made in that article, does he?

Mr. McGRANERY. I can only say to the gentleman that I am not on the inner councils of the gentleman's party. This has not been repudiated anywhere. I have not seen or observed in the Philadelphia Record or in any of these other papers where there has been a request by the National Committee of the Republican Party for a retraction of that statement.

Mr. MICHENER. Of course not. Does the gentleman vouch for the truth of the things he is asserting here and does he state that these newspaper articles state the facts?

Mr. McGRANERY. I vouch for them in that the paper is a reputable paper. Some of these papers are Republican papers, one of which I will quote from claims in its editorial to have been the first newspaper to come out for Willkie.

Mr. MICHENER. Let me ask the gentleman, did he make inquiry of the newspaper as to the authenticity of these articles concerning his colleagues before making this speech?

Mr. McGRANERY. Here is the headline.

Mr. MICHENER. I am not talking about the headline. Before you took the floor to present this matter, did you make inquiry of the newspapers to see whether the statements you are now making are backed up by the facts?

Mr. McGRANERY. I accepted them on the basis that more than 10 days have elapsed. It was stated in reputable newspapers all over the country and by reputable commentators on the radio, and there has been no refutation made. I took it to be the fact.

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, I do not believe the editorials can properly go into the RECORD under the rules of the House because, under those rules, we are prohibited from casting aspersions or reflections on a Member of the august body at the other end of the Capitol.

Mr. McGRANERY. This has nothing to do with anything that transpired in that body. It is outside that body.

Mr. SCHAFER of Wisconsin. This is merely a report from the Philadelphia Record, which is owned and controlled by the multimillionair, 100-percent new dealer, David Stern. In view of that identification, I shall not object.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania [Mr. MCGRANERY]?

There was no objection.

Mr. McGRANERY. Mr. Speaker, I will now quote from the Philadelphia Evening Bulletin, which the gentleman knows as a fact to be a most independent paper, not a Democratic paper, but a paper usually with Republican leanings. They say—

> Congressmen act to stop Willkie. Bloc of 28 questions his views on trade pact in European war.

Mr. Speaker, I ask unanimous consent, so that the record will be clear, that this be inserted in the RECORD at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania [Mr. MCGRANERY]?

Mr. MICHENER. Mr. Speaker, reserving the right to object, I have no objection to inserting these articles in the RECORD with the gentleman's statement that he is making a political speech based upon clippings taken from Democratic partisan newspapers and that he has no personal knowledge as to the truth or falsity of the statements.

Mr. McGRANERY. I do not agree to that.

Mr. MICHENER. If the gentleman concedes that I will not object; otherwise, I shall be compelled to object.

Mr. McGRANERY. I do not agree to that statement. The gentleman will have to object, then I will read them.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania [Mr. McGRANERY]?

Mr. MICHENER. Mr. Speaker, I object unless the gentleman states the fact, which is the fact, that he is making a political speech and the articles he is reading came from Democratic newspapers and that the gentleman speaking has no personal knowledge as to the truth or falsity of the articles which he asks to have inserted in the RECORD.

Mr. DINGELL. Reserving the right to object, Mr. Speaker, why does not the gentleman from Michigan make the speech for the gentleman, and that would just save him so much time.

Mr. McGRANERY. The gentleman has been entirely incorrect. This is not a Democratic newspaper. The Evening Bulletin is not and never has been a Democratic newspaper.

Mr. HEALEY. Reserving the right to object, Mr. Speaker, I want to say to the gentleman and to my friend the gentleman from Michigan that the articles appearing in the papers in Philadelphia which the gentleman has referred to and has read to the House appeared also in the New York and Boston papers. I read the same articles.

Mr. McGRANERY. They appeared throughout the 48 States of the Union.

Mr. HEALEY. They were to the effect that 100 Members of Congress were opposed to the nomination of the candidate.

Mr. MICHENER. The statement that 100 Members of Congress were there and were opposed is absolutely false. Anybody who knows anything about it knows that. Therefore, I do not like to put my good friend who is on the floor in the position of reading something which everyone familiar with the facts knows is incorrect. The gentleman from Pennsylvania is one of the outstanding Members of the House and he must not be deceived by newspaper propaganda.

Mr. McGRANERY. The gentleman may be sure that his good friend can rely on what he said and will stand on it.

Mr. McCORMACK. Reserving the right to object, Mr. Speaker, without getting into this argument on the basics, I simply want to call to the attention of my distinguished friend from Michigan, who is one of the ablest and best-liked Members of the House, that it is very dangerous to impose conditions to a unanimous-consent request. I know the gentleman from Michigan realizes that more than I do. If the statement is not correct, in time the truth will assert itself. It is with a great deal of doubt and hesitation that I see such an outstanding Member of the House try to impose conditions upon another Member when he submits a unanimous-consent request.

Mr. MICHENER. The distinguished gentleman from Massachusetts has a way of accomplishing the things he wants to, usually. Possibly my reservation is a trifle severe. After all it is possibly best to take notice that political newspapers carry political news stories and Congressmen make political speeches.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. McGRANERY. May I say, Mr. Speaker, that I offer this for the enlightenment of the Republican Members who have challenged this statement. It is perfectly all right. I have made my statement. If the gentleman does not intend to assert his objection properly and forcefully, I shall withdraw my unanimous-consent request.

The SPEAKER pro tempore. Is there objection to the request?

Mr. McGRANERY. I withdraw it, Mr. Speaker.

Mr. MICHENER. I object to his withdrawing it.

Mr. McGRANERY. Do either one thing or the other.

Mr. McCORMACK. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. McCORMACK. Whether or not a Member in the House has the right to withdraw as a matter of right a unanimous-consent request.

The SPEAKER pro tempore. The Chair believes the gentleman cannot withdraw it without unanimous consent.

Mr. McGRANERY. I will leave it up to the gentleman from Michigan. He can now object if he wishes. We are back to the status quo.

Mr. MICHENER. If I understood the ruling, it was that the gentleman from Pennsylvania could not withdraw his request without unanimous consent.

The SPEAKER pro tempore. The Chair understands that the gentleman can withdraw his request if he so desires.

Mr. RAYBURN. Mr. Speaker, I ask for the regular order. The gentleman has offered to withdraw his request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. MICHENER. Mr. Speaker, a parliamentary inquiry.

Mr. McCORMACK. Mr. Speaker, I make the point of order that a parliamentary inquiry cannot be made unless the gentleman from Pennsylvania yields for that purpose.

The SPEAKER pro tempore. Does the gentleman from Pennsylvania yield for that purpose?

Mr. McGRANERY. I do not yield, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SPARKMAN. Mr. Speaker, will the gentleman yield?

Mr. McGRANERY. I yield to the gentleman from Alabama.

Mr. SPARKMAN. Since some of the gentlemen on the minority side have interposed such tremendous objection to this matter's being aired about the Congressmen objecting to the candidacy of Mr. Willkie, and inasmuch as they object to taking the newspaper accounts, since some of those gentlemen are on the floor at the present time I wonder if they may not get up and deny the statements that have been put into the RECORD.

Mr. McGRANERY. I thank the gentleman.

Mr. CHURCH. Mr. Speaker, will the gentleman yield, just in the interest of clarity?

Mr. McGRANERY. In a moment I will yield, as soon as I finish this statement.

I want to thank the gentleman for his contribution. Last week at the time this controversy arose I asked if we were going to hear from all or a part of these 100 Members of Congress who objected. I do not believe the gentleman from Michigan ought to assume the laboring oar because we all know, as a matter of fact, that our very lovable minority leader got the foot in that convention at Philadelphia, and he got it from his own delegation in Massachusetts because of jealousy. They were afraid of him. They were afraid of his rise. He was not the man to do their bidding. With all these jealous interests in his own delegation, when he was assured of from 200 to 250 votes on the second ballot, his own delegation would not go along with him.

I do not see how any decent man can rise to the defense of tactics such as these, a packed gallery and a stacked deck against the most lovable man, in my opinion, who ever sat in the halls of Congress.

Mr. CHURCH. Mr. Speaker, will the gentleman yield?

Mr. McGRANERY. I yield to the gentleman.

Mr. CHURCH. In the interest of clarity, the gentleman has just stated that the Members who did object are on the floor. As a matter of fact, and in the interest of the facts, and the gentleman is interested in the facts——

Mr. McGRANERY. That is right.

Mr. CHURCH. The gentleman does not see a single one of those Members now, and they were not here when he made that statement.

Mr. SPARKMAN. May I correct the gentleman by saying that I immediately see the gentleman from Indiana [Mr. GILLIE], whose name was mentioned.

Mr. CHURCH. I understand not a single one of those people is on the floor now.

Mr. McGRANERY. I am told that the gentleman from Indiana [Mr. GILLIE] is here.

[Here the gavel fell.]

Mr. McGRANERY. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CHURCH. Mr. Speaker, will the gentleman yield?

Mr. McGRANERY. Yes.

Mr. CHURCH. The last fact the gentleman has related is that there were 28 of these persons, and the last clipping referred to says 28.

Mr. McGRANERY. This newspaper, the Evening Bulletin, says, "Bloc of 28 questions his views on trade pacts and European war."

The heading is "Congressmen act to stop Willkie."

If the gentleman will indulge me for a few moments I will read to him the article from the Philadelphia Evening Ledger, which, in an editorial, claims to have been one of the first newspapers in America to come out for Willkie. The Philadelphia Evening Ledger, of course, as you know, is a Curtis-Martin publication and is controlled by the Curtis-Martin outfit.

Mr. ANDREWS. Mr. Speaker, will the gentleman yield?

Mr. McGRANERY. I yield.

Mr. ANDREWS. Most of us were in Philadelphia and read most of the good papers in Philadelphia at that time. Why does not the gentleman tell us something about the Democratic Convention; that might concern him more.

Mr. McGRANERY. I may come back here next week or the following week, perhaps, and tell the gentleman just who will be both President and Vice President of the United States for the next 4 years. I will tell you something about the Democratic Convention, but you must wait until we have it. [Laughter.]

This Philadelphia Evening Ledger, which is the first paper to claim credit for endorsing Willkie, and say he is a great candidate, they start out with the heading "Congressmen fight Willkie."

Mr. VORYS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. McGRANERY. I yield.

Mr. VORYS of Ohio. Does the gentleman vouch for the veracity of that part of the paper?

Mr. McGRANERY. It is another reputable paper, although strongly Republican.

CONGRESSMEN FIGHT WILLKIE

Upward of 100 Congressmen—

This is Mr. Willkie's paper, a utility outfit—

Upward of 100 Congressmen from 20 States, led by an isolationist spearhead from the Midwest, today organized to combat the Wendell L. Willkie Presidential boom.

Spokesman for the group was Congressman FRANK B. KEEFE, of Wisconsin, who declared: "We can't possibly win with Willkie," and then elaborated his position in a statement signed by Congressman ROY O. WOODRUFF; HAROLD KNUTSON, Minnesota; KARL E. MUNDT, South Dakota; CLIFF CLEVENGER, Ohio; STEPHEN BOLLES, Wisconsin; EARL R. LEWIS, Ohio; and GEORGE W. GILLIE, Indiana.

And the number directly quoted is far in excess of what the gentleman from Illinois [Mr. DIRKSEN] said was the number on the petition. He said there were eight.

Mr. SCHAFER of Wisconsin. How many have you there?

Mr. McGRANERY. More than a good baker's dozen.

KEEFE said Willkie had not committed himself either on the administration's reciprocal trade agreements program or on the appointment of Henry L. Stimson as Secretary of War and Frank Knox as Secretary of the Navy.

Then the article goes on to say:

Although no direct mention was made of Willkie in the statement, KEEFE left no doubt in the minds of his interrogators that he meant the Hoosier.

He pointed to a portion of the statement which read: "A canvass revealed that a majority of the Republican Members of Congress of 20 States are of the opinion that the Republican Party can best serve the Nation at this time by nominating a candidate for the Presidency whose personal views and public statements present an opportunity for a clear-cut vote on foreign and domestic issues in harmony with the Republican record in Congress.

"We call upon the convention to name such a man. The Republican Party will win in November if it selects from its ranks a leader with a past record of consistent support of Republican policies and principles, and whose recognized position and recent pronouncements are a guarantee to the American people that he will not lead the Nation into a foreign war."

I presume that has some reference to the Republican platform committee. It will be recalled that in Philadelphia the resolutions committee first proposed a war resolution, and when Senator PEPPER and another gentleman put on their hats and walked out, they got former Vice President Dawes to bring them back, and then they went on record as being a war party.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. McGRANERY. Mr. Speaker, I ask unanimous consent to include in the RECORD at this place this article from which I have been reading.

The SPEAKER pro tempore. Is there objection?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to the gentleman from California [Mr. WELCH] from July 22 to July 31, on account of important business.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3008. An act to authorize the President of the United States to dispose of certain public vessels, and for other purposes; to the Committee on Naval Affairs.

ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 2751. An act to repeal sections 3711, 3712, and 3713 of the Revised Statutes which relate to the purchase in the District of Columbia of coal and wood for public use, and for other purposes; and

H. R. 9576. An act relating to the admission to St. Elizabeths Hospital of persons resident or domiciled in the Virgin Islands of the United States.

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 458. An act extending the benefits of the Emergency Officers' Retirement Act of May 24, 1928, to provisional, probationary, or temporary officers of the Army, Navy, Marine Corps, and Coast Guard who served during the World War.

Mr. ANDREWS. Mr. Speaker, I make the point of order that there is no quorum present.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 55 minutes p. m.) the House, pursuant to House Concurrent Resolution 86, adjourned until Monday, July 22, 1940, at 12 o'clock noon.

REPORT OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. TAYLOR: Committee on Appropriations. House Joint Resolution 583. Joint resolution making an additional appropriation for the Tennessee Valley Authority for the fiscal year 1941 to provide facilities to expedite the national defense; without amendment (Rept. No. 2749). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEA: Committee of conference on the disagreeing votes of the two Houses. H. R. 6884. A bill to encourage

travel in the United States, and for other purposes (Rept. No. 2764). Referred to the Committee of the Whole House on the state of the Union.

Mr. MAY: Committee on Military Affairs. S. 3200. An act to provide for the rank and title of lieutenant general of the Regular Army in the Military Department of Panama and Hawaii; without amendment (Rept. No. 2765). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2766. Report on the disposition of records in the Federal Security Agency, Office of Education. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2767. Report on the disposition of records in the Federal Works Agency, Work Projects Administration. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2768. Report on the disposition of records in the Federal Works Agency, Public Buildings Administration. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2769. Report on the disposition of records in the Federal Works Agency, Work Projects Administration. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2770. Report on the disposition of records by the United States attorney for the district of South Dakota with the approval of the Department of Justice. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2771. Report on the disposition of records by the United States marshal for the district of South Dakota with the approval of the Department of Justice. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2772. Report on the disposition of records in the Civil Aeronautics Authority. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2773. Report on the disposition of records in the Post Office Department. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2774. Report on the disposition of records by the Alien Property Bureau with the approval of the Department of Justice. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2775. Report on the disposition of records by the Board of Governors of the Federal Reserve System. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2776. Report on the disposition of records in the Federal Works Agency. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2777. Report on the disposition of records in the Department of War. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2778. Report on the disposition of records in the Navy Department. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2779. Report on the disposition of records in the Navy Department. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2780. Report on the disposition of records in the Treasury Department. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2781. Report on the disposition of records in the Treasury Department. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2782. Report on the disposition of records in the Treasury Department. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2783. Report on the disposition of records in the Treasury Department. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2784. Report on the disposition of records in the Treasury Department. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2785. Report on the disposition of records in the Interior Department. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2786. Report on the disposition of records in the Interior Department. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2787. Report on the disposition of records in the Interior Department. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2788. Report on the disposition of records in the Interior Department. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2789. Report on the disposition of records in the Interior Department. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2790. Report on the disposition of records in the Interior Department. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2791. Report on the disposition of records in the Interior Department. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2792. Report on the disposition of records in the Interior Department. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2793. Report on the disposition of records in the Interior Department. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2794. Report on the disposition of records in the Interior Department. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2795. Report on the disposition of records in the Interior Department. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2796. Report on the disposition of records in the Interior Department. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2797. Report on the disposition of records in the Agriculture Department. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2798. Report on the disposition of records in the Navy Department. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2799. Report on the disposition of records in the Veterans' Administration. Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. KENNEDY of Maryland: Committee on Claims. S. 2384. An act for the relief of Lyle L. Bressler; with amendment (Rept. No. 2750). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. S. 2758. An act for the relief of Wade Crawford, formerly superintendent of the Klamath Indian Agency; with amendment (Rept. No. 2751). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. S. 2997. An act for the relief of the Greenlee County Board of Supervisors; without amendment (Rept. No. 2752). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. S. 3003. An act for the relief of Ralph C. Hardy, William W. Addis, C. H. Seaman, R. J. Polk, and E. F. Gondelock; without amendment (Rept. No. 2753). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. S. 3400. An act for the relief of Capt. Robert W. Evans; with amendment (Rept. No. 2754). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. S. 3581. An act for the relief of John L. Pennington; without amendment (Rept. No. 2755). Referred to the Committee of the Whole House.

Mr. THOMAS of New Jersey: Committee on Claims. S. 3594. An act to provide an additional sum for the payment of a claim under the act entitled "An act to provide for the reimbursement of certain personnel or former personnel of the United States Navy and United States Marine Corps for the value of personal effects destroyed as a result of a fire at the Marine Barracks, Quantico, Va., on October 27, 1938", approved June 19, 1939; without amendment (Rept. No. 2756). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. S. 3710. An act for the relief of James H. Hearon; with amendment (Rept. No. 2757). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. S. 3741. An act for the relief of Charles P. Madsen; without amendment (Rept. No. 2758). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. S. 3866. An act for the relief of George W. Coon; without amendment (Rept. No. 2759). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. S. 3962. An act for the relief of the Louis Puccinelli Bond Co.; with amendment (Rept. No. 2760). Referred to the Committee of the Whole House.

Mr. THOMAS of New Jersey: Committee on Claims. H. R. 9073. A bill to provide for the reimbursement of certain officers and men of the Coast and Geodetic Survey for the value of personal effects lost, damaged, or destroyed in a fire aboard the Coast and Geodetic Survey launch *Mikawe*, at Norfolk, Va., on October 27, 1939; with amendment (Rept. No. 2761). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 10155. A bill for the relief of William M. Irvine; without amendment (Rept. No. 2762). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 10191. A bill for the relief of Anthony Borsellino; without amendment (Rept. No. 2763). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JOHNS:

H. R. 10199. A bill to provide for Federal cooperation in the construction and reconstruction of air markers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. VINSON of Georgia:

H. R. 10200. A bill to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes; to the Committee on Naval Affairs.

By Mr. WHELCHEL:

H. R. 10201. A bill to promote peace and the national defense through a more equal distribution of the burdens of war by drafting the use of money according to ability to lend to the Government; to the Committee on Ways and Means.

By Mr. GEARHART:

H. R. 10202. A bill to provide an intermediate status of "noncitizen national of the United States" for aliens permanently residing in the United States; to provide for the deportation of such aliens who neither acquire such status nor file a declaration of intention to become a citizen of the United States; and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. McCORMACK:

H. R. 10203. A bill to amend section 811 (a) (2), title 26, of the Federal Code; to the Committee on Ways and Means.

By Mr. SUMNERS of Texas:

H. R. 10204. A bill to amend section 42 of title 7 of the Canal Zone Code; to the Committee on the Judiciary.

By Mr. BLAND:

H. R. 10205. A bill to amend section 4 (f) of the Communications Act of 1934, as amended, to provide for extra compensation for overtime of inspectors in charge and radio inspectors of the Field Division of the Engineering Department of the Federal Communications Commission; to the Committee on Merchant Marine and Fisheries.

By Mr. WHELCHEL:

H. R. 10206. A bill to permit employers to make vocational training available to their employees outside of regular working hours on a voluntary basis without regard to certain provisions of the Fair Labor Standards Act of 1938; to the Committee on Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FAY:

H. R. 10207. A bill for the relief of Karl Eduard von Vietinghoff-Scheel; to the Committee on Immigration and Naturalization.

By Mr. KRAMER:

H. R. 10208. A bill for the relief of Laszlo Vadnai and his wife, Clara; to the Committee on Immigration and Naturalization.

H. R. 10209. A bill for the relief of Eugene Gruen and his wife, Kate; to the Committee on Immigration and Naturalization.

By Mr. SCHAFER of Wisconsin:

H. R. 10210. A bill for the relief of Peter Mathew Mercz; to the Committee on Immigration and Naturalization.

By Mr. STEARNS of New Hampshire:

H. R. 10211. A bill for the relief of Lindsey L. McKee; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9036. By Mr. FENTON: Petition of the Polish-American Citizens' League of Northumberland County, Pa., urging every immediate assistance to the Allies in the form of food supplies, aerial equipment, airplanes, guns, and all other forms of war materials; to the Committee on Foreign Affairs.

9037. By Mr. HARTER of New York: Petition of the Board of Supervisors of the county of Erie, N. Y., offering various properties to the Federal Government without cost for use in

the preparedness program; to the Committee on Public Buildings and Grounds.

9038. By Mr. HESS: Petition sponsored by the Mothers of Sons Forum, Cincinnati, Ohio, signed by Josephine Mahler, recording secretary, and 15,211 other residents of Cincinnati and vicinity, petitioning the President and the Congress of the United States to avoid all commitments which may involve us in war; to the Committee on Foreign Affairs.

9039. By Mr. ELSTON: Petition sponsored by the Mothers of Sons Forum, Cincinnati, Ohio, signed by Grace A. Murphy, secretary, and 15,047 other residents of Cincinnati and vicinity, petitioning the President and the Congress of the United States to avoid all commitments which may involve us in war; to the Committee on Foreign Affairs.

9040. By Mrs. NORTON: Petition of the New Jersey Pharmaceutical Association, urging the removal of any excise tax from ethyl alcohol used in medicinal products, and that suitable and effective measures be promulgated to prevent the misuse of such tax-free alcohol; to the Committee on Ways and Means.

9041. By Mr. THOMASON: Petition of the El Paso Optimist Club, El Paso, Tex.; to the Committee on the Judiciary.

SENATE

MONDAY, JULY 22, 1940

In accordance with the provisions of House Concurrent Resolution 86, adopted July 11, 1940, the Senate met at 12 o'clock meridian.

Rev. Duncan Fraser, assistant pastor, Church of the Epiphany, Washington, D. C., offered the following prayer:

Almighty and most merciful God, who alone doth rule the universe, bless, we beseech Thee, the President and Congress of the United States, that they, knowing whose ministers they are, may perform their duties to Thy honor and glory and for the highest welfare of Thy people. Through Jesus Christ, our Lord. Amen.

THE JOURNAL

On request of Mr. HARRISON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Thursday, July 11, 1940, was dispensed with, and the Journal was approved.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED DURING ADJOURNMENT

Under authority of the order of the 11th instant,

The VICE PRESIDENT signed, subsequent to the adjournment of the Senate, the following enrolled bills and joint resolution, which had previously been signed by the Speaker of the House of Representatives:

S. 3046. An act to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939;

S. 3097. An act for the relief of Katherine M. Drier;

S. 4119. An act to provide for the transfer of certain land in the De Soto National Forest to the Secretary of War for use for military purposes;

H. R. 6056. An act for the relief of Antal or Anthony or Tony Zaicek or Zaiczek;

H. R. 6884. An act to encourage travel in the United States, and for other purposes;

H. R. 7696. An act to amend the United States Grain Standards Act, to provide for the grading of soybeans, and for other purposes;

H. R. 8372. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Chester, Ill.;

H. R. 10100. An act to establish the composition of the United States Navy, to authorize the construction of certain naval vessels, and for other purposes; and

H. J. Res. 582. Joint resolution making an appropriation to enable the United States Maritime Commission to establish the marine and war-risk insurance fund.

Under authority of the order of the 11th instant,

The PRESIDENT pro tempore signed, subsequent to the adjournment of the Senate, the enrolled bill (H. R. 9877) authorizing the Secretary of the Interior to promulgate and to put into effect charges for electrical energy generated at Boulder Dam, providing for the application of revenues from said project, authorizing the operation of the Boulder Dam power plant by the United States directly or through agents, and for other purposes, which had previously been signed by the Speaker of the House of Representatives.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTIONS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following bills and joint resolutions:

On July 10, 1940:

S. 1789. An act to authorize the cancelation of deportation proceedings in the case of Florence Sinclair Cooper and daughter, Margaret Lavallie, and Philip P. Roy;

S. 2111. An act to amend the act entitled "An act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service," approved February 15, 1893, as amended;

S. 2704. An act for the relief of Mr. and Mrs. C. W. Black and Marion Rabren;

S. 2774. An act for the relief of Jose Mauri;

S. 2775. An act for the relief of Henry Gideon Schiller;

S. 2799. An act for the relief of James George Mayfield;

S. 2909. An act for the relief of Dexter and Elizabeth Shiomi;

S. 2969. An act for the relief of Louise Thorne;

S. 3021. An act for the relief of A. A. Ramsey;

S. 3146. An act relating to the citizenship of William Lawrence Tan;

S. 3587. An act for the relief of Earl P. Collins;

S. 3649. An act for the relief of Harry D. Gann;

S. 3706. An act for the relief of Alfred B. Balls;

S. 3742. An act for the relief of M. E. McGivern; and

S. 3972. An act to authorize exchanges of lands within the Navajo Indian Reservation, Ariz.

On July 11, 1940:

S. 182. An act for the relief of Edward Hagenson;

S. 349. An act for the relief of C. F. Cooley, administrator of the estate of Charles F. Cooley, Jr.;

S. 993. An act for the relief of J. H. Wootton;

S. 1251. An act for the relief of certain settlers in the town site of Ketchum, Idaho;

S. 1376. An act for the relief of Cothran Motors, Inc.;

S. 1531. An act for the relief of Edmund S. Dennis;

S. 2570. An act for the relief of Mary Boyd;

S. 2595. An act for the relief of Lloyd S. Harris;

S. 2768. An act authorizing the naturalization of Thomas A. Lambie;

S. 2773. An act to authorize the payment of compensation to recess appointees in certain cases;

S. 2800. An act for the relief of Edward J. Ross and the legal guardian of Betty Ross, a minor;

S. 2988. An act for the relief of Bessie Sharrah;

S. 3023. An act for the relief of Clarence E. Enders and Gertrude Ray Enders;

S. 3039. An act for the relief of Twila Snyder;

S. 3059. An act for the relief of Velvie W. Smith, and the legal guardian of Glenn Richard Smith;

S. 3062. An act for the relief of the Rodgers Tile Co.;

S. 3101. An act for the relief of certain purchasers of, and entrymen upon, opened lands of certain Indian reservations;

S. 3111. An act for the relief of Thomas L. Gardner;

S. 3280. An act for the relief of Ina May Everett;

S. 3401. An act for the relief of Charles N. Barber, former United States property and disbursing officer, Vermont National Guard, and for other purposes;

S. 3424. An act for the relief of George O. Elliott and Winslow Farr Smith;

S. 3597. An act for the relief of Vernon C. Brown and F. L. Copeland;

S. 3617. An act granting the consent and approval of Congress to an interstate compact relating to control and reduction of pollution in the Ohio River drainage basin;

S. 3673. An act for the relief of Capt. David H. Passell and First Lt. Paul E. LaMaster;

S. 3748. An act for the relief of Guy F. Allen, chief disbursing officer, Division of Disbursement, Treasury Department;

S. 3749. An act to relieve certain employees of the Veterans' Administration from financial liability for certain overpayments and allow such credit therefor as is necessary in the accounts of certain disbursing officers, and for other purposes;

S. 3916. An act for the relief of Lawrence T. Post, G. F. Allen, and D. Buddrus;

S. 4032. An act to provide for the reimbursement of Philip A. Penston, pharmacist's mate, first class, United States Coast Guard, for the value of personal and household effects lost and destroyed during the hurricane of September 21, 1938, at New London, Conn.;

S. 4048. An act for the relief of Elizabeth K. Peeples;

S. 4090. An act to authorize the Attorney General to donate on behalf of the United States to H. S. Scott, D. W. Collins, Fred M. Gross, trustees, Ashland District Council, Boy Scouts of America, the log house known as the John Secrest home, located on the site of the Federal Correctional Institution near Ashland, Ky.;

S. 4126. An act for the relief of Anne Howard Lay;

S. J. Res. 133. Joint resolution to confer jurisdiction on the Court of Claims or the District Court of the United States for the Northern District of Georgia to hear, determine, and render judgment upon the claim of Mrs. J. W. Marks, of Stephens County, Ga.;

S. J. Res. 222. Joint resolution granting the consent of Congress to the States of Maryland and West Virginia and the Commonwealths of Virginia and Pennsylvania and the District of Columbia as signatory bodies to enter into a compact for the creation of a Potomac Valley Conservancy District and the establishment of the Interstate Commission on the Potomac River Basin; and

S. J. Res. 283. Joint resolution authorizing Col. Donald H. Connolly to hold the office of Administrator of Civil Aeronautics in the Department of Commerce.

On July 12, 1940:

S. 2560. An act for the relief of Marjorie Buchek;

S. 2561. An act for the relief of Ina Jones;

S. 2717. An act for the relief of Edward J. Broggi;

S. 3256. An act to enable Sadao Tanaka to remain permanently in the United States;

S. 3412. An act for the relief of John Nicholas Chicouras;

S. 3707. An act for the relief of certain disbursing agents and certifying officers of the Indian Service, the United States Veterans' Administration, and the Treasury Department; and

S. 4097. An act to provide for the disposition of estates of American citizens who die abroad.

On July 15, 1940:

S. 134. An act providing for continuing retirement pay, under certain conditions, of officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability while in the service of the United States during the World War, and for other purposes;

S. 2289. An act for the relief of the Leesburg Welding & Garage Co.; and

S. 3647. An act for the relief of the legal guardian of Paul Sanford, a minor.

On July 16, 1940:

S. 29. An act to authorize the use of certain facilities of Indian reservations, national parks, and national monuments for elementary-school purposes;

S. 2018. An act for the relief of Nile Shaw and Edgar C. Bardin; and

S. 3676. An act to withdraw certain portions of land within the Hawaii National Park and to transfer the same to the jurisdiction and control of the Secretary of War for military purposes.

On July 18, 1940:

S. 458. An act extending the benefits of the Emergency Officers' Retirement Act of May 24, 1928, to provisional, probationary, or temporary officers of the Army, Navy, Marine Corps, and Coast Guard who served during the World War; and

S. 3131. An act to extend the benefits of the United States Employees' Compensation Act to members of the Officers' Reserve Corps and of the Enlisted Reserve Corps of the Army who were physically injured in line of duty while performing active duty or engaged in authorized training between dates of February 28, 1925, and July 15, 1939, both inclusive, and for other purposes.

On July 19, 1940:

S. 3046. An act to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939;

S. 3097. An act for the relief of Katherine M. Drier; and

S. 4119. An act to provide for the transfer of certain land in the De Soto National Forest to the Secretary of War for use for military purposes.

INCREASE OF CAPITAL AND LENDING POWER OF EXPORT-IMPORT BANK OF WASHINGTON (H. DOC. NO. 881)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Banking and Currency:

To the Congress of the United States:

As a result of the war in Europe, far-reaching changes in world affairs have occurred, which necessarily have repercussions on the economic life both of the United States and of the other American republics. All American republics in some degree make a practice of selling, and should sell, surplus products to other parts of the world, and we in the United States export many items that are also exported by other countries of the Western Hemisphere.

The course of the war, the resultant blockades and counter-blockades, and the inevitable disorganization is preventing the flow of these surplus products to their normal markets. Necessarily this has caused distress in various parts of the New World and will continue to cause distress until foreign trade can be resumed on a normal basis and the seller of these surpluses is in a position to protect himself in disposing of his products. Until liberal commercial policies are restored and fair trading on a commercial plane is reopened distress may be continued.

I therefore request that the Congress give prompt consideration to increasing the capital and lending power of the Export-Import Bank of Washington by $500,000,000, and removing some of the restrictions on its operations to the end that the bank may be of greater assistance to our neighbors south of the Rio Grande, including financing the handling and orderly marketing of some part of their surpluses.

It is to be hoped that before another year world trade can be reestablished, but, pending this adjustment, we in the United States should join with the peoples of the other republics of the Western Hemisphere in meeting their problems. I call the attention of Congress to the fact that by helping our neighbors we will be helping ourselves. It is in the interests of the producers of our country, as well as in the interests of producers of other American countries, that

there shall not be a disorganized or cutthroat market in those commodities which we all export.

No sensible person would advocate an attempt to prevent the normal exchange of commodities between other continents and the Americas, but what can and should be done is to prevent excessive fluctuations caused by distressed selling resulting from temporary interruption in the flow of trade, or the fact that there has not yet been reestablished a system of free exchange. Unless exporting countries are able to assist their nationals, they will be forced to bargain as best they can.

As has heretofore been made clear to the Congress, the Export-Import Bank is operated by directors representing the Departments of State, Treasury, Agriculture, and Commerce, and the Reconstruction Finance Corporation, and is under the supervision of the Federal Loan Administrator, so that all interested branches of our Government participate in any loans that are authorized, and the directors of the bank should have a free hand as to the purposes for which loans are authorized and the terms and conditions upon which they are made.

I therefore request passage of appropriate legislation to this end.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *July 22, 1940.*

LAWS OF PUERTO RICO

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying document, referred to the Committee on Territories and Insular Affairs:

To the Congress of the United States:

As required by section 23 of the act of Congress approved March 2, 1917, entitled "An act to provide a civil government for Puerto Rico, and for other purposes," I transmit herewith certified copies of laws enacted by the fourth regular session of the fourteenth Legislature of Puerto Rico, February 12 to April 15, 1940.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *July 22, 1940.*

ORDER FOR ADJOURNMENT TO THURSDAY

Mr. HARRISON. I ask unanimous consent that when the Senate concludes its business today it adjourn to meet on Thursday next.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

SPECIAL ASSISTANTS UNDER DEPARTMENT OF JUSTICE

The VICE PRESIDENT laid before the Senate a letter from the Acting Attorney General, transmitting, pursuant to law, a report showing the special assistants employed under the appropriation "Compensation of special attorneys, etc., Department of Justice," as of July 1, 1940, which, with the accompanying report, was referred to the Committee on the Judiciary.

STONY POINT LIGHT STATION RESERVATION

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to further amend the act of July 30, 1937, authorizing the conveyance of a portion of the Stony Point Light Station Reservation to the Palisades Interstate Park Commission, which, with the accompanying paper, was referred to the Committee on Commerce.

GUY F. ALLEN, CHIEF DISBURSING OFFICER, TREASURY DEPARTMENT

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation for the relief of Guy F. Allen, Chief Disbursing Officer, Treasury Department, and for other purposes, which, with the accompanying paper, was referred to the Committee on Claims.

EXTENSION OF VOCATIONAL EDUCATION AND CIVILIAN REHABILITATION TO THE VIRGIN ISLANDS

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to extend to the Virgin Islands the provisions of certain laws relating to vocational education and civilian rehabilitation, which, with the accompanying papers, was referred to the Committee on Territories and Insular Affairs.

ACQUISITION OF ADDITIONAL LAND ALONG MOUNT VERNON MEMORIAL HIGHWAY

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the National Capital Park and Planning Commission, transmitting a draft of proposed legislation to provide for the acquisition of additional land along the Mount Vernon Memorial Highway in exchange for certain dredging privileges, and for other purposes, which, with the accompanying paper, was referred to the Committee on Public Lands and Surveys.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a resolution adopted at Astoria, Oreg., by the sixth annual convention of the Maritime Federation of the Pacific, favoring the enactment of House bill 8616, to provide for cooperation with the States for the relief of unemployment, which was referred to the Committee on Education and Labor.

He also laid before the Senate a resolution adopted at Astoria, Oreg., by the sixth annual convention of the Maritime Federation of the Pacific, endorsing the position taken by the Congress of Industrial Organizations for the solution of the problem of reuniting the American Federation of Labor, the Congress of Industrial Organizations, and all labor into one organization, which was referred to the Committee on Education and Labor.

He also laid before the Senate a resolution adopted at a mass meeting held under the auspices of the United Lithuanian American Societies of Essex County, at Newark, N. J., protesting against the Communist invasion of the Baltic States of Europe, and favoring withdrawal of the recognition of the Soviet Union of Russia, which was referred to the Committee on Foreign Relations.

He also laid before the Senate a resolution adopted by the Department of Massachusetts, United Spanish War Veterans, at Northampton, Mass., favoring increased Federal investigation of "fifth column" activities in the United States, which was referred to the Committee on the Judiciary.

He also laid before the Senate resolutions adopted by the Lions Clubs of Gibsland, La.; Frederick, Md.; Van Buren, Ark., and Lott and Waxahachie, Tex., favoring the adoption of an adequate national-defense program and the suppression of all subversive activities in the Nation, which were referred to the Committee on the Judiciary.

He also laid before the Senate a telegram in the nature of a memorial from Fred W. Klasey, precinct committeeman of Covington precinct, South Sioux City, Nebr., remonstrating against the confirmation of Ralph Kilzer to be postmaster at South Sioux City, Nebr., which was referred to the Committee on Post Offices and Post Roads.

He also laid before the Senate a resolution adopted by the Department of Massachusetts, United Spanish War Veterans, at Northampton, Mass., favoring the enactment of a compulsory selective-service law, which was referred to the Committee on Military Affairs.

He also laid before the Senate a resolution adopted by the Theta Delta Chi Fraternity, Chicago, Ill., favoring immediate development of the Nation's military, naval, and air forces, including all necessary material, which was referred to the Committee on Military Affairs.

He also laid before the Senate petitions of sundry citizens of the United States, praying that a day be set aside for prayer and repentance, which were ordered to lie on the table.

He also laid before the Senate a resolution of Local No. 88, United American Artists Union, Congress of Industrial Organizations, of San Francisco, Calif., favoring the adoption of an adequate national-defense program, which was ordered to lie on the table.

He also laid before the Senate a resolution of the Democratic Youth Federation of California, San Francisco, Calif., protesting against the so-called Smith Act, providing for

fingerprinting of aliens, which was ordered to lie on the table.

He also presented the petition of members of the Yo-Ma-Co Club, of San Diego, Calif., praying for the adoption of an adequate national-defense program, which was ordered to lie on the table.

Mr. HOLT presented the petition of Cabin Creek Post, No. 80, American Legion, of Cabin Creek, W. Va., praying for the enactment of the bill (S. 134) providing for continuing retirement pay, under certain conditions, of officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability while in the service of the United States during the World War, and for other purposes, and remonstrating against the enactment of the bill (S. 409) to protect American labor and stimulate the employment of American citizens on American jobs, which was ordered to lie on the table.

REPORTS OF COMMITTEES

Mr. SHEPPARD, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 6365. A bill to correct the military record of DeRosey C. Cabell, McFarland Cockrill, James N. Caperton, Junius H. Houghton, Otto F. Lange, Paul B. Parker, James deB. Walbach, and Victor W. B. Wales (Rept. No. 1956);

H. R. 9024. A bill relating to the status of retired officers of the Army, Navy, Marine Corps, and Coast Guard of the United States, and to amend section 113 of the Criminal Code (Rept. No. 1957).

Mr. CONNALLY, from the Committee on Public Buildings and Grounds, to which was referred the joint resolution (H. J. Res. 472) to prohibit the sale or disposal of the United States customhouse for the city of Detroit, reported it without amendment.

Mr. BURKE, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 719. A bill for the relief of Francis G. McDougall (Rept. No. 1958);

H. R. 2278. A bill for the relief of Carl Hurt (Rept. No. 1959);

H. R. 2490. A bill for the relief of Fulton Combs (Rept. No. 1960);

H. R. 3992. A bill for the relief of Frank Spears (Rept. No. 1961);

H. R. 5116. A bill for the relief of Thomas Miralia and Betty Miralia (Rept. No. 1962);

H. R. 5254. A bill for the relief of the captain and crew of the fishing boat *Unione No. 1* (Rept. No. 1963);

H. R. 5309. A bill for the relief of Robert L. Taylor (Rept. No. 1964);

H. R. 5562. A bill for the relief of Clyde E. Malle (Rept. No. 1965);

H. R. 6740. A bill for the relief of the estate of J. L. Fretwell (Rept. No. 1966);

H. R. 7416. A bill for the relief of Theodore R. King (Rept. No. 1967);

H. R. 7668. A bill for the relief of Elizabeth Buxton Hospital (Rept. No. 1968);

H. R. 7679. A bill for the relief of J. E. Dambach (Rept. No. 1969);

H. R. 7851. A bill for the relief of certain disbursing officers of the Division of Disbursement, Treasury Department (Rept. No. 1970);

H. R. 7957. A bill for the relief of Willie Perry (Rept. No. 1971);

H. R. 8028. A bill for the relief of Zoe Hoyt Wagner and Io F. Hoyt (Rept. No. 1972);

H. R. 8091. A bill for the relief of May C. Taylor (Rept. No. 1973);

H. R. 8217. A bill for the relief of Thomas R. Fox (Rept. No. 1974);

H. R. 8246. A bill for the relief of Clyde Caietti, a minor (Rept. No. 1975);

H. R. 8318. A bill for the relief of the Charles H. Amos Handle Co. (Rept. No. 1976);

H. R. 8459. A bill for the relief of Edna S. Gardiner (Rept. No. 1977);

H. R. 8504. A bill for the relief of Dr. A. C. Wade (Rept. No. 1978);

H. R. 8666. A bill for the relief of certain claimants on account of loss by fire for which the United States was adjudged liable (Rept. No. 1979);

H. R. 8946. A bill for the relief of Rufus K. Sanderlin (Rept. No. 1980);

H. R. 9130. A bill for the relief of Fred Shelton (Rept. No. 1981);

H. R. 9520. A bill for the relief of Edward F. Higgins, postmaster, Great Neck, N. Y. (Rept. No. 1982); and

H. R. 10034. A bill for the relief of certain disbursing officers of the Treasury Department, the Department of the Interior, and the Army (Rept. No. 1983).

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that that committee presented to the President of the United States the following enrolled bills:

On July 11, 1940:

S. 29. An act to authorize the use of certain facilities of national parks and national monuments for elementary-school purposes;

S. 458. An act extending the benefits of the Emergency Officers' Retirement Act of May 24, 1928, to provisional, probationary, or temporary officers of the Army, Navy, Marine Corps, and Coast Guard who served during the World War;

S. 2018. An act for the relief of Nile Shaw and Edgar C. Bardin; and

S. 3131. An act to extend the benefits of the United States Employees' Compensation Act to members of the Officers' Reserve Corps and of the Enlisted Reserve Corps of the Army who were physically injured in line of duty while performing active duty or engaged in authorized training between dates of February 28, 1925, and July 15, 1939, both inclusive, and for other purposes.

On July 13, 1940:

S. 3046. An act to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939;

S. 3097. An act for the relief of Katherine M. Drier; and

S. 4119. An act to provide for the transfer of certain land in the De Soto National Forest to the Secretary of War for use for military purposes.

BILL INTRODUCED

Mr. SHEPPARD introduced a bill (S. 4203) to provide for the employment on active duty of retired personnel of the Regular Army, and for other purposes, which was read twice by its title and referred to the Committee on Military Affairs.

INCREASE OF CAPITAL AND LENDING POWER OF EXPORT-IMPORT BANK

Mr. GLASS. Mr. President, on behalf of the Senator from New York [Mr. WAGNER] I introduce a bill to increase the lending authority of the Export-Import Bank of Washington and ask that it be referred to the Committee on Banking and Currency. I also ask that a statement of the Senator from New York [Mr. WAGNER] may be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and referred as requested, and the statement will be printed in the RECORD.

The bill (S. 4204) to provide for increasing the lending authority of the Export-Import Bank of Washington, and for other purposes, was read twice by its title and referred to the Committee on Banking and Currency.

The statement presented by Mr. GLASS (for Mr. WAGNER) is as follows:

STATEMENT OF ROBERT F. WAGNER, CHAIRMAN OF THE COMMITTEE ON BANKING AND CURRENCY OF THE SENATE

Developments in Europe have made us more aware than ever of the necessity of strengthening our ties with the countries of the Western Hemisphere in meeting the common problems of economics

and defense. Accordingly, I am today introducing a bill which will lift restrictions of existing law on loans to or transactions with foreign countries insofar as they affect the dealing of the bank with the countries of the Western Hemisphere and permit the Export-Import Bank to make loans to assist in developing the resources, in stabilizing the economies, and in furthering the orderly marketing of the products of such countries.

These additional powers are to be exercised only upon the request of the Federal Loan Administrator with the approval of the President and subject to such conditions and limitations as they may impose. The bill also increases from $200,000,000 to $700,000,000 the amount of loans which the bank may have outstanding at any one time and authorizes the R. F. C. to provide the bank with funds not to exceed $500,000,000.

FINANCIAL STATEMENTS AND OTHER INFORMATION CONCERNING CERTAIN GOVERNMENT AGENCIES

Mr. BYRD submitted the following resolution (S. Res. 292), which was ordered to lie on the table:

Resolved, That the Secretary of the Treasury is authorized and directed (1) to prepare and transmit to the Senate forthwith or as soon as practicable a complete financial statement for the fiscal year ended June 30, 1940, of each of the agencies and corporations enumerated in Senate Resolution No. 150, Seventy-sixth Congress, first session, agreed to June 27, 1939; and (2) to secure and transmit to the Senate immediately a copy of the last annual report of each such agency and corporation, whether or not such report, pursuant to law, is required to be made to the Congress. The financial statements of such agencies and corporations herein required for the fiscal year ended June 30, 1940, shall be of the same character and shall include similar information for such fiscal year as the financial statement of such agencies and corporations for prior fiscal years heretofore transmitted to the Senate pursuant to such resolution and printed in Senate Document No. 172, Seventy-sixth Congress, third session.

ORDER FOR SECRETARY TO RECEIVE MESSAGES, PETITIONS, BILLS, AND REPORTS

Mr. HARRISON. Mr. President, I ask unanimous consent that during the adjournment following today's session the Secretary of the Senate may receive messages from the President of the United States or the House of Representatives for appropriate references; and that petitions, reports of committees, and bills may also be received by the Secretary for appropriate reference.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

VOLUNTARY ARMY ENLISTMENTS

Mr. VANDENBERG. Mr. President, underlying the question of conscription or universal service is the primary question of whether or not enlistments are proceeding on a voluntary basis at a satisfactory pace. I have been seeking information from the War Department on that subject. I present a letter from Major General Adams, Adjutant General of the Army, and ask that it be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 15, 1940.

Hon. ARTHUR H. VANDENBERG,
United States Senate.

MY DEAR SENATOR VANDENBERG: Replying to your inquiry of July 11, 1940, and in response to your specific question, "Does the present experience of the War Department justify the belief that its personnel requirements under the national-defense program as at present authorized will be provided by voluntary enlistment through regular existing channels and methods?" it is the opinion of the Army recruiting service that under present conditions the additional enlisted personnel required under the national-defense program to raise the strength of the Regular Army to 375,000 men can be procured by voluntary enlistment within a period of approximately 5 months from the time the complete task is assigned to the recruiting service for execution. The CONGRESSIONAL RECORD of July 11, 1940, on page 14396, contains recently compiled figures furnished by me.

The importance of the time factor presents the great problem of the War Department under a system of voluntary recruiting. It is the desire of the Chief of Staff to obtain men as quickly as possible for the organization of new units and to bring existing units up to full strength.

Respectfully yours,

E. S. ADAMS,
Major General,
The Adjutant General.

ADDRESS BY THE PRESIDENT TO DEMOCRATIC NATIONAL CONVENTION

[Mr. BYRNES asked and obtained leave to have printed in the RECORD the address to the Democratic National Convention broadcast by the President from the White House on July 19, 1940, which appears in the Appendix.]

ADDRESS BY MRS. ROOSEVELT TO DEMOCRATIC NATIONAL CONVENTION

[Mr. MURRAY asked and obtained leave to have printed in the RECORD the address delivered by Mrs. Franklin D. Roosevelt to the Democratic National Convention on July 18, 1940, which appears in the Appendix.]

ADDRESS BY SENATOR BARKLEY AT DEMOCRATIC NATIONAL CONVENTION

[Mr. HATCH asked and obtained leave to have printed in the RECORD the address delivered by Senator BARKLEY as permanent chairman of the Democratic National Convention at Chicago, Ill., on July 16, 1940, which appears in the Appendix.]

THE 1940 PLATFORM OF DEMOCRATIC PARTY

[Mr. BYRNES asked and obtained leave to have printed in the RECORD the platform adopted by the Democratic Party at its national convention held in Chicago from July 15 to 19, 1940, which appears in the Appendix.]

ADDRESS BY FRANK O'CONNOR AT CHICAGO CONVENTION NOMINATING HON. HENRY A. WALLACE FOR VICE PRESIDENCY

[Mr. TRUMAN asked and obtained leave to have printed in the RECORD an address delivered at the Democratic National Convention at Chicago, Ill., July 18, 1940, nominating Hon. Henry A. Wallace for the Vice Presidency, which appears in the Appendix.]

ADDRESS BY SENATOR GLASS NOMINATING HON. JAMES A. FARLEY

[Mr. MCKELLAR asked and obtained leave to have printed in the RECORD the address delivered at the Democratic National Convention in Chicago by Senator GLASS placing in nomination for the Presidency Hon. James A. Farley, of New York, which appears in the Appendix.]

ADDRESS BY HON. JAMES A. FARLEY AT SECOND SESSION, DEMOCRATIC NATIONAL CONVENTION

[Mr. MCKELLAR asked and obtained leave to have printed in the RECORD the address delivered by Hon. James A. Farley at the second session of the Democratic National Convention, Chicago, Ill., on July 15, 1940, which appears in the Appendix.]

PRECONVENTION RADIO ADDRESS BY HON. JAMES A. FARLEY

[Mr. MCKELLAR asked and obtained leave to have printed in the RECORD a preconvention radio address delivered from Chicago, Ill., on the evening of July 14, 1940, by Hon. James A. Farley, which appears in the Appendix.]

HON. JAMES A. FARLEY

[Mr. MCKELLAR asked and obtained leave to have printed in the RECORD a resolution adopted by the Democratic National Convention on July 16 thanking Chairman James A. Farley for his services, a motion made by Mr. Farley on July 17 to make unanimous the nomination of President Roosevelt, and a statement by Mr. Farley issued on July 19, which appear in the Appendix.]

ADDRESS BY SENATOR CAPPER ON THE POLITICAL SITUATION AND WORLD PROBLEMS

[Mr. CAPPER asked and obtained leave to have printed in the RECORD a radio address delivered by him on July 19, 1940, on the political situation and world problems, which appears in the Appendix.]

LOCATION OF NATIONAL-DEFENSE INDUSTRIES

[Mr. CAPPER asked and obtained leave to have printed in the RECORD a letter from Hon. Payne Ratner, Governor of Kansas, to the President, relative to the location of national-defense industries, and also a letter addressed by him to Mr. Knudsen, of the Advisory Commission to the Council of National Defense, which appear in the Appendix.]

ADDRESS BY SENATOR JOHNSON OF COLORADO ON PROPOSED PEACE PLANK

[Mr. JOHNSON of Colorado asked and obtained leave to have printed in the RECORD an address delivered by him at Chicago, Ill., July 14, 1940, entitled "A Plea for a Peace Plank," which appears in the Appendix.]

CONSTITUTION OF INTER-AMERICAN BAR ASSOCIATION

[Mr. SHEPPARD asked and obtained leave to have printed in the RECORD the constitution of the Inter-American Bar Association and other matter relative thereto, which appear in the Appendix.]

"IS THERE A SPY MENACE?"—ARTICLE BY J. EDGAR HOOVER

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article by J. Edgar Hoover entitled "Is There a Spy Menace?" published in This Week magazine of July 14, 1940, which appears in the Appendix.]

ARTICLE BY FREDERIC WILLIAM WILE ON NATIONAL DEFENSE

[Mr. SCHWELLENBACH asked and obtained leave to have printed in the RECORD an article by Frederic William Wile on the subject of national defense, published in the Washington Evening Star of July 17, 1940, which appears in the Appendix.]

PROPOSED DEPORTATION OF HARRY R. BRIDGES

Mr. ASHURST. Mr. President, I have received many letters regarding House bill 9766, to deport one Harry Renton Bridges, complaining that the Senate Committee on the Judiciary has not favorably reported that bill to the Senate. The bill to deport Bridges was not referred to the Senate Committee on the Judiciary, but to the Senate Committee on Immigration. Had the bill been referred to the Senate Committee on the Judiciary it would have been reported favorably.

An enemy within the gates and hammering on the gates from within may be, if not more dangerous, equally as dangerous as an enemy outside the gates hammering from without. The recent melancholy and bloody history of Norway, Belgium, Holland, and France is evidence too convincing as to the danger of an enemy hammering upon the gates from within. All too long has the hospitality of the United States been violated by this man Bridges, who is an alien and therefore is a guest of the United States. All too long have the American people been tortured by that evil, unhappy man. I hope the Senate Committee on Immigration will, at an early date, report the bill proposing his deportation.

Mr. REYNOLDS. Mr. President, I was very happy, indeed, to hear my distinguished colleague from Arizona make mention of the Bridges case. As we all know, a bill designed for the deportation of Bridges was introduced in the House of Representatives and was passed by that body. It came over to the Senate several weeks ago and was referred to the Committee on Immigration. At that time the chairman of that committee of the Senate designated a subcommittee of three Senators to consider the bill. I understand the Senator from Utah [Mr. KING] is a member of that subcommittee. Several days ago when the Senator from Arizona was interesting himself in the subject upon which he spoke a moment ago, the Bridges case, I made inquiry of the Senator from Utah, who was then in the Chamber, as to what disposition, if any, had been made of the bill. I was informed then, according to my recollection, that up to that time the committee had not held a meeting, but that they proposed to meet within a week. I sincerely trust that the Senator from Utah and the other members of the committee designated to serve with him as a subcommittee will give immediate attention to the subject, in which particularly the members of the American Legion have been primarily interested since the bill was first introduced. As a matter of fact, in fairness to the American Legion, and to give praise where praise is deserved, I may say that the probabilities are that had it not been for the activities and interest evidenced by virtually every American Legion post throughout the country, the bill never would have been introduced, and, doubtless, if it had not been for the very fine, thorough, and patriotic American activities of the Legion, the bill never would have been passed by the other House. Now that progress has been made to the extent of having brought about the passage by the other House of the bill, and since it is pending in the Senate of the United States, I believe that the American people are looking to this body certainly to give the bill consideration. I hope that they will do so without delay. It appears that we are going to be here for many months to come, and that is well, because the American people are interested to have us stay here and look after their business.

As soon as I am able to ascertain when the committee will meet I shall be very happy indeed to advise other Members of this body and those who are not Members of the Congress of the United States as to its meeting, because, according to the letters I have received in the form of inquiries, many persons are desirous of appearing before the committee. We have too long coddled Communists and Nazis and Fascists and alien criminals and those who are enemies of the American Government. The people are becoming tired of such coddling and want action. I believe they are desirous of action in this particular instance. The people of America want to know whether or not we are to get rid of this man Bridges, who certainly is not friendly to our form of government and who has evidenced that fact in San Francisco on innumerable occasions. Once upon a time, not so many years ago, his activities cost the taxpayers of America a great deal of money, and particularly they cost money to the investors of America who were interested in shipping; and they were not all millionaires. I surmise, as in the case of all other corporations of that nature, that many widows and orphans had their funds invested in shipping. His activities in holding up the American mail, virtually lowering the American flag on the coast, constituted an outrage; and yet the American people have not as yet been aroused to his activities and the harm he has done to this country.

A few moments ago I met in the hall my colleague from Virginia [Mr. BYRD] and my colleague from Delaware [Mr. TOWNSEND]. They asked me if I was going to talk today. I said, "Yes." "What are you going to talk about?" I said, "I am going to talk about communism, the Nazis who are overrunning the country, and un-American activities." They said, "The same thing?" I said, "Yes; the same thing." I said, "Speaking of the same thing, you will recall that almost every day for 5 long years I have spoken on the floor of the Senate urging the Congress for God's sake to pass a law providing for the mandatory registration and fingerprinting of aliens. For 5 long years I have talked about that; and, thank Heaven, the Congress of the United States has finally passed a law, for the protection of the American people, making it mandatory upon aliens in this country to register and be fingerprinted in order that we might know how many there are here, where they are, what they are doing, what they have been doing, where they came from, how long they have been here, and so forth."

So I am going to talk today about Communists. I am going to talk about the activities of the Nazi bund. I am going to talk about the Fascist organizations which we believe to be un-American. I want to say to my colleagues that if I get a chance I propose to talk about that subject every day for the next 5 years, or until such time as we can outlaw the Communist Party, the bund, and all similar organizations. I shall not apologize to my colleagues for doing so.

Mr. ASHURST. Mr. President——

Mr. REYNOLDS. That will not be necessary, because I recognize that the able Senator from Arizona, who now wishes to interrupt me, is equally interested in the subject. I am delighted to yield to the Senator from Arizona.

Mr. ASHURST. Mr. President, when I rose it was not to make explanation concerning myself. My philosophy of public life has been not to explain, because when you once undertake to explain you will tomorrow be explaining your explanation; but I believed it was due to the Committee on the Judiciary, of which I happen to be chairman—and I am proud to have that honor—I believed it was an act of courtesy due to the members of the committee as well as due to the Senate, to say that the bill proposing to deport this evil and unhappy man Bridges, who has tortured the American people far too

long, was not sent to the Committee on the Judiciary but was referred to the Committee on Immigration. I am not to be understood as criticizing the Committee on Immigration, because I have no doubt they will give the bill careful consideration, and make a report at an early date; but I say again that the melancholy and bloody recent history of Norway and Holland and Belgium, and particularly France, demonstrates to any man who thinks into things instead of around things that an enemy hammering on the gates from within is even more dangerous than the enemy hammering from without.

Mr. REYNOLDS. I thank the Senator immensely for that contribution. In response thereto, I desire to say that I am 100 percent in accord with every single word that fell from his lips. I wish to take this opportunity to congratulate the Senator from Arizona, as chairman of the Judiciary Committee of the Senate of the United States, because it was his committee which gave immediate consideration to the bill which the House sent to the Senate relative to the mandatory registration and fingerprinting of aliens. When it reached the committee presided over by the able Senator from Arizona it was given immediate attention. I think the American people are indebted to our distinguished friend for the fine service he has rendered to them in immediately passing upon favorably and reporting to this body that bill, which was forthwith passed without hesitation or delay.

Mr. SCHWELLENBACH. Mr. President——

Mr. REYNOLDS. I am delighted to yield to my distinguished colleague from the State of Washington.

Mr. SCHWELLENBACH. It is not necessary for any Member of this body to make any excuse or defense upon behalf of the junior Senator from Georgia [Mr. RUSSELL], who is chairman of the Committee on Immigration; but, for fear that there might be some who would consider that what has been said could be construed as a criticism of the chairman of the Committee on Immigration, I should like briefly to state the situation.

When the bill came over from the House the Senator from Georgia immediately, as is the custom of committees of this body, referred it to the department involved, the Department of Justice. Within 1 day after the report came back from the Department the Senator from Georgia called a meeting of the Committee on Immigration, and a subcommittee was appointed to consider the bill. That happened just 3 days before the Republican Convention met. There have been a number of efforts upon the part of the chairman of the subcommittee, the Senator from Utah [Mr. KING], to arrange for a meeting of the subcommittee; but since that time events have occurred which have made it impossible for the subcommittee to meet.

I wish to assure the Senator from Arizona and the Senate that there is no desire upon the part of anybody in the Committee on Immigration to delay the bill, and particularly to give assurance that the chairman of the Committee on Immigration has acted with all possible expedition with respect to the bill.

Mr. REYNOLDS. Mr. President, after that explanation I desire to say that I am happy to have had the opportunity of yielding to my distinguished colleague. I assure him that there was no reflection upon the part of the Senator from Arizona or myself relative to the chairman of the Immigration Committee, because we happen to know personally as well as generally that no committee of this body has a more able chairman than the junior Senator from the State of Georgia [Mr. RUSSELL]. I know, just as the Senator from Washington has stated, that the day following the arrival of the bill here it was dispatched to the proper official of the Government for comment, according to my recollection, and that immediately after the return of the Senator from Georgia he designated a subcommittee to consider the bill, the Senator from Utah [Mr. KING] being the chairman thereof. There was not the slightest idea of casting any reflection upon the Senator from Georgia. We know that he is a fine chairman, and I think we know how he stands on this subject. All congratulations to him for the fine work he has done. In pursuance of that thought I may add, in fairness to the Senator from Georgia, that I have introduced in this body a number of bills which have been referred to his committee, and I have always received prompt action in the committee so far as those bills are concerned.

Mr. President, at this time I ask unanimous consent that there be published in the Appendix of the RECORD an article by the pen of Mr. J. Edgar Hoover, Director of the Bureau of Investigation of the Department of Justice, entitled "Is There a Spy Menace?" Mr. Hoover says "Yes." This is a brief article. I happened to observe it recently in the magazine section of the New York Herald Tribune, entitled "This Week." I thought the readers of the CONGRESSIONAL RECORD would find interest in the article, because we hear so much about the "fifth column," and alien enemies, and spies, and saboteurs, and so forth. I introduce it at this juncture of my remarks, because I expect to speak briefly pertaining to it.

The PRESIDING OFFICER (Mr. O'MAHONEY in the chair). Without objection, the article will be printed in the RECORD.

(The article appears in the Appendix.)

Mr. REYNOLDS. Mr. President, I am brought now to the activities of the Kiwanis Club of Graham, N. C.

When I returned to Washington from Chicago I found on my desk printed resolutions. I desire to read those resolutions. They were adopted by the Graham (N. C.) Kiwanis Club. They are as follows:

Whereas the United States of America, realizing that the present war is becoming a world-wide conflict involving the Western Hemisphere without its consent, has renounced her policy of neutrality in favor of a policy of nonbelligerency, as compatible with conditions as they exist; and

Whereas our defense at this time consists in sending all possible aid to the Allies, consisting of all types of materials of war, and sustenance; and

Whereas this makes it apparent that at this time America's first line of defense is the army of men and women who constitute our industrial organizations—

The next word is "Therefore," but before proceeding with the remainder of the resolution I wish to digress to insist again, in reference to national defense, that those in authority, and particularly those connected with the State Department, give immediate attention to two resolutions I offered in this body many months ago pertaining to a subject about which I have spoken many times, which subject I first approached several years ago, to wit, the acquisition of islands in the Caribbean and in the north Atlantic and in the far North, approaching the Arctic, which are possessed by Great Britain and France.

Months ago, as many of my colleagues know, I submitted resolutions authorizing the President of the United States to enter into negotiations with the heads of the Governments of Great Britain and France to endeavor to acquire the island possessions in the Western Hemisphere belonging to those countries. Those resolutions were forthwith referred to the Committee on Foreign Relations, and the very able chairman of that committee sent the resolutions to the State Department for comment, and, according to information which I have but recently received, the State Department has never responded to the suggestions set out in the aforementioned resolutions.

Mr. President, I approach this subject from a national-defense standpoint in view of the fact that the resolution to which I refer as having been adopted by the Kiwanis Club of Graham, N. C., mentions our first line of defense in connection with our industrial organizations, insofar as labor is concerned.

I say that we should provide for ourselves a physical first line of defense. At this session we have appropriated, according to the tabulation made a few days ago by my beloved friend the able senior Senator from Georgia [Mr. GEORGE], about $17,000,000,000 as a total for national defense.

With the expenditure of that vast amount of money we can acquire for ourselves a real physical national defense, in the form of outposts, without it costing us anything, if we will act. Some may inquire how? By negotiating with the Governments of France and Great Britain to let us obtain

their island possessions in the Western Hemisphere, with the understanding that the amounts agreed upon, whatever they might be, shall be struck off from the several billion dollars those governments have owed us for a number of years past.

I know, of course, that we of America are in sympathy with the last democracy remaining upon the face of the earth outside the Western Hemisphere, that we are grieved over the falling of France as a result of the advance of the totalitarian countries. But the time has arrived when we must consider primarily and profoundly and seriously the interests of our own Government at home, which soon will unquestionably be in peril as a result, first, of the enemy from within; secondly, from a war of commerce in the Western Hemisphere; and, thirdly and lastly, from the enemy without.

France owes us about $4,000,000,000; Great Britain owes us about $5,000,000,000. I cannot recall the exact figures, but they total into the billions. Now, while we are making expenditure of $17,000,000,000 of the taxpayers' money, while we are considering the Burke-Wadsworth bill to conscript millions of young men in this country for the purpose of handling the arms we are to provide, we should consider the welding of a steel band of defense around the United States extending from the coast of South America, from Port-of-Spain, the capital of Trinidad, northward through the Caribbean to Bermuda, and from there northward, approaching the Arctic, to St. Pierre and Miquelon. Then we should go westward to Alaska and should fortify the Alaskan coast, which is now being given consideration, and concerning which appropriations have been made. Then we should proceed southward through the Pacific to the Hawaiian Islands, down by Costa Rica, the Panama Canal, and as far south as the islands, just south of the Equator, which belong to the Republic of Ecuador.

If we do that, in the acquisition of those island possessions we will have done as much without cost toward the protection of the United States and the protection of the Panama Canal, as we will have done virtually in making expenditure of $17,000,000,000.

Trinidad belongs to Great Britain. Proceeding to the Windward and the Leeward Islands, and we find a number of islands which belong to Great Britain and France. Proceeding northward and we find Bimini, only 50 miles off the coast of Florida; we find Nassau, only 150 miles off the coast of Florida; we find, further north, Bermuda, 500 miles off the coast of North Carolina; and it will be remembered that we have no outposts in the North Atlantic.

Proceeding northward toward the Arctic, we come to the islands of St. Pierre and Miquelon, which belong to the French. If we are to undertake the protection of Canada, as well as Central and South America, unquestionably, eventually we will want to make arrangements by which we can establish outposts in Newfoundland, because, as we know, in Newfoundland has been constructed one of the finest airports in the world for the use of planes which hop the Atlantic by way of the northern circle.

Mr. LUNDEEN. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield.

Mr. LUNDEEN. Speaking of crossing the Atlantic from Newfoundland, it was my pleasure recently to accompany a delegation from Botwood to Ireland and then to Southampton and London. We learned much of the value of air bases along the Atlantic coast.

Mr. REYNOLDS. Did the Senator fly the northern route?

Mr. LUNDEEN. We flew the northern route. Of course, these bases are tremendously important.

Mr. REYNOLDS. My recollection is that Signor Balbo, the real ace flier of the Italian air force, who recently lost his life in North Africa, when flying the North Atlantic with a squadron of planes proceeded to Alaska by way of Labrador and other points. As I was about to say, perhaps at some time we shall enter into negotiations with Canada for the establishment of some bases in that northern country. Of course, we could fly directly across the North American Continent and no doubt establish a base at Point Barrow, which is the northernmost point in the Western Hemisphere. Then we would come to the Little Diomede Island and the Big Diomede Island. I may state at this point that information has reached me, information which I conveyed to The Assistant Secretary of War, Col. Louis Johnson, that the Russians are now fortifying the Big Diomede Island, which they own. We own the Little Diomede, and they are separated only by a mile of ocean. In addition to that, I have other information to the effect that the Russians are fortifying their coast more strongly than ever before, and that is not far from the American coast.

Before I leave a discussion of the Arctic let me point out another matter, which I hope will be remembered, and I hope that these words will reach the State Department. Two years ago I submitted a resolution in the Senate authorizing the State Department to ascertain the legal status of the possession of an island called Wrangell Island. This year I offered a similar resolution. Wrangell Island is directly between Point Barrow and the Siberian coast. Wrangell Island is the size of Jamaica. Wrangell Island within a quarter of a century will be one of the most important islands in all the world, because the time may come when we shall experience difficulty with the Soviet Union; the time will come when we shall fly directly from New York City to the capital of the Philippines, Manila, and in so doing we will fly directly across Wrangell Island; and the only stop, no doubt, will be Wrangell Island, where factories can be established and where places for the taking off of passenger planes can be provided without any difficulty or expense.

Mr. LUNDEEN. Mr. President, will the Senator yield?

Mr. REYNOLDS. I will yield in a moment. My resolution was forwarded by the Senator from Nevada [Mr. PITTMAN] to the State Department, and I am informed that in a year no word has come from that Department. I am thoroughly of the opinion, as are innumerable others, who have been in the Arctic and have studied conditions, that that is going to be one of the most important of points if we should become involved in war with the Soviet Union. But if we should never become so involved, it would certainly be an important point from the standpoint of modern air transportation.

Now I yield to the able Senator from Minnesota.

Mr. LUNDEEN. I wonder if the distinguished Senator, who has given so much time and research to this subject of land bases, airplane bases, and sea bases, for which he should be highly commended, and I know the public appreciates it, as well as the Senate—I wonder if the Senator would agree with me that there should be a great airplane base and seaplane base at Dutch Harbor as well as at Anchorage and Kodiak?

Mr. REYNOLDS. Oh, certainly.

Mr. LUNDEEN. We are now building a great airfield at Fairbanks, inland, and we are building at Nome, and one base north of Nome. I notice on the map, of course, the enlargement of the base at Sitka, and one or two others, and then going to Anchorage, but I find nothing being done at Dutch Harbor or Unalaska, which is farther west, and there should be a strong base there.

Mr. REYNOLDS. For some time we have had a Coast Guard station at Dutch Harbor and at Unalaska across from Dutch Harbor, and appropriations have been made to the extent of about $12,300,000 for the establishment of a base at Unalaska. The establishment of a base at Unalaska is virtually the establishment of a base at Dutch Harbor, because they are just across a little body of water from one another. You can see from one to the other.

Mr. LUNDEEN. I know, but I wonder whether that appropriation provides for improvements there for a first-class air base as well as a sea base.

Mr. REYNOLDS. Yes, it does; because that is not going to cost very much.

Mr. LUNDEEN. A recent map published in the press gave the Anchorage and Kodiak bases but did not show anything at Unalaska nor did it show anything at Dutch Harbor.

Mr. REYNOLDS. Surveys have been made for Dutch Harbor.

Mr. LUNDEEN. But I am asking the able Senator, has anything been done about it except surveying?

Mr. REYNOLDS. My understanding is that only surveys are in contemplation so far, but they have in mind at the same time—and it is well that they have—the creation of establishments of defense farther westward toward Russia and Japan; in other words, the establishment of defense bases along the Aleutian Islands, which extend for about 1,200 miles westward beyond Unalaska. The island that is farthest west in the Pacific is Attu, and Attu, as I stated a while ago, is only one-half hour by plane from Japanese territory, and Attu is only about 1 hour and 45 minutes from Russian territory.

I agree with the Senator that certainly now, in view of the situation all over the world, matters being as chaotic as they are, we should in this great national-defense program provide for the establishment of bases in the section that the Senator referred to.

Mr. LUNDEEN. Will the Senator permit me to venture the statement that these billions of dollars we are appropriating now are being put into some weapons, and that is very well, provided we do not give them away to somebody; providing we keep them for American defense. But weapons become obsolete. They disappear. But if we acquire these bases that the Senator has so ably described here, we will have them and they will not become obsolete, and these bases, whether naval, air bases, or land bases will serve for American defense. If we acquire these island bases on the Pacific and the Atlantic, both north and south, they will be used in the interest of hemispherical defense, Monroe Doctrine defense, the American hemisphere defense, as I should like to call it.

Mr. REYNOLDS. The American defense.

Mr. LUNDEEN. And that is American defense. If we build these bases we can show America some actual results, something concrete and definite, and not a lot of weapons which in a short time will become obsolete. Even a warship in a short time becomes obsolete and is taken out of service, and one wonders what became of the billions of dollars we appropriated. But if we establish bases at these points, and make them permanent, they will stay there down through the centuries for our protection.

Mr. REYNOLDS. In other words, arms soon get out of date, they are worn out, but these island possessions that I mention now, will form a steel band of defense around the United States, and will be there as long as the world remains. Proceeding southward from Attu, the most western island of the Aleutian group, we come to the Hawaiian group.

At this time I wish to state again that I think we should endeavor to bring about negotiations between the Republic of Mexico and the United States for our acquisition of the Mexican Peninsula, because on that peninsula, and particularly toward the tail end of it, as a matter of fact, we can establish both seaplane bases and airplane bases without great difficulty or without a great deal of expense.

Lying between the peninsula of Mexico and the main body of the Republic of Mexico there are deep waters capable of concealing swift gunboats and submarines and portions of battle fleets.

Farther southward we should get Goose Island, which belongs to Costa Rica, and Cocos Island, likewise one of its possessions, and as I stated a moment ago, farther south, below the Equator, some of the Dry Tortugas Islands, which belong to Ecuador now.

For several years I have been talking about the acquisition of the island possessions of France and Great Britain in this hemisphere. I am sorry indeed that my suggestions were not considered and passed upon and proceeded upon, because if they had been considered, and if actual progress had been made in carrying them out, unquestionably we could have obtained the possessions of France in the Western Hemisphere, to be credited to their indebtedness to our country, and had we done that before France fell, before she was devoured by the totalitarian powers, there would not have been the embarrassment that perhaps we should now experience, regardless of the Monroe Doctrine. And why? Because France was then an independent republic. France then could have negotiated with us for the transfer of these islands, and no doubt would have been glad to have done so if she had been properly approached in a friendly manner.

Now, as the result of our not having taken that action, what do we find? We find that France owns Devil's Islands—I say "islands," because there are three main ones—upon which her prisoners are located, about 5 miles off French Guiana. The French owned—I put this in the past tense, because we do not know what is going to happen to them now since France was conquered by the totalitarian powers—French Guiana, north of Brazil, Martinique, and other islands in the Carribbean, and among the Leeward Islands. In addition to that the French owned St. Pierre and Miquelon.

All those islands, from South America northward, are absolutely essential to us in order to establish a real permanent defense in the Atlantic. Since we did not take advantage of that opportunity, no doubt we shall now experience embarrassment and perhaps trouble in trying to get them. We now know that we need them and we want them. We know that they are not going to be profitable from an economical standpoint. We have studied the statistics with respect to all those islands. The Virgin Islands have not been profitable from the economical standpoint, nor has Puerto Rico, but we need them for defense. The American people are demanding defense for this country, and I say we ought to have these other islands now for that purpose.

If ever, unfortunately, we are called upon to give the blood of American sons in battle to defend the shores of America, let that blood be spilt in the Atlantic or in the Pacific, and let not one drop of it be spilt upon the fertile soil of America. To assure us of that we must of necessity be the possessors of these islands, so that if fighting ever takes place by the forces of America, the fighting will occur outside the continental United States. Let us prepare for ourselves not alone an adequate national defense but such a perfect national defense that it cannot be penetrated by battleships or by airplanes. To do that we must have the outposts that the Senator has mentioned, and that I have described.

Now so much for national-defense outposts.

Mr. LUNDEEN. Mr. President, will the able Senator yield further?

Mr. REYNOLDS. I am glad to yield.

Mr. LUNDEEN. I will say that the Senator's able argument would apply also to the islands belonging to the Netherlands and those belonging to Denmark also, would it not?

Mr. REYNOLDS. Yes; certainly.

Mr. LUNDEEN. I do not believe the Senator would advocate taking a defeatist position, now that events have transpired as they have, but that we should still endeavor to negotiate to get those islands, and if we do not succeed, if we run into difficulties, we should proceed in the interest of national defense and go down there with the armed forces of America and protect this country.

Mr. REYNOLDS. I make the point that we could have done it with less difficulty had we acted sooner, and, insofar as I am personally concerned, I wish to say that I would never permit the totalitarian powers abroad to come here and establish bases, or claim possession of anything in the Western Hemisphere—and let that be well understood. We could not, as a matter of fact, permit such a thing under the Monroe Doctrine.

Insofar as the resolution by the Kiwanis Club of Graham, N. C., is concerned, I left off reading at the word "Therefore." I continue:

Be it resolved, That the Kiwanis Club of Graham, N. C., petition the Governor of North Carolina, and the Congress of the United States, through our Representatives in the National Congress to—

What?—

to insure the efficient working of this vast army of American labor—

By outlawing all anti-American organizations.

At this juncture I ask to have printed in the RECORD a bill which I introduced on May 28 entitled "A bill to outlaw the Communist Party, the German-American Bund, and all organizations, groups, or individuals associated therewith, who seek to overthrow the Government of the United States by force or violence through the advocacy of criminal anarchy, criminal communism, criminal nazi-ism, and criminal fascism." Instead of reading the bill, I ask unanimous consent that it be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). Without objection, it is so ordered.

The bill (S. 4132) is as follows:

Be it enacted, etc., That criminal anarchy, criminal communism, criminal nazi-ism, or criminal fascism are doctrines that existing forms of constitutional government should be overthrown by force or violence or by any other unlawful means, or by assassination of officials of the Government of the United States or of the several States. The advocacy of such doctrines either by word of mouth or writing or the promotion of such doctrines independently or in collaboration with or under the guidance of officials of a foreign state or an international revolutionary party or group is a felony.

SEC. 2. Any person who——

(a) By word of mouth or writing advocates, advises, or teaches the duty, necessity, or propriety of overthrowing or overturning existing forms of constitutional government by force or violence; of disobeying or sabotaging or hindering the carrying out of the laws, orders, or decrees of duly constituted civil, naval, or military authorities; or by the assassination of officials of the Government of the United States or of the several States or by any unlawful means or under the guidance of or in collaboration with officials, agents, or representatives of a foreign state or an international revolutionary party or group; or

(b) Prints, publishes, edits, issues, or knowingly circulates, sells, distributes, or publicly displays any book, paper, document, or written or printed matter in any form, containing or advocating, advising or teaching the doctrine that constitutional government should be overthrown by force, violence, or any unlawful means; or

(c) Openly, willfully, and deliberately urges, advocates, or justifies by word of mouth or writing the assassination or unlawful killing or assaulting of any official of the Government of the United States or of the several States because of his official character or any other crime, with intent to teach, spread, or advocate the propriety of the doctrines of criminal anarchy, criminal communism, criminal nazi-ism, or criminal fascism; or

(d) Organizes or helps to organize or becomes a member of or voluntarily assembles with any society, group, or assembly of persons formed to teach or advocate such doctrines; or

(e) Becomes a member of, associated with, or promotes the interest of any criminal anarchistic, communistic, nazi-istic, or fascistic organization, or helps to organize or becomes a member of or affiliated with any subsidiary organization or associated group of persons who advocates, teaches, or advises the principles of criminal anarchy, criminal communism, criminal nazi-ism, or criminal fascism;

Shall be guilty of a felony and upon conviction thereof be subject to imprisonment for not more than 10 years or a fine of not more than $10,000, or both.

SEC. 3. Whenever two or more persons assemble for the purpose of promoting, advocating, or teaching the doctrines of criminal anarchy, criminal communism, criminal nazi-ism, or criminal fascism, as defined in section 1 of this act, such an assembly or organization is unlawful, and every person voluntarily participating therein by his presence, aid, or instigation shall be guilty of a felony and upon conviction thereof shall be subject to imprisonment for not more than 10 years or a fine of not more than $10,000, or both.

SEC. 4. No owner, agent, superintendent, janitor, caretaker, or occupant of any place, building, or room shall willfully and knowingly permit therein any assemblage of persons prohibited by section 3 of this act, and if such person after notification that the premises are so used permits such use to be continued, he shall be guilty of a misdemeanor and upon conviction thereof subject to imprisonment for not more than 1 year or fine of not more than $1,000, or both.

SEC. 5. Every editor or publisher of a book, newspaper, or serial, and every manager of a partnership or incorporated association by which a book, newspaper, or serial is issued, is chargeable with the publication of any matter contained in such book, newspaper, or serial. But in every prosecution therefor the defendant may show in his defense that the matter complained of was published without his knowledge or fault and against his wishes by another who had no authority from him to make the publication and whose act was disavowed by him so soon as known.

Mr. LUNDEEN. Mr. President, will the able Senator yield?

Mr. REYNOLDS. I yield.

Mr. LUNDEEN. I wonder if the Senator would include organizations which occupy whole pages in American newspapers advocating that we give away our weapons to foreign powers and strip Uncle Sam of his defenses in the interest of foreign nations. I think they are un-American, pro-European, and disloyal.

Mr. REYNOLDS. I thank the Senator very much. My bill at present includes the Communist Party, the German-American Bund, and similar Fascist organizations. However, I will say to the Senator that I have in mind additional bills which will cover other organizations in the United States which are preaching certain principles in reference to neglecting the American flag and the best interests of the United States.

Continuing with the resolution which I was reading:

By registering all aliens in this country and requiring periodical reports by aliens at local police stations.

By appropriate action to be taken to insure against the continuous action of known agents, or persons, fomenting conditions calculated to hinder America in any way, during this period of national emergency; by imprisonment, deportation, or detainment in State or Federal concentration camps: Be it further

Resolved, That copies of this resolution be furnished all members of the Graham Kiwanis Club for enclosure with a personal letter to their Senators and Congressmen; that copies be sent to all civic clubs of the State and to our President of these United States of America.

Upon motion duly seconded, adopted June 17, 1940.

GRAHAM KIWANIS CLUB,
DAN M. RADER, *Secretary*.

In that connection, several days ago I introduced a joint resolution (S. J. Res. 275) to provide for the national defense by prohibiting labor organizations from employing certain persons as officers or agents. I read:

Whereas it is common knowledge that "fifth column" activities in various European countries contributed largely to their defeat; and

Whereas such activities consisted in part of sabotage in key industries and propaganda disseminated among the workers of such industries; and

Whereas such activities are now being carried on in this country and will gather more momentum in the future, thus undermining our national defense; and

Whereas because of their key positions in our industrial mobilization plans, officers and agents of labor organizations should all be American citizens whose allegiance to their country is unquestioned and who can be depended upon to cooperate with the Government in stamping out such treacherous activities: Therefore be it

Resolved, etc., That it shall hereafter be unlawful for any labor union or other labor organization which represents, or purports to represent, in any manner the interests of any persons employed by any business enterprise which is engaged in interstate or foreign commerce, or in the production of goods for such commerce or for national-defense purposes, to have as an officer or agent any person who is not a citizen of the United States, who is a Communist, Fascist, or member of any Nazi bund organization, who has been at any time within the past 2 years a member of or affiliated with any Communist, Fascist, or Nazi bund organization, who is ineligible to hold public office, or who has lost his rights to United States citizenship by reason of conviction of a felony.

SEC. 2. It shall be the duty of each such labor union or other labor organization to use due diligence to determine whether any of its officers or agents is a person who is prohibited from being such an officer or agent under the provisions of section 1 of this joint resolution.

SEC. 3. For the purposes of this joint resolution the term "labor union or other labor organization" shall include any group which is a part of or affiliated with any labor union or other labor organization which is national in scope or whose jurisdiction extends to more than one State.

SEC. 4. Any labor union or other labor organization willfully violating any of the provisions of this joint resolution shall, upon conviction thereof, be fined not more than $10,000; and each such violation shall be deemed to be a separate offense.

Of course, we know that labor organizations in the United States are highly desirous of ridding themselves of anyone who may be pointed to as being un-American or who is engaging in subversive activities; and certainly no labor organization in this country wants as an officer, agent, or representative an alien, or, for that matter, an American citizen who has been deprived of his American citizenship by reason of conviction of a felony.

Relative to subversive activities, we now have pending a bill which is designated as H. R. 10094, which is being sponsored in this body by the able junior Senator from Texas [Mr. CONNALLY]. It is a bill to require the registration of certain organizations carrying on activities within the United States, and for other purposes. The enactment of such legislation

would mean that the Communist Party, the German-American Bund, and similar organizations, would be required to register and to provide the Government of the United States with information pertaining to their officers, their membership, and the sources from which they obtain money to carry on.

In connection with House bill 10094, I recall that the Senator from Texas [Mr. CONNALLY] was present before the committee when public hearings were held. As I recall, Mr. G. Wilhelm Kunze, of 178 East Eighty-fifth Street, New York City, national commander of the German-American Bund, protested against the enactment of such legislation. Likewise, in reference to my bill, which would outlaw the Communist Party and the German-American Bund, he protested in the form of a telegram, which he sent to me on July 9, reading as follows:

We protest against the adoption of bill S. 4132 on the grounds that it is an attempt to enact bill-of-attainder legislation, which is expressly prohibited by the Constitution. Refer to my testimony before Judiciary Committee Monday, July 8—

That is the time which I mentioned a moment ago—

clearly showing that above bill is Government violence in the name of law. The German-American Bund has never been convicted of any crime. This bill is all vicious and un-American.

He says the bill is un-American. I say that it is not. I say that it ought to be enacted into law.

In passing, while speaking of Mr. Kunze, yesterday while in my office reading a number of daily and weekly newspapers from North Carolina, I happened to glance at an article from the pen of the publisher of the Wilmington Post, a weekly periodical at Wilmington, N. C. Under the heading "Heard on the streets, by Col. Allus Buttenin," which I assume is one of the features of his paper, he says:

[From the Wilmington (N. C.) Post of July 19, 1940]

HEARD ON THE STREETS

(By Col. Allus Buttenin)

Last week when I wrote about Mr. G. William Kunze, German bund leader, I was under the impression that he was either a foreigner or a naturalized citizen. Further investigation reveals the fact that he is a native-born citizen of the United States. This makes a difference. Therefore I apologize to every loyal citizen of the United States. Had I known that I was writing about a traitor instead of about a foreign saboteur, I would have said something different.

When Delilah betrayed Sampson, when Judas Iscariot betrayed Christ, when Benedict Arnold betrayed the Continental Army, when Quisling betrayed Norway they were but setting the stage for Kunze to betray his native land. Delilah perished ignominiously, Judas Iscariot hanged himself, Benedict Arnold was shot, and Quisling is an outcast. Kunze but follows in their path. If he wins, he will be considered by those whom he served as one branded with dishonor. If he loses, he will be shot as a traitor. His usefulness, if it ever existed, has ceased. He is either a fool or a traitor, or both. Win, lose, or draw, he will go down in history as being the ignorant tool of the greatest conspirator of all time. Poor, ignorant fool, he follows the lead of one who has plainly stated that he uses men as his tools, and upon cessation of their usefulness discards them as one discards any other useless object. He follows a will-o'-the-wisp, a false light of hope, that he may be made into a grandee, a margrave, or some other titled person who can shine in the reflected glory of the "imperator to be."

This country nurtured him and gave life and liberty to those whom he loves. Now he, a traitor, comes to the forefront and demands that liberty, upon which he fattened his slimy soul, guarantee him the right and privilege to destroy. He would destroy the very roots of that liberty under whose aegis his parents found asylum. He would defame the character of his native land so that he may shine in the glory of the leader. Just a plain, simple renegade, a traitor to humanity, the most accursed traitor.

Yet he should teach us a lesson, a lesson of preparedness against those within our midst, be they natives or foreigners, who would sacrifice the welfare of this Nation that they may attain unto power and riches. Quisling betrayed Norway, and instead of winning the confidence of his liege lord, he fouled his own nest and became a pariah, an outcast of society, distrusted of the one to whom he sold his soul. Kunze would do the same to America, to you, to me, to all who would stand in the way of his morbid desires. Yet we grant him the rights and pivileges he tries so hard to kill, and we know that there are many others who have the same wizened, stunted, and shrunken mentalities which would lead them to destroy their liberties in their greed for power.

We should take Kunze, and all the others of his ilk, study them, and find what it is that makes them traitors to humanity, then discard them as useless specimens of inhumanity. Then, with this knowledge, proceed to clean house and make this land the bright asylum of the oppressed which it can be.

There is value in everything, even in Kunze, if we but find the filth in which he lives and apply the disinfectant in proper quantities, so that there can never be a recurrence of these subversive acts. But this value will be nil, it will be worse than nothing if we allow him to continue his termitish actions. If we allow him and his followers to continue to bore from within, we will soon find that the dry rot of treachery has rotted our structure and that we are living in a fool's paradise. We will find that our own mental lethargy is the nostalgic poison that is allowing these leeches to suck our very life's blood. Unless we learn our lesson from these subversive movements within the body politic, we will soon find that their filth has destroyed our stamina and our blood stream is lecherous with the pus of their suppuration.

If we do not cure or cut out this cancerous growth, it is but a matter of time until death shall overtake our liberties and we will be but menials under the heel of the oppressor.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. REYNOLDS. Certainly.

Mr. RUSSELL. I regret that the Senator from Arizona [Mr. ASHURST] is not in the Chamber at this moment. I understand that while I was unavoidably detained the Senator from Arizona was rather critical of the Committee on Immigration for not reporting a bill to which he referred. That bill is the measure, which has already passed the House, providing for the deportation of one Harry Bridges.

The bill has been treated in the Committee on Immigration just as any other piece of legislation would have been handled. It was referred to the Departments for report on the day after it was messaged to the Senate from the House of Representatives. As soon as reports were received from the Departments, a meeting of the Committee on Immigration was called, and the bill was referred to a subcommittee consisting of the senior Senator from Utah [Mr. KING], the senior Senator from Vermont [Mr. AUSTIN], and the present presiding officer of the Senate, the Senator from Washington [Mr. SCHWELLENBACH]. I know that the Senate has been very irregular in its meetings recently and that many Members of the Senate have been unable to be constantly in attendance in Washington. However, I do not undertake to make any apologies for the subcommittee or for the full committee, because I do not think any apologies are in order.

The committee has proceeded as it proceeds in all other legislative matters. Two of the three members of the subcommittee are members of the committee presided over by the Senator from Arizona. If he would have expedited the bill at the terrific rate of speed which he indicated—as I understand from a verbal report of his remarks, which did not purport to be verbatim—he might have chosen either of the two Senators who were selected to handle the bill in behalf of the Committee on Immigration.

The chairman of the Judiciary Committee has always been an earnest advocate of the antilynching bill. I have always opposed that bill, but I am also opposed to lynching, whether it be legislative or otherwise. The bill in question will in due course be considered by the committee, and if the majority of the committee sees fit the bill will be favorably reported to the Senate. If the distinguished Senator from Arizona desires to expedite the bill any more rapidly than it is being handled, I suggest that he see the chairman of the subcommittee and arrange for a hearing in that forum, which in the present situation is the proper place to express his views.

Mr. REYNOLDS. Mr. President, with regard to the remarks of my distinguished friend from Georgia [Mr. RUSSELL], I am absolutely confident the Senator from Arizona had not the slightest idea of reflecting upon the activities of the Senator. The junior Senator from Washington [Mr. SCHWELLENBACH], who now presides, made some remarks on the floor of the Senate complimentary to the junior Senator from Georgia, the chairman of the Committee on Immigration, and at that time the Presiding Officer will recall that I also made a statement in regard to the matter. I am sure that the able Senator from Arizona meant no reflection whatever upon the Senator from Georgia, because it was explained by the Senator who is now presiding and by myself that the very day the bill came to the Senate from the other House and was referred to the committee, the chairman sent it to the proper department for a report, and that as soon

as it came back a subcommittee was appointed. The able junior Senator from Georgia, who is chairman of the Committee on Immigration, had always given unusually prompt attention to every matter coming before his committee.

I, too, am sorry that the Senator from Arizona is not now present, but I feel that I can speak for him after listening to him and knowing, as we all do, that he would not, for anything in the world, let a word drop from his lips that would reflect upon the junior Senator from Georgia, for I know the esteem in which the junior Senator from Georgia is held in the estimation of the Senator from Arizona.

Mr. President, getting back now to the matter of outlawing the Communist Party, yesterday in my office—and I usually devote Sundays to reading newspapers and getting what I can therefrom in order, to be perfectly frank, that I may be able to back up some of my ideas—I happened to pick up a copy of the New York Enquirer of the issue of July 8, 1940, the editor and publisher of which is my friend, Mr. William J. Griffin. In that issue there is an editorial entitled "Presidential campaign of Communist Party is a challenge to Republic." Having glanced over that editorial, I ask that it be printed in the RECORD at this juncture of my remarks. I shall read only the last two paragraphs:

Browder's respect—

Browder of course is the nominee of the Communist Party for President of the United States.

Browder's respect for the highest judicial tribunal in this land, which he now desires to relieve him of the status of a sentenced felon, was evinced on October 23, 1938, when he affirmed that if the Supreme Court did not cease endeavoring to dictate economics and social security (that is, if it did not hand down its decisions in accordance with Earl Browder's conception of its functions) the number of Justices will be increased from 9 to 20, with 11 good Farmer-Labor Justices on the bench."

The editorial continues:

There has just been passed by the House a measure intended to compel the Communist Party and the Nazi bund to register with the Department of Justice.

That is the legislation that I spoke of a moment ago as being sponsored in this body by the Senator from Texas [Mr. CONNALLY].

The editorial continues:

Such legislation is absurd—

I do not agree with Mr. Griffin that it "is absurd"; it is, indeed, a step forward, and it will certainly, by bringing about registration, reveal the names of their officers and also the source of their revenue. Certainly the legislation is not "absurd." We had to start somewhere, and it is a start—

The "reds" and the "bunders" must be completely destroyed. It will be a national disgrace if the present session of the Seventy-sixth Congress comes to a close without both of these anti-American forces having been annihilated by statute.

I send the editorial to the desk and ask that it be returned to me from the Public Printer, as I want it for future reference.

The PRESIDING OFFICER. In conformity with the request of the Senator from North Carolina, the editorial will be printed in full in the RECORD at this point.

The editorial is as follows:

PRESIDENTIAL CAMPAIGN OF COMMUNIST PARTY IS A CHALLENGE TO REPUBLIC

It is ludicrous on the part of the United States to spend billions of dollars upon national preparedness against external attack and at the same time decline to take prompt and adequate measures against the forces of assault from within.

Congress should not permit its present session to come to an end without having enacted the legislation necessary for the suppression of the Communist Party.

Surely our national lawmakers have superabundant evidence as to the peril in which the Republic stands by reason of the workings of that organization here and its ramifications abroad.

In spite of this, and in spite of all the talk and action as to national defense, the party of Josef Stalin is permitted to continue its operations upon American soil. It has already named as its candidate for President of the United States, Josef Stalin's vice fuehrer, Earl Browder, who also has the distinction of having been convicted of passport fraud last January.

When it comes to insolence, the Communists are in a class by themselves. Here we find them deliberately selecting as their choice for the job of painting the White House a crimson Moscow red a man who has been sentenced to jail for 4 years and fined $2,500 by a Federal court. In running Browder for the Presidency the upholders of sovietized America are operating behind the Constitution of the United States, impudently asserting their constitutional rights, brazenly using our fundamental charter as a medium whereby to bring about its own destruction.

A service which calls for the warmest praise has been performed by Representative ROBERT G. ALLEN of Pennsylvania, by his exposure of the methods resorted to by Josef Stalin's henchmen in their Presidential election campaign, and by the scathing attack to which he subjected the Communist Party, in a communication sent to Comrade Charles Gwynn, the party's chairman in western Pennsylvania. This important missive is published in full in the CONGRESSIONAL RECORD. Its initial paragraph states:

"I have received your telegram of June 20 stating that the Dies committee is sending letters to all signers of the Communist Party nominating petitions in Pennsylvania. You state you consider this action an invasion of State rights and an intimidation of Pennsylvania citizens. If Mr. DIES wishes to send letters to the Communists in Pennsylvania, he has a right to do so. Pray tell me what is wrong with that. You suggest that Mr. DIES is attempting to coerce my constituents. I assure you that you and the members of your party are not my constituents; you are Josef Stalin's. I do not want you and you do not want me. The feeling is perfectly mutual."

Representative ALLEN then tells this minion of Moscow that his organization is not a political party working in the Keystone State, and continues:

"You are part of a foreign conspiracy working under orders emanating direct from Moscow. Your avowed purpose is the overthrow of this Government by force. You are traitors to this country, and if I had my way you would be dealt with as such. You are abusing the privileges granted by our Constitution. The result has been pure, unadulterated license. Despite your subversive activities, you have been treated with kindly tolerance in this country. In the face of a serious crisis this extreme tolerance is a luxury which we can no longer afford. If you do not like this country and its institutions, I suggest that you get out. Go to that Muscovite utopia which you are trying to establish over here."

In closing his letter, which uses language that Josef Stalin's champions fully understand, the patriotic, able, and wide-awake Pennsylvanian declares:

"I sincerely trust that the Dies committee will investigate the manner in which you secured names for the Communist Party nominating petitions. Your solicitors repeatedly lied to poor and ignorant people who thought they were signing a petition to keep this country out of war or a petition requesting jobs, etc. The whole procedure was a shameful and cowardly act for which you should be held responsible. Instead of protesting to Mr. DIES as you request, I am going to urge him to press the case against you more vigorously than ever. Let me repeat that there is no room in America for you and your kind at this time. I deeply regret that we have permitted you such unrestricted freedom as you have enjoyed in the past."

Vice Fuehrer Browder, for whose attempt to enter the White House the "reds" are campaigning in true Stalinite style, is appealing to the Supreme Court of the Republic to revoke his conviction for passport fraud. In doing this he has ample funds at his back and is making ample use of the American legal processes provided by the very Constitution which he and his followers are seeking to destroy in favor of the despotism of Soviet Russia.

Browder's respect for the highest judicial tribunal in this land, which he now desires to relieve him of the status of a sentenced felon, was evinced on October 23, 1938, when he affirmed that if the Supreme Court did not cease endeavoring to dictate economics and social security (that is, if it did not hand down its decisions in accordance with Earl Browder's conception of its functions) "The number of Justices will be increased from 9 to 20, with 11 good Farmer-Labor Justices on the bench."

There has just been passed by the House a measure intended to compel the Communist Party and the Nazi bunds to register with the Department of Justice. Such legislation is absurd. The "reds" and the "bunders" must be completely destroyed. It will be a national disgrace if the present session of the Seventy-Sixth Congress comes to a close without both of these anti-American forces having been annihilated by statute.

Mr. REYNOLDS. In further pursuance of the resolution of the Kiwanis Club of Graham, N. C., I read:

By registering all aliens in this country, and requiring periodical reports by aliens at local police stations.

I desire to advise the members of the Graham Kiwanis Club of North Carolina, to whom these resolutions have been sent, that recently the Congress enacted a registration and fingerprinting law. Of course, we know that there are aliens in this country who came here in violation of our law, who entered the country illegally, and it is reasonable to conclude that they will not voluntarily register and give themselves up to the authorities, because, on so doing,

perhaps, they can be immediately deported. It is likewise my argument, and it is reasonable to conclude, that those who entered legally, and have remained here illegally, will not voluntarily register, because they will be subject to deportation, and they will be more frightened now than ever before since the enforcement of the immigration laws has been transferred from the Department of Labor to the Department of Justice. As a result thereof, we will have to wait to see how the law works out in its registration feature from September 1 until the convening of the next Congress. At that time, I wish to say to the Members of this body, I propose to introduce additional legislation which I believe will strengthen the present registration and fingerprinting law, so that we may eventually gather into the net all the alien criminals in this country we are desirous of deporting.

Speaking of deportation, in conjunction with the islands whose acquisition I mentioned awhile ago as being desirable from the standpoint of the national defense, we might use some of those island possessions which we want to acquire upon which to detain alien criminals until we can get the countries from which they came to take them back.

The resolution continues:

By appropriate action to be taken to insure against the continuous action of known agents, or persons, fomenting conditions calculated to hinder America in any way, during this period of national emergency; by imprisonment, deportation, or detainment in State or Federal concentration camps.

I prefer to employ the words "detention camps" rather than "concentration camps," because once I employed the word "concentration camps" on the floor of the Senate, and was severely criticized by many people who have not the same attitude as I have toward aliens, Communists, bunders, and others engaged in un-American activities. The resolutions from the Graham Kiwanis Club conclude:

Be it further

Resolved, That copies of this resolution be furnished all members of the Graham Kiwanis Club for enclosure with a personal letter to their Senators and Congressmen. That copies be sent to all civic clubs of the State, and to our President of these United States of America.

Upon motion duly seconded, adopted June 17, 1940.

GRAHAM KIWANIS CLUB.
DAN M. RADER, *Secretary*.

I acknowledged receipt of the resolutions to Mr. Rader, and told him, in my acknowledgment, that I proposed to present the resolutions for printing in the CONGRESSIONAL RECORD.

Mr. President, in reference to communism, I have before me a very interesting ticker dispatch which was obtained in New York and is under the heading "Interpretation of war news by J. W. T. Mason, United Press war expert." I bring it to the attention of the Members of this body particularly at this time because I think Mr. Mason's interpretation is really worth something. At least, I insert it for what it may be worth, and for the further reason that I have been furnished a printed telegram dated July 16, 1940, by Mr. Gustav Danzis, of 111 East Twelfth Street, New York City, which I bring to the attention of this body in connection with the "interpretation of the war news" dispatch, and which refers to the fact that the former republics of Latvia, Estonia, and Lithuania have, at last, been enveloped into the Soviet fold. The "interpretation of war news," by Mr. J. W. T. Mason, reads:

[Over the ticker on July 19]

[Interpretation of war news by J. W. T. Mason, United Press war expert]

Count Ciano's arrival in Berlin today for renewal of secret conferences with Hitler coincides with Italian newspaper warnings to Stalin that if the Kremlin accepts British offers of conciliation and cooperation, Russia's fate will be the same as Poland's. Hitherto Italian and German journalistic comment on Russia's wartime forwardness has been worded cautiously. The open suspicion of Russian treachery now voiced in the Fascist-controlled press implies a Slav situation may be developing which Mussolini considers dangerous.

Only a sudden matter of serious importance would seem to justify this second visit of the Italian foreign minister to Berlin so soon after his earlier conference this month with Hitler. Italy's suspicions of Russia are more sensitive than Germany's because of Mussolini's claim to paramount interests in the Balkans and the Mediterranean.

Of course, we know that in a sense the claims and interests of Russia in the Balkans and the Mediterranean are a much more serious danger to Mussolini than they are to Hitler.

At the same time there can be no doubt Germany must be much concerned by this week's overwhelming pro-Soviet plebiscites in Latvia, Estonia, and Lithuania, which in effect give Stalin complete control over the armies of the three Baltic countries. Germany has broken the French encirclement of the Reich but a new Slav encirclement is now being strengthened.

At this point I ask that there be inserted the printed telegram to which I have referred directed to the President of the United States of America, Washington, D. C., and to the Honorable Cordell Hull, Secretary of State, Washington, D. C., in reference to the flagrant violations of treaties and fraud on the part of Soviet Russia.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

JULY 16, 1940.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,
Washington, D. C.

THE HONORABLE CORDELL HULL,
Secretary of State, Washington, D. C.

By flagrant breach of treaty obligations by treachery and fraud Soviet Russia has taken possession of the Republics of Latvia, Estonia, and Lithuania, overrunning all of their territories by overwhelming military forces. A pro-Soviet Government has been installed in Latvia whose only sordid task it is to provide camouflage for the actual annexation of Latvia by holding fraudulent and Russian-controlled elections on July 14 and 15 in an atmosphere of red terror, expropriation, and martial law. Soviet aggression is again on the march threatening to engulf the whole world in revolt and anarchy and we appeal to you to refuse recognition of Soviet aggression against Latvia, to refuse recognition of present usurpatory pro-Soviet Government in Latvia, and to withdraw recognition of the godless dictatorship of Soviet Russia.

Baltic American Society, Latvian Club of New York, Latvian War Veterans in New York, New York Latvian Benefit Society, New York Latvian Evangelic Lutheran Congregation, First Latvian Baptist Congregation of New York, New York Latvian Zion Congregation, Boston Latvian Lutheran Congregation.

Copies to members United States Senate Foreign Relations Committee, New York Senators, Massachusetts Senators, New York Congressmen.

Please reply to Gustav Danzis, 111 East Twelfth Street, New York, N. Y.

Mr. REYNOLDS. Mr. President, I ask that the remainder of the ticker dispatch, as I have edited it, may be printed in the RECORD.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

At the same time Russia not only is pressing Turkey for joint control over the Dardanelles but is also trying to stimulate a new wave of communism in the eastern Balkans from the vantage ground of Bessarabia, coupled with these developments so adverse to Italian and German interests the Italian press now reveals fears that Russia is moving toward some form of rapprochement with Great Britain.

The British Government has associated its closing of the Burma road with suggestions for peace between China and Japan. Here is a possible opportunity for Great Britain and Russia to work together in the Orient, out of which might come a mutual pact of coordination in Europe, such is the way the intricacies of European diplomacy operate beneath the surface.

Certainly, Russia has now become the war's enigma for Germany and Italy—no dictator can trust any other indefinitely—it is difficult enough for two dictators to cooperate for long—when there are three, mutual faith becomes impossible—each must judge the others by his own standards of conduct—so Hitler and Mussolini are right in looking askance at Stalin uneasily trying to calculate the direction of his next ambitious move.

Especially must Germany and Italy keep close observation on Russia at the present time when the two belligerents are considering how to deliver what they hope will be a crushing blow against Great Britain—reports are circulating in Europe that the German high command lacks unanimity concerning the outcome of an invasion of the British Isles, and Hitler is said to have been advised by some of his leading generals that failure must be anticipated.

If that were to happen, and if at the same time Russia were to seek further territorial expansion, the whole complexion of the war might go into reverse almost overnight—Count Ciano and Hitler will have problems such as these to discuss this weekend in Berlin—the uncertainties of warfare were never more apparent than they are today in Europe.

Mr. REYNOLDS. Mr. President, in conclusion, I desire to commend the members of the American Legion. I have done so at one time upon the floor of the Senate today, when I spoke of their activities relative to their endeavor to bring about the deportation of Harry Bridges. I again am provided an opportunity to pay tribute to that great legion of World War veterans, and am happy for the opportunity. They are alive to our national-defense problem. They and each of them are interesting themselves therein, not only from the standpoint of sponsoring legislation and standing behind proposed legislation in which they believe, but physically they interest themselves in national defense.

The American Legion of North Carolina are now sponsoring rifle meets which they propose to hold annually. The first meeting is to be held at Fort Bragg, N. C., one of our Army posts, on the 28th and 29th of this month, in which they are offering cups to the winning team for marksmanship. The contesting teams will come from virtually every Legion post in North Carolina. They are preparing themselves physically, and they are getting ready for any balloonists or parachutists who may come to this country. I think the American Legion are to be commended.

I have here a letter from Mr. J. A. DuBois, chairman of the marksmanship committee of the American Legion located at Whiteville, N. C. I shall read part of the letter, which is directed to me. I shall eliminate the first and second paragraphs, as they contain personal references to me. The remainder of the letter is as follows:

> The Legion of North Carolina has, as yourself, always taken a firm stand for preparedness. Since the recent tragic turn in European affairs it has reaffirmed and greatly strengthened its stand for adequate national defense.
>
> Our marksmanship program is just a small but important part of the Legion defense program. Its objective is the organization of rifle clubs in every Legion post for the purpose of again familiarizing veterans with use and care of firearms, and to stimulate interest in the oldest and cleanest of sports, marksmanship.
>
> The Legion program for national defense in North Carolina is not being carried out with eloquent and patriotic speeches, but with silent and determined action. The 2 days of rifle training to be held at Fort Bragg are exemplary of this determination to act and act now, not next month or next year, and in a like manner the rest of the Legion program is being put into effect. Legionnaires are not only asking others to act but they are showing by their own example what can be accomplished with close cooperation between local and Federal law-enforcement authorities, Red Cross, and relief organizations.
>
> In addition to rifle teams amongst Legionnaires, in the past year a large number of sons of the Legion Rifle Clubs have been organized. In these clubs hundreds of boys are being taught by experienced instructors the proper care and handling of firearms, safety precautions, target shooting, and last, but not least, observance of game-preservation laws. Youth's response to this training has been enthusiastic, and marksmanship has proven its worth in the making of good sportsmanship.
>
> Very truly,
>
> J. A. DuBois, *Chairman*.

I ask that there be printed in the RECORD, for the benefit of other patriotic organizations and other veterans' organizations, an enclosure in the letter in reference to the inauguration of that program in North Carolina, which I am sure is an added and a worthy feature of our preparedness program, and particularly the volunteer preparedness program on behalf of the volunteer services of the people of America.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

TENTATIVE PROGRAM FOR RIFLE MEET AT FORT BRAGG

(The number attending and the amount of ammunition we have been issued may necessitate some changes in program.)

July 27:
- 8 A. M. Instruction in use of .30 caliber Springfield rifle.
- 8:30 A. M. Practice in firing positions.
- 9 A. M. Firing (10 rounds), prone position.
- 12 noon. Mess.
- 1 P. M. Firing (10 rounds), sitting.
- 2 P. M. Firing (10 rounds), kneeling.
- 3 P. M. Firing (10 rounds), standing.
- 5 P. M. Mess.

July 28:
- 8 A. M. Firing (Army record course C).
- 12 noon: Mess.
- 1 P. M. Post team matches. Post teams to consist of five members from a post. Three highest scores to count as team score. Range 200 yards; 10 shots (each), prone.
- 5 P. M. Mess and presentation of medals and of the Reynolds Preparedness Trophy.

I ordered a 15-inch cup with proper engraving. Many thanks.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS FOR THE DISTRICT OF COLUMBIA—VETO MESSAGE (S. DOC. NO. 254)

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair) laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying bill, referred to the Committee on the District of Columbia and ordered to be printed:

To the Senate:

I am returning herewith, without my approval, S. 3720, "To create and establish a Board of Funeral Directors and Embalmers for the District of Columbia and to prescribe its powers and duties."

This bill creates a board of nine examiners appointed by the Commissioners of the District of Columbia. Six of the members of the board would be drawn from those engaged in the business of embalming and funeral directing within the District of Columbia. Of the remaining three members two would be selected from practicing physicians within the District of Columbia, and one from the staff of the Health Officer of the District of Columbia.

Within sixty days after approval of the bill, the board would license, without examination as to qualifications, all those now engaged in doing business in the District of Columbia, while those who would thereafter desire to enter such business would be required to qualify under such examination as might be determined by the Board. The bill also provides for suspension and revocation of licenses for cause subject to court review and for reciprocal arrangements with other States. Apprenticeship fees would be $5 per annum, funeral and embalmer license fees $10 per annum, and examination fees $25, not returnable. At the close of each fiscal year, any funds to the credit of the board in excess of $1,000 would revert to the District of Columbia, and all accounts of the board would be subject to audit by the District Auditor.

The Commissioners of the District of Columbia recommend disapproval of this bill for the following reasons:

This bill is proposed, according to its preamble, "For the purpose of protecting the public health." A study of its subsequent provisions, however, appears to indicate that its primary purpose is to place certain restrictions on those desiring to enter the business of embalming and funeral directing in the District of Columbia. The first purpose is already cared for by present health laws which grant full authority to the Commissioners of the District of Columbia to make and enforce, through the Health Department, such regulations as may be necessary to protect the public. A second result of the bill would be to create, outside the control of the Commissioners, another independent District establishment, armed with the power to restrict membership in the guild of funeral directors and embalmers.

The present system of quasi-private examining boards in the District of Columbia, with their lack of uniformity in the appointment and pay of examiners, in the rules and regulations governing the examination and licensing of applicants, in the enforcement of the laws, and particularly in the control of their finances and accounts, has, in recent years, been the subject of no little criticism. Recent surveys of the government of the District of Columbia, including studies by citizens committees, have censured the increasing number of independent District boards of examiners. As a consequence, legislation proposed by the District Commissioners for the reorganization of the District of Columbia government provides that all these examining

boards and commissions would become advisory agencies only, and function under a single license department.

In view of these objections of the Commissioners of the District of Columbia, I am withholding my approval of this bill.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *July 20, 1940.*

FURNISHING POTOMAC WATER TO CHARITABLE INSTITUTIONS IN THE DISTRICT OF COLUMBIA—VETO MESSAGE (S. DOC. NO. 255)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying bill, referred to the Committee on the District of Columbia and ordered to be printed:

To the Senate:

I return herewith, without my approval, S. 3870, "An act to amend the act entitled 'An act authorizing the Commissioners of the District of Columbia to furnish Potomac water without charge to charitable institutions, and so forth, in the District of Columbia', approved February 23, 1905."

The act of February 23, 1905 (33 Stat. 742), provides as follows:

That the Commissioners of the District of Columbia be, and are hereby, authorized to furnish Potomac water without charge to charitable institutions and such institutions as receive annual appropriations from Congress, to an amount to be fixed in each case by the said Commissioners, not to exceed a rate of 100 gallons per day for each inmate of said institutions; and for all water used beyond such an amount, to be ascertained by water meters installed and maintained at the expense of the consumer, the institution shall be charged at the prevailing rate for the use of water in the District of Columbia, which shall be collected in the manner prescribed for the collection of water rents. The said Commissioners are further authorized to furnish Potomac water without charge to churches to an amount to be fixed in each case by the said Commissioners, and any amount used in excess of the amount allowed, to be ascertained in the manner aforesaid, shall be charged and collected as hereinbefore described. For the purposes of this act a charitable institution is one whose objects are primarily eleemosynary; and nothing herein contained shall be so construed as to include educational institutions other than charity schools wholly supported by voluntary contributions or institutions supported wholly or in part by congressional appropriations.

It is the purpose of this bill to add, after the word "churches", in the second sentence of the above-quoted paragraph, the words "and to charitable institutions which do not have inmates", and thus authorize the furnishing of free water to institutions which do not now come within the terms of the existing statute.

The Commissioners of the District of Columbia are opposed to the approval of this measure, in part because of the loss of revenue involved, but also on account of the difficulty of determining the institutions that would be entitled, and the extent to which each would be entitled, to the free-water privilege. The Commissioners believe not only that the approval of the bill would increase largely the number of institutions receiving water free of charge, but would be likely to result in the furnishing of free water to some agencies, the status of which, as eleemosynary institutions, would be difficult of determination.

It seems to me that in spite of the well-intended purpose of the measure that the Board of Commissioners of the District of Columbia have taken the right position with respect thereto, and that I am therefore justified in accepting their recommendation that the bill be not approved.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *July 20, 1940.*

LETTER FROM THE SECRETARY OF THE SENATE—VETO MESSAGES

The PRESIDING OFFICER laid before the Senate a letter from the Secretary of the Senate, which was read, as follows:

JULY 22, 1940.

Hon. JOHN N. GARNER,
President of the Senate.

MY DEAR MR. PRESIDENT: Under the provisions of House Concurrent Resolution 86, the Senate adjourned on Thursday, July 11, 1940, until 12 o'clock meridian today, July 22.

On Wednesday, July 17, 1940, the President of the United States returned to the Senate by delivery to the secretary of the Senate the following enrolled bills, together with his reasons for returning them without his approval. These bills had been presented to the President by the Committee on Enrolled Bills of the Senate on the dates shown and were returned within the 10-day period prescribed by the Constitution.

Presented on July 5, 1940:

S. 2413. An act granting a pension to Arminda Bauman;

S. 3502. An act for the relief of the Epes Transportation Corporation;

S. 3769. An act for the relief of Jerry McKinley Thompson; and

S. 3978. An act for the relief of certain former employees of the National Reemployment Service.

Presented on July 8, 1940:

S. 1810. An act for the relief of the Citizens State Bank of Marianna, Fla.;

S. 2817. An act for the relief of J. H. Churchwell, Wholesale Co., of Jacksonville, Fla.;

S. 3351. An act for the relief of I. M. Cook, J. J. Allen, and the Radiator Specialty Co.; and

S. 3794. An act for the relief of certain Navajo Indians, and for other purposes.

I now present the President's veto messages, with the accompanying bills, for disposition by the Senate.

Sincerely yours,

EDWIN A. HALSEY,
Secretary of the Senate.

ARMINDA BAUMAN—VETO MESSAGE (S. DOC. NO. 257)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying bill, referred to the Committee on Pensions and ordered to be printed:

To the Senate:

I am returning herewith, without my approval, S. 2413, "Granting a pension to Arminda Bauman."

It is the purpose of the bill to authorize and direct the Administrator of Veterans' Affairs to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Arminda Bauman, widow of Jacob K. Bauman, late of Troop H, Sixth Regiment United States Cavalry, and pay her a pension at the rate of $30 per month.

Jacob K. Bauman, the husband of the beneficiary under the bill, enlisted in the military service of the United States November 17, 1883, and was honorably discharged July 10, 1885. The veteran served over 30 days in the Apache campaign of New Mexico. His death occurred August 21, 1936.

Mrs. Bauman's first marriage to the veteran July 21, 1887, was terminated by divorce granted July 14, 1924. She was remarried to the veteran February 6, 1926. While not entitled to service pension under laws pertaining to the Indian War service, as her second marriage to the veteran occurred subsequent to March 3, 1917, her claim for pension under the general pension law, where the marriage date is immaterial, depends upon whether or not the death of the veteran is attributable to service-connected disabilities. Mrs. Bauman's original claim under the general pension law was denied, but upon reconsideration and review by the Veterans' Administration since the passage by the Congress of S. 2413, it has been determined that the death of the veteran was attributable to service-connected disabilities and that the widow is entitled to receive a pension under the general pension law. Therefore approval of the bill is not only unnecessary but is objectionable, because it would arbitrarily place and continue the claimant on the pension rolls at a specified rate of pension, which may be more or less in amount, in the initial and subsequent adjudications, than would be allowable under the provisions of general law.

FRANKLIN D. ROOSEVELT.

The WHITE HOUSE, *July 16, 1940.*

EPES TRANSPORTATION CORPORATION—VETO MESSAGE (S. DOC. NO. 260)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying bill, referred to the Committee on Claims and ordered to be printed:

To the Senate:

I return herewith, without my approval, S. 3502, an act for the relief of the Epes Transportation Corporation, of Virginia.

This bill is substantially the same as S. 1042 (76th Cong., 1st sess.) with respect to which I withheld my approval. The bill authorizes and directs the Secretary of the Treasury "to pay, out of any money in the Treasury not otherwise appropriated, to the Epes Transportation Corporation the sum of $6,537.95 in full satisfaction of all claims of such corporation against the United States, such sum (it is alleged) representing taxes (with interest and penalty) paid to the United States by such corporation on account of certain cigarettes and tobacco products which were withdrawn from bonded warehouse in Winston-Salem, N. C., by such corporation (it is alleged) for export to foreign consignees, but which were not exported due to the fact that such cigarettes and tobacco products were stolen from the trucks of such corporation en route to the intended exportation point."

The cigarettes and tobacco products were in fact withdrawn without payment of tax by the R. J. Reynolds Tobacco Co. from its factories for exportation and were delivered to the Epes Transportation Corporation, a common carrier, under contract for transportation, in its trucks to Norfolk, Va. During transit the trucks were hijacked and the cigarettes and tobacco products were stolen. As the products were not in fact exported, the R. J. Reynolds Tobacco Co. paid the internal-revenue tax due on such products, and through litigation it has been finally established that the tax was legally due. The transportation corporation, apparently because of its liability as a common carrier for hire, has reimbursed the R. J. Reynolds Tobacco Co. for the amount of the tax and penalties paid by such company and now seeks reimbursement from the United States.

The Government had no dealings with the carrier. The carrier has merely made good on its contract with the shipper for proximate damages resulting from failure to perform its contract. Other circumstances might occur to damage or destroy such articles and prevent exportation and thus subject the shipper to a tax on goods that failed to reach the market at all, e. g., a railway wreck, or a fire, or bad weather, or damage in transit. The Government cannot be expected to honor claims of insurers and carriers in all such cases where they are required by the shipper to respond in damages to the extent of his resulting loss of tax exemption. Obviously the carrier's loss is primarily an incident of his business and grows out of his broad liability as a common carrier. To recognize such a claim would, it is believed, constitute a precedent and establish a policy that might eventually prove embarrassing and burdensome.

I regret, therefore, that I do not feel justified in giving my approval to the bill.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *July 16, 1940.*

JERRY M'KINLEY THOMPSON—VETO MESSAGE (S. DOC. NO. 261)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read and, with the accompanying bill, referred to the Committee on Claims and ordered to be printed:

To the Senate:

I return herewith, without my approval, S. 3769, Seventy-sixth Congress, third session, entitled "An act for the relief of Jerry McKinley Thompson."

This enactment would release Mr. Thompson from any liability to the United States incurred by reason of the receipt by him of dual compensation from the Post Office Department and the Navy Department during the period from June 16 to September 15 of each year from 1929 to 1937, inclusive, in contravention of section 6 of the act of May 10, 1916, as amended.

Information regarding the provisions of the act of May 10, 1916, has been repeatedly disseminated throughout the Postal Service by the published bulletins of that Service, and it is my opinion that the granting of the relief here sought would not only encourage the presentation of claims for similar relief but would also tend to induce a future disregard of this and other laws enacted for the purpose of limiting and restricting the expenditure of public funds. Moreover, the claims of many other Government employees for dual compensation have been denied, and the granting of the relief contemplated by this enactment would, accordingly, represent, it seems to me, discriminatory action of a wholly unwarranted character.

I do not, therefore, feel justified in approving the enactment.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *July 16, 1940.*

RELIEF OF CERTAIN FORMER EMPLOYEES OF NATIONAL REEMPLOYMENT SERVICE—VETO MESSAGE (S. DOC. NO. 263)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read and, with the accompanying bill, referred to the Committee on Claims and ordered to be printed:

To the Senate:

I return herewith, without my approval, S. 3978, Seventy-sixth Congress, third session, entitled "An act for the relief of certain former employees of the National Reemployment Service."

The enactment would authorize and direct the Secretary of the Treasury to pay specified sums of money to the several persons therein named in full satisfaction of all claims against the United States for accrued annual leave while claimants were in the employ of the National Reemployment Service—it appearing that the involved employees were separated from the service of the United States without having taken all of the annual leave which had accumulated to them at the time of separation.

The Annual Leave Act of March 14, 1936 (49 Stat. 1161), makes a grant of leave in kind only; that is, the right to be absent from duty for the prescribed period without loss of pay while retaining a status as one of the "civilian officers and employees of the United States" included within the purview of the law. There is no provision of law for payment of the commuted value of leave not taken before separation from the service. It is understood that many similar claims have been disallowed by the Government. Hence the approval of relief legislation upon behalf of the former employees named in this enactment would be giving them preferential treatment and, no doubt, would result in a flood of similar relief bills in respect to other former employees similarly situated. For the reasons stated herein I do not feel justified in giving this enactment my approval.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *July 16, 1940.*

CITIZENS STATE BANK OF MARIANNA, FLA.—VETO MESSAGE (S. DOC. NO. 256)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying bill, referred to the Committee on Claims and ordered to be printed:

To the Senate:

I am returning herewith, without my approval, a bill (S. 1810) for the relief of the Citizens State Bank of Marianna, Fla.

This bill would relieve the Citizens State Bank of Marianna, Fla., from liability to the Government in the sum of $692.09, constituting the aggregate amount of Government checks which were honored and cashed by the bank, although the endorsements thereon had been forged.

Whether the bank is liable to reimburse the Government under such circumstances is a question for judicial determination. A suit to collect this claim has been brought by the United States against the bank and is now pending. If the bank is not liable, it is reasonable to assume that the courts will so hold. If liability exists, no reason is discernible why the bank should be relieved of it by legislative action.

Similar claims have arisen against other banks which have been prosecuted in the courts and collected. I do not feel

warranted in approving legislation which would extend preferential treatment to a single institution, while other financial institutions have been required to meet the obligations that the law imposes on them in such matters.

In view of these considerations, I am impelled to withhold my approval from this bill.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *July 16, 1940.*

J. H. CHURCHWELL WHOLESALE CO.—VETO MESSAGE (S. DOC. NO. 259)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying bill, referred to the Committee on Claims and ordered to be printed:

To the Senate:

I return herewith, without my approval, S. 2817, Seventy-sixth Congress, third session, entitled "An act for the relief of J. H. Churchwell Wholesale Co., of Jacksonville, Fla."

This enactment would authorize and direct the Secretary of the Treasury to pay to J. H. Churchwell Wholesale Co., of Jacksonville, Fla., the sum of $1,100 in full satisfaction of the claim of such company against the United States for remission of liquidated damages assessed against such company under the provisions of contract numbered ER–W–647–eng–38 and unnumbered contract (Invitation numbered 647–36–33) entered into by such company with the War Department under dates of September 12, 1935, and September 18, 1935, respectively, for the delivery of a quantity of sheets and blankets to the United States District Engineers Office, Camp Roosevelt, Ocala, Fla.

It appears that the contracts provided for the assessment of liquidated damages in the event of delays in delivery beyond the time specified therein; that there were delays in delivery of the articles; and that the sum here involved was properly and legally deducted from amounts otherwise due the claimant in accordance with the provisions of the contracts.

It is not unusual for Government contracts to contain provisions with respect to liquidated damages similar to those contained in the contracts executed by the claimant; and the courts have held that such provisions are to be enforced in accordance with their terms. The contracts here involved were freely entered into by the claimant and the liquidated damages were withheld in accordance with the agreement of the parties. There is no authority under existing law for the allowance of claims of other contractors under similar circumstances and the allowance of this claim would, in my judgment, be entirely unjustified as according preferential treatment to this claimant and as establishing an undesirable precedent.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *July 16, 1940.*

I. M. COOK AND OTHERS—VETO MESSAGE (S. DOC. NO. 258)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read and, with the accompanying bill, referred to the Committee on Claims and ordered to be printed:

To the Senate:

I return herewith, without my approval, S. 3351, "For the relief of I. M. Cook, J. J. Allen, and the Radiator Specialty Company."

This bill proposes to provide for the payment of the sum of $10,890.54 to I. M. Cook, the sum of $9,275.34 to J. J. Allen, and the sum of $1,500 to the Radiator Specialty Co., all of Charlotte, N. C., as compensation for losses sustained by them by reason of a fire which destroyed a building near that city, which was owned by Mr. Cook.

It appears that Mr. Cook had rented part of the space to the Works Progress Administration for use as a warehouse and offices. The available facts indicate that at the insistence of Mr. Cook the offices of the Works Progress Administration in the building were heated by portable heaters, as he objected to the installation of any stationary stoves, for reasons which he deemed proper.

The building was set on fire on the night of December 9, 1938, by flames from a portable heater. It seems likely that if Mr. Cook had not insisted on the use of portable heaters and had permitted the installation of permanent stoves, the unfortunate occurrence would not have taken place. Under the circumstances I am unable to find any moral obligation on the part of the Government to reimburse Mr. Cook for his loss.

It seems, however, to be claimed that the night watchman employed by the Works Progress Administration was not as prompt as he should have been in endeavoring to extinguish the flames. Assuming this to be the fact, it is entirely within the realm of speculation whether he could have succeeded in subduing the fire under any circumstances. Moreover, the proximate cause of the fire seems to be the use of portable heaters, which were employed at Mr. Cook's insistence.

The other two claimants appear to have been tenants in the same building, whose personal property was destroyed in the fire. While their losses are to be greatly regretted, the facts summarized above indicate that there is no reason why the Government should recompense these two claimants for their unfortunate losses. It may well be that the facts have not been fully developed. In such event it may be appropriate to permit the claimants to bring suit against the Government in the Court of Claims or the United States District Court. A different problem would be presented if the instant bill accorded such a remedy, instead of proposing a direct appropriation in payment of the claims.

In the light of the foregoing statements I am constrained to disapprove the bill.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *July 16, 1940.*

CERTAIN NAVAJO INDIANS—VETO MESSAGE (S. DOC. NO. 262)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying bill, referred to the Committee on Indian Affairs and ordered to be printed:

To the Senate:

I return herewith, without my approval, S. 3794, "For the relief of certain Navajo Indians, and for other purposes."

This bill appropriates $30,000 as compensation to the heirs of six Navajo boys who were killed, and $3,000 as damages on account of injuries sustained by two boys, when the automobile in which they were riding was struck by a train near Wingate, N. Mex.

While the record indicates negligence on the part of the driver, thereby warranting claims for compensation, it seems to me that the proposed payments in the death cases are somewhat excessive. The six children killed were between the ages of 10 and 15 years, and the two injured boys were 12 and 14 years of age. They were all wards of the Federal Government and were being educated in schools maintained by the Government. They were not wage earners, and those killed left no actual dependents. Those killed were buried at the expense of the United States, and those injured received medical attention and hospital care at Federal expense.

It is stated that the two injured boys have fully recovered, but since the record fails to disclose the extent of their injuries, it is impossible to say whether the payments proposed are, or are not, excessive.

I am withholding my approval of the bill in the belief that the Congress should, in the light of the above suggestions, and upon the basis of such additional information as it may obtain, give further consideration to these claims.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *July 16, 1940.*

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair) as in executive session, laid before the Senate messages from the President of the United States submitting sundry

nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

Mr. CONNALLY, from the Committee on the Judiciary, reported favorably the nomination of Steve M. King, of Texas, to be United States attorney for the eastern district of Texas.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

POST-OFFICE NOMINATION RECOMMITTED

Mr. McKELLAR. As in executive session, I ask unanimous consent that the nomination of Claude B. Doing, to be postmaster at Lansdowne, Md., which was reported on July 11, be recommitted to the Committee on Post Offices and Post Roads.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ADJOURNMENT TO THURSDAY

Mr. HARRISON. I move that the Senate adjourn.

The motion was agreed to; and (at 1 o'clock and 19 minutes p. m.) the Senate adjourned, the adjournment being, under the order previously entered, until Thursday, July 25, 1940, at 12 o'clock m.

NOMINATIONS

Executive nominations received by the Senate July 22, 1940

DIPLOMATIC AND FOREIGN SERVICE

Walter A. Foote, of Texas, now a Foreign Service officer of class 4 and a secretary in the Diplomatic Service, to be also a Consul General of the United States of America.

UNITED STATES PUBLIC HEALTH SERVICE

The following-named doctors to be assistant surgeons in the United States Public Health Service, to take effect from date of oath:

Samuel Sherman Spicer	Malcolm Judson Ford
James Barclay Donaldson	Donald Webster McNaughto
Jesse Douglas Harris	Ralph William Pagel
Frederick Hinkley Hull	William Robert Willard
Alfred Leon Holleman	Raymond Serge Roy

COAST GUARD OF THE UNITED STATES

Commander John H. Cornell to be a captain in the Coast Guard of the United States, to rank as such from July 1, 1940.

Boatswain Emile T. Turcotte to be a chief boatswain, to rank as such from August 1, 1940.

Machinist Martin Lentz, Jr., to be a chief machinist, to rank as such from July 5, 1940.

The following-named persons to be ensigns (temporary) in the Coast Guard of the United States, to take effect from dates of oath:

Norman Lee Oleson
Preston L. Taulbee

APPOINTMENT IN THE NATIONAL GUARD OF THE UNITED STATES

GENERAL OFFICER

Brig. Gen. Mervin Gilbert McConnel, Idaho National Guard, to be brigadier general, National Guard of the United States.

PROMOTIONS IN THE NAVY

MARINE CORPS

The following-named lieutenant colonels to be colonels in the Marine Corps from the 8th day of July 1940:

Lemuel C. Shepherd, Jr.
Frank Whitehead
Robert Blake

The following-named majors to be lieutenant colonels in the Marine Corps from the 8th day of July 1940:

Joseph H. Fellows	Lester A. Dessez
Louis G. DeHaven	John W. Beckett
John Halla	Donald G. Oglesby
Kenneth A. Inman	Byron F. Johnson
Lester N. Medaris	John T. Selden
Frank B. Goettge	Elmer E. Hall

The following-named captains to be majors in the Marine Corps from the 8th day of July 1940:

John D. Blanchard	Leslie F. Narum
John N. Hart	Ion M. Bethel
Hawley C. Waterman	John F. Hough
James O. Brauer	Robert L. Griffin, Jr.
Thomas C. Green	Edward L. Pugh
Andrew J. Mathiesen	Earl H. Phillips
Joseph C. Burger	Matthew C. Horner
Verne J. McCaul	James M. Ranck, Jr.

First Lt. Frederic H. Ramsey to be a captain in the Marine Corps from the 1st day of July 1939.

First Lt. Reynolds H. Hayden to be a captain in the Marine Corps from the 1st day of July 1939.

First Lt. Victor H. Krulak to be a captain in the Marine Corps from the 14th day of August 1939.

First Lt. Harold O. Deakin to be a captain in the Marine Corps from the 14th day of August 1939.

The following-named second lieutenants to be first lieutenants in the Marine Corps from the 3d day of June 1940:

Robert T. Vance	Cedric H. Kuhn
Woodrow M. Kessler	Thomas A. Culhane, Jr.
Donald E. Huey	Guy G. Narter
Clarence A. Barninger, Jr.	Alben C. Robertson
Merritt Adelman	Radford C. West
Rivers J. Morrell, Jr.	Thomas R. Stokes
Arthur J. Stuart	Ray L. Vroome

HOUSE OF REPRESENTATIVES

MONDAY, JULY 22, 1940

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Again, gracious Heavenly Father, in the dispensation of Thy providence we have seen the birth of a new day. We thank Thee. Be Thou unto us the wisdom that makes error difficult, the light that makes the darkness fade away, and the bread of heaven that quickens the best impulses of our souls. Consider us, O Lord, and bless the bonds of fraternity, the ties of friendship, and the affections of our homes. Blessed Lord God, the world gives peace to reward toil; give us Thine to prepare us for toil; it gives peace to exhausted energy; give us Thine to inspire action; it gives peace as a rest from labor; O give us Thine to arm us for today. Impress us that there is no armament so potent and enduring as that of the observance of moral, spiritual, and religious obligations of a great people and without that sanctuary there can be no perpetuation of the decencies and securities of any civilization. We pray for the Great Comforter that He may become our shield and buckler, our wealth and power, our preparedness, our love of liberty, and that He may forever make America unconquered and unconquerable. May no failures, no regrets, no afflictions, and no sin follow in the wake of this day. In our dear Redeemer's name. Amen.

The Journal of the proceedings of Thursday, July 11, 1940, was read and approved.

MESSAGE FROM THE SENATE

Pursuant to House Resolution 552, on July 12, 1940, the Clerk of the House received from the Secretary of the Senate the following message announcing that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 4165. An act to provide, in cooperation with the Port of New York Authority, for the construction in New York Harbor of a graving drydock large enough to accommodate the largest naval ships built or building.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 10030. An act increasing the number of naval aviators in the line of the Regular Navy and Marine Corps, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER. The Chair wishes to announce that pursuant to the authority granted him on July 10, 1940, he did on July 12, 1940, sign the following enrolled bills and joint resolution:

H. R. 6056. An act for the relief of Antal or Anthony or Tony Zaicek or Zaiczek;

H. R. 6884. An act to encourage travel in the United States and for other purposes;

H. R. 7696. An act to amend the United States Grain Standards Act, to provide for the grading of soybeans, and for other purposes;

H. R. 8372. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Chester, Ill.;

H. R. 9877. An act authorizing the Secretary of the Interior to promulgate and to put into effect charges for electrical energy generated at Boulder Dam, providing for the application of revenues from said project, authorizing the operation of the Boulder power plant by the United States directly or through agents, and for other purposes.

H. R. 10100. An act to establish the composition of the United States Navy, to authorize the construction of certain naval vessels, and for other purposes; and

H. J. Res. 582. Joint resolution making an appropriation to enable the United States Maritime Commission to establish the marine and war-risk insurance fund.

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had, on July 12, 1940, examined the foregoing bills and a joint resolution and found them truly enrolled.

The Speaker also announced his signature to enrolled bills of the Senate of the following titles:

S. 3046. An act to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled, "An act to prevent pernicious political activities," approved August 2, 1939;

S. 3097. An act for the relief of Katherine M. Drier; and

S. 4119. An act to provide for the transfer of certain land in the De Soto National Forest to the Secretary of War for use for military purposes.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On July 8, 1940:

H. R. 6831. An act to authorize the Secretary of the Interior to lease certain of the public lands to the Metropolitan Water District of Southern California for the extraction of sodium chloride for water-conditioning purposes;

H. R. 8024. An act to provide for the leasing of restricted allotments of deceased Indians in certain circumstances, and for other purposes; and

H. R. 8499. An act relating to adoption of minors by Indians.

On July 10, 1940:

H. R. 1435. An act for the relief of A. S. Tait;

H. R. 4828. An act to amend the law limiting the operation of statutes of limitation in certain cases; and

H. R. 10106. An act to amend the District of Columbia Revenue Act of 1937, as amended.

On July 11, 1940:

H. R. 2358. An act for the relief of Alfred Joseph Wright;

H. R. 3161. An act for the relief of the First National Bank of Gettysburg, Pa., as legal guardian of the three minor children of Dale W. Guise and Gladys M. Guise, both deceased, and Sally C. Guise and Martha G. and Arnold E. Orner;

H. R. 3171. An act for the relief of George L. Sheldon;

H. R. 5258. An act for the relief of the legal guardian of Betty Lou Frady and W. L. Frady;

H. R. 7843. An act for the relief of Clifford J. Williams;

H. R. 9114. An act authorizing advancements from the Federal Emergency Administration of Public Works for the construction of a recorder of deeds building in the District of Columbia, and for other purposes; and

H. R. 6424. An act to provide for the transportation and distribution of mails on motor-vehicle routes.

On July 12, 1940:

H. R. 7861. An act for the relief of Hannah S. Bray, Jane Bickers, and Frances Bickers.

On July 18, 1940:

H. R. 2751. An act to repeal sections 3711, 3712, and 3713 of the Revised Statutes, which relate to the purchase in the District of Columbia of coal and wood for public use, and for other purposes;

H. R. 7233. An act to amend the act entitled "An act to provide for the disposition, control, and use of surplus real property acquired by Federal agencies, and for other purposes," approved August 27, 1935 (Public, No. 351, 74th Cong.), and for other purposes;

H. R. 7696. An act to amend the United States Grain Standards Act, to provide for the grading of soybeans, and for other purposes;

H. R. 8372. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Chester, Ill.;

H. R. 9576. An act relating to the admission to St. Elizabeths Hospital of persons resident or domiciled in the Virgin Islands of the United States; and

H. J. Res. 582. Joint resolution making an appropriation to enable the United States Maritime Commission to establish the marine and war-risk insurance fund.

On July 19, 1940:

H. R. 6056. An act for the relief of Antal or Anthony or Tony Zaicek or Zaiczek;

H. R. 6884. An act to encourage travel in the United States, and for other purposes;

H. R. 9877. An act authorizing the Secretary of the Interior to promulgate and to put into effect charges for electrical energy generated at Boulder Dam, providing for the application of revenues from said project, authorizing the operation of the Boulder Dam power plant by the United States directly or through agents, and for other purposes; and

H. R. 10100. An act to establish the composition of the United States Navy, to authorize the construction of certain naval vessels, and for other purposes.

COMMITTEE ON MILITARY AFFAIRS

Mr. MAY. Mr. Speaker, I ask unanimous consent that the Committee on Military Affairs of the House may be permitted to sit during the sessions of the House during this week beginning on Wednesday. May I say, Mr. Speaker, that it is understood that the committee will meet at 10 o'clock Wednesday morning and the first witness in support of the military training bill will be Mayor LaGuardia, of New York, followed by Gen. George C. Marshall, Chief of Staff of the United States Army.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

EXTENSION OF REMARKS

Mr. MAY. Mr. Speaker, I desire to extend my remarks in the RECORD and to include therein a short editorial from this morning's Washington Post commendatory of Congress.

The SPEAKER. Is there objection?

There was no objection.

Mr. MITCHELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a speech which I delivered at the National Democratic Convention on last Tuesday in Chicago.

The SPEAKER. Is there objection?

There was no objection.

Mr. GRIFFITH. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Louisiana [Mr. FERNANDEZ] be permitted to extend his remarks by including a letter addressed to a constitutent.

The SPEAKER. Is there objection?

There was no objection.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an article from the New York Times.

The SPEAKER. Is there objection?

There was no objection.

Mr. PATRICK. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include a speech made at Chicago by the gentleman from Alabama [Mr. STEAGALL].

The SPEAKER. Is there objection?

There was no objection.

By unanimous consent, Mr. PATRICK was granted permission to revise and extend his own remarks.

Mr. LUTHER A. JOHNSON. Mr. Speaker, I ask unanimous consent to extend my remarks and include therein a statement by Gen. Claude B. Birkhead, commander of the Texas National Guard.

The SPEAKER. Is there objection?

There was no objection.

Mr. MURDOCK of Arizona. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include excerpts from a patriotic book.

The SPEAKER. Is there objection?

There was no objection.

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to extend my remarks and to include a brief newspaper clipping and two or three letters I have received.

The SPEAKER. Is there objection?

There was no objection.

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my remarks on two subjects and to include in one an article on the proposed national parks in Oregon, and in the other a resolution adopted by the Townsend convention.

The SPEAKER. Is there objection?

There was no objection.

ORDER OF BUSINESS

Mr. DIRKSEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DIRKSEN. I wanted to prefer a request for some time after the legislative program, but I have no notion as to what the program may be today.

The SPEAKER. The Chair cannot inform the gentleman as to whether or not the gentleman from West Virginia [Mr. RANDOLPH] has any bills to call up. This is District of Columbia Day, and the gentleman from West Virginia is entitled to the call. The gentleman from West Virginia can answer the gentleman's question, perhaps.

Mr. RANDOLPH. Mr. Speaker, in answer partially, at least, to the inquiry of the gentleman from Illinois, I believe it has been the rather general understanding and agreement that there would be no legislation this week of a highly controversial nature. I think this agreement was entered into between the majority and minority leaders. In view of the fact that the legislation on the District of Columbia Calendar at the present time is of a highly controversial nature I would want to go along with the leadership and the general agreement of the House and not call up those bills.

I may say to the Speaker, however, that I shall ask time under the District of Columbia Calendar, approximately 10 minutes, to discuss a matter which is of interest to the District and, I believe, the country at large.

Mr. WOODRUM of Virginia. Mr. Speaker, will the gentleman yield?

Mr. RANDOLPH. I yield.

Mr. WOODRUM of Virginia. Mr. Speaker, in connection with the statement made by the gentleman from West Virginia as to an understanding about not taking up controversial legislation I want to say that I am perfectly anxious to cooperate in every way with the considered judgment of the leadership of the House, but we have this sort of situation: The Congress practically unanimously feels that it should stay in Washington to take care of important national-defense items. There is an extremely urgent, vital, and necessary national-defense item that we should get up, consider in the House, and act upon. It has been recommended by the Advisory Council on Defense, and the Appropriations Committee was told a week or 10 days ago that it was necessary, and that even days counted. I am now told that we cannot get a quorum of the Committee on Rules, and that it would be impossible to get it up for consideration. To say the least, I am forced to express my disappointment.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. RANDOLPH. I yield.

Mr. MAY. I would like to say to the gentleman from Virginia that the House Committee on Military Affairs finds itself in about the same attitude as the gentleman from Virginia. We have the hearty cooperation of the floor leader, who has been doing everything he could to facilitate it, of course, but we have had on the calendar for several days the bill to authorize the President to call the National Guard for training. We also are conducting hearings on the bill to provide compulsory military training. Both these matters I regard as considerably more important and more essential right at this time than even the bill about which the gentleman from Virginia is talking, because that bill involves construction, whereas the bill from the Committee on Military Affairs relates to matters that will be done within the next 6 months.

Mr. WOODRUM of Virginia. I am not criticizing anybody for anything; I am merely stating facts. I believe that individual Members of Congress ought to stay here and attend to the business that Congress is staying in session to transact. We are not staying in Washington this summer just for a picnic or because we like the beautiful Capital of the Nation, but because it seems to be necessary to stay here. I feel that the individual Members of Congress ought to stay here and attend to these matters of much moment.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—EXPORT-IMPORT BANK (H. DOC. NO. 881)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Banking and Currency and ordered printed:

To the Congress of the United States:

As a result of the war in Europe, far-reaching changes in world affairs have occurred, which necessarily have repercussions on the economic life both of the United States and of the other American Republics. All American Republics in some degree make a practice of selling, and should sell, surplus products to other parts of the world, and we in the United States export many items that are also exported by other countries of the Western Hemisphere.

The course of the war, the resultant blockades and counter blockades, and the inevitable disorganization, is preventing the flow of these surplus products to their normal markets. Necessarily this has caused distress in various parts of the New World, and will continue to cause distress until foreign trade can be resumed on a normal basis, and the seller of these surpluses is in a position to protect himself in disposing of his products. Until liberal commercial policies are restored and fair trading on a commercial plane is reopened, distress may be continued.

I therefore request that the Congress give prompt consideration to increasing the capital and lending power of the Export-Import Bank of Washington by $500,000,000, and removing some of the restrictions on its operations to the end that the bank may be of greater assistance to our neighbors south of the Rio Grande, including financing the handling and orderly marketing of some part of their surpluses.

It is to be hoped that before another year world trade can be reestablished, but, pending this adjustment, we in the United States should join with the peoples of the other republics of the Western Hemisphere in meeting their problems.

I call the attention of Congress to the fact that by helping our neighbors we will be helping ourselves. It is in the interests of the producers of our country, as well as in the interests of producers of other American countries, that there shall not be a disorganized or cutthroat market in those commodities which we all export.

No sensible person would advocate an attempt to prevent the normal exchange of commodities between other continents and the Americas, but what can and should be done is to prevent excessive fluctuations caused by distressed selling resulting from temporary interruption in the flow of trade, or the fact that there has not yet been reestablished a system of free exchange. Unless exporting countries are able to assist their nationals, they will be forced to bargain as best they can.

As has heretofore been made clear to the Congress, the Export-Import Bank is operated by directors representing the Departments of State, Treasury, Agriculture, and Commerce, and the Reconstruction Finance Corporation, and is under the supervision of the Federal Loan Administrator, so that all interested branches of our Government participate in any loans that are authorized, and the directors of the bank should have a free hand as to the purposes for which loans are authorized and the terms and conditions upon which they are made.

I therefore request passage of appropriate legislation to this end.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *July 22, 1940.*

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—PUERTO RICO

The SPEAKER laid before the House the following message from the President of the United States, which was read, and together with the accompanying papers, referred to the Committee on Insular Affairs and ordered to be printed.

To the Congress of the United States:

As required by section 23 of the act of Congress approved March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith certified copies of laws enacted by the fourth regular session of the Fourteenth Legislature of Puerto Rico, February 12 to April 15, 1940.

FRANKLIN D. ROOSEVELT.

The WHITE HOUSE, *July 22, 1940.*

The SPEAKER. The Chair recognizes the gentleman from New York [Mr. BLOOM], to submit a highly privileged resolution.

FOREIGN AFFAIRS

Mr. BLOOM. Mr. Speaker, by direction of the Committee on Foreign Affairs I present a privileged resolution and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 550

Resolved, That the President of the United States be, and he is hereby, requested, if not incompatible with the public interest, to inform the House of Representatives if there is a secret pact, agreement, or understanding between the United States of America and the Union of Soviet Socialist Republics to provide military or naval support against Japan in Asia, or against Germany in Europe, in case of war between the Soviet Union and either Germany or Japan, or both.

Mr. BLOOM. Mr. Speaker, I ask unanimous consent that a letter from the Secretary of State be read.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read as follows:

DEPARTMENT OF STATE,
Washington, July 13, 1940.

The Honorable SOL BLOOM,
House of Representatives.

MY DEAR MR. BLOOM: I have received your letter of July 11, 1940, in which you transmit for any comment which I may desire to make several copies of House Resolution 550, requesting information from the President concerning any existing secret pact, agreement, or understanding between the United States of America and the Union of Soviet Socialist Republics, to provide military or naval support against Japan in Asia or against Germany in Europe, in case of war between the Soviet Union and either Germany or Japan, or both.

In reply, you are informed that there is no existing secret pact, agreement, or understanding of any kind whatsoever between the United States of America or the Union of Soviet Socialist Republics.

It is not believed, therefore, that the adoption of the resolution in question would serve any useful purpose.

Sincerely yours,

CORDELL HULL.

Mr. BLOOM. Mr. Speaker, I move that the resolution be laid on the table.

The motion was agreed to.

A motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

The SPEAKER. Does the gentleman from West Virginia desire to address the House at this time?

Mr. RANDOLPH. Yes, Mr. Speaker.

Mr. Speaker, I ask unanimous consent that following the disposition of the unanimous-consent requests now being made I may address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

EXTENSION OF REMARKS

Mr. BLOOM. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a speech made by the President of Cuba yesterday.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. BLOOM]?

There was no objection.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein the very able speech of the Speaker of the House of Representatives before the Democratic convention at Chicago. [Applause.]

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. RAYBURN]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. DIRKSEN. Mr. Speaker, I ask unanimous consent that at the completion of the legislative business in order for today I may proceed for 1 hour.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. DIRKSEN]?

There was no objection.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that immediately following the address by the gentleman from Illinois [Mr. DIRKSEN] I may address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi [Mr. RANKIN]?

There was no objection.

Mr. FISH. Mr. Speaker, will the gentleman from West Virginia yield for the purpose of asking a question?

Mr. RANDOLPH. I yield.

Mr. FISH. Mr. Speaker, due to the observations made by the gentleman from Virginia [Mr. WOODRUM] this morning, may I ask the majority leader if there is to be any change in the program as announced last week that nothing of a controversial nature will be brought up during the balance of the week?

Mr. RAYBURN. Not that I know of.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman from West Virginia yield?

Mr. RANDOLPH. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. Mr. Speaker, after the 10 minutes granted the gentleman from West Virginia [Mr. RANDOLPH], I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Previous orders have already been made.

Mrs. ROGERS of Massachusetts. Mr. Speaker, after the previous orders heretofore entered, I ask unanimous consent to proceed for 5 minutes.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts [Mrs. ROGERS]?

There was no objection.

Mr. MILLER. Will the gentleman yield?

Mr. RANDOLPH. Mr. Speaker, I think it might be best if I yielded for all unanimous-consent requests at this time.

EXTENSION OF REMARKS

Mr. MILLER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a radio address I made, also to extend my own remarks in the RECORD and to include therein a letter received from the Swiss Legation.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut [Mr. MILLER]?

There was no objection.

Mr. VAN ZANDT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a radio address by myself.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. VAN ZANDT]?

There was no objection.

Mr. MUNDT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a short newspaper article.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota [Mr. MUNDT]?

There was no objection.

Mr. JENNINGS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an article by Senator E. E. Patton, published in the Knoxville Journal.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee [Mr. JENNINGS]?

There was no objection.

Mr. RUTHERFORD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an article taken from the Evening Times, of Sayre, Pa.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. RUTHERFORD]?

There was no objection.

The SPEAKER. The Chair now recognizes the gentleman from West Virginia [Mr. RANDOLPH].

SUFFRAGE FOR THE DISTRICT OF COLUMBIA

Mr. RANDOLPH. Mr. Speaker, I trust that even though Members may have other matters which should consume attention at the opening of today's session, that as many colleagues as can possibly do so will permit me not to speak so much to them as to counsel with them about a certain action which has recently been taken by one of the great major political parties of this country.

For the first time in the history of the United States we have seen a political party declare in its platform adopted in convention for a clear-cut decision on a subject which has been of considerable interest to a large number of persons over a long period of time.

DEMOCRATS FOR SUFFRAGE

I refer to the action in Chicago by the platform and resolutions committee of the Democratic Party, and later by the convention delegates themselves, in adopting a plank in our 1940 platform which calls for the extension to District of Columbia residents of the privileges of the franchise. At that convention the Democratic Party went on record in affirmative language with an expresesion that suffrage should be extended to those persons who reside in the District of Columbia.

I know there are many of you who are conscientiously against the extension of the privilege and the responsibility of voting rights to the men and women who reside at our National Capital. I know full well there is a difference of opinion on this subject; but I do hail with enthusiasm, as one individual, the action of the Democratic Party of 1940 in declaring to the Nation that for those men and women who live in the District of Columbia and who cannot establish voting privileges in any State in this Union that a plan shall be evolved through legislative means which will give to them the rights and responsibilities of true voting citizens of this Nation of yours and mine.

Mr. REES of Kansas. Mr. Speaker, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Kansas.

Mr. REES of Kansas. In view of the fact that the Democratic Party is in charge in the House and the Senate, and that we have a President who is the head of that party, is there any reason why you should not go right along and pass such legislation at the present session, since we are going to be here for some time? Why wait until next year? Why not go along with this program now if you have declared yourself in favor of it? Personally I shall join with you.

SENATOR CAPPER HELPS

Mr. RANDOLPH. I am very happy to have the assurance of the gentleman from Kansas of his support of legislation to bring about this desired end. I want also to pay tribute to the support which has been given through a long period of years by your distinguished Senator from the State of Kansas [Mr. CAPPER], who has had a resolution pending and who has done everything in his individual power and in cooperation with others to get action by Congress.

It will be my purpose as speedily as possible to have those individuals in the House of Representatives who are interested in this subject come together and counsel and discuss ways and means of bringing a suffrage measure to our body. I want to say that I believe it is highly significant that the chairman of the House Committee on the Judiciary, the gentleman from Texas [Mr. SUMNERS], after long service in this body, has found himself in agreement with the extension of voting privileges to the men and women who live here, and he has introduced a resolution to bring that about. In talking with him personally, he told me that he arrived at this conclusion after a considerable amount of consideration and careful thought on the subject.

NO PARTISANSHIP INVOLVED

To continue with the decision made by the Democratic Party in its platform, I only wish that the Republican Party, meeting in convention at Philadelphia, had done as the Democratic Party did in Chicago. I say this not from any partisan standpoint whatever, because I believe this is a matter which is important to both parties. There should not be, and I am certain there will not be, any consideration of any such legislation that comes before us in a partisan manner, because the subject matter goes to the basic fundamentals of this country of yours and mine.

SONS AND DAUGHTERS COME OF AGE

I cannot see for a single moment why the large population that has grown up in the District of Columbia over a period of years should not have the responsibility of the vote. The processes of democracy should function in the District just as in any part of America. There was a time in the developing growth of the District of Columbia when most of the individuals who settled in this city came as employees of the Government or as tradesmen to carry on the needed commercial life of the city, but during the last 21 years or more sons and daughters have been born to the men and women who came here, and they are now of voting age. They cannot under any legal means or any stretch of the imagination establish a bona fide voting residence in any State of this Union. Why should these young men and women as they become 21 years of age be kept from voting for a President of the United States, just as young men and young women do in the States of Kansas or Illinois or my own State of West Virginia? Why should these fine Americans not have the rights and responsibilities of voting also for representation in Congress, and later, perhaps, there should be some form of local suffrage in the District of Columbia?

Mr. MUNDT. Mr. Speaker, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from South Dakota.

Mr. MUNDT. As one who is entirely open-minded on the subject of suffrage in the District of Columbia, I wonder if the gentleman could explain to the House for our information just what is contemplated by the plank in the Democratic platform on this subject. Does it mean giving the residents of the District only the privilege of voting for a President, or does it perhaps mean giving two Senators as well as Representatives to the District, in addition?

Mr. RANDOLPH. I thank the gentleman for raising that question. The plank simply declares for an extension of suffrage to the residents of the District of Columbia. We believe that those who are interested in the subject matter in this Congress will arrive at a legislative vehicle we can use to bring about a partial suffrage, if not a complete suffrage, for the District of Columbia. I believe it only fair to say that in my discussions over the last few years with Members of this body I have found many more of them in favor of giving a vote for President to residents of the District of Columbia than for any other part of the national representation or suffrage program.

Mr. MUNDT. I thank the gentleman. The thing that has worried me about this subject is giving two Senators, for example, to such a small segment of our country, geographically speaking, with regard to the location of the population, as the District would be, if it were given the status of a State. However, simply voting for President would seem to be exercising a perfectly logical constitutional privilege.

Mr. RANDOLPH. I again thank the gentleman for his contribution. I do wish to say, however, that the latest census figures for the District of Columbia show that we have a population of upward of 700,000. Of course, as the gentleman from South Dakota well knows, this is a larger population than many States have which have two Senators representing them. I say this in all good humor.

Mr. MUNDT. Yet geographically those States are larger, and the problems they face are tremendously larger than those the District has to face.

Mr. RANDOLPH. That is exactly right. The only reason I made such comment is that the gentleman carried his observation not only to geographical location but to population as well.

Mr. LEAVY. Mr. Speaker, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Washington.

Mr. LEAVY. I happen to know that the gentleman from West Virginia appeared before the Democratic platform committee and presented the case on behalf of the people of the District of Columbia as to the right of suffrage. I compliment the gentleman upon the forceful presentation he must have made, judging by the results he obtained.

I now want to ask the gentleman if he knows whether that matter was presented at all to the Republican Platform Committee at Philadelphia, and whether it was even suggested to them that they might write a similar plank in their platform.

Mr. RANDOLPH. I want to say in answer to the inquiry of the gentleman from Washington that I do not know what action was taken by Washingtonians who were members of the District of Columbia Republican delegation at Philadelphia. In years gone by that subject has been presented to Republican conventions and has been presented, of course, to Democratic conventions, but this time we find the first real declaration in any party platform for the right of suffrage for the men and women who live in the District.

[Here the gavel fell.]

Mr. RANDOLPH. Mr. Speaker, I ask for 5 additional minutes?

The SPEAKER. Has the gentleman the consent of the gentleman from Illinois?

Mr. DIRKSEN. The gentleman has that consent, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia to proceed for 5 additional minutes?

There was no objection.

Mr. LEAVY. Mr. Speaker, will the gentleman again yield to me?

Mr. RANDOLPH. I yield.

Mr. LEAVY. It has been suggested, I think, by the gentleman from Kansas [Mr. REES], that since the Democrats are in control of the House and since the platform contains a proposal that suffrage be granted, that it should be granted forthwith. If the Republican Party at Philadelphia had written a similar plank in their platform, then would we not be doubly sure of enacting such legislation before we adjourn?

Mr. RANDOLPH. I think, of course, if we could have this plank in both political platforms, it would help us on the floor, and just before I yield again to my friend from Kansas, I want to say that you have paid tribute to me for my presentation at Chicago of the plea for suffrage for the District of Columbia. I have no pride of leadership as such, and I simply joined with other men and women in working that this would be brought about and here publicly I pay tribute to Mr. Hildreth and Mr. McConihe and others of the District of Columbia delegation who kept plugging away for suffrage in the face of the discouragement which sometimes seemed very strong against their efforts in this direction.

Mr. LEAVY. I am sure the gentleman is unduly modest, because we in the House appreciate the battle the gentleman has made for suffrage in the District of Columbia.

Mr. RANDOLPH. I thank the gentleman.

Mr. REES of Kansas. Mr. Speaker, will the gentleman yield?

Mr. RANDOLPH. I yield again to the gentleman.

Mr. REES of Kansas. I view of the fact that a bill is now pending before the Judiciary Committee of the House and has been pending there during the entire session, and probably during the entire Congress, and in view of the fact that the majority party appears to be so strong for this legislation, why in the world bother about putting it into your party platform if you are in earnest about it, and I am sure the gentleman now before the House is in earnest about it; why not go along and get it up before the House? You have a majority on the committee in charge of the measure, and why not bring it out here and vote on it and not make it a so-called partisan matter? Probably the Republicans could have done the same thing, but it just seems to me it is rather useless to take any other course when the measure is pending before the Congress and when we are right here and are going to be in session for some time. Why not come in here and vote it out? I am sure the Republicans in great numbers will join the gentleman, and it will not be a partisan matter. Let us take the partisanship out of the question entirely.

Mr. RANDOLPH. Yes; I want to do that very much. The gentleman from Illinois [Mr. DIRKSEN], the very distinguished ranking member on the House District Committee, knows we have always tried to consider Washington matters from an entirely nonpartisan standpoint, and from the point of view of the welfare of the District of Columbia and in relation to the entire Nation.

I now want to make this further observation. There were hearings held before the Judiciary Committee of the House on this subject during the Seventy-fifth Congress and there has been a gradual coming to the viewpoint of a certain degree of representation for the District of Columbia. I am hoping that the gentleman from Texas [Mr. SUMNERS] will take the leadership because he holds a key position and see that there is a vote taken in the Judiciary Committee so that a bill may be brought before the House for consideration.

Mr. PITTENGER. Mr. Speaker, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Minnesota.

Mr. PITTENGER. Of course, on this question of suffrage of the District of Columbia and self-government for the

District, we hear discussed at every session of the Congress and I have heard statements made to the effect that they once had suffrage and the right of self-government in the District and that it did not work out and that Congress took it away from the District. I wonder if the gentleman could enlighten us on that part of the program.

Mr. RANDOLPH. I would say that what was here only applied to local government. There was no national representation in Congress or voting for the President of the United States under that plan, as I understand it, but there was a certain amount of local government and for various reasons that was taken away from the District of Columbia residents. I would not want to go into that just at this time, because it is a rather involved subject and covers considerable territory.

Mr. PITTENGER. The statement has been made that it did not work out on account of the National Government being located here and they had to abandon it, and I just wondered if that is true.

Mr. RANDOLPH. I thank the gentleman for his observation, and I now yield to the able ranking minority member of the District Committee the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. To observe, as a matter of record, the persevering and consistent efforts that the gentleman has devoted to the interests and the welfare of the people of the District of Columbia.

Mr. RANDOLPH. I thank the gentleman very much.

Mr. O'BRIEN. Mr. Speaker, will the gentleman yield?

Mr. RANDOLPH. Yes.

Mr. O'BRIEN. Has it not been the gentleman's experience, since he has been conspicuously identified with this committee, that on numerous occasions he has had gentlemen and ladies say to him that they would be glad to live in the District of Columbia if they could only exercise the privilege the distinguished gentleman has been promoting for several years, and is it not a fact that those same gentlemen and ladies could make a very valuable contribution spiritually as well as physically and morally and intellectually to the affairs of the District of Columbia?

Mr. RANDOLPH. I thank the gentleman from New York. I am certain that what the gentleman has observed is true and I so state this to the House. If the voting privilege were extended, those men and women would exercise that right and responsibility with a great deal of intelligence and civic-mindedness. I think it is fair to say that here in the District of Columbia there are men and women who form the bulk of the population who have those attributes.

Mr. O'BRIEN. And they would make priceless contributions to the District of Columbia.

Mr. RANDOLPH. Yes. I shall not ask for any more time, although several gentlemen are on their feet who want to question me and add to the discussion. I value the consideration given me this afternoon, and I hope that we may speedily and favorably consider this most important subject. [Applause.]

The SPEAKER. The time of the gentleman from West Virginia has again expired.

The SPEAKER. The gentleman from Illinois [Mr. DIRKSEN] is recognized for 1 hour.

THE DEMOCRATIC NATIONAL CONVENTION

Mr. RANKIN. Mr. Speaker, before the gentleman begins would the gentleman like to have a quorum to hear his confession? I make the point of order that there is no quorum present.

Mr. DIRKSEN. O Mr. Speaker, I would rather that the gentleman withdraw that.

Mr. RANKIN. Mr. Speaker, I withdraw the point.

The SPEAKER. The gentleman from Illinois is recognized for 1 hour.

Mr. DIRKSEN. Mr. Speaker, apropos of the quorum call, may I say that one of the most interesting meetings I ever addressed in my lifetime consisted of only seven people, including myself. A preacher in a little country town came to see me one day and said, "If you will supply the pulpit on a given Sunday night, it will enable me to obtain 13 days of uninterrupted vacation." I said I would do so with great pleasure. He said, "I am sure that when they find out that you are going to address the congregation, they will have to put up the standing-room-only signs." I repaired to this little town that night and found exactly seven people in the church, including myself. First we wound up the organ, as it were, and sang some of those old gospel hymns with real verve and gusto, and then in intimate fashion began to wrestle with the devil as Jacob did with the angel a long time ago, and I say to you that it turned out to be an exciting and glorious meeting. So I am not particularly disconcerted about how few or how many folks are on the floor this afternoon.

I want to address myself to the great reunion in Chicago. I notice by the Washington Daily News that the weather made the headlines today, so all must be quiet on the Chicago front. I do say, because there is such a scrambling of politics and candidates today, that I think any citizen ought to discuss fully and freely the things that are transpiring in national conventions, platforms, and headlines that are being prepared for the country, because there is such an intermingling now that it is difficult for a great many of our citizenry to orient themselves.

I was one of those who attended the Chicago convention by remote attendance. I listened faithfully to the air waves. I read the generous and copious accounts that appeared in the newspapers, and may I preface my remarks today by adding testimony to the great Speaker of the House of Representatives. As I listened to the roll call of the States, I think there was a sort of quickening of the tempo of my thoughts, and there was a quickening of sentiments, because I had somehow hoped that the great Speaker of the House of Representatives, an outstanding Democrat, a man of infinite parliamentary capacity, a man of parliamentary skill, a man who had great devotion to the fundamentals of democracy, might have been nominated for the Vice Presidency of the United States, and I still feel that way. [Applause.] I say this with no disparagement of Secretary Wallace, for I have long entertained respect, esteem, and affection for the Secretary of Agriculture.

Now, we held an unbossed convention in Philadelphia, where there were no "smoke filled room" and there were no bosses pulling the strings. We held a convention where the avowed candidates for the Republican nomination for the Presidency competed with real earnestness and vigor, and after our deliberations we nominated Wendell Willkie, one time affiliated with the Democratic Party, who, like so many Democrats of the orthodox school, was deserted by his own party. He was selected to lead the Republicans in 1940 and also lead this Nation out of the wilderness.

In Chicago they had a completely bossed and dominated convention, where master minds were constantly pulling the strings in a smoke-filled room and where all candidates had been plowed under except the President of the United States and the very genial and amiable Secretary of Agriculture, Mr. Wallace.

Mr. PATRICK. I do not want to bother the gentleman now if he would rather yield later.

Mr. DIRKSEN. I will be glad to yield later.

They were nominated amid demonstrations of turmoil and dissension. So I say, in view of the fact that a quondam Republican is on the Democratic ticket and that a former Democrat is on the Republican ticket, every citizen ought to freely exercise his prerogative of commenting upon contemporary affairs.

The Chicago convention, where the embattled hosts of democracy were assembled, was unique in so many ways that it is difficult to catalog.

In the first place, it was the only party reunion in history which was convened for the exclusive purpose of selecting a Vice President. The rest of the business had been taken care of before that time.

It was the only convention in the Nation's history which was manipulated by an assistant sergeant at arms who

could not secure a berth on the Iowa delegation and who thereupon accepted a badge as assistant sergeant at arms, with a direct, open wire to the White House.

It was the first time that a party reunion was completely dominated by a candidate who did not choose to choose until he was nominated.

It was the only convention in history where delegates had to wear tags to indicate that they were not candidates for the Vice Presidency.

It was the only convention in history where they had 1 Vice President and 100 Vice Presidents on order.

It was the first convention in history where the theme song was Take Me Out to the Ball Game. [Laughter.]

It was unique in that Senator BILBO, of Mississippi, seemed to be the only Member of the United States Senate who was not an aspirant for the Vice Presidency.

It was the first time in the history of the Republic that by indirection the Republican Party selected a Democratic candidate because fear of the Republican standard bearer provoked the convention to select the incumbent of the White House as the only man who could beat Willkie.

It was the only convention in history where Vice Presidential candidates were so abundant that a delegate from Ohio nominated two of them, namely, Bascom Timmons, of Texas, and Charles Sawyer, Democratic National Committeeman from Ohio.

It was almost reminiscent of the old bank they used to tell about which had to reorganize because it had more vice presidents than depositors.

It was the only convention where the vocal superiority and laryngitical response of a superintendent of sewers stampeded a convention.

It was the first convention in history where a demonstration was mechanized, under the direction of Mayor Edward A. Kelly, of Chicago, and where Mayor Kelly's superintendent of sewers so completely forgot himself that at times there sprung from his taurian throat the unusual demand "Kelly Wants Roosevelt." [Laughter.]

It was the first and only convention in history where delegates, faced with the inevitable and inescapable threat of a third term, were like the old Gloucester fisherman who said, "I am going down to Gloucester tonight and get drunk and, oh, how I dread it." [Laughter.]

It was not a Roosevelt "blitzkrieg." It had nothing in common with the "blitzkrieg," as my good friend from Mississippi [Mr. RANKIN] suggested about the convention at Philadelphia. Indeed not. I think, Judge, that about the only parallel that could be found would be a reversal of the old biblical story so that "Jonah swallowed the whale." Indeed it was a great reunion.

Now let us examine for a moment some of the press comments.

Raymond Brandt, of the St. Louis Post-Dispatch, in his special article in the Washington Star, said:

The President will dictate all that the Democrats do in Chicago.

United Press, in the Daily News, carried this headline last week:

F. D. Sails Potomac While Party Squirms.

Thomas Stokes, of Scripps-Howard, in the same paper, said:

There is a telephone line between Hopkins' room and the White House.

Another dispatch stated:

Pretty girls are distributing buttons with the words "Just Roosevelt."

This, of course, was in keeping with the romantic and sometimes fictional character of a convention.

Another dispatch said,

Farley candidacy embarrasses Roosevelt, says Hopkins, Walker, and Flynn.

Now, Mr. Alsop, of the famed team of Alsop and Kintner, author of the first American white paper, said this in the Washington Star in a syndicated article:

Barring accidents, the players should speak their lines as if the show had been on tour for years.

Said the same Alsop in another syndicated article:

Most of the platform was written at the White House well in advance of the convention.

Said the same Alsop regarding President Roosevelt's nomination:

It was a surprise party without a surprise since the humblest voter knew it months ago.

And the same Alsop had this to say:

There is constant telephonic communication between the White House and the master minds at the Blackstone Hotel.

I wondered whether there was method in the madness of Brother Hopkins that he should have selected the Blackstone Hotel in Chicago, remembering, of course, the wizardry and the legerdemain of the former Blackstone of the stage many years ago.

Then there appeared this prophetic article in the Washington Star of July 13, which was syndicated—and I ask you to listen to this because it was prophetic:

A demonstration in which real enthusiasm of the delegates will be combined with the practical noise-making of such third-term magnificos as Kelly, Hague, and Flynn. Though Garner may be put in nomination, other aspirants will not trouble to have their names mentioned. The roll will be called, the tender will be made. The President will then accept in a statement showing that he did not ask for and did not want it, and then explain that in times like these no man when called on to serve can well refuse.

That was written 5 days before the great spiritualistic medium, the permanent chairman of the convention, gave that famous indirect message to the convention which contains not a single quote from the President of the United States.

As one news writer so well put it:

The convention was so foolproof that not even One-Eyed Connally, the famous gate crasher, could get in, and had to get a badge as assistant sergeant at arms. This really made him the colleague of Harry Hopkins, the master mind who gave the somewhat impaired Stromboli touch to the mismanaged puppet show.

Now, let me address myself for a second to the keynote speech. Considering the magnitude of the task, our beloved Speaker made an admirable, an eloquent keynote address, which was dignified and stately. Too, it was, of course, eloquent for what it did not say, and in this respect we have a full appreciation of our beloved Speaker's difficulties.

When, for instance, he spoke of the inevitable errors which a party makes and for which public indulgence is hoped, obviously it was too much for us to expect that he would recount those errors and then indicate in what respect they might be corrected. When he spoke, for instance, of the virtues of Federal deposit insurance of bank deposits we could not very well expect him to bestow the accolade upon the pioneering Senator from Michigan, Senator VANDENBERG, who had so much to do with the Federal deposit insurance in its early days.

When our beloved Speaker spoke of unemployment and relief, obviously it was too much for us to expect that he would point out that the same William Green, the president of the American Federation of Labor, who appeared before the Democratic platform committee in Chicago, stated no less recently than in May in the American Federationist that we had 10,000,000 people out of work despite the enormous sums that had been expended thus far on that primary economic problem.

When our beloved Speaker spoke about the Republican platform and that it was full of equivocation and subterfuge because it did not suggest the abolition of a single New Deal measure, obviously we could not expect him to indicate where the minority party had insisted upon modifications of the Social Security and Wagner Acts and many other measures to make them more workable and feasible in the interest of the general welfare.

When the Speaker alluded to the fact that there was some opposition on our side to parity payments for agriculture, obviously we could not expect him to indicate that the President himself was opposed to parity and that the Secretary of Agriculture was opposed to parity until the Congress of the United States supplied the revenues and the taxes out of which parity payments might be made; and since that was not done, and since the Congress was remiss in its duty in

that respect, obviously we could not expect our beloved Speaker to suggest that, of course; but that is the fact by the record.

Finally, the keynote speech was eloquent in that it did not mention those rather delicate and squeamish things like the deficit, the national debt, the annually recurring deficits, the need for increased taxes, and all those other things that are so delicate and fall so onerously upon the shoulders of the American people. But it was an eloquent and it was a stately address, and I salute the distinguished Speaker of this body.

Now let me turn for a moment to the permanent chairman, to the address by Senator BARKLEY. It did not meet the need of the hour. I venture the opinion that if the Republican convention had come after the Democratic convention, Senator BARKLEY would have had to recast that entire speech, because it was almost entirely devoted to Philadelphia, and to Hoover, and to 1932. Somebody should have gone up on the platform at the convention and whispered to him that Hoover was not running in 1940. The Senator's explorations in the field of history would qualify him as an expert in archaeology, because he has been going back to 1932 and 1929 so often. Somebody should have suggested to him that what the country wants is some 1940 thinking. And when I think of how Senator BARKLEY gave full emphasis to 1932 and 1929, it reminds me of the fellow who went into a restaurant and he said to the waiter, "What kind of soup do you have?" The waiter said, "Oxtail." He said, "Oh, why go back that far?" [Laughter.]

It might be suggested to Senator BARKLEY that it was not necessary to go back that far, but rather to deal with contemporary events and with the problems that do face this country despite the enormity of the expenditures that have been made.

Let me address a remark or two now to the platform which was unique and noteworthy because it was a great compliment to the Republican platform makers in Philadelphia. It followed out the handiwork of the Republican platform makers in respect of the foreign policy, aid to foreign democracies, and with regard to national defense. On the foreign policy, for instance, the Republican platform states that the Republican Party is opposed to involvement in foreign wars. Three weeks later come our Democratic brethren in Chicago and they say that this Nation will not participate in foreign war. These planks are striking in their similarity. Respecting aid to foreign democracies in countries in difficulty the Republican Party favors such aid as conforms to international law and is consonant with our defense needs. Three weeks later come our Democratic brethren in Chicago and announce that they favor material aid to democracies consistent with law and the interests of our own national defense. Here is a distinction without a difference.

One wonders about that foreign-policy plank. One wonders about the complete reversal of policy by the administration. One wonders about the quarantine speech in 1937 in Chicago and about the efforts to achieve international security and of pursuing methods short of war. What, then, has so suddenly happened here? As the New York Times remarked editorially on July 16 regarding quarantining and methods short of war:

> The high hope of outspoken Democratic leadership in all these policies has now gone up in smoke.

It was a complete reversal that somehow or other struck the note that the Republican Party has been following all the while which struck the temper of the country and on the very threshold of the convention they made that change. Truly there is the greatest and speediest transformation of foreign policy in the world's history. The Republican Party should feel complimented on its influence on the Democratic platform makers in Chicago.

Now, I have always got a thrill, of course, out of any recital of accomplishment, particularly for the last 7 years. The rest of the platform with respect to achievements will, I think, receive the plaudits and acclaim of the historians as the one piece of literature containing 4,000 words which does not contain a truly practical solution of the very real and pressing problems that now confront the Nation.

Now let us examine the record, and I hope you will indulge me if I am a bit whimsical at times. But 7 years ago President Roosevelt took over. Mr. Speaker, he really took over as the "must" legislation and blank-check appropriations and political purges and a hand-picked Supreme Court will amply testify. Now, he refuses to give back. What further proof is needed that he did not choose to choose until after all the candidates had been plowed under, after which he so reluctantly agreed not to give back control?

It brings to mind the story of the old fellow who used to take a nip once in a while and finally he was reformed. He was on his deathbed. So he said to his wife, "Mary, I wish you would go down to the old well and find that old bottle of liquor I have hidden down there under a loose board. Then, Mary, I want you to go out in the back yard and pick some nice, fresh mint leaves. Then, Mary, I want you to mix up a very cooling draft. Then, Mary, I want you to bring it up home and no matter how much I protest, Mary, make me drink it."

Yes, that was about the way it went, no matter how much I protest, make me accept the nomination. I think that was pretty nearly the keynote.

Seven years ago everybody was insisting on action. Why, even the most confirmed Tory and reactionary in the country wanted action. Mr. Speaker, they really got it. Even the Democratic Party got action in Chicago. In fact, they got double reverse, centripetal action, which was so complete and so efficacious that they are still wondering how a tornado which was generated in Room 308, Blackstone Hotel, by Brother Hopkins' wind machines could pack so much force and fury.

Seven years ago there was another platform. It has not been used so much, of course. You remember 4 weeks ago Alfalfa Bill was running for Congress in Oklahoma for Congressman-at-large against our good colleague, WILL ROGERS. Alfalfa Bill stated he was running on the Democratic platform of 1932. When they quizzed him about it, he says, "Why should I not? The damn thing has never been used anyway."

I am sure the gentleman will bear me out in that matter. We had that platform which pledged a balanced Budget. It pledged a 25-percent cut in appropriations, but it did not say when. Maybe we are still leading up to it. The 1940 platform does not say anything about that either. Maybe it is a hint of a fourth term and that in 1944 there may be another pledge of a balanced Budget and a promise not to spend all the receipts and revenues for more than 2 or 3 years in advance.

Seven years ago we started out with a brain trust. They constituted an incorporated group of ideas. The last 7 years have seen them vanish. Moley was banished to News Week, Tugwell was exiled to molasses, General Johnson retreated to Scripps-Howard, and Donald Richberg went back to legal practice, Frankfurter was promoted to the high court, and that beloved Jim Farley, esteemed and respected by Democrats and Republicans alike for his fairness and his sense of sportsmanship and his political sagacity, has gone to the Yankees. Thus does the wheel of destiny spin.

Seven years ago it was almost lese majeste to criticize the President. He was truly our national hero, and I do not mind making a public confession in the Well of this House that, as a new Member of this Congress in the special session of 1933 I looked to the President of the United States, I expected things and went along with a great many pieces of administration legislation; but there has come now, of course, the "sitskrieg" and the "blitzkrieg." There came the plugged dollar and the doubleheader Thanksgiving. There came the splurge, the surge, the purge, and the dirge. There came the plowing under of little pigs and the plowing under of candidates and delegates at Chicago. There came the Blue Eagle and some alleged pinks in high places. There came the Black appointment and the amber and green light in Chicago.

Came $100 a plate dinners and $250 a copy convention books. Came the 1937 speech in Chicago to quarantine aggressor nations, and the 1940 Chicago "blitzkrieg" to quarantine all the Democrats. Truly there were 7 eventful years.

Let us look at some unanswered questions. Let us look at some of the real problems confronting the country as our

brethren on this side stand on the threshold of a third-term effort. Examine the keynote address, the address of the permanent chairman, the Chicago platform, and the President's acceptance speech, and you will note that after 7 years of unlimited power and authority and with untold billions of dollars to spend there are still 10,000,000 persons out of work, and no suggestion of a practical solution to meet this primary national problem, this problem that, in my judgment, is the foremost of all, until there is a solution, will prevent the solution of a great many other problems. If you have not read the Democratic platform on unemployment, I think it would be well for me to read it to you:

> The Democratic Party wages war on unemployment, one of the gravest problems of our times, inherited at its worst from the last Republican administration. Since we assumed office, 9,000,000 additional persons have gained regular employment in normal private enterprise.

Frankly, I do not know what the facts are behind that figure, but I cherish grave and unmistakable doubts about it.

Continuing—

> All our policies, financial, industrial, and agricultural, will continue to accelerate the rate of this progress.
>
> By public action where necessary to suplement private reemployment we have rescued millions from idleness that breeds weakness and given them a real stake in their country's well-being. We shall continue to recognize the obligation of Government to provide work for deserving workers who cannot be absorbed by private industry.
>
> We are opposed to vesting in the States and local authorities the control of Federally financed work relief. We believe that this Republican proposal is a thinly disguised plan to put the unemployed back on the dole.
>
> We will continue energetically to direct our efforts toward the employment in private industry of all those willing to work, as well as the fullest employment of money and machines. This we pledge as our primary objective.
>
> To further implement this objective, we favor calling, under the direction of the President, a national unemployment conference of leaders of Government, industry, labor and farm groups.

There is work in our factories, mines, fields, forests, and river basins, on our coasts, highways, railroads, and inland waterways. There are houses to be built to shelter our people. Building a better America means work and a higher standard of living for every family and a richer and more secure heritage for every American.

When this is all boiled down, what is it? It is a pledge to the American people to continue to spend, and then to hold a conference in Washington, after 7 long years, with 10,000,000 deserving and distressed people still upon the doorstep of unemployment.

If the administration knows what to do about this problem, why has it not done it, and why has it not given to the country a plan that is constructive? If it does not know what to do, then how can it very persuasively bid for another 4 years in authority? Administration leaders know, as every rational person knows, that only through continued monumental spending or through a revival of investment can we carry on at all. If the administration proposes to continue spending at the present rate, I am rather wondering what we are going to use for money after a little while. If, however, they agree that it requires a revival of investment, and apparently they do, why has not some plan been brought forth? If they have no plan, how can they persuasively ask the country to continue them in power for another 4 years?

If you want some illuminating reading, look at the Federal Reserve report for July 1940. You will note there that we have 10,000 fewer banks than we had in 1929. These 10,000 fewer banks have $5,000,000,000 more deposits than they had in 1929, and we have $7,000,000,000 fewer loans and investments by banks than we had in 1929. So that for the last 11 years we have lost 10,000 banks, deposits have gone up $5,000,000,000, and bank loans and investments have gone down $7,000,000,000, and unemployment still runs along at a static level of almost 10,000,000. These are the things in which I am interested, and they are the things in which the country is interested.

While social legislation and social reform is a grand thing, as is so amply testified by the support it has received on our own side of the aisle, yet why talk to a fellow about 40 hours a week when there is not a job for him? Why particularly emphasize the right of collective bargaining until there is something to bargain about? I voted for all those measures for shorter hours and increased pay and collective bargaining, but the first and foremost problem of the country today is the 10,000,000 people who are still out of work.

Somehow, there is nothing in that platform, there is nothing in that program, and nothing in the speeches to indicate that the solution has been found. So I say to you, my good friends over on this side, in the best of sportsmanship, how can you well go to the country and ask them to continue you in power for another 4 years and give your President a third term, when for 7 years, with all the authority we have conferred, and with all the blank checks, you still have not found a solution?

Mr. PATRICK. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. I yield with rare pleasure.

Mr. PATRICK. This is, of course, an interesting matter. We confess, that is, all the Democrats I have heard discuss this question have confessed that we have not been able to take up the slack we found when we took over. We have taken up some of it but not all of it. The point is, however, since the gentleman refers to that fact, what guaranties do the Republicans offer that they have a solution that will relieve the situation, in view of the fact that they promised prosperity and instead of that gave us unemployment and a sinking of the stomach nationally?

Mr. DIRKSEN. We propose so to relieve the situation and so inspire confidence in the business structure of the country that there will be an expansion of employment and that the billions of idle dollars that are now in the banks of the country will join in a kind of holy wedlock with the idle hands of the country and restore that type of prosperity that is sound, continuing, and durable. There is no other answer except that.

Mr. PATRICK. How are you going to do that or how is the Republican Party going to do that?

Mr. DIRKSEN. First of all, what did we have here by way of a bill to amend the Wagner Labor Relations Act, and a lot of you gentlemen voted for it, but you have a Democratic-dominated Senate, where that bill is probably reposing right now, so the employer does not have a fair and equitable chance, which is so necessary before you can get set to take idle dollars and invest them in private enterprise that will make work for despairing people. That is No. 1.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. I yield to my distinguished friend from Georgia.

Mr. COX. I wonder if the gentleman is in a position to advise the House and the country as to who it is or as to what it is that is holding up consideration of that measure in the Senate and, mind you, let me say that there are two other bills that the House has recently sent over there, both closely related to the measure to which the gentleman makes reference, and all three having to do with the sole purpose of preventing labor racketeering. Who is it that is holding them up over there? Is it party politics that is responsible for their being held in the background, and if it is party politics, is it your party or is it mine that is strangling those three measures in the Senate at this time? Mind you, the other two measures I refer to are, first, the bill to deport Harry Bridges, which passed by an overwhelming majority in this House. It is over in the Senate and it is being held up. Is it party politics that is holding it up, and if so, is it your party or my party that is responsible for it?

The other bill I refer to is the Walter bill that is being held up. They say over in the Senate, "If it is brought to a vote here we will pass it, of course, because no honest man can be heard to advance any argument against its adoption." But who is holding it in the background? Is it your party or is it my party? Why not let the truth be made known and let the party that is responsible for holding it up take the responsibility before the country for championing and supporting influences which those measures are intended to correct.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. If you will permit me let me say to the great and able exponent of Jeffersonian democracy from

Georgia—and he is a real exponent of true democracy—that the Republican membership in the Senate of the United States is less than 25 percent of the whole membership, and is not that the answer to the question of whether it is being held up by our party or the other party? Finally, in the light of the statements that have emanated from high places in the Nation, maybe the third-term nominee has indirectly or by the expression of a very inoccuous and slender wish or hope, indicated that perhaps there should be no action upon those bills.

Mr. POWERS and Mr. RANKIN rose.

Mr. DIRKSEN. I yield to the gentleman from New Jersey.

Mr. POWERS. Does it not seem rather strange to the gentleman that the gentleman from Alabama [Mr. PATRICK], a good Democrat, would get up here and defend the New Deal, particularly after the Hitler conclave that has just been concluded in Chicago?

Mr. DIRKSEN. Well, I never could tell whether my good friend from Alabama, with whom I have enjoyed some really pleasurable moments on the platform and on the air, is really persuaded in that direction at all or not.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. I yield to my friend the gentleman from Mississippi.

Mr. RANKIN. I think you Republicans were supposed to laugh at the proposition suggested by the gentleman from New Jersey [Mr. POWERS]. I would suggest that you insert "laughter" in the RECORD at that point. But referring to the statement of my distinguished friend the gentleman from Georgia [Mr. COX], let me remind the gentleman from Illinois [Mr. DIRKSEN] that over in the Senate they have different rules from what we have here.

Any Member of the Senate can rise at any time and move to discharge a committee from the consideration of any one of these bills and bring it to the floor for a vote at any time. Now your Vice Presidential candidate is a Member of the Senate, and probably will be for several years, and he has the right to rise and make the motion, and the distinguished Senator from New Hampshire [Mr. BRIDGES], who, by the way, almost disappeared at Philadelphia, and any other, as for instance Senator TAFT, could do likewise.

Mr. DIRKSEN. And what good would it do if they should make the motion?

Mr. RANKIN. They could at least show their faith by their works, if they had the faith.

Mr. DIRKSEN. Mr. Speaker, the gentleman admits that it would be only a gesture, that there would be the great administration, with its power, to hold it in the background.

Mr. RANKIN. When we were in the minority, when we had only 23 Democrats in the Senate, we caught the Secretary of the Interior stealing Teapot Dome, and we moved to discharge him and finally drove him from power and got that great oil reservoir back into the hands of Uncle Sam.

Mr. DIRKSEN. If my friend from Mississippi, by some arithmetical legerdemain, can show that 23 equals 72 over on the Senate floor, then I shall believe that something can be done about it.

Let me address myself for a moment now to a very delicate question—the third term. At last the third-term question is directly before the people. What they propose to do about it frankly I do not know, any more than you folks do, because you cannot foretell now with any degree of accuracy what the result will be on November 5, 1940; but certainly, like Patrick Henry, we can dip into the future for a little wisdom.

It was George Washington who is first quoted on this matter and who said that "The love of power and the proneness to abuse it which predominates in a man's heart" is one of those strange human qualities.

Then came Thomas Jefferson, and, mind you, despite the insistence of memorials from 7 of the 17 State legislatures in his day urging him to take a third term, he said it would degenerate into an inheritance and he would be the last to willingly break the precedent that had been set by Washington.

Then came Jackson, in his message to Congress recognizing the danger of contravening the intention of the Constitution, urging an amendment fixing the Presidential tenure at one term.

Then came the great Democratic convention in 1896. That was the day when that flaming crusader, William Jennings Bryan, coursed through the land; and the slogan of free silver and 16 to 1 echoed from every pair of lips in the country. That was the day, and I will bet my good friend the gentleman from Mississippi, Judge RANKIN, remembers it quite well—I was born in that year, so could not remember it or know a great deal about it——

Mr. RANKIN. Bryan was the greatest statesman Illinois has ever produced.

Mr. DIRKSEN. I think the gentleman is more than half right. It reminds me of the farmer from Vermont who came down to attend a White House reception years ago when Mr. Lincoln was President. Somehow or other all of the guards kept pushing him to the background, and he never did get to shake hands with the President, but finally he got close enough to say to the President that up in Vermont "we believe that God Almighty and Abraham Lincoln will save this Nation." Mr. Lincoln said to him in a whimsical way, "You are half right," and so I say to the gentleman from Mississippi he is half right. But those were the days when they held meetings in the schoolhouses discussing gold and silver and the monetary question that bulked so much in the campaign of 1896.

That was a National Democratic Convention which had declared it to be the unwritten law, sanctioned by custom and usage, "That no man should be eligible for a third term of the Presidential office." That was your party speaking, not ours.

Then came the resolution in the United States Senate on the 10th of February 1928 to the effect that it was the sense of the Senate that a departure from the third-term precedent would be unwise, unpatriotic, and fraught with peril to our free institutions. Who supported that resolution?

First there was "Dear ALBEN" BARKLEY, the permanent chairman of the convention in 1940. Who else? Well, there was Senator WAGNER, the chairman of the resolutions committee in Chicago, and there were Senator PITTMAN, the chairman of the Foreign Affairs Committee, and Senator HARRISON. There were Senators ASHURST and GERRY and GLASS and KING, HAYDEN, MCKELLAR, NEELY, SHEPPARD, SMITH, TYDINGS, WHEELER. Now, if you want to go in for a bit of captivating and ingenious fun, I suggest you get the roll call of the 1940 convention in Chicago and check most of those names and find out how in 12 years some of the tried, true, and trusted statesmen of the United States Senate finally went back on the resolution of 1928 and believe in 1940 that a third term will be first-class medicine for the country.

As late as 1939 our good friend, Representative Drewry, of Virginia, Senator Adams, of Colorado, and Senator Johnson, of Colorado, former Governor Clark, of Idaho, Senator Gillette, of Iowa, and a great many outstanding Democrats, stated that it is a matter of principle that there should be no third term. But somehow the wisdom of the founding fathers and the deep conviction of present-day public officials and statesmen was disdained, and there is before the people the question of breaking an ancient precedent and electing a President for a third term.

One of the most disconcerting things about the present third term is the processes by which it was contrived. I am one of those who supported the President on many occasions, as the RECORD of this House will show.

I am one of those who disagreed with the President on some matters of policy, but have cherished for him a rather deep and abiding confidence in his sincerity of purpose. I am one of those who believed firmly that the President placed country above party. But as I reflect upon the course of events which led to the final decision to stand for a third term, something of that belief and something of that faith in the President has been somewhat impaired.

After that celebrated indirect message delivered by Senator BARKLEY to the convention, after his address as permanent chairman, it should be noted that the President was not once directly quoted in that message. It was the Senator from Kentucky speaking. Here is the sentiment which he sought to convey to the convention:

First, that the President had no wish to be a candidate for a third term.

Second, that the President exerted no influence on the delegates.

Third, that he did not seek the opinions of the delegates.

Fourth, that the President has never had the desire or the purpose to continue in office or to be nominated.

Fifth, that the delegates are free to vote for any candidate.

The senior Senator from Illinois [SCOTT LUCAS], who at one time was a Member of this House, stood up before that convention the night they were nominating and balloting on Vice President and there he said:

> If this were a free and open convention I would have let my name go to the convention as a candidate for the Vice Presidency.

That is the senior Democratic Senator from Illinois speaking to the convention itself when he said it was not a free and open convention.

Mr. PATRICK. Mr. Speaker, will the gentleman yield for a question?

Mr. DIRKSEN. Let me continue for just a moment and then I will yield.

Now, what does the last year of effort indicate with respect to the President's statement through Senator BARKLEY that he never had the desire or purpose to continue in office or to be nominated?

How many times when quizzed directly or indirectly by those ingenious newspaper men in Washington did he not say to somebody, "You stand in the corner and wear a dunce cap" when they got uncomfortably close on the third term.

What single thing has the President done to discourage a build-up for the third term? When Secretary Wallace, in a public address about a year ago, stated that Roosevelt must be nominated in 1940, was anything said to discourage the growing boom?

When Secretary Ickes said, "There can be no other in 1940 than Roosevelt," and started his one-man boom, was anything done to squelch or discourage the idea?

When Senator GUFFEY, that great Keystone State statesman, not only plunked out for a third term, but actually published a book in January of 1940 under the captivating title "Roosevelt Again," which I read with interest yesterday, and in which the Pennsylvania Senator said "The third term is a political hobgoblin," and that it was "a spurious issue of tradition," was anything said or done to discourage the idea?

So here is the great author from the Keystone State insisting away back in January of this year that there ought to be a third term for President Roosevelt, and to prove it, if you had attuned your ear to the convention you might have heard the stentorian voice of Senator GUFFEY saying, "Pennsylvania casts 72 votes for Franklin Delano Roosevelt." That was the answer.

Now, then, as the Presidential boom of the tall, tan, and terrific gentleman from Indiana, Governor McNutt, got under way and had begun to catch on in the country, what happened? The first thing they did was to file a tax deficiency and have him come before the Bureau of Internal Revenue. Then they took his friend from Indiana, Bowman Elder, I think, who was custodian of the 2-percent fund in Indiana and filed a deficiency of $83,000 against him, because Governor McNutt was catching on in the country. So, like so many candidates, he had to be plowed under.

If the President did not want a third term, I ask you in all fairness, why did he allow his name to go into the Illinois primary in April of 1940? Why did he say that Jim Farley was unacceptable as a candidate because of the issue of religion? Why was there this reversal of foreign policy in Chicago, to indicate that anything would be offered so that nothing would impair the free-wheeling of the convention and the well-oiled mechanization as it plowed under all candidates to nominate "Just Roosevelt"?

Let me quote a rather pointed paragraph from his acceptance speech. The President said:

> When in 1936 I was chosen by the voters for a second time as President it was my firm intention to turn over the responsibilities of government to other hands at the end of my term.

In other words, the President clearly indicated that the question of whether he turned over control at the end of 8 years was a matter of personal choice with him. But finally it is indicated to the country that he is the indispensable person; and so the ancient custom, the ancient precedent, the ancient usage against a third term has been broken.

Mr. PATRICK. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. In a moment. I wonder some, by what logic can you argue against a fourth term if the third term is broken? By what logic can you argue against a fifth term, or by what logic can you argue against a life tenure? The Constitution says that a man is not eligible to be President unless he is 35 years of age. If you give him four terms at the age of 55 when he starts he would be 71 when he finishes, or if you give him 20 years at the youngest age at which any President has been chosen, 48, the age of Theodore Roosevelt when he became President, he would be 68 years of age. So four terms is almost coextensive with a lifetime; and if you break the precedent now there can be no argument against a fourth term and there can be no convincing argument against life tenure in the presidential office.

I now yield to my friend from Alabama.

Mr. PATRICK. We all admire the extreme fairness of the gentleman from Ohio. I think he is one of the real statesmen in the House.

Mr. DIRKSEN. I thank the gentleman.

Mr. MASON. From Illinois.

Mr. PATRICK. Was that an Ohio man?

Mr. MASON. No.

Mr. PATRICK. You see everybody admires the gentleman from Illinois [Mr. DIRKSEN]. We have all enjoyed his résumé of this convention, but let us revert to the Vice Presidency. I want to ask this gentleman from Illinois if he does not think that since he seems so outraged because the President very frankly stated that his preference was Henry Wallace——

Mr. DIRKSEN. I did not say a thing of that kind, did I?

Mr. PATRICK. That if the delegates wished to support the President's choice with their confidence and so accentuate the ticket that they were doing anything undemocratic or injurious to the Nation? It must be remembered that the Republicans themselves waited and created a sort of embarrassing pause between the time that Willkie chose McNary and the time that McNary accepted.

Mr. DIRKSEN. Did the gentleman hear me say a single thing about the President's making his choice for the Vice Presidency?

Mr. PATRICK. I interpreted the gentleman's remarks that way when he stated that Senator LUCAS said that if it had been a free and open convention, he would have permitted his name to have been placed in nomination.

Mr. DIRKSEN. That related not, of course, only to the Vice Presidency but to the entire convention.

Mr. PATRICK. But Senator LUCAS was speaking only of the Vice Presidency when he made that statement.

Mr. DIRKSEN. Oh, I doubt it very much. He was speaking of the whole convention.

Mr. PATRICK. I was at the convention, I may say to my good friend from Illinois, and possibly I got a little more accurate idea of what happened and the atmosphere of the convention than the gentleman from Illinois did, who was not there.

Mr. DIRKSEN. I have some doubt about that. I attended the Philadelphia convention and became persuaded that the man at the end of the radio knew more about what was going on at the convention than did the man at the convention itself.

Mr. PATRICK. That is probably true of Philadelphia.

Mr. DIRKSEN. It certainly was true of the Chicago convention.

Mr. MUNDT. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. MUNDT. I have listened with a great deal of fascination to the gentleman's report and analysis of the convention in Chicago. I can conceive that schoolboys in future years are going to turn to the CONGRESSIONAL RECORD of this date to study how democracy reached a crisis at this convention, and read and possibly memorize the charming words of the gentleman from Illinois. I think his report and analysis will be read and reread, not only now but in future, so I would like to read into this memorable address the fact that the convention at Chicago just closed was the only convention at which the name of Thomas Jefferson was jeered by the delegates instead of cheered. We heard the name of Thomas Jefferson jeered when Senator CARTER GLASS quoted Jefferson's language showing why seeking a third term was incorrect.

Mr. PATRICK. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. With pleasure.

Mr. PATRICK. We who were there, of course, could see and know that that was an unfair and unjust report, because it was not the name of Thomas Jefferson that was jeered.

Mr. DIRKSEN. The confusion probably grows out of the fact that that was the only convention I ever heard of at which there were two sound systems instead of one. The superintendent of sewers of the city of Chicago was the only one outside of the organist who knew where to turn on the second key, and he so far forgot himself in leading his mechanized cheering squad that he said: "Kelly wants Roosevelt."

Mr. MASON. Will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Illinois.

Mr. MASON. I disagree with the interpretation that it was jeering the name of Thomas Jefferson, but it certainly was jeering the philosophy of Thomas Jefferson and the statement that Thomas Jefferson had made concerning any third term.

Mr. PATRICK. That was not an interpretation. I am not going to dispute that, although I did not so interpret it myself.

Mr. COX. It was jeering the philosophy of our greatest American, or at least one of our greatest Americans, as uttered by one of the most outstanding and ablest living Americans in paying tribute to the most popular man in America, Jim Farley. [Applause.]

Mr. DIRKSEN. Mr. Speaker, let me conclude with the statement that while some of this is whimsical, it may not be so whimsical and so funny as we move on. There are such great implications in this whole set-up so that every citizen, irrespective of what party he belongs to much necessarily manifest a deep and abiding interest in the whole question of the third term and a departure from the wisdom of the fathers and the best contemporary thinking in this day and age.

It was suggested last night when we were having a round-table discussion on the Forum of the Air with Solicitor Francis Biddle, which included my good friend Mr. Patrick, the majority leader, Mr. Rayburn, the Senatorial nominee from Illinois, Mr. Brooks, Senator Burke of Nebraska, and myself, that after all we were not concerned with what the Senate said in 1928 and we were not concerned with what the Democratic convention said in 1896, because this was 1940. It does not make any difference what party prevails, and it does not make any difference who the candidate is, nor does it make any difference how the Republican and Democratic Parties may be scrambled so that there might be the emergence of new or altered parties phoenix-like on the ashes of the old. The third term is still an important thing for the American people, for if, in the language of Thomas Jefferson, we go along with the idea that it may become an inheritance, then you have come dangerously close to the philosophy that is being articulated in Europe. Then you make a mockery of the platform which contains the word "democracy" oftener than any Democratic platform that I have ever read. So let us have deep, straight, and true thinking as we go before the people and discuss this matter of the third term and the departure from the traditions that have been made sacred by usage and custom over 160 years of the life of this Republic.

Mr. PATRICK. Will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Alabama.

Mr. PATRICK. What could be a better way to determine that than to try it, since there is such a demand? We have a President; we have a crisis; we have a man who could not even get a second term and who could not get his nose under the tent. Why is not this a wonderful time, with a crisis on, to try it for 4 years and see whether or not the objectives that they say are there obtained?

Mr. DIRKSEN. That is the very question on which the American people must speak on the 5th of November 1940, and they will, in my judgment, speak earnestly and convincingly.

Mr. PATRICK. The Democratic Party is bold enough to step right out and give them a chance.

Mr. DIRKSEN. I think one of the older Members once related to me about somebody who was at one time a Member of the House of Representatives who, when advised of some change of sentiment back home, changed his own mind and his own position on certain legislation and finally stated, "Nobody can change his mind any quicker than I can." That is about what happened at Chicago. You had come along with the idea of rendering all sorts of aid to the distressed folks overseas and of quarantining the aggressors; you came along with international security and concerted efforts short of war; then in the message on defense which the President submitted to this Congress a week before the convention you did a complete about-face and a complete transformation on foreign policy. Yes, my friends, you certainly have a capacity for changing your mind. [Applause.]

Only one further thing is necessary to establish the temper and the mystic operations of the convention, and that is to append a few of the many editorials from the pens of experienced and competent newspapermen, who are unanimous in how the draft process was contrived. They speak for themselves.

Philadelphia Inquirer, July 16, 1940, by William C. Murphy, Jr.:

But the real battle in this convention was being fought far from the listless and comparatively small crowd which watched the opening session of the convention this morning.

It was being fought out in rooms in the Stevens Hotel, where the Democratic National Committee has its headquarters, and in the Blackstone Hotel just across the street, where a White House high command under the nominal leadership of Secretary of Commerce Harry Hopkins has set up for business.

The questions at issue were:

1. Whether the dominant New Deal group should use their overwhelming delegate strength to ram through a third term by acclamation without regard for the feelings or technical rights of other potential Presidential candidates.

2. Whether the Hopkins group here, presumably with the President's backing, should dictate the choice of the Vice Presidential candidate and give that nomination to someone ardently devoted to the New Deal philosophy of government, or should seek some Vice Presidential candidate who might promote harmony among the various groups within the party.

From an editorial in the Baltimore Sun, July 17, 1940:

MR. ROOSEVELT CONSENTS TO A JOB-HOLDERS DRAFT

Showmanship wilted in the sunlight of fact. The time when Mr. Roosevelt's statement could have been received at face value was before the delegations were chosen. Indeed, it would have been far more creditable to Mr. Roosevelt if, like Mr. Coolidge, he had given his party a year's notice. But that was not his game. The most pathetic feature of this incident was the excuse for delay given by Mr. Roosevelt to the Washington correspondents yesterday—that he considered it proper to wait until the convention was permanently organized. An absurd excuse, of course; he undoubtedly knew a year ago, perhaps longer ago, that he intended to attempt to destroy the third-term tradition. Yet it was no more absurd than the statement, as relayed by Senator BARKLEY, that he "has no wish to be a candidate again." If he had no such wish, why were Hopkins and the other White House lads working their heads off at Chicago to smooth the way for a third nomination by acclamation? * * *

By Frank R. Kent, in the Baltimore Sun:

THE GREAT GAME OF POLITICS

The four horsemen referred to are: Eddie Flynn, Senator (Joe) Guffey, Mayor (Eddie) Kelly, and Frank Hague.

These four political horsemen constitute the real power behind the "draft" movement. Combined they control more than 200 delegates in the convention—or about one-fifth of the whole. None of them is in politics for his health or for fun. They are practical to the last degree. If and when this fake "draft" business is concluded and the campaign for a third term begins, it may be helpful to the voters to understand just who are its principal backers.

Boston Herald, July 15, 1940, by Henry Ehrlich:

Probably never in the history of Democratic national conventions have the delegates from the New England States, outside of Massachusetts, arrived in a convention city with a greater consciousness of harmony and a lesser anticipation of warm excitement. The delegations from Maine, New Hempshire, Vermant, Rhode Island, and Connecticut are all pledged to the renomination of President Roosevelt, and settling down here today, all proposed to see their pledges through.

None has any direct information about the renomination strategy of the New Deal managers, but whether reluctantly or enthusiastically, all intend to participate in any draft-Roosevelt movement that is staged at the convention hall. And a majority of the New Englanders are willing to go along with whomever the President designates as his running mate.

Washington Star, July 15, 1940, by G. Gould Lincoln:

The twenty-eighth Democratic National Convention held its first session here today, heard Mayor Edward J. Kelly, of Chicago, demand that President Roosevelt be drafted for a third term, and recessed until tonight without a word yet forthcoming from the President himself.

The convention was rapped to order by National Chairman James A. Farley. To all outward intents and purposes, the convention is being run by the regular Democratic organization.

But over in the Blackstone Hotel, made famous 20 years ago, when, in a "smoke filled" room, Republican bosses picked Warren G. Harding for the party's Presidential nominee, sits the guiding hand of this convention—Secretary of Commerce Hopkins. Mr. Hopkins merely reflects the wishes of the President himself. It is through him, however, that the manipulation of the convention goes forward.

The Christian Science Monitor, July 15, 1940, by Richard L. Strout:

The Democratic National Convention met at 11:05, central standard time, today under conditions unprecedented in the history of American politics.

The convention is dominated by one man, President Roosevelt, who for 2 long years has declined to discuss his political intentions and who only last Friday announced his firm intention not to come to Chicago.

It met today determined to break the unwritten law of American political history not to nominate a President for a third term.

It started, furthermore, determined on making this nomination without having received—right down to the final minute—any formal word that the man it intended to nominate would accept if the honor were bestowed upon him.

Mr. Roosevelt's confidential commitment, it is understood, includes only what he will do if drafted, and drafted in the sense of receiving the nomination by acclamation. Even to Mr. Farley, in his secret conference at Hyde Park, it is understood, Mr. Roosevelt only discussed what he would do if nominated, without going into nomination plans.

From an editorial in the Baltimore Sun, July 18, 1940:

ALL IN CHARACTER

Conceivably Mr. Roosevelt could reverse his attitude toward Hitler and Mussolini and embrace dictatorship in preference to democracy. Short of that, his nomination for a third term will extend a record of reversals of principle and policy as far as the imagination dare roam in dealing with a public man. * * *

And now, standing forth before the world as the chief and most eloquent champion of democracy, he paves the way for destruction of the two-term rule. And this rule, from the time of George Washington, has been the unwritten barrier against use of the enormous powers and patronage of the Presidential office to establish dictatorship.

To men less resourceful than is Mr. Roosevelt in finding and using occasions for reversals of principle and policy, there seems nothing left to him now except sudden discovery of superlative virtues in Hitler and Mussolini and Stalin and their way of life.

From an editorial in the New York Herald Tribune, July 18, 1940:

TWO CONVENTIONS

It seems at Chicago almost as if the President had become overconfident of his power and was scornful of criticism. Either that or his sense of political showmanship has sadly deteriorated. The maneuvers leading up to the convention—all lying completely under his hand—were calculated to confuse and disgust the delegates. They were treated like puppets waiting to be jerked through their parts. And finally when the moment of the great revelation arrived, instead of the expected inspirational utterance, there turned up a trick as childish as it was absurd—a hollow pretense of "freeing" delegates who knew they were still bound hand and foot. * * *

From an editorial in the Washington Daily News of July 17, 1940, by Raymond Clapper:

WALLACE OR JOHNSON

The Roosevelt statement—coming at this late date—was just so many words. Such a statement several months ago when newspaper correspondents were pressing him for a statement at every press conference, might have carried some ring of genuine desire to retire. But it comes too late to carry with it any force of conviction. Especially so when the delegates know that for several days Mr. Roosevelt has been trying to get a suitable and willing running mate to be vice-presidential candidate on his ticket.

New York Times (Independent-Democrat), July 1940:

Mr. Roosevelt has chosen to break with the tradition which is as old as the Republic. He has yielded to a draft—to a supposedly spontaneous movement which was in fact carefully sponsored by his own lieutenants and which he could easily have resisted, even as late as Tuesday night, with a simple and straightforward statement that he would not accept a third-term nomination if it were offered him. * * * We believe that he has searched his mind and heart before making his decision; that he has not accepted this nomination because he really believes that he has been drafted, when he has seemed so carefully to plan this draft, and could so easily have resisted it. We believe that he has accepted it because he, too, believes in the doctrine of his own indispensability.

From an editorial in the Providence Journal, July 19, 1940:

THIS DEMOCRACY ON TRIAL

For if ever a man revealed himself, Franklin Roosevelt did in that message he had the permanent chairman of the convention, Senator BARKLEY, read for him. He was not, said Mr. Roosevelt, a candidate. He did not want the nomination.

And at the very moment his henchman, the man who lives in the White House with him, Harry Hopkins, was at the Chicago end of a private telephone wire to the White House, directing the procedure of the convention to assure that nomination for Mr. Roosevelt. * * *

There was something splendidly ironic in the circumstance that Mr. Roosevelt had his counterfeit message that "he did not want this nomination" delivered to those delegates, bound to his dangerous ambitions by the power of Federal patronage, through that same Senator BARKLEY—dear ALBEN—whose reelection to the Senate from Kentucky Mr. Roosevelt aided by explaining to the Kentuckians that Senator BARKLEY was an old hand in Washington who could be expected to bring back more Federal loot for them than any newcomer.

From an editorial in the Lexington (Ky.) Leader, July 1940:

ROOSEVELT GRABBED IT

Franklin D. Roosevelt grabbed the New Deal nomination from the wreck of the Democratic Party, having maneuvered the most completely boss-ridden convention in the history of the Nation into a position from which it had but one way of escape—by violating the third-term tradition and renominating himself.

For years Mr. Roosevelt had been planning the program that was carried out at Chicago, making it impossible for any other man to aspire to the nomination, conspiring to prevent the party from giving attention to any other candidacy. He took charge of the convention from its opening hour. Harry Hopkins, his favorite and most intimate adviser, who lives in the White House, was sent to oust Mr. Farley from control, and to manage the whole show to suit his master. Every Cabinet member, with the exception of Mr. Hull and the two Republicans recently appointed to head the Departments of War and Navy, was present and worked incessantly for Mr. Roosevelt's nomination. Yet he had the effrontery to send Mr. Barkley the following message, as the permanent chairman gave it to the convention:

"The President has never had and has not today any desire or purpose to continue in the office of President, to be a candidate for that office, or to be nominated by the convention for that office."

From an editorial in the New York Herald Tribune, July 17, 1940:

The one-man rule of the convention has been hardly less destructive of morale. It dramatizes the whole third-term threat. That a party ostensibly representing the people should exhibit a subordination to one man's whim and dictation unprecedented in American political history has gone far to reduce the convention to absurdity in the eyes of the Nation and stir resentment and confusion in the minds of the delegates.

From an editorial by Frank R. Kent, Baltimore Sun, July 17, 1940:

THE GREAT GAME OF POLITICS

The revolting thing about the action of administration leaders in accepting a plank drawn by the isolationists was not so much its effect, which would have been bad, but the revelation of the extent to which Mr. Roosevelt's personal representatives would have gone to keep down an opposition that would disclose how hollow was their "draft." To avert a floor fight over an anti-third-term resolution, which would have shown a formidable minority against Mr. Roosevelt's attempt, they were willing to do a craven and despicable thing. It is as significant as it is revealing.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mississippi [Mr. RANKIN] under a previous order.

Mr. PATRICK. Will the gentleman yield?

Mr. RANKIN. Not for a statement. I do not want it to go in at this point in the RECORD.

Mr. PATRICK. I only want to speak for 10 minutes.

Mr. RANKIN. Mr. Speaker, I yield to the gentleman from Texas.

ADJOURNMENT OVER

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Thursday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas [Mr. RAYBURN]?

There was no objection.

Mr. RANKIN. Mr. Speaker, I yield to the gentleman from Minnesota for a unanimous-consent request only.

EXTENSION OF REMARKS

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD in connection with our national-defense program and to make some comment on the fact that we ought to be at work now. Request number two is to extend my own remarks in the RECORD in connection with totalitarian forms of government and to include therein an editorial from a newspaper back in my district.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota [Mr. PITTENGER]?

There was no objection.

Mr. DIRKSEN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include certain figures on national defense and, secondly, to revise and extend my own remarks in the RECORD and to include certain excerpts and editorials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois [Mr. DIRKSEN]?

There was no objection.

Mr. PATRICK. Will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Alabama.

PERMISSION TO ADDRESS THE HOUSE

Mr. PATRICK. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes today at the completion of any special orders heretofore entered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama [Mr. PATRICK]?

There was no objection.

EXTENSION OF REMARKS

Mr. BLOOM asked and was given permission to extend his own remarks in the RECORD.

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to revise and to extend my own remarks in the RECORD and to include a brief editorial from the New York Times of July 18.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California [Mr. HINSHAW]?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mississippi [Mr. RANKIN].

SHALL THE PEOPLE RULE OR THE POWER TRUST CONTROL?

Mr. RANKIN. Mr. Speaker, as I said on a previous occasion, it is not my intention to say anything that would ruffle the feelings of the ex-Republicans in the House with reference to the Philadelphia "blitzkrieg".

I notice that the gentleman from Illinois [Mr. DIRKSEN] mentioned the name of Wendell L. Willkie three, four, or five times in his speech, and there was not a single handclap on the Republican side. That shows the disillusionment. He ran on his picture; I told you that a year ago. They used him as a front for the Power Trust. The delegates to the Republican convention had merely seen his picture. Now they have begun to get an insight into what has been going on, and they cannot even stir up applause on the Republican side of the House of Representatives for the newly made candidate of the newly made party they feel impelled to follow.

It reminds me of the little boy who came in one day and told his mother that he had seen a lion on the street. He had seen a little dog sheared up like a lion. She said, "Now, young man, you know that I know you didn't see any lion. I am going to break you of telling lies. I am going to lock you in that closet and keep you there until you pray God and get forgiveness for that lie. You get in there and go to praying. It will be dark, but as soon as He forgives you, you knock and I will let you out." She shoved him in the closet and locked the door and started away, when he knocked. She listened, and he knocked again. She opened the door and he stepped out smiling. She said, "What? Has God forgiven you already?" He said, "Oh, yes." She said, "What did He say?" He replied, "Oh, He said that was all right; He said He thought it was a lion when He first saw it." [Laughter.]

They had merely seen the picture of this Beau Brummell, this fashion plate of the Power Trust, this glamour boy of the utilities, before the Philadelphia convention.

He says that we went back on things that had been said before the convention, because the Democratic Party let it be known at Philadelphia that we are not going to plunge this country into a foreign war. That is what was done with reference to our foreign plank. I subscribe to that policy, and I believe that an overwhelming majority of the American people agree with me.

He says there is nothing definite about our platform with reference to a single problem that confronts the American people. In that he is entirely in error. The Democratic Party went on record on the greatest economic issue that has confronted us for the last 25 years, the greatest economic issue that will confront the American people for the next 25 years; that is, the electric-power question.

In 1871, when the German military machine, that great juggernaut, rolled down across the French Republic and left the French people broken and conquered beneath the heel of a ruthless invader, the world was shocked when it learned that there had been imposed upon those people an indemnity of $1,000,000,000, which it would take a generation to pay; but today this utilities juggernaut, the Power Trust branch of it alone, of which Wendell L. Willkie has succeeded to the position of Mussolini as a successor to Samuel Insull, is robbing and plundering the American people of $1,000,000,000 a year every year that rolls around in excessive overcharges for electric lights and power.

The gentleman from Illinois [Mr. DIRKSEN] ought to know that $69,000,000 every year is wrung from the helpless electric consumers in the State of Illinois, according to the rates in his own town, compared with the rates in Ontario, the Tennessee Valley area, or Tacoma, Wash. That $69,000,000 a year in 30 years would amount to more than the indemnity Germany imposed upon France at the end of the War of 1871, and I dare say now that with France again bleeding and crushed beneath the heel of this same ruthless invader, there will not be an indemnity imposed upon her comparable to the indemnity the American people are paying to this supergovernment, this gigantic octopus that sprawls over the Nation, runs its tentacles into every home, and exacts its tribute from every person who turns an electric switch—except a few who are served by municipal or other public systems. In 30 years these overcharges would amount to $30,000,000,000.

Another thing, we mentioned rural electrification, which the Republican Party never deigned to discuss at Philadelphia, even before it went out of business and was superseded by this utility Fascisti that is now claiming your support in the coming campaign. They talk about a third term. If you turn this country over to the Power Trust, there will probably not be any more terms; it will just be from then on, until the people who are being robbed and plundered rise in revolt. You gentlemen who now decry a third term never opened your mouths when Andrew Mellon was serving three terms as head of this Government.

The gentleman talks about Washington declining to run for a third term. Suppose Washington were here now, living at Mount Vernon, and saw this great corrupt, overpowering monopoly that is bleeding the American people to death economically, and saw that it was robbing the people of Virginia, glorious old Virginia, the home of the fathers of this Republic, of $11,000,000 a year in overcharges for electric light and power, running its tentacles even into Mount Vernon itself. Do you suppose that Washington would say, "Let us turn down the man who has fought that thing and put the head of it in power"? No! A thousand times no!

They talk about Thomas Jefferson—the greatest statesman of all time, the man who advocated equal and exact justice to all men and special privilege to none—having declined to run for a third term. If Thomas Jefferson were in Virginia today and saw this gigantic monopoly trying to steal the water power of the Nation, building spite lines to destroy rural electrification, using every corrupt method known to try to hold the Nation's power consumers in bondage, and wringing from them in overcharges $1,000,000,000 a year without giving anything in return, do you think Thomas Jefferson would turn down Frank Roosevelt because he had been President for 8 years, lacking a month and a half? Do you suppose he would turn him down and then take a man whose only contribution to American life has been in connection with this Power Trust Fascisti, the greatest racket of modern times? No! Thomas Jefferson would spurn such a proposal with contempt.

Mr. DIRKSEN. Mr. Speaker, will the distinguished gentleman from Mississippi yield?

Mr. RANKIN. I yield to the gentleman.

Mr. DIRKSEN. The difficulty with the gentleman's argument, of course, is that the President's acceptance speech had to do with his indispensability in world affairs and said nothing about what the gentleman is now discussing.

Mr. RANKIN. It is absolutely indispensable that we elect a man with Roosevelt's convictions on this great question. They talk about Andrew Jackson. I wonder if they think that if old Andrew Jackson, who is said to have possessed more courage of all kinds than possibly any other man who has ever filled the White House, whose honesty was unquestioned—if old Andrew Jackson were living now down in Tennessee on the banks of the Cumberland and had seen the State of Tennessee robbed and plundered by this identical utility of which Wendell Willkie was the head, and saw them try by every means, fair and foul, to destroy the Tennessee Valley Authority and prevent the development of the Cumberland; if he had seen them go out at night, this very utility, if you please, of which Willkie was the head, and try to build spite lines out among the farmers, until the farmers had to take their shotguns and run them away, do you suppose that under those circumstances even my genial and distinguished friend from Illinois [Mr. DIRKSEN] would have the courage to go to Andrew Jackson and ask him to vote for the man who had been at the head of that racket for, lo, these many years, in preference to the man in the White House now who has been fighting for all he is worth?

Let us go a step further. He spoke of my friend Bryan. I loved William Jennings Bryan. In my humble opinion he was one of the greatest men that this Republic has ever seen. I can never forget his immortal words in his last campaign for the Presidency when his voice rang across the country, "Shall the people rule or the trusts control?"

I wonder if you think that William J. Bryan, if he were here today, with his fine moral sensibilities, his spiritual inspiration, his marvelous intelligence, his powerful statesmanship, would turn down Franklin D. Roosevelt, the man who has done more for the power consumers of America than all other Presidents combined, and vote for Wendell L. Willkie, who has been at the head of this gigantic combination that has been imposing, and is still imposing, these injustices upon the helpless consumers of electric light and power.

Let us go back into Illinois. You never in your life heard me utter a word on this floor derogatory of Abraham Lincoln. I take him as the great product of a great age. You know we Democrats have both sides of the Civil War now. We are entitled to the support of both the Confederate and the Federal soldiers, as well and all their descendants, as I pointed out the other day. Do you think that Abraham Lincoln intended for you Republicans just to transfer the Negroes from one bondage to the other and put the white people in there with them? If Abraham Lincoln were here today and could look back on those prairies of Illinois and see there how power could be generated with Illinois coal or water power and distributed at the T. V. A. rates or the Ontario rates, and see those people he tried to represent robbed and plundered by overcharges amounting to $69,000,000 a year, I wonder if you think that Abraham Lincoln would choose Wendell L. Willkie as against Franklin D. Roosevelt in the coming campaign.

No, there are 27,000,000 of these consumers who pay this overcharge every year.

General Grant was President for 8 years. Do you suppose if General Grant were President today and could go back into his home State of Ohio and see where those people are being robbed and plundered of more than $40,000,000 a year, so that it would take every bushel of wheat grown in Ohio to be given as a tribute to this gigantic monopoly that is rendering no service whatsoever to pay this overcharge—do you suppose General Grant would support such a ticket? Not on your life.

Do you suppose that William McKinley, if he could come back to Ohio and see what they are doing to the people of Ohio, would support Wendell Willkie in preference to Frank Roosevelt under the circumstances? Do you suppose that Teddy Roosevelt, the last Republican President who had the courage or conviction to stand up and denounce the malefactors of great wealth, if he were here today and could see what they are doing to the people in every State in the Union, when this is the supreme issue and when it is proposed to take for all time the water power of this Nation, which Teddy Roosevelt tried to save, and allow it to be gobbled up by this gigantic monopoly, so that the people of this Nation will pay tribute and remain in servitude to these utilities for all time to come—do you suppose if Teddy Roosevelt were living today that he would follow these malefactors of great wealth in preference to the distinguished gentleman who occupies the White House, and who has done so much to bring relief to the ultimate consumers of electricity throughout the entire Nation? Not on your life.

They talk about the Senate resolution of 1928. The Senate resolution was an effort to get rid of the Andrew Mellon machine in 1928, and I think all progressive Republicans voted for it.

But today we are in an emergency. We are threatened by grave dangers from within. You go to the people and ask them to stand for honest government, when some of these men are drawing salaries that make your salary and mine look like tips to the waiter, when the fourth vice president of this Commonwealth & Southern draws twice as much salary as the Justices of the Supreme Court of the United States.

Mr. DIRKSEN. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. For a question.

Mr. DIRKSEN. I want the RECORD to show that I heard it from Wendell Willkie himself at the Press Club in the Nation's Capital, that his salary was $75,000 a year and that he turned down four efforts to give him an increase in salary.

Mr. RANKIN. And I want the RECORD to show that when he went in it was less than that, and that about the time he went in, the common stock in that outfit was selling at something like $30 a share and as those salaries have gone up the common stock has gone down, until today the common stock is at $1.25, and why? Because of the water in their capital structure. One man, a Member of this House, told me that they bought a small plant in Georgia and asked him to go in with them, which he refused to do. They paid $10,000 for it, and watered the stock up to around one million. Why, Mr. Speaker, this outfit is bankrupt. The Republicans have taken the head of a bankrupt institution, which he helped to

bankrupt, and nominated him for the Presidency of the United States.

Mr. DIRKSEN. If it is bankrupt, it was the T. V. A. that bankrupted it.

Mr. RANKIN. Oh, no; not the T. V. A. It is that crowd that has been watering the stock and is trying to hold up these rates to make the people pay dividends on all that graft. Why, this company in Washington, the Potomac Electric Power Co., sells electricity almost as cheaply as the T. V. A., and last year they made 64 percent on their common stock. Ontario produces and distributes one-twelfth the electricity that we do in the United States. They have invested $400,000,000—12 times that is $4,800,000,000. In this country $2,000,000,000 are invested in municipal plants and Government-owned facilities. Take that from your $4,800,000,000 and you have about $3,000,000,000 left, and that is about what this power trust has invested, about what it ought to be—it might be as high as $5,000,000,000. What do they claim? Thirteen billion dollars—about eight to ten billion dollars of which is nothing but wind, water, and power-trust rascality, yet they are requiring the helpless consumers of electricity to pay rates high enough to provide dividends on the entire amount in order that they may pay these enormous salaries just referred to.

Mr. LEAVY. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I fear I have not the time. I have only a few minutes left.

Mr. DIRKSEN. Oh, we will be able to get more time for the gentleman.

Mr. RANKIN. Then I yield.

Mr. LEAVY. I come, of course, from a section of the country where under the New Deal we have begun to see some relief from the very abuses the gentleman refers to.

Mr. RANKIN. Yes; and let me say to the gentleman from Washington that if the Republican ticket is elected, the water power on the Columbia River which we have been trying to save at Grand Coulee and Bonneville will be turned over to the Power Trust, and you people will march back into the dark, so far as benefits from the Columbia River development is concerned.

Mr. LEAVY. Let me quote from a Republican Member who attended the Philadelphia convention, about whom the Portland Oregonian has this to say:

> Wendell L. Willkie favors completion of the Bonneville and Grand Coulee Dams, rural electrification, and the widest use of power from these projects. The only difference he proposed was to put men in control who knew the utility business rather than politicians.

What does he mean by that?

Mr. RANKIN. I will tell you just exactly what he means. He means that the Power Trust will gobble it up.

Let me give you an example. In 1925 this Commonwealth & Southern Co. made a contract with the Republican administration to buy power at Muscle Shoals. In addition to inducing the Republican administration to turn over the Gorgas plant that was built as a stand-by for Muscle Shoals, they made a contract with this outfit to sell them this power. I have the figures here. They sold it to them at 2 mills a kilowatt-hour and they resold it in sight of the dam at 10 cents a kilowatt-hour, or about 4,800 percent profit.

Today Florence, Ala., is buying at the same point, Muscle Shoals, power at 4.83 mills per kilowatt-hour, more than twice as much as Willkie's outfit was paying, and selling it to the people of Florence at a maximum of 3 cents per kilowatt-hour instead of 10 cents and paying more money in lieu of taxes than the power company paid.

Today, when we sell this power at an average of 4½ mills per kilowatt-hour to the distribution systems throughout that country, they come back and say that we are selling it below the cost of production, when they were buying it at 2 mills per kilowatt-hour on the recommendation of the Army engineers, who knew what it was worth.

Now, Mr. Speaker, a great deal has been said about the candidate for Vice President, Hon. Henry A. Wallace. I am not a man who runs around after Cabinet officers, patting them on the back or strewing the flowers of flattery in their paths. But I have watched Henry Wallace ever since he has been Secretary of Agriculture and since the Rural Electrification Administration has been under his charge. I have been thrown in intimate contact with him; and I am frank to say that I do not believe a more honest, conscientious man ever occupied a seat in the Cabinet. I do not believe there ever was a man more conscientiously devoted to the cause of the farmers than Henry Wallace.

I deplore the statement of those men who say he was a former Republican. In 1921 his father was appointed Secretary of Agriculture under President Harding and served until his death in 1924. He saw the Republican Party come into power, and instead of bringing relief to the farmers they piled upon their backs the highest protective tariff ever known in times of peace, thereby levying a tax upon everything the farmers had to buy, from the swaddling clothes of infancy to the lining of the coffin in which old age is laid away. They pretended that such a tariff would help them when, as a matter of fact, they were shipping out more corn and more wheat than we were shipping in. Therefore the tariff on wheat and corn were of no avail. You might as well build a dam to keep water from flowing upstream as to try to help the farmers in this way.

He also saw them make refunds of income taxes on those large fortunes of men who got rich out of the war. He saw them give back to those big-income taxpayers billions of dollars at a time when agriculture was suffering. He saw them refuse to give any relief from the exorbitant freight rates that the people of the West were paying. He saw them take Teapot Dome and try to steal it and turn it over to these crooked interests. He saw them sweep away the Gorgas plant. He saw the Attorney General driven from power for corruption in office and dismissed with regrets by the head of the administration. He saw the farmers going down and down and down in the economic scale; and when his father passed away brokenhearted in 1924, Henry Wallace came out for the Democratic nominee for President and supported him that fall. He supported the Democratic ticket in 1928 and in 1932 and 1936.

He is a man of convictions, and he realizes that to go back to the old system as written into the Republican platform, and especially as left out of the Republican platform, which failed to even mention rural electrification, he realizes that it would simply mean destruction for the farmers of this Nation. He is determined to try to do something for them; and if events should so turn as to some day make Henry Wallace President of the United States, every farmer in America would know that he had a friend in the White House.

I had occasion to go to him some time ago when I was appealing for funds for rural electrification, and I got his unqualified support, with the result that probably a million farm homes will be electrified in the next year or two that never would have had electric lights if it had not been for this administration.

I know that a great bugaboo is going to be raised over the third-term issue, but when you come to put in power and perpetuate in power this utility Fascisti that is organized along lines of the Fascist governments of Europe, and realize its "fifth column," which we recognize even over the radio, reaches down into certain newspapers and other agencies of propaganda, influencing, or attempting to influence, members of State legislatures by putting them on the pay roll as lawyers, some of them living in counties where the power company did not own a line, and where they never had a case—when they realize all of these things, I submit the question of the third term is going to fade into insignificance beside the question of saving this Government from being destroyed from within.

You could not have a holding company in England or in Canada, because it is contrary to the common law. It has been found to be detrimental to the public welfare by the British courts for a thousand years.

Here it is destroying the people's faith in their Government, as well as their prosperity, and now they are demanding that you pick up a political pogo jumper who landed in the

Republican Party on the third bounce and make him the President of this Republic. And the only thing you can raise in opposition to that is the third term and the fact that Mr. Wallace in his earlier days voted the Republican ticket, of which he has long since repented, and which he will never do again. [Applause.]

[Here the gavel fell.]

The SPEAKER pro tempore (Mr. SHEPPARD). Under the previous order of the House, the gentlewoman from Massachusetts [Mrs. ROGERS] is recognized for 5 minutes.

NATIONAL DEFENSE

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to revise and extend my remarks, and to include therein an editorial from the Richmond News-Leader.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, many editorials in papers throughout the country show that the press is greatly alarmed over the slowness with which the national-defense program is progressing. We have expended billions of dollars and seemingly have practically nothing to show for it. I share the great alarm of the newspapers in that respect.

I am introducing a resolution which would require the administration to give biweekly reports to the Members of Congress on our national-defense program. We ought not to lose a second in our preparedness measures. If time is being lost, this situation should be corrected immediately.

The Congress of the United States is obviously going to stay in continuous session, much to my satisfaction. It is up to us to see that our laws are enforced. The Richmond News-Leader of June 24 published a splendid editorial which I commend to your consideration and study. From it I read the following:

A PROGRAM FOR THE CRISIS

The tragedy of a Britain that stands alone today against a dominant Germany is replete with more warnings to the United States than yet have been understood.

Heretofore the favorite jibe of Britain's enemies was that she knew how to make other nations fight her battles. Her European policy, said her enemies, was essentially that of playing one coalition against another to the end that no single power would control Europe.

By what incredible blundering did Britain lose every one of her World War Allies? How came she and France to give guaranties they could not hope to discharge? Other European powers seem to have had a just estimate of what Britain and France could and could not do against the Reich. Were the two Governments blind to their own limitations and ignorant of Germany's strength? Did Britain perceive the weakness of French morale that pathetically was disclosed within 3 weeks after Germany began total war in the west?

All the military experience of the world was summarized of old in the question, "What king, going to make war against another king, sitteth not down first and consulteth whether he be able with 10,000 to meet him that cometh against him with 20,000?" How did Britain and France disdain this? Did they rely overmuch on sea power? Were they content to figure on paper how their blockade should and therefore would starve Germany?

We do not know the answer, but we think we do know the moral for America. It can be presented in high words; it can be epitomized in three simple maxims: Do not start what you cannot finish; do not bite off more than you can chew; "Have faith in God and keep your powder dry."

These maxims we have endeavored to apply in specific terms to the United States:

1. Arm to the widest margin of conceivable need without an hour of preventable delay; but entrust the production of planes, tanks, guns, and munitions to experienced private industry, as far as practicable, and not to Government plants built and operated by politicians.

2. Demand regular progress reports on the output of all the essentials of war, to the end that the Nation will not be deceived as France and Britain were concerning their military resources. Every potential enemy knows through its spies the essential facts about our rearmament; let us not lull the country into a sense of false security by attempting to conceal what the country has a right to know about the state of armament, ere it endorses a vigorous foreign policy.

And I am sure my colleagues agree with me that the country is entitled to know, the country that pays the bills, the mothers and fathers, the wives and sweethearts of the men who will have to fight and who, if we are not prepared, will have to lose their lives in great numbers.

3. Prepare now for the widest selective service, military and civil, of all who are capable of helping in any emergency. This means the conscription of some millions of men to fight; it also involves the conscription of other millions to supply the fighters with everything they need in food, in equipment, and in money. There must be no exemptions. Although from the very nature of war, some men must sacrifice more than others, the effort of the Nation must be to spare none.

4. There must be no profiteering in the blood of youth and no gambling on the life of the Nation. Industries that are expanded to fill Government war orders must be protected against collapse when those orders cease, but taxation must eliminate all other war profit. In the event of a major conflict, the tax policy of the Government must be designed to take all the income every man makes, above that of peacetime, and to invest this in Government securities. This is necessary both to provide adequate war funds and to save the country from an increased demand for luxuries at a time when all industrial capacity may be required for war.

5. Toward the British Commonwealth of Nations and toward any other country that may be defending itself against totalitarian rule from without, the United States should exercise the most benevolent neutrality. Where facilities for production are increasing, priority should be given all British orders over those for our own national defense, so long as British resistance continues. Should it develop that British financial means are inadequate to pay for munitions, the United States should consider the amendment of existing laws in order to permit private or public credit in this country for the British Commonwealth of Nations.

6. While exercising this benevolent neutrality, the United States must weigh in every instance the ultimate gain or loss from the sale of Government stores to a belligerent, and in no case should the President make such sale, directly or indirectly, without the prior knowledge and consent of Congress.

While there is a difference of opinion as to the wisdom of maxim 5 of this editorial, there should be no difference of opinion regarding the sale of Government stores to a belligerent without the prior knowledge and consent of the Congress.

7. The United States must pursue a firm foreign policy in support of a reasonable interpretation of the Monroe Doctrine. That doctrine must be maintained to prevent the transfer of sovereignty over Canada and over all other American possessions of European countries; but the Monroe Doctrine must not be extended to include any guarantee by the United States of the continuance of any existing Latin-American government. This Nation will seek by legitimate means to promote pan-Americanism and to preclude the domination of any American government by a foreign power. The United States do not thereby promise support of the status quo, nor do the United States intend to break the cultural ties of Latin-America or to monopolize its trade.

8. Because 5 years will be required to provide adequate armament, which neither then nor thereafter must be used for aggression against any power, the United States must employ wise diplomacy as a means of gaining necessary time. Shrewdly the Nation must "play for time," especially in the Orient. No Far Eastern commitments of any sort must be made to an extent that will prevent the retention of the American battle fleet within the triangle Alaska-Hawaii-Panama. Next only to the nonaggressive maintenance of the Monroe Doctrine is this basic policy—no commitments, military, naval, or diplomatic, that hamper the use of the full fleet for the defense of the United States, the Panama Canal, and Hawaii.

9. A higher standard of individual and of national discipline is demanded if the country is to save the Western Hemisphere from the threat of totalitarian aggression. This discipline must be industrial, governmental, and moral. Representative government must represent the ideals, and not the fears of the Nation. The individual must work harder, and must allow himself fewer luxuries. If we are willing to discipline ourselves, we can complete necessary armament, can preserve American institutions, and can contribute to the restoration of free government among men. We can afford to be calm and confident if we exert ourselves for good government and maximum industrial effort. Complacency, self-indulgence, and delay may be our ruin.

I earnestly hope the membership will vote for my resolution demanding bi-weekly reports on our preparedness program. To my mind, there is nothing more vital to the welfare of our country than the thorough and expeditious carrying out of this program. [Applause.]

[Here the gavel fell.]

The SPEAKER pro tempore. Under the previous order of the House, the Chair recognizes the gentleman from Alabama [Mr. PATRICK] for 10 minutes.

Mr. PATRICK. Mr. Speaker, all Members of Congress, of course, are concerned with the very matter to which the gentlewoman from Massachusetts has called attention, and no Member of either Senate or House but joins in her hope that this program may be expedited. As for blame, she can only lay that to the plan of an omnipotent and all-wise God. You cannot plant corn today and serve the meal on the table

tomorrow. This, of course, is a matter we all accept, and anybody who reflects seriously cannot follow the claim some newspapers are making that we ought to vote a program today and blossom forth with airplanes and ships tomorrow.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. PATRICK. I yield.

Mrs. ROGERS of Massachusetts. I think the gentleman from Alabama agrees with me that the Congress and the country are entitled to know what is being done along the lines of furthering the preparedness program.

Mr. PATRICK. Certainly, certainly.

Mrs. ROGERS of Massachusetts. I am sure the gentleman agrees with me that we must not be kept in the dark on that subject.

Mr. PATRICK. Mr. Speaker, I yield no further if that is all the gentlewoman has to offer.

I want to make a report. I was present at the convention in Chicago and saw the things in which the Republican brethren are able to read so much between the lines that simply were not discernible to those who were there. It may be that we in our partisan views have an inclination to interpret unhappily the things the Republicans did—and the same with them of us. Let us all be as charitable as we may.

It was strange to us as Democrats that the votes of the delegates of the Republican convention representing delegations from back home appeared to be determined by certain apparently organized and telegram-inspired groups in the galleries.

With all due respect to their view, that did not happen at the Democratic Convention. They came right out on the floor. Those people came there baptized in the gospel of Roosevelt and over 800 of the votes were already pledged out and out for Roosevelt. Of course, we from Alabama were heartily for the gentle, kindly, beloved Speaker of this House, but the President did no more than Willkie when he chose McNARY. The President favored the genial, capable, fearless, honest, sincere, and scholarly Henry Wallace for the Vice Presidency of the United States, and that gentleman became the choice of the convention.

The Republicans talk about doing an about-face. I believe the gentleman from Illinois [Mr. DIRKSEN] was numbered among the group, and we agree with him, that said that Willkie could not beat President Roosevelt. That was before he was nominated, of course. He stated very frankly to his colleagues in Philadelphia that a man like Willkie could not beat a man like Roosevelt. That worked its way into the press and it comes with some embarrassment I know. He did not appreciate the growth of his recently acquired colleague Willkie.

I have a little thing here entitled "Growth of Willkie." Would you like to hear it?

GROWTH OF WILLKIE

Well, these are pow'ful funny days in many mighty funny ways
  With individual as well as institution,
An' so it is we're glad to see the grand and glorious G. O. P.
  Come forth an' throw across the stage a darn good contribution.
Convention day was drawin' nigh an' not one name across her sky
  Seemed to inspire or to enthuse at public mention,
They tried out this, they sounded that; "If we but had one Democrat
  To haul a little oomph an' zip into a tame convention."

Convention day was comin' on an' all was pale as early dawn
  An' all they had was some dull bird like Hoover, Taft, or Dewey—
But, brother, when the meetin' broke, who shoved thru the fuss an' smoke
  To knock 'em for a lacin' loop an' make 'em all look screwy,
Who had knocked the set-up flat? Who but an off-brand Democrat—
  A Huey Longish lookin' bird from out in Inianner!
He didn't look so fine an' tall among the Demmycrats, an' all—
  But looks right good in t'other crowd—beneath that other banner.

B'gosh, it only goes to show how fer comparison does go.
  A man can be with men of size till he looks kind of puny
But switch him over in a pen among a bunch of lighter men
  An' he'll stand out until he seems a Dempsey or a Tunney.

So, as Mr. Swift said years ago, how big a man is is determined by whether he is among the big fellows or the pygmies, the Brobdingnagians or the Lilliputians.

I believe as sincerely as I believe anything that the Republicans, those who were truly Republicans, went up to Philadelphia without any idea of Willkie, but they felt they had to have someone with color and decided to sacrifice Republican principles for color. The Republicans as a rule do not believe in the things laid down by Willkie and advocated by him, but they had to have color and they got it. Willkie is like a sassafras tree in the fall of the year; he has got a lot of color but very little timber so far as becoming President of the United States is concerned. He has had no experience except as the president of a corporation. What background has he?

Mr. Speaker, you know what the vital issues are which confront us now and which will confront us this fall. They will hover above us all and inspire the people to vote, when voting time comes this fall. The most important thing and the most engaging issue will be regarding our foreign relationships and international affairs. At that time, in my opinion, England and Germany will be just before or during or just after one of the greatest conflicts that has ever rocked this mud ball that we call the earth. People are going to be studying, watching, and praying over that situation.

What do the Republicans have to offer? They come forward with Wendell Willkie. What does he know about our foreign affairs? He certainly would not claim to be an authority. How is Senator McNARY grounded on international relations? We have Hull, we have President Roosevelt himself, we have Sumner Welles, and we also now have in our ranks Messrs. Knox and Stimson, pulled right from the heart of Republicanism. When those men yielded to the call of the President in a crisis the Republicans got up and read them from the party, therefore cutting them off of every opportunity they should have to serve if there was such a thing as a Republican victory possible this fall. Look how Republican hopes have been going down every day during the past week. Even the Wall Street betting is now 9 to 5 on Roosevelt. If you gentlemen believe in your man get some of that money and give Wall Street a sock on the jaw at the same time. So, Mr. Speaker, when it comes to a real application of what is before us, when it comes to the power of the people this fall, they are going to study and decide who is stalwart enough to stand up and hold the banner of America, deliver a job in international affairs as between nation and nation, who is grounded in the faith of Americanism, who knows the work and who can deliver the goods. That is what it will be.

Now coming to the matter of platform, the Republicans adopted as nearly as they could, and they did a fairly good job of it, that which they already knew the Democrats were going to adopt. The amazing thing is they have adopted and have now made a part of their platform the very things the Republicans opposed and voted against in the House and Senate. It was over their political dead bodies almost that these various things became the law of the land. Now they have the temerity to say that, "We take them as our platform."

[Here the gavel fell.]

Mr. LEAVY. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for 10 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington [Mr. LEAVY]?

There was no objection.

Mr. LEAVY. Will the gentleman yield?

Mr. PATRICK. I yield to the gentleman from Washington.

Mr. LEAVY. Does the gentleman believe that Wendell L. Willkie has changed his views on political, social, and economic questions now from what they were 4 or 5 years ago by reason of the fact he is now serving the Republican Party?

Mr. PATRICK. I do not think he has to such an extent that we should risk him at the helm of our Government. He has not been the president of anything but a corporation.

Mr. LEAVY. In New York City, before the Economic Club of New York, in a debate with David E. Lilienthal, as reported

in the Electrical World of February 2, 1935, page 48, Mr. Willkie had this to say:

> Selling Government securities against over-built capacities on the Tennessee is in a class with the error of Insull in patriotically investing money in capacity so as to ward off the depression when it became a real threat in 1930.

May I ask the gentleman if there is but one interpretation to draw from that statement, and that is, that Mr. Willkie 5 years ago looked upon the activities of Mr. Insull 7 or 8 years preceding as patriotic activities?

Mr. PATRICK. What other interpretation could be placed upon it, I ask the gentleman?

Mr. LEAVY. Again in the same year, before the same club, the Economic Club of New York, on January 21, 1935, as reported in the Electrical World of February 16, 1935, on page 26, Mr. Willkie said:

> I do not like to make personal references, but I want to say to you that no duty has ever come in my life, even that in the service of my country, which has so appealed to my sense of social obligation, patriotism, and love of mankind, as this, my obligation to say and do what I can for the preservation of public utilities, privately owned. All that I have observed, all that I know, and all that I read teaches me that I could do nothing nobler for the future financial stability and political good of my country or the social and economic well-being of my fellow citizens than to stand firm and unafraid against the foolish fad and fancy of the moment.

Do you blame the people in the Northwest, Washington, Oregon, and Idaho, for being fearful as to what may happen to those great public projects out there, Coulee and Bonneville, in the light of such statements made 5 years ago by the present nominee of the Republican Party?

Mr. PATRICK. I thank the gentleman very heartily for his contribution.

Aesop had something to say about the same sort of a situation several thousand years ago. He stated that there sat upon a crag high above the vale below, a mighty eagle, an eagle that felt that he was secure. He had flown so high and perched upon such a firm rock—perhaps the platform of the G. O. P.—that he felt nothing could reach him. But strange to say, an arrow came whizzing through the air and struck him to the heart. He looked on the shaft of the arrow and saw his own feathers, and he said, "How sad is my fate; I winged the arrow which strikes me dead."

So from now until election day Wendell Willkie is going to find the words he has spoken in his past winging straight to his vital spot; those are the words that show what a man really is. That is what Aesop had in mind. He was not talking about eagles; he was talking about human beings.

Let us follow it further. Since he has gotten hold of things and has become the Republican candidate Mr. Willkie says he is going to see that our Government takes its hands off the throttle of business and stops regulating private enterprise. Understand, Mr. and Mrs. America were in favor of that. All did not know it was going to work as far as it did. Nine-tenths of those who were for Roosevelt originally and who oppose him now do so because they thought it would not reach as far as to them. They find that now when folks are hungry taxation reaches them. They find now that when men were given jobs that they had to help, contribute to some degree to it, and that their own little organization was regulated somewhat itself. They want to let George do it. They want you to regulate the other fellow. When they saw that the rearranging of the entire structure of the Nation struck home, and they had to contribute themselves, then they were willing to let somebody starve. That is what is the matter with those imbued with an anti-Roosevelt fever. In this day it is their own selfish zeal, circumscribed views that have cut them down to a narrower stature than they had when they were idealistically following the broad visions of a new day and a New Deal. That is how a new broom sweeps so clean. Selfishness has not had a chance to get its work in so adequately and so diligently.

There is where we stand today. It means that if Wendell Willkie, with the powers that are supporting him, and we all know who they are—and that is the reason that if there ever was a time when the slogan that "We love him for the enemies he has made" is appropriate, it is today, because we can say, "We know Willkie by those who love him and by those who support and sustain him today." No straw was ever blown by the wind that shows more clearly in which direction the wind blows than the political straws that are seen in every sky in America today.

This is how that applies. It is one thing to say, "Pull off the regulation of business," and it is another thing to do it. They say it in general terms, but when you say, "All right, what, for example?" they say, "Oh, you must take your hand off the throat of American business life. You must quit shutting the door of opportunity and give the people confidence." But you say, "All right, in what respect, in what instance? What do you want? Where do you want it to apply?" and they will not answer. They say, "The Republicans are going to give you a New Deal of their own." "In what respect? What will you repeal? What are you going to cut out? What are you going to change?" They have no reply.

All they want to do is to kick the Democrats out and let the Republicans in on the Democratic method of doing business or on the Democratic program and the Democratic general activities except that one difference and here is the way it works out.

Mr. DIRKSEN. Mr. Speaker, will the gentleman yield?

Mr. PATRICK. I will be glad to yield in a moment.

The first time you ever saw your little town traffic regulations you did not like them because you said, "Whenever I want to go on, a red light stares me in the face; I am not going to run over anybody; the other fellow might but I won't"; but it was found out that if you regulated affairs you had to stand there and let the traffic light regulate everybody, and even if the mayor's son went through, he had to go before the police court, too. Then you found lives were saved and traffic truly benefited. Now, you come down here and incline to Mr. Willkie's method of taking off the traffic lights and taking the hand off of the throttle of business and kill all regulation.

We do not say Willkie is dishonest himself, but we say his regime and the method he would thereby inaugurate would leave business wide open for the Insulls and even down to the Ponzis and strip America of that which she has worked so hard to build up during these past 7 years, which has made political enemies in high places while the people have loved the President of the United States, who has turned his face to the storm and exposed his breast to the millions of darts of those who would oppose him. He has stood up with such stalwart superiority that here today, when a Republican could not get his nose under the tent for a second term, there is a national acclaim calling on him to carry the standard for an unprecedented third term—and, apparently, he is going to get it, too.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. PATRICK. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. I think it is generally agreed by both parties that the crying need today is employment, and I am sure the gentleman will agree with me, because it is generally conceded——

Mr. PATRICK. I certainly do agree with the lady.

Mrs. ROGERS of Massachusetts. That even with government regulations Mr. Willkie has had a perfect genius for putting people to work.

Mr. PATRICK. Ha, he has a perfect genius for working people, if that is what you mean.

Mrs. ROGERS of Massachusetts. He has given a great deal of employment to people and that cannot be contradicted.

Mr. PATRICK. He has not a thing to offer that Hoover did not have. He has the same sort of background, he has the promise that is just like Hoover's speech, and he is a great corporation man, just like Hoover was, and he comes forth and says the same thing that Hoover said. He has the same sort of philosophy, even a little more pronounced than Hoover. That is the trickle-down theory, and it may work all right for a corporation, but it does not work as a real, democratic

principle for a democratic nation. It never has and never will with a nation like America. That is where we stand and that is where we are going to stand in this country, and you can bet your sweet life that the people are going to get a little more light on it every day.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. PATRICK. I yield to the gentleman.

Mr. MICHENER. The gentleman is apparently suffering from acute distress because of Mr. Willkie's nomination. May we all join——

Mr. PATRICK. May I join the Republicans in that feeling.

Mr. MICHENER. May we join in the hope it does not become chronic, and may I suggest to the gentleman that if he will just save his thunder until after Mr. Willkie's speech he will probably know more about what he is now attempting to talk about.

Mr. PATRICK. Until what?

Mr. MICHENER. I did not think the gentleman would comprehend.

Mr. PATRICK. Until what? Of course, we cannot all have that wide conception that some of you wise gentlemen over there have——

Mr. MICHENER. It is quite evident that is the case.

Mr. PATRICK. And nobody recognizes that more, I am sure, than the gentleman from his wide and high sphere looking on us humble boys down here.

Mr. MICHENER. I am just suggesting to the gentleman that if he will just contain himself and put up with his acute political suffering for a few days, Mr. Willkie will, in due season, outline just what he thinks about these things and we will be glad to hear the gentleman after that.

Mr. PATRICK. The gentleman is trying to give me a little fatherly advice.

Mr. MICHENER. No; not fatherly advice, just a little common sense.

Mr. PATRICK. Oh, yes; I confess that my need in that respect is abundant; and if the kind gentleman can help me to have more common sense, he will aid me where my poverty is greatest. Of course, when we are handing common sense around we are a little biased. I think that I am using common sense when that is not what the other man is thinking, and vice versa; so it is natural for a man to feel that what he is offering is common sense and that the man to whom he is offering it is not so well grounded.

The SPEAKER pro tempore. The time of the gentleman from Alabama has again expired.

Mr. PATRICK. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes more.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. PATRICK. Let us develop a little further the very definite similarity between what former President Hoover had to offer and what the present Mr. Willkie has to offer. One of the things they have been saying, as they said of Mr. Hoover, is that Mr. Willkie is a great salesman. That is true. He is a tremendously effective salesman, but as a matter of fact it is these high-powered salesmen who have the quality of getting to the unwary and taking from them their birthright, all for a mess of pottage. I am afraid of it. Experience of that sort of thing is not conducive to the trusting of the welfare of Mr. and Mrs. America to those salesmen. You know it is not salesmanship alone but more than that. No matter how well a man is able to present his case, he must have first the fundamentally grounded thing upon which the good of the Nation rests, and the good of the people rests, and that must be more than merely going out as a salesman and selling something. It may not be all right, but at least it is workable to come and say we will sell something, and put the selling of it above the commodity itself, and as a salesman put it over. No degree of salesmanship should go along with statesmanship that puts the sale superior to the thing to be sold, and the very minute you do you are running your Nation upon economic reefs, you are doing wrong to those whom you pretend to serve, and that is the danger in this salesmanship idea.

There is another little matter they seem to get excited about. Strange to say it was the Republicans who were not excited about it before, and that is that we do have here a man offering himself for a third term, by public acclaim, it is true. Do not forget about General Grant, after he had been President twice, in 1880, running for 35 ballots ahead of all others before James A. Garfield finally got ahead of him and got the nomination. Let me see if I have here a quotation from George Washington, the author of the two-term tradition, from a letter that he wrote to Lafayette in 1778:

"I can see no propriety in precluding ourselves from the services of any man who on some great emergency shall be deemed universally most capable of serving the public."

With the permission of the House I shall put the quotation exactly as written by Washington into the RECORD. Surely we have now the great emergency, and we Democrats think we have the man most capable of serving in this dark hour. These affairs present themselves to us; of course, they are vital to us in the light of the fact that we believe in a two-party system. You are faithful to your party, and I hope to be faithful to mine. If we did not believe in the tenets and principles of our respective parties of course we should not be identified with them and the party of each has been good to us and has trusted us to represent it and naturally that puts us in a position of extreme feeling of warmth and kindness to the party.

But no matter how acutely these things be drawn, no matter how hard the battle may wax, I hope we may never lose sight of the fact that, however high our ambitions individually or politically and as a party, we should not come to the day that we strip down and make it entirely a party affair, and try to cut down on the accomplishment of the Congress or the Nation in its march, because this or that was done under the work of the party on the other hand.

[Here the gavel fell.]

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent that the gentleman may have 3 additional minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. PATRICK. I thank you very kindly.

Now here we have a President who was big enough in the face of an oncoming election to reach out and take in avowed Republicans; because Messrs. Knox and Stimson, two valuable and capable men, are well grounded in international affairs. The President, unbiased and broad, that staunch patriot and true, withstood the criticism of the rock-ribbed Democrats from our own side, to select and place them in his Cabinet. Of course he did not know what political results might flow from that, but he was great enough and strong enough and patriotic enough and broad enough in his scope and vision to place that even above political fortunes, and placed them in the Cabinet.

What did the Republicans do? A man who only four years ago was acclaimed as leader and clothed with the authority to become as far as that party was concerned, Vice President of the United States, the other having adorned gloriously a place in the Cabinet; they were called in and churched; the deacons passed on them; and they were thrown out of the church, dismissed; and the hand of Christian fellowship was withheld from them and no longer were they received as members. Read out of the Republican Party because they were willing to come and serve merely under a Democratic administration. So now how embarrassed would the Republican Party be if by some miraculous turn of the people's choice—if they could forget all the order of the past, forget the closed banks, forget that we have national events to attend to, forget the starving days, forget that the Republicans are the ones who are responsible for this great unemployment situation that has been so difficult to correct, forget that the Republicans never offered any constructive program, forget that they did not offer to give any reform on any of the points that they have criticized the Democrats about, and merely say, "We are against Democrats, we are against sin; kick them out and let us in." That is their whole program. That is all they want.

Now, if the people of America were to so far forget that as to vote Willkie in, he could not, with any face, invite Knox and Stimson, the only two real experts the Republicans have on foreign and international relations, to come in and help the administration and the needs of the Nation; even if the Republican banner were trailing in the dust they could not invite them. [Applause.]

[Here the gavel fell.]

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. COFFEE of Washington. Mr. Speaker, on this hot afternoon in the latter part of the month of July it seems to be rather the vogue for some of us to discuss political affairs, and that seems to be the topic that is currently most popular for discussion in the House of Representatives and in the popular mind in the last few days.

I think I might draw the attention of those who have remained in the House Chamber to the character of the nominees of the Republican Party since 1912 and witness how they contrast with the present nominee.

In 1912 the Republican Party honored William Howard Taft and made him its nominee for a second term as President of the United States. William Howard Taft had served his apprenticeship in public service, having been Secretary of War, President of the United States, and Governor General of the Philippines.

In 1916 the Republican Party nominated an eminent lawyer, Charles Evans Hughes. Hughes had been Governor of New York, a Justice of the United States Supreme Court, and had served with distinction as chairman of an investigating committee to expose the rackets theretofore indulged in by the life insurance companies.

In 1920 the Republican Party nominated the eminent statesman from Ohio, Warren G. Harding, who had served his apprenticeship as Lieutenant Governor of the Buckeye State, and who also had been United States Senator from that State, and was in fact at that time serving as United States Senator.

In 1924 the Republican Party nominated for its standard bearer Calvin Coolidge, who had served with distinction in the Massachusetts Legislature, had been speaker of the house of that body, had been Vice President of the United States, and had been Governor of the State of Massachusetts.

In 1928 the Republican Party nominated as its standard bearer Herbert Hoover who had served his apprenticeship in public service as Secretary of Commerce, a man who had had charge of relief for the refugees of Europe and who had served competently during the years of the war in aiding the unfortunate citizens of foreign war-afflicted countries.

In 1932 the Republicans again nominated as their standard bearer Herbert Hoover. I have described his record.

In 1936 the Republican Party nominated Alfred Landon. Landon had served his apprenticeship in public service by having been Governor of the State of Kansas, and as a forceful member of the Kansas legislature.

In 1940 it remained for the Grand Old Party to nominate for the Presidency of the United States, in one of the most critical years in all of American history and in one of the most tragic in the world's history, a man who had never served any apprenticeship at any time, at any place, in any public service, whose only claim to distinction was that he was a smart, clever lawyer who possessed a practical gift for making wisecracks and pseudo-humorous remarks. They nominated a man who was characterized conspicuously by an entire absence of a record of any public service whatsoever.

Contrast him with Franklin D. Roosevelt who had served as President of the United States for two terms, who had been Governor of the Empire State—New York—who had been Assistant Secretary of the Navy, and who had served brilliantly as a member of the legislature of the State of New York. It seems to me that the Republican Party reflected upon the intelligence of the American people when it selected for its standard bearer the spear head of the power monopoly of the United States. Certainly, in my own State, Washington, the Republicans did not look with favor upon Wendell L. Willkie. Their choice was Dewey. True it is they are giving lip service to Willkie now because they have no choice. Dewey was the choice of the Republicans in my State as expressed by the delegates from the State of Washington to the Republican Convention at Philadelphia.

We in the State of Washington are sold on public ownership of power. The gentleman from Mississippi [Mr. RANKIN] has time and time again dilated upon the signal success of the operation of the municipally owned power plant of the city of Tacoma, Wash., the rates of which are the lowest in the entire Nation. In the city of Tacoma, Wash., while they tax the gross receipts of the municipally owned power operations 7½ percent, they are nevertheless able to sell the power generated by that city plant at a rate lower than that charged in any other city or any other place in the entire United States. Yet they are making a profit of from $800,000 to $1,000,000 a year. With this they have retired their bonded indebtedness against the plant until it is down to $4,000,000.

Wendell L. Willkie is famed for being president of a public utility holding company. In 1935 this Congress saw a great deal of excitement generated by the passage of the act known as the Public Utility Holding Company Act. At the time the death-penalty clause was being considered these galleries were packed by private power monopoly lackeys and our colleagues were deluged with telegrams allegedly spontaneously sent by citizens of the United States. Out in our State we know a lot about these spontaneous telegrams of people who rise in their righteous (?) indignation demanding that private power companies shall have better and less regulation restrictions at the hands of the Government. In 1924, in my State, we had a bill sponsored by the senior Senator from Washington, Mr. HOMER T. BONE, in which the proponents sought the right to permit the municipal power plants of my State to sell surplus current outside the city limits. The Power Trust was then operating at full velocity in our State and formed citizens' committees. These citizens' committees were nonpartisan clubs. No one seemed to find out where the money came from for this movement. Telegrams were sent to members of the legislature apparently emanating from people who were moved by sincere impulses from within in defense of private power companies. Investigation subsequently disclosed, however, that the money was all spent by these private power companies and that they were sent by the dupes or employees of the companies or their friends.

They succumbed to that method at the Philadelphia convention. We find that many of our colleagues on the Republican side of this House were very active in their opposition to the candidacy of Mr. Wendell Willkie. I recall the way they formed a bloc against the nomination of Wendell Willkie.

Now, however, we find that most of them are giving lip service to Willkie, but I am convinced that down in their hearts they look upon his nomination with misgivings. I look upon Roosevelt as embodying the statement of Edwin Markham when he wrote about Lincoln. He said that Lincoln was a man that matched the mountains, and compelled the stars to look our way and honor us. I think of Willkie in terms as Shakespeare stated:

> Pray tell me this, upon what meat doth this our Caesar feed,
> That he has grown so great?

What has this man done in his career of 48 years to justify the confidence of the American people in elevating him to the Presidency of the most powerful nation on earth, facing the greatest crisis in all its history? What is his claim to distinction? The fact he has been the head of a private power utility holding company the market value of whose securities has gone down continuously since he has been president of that corporation, who has enjoyed a salary of $75,000 a year during the past 7 years while that corporation has passed the dividends on its common and preferred stock, who declined and refused to accept a cut in that salary of $75,000, and yet denied the stockholders of this holding company dividends on its common and preferred stock. In other

words, the nominee of the Republican Party was unwilling to take the cut which had been imposed upon the lower-paid employees of that corporation and also upon its stockholders. But let us remember that the Commonwealth & Southern is not an operating company. It is a holding company.

This is the first time in the history of America when either one of the two political parties has gone into the heart of Wall Street and taken the executive of a Wall Street corporation, a concern owned by Electric Bond & Share and by J. P. Morgan & Co., and made that man its nominee for the Presidency of the United States. Wall Street does not seem to look very kindly upon its nominee, because the betting now in Wall Street is 9 to 5 that Roosevelt will be elected President of the United States. We will see during the course of the campaign something of the record of the two rival candidates. We do know Roosevelt's record. There is a saying that a man's past record is the most infallible signboard pointing the way to his political future. By that criterion the American people will judge the two nominees.

Henry Wallace has been nominated by the Democratic Party for the Vice Presidency of the United States. I am enthused about Henry Wallace as nominee for the Vice Presidency. His record as Secretary of Agriculture has shown to the American people that he is motivated by impulses of friendship for and a sincere desire to attain the solution of the problems affecting the plain people of America, a man whose heart beats in tune with the sufferings endured by the humblest citizens, a man who has gone out into the highways and byways and preached the gospel of the genuine New Deal.

Mr. PATRICK. Will the gentleman yield?

Mr. COFFEE of Washington. I yield to the gentleman from Alabama.

Mr. PATRICK. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended for 5 additional minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. PATRICK. Since the gentleman has been interrupted and before he gets too far away may I ask the gentleman from Washington if he observed the very delicate way and the very frequently employed instances of the method in which the opposition very frankly approaches the subject of Wall Street. When the fact was referred to that Wendell Willkie represents the Wall Street group the reference has been made to the fact that President Roosevelt had a physical office on Wall Street. May I ask if that is not the best example we have of the confusion of issues? It certainly is not the physical, concrete Wall Street of America which is concerned. It is a matter of whether or not the man has the financial, civic Wall Street gospel in him. It is like when Christ said, "Who is my neighbor?" It is not necessarily the man who has an office on the physical Wall Street but the man who is lined up with the Wall Street delegation that we have had to watch so carefully during all these 10 years and that we have had to regulate. I will ask if the gentleman was impressed by the fact that whenever identification of Wall Street was brought forth the Republican response was that Roosevelt had an office on Wall Street?

Mr. COFFEE of Washington. I have noted with particular interest that Candidate Willkie has been sounding off while vacationing in Colorado from the strenuous duties in Philadelphia, when he speaks of Roosevelt having an office on Wall Street. It is also stated that Willkie knows about civil liberties from personal, direct contact with the hard knocks of life, and not by reading about them in books. If that is the character of campaign that is going to be engaged in, the Democrats are ready to meet him on that issue. Mr. Roosevelt was born, it is true, in a family of wealth, but I have observed on frequent occasions that men who are proven liberals, men who have arrived at that conclusion by reason of study and conviction, are often much more to be depended on than men who have sprung from the soil, preached liberal views during their college days, then subsequently repudiated and scorned the base degrees by which they have ascended to higher places. The charge that Mr. Roosevelt had an office in Wall Street may best be answered by the attitude exhibited toward Mr. Roosevelt by the habitues of Wall Street. Those who reside in Wall Street and have their business there are not very enthusiastic about Roosevelt's election. Most of them despise him because he has put them in their place and regulated their questionable activities.

[Here the gavel fell.]

Mr. PATRICK. Mr. Speaker, I ask unanimous consent that the gentleman from Washington be permitted to proceed for 3 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. COFFEE of Washington. I do not want to trespass too much on the time of the House. I will merely finish the statement.

We are going into a campaign which may be summarized as a campaign between Wall Street and Main Street; between the philosophy of Wall Street and the philosophy of the New Deal—the New Deal which was exemplified in Roosevelt's immortal statement that the New Deal stands for the forgotten man, the one-third of our population who have been ill-fed and undernourished; the New Deal which may be epitomized in the assertion that the Democratic Party under Franklin D. Roosevelt will not let the people down. The answer will be made in November, when the ranks of organized labor, the humble farmer, the small-business man, the unemployed, the needy, and the indigent of America, the plain and humble citizen, and the everyday rank and file of the common people go to the polls and again roll up a decisive majority for the Democratic Party as represented by Franklin D. Roosevelt and Henry Wallace.

I welcome the opportunity to go out on the stump on the issues which will be presented to the American people; the record made by seven and a half years by the Democratic Party as opposed to the personal record of Mr. Wendell L. Willkie as the promotor-president of a holding company engaged in the manipulation of stocks and securities based on wind and water, a manipulation which brought about the panic of 1929, a philosophy which was so decisively repudiated by the American people in the 1932 and 1936 elections. The people will be chary of taking a protagonist of a philosophy the carrying out of which brought about the debacle from which this country is slowly emerging. In other words, the American people have spoken unmistakably that they want no more of this manipulation, against which we passed the Securities and Exchange Commission Act. We want no more of this unlimited promotion of stocks based on wind and water; these holding companies mounted one upon another; parasitic organizations which are taking the lifeblood out of operating companies and sequestering it for the benefit of a small and select few.

I predict that Roosevelt will carry the American people tellingly to victory in the fall of 1940, and I deny the statements that appeared over the week end at the hands of certain columnists to the effect that a few renegade Democrats were going to change the result.

It amused me very much to read in the columns over the week end that ex-Senator James Reed, of Missouri, was advocating the election of Wendell Willkie, as if that were any novelty. Ever since Reed failed of nomination as Democratic candidate for President several years ago he has been doing his best to elect a Republican to office. I remember that in 1936 ex-Senator Jim Reed formed a Democratic Landon for President Club, which fizzled out hopelessly throughout this country, and we have a few more that will shortly show up on the hustings, but against whose mouthings nobody need waste any energy.

Mr. PATRICK. Mr. Speaker, will the gentleman yield?

Mr. COFFEE of Washington. I yield to the gentleman from Alabama.

Mr. PATRICK. I wish to call the attention of the gentleman to the glowing speeches that are made now about Wendell Willkie, and suggest that he check back, as I have been doing, in the CONGRESSIONAL RECORD 4 years ago and see

how much they look like, sound like and, I might add another word there, the speeches made in favor of Landon just 4 years ago.

Mr. COFFEE of Washington. I remember that very distinctly.

I believe the American people will submerge the spokesman of stock jobbing when they study the record of Mr. Hopson, of Associated Gas & Electric, of Mr. Insull and his Chicago utility empire, of Mr. Doherty and his Cities Service, of Clark and his Utilities Power & Light, and the various other manipulators of the public-utility holding companies of the United States. [Applause.]

[Here the gavel fell.]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. MILLER, for 1 week, on account of death of a member of his immediate family.

To Mr. BRADLEY of Pennsylvania, indefinitely, on account of illness.

To Mr. COCHRAN, for 3 days, in order to attend the funeral of Hon. Joseph H. Brogan, President of the Missouri State Senate.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 4165. An act to provide, in cooperation with the Port of New York Authority, for the construction in New York Harbor of a graving drydock large enough to accommodate the largest naval ships built or building; to the Committee on Naval Affairs.

BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on Friday, July 12, 1940, present to the President, for his approval, bills of the House of the following titles:

H. R. 2751. An act to repeal sections 3711, 3712, and 3713 of the Revised Statutes which relate to the purchase in the District of Columbia of coal and wood for public use, and for other purposes; and

H. R. 9576. An act relating to the admission to St. Elizabeths Hospital of persons resident or domiciled in the Virgin Islands of the United States.

ADJOURNMENT

Mr. SPARKMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 10 minutes p. m.), under its previous order, the House adjourned until Thursday, July 25, 1940, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Comittee on Immigration and Naturalization in Room 445, House Office Building, at 10: 30 a. m., on Wednesday, July 24, 1940; consideration of private bills.

COMMITTEE ON INVALID PENSIONS

The Committee on Invalid Pensions will hold public hearings in the committee room, 247 House Office Building, at 10 a. m., Thursday, July 25, 1940, on H. R. 7693, a bill granting pensions and increase of pensions to certain soldiers, sailors, and marines who served in the Philippine uprisings and campaigns from July 5, 1902, to December 31, 1913, and for other purposes.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1835. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Federal Communications Commission, fiscal year 1941, amounting to $175,000 (H. Doc. No. 882); to the Committee on Appropriations and ordered to be printed.

1836. A communication from the President of the United States, transmitting an estimate of appropriation submitted by the Commissioners of the District of Columbia to pay a claim which has been settled by them under the provisions of the act entitled "An act authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia," approved February 11, 1929 (45 Stat. 1160), as amended by the act approved June 5, 1930 (46 Stat. 500), amounting to $500, and which requires an appropriation for its payment (H. Doc. No. 883); to the Committee on Appropriations and ordered to be printed.

1837. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the District of Columbia for the fiscal year 1941 in the amount of $7,875.99 (H. Doc. No. 884); to the Committee on Appropriations and ordered to be printed.

1838. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated July 1, 1940, submitting a report, together with accompanying papers, on a preliminary examination and survey or Cadet Bayou in the vicinity of Waveland, Hancock County, Miss., authorized by the River and Harbor Act approved June 20, 1938; to the Committee on Rivers and Harbors.

1839. A letter from the Secretary of War, transmitting a draft of a proposed bill to provide for the employment on active duty of retired personnel of the Regular Army, and for other purposes; to the Committee on Military Affairs.

1840. A letter from the Secretary of the Navy, transmitting a draft of a proposed bill to amend the World War Veterans' Act, 1924, as amended, to permit granting of insurance to certain officers in the active service of the Army, Navy, Marine Corps, and Coast Guard upon application within a period of 6 months after publication of premium rates; to the Committee on World War Veterans' Legislation.

1841. A letter from the Secretary of the Navy, transmitting a draft of a proposed bill to authorize the Secretary of the Navy to establish certain naval hospitals; to the Committee on Naval Affairs.

1842. A letter from the Acting Secretary of the Interior, transmitting draft of a proposed bill which has for its purpose the extension to the Virgin Islands of the vocational education and vocational rehabilitation benefits now provided by statute to the States, the District of Columbia, Hawaii, and Puerto Rico, and, with respect to vocational education, to Alaska; to the Committee on Insular Affairs.

1843. A letter from the Acting Secretary of the Treasury, transmitting a proposed bill to further amend the act of July 30, 1937, authorizing the conveyance of certain portions of the Stony Point Light Station Reservation to the Palisades Interstate Park Commission; to the Committee on Merchant Marine and Fisheries.

1844. A letter from the Acting Secretary of the Treasury, transmitting draft of a proposed bill for the relief of Guy F. Allen, chief disbursing officer, Treasury Department, and for other purposes; to the Committee on Claims.

1845. A letter from the Acting Attorney General, transmitting a report showing the special assistants employed under the appropriation "Compensation of special attorneys, etc., Department of Justice," as of July 1, 1940; to the Committee on Expenditures in the Executive Departments.

1846. A letter from the chairman, National Capital Park and Planning Commission, transmitting a copy of a proposed bill to provide for the acquisition of additional land along the Mount Vernon Memorial Highway in exchange for certain dredging privileges, and for other purposes; to the Committee on Public Buildings and Grounds.

1847. A letter from the Comptroller of the Currency, transmitting copy of the complete Annual Report of the Comptroller of the Currency for the year ended October 31, 1939; to the Committee on Banking and Currency.

ADVERSE REPORTS

Under clause 2 of rule XIII,

Mr. BLOOM: Committee on Foreign Affairs. House Resolution 550. Resolution requesting information from the

President concerning any existing secret pact, agreement, or understanding between the United States and Soviet Russia (Rept. No. 2800). Laid on the table.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. STEAGALL:

H. R. 10212. A bill to provide for increasing the lending authority of the Export-Import Bank of Washington, and for other purposes; to the Committee on Banking and Currency.

By Mr. HENNINGS:

H. R. 10213. A bill to permit American vessels to assist in the evacuation from the war zones of certain refugee children; to the Committee on Foreign Affairs.

By Mr. CELLER:

H. R. 10214. A bill to permit American vessels to assist in the evacuation from the war zones of certain refugee children; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BATES of Kentucky:

H. R. 10215. A bill granting a pension to Maxie Moyer; to the Committee on Invalid Pensions.

H. R. 10216. A bill granting a pension to Sarah D. Bailey; to the Committee on Invalid Pensions.

H. R. 10217. A bill granting a pension to Pricy Parsons; to the Committee on Invalid Pensions.

By Mr. KING:

H. R. 10218. A bill for the relief of Kula Sanatorium; to the Committee on Claims.

H. R. 10219. A bill for the relief of Dr. Wilhelm Wolfgang Krauss; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9042. By Mr. PFEIFER: Petition of the New York Federation of Post Office Clerks, Local No. 10, New York City, urging the passage of the longevity and court of appeals bills; to the Committee on the Civil Service.

9043. Also, petition of the Brooklyn Real Estate Board, Brooklyn, N. Y., urging the construction of a drydock in the port of New York area (H. R. 10125); to the Committee on Naval Affairs.

9044. Also, petition of John Cashmore, president of the Borough of Brooklyn, N. Y., urging the passage of House bill 10125; to the Committee on Naval Affairs.

9045. By Mr. SCHIFFLER: Petition of David Runion, of Chester, W. Va., and other citizens, protesting against universal compulsory training and the draft; advocating a strict neutrality law and an embargo on all war material; and protesting against Sidney Hillman's appointment as leader and director of compulsory universal training; to the Committee on Military Affairs.

SENATE

THURSDAY, JULY 25, 1940

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

Almighty God, who seest that we are set in the midst of so many and such great dangers: Grant us grace, we humbly beseech Thee, so to cast our cares upon Thee that Thy merciful providence may always sustain and defend us, both in body and soul. Through Jesus Christ, Thy Son, our Lord. Amen.

NAMING A PRESIDING OFFICER

The Secretary read the following communication:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., July 25, 1940.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. MORRIS SHEPPARD, a Senator from the State of Texas, to perform the duties of the Chair this legislative day.

KEY PITTMAN,
President Pro Tempore.

Mr. SHEPPARD thereupon took the chair as Acting President pro tempore for the day.

THE JOURNAL

On request of Mr. HARRISON, and by unanimous consent, the reading of the Journal of the proceedings of Monday, July 22, 1940, was dispensed with, and the Journal was approved.

ORDER FOR ADJOURNMENT TO MONDAY

Mr. HARRISON. I ask unanimous consent that when the Senate concludes its business today it adjourn to meet on Monday next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REPORT OF A COMMITTEE DURING ADJOURNMENT

Under authority of the order of the 22d instant,

Mr. SHEPPARD, from the Committee on Commerce, to which was referred the bill (H. R. 9828) to extend the times for commencing and completing the construction of bridges across the Monongahela River in Allegheny County, Pa., reported it without amendment on July 24, 1940, and submitted a report (No. 1984) thereon.

BILL INTRODUCED DURING ADJOURNMENT

Under authority of the order of the 22d instant,

Mr. GLASS, on July 24, 1940, introduced a bill (S. 4205) to permit American vessels to assist in the evacuation from the war zones of certain refugee children, which was referred to the Committee on Foreign Relations.

EXECUTIVE REPORTS OF A COMMITTEE DURING ADJOURNMENT

Under authority of the order of the 22d instant,

Mr. SHEPPARD, from the Committee on Commerce, reported favorably on July 24, 1940, the nomination of Commander John H. Cornell to be a captain in the Coast Guard of the United States, to rank as such from July 1, 1940.

He also, from the same committee, reported favorably on July 24, 1940, the following nominations:

Boatswain Emile T. Turcotte to be a chief boatswain, to rank as such from August 1, 1940; and

Machinist Martin Lentz, Jr., to be a chief machinist, to rank as such from July 5, 1940.

Mr. SHEPPARD also, from the Committee on Commerce, reported favorably on July 24, 1940, the nominations of several persons to be ensigns (temporary) in the Coast Guard of the United States.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Latta, one of his secretaries.

TRANSFER OF ADMINISTRATION OF HOMESTEAD PROJECTS IN THE VIRGIN ISLANDS TO DEPARTMENT OF AGRICULTURE

The ACTING PRESIDENT pro tempore laid before the Senate a letter from the Secretary of the Interior, transmitting a draft of proposed legislation transferring the administration of the homestead projects established in the Virgin Islands from the Government of the Virgin Islands to the Department of Agriculture, which, with the accompanying paper, was referred to the Committee on Public Lands and Surveys.

USE OF CERTAIN LAND BY CENTRAL VALLEY PROJECT, CALIFORNIA

The ACTING PRESIDENT pro tempore laid before the Senate a letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to authorize the use of a tract of land in California known as the Millerton Rancheria in connection with the Central Valley project, and for other

purposes, which, with the accompanying paper, was referred to the Committee on Public Lands and Surveys.

PETITIONS AND MEMORIALS

The ACTING PRESIDENT pro tempore laid before the Senate a telegram in the nature of a petition from Lind Cairo River and Rail Warehouses, of Cairo, Ill., praying for the enactment of House bill 9195, to amend the National Labor Relations Act, which was referred to the Committee on Education and Labor.

He also laid before the Senate a resolution adopted at the annual business meeting of the Central States Probation and Parole Conference, Chicago, Ill., favoring the enactment of legislation to permit youth on probation or on parole from correctional or penal institutions to enlist in the Civilian Conservation Corps, the United States Army or Navy, which was referred to the Committee on Military Affairs.

He also laid before the Senate resolutions adopted by the Board of Managers and Officers of the New Jersey Society, Sons of the American Revolution, Newark, N. J., favoring the adoption of an adequate national-defense program and the suppression of all subversive activities in the Nation, which were referred to the Committee on Military Affairs.

He also laid before the Senate a resolution adopted by the Common Council of the City of Milwaukee, Wis., favoring the enactment of legislation to provide an additional postoffice on the south side of Milwaukee, Wis., which was referred to the Committee on Public Buildings and Grounds.

Mr. HOLT presented a petition signed by 90 citizens of Middlebourne, W. Va., praying that the United States keep out of war, which was referred to the Committee on Foreign Relations.

Mr. TYDINGS presented a resolution adopted by the Harford County Pomona Grange at Jarrettsville, Md., urging the United States to keep out of war, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of the State of Maryland, praying that the United States keep out of war, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the Optimist Club, of Towson, Md., requesting that Congress remain in session during the existing emergency in the interest of national defense, and also that all subversive activities in the Nation be suppressed, which was referred to the Committee on the Judiciary.

Mr. SHEPPARD presented a resolution adopted by the Texas State Federation of Labor at San Antonio, Tex., favoring investigation by the so-called La Follette Civil Liberties Committee of the alleged practices to which Mexican workers are subjected while being transported from the State of Texas to other States, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Texas Joint Labor Legislative Board at Austin, Tex., favoring the enactment of legislation providing for the fingerprinting of all aliens in the United States, which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of the State of Texas, praying for the adoption of an adequate national-defense program and the suppression of all subversive activities in the Nation, which was referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of San Antonio, Tex., and vicinity, praying for the enactment of legislation to provide for compulsory military training for all men between the ages of 18 and 21, which were referred to the Committee on Military Affairs.

NO INVOLVEMENT IN FOREIGN WAR—PETITION

Mr. WHEELER. Mr. President, I present a petition and ask that it be referred to the Committee on Foreign Relations. The petition, requesting that this country not be involved in foreign war, is signed by some 20,000 persons who, themselves, represent 600,000 young people who subscribe to this sentiment. The signers represent youth groups, labor organizations, church societies, Negro groups, and many other organizations. The petition is addressed to the President of the United States, but was brought to my office with a request that it be brought to public attention by the Congress.

The ACTING PRESIDENT pro tempore. The petition will be received and referred to the Committee on Foreign Relations.

REPORT OF A COMMITTEE

Mr. SCHWELLENBACH, from the Committee on Immigration, to which was referred the bill (H. R. 5403) to provide for the deposit of certain collections for overtime immigration services to the credit of the appropriation chargeable with the payment of such services, and for other purposes, reported it with amendments and submitted a report (No. 1985) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time and referred as follows:

By Mr. THOMAS of Oklahoma:

S. 4206. A bill to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes; to the Committee on Indian Affairs.

By Mr. SHEPPARD:

S. 4207. A bill to provide uniformity in temporary promotions in the Army of the United States in time of emergency; and

S. 4208. A bill establishing overtime rates for compensation for employees of the War Department, its Field Service, the Panama Canal Zone, and for other purposes; to the Committee on Military Affairs.

S. 4209. A bill for the relief of Fred J. Duncan; to the Committee on Claims.

By Mr. CAPPER:

S. 4210. A bill for the relief of Leona Johnson (with accompanying papers); to the Committee on Claims.

By Mr. WHEELER:

S. 4211. A bill for the relief of Mrs. Felix Belanger; to the Committee on Claims.

By Mr. CHAVEZ:

S. 4212. A bill for the relief of certain Navajo Indians, and for other purposes; to the Committee on Indian Affairs.

(Mr. LEE introduced Senate bills 4213 and 4214, which were referred to the Committee on Military Affairs and appear under separate headings.)

TELEGRAM FROM SENATOR BURKE TO WENDELL L. WILLKIE

[Mr. GURNEY asked and obtained leave to have printed in the RECORD a telegram from Senator BURKE to Wendell L. Willkie, dated July 18, 1940, which appears in the Appendix.]

POWER PLANK IN 1940 DEMOCRATIC PLATFORM

[Mr. MCKELLAR asked and obtained leave to have printed in the RECORD the power plank from the 1940 platform of the Democratic Party, which appears in the Appendix.]

ARTICLE FROM DEMOCRATIC DIGEST ON NATIONAL AGRICULTURAL PROGRESS

[Mr. MINTON asked and obtained leave to have printed in the RECORD an article from the Democratic Digest for June-July 1940, entitled "National Agricultural Progress," which appears in the Appendix.]

IRELAND'S NEUTRALITY—EDITORIAL FROM IRISH WORLD

[Mr. MURRAY asked and obtained leave to have printed in the RECORD an editorial from the Irish World of July 27, 1940, entitled "Ireland's Neutrality," which appears in the Appendix.]

HEALTH AND MEDICAL PREPAREDNESS—ADDRESS BY SURGEON GENERAL PARRAN

[Mr. MURRAY asked and obtained leave to have printed in the RECORD a statement on the subject, Health and Medical Preparedness, read by Thomas Parran, Surgeon General of the United States Public Health Service, before the New York State Conference of Health Officers and Public Health Nurses, Saratoga Springs, June 25, 1940, which appears in the Appendix.]

GOVERNOR STASSEN'S KEYNOTE ADDRESS AND SPEECH BY REPRESENTATIVE MARTIN AS PERMANENT CHAIRMAN OF THE REPUBLICAN NATIONAL CONVENTION, 1940

[Mr. MCNARY asked and obtained leave to have printed in the RECORD the text of Governor Stassen's keynote address to

the Republican National Convention of 1940, as well as the speech by Representative MARTIN, as permanent chairman of the Republican National Convention of 1940; which appear in the Appendix.]

SENATOR TRUMAN'S TRIBUTE TO THE NEGRO

[Mr. SCHWELLENBACH asked and obtained leave to have printed in the RECORD a tribute to the Negro by Senator TRUMAN, from an address delivered at Sedalia, Mo., June 15, 1940, which appears in the Appendix.]

CIVIL AERONAUTICS

Mr. McCARRAN. Mr. President, I send to the desk and ask unanimous consent to have read by the clerk an article appearing in American Aviation of July 15, after which I desire to make some remarks.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and the article will be read.

The Chief Clerk read as follows:

[From American Aviation for July 15, 1940]

DISINTEGRATION

The aviation industry is completely, thoroughly, and unqualifiedly disgusted with the political mess and the chaotic disintegration of what once was the Civil Aeronautics Authority.

Never in the history of civil aviation has Government control sunk to such a ludicrous and pitifully inept leadership—and civil aviation has seen plenty of dark days in the past.

Friction, uncertainty, lack of policies, lack of leadership, and petty intrigues engineered by wholly incompetent left-overs from W. P. A. have all but wrecked an organization which got off to a good start and which had every reason to succeed.

The reorganization of the Authority into the framework of the hodge-podge Commerce Department was the greatest blunder and the most unbearable insult that could be delivered to one of America's most vital industries and activities.

The important post of Administrator of Civil Aeronautics—a post which should be the most important job in civil aviation in the world—has become comic opera, with a poor old Army engineer who handled W. P. A. projects on the west coast as the nominal holder of the title. He has covered himself with glory already by warning veterans who have been flying for years against the dangers of the "flying machine." Actually! The man who is still calling airplanes "flying machines" has as his most important—and apparently only—job the signing of papers and doing what he is told.

There isn't any use keeping it a secret. The plain fact is that the Administrator of Civil Aeronautics of the United States is a mere puppet, a man who knows nothing about aviation and who hasn't any power to do anything even if he did know. He can't exert leadership unless he asks someone if it's all right, and chances are he's guessed wrong as to the answer anyway. In the week or more that the Administrator appeared on the job he blundered into one situation after another—a bitter and ironic chapter to the glories of civil aviation in the United States.

As for the new Assistant Secretary of Commerce, Robert H. Hinckley, there is no doubt that Mr. Hinckley has already made his mark. He has made the greatest, sweetest, and most grandiose mess out of civil aviation that any man could do in such a short time. The former Mormon teacher and mayor of Mount Pleasant, Utah, has been a huge and vast disappointment. He has made a sham out of the one agency which is so needed right now to exert constructive leadership for civil aviation.

It is inconceivable that in such a short time the strong framework of the independent Civil Aeronautics Authority could have been razed to the shambles it is in today. But there it is. To the many thousands of fine men who have devoted their lives and sacrificed everything else to push civil aviation another notch up the ladder, it is indeed disheartening to find civil aviation's governmental agency in the hands of a wrecking crew that has torn down in a month's time what had taken so long to build up.

We have tried to be fair to Mr. Hinckley. We have given freely of plaudits for his leadership in the civilian pilot training program. We have tried to believe that the former automobile dealer of Utah would exert genuine, solid, constructive leadership. But the hopes have been in vain. Even when he deserted his colleagues on the five-man Authority by completely reversing his position on reorganization after an hour's visit in the White House, we still thought there must be a meritorious reason—somewhere—for this sudden change.

The time has come to recognize certain unalterable facts. The Civil Aeronautics Authority is not a plaything of intrigue, is not a means of getting petty revenges, is not a political football, is not a stepping stone for political ambition. He who thinks it is any of these things cannot last long in a position of power.

The Civil Aeronautics Authority is an important, vital, Government agency for the regulation and promotion of aeronautics. An industry of air lines, of manufacturers, of fixed base operators, of pilots, schools, and mechanics demands the respect of this agency. It expects mature judgment, it expects efficient administration, it expects constructive leadership.

The sole question now remains how long Mr. Hinckley will continue the comic opera. His organization has disintegrated. He is not respected anywhere down the line from top to bottom. In such a chaotic condition it is just a matter of time until Mr. Hinckley himself—or the White House—realizes that the fun of intrigue and maneuvering is over and steps quietly out of the way of aviation progress. Private business won't put up with this buffoonery much longer.

ONE MILLION DOLLARS

It is estimated that well over $1,000,000 has been invested by air-transport companies in applications, preparation of cases, and hearings before the Civil Aeronautics Authority—without any decisions. W. A. Patterson, president of United Air Lines, is outspoken in calling the C. A. A. a bottleneck. In common with businessmen all over the country, and especially in the air-transport industry, he is becoming fed up with sloppy and inefficient Government administration. No Government agency has the right to tie up a million-dollar investment by any industry without coming to forthright decisions. Only in recent weeks, after endless prodding, has the Authority shown disposition to clear its choked dockets. But it has a long way to go.

We have had alibis, we have had excuses, we have had the reasons explained in painful detail. But the Civil Aeronautics Authority—now known as the Civil Aeronautics Board—has no real justification for making a mockery out of sincere private enterprise.

Four members of the Board have been handicapped, it is true, by a chairman who spent his time on every conceivable activity except economic regulation. Men of intellectual honesty usually resign from positions in which they have no interest or conscientious application. The C. A. A. Chairman did not. But, even so, this would appear to be no excuse for the majority of four to keep its economic regulation apace. A million dollars is a lot of money, even if it is only a pittance to a spendthrift administration. The air-transport industry has moved forward in spite of the C. A. B. handicaps, and if the C. A. B. does not soon become aware of its responsibilites it is likely to become the object of the most painstaking investigation.

Mr. McCARRAN. Mr. President, the article just read by the Chief Clerk of the Senate comes from the magazine American Aviation, one of the most outstanding publications on aviation in the world. It comes after what was undoubtedly a careful study made by the editor of the publication, and every line in the article should be read by all who are interested in the welfare of this country.

In 1935 we attempted to take civil aviation out of the grasp of politics. We saw then that civil aviation in the world, and especially in the United States, was to become one of the greatest agencies for civilization, that it was to become one of the greatest methods of transportation this country would have. So we sought to take it out of the agencies where politics had placed it, and to have it put under an independent agency.

It took nearly 4 years, it took the drafting of 21 measures, it required the activity of 3 separate committees, 1 in the House of Representatives and 2 in the Senate, finally to enact what is known as the Civil Aeronautics Authority Act.

From the time that act became effective, from the time the Civil Aeronautics Authority was established, until the time it was destroyed about 2 months ago, that Authority rendered a service to this country and to the world unexcelled for efficiency. During that time there were flown in this country hundreds of millions of passenger-miles, millions of plane-miles, hundreds of millions of freight- and express-miles, without a single fatality or a single crash. The whole system, from beginning to end, was working harmoniously, and, indeed, if one may use the word advisedly, it was working perfectly. But for some unexplained reason or other that great agency, which had taken hold of this method of transportation, was destroyed by an Executive order, which was approved by the Senate but not approved by the other House of the Congress. So today we find civil aviation, which had been working so harmoniously and so perfectly derided, ridiculed, abused, if you please, because of the fact that out of a synchronized whole, out of harmony, out of success, there has resulted nothing but chaos and confusion. Today it is the most pitiable agency in the whole Government, when, as a matter of fact, only a few months ago it was the most complacent and the most happily working agency in the Government.

Mr. President, I mention this matter, and I have had the article read to the Senate, so that it may be known that those of us who struggled on the floor of the Senate for days to hold the Civil Aeronautics Authority intact and unified, as it was, are now confronted, and the Senate is now confronted, with the knowledge that what was done amounted to real

destruction. It was not a mere joke to destroy something which had been set up after long years of struggle; it has resulted in nothing and it will result in nothing save and except what the article expresses, namely, the tearing down and the unhappy confusion which have resulted, and which will continue until civil aeronautics is again returned to an independent status in this country, so that civil aeronautics may go forward to build our country commercially, civilly, and militarily, because from civil aeronautics we will gain more for national defense than we will from any other agency, so far as development of transportation by air is concerned.

Out of civil aeronautics we will give to the Nation hundreds of the finest trained young men, pilots, men who know the terrain of America, who are ready to fly it from ocean to ocean, from the Gulf to the Canadian line. They know every inch of it, and knowing every inch of it, they should have the confidence which they have a right to entertain from knowing that the agency having control over them is out of politics, out of the control of any individual who would control that agency for politics. It is intent upon one thing and one only, and that is why the Civil Aeronautics Authority was made independent, that it might go forward removed from politics, removed from the influence of personal desires or motives of personal agrandizement, and with only one aim and object, namely, to build a great agency for the development of the United States.

Mr. President, I send to the desk and ask to have inserted in the RECORD immediately following the remarks I have made an article from the same magazine to which I have referred, American Aviation, the issue of July 15, 1940.

The ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From American Aviation for July 15, 1940]

REORGANIZED C. A. A. IN CHAOTIC CONDITION; HINCKLEY ON SPOT

BOUTELLE RESIGNS TO SHUN "PURGE"; WHITE HOUSE MAY STEP IN

Confusion, friction, uncertainty, and bitterness, plus the disintegration of morale of the personnel, marked the formal transfer of the former independent Civil Aeronautics Authority into the Department of Commerce on June 30.

No sooner was the ink dry on the documents than the anticipated "purge" began—engineered by Robert H. Hinckley, until June 30 Chairman of the Civil Aeronautics Authority, and now Assistant Secretary of Commerce in charge of the C. A. A. and the United States Weather Bureau.

With efficiency and organization at the lowest ebb in the history of government, regulation and promotion of civil aviation in the United States, the storm-tossed Civil Aeronautics Authority, hitherto as independent as a Government agency could be, moved into a dark era in complete control of former Works Progress Administration new dealers and reformists, whose apparent original objective was the firing, directly or indirectly, of most of the old-line veterans who were part of the Bureau of Air Commerce prior to creation of C. A. A.

It is reliably known that Hinckley is very much "on the spot." The White House is watching the C. A. A. closely and still is smarting over the unexpected controversy raised by the reorganization plans with which the President was obviously not very familiar. If the C. A. A. doesn't work out smoothly in Commerce, the blame, according to informed White House circles, will fall on Hinckley, since the White House is having troubles enough of its own without adding more aviation battles.

CONGRESS RUMBLINGS

Rumblings are being heard in Congress. There is still much to be told of the behind-the-scenes activity which brought about the unexpected reorganization. Whether Hinckley will be able to ride out the storm and get his house in order is still debatable but there are not more than 1 per 1,000 in Washington who would give him an even chance. The damage, as observers see it, already has been done.

First casualty of the Commerce Department "blitzkrieg" was Richard S. Boutelle, director of the Bureau of Safety Regulation, one of the best known and most respected men in aviation, who resigned within an hour after he was informed that the general inspection unit of the C. A. A. was to be shifted under a large new private flying bureau to be headed by Grove Webster, who has been chief of the private-flying-development division.

Second resignation was that of Dr. E. S. Adams, chief of the medical section, who also would be under Webster if the proposed plan goes through. Dr. Adams has resigned effective August 1 to go on active duty as a lieutenant-colonel in the Army Air Corps. Although he would not comment on his resignation, it is no secret that Dr. Adams was "fed up" with the internal friction and the "brain trust" plans which came to light with the reorganization June 30.

Rumors of other important resignations were current but the unexpected resignation of Boutelle—who refused to condone the wrecking of his general inspection divisions—temporarily shelved the plans which already had been laid out to "house-clean" the old C. A. A. organization. As this issue went to press, Hinckley had back-tracked and had submitted the plan for study, although it was ready to put into effect on July 1.

Meanwhile the remains of the Civil Aeronautics Authority were in a chaotic state. Practically no work was being done in any unit. Disorganization reigned. The five-man Civil Aeronautics Board, assigned to economic regulation and investigation of accidents, attempted to pull itself out of the wreckage and get started on a new track, but it was not at all certain that the independence which the Board was promised over personnel and budget would be borne out in fact.

Other developments were:

Two able secretaries, one in Government service since 1919, were summarily "fired" by Hinckley's secretary without notice and without time to finish letters they were typing.

Every raise given on merit to employees of the Air Safety Board since 1938 was summarily rescinded.

Over 20 lower-bracket employees of the Air Safety Board were given notices on June 30 that their services were no longer desired as of July 1. (Advance notice is customary in the Government.)

As this issue went to press the Department of Commerce had not yet approved the allocation of funds for the Safety Bureau in the Civil Aeronautics Board, and as a consequence over 50 employees (on July 9) were working without knowing whether they would be paid as of July 15. Not one Air Safety Board employee was on the pay roll as of that date.

The International Division, of which Sam Gates had been Chief, was abolished, with the functions split up between the Board and the Administrator, and Gates was named consultant.

Dan Sayre, director of statistics and information, and John Stuart, Chief of the Information Division, were relieved of their jobs when their posts were abolished. Sayre was given a post in the Safety Bureau.

Two employees of the Air Safety Board were relieved of their jobs June 30 for purposes of economy, but were hired the following Monday by the private flying division of C. A. A. under orders from the White House.

Predictions were openly made that Hinckley would not last long in his present post, and that the chaotic condition of C. A. A. under Commerce would be a political issue in the 1940 campaign.

More than one inspector in the field, uncertain of his job, was making plans to go back to private industry.

BATTLEGROUND IN PRIVATE FLYING

Chief background in the present unsettled situation in C. A. A. centers in the Private Flying Division, which has been sponsored personally by Hinckley. For many months Hinckley has refused to cooperate with the former Administrator, Clinton M. Hester, who raised personnel morale to its highest level in aviation history.

Although the Private Flying Division (which controls the civilian-pilot-training program) is technically under the Administrator, Hinckley has consistently refused even to communicate with the Administrator or the general inspection units. By dealing direct with the Private Flying Division an untold amount of friction has developed, with general inspection still doing 90 percent of the work in the pilot-training program.

Those who are well acquainted with the situation blame this short-circuiting of procedures by Hinckley for the present situation, plus the fact that Hinckley has devoted 90 percent of his time to the pilot-training program and military liaison and neglected his other duties.

Most farcical development is the status of the new Administrator, a Col. Donald M. Connolly, former W. P. A. contact man with Hinckley on the west coast, whose powers and responsibilities under the new set-up apparently are not much more rigorous than signing papers and doing as he is told.

Within a few days after he had become consultant to C. A. A.—pending his Senate confirmation as Administrator—Colonel Connolly had gotten himself in one tight squeeze after another by starting to do things one way and finding that the job already had been done—in another way. Insiders predict his stay as Administrator will not last long.

PRESERVATION OF THE AMERICAN SYSTEM OF LIFE AND GOVERNMENT—PETITION

Mr. VANDENBERG. Mr. President, I present to the Senate petitions bearing 1,000,000 signatures. Subsequent kindred petitions are shortly promised to the extent of 5,000,000 signatures. They represent what is probably the most powerful single exhibit in the whole history of the exercise of the citizens' constitutional right of petition. Their inspiration and their purpose is the common anxiety of the American people to preserve the American system of life and government, and, above all else, "to keep America out of foreign wars."

The significance of such an overwhelming demonstration cannot be ignored, because no such dramatic and eloquent mobilization of signatures would be possible except as their

objective is completely responsive to the hearts and hopes of our dominant American thought. Representative government, if it be representative, cannot fail, dare not fail, to take solemn and sympathetic notice of such a Nation-wide disclosure. Political parties will turn away from it at their peril.

The petitions were circulated and are presented in the name of the Committee of One Million under the inspiring chairmanship of Mr. Gerald L. K. Smith, with headquarters at Detroit, Mich. The Committee of One Million thus justifies its fabulous name by the count of individual signatures upon these epochal petitions. It is the voice of America.

The text of these petitions takes two forms, different in text but similar in purport. One form is embraced within the limits of one single, vivid, thrilling sentence:

As believers in God and country, and the American system of life and government, we the undersigned petition the Congress of the United States to outlaw communism, nazi-ism, fascism, and all other forms of un-American activity within our borders, and to keep America out of foreign wars.

The other form, signed particularly by the mothers of America, is equally challenging. It reads as follows:

We, the undersigned, join with the mothers in America in petitioning the Congress of the United States to exert every effort possible, and within reason, necessary to keep America out of all foreign wars.

We favor a national defense second to none; we are willing to make any sacrifice necessary in money and men to defend America, but we, the undersigned, are opposed to giving our money and our men to settle the political quarrels of foreign nations.

Mr. President, the complete file of 1,000,000 signatures of these vigilant country lovers is in the Capitol, but the physical task of here presenting all of them is a needless burden. Instead I present, as a token of the whole, a few typical originals, and ask that they lie upon the table, and I add an affidavit certifying to the grand total, which I ask to have printed at this point in the RECORD.

There being no objection, the affidavit was ordered to be printed in the RECORD, as follows:

THE UNITED STATES SENATE,
Washington, D. C.:

Attention: The Honorable ARTHUR H. VANDENBERG, United States Senator from Michigan.

We, the undersigned secretaries, aides, assistants, etc., in the national headquarters of the Committee of One Million, have to do with the receiving, reading, and filing of petitions which have been circulated in recent months by the Committee of One Million.

We have seen the petitions which are being sent to United States Senator ARTHUR H. VANDENBERG petitioning the Congress to keep America out of foreign wars and having to do with other patriotic ideals. By our signatures we certify that these petitions are typical of those which bear the names of about 1,000,000 citizens from 46 States in the United States.

Furthermore, we have read the letter addressed to Senator VANDENBERG by Gerald L. K. Smith, national chairman of the Committee of One Million, setting forth certain facts having to do with petitions that have been secured calling on Congress to keep America out of foreign wars, and we certify by our signatures that the facts set forth by Mr. Smith are substantially correct.

This, the 30th day of June 1940.

PHYLLIS CHANDLER,
Personal Secretary to Mr. Smith.
BERNARD DOMAN,
Office Manager.
ANNE GRUNER,
Secretary in Charge of Reading of Mail.
E. M. SMITH,
Office Assistant.

STATE OF MICHIGAN,
County of Wayne:

Before me, a notary public in and for Wayne County, Mich., came Phyllis Chandler, Bernard Doman, Anne Gruner, and E. M. Smith, all of Detroit, Mich., and in my presence placed their signatures to the within certification this 24th day of June 1940.

KATHRYN L. TICE,
Notary Public, Wayne County, Mich.

My commission expires January 18, 1944.

Mr. VANDENBERG. Mr. President, in addition I ask permission to print a covering letter to me from chairman Smith of the Committee of One Million, transmitting to me this remarkable and utterly significant exhibit.

The ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GERALD L. K. SMITH,
NATIONAL CHAIRMAN, COMMITTEE OF ONE MILLION,
Detroit, Mich., July 22, 1940.

UNITED STATES SENATOR ARTHUR H. VANDENBERG,
Senate Office Building, Washington, D. C.

DEAR SENATOR VANDENBERG: As chairman of the Committee of One Million, I take this opportunity to congratulate you upon your courageous utterances on the floor of the United States Senate, having to do with the attempts being made to get America into a foreign war.

The Committee of One Million represents the cooperative leadership of more than 140 patriotic and civic groups in the United States. The principles of the committee are as follows:

1. To rebuild the spirit of America.
2. To wipe out to the last vestige communism and fascism in all its forms.
3. To redefine the American national character.
4. To instill a new spirit in American youth, dedicated intellectually and physically to the maintenance of American institutions.
5. To issue a call to farmers and laborers to resist what is now known to be an international plot to make them part of a world revolution.
6. To rededicate the citizenry of America to the family altar and to the spirit of the church.
7. To secure the maintenance of a well-defined standard of American living.

On the 23d of January 1940, when Congressman MARTIN DIES asked for a continuation of his committee for the investigation of un-American activities, we placed before the lower House of Congress nearly 500,000 names signed to petitions in support of his committee from 27 States, as per the attached photostatic copy of the CONGRESSIONAL RECORD.

Some months ago, our committee began to recognize that a conspiracy was being hatched in America, and elsewhere, to involve the United States in a foreign war in order to protect the politicial and financial interests of certain individuals who seem to be inclined to put the welfare of our Nation second to their own selfish interests. In fact, we became convinced that these enigmatic forces were willing to sacrifice the blood of our American sons and the fortunes of our American citizenry in order to save their own personal interests abroad.

Our national committee therefore recognized this circumstance as an emergency. We therefore began to circulate thousands upon thousands of special petitions to Congress, calling on our elected Representatives to keep America out of foreign wars. We set as our goal the securing of 5,000,000 names. The names signed to the petitions of our committee have now reached and passed the 1,000,000 mark. These petitions are coming to us from practically every State in the United States. The new petition will read as follows:

"MOTHERS' PETITION TO CONGRESS FOR NO FOREIGN WARS

"We the undersigned join with the mothers in America in petitioning the Congress of the United States to exert every effort possible, and within reason, necessary to keep America out of all foreign wars.

"We favor a national defense second to none; we are willing to make any sacrifice necessary in money and men to defend America, but we the undersigned are opposed to giving our money and our men to settle the political quarrels of foreign nations.

"Remove all Nazi-Communists from Government pay rolls.

"Outlaw communism.

"Cooperate with the Dies committee."

I am attaching herewith certifications and memos signed by members of our staff to the effect that these names are on file in our national headquarters at Detroit. We believe that our goal of 5,000,000 names will be reached by October 1. I am forwarding you under separate cover 100 token petitions in order that you may adequately grasp and understand the tremendous response that we are having to this appeal. These petitions have been circulated by people representing every creed and political faith and economic strata. You will observe that among these petitions are 9 petitions sent in by the Sisters of the Good Shepherd at Cleveland, Ohio. Others have been circulated by labor leaders, manufacturers, Catholic priests, Protestant preachers, Legionnaires, Veterans of Foreign Wars, Negroes, millionaires, and workers on relief. We believe that these petitions represent the real voice of the people.

Warmongers and propagandists have so surrounded some of our legislative Representatives that they have failed to recognize the true will of the people.

The crusade of the Committee of One Million, committed to the above-stated principles, operates by the use of both the radio and the pamphlet. I am on the radio every week and reach a population of approximately 25,000,000 American citizens. As an illustration of the response, signed to these petitions is the name of one out of every six voters in the State of Michigan. Whenever I say over the radio that we must keep America out of foreign wars, not more than 1 person out of 40 who writes to me is disagreed with what I say concerning this matter.

I made a bitter attack, recently, upon the position taken by Mr. Roosevelt at Charlottesville. Although my mail numbers thousands of letters I have not received a total of five unfavorable

letters as a result of that statement by me over the radio. I should be pleased if you would insert this letter as a part of the permanent record of our United States Senate in recognizing the sentiment of more than 1,000,000 people expressed in writing.

You will be interested to know that our mail is so heavy at times, because of the position that we have taken on the principles for which our committee stands, that not infrequently we require from 30 to 40 people to handle requests for literature and correspondence.

Congressmen and Senators who are overlooking the sentiment represented by these petitions, and movements such as the Committee of One Million, are due for a rude awakening as America reacts against the warmongering conspiracies, the subversive propagandists now functioning in the United States.

In closing, I again congratulate you on your courageous and statesmanlike utterances in this, the most crucial hour of our Nation's history.

Sincerely yours,

GERALD L. K. SMITH.

P.S.—Let it be emphasized that our committee is nonpartisan, nonsectarian, and nonracial.

Recently we held our midwestern rally in the city of Detroit. Twenty-three thousand people attended.

CONSCRIPTION AND COMPULSORY MILITARY TRAINING

Mr. VANDENBERG. Mr. President, on the highly controversial subject of conscription and compulsory military training, I wish to present three typical letters which present phases of the problem which ought to have earnest consideration. No one is denying that if expanded defense personnel cannot be acquired by our traditional, voluntary, peace-time enlistments at the essential tempo, then we must proceed to the compulsory alternative. But I find a widespread question—which I emphatically share myself—whether the traditional, peacetime, voluntary methods of our democracy are failing; and, secondly, whether, in such an event, adequate effort has been made to encourage this method. Several thoroughly constructive suggestions are made along this latter line in these letters, particularly the suggestion that there be offered voluntary opportunity for 1 year enlistments in the Regular Establishment, instead of 3 years.

The estimable Washington Star says my position is "untenable"—that is its word—because I have been asking the Army whether it believes it can get needed personnel by voluntary enlistment because, says the enthusiastic Star, the Army needs much more than its presently authorized increase. But if the Army can satisfactorily get its presently needed increase by traditional, peacetime American methods, this ought not to foreclose the possibility that it can get still more if and when it asks. On the contrary that would be the logical sequence. I hope we have not already reached that stage in these militarizing proceedings where it already has become "untenable"—the word applied to me—even to ask questions, which is all that I am doing, and which I shall continue to do.

After all, the collapse of a great 150-year-old American tradition intimately related to individual liberty—and that is what happens under peacetime conscription—ought to be entitled to at least a little good-faith exploration. I can assure the Star that I shall support whatever program is needed; but I shall continue to ask whether it is needed.

I should like to say, in passing, that I decline to forget that 563,000 volunteers enlisted during the first 5 months of the World War, and 1,300,000 volunteers were recruited up until August 1918, when volunteer recruiting was stopped. Given frank and convincing proof of the existence of a real emergency, I have no doubt this record would be duplicated on a voluntary basis in 1940—and it certainly represents much greater manpower than the most hysterical imagination would conjure as necessary in the presence of whatever emergency exists today. Conscription is no substitute for these frank and convincing proofs.

I repeat, that I have risen to present three letters from citizens in Pennsylvania, Virginia, and Illinois bearing constructively upon this program and this challenge. I ask that these three letters be printed in the RECORD at this point, and that they be referred to the Committee on Military Affaiars.

There being no objection, the letters were referred to the Committee on Military Affairs, and ordered to be printed in the RECORD at this point, as follows:

MEDIA, PA., *July 22, 1940.*

HON. ARTHUR H. VANDENBERG,
United States Senate, Washington, D. C.

DEAR SENATOR VANDENBERG: The newspapers report that you are opposing compulsory military training partly on the ground that voluntary recruiting has not been given an adequate trial.

That your position is unquestionably sound is apparent from even a casual observation of the Army's recent "drive" for recruits. A poster or two outside an obscurely located recruiting office and a sign or poster outside a post office can hardly be said to embody the elements of a "drive." One could wish that the administration would put as much publicity and promotional effort behind an Army recruiting drive as it has behind its favored administrative and legislative projects. Prominent in the printed material used by the Army recruiting service is a tabulation of the formidable sums required by an enlisted man who may want to "buy himself out" of the service before the end of his 3-year enlistment.

If compulsory military training contemplates a training period of 8 months to a year, as the newspapers report, is there any real reason why voluntary enlistments should not be accepted for a similar term? There has certainly been no difficulty in obtaining voluntary C. C. C. enrollments. If Army enlistments offered comparable pay, service conditions, and term of enlistment, it is reasonable to expect that Army service might prove as attractive to young men as C. C. C. service. It is difficult to escape the conclusion that Army enlistment has purposely been made forbidding, formidable, and unattractive in order to furnish a factual basis for the militarists' claim that voluntary enlistment is a failure. Obviously, it will always be a failure as long as those in control of it make it so.

If the militarists prevail and compulsory military training is forced on the country, at least let's avoid the politics-ridden local draft board. In the World War the selection of local draft boards was in the hands of local political organizations. The natural result was that men with the right political connections were given exemption or deferred classification regardless of the facts of the case. If we are to be saddled with draft boards, let's have them composed of Army officers or civil-service clerks who come from some other locality. Keep the political machines out of the conscription set-up. Better still, let's have no conscription at all.

The most suspicious element in the whole situation is the obvious effort to rush conscription through Congress while the public mind is being terrified by the impact of war propaganda and manufactured war hysteria. It is unthinkable that in a calmer frame of mind the people would consider even for a moment the measure of regimentation now proposed under the guise of "selective" military training. We know all about that "fair" and "democratic" kind of "selective" service from the last war.

Incidentally, I hope you and other members of the Senate will heed your personal knowledge of public sentiment rather than the much-touted "polls." It's no great trick to conduct a supposedly impartial poll for the purpose of assembling statistical support for a predetermined conclusion.

Sincerely,

CHAS. R. ROSENBERG, Jr.

ROANOKE, VA., *July 23, 1940.*

HON. ARTHUR H. VANDENBERG,
United States Senate, Washington, D. C.

MY DEAR SENATOR VANDENBERG: I am a Jeffersonian Democrat, and shall not vote in the coming national election, however, I have followed your criticism of a proposed compulsory military bill, hence this letter.

It is believed that if a bill were passed permitting unmarried men between the ages of 21 and 30 to enlist, for, say, 1 year, at the standard regular Army wage and benefits, that 1,000,000 would crash the recruiting gates to get in. Three years is too long for a young man to tie himself down to an unprofitable job, but 1 year is wholly ample for training purposes, furthermore, it is human nature to rebel against compulsory enrollment in anything. Again, I am opposed to calling out the National Guard, in peacetime, for it will unnecessarily disrupt each individual's planned routine.

My ancestors fought in the Indian, Revolutionary, and Civil Wars and I served in the Spanish-American War and Philippine Insurrection as a private, corporal, sergeant, regimental commissary sergeant, and second lieutenant, and having five sons—four above the age of 17, and all unmarried and physically fit, I feel that I am more or less qualified to speak.

My eldest son is in his twenty-fifth year and would welcome the opportunity to enlist for 1 year but doesn't want to enlist for 3 years or like the odor of being drafted. My second son is a prelaw student at the Virginia Polytechnic Institute and has had military training there for 2 years but is a member of a National Guard company and will be arbitrarily taken away from his studies for 1 year; and the third son, 18 years of age, enlisted in the Navy and after 6 months, says that 6 years is too long and that he could absorb the necessary naval discipline and get excellent training in 1 year. So here are concrete examples of how

long-term enlistments, compulsory military training, and calling out the National Guard will work to the disadvantage of the whole youth set-up.

My paternal antestor volunteered in the Cherokee and Revolutionary War, my father had seven brothers to volunteer in the Civil War—five being killed and two seriously wounded, and I volunteered in the Spanish-American War and served in both Cuba and the Philippines, and I would naturally prefer to see my sons have the opportunity of volunteering instead of having some New Deal inspired board commanding them to do thus and so.

Cordially yours,

W. O. TRENOR.

MARSHALL, ILL., *July 22, 1940.*

Hon. ARTHUR H. VANDENBERG,
United States Senate, Washington, D. C.

DEAR SENATOR VANDENBERG: I am writing to enter a protest against the Government placing military conscription in this country during peacetime.

Three hundred and seventy delegates of the North Central Jurisdiction of the Methodist Church, composing the States of Iowa, Minnesota, Wisconsin, Michigan, Ohio, Indiana, and Illinois, meeting in Chicago on June 26, 1940, adopted the following statement without opposition, to wit:

"We are unalterably opposed to universal compulsory military service while the United States is at peace. Numbers of us are the sons or daughters of men who came to this country in order to escape conscription and all that it entailed. We are convinced that the adoption of universal compulsory military training in time of peace would as certainly curse this Nation as it has cursed every other which has fostered it, that it would become the master and not the servant of us all, dictating to business and to labor, to the school, and to the church. The United States, under the yoke of peacetime conscription, would cease to be the nation of our fathers and the hope of our sons."

In my opinion, this is a good statement of the sentiment of the people in this country, and I hope you will oppose conscription during peacetime.

Very truly yours,

H. R. SNAVELY.

Mr. VANDENBERG. In conclusion, I wish to call attention to an article published in the August number of Harper's magazine, which is just out, written by Mr. Hanson W. Baldwin, who since 1929 has been a member of the staff of the New York Times specializing in Army and Navy problems. I think this article ought to be required reading for every Member of the Congress who must confront the necessity of voting upon a conscription bill, and I wish it might be required reading for the entire country. I shall not ask that the whole article be printed in the RECORD, but I do ask in conclusion that that portion of the article which I have marked, relating to Army enlistments, be printed in the RECORD at this point.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

The Army is this Nation's and this hemisphere's third line of defense. It is an important element of that defense (we should not make the mistake of thinking that wars can be won by sea power and air power alone), and some of its functions are particularly vital. In the past we have been committed to the principle of a small citizens' army rather than the maintenance of a huge standing army which can be utilized effectively not in this hemisphere but only on European or Asiatic battlefields, where the borders of hostile nations crowd across the map and mass is still hurled against mass. The mass armies of Europe or Asia cannot easily be transported to this hemisphere—can never be so transported provided we retain control of the seas and maintain a proper air defense. A small army could be transported, might elude our fleet or take advantage of its presence in another ocean to establish some beach head in a remote area. But probably the maximum force that could be so transported—the maximum initial force that could be transported even if control of the sea were wrested from us—would not be much larger than 50,000 men. The transportation of such a force would require 375,000 tons of shipping, perhaps 40 ships, about the largest force that could conveniently be convoyed in a single operation. To supply such a force might require from 650,000 tons of shipping to 2,000,000 tons monthly; in other words, perhaps half of the tonnage of the German merchant marine would have to be devoted solely to the job of supplying 50,000 soldiers. If this force were to be doubled, the shipping tonnage necessary would be doubled; to supply an army of 1,000,000 men in this hemisphere would require at the very least 13,000,000 tons of shipping. Economically and commercially the problem seems impossible; not even Britain, or a combination of Britain and Germany, has sufficient shipping to divert such an enormous amount of it from their ordinary and vital trade routes to military purposes.

We do not, therefore, have to fear the employment of mass armies in this hemisphere; the most we have to guard against is the possible transportation of a small expeditionary force.

There are now pending various proposals for the increase in size of our Army—some of them involving relatively small but necessary numerical increases, others a basic change in the whole fundamental structure of our defense forces, a basic change indeed in the concept of our democracy. In the latter category falls the suggestion, now vigorously pressed, for conscription. Conscription in time of war can be justified. But at a time like the present it cannot be justified on a basis of hemisphere defense, for no such mass of men as conscription would provide can effectively be used in this hemisphere—with one possible exception: If we were preparing for a death struggle with a Japanized Asia and with a completely Germanized Europe in which all the navies and merchant marine and shipbuilding facilities of the Continent were in German hands—a possibility which we have previously discussed and considered to be most unlikely.

Events do not warrant the painting of the international picture in such black overtones as this. But whether or not conscription is genuinely needed, it should never be endorsed except after careful consideration and with an understanding of the basic change in our lives and our customs that it will entail. Invocation of a compulsory-service act has many arguments in its favor, but it should be clearly understood that its adoption would create a profound, lasting, and inescapable change in the economic, social, and political life of our country and might well retard the growth of our civilization. A measure of such consequence if enacted in time of peace may become a permanent part of our institutions; it should not, therefore, be considered by Congress in this era of hysteria, but, if intended as a permanent measure, only in a time of calm calculation. On the other hand, if conscription is needed merely as a temporary emergency measure to last for the duration of the emergency, then the emergency ought to be defined; if the international picture is black enough to warrant conscription, then the President should declare a state of national emergency or Congress should declare a state of war.

And if the Army can fill its minimum needs in men without conscription there are still some valid arguments for it—but the most important, the need for manpower, falls by the wayside. And we have not yet even had a chance to try to fill our requirements by voluntary recruiting.

What are those requirements? The functions and responsibilities of our land forces are several. First, our Regular Army must provide garrisons and defenses for Army, Navy, and air bases now established, or to be established. This may require eventually 125,000 to 150,000 men, with the most heavily guarded points the Panama Canal, Hawaii, Puerto Rico, and several points in the Alaskan-Aleutian area. Second, the Regular Army must provide the nucleus or cadre for coast defense and antiaircraft troops to make our continental base within the United States secure; it must have 8 to 15 men per plane to operate its air force; it must provide officers and instructors to train the National Guard and to form the skeletal structure upon which a large mass Army may be built up in case of necessity after M day. And, under our broadened responsibilities of hemisphere defense, it has another function of recent development. It must provide a field force, highly trained, fully equipped, instantly ready for transportation as an expeditionary force anywhere within the Western Hemisphere—to quell, with the help of the Navy and air force, alien-inspired revolutions, to seize an advanced base, to repel an attack or hold an area, until larger forces are transported, if necessary, to assist it. Such a force certainly need be no larger than 150,000 men—perhaps half that number—about the number with which Germany, only 100 miles away, seized Norway. Adding to this the numbers required for the Army's other functions, the Regular Army, even to fulfill its broadened responsibilities, need be no larger than 400,000 men, if that large. Our present enlisted strength is about 228,000; authorized strength is 280,000; a further increase is indicated, but it should not be hard to fill the necessary quota by voluntary recruiting.

The National Guard should be reorganized and its duties redefined. Those duties should fall into two distinct categories. First, the guard should furnish the major portion of the forces which would provide coast and antiaircraft defense for this country. Home guard units—some of them composed of older men—ought to be created to provide such protection for their own localities. And the other part of the guard, consisting of younger men selected for their physical fitness, should be organized and trained in peacetime to provide a field force of perhaps 9 to 12 divisions to replace the Regular Army field force if that force should be sent out of the country, to supplement it, if required, for continental defense. The authorized strength of the guard today is about 235,000 men. No increase is contemplated under the President's present plans; it should, however, have an increment of strength, primarily to furnish very considerably expanded forces of antiaircraft and home-defense purposes.

This reorganized and strengthened Army needs above all to be a balanced Army, with the proper number of antiaircraft units, the proper number of mechanized divisions, etc. Despite the graphic lessons of the war there is as yet no indication that our future plans have been altered to fit those lessons; there is as yet no evidence that the importance of the gasoline engine in war has been fully realized.

DRAFTING OF CAPITAL IN TIME OF WAR

Mr. LEE. Mr. President, there appeared in this morning's New York Times a very good editorial under the heading of "To defend America." The editorial is in support of a draft law to draft men. I ask unanimous consent that the

editorial be printed in the RECORD at this point as part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TO DEFEND AMERICA

We congratulate the Senate Military Affairs Committee on its sound judgment and farsighted patriotism in approving the essential principles of the Burke-Wadsworth bill. The case for the establishment of a system of selective compulsory military training at this time and in this crisis is overwhelming. Every development in a war which can readily leap from Europe to this hemisphere clearly shows the critical importance, for national defense, not only of modern mechanized equipment but of a personnel trained to operate such equipment. Adequate personnel cannot be provided by voluntary enlistment. Experience proves that to the hilt. The only possible alternative for a free democracy is a democratic system of training and service in which every male American of proper age shares equally the responsibility of defending the only way of life which he believes to be worth living.

It is particularly gratifying that the Senate committee has left intact the proposal for a general registration of all men between the ages of 18 and 64, even though only selected groups of those between the ages of 21 and 45 will be called immediately for training. The advantages of a general registration are manifest. Not only will it serve notice on other interested nations that we are taking the full measure of our man power, if the proper questions are asked and the resulting answers are promptly organized, we shall have invaluable information here about the numbers and the ages and the location of specially trained men—skilled mechanics, technicians, etc.—whose services will be needed at special points in the defense program. It was one of Britain's major mistakes that a similar census of skilled labor in that country was postponed until long after the emergency arose. We must not make the same mistake. The plan for a general registration is an integral part of the Burke-Wadsworth bill. Its importance cannot be too strongly stressed.

The attitude of the committee is so favorable, and the demand of the country for adequate defense is so unmistakable that there is every reason to believe that the bill will be taken up next week, considered fairly, and promptly passed. We have here a further illustration of the great gain that was achieved when public opinion prevailed over the President's wish to have Congress adjourn before the conventions. Had that course been followed, the taking of this necessary step would have been delayed for many months.

Mr. LEE. Mr. President, on the same page there is a lengthy article under the heading of "In the Nation—Problems of contracts for defense-work program," by Mr. Arthur Krock. In this article he discusses the difficulty of our defense program so far as contracts are concerned. I have a feeling that some of the captains of industry are getting all set for a "killing" in profits out of our defense program. I have heard—and it is only hearsay so far—that the Defense Committee is planning to let contracts for the construction of airplane factories, and that the Government is to lend money, 100 percent, for the construction of the plant, and then to lend money for the operation of the plant, and to sign a contract whereby this money is to be paid back out of the profits of the business, and leave the contractor, a private contractor, owning the factory afterward.

Mr. President, I do not like it. I realize that we are in an emergency, but I think that is all the more reason why it is unpatriotic for any private concern to undertake to take advantage of the situation in order to make a "killing" in profits.

Mr. President, we are considering in the Military Affairs Committee a bill to draft men, a bill for compulsory military training. We learned in the World War that there is only one fair, systematic, and democratic method of raising an army of men, and that is by a selective draft method. By the same token I think we should have learned from the World War that in case of war we need men, money, and materials. Yet there is no plan on foot for a systematic method for raising money in a manner equally mandatory with that used to call men to the colors. Therefore, Mr. President, I send to the desk and ask to have read a bill which I wish to introduce at this time.

The ACTING PRESIDENT pro tempore. The bill will be read.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. LEE. The bill is very short.

Mr. WHEELER. I merely wish to ask a question.

Mr. LEE. I yield.

Mr. WHEELER. The other day I happened to run across a quotation from Daniel Webster, a great statesman of his time. Webster was talking about conscription generally. He was not talking about it in peacetime or wartime, but in general. He stated that the Government had a much greater right to conscript profits than to conscript lives. If we are in such an emergency that it is necessary to conscript the lives of the young men of the country, then I think we ought to go all the way and conscript profits. Those who have property and money are anxious to have us conscript the lives of the boys; but, of course, we must not touch their dollars. If we are to conscript youth, let us conscript property as well.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. CONNALLY. Allow me to say to the Senator from Montana and the Senator from Oklahoma that if they will only wait a short time, the Finance Committee will do a little drafting of peace-time profits through an excess-profits tax, and of war profits through another bill. We have already had a preliminary meeting, and next Monday the committee will go to work to draft excess profits. The object of the excess-profits tax is to draft excess profits caused by a state of war. I hope the Senators will have their desire gratified. I strongly favor such a program, and we propose to carry it out. However, Senators will receive many letters from those who write to them about preparedness and who advocate the greatest army in the world, but who say, "We do not think you ought to levy any taxes to do it." If we get into the war, we will win it if we can; but something besides the will to win is required to raise armies and maintain navies. The people of the United States might as well make up their minds that we shall have to tax them, tax them, and tax them, to carry out the program.

Mr. LEE. Mr. President, I thank both Senators for their contributions. It is an encouraging thing to hear from a member of the Finance Committee, the Senator from Texas, that the committee is preparing an excess-profits-tax bill. The Senator made a fine and noble fight for a profits tax when the last revenue bill was before us, and his amendment was agreed to by this body. However, even an excess-profits tax cannot reach any of the profits which result from a system of financing war by means of tax-exempt bonds purchased on a voluntary basis. That is the problem with which my bill deals, and I ask that the bill be read at this time.

The ACTING PRESIDENT pro tempore. The bill will be read.

The bill (S. 4213) to prevent profiteering and to make the financial resources of the Nation available to the Government for purposes of national defense on the same mandatory basis as manpower, was read the first time by its title and the second time at length, and referred to the Committee on Military Affairs, as follows:

Be it enacted, etc., That the President shall set up a plan for drafting the use of money according to each individual's ability to lend. Such a plan shall not permit profits, high interest rates, or tax exemptions.

SEC. 2. The President is hereby authorized to provide for such boards and agencies and to promulgate such rules and regulations as may be necessary to carry out the provisions of this act.

SEC. 3. The same penalties shall apply for noncompliance to the draft of money as apply for noncompliance to the draft of men.

Mr. LEE. Mr. President, there seems to be a misunderstanding among a number of us, some believing that a tax bill is a method of financing war. It is true that it helps to pay the bill. It is one way in which we can raise money. However, in the World War we had to borrow. We had to beg for money to finance the war. Even now, as we are facing a defense program while we are at peace, it will be necessary for the Treasury of the United States to sell bonds in order to finance the defense program.

The point I am making is that if in peacetime the emergency is such as to require us to draft men, by the same token the emergency is enough to cause us to draft money instead of borrowing it on a voluntary basis, paying interest on it, and guaranteeing tax exemption, which would allow more

and more of the wealth of the United States to get into the storm cellar of tax exemption, where it could not be reached by the excess-profits tax advocated by the Senator from Texas, or by any excess war-profits tax, income tax, or any other kind of tax. We are confronted with the problem of raising money to finance the defense program. That problem is now at our doorstep. Are we to raise money by the voluntary method, while we are conscripting men by a compulsory method? The purpose of my bill is to meet that problem. The two questions involved are: First, shall people buy war bonds on a voluntary or mandatory basis? and, second, shall such transactions result in profit to the individual?

I introduced and have had pending on the calendar of the Senate for 2 years a bill which works out in detail the machinery for carrying out the object to which I have referred, but some object to the details. Therefore the present bill is introduced. There are those who, so long as a thing is in general language, will give their support to it. They will say, "I am for the general principle, but I object to this particular bill." So far as I can learn, my bill is the only effort which has been made in the history of the United States to translate the proposition of drafting capital into statutory language. There is not much choice as between this bill and some other bill which might have the same objective.

I presume that at some time or other every Member of this body has committed himself to the ex-service men's proposal that in time of war we should have a universal draft which would draft men, money, and materials, the three things necessary to win a war. I presume that at some time or other every Member of this body has subscribed to that general principle. I should like to know to what extent we intend to carry out such a pledge, if we have made it.

You say, "I favor the general proposition." Here is a bill that lays down nothing but the naked principle of drafting money as well as men, and calling for money to finance this program in the same mandatory manner in which we call for men.

In the last war it cost this Government $45,878,000 simply to beg for the money necessary to finance the war. We called men to the colors by mandate, and yet we fed those men by popular subscription. We got disabled soldiers, crippled soldiers, and sent them all over the country showing themselves and their broken bodies in order to soften people's hearts enough to get them to buy enough bonds to keep feeding the rest of the soldiers who were in the trenches. To me, that sort of thing is an outrage.

A country as rich as the United States is going to say to the boys of America in a few days, "We command you to report for training." Are we going to raise the money to pay these contracts by going to Wall Street and making the bonds so attractive by putting the interest so high, as we did in the World War, that they are going to be sold by the profit incentive method, and put that money in a storm cellar where no tax bill can reach it? I want to know if we are going to do that again, if we are going to allow a crop of millionaires to come out of this emergency.

Who made the most profits out of the World War? It has been shown that more money was made in the field of finance than was made in the field of manufacture. We can recover much of the profits made in the field of commerce and industry by taxes of different kinds, but we cannot touch the profits made in the field of finance.

Up to 1934 we had paid in interest alone on the war bonds $12,000,000,000. Many of the boys who participated in the war quit jobs paying $7 to $10 a day, and took a job in the Army at a dollar a day and a chance to die.

You say we cannot pay for patriotism. That is true; but there is no use in penalizing patriotism. It cost the average boy who quit a job at day-labor wages of $7 a day, and served the average period of time of 16½ months, $2,500 in order to be patriotic.

Then he came home and went to work paying taxes to pay the profits of the millionaires who had made their millions out of financing the war which he had to fight. I want a bill enacted that will prevent men from profiteering out of a war that calls for such sacrifice on the part of the soldiers.

In the World War we sold bonds. Many of the soldiers had to buy those bonds under pressure. Many employees, stenographers, and clerks had to buy those bonds. As soon as they paid for them they needed money, and they discounted the bonds and sold them, some of them as low as 80 cents on the dollar. The bonds wound up in the hands of the big bankers, who made that profit out of the loss of the fellow who was least able to bear it. Not only that; little Lizzie Smith, a stenographer, bought a bond because she was patriotic or because her employer put pressure on her. She was not able to pay cash for it. The banker, perhaps in all good faith, said to her, "I will lend you the money and take the bond as security." In some cases the banker bought the bond and arranged to have her make installment payments. Her plans were changed; she made a few payments and did not finish paying for the bond, and she lost what she had paid, but somebody else gained by that loss.

Not only that; war causes inflation. The voluntary system of financing war through the sale of bonds at the peak of the inflation means that we borrow 50-cent dollars, and when we pay back there is deflation, and we pay back 150-cent dollars. There is a tremendous unearned increment which is not only allowed but guaranteed under our old system of financing war through the voluntary sale of bonds.

Not only that; ordinarily in peacetimes Government bonds bear 2 percent interest or less, but during the World War we paid as high as 4¾ percent interest. In other words, Members of this body, unless we change our plan of financing we are simply issuing this invitation to the big boys: "Come on in, boys, and profiteer. We will guarantee you double interest rates. We will guarantee you exemption from taxation. Come on in and profiteer." No wonder there was a crop of 22,000 millionaires made out of a war that cost our buddies so much in blood and money and in personal sacrifice.

The argument was made during the World War while we were selling the bonds, "Why, this is a good thing. It forces savings upon the little fellow." Did it? The fellow who needed the savings was not able to keep the bond. He discounted and sold it; and so, when it was paid off, did he get the money? No; he had already taken his loss on the bond, and it wound up in the hands of a big fellow, and the big purchaser is the one who benefited by it.

I want a plan of financing that will say to the people, "Your credit is needed in the ratio and in accordance with your ability to lend on a fair basis, just as fair as the income tax, according to ability to pay." Just as we tax according to ability to pay, I believe we should borrow according to ability to lend. It would be just as ridiculous to say that a tax should be voluntary as it is to say that we should raise money for financing war, or preparation for war, or national defense, on a voluntary basis.

Would you leave to a man whether or not he should pay his taxes? Would you leave to a man how much taxes he should pay? Then why, when we go out to raise money, should we leave to the purchaser of a bond how much he will buy? Why should we leave it to his patriotism? Why should we leave it to the pressure of a high-pressure committee? Why should we leave it to his desire for profits on high-interest-bearing bonds? None of them are fair criteria for determining the amount of credit that each individual should lend to his Government in case of a national crisis. Why not lay it down as a matter of principle that we say that the Government should borrow in proportion to men's ability to lend, just as we take soldiers according to their availability for service?

You say to me, It is difficult to work out such a plan. Are you saying that it is more difficult to work out something that can be figured out by mathematical, precise methods, such as dollars and cents, than it is to determine the human equation as to which boy can better go in the first draft, and

which one can better go in the second and the third and the fourth and the fifth drafts?

In case there are some who want a little more detail of the plan, I send to the desk another bill which carries out the plan in further detail, and ask that it be referred to the Committee on Military Affairs.

The ACTING PRESIDENT pro tempore. Without objection, the bill will be referred to the Committee on Military Affairs.

Mr. HARRISON. Mr. President——

Mr. LEE. If the Senator will allow me just 5 minutes more, I will yield to him.

Mr. HARRISON. My only purpose in seeking to interrupt the Senator is because the Senator asked that the bill go to the Military Affairs Committee. I have not read the bill, but there is a question whether it ought to go to the Finance Committee or the Military Affairs Committee. That is why I am raising the point now.

Mr. LEE. I thank the Senator for that notice. I wish to say that, of course, there are many bills which come before this body which in all fairness could be assigned to one or two or sometimes three committees. In the Military Affairs Committee right now we are deciding on a bill to draft men. That bill deals with men's services and their pay.

One might just as well argue that that bill should be referred to the Committee on Education and Labor as to argue that this bill should be referred to the Finance Committee. I cannot argue to the Senator that the bill does not deal with finance, but I do say that it does not have anything to do with revenue.

Mr. HARRISON. I merely wish to serve notice on the Senator that if, after studying the bill, it should be our opinion that it ought to be under the jurisdiction of the Finance Committee, that the proper committee to handle this question of finance would be that committee, I should certainly make a motion to have the bill referred back to the Finance Committee.

Mr. LEE. The Senator means, then, I take it, that before the bill would come before this body the Senator would make a motion to have it referred to the Finance Committee.

Mr. HARRISON. If I should be convinced that that is the proper course.

Mr. LEE. The Senator does not object to its going first to the Military Affairs Committee, then?

Mr. HARRISON. No; I just want to serve notice on the Senator now to that effect.

Mr. LEE. I thank the Senator.

The ACTING PRESIDENT pro tempore. Very well. The bill will go to the Military Affairs Committee for the present.

The bill (S. 4214) to mobilize financial resources by drafting money according to the ability to lend was read twice by its title and referred to the Committee on Military Affairs.

Mr. LEE. Mr. President, in the plan I have in mind for drafting money I do not have in mind taxes. No government has ever been able to pay for a war as it fought the war. Therefore, it is necessary to borrow. It is necessary either to take money from accumulated savings or to mortgage the future. Therefore it is necessary to borrow. I am referring to the borrowing phase of financing national defense for war.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. NORRIS. While the Senator's bill of course is not before the Senate, I have read it, and if the Senator will permit me, I should like to call his attention to what seems to me to be a valid objection to it. No attempt is made in the bill to set up a law for drafting money. I agree with the Senator on the general proposition he so eloquently discusses, but the bill merely says that the President shall make a law and put it in force.

In the first place, it seems to me that is not fair to the President. It is having him do something which up to this time no one has contended it is not the duty of the Congress to do. We should assume the responsibility, even though, as I concede, it is a difficult one to work out. It is a difficult thing to work out all of the ramifications of such a law.

Mr. LEE. Let me say to the Senator that in Senate bill 1650 a law is worked out in every detail.

Mr. NORRIS. Let us pass that.

Mr. LEE. I stated awhile ago, and I am glad I have an opportunity to repeat, that my reason for introducing the bill I am now discussing, which is merely one stating the bare principle, is that first objection would be found to one detail and then another.

Mr. NORRIS. Exactly; and objection will be found when the President makes the law.

Mr. LEE. That is correct.

Mr. NORRIS. From one end of the country to the other will be the cry going up everywhere that we are making a dictator of the President, and every sentence and every paragraph will be criticized and condemned, when the responsibility is really ours.

Mr. LEE. I agree with the Senator's statement.

Mr. NORRIS. I think we should assume the responsibility, if we are to pass any law at all.

Mr. LEE. I am willing to do that; but the Senator realizes what one is up against when he brings in a bill providing for all the details. I desire to get an expression on the principle, because nearly every Member of this body with whom I have talked about this matter has said, at some time or other, "I favor the principle, but this reason or that reason is a valid objection to your bill."

Mr. NORRIS. The Senator will admit that the bill he has proposed carries out no detail whatever. It does not even suggest a plan. It is a bare attempt, whether right or wrong, for Congress to jump out from under the responsibility and put it all over to the President, and say, "Here, you pass this law."

Mr. LEE. I assure the Senator that is not the spirit in which it was introduced; and if I had not already 2 years before introduced a bill (S. 1650) worked out in detail, I think perhaps the Senator would be in a fair position to say that that was what I was trying to do. I was introducing the bill I have been discussing, I may say to the Senator, with the hope of focusing attention on the principle, and with the hope that we would work out a bill which would do the very thing I am proposing, and I had hoped to call more attention to that proposition. I wanted to center debate on the fundamental principle of whether or not we should draft capital. Every time I bring up the complete bill which provides the machinery for actually drafting money the argument revolves around some inconsequential about which I am not concerned. Therefore I used this method of centering attention on the fundamental principle.

As to the second bill, the one which I have just introduced, it is worked out in a little more detail, but it does not cover all the details covered in the other one. In other words, I am willing to do anything at all to focus attention upon this important problem at this important time. That was the purpose and the spirit in which I introduced the bill. I grant everything the Senator says, and that is my view, but it was introduced simply for the benefit of those who were objecting to details when I wanted to discuss the principle. I wanted to know if they favored the principle.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. WHEELER. The Senator does not think the President would object to our granting him the authority covered by the bill, does he?

Mr. LEE. I have not discussed that with the President.

Mr. NORRIS. Does the Senator know about that? Does the President want to get this authority, and have we not stamina enough, even if he does want it, not to give it to him? It is our responsibility, and we should assume it, and we should have courage to do what is proposed if it is done at all. It is not fair to the President. I do not have any idea that he wants to take this responsibility. The cry has been raised against the President for the last 2 years that he wants to be a dictator. It seems to me this bill comes pretty near to making him a dictator.

Mr. CONNALLY. Mr. President, will the Senator from Oklahoma yield?

Mr. LEE. I yield.

Mr. CONNALLY. Let me say to the Senator from Nebraska, although I did not hear the bill in detail, that Congress cannot give the President the authority; we cannot delegate our legislative authority.

Mr. NORRIS. Then what is the use trying to do that?

Mr. CONNALLY. I am not in favor of trying it. I am agreeing with the Senator, but for the benefit of the Senator from Oklahoma, I should like to advise him that we could not give up our legislative power and confer it on the President, even if we desired to do so. We cannot do it.

Mr. LEE. I do not want to, and I am sure the President does not want it, but I must repeat, in the legislative field, the Senator from Nebraska himself has probably led in finding different devices and ways of calling attention to something which he thought was worthy in order to focus attention on it, and to get interest and support for it. That is my only purpose; and my first plan and love, so to speak, is the bill I introduced 3 years ago, which has been on the Senate Calendar for 2 years, and on which there have been hearings, which has been reported favorably by the Senate Committee on Military Affairs 2 successive years, and is worked out in detail. In effect, it merely amounts to this, that in such an emergency as calls for the drafting of manpower the Government shall make a survey of the financial ability of different people to lend, and, on the basis of that, issue bonds of convenient size, and require each one to buy his share of the bonds as the money is needed. In other words, it merely changes the old method of financing war in three major particulars. The purchase of the bonds shall be mandatory instead of voluntary, and the amount purchased shall be determined by a schedule, which is all worked out to the last degree in the bill, and which is patterned after the income-tax schedule, that each person shall buy in accordance with his ability, instead of as a result of pressure or patriotism; and that, third, there shall be no profits resulting from the bonds.

The most important point of a measure to draft money, or have the mandatory power to mobilize the financial resources of the country, the most important thing, as I see it, is that the Government, by a plan like that, could get money as it was needed. It is true that the voluntary system of enrolling men for service might supply us with the men we need at first, but the trouble is that we get too many at one time and not enough at another. But by the establishment of a systematic method of a selective draft, Uncle Sam says to each boy, "When I need you, I will call you," and takes them in a systematic manner. The same applies to money. During the World War it was argued that we raised all the money we needed by voluntary draft.

Every nation that has ever been in a major war that lasted a long time has come to the point where it could no longer raise money by the voluntary method, and then it turned to inflation, and started printing money, and destroyed the economic fabric within it. The worthless currency of the South and the depreciated greenbacks of the North, during the Civil War, showed what desperate efforts those two governments were making after their system of raising money by the voluntary plan had broken down.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. CONNALLY. The Senator's plan is devised so as to make people buy the bonds, but it does not go to the question of getting the money to pay the bonds, does it?

Mr. LEE. Yes; it does.

Mr. CONNALLY. Has the Senator included in the bill a tax schedule?

Mr. LEE. No; I did not understand what the Senator meant.

Mr. CONNALLY. For these bonds we make them buy we will have to pay sometime. How are we to pay for them unless we levy taxes?

Mr. LEE. The Senator is correct; he cannot get an argument out of me on that.

Mr. CONNALLY. I do not want an argument with the Senator.

Mr. LEE. I agree 100 percent with the Senator's plan and am for it. My bill has one paragraph in it which states—and that is the theory of it—that it is the sense of the Congress that as fast as money is collected through tax bills which is not needed immediately by the Government, it shall be used to pay off the bonds. In other words, collect the money by excess-profits tax on the one hand, and pay off the bonds as we collect taxes on the other.

But in spite of that we still have to borrow.

What happens to a country when it can no longer raise money by a voluntary system? It turns to the printing presses and destroys itself within before it breaks down on the front line.

Two things are essential to win a war—men and money—and if you have one and do not have the other you are still licked. That is why we must have a machinery set-up that can reach the finances of the country, can reach the wealth of the country.

What good would it do us to have an Army of 3,000,000 men if we could not arm those men and feed them and clothe them? The Constitution recognized that when it said:

> Congress shall have power to raise and support armies.

"Raise and support"—two words connected by a conjunction. They are coexistent. Congress has just as much power to equip an army as it has to raise an army, and the power is just as mandatory, and to do one is to do the other.

We have the power. Why not use it? The plan simply means that you can get the money when you need it.

Now, those who want the old system may argue, "Well, we oversubscribed the Liberty bonds." Let us see about that. We oversubscribed the Liberty bonds, that is true, but that statement is very misleading. We can only understand that after we visualize the tremendous flamboyant campaign that was put on in this country in order to sell those bonds. Every successive campaign for the sale of bonds cost just twice as much as the preceding one.

What about the oversubscription of the bonds? After all the high-pressure salesmanship that could be exerted by the committees, the oversubscription of the first bond issue was 52 percent; the oversubscription of the second bond issue was 54 percent; the oversubscription of the third bond issue was 39 percent, and the oversubscription of the fourth bond issue was 16½ percent. The oversubscription of the fifth bond issue was 16⅔ percent. In other words, with all the high pressure and all the ballyhoo that we could raise in America, that greatest campaign of propaganda the world has ever known—the oversubscription dropped from 52 percent to 16⅔ percent.

What were we doing with respect to the interest rate at that same time in order to keep selling the bonds, in order to entice the money out of hiding? On the first bonds the interest rate was 3½ percent. On the second issue of bonds the interest rate was 4 percent. On the third issue of bonds the interest rate was 4¼ percent, and on the last issue of bonds the interest rate was 4¾ percent. And if war had continued there is no telling what we would have had to pay in order to get money.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. NORRIS. I simply want to call attention to what might be misleading in what the Senator has said with respect to the rates of interest. As I remember—I may be wrong about it, but I think it is a well-remembered fact that the first issue of bonds drew 3½ percent, and they were tax-free entirely. That tax-free element did not apply to any subsequent issues of bonds. Is that not correct?

Mr. LEE. The Senator is partially correct. There were tax exemptions connected with them, but there were also——

Mr. NORRIS. There were tax exemptions. They were, as I remember, free from the normal tax, but not free from the other tax. The first issue was entirely tax-free, except as to inheritance tax.

I may be wrong, of course, and the Senator from Oklahoma may be right, but I still believe that the Senator is in

error about that matter. I think the first issue of 3½-percent bonds was entirely tax-free.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. CONNALLY. Let me say to the Senator from Nebraska that my recollection coincides with his own. I know that the first 3½-percent bonds were absolutely tax-exempt.

Mr. NORRIS. That is what I said.

Mr. CONNALLY. I would not be sure about the estate tax, but I am sure, though, that they were absolutely tax exempt. The curious thing about it was that the subsequent issues, the 4¼'s, the 4½'s, and even the 4¾'s, which were subject only to the surtax, were selling down in the 80's and in the 90's when the 3½'s were above par, because of the tax-exemption feature. I remember that distinctly.

Mr. LEE. The war was financed by tax-exempt bonds. To what degree each issue was exempt from taxation I do not remember. But the fact still remains that the first bonds bore 3½-percent interest, the next issue of bonds bore 4-percent interest, the next issue of bonds bore 4¼-percent interest, and the last issue of bonds bore 4¾-percent interest, and at the same time the costs for selling these bonds was doubled with every successive campaign, and the campaign committees will admit that it became increasingly more difficult to sell their quota of bonds. I would not want to mislead anyone. I pay tribute to those who went out and sold the bonds, and I think men with lesser courage and lesser energy than they would have failed in that job. That is why I think we ought to have a plan, we ought to have the machinery, we ought to have a law that will make it possible for the Government to reach out and get the financial resources of this country for use for national defense just as we are planning a system for the Government to reach out and get the manpower of this country for national defense.

I thank the Senate for listening to me.

THE JUDICIARY

Mr. CONNALLY. Mr. President, I ask unanimous consent that as in executive session the nomination of Mr. Steve M. King, to be United States district attorney for the eastern district of Texas, be confirmed.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. CONNALLY. Mr. President, I ask unanimous consent that the President be notified of the confirmation of this nomination.

The ACTING PRESIDENT pro tempore. Without objection, the President will be notified.

"FIFTH COLUMN" HYSTERIA

Mr. GIBSON. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a statement made by Hon. George D. Aiken, Governor of Vermont, on June 8, 1940, warning against "fifth column" hysteria. I think the statement is very appropriate at this time, when there is so much hysteria about the "fifth column."

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

GOVERNOR AIKEN ON THE "FIFTH COLUMN"

Following is a statement made by Gov. George D. Aiken, of Vermont, warning against "fifth column" hysteria leading to persecution of refugees which was issued June 8, 1940:

"The State of Vermont is famed for the quality of its justice, but a situation exists today that casts reflections on our State. I refer to the several instances of alleged persecutions of refugees from foreign countries now living in Vermont and of others whose names are of foreign extraction or who are of foreign descent.

MAY HARM INNOCENT

"Some rumors have been given such wide publicity as to cause irreparable harm to innocent people, yet investigation has proved that to date not one single charge has been found to have any foundation in fact. The only law that has been broken has been broken by those who bear false witness against their neighbor.

"There are undoubtedly foreign agents in America. There may be one or more in Vermont, but for every one of these there are a thousand loyal citizens of foreign extraction who came to America for the same reasons that our own ancestors came—to seek liberty and the chance to earn an honest living. They are among our most enterprising and loyal citizens. And many are here because they are political exiles from a form of government repugnant to all liberty-loving people.

TO BE DECENT

"I ask all Vermonters to be decent to such people even as you would want people to be decent to you if you were driven from your homeland and forced to live in virtual exile.

"If you feel that any person's activities are such as to warrant investigation, report the matter at once to the F. B. I. at Burlington.

"Don't shout your suspicions from the roof tops lest you do harm to innocent people. And don't be swayed by the sensational charges of publicity seekers who would call attention to their own patriotism by decrying that of others."

PEACETIME CONSCRIPTION

Mr. REYNOLDS. Mr. President, I appreciate the fact that our honorable colleague who now presides over this body, the chairman of the Military Affairs Committee in the Senate, is extremely anxious to resume consideration in committee of the conscription bill which the committee is now considering. I shall, therefore, consume the time of the Senate for only a very brief period.

I wish to approach and briefly discuss two subjects which were brought to the attention of this body today by the senior Senator from Michigan [Mr. VANDENBERG]. In reference to conscription, he mentioned the bill which is now before the Military Affairs Committee of the Senate for consideration. In that connection, at this juncture in my remarks, I ask that there be printed an extremely able editorial from today's Washington Daily News entitled, "Selective Service," in support of the compulsory military service bill which we are now discussing.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, of July 25, 1940]

SELECTIVE SERVICE

The writer of this particular editorial has a family, and is past 31, and, therefore, he would in all likelihood be among those exempted (in peacetime, anyway) from the 1-year compulsory military training called for in the Burke-Wadsworth bill now pending in Congress.

So perhaps he is talking out of turn when he writes in support of such legislation. Even though he did squads right and bayonet practice in 1918, and even though he has a son who will be of military age in a very few years, he feels a certain timidity about urging a policy which would require hundreds of thousands of men other than himself to sacrifice a year of freedom.

But, with those apologies, consider these facts:

1. The American people have made it overwhelmingly clear that they want and demand preparedness. No matter how wide the Atlantic and Pacific, they know that the future is unpredictable.

2. They know that the planes and tanks and ships and guns now being fabricated would be useless without trained and disciplined men to operate them.

3. Some of them recall that in the World War we sent many green troops (and green officers) to France, with sometimes hideous results.

4. They realize that when large numbers of men are needed the volunteer system is irregular and inadequate; it yields too few men, and it does not provide the proper proportions of men with the needed skills and aptitudes.

5. They know that a selective draft, if efficiently conducted, can be accomplished with a minimum of dislocation to industry and society, and they know that it is a fundamentally fair and democratic process.

There are honest critics of conscription—men who say our fears are magnified beyond reason; men who still think in terms of a nation springing to arms overnight in time of emergency; men who think a great armed force would be more apt to draw us into war than to keep us out.

To them we cite the recent case histories of European powers that are no longer powers but only puppets, and the present plight of unprepared England.

Perhaps, as the saying goes, it is later than we think.

Even though the selective draft would put the cream of American manhood into barracks for a year, a year that the draftees might prefer to spend in work and play, can we afford to pass it up and take a chance?

Mr. REYNOLDS. Mr. President, our military authorities have found it somewhat difficult to secure for service in the armed land forces of the United States men in sufficient numbers to fill the ranks of the Regular Army. They have been able to do so only after generous advertising in the periodicals of the country. In view of the fact that we have authorized and appropriated to date this year approximately $18,000,000,000—not $18,000,000 but $18,000,000,000—for the purpose

of providing an adequate and perfect national defense, it would be asinine to make such appropriations for military equipment, arms, and implements of death without providing a sufficient number of men to handle and man the $18,000,000,000 worth of military equipment in the form of artillery, submarines, and battleships. I am of the opinion that at the present time we must have some sort of conscription of American manpower in order to be able to obtain sufficient men to man the $18,000,000,000 worth of equipment for the purpose of protecting the shores of America.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. REYNOLDS. I am delighted to yield to my distinguished colleague.

Mr. VANDENBERG. Let me submit a question to the Senator. Let us agree that there must be an expanded defense personnel corresponding to the expanded defense equipment. Let us agree that that is necessary.

Mr. REYNOLDS. Of necessity the number must be considerable, in view of the amount of equipment which $18,000,000,000 will purchase.

Mr. VANDENBERG. Now let me proceed with my question. If the essential personnel can be obtained under the traditional American peacetime volunteer system, does not the Senator prefer to obtain it in that way?

Mr. REYNOLDS. Naturally.

Mr. VANDENBERG. Very well.

Mr. REYNOLDS. But——

Mr. VANDENBERG. If the Senator will permit me, I say to the Senator that no adequate effort has been made to obtain it on a volunteer basis. On the contrary, if anything, the volunteer system has been subordinated and submerged. If the young men of the country were given the opportunity to enlist on a 1-year basis instead of a 3-year basis, as proposed in the conscription bill, we should have 1,000,000 men in 3 months. No such invitation is offered on a voluntary basis. No effort is made to meet the situation on a volunteer basis. The whole effort is to rush to conscription. So far as I am concerned, I will not be rushed into conscription in peacetime in America unless it is the last recourse instead of the first.

Mr. REYNOLDS. I am thoroughly in accord with the views of the Senator to this extent: If we could secure sufficient manpower on a voluntary basis to handle the defense program provided for by the tremendous authorizations and appropriations, unquestionably it would be much better for our country. However, we must of necessity admit, much as we dislike to do so, that when we bring about conscription in peacetime we are, in a sense, approaching the methods and procedure which have been utilized to advantage by the totalitarian powers.

Mr. VANDENBERG. Yes; and we are destroying 150 years of history in respect to the rights of individual American citizens.

Mr. REYNOLDS. In partial answer to another phase of the Senator's inquiry, I may add that not so long ago I was in the metropolis of New York, at which time I took advantage of the opportunity to visit Governor's Island. There I talked to the commandant and members of his staff. In addition, I have talked with others high in military authority. I have learned that many months were required to secure men in sufficient numbers to fill up the ranks of the Regular Army as presently constituted and provided for. I have been told by those in authority that if we are to build up the ranks of the Regular Army to the extent of 400,000 men—which number we anticipate at the present time—exclusively by the voluntary system, it will be necessary for us to lower the present physical and mental standards and requirements. I say again that I very much hope that we may be able to do so through the volunteer system.

In the consideration of the conscription bill before the Military Affairs Committee of the Senate, of which I am a member, we have seen fit to suggest to the Members of this body that all boys between the ages of 18 and 21 who are not contemplated for actual conscription under the bill be provided an opportunity to volunteer their services to their country. Why? Because we know that, if and when the bill is passed, many hundreds of thousands of the youth of our land will have finished high school, or grammar school, in some instances, and they will then be desirous of going into the service for a period of 1 year and placing that service behind them, so that their future will not be interfered with. If they should not volunteer between the ages of 18 and 21, they might be in college when they became subject to conscription. Those administering the law would have the right to exempt them for one reason or another, but many would like to take advantage of the opportunity to render the service contemplated by the bill at a time when such service would not interfere with their future.

Mr. President, these matters are now being discussed preliminarily, even before the Senate Military Affairs Committee has favorably reported a bill and at a time when the Military Affairs Committee of the House are holding hearings; and it has not, therefore, presented a bill to that body of the National Congress.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. ELLENDER in the chair). Does the Senator from North Carolina yield to the Senator from Colorado?

Mr. REYNOLDS. I shall be delighted to yield.

Mr. JOHNSON of Colorado. The Senator has referred to the voluntary provision which has been inserted in the bill. How many applicants does the Senator suppose will be acquired through that voluntary procedure?

Mr. REYNOLDS. I have not the slightest idea. I know, however, that I have received at my office quite a number of letters from youngsters who, having been informed of the bill that is under contemplation, have made inquiry as to whether or not they would be able to volunteer their services, rather than wait for the time when they would be conscripted if the bill should be enacted.

Mr. JOHNSON of Colorado. I have the same kind of inquiries, which lead me to believe that the voluntary applications will be tremendous. I am inclined to believe that the Senator from Michigan has put his finger on the very thing—that if we should open this matter to voluntary enlistment instead of conscription under all the other provisions of the bill—the 1-year intensive training, and so forth—we would have many, many times the number of men that would be required.

Mr. REYNOLDS. I thank the Senator very much for his contribution. I recall with appreciation remarks that he made in the committee in regard to his opinion in reference to volunteers. I would that our Army now would herald to the youth of the Nation the fact that we would accept enlistments in the Regular Army of the United States for a period of 1 year. I unhesitatingly say, regardless of my opinion and interest in the bill now being considered, that I should like to see the ranks of the Regular Army filled up, and to see enough young men of the country volunteer to man all the arms and equipment that will be purchased and set up as a result of these appropriations and authorizations to the extent of approximately $18,000,000,000, because unless it is absolutely necessary, I say to you, Mr. President, and to my colleagues, I do not want in any sense of the word to follow the totalitarian powers that conscript their manpower not only for war, in many instances, but in others for industry.

Mr. President, in addition to that, I heard the able Senator from Oklahoma [Mr. LEE] discuss the question of raising money if we should become involved in war; and there was at virtually the same time a discussion of the question of how we will draft men, and when, if we become involved in war.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. REYNOLDS. Personally I am not giving any consideration to the question of raising money if we become involved in war. I am not giving any consideration to the question of how and when we shall draft men, and in what numbers, if we become involved in the war, because, Mr. President, I will never vote to send a single son of an American mother to settle somebody else's wars.

I will never vote to send soldiers from these shores to meddle in the controversies of other people who are killing one another merely for the purpose of ascertaining who shall remain or become supreme.

I am very happy now to yield to the Senator from Montana.

Mr. WHEELER. Mr. President, the inquiry has been made, Why are we raising a million men if we are not going to get into the war?

I desire to say to the Senator that I am thoroughly in accord with what he says—that when we are spending this $14,000,000,000, or whatever the amount is, if we are going to make any use of the mechanized equipment, we, of course, must have men to operate it. I thoroughly agree with what the Senator from Michigan has said, and with what the Senator from Colorado has said——

Mr. REYNOLDS. And with what the Senator from North Carolina has said.

Mr. WHEELER. Yes; and with what the Senator from North Carolina has said—that if we put the matter of a year's service upon a voluntary basis, I have not any doubt in the world that we shall then be able to get the necessary men voluntarily; but I deplore the idea that we are going, in peacetime, to conscript the youth of the country and conscript everybody else. I say that a step of that kind in the United States at this time will be taken by a tremendous majority of the people of the country as a step toward totalitarianism. That is what Mr. Hitler did. That is what Mr. Mussolini did. That is what Mr. Stalin did. All of them conscripted the wealth and conscripted the youth of their respective countries.

Referring to the matter of conscripting the youth of the country in time of peace, a moment ago I stated that Daniel Webster said that we have more right to conscript the property of the country—and by "property" he did not mean taxes, he meant capital—than we have to conscript the lives of the youth of the country in time of peace.

I do not believe it is necessary in the United States at the present time to conscript the wealth of the country, and I do not believe it is necessary at this time to conscript the youth of the country. I think it is only stirring up war hysteria in the United States; and I do not think we are in any emergency except the emergency that is caused by unemployment and by bad economic conditions in the United States. The only emergency there is from outside is what is conjured up in the minds of a few persons in the United States who want to see us go to war and send our boys and send planes either to Asia or to Europe. I am heartily in accord with what the Senator says; and I repeat that so far as I am concerned, I will never vote to put this country into a European or an Asiatic war unless we in this country are attacked.

That is the position which was taken by the Democrats in their national convention; and I desire to call attention to that fact.

Mr. REYNOLDS. Let me say here, if I may interrupt for just a moment, that the able Senator from Montana was largely instrumental in bringing about the employment of certain words and phrases that were needed in that platform. I think the mothers of America owe him a vote of thanks for his interest in the matter, and the time and attention he devoted to it in Chicago, when he insisted upon the adoption of a platform that would at least insure the mothers of America some peace by way of bringing them to the belief that their sons would not be forced to serve on foreign soil or shores.

Mr. WHEELER. I was not alone in that. I thank the Senator for the compliment, however.

Mr. REYNOLDS. I know that the Senator from Montana [Mr. WHEELER] and the able junior Senator from Nevada [Mr. MCCARRAN] were the leaders of the forces at Chicago during the convention that insisted, and successfully insisted, upon the platform which was finally adopted.

Mr. WHEELER. I thank the Senator for the compliment, but I was not alone in that.

Mr. REYNOLDS. It is no compliment at all; it is just a statement of fact.

Mr. WHEELER. The Senator from Mississippi [Mr. HARRISON] was a member of the subcommittee, and the Senator from New Mexico [Mr. HATCH] and the Senator from Massachusetts [Mr. WALSH] and the Senator from Tennessee [Mr. MCKELLAR], and they were practically unanimous.

Mr. REYNOLDS. Let me interrupt to embody those of my colleagues likewise in that tribute.

Mr. WHEELER. I desire to say that I am sure that if it had been suggested or proposed in the subcommittee that the Democratic Party should go on record in favor of peacetime conscription, it would have been thrown out. If it had been made in the full committee, I am sure it would have been thrown out; and if it had not been thrown out there certainly some of us would have taken it to the floor of the convention. I think I know something of the temper of the convention; and I am sure the temper of the convention was that there would not have been any peacetime conscription put across in the Democratic convention.

Those who were around the edges suggesting that a resolution should be introduced with reference to peacetime conscription did not have the temerity to offer such a resolution, either to the subcommittee or to the full committee or to the convention, because they knew it would be thrown out if offered.

There is no necessity of our being stampeded into the idea that we must have peacetime conscription, and hurry such provision through the Committee on Military Affairs, or the House committee, and then through the Senate. The people of the United States are patriotic. The youth of this country are patriotic. There are millions of young people walking the streets in our country today, coming out of the schools and the colleges of the United States, who wish to get some kind of training. They want something to do. Give them a chance to volunteer for a year, and I am sure they will volunteer in sufficient numbers to man all of the mechanized equipment we have. I plead with the Members of the Senate not to put through compulsory conscription for the United States, unless it is desired that the people get the idea that we are going down the road to totalitarianism, the same road that has been followed in the countries across the water. In my judgment, the American people will never stand for it, and the Democrats who vote for it before the coming election, in my opinion, will be driving nails in their coffins.

Mr. REYNOLDS. Mr. President, I am very happy to have yielded to the Senator. I always find his arguments very convincing. I wish to repeat that I hope sincerely that we will be able to secure a sufficient number of men to man the $18,000,000,000 worth of equipment, rather than have to resort to compulsory military service in peacetime. That is the question with me. We all must agree that since we have appropriated or authorized approximately $18,000,000,000, and we voted for it, at least a majority in this body voted for it, now that we have authorized these appropriations, it is up to us, and we cannot back down, to provide the men to handle the equipment.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. REYNOLDS. Gladly.

Mr. VANDENBERG. The Senator constantly reiterates this fabulous figure of $18,000,000,000, and he invites the inference that that accumulates an immediate pressure upon us to parallel that $18,000,000,000 with a personnel of similar magnitude. I want the Senator to say in the same connection that that $18,000,000,000 program will not be completely expended until 1948.

Mr. REYNOLDS. I recognize that. I may say that yesterday I was in the Navy Department conferring with one of the admirals, who told me that the contracts let for present construction were, according to my recollection, ten times greater than during the emergency days of the World War or just prior thereto.

I recognize that these authorizations and expenditures will continue over a period of years, and that the money will not be spent all at once. Certainly we cannot assume to draft

and to train men unless we have the proper equipment with which to train them. I am making the point that we have made expenditure of $18,000,000,000, and I wish to admit, insofar as my attitude is concerned, that I feel that we have made these tremendous appropriations, in a sense, whether we realize it or not, because there is more war hysteria and feeling in this country today than there was actually at times and periods prior to our entrance into the World War in April 1917.

Mr. VANDENBERG. When the American people are put on a conscript basis, what is left to separate us from a complete totalitarian war status? Nothing is left except to pull the trigger, and I am not willing to get that close until it is necessary.

Mr. REYNOLDS. In addition to that, I wish to observe that prior to 1917, in April of which year we entered the World War, those in charge of our Government did everything they could to keep the country neutral and to keep the minds of the people of the United States in a neutral channel.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield.

Mr. WHEELER. President Wilson repeatedly advised the people of this country to keep their minds neutral. I do not recall that he ever made a statement to the contrary, always advising the American people to be calm, and to try to keep down hysteria.

Mr. REYNOLDS. That is quite correct. As a matter of fact, he went so far as to issue a proclamation to the people of the United States not to evidence their choices in the controversy that was taking place in Europe at that time.

I am reminded of that because night before last I went as an invited guest to Keith's Theater, where, no doubt, many of my colleagues were present, and during the course of the projection of the film, as the story was being unraveled upon the screen, there appeared a facsimile of a proclamation issued by President Wilson asking the people who attended the theaters not to evidence by applause their choices in the controversies in Europe. We know that the people of this country are very much wrought up. We know that many people in this country have their choices on the other side. We know that the American people are certainly sympathetic with the Allies—I mean with the ally, because France having been conquered, she is no longer an ally of Great Britain. As evidence of that, and as evidence of the fact that no restraint is being requested on the part of the people, when Mr. Winston Churchill's picture appeared on the screen night before last he got more applause than when the American flag was thrown on the screen.

I bring this matter to the attention of my colleagues because they all know, as I do, that we are hysterical about the situation, and when we reflect, we know there is no use being hysterical, and there is no use of our thinking that Mr. Hitler or Mr. Mussolini is coming here tomorrow. Hitler is having a hell of a time crossing a little old ditch from Europe to England. [Laughter.] What sort of a time would he have in crossing 4,000 miles of water?

We have plenty of time, and I say that we should carry out the program proposed with a view to providing the best we can get for the lowest number of dollars. There is no use making haste, because, as my colleagues know, haste makes waste. In addition to that, we cannot get the benefit we would receive if we went about the matter reasonably and built up the kind of a national defense the American people wanted us to construct for their protection. If we go at the matter hurriedly, much of the money will go down rat holes, and there will be a hell of a lot of rats at the ends of the holes to get the money. Consequently, I think we should be reasonable about the matter, and not get excited.

There is another thing in respect to the situation. I know that the War Department and that all the men in the Federal Government are doing all they can to carry out the program on time and to do the best job possible. But we are going to have to watch the program. The Members of Congress have the duty as best they can to make observation as to the fortifications being redeveloped in Puerto Rico and the additions which are being made at the Panama Canal.

For instance, I happen to know of one contractor who is doing several million dollars' worth of work, who secured his contract on a competitive basis, to get so much under the contract.

There is another contractor next door to him who is doing his work on a cost-plus basis. The result is that the man who has the cost-plus contract is getting the laborers from the other man over here who has a straight out-and-out competitive contract. The latter man is powerless to keep his men from leaving him and going onto the rolls of the other man because the other man, as I am told, is offering higher wages, and he can pay higher wages because the Government is paying those wages, and he is getting a profit over and above those wages, whereas on the other hand the man who has a straight out-and-out competitive contract cannot do anything. So I say we must watch these things for the time being.

Mr. President, the able Senator from Michigan [Mr. VANDENBERG] today brought to the attention of the Senate a petition signed by 1,200,000 Americans. I want to take advantage of the opportunity to read the heading of this petition:

> As believers in God and country and the American system of life and government, we, the undersigned, petition the Congress of the United States to outlaw communism, nazi-ism, fascism, and all other forms of un-American activity within our borders, and to keep America out of foreign wars.

That petition was sponsored by the Reverend Gerald L. K. Smith, national chairman of the Committee of One Million, who is located in Detroit, Mich. I want to pay high tribute to the Americanism, the patriotism, and the worth-while activities of that gentleman. I would there were more people in the United States doing their best to keep this country out of war rather than involving it in war. The Reverend Mr. Smith is deserving of the praise and the thanks of the American people for his activities along that line.

Mr. President, we are talking about war and how to raise the money for a future war when we have not paid off the debts of the last war. Here we are talking about how to draft men for future wars, when we have not made arrangements to take care of the disabled and the deserving ex-soldiers of the last war.

I say that before we even consider sending any of our boys to their death upon foreign shores we should first consider taking care of the veterans of that other war by providing beds for them and adequate hospital facilities in this country. I say that before we contemplate going into another war, Mr. President, we pay the debts of the last World War.

There has been some talk about the selling of bonds. Bonds have to be paid back. We are talking about raising money for the next war and I want to say to the Senate right now that if the people of the United States, those who pay taxes, knew how much they are going to be called upon to pay as the result of the billions of dollars we are expending now, they would say, "No, let us not talk any more wars. We have not paid for the last war. We have not provided the money for the defense appropriation we have made now."

That is what we ought to do. As we make these appropriations and authorizations, which the American people are demanding that we make to build up our defense, I think that on the same day we ought to send the tax collectors out and collect the money, because when it is all over some people will say, "Why has my income tax been raised? Why do I have to pay all this money to the Government?" Then they will be told, "Why, you ordered it. You said you wanted us to make these appropriations, and you knew at the time you did it that you would have to pay for it, and that is why we are going to collect it now."

But some people are going to forget that when the war hysteria dies down, and they are going to raise the dickens about it. They will forget all about the fact that they have demanded that we do this and that, and when we come before them several years from now and they are squawking about the tremendous taxes and the burdens placed upon their shoulders we will say, "Do not blame us. You suggested it. You requested it, and you wanted it then. You demanded it."

The time to collect the money for this tremendous national-defense program is right now, when those who are demanding that these appropriations be made can be called upon to pay for them.

Mr. President, why consider a future war? Why consider a future war from the standpoint of providing money for the conscription of boys in that future war when there is more danger right here within our own midst than exists for us in other countries.

The Reverend Gerald L. K. Smith, being aware of that, has done what? He has had attached to these petitions 1,200,000 signatures, petitioning the Congress of the United States—to do what? To outlaw the Communist Party, to outlaw the German-American Bund, to outlaw the Fascist organizations in this country, and to outlaw all other forms of un-American activity within our borders.

So today, while the Reverend Gerald L. K. Smith is speeding back to Detroit, Mich., I want to say to him that I am in 100-percent accord with what his petition sets out, because for the past 3 years I have been suggesting that we destroy the subversive un-American forces within our midst before alien enemies and termites destroy us.

I thank the Reverend Dr. Smith for his fine cooperation in the presentation of the names of 1,200,000 men and women through the able senior Senator from Michigan.

I wish further to say to the Reverend Dr. Smith that before these petitions were presented here I had introduced in this body a resolution that would destroy, that would outlaw, the Communist Party, the German-American Bund, and all other similar organizations in this country. I wish to say to the Reverend Gerald Smith that there are millions upon millions of people in the United States who share his attitude in reference to that matter, because our danger is from within. We must destroy the enemy within our homes, within our own land, before we make appropriations to meet attacks from those 3,000 miles beyond one ocean and five to six thousand miles beyond the other ocean.

Mr. President, I wish to apologize to our Presiding Officer for having taken up this time, because I know how interested he is and how anxious he is to get back to the Senate Committee on Military Affairs for further consideration of that most important bill in which we are all interested.

In conclusion, in order that I may not be misunderstood, let me repeat that I believe that no member of the committee, if he thought we could obtain the men we need in our national-defense program through voluntary enlistment, would want a conscription law. If anybody could show me that volunteers would come in sufficient numbers to fill up the ranks of the Army and to man the mechanized equipment we have in mind for the development of national defense, I should not want conscription. But the evidence we have before us from high officials is to the effect that voluntary enlistments would not be sufficient.

Mr. President, I am an isolationist. I am a noninterventionist, and I have no apologies to make to anybody. I think that our duty is to the American people. I do not think it is incumbent upon us to murder our boys and bankrupt our Nation to settle territorial lines in Europe or in Asia.

I shall remain an isolationist, because I am interested only in the people of the United States. As an isolationist, I believe that our Government would be much better off if we should devote our time, our energies, and our money to the welfare of the American people, rather than try to police the world, settle everybody else's wars, and take care of the men, women, and children of the world, while at the same time neglecting our own people.

In this connection, I ask that there be printed in the RECORD at this point an editorial entitled "Isolation Vindicated."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Enquirer of July 8, 1940]

ISOLATION VINDICATED

A short 2 months ago there were very few people in the United States who would have paid any attention to a warning that the Anglo-French alliance was fast approaching a complete break-down. But the break-down has come all the same.

One great lesson which America must take to heart, as a consequence of the momentous upheaval occasioned by the destruction of the Anglo-French military, political, and economic combine, is that it is incumbent upon her, in her own vital interest, to keep resolutely free from commitments in Europe and Asia.

Once more it is easy for all Americans to perceive, if they have the will to do so, that George Washington was eternally right when he went to such pains to impress upon this Republic the folly and disaster which must inevitably result from our refusing to stand on our own soil and becoming involved in trans-Atlantic affairs.

It cannot be denied that there are men occupying key national positions in Washington and elsewhere who, if they could but have discovered a means of carrying out their hearts' desire, would have placed the United States in the current European war, side by side with England and France, just as soon as hostilities began last fall. Leaving aside all other factors, had we been stampeded into the conflict, we would have been doomed to defeat because of our distressing unpreparedness and the lack of capacity in those who would exercise dictatorial powers in Washington to wage a successful war of such gigantic proportions.

Notwithstanding what has occurred in Europe since last September, there are still in our National Capital men who long to play the ghastly game of war with the young bodies of millions of American boys. They have learned nothing, and have no desire to learn anything, from the epochal smashup between England and France and the other mighty considerations which must be taken into account. Theirs is a madness which the Republic cannot afford, if it would save itself from the trials and terrors of a native dictatorship and the loss of everything which we Americans cherish.

Mr. REYNOLDS. Mr. President, I also ask, in connection with my remarks in regard to the "fifth column," that there be printed in the RECORD an article which I clipped from the Washington Daily News many months ago. The article is from the pen of Mr. William Philip Simms and deals with certain activities in France which were certainly not for the welfare of that country.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PARIS EXODUS

(By William Philip Simms)

SOMEWHERE IN FRANCE, June 19.—Just before I scrambled out of Paris, a couple of jumps ahead of the Germans, I stood with a French labor leader at a window overlooking a street leading to one of the city's southern portals.

The avenue was jammed from curb to curb with heavily laden refugees, many of them afoot and others in automobiles or taxicabs or on bicycles. Some trundled carts in which children were riding. There were even a few horse-drawn vehicles.

It was a dusty, unkempt, exhausted stream of humanity, benumbed by calamities already suffered and by dread of what was to come. The people staggered along, starting and stopping as a few police tried to exert some control of the traffic. Meanwhile, as if lashing these homeless ones on toward a destination unknown even to themselves, there was the ceaseless noise of enemy drumfire from east and north and west.

"I wonder," said the labor leader, "whether you will ever see anything like that in America. For your sake, I hope you never shall."

Then, apparently more to himself than to me:

"That"—pointing to the tragic procession below—"is one of the things that democracies must learn how to avoid. It is a result of a combination of many things—of Trojan horsemen and 'fifth columnists,' of actual enemies, secret and avowed, undermining a country from within.

"It is also the result of the mistake made by sincere supporters of democracy who, while pursuing ends desirable to themselves, wholly forgot that without adequate national defense the social gains, however marvelous, were doomed to be lost, and much more with them.

"What a lesson this should be for the future—for America and for democracy in general. The democracies have a tremendously difficult problem ahead, but it must be solved if any of them is to survive. They must find a way to make capital, labor, and government all realize that the general good of one is inseparably bound up with the good of the others.

"They must find a way to prevent Trojan horsemen and 'fifth columnists' from using free institutions to destroy those same institutions. What I mean is that in Germany and Russia there is no such thing as freedom of speech and assembly and religion—no civil liberty. Those expressing views contrary to the idea of the governments are promptly liquidated.

"Yet agents of Hitlerism and Stalinism, paid and unpaid, have been given free rein in countries like mine—and yours—where they invoke the very freedoms they seek to destroy in order to conceal their nefarious activities.

"Of course, the solution is difficult, but it must be found as a matter of sheer self-defense in such a world as this."

Mr. REYNOLDS. In addition, and in conclusion, I have before me one of the finest articles I ever read in my life, by a man who wields a keen pen, and who has millions of readers daily. We will all admit, I believe, that he has as much

courage as any man who ever wrote an article for publication anywhere in the country at any time. I refer to Mr. Westbrook Pegler. He has "guts," nerve, and courage. He speaks out, and is not afraid to do so. In this article he tells us that we have been too soft with those who are trying to destroy our Constitution. He tells us that those who are trying to destroy our Constitution are the very ones who seek its protection when they are themselves apprehended. I commend to the readers of the CONGRESSIONAL RECORD, and particularly to my colleagues, this article by Mr. Westbrook Pegler, under the heading of "Fair enough." Let me read the concluding paragraphs:

The question is, Shall the Constitution be invoked to facilitate its own destruction? And the answer to that, in a word, is "No."

He concludes:

It still remains to be admitted that some individuals will be falsely accused. Nobody will endorse that, and the blame falls on the Communists, Nazis, and Fascists. But let's have it understood that the American Constitution is not now and never was intended to stand guard over those who conspire against the freedom which it guarantees.

I repeat, Mr. President, that the ones who are now strenuously endeavoring to destroy our Constitution are the very ones who seek its protection when they are apprehended.

I ask unanimous consent that the article to which I have just referred be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FAIR ENOUGH

(By Westbrook Pegler)

This is the day I kick the giblets out of the fine, fastidious interpretation of the United States Constitution which holds that it guarantees to enemies of the liberties written into the document itself the same protection that it offers to loyal Americans.

This paradox is presented in a protest of the Civil Liberties Union against an order of the United States Civil Service Commission which bars anyone "established as a member of the Communist Party, the German Bund, or any Communistic or Nazi organization." The union resents this action on behalf of all the civil liberties of all of us as "a discrimination against citizens because of their political views or connections."

In reply to that I will ask one myself:

Why not discriminate, not only in the civil service, but in every other area of American affairs and in every possible way, against people whose political beliefs and associations commit them to a program of hostility against the American Nation and its liberties?

This wet-eyed, tremulous, Mister-Chairman type of argument has heretofore compelled those who love the Constitution most to grant immunity and license to those who hate it most and are openly or furtively fighting to destroy it. In easier times all Americans have been more tolerant of these enemies in line with the new exploded Hyde Park "let-them-yap-their-heads-off" theory of the English Government. But it isn't merely what they say that makes these enemies of the Constitution dangerous; it is what they do under protection of the very document which they would tear up and what they do or intend to do may be calculated with fair accuracy from what they say and from their associations. If the Communists, the bunds people, and the half-Americanized Italians who rally to Mussolini are to be given the same consideration that is deserved by loyal Americans, the Constitution becomes the shield and weapon of its own foes.

The Constitution never was intended to protect its enemies. It was intended to protect the liberties of the loyal people of the United States, and if it seems a little ambiguous, that is only because its meaning has been fogged up by discussion in the debating schools.

All loyal Americans, at one time or another, take an oath to uphold and defend the Constitution, and nothing in the document itself can be interpreted to mean that they must not "discriminate" against those who plainly indicate a determination to abolish it or "revise" it out of recognizable shape by treacherous, legalistic manipulations of its own provisions and parliamentary sleight of hand.

It was the simple intention of the founding fathers, as it has has always been the faithful purpose of genuine Americans—many of whom, incidentally, were born abroad—to prevent officious interference with the freedom of Americans. Had they meant to forbid the defense of Americanism they would have said so. They did not foresee that Communists, Nazis and, lest they be overlooked in this dangerous time, many half-Americanized Italians would organize conspiracies here to embarrass the people, to assist Stalin, Hitler, and Mussolini in a war on freedom and to sabotage the effort of this Nation to defend itself.

The difficulty in identifying the enemy is exaggerated. The groups to which they belong are legal in the sense that they are permitted to organize. But by their works and loyalties shall ye know them; and the injury to liberty is trivial and unavoidable if a Communist, Nazi, or Fascist is discriminated against by comparison with the injury that liberty will suffer should they win their way.

The question is, Shall the Constitution be invoked to facilitate its own destruction? And the answer to that, in a word, is "No."

It still remains to be admitted that some individuals will be falsely accused. Nobody will endorse that, and the blame falls on the Communists, Nazis, and Fascists. But let's have it understood that the American Constitution is not now and never was intended to stand guard over those who conspire against the freedom which it guarantees.

Mr. REYNOLDS. I am grateful to the Senate.

EXECUTIVE SESSION

Mr. HARRISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGE REFERRED

The ACTING PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Robert Porter Patterson, of New York, to be Assistant Secretary of War, which was referred to the Committee on Military Affairs.

EXECUTIVE REPORT OF A COMMITTEE

Mr. THOMAS of Utah, from the Committee on Education and Labor, reported favorably the nomination of Dr. Clarence Poe, of North Carolina, to be a member of the Federal Board for Vocational Education for the 3-year term expiring July 17, 1943.

The ACTING PRESIDENT pro tempore. If there be no further reports of committees, the clerk will state the nominations on the calendar.

COAST GUARD

The Chief Clerk proceeded to read sundry nominations in the Coast Guard.

The ACTING PRESIDENT pro tempore. Without objection, the nominations in the Coast Guard are confirmed en bloc, and the President will be notified.

POSTMASTERS

The Chief Clerk proceeded to read sundry nominations of postmasters.

The ACTING PRESIDENT pro tempore. Without objection, the nominations of postmasters are confirmed en bloc, and the President will be notified.

Mr. McNARY. Mr. President, have we not omitted the nomination of a United States district attorney for the eastern district of Texas?

The ACTING PRESIDENT pro tempore. That nomination was confirmed earlier in the day by unanimous consent.

Mr. McNARY. Today?

The ACTING PRESIDENT pro tempore. Today.

ADJOURNMENT TO MONDAY

Mr. HARRISON. In accordance with the order previously entered, I move that the Senate adjourn until Monday next.

The motion was agreed to; and (at 1 o'clock and 56 minutes p. m.) the Senate adjourned, the adjournment being under the order previously entered, until Monday, July 29, 1940, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate July 25, 1940

ASSISTANT SECRETARY OF WAR

Robert Porter Patterson, of New York, to be Assistant Secretary of War.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 25, 1940

UNITED STATES DISTRICT ATTORNEY

Steve M. King to be United States attorney for the eastern district of Texas.

COAST GUARD OF THE UNITED STATES

TO BE LIEUTENANTS

Alvin H. Giffin
Joe G. Lawrence
James A. Alger, Jr.
Albert J. Carpenter
Willard J. Smith

TO BE A CAPTAIN

John H. Cornell

TO BE A CHIEF BOATSWAIN

Emile T. Turcotte

TO BE A CHIEF MACHINIST

Martin Lentz, Jr.

TO BE ENSIGNS (TEMPORARY)

Norman Lee Oleson
Preston L. Taulbee

POSTMASTERS

ALABAMA

Max B. Wells, Ashford.
William Lee English, Elba.

CALIFORNIA

Floyd M. Harvey, Adin.
Peter D. McIntyre, Blythe.
Mary B. Janeiro, Decoto.
Charlie M. Seargeant, Manhattan Beach.
Sidney E. Henking, Niland.
May C. Baker, Paradise.
Mark E. Geeting, Placentia.
Mary K. Davis, San Carlos.

IDAHO

Vernon Lance, Eden.

ILLINOIS

Claude Wilson Pyle, Sidell.
Palmer E. Cogdal, Tallula.

INDIANA

Flossie M. Taylor, Maywood.

KENTUCKY

George Taylor Smith, Beattyville.
Frank C. McElwain, Elkton.
Kenneth S. Jones, Greenville.
Octavia M. Sturgill, Hindman.

LOUISIANA

Robert B. Matthews, Castor.
Homer L. Jolley, Morgan City.
Albert G. Boudreaux, Thibodaux.

MARYLAND

Thomas V. McGuire, Western Port.

MINNESOTA

Carl A. Smaby, Halstad.
Emil Ahola, Virginia.

MISSOURI

Ann M. Willibrand, Freeburg.
Amelia C. Walters, Gorin.

NEBRASKA

Agnes E. Sullivan, O'Neill.

NEW HAMPSHIRE

Maude M. Warner, Hancock.

NEW YORK

Annie C. Johnsen, Albertson.
Alice Vaughn Beebe, East Chatham.
Gerald Carmichael, Eastport.
Thomas F. English, Elmsford.
Albert Werner, Gardenville.
Sarah K. Gibbs, Glenfield.
Wilmarth J. Tuthill, Goshen.
Asahel G. Harvey, Hudson.
James Case, Little Valley.
John V. Collard, North Collins.
James P. Doyle, Nunda.
John L. Cass, Palenville.
Daniel F. Sullivan, Winthrop.

OHIO

Helen M. Maag, Foster.
Thomas C. Washington, Grafton.
Garnet W. Reynard, Mount Pleasant.

OKLAHOMA

Oliver H. Graham, Dustin.
William C. Placke, Prague.
John L. McClung, Wewoka.

PENNSYLVANIA

George L. Shuhler, Bally.

WEST VIRGINIA

Grace Loving, Eccles.

WYOMING

Arthur R. Fish, Wheatland.

HOUSE OF REPRESENTATIVES

THURSDAY, JULY 25, 1940

The House met at 12 o'clock noon.

Rev. W. C. Brauer, pastor of the Trinity Evangelical Lutheran Church, Evansville, Ind., offered the following prayer:

To Thee, Heavenly Father, we offer our heartfelt thanks and praise for the bountiful goodness Thou hast so graciously bestowed upon our country. We humbly acknowledge before Thy presence, that we and our people are unworthy of such divine blessings and do deserve that Thou wouldst turn Thy face from us. But, bold in the assurance of the full atonement of our Redeemer, we implore Thee not to remove from our land Thy gracious and divine protection.

Grant unto us ever to be mindful that Thou art Lord supreme and we but Thy servants. In these perilous days give us that wisdom and sincerity of purpose necessary, so that by our deliberations, righteousness and peace, justice and well-being may be promoted throughout the borders of our States. Thine is the power we need; Thine is the kingdom we seek; Thine alone shall be all glory. Amen.

The Journal of the proceedings of Monday, July 22, 1940, was read and approved.

ADJOURNMENT OVER

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ORDER OF BUSINESS

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RAYBURN. Mr. Speaker, it is my understanding that over the week end a great many Members are going on some kind of a first trip on a ship, and it will be impossible for them to make that trip and get back before Monday night. On that account I may state to the membership of the House that on Monday, unless matters come up by unanimous consent, there will be no business transacted.

In all probability, and I think certainly, the T. V. A. bill will be up on Tuesday. On Wednesday, Thursday, Friday, and Saturday of next week whatever bills come from the Committee on Military Affairs and the Committee on Naval Affairs that are necessary as authorizations, under the last recommendation of the President, will be taken up if they are ready, and if the Appropriations Committee is ready the latter part of the week on the additional $4,000,000,000 preparedness measure, in all probaility that will be taken up. I think this will make a rather full program for next week.

Mr. SUMNERS of Texas. Mr. Speaker, will the gentleman yield?

Mr. RAYBURN. I yield.

Mr. SUMNERS of Texas. There are some privileged matters from the Committee on the Judiciary that we might want to take up next week if it could be arranged.

Mr. RAYBURN. If we can carry out the program I have just outlined, of course, that would be fine, if they are privi-

leged matters. If not, they may be taken up the following week.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. RAYBURN. I yield to the gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. As I understand, the gentleman wishes the military-defense bill to come first?

Mr. RAYBURN. That is correct.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. RAYBURN. I yield to the gentleman from New York.

Mr. CELLER. There are a number of rules pending; for instance, a rule for the consideration of a bill concerning wire tapping. Will that measure be held up until the measures the gentleman has spoken of are taken up?

Mr. RAYBURN. Yes. I might state also that there are many rules here that have been reported by the Rules Committee. The order in which they will come up has not been determined, because I certainly do not think we can reach any of them next week.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. RAYBURN. I yield to the gentleman from Pennsylvania.

Mr. RICH. With respect to the national-defense appropriation bill that the gentleman speaks of which the Committee on Appropriations may report out, has the President made a statement as to how he is going to spend that money?

Mr. RAYBURN. The Appropriations Committee ought to know that if anybody does; I do not. That is a matter that is within the province of the Appropriations Committee to develop, and I am not a member of any committee.

Mr. RICH. We certainly ought to know exactly what we are going to spend $4,800,000,000 for. Congress, it seems to me, ought to know about that if we are to make the appropriation.

Mr. RAYBURN. The gentleman is certainly in position to get the answer if anybody is.

Mr. RICH. We will try our best to get it.

ADDITIONAL APPROPRIATION FOR TENNESSEE VALLEY AUTHORITY

Mr. LEWIS of Colorado, from the Committee on Rules, submitted the following privileged resolution (H. Res. 554), which was referred to the House Calendar and ordered to be printed:

House Resolution 554

Resolved, That immediately upon adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for consideration of House Joint Resolution 583, a joint resolution making an additional appropriation for the Tennessee Valley Authority for the fiscal year 1941 to provide facilities to expedite the national defense. That after general debate, which shall be confined to the joint resolution and shall continue not to exceed 3 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, the joint resolution shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the joint resolution for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

CABLEGRAM FROM THE PRESIDENT OF THE CHAMBER OF DEPUTIES OF THE ARGENTINE NATION

The SPEAKER laid before the House the following cablegram from the President of the Chamber of Deputies of the Argentine Nation:

PRESIDENT OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF NORTH AMERICA:

In the name of the Chamber of Deputies of Argentina, I thank the House of Representatives of the United States of North America, through its President, for the respect paid on the occasion of (the celebration of) the declaration of our independence. Greetings to the President.

Respectfully,

CARLOS M. NOEL,

President of the Chamber of Deputies of the Argentine Uation.

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein certain excerpts.

The SPEAKER. Is there objection?

There was no objection.

Mr. BURCH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a resolution passed by the Danville Chamber of Commerce, and an editorial from the Danville Bee.

The SPEAKER. Is there objection?

There was no objection.

Mr. BOEHNE. Mr. Speaker, I ask unanimous consent to extend my remarks and to include a talk delivered by the Reverend O. A. Geiseman, of River Forest, Ill.

The SPEAKER. Is there objection?

There was no objection.

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to extend my remarks and to include a statement by Rev. Charles W. Fillmore, of Indianapolis, Ind.

The SPEAKER. Is there objection?

There was no objection.

Mr. GRIFFITH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a few excerpts from certain letters.

The SPEAKER. Is there objection?

There was no objection.

Mr. FULMER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to insert a short resolution.

The SPEAKER. Is there objection?

There was no objection.

Mr. SUTPHIN. Mr. Speaker, I ask unanimous consent to extend my remarks and to include two brief editorials from the Asbury Park Sunday Press.

The SPEAKER. Is there objection?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a very splendid address delivered recently by Hon. Josephus Daniels.

The SPEAKER. Is there objection?

There was no objection.

Mr. KILDAY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a letter from D. W. Peacock, of the Peacock Military Academy, of San Antonio, to Maj. Gen. Claude V. Birkhead, commanding general, Thirty-sixth Division, Texas National Guard.

The SPEAKER. Is there objection?

There was no objection.

Mr. BUCK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include certain excerpts.

The SPEAKER. Is there objection?

There was no objection.

Mr. BUCK. Also, Mr. Speaker, I ask unanimous consent to extend my remarks on another subject.

The SPEAKER. Is there objection?

There was no objection.

REFUGEE CHILDREN

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, there have been introduced before the Committee on Immigration about six or seven bills relating to refugee children from the persecuted countries abroad. A great demand has been made by Members of Congress and other organizations for a hearing. I rise to advise the Congress that the committee has set hearings for the 7th and 8th days of August, at which time the committee will hear the testimony on all bills relating to refugee children.

EXTENSION OF REMARKS

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks on three different subjects. First, on the subject of mercy ships for the rescue of refugee children; second, on the subject of antitrust laws and labor unions; third, on the subject of merchandising; also to include a

statement of Malcolm T. McNear. I have been informed that there would be an extra charge of $68.

The SPEAKER. Is there objection?

There was no objection.

LEAVE TO ADDRESS THE HOUSE

Mr. PIERCE. Mr. Speaker, I ask unanimous consent that after the disposition of business on the Speaker's table and any other special orders I be permitted to address the House for 15 minutes today.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. POWERS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD at this point and to include therein a short editorial.

The SPEAKER. Is there objection?

There was no objection.

Mr. POWERS. Mr. Speaker, I was astounded to read in the RECORD of July 11 that the Representative from Alabama [Mr. SPARKMAN] attempted to reduce our national-defense program to the realm of partisan politics by making a partisan political attack upon my efforts to launch our Nation upon an immediately effective defense program.

There is no need for me to defend my record for national defense. As ranking minority member of the War Department Appropriations Subcommittee for the past 8 years I have consistently argued, in committee and on the floor of the House, for a greater and more adequate defense program. In fact, back in 1933, 1934, and 1935 I was crusading, with other members of our committee, for more aeronautical research for the Army Air Corps, for more modernization and mechanization of the combat forces, and for proper facilities for training the personnel in the requirements of modern warfare.

It may be noted that the other members of the committee and I were crusading for this when the gentleman from Alabama [Mr. SPARKMAN] was still in private life.

My friend from the other side of the aisle has attempted to criticize my vote against the purchase of 5,500 planes, which were included in the War Department appropriations bills for the fiscal year of 1940.

Certainly I voted against the appropriation for those planes. I argued that of that number, 2,200 were planned to be purchased as a reserve, which meant that those machines, obsolescent when ordered, would be obsolete by the time they were drawn from the reserve. In that same bill I fought to take the money which would be used for purchase of these reserve planes and put it into research and development. It had been my constant contention that this country was not spending enough money on developing a faster fighting plane, one less vulnerable than those our defense forces were then using, and one which had a greater cruising range.

As a result of my efforts, we were able to get sufficient money appropriated by the Congress to make possible a program of research and development. If it were not for that program, we would not have the 400 mile an hour fighting plane we have today—a plane which is equal or superior to anything that flies in the European skies.

For the edification of the gentleman from Alabama [Mr. SPARKMAN] may I say that not one of those 5,500 planes which were appropriated for by the Congress over my protests, were ever delivered to the Army. And I am sure that General Arnold, Chief of the Air Corps, thanks God now that the never had any of those obsolescent planes foisted upon him.

The gentleman from Alabama [Mr. SPARKMAN] challenges also my vote against the appropriation for a third set of locks in the Panama Canal. Certainly I voted against that appropriation. These locks were to be built exactly parallel to, and within a short distance of, the existing locks. I strongly opposed the appropriation of $277,000,000 for this third set, because the construction would extend over a period of 6 years. It was my contention that this country would be better off were it to take that $277,000,000 and immediately buy much-needed critical items of equipment for our defense forces. I opposed the appropriation further because construction of this third set of locks would take from our country and send to Panama, on a 6-year project, skilled mechanics who are vitally needed here now to help bolster our continental defenses and to make the machines of war which we lack at the present time.

I believe the most charitable construction I can put upon the unjust attack upon me by the gentleman from Alabama [Mr. SPARKMAN] is that he just did not know the complete story of our national-defense problems and of my efforts to help our Nation to solve them. Should the attack be based on honest ignorance of my long record of promoting our defense program, may I suggest he confer with Gen. Malin Craig, the former Chief of Staff of the Army, or with Gen. George C. Marshall, the present Chief of Staff. I am sure that these gentlemen, who are acquainted with my record, will be delighted to enlighten him.

Under permission granted me by the House I wish to insert in the RECORD a copy of an editorial from the Trenton Times of July 15. This newspaper, an independent Democratic daily, is the largest in my district. The news columns of the paper carried the story of the unjust and unpatriotic attack of the gentleman from Alabama [Mr. SPARKMAN] and on the following day this editorial appeared which, I believe, fully answers any argument the gentleman has advanced in the past, or may be planning to advance in the future.

The editorial follows:

CRITICAL BOOMERANG

Democrats in the House at Washington have started assailing Representative D. LANE POWERS for alleged opposition to several "defense proposals" advanced prior to the outbreak of the European war. The assertion is that Mr. POWERS, along with others of the Republican minority, thus took an unpatriotic stand decidedly harmful to the American people.

It should be pointed out, however, that, before Hitler launched his "blitzkrieg" into Poland and the Low Countries, and before talk had begun as to politicalized Nazi penetration into South America, there was little to suggest a menacing condition so far as the Western Hemisphere is concerned.

Certainly the Roosevelt administration, with detailed State Department information at its immediate disposal, should have been aware of the totalitarian threat sooner than should a minority member of the House Military Affairs Committee. But it is a fact that the new dealers did not come forward with a national-defense program of any real adequacy until the collapse of France.

The Budget cuts which Mr. POWERS suggested when there was no thought of American involvement with the European struggle were predicated upon the sound idea of reasonable Federal economy. And at that time there was every reason why some effort should have been made to reduce wasteful and extravagant spending in whatever direction, as, indeed, there still is along every line except preparedness.

If the Democrats make a misguided attempt to shift defense responsibility from the shoulders of the congressional majority to those of the minority, they are likely to place themselves in an extremely embarrassing position from which it will be impossible to retreat.

The blunt fact is that no one in the United States, leaders or citizens, fully grasped the threatening implications of totalitarian development until mechanized might began to assert itself on field of battle. Partisan critics who are now directing shafts of ridicule at patriotic Americans like Mr. POWERS are assuming the role of the Monday morning quarterback who, after the plays have been called and executed, belatedly arises to explain what should have been done and to heap censure upon the third assistant coach.

EXTENSION OF REMARKS

Mr. SIMPSON. Mr. Speaker, I ask unanimous consent to extend my remarks and include a letter written to the editor of the New York Times dated July 13, 1940, by Dr. Arnaud C. Martz, president of Bucknell University.

The SPEAKER. Is there objection?

There was no objection.

Mr. MASON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject Pertinent Questions of Today.

The SPEAKER. Is there objection?

There was no objection.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include two short articles from the Washington News.

The SPEAKER. Is there objection?

There was no objection.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my remarks and include three short radio addresses I delivered over the western Montana network.

The SPEAKER. Is there objection?

There was no objection.

Mr. DIRKSEN. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein an excerpt from the New York Times and also the keynote speech of the Governor of Minnesota at the Philadelphia convention.

The SPEAKER. Is there objection?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent that after the other special orders are disposed of today I may address the House for 10 minutes.

The SPEAKER. Is there objection?

There was no objection.

EXPENDITURES IN GOVERNMENT

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. RICH. Mr. Speaker, things are getting worse and worse every day. The statement of the Secretary of the Treasury, Mr. Morgenthau, on July 20, shows that we have gone in the red $358,198,164.88 in 20 days. That is $17,909,908.24 a day, or $746,246.20 an hour in the red, or $12,437 a minute in the red. That is almost twice as fast as we went into the red last year; then we were $3,700,000,000 in the red for the year.

Now, where are you going with this great national-defense program that we are harboring at the present time? No economy in government and national defense that staggers our imagination and probably will completely wreck us, unless we get some business sense in our government operation. By the time the Republicans get into power next January it is going to be most difficult for them to get along without increasing the taxes twice as much. What you Democrats should do is to give us another tax bill. You have given us one this year, but you should give us at least two or three more like that if we are ever going to survive, with all your waste. What we need most is economy in government—stop the waste and extravagance, consolidate departments, and cut out many, many bureaus.

When Willkie gets in we will win and we will balance the Budget and we will save this Nation; we will give jobs to Americans and not the dole. We will protect the farmers and happiness will be ours. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. COLE of Maryland. Mr. Speaker, I ask unanimous consent to extend my remarks and include therein a letter from the Secretary of War and a portion of an editorial from the Baltimore Sun.

The SPEAKER. Is there objection?

There was no objection.

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include an article entitled "Mobility in the Engineers," prepared by Col. Stewart C. Godfrey, Corps of Engineers, and Chief of the Operations Training Section of the Office of Chief of Engineers.

The SPEAKER. Is there objection?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent that following the other special orders of today I may address the House for 10 minutes.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. VAN ZANDT. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and include a copy of an address I have delivered before several conventions of the Veterans of Foreign Wars.

The SPEAKER. Is there objection?

There was no objection.

THE AMERICAN SUGAR-BEET INDUSTRY

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. WOODRUFF of Michigan. Mr. Speaker, the Conference of Pan American Foreign Ministers now in session at Havana, Cuba, is holding the attention of the peoples of every country in the Western Hemisphere. The results of that conference, it is expected, will be of vital interest to all these nations. It is already becoming clear that great economic "readjustments" are at least contemplated. If our representatives at the conference are operating true to the form heretofore displayed by the Roosevelt administration, the "readjustments" may be such as to strike a vital blow at certain legitimate and profitable agricultural activities in this country.

Mr. Speaker, my mind goes back to the Presidential message of February 8, 1934, in which Mr. Roosevelt discussed the domestic-sugar industry, indicating very clearly that he believed this to be an inefficient industry having no place in our domestic economy. Among many other significant statements, he said, "I do not at this time recommend placing sugar on the free list." If that statement indicates anything, it indicates he had that ultimate objective in mind. If further confirmation is needed to establish the administration's sugar policy at that time, it was supplied by Mr. A. J. S. Weaver, Chief of the Sugar Section of the Agricultural Adjustment Administration, in his testimony before the House Committee on Agriculture on February 19, 1934, when he conceded that this expression of the President indicated sugar was later to be placed on the free list "by a succession of moves which would reduce the great shock." Still further confirmation of the Presidential state of mind in connection with the sugar industry was supplied by the Secretary of Agriculture, Hon. Henry A. Wallace, who still holds that office while at the same time seeking the office of Vice President on the New Deal ticket. In a book entitled, "America Must Choose," published in February 1934, in which Mr. Wallace discussed the question of rehabilitation of agriculture and industry in the United States, he said:

> This will involve a radical reduction in tariffs that might seriously hurt certain industries and a few kinds of agricultural businesses, such as sugar-beet growing and flax growing. It might also cause pain for a while to wool growers and to farmers who supply material for various edible oils. I think we ought to face that fact.
>
> Now, if we are going to lower tariffs radically there may have to be definite planning whereby certain industries or businesses will have to be retired. The Government might have to help furnish means for the orderly retirement of such businesses, and even select those which are thus to be retired.

"Now, if we are going to lower tariffs radically there may have to be definite planning whereby certain industries or businesses will have to be retired. The Government might have to help furnish means for the orderly retirement of such businesses, and even select those which are thus to be retired."

On February 20, 1934, Prof. Rexford G. Tugwell, Assistant Secretary of Agriculture, in his testimony before the House Committee on Agriculture, made the statement, in effect, that he "would not extend protection to any industry which could not stand on its own two feet."

Mr. Speaker, I refer at this time to the attitude of the Roosevelt administration during the earlier months of its existence only for the reason that Secretary of State Hull and the other American delegates at Havana, following the usual custom of our American delegates in conference with representatives of other nations, have declined to state what proposals have been submitted to the conference. Knowing the attitude toward the American sugar industry displayed by the administration in former days, and still persisted in, those

of us who recognize the great value of this splendid agricultural interest, not only to the producers of sugar, but to consumers of sugar as well, are naturally apprehensive of what may emanate from the Havana conference.

Secretary of Agriculture Wallace at one time made the statement that the American sugar industry, particularly the beet-sugar industry, was an inefficient one, and ought not to have been established in this country, that it should be eliminated, but "it is politically impossible to do this at this time."

It has been suggested in high administrative circles that in order to enlarge on our good-neighbor policy we buy from the other nations of this hemisphere their agricultural surpluses and assume the responsibility of disposing of those surpluses to the other peoples of the world, and this notwithstanding the fact we are unable to profitably dispose of our own agricultural surpluses. In view of this proposal, and in view of the known administration hostility to the American sugar-beet industry, some of us are wondering whether the conference at Havana and world conditions generally are going to make it "politically possible" to complete the destruction of the American sugar-beet industry.

Mr. Speaker, in the Journal of Commerce of New York of July 24, 1940, there appears an article entitled "Scrapping of Beet Industry Is Urged—Genuine Reciprocity Seen Need if Sugar Problem Is To Be Ironed Out." According to this article, the scrapping of the sugarbeet industry in the United States through action by the American Government is being urged as a progressive step in promoting the inter-Americas cartel plan. The Luis Mendoza y Cia of Habana, one of the large Cuban sugar companies, in commenting upon the Pan American Conference, stated such a move would make for real reciprocity and rationalization of agricultural interests.

In our last review—

The company said—

we pointed out what we believe to be the economic slant of the approaching Pan American Conference of Ministers. Its chief purpose in this direction, we remarked, will be the attainment of a closer cooperation between the nations of the Western Hemisphere. It was our contention that the mutual protection of natural products as determined by the soil, climate, and geographical position of each region, and the native ability of its people to take advantage of these inherent qualities—the abandonment of every ultraprotectionist scheme favoring artificial industries and hothouse crops based on subsidies and tariff barriers—should become the theme song of the Habana conference.

* * * The one indisputable fact is that such an opportunity to attack the problem at its root will seldom if ever arise in the future. Heroic solutions are rife even in the United States, as witness the following quotation from Time magazine for July 8:

"Cuba has depended on the European market to get rid of 33 percent of her crop. * * * In Asia, * * * India * * * can now turn exporter. * * * If the New Deal is serious about its hemisphere-cartel scheme, it may be forced to revive a * * * radical scheme: The United States to get an independent valuation of beet properties, buy their owners out"—referring of course to submarginal beet properties.

Such step, though at first sight impracticable, would justify every conceivable sacrifice. It would be the practical realization of our ideal of inter-American trade—every country producing and exporting what it is best equipped to produce and export—and the reparation of many inequities within the Western Hemisphere.

Of course, Mr. Speaker, the American farmer can easily and economically raise every pound of sugar the American people can consume. He should be permitted to do so. Earlier statements by the President, his Secretary of Agriculture, and others that the American sugar industry is an inefficient one is entirely at variance with the facts and should have long ago been so recognized by those who are in a position to have those facts. Notwithstanding this, the refusal of the administration to permit a normal expansion of sugar raising in this country during the past 7 years indicates clearly that the Presidential mind on this question remains the same as in 1934. In view of the fact our Representatives are toying with the proposal to take over all agricultural surpluses of this hemisphere when we cannot even dispose of those from our own farms, it seems reasonable to suppose that this administration may accept this opportunity to eliminate our domestic sugar industry. That the matter is being given consideration at Habana is indicated by the prominence given to the statement of the very important Cuban sugar company quoted above and to the subtle method in which those proposals to destroy the American industry are camouflaged.

The first reaction of any intelligent man upon reading the article referred to is to say that the idea is too fantastic to be considered seriously. But is it? We cannot forget the self-sufficient and fervid declarations of these "brain trusters" when after the election in 1936 they met every protest and every question regarding their theoretical proposals with the all-embracing answer, "We have a mandate. The American people have approved the New Deal, and we must expand the new dealisms."

Surely we all know that such a preposterous proposal as that of this impertinent Cuban company will not be seriously considered, at least publicly, before November. But we just as surely do not know what importance will be given to it should the new dealers receive a "mandate of mandates" next November for the continuation of their policies and control for the next 4 years.

Mr. Speaker, I consider it my duty as a Representative from one of the great sugar-producing districts of the United States to issue this warning as to what may happen and what is being advocated by practical, if tactless, foreigners, while our own statesmen speak in honeyed words about third terms and a League of Nations in the Western Hemisphere. Pan American cooperation is an excellent idea in principle, but if its application means that we must sacrifice some of our great industries and the means of obtaining a livelihood for 100,000 farmers and 1,000,000 laborers in 21 States and more, then it becomes high time for the American people to become realistic and to refuse to stay up in the clouds of international theoristic dreams.

EXTENSION OF REMARKS

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and to include therein a short editorial.

The SPEAKER. Is there objection?

There was no objection.

Mr. WOODRUFF of Michigan. Mr. Speaker, I have a third request if I may so far presume upon the Members of the House. I ask unanimous consent to extend my own remarks in the RECORD. [Laughter.]

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. JENKS of New Hampshire. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein certain material appertaining to the value to any congressional district of continuous and uninterrupted representation.

The SPEAKER. Is there objection?

There was no objection.

Mr. HAWKS. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and to include therein an article appearing in the Washington Post of today by Walter Lippmann, entitled "The Paper Scheme."

The SPEAKER. Is there objection?

There was no objection.

Mr. MAAS. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix and to include therein an address delivered to the United States Chamber of Commerce by Philip D. Reed.

The SPEAKER. Is there objection?

There was no objection.

HON. LEWIS W. DOUGLAS

Mr. TABER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. TABER. Mr. Speaker, I rise to say a word in behalf of our esteemed former colleague the Honorable Lewis W. Douglas, of Arizona.

On Tuesday of this week, according to press reports, the President of the United States stated at a press conference that Mr. Douglas' slant of mind ran more to dollars than to humanity. Could anything meaner be said by one fellowman of another?

Any man who served in the House with Lew Douglas knows that charge to be absolutely false. A man of independent means, he was ever ready to lend a helping hand to those who were not so fortunate in their possession of this world's goods. He was generous to a fault, but with his own money; not with money of which he was in part trustee.

There was no New Deal philosophy in Lew Douglas' make-up as to public funds. He was for cures for the ills which beset us during his membership here and later as Director of the Budget, but he had the vision to see that spending and more spending of the taxpayers' money would not cure anything, but merely would lead to the gigantic debt with which we are now burdened, and which is still mounting independently of the huge defense bills now being incurred.

Can any of you see any encouragement for humanity in that picture? Its continuance is the course to want, to deprivation, and to despair for millions, with Federal resources no longer available and an impoverished middle class barely able to sustain itself. Lew Douglas, after all, was the champion of humanity. His has proven to be the sound philosophy, not built upon the sand.

As an American, I profess embarrassment that the incumbent of the office of Chief Executive would stoop so low. [Applause.]

CONSTRUCTION OF CERTAIN PUBLIC WORKS BY THE NAVY DEPARTMENT

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent that it may be in order for the Naval Affairs Committee on Monday to call up the bill (H. R. 10200) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes.

The reason I make this request is because it will enable the Committee on Appropriations probably to incorporate in the next deficiency bill certain items the Committee on Naval Affairs has added here on the bill. The bill was unanimously reported to the House this morning.

Mr. MICHENER. Mr. Speaker, reserving the right to object, does this conform to the program outlined by the majority leader earlier today?

Mr. VINSON of Georgia. I just consulted the distinguished majority leader and he stated that nothing would come up on Monday except by unanimous consent. I am asking unanimous consent now that consideration of this bill be permitted on Monday.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, is the bill likely to cause any controversy?

Mr. VINSON of Georgia. The bill was unanimously reported by the committee this morning. The ranking minority Member and the other minority Members were present during the consideration of the bill.

Mr. RAYBURN. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield.

Mr. RAYBURN. I would say to the minority leader that if a controversy should arise that might involve a roll call, the roll call certainly would not be had until Tuesday.

Mr. VINSON of Georgia. I am not going to call the bill up, of course, unless I get unanimous consent. If there is any objection we shall have to obtain a rule. I filed an application for a rule this morning, but I hope in the interest of time that it can be done by unanimous consent.

Mr. TABER. Mr. Speaker, reserving the right to object, is this the bill that authorizes the construction of certain projects recommended in the Budget estimate that came over to us?

Mr. VINSON of Georgia. That is correct.

Mr. TABER. Is the object of getting it passed Monday so that the items may be included in the bill the Appropriations Committee is now considering?

Mr. VINSON of Georgia. That is correct.

Mr. TABER. Has arrangement been made as to general debate?

Mr. VINSON of Georgia. I am perfectly willing to have the bill considered in the House as in the Committee of the Whole, or to have an hour's general debate, half to be controlled by the gentleman from Minnesota and half by me.

There is nothing controversial in the bill. The items in the bill have been recommended by the Bureau of the Budget, and its consideration on Monday is asked only that the items may be included in the appropriation bill now being considered by the Appropriations Committee. I may say that the items are those which appear in italics in that bill.

Mr. MARTIN of Massachusetts. I want the gentleman to understand that we do not desire to block any proper defense bill. It seems to me, however, that arrangements should be made for debate.

Mr. VINSON of Georgia. Mr. Speaker, I modify my request and ask unanimous consent that it may be in order to call up the bill (H. R. 10200) on Monday, that there be 1 hour's general debate, to be equally divided and controlled by the gentleman from Minnesota [Mr. MAAS] and me.

Mr. RICH. Mr. Speaker, reserving the right to object, the gentleman stated that the bill was reported by the committee unanimously. I would remind him, however, that there are 435 Members in the House. There is nothing in particular to be done on Monday. Does the gentleman believe that 1 hour's debate is sufficient on a bill as important as that?

Mr. VINSON of Georgia. We will have liberal debate under the 5-minute rule. If the gentleman wants a longer time to speak, I am satisfied it will be possible for him to get it under the 5-minute rule.

Mr. RICH. The gentleman has asked for only an hour on general debate. Under the 5-minute rule one can get very little time. Suppose some Member wanted to speak for 15 minutes on the bill. The Republicans may now have only 168 Members, but we are going to have 300 Members when the next Congress meets, and we certainly do not want to be limited as this would limit us.

Mr. VINSON of Georgia. Let us cross that bridge when we come to it.

Mr. RAYBURN. If the gentleman will permit an observation, I do not think it is necessary for the gentleman from Pennsylvania to make a political speech every time he reserves the right to object.

Mr. VINSON of Georgia. I am sure there will be ample time for debate. The amount involved in the bill is $59,000,000.

Mr. RICH. That is the reason there ought to be more than 30 minutes on a side.

Mr. VINSON of Georgia. I assure the gentleman we will give him all the time he wants under the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. VINSON]?

There was no objection.

EXTENSION OF REMARKS

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a memoranda that I have submitted to four different Government agencies.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska [Mr. CURTIS]?

There was no objection.

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a speech made by former President Hoover at the Republican National Convention held at Philadelphia.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. MICHENER]?

There was no objection.

REPORT ON ADVISORY COMMISSION TO COUNCIL OF NATIONAL DEFENSE

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts [Mrs. ROGERS]?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I have today introduced a resolution which reads as follows:

Resolved, That the President of the United States is hereby requested, if not incompatible with the public interest, to transmit to the House of Representatives weekly, a report giving a brief outline by the Advisory Commission to the Council of National Defense, showing the progress of the work for the national defense.

Mr. Speaker, while the President and his administration are responsible for carrying out the program of national defense, the House of Representatives also has a responsibility in that it appropriates the money, and it should see that the administration expends the money wisely and at once for our national defense. Our responsibility does not stop with the appropriations. We have a very grave responsibility and a solemn duty to perform. I assure you that the country is going to hold every Member here strictly accountable if he does not get every bit of information he can and does not force the national-defense program to completion immediately. We are all very much distressed by the delay. The country is alarmed. We want action and we want it now.

[Here the gavel fell.]

THE PRICE OF PATRIOTISM IN PENNSYLVANIA

Mr. McDOWELL. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. McDOWELL]?

There was no objection.

Mr. McDOWELL. Mr. Speaker, what is the price of patriotism in Pennsylvania? In my district the vast Westinghouse Electric & Manufacturing Co. maintains its great plant and this week it announced that all employees who are members of the Pennsylvania National Guard and who may be called up for service will be paid the difference between their Army pay and their regular pay for the duration of the service. [Applause.]

EXTENSION OF REMARKS

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a letter from the National Guard Association of the United States.

The SPEAKER. Is there objection to the request of the gentleman from Alabama [Mr. SPARKMAN]?

There was no objection.

Mr. DINGELL asked and was given permission to revise and extend his own remarks in the RECORD.

THE CONGRESS SHOULD REMAIN IN SESSION

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. DINGELL]?

There was no objection.

Mr. DINGELL. Mr. Speaker, these are most unusual and critical times which threaten the very existence of the Nation. This session of Congress, under ordinary circumstances, would long ago have been terminated by adjournment and Members returned to their districts. Expressions from our constituents, however, indicate the fear and anxiety of our people and compel our most earnest attention. The people know and appreciate the gravity of the situation and insist that Congress remain on the job and in Washington, attending to the pressing business of the Nation. They demand that we provide the maximum for the defense of our beloved country and fortify against any extreme eventuality. The demand is clear-cut and unmistakable.

We must, therefore, comply with the command of the people. We must forthwith rearm to protect our ideals, our institutions, and our democratic form of government against all enemies, foreign and domestic, and under no circumstances become involved in the European war. I am willing and anxious to comply with the dictum of my constituents and to remain in continuous session as long as the emergency exists. Moreover, I say to you, Mr. Speaker, it matters naught whether or not my personal or political fortunes suffer if by my cooperation and presence in Washington I can hold in check the war mongers as well as the subversive anti-American agitators and thus help to maintain unimpaired our American heritage. [Applause.]

EXTENSION OF REMARKS

Mr. KEFAUVER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee [Mr. KEFAUVER]?

There was no objection.

Mr. BOYKIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a letter I am writing to the gentleman from Texas, MARVIN JONES.

The SPEAKER. Is there objection to the request of the gentleman from Alabama [Mr. BOYKIN.]

There was no objection.

Mr. DIMOND asked and was given permission to extend his own remarks in the RECORD.

Mr. ROBSION of Kentucky. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an article by David Lawrence on the third term.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky [Mr. ROBSION]?

There was no objection.

Mr. MUNDT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a newspaper article.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota [Mr. MUNDT]?

There was no objection.

Mr. DITTER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an address delivered by the minority leader of the House of Representatives, the gentleman from Massachusetts, the Honorable JOSEPH W. MARTIN, Jr., at that free and uncontrolled convention held in Philadelphia recently.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. DITTER]?

There was no objection.

Mr. PATRICK. Mr. Speaker, I am wondering if there is not some order that could be issued where we could blanket all the speeches made at Philadelphia and have them included here in the RECORD.

The SPEAKER. The Chair knows of no such parliamentary process.

Under a previous special order, the gentleman from Oregon [Mr. PIERCE] is recognized for 15 minutes.

THE CONGRESS SHOULD REMAIN IN SESSION

Mr. PIERCE. Mr. Speaker, in the mind of every American when he pauses to think, forcing consideration in the midst of the day's work and in the wakeful hours of night, are questions about today's wars—their dangers and causes, their extent in space and time, and the probable effects of the conflict on our lives here in the United States. Whether we are forced into war or whether we remain at peace, as I believe we shall do, there are matters of gravest importance which do concern every American, and the consequences of which no citizen can escape, even if he refuses to give serious study to the problems. First, there is the question of our defense, methods by which it may be speeded most effectively, its costs, and how they shall be paid. Second, the economic effect upon our Nation of the total disruption of normal trade and commerce throughout the world and the assumption of power in Europe by totalitarian governments. The question of paying the bills will touch every man and woman in this Nation, but no one doubts that we must provide for defense as our most certain insurance against war.

A clash between American and German economic interests is inevitable. Whether America can be strengthened by Great Britain remains to be seen. That is our great hope. Germany will have life or death rule over nearly half a billion people, and Japan dominates the Orient. Those who perform labor under both these ruling powers will be slaves of an economic system totally at odds with ours. Does anyone think this will not require some readjustment?

Let us look at the picture, trying to summarize the situation. Let us consider the effect on our own national life of all the swift and amazing alterations of the world's national boundaries and governments. What does it mean to us now? What will any particular outcome mean to us in the future? How will all this shape our defense program and how must it modify our economy? Must we reshape our governmental

institutions or yield any of our political privileges? Is a clash over Hitler's aggressions in South America inevitable? These are questions in the minds of thinking Americans. I am here endeavoring to set forth the facts we face, and to examine the possible effects of this grave emergency on our national life. I set forth my opinions formed after study of sources at the center of our national life. I believe every Representative should try to paint the picture as he sees it, though events move so swiftly that desirable procedures may change overnight.

WORLD SITUATION TODAY

Dark and darker grow the war clouds in not far distant lands. The human mind just fails to comprehend the reasons for, and the results of, the collapse of the liberal governments of Europe. The rapidity with which one terrible disaster has followed another in the last few months is indeed frightening. This is not a war between nations. It is a world revolution. It is a war between different methods and ideals of government. Arrayed on one side are the nations we have come to know as the totalitarian states; by these, we mean governments ruled by dictators and by decrees instead of legislative bodies. Consent of the governed is not considered. Ruthlessness, fear, iron discipline, suppression of criticism and of free speech, together with entire submergence of the individual to the state are characteristics of totalitarianism.

Arrayed on the other side, in opposition to the strongly militarized dictator-controlled countries, have been the liberal governments of western Europe, of which Great Britain alone remains in the conflict. Those governments have been called democracies; their liberty-loving people have had governments based on law, and not subject to the will and whims of men who gain power. They have been pretty generally based on the consent of the governed and have enjoyed a fairly reasonable degree of free press, free assembly, free religious worship, and a large degree of personal liberty. They have given entire recognition of the right to individual property. In short, these governments are economically based on the capitalistic system, and politically, on the doctrine of equality of individuals.

It has been only a little over 20 years since the Treaty of Versailles was signed, officially ending the first World War. Students everywhere then believed that the democratic idea would extend throughout the world. It did seem as if that happy day was approaching. Russia, which for centuries had been the black spot of Europe, threw off the yoke of the Czars, and there were those among us who believed the Russian millions were entering upon a better day for the common man; but out of the tragedy of the Russian revolution has come a despotism as cruel and heartless as any which ever reigned on this earth.

DEMOCRACIES CRUMBLING

However, this is no time to survey the field to discover causes nor to fix the blame for the dreadful conditions which confront us. It is clear that we must face the fact that practically one-third of all the people of this world who have enjoyed some measure of freedom, liberty, and the right to the pursuit of happiness have, voluntarily or involuntarily, surrendered these privileges in exchange for forms of government as absolute and cruel as any that ever existed, not excepting the dark and cruel days of the worst Roman Emperors. From the English Channel to the coast of Japan, about 7,000 miles, across the largest stretch of territory of the habitable globe, liberty, freedom, and independence have disappeared. The laboring man in those vast lands is a virtual slave; the labor unions of the western countries have been abolished. Should one lose his employment in private industry, he must accept a very much lower wage in government camps, one which brings mere subsistence.

Back has come with terrific force the principle that might makes right; and out of the terrible jungle has come, once again, the statement of the predatory powers:

> The good old rule
> Sufficeth them, the simple plan
> That they should take who hath the power,
> They should keep who can.

Kindness, love, and charity seem to have disappeared from many of the lands where they formerly made life easier. With the collapse of France and her tragic surrender, the British Empire and the United States are left as the two great democracies now functioning based on the principle of the consent of the governed, and the people of Britain have surrendered age-old privileges for national safety.

It has been 164 years since Jefferson gave us the Declaration of Independence with its noble statement:

> That all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness.

Those ideas, springing from the concepts of our forefathers, spread like wildfire throughout the world, and in many lands they had taken such firm root it was thought they could never be dislodged. We have seen the tender plant of liberty withering; now it has been plucked and thrown to the hot winds of human destruction. Liberty, very evidently, cannot be inherited; it must be won anew by every generation. Perhaps the roots did not go deep enough, and perhaps the "pursuit of happiness" about which Jefferson wrote so eloquently in the Declaration, has been turned to an unworthy substitute, the "pursuit of pleasure." In spite of the power and influence of that Declaration, the world seems to have grown greedy, soft, and unable to resist encroachment. It appears that we must have a rebirth, a rededication to noble purposes and finer lives. We Americans who have been nurtured on the principles of the Declaration of Independence and the Constitution, will never yield the priceless heritage of their ideals, even though Great Britain should succumb and we should be left the only great democratic nation in the world. It is true that if government is to rest safely upon the consent of the governed, its citizens must be independent, intelligent, interested in government, and competent to govern. The people must be infused with the spirit of brotherly love; greed to control must be curbed. Men must recognize that they truly are their brothers' keepers. There is, in such a free society, no place for monopoly of privileges nor of great riches.

Whatever may be the underlying causes, something has certainly gone wrong. Today we find everywhere existing the most terrifying conditions ever known in the annals of history. Now, in liberty-loving France, in fact in all Hitler-controlled Europe, it is a crime, punishable by death, to listen to a forbidden radio broadcast. The French press has not had a reputation for decency which would entitle it to much sympathy over suppression, but it was, after all, an instrument which might have been used for the welfare of the nation.

ARE THE DARK AGES RETURNING?

History tells us the story of the rise of a marvelous civilization in Greece, more than 2,000 years ago. Even today we admire their architecture, and study the teachings of their poets and philosophers, the works of their great dramatists, and their ideals of government. Greece taught the world to think and to reason, and to express thought. That intellectual civilization was engrafted onto the vigorous Roman culture, through which that powerful nation taught the world to govern effectively.

Students seeking a parallel for some of the acts of the present tyrants of Europe must go back to the blackest of the dark periods of history to find governmental crimes and cruelties rivalling those enacted today. The date of the fall of Rome used to be given as A. D. 476, the year in which the government of Rome was moved from the Tiber to the Bosphorus and the Dark Ages engulfed Europe. Learning was driven into the monastaries; monarchs reigned who were unable to write their own names. For a thousand years, ruthlessness, cruelty, and ignorance prevailed. To those thinkers and philosophers who lived in that dark period it must have seemed impossible that any great change could take place. They must have regarded the condition of the world at that time as something permanent, even though there were flashes of light, and students have discovered a thread of progress even in those days. Is the European world

returning again to the conditions of those most unhappy centuries following the fall of Rome, before the discovery of America and the scientific awakening and invention which we thought had made the world a brotherhood? Is free commerce and travel between nations a thing of the past? Are avenues of almost instant communication between continents to be closed?

During the Dark Ages human beings by the millions starved. Now again Europe and China are victims of starvation; thousands of helpless women and children have suffered in order to supply food for the German Army. During the Dark Ages prisoners of war were ruthlessly killed. During the Dark Ages organizations appeared that were truly sadistic. Today overlords exult in destroying any person who opposes them, first thrusting them into the terrible concentration camps. The Prussian tyrants evidently enjoy human suffering. During the Dark Ages men of learning were hunted down and destroyed; so it is today in Germany. Einstein, one of the greatest mathematicians of all time, is only one of the genuises in exile. Historians, artists, writers, teachers, philosophers, physicians—all those who lead men forward and minister to them have been forced to leave their homelands. Should the Dark Ages again engulf peoples they will be even more terrible than they were when men first struggled toward the light, because rulers of the totalitarian nations possess superior scientific knowledge and more efficient instruments for cruelty and inhumanity. They will enforce their rulings upon those whose memories hold the glowing picture of days of freedom in democracies.

HITLER AIMS AT WORLD DOMINATION

The German dream of European domination is not new, and it has caused many wars. Now it is expanding into a determination to dominate and control the world. Today there are four totalitarian nations with a common bond—Japan, Russia, Italy, and Germany. Hitler of Germany is the dominating force of that group of aggressors. The war party of Japan is all powerful, and is driving the Japanese people from one conquest to another. Their war party has succeeded in arousing a religious frenzy of "patriotism," unequaled even among the Mohammedans. They carry out their far-reaching plans with a fanaticism entirely foreign to our ideals, and beyond our understanding.

Out of the revolutions of oppressed Russia has come Stalin, one of the strangest, coldest, cruelest rulers ever to appear on the face of the earth. He is still the unknown quantity in this world's chaos. Indications are that he and his followers are not happy in an alliance with Hitler, the master mind of all. It is probable that if the Russian war machine is thrown into direct contact with the Hitler machine it will flatten out as quickly and as completely as the great French Army melted in the early summer of 1940.

Third in the group of powerful personalities of the totalitarian world is Mussolini, of Italy. He is probably less cruel and ruthless than his prototype, and once had a touch of humanity. It is possible that civilization in Italy might move on under his rule, but he is today in the shadow, and must yield to Hitler, the supreme lord of all. Indeed, it was Mussolini's hand that held the dagger "plunged into the back of his neighbor" when that neighbor was struggling for its very existence. That act clearly exemplified his character—and his weakness.

No words of mine can properly describe Adolf Hitler, that terrifying fanatic who is moved by determination to gain world domination. The most authoritative source for a description of this dictator and his aims is his own book, "Mein Kampf," the German Bible of today and the blueprint for his international structure. It is compulsory reading in the schools of Germany and all conquered territory, and should be so for our leaders. It is unpleasant reading, hard reading, and utterly repulsive, but it is our duty to understand the motives of the one who has plunged men into this dark hour of the world's history. It is fortunate, indeed, that he has made his motives and his philosophy so clear to all the world. It would have been better for us had we taken cognizance of Hitler's declaration of purpose as soon as it was made. It is even more important to us than to Germany. I quote from his book (translation published by Reynal & Hitchcock):

> A state which, in the epoch of race poisoning, dedicates itself to the cherishing of its best racial elements, must some day be master of the world.

There is no doubt that he aims at world domination, and that he will stoop to anything to accomplish his purpose. He teaches in his Bible that it is perfectly right to tell a lie; the greater the falsification, the more likely it is to go over. A treaty or a promise means nothing to him. He breaks those given under the most solemn conditions, and boasts of it. Every American radio listener has had the opportunity to measure the man by his recent utterances and his terrifying articulations.

In Herr Hitler's "Bible" I also find these words:

> But if a nation succumbs in its struggle for the rights of mankind, then it was probably found weighing too lightly in the scales of destiny to justify its good fortune of being allowed to continue on this mortal globe. For if a man is not ready or able to fight for his existence, righteous Providence has already decreed his doom. The world is not intended for cowardly nations.

Clearly, in this citation, he worships the god of power, believing that if there is any right, it comes only from the physical power to enforce it. The United States must be able to resist his oncoming legions in the southern countries of this hemisphere, on the oceans, beneath the water, and in the air. The vital struggle for the domination of the Americas is not far in the future, and should Great Britain crack beneath the strain, it will be upon us in full force. I do not mean that Hitler's tanks and airplanes will threaten our territory, but his power and domination will be ever-present in a thousand ways, beginning with our trade and commerce, and attacking the fundamental concepts established by our Monroe Doctrine. Continental solidarity has been our dream. Can we make it an actuality?

HITLER'S RISE

You cannot laugh off Hitler by calling him a crazy fool, though he may be a paranoiac, and if so, he is most dangerous to the safety and security of world civilization. Less than 20 years ago he was an obscure and unknown artist, a leader of a little group of men who held their meetings in a beer hall. Today he rules supreme in the once-proud capitals of Paris, Berlin, Vienna, Warsaw, Amsterdam, Brussels, Oslo, Copenhagen, Prague, and is the real power in Rome. His word is law, and he brooks no interference. Perhaps his head is turned by the supreme authority vested in him. He has won, so far, on account of his well-defined plan (fully set forth in Mein Kampf), his ruthless methods and his perfectly mechanized, coordinated, synchronized war machine. He came into power in Germany the same year that Roosevelt assumed the Presidency, and was elected leader—Chancellor—in 1934, in August. Just think, that in 6 years he has become the dominating figure of the whole world!

Hitler's motivating idea was to make a war machine that could win, whichever way he turned it. He sapped the energies and monopolized the mechanical genius of the German people. Though Austrian born, he is a true Prussian. He fired Germany with ambition and stirred up the leaders to teach the German frau that it was her duty to bring into the world children who should be taught and trained to rely upon the superiority of the German race. Peace societies are unknown in the land he rules. There were no organizations signing remonstrances against war and stating that for reasons of conscience or other motives they would not fight. Such people were sent to concentration camps or quietly liquidated. All means of communication between men and groups were completely controlled. A factor contributing to Hitler's success has been the military and moral weakness of his opponents and the fact that he was able to destroy their influence by diverting and dividing their strength.

If in any place in the world a military method of destruction of human beings was discovered, the Germans adopted it and improved upon it. Gas, tanks, airplanes, submarines, they perfected them all. The gasoline engine, which has so changed all our habits and modified our economy,

has contributed vastly to Hitler's military strength. The idea of the tracklayer came out of the Boer War, and it was English, but Hitler's German mechanics have made a bigger and better one than ever was dreamed of by the inventors. The airplane came from the United States. Hitler improved upon our invention and has made one that was faster, lighter in weight, and far more effective.

When the Treaty of Versailles provided that they could not have airplanes, followers of this dictator took a few boards, made themselves gliding planes and soared for thousands of feet through the air until they learned how to glide perfectly. The submarine was not of German origin, but the Germans improved upon it until it is today the terror of the seas, and now the stoutest craft that floats can be sent to the bottom of the ocean by a torpedo fired from a submarine. Hitler has won, so far, because he and his followers have produced the most effective, ruthless, and terrifying war machine that has ever been devised. Why did England overlook and ignore this when he was practicing in Spain?

THE GESTAPO

Secret police and secret organizations wreaking vengeance are not new in the history of the world. We read of them in the days of Rome. We find cruel stories of their activities in the Dark Ages, and throughout the course of history. They were all terrible, but as nothing compared to the Gestapo. When Hitler came to prominence several years ago, he early became associated with Heinrich Himmler, the head of the Gestapo, who is the embodiment of all that is bad, inhuman, and cruel. His secret police is an army in itself, larger than our standing Army, including the National Guard. It will never be known how many men and women have been "liquidated," for no records are kept. There is no trial, no judge, no jury; only torture and death.

A German was talking with a friend some months ago and telling him of the efficiency of the German organization. Said the American, "That may be true, but if I hear someone at my back door at 4 o'clock in the morning, I know it is the milk man, and I can go back to sleep." That tells the story. Thousands upon thousands of people who might have led revolutions against tyranny—earnest, honest, thoughtful, brave men, have been invited to put on their clothes before sunrise while German agents of the Gestapo stood guard, and then they were taken away, never to be seen again. If they try to escape, they are simply killed, or at the least taken to concentration camps and starved to death. The prison camps of the czars on the frozen steppes of Siberia were comfortable, indeed, compared to the hell holes into which talented leaders have been cast. The acts of the Gestapo in Austria, Czechoslovakia, Poland, Norway, Holland, Belgium, Denmark, and now in France will never be wholly known as no records are kept and no reports made. The tragic story may be pieced together someday so it will be burned into the pages of history as a horrible warning to those who value freedom lightly. Control of the press, radio, and all means of communication is absolute.

Years ago, your ancestors and mine could have gone into the forest, carved out stout staves, and been ready to battle for their rights. That is all of the past. Revolution against armed dictators is well-nigh impossible. Now, those who would protest must have munitions factories, chemical plants, and years in which to prepare to fight. When our Government came into being, a revolution was possible. Blacksmiths could hammer out the guns for the Revolutionary soldiers. Someone has said it was not Jefferson who made effective the declaration of the equality of man, but it was Mr. Colt, the one who put the revolver in men's hands. As they used to say on our western frontiers, "Smith and Wesson made all men equal." Inventions like the radio and the telephone, which should have been blessings, and the armored car, the airplane, and the submarine have combined with the Gestapo to make Hitler's army the most feared, most hated, most effective organization ever known. The Gestapo is dedicated to the destruction of great men of independence, men like Bolivar, Lafayette, Kosciusko, Washington, Franklin, and Lincoln—heroes who have fought the battles for the rights of humanity through all the ages.

THE "TROJAN HORSE" AND "FIFTH COLUMN"

Nowadays we have historic incidents recalled to our minds by the constant use of two expressions relating to espionage and deceit between nations. Ten centuries before the coming of the Saviour the Greeks laid siege to the city of Troy, and the besieged inhabitants bravely defended their city. The Greeks, concluding that they could not scale the walls and take the city, constructed a large wooden horse and left it outside the city walls as they withdrew into the blackness of the night. The Trojans went out to plunder the abandoned camp of the Greek army, found the huge wooden horse, and brought it within the city gates, believing it a peace offering. The soldiers, emerging from the horse, opened the gates and made it possible for the Greek army to pour into Troy, slaughtering its trusting inhabitants. From this story have come the expressions "Beware of Greeks bearing gifts" and "The Trojan Horse."

The term "fifth column" is of modern origin. In the recent struggle in Spain one of Franco's generals said, "We have four columns approaching Madrid and we have a 'fifth column' within Madrid," meaning traitors to the Loyalist cause among the residents of the capital city.

These methods of penetration have been adopted, refined, and improved upon by the modern warriors from Berlin. Never in human history has deceit been used as effectively and with such long-time planning as within the past few years. It is well known that traitors in Austria opened the gates from within and made possible Hitler's first great victory. These methods defeated the Czechs, that small group of industrious, liberty-loving people. We hear that people living in Norway themselves gave false orders and guided German troops. The "fifth column" was so effective in Denmark that there was very little resistance left in that country, and in Holland that weapon worked efficiently and speedily. What shall we say of France? The real history will probably not be known for many years, but there can be no doubt that the "fifth column" was largely responsible for the German victory.

The knowledge of the treachery which has been so disastrously practiced elsewhere should not lead us to an orgy of suspicion and "red baiting." There are undoubtedly enemies within our gates who are seeking to undermine the morale of the American people. They are trying to secure aid stealthily and they are trying to influence public opinion in the most arrogant manner as well as with the most subtle devices. The American people must learn how to evaluate the propaganda of the printed word. We may well fear certain kinds of activities, and our Government has provided a means of locating and controlling them. There is an agency within the Department of Justice responsible for investigating subversive activities. When legislation is needed, they will recommend it. Cruel suspicion and slander should be avoided.

DEMOCRACY HAS NOT FAILED

Democracies in Europe have appeared weak and defenseless when fronting dictatorships in battle or in diplomacy; nevertheless I am not willing to admit that democracy has failed for all time. Like Christianity, it has never really been tried. The idea that a free people could govern themselves is relatively new in the history of the world, beginning with our own country. I am well aware of the fact that Plato talked about the ideal republic, and Rome claimed at one time to have had a republic, but not in the sense that we speak of democracy today. Their civilizations were built on slavery and serfdom and on an aristocracy. Those who made and enforced the laws were of a specially privileged class. When the first comers to this country settled on the Atlantic border they brought with them a burning zeal for freedom, liberty, and self-government. These ideas developed slowly and quietly until the period of the American Revolution, 165 years ago. Men like Thomas Jefferson, Thomas Paine, and Patrick Henry then formulated the American concept that the people who are governed should make the laws, acting through representatives chosen by their votes. This was a new and startlingly revolutionary idea. Nowhere in Asia had it been dreamed of, nowhere in Africa, nowhere in South America, and only in the minds of a very few in Europe had it been thought of until it came to flower in North America in 1776.

The French soldiers who were brought over during the American Revolution to fight with Washington were sent by a Bourbon King of France because he wanted to cripple England.

Many times have I said that had the kings and aristocracy of Europe really understood what the coming of our American Republic meant, they would have crushed our revolutionary forefathers with overpowering armies, and men like Washington, Franklin, Jefferson, and Adams would have paid for their boldness with their lives. Fortunately, the rulers were dullards and did not grasp the full meaning of the Declaration of Independence. In our own country there was, as ever, an influential group which deplored the action of the patriots. It is said that the largest "chamber of commerce" of that day rushed a letter to the English King disclaiming any association with or approval of such rebellious leaders as the signers of the Declaration. The liberals were unpopular, even then.

Without the American Revolution there would have been no French Revolution in 1789. The French Revolution was fostered by the ideas of Rousseau, Voltaire, and other thinkers, and stimulated by the American Revolution. The American idea influenced the whole Western World, and the divine right of kings gave ground everywhere to the new philosophy. In 1848 it looked as if liberty and freedom might sweep Germany, but the revolution failed, and its leaders became refugees in America, to which they made valuable contributions. Many American families of German ancestry trace origins to the scholars and leaders who joined us then, becoming generals, statesmen, and teachers.

THE ENEMIES WITHIN OUR GATES

When we think of the political bosses of our big cities, when we hear of the corruption in State government, and when we learn of questionable action in Congress through appropriation of public funds for private benefit or special privileges secured by evil lobbies, and of things that have gone wrong in public life from ocean to ocean, we are apt to become discouraged and say, "What is the use? Democracy is a failure. The people are so dishonest that they cannot rule themselves."

I know all these shortcomings and fully understand the attitude of utter discouragement. I know how public opinion is swayed by the newspapers, by lobbies, and by organized propaganda. I know how Representatives in Congress shake and quake and fail to vote their convictions because of the drive of newspapers through worked-up public opinion back home. A case in point occurred recently when 330 Members of the House voted for an unconstitutional bill to deport a certain individual without trial and without hearing. There was no law nor precedent for it. It was purely the drive of hysteria, largely worked up and promoted by those who had been harmed by this man's activities. It was the boldest attack in our history upon the citadel of our liberties. I know many voters are uneducated, many do not speak nor understand our language; some are criminals; others do not care and vote on name familiarity or follow the drift of the so-called public-opinion polls. The indifferent citizens are a powerful "fifth column." I know, too, that money largely influences elections of officials from constable to President.

Still, with all its faults, all its shortcomings, and all the vices of its citizens, this Government of ours in America today is the best government the world has ever known and the one most worthy of preservation so that it may be perfected. So I repeat, democracy has not failed; it has not really been tried, even in our United States, and in Europe where it has been attempted it has had even less of a chance to survive. That failure in Europe is the reason it is today so easy to crush the free governments with the iron hand of oppression, especially when backed up with a perfectly mechanized war machine.

Those who cry out against "politicians" forget that politics implement government. The kind of politics we tolerate determines the kind of government we shall have. Our dangers spring from special privilege and monopoly. There are those who seek every weak spot in our armor to attack us in order to monopolize government itself for their own power and enrichment. Just now, finding us defenseless, they are attacking with renewed and desperate violence.

We shall not be helpless in the face of any of these difficulties if our people will take the first essential step toward the preservation of our democracy. That means that they shall cease to be indifferent and will seriously study the situation, weighing the consequences of any action which the Nation may take. National unity is fundamental. No enemy can be overcome and no plan can be successfully put into effect without general approval. There are conditions which deny liberty. We must make certain that we maintain the conditions which guarantee liberty.

HOW WOULD HITLER FIGHT US?

It is clear that Hitler will pay but little attention to the United States until he has brought the British Empire to its knees and dictated terms of peace. Even if that momentous event should occur, it is not probable that he will start any invasion of this country. Should Hitler secure a part of the British navy and be able, within the next few years, to construct more formidable fighting ships, and make satisfactory terms with Japan, it is very probable that we might feel the full force of his power in a naval war, brought on by some dispute over the islands of the Western Hemisphere. Should Hitler obtain bases and landing fields in the islands of the Caribbean Sea, and should he rain bombs on the Panama Canal from these bases as he is doing today upon England, there is no doubt but what we would be in the conflict.

Many believe that the big battleship as a war weapon has been supplanted by the airplane and the submarine. Representative CARL VINSON, chairman of the Committee on Naval Affairs, said recently on the floor of the House that we have simply got to continue building big battleships as long as Japan and Hitler are building them. We must be able to fight them with whatever weapons they may choose. There is no great probability of a German advance into this country through Mexico, though there are those among us who fear this contingency. Military students do not believe that Hitler, even with his marvelous war machine, could get the food, ammunition, and equipment necessary to advance his army onto American soil.

There is, however, no doubt that Hitler will fight us economically. The totalitarian nations control all Europe today, with the Nazi machine in supreme command. Our surplus agricultural and industrial products cannot be sold in Hitler-dominated countries without Hitler's permission. The fight at first is going to be in the economic world, where we are at a great disadvantage. It is not expected that shells will be dropped on Washington, D. C., New York, nor Portland, Oreg. We will probably not feel the effect of bombs that will destroy buildings, but we surely will feel the effect of an economic bombardment that may prove destructive to our present financial set-up. The trade relations with other nations which have been the bulwark of our capitalistic system are definitely broken or endangered. This will force upon us a totally new economic way of life which I shall discuss in a moment.

WHAT MUST WE DEFEND?

This is not the first time the United States has felt called upon to make its position clear to the world in relation to the nations of this hemisphere. President Monroe's message to Congress of December 2, 1823, set forth what has become known as the Monroe Doctrine which was never, however, ratified by any congressional legislation, though it has become extremely important in American politics. That message announced that the United States would not interfere in European affairs, but would view with displeasure any attempt by the European powers to subject the nations of the New World to their political systems. The Congress, during this session, has undertaken to define our present concept of the Monroe Doctrine.

Our Government has been greatly concerned to promote harmonious diplomatic and trade relations with our southern neighbors. This year there was celebrated the fiftieth anniversary of the first Pan American Conference. Our diplomats are just now meeting to determine the points of agreement among the nations of the New World so far as present

European relations are concerned. They have proposed a joint trusteeship, during the emergency, of the European colonies in the western world. American solidarity, in event of a Hitler victory in Europe, is a matter of such vital importance that many sacrifices may well be made in order to bring it about. The difficulty of undertaking the defense of South American countries against the encroachment of Hitler is that it commits us to defend many nations which do not want to be defended.

Many careful students believe that we ought not to extend our protective area much farther south than the eastern bulge of South America. Apparently, Argentina, Chile, Uruguay, Paraguay, and much of Brazil wish to tie up with the totalitarian idea and form governments on that model. They speak the Spanish language. They do not have our system of government nor our way of life. Germany and Italy have penetrated these countries for years. They control trade and commerce, air lines, even the governments themselves. These countries can easily enter into business and economic relations with the totalitarian nations of Europe. In fact, they are now relying on the profits from such trade.

Many of these countries are directly competitive with our agricultural production. Might it not be best to let them go to the Hitler-controlled world rather than to attempt to force them unwillingly, into our orbit? In most parts of South America they have very little idea of real democracy in government. Dictators rule there. Their products find a ready market in Hitler-dominated territories. They need the machines and industrial products which the totalitarian nations can supply, and barter is their method of trade. I was told a few days ago in one of our departments in Washington that agents of Hitler were now in parts of South America contracting for wheat and beef, offering in exchange machinery and goods made in Germany and conquered countries, and also directly competing with our industrial products.

We must, at least, throw a ring of steel around every island in the Caribbean Sea, the northern part of South America, the Panama Canal, Central America, Mexico, and Canada. The Hawaiian Islands are a part of the United States, made so by the law of admission, and must so remain. Pearl Harbor, one of the finest in the world, must be our western outpost. The western defense for the Panama Canal must be the Galapagos Islands. All of the Aleutian Islands and Alaska are now ours, and must so remain, with the fishing rights pertaining thereto. Air bases are being placed in Alaska for the protection of this sector.

The Philippine Islands wanted their independence and, under present law, they will get it in 1946. It was a very unfortunate venture when the United States entered upon the imperialistic policy which forced us to be interested in the Orient. Now we must allow the Philippine Islands to go their way as they have neither the inclination nor the ability to be part of a real democracy. They have never been, and cannot be, an integral part of this Government. Our possession invites trouble and involves great expense and difficulty. It goes without saying that Canada must have full protection as a democracy of utmost importance to us.

WILL OUR SOLDIERS BE SENT OVERSEAS?

The President, in his message to the Congress recently, made known his stand when he said that our soldiers should not be sent to European battlefields. I believe the Congress is in accord with that sentiment. It is alarming to think of the future of the United States should Great Britain break under the strain, and be obliged to sue for peace, as France has done. She does not need manpower, but she does desperately need mechanized fighting equipment.

MECHANIZED WARFARE

The internal-combustion engine has completely changed methods of warfare since the last war. No longer can battles be won nor the fate of empires settled by slow-moving battalions, either in open or close formation. The internal-combustion engine has made the submarine effective and deadly. Improved to the *n*th degree, it has made the tank an efficient weapon of war. A few evenings ago, Congressmen and Senators were invited to see a moving picture of German warfare. There were airplanes in such droves that they must have almost darkened the sky, and out from those planes, into the air, stepped armed infantrymen; with parachutes opening, they came down in clouds.

In this war Hitler and his efficient staff have simply outgeneraled, outmaneuvered, and outfought every nation against which they have moved. They are fully prepared and experienced after a concentrated effort directed toward destruction of many other nations. These modern methods adopted by Hitler first employ a large squadron of heavy bombers which drop bombs with terrific force, and spread terror everywhere. On their return trips they strafe with machine-gun fire anything visible on the ground. This is followed by a wedge of lighter planes with smaller bombs, many of them incendiary. Then appear squadrons of air transports bearing parachute troops. After these troops have been dropped on predesignated areas they return for other loads and they also strafe the ground on their return trip. Then the tanks appear on the ground, huge tracklayers weighing 30 to 60 tons, with lighter tanks on their flanks. Then the infantry moves up, not on horseback nor afoot but in speedy lorries or squad cars. Few men have actually been used in the initial stages of the attack; just highly trained technicians and engineers.

What a contrast to the slow-moving advance and regular siege work for which the Maginot line was built! No wonder the French were unprepared. Such perfect machinery can be met only by the same sort of a machine more efficiently managed, maneuvered, and coordinated. Britain must literally fill the air with its fighting planes and drive back with deadly precision the fast German planes. When armed tanks appear they must be met with armed tanks of greater strength and power. Indeed, it is a fight to the death, with no quarter. It is either "we or they." Either democracy must disappear or it must arm itself and be prepared if attacked to give blow for blow in this highly technical mechanized warfare. The preparation of such war machines calls for concentration of effort and wealth and purpose to a degree never before devoted to such a purpose, outside of Germany. It is rumored that the French failed because their leaders lacked patriotism and driving power and her industrial leaders demanded financial profits. Yes, industry as well as savings and men must yield to the necessity for national defense. We must not repeat that terrible error.

It is now stated that the Germans lost the first battle of the Marne in September 1914 because their front lines lacked ammunition. In this war no German advance, so far as we know, has lacked ammunition nor food nor any kind of supplies. Moving close behind every advance made by the German machine there has come in quantity ammunition, food, and all essential supplies. The rapidity of the German movement has made it impossible for its poorly equipped enemies to offer adequate resistance.

PREPAREDNESS—THE DEFENSE PROGRAM

There are four groups of citizens who will first be called upon to sacrifice personal interests in support of the national defense program. Their response will reveal to the world, as well as to our own citizens, our strength and our weaknesses. If any one of these groups begins by demanding exemption from the responsibilities which citizens face in a national emergency our democracy will indeed be imperilled. It is obvious that these groups are our industry, labor, taxpayers, and young men citizens. If industry should demand cash on the barrel head before undertaking manufacture of airplanes and defense weapons; if labor, which has been stabilized by legislative enactments of the past 8 years, should hesitate to perform its part without increased financial assurances; if taxpayers should revolt against the necessary sharing of income; and if youth should be found unwilling to dedicate to government a year of service we shall face a tragic era. Our country, also, would be left exposed to attack by those who are capable of united effort. I am confident that those who belong to each group so prize the privileges of our democracy that they will be found united against the sabotage of unwillingness to serve.

This is no time for recriminations because of our state of unpreparedness. Hitler moves swiftly. A year ago no one could have foretold what has passed during the summer months of 1940. We are now forced to take an inventory of our resources and to take action predicated upon the movements of the German war machine. The national defense program is going forward with superb efficiency so far as governmental organization is concerned. The President has selected advisers of known competence. These men are great industrialists who are sacrificing time and high salaries to the cause. They have been chosen because of ability and not for personal or political reasons. The Congress has cooperated with appropriations, authorizations, and legislation. Next comes the transformation of existing plants and the building of great new plants. The tools for making the war machines must first be made.

We have entered into a long-time program. The questions of taxes and profits may halt progress. It is almost unbelievable that a great industrial organization would hesitate to proceed with defense orders unless certain financial guaranties could be made. Naturally, they have a duty to investors, to owners of stocks and bonds, but a prior duty to government should cause every obstacle to be swept aside. What profits would be assured them under Hitler? Are profits more sacred than life or the freedom which thousands must yield, giving up gainful employment and the preparation for professional life?

Neither the Congress, nor the President can wholly solve the problem of defense. It rests with our people to cooperate after appropriations have been made and equipment built.

SELECTIVE SERVICE TRAINING

Liberal American speakers have, time and again, expressed pride in the fact that we maintain no great standing army. Thousands of American boys in universities and colleges have signed pledges never to join the Army nor to engage in any foreign war. American boys in land-grant colleges have been allowed to choose whether they should or should not take military training. Mothers by the thousands have taught their boys that they should never take part in military training nor war in any form. Mothers have sung with fervor "I didn't raise my boy to be a soldier." The feeling has been that military preparedness but courted war. We believed we could live at peace with our fellow men if we chose so to do. We did not expect that great nations would be defeated and subjugated until we also would be expected to pass under the yoke, but our enslavement would be economic.

I once heard Bryan say—

> We will not tolerate a huge standing army. Should we ever be attacked, a million men will spring to arms over night to defend our priceless heritage of freedom and liberty.

Eloquent words these, but how foolish they sound today. How helpless our soldiers would be with their rifles in an attempt to stop the mechanized army of Hitler. Overnight training of our devoted boys would fail completely against the life-trained soldiers of Hitler. How different our training here from that in Germany. There, every boy is taught from the beginning that the greatest reward of living is to fight for the fatherland, and that the most glorious death is on the battlefields, advancing the German cause. They sing Deutschland über Alles—Germany over all.

They have been regimented almost from infancy and taught to use the mechanized equipment of their most powerful modern army. Their German mothers have willingly bred warriors, have trained them, and dedicated them to conquest. They force us to counter with adequate preparation. May we never come to regard human life as subject to the purposes of aggressive war!

Now, spurred by public demand unprecedented in vehemence and unanimity, our country is building battleships, airplanes, and armored fighting equipment. Who will operate these war machines? Our vocational schools should plan their courses to make it possible to give young people this valuable training supplemental to other requirements. The more fully training and preparation can be combined with the usual ways of life of all our young people, the better it will be for them and for the country. There must be thousands of men technically trained, and other thousands of men to serve in a secondary capacity, or the equipment will be useless. Shall we depend upon volunteers, leaving to peaceful pursuits and financial gain those too indifferent, too fearful, or too greedy to volunteer? As all our citizens are supposed to be equal and equally to enjoy the Nation's blessing, shall they equally share in the task of defense, and how shall this be accomplished? I wish to make it clear that defense does not, and, I hope, never will mean war.

Very reluctantly I have reached the conclusion that we must inaugurate some kind of selective service. I look for the early enactment of a law which will make it possible for every man to find his place and be able to fill it, should it be necessary to defend our country and its institutions. I have nine grandsons, the eldest of age for service and flying a plane in order to be ready. I do not think any of the nine young men have a desire to win fame on battlefields; they just naturally will not develop into military or naval men. My namesake, a boy of 15, is deeply interested in the cattle ranch, and he hopes some day to produce more and better white-faced calves than did his grandfather. It is a sad thought to me that these young men, who desire to read and study and spend their lives in industry and on farms, will be obliged to take intensive training so that they may not be at a serious disadvantage should they be called upon to defend their native land.

It is my belief that a selective-service program is our only hope and their only protection, and that it is the only satisfactory and just plan for a democracy. I believe American young men will willingly ascribe to the pledge adopted by a church conference recently:

> We pledge ourselves to any sacrifice * * * that may be required for the defense of democracy against every foe, without and within.

If sanity returns to the world, the training will not have been in vain, and each man will always remember with satisfaction that he was one of those who played his full part during the great emergency. Without the selective-service plan, the bravest and most valuable are sacrificed for the protection of those who do not feel their responsibilities. I can never forget the words used by the father of a young man who was hurried from a threshing machine on an Oregon farm to perish within 6 weeks in the Argonne. The blank called for "cause of death." The father wrote, "Unpreparedness." Unless we train young men, we might, in case of attack, be sacrificing them just as this boy was sacrificed.

The volunteer system will not meet the needs, because it might disrupt our industry. Great Britain suffered because skilled men were removed from the factories. The government, and not the individual, decides in an emergency where each man should be placed most advantageously. It is better for the citizen that the government should determine this matter. The choice of type of service can be made only by those who have the whole plan in mind. Qualified men are already clamoring for an opportunity to register so their skills may be used by the country. Undoubtedly there should be a registration of all citizens in order to learn who is skilled in each type of labor, industry, or profession which would be called into play in a defense program. Those who are unskilled would be assured of technical training which would be advantageous in either military or civilian life. Every person who has a stake in the country will, very naturally, desire to have a place in its defense program.

Any selective training bill will have most careful study in committee, and full House and Senate debate. No action will be taken until the Congress and the Nation are thoroughly informed. It is important that legislation should be drawn with meticulous care. Legislators decide on matters of fundamental policy. Some think it better to require young people to serve during the college years, others believe they should be allowed to finish college. It is undoubtedly true that if the college course is interrupted many may not return to complete it. The importance of completion of college work ap-

pealed so strongly to me that I secured passage through the Oregon Legislature of the soldiers' education bill, following the World War.

I am not prepared to commend any particular plan or bill. I desire to deal only with basic principles. Just how any program would affect citizens cannot be determined until the Congress decides how many will be needed for training at any particular time, and what demands will be made for each type of training. It is altogether possible that the period of service would not be lengthy, and that the training would have compensating physical and material values.

One of the most significant statements I have recently read is that France has repudiated its Revolutionary motto, "Liberty, Equality, Fraternity," which has rung through that land for 150 years. No more are the French allowed to sing the Marseillaise, the most inspiring song for defense of liberty ever written. If we consign our defense program solely to the hands of those who volunteer to sacrifice the necessary months or years to purposeful effort toward defense preparedness, shall we also as a nation forswear liberty, equality, and fraternity?

WHAT DEMOCRACY REALLY MEANS

Democracy is a method of government of laws and not of men, the laws being made with the consent of the governed. Most democracies have a constitution or fundamental law. Our Constitution was immediately supplemented by the first 10 amendments, known as our Bill of Rights, which guarantee free speech, freedom of assembly, freedom of worship according to the dictates of conscience, freedom of the press, and the right to possess property, denying anyone, including the Government, the right to take that property without due process of law. Our democracy guarantees us the right of trial by jury. Laws shall be made only by duly elected representatives of the people. The new afternoon newspaper in New York has used as its editorial motto words which are especially significant today:

Liberty is always dangerous, but it is the safest thing we have.

In totalitarian countries the state is everything, the individual nothing. The dictator's word is absolute law, never questioned. There is no privilege of habeas corpus. There is no right of appeal nor privilege of petition. The Code Napoleon, the civil law of France, which has been the pride of the Latin nations for a century and a half, will soon be superseded by the decrees of dictators. Hitler has defined the democracies as being a chickenyard with all chickens cackling at once. He has also said that a democracy is a government by chatter. Under his reign, nobody cackles. They obey or they are liquidated. Dictators rule by creating fear.

OUR STORE OF GOLD

For centuries, trade between nations has been balanced by the gold ounce, the yardstick of commerce. Under Hitler, this measurement is abolished and paper money is no longer based upon metal. All Hitler-controlled nations have a managed currency. The world is returning to a system of barter, or the trading of products for products, which existed centuries ago. For instance, a country would take so many sacks of coffee and exchange for them a certain amount of machinery or industrial manufactured products, the ratio of values to be determined by edict of the dictator. The value of gold in a Hitler world is unpredictable. Hitler has declared "Gold is a dogma."

Speaking a few months ago to a group of Congressmen in Washington a lecturer recently returned from Germany said: "The German paper money just does not make sense." In Germany, the workman recognizes the paper that he gets for his labors simply as a receipt by which he is entitled to a certain amount of food or a certain number of articles which he desires. If he holds cards for more than he needs, the government uses the balance. Hitler does not recognize past obligations, bonds, nor promises to pay. Should he prevail throughout Europe, we must completely revise our ideas in regard to our monetary system, as we in this hemisphere will stand alone on a metal base for money. Under our system people have been encouraged to thrift. They have accumulated savings and have enjoyed interest paid on those savings. There is nothing in the new European system which parallels this.

We have here now the capitalistic system, under which we have piled up riches—for some—and on which we have built our hopes for universal financial well-being. Interest profits, dividends, security in investment, money as a measure of value; under this system we have developed the most luxurious civilization of all time. It is impossible for us to see how all the great business and the inventive achievements of the last century and a half could have been made without that system of financial reward for active, industrious men. Hitler may be striking the final blow to that system, just as the use of gunpowder is said to have ended the feudal system. The capitalistic system, if it is to be maintained at all in a Hitlerized world, must be revamped to operate under changed conditions and within a limited area.

We have today in the United States 80 percent of the monetary gold of the world. We have taken it in exchange for balances due us in world trade. We have paid for it in wheat, cotton, and industrial products. It is inconceivable that civilized nations, which have depended upon precious metal as a basis for trade and a measure of value, could abandon it so quickly. We should keep our gold, for in a few years, sanity will again return to the world and old values again will be recognized. England and the United States have just had conferences seeking to work out a plan for handling the gold situation.

FOREIGN TRADE

The following table, which gives some export statistics from this country for the year 1937, is enlightening—and alarming. It shows the percentage of each of the exported articles which found its foreign market in the Third Reich or countries now under its control:

Product exported:	*Percent of total exports*
Copper	42
Cotton	37
Oil	27
Tobacco and machine tools	18
Automobiles	15
Wheat exports	42.7

What does this table mean? We have already been notified by the German foreign office that we must play the game according to Nazi rules, or there will be no trade. We can sell Hitler probably a million bales of cotton, if we take in exchange for it tanks, airplanes, and machinery, the very things we want to sell. We might as well make up our minds now to reorganize our economy, because there is no question that our foreign trade is gone in Hitler-controlled countries. He is intent upon developing that trade with other countries which will take the products of the countries he controls—on his terms.

OUR PRODUCTION MUST BE CONTROLLED

Industry has long controlled its own production so as not to ruin its price structure and markets. A slight measure of control has been introduced into agriculture in the United States following Government subsidies and guaranties which would bankrupt the Nation if not kept within bounds. Even this has been resented by some who have not understood the matter. I realize how drastically further control of the production of wheat will affect our Pacific Northwest. In a good year we produce about 85,000,000 bushels of wheat, mostly of the soft variety. Seed, feed, and home consumption will absorb a little more than half that quantity. Why produce with no prospect of market? The South will ordinarily produce 14,000,000 bales of cotton. Our home consumption will absorb about 6,000,000 bales. Why produce to full capacity when it cannot be sold for money, and cannot be used in this country? For sale of these surplus crops we have depended on foreign markets, mostly in Europe. Those markets are gone. South America can meet the demand.

To me it appears foolish to say to the American farmer: "The Government will in no way control your production, but will guarantee your price." That means we would raise millions upon millions of pounds of cotton and bushels of wheat more than we need for our own consumption—and no place

for it to be sold. We can sell but precious little in Asia, with Japan controlling the sea lanes. We can sell none in Africa, and, if we are sensible, we must know that we are barred from Hitler-controlled countries in Europe. We might as well face the facts and allow no demagogue to tell us that the American farmer will have freedom to produce as he sees fit. Because of changes in Europe, that control must reach, I fear, into every farm, hamlet, and village in this broad land, from ocean to ocean.

TAXES

Congress has, since the 1st day of May of this year, authorized the expenditure of $10,000,000,000 for defense, and has appropriated, directly and indirectly, most of that authorization. The total authorization is 10 times the assessed value of the State of Oregon. We have promised to raise part of that sum by taxes levied on the people, and the balance we will borrow in the money markets of the United States. Our whole system of taxation must be revised. I fear we must be taxed "until it hurts." That is not a popular thing to say, but it is the truth. Today in England inheritance taxes take the larger part of an estate, the amount depending upon the size of the estate; income taxes take a generous portion and reach down into the smaller income brackets—from 42½ to 90 percent of net income. The tax on every gallon of gasoline in England is 15 cents; this is about the retail price in Washington. Taxes must be based on ability to pay, and must take whatever portion may be necessary to arm our Nation for defense.

CAN ISOLATED AMERICA SURVIVE?

It is my firm belief that an area including the North American Continent, Central America, and the northern part of South America, the Hawaiian Islands, the Aleutian Islands—all can survive, and be self-contained and prosperous within the boundary lines which I have indicated. Hitler, Stalin, Mussolini, and the war party of Japan cannot live forever. They are just human beings, and must answer the fatal summons in the not-far-distant future. The history of the world teaches us that conquerors and dictators have been unable to pass their powers on to successors of their choice. Alexander tried it and failed; the Caesars failed; Charlemagne could not perpetuate his empire; Napoleon could not provide for his successors. There is no better example than the Mongols of the twelfth century, Genghis Khan and Tamerlane, leaders without peers in history, who were unable to rule through successors after they passed. Sanity must certainly return in time and until that happy day comes, our country can survive, and as a democracy. We have all the food we need. We have all the genius we require. Most strategic metals and minerals can be found somewhere within the boundaries indicated or substitutes provided. We are entirely self-sufficient, but we will be forced to changes in economic life which will work hardships on all classes—on the privileged classes, those who seek to monopolize government and prosperity and are now organizing to demand it—on the laborers, farmers—yes—all will feel the pinch of contraction and change.

Hitler has decreed that America must be crushed. That means that America must be made subservient to his wishes or chart an independent course, backed by strong defense. Let not those who enjoy great wealth think they could prosper under the rule of the Nazi. It is probably true that the collapse in France was largely due to the fact that the rich industrialists refused to give up their dividends and profits, and demanded privileges when France was straining every nerve and every energy to produce the machinery necessary to meet the oncoming German hordes. Perhaps the laborers of France did not devote themselves early and late to the production of the war machines. There seemed to be astonishing lack of coordinated effort. Perhaps what is known as the Cliveden set in England, the group that has ruled the British Empire for decades, was largely to blame for the failure of the British Empire fully to prepare to meet the German menace. We do recall that Chamberlain said after Munich, "This appeasement will prevent war in our time." Perhaps labor, too, jealous over what they had won, refused to do their part. It is certain that all the countries conquered by the Hitler war machine have been honeycombed with "fifth columns," by German plan or by treachery of citizens.

NATIONAL UNITY OUR DEPENDENCE

It is evident today that one of our greatest obstacles in America is the activity of those who would slow down production, stir up internal strife, and destroy morale. There are others who rush to Washington to demand a share of spoils, willing to hazard and delay the defense program for some local or personal gain. Where the ship should be built, or the airport located should be determined by possible military necessity and not by public clamor. We must present a common front, devoted to the preservation of our form of government, willing to forego advantages and to make sacrifices.

I have faith that our form of government, based on the consent of the governed, for which so many men have suffered and died, shall not perish.

A writer in a Washington paper recently struck a responsive chord in my mind when he quoted the following lines written by the Greek poet, Aristophanes, 23 centuries ago. They do seem applicable "to the present barbaric period in which bloody belligerency has all but supplanted rest and peace."

From the outcry and subtlety of hatreds
Give us rest * * *
Fuse again the kindreds of nations,
With nobler purposes touch our souls.

[Applause.]

PROVIDING FOR THE RANK OF LIEUTENANT GENERAL IN PANAMA AND HAWAII

Mr. MAY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 3200) to provide for the rank and title of lieutenant general of the Regular Army in the military departments of Panama and Hawaii.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. PEARSON). Is there objection to the request of the gentleman from Kentucky?

Mr. MICHENER. Mr. Speaker, reserving the right to object, does this bill meet with the approval of the minority members of the committee?

Mr. MAY. I may say to the gentleman from Michigan that the House Committee on Military Affairs gave extended consideration to a companion bill and finally decided, after thorough consideration of the matter, to take up this Senate bill. After we had considered it very thoroughly and the objections had all been ironed out, the committee reported this bill unanimously and favorably. There was objection raised by one member of the committee who wished an amendment placed in the bill. I discussed the matter with the gentleman, and he has agreed to waive his amendment and is not interested in it at all at this time.

Mr. MICHENER. In other words, the Senate bill is as the bill was agreed to by the House Committee?

Mr. MAY. The gentleman is correct.

Mr. MICHENER. It is with the consent of the minority members of the committee that the gentleman asks for the consideration of this bill?

Mr. MAY. It was a unanimous report of the whole committee, the minority included, with the exception of the one gentleman whose grievance I have discussed.

Mr. FISH. Reserving the right to object, Mr. Speaker, how many lieutenant generals do we now have?

Mr. MAY. Frankly, I do not recall, but I believe it is stated in the report. This bill relates only to the two lieutenant generals at our two foreign posts, the Panama Canal, which the gentleman from New York knows very well is our life line, and Honolulu, which is the main outpost for the protection of the Panama Canal.

Mr. FISH. The gentleman does not know whether we have two or four lieutenant generals now?

Mr. MAY. I believe it is four, or perhaps five, with these two.

Mr. FISH. What is the increase in salary?

Mr. MAY. Five hundred dollars a year.

Mr. FISH. That is all the difference in pay between a major general and a lieutenant general—$500?

Mr. MAY. That is right.

Mr. FISH. This bill comes here with a unanimous report?

Mr. MAY. Yes; with no dissent whatever.

Mr. FISH. The bill covers only the departments of Hawaii and Panama?

Mr. MAY. That is right.

Mr. HINSHAW. Reserving the right to object, may I ask the gentleman if these appointments to lieutenant generalships are permanent or temporary appointments?

Mr. MAY. They apply just during the incumbency of the general at that station.

Mr. HINSHAW. This is the same sort of appointment we make for the Chief of Staff at the present time?

Mr. MAY. That is exactly right.

Mr. SCHAFER of Wisconsin. Reserving the right to object, Mr. Speaker, what will be the additional cost to our almost bankrupt Federal Treasury if this bill is passed?

Mr. MAY. Five hundred dollars a year, as I have just stated in answer to the gentleman from New York.

Mr. SCHAFER of Wisconsin. Is it necessary to have these additional generals in order to provide for an adequate national defense?

Mr. MAY. General Marshall tells us that it is vitally important at this time because they are badly and urgently needed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act to provide for the rank and title of lieutenant general of the Regular Army", approved August 5, 1939, is hereby amended to include the major generals of the Regular Army specifically assigned by the Secretary of War to command the Panama Canal and Hawaiian Departments.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. MAY. Mr. Speaker, at the request of the gentleman from Colorado [Mr. LEWIS], a member of the Committee on Rules, I ask unanimous consent that the report of the House Committee on Military Affairs on the bill which has just been passed be printed in the RECORD at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The committee report is as follows:

The Committee on Military Affairs, to whom was referred S. 3200 to provide for the rank and title of lieutenant general of the Regular Army in the military departments of Panama and Hawaii, having considered the same, submit the following report thereon, with the recommendation that it do pass:

The purpose of this measure is to provide that major generals of the Regular Army especially assigned by the Secretary of War to command the Panama Canal Department and the Hawaiian Department shall have the rank and title of lieutenant general while so serving; that major generals while holding the rank and title of lieutenant general, under the provisions of this bill, shall be entitled to receive the pay and allowances of a major general, and in addition shall be entitled to receive the same personal money for allowances as are now and may hereafter be prescribed by law for vice admirals of the Navy.

The Panama Canal and Hawaiian Departments are Territorial commands of great importance to our national defense and the steps which have been taken to solve our defense problems in this hemisphere have greatly increased their strategic and international importance and have added materially to the responsibilities of the commanders of these two areas with their increased garrisons.

In conformity with paragraph 2a of rule 13 of the House Rules there are printed in parallel columns the provisions of the existing law and the provisions of the proposed bill:

EXISTING LAW	PROVISIONS OF PROPOSED BILL
(Public, No. 290—76th Cong.)	
"That the major generals of the Regular Army specifically assigned by the Secretary of War to command the four armies of the United States Army shall have the rank and title of lieutenant general while so serving: *Provided*, That major generals, while holding the rank and title of lieutenant general under the foregoing provisions, shall be entitled to receive the pay and allowances of a major general and, in addition, shall be entitled to receive the same personal money allowances as are now, or may hereafter be, prescribed by law for vice admirals of the Navy: *Provided further*, That should an officer, while serving in the rank of lieutenant general be retired from active service, he shall be retired with the lineal rank and the retired pay to which he would be entitled had he not been serving in the rank of lieutenant general, the provisions of section 1254, Revised Statutes (10 U. S. C., 1025), to the contrary notwithstanding."	"That the act entitled 'An act to provide for the rank and title of lieutenant general of the Regular Army,' approved August 5, 1939, is hereby amended to include the major generals of the Regular Army specifically assigned by the Secretary of War to command the Panama Canal and Hawaiian Departments."

Attached hereto and made a part of this report is a letter from the War Department:

WAR DEPARTMENT,
Washington, January 25, 1940.

Hon. MORRIS SHEPPARD,
Chairman, Committee on Military Affairs,
United States Senate.

DEAR SENATOR SHEPPARD: Responsive to your request, the following report is submitted on S. 3200, Seventy-sixth Congress, third session, a bill to provide for the rank and title of lieutenant general of the Regular Army for the military departments of Panama and Hawaii.

If enacted into law the proposed legislation would amend Public, No. 290, Seventy-sixth Congress, approved August 5, 1939, so as to extend the provisions of that act to the commanding generals of the Panama Canal and Hawaiian Departments.

The aforementioned act reads as follows:

"That the major generals of the Regular Army specifically assigned by the Secretary of War to command the four armies of the United States Army shall have the rank and title of lieutenant general while so serving: *Provided*, That major generals, while holding the rank and title of lieutenant general under the foregoing provisions, shall be entitled to receive the pay and allowances of a major general, and, in addition, shall be entitled to receive the same personal money allowances as are now, or may hereafter be, prescribed by law for vice admirals of the Navy: *Provided further*, That should an officer, while serving in the rank of lieutenant general, be retired from active service, he shall be retired with the lineal rank and the retired pay to which he would be entitled had he not been serving in the rank of lieutenant general, the provisions of section 1254, Revised Statutes (10 U. S. C. 1025), to the contrary notwithstanding."

In presenting to the Congress the proposal to create the grade of lieutenant general for the commanders of the four field armies, the War Department deliberately refrained from introducing the question of similar rank for the commanders of any foreign garrisons in order not to obscure in any way the great importance of immediately providing this increased rank for the Army commanders. The development of the four-army plan had been seriously unsatisfactory, and more vigorous leadership and coordination was essential. The overseas departments, on the other hand, were functioning efficiently. However, the Panama Canal and Hawaiian Departments are Territorial commands of vital importance to the national defense, and the steps which have been taken to solve our defense problems in this hemisphere have greatly increased their strategical and international importance, and have added materially to the responsibilities of the commanders of these two areas with their recently increased garrisons. For the foregoing reasons the War Department recommends favorable action on the bill.

The annual personal money allowance prescribed by law for vice admirals of the Navy is $500. The act approved August 5, 1939, authorizes this money allowance for the lieutenant generals commanding the four armies. By the terms of S. 3200 this allowance would likewise be provided for the commanders of the Panama Canal and Hawaiian Departments while holding the temporary rank of lieutenant general. The additional annual costs of the bill, if enacted into law, would be $1,000.

A similar report has been submitted to the Committee on Military Affairs, House of Representatives, on H. R. 7611, Seventy-sixth Congress, second session, a bill of the same purport and scope. In respect of the report on H. R. 7611, the Bureau of the Budget has advised that there would be no objection to its submission to the committee.

Sincerely yours,

HARRY H. WOODRING,
Secretary of War.

The SPEAKER pro tempore. Under a previous special order, the gentleman from Michigan [Mr. CRAWFORD] is recognized for 10 minutes.

THE SUGAR INDUSTRY

Mr. CRAWFORD. Mr. Speaker, there is in session in the city of Habana, Cuba, at the present time what in my opinion is one of the most important conferences ever carried on

between the Latin American countries to the south of us, 20 in number, and the higher-ranking officials of the United States, led by Secretary of State Hull. This conference is to deal with many problems, among which will come up for discussion, no doubt, the so-called inter-American cartel, along with so-called hemisphere defense.

On the first shake of the dice two high-standing and very important Cuban sugar companies have recommended the elimination of the territorial and continental cane- and beet-sugar industries of the United States and its possessions. I take the time of the House today simply to indicate to those sugar interests of Cuba that there are at least a few of us here who can read English and understand what they are driving at.

These two statements I have here that have appeared in the New York papers under the headings of the Czarnikow-Rionda Co. and Mendoza & Co. of Habana were undoubtedly prepared by the seacoast refining interests of the United States. I am somewhat familiar with the operations of these two companies in the United States and their connections in Cuba. I am also somewhat familiar with the seacoast refining business. I am satisfied that the language in these two statements, which appeared in the New York Journal of Commerce, has been largely designed by the seacoast interests.

The Czarnikow-Rionda Co. proposes that the protection be removed from the continental and insular possession sugars, which include Hawaii, Puerto Rico, and the Virgin Islands, and makes a very interesting comparison between the treatment accorded these insular possessions by the United States and that accorded by the British Isles to their colonial possessions. Reading the Czarnikow-Rionda Co. statement, we find this language:

> It could be pointed out that United States insular possessions have a different status than the British dominions and colonies. It is difficult to understand why this should be so.

These Cuban sugar factors are too smart to make a statement of that kind unless they intend to mislead. It is not difficult to understand why there should be dissimilar treatment accorded by the United States to our possessions and by Great Britain to its colonies, as far as sugar is concerned.

Going ahead the statement says:

> A British dominion has probably the same and perhaps even a higher status. Tropical labor and lower manufacturing costs are a vital factor in both the British Empire and the United States possessions.

It would appear that they very willingly overlook the wage and hour provisions, soil-conservation requirements, the income-tax burden under which Hawaii operates, in particular, and under which the Virgin Islands and Puerto Rico operate to a more or less degree. Furthermore, Continental United States uses Hawaii and Puerto Rico as two vital arms of our defense, while the British Isles have not heretofore in a similar manner used the arms of Australia and Canada as vital units of their defense, and Czarnikow-Riondo Co. are very well informed on that subject.

This company also goes ahead to say that, "It must, however, be considered that the British industry is an infant industry."

They are now speaking of the sugar-beet industry established more than 15 years ago in the British Isles as a result of the terrible lessons the British learned from the last war. Although they had been a free-trade people for centuries, following the last war they established high protection for the beet-sugar industry in the British Isles to make themselves somewhat independent of the situation which they face this very moment. Since the breaking out of world war No. 2, the beet-sugar industry of the British Isles has paid in the way of defense insurance far more than it will cost those people in the form of subsidies in a period of 100 years, and how well the British people know that to be the fact.

Going on, Czarnikow-Riondo Co. says:

> In the United States the domestic beet and sugarcane industries are of much older origin and much longer established, and yet they must rely on high protection for their maintenance. In view of the above, any expansion of these industries would appear to be beyond all reason and not within sound economy.

At this very moment when we are pouring billions of dollars into a defense program not only for the benefit of our citizens, but the Cubans as well, these two Cuban sugar companies, taking advantage of the unprecedented situation now demand that we remove all of the insurance protection which our citizens enjoy by reason of the existence of the domestic sugar industry against their reexploitation by the foreign producers such as Cuba over whom we have no control whatsoever—whether in times of peace or war.

Moreover, instead of our domestic sugar industry which pays American standard wages and high taxes and conforms to costly soil-conservation practices and otherwise supports American standards and institutions, they propose to substitute their own industry which has never been known to have had standards with reference to wages, soil conservation, taxes, and which at the same time escapes many of the other burdens borne by the American producers.

Now, here is a Cuban sugar concern that has the audacity in this hour of national defense to come along here and propose to the American people that we again become dependent upon Cuba and other foreign countries, over which we have no control, for our supply of sugar in times of war, as well as in times of peace.

So far as I am personally concerned, that is an absolute insult to my intelligence. I think there are many millions of other people in the United States who would agree with me in taking that position, because they know that in the period of the first World War this country paid tribute to Cuba as a result of not being able to supply our own needs for sugar, and within about a 2-year period, in excess of the total dollar value of all the sugar properties, land, buildings, machinery, and so forth, in both continental United States and our insular possessions.

Now, going on to the proposition of Mendoza & Co., of Cuba, listen to what they propose. They come out and boldly propose the scrapping of the beet-sugar industry of the United States.

We find this language in their report, referring to the Pan American Conference, which is now in session:

> In our last review we pointed out what we believe to be the economic slant of the approaching Pan American Conference of Ministers. Its chief purpose in this direction, we remarked, will be the attainment of a closer cooperation between the nations of the Western Hemisphere. It was our contention that the mutual protection of natural products, as determined by the soil, climate, and geographical position of each region, and the native ability of its people to take advantage of these inherent qualities—the abandonment of every ultraprotectionist scheme favoring artificial industries and hothouse crops based on subsidies and tariff barriers—should become the theme song of the Habana conference.

If that is the proposal being submitted to our representatives down there, Secretary Hull and his assistants, who have heretofore indicated their willingness to go along with the Cuban proposition, insofar as sugar is concerned—and I refer back to the past seven and a half years—perhaps there is a movement on foot down there more or less encouraged by our own seacoast refiners—if not actually some of our official representatives—to wipe out the beet-sugar industry of 17 or 18 States of this Union. Mendoza & Co. further observes that—

> Cuba has depended upon the European market to get rid of 33 percent of her crop.

And—

> If the New Deal is concerned about its hemisphere-cartel schemes, it may be forced to revive a radical scheme—the United States to get an independent valuation of beet properties, buy their owners out—referring of course to submarginal beet properties.

What is submarginal property? What is the difference between submarginal property in the production of beef, hides, pork, and wheat and barley and sugar and all of the other products of Latin America which compete with the United States? Is it the purpose of the Pan American Union Conference now in session in Cuba to scrap and eliminate from production all of what they term submarginal operations in the United States? If so, that will probably include the cotton industry of this country, the peanut industry of this country, the sweetpotato industry of this country, and every basic food product produced by the American farmer.

In fact, practically every sphere of American production, agriculture and manufacturing, is submarginal in terms of Cuban standards of wages and other social costs. This fundamental approach can well be applied to every one of the 20 principal Latin-American countries.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent to proceed for an additional 5 minutes.

The SPEAKER pro tempore. The Chair calls the attention of the gentleman to the fact that under a previous order the gentleman from California [Mr. HINSHAW] is entitled to recognition.

Mr. HINSHAW. Mr. Speaker, I would be glad to yield for 5 additional minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. CRAWFORD. This report goes ahead to point out that at any rate whether this or any other scheme should come up for discussion at the Habana conference—

> Let no one forget that genuine trade reciprocities must rest on the relative climates, natural resources, and geographical positions of the different nations of the Western Hemisphere.

It is important to carefully note here that nothing is said about taxes, fair wages, and other social costs.

So, after all, we may be going into pretty deep water. When we go along within the next week or 10 days or perhaps 2 weeks and further implement the Export-Import Bank by giving it an additional half billion dollars, as requested by the President the other day, and the bill for which has since been introduced, that will again take us into the big money for Latin America. The Export-Import Bank can go into Latin American countries and purchase $700,000,000 of farm surplus, foodstuffs, fats, and fibers, using the $500,000,000 additional now to be granted, plus $200,000,000 the Export-Import Bank has at the present time. And when we add that $700,000,000 worth of foods, fats, and fibers to the $1,500,000,000 already picked up or on which commitments have been made by the Commodity Credit Corporation of our own Government, we will indeed be in commodities in a very big way.

Have they found out a way to proceed with orderly marketing through adding $700,000,000 worth of foodstuffs, fats, and fibers already accumulated of $1,500,000,000? Is that the idea of orderly marketing? Is that the idea of reciprocity between Latin American countries and the United States? If all of this is to be done in the name of orderly marketing, what will we do about the subsidies on wheat, cotton, corn that we have been using? Is it orderly marketing for us to pay subsidies of $7.50 a bale on cotton which we ship out of the United States in competition with Brazil, for instance, when Brazil is not in any position to pay such subsidy? Is it orderly marketing when we pay from 27 to 32 cents a bushel subsidy on wheat, when those grain-producing countries are not in a position to pay similar subsidies? Certainly, we are getting into extremely deep water in connection with the cartel plans now being discussed at Habana, Cuba, but if it is the proposal of the Latin American countries, led by Cuba, with the terrific influence of the United States, to scrap or eliminate from the productive field those operations in this country which compete with those of Latin American countries, perhaps it is time for us to look into just what is going on in Habana. [Applause.]

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California [Mr. HINSHAW] is recognized for 10 minutes.

IMMIGRATION OF WAR AND POLITICAL REFUGEES

Mr. HINSHAW. Mr. Speaker, I shall shortly place in the hopper a resolution which I have prepared, and which I hope will be referred to the Committee on Rules, providing for an investigation by a select committee of the House of matters concerning the immigration of war and political refugees into the United States.

With the permission of the House, I should like to read the first portion of the resolution, and I ask unanimous consent that the resolution be printed in full.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. HINSHAW (reading):

> *Resolved*, That the Speaker appoint a select committee of five Members of the House, and that such committee be instructed to inquire into the causes and effects which are resulting and may result from the immigration into the United States of political and war refugees from other countries in the world, and into the methods and facilities available and being employed by private citizens, associations, institutions, and others who are inviting and intend to invite such immigrants into the United States, and into all related phases of such immigration—obtaining all facts possible in relation thereto which would not only be of public interest, but which would aid the House in enacting legislation for the purpose of properly regulating such immigration, and protecting such immigrants, and particularly for protecting the interests of the people of the United States as a whole. The committee shall report to the House, with recommendations for legislation, and shall have the right to report at any time. In the event the committee transmits its report at a time when the House is not in session, a record of such transmittal shall be entered in the proceedings of the Journal and CONGRESSIONAL RECORD of the House on the opening day of the next session of Congress and shall be numbered and printed as a report of such Congress.
>
> That said select committee, or any subcommittee thereof, is hereby authorized to sit and act during the present Congress at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, by subpena or otherwise, and to take such testimony as it deems necessary. Subpenas shall be issued under the signature of the chairman, and shall be served by any person designated by him. The chairman of the committee or any member thereof may administer oaths to witnesses. Every person who, having been summoned as a witness by authority of said committee, or any subcommittee thereof, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the investigation heretofore authorized, shall be held to the penalties provided by section 102 of the Revised Statutes of the United States (U. S. C., title 2, sec. 192).

I understand from remarks made earlier today in the House by the gentleman from New York [Mr. DICKSTEIN] chairman of the Committee on Immigration, that his committee will hold hearings early in August on several bills having to do with the immigration of political refugees. From letters received from home and from articles appearing in the newspapers, it would appear that the people of the United States are more particularly interested at this time in the emigration into the United States of children who may be war refugees from Great Britain and France. It was stated in the papers that some 200,000 of them waited in England for transportation abroad, and it was also stated that the British Government had felt that while transportation itself might be available to the United States, they did not have adequate convoy equipment in the form of destroyers, I presume, to protect those children on their way over here. That is important, but there are more important things still. If you would place yourself in the position of a father and mother of those children in war-torn Europe, you would find that you would have very considerable reluctance to send your children abroad, perhaps to places unknown, possibly to people unknown to you, a distance of some three or four thousand miles or more away, depending on what part of the United States they were expected to be sent, into circumstances of which you might have very little knowledge, and that you might possibly never see those children again; that either they might die in absence from their country or that you might be killed in the course of the war going on; and then what would be the future of those children? Many have said that they would rather trust to providence in England, go down together if need be, than to become separated perhaps forever.

In response to certain requests from my district, I have consulted with the State Department concerning methods and means and requirements for bringing British children into the United States. They inform me that the British immigration quota of 65,000 persons per year, with a maximum of 10 percent, or 6,500 persons per month, has not been reached and in all probability will not be reached. There is, therefore, ample allowance under the immigration statutes for all persons who presently desire to send their children to the United States, unless, of course, the numbers should greatly increase over present indications.

The State Department informs me further that it is necessary for persons in the United States who are prepared to receive these children to execute an affidavit in duplicate, stating that they will be responsible, financially and otherwise, for the care of these children, and that they will not be allowed to become public charges. It is possible, under the regulations issued by the cable companies, to cable these affidavits to our consul general in London, thereby beating the mail by some 10 days or 2 weeks or more. Of course it is necessary that the people who want to send their children to this country shall provide the expense of transportation from their home to the place they intend to go in the United States. It is frequently necessary for them also to provide funds for the adequate care of their children in this country, although those who are to receive them guarantee in their affidavits that they are both able and willing and will support those children after they arrive. Consequently this movement is practically confined to children of the classes that are financially able, whereas all children are in equally great danger and should be equally considered for protection.

Mr. DICKSTEIN. Mr. Speaker, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from New York, chairman of the Committee on Immigration and Naturalization.

Mr. DICKSTEIN. I assume therefore that the gentleman is in favor of helping these unfortunate children from Great Britain. I assume that from his discussion.

Mr. HINSHAW. The gentleman can assume from my discussion that I believe the subject should be thoroughly investigated and more facts learned concerning the probabilities for the future of those children and the future effect upon the people of the United States in their immigration here.

Mr. DICKSTEIN. Will the gentleman yield further?

Mr. HINSHAW. I yield.

Mr. DICKSTEIN. Does not the gentleman think if we are going to do something for the unfortunate children that we ought to take care of some of the children from Holland, Belgium, and Poland who are in the same condition as that of the English children? I just call that to the gentleman's attention because we have eight or nine bills pending before the committee asking for that relief, and I fixed a hearing for the 7th of August. I am sure that every Member is interested, and I hope the Members will come and give us their advice and opinion.

Mr. HINSHAW. I will say to the gentleman that the problem is not confined to the children of Great Britain alone. My sympathies extend to all children throughout the world and particularly to those innocents whose very lives are in jeopardy from deadly bombs and death-dealing famine and other causes which are no fault of theirs nor their parents.

It extends to all of the children of the warring countries of Europe. The fact that I happened to bring up the subject of British children is because the requests that I have received in my office come entirely in connection with the British children.

Mr. DICKSTEIN. If the gentleman will yield further, it is my opinion that there are twice as many families in this country willing to care for children, even though we should bring in 100,000, than there will be children come in. In other words, there are 200,000 families in this country who want to be charitable and helpful in taking care of these victims of the war-torn countries of Europe.

Mr. HINSHAW. Answering the gentleman from New York, I would say there are probably thousands and thousands more families in the United States ready and willing to take children than there are families in foreign countries willing to send their children to the United States.

Mr. DICKSTEIN. I do not know about that. I merely give the gentleman my opinion.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. HINSHAW. I yield.

Mr. RICH. I am glad to hear the gentleman state that this is not confined particularly to English children but that anything that is done to bring children over here should apply equally to the war-torn nations of Europe and children who are in distress. America wants to try to help all nations.

Mr. HINSHAW. As I said a moment ago, the reason I spoke particularly of British children is because the requests that come to my office have been in connection with British children. I have had no inquiries regarding children of other nations.

Mr. RICH. If the gentleman will yield further, it should be understood that after a certain time elapses when the war is over and peace is reestablished in these European nations that these children are to be returned to their respectives homes and countries.

Mr. HINSHAW. I think that probably is the intention of the people who send them over and will be the idea of the people who receive them. But it must be remembered in this connection that this is one of the important things that ought to be investigated and studied. There probably will be many instances in which children will have no homes to which to return and they will become permanent immigrants to the United States. It may be that parents will not survive the war or, if they do that, they may be destitute and unable to repatriate their children. Many contingencies may arise.

Mr. RICH. Would it not then become the duty of the Nation from which the children come to take care of them? Would not that become their responsibility, and should they not take the children back unless proper authority exists for these children to remain here?

Mr. HINSHAW. I believe the gentleman will find that the immigration statutes provide that the person in the United States must be willing and able to receive and support these children. But if they come in under the quota as immigrants the United States cannot require their return except for reasons such as undesirability, and so forth.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. If as the gentleman stated a moment ago there are many more families in this country willing to take foreign refugee children than there will be families in European countries willing to send their children here, I would remind the gentleman that there are hundreds of thousands of orphan children in America today to be taken care of. I respectfully suggest that people who really want to be helpful to children can take care of some of our own American orphaned children who are now being cared for in institutions by our overburdened American taxpayers.

Mr. HINSHAW. There is a great deal of truth in what the gentleman has to say. There are thousands of orphaned children in the United States, but also thousands of them are being adopted by the people of the United States every month. People adopt them legally and thereby place themselves fully in responsible position for their care, and under the judicial notice of a court of law, whereas these foreign children it is anticipated will be only a temporary burden upon the people of the United States and upon the individuals who take them, while no special statute protects them from exploitation and the responsibilities are very vague and indefinite.

[Here the gavel fell.]

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to proceed for 2 additional minutes.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

Mr. HINSHAW. In closing I would like to call the attention of the Members to the proposition that if there is any general movement to bring children over here en masse to be assigned by properly selected and designated local American institutions to American homes, a great deal of care must be exercised. There may be laws on the statute books applicable and adequate to the present situation, but I have my doubts of it. Everyone knows that when a person goes to adopt an orphan in the United States he is examined as to financial responsibility, racial compatability, religious prejudices if he has any, the condition of the home, his education, and on

many other subjects. Great care is exercised by the institution in examining the record and circumstances of the foster parents before the child is allowed to be adopted. If these foreign children are going to be sent here in large groups it is going to be necessary for the United States to set up an agency that will be capable of similarly investigating the people who will apply for these children, to care for them pro tempore. If they do not there will be undoubtedly some very unhappy situations arise, because unfortunately in this country as well as in other parts of the world there are those who might want to take the children for the purpose of exploiting them or their parents in order to obtain money from them, and so forth. Certainly some agency should be set up that would thoroughly investigate the reliability of those who apply to take these children.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. HINSHAW. I yield.

Mr. RICH. Some of these children will come from homes that are amply able to take care of them. There certainly should be no loopholes whereby any American family which receives such children would be able to keep them away from their parents should the American family become fond of them.

Mr. HINSHAW. Will the gentleman kindly repeat his question?

Mr. RICH. If an American family should get children from a foreign country and should become attached to those particular children while they are here, it certainly should not be the intent of any law that we may pass that those children will not be returned to their rightful parents when they want them to be returned, regardless of whether the American family wants to keep them or not.

Mr. HINSHAW. I understand the gentleman. The gentleman will remember the experience of a young English boy who was here and I believe is still here as a moving picture actor. He was placed under the guardianship of an American aunt and considerable difficulty arose with reference to the earnings of that child and what should happen to those earnings if the child remained here in the United States or was returned to his parents. A number of other things were also involved and it was a very serious court case.

Mr. Speaker, there are so many angles to this business that evidently have not been given serious consideration by our people, that I believe a full investigation should be made by a select committee of the House. The American people are the most sympathetic, the most willing to aid the sufferers of other lands, the most generous and the biggest hearted people, on the face of the earth. But while we are all of these things, it must be remembered that many serious problems can arise around this very generosity. These children are coming here as immigrants, not merely as visitors. Perhaps a new form of visitor's permit should be devised, permitting an indefinite stay dependent upon conditions abroad, instead of using the immigration visa. Temporary guardianship laws might be enacted. Machinery must be set up for placement of children that will protect the children and the parents of the children. The burden upon local school facilities should be considered. Guaranties of funds for repatriation should be thought of and a hundred and one other important matters looked into.

[Here the gavel fell.]

REFUGEE CHILDREN

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York [Mr. DICKSTEIN]?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, the question of refugee children is, in my opinion, a very serious matter and warrants careful consideration by the Congress of the United States. We cannot help the democracies in any other way, perhaps, than to save their living children in this the land of the free. I know some Members will say, and I have heard my good friend the gentleman from Wisconsin [Mr. SCHAFER] talk about taking care of our children here. As a matter of fact, our people never want to surrender their children nor do they want to surrender them for the purpose of adoption. They are not seeking this relief. I have gone through that in a hearing that we had on the Wagner-Rogers bill about a year and a half ago, and from the testimony before the committee, I do not think that is the question before the Congress today.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. I respectfully differ with the gentleman. There are a great many orphan children in this country who would appreciate being cared for in homes. I know this from personal experience, because I have made a study of the orphan problem and have raised two orphans myself.

Mr. DICKSTEIN. That may be so from the gentleman's experience, but the fact of the matter is that we are talking about helping humanity, helping the Allies, helping this and that, but we do nothing. We just talk. There has been a lot of talk for a number of weeks with regard to helping these unfortunate victims who are under the age of 14 or 16—these children who are being driven from one place to the other in countries that this Hitler madman has taken over.

Mr. RICH. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Pennsylvania.

Mr. RICH. I might say here that they are doing things in this country. On the radio in my district they are asking the people to take these children, so that the American people are awaking to the fact they want to help.

Mr. DICKSTEIN. I am thankful to the gentleman from Pennsylvania. I do not think we ought to discriminate and take care of the victims of England only. There are other little tots, infants, children, boys, and girls who come from good homes and who have a good background in Poland, in Holland, in Belgium, and in France. I think we could fix a quota of 100,000, and in proportion take care of that many children. I do not think the country has to be afraid of where we are going to get the money, because the money is not coming out of the Treasury of the United States at all. It is coming out of the generosity of the finest patriotic Americans in this country, who have formed themselves into many, many groups. These people are both Republicans and Democrats. The great mass of our people are willing to do something constructive at least to save these young people from death or starvation.

Mr. RICH. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Pennsylvania.

Mr. RICH. When it comes to humanitarian problems you will find that the gentleman from Pennsylvania is just as much interested as anybody in this House, or anybody in this country, to try to help.

Mr. DICKSTEIN. I know that.

Mr. RICH. I am interested in this problem, but when we bring over these children, take care of them, help them, and bring them into our homes, we want to see that they are taken care of and that they are given the best aid and assistance this country can give them. At the same time I agree somewhat with what the gentleman from Wisconsin said, We have lots of people in this country we ought to look after too.

Mr. DICKSTEIN. I think we can take care of the orphans in this country and we can also be generous and merciful in this time of great need. We can take care of these unfortunate children, as I said, who come from fine families and take them away from the conditions that have arisen in various European countries. We could do all these things if we want to do them and it should be done by all the people. This is not a political question. I think the Republicans and Democrats ought to go on record and help my committee to bring out a bill, which I hope to bring out, to take care of the children and protect them and see that they get homes and that the proper financing will be provided because I have been assured by a number of organizations in this country, in almost every State of the Union,

that there is a community group ready to take chilldren now and, as I stated, from my brief observation I find that there are more families than we need.

Mr. McDOWELL. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Pennsylvania.

Mr. McDOWELL. What is to be the proposed maximum age of the children?

Mr. DICKSTEIN. They will be not more than 16. We have cases where some people want to adopt the children. There are a number of orphan children whose fathers have been killed in this unfortunate war and whose mothers have disappeared. There are a number of fine American families who want to take care of them. We do not propose to send a Catholic child to a Jewish family. We want to give them the religion to which they have been used, and I assure the Congress that the men behind this movement in every section of the country are responsible, outstanding citizens who are really trying to do a job if the Congress will tie the technicalities of the law and give them a chance to do it.

Mr. McDOWELL. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Pennsylvania.

Mr. McDOWELL. I have in my office hundreds of letters from people in my city of Pittsburgh asking how these children can be delivered. They are willing to take them for the duration of the war, and to take them from all nations, including Germany. I should like to inform the gentleman, however, that it is my opinion that practically all of these generous folk in Pittsburgh are dead set against the proposal to send American ships to bring these children over here, but they are willing to take them when they are delivered on the American shore, and maintain them for the remainder of the hostilities.

Mr. DICKSTEIN. The gentleman and I know that as rotten as Hitler is he would not dare to touch any ship that is carrying these unfortunate victims, the children of parents who have been killed by his machines. I do not believe that he is so rotten as to touch these ships, if we turn all our ships that are lying idle over to the Red Cross and let the Red Cross put them in service bringing these children over here. I do not believe there is any man in this country or in the world who would believe that the German dictator is so rotten that he would attempt to destroy a ship carrying these refugee children.

[Here the gavel fell.]

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to proceed for 3 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McDOWELL. I agree that the Germans would probably not sink any boatloads of children. The Germans are not that kind of people. They would not do it.

Mr. DICKSTEIN. The Germans are not, but their leader is.

Mr. McDOWELL. All right, I agree to that, but the German Navy is not going to sink these ships no matter whose ships they are. There are empty vessels leaving England every hour coming to this country for war supplies. A convoy would not be needed for these ships. I do not have any doubt at all that the American Government can make a proposal to the German Government to let these British ships carry children over here. The Germans are not interested in killing children.

Mr. DICKSTEIN. I do not know whether or not they would consent to letting these children be brought over in British ships, but it seems to me in all fairness and reason that even this man Hitler would not cause any difficulty at all if we told him that we were going to rescue these refugee children. I do not believe we would violate the neutrality law, that has been talked about so much in the Congress of the United States by many Members, including the chairman of the Committee on Foreign Affairs.

Mr. HINSHAW. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from New York.

Mr. HINSHAW. Will the gentleman concede that in all probability the ships that are now returning from Great Britain, and I mean by that, British bottoms, are probably returning empty, and there would be plenty of space available to bring in a number of children on these British ships, without involving the United States ships in venturing into the war zone?

Mr. DICKSTEIN. I want my colleague to understand that I am not trying to involve our country in a war.

Mr. HINSHAW. I understand that.

Mr. DICKSTEIN. I take the position that the gentleman and every other Member of the House does, that we want to mind our own business, but at the same time humanity comes first, and I believe that with proper coordination and a proper constructive plan we can find a way to bring these children here, even if we have to send the ships that are lying idle over there under the Red Cross emblem, perhaps even advising all those involved in the war area that we are carrying children, not ammunition.

Mr. HINSHAW. Does the gentleman see any particular reason for sending American ships when British ships are coming back to this continent empty?

Mr. DICKSTEIN. If there are British ships available to bring the children here, I say we ought to bring them in those ships.

Mr. McDOWELL. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Pennsylvania.

Mr. McDOWELL. In the next 10 days in the gentleman's own city of New York there will be in New York harbor enough British ships coming in empty to bring 100,000 children, regardless of where they come from. These British vessels come in with nothing in them but ballast, and there are enough of them coming in in the next 10 days to bring over all these refugee children.

Mr. DICKSTEIN. I am perfectly agreeable to any way it may be done. I want to do the right thing. I know everybody wants to do the right thing. I believe we owe it to the democracies and to the world that Congress cut the red tape of the immigration law and let these poor children, who are the victims of an unprecedented condition, come into this land of freedom. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. MILLS of Louisiana. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by including a letter I have received from Mr. Addison G. Foster, of the Executive Office of the President, and certain telegrams dealing with the flood question in my State.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD in connection with the National Resources Planning Committee and the work it is supposed to be doing in northern Minnesota, Wisconsin, and Michigan.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on two topics, and in connection therewith to include in each case a brief statement.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

NO THIRD TERM FOR ANY PRESIDENT

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, I wish to call attention to the speech delivered last Monday, July 22, on the floor of the House—page 9575 of the RECORD—by our colleague the gentleman from Illinois [Mr. DIRKSEN] in reference to the Democratic National Convention. The gentleman gave the Members of the House and the public a very enlightening résumé of what happened at the convention at Chicago. Naturally the Democrats are glad that their convention is over. I know I am, because the thing that we suspected would happen did happen—that is, that the dictatorial administration we have had for the last 7 years drove home the point that "He is the ruler and regulator of the American people, and he certainly showed at the Democratic National Convention that he was going to rule that convention." The White House did rule the convention. He nominated the ticket and the New Deal delegates accepted it 100 percent. Talk of a dictator. Our President now certainly proved this point.

The President in next January will not be for it—will be Mr. Willkie—and he will not want to be a dictator.

Mr. Roosevelt named himself as the Democratic nominee and, of course, will receive the greatest defeat in November that any President ever received, because anyone running for a third term and against a principle that was laid down by Washington and Thomas Jefferson is advocating something that should never happen in this country. It is time that the New Deal was kicked out, not only of Washington, but out of this country, and the American people are going to do the kicking in November when they cast their ballots, and you can just put your minds on that and see if that is not the case. America is against a dictator.

Mr. PITTENGER. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield to the gentleman from Minnesota.

Mr. PITTENGER. Does the gentleman care to comment at this point on those Democrats who bolted the ticket?

Mr. RICH. It is just as Willkie says—he did not leave the Democratic Party, the Democratic Party left him. In other words, the New Deal stole the show and there is not any Democratic Party. All the people who are interested as Thomas Jefferson was in the Democratic Party, as it was outlined by the Jeffersonian Democrats, are all going over to the Republican Party to elect Willkie in November. It is the American way as outlined by the Republicans and the dictatorial way as the New Deal has proven.

Mr. PIERCE rose.

Mr. RICH. Governor, we are looking for you to be right over there with them and vote for Mr. Willkie.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. RICH. I will have to yield first to the Governor of Oregon, since I have referred to him.

Mr. PIERCE. Is not the gentleman aware of the fact that Washington believed that an emergency might arise that would require a man to serve more than two terms?

Mr. RICH. Oh, an emergency? That is all this administration talks about. They are trying to cover up their misdoings and their faults. Camouflaging the American people.

Mr. PIERCE. And further, Washington never said or wrote anything against a third term.

Mr. RICH. Did you ever read Washington's Farewell Address?

Mr. PIERCE. Yes; indeed I have, and I advise the gentleman to read it before he displays his ignorance on the subject.

Mr. RICH. Ignorance? That is what I think of your statement.

Mr. PIERCE. Read what Washington said.

Mr. RICH. Read that again and then you will take your seat, because I am sure you have not read it for a long, long time and you have forgotten it. He certainly was against a third term.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. RICH. I now yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. After examining the record, do you think it is proper to call the assembly of vassals and subjects of the ex-international banker New Deal Fuehrer Roosevelt a convention? Would it not be better to call it what it really was—an assembly of subjects and vassals of the New Deal Fuehrer whose main interest was to preserve and protect New Deal political jobs?

Mr. RICH. I think there were a lot of Democrats who went out there, Jeffersonian Democrats, in hopes they would not have a candidate for a third term and that they could freely choose a candidate, but when they were so stormed by the organization that was set up by the New Deal to put in Mr. Roosevelt for a third time, of course they had no chance to do otherwise, and like a lot of people who go to conventions when they saw they were licked before they got started, they turned around and went away. Even the Vice President left for Texas probably never to return. He wants to get away from it all.

Mr. SCHAFER of Wisconsin. And most of the real Jeffersonian Democrats who attended this assembly of New Deal vassals and subjects admit that Willkie will really drive the money changers from the temple of the Federal Government in November and that Franklin D. Roosevelt and his tribe of international bankers and New Deal disciples of Karl Marx will be able to return to their old stands in Wall Street.

Mr. RICH. If somebody does not come here and drive these money changers out of 1600 Pennsylvania Avenue, no telling what will happen. You know that 5 years ago if anybody had talked about a public-utility man being a candidate for President they would have thought the world was going to be turned upside down. Now the people of this country realize that Mr. Roosevelt has been trying for 7 years to put 9,000,000 men to work and he has utterly failed. The only way that this administration can put anybody to work is to go down into the Federal Treasury and get the money and put them on the dole, relief, or public works, but now Willkie, a businessman, a man who has come up from the ranks, through the public schools and has gone up in business and made a success of business, is going to go ahead and will make a great success because of his experience in the business world. He will start industry, start agriculture, and he will put all men who will to work. A job for all—that is his slogan. The people of America want a man like that, and they are going to take a man this year that is going to be able to put the 9,000,000 back to work, and they are going to bank on Willkie to do it, and I will bank on Willkie, and I am sure, when they count the ballots in November, there will be such an outpouring of American votes into the ballot boxes for Willkie and McNary that they will be overwhelmingly elected. They want to get this Government out of the hands of the money changers, out of the hands of the economic royalists, out of the hands of people who are inefficient and not qualified to do a good job. Do you know it takes a real man to create jobs? It cannot be done by a politician; that has been proven in the past 7 years.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield? The gentleman does not want to accuse the New Deal of being opposed to utilities. When we examine the testimony of the Senate stock market investigation we find that Mr. Robert E. Healy, Chief Counsel of the Federal Trade Commission, and now a New Deal leader, testified and told about the robbing of utility-stock investors of more than $1,000,000,000 by Henry L. Doherty's Cities Service Co. The same Mr. Doherty, who was the right-hand man of President Roosevelt, who selected him to have charge of his many fund-raising birthday balls.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 3 minutes more. We have lots of time.

The SPEAKER pro tempore. Is there objection?

Mr. RAYBURN. Mr. Speaker, I do not object, because, in view of the fear among some people that the Democrats are going to try to smear Mr. Willkie, I am perfectly willing that the country know what the gentleman from Pennsylvania [Mr. RICH] and the gentleman from Wisconsin [Mr. SCHAFER] have to say about the present President of the United States

and the men, including myself, who were part of the convention. I want them to have their day, I want them to do all the smearing that they know how to do, and then we will have something to say after that.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. MICHENER. Mr. Speaker, I reserve the right to object. I shall not object, although we might take a different tone. For instance, when President Roosevelt entered the convention hall in Chicago in 1932 he entered to the strains of Happy Days Are Here Again. When Mr. Willkie entered the hall in Philadelphia to greet the convention the tune played by the band was Back To Work We Go. I think if we have more of that spirit we will get further.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, I would like to say to the majority leader, I do not want to smear anyone; I am telling the truth. You will be the minority leader in the next session. There are gentlemen on this side of the House who have asked to have Washington's Farewell Address read in the House every year condemning the fact that we should have a third-term candidate. Then you all know what Thomas Jefferson said about a third-term candidate.

If 10 years ago you would have taken a vote of the majority leader and practically every Member on the Democratic side of the House, there would not have been one man there who would be in favor of a third term for any President, it would not make any difference who he was, but because the gentleman in the White House can dictate because he has the power, and I do not know how he gets it, over this Congress, to drive through all the legislation he wants, I can easily account for all of those who went to the Democratic National Convention and turned over their body and soul, boots and breeches, shoes and stockings for the New Deal candidate, Mr. Roosevelt. With me, I would not care what Republican President wanted a third term, I would object to it. Eight years is a long time for a good one and too blame long for a bad one. I think, under present-day conditions, when we have gone through what we have gone through in the last 7 years and we have not accomplished what we were going to accomplish, when the Democrats failed to do what they promised to do with their platform which was formulated in 1932, then to come around now and use a national emergency to cover up everything so that we can go ahead and support the New Deal further and further—gentlemen, if you do that, then the worst is yet to come. America will be wrecked if you carry on this New Deal any further, and with all the regard that I have for the majority leader, and with all the regard that I have for my friends on the Democratic side of the aisle, I say that I think more of America than I think of any political party. I think more of America than I think of the Republican or the Democratic Party, and I say that we should forget parties, and I cannot content myself to think that I can get up here and say that I am for a third term for the President of the United States. I am not. It is a principle too sacred to American liberty; too sacred to our freedom. Why the men I know who gave in to the President I cannot understand. It is a mystery to me.

I have not yet come to the conclusion that he is the only man who can save this Nation. I think he will do more to wreck it than he will ever do to save it.

I want to get together with the majority leader. I love the gentleman from Texas, SAM RAYBURN. I think he is a fine fellow, but I do not like a lot of his principles. [Laughter.] There never was a finer fellow than the gentleman from Texas, SAM RAYBURN, and we like him, but we do not like his boss, the President. He is fooling him. That is just the reason we cannot reconcile doing some of the things he wants to do and, as a dutiful servant, probably he ought to stand up for him, but I think he had better sit down. [Laughter and applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. ROBERTSON. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting in the Appendix an address delivered at Habana, Cuba, on July 22, by our distinguished Secretary of State, Hon. Cordell Hull.

The SPEAKER pro tempore. Is there objection?

There was no objection.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 45 minutes p. m.), pursuant to its order heretofore entered, the House adjourned until Monday, July 29, 1940, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1848. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated April 11, 1940, submitting a report, together with accompanying papers and an illustration, on a preliminary examination and survey of, and review of reports on, Thames River and tributaries, Connecticut, Massachusetts, and Rhode Island, including the Quinebaug River at Southbridge, Mass., authorized by the Flood Control Act approved June 28, 1938, and requested by resolutions of the Committee on Commerce, United States Senate, adopted October 25, 1938, and November 4, 1938 (H. Doc. No. 885); to the Committee on Flood Control and ordered to be printed, with an illustration.

1849. A letter from the Secretary of War, transmitting a draft of a proposed bill for the relief of Fred J. Duncan; to the Committee on Claims.

1850. A letter from the Secretary of the Interior, transmitting a draft of a proposed joint resolution transferring the administration of homestead projects established in the Virgin Islands from the Government of the Virgin Islands to the Department of Agriculture; to the Committee on Insular Affairs.

1851. A letter from the Secretary of War, transmitting the draft of a proposed bill to provide uniformity in temporary promotions in the Army of the United States in time of emergency; to the Committee on Military Affairs.

1852. A letter from the Acting Secretary of the Interior, transmitting a draft of a proposed bill to authorize the use of a tract of land in California known as the Millerton Rancheria in connection with the Central Valley project; to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 10200. A bill to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes; with amendment (Rept. No. 2801). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEWIS of Colorado: Committee on Rules. House Resolution 554. Resolution for consideration of House Joint Resolution 583, a joint resolution making additional appropriations for the Tennessee Valley Authority for the fiscal year 1941 to provide facilities of national defense; without amendment (Rept. No. 2802). Referred to the House Calendar.

Mr. KING: Committee on the Territories. H. R. 9123. A bill to approve Act No. 65 of the Session Laws of 1939 of the Territory of Hawaii, entitled "An act to amend Act 29 of the Session Laws of Hawaii, 1929, granting to J. K. Lota and associates a franchise for electric light, current, and power in Hanalei, Kauai, by including Moloaa within such franchise"; without amendment (Rept. No. 2803). Referred

to the Committee of the Whole House on the state of the Union.

Mr. KING: Committee on the Territories. H. R. 9124. A bill to approve Act No. 214 of the Session Laws of 1939 of the Territory of Hawaii, entitled "An act to amend Act 105 of the Session Laws of Hawaii, 1921, granting franchise for the manufacture, maintenance, distribution, and supply of electric current for light and power within Kapaa and Waipouli in the district of Kawaihau on the island and county of Kauai, by including within said franchise the entire district of Kawaihau, island of Kauai"; without amendment (Rept. No. 2804). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COX:

H. R. 10220. A bill to create a National Defense Administration to coordinate the activities of the Federal Government in connection with the national-defense program, and for other purposes; to the Committee on Military Affairs.

By Mr. LANHAM:

H. R. 10221 (by request). A bill to provide for the acquisition of additional land along the Mount Vernon Memorial Highway in exchange for certain dredging privileges, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. PIERCE:

H. R. 10222. A bill to authorize the construction of flood-control works on the Walla Walla River and tributaries, Oregon and Washington; to the Committee on Flood Control.

By Mr. VINSON of Georgia:

H. R. 10223. A bill to authorize the Secretary of the Navy to establish certain naval hospitals; to the Committee on Naval Affairs.

H. R. 10224. A bill to establish the minimum permanent authorized enlisted strength of the active list of the Marine Corps; to the Committee on Naval Affairs.

By Mr. WHELCHEL:

H. R. 10225. A bill to promote the general welfare through appropriation of funds to assist the States and Territories in providing more effective programs of public education; to the Committee on Education.

By Mr. DINGELL:

H. J. Res. 585. Joint resolution designating August 26 of each year as National Radio Day; to the Committee on the Judiciary.

By Mr. GEYER of California:

H. Res. 555. Resolution making H. R. 7534, a bill prohibiting the requirement of the payment of a poll tax as a prerequisite for voting or registering to vote at certain Federal elections, a special order of business; to the Committee on Rules.

By Mr. HINSHAW:

H. Res. 556. Resolution authorizing a select committee to investigate the immigration of war and political refugees; to the Committee on Rules.

By Mrs. ROGERS of Massachusetts:

H. Res. 557. Resolution requesting the President to transmit a weekly report showing the progress of the work for the national defense; to the Committee on Military Affairs.

By Mr. VINSON of Georgia:

H. Res. 558. Resolution providing for the consideration of H. R. 10200, a bill to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Alabama, memorializing the President and the Congress of the United States to consider their Act No. 613, House Joint Resolution 139, approved July 6, 1940, with reference to the national-defense program; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND:

H. R. 10226. A bill for the relief of James Fleming; to the Committee on Military Affairs.

By Mr. COLLINS:

H. R. 10227. A bill for the relief of J. Anse Little; to the Committee on Claims.

By Mr. CROWTHER:

H. R. 10228. A bill for the relief of Edna La Blanche Gillette; to the Committee on Claims.

By Mr. D'ALESANDRO:

H. R. 10229. A bill granting a pension to Sarah E. Ryan; to the Committee on Invalid Pensions.

H. R. 10230. A bill granting a pension to Grace McGrath; to the Committee on Invalid Pensions.

By Mr. EDELSTEIN:

H. R. 10231. A bill for the relief of Ernst Gottlieb, his wife, Margot, and daughter, Mary; to the Committee on Immigration and Naturalization.

By Mr. GEYER of California:

H. R. 10232. A bill authorizing the President to present, in the name of Congress, a Medal of Honor to A. W. Lindberg; to the Committee on Military Affairs.

By Mr. HAWKS:

H. R. 10233. A bill to record the lawful admission for permanent residence by Kurt Schwilsky; to the Committee on Immigration and Naturalization.

By Mr. JOHNSON of Indiana:

H. R. 10234. A bill granting an increase of pension to Elizabeth Fry; to the Committee on Invalid Pensions.

H. R. 10235. A bill granting a pension to Albert E. Akins; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9046. By Mr. CROWTHER: Petition signed by Marian Ordyk and 150 members of the Third and Fourth Ward Polish Democratic Club of Amsterdam, N. Y., approving the policies of President Roosevelt with respect to aiding the Allies; to the Committee on Foreign Affairs.

9047. By Mr. HART: Petition of the Chamber of Commerce of Hoboken, N. J., opposing House bill 10125; to the Committee on Naval Affairs.

9048. Also, petition of Local No. 10, New York Federation of Post Office Clerks, offering full support for the program to strengthen our national defense; to the Committee on Military Affairs.

9049. By Mr. HINSHAW: Petition of Nona Tubbs, of Pasadena, Calif., and containing the signatures of 60 other residents of the Eleventh Congressional District of California, urging Congress to consider enacting House bill 5620, the proposed General Welfare Act; to the Committee on Ways and Means.

9050. By Mr. JONKMAN: Petition of the Grand Rapids (Mich.) Federation of Labor, by its secretary, Alby J. Conklin, recommending the inclusion of a stipulation in the appropriation bill for the Antitrust Division of the Department of Justice, that such moneys shall not be used to criminally prosecute labor unions and officials thereof; to the Committee on Appropriations.

9051. By Mr. LEAVY: Resolution adopted by the West Wenatchee Grange, No. 1024, Wenatchee, Wash., on July 5, 1940, urging that the Representatives and Senators in Congress move with all possible speed in activating a program of national defense; pointing out that the belligerent nations are taking great strides in their armament programs; that the United States has fallen far behind in their preparation; and that it has been amply demonstrated that speed and preparedness are essential in modern warfare, and that being prepared to defend our Nation is a contributing factor in keeping us out of war; to the Committee on Military Affairs.

9052. By Mr. SUTPHIN: Petition of the mayor and council of the borough of Keyport, N. J., urging the establishment of a naval base at East Keyport and Union Beach, and offering the services and pledging the cooperation of the borough officials in the present defense program; to the Committee on Naval Affairs.

9053. By the SPEAKER: Petition of the Lions Club of Waxahachie, Tex., petitioning consideration of their resolution with reference to the national-defense program; to the Committee on Military Affairs.

9054. Also, petition of William H. Handforth and others of Brooklyn, N. Y., petitioning consideration of their resolution with reference to calling the Nation to prayer and repentance; to the Committee on Ways and Means.

9055. Also, petition of Beatrice Y. Bellinger, Long Island, N. Y., and others, petitioning consideration of their resolution with reference to calling the Nation to prayer and repentance; to the Committee on Ways and Means.

9056. Also, petition of the Lions Club, District 22, Maryland-Delaware-District of Columbia, petitioning consideration of their resolution with reference to the national defense program; to the Committee on Military Affairs.

9057. Also, petition of the United Spanish War Veterans, Department of Massachusetts, petitioning consideration of their resolution with reference to Federal investigation of "fifth column" activities in this country; to the Committee on the Judiciary.

9058. Also, petition of the United Spanish War Veterans, Department of Massachusetts, petitioning consideration of their resolution with reference to the national-defense program; to the Committee on Military Affairs.

9059. Also, petition of Mrs. David B. Rost, Newton Highlands, Mass., petitioning consideration of resolution with reference to legislation on immigration and naturalization; to the Committee on Immigration and Naturalization.

9060. Also, petition of the Lions Club of Van Buren, petitioning consideration of their resolution with reference to the national-defense program; to the Committee on Military Affairs.

9061. Also, petition of Heating, Piping and Air Conditioning Contractors, National Association, New York, N. Y., petitioning consideration of their resolution with reference to relief funds; to the Committee on Appropriations.

9062. Also, petition of the Grand Lodge of Theta Delta Chi, New York, N. Y., petitioning consideration of their resolution with reference to the national-defense program; to the Committee on Military Affairs.

9063. Also, petition of the Lions Club of Lott, Tex., petitioning consideration of their resolution with reference to the national-defense program; to the Committee on Military Affairs.

9064. Also, petition of the Lions Club of Gibsland, La., petitioning consideration of their resolution with reference to the national-defense program; to the Committee on Military Affairs.

9065. Also, petition of Alabama Road Builders' Association, Montgomery, Ala., petitioning consideration of their resolution with reference to the national-defense program; to the Committee on Military Affairs.

9066. Also, petition of the Democratic Youth Federation of California, San Francisco, Calif., petitioning consideration of their resolution with reference to House bill 5138 and civil rights; to the Committee on the Judiciary.

9067. Also, petition of the Evangelical and Reformed Church, the General Synod, Philadelphia, Pa., petitioning consideration of their resolution with reference to foreign affairs; to the Committee on Foreign Affairs.

9068. Also, petition of the city of Milwaukee, Wis., petitioning consideration of their resolution with reference to erecting a new branch post office; to the Committee on the Post Office and Post Roads.

9069. Also, petition of the National Editorial Association, Chicago, Ill., petitioning consideration of their resolution with reference to the national-defense program; to the Committee on Military Affairs.

SENATE

MONDAY, JULY 29, 1940

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

Almighty and most merciful God, who hast brought us to the beginning of a new week, grant Thy blessing, we humbly beseech Thee, to the Members of this Senate, that they may have the wisdom and courage to do only such things as will please Thee. Through Jesus Christ, our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, July 25, 1940, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed without amendment the bill (S. 3200) to provide for the rank and title of lieutenant general of the Regular Army in the military departments of Panama and Hawaii.

ACTIVE SERVICE FOR THE NATIONAL GUARD, OFFICERS' RESERVE CORPS, ETC. (S. DOC. NO. 265)

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the President of the United States, which will be read.

The legislative clerk read as follows:

THE WHITE HOUSE,
Washington.

The PRESIDENT OF THE SENATE,
Washington, D. C.

SIR: The increasing seriousness of the international situation demands that every element of our defense structure be brought as rapidly as possible to the highest state of efficiency, in training as well as in equipment and material.

The National Guard of the United States, an integral and vital part of the Army, comprises a body of men who have voluntarily assumed an obligation to serve the Nation in any crisis. To the extent possible under normal conditions, the officers and men of the National Guard have prepared themselves for this service, and I am assured that today the guard has reached the highest state of efficiency in its peacetime history.

The developments of modern warfare are such, however, that only seasoned and highly trained troops can hope for success in combat. Our citizen soldiery, no matter how willing and earnest, cannot possibly attain the necessary degree of efficiency through their normal training activities. Even our professional soldiers required months of intensive training to bring them to their present satisfactory state. We know too well the tragedy that ensues when inadequately trained men are assailed by a more skillful adversary.

Some weeks ago I asked the Congress for authority to order the National Guard into active service should an emergency require this action when your body was not in session. That proposal is no longer sufficient, as I am now convinced that the security of the Nation demands that this component of our Army be brought to the highest possible state of training efficiency more rapidly than its present program permits. Moreover, this group of men, who of necessity must be among the first to fight in the Nation's defense, have a right to the best preparation that time and circumstance permit.

Realizing as I do the personal sacrifice that a period of extended active duty demands of the National Guard, I have deferred until now any request for immediate action in this respect. I cannot, with clear conscience, longer postpone this vitally essential step in our progress toward adequate preparedness, and I am therefore transmitting herewith legislation that, if enacted, will enable me to order the National Guard of the United States to active service for such period of intensive training as may be necessary to raise its efficiency

to a point comparable with that of our small Regular Establishment.

If this authority is granted, I propose to order the guard to duty in successive increments to permit the effective use of training facilities and equipment immediately available. Each increment will, of course, be released when it attains the desired state of efficiency.

Of equal importance is the Officers' Reserve Corps. This splendid body of officers has had little opportunity for service with troops, and to the maximum extent possible their training should now be perfected by an adequate period of active service. If ordered to active duty, they can acquire the desired efficiency and at the same time supply the increased need for officers in our expanded Regular Army. The authority I am requesting is therefore drawn so as to include the Officers' Reserve Corps.

I ask your earnest consideration of this program, and your prompt and favorable action thereon.

Very sincerely yours,

FRANKLIN D. ROOSEVELT.

The PRESIDENT pro tempore. The clerk will read the proposed joint resolution accompanying the communication of the President.

The legislative clerk read as follows:

Joint resolution to provide for the strengthening of the national defense

Resolved, etc., That during the period ending June 30, 1942, the President be, and is hereby, authorized to order into the active military service of the United States for a period of not to exceed 1 year any or all members and units of any or all reserve components of the Army of the United States, and retired personnel of the Regular Army, with or without their consent, to such extent and in such manner as he may deem necessary for the strengthening of the national defense: *Provided*, That the members and units of the reserve components of the Army of the United States ordered into active Federal service under this authority shall not be employed beyond the limits of the Western Hemisphere, except in the Territories and possessions of the United States, including the Philippine Islands.

SEC. 2. All National Guard, Reserve, and retired personnel ordered into the active military service of the United States under the foregoing special authority shall, from the dates on which they are respectively required by such order to report for duty in such service, be subject to the respective laws and regulations relating to enlistments, reenlistments, employment, conduct, rights and privileges, and discharge of such personnel in such service to the same extent in all particulars as if they had been ordered into such service under existing general statutory authorizations.

SEC. 3. All laws and parts of laws in conflict herewith are hereby suspended to the extent that they may be in conflict with any provision hereof.

The PRESIDENT pro tempore. The communication from the President and the accompanying draft of a proposed joint resolution will be referred to the Committee on Military Affairs, and printed as a document.

LANDS AT VETERANS' ADMINISTRATION FACILITY, LOS ANGELES, CALIF.

The PRESIDENT pro tempore laid before the Senate a letter from the Administrator of Veterans Affairs, transmitting a draft of proposed legislation to authorize the Administrator of Veterans' Affairs to grant an easement in a small strip of land at Veterans' Administration Facility, Los Angeles, Calif., to the county of Los Angeles, Calif., for sidewalk purposes, which, with the accompanying papers, was referred to the Committee on Finance.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate a resolution of the Executive Committee, Northern Division, the Democratic Youth Federation of California, San Francisco, Calif., protesting against adoption of the so-called Smith amendments to the National Labor Relations Act, which was referred to the Committee on Education and Labor.

He also laid before the Senate the petition of Father Divine and sundry other citizens of the United States, praying that the Americas be united for peace, and also praying for the enactment of pending legislation to prevent and punish the crime of lynching, which was referred to the Committee on Foreign Relations.

He also laid before the Senate a resolution of Municipal Employees Local No. 102, of Stockton, Calif., favoring the prompt enactment of a compulsory military training bill, which was referred to the Committee on Military Affairs.

He also laid before the Senate a resolution of the Executive Committee, Northern Division, the Democratic Youth Federation of California, San Francisco, Calif., protesting against the enactment of conscription legislation, which was referred to the Committee on Military Affairs.

He also laid before the Senate a telegram in the nature of a memorial signed by James Henry Smith and sundry citizens of San Francisco, Calif., remonstrating against the enactment of the so-called Burke compulsory military training bill, which was referred to the Committee on Military Affairs.

He also laid before the Senate a telegram embodying a resolution of the Midwest Federation of American Syrian Lebanon Clubs, Mrs. W. S. Zarick, secretary, Indianapolis, Ind., pledging continued allegiance to the Government of the United States, which was ordered to lie on the table.

THE REPUBLIC OF LITHUANIA—RESOLUTION

Mr. MALONEY. Mr. President, I ask unanimous consent that there may be printed in the RECORD as a part of my remarks and appropriately referred a resolution adopted by Connecticut citizens of Lithuanian origin and extraction at a meeting held in New Britain, Conn., on Sunday, July 14.

There being no objection, the resolution was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Whereas we, American citizens of the city of New Britain and adjacent towns thereto in the State of Connecticut, of Lithuanian origin and extraction, assembled here in the city of New Britain, State of Connecticut, on Sunday, July 14, 1940, and declared our allegiance and loyalty to the United States of America and to its flag and for what it stands; and we, Americans of Lithuanian extraction, solemnly declared that we believe in the United States of America as a government of the people which is established by the people and for the people; and we believe that a democracy so conceived in liberty and dedicated to the freedom of all its people is the only type of government that can exist; and

Whereas we, American citizens of Lithuanian extraction, have become imbued with a spirit of tolerance and democratic principles, and, having a knowledge of the past history of Lithuania, where for many centuries the Lithuanian people have given of their lifeblood and material wealth to establish their independence and their right to life, liberty, the pursuit of happiness, and the sacred right to worship God; and that for the past 22 years the Republic of Lithuania has been independent and has established itself as one of the foremost smaller countries in Europe in the cultural, political, and economic sphere without help from the outside; and

Whereas we, as American citizens, are cognizant and apprehensive of the subversive and undermining acts of communism both here and abroad; and

Whereas we, Americans of Lithuanian extraction, note with fear and trepidation the present conditions in the Republic of Lithuania and fully realize the imminent danger of total annexation of the Republic of Lithuania by communistic Soviet Russia which undoubtedly would result in the extirpation of the now free and independent Republic of Lithuania: Therefore be it

Resolved, That all true Americans and the Government of the United States should condemn and take immediate steps to counteract all subversive and overt acts of communism within and without its borders, and should under no circumstances recognize the overthrow by force of arms the Republic of Lithuania and her former rightful government and the oppression of its peace-loving people by communistic Soviet Russia; and be it further

Resolved, That we, as Americans, lodge a formal protest with our immediate Representative in the Congress of the United States against the barbaric action of the communistic union of Russia, with the aid of its 200,000 armed forces, toward a free and peace-loving people; and that the action of Soviet Russia toward the Republic of Lithuania is hereby condemned and denounced.

This resolution was unanimously adopted on July 14, 1940, and ordered that a copy of same be sent to each Member of Congress for the State of Connecticut.

This is to certify that this is a true copy of the resolution so adopted.

Respectfully submitted.

ALGERT F. POLITIS.
Temporary Chairman.
JULIA JENNINGS, *Secretary.*

RESOLUTION OF LODGE NO. 227, BROTHERHOOD OF RAILWAY CLERKS, NEW HAVEN, CONN.

Mr. MALONEY. Mr. President, I ask that there may be printed in the RECORD as part of my remarks and appropriately referred a resolution adopted by Lodge No. 227 of the Brotherhood of Railway Clerks, of New Haven, Conn.

There being no objection, the resolution was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

Whereas we, the members of Lodge No. 227, Brotherhood of Railway Clerks, New Haven, Conn., here assembled in regular monthly meeting, have emphatically agreed that we are unalterably opposed to America's participation in any foreign war; and

Whereas we are convinced that if this Nation were to become involved in a foreign war it would mean an end to our civil liberties and possible destruction of our democratic institutions; and

Whereas the only war that is of importance to us is the war against unemployment, disease, poverty, and destitution; and

Whereas with the present alarming steps of the administration to thrust America into war we believe it is necessary to redouble our efforts if this Nation is to avoid a tragic repetition of what happened in 1917; and

Whereas that in the present war hysteria there shall be no breaking down of labor legislation; and

Whereas we resent and oppose the President's suggestion that youth be conscripted for national militarization program; and

Whereas we are certain that the youth of our Nation are not willing to sacrifice freedom and democracy in order to fulfill the commitments and promises made in the channels and alleys of secret diplomacy to save the investments and fortunes of America's steel magnates and bankers in Europe and Asia; and

Whereas in the past the youth of our Nation have never failed to respond to the needs of our country, we are convinced that no regimentation or militarization is necessary in order to maintain their patriotism and adherence to American ideals; and

Whereas if the youth and unemployed of America are to be placed in steady gainful employment, it should not be as part of a labor conscription plan but as regular jobs at prevailing or union wages; and

Whereas we are positively for adequate defense, we feel that this can best be secured by safeguarding civil liberties and the gains made by labor, which were won only after so many years of struggle and at such a great cost and sacrifice; and

Whereas a small minority, better known as "economic royalists," who control more than 50 percent of our national economy, are consistently seeking to undermine our democracy by attacking the civil rights of noncitizens, of labor, of the unemployed, and of youth; that they are the real subversive "fifth column" element we are certain: Therefore be it

Resolved, That a copy of this resolution be sent post haste to President Roosevelt, and to our national representatives, also to the grand president of our brotherhood; and be it further

Resolved, That we propose to our national representatives that they take a consistent stand against any measure and maneuvers that run counter to our traditional democratic institutions or any legislation that may have a tendency to involve us in a foreign war.

(Signed) JAMES W. MCDONOUGH,
EDWARD QUIRK,
MATTHEW T. CONNELL,
Resolutions Committee.

RESOLUTION OF CITY COUNCIL OF ROCKVILLE, CONN.

Mr. MALONEY. Mr. President, I ask unanimous consent that there may be printed in the RECORD as a part of my remarks and lie on the table a resolution adopted by the Court of Common Council of the City of Rockville, Conn.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Resolved, That—

Whereas His Excellency the President of the United States and the Congress of the United States have both declared that our defense forces and their equipment are insufficient and inadequate to properly protect or defend our Nation in these days of swift and shocking developments, which has forced every neutral nation in this uneasy world to look to its defenses in the light of new factors. Let us measure our strength and our defenses without self-delusion. Our defenses must be invulnerable, our security absolute. There must be no middle stand in this matter. We stand ready to spend millions for defense, to give our services, and even our lives, for the maintenance of our freedom and the continuation of American liberties, institutions, and ideals so that our children and our children's children may enjoy the rights and privileges for which our forefathers fought and died that we now enjoy and hold so dear. Let us move swiftly to bring our national-defense requirements up to the standard necessary to protect and defend these rights and privileges. Let us, above all other things, be united in this effort to let the world know that we, a free people, intend to protect and defend a way of life which is precious to us all with our faith in God and our fellow countrymen; and

Whereas Maj. Gen. James A. Woodruff, commanding general of the First Corps Area, comprising all Army troops in New England, in complying with the defense policy and preparedness program of the Chief Executive of the United States, has solicited the assistance of all patriotic citizens to help this corps area to obtain its allotted quota of about 1,100 recruits to help increase the standing Army's strength; and

Whereas Col. George E. Freeman, chief of staff, Third Military Area, which includes Connecticut and Rhode Island, in compliance with instruction and orders of his superior officers, has inaugurated an enlistment drive in all the towns and cities in the third military area, so that the young men of these towns and cities may contribute their share to help strengthen the defenses of our country by enlisting in the Regular Army of the United States: Therefore it is

Resolved, That this honorable City Council of the City of Rockville, in the State of Connecticut, heartily commend and fully endorse the preparedness program and defense policy of the President of the United States, as approved by the Congress of the United States, and sincerely urge all citizens of our city to encourage and support the President and his military and naval officers in their efforts to make our defenses invulnerable and our security absolute; and be it further

Resolved, That this resolution be given the proper publicity so that all unmarried male citizens between the ages of 18 and 35 may know that the Regular Army of the United States desires to fill the existing vacancies to full peace strength; and be it further

Resolved, That copies of this resolution be sent to the President of the United States, Connecticut's congressional Representatives, Chief of Staff of the United States Army, the commanding general of the First Corps Area, the commanding officer of the third military area, and that a copy Le spread upon the records of the city council.

RESOLUTIONS OF NATIONAL COUNCIL, JUNIOR ORDER UNITED AMERICAN MECHANICS

Mr. REYNOLDS. Mr. President, I have before me a resolution which I shall not ask to have read. I should like to have it published under the head of resolutions. It has to do with the deportation of alien criminals, alien law violators, and alien undesirables. It is a resolution adopted by the Junior Order United American Mechanics, over the signature of Mr. James L. Wilmeth, secretary of the Junior Order United American Mechanics, at Philadelphia, Pa.

In conjunction with that resolution I ask that there be printed a bill which I introduced in the Senate several months ago, providing for the deportation of aliens inimical to the public interest, which includes alien criminals and undesirables.

There being no objection, the resolution and bill were ordered to be printed in the RECORD, as follows:

Re deportation of alien criminals and alien law violators and undesirables

The national board of the national council, Junior Order United American Mechanics, respectfully submits that this is the time when our Government should arrest and speedily deport aliens who have violated the laws of this Nation and who are now resident in this country, and in support we submit the following:

Whereas there are now alien violators resident in the United States whose deportation has been stayed for one cause and another; and

Whereas such aliens are, for the most part, employed in competition with our own American citizens; and

Whereas the laws of our land do not shield our own citizens when they violate the laws of the State or Nation, but such citizen violators are brought to speedy trial and, if guilty, suffer the penalty of their crimes and misdemeanors: Therefore be it

Resolved, That we favor the arrest and trial of aliens who are guilty of crimes and misdemeanors and illegal entry into the United States, and when found guilty they be speedily deported; and be it further

Resolved, That in all cases of deportation of alien law violators, where the countries whence they came refuse to permit them to return, that such alien criminals be restricted of their liberties in detention camps or where they will not be permitted to have their freedom of action, and that the countries refusing to take them back be notified of the action taken respecting them.

JAMES L. WILMETH, *Secretary.*

A bill (S. 411) to provide for the deportation of aliens inimical to the public interest

Be it enacted, etc., That any alien or group of aliens whose presence in the United States is inimical to the public interest shall upon warrant of the Secretary of Labor be taken into custody and deported forthwith.

Mr. REYNOLDS. Mr. President, under the head of resolutions I also ask that there be printed in the RECORD a resolution adopted by the Junior Order United American Mechanics, at Philadelphia, Pa., signed by Mr. James L. Wilmeth, secretary, in regard to stopping all immigration for the next 10 years, or until such time as every American citizen shall have found employment.

Some time ago I introduced a bill in the Senate, now pending before the Immigration Committee, providing that no one shall be permitted to enter this country from foreign shores until every one of our American citizens has been provided with employment. The resolution to which I refer has to do with that subject.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas the Junior Order United American Mechanics is the oldest patriotic fraternity in America, dedicated to the principles of virtue, liberty, and patriotism, having been organized in 1853, recently celebrating its eighty-seventh anniversary; and

Whereas in the declaration of principles to govern the said Junior Order United American Mechanics are contained some of the loftiest patriotic sentiments to be found in the platform of any organization, such as maintaining and promoting the interest of Americans and shielding them from the depressing effects of foreign competition, assisting Americans in obtaining employment, encouraging Americans in business, establishing a sick and funeral insurance fund, maintaining the public-school system in the United States, and promoting and maintaining a national orphans' home; and

Whereas said national council has been incorporated under the laws of the Commonwealth of Pennsylvania many years ago and has grown from its humble beginnings to a fraternity Nation-wide in its organization and membership; and

Whereas among the cardinal principles which it has adopted and advocated have been the restriction of alien immigration and the deportation of undesirable, law-violating aliens; and

Whereas the said national council has, in the most practical way, been instrumental in teaching the lessons of patriotism to the children of public schools of the Nation, as well as to the citizens thereof, through the presentation of the flag of our country, to be flown over American schoolhouses, also at public expense; and

Whereas the said Junior Order United American Mechanics was among the first advocates of restrictive immigration laws, and assisted materially in drafting the first general law of this kind which was written on the statute books of the Nation, known as the Burnett immigration measure of 1917, and has assisted in other legislation, both State and National, which has contributed to the restriction of immigration to a large extent; also in designing and assisting in securing the passage of deportation measures and the strengthening of naturalization laws; and

Whereas with all the efforts that have been put forth in the interest of Americanism and the giving of the preference to Americans in every relation of life by the said Junior Order, there still remains in this country approximately 4,000,000 unnaturalized aliens, with more gaining admission to our shores through existing quotas from European countries and without quota from the countries of the Western Hemisphere, to the detriment of our American citizens, in direct and positive competition with our American workingmen; and

Whereas many of the aliens who have been admitted to this country have not thought enough of our country and its institutions to apply for citizenship, but are content to work for wages in competition with our own citizens or to carry on a competitive business; and

Whereas many aliens from foreign countries have gained admission to the United States through fraudulent and unlawful means and have brought increased burdens on the taxpayers of the Nation through trials for offenses committed against the laws of the United States: Therefore be it

Resolved, That the national council, Junior Order United American Mechanics, with its 32 organized State councils, and with councils or lodges in nearly all the States of the Union, requests and demands that the immigration laws of the United States be strengthened by the erection of barriers which would prohibit the incoming of more aliens for a period of 10 years.

JAMES L. WILMETH,
Secretary, Junior Order United American Mechanics, Philadelphia, Pa.
JULY 12, 1940.

Mr. REYNOLDS. Mr. President, I have before me a resolution adopted by the Junior Order United American Mechanics, at Philadelphia, Pa., signed by Mr. James L. Wilmeth, secretary, imploring this Government to keep out of the quarrels of Europe. I ask that the resolution be printed in the RECORD under the heading of resolutions.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas the National Council, Junior Order United American Mechanics, through its national board of officers, has observed the tendency toward involving the United States in European war; and

Whereas we are opposed to the American Nation engaging in, or taking part in, any European conflict, or war, at this or any other time; and

Whereas the experiences of the American people in the last war, in the loss of manpower, both killing outright and maiming and rendering helpless so many citizens of this Nation, as well as involving the United States in tremendous debt for outfitting, supporting, and transporting, and keeping the Army in the field, as well as the prodigious loans which were made to the Allies, little of which has ever been returned or repaid: Therefore be it

Resolved by the National Council, Junior Order United American Mechanics, That we are bitterly opposed to the United States going into war and transporting armies across the sea for the help, aid, or benefit of any European country, and that we believe the only justifiable war at this time would be for us to repel invasion of any enemy who might try to overrun the United States.

JAMES L. WILMETH, *Secretary.*

RESOLUTION OF INTERNATIONAL RELATIONS STUDY CLUB

Mr. REYNOLDS. Mr. President, under the head of resolutions, I ask that there be printed in the RECORD a resolution adopted by the International Relations Study Club, of Rutherford College, Burke County, N. C., and signed by Edna V. Abernethy, secretary, together with a newspaper clipping from the Hickory (N. C.) Daily Record of July 16, 1940, entitled "Resolution Urges Allies Cede Isles to United States for Debts," which goes to show that the good women of North Carolina and other sections of the United States are interested in that subject, concerning which I have been talking for many years past.

I ask that the resolution be followed by an editorial from the Washington Times-Herald, which appears to be a reprint from the Chicago Tribune of July 26, 1940. The editorial is entitled "Atlantic Outposts."

I ask that the editorial be followed by a news article from the same newspaper, the Washington Times-Herald, containing a dispatch from London under date of July 25, by the United Press, entitled "Holland Balks at Habana Plan; French Also Reject Protectorate Idea."

There being no objection, the resolution and accompanying newspaper articles were ordered to be printed in the RECORD, as follows:

RUTHERFORD COLLEGE,
Burke County, N. C., July 16, 1940.

Hon. ROBERT R. REYNOLDS,
Member Congress, Washington, D. C.

DEAR MR. REYNOLDS: We, the members of the International Relations Study Club, auxiliary of the Women's Society of Christian Service of the Methodist Church, met on July 16, and after reading your speech on the Proposed Acquisition of British Caribbean Islands and British Honduras, the following resolution of approval was passed:

"Whereas there are groups in America seeking to involve the United States in the present European war, and whereas we believe that the peace and security of the United States should be preserved: Therefore be it

"*Resolved*, That the Rutherford College International Relations Study Club hereby submits the following resolutions:

"First. That we urge the Congress of the United States to take all possible precaution in keeping the United States from entering the European war.

"Second. That we urge the Congress to build a defense program adequate to protect our country from foreign aggression.

"Third. That we urge the Congress to approve the joint resolution of Senator ROBERT R. REYNOLDS for the acquisition of British islands in the Caribbean and British Honduras to make Europe pay their war debts.

"Fourth. That a copy of this resolution be sent to President Roosevelt, Congressman A. L. Bulwinkle, and Senators J. W. Bailey and Robert R. Reynolds."

Yours very sincerely,

EDNA V. ABERNETHY,
Secretary, International Relations Study Club.

[From the Hickory (N. C.) Daily Record of July 16, 1940]

RESOLUTION URGES ALLIES CEDE ISLES TO UNITED STATES FOR DEBTS

RUTHERFORD COLLEGE, July 16.—The International Relations Study Club, at its monthly meeting here Monday afternoon, passed a resolution approving the proposal of Senator ROBERT R. REYNOLDS whereby the British and French West Indies would be ceded to the United States in payment on the Allied war debts, and the deposits of Germany and Italy in American banks would be attached.

The vote on the resolution followed a discussion led by Mrs. A. T. Abernethy on the topic European Colonies in the Western Hemisphere.

Reading the Monroe Doctrine, the speaker pointed out that in the 117 years since its adoption in 1823 no European possession in the New World has shifted from one European power to another. The present Congress has reaffirmed the Monroe Doctrine, and a diplomatic warning has been sent to Germany, Italy, France, Great Britain, and Holland, Mrs. Abernethy said.

The question of American defense was discussed in relation to the island holdings and four mainland possessions in the Western Hemisphere, which could be a source of difficulty. Many of these strategic islands lie close to the shore of the Southern United States, such as Bimini in the Bahama archipelago, less than 50 miles from Miami; Bermuda, about 530 miles east of Kitty Hawk, N. C.; Barbados, Jamaica, and British Honduras. France has Martinique and about 600 miles off the west coast of North America is another French possession, Clipperton Island, the nearest island to the Panama Canal. The Netherlands also has colonies in the Western Hemisphere.

The Southern Council on International Relations, the speaker said, suggests that defense of the Western Hemisphere is a matter of two things—first, economic self-sufficiency and continental solidarity; and second, battleships. All of the American republics, including the United States, are vulnerable to Old World pressure,

because of their need to sell abroad, Mrs. Abernethy said, and one of the most successful techniques employes by the totalitarian governments has been the use of the economic pressure and puppet government.

Reading a speech of Senator REYNOLDS, the proposed acquisition of British Caribbean islands and British Honduras, as payment on the British war debt, Mrs. Abernethy also quoted Maj. George Fielding Eliot, who said: "Strategic value seen for United States in Atlantic island. Possession would give vast aid to defense." A motion was then made and carried approving cession of the islands.

The club met at the home of Mrs. L. C. Johnston, with the chairman, Mrs. G. T. Whitley, in charge. The program opened with soft music played at the piano by Mrs. P. M. Rutherford, followed by singing of America by the entire group. Rev. J. R. Duncan conducted the devotional. The chairman introduced Miss Maude Burrus, a visitor, who gave a number of entertaining readings. After Mrs. Abernethy's speech and passage of the resolution, the meeting adjourned with roll call answered by current events and the singing of God Bless America.

An ice course was served by the hostess, assisted by her sister, Mrs. Lucile Compton, of Washington, D. C.

[From the Chicago Tribune of July 23, 1940]

ATLANTIC OUTPOSTS

A House Military Affairs Subcommittee has recommended to Congress that the United States immediately acquire and fortify naval and air bases in Nova Scotia and Bermuda.

Nova Scotia is Canadian territory. Our military interest in it is that it is the logical point for establishment of an American base for an attack on New England with its essential war industries. It is unlikely that the Canadians will be willing to cede us territory there. They consider themselves capable of defending their own shores and have good reason for that confidence. In any event the transfer of a Nova Scotian base is unnecessary.

DEFENSE TREATY WITH CANADA IS NEEDED

The same end can be served if this country will make an appropriate defensive treaty with Canada. Such a treaty, which the Tribune has recommended before, should be made at once, and should be followed immediately by staff talks between the armies and navies for common defense of Nova Scotia and other points in which we have a vital joint interest.

Some of the people who seek to embroil the United States in war in Europe have sought to represent that such an alliance would put us in the war. It would not. The United States and Canada have a common interest, which is the defense of North America. That the treaty would provide for. Each nation, likewise, has interests which the other does not share and those would be outside the purview of the defensive alliance.

Canada, in accordance with her duty as a member of the British commonwealth of nations, is making most valuable contributions in men and munitions to the defense of Great Britain. While Americans south of the border applaud her effort and loyalty, they are at the same time resolved that their ships and men shall not fight in a European war.

BERMUDA A DAGGER AT OUR HEART

If that war comes to Canada, the treaty, it is true, would oblige us to join in the defense of Canada. We should be equally obliged to join that defense if there were no treaty. Our own safety would demand it. The treaty would merely assure that our effort would be coordinated with that of the Canadians to accomplish our joint task more efficiently.

Bermuda is held directly under the British Crown. It is a dagger pointed at the United States, offering bomber bases within easy range of New York and other Atlantic ports. The fact that Great Britain will never drive the dagger home is irrelevant. What is important is that the loss of the island would be no great military loss to Great Britain, although it would be disastrous to the United States, and the British have taken insufficient measures to defend it. They have more vital interests to guard.

The defense of Bermuda must be in the hands of the nation to which it is of vital interest. Our only recourse is to seek an outright transfer.

In the Caribbean are other European possessions—British, French, and Dutch—that we must defend to defend ourselves. Only a few months ago President Roosevelt characterized demands that we acquire them as silly. His proposals to defend the Western Hemisphere are far sillier so long as he fails to get the island bases that alone can make the defense feasible.

A LOST OPPORTUNITY

A few months ago the President might have dealt with the French Government for its islands on the basis of the aid that the French were seeking and getting from American industry. Today that Government has been replaced by one that is a tool of Hitler. By his paltering the President has lost our opportunity to negotiate. It is unlikely that we can now get title to the French islands except by force.

The President's acts are so at variance with his words that little credence can be attached to the words. He talks, it is true, of defending the Western Hemisphere—North and South America—and pledges himself against sending American forces to Europe. But when he refuses to seek the bases without which our attempts to prevent invasion of South America would be fruitless, the logical conclusion is that his idea of hemisphere defense starts at the English Channel.

[From the Washington Times-Herald]

HOLLAND BALKS AT HABANA PLAN—FRENCH ALSO REJECT PROTECTORATE IDEA

LONDON, July 25.—The Netherlands Government here announced today that it still exercises full authority over Dutch possessions in the Western Hemisphere and had so notified the Pan-American Conference at Habana. "Therefore there can be no question of putting them under a Pan American protectorate," the announcement said.

VICHY, FRANCE, July 25.—Officials of the Petain government today replied to the American proposal for a "protective mandate" over European possessions in the Western Hemisphere with a statement that French sovereignty there must be respected.

Secretary Hull's proposal, it was said, was not communicated officially to the Petain government, which regards such a "protective mandate" as being wholly unnecessary as far as the French possessions of St. Pierre and Miquelon, Martinique, Guadeloupe, and Guiana are concerned.

There is no possibility of these possessions falling into Germany's hands, it was insisted.

"France intends to maintain her sovereignty over her American colonies, as well as their integrity," said a spokesman. "She already has begun her own inquiry pointed toward economic and financial development of those colonies to reward the loyalty of their populations."

REPORT OF COMMITTEE ON PUBLIC LANDS AND SURVEYS

Mr. ADAMS, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 9389) to more effectively utilize certain lands of the public domain, and for other purposes, reported it with an amendment and submitted a report (No. 1986) thereon.

INVESTIGATION OF RAILROADS, HOLDING COMPANIES, AND AFFILIATED COMPANIES

Mr. WHEELER (for himself and Mr. TRUMAN), from the Committee on Interstate Commerce, submitted additional reports of that committee, pursuant to Senate Resolution 71 (74th Cong.) authorizing an investigation of interstate railroads and affiliates with respect to financing, mergers, and certain other matters, which were ordered to be printed, as follows:

Missouri Pacific System: Reorganization, expansion, and financing, 1915–30 (Rept. No. 25, pt. 7);

Alleghany Corporation: Acquisition of Missouri Pacific Railroad Co.—Devices used to secure consent of Missouri Public Service Commission (Rept. No. 25, pt. 8); and

Missouri Pacific System—Intercompany dividends and advances, 1926–31 (Rept. No. 25, pt. 9).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McKELLAR:

S. 4215. A bill for the relief of Caffey Robertson-Smith, incorporated; to the Committee on Claims.

By Mr. MALONEY:

S. 4216. A bill for the relief of Dr. Paul Roger Zahlmann; to the Committee on Claims.

By Mr. NEELY:

S. 4217. A bill granting a pension to Juliette Reilley Hughes; to the Committee on Pensions.

By Mr. TYDINGS:

S. 4218 (by request). A bill to extend to the Virgin Islands the provisions of certain laws relating to vocational education and civilian rehabilitation; to the Committee on Territories and Insular Affairs.

By Mr. McNARY:

S. 4219. A bill to authorize the construction of flood-control works on the Walla Walla River and tributaries, Oregon and Washington; to the Committee on Commerce.

By Mr. BARKLEY:

S. 4220. A bill to provide for the completion of the Mammoth Cave National Park in the State of Kentucky, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. ADAMS:

S. 4221. A bill to provide for the acquisition of additional land along the Mt. Vernon Memorial Highway in exchange for certain dredging privileges, and for other purposes; and

S. 4222. A bill to provide for a grant to the Richmond, Fredericksburg & Potomac Railroad Co. of a right-of-way

across certain land owned by the United States; to the Committee on Public Lands and Surveys.

(Mr. REYNOLDS introduced Senate 4223, which was referred to the Committee on the Judiciary, and appears under a separate heading.)

SELECTIVE COMPULSORY MILITARY TRAINING—AMENDMENT

Mr. LEE. Mr. President, I submit an amendment intended to be proposed by me to Senate bill 4164, the proposed military training bill, in the form of title II which I ask to have printed and lie on the table. I wish to read it at this time. It is as follows:

Amendment intended to be proposed by Mr. LEE to the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service: At the end of the bill insert the following new title:

"TITLE II

"SEC. 201. Whenever war or the imminence of war creates an emergency which in the judgment of the President is sufficiently serious to necessitate an increase in the Military Establishment by the drafting of manpower, the President is authorized and directed to cause to be taken a census of the net wealth and income of every citizen of the United States, every resident alien, and every nonresident alien having any wealth in the United States. Upon the completion of such census, the President shall cause to be computed each person's ability to lend to the Government and shall classify all persons accordingly.

"SEC. 202. (a) Whenever it becomes necessary for the Government to borrow money for the prosecution of war or to provide for such expenditures for national defense as may be necessary to meet any emergency which in the judgment of the President necessitates an increase in the Military Establishment by the drafting of manpower, the Secretary of the Treasury shall, from time to time, determine the sums which are necessary for such expenditures and shall issue bonds in convenient size and denominations for such sums. Such bonds shall not be transferable, shall bear interest at a rate not in excess of 1 percent per annum, and shall not be tax exempt either as to principle or interest.

"(b) The President shall pro rate among the persons covered by any census taken pursuant to this act the sums which such persons are required to invest in each separate issue of such bonds. Such proration shall be on a graduated scale similar to that of the graduated income tax, so that each person shall be required to invest according to his ability. This proration shall be repeated from time to time as long as it is necessary for the Government to borrow money to meet the emergency which necessitates an increase in the Military Establishment by the drafting of manpower.

"(c) Each such person shall purchase such bonds in the amounts so allotted and within the time so prescribed.

"(d) The borrowing power of the United States under this act shall not be exercised after the termination of the emergency which brought such power into existence.

"SEC. 203. (a) The President is authorized, in his discretion, to provide, under such rules and regulations as he may prescribe, for the acceptance by the United States of property or services which are valuable for the prosecution of war or the improvement of national defense in payment for the bonds provided for by section 202 of this act. Such rules and regulations shall provide for the method of valuation of any such property or services.

"(b) The President is further authorized to provide, under such rules and regulations as he may prescribe, for the acceptance from any person, in payment for the bonds authorized by section 202 of this act, of notes or other obligations of such person, bearing interest at a rate not to exceed 5 percent per annum and adequately secured by liens upon specified property.

"SEC. 204. (a) The President is authorized to establish such boards, agencies, and tribunals and to promulgate such rules and regulations as may be necessary for carrying out the purposes of this act.

"(b) The President is authorized to employ such officials and employees and to make such expenditures as may be necessary to carry out the provisions of this act.

"SEC. 205. (a) Whoever shall knowingly violate any rule or regulation of the President under this act, on the conviction thereof, shall be fined not more than $5,000, or imprisoned not more than 2 years, or both.

"(b) Whoever shall willfully refuse or fail to purchase the principal amount of bonds which he is required to purchase under this act shall, upon the conviction thereof, be fined not more than $10,000 or imprisoned not more than 5 years, or both.

"SEC. 206. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this act."

Mr. President, I ask to have this amendment printed and lie on the desk. At the proper time I shall offer it to the bill for military training.

The PRESIDENT pro tempore. Without objection, the amendment will be received, printed, and lie on the table.

ACTS RELATIVE TO PERNICIOUS POLITICAL ACTIVITIES (S. DOC. NO. 264)

Mr. BARKLEY. I ask unanimous consent to have printed as a Senate document the first and second Hatch Acts. The first Hatch Act was printed as a Senate document with an accompanying opinion of the Attorney General (S. Doc. No. 135, 76th Cong.). I do not ask that the opinion be printed, because the Attorney General has rendered no opinion on the second Hatch Act, but I do ask that the two acts be printed as a Senate document, together with the Federal Corrupt Practices Act of 1925.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ADDRESS BY SENATOR CAPPER ON SELECTIVE COMPULSORY MILITARY TRAINING BILL

[Mr. CAPPER asked and obtained leave to have printed in the RECORD a radio address delivered by him on July 28, 1940, on the subject First Peacetime Conscription Bill in American History, which appears in the Appendix.]

TRIBUTES TO SENATOR M'NARY BY RICHARD L. NEUBERGER

[Mr. THOMAS of Idaho asked and obtained leave to have printed in the RECORD two articles paying tribute to Senator MCNARY written by Richard L. Neuberger and published in the Portland Oregonian, which appear in the Appendix.]

VALEDICTORY TO JAMES A. FARLEY—EDITORIAL FROM NEW ORLEANS ITEM-TRIBUNE

[Mr. CLARK of Missouri asked and obtained leave to have printed in the RECORD an editorial entitled "Valedictory to James A. Farley," published in the New Orleans Item-Tribune, which appears in the Appendix.]

HON. LOUIS JOHNSON—ARTICLE BY GEN. HUGH S. JOHNSON

[Mr. TOWNSEND asked and obtained leave to have printed in the RECORD an article by Hugh S. Johnson, relative to Hon. Louis Johnson, former Assistant Secretary of War, which appears in the Appendix.]

GREAT SMOKY MOUNTAINS NATIONAL PARK

[Mr. MCKELLAR asked and obtained leave to have printed in the RECORD certain bills and acts of Congress relative to the creation of the Great Smoky Mountains National Park and also a copy of a letter written by him to Frank Maloney, of Knoxville, Tenn., which appear in the Appendix.]

ADDRESS BY EDWARD J. BEHUNCIK ON CONNECTICUT SLOVAK DAY

[Mr. MALONEY asked and obtained leave to have printed in the RECORD an address delivered by Hon. Edward J. Behuncik on the occasion of Connecticut's Slovak Day, held at Bridgeport, Conn., on July 7, 1940, and also a resolution adopted on that occasion, which appear in the Appendix.]

SELECTIVE COMPULSORY MILITARY TRAINING

[Mr. DAVIS asked and obtained leave to have printed in the RECORD a letter addressed to him by Judge Alfred W. Johnson and a statement prepared by Judge Johnson on the necessity for universal compulsory training in the United States, which appear in the Appendix.]

ARTICLE BY HARVEY E. RUNNER ON BUSINESS EARNINGS

[Mr. SCHWELLENBACH asked and obtained leave to have printed in the RECORD an article by Harvey E. Runner, published in the New York Herald Tribune of July 28, 1940, on business earnings during the first half of 1940, which appears in the Appendix.]

SELECTIVE COMPULSORY MILITARY TRAINING

[Mr. BARBOUR asked and obtained leave to have printed in the RECORD a letter addressed to him by Rabbi Harry S. Jacobs relative to the Burke-Wadsworth bill for universal military training, a copy of the reply of Mr. BARBOUR to Rabbi Jacobs, and an article from the New York Times referred to in the letter of Rabbi Jacobs, which appear in the Appendix.]

REPORT OF FEDERAL DEPOSIT INSURANCE CORPORATION

[Mr. WAGNER asked and obtained leave to have printed in the RECORD the report of the Federal Deposit Insurance Corporation to insured banks as of June 30, 1940, which appears in the Appendix.]

SEPARATE COMMAND FOR AIR CORPS—ARTICLE FROM WASHINGTON DAILY NEWS

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article from the Washington Daily News of

July 29, 1940, entitled "A Separate Command Is Nazi Air Secret," which appears in the Appendix.]

HISTORY OF NORTH CAROLINA

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article from the Asheville Advocate containing historical facts with regard to North Carolina, which appears in the Appendix.]

AID TO ALIENS—ARTICLE FROM WASHINGTON POST

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article from the Washington Post of July 29, 1940, entitled "Miss Perkins' Aid to Aliens Is Censured," which appears in the Appendix.]

FINANCIAL STATEMENTS AND OTHER INFORMATION CONCERNING CERTAIN GOVERNMENT AGENCIES

The PRESIDENT pro tempore. The routine morning business is closed.

Mr. WAGNER. Mr. President, I move that the Senate proceed to the consideration of Senate bill 3920, Calendar No. 1836.

The PRESIDENT pro tempore. The Chair will state that under the rules of the Senate the calendar must be called on Monday unless the Senate otherwise decides.

Mr. BARKLEY. I ask unanimous consent that the call of the calendar be dispensed with.

Mr. BYRD. Mr. President, I should like to discuss with the majority leader Senate Resolution 292, which is on the desk. I ask unanimous consent for its present consideration.

Mr. BARKLEY. Is that a resolution which comes over from a previous day?

The PRESIDENT pro tempore. The Chair is informed by the Parliamentarian that Senate Resolution 292 was ordered to lie on the table. It did not go over under the rule. Therefore it does not come up under that order of business.

Mr. BYRD. I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The Chair will again state that a rule of the Senate requires the calling of the calendar under rule VIII on Monday, and it will be called unless the Senate otherwise orders by unanimous consent. The Senator from Kentucky has asked unanimous consent to waive the calling of the calendar. Is there objection to that request? The Chair hears none, and therefore it is so ordered.

Now, the Senator from Virginia asks unanimous consent that the Senate proceed to the consideration of Senate Resolution 292. Is there objection?

Mr. McKELLAR. Mr. President, may I ask the Senator what is the purport of the resolution?

Mr. BYRD. The resolution calls upon the Secretary of the Treasury for certain information with respect to Government corporations. Under a similar resolution, passed by the Senate a year ago, the information was furnished up to July 1, 1939. This resolution simply provides that the same information be furnished up to July 1, 1940.

Mr. McKELLAR. I have no objection.

Mr. BARKLEY. Mr. President, I have examined the resolution. It is similar to the resolution which was adopted a year ago applicable to reports up to July 1, 1939, and I myself see no objection to its adoption.

Mr. BYRD. This resolution merely extends to July 1, 1940, the time for which the information is requested.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Virginia for the present consideration of the resolution?

There being no objection, the resolution (S. Res. 292) submitted by Mr. BYRD on June 22, 1940, was considered and agreed to, as follows:

Resolved, That the Secretary of the Treasury is authorized and directed (1) to prepare and transmit to the Senate forthwith or as soon as practicable a complete financial statement for the fiscal year ended June 30, 1940, of each of the agencies and corporations enumerated in Senate Resolution No. 150, Seventy-sixth Congress, first session, agreed to June 27, 1939; and (2) to secure and transmit to the Senate immediately a copy of the last annual report of each such agency and corporation, whether or not such report, pursuant to law, is required to be made to the Congress. The financial statements of such agencies and corporations herein required for the fiscal year ended June 30, 1940, shall be of the same character and shall include similar information for such fiscal year as the financial statement of such agencies and corporations for prior fiscal years heretofore transmitted to the Senate pursuant to such resolution and printed in Senate Document No. 172, Seventy-sixth Congress, third session.

AMENDMENT OF RAILROAD UNEMPLOYMENT INSURANCE ACT

Mr. WAGNER. Mr. President, I move that the Senate proceed to the consideration of Senate bill 3920, Calendar No. 1836.

Mr. McNARY. Mr. President, I have no objection to that course, but I think we should have a quorum present, and I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Clark, Idaho	Johnson, Calif.	Schwartz
Ashurst	Clark, Mo.	Lee	Schwellenbach
Austin	Danaher	Lucas	Smathers
Bankhead	Davis	Lundeen	Taft
Barbour	Donahey	McKellar	Thomas, Idaho
Barkley	Ellender	McNary	Tobey
Bilbo	Gerry	Maloney	Townsend
Bone	Gibson	Mead	Tydings
Bridges	Gillette	Miller	Vandenberg
Burke	Green	Neely	Van Nuys
Byrd	Gurney	Norris	Wagner
Byrnes	Hale	Nye	Wheeler
Capper	Harrison	Overton	White
Caraway	Hayden	Pittman	Wiley
Chandler	Holman	Reed	
Chavez	Holt	Reynolds	

Mr. AUSTIN. I announce that the Senator from North Dakota [Mr. FRAZIER], the Senator from Massachusetts [Mr. LODGE], and the Senator from Minnesota [Mr. SHIPSTEAD] are necessarily absent.

Mr. BARKLEY. I announce that the Senators from Florida [Mr. ANDREWS and Mr. PEPPER], the Senator from North Carolina [Mr. BAILEY], the Senator from Michigan [Mr. BROWN], the Senator from South Dakota [Mr. BULOW], the Senators from Texas [Mr. CONNALLY and Mr. SHEPPARD], the Senator from California [Mr. DOWNEY], the Senators from Georgia [Mr. GEORGE and Mr. RUSSELL], the Senator from Virginia [Mr. GLASS], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from New Mexico [Mr. HATCH], the Senator from Iowa [Mr. HERRING], the Senator from Alabama [Mr. HILL], the Senator from Delaware [Mr. HUGHES], the Senator from Colorado [Mr. JOHNSON], the Senator from Utah [Mr. KING], the Senator from Nevada [Mr. McCARRAN], the Senator from Indiana [Mr. MINTON], the Senator from Montana [Mr. MURRAY], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Maryland [Mr. RADCLIFFE], the Senator from Illinois [Mr. SLATTERY], the Senator from South Carolina [Mr. SMITH], the Senator from Tennessee [Mr. STEWART], the Senator from Oklahoma [Mr. THOMAS], the Senator from Utah [Mr. THOMAS], the Senator from Missouri [Mr. TRUMAN], and the Senator from Massachusetts [Mr. WALSH] are necessarily absent from the Senate.

The PRESIDENT pro tempore. Sixty-two Senators having answered to their names, a quorum is present.

The question is on the motion of the Senator from New York [Mr. WAGNER] that the Senate proceed to the consideration of Senate bill 3920.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 3920) to amend the Railroad Unemployment Insurance Act, approved June 25, 1938, as amended June 20, 1939, and for other purposes, which had been reported from the Committee on Interstate Commerce with amendments.

Mr. WAGNER. Mr. President, the pending bill is a proposed amendment to the Railway Unemployment Insurance Act, providing chiefly for more adequate benefits to be paid unemployed railroad workers under that act.

If I may briefly recite the history of the legislation, the Senate will recall that in 1935 we passed the general Social Security Act, levying a 3-percent tax on pay rolls, as a method of inducing the States to erect unemployment-insurance systems. As the result of that legislation, all of the States in the Union now have such unemployment-insurance laws.

In 1938, because of the special nature of the railway industry and the fact that the Congress of the United States had

always dealt separately with matters pertaining to employment on the railway systems, a bill was introduced by the Senator from Montana [Mr. WHEELER] and myself, which provided for the creation of a Federal unemployment-insurance law for railway employees. In the absence of experience in the administration of unemployment-insurance funds, we desired to make certain that the fund was absolutely sound. If anything, we erred on the side of caution to insure the actuarial soundness of the fund.

As is very evident now from a short experience, we provided very inadequate benefit payments to the railway employees. Although, as we all know, they are in a very hazardous employment and are particularly subject to technological unemployment, we actually provided benefit payments for workers on the railways which were less than those now paid in most of the States of the Union. I can illustrate that by showing that under the present law the average benefit payment per week for total unemployment last year was about $7, whereas the average among the States was $10. In short, we have been operating under a system, established by the Federal Government itself, which was very unjust to the railway employees.

Not having had sufficient experience, we did not know how far a 3-percent tax upon the pay rolls of the railway industry would go toward providing adequate benefits. The rate of tax, I may say, is the same as that levied upon the pay rolls of all other employers in the country under the Social Security Act. The experience of a year shows that the reserve has far exceeded original expectations. A very much larger reserve exists today than was anticipated, although, as I will show, a perfectly adequate reserve would remain even if we enacted the proposed law providing for more adequate payments.

The pending measure has the support of the Railway Retirement Board, upon which there is one representive of the railroads, and is sponsored by the representatives of all of the standard railway labor organizations.

It was anticipated that we would be able to enact the proposed measure into law before July 1, but because of essential national-defense measures we were not able to secure its consideration by the Senate until today. In the bill we have provided that the new benefit payments should become operative July 1. Of course, that date has passed, and I shall propose an amendment which, while it seems to be lengthy, merely postpones the date until October 1, at which time we hope the legislation may have been enacted into law.

The PRESIDENT pro tempore. The amendment will be in order after the committee amendments shall have been acted upon. The committee amendments are first in order. The clerk will state the first amendment of the committee.

The first amendment of the Committee on Interstate Commerce was, on page 2, line 9, after the word "employment", to insert "after June 30, 1940", and in line 11, after the word "employer", to insert "or as an employee representative", so as to make the section read:

SEC. 2. Subsection (g) of section 1 of the Railroad Unemployment Insurance Act, approved June 25, 1938 (52 Stat. 1094), as amended June 20, 1939 (53 Stat. 845), is hereby amended by adding thereto the following sentence: "For the purposes of determining eligibility for and the amount of benefits and the amount of contributions due pursuant to section 8 of this act, employment after June 30, 1940, in the service of a local lodge or division of a railway-labor-organization employer or as an employee representative shall be disregarded."

The amendment was agreed to.

The next amendment was, on page 2, after line 14, to strike out:

(h) The term "registration period" means, with respect to any employee, the period of 14 consecutive calendar days which begins with the first day for which such employee registers in accordance with such regulations as the Board may prescribe, and thereafter each period of 14 consecutive calendar days which begins with the first day for which he next registers after the end of his last preceding registration period.

And in lieu thereof to insert:

(h) The term "registration period" means, with respect to any employee, the period which begins with the first day for which such employee registers at an employment office in accordance with such regulations as the Board may prescribe, and ends with whichever is the earlier of (i) the thirteenth day thereafter, or (ii) the day immediately preceding the day for which he next registers at a different employment office; and thereafter each period which begins with the first day for which he next registers at an employment office after the end of his last preceding registration period and ends with whichever is the earlier of (i) the thirteenth day thereafter, or (ii) the day immediately preceding the day for which he next registers at a different employment office.

So as to make the section read:

SEC. 3. Subsection (h) of section 1 of said act is hereby amended to read as follows:

"(h) The term 'registration period' means, with respect to any employee, the period which begins with the first day for which such employee registers at an employment office in accordance with such regulations as the Board may prescribe, and ends with whichever is the earlier of (i) the thirteenth day thereafter, or (ii) the day immediately preceding the day for which he next registers at a different employment office; and thereafter each period which begins with the first day for which he next registers at an employment office after the end of his last preceding registration period and ends with whichever is the earlier of (i) the thirteenth day thereafter, or (ii) the day immediately preceding the day for which he next registers at a different employment office."

The amendment was agreed to.

The next amendment was, on page 6, in the table after line 2, to strike out "$199" and insert "$199.99", to strike out "$474" and insert "$474.99", to strike out "$749" and insert "$749.99", to strike out "$999" and insert "$999.99", to strike out "$1,299" and insert "$1,299.99", and to strike out "$1,500" and insert "$1,599.99", so as to make the section read:

SEC. 9. Subsection (a) of section 2 of said act is hereby amended to read as follows:

"(a) Benefits shall be payable to any qualified employee (as defined in sec. 3 of this act) (i) for each day of unemployment in excess of 7 during the first registration period, within a benefit year, in which he has 7 or more days of unemployment, and (ii) for each day of unemployment in excess of 4 during any subsequent registration period beginning in the same benefit year.

"The benefits payable to any such employee for each such day of unemployment shall be the amount appearing in the following table in column II on the line on which, in column I, appears the compensation range containing the total amount of compensation payable to him with respect to employment in his base year:

Column I Total compensation	Column II *Daily benefit rate*
$150 to $100.99	$1.75
$200 to $474.99	2.00
$475 to $749.99	2.25
$750 to $999.99	2.50
$1,000 to $1,299.99	3.00
$1,300 to $1,599.99	3.50
$1,600 and over	4.00

The amendment was agreed to.

The next amendment was, on page 8, line 19, after the words "days of", to strike out "unemployment;" and insert "unemployment", so as to make the section read:

SEC. 12. Subsection (f) of section 2 of said act is hereby amended to read as follows:

"(f) If (i) benefits are paid to any employee with respect to unemployment in any registration period, and it is later determined that remuneration is payable to such employee with respect to any period which includes days in such registration period which had been determined to be days of unemployment, and (i) the person or company from which such remuneration is payable has, before payment thereof, notice of the payment of benefits upon the basis of days of unemployment included in such period, the remuneration so payable shall not be reduced by reason of such benefits but the remuneration so payable, to the extent to which benefits were paid upon the basis of days which had been determined to be days of unemployment and which are included in the period for which such remuneration is payable, shall be held to be a special fund in trust for the Board. The amount of such special fund shall be paid to the Board and in the collection thereof the Board shall have the same authority, and the same penalties shall apply, as are provided in section 8 of this act with respect to contributions. The proceeds of such special fund shall be credited to the account. Such benefits, to the extent that they are represented in such a special fund which has been collected by the Board, shall be disregarded for the purposes of subsection (c) of this section."

The amendment was agreed to.

The next amendment was, on page 10, line 20, after the word "an", to strike out "unemployment compensation" and insert "unemployment", and on page 11, line 5, after the

word "Board", to strike out *"Provided"* and insert *"And provided further"*, so as to make the section read:

SEC. 16. Paragraph (v) of subsection (a) of section 4 of said act is hereby amended to read as follows:

"(v) any day in any period with respect to which the Board finds that he is receiving or has received annuity payments or pensions under the Railroad Retirement Act of 1935 or the Railroad Retirement Act of 1937, or insurance benefits under title II of the Social Security Act, or payments for similar purposes under any other act of Congress, or unemployment benefits under an unemployment compensation law of any State or of the United States other than this act: *Provided*, That if an employee receives or is held entitled to receive any such payment, other than unemployment benefits, with respect to any period which includes days of unemployment in a registration period, after benefits under this act for such registration period have been paid, the amount by which such benefits under this act were increased by including such days as days of unemployment shall be recoverable by the Board: *And provided further*, That if any such payment, other than unemployment benefits, is less in amount than the benefits under this act which, but for this paragraph, would be payable and not recoverable with respect to such period, the preceding provisions of this paragraph shall not apply but such benefits under this act for such period shall be diminished or recoverable in the amount of such other payments."

The amendment was agreed to.

The next amendment was, on page 16, line 13, after the word "make", to strike out the article "a" and insert "or", so as to make the section read:

SEC. 21. Section 6 of said act is hereby amended to read as follows:

"SEC. 6. Employers shall file with the Board, in such manner and at such times as the Board by regulations may prescribe, returns under oath of compensation of employees, and, if the Board shall so require, shall distribute to employees annual statements of compensation: *Provided*, That no returns shall be required of employers which would duplicate information contained in similar returns required under any other act of Congress administered by the Board. The Board's record of the compensation so returned shall, for the purpose of determining eligibility for and the amount of benefits, be conclusive as to the amount of compensation earned by an employee during the period covered by the return, and the fact that the Board's records show that no return was made of the compensation claimed to be earned by an employee during a particular period shall, for the purposes of determining eligibility for and the amount of benefits, be taken as conclusive that no compensation was earned by such employee during that period, unless the error in the amount of compensation in the one case, or failure to make or record return of the compensation in the other case, is called to the attention of the Board within 18 months after the date on which the last return covering any portion of the calendar year which includes such period is required to have been made."

The amendment was agreed to.

The next amendment was, on page 17, line 1, after the word "made", to strike out "from" and insert "from,"; in the same line, after the word "whether", to strike out "changes" and insert "charges", and in line 2, after the word "made" to strike out "upon" and insert "upon,", so as to make the section read:

SEC. 22. Subsection (c) of section 11 of said act is hereby amended to read as follows:

"(c) Notwithstanding any other provision of law, all moneys at any time credited to the fund are hereby permanently appropriated to the Board to be continuously available to the Board without further appropriation for any expenses necessary or incidental to administering this act. Determinations of the Board whether requisition should be made from, and whether charges or encumbrances should be made upon, the fund or an appropriation for administrative expenses arising in any other authorized activity of the Board shall be binding and conclusive for all purposes and upon all persons, including the Comptroller General and any other administrative or accounting officer, employee, or agent of the United States, and shall not be subject to review in any manner."

The amendment was agreed to.

The next amendment was, on page 23, line 13, after the word "following" and the quotation mark, to strike out *"Provided"* and insert *"And provided further"*; in line 14, after the word "That", to insert "for the purpose of registering unemployed employees who reside in areas in which no employer facilities are located, or in which no employer will make facilities available for the registration of such employees"; in line 19, after the word "accept", to insert "in such areas"; in line 20, after the words "registration of", to insert "such"; on page 24, line 3, after the word "of", to strike out "Columbia:" and insert "Columbia;", and in the same line, to strike out *"And provided further"* and insert *"Provided"*, so as to make the section read:

SEC. 26. Subsection (1) of section 12 of said act is hereby further amended by changing the period at the end thereof to a colon and adding the following: *"And provided further*, That, for the purpose of registering unemployed employees who reside in areas in which no employer facilities are located, or in which no employer will make facilities available for the registration of such employees, the Board may, without regard to civil-service laws and the Classification Act of 1923, appoint persons to accept, in such areas, registration of such employees and perform services incidental thereto and may compensate such persons on a piece-rate basis to be determined by the Board. Notwithstanding the provisions of the act of June 22, 1906 (34 Stat. 449), or any other provision of law, the Board may detail employees from stations outside the District of Columbia to other stations outside the District of Columbia or to service in the District of Columbia, and may detail employees in the District of Columbia to service outside the District of Columbia: *Provided*, That all details hereunder shall be made by specific order and in no case for a period of time exceeding 120 days. Details so made may, on expiration, be renewed from time to time by order of the Board, in each particular case, for periods not exceeding 120 days."

The amendment was agreed to.

The next amendment was, on page 25, line 24, after the word "this", to strike out "subsection" and insert "section", and on page 26, line 10, after the words "amount of", to insert "annuities, pensions, or death", so as to make the section read:

SEC. 29. Section 9 of the Railroad Retirement Act of 1937 is hereby amended to read as follows:

"9. (a) If the Board finds that at any time more than the correct amount of annuities, pensions, or death benefits has been paid to any individual under this act or the Railroad Retirement Act of 1935 or a payment has been made to an individual not entitled thereto (including payments made prior to July 1, 1940), recovery by adjustments in subsequent payments to which such individual is entitled under this act or any other act administered by the Board may, except as otherwise provided in this section, be made under regulations prescribed by the Board. If such individual dies before recovery is completed, recovery may be made by set-off or adjustments, under regulations prescribed by the Board, in subsequent payments due, under this act or any other act administered by the Board, to the estate, designee, next of kin, legal representative, or surviving spouse of such individual, with respect to the employment of such individual.

"(b) Adjustments under this section may be made either by deductions from subsequent payments or, with respect to payments which are to be made during a lifetime or lifetimes, by subtracting the total amount of annuities, pensions, or death benefits paid in excess of the proper amount from the actuarial value, as determined by the Board, of such payments to be made during a lifetime or lifetimes and recertifying such payments on the basis of the reduced actuarial value. In the latter case recovery shall be deemed to have been completed upon such recertification.

"(c) There shall be no recovery in any case in which more than the correct amount of annuities, pensions, or death benefits under this act or the Railroad Retirement Act of 1935 has been paid to an individual or payment has been made to an individual not entitled thereto (including payments made prior to July 1, 1940) who, in the judgment of the Board, is without fault when, in the judgment of the Board, recovery would be contrary to the purpose of the acts or would be against equity or good conscience.

"(d) No certifying or disbursing officer shall be held liable for any amount certified or paid by him in good faith to any person where the recovery of such amount is waived under subsection (c) of this section or has been begun but cannot be completed under subsection (a) of this section."

The amendment was agreed to.

The next amendment was, on page 27, line 20, after "July 1", to strike out "1940;" and insert "1940,", so as to make the section read:

SEC. 30. Subsection (e) of section 1532 of the Internal Revenue Code is hereby amended by adding thereto the following sentence: "For the purposes of determining the amount of taxes due pursuant to sections 1500 and 1520 of this subchapter and sections 2 (a) and 3 (a) of the Carriers Taxing Act of 1937, compensation earned in the service of a local lodge or division of a railway-labor-organization employer shall be disregarded with respect to any calendar month if the amount thereof is less than $3 and (1) such compensation is earned between December 31, 1936, and April 1, 1940, and taxes thereon pursuant to sections 1500 and 1520 of the Internal Revenue Code or sections 2 (a) and 3 (a) of the Carriers Taxing Act of 1937 are not paid prior to July 1, 1940, or (2) such compensation is earned after March 31, 1940."

The amendment was agreed to.

The PRESIDENT pro tempore. That completes the committee amendments.

Mr. WAGNER. Now, Mr. President, I offer the amendment to which I have heretofore referred.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 1, line 3, after the word "That", it is proposed to strike out "the provisions of this act shall take effect on July 1, 1940, except that a half-month which has begun prior to such date in accordance with the Railroad Unemployment Insurance Act and regulations made thereunder, and which includes such date, shall continue, and benefits with respect thereto shall be computed and paid in the same manner and with the same effect as if this act had not been enacted, and the provisions of this act shall become operative with respect to any employee having such half-month only upon the termination of such half-month," and to insert in lieu thereof the following:

The provisions of this act shall take effect on October 1, 1940, except that sections 2, 11, 28, 29, and 30 shall be effective as of July 1, 1940, and sections 19 and 20 shall become effective upon the approval of this act: *Provided, however,* That—

(a) A half month which has begun prior to October 1, 1940, in accordance with the Railroad Unemployment Insurance Act and regulations thereunder, and which includes such date, shall continue, and benefits with respect thereto shall be computed and paid as if this act had not been enacted; and

(b) All benefit years current on September 30, 1940, shall terminate on September 30, 1940, or on the last day of a half month which includes September 30, 1940, and October 1, 1940, whichever is later, and, for the purposes of section 2 (c) of the Railroad Unemployment Insurance Act as amended by this act, all benefits paid for unemployment in half months begun subsequent to June 30, 1940, and prior to October 1, 1940, shall be deemed to have been paid for unemployment within the benefit year ending June 30, 1941; and

(c) Benefits for unemployment in the first registration period, beginning after September 30, 1940, of an employee who has, subsequent to June 30, 1940, completed a waiting period under section 3 (b) of the Railroad Unemployment Insurance Act, shall be determined and computed as though such registration period were a subsequent registration period in the same benefit year.

Mr. McNARY. Mr. President, unless better order is kept we might as well adjourn the session.

The PRESIDENT pro tempore. The Senator from Oregon suggests that there be better order in the Senate. All the Chair can do is to request order be maintained.

Mr. McNARY. The Chair has the power to enforce order. That power is defined by the rules of the Senate.

The PRESIDENT pro tempore. Yes. The Chair will use all the power he has.

Mr. McNARY. Mr. President, is the amendment which was just read at the desk an individual amendment following the disposition of the committee amendments? Or is it offered as a committee amendment?

The PRESIDENT pro tempore. It is an amendment to the text. It is not a committee amendment.

Mr. McNARY. Let me ask the Senator from New York, has this amendment been submitted to the committee?

Mr. WAGNER. No; it has not. I may say to the Senator from Oregon that earlier I explained clearly the purpose of the amendment. It simply postpones from July 1 to October 1 the date when the proposed law shall become effective. When the proposed legislation was drawn and considered by the committee it was assumed by those who had confidence in the judgment of the Senate and the House that it would be enacted before July 1, and therefore we made the effective date July 1. That date has now passed, and all the amendment does is to change the effective date from July 1 of this year to October 1 of this year.

Mr. McNARY. Because of the disorder in the Senate Chamber I was unable to understand clearly the amendment as it was read by the clerk.

The PRESIDENT pro tempore. Does the Senator from Oregon desire to have the amendment read again?

Mr. McNARY. No; but I inquire why was not the amendment submitted to the committee in the usual way?

Mr. WAGNER. The bill was reported before July 1, and it was expected by the committee that the bill would be immediately considered by both Houses of Congress and passed in time to be enacted before July 1. Now that date has passed and we have been away since then, so that a new date had to be determined. We conferred with the members of the Railroad Retirement Board about the change, and I am sure the Interstate Commerce Committee will agree to it. We cannot pass a law now saying that it shall be effective July 1, when July 1 has already passed.

Mr. McNARY. I am not criticizing the Senator. When a bill comes to the calendar, and changes are desired, the usual practice is to submit the changes to the committee before they are submitted on the floor.

Mr. WAGNER. Yes. That is true when the change is other than the change of the effective date of the bill. In such case what the Senator suggests should be done.

Mr. McNARY. If that is all there is to the amendment——

Mr. WAGNER. Yes; that is all there is to the amendment.

Mr. McNARY. Very well. I repeat, I was unable to hear all the amendment read at the time it was read because of the disorder in the Chamber. If that is the sole effect of the amendment, I shall make no objection to it. However, if it were to go to the substance of the bill, I think it would be better practice to submit the amendment to the committee.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from New York to section 1.

The amendment was agreed to.

The PRESIDENT pro tempore. The bill is open to further amendment.

Mr. WAGNER. There are some details of the bill that I thought I should briefly explain and then conclude, for I am sure the Senator from South Dakota [Mr. GURNEY] will want to be heard.

The bill establishes a uniform benefit year for all claimants, in place of the present individual benefit year beginning with each claimant's first compensable half-month period. The present system has caused a great deal of confusion, which is eliminated by providing for a uniform benefit year beginning with July 1, and ending with June 30 of the following year. Incidentally, railway labor has accepted this change, although it is greatly to the disadvantage of some 29,000 employees. In order to make their contribution toward a better administration of the law, they are willing to make that sacrifice.

The waiting period has been reduced, broadly speaking, from 15 days to 7 days. During the first half-month registration period in which a claimant has 7 or more days of unemployment, benefits shall be payable for days of unemployment exceeding 7. In subsequent registration periods in the same benefit year, benefits shall be payable for days of unemployment exceeding 4 days. An important result is to reduce from 38 days to 22 days the time intervening between the first day of unemployment and receipt of the first benefit check.

The range of benefit rates per 14 days of unemployment is increased from the equivalent of $12.25 to $21 under the present law, to $17.50 to $40 under the present bill, for unemployed workers having comparable base-year compensation.

The maximum duration of benefit payments in any benefit year is increased from 80 days under present law to 100 days under the bill. Since the bill increases the number of compensable days in a registration period, this amendment is necessary in order to maintain the present 21-week duration of benefits.

Claimants may carry over into a current benefit year not more than 50 days—in addition to the 100-day maximum—of benefit payments unused in the preceding year. This amendment is especially important for the railroad workers whose employment is not seasonal, and who are therefore unemployed for long periods of time when they become unemployed at all. This follows a principle embodied in the British unemployment insurance system, and in the original State laws.

The need for increased benefits is clear and imperative. The present railway benefit rates average below $7 per week of total unemployment. This is far below the $10.19 average under State laws. As I have said, we are doing the railroad employees a very great injustice. In spite of the fact that we have this very large reserve, and that railroad workers are engaged in an unusually hazardous occupation, we are actually paying them $3 per week less than is paid to the unemployed, on the average, under the State laws.

It has been estimated that over 80,000 workers have received less than they would have received had they been insured under the unemployment compensation laws of their respective States. We are simply increasing their benefits so that they would compare favorably with those paid under the better State laws today. If the bill had been effective last year, unemployed railroad workers would have received $25,000,000 in benefits instead of $15,000,000 under the present law.

Incidentally, one Senator asked me the question again, although I thought I made that point very clear at the beginning, as to whether the proposed legislation will increase the tax on the railroads. I answer: "This does not in any way increase the tax imposed upon the railways." The 3 percent tax remains, and that is the same rate of tax paid by every other employer in the country under the Social Security Act.

The existing reserve is 9 times current annual benefit payments, whereas a ratio of 4 or 5 to 1 would be ample. Existing taxes are 4 times benefit payments, whereas a ratio of 2 to 1 would be safe in a year such as the present.

The average annual benefit load under this bill over a period of years would be about $50,000,000. In a year like the present the annual benefit load would be increased from 25 percent of tax income under present law to 43 percent under the expanded benefit scale. This leaves an amply safe margin of reserve.

Mr. VANDENBERG. Mr. President, will the Senator yield to me for a question?

Mr. WAGNER. I yield.

Mr. VANDENBERG. What reserve will remain under the new system?

Mr. WAGNER. I am informed the reserve now is about $130,000,000, and that, even with this law in effect, the tax yield over the years will exceed benefit payments. The reserve will thus be increasing rather than decreasing.

Mr. VANDENBERG. The reserve is $130,000,000 and the annual estimated charge against the fund is what?

Mr. WAGNER. About $50,000,000 average over a period of years.

Mr. VANDENBERG. And it is estimated that on the new basis there will still be annual contributions to the reserve?

Mr. WAGNER. Yes. There will be an increase in the reserve. There will be a slight increase in the amount which is there now—$130,000,000. So that with this bill in effect, the administration of the entire act will be on an absolutely sound actuarial basis.

Mr. VANDENBERG. Of course, the Senator knows my views about the reserve.

Mr. WAGNER. I looked at the Senator while I was discussing that phase. I know of his interest in the matter. He is correct.

Mr. VANDENBERG. A reserve of 9 to 1 is absurd.

Mr. WAGNER. Exactly.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. ELLENDER. I understand that the base will not be increased, and that the reserve will remain about equal to what it is now.

Mr. WAGNER. If anything, the reserve will be a little higher.

Mr. ELLENDER. Yet in the minority report, which is attached to the majority report, it is stated that the amount of benefits will be doubled. If that be true, how can the Senator reconcile it with the statement that the reserve will remain about equal to what it is now? The 3-percent tax will remain the same, and yet the Senator says the reserve will be greater, even though the payments are doubled.

Mr. WAGNER. The payments this year have been only about one-fourth the tax.

Mr. ELLENDER. Will not doubling the payments require a greater reserve?

Mr. WAGNER. We should still have a large reserve left. The current payments would still be less than the amount currently collected under the 3-percent tax.

Mr. ELLENDER. Then the reserve would not be as great as it now is.

Mr. WAGNER. Yes; it would be because there would still be an excess for each current year. The reserve will not be as great as it would if we should not double the benefit payments, but there will still be a margin.

Mr. ELLENDER. When the Senator said the reserve would be as great he was mistaken, was he not?

Mr. WAGNER. No.

Mr. ELLENDER. If the benefits are doubled, as the minority report shows, necessarily they would encroach on the reserve, would they not?

Mr. WAGNER. Yes; but we are collecting a 3-percent tax all the time, which is currently yielding more than the amount we are paying out or would be paying out under the increased benefit scale.

Mr. ELLENDER. It is not proposed to increase the tax, but it is proposed to double the payments.

Mr. WAGNER. Our reserve is now nine times the requirements for benefit payments. There has been a general tendency, after a short experience by the States, to increase unemployment benefit payments because they are recognized to be inadequate. It has been discovered that the reserves are very much higher than was anticipated, comparable to benefit payments. We are doing here for railroad workers what some of the States are now doing for workers in industry at large. The States are not reducing the tax, but are increasing the benefit payments, which are now pitiably inadequate, certainly under this law as it is today, and under most of the State laws.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. WAGNER. I should like to make one further statement. In an article which appeared in the Social Security Bulletin, Mr. Altmeyer, the head of the Social Security Board, said:

> The benefit formulas incorporated in the early State laws do not represent what were considered to be adequate unemployment compensation benefits to covered eligible workers for the duration of their unemployment, but represent benefits which it was estimated a 3-percent tax could carry. In an effort to assure solvency of State funds, much too large a safety factor was used in the benefit formulas. As a result, the benefit formulas devised in those early days were exceedingly conservative. Despite the fact that a recession occurred in the early months of 1938, benefit payments, except in a few States, were therefore lower than had been anticipated, and surpluses began to pile up in the State funds. If this early conservatism evidenced in the benefit formulas in State laws were to result in the freezing of these benefit formulas and the accumulated surplus funds were now used as an argument for tax reduction rather than as justification for liberalization of benefit payments, the very purpose of the unemployment compensation system would be nullified.
>
> If the objectives of unemployment compensation are to be achieved there is no doubt that first and foremost benefits must be liberalized.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. VANDENBERG. I should like to make a general statement to the Senator in agreement with what he is now saying. It is my view, after a very considerable study of the reserve problem, that a needlessly large reserve is a tax-supported pension system or workmen's compensation system becomes the equivalent of an income tax on the workers of the country without any justification whatsoever.

Mr. WAGNER. Does not the Senator agree that it has a general deflationary influence?

Mr. VANDENBERG. Certainly.

Mr. WAGNER. Mr. President, that is all I care to say.

Mr. GURNEY. Mr. President, the bill under consideration is an important piece of legislation, having to do with a reserve fund of about $150,000,000 and an assessment of employers which brings in about $66,000,000 a year. I believe the Senate should be informed on this legislation. I therefore suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Bankhead	Bilbo	Burke
Ashurst	Barbour	Bone	Byrd
Austin	Barkley	Bridges	Byrnes

Capper	Green	Maloney	Taft
Caraway	Gurney	Mead	Thomas, Idaho
Chandler	Hale	Miller	Tobey
Chavez	Harrison	Neely	Townsend
Clark, Idaho	Hayden	Norris	Tydings
Clark, Mo.	Holman	Nye	Vandenberg
Danaher	Holt	Overton	Van Nuys
Davis	Johnson, Calif.	Pittman	Wagner
Donahey	Lee	Reed	Wheeler
Ellender	Lucas	Reynolds	White
Gerry	Lundeen	Schwartz	Wiley
Gibson	McKellar	Schwellenbach	
Gillette	McNary	Smathers	

The PRESIDENT pro tempore. Sixty-two Senators have answered to their names. A quorum is present.

Mr. GURNEY. Mr. President, as I stated a few moments ago, this is important legislation. It has to do with a fund that is now being administered by the Railroad Retirement Board and which contains approximately $150,000,000. It taxes the railroads on all their employees 3 percent of the amount paid the employees in salaries, and it brings into the fund each year about $66,000,000, or will do so this year, depending on the number of the employed. So I should like to give a little history of this proposed legislation.

First, I will say that the Senator from New York introduced a bill known as S. 3920. A little later I introduced a bill known as S. 3925. The benefits under the present act would be increased by Senate bill 3920, 115 percent. Had the Senate bill 3925, the bill which I introduced, been accepted, the benefit payments would have been increased about 25 percent.

During the hearings there was considerable information elicited, and daily benefit rates were discussed so that now there is a bill in the nature of a substitute which I have had printed and which I intend to offer as an amendment to Senate bill 3920, which will, if it shall be accepted, increase the benefit payments about 30 percent above the present act.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. McNARY. Has the Senator offered the proposed substitute and has it been printed?

Mr. GURNEY. It has been printed, but I have not as yet offered it.

HISTORY OF RAILROAD UNEMPLOYMENT-INSURANCE LEGISLATION

The beginning of railroad unemployment compensation in this country dates back, as the Senator from New York [Mr. WAGNER] has said, to the enactment of the Social Security Act, approved in August 1935.

That act was not hurriedly drawn. It was the product of the best thought of more than 100 outstanding experts in the field of industry, commerce, Government administration, economics, labor organizations, welfare, and employment, who devoted months of intensive study to the whole subject.

The unemployment-compensation provisions of the Social Security Act established the framework and set up the general rules for a Federal-State system of unemployment insurance. Beginning in 1936, the several States enacted legislation to fit into this framework and meet these rules. Railroad employees were covered by the provisions of the various State acts. They were entitled to all the benefits set up in those acts.

Such then was the situation in 1938, when railroad employees asked to be removed from under the provisions of the several State acts and transferred to the protection of an act of their own. They supported legislation in Congress to establish a separate national system of unemployment insurance for railroad workers which they said was necessary to meet conditions of employment peculiar to their industry. Such legislation was enacted and became the Railroad Unemployment Insurance Act, which was approved June 25, 1938, and became effective July 1, 1939.

That was just a little over a year ago, and now, without sufficient experience, they seek to increase the benefits 115 percent above those provided in an act which has been in force only a year and about a month.

This legislation had the support of railway labor, and it seemed reasonable to assume that an adequate period of time would elapse, during which the operation of the act could be observed and analyzed, before any changes would be proposed. Such was not the case, however. Even before the act became effective certain amendments were offered. It is true that in the main these amendments were for the purpose of removing certain administrative complexities. There was, however, one amendment which tended toward liberalization, and which changed the method of determining the waiting period. These amendments were adopted and became law on June 20, 1939.

Surely now the situation, so far as railway labor was concerned, was satisfactory. But no. With less than 1 year of operation under the Railroad Unemployment Insurance Act, as amended June 20, 1939, railway labor now proposes that Congress further amend the act to the extent that the benefit provisions and the annual cost thereof will be more than doubled. The Railroad Retirement Board, which administers the act and has all the records of railroad employment and unemployment in its possession as a function of its administration, has estimated that Senate bill 3920, which incorporates these amendments, will increase the cost of the present act by 115 percent.

This move on the part of railway labor was undoubtedly prompted by the fact that the period since July 1, 1939, has been one of exceptionally favorable employment conditions, and unemployment benefit payments have therefore been far below what might be experienced in a like period of less favorable employment conditions.

It is a matter of common knowledge, I believe, that railway management and railway labor generally confer concerning legislative matters of this kind and attempt to reach an agreement mutually satisfactory. The present proposals of railroad employees for liberalization were discussed at a number of such conferences, and the position was taken by representatives of management that such a radical increase in benefit costs as 115 percent was unwarranted and unwise in the absence of sufficient experience and factual data for reasonable estimates of cost over a period of years in the future, when employment will at times go down and unemployment benefit payments will heavily increase.

Railway management did, however, agree that some liberalization was justified, and proposed a more moderate increase in benefits which would increase the present basis of costs about 30 percent. Management also believed that there would be an incentive for carriers to stabilize their employment, to the advantage of both their employees and themselves, and suggested a graduated tax scale, to which I shall later refer.

Representatives of railway labor, however, were unyielding in their demand for more than doubled benefits and in their refusal to consider the proposal of the carriers for a graduated tax scale designed to stimulate the stabilization of railway employment.

As a result, instead of railway management and railway labor supporting one "agreed bill," two separate measures were introduced in May of this year. One is S. 3920, embodying the employees' proposal for increased benefits, estimated to increase costs by 115 percent, while the other is S. 3925, the carriers' proposal, the increased cost of which is estimated at 30 percent.

The Senate Committee on Interstate Commerce has considered both these bills after hearings before a subcommittee. The majority report of the committee favored S. 3920. The minority report, to which five members of the committee signed their names, favored enactment of S. 3925, with some slight modifications proposed by them.

I was one of the five who signed the minority report, and I favor the substitution of S. 3925, as modified, for S. 3920. Let me say in all earnestness that neither I nor the other four signers of the minority report have anything but sympathy for the unemployed worker. Our position, we believe, is not only not unfriendly to railway labor, but it is in the interest of labor. I believe the enactment of S. 3925 as modified by us will give railway workers more liberal benefits, will conserve the financial soundness of the unemployment-insurance system we have provided for them, and will offer their employers an incentive more fully to stabilize railway employment. All

these things are in the interest of labor, not opposed to such interest.

Before passing to the purpose and provisions of these two respective amendatory measures, I should like to emphasize that the entire period since the enactment of the Social Security Act in 1935 has been one of experimentation and change. As I have already said, the present Railroad Unemployment Insurance Act has been operative less than a year. A complete cycle of employment and unemployment, under both favorable and adverse conditions, such as is vitally necessary for reasonable estimates of cost, has not yet been experienced. However, should it be regarded as mandatory that some change be made at this time, it seems obvious that the approach should be one of caution and conservatism rather than one of reckless abandon. I think that is a fair description of the contrast between a proposal to increase the cost of a system of unemployment insurance which has been in operation less than 1 year by 30 percent, and one that would increase the cost by 115 percent.

The economic and social uncertainties inherent in the present disturbed international situation present all the more reason for the most careful consideration of any proposals of the sort here involved.

FUNDAMENTALS OF UNEMPLOYMENT INSURANCE

For a better understanding of the provisions of S. 3920 and S. 3925, I point out that while a system of unemployment insurance is a rather complex thing, there are certain basic fundamentals that can be simply described and easily understood. Briefly, these fundamentals are:

First. A wage-eligibility requirement.

This is a stated minimum amount of earnings in a defined prior period to be eligible for benefits.

Second. A base year or period.

This is the defined prior period, earnings during which determine eligibility for daily rates of benefit according to a fixed schedule.

Third. A benefit year.

This is a stated period of 12 months within which benefit days of unemployment may be compensated, up to a fixed maximum.

Fourth. A schedule of benefits.

This is a fixed schedule of daily rates of benefit, graduated according to the total amount earned by the employee in his base year.

Fifth. A registration period.

This is a stated unit interval of time for which an employee must register for unemployed days, and during which a fixed number of days of unemployment are compensable. It automatically becomes the period of time between payments of benefit checks for continuing unemployment.

Sixth. Compensable days in registration period.

These represent the number of days of unemployment in a registration period for which benefits may be paid.

Seventh. Maximum duration of benefits.

This is the maximum number of benefit days which may be compensated in a benefit year.

Eighth. A waiting period.

This is a fixed initial period of time for which an employee must register upon first becoming unemployed, and for which no benefits are payable. It must be served only once, however, in a benefit year.

COMPARATIVE PROVISIONS OF S. 3920 AND S. 3925

With these basic fundamentals in mind, a comparison of the respective provisions of S. 3920 and S. 3925, as modified in the minority committee report, may be briefly made.

The minimum earnings in the base year necessary to qualify for benefits under S. 3920 is $150. It is the same under S. 3925. Both bills provide that the base year shall be the calendar year immediately preceding the benefit year.

Both S. 3920 and S. 3925 provide a uniform benefit year from July 1 to June 30 for all employees. This amendment, as well as that with respect to the base year, is designed principally in the interest of administrative simplicity. They present no issue, because both bills are identical with respect to that provision.

The schedule of daily benefit rates in S. 3925, as recommended in the minority report of the committee, is identical with that provided by S. 3920. S. 3925 as originally introduced provided a benefit schedule suggested by Mr. Murray W. Latimer, Chairman of the Railroad Retirement Board, who is sitting next to the Senator from New York [Mr. WAGNER] at this time, and was submitted by representatives of railway labor as that desired by them at the time of their conferences with representatives of railway management. In fact, the schedule of benefit rates of S. 3925 as originally introduced was identical with that of S. 3906, introduced by the Senator from New York [Mr. WAGNER] on May 2, which was reintroduced with a revised benefit schedule on May 6 as S. 3920. So again it appears that the theme of this legislation is change, constant change, frequent change, sudden change. However, S. 3925 as modified now contains the identical benefit schedule of S. 3920. This provision, too, presents no debatable issue.

The weekly benefit under this schedule ranges from $8.75 per week for a person whose base-year earnings were $150 to $200, up to $20 per week for a person whose base-year earnings were $1,600 or more. Under the present Railroad Unemployment Insurance Act the range is from a minimum of $6.53 per week to a maximum of $11.20 per week.

The registration period provided by both S. 3920 and S. 3925 is 14 consecutive calendar days. Both of the proposed amendatory measures propose to compensate for 10 days of unemployment in each registration period of 14 days. This is a much more liberal provision than that of the present act, which is 8 compensable days in each period of 15 days.

Summarizing the fundamental provisions of the two bills thus far, we find that as to wage eligibility, base year, benefit year, benefit schedule, registration period, and compensable days within a registration period there is no difference or issue. That this is true is due largely to concessions made by the railroads with respect to amendments advocated by the employees.

We now come to two basic provisions as to which S. 3920 and S. 3925 differ and upon which the carriers and employees take issue. These are the duration of benefits, which determines the maximum amount of benefits to be paid within the benefit year, and the waiting period.

MAXIMUM BENEFITS

As I have already pointed out, the present Railroad Unemployment Insurance Act provides for payment of 8 days of unemployment in each registration period of 15 days. The maximum number of days for which benefits may be paid is 80 within each benefit year. This means that benefits for total unemployment are paid for a maximum of approximately 21½ weeks. S. 3925 proposes to retain the present maximum of 80 compensable days, but to pay benefit for 10 days in each registration period of 14 days. While under this arrangement a totally unemployed person would draw benefits for 16 weeks instead of 21½ weeks, his weekly rate of benefit would be much greater. In addition, the great bulk of the employees would be entitled to larger maximum benefits over the 16-week period than they can now draw over a 21½-week period. They get more money over the whole period than under the present act and draw it in much larger weekly installments.

Since it has been stated by the Railway Retirement Board that only 13 percent of the unemployment in the current fiscal year has been of maximum duration, it is obvious that the proposal of S. 3925 is one of most material liberalization.

S. 3920 proposes to go even further, however, and to increase the maximum number of benefit days in a benefit year from 80 to 100. It would also provide a so-called carry-over of unused benefit days up to 50 from one benefit year to a succeeding benefit year. The addition of 20 compensable days in a benefit year would place the Railroad Act far ahead of the majority of State acts with respect to maximum duration of benefits. The carry-over provision is still a greater measure of liberalization which is new, novel, and expensive. It is new because no State law has such a provision. It is novel because, in effect, it is the grant of a special bonus to a man

who is continuously employed, rather than unemployed, and gives the regularly employed man a special equity in an unemployment system to which he has made no contribution, and for which he has less need than an employee not so fortunately placed. It is expensive because, according to an estimate of the Railroad Retirement Board, it would of itself alone add an increase of 25 percent to the cost of the system, on top of all other increases in costs. That is, it would be a cumulative increase of 25 percent.

THE WAITING PERIOD

The second point of issue, as I have said, is the waiting period. The present act provides a waiting period of 15 days, with not less than 8 days of unemployment.

S. 3925 provides that an employee, to become eligible for benefits, must serve a period of 14 consecutive days during which he has had not less than 7 days of unemployment. This period must be served only once during a benefit year.

This requirement is admittedly as liberal as that of any State act, and more liberal than the waiting-period requirement of State laws covering 40 percent of the total employment embraced by the Federal-State system of unemployment insurance. Of the 49 State acts, including the District of Columbia, 47 provide a waiting period of either 2 or 3 weeks; only two provide a period of 1 week.

S. 3920 proposes a waiting period of only 7 days of unemployment in the initial registration period of 14 days. This means that benefits would be paid for 7 days in the first registration period. This is a more liberal provision than that of any State act.

It is argued by the proponents of S. 3920 that this change is desirable, because it reduces the interval of time between the first day of unemployment and receipt of the first benefit check. This interval of time under S. 3925 is 4 weeks. The same condition exists under the provisions of the separate acts of States which cover more than 40 percent of all employees included in the several State acts. Furthermore, railroad employees are in better position, with respect to receiving some cash income during the interval between first becoming unemployed and the first receipt of benefits, than the remaining 60 percent of employees covered by State acts. This is because of the semi-monthly pay period generally in effect on railroads, with actual pay days following the close of the pay period by 10 to 15 days. This means that as a general rule a railroad employee would, under the provision of S. 3925, receive two pay checks while waiting for his first benefit check. After receiving his first check, subsequent checks will follow at regular intervals of 2 weeks each.

It is obvious that the actual cause of this 4-week interval is the 2-week registration period which is provided by the act at the expressed wish of the employees.

The alternative and much more generous proposal of S. 3920 to pay benefits for 7 days in the initial registration period would be far more liberal than the several State acts, and would add to the cost of the system by 14 percent.

FUTURE COSTS UNDER EITHER BILL

Thus far I have referred to the increase which would result from enactment of either S. 3920 or S. 3925, in terms of percentage. What is this additional cost in actual dollars, and what is the basis of the estimate? The proponents of S. 3920 say that under that bill the benefit payments will average, over a period of years, between $50,000,000 and $52,000,000, or approximately double the present cost. How do they arrive at this result? It must be a pure estimate because there are no real supporting data. Bear in mind that this railroad unemployment-insurance system has been in operation less than 1 year, and only from the operations of the system since July 1, 1939, are there any records to show the unemployment of individuals engaged in the railroad industry. True, there are available mass figures with respect to the total number of full-time positions and the number of persons receiving pay each month, but at best these can only indicate trends because the unemployment-insurance system is based upon the individual's work pattern. A railroad may report that it has 1,000 employees in 1 month and the same number in the next month, but the individuals making up those 1,000 employees are not necessarily the same.

In 1938, when the railway-labor organizations came before Congress and asked for the establishment of what is now the present railroad unemployment-insurance system, it was stated by the Railroad Retirement Board that the benefit provisions then proposed would provide for payment equal to 147 percent of the amounts payable under the State acts. The Board further stated that the benefit provisions were as broad as could safely be made a part of the system, and supported by a 3-percent pay-roll tax. Congress acceded to the wishes of the labor organizations and gave them what they asked for. Now, with less than a year of actual operation under this system, we find the same parties before us with a proposal to more than double the benefit provisions. The proponents of S. 3920 do not know much more now than they did in 1938 about railroad employment as it affects individuals. It should be remembered in each month, beginning with July 1, 1939, there has been an increase in railroad employment as compared with the same month in the preceding year. Is that any kind of an experience record on which to base a request for more than doubling their unemployment benefits?

Railroads have their ups and downs—mostly downs—like all other industries. Employment is directly related to the volume of traffic, and that volume is not constant. It varies with the seasons and with economic conditions generally. In 1938 there was a severe drop in railroad employment as compared with 1937—not less than 200,000 railroad employees lost their jobs. Because of the extended period of the depressed business levels, all of these employees would have undoubtedly drawn maximum unemployment benefits. In addition, there would have been the usual seasonal unemployment, which is of such nature as to require the payment of about $16,000,000 in unemployment benefits during the current fiscal year. So from these figures we might reasonably estimate that unemployment benefits in 1938 would have been close to $60,000,000. Now, if a potential $60,000,000 of benefits be increased by 115 percent, the total would become the impossible sum of $129,000,000. Unquestionably, $16,000,000 is not the amount of annual average benefits that would be payable under the present act, and just as certainly $60,000,000 does not represent the average payment, but there is as much justification for taking one figure as the other. The only way we will ever determine the correct figure is through experience. In this experimental or determinative period there is no sound reason for establishing a system which we cannot with assurance say will be a reasonable one.

Does the record of the Railroad Retirement Board, in estimating annuities payable under the Railroad Retirement Act, give cause for any confidence in any estimate it may submit with respect to unemployment insurance? The record shows that Mr. Latimer supplied the House Committee on Appropriations with a comparison of the original estimated disbursements under the Railroad Retirement Act with the actual and revised estimated expenses for the years 1937 to 1941, inclusive. What does that comparison show? For 1937 original estimated disbursements were $10,860,000; the actual disbursements were $4,604,232. For 1938 the estimate was $58,280,000; the actual disbursements $83,029,794. For 1939 the estimate was $64,214,000; the actual disbursements $106,841,632. For 1940 the original estimate was $67,278,000; the revised estimate is $116,068,308. For 1941 the original estimate was $70,914,000; the revised estimate is $126,354,000. The total original estimated disbursements for these 5 years amounted to $271,546,000; the actual and revised estimated disbursements total $436,897,966, an increase of $165,351,966, or 61 percent. Voluble explanations of the causes for these increases have been offered, but that does not change the fact that as a consequence of erroneous estimates furnished to Congress the railroad retirement account is in a precarious position. Do we want to place the unemployment insurance account in a similarly precarious position? I for one do not, and that is why I advocate the more moderate increase in benefits provided by Senate bill

3925, rather than the more than doubled amounts provided by Senate bill 3920, on the basis of estimates submitted by the Railroad Retirement Board.

THE GRADUATED-TAX SCALE

The minority has recommended, in Senate bill 3925, the enactment of a provision for a graduated pay-roll tax scale. This scale would extend to the railroads, as Congress has extended to all other employers, the opportunity to earn a reduction in their pay-roll taxes, provided, and only provided, that employment is both regularized and stabilized.

A reduction of 1 percent in the tax would save the railroads more than $20,000,000 a year. Such a reduction would be due largely to the fact that the railroad benefit fund would receive from the State benefit funds, as a result of transfers required under the Railroad Act, more than $100,000,000, while the estimates of the amount to be transferred, as late as June 1939, were but $70,000,000. This difference of $30,000,000 is an unnecessary reserve. Couple this unexpectedly large transfer with the equally unexpected favorable employment situation in the current fiscal year and the result is a reserve fund of something over $130,000,000 on June 30, 1940, with an additional $15,000,000 due and payable within 60 days for the preceding quarter's taxes.

I have referred to the fact that until July 1, 1939, railroads and their employees were under the State unemployment insurance acts. The nonrecurring transfer of the $100,000,000 or more from the State benefit funds is the computed balance of railroad pay-roll taxes paid into those funds and not expended for benefits. Had railroads continued to be subject to the State acts they would have been entitled to such reductions in their tax rates as are provided under the applicable State experience rating systems. To transfer them to a national system supported entirely by their money, and then to deprive them of the opportunity to obtain a tax reduction, is the worst kind of discrimination.

I call attention also to the fact that when Congress passed the Social Security Act it recognized the experience rating principle through which employers may obtain tax reductions. It adopted the internal-revenue code, which also recognized this principle, and it passed the District of Columbia Unemployment Compensation Act with an experience-rating provision. Of all the legislation enacted by Congress, only the Railroad Act deprives the employer of a tax-reduction opportunity. In the course of the hearing on the two bills—S. 3920 and S. 3925—Chairman Latimer, of the Railroad Retirement Board, opposed the principle of experience rating, and left no doubt in our minds as to that opposition. But what do others think about it? Actions still speak louder than words, and the facts are that an overwhelming majority of all State acts have a provision for experience-merit rating; and, as I said before, every act of Congress touching on this subject so provides, except the Railroad Act.

STABILIZATION OF EMPLOYMENT

Representatives of the railroads made the statement that railroads would rather pay wages for service than they would taxes for unemployment benefits. They also quite properly assumed that employees would rather receive wages than they would benefits. The graduated tax scale is designed to promote the accomplishment of these ends. Should Congress say that these purposes are not to be encouraged by excluding the provision for experience rating from the railroad act?

The railroads said:

> We do not know what we can do, but give us the chance and a reward if we succeed in stabilizing employment, and we will do our best. We believe that an incentive in the form of a tax reduction of $20,000,000 or more per year will enable us to attain some real stabilization.

Mr. Latimer offered some testimony as to the effectiveness of an experience-rating provision in an unemployment-insurance system. He went to great lengths in discussing railroad operations, to prove that they could not possibly gain from such a provision. But Mr. Latimer is not a railroad man, and it seems to me that instead of accepting his unsupported statement that railroads can do nothing about stabilizing employment, we should rely upon the statements and judgment of railroad men themselves.

ADMINISTRATIVE FEATURES

Let me now consider some of the administrative provisions included in the present act and perpetuated by S. 3920. First, there is the administration fund. That fund consists of 10 percent of all the pay-roll taxes levied on the railroads for support of the unemployment-insurance system. In addition to this current accumulation of funds, there is credited to the Railroad Retirement Board's administration fund all the taxes paid by railroads under title IX of the Social Security Act (and the same provision of the Internal Revenue Code) for the years 1936, 1937, 1938, and the first 6 months of 1939.

On current pay-roll levels and with a 3-percent rate, the administration fund receives some six million dollars a year. The additional amount transferred or transferable from the Federal Treasury is approximately $18,300,000.

Now, all these funds are permanently and continuously appropriated and available to the Railroad Retirement Board under broad authority to spend for any purpose which that Board may find to be necessary or incidental to the administration of the Railroad Unemployment Insurance Act. There is no limitation upon the amount which that Board can spend under this authority. There is no requirement that a budget be presented and justified before experts. All that is required is that the Board find that the expense is either necessary or incidental to the administration of the act. No other Government agency has such broad authority. No other Government agency is authorized and directed by Congress to collect taxes from a taxpayer and retain 10 percent of the amount so collected for expenditure within its own discretion, without the effective scrutiny of the Budget Bureau and appropriate committees of the Congress. Railroad representatives have characterized this procedure as furnishing a bank account with an original deposit of over $18,000,000 and recurring annual deposits of some $6,000,000 to the Railroad Retirement Board with a blank check book. I cannot help but concur in that characterization.

The majority says this arrangement is all right, and it says further that administration of the act by the Railroad Retirement Board has demonstrated that such provisions will not be abused. But is that last statement a fact? The House Committee on Appropriations does not think so, because, in reporting on the appropriation bill for 1941, that committee took occasion to say:

> It appears to the committee that while there may be some extenuating circumstances that would necessitate higher administrative costs in administering these payments (unemployment benefits) than would be incurred in administering other types of benefit payments, nevertheless, the present ratio of administrative costs to the amount of benefit payments is entirely too high and steps should be taken to bring about a reduction in overhead costs.

So much for abuse of authority.

I come now to the claim that it is impracticable to estimate in advance the requirement for administrative expenses of an unemployment insurance system. Is that a valid claim? Most certainly it is not. For proof of that statement I refer Senators to the fact that the Social Security Board, acting under the provisions which Congress placed in the Social Security Act, makes annual estimates of the administrative expenses for the 51 separate and diversified unemployment systems embraced within the Federal-State framework and secures from Congress annual appropriations to meet these expenses. Can anyone properly say that it is impossible to estimate in advance the cost of operating one single system in view of this record on 51 separate and distinct systems?

Again, the statement is made that not less than 10 percent of the pay-roll tax is required for administrative expenses of an unemployment insurance system. What are the facts in this case? As Chairman Altmeyer of the Social Security Board testified before the House Committee on Appropriations, the annual cost of administering the 51 Federal-State systems required 7.6 percent. When the railroad bill was before Congress the proponents said that it could be administered much more economically than the State systems because the Railroad Retirement Board was already doing much of the work required under the Insurance Act,

in connection with its administration of the Retirement Act. The opinion was further expressed that the facilities of employers could be used in lieu of establishing new facilities which would still further reduce comparable costs. The railroads testified that immediately upon passage of the bill they got in touch with the Railroad Retirement Board and offered their services in helping to develop an efficient, economical administrative scheme. Under the plan adopted, the railroads have undertaken a major part of the claims work for which, as provided under the act, they are reimbursed only to the extent of actual, additional, out-of-pocket costs. Manifestly, this is a much more economical way to administer the act than for the Railroad Retirement Board to provide its own force for taking registrations at the thousands of points at which there is railroad employment. Thus, there should be no question about the Railroad Retirement Board needing less than the States for administering comparable acts, and as I have said before, the States spend only about 7.6 percent of their tax collections. Why should the Retirement Board require as much as 10 percent of the tax collections for administrative expenses?

There are other reasons why the administration fund should be safeguarded. The Railroad Retirement Board now administers two separate and distinct acts; one the Retirement and Pension Act, the other the Unemployment Insurance Act. The functions involved in administering these acts have many points in common. The Board and its employees render some service to both systems in carrying out their routine assignments. This calls for a division of expenses. Such a division is important, because the expenses of the unemployment-insurance system are borne solely by employers, while the expenses of the retirement system are payable in equal proportions by employers and employees. This latter arrangement is well known and is part of the agreement which resulted in the enactment of the Railroad Retirement Act of 1937. Now under the Railroad Retirement Act the appropriations for administrative purposes are limited to the amounts which may be justified before the Bureau of the Budget and included in the annual appropriations by Congress. But under the Insurance Act the Board has practically an unlimited fund to draw upon. The possibility of using the insurance system's administrative fund to make up deficiencies in the retirement administrative fund can be readily seen.

As a matter of fact, when Mr. Latimer appeared before the House Committee on Appropriations to obtain his 1941 appropriation, Representative TARVER said to him:

> Isn't that a rather unsatisfactory system? For example—and I am not indicating you may desire to do this—but would it not be possible, if you did not have funds that you desired for the enforcement of the Railroad Retirement Act to employ a lawyer or other employee from this trust fund for the administration of the Railroad Unemployment Insurance Act, which is substantially more than your needs, and charge one-tenth of him to the Railroad Retirement Act and nine-tenths to the Unemployment Insurance Act, although he might devote a substantially larger portion of his time than one-tenth to the work of the Railroad Retirement Act? Wouldn't there be considerable opportunity there for a shift of funds, so that funds intended for the administration of the Unemployment Insurance Act could be used for the Railroad Retirement Act?

Mr. Latimer replied:

> I suppose we could get by until the General Accounting Office caught up with us.

By enacting S. 3920, we shall be perpetuating an arrangement whereby, as Mr. Latimer says, the Railroad Retirement Board could "get by" until the General Accounting Office caught up with it. I submit that this situation should be corrected now.

I also direct attention to the fact that bills are pending providing for the administration by the Railroad Retirement Board of two additional activities; one a system of unemployment insurance for maritime workers, and the other a workman's compensation system for railroad employees. If either or both of these bills should become law, there would be added reason for providing a distinct separation of, and specific appropriations for, the several administrative funds.

Senate bill 3925 is a step toward correcting this unusual situation. It does not propose to curtail in any way the legitimate expenditure of the Board, nor does it disturb the percentage of the tax collections which will go in the first instance to the administration fund. It merely provides an authorization for an annual appropriation for administrative expenses; and the Board would prepare, as do all other Government agencies, a budget estimate, submit that estimate to the Budget Bureau, and obtain its appropriation through the regular channels.

S. 3925 further provides that any sum in excess of $6,000,000 in the administrative fund on June 30 of any year shall be immediately transferred to the benefit fund. There is no necessity for accumulating huge reserves in the administrative fund, where they earn no interest and are of no use to any one. They might well be turned over to the benefit fund. At least they would earn interest while in that fund. Some realization of this fact is apparently had by the Railroad Retirement Board, as S. 3920 amends the present act so as to provide for transfer of excess reserves at the close of any year, provided the Board finds that there is a surplus over its needs. If we are to judge the future by the past, we cannot look forward with any great amount of confidence to large transfers.

There are included in S. 3920 other changes in the administrative provisions of the present act for which I find no justification. These include sections 25 and 26, which exempt the Board from certain of the requirements of the Civil Service system; section 27, which would allow additional leaves of absence to Board employees; and section 11, which provides for relief from liability of Board employees with respect to erroneous payments, such relief being not only prospective but retroactive. I shall not take the time to go into these matters in detail.

NOW NO TIME FOR RADICAL EXPERIMENTS

It is my personal thought that now is not the time to experiment with a statute which has been in operation less than 1 year. However, as both the railroads and their employees agree that some changes are highly desirable, I am willing to waive my own thoughts in the matter and support reasonable modifications. But we must realize that our railroads are in the front line of our national defense, and we should not completely ignore them in this or any other matter, nor should we permit our enthusiasm for social gains to allow the operations of this system under most favorable conditions to warp our judgment. I wish to reiterate the statement that no one knows what the average cost of the benefits under the present act or under either of the two proposals before the Senate will be. I, therefore, urge the Senate to adopt the views of the five minority members of the Committee on Interstate Commerce and enact the amendment in the nature of a substitute for Senate bill 3920, which I now offer as a substitute for the bill sponsored by the Senator from New York [Mr. WAGNER].

The PRESIDING OFFICER (Mr. CHANDLER in the Chair). The amendment in the nature of a substitute offered by the Senator from South Dakota will be stated for the information of the Senate.

The LEGISLATIVE CLERK. It is proposed to strike out all after the enacting clause, and to insert in lieu thereof the following:

> That subsection (h) of section 1 of the Railroad Unemployment Insurance Act, approved June 25, 1938 (52 Stat. 1094), as amended June 20, 1939 (53 Stat. 845), is hereby amended to read as follows:
> "(h) The term 'registration period' means, with respect to any employee, the period of 14 consecutive calendar days which begins with the first day for which such employee registers in accordance with such regulations as the Board may prescribe, and thereafter each period of 14 consecutive calendar days which begins with the first day for which he next registers after the end of his last preceding registration period."
>
> SEC. 2. Subsection (j) of section 1 of said act is hereby amended by inserting the following sentence at the end of the first sentence thereof: "The term 'remuneration' also includes earned income other than for services for hire when in excess of an average of $1 per day during any registration period, if the accrual thereof in whole or in part is ascertainable with respect to a particular day or particular days."
>
> SEC. 3. Subsection (l) of section 1 of said act is hereby amended to read as follows:
> "(l) The term 'base year' means the calendar year immediately preceding the beginning of the benefit year."

SEC. 4. Subsection (n) of section 1 of said act is hereby amended to read as follows:

"(n) The term 'benefit year' means the 12 months' period beginning July 1 of any year and ending June 30 of the following year, except that a registration period beginning in one benefit year and ending in another shall be deemed to be in the benefit year in which it begins."

SEC. 5. Subsection (a) of section 2 of said act is hereby amended to read as follows:

"(a) A qualified employee shall be paid benefits for each day of unemployment in excess of four during any registration period other than that prescribed as a waiting period in section 3 of this act.

"The benefits payable to any such employee for each such day of unemployment shall be the amount appearing in the following table in column II on the line on which, in column I, appears the compensation range containing the total amount of compensation payable to him with respect to employment in his base year:

Column I Total compensation	Column II *Daily benefit rate*
$150 to $199.99	$1.75
$200 to $474.99	2.00
$475 to $749.99	2.25
$750 to $999.99	2.50
$1,000 to $1,299.99	3.00
$1,300 to $1,599.99	3.50
$1,600 and over	4.00

SEC. 6. Subsection (b) of section 3 of said act is hereby amended by striking out the first sentence thereof and substituting therefor the following: "Within his benefit year he has had a waiting period of one registration period during which he had at least 7 days of unemployment."

SEC. 7. Paragraph (iv) of subsection (a) of section 4 of said act is hereby amended by striking therefrom the term "half month" and inserting in lieu thereof the term "registration period."

SEC. 8. Paragraph (vi) of subsection (a) of section 4 of said act is hereby amended to read as follows:

"(vi) any day in any registration period comprising the last 14 days of a period of 28 days with respect to which the board finds that he earned, in train and engine service, yard service, dining-car service, sleeping-car service, parlor-car service, or other Pullman car or similar service, or express service on trains, at least the equivalent of 32 times his daily benefit rate."

SEC. 9. Subsection (a) of section 4 of said act is hereby further amended by adding at the end thereof the following additional paragraph:

"(vii) any Sunday which is not immediately preceded and immediately followed by a day of unemployment other than a holiday; and any holiday which is not immediately preceded and immediately followed by a day of unemployment other than a Sunday or other holiday."

SEC. 10. Subsections (a) and (b) of section 8 of said act are hereby amended to read as follows:

(a) Every employer shall pay a contribution, with respect to having employees in his service, equal to the percentage hereinafter set forth of so much of the compensation as is not in excess of $300 for any calendar month payable by him to any employee with respect to employment after June 30, 1939: *Provided, however,* That if compensation is payable to an employee by more than one employer with respect to any such calendar month, the contributions required by this subsection shall apply to not more than $300 of the aggregate compensation payable to said employee by all said employers with respect to such calendar month, and each such employer shall be liable for that proportion of the contribution with respect to such compensation which the amount payable by him to the employee with respect to such calendar month bears to the aggregate compensation payable to such employee by all employers with respect to such calendar month—

"(i) with respect to employment during the fiscal year beginning July 1, 1939, and ending June 30, 1940, the rate shall be 3 percent;

"(ii) with respect to employment during any fiscal year after June 30, 1940, the rate shall be that appearing in the following table in column II on the line on which appears, in column I, a range of amounts within which falls the amount of the assets of the railroad unemployment insurance account as of June 30, of the preceding fiscal year: *Provided,* That for the fiscal year ending June 30, 1941, the rate shall not be less than 2 percent:

Column I Insurance account assets	Column II *Contribution rate, percent*
Less than $100,000,000	3
$100,000,000, but less than $125,000,000	2
$125,000,000 or more	1

"It shall be the duty of the Board, as soon as practicable after the close of each fiscal year, to make a determination of the amount of the assets of the account as of June 30 of said year and give notice thereof, and of the resulting contribution rate for the ensuing year, to all employers and employee representatives subject to this act. In making such determination, the Board shall include as assets of the account, in addition to all amounts credited thereto, all amounts transferable to that account under the provisions of sections 13 and 14 of this act, and shall make reasonable estimates of the amounts so transferable if the exact amounts thereof have not been agreed to in accordance with the provision of said sections.

"(b) Each employee representative shall pay, with respect to his income, a contribution equal to the percentage prescribed in subsection (a) of this section of so much of the compensation of such employee representative as is not in excess of $300 for any calendar month, paid to him for services performed as an employee representative after June 30, 1939. The compensation of an employee representative and the contribution with respect thereto shall be determined in the same manner and with the same effect as if the employee organization by which such employee representative is employed were an employer as defined in this act."

SEC. 11. Subsection (c) of section 11 of said act is hereby amended by striking out the clause at the beginning thereof reading—

"Notwithstanding any other provision of law, all moneys at any time credited to the fund are hereby permanently appropriated to the Board to be continuously available to the Board without further appropriation for any expenses necessary or incidental to administering this act," and substituting therefor the following:

"There are hereby authorized to be appropriated from the fund such amounts as may be required to meet all expenses necessary or incidental to administering this act."

SEC. 12. Subsection (d) of section 11 of said act is hereby amended to read as follows:

"(d) So much of the balance in the fund as of June 30 of each year as is in excess of $6,000,000 shall as of such date be transferred from the fund and credited to the account."

SEC. 13. The provisions of this act (except section 11) shall take effect on July 1, 1940, except that a half month which is begun prior to such date in accordance with the act of which this act is amendatory, and regulations made thereunder, and which includes such date, shall continue and benefits with respect thereto shall be computed and paid in the same manner and with the same effect as if this act had not been enacted, and the provisions of this act shall become operative with respect to any employee having any such half month only upon the termination of such half month. The provisions of section 11 of this act shall take effect on July 1, 1941.

DOMESTIC SUGAR INDUSTRY

Mr. THOMAS of Idaho. Mr. President, at this time, when we are devoting our attention to building up our country's defense, it seems to me it would be well for us to consider the commodity resources which we should need in the event of war. In this connection I am thinking particularly of the domestic sugar industry.

During the last war we relied upon foreign producers for a major portion of our sugar. Everyone who remembers the Government's efforts to ration sugar knows the importance to us of our sugar supply. Following the war, when we were still relying upon foreign production, the price of sugar skyrocketed to 26 cents a pound and we were powerless to do anything about it.

Today the nations of Europe are again at war; and, remembering our experience 20 years ago, we should immediately take steps to insure our sugar supply. From the point of view of national defense, every commodity for which we are dependent upon foreign producers makes us increasingly vulnerable in time of war. It is to our national interest today, more than ever before, to produce in the United States as much as possible of every commodity we need.

However, this administration has followed a policy which has tended to discourage the domestic sugar industry in every possible way. It is only because of the opposition of Congress that Secretary Wallace and his theorists in the Department of Agriculture have not completely destroyed the western sugar-beet industry.

Let me recite some recent history. Prior to 1934 the United States had a tariff on Cuban sugar of 2 cents a pound. However, in June 1934 this tariff was reduced to 1.5 cents a pound by the President under the authority of the flexible provision of the Tariff Act of 1930—a provision which Secretary Hull, as a Member of Congress from Tennessee, had branded dangerous and unconstitutional.

Three months later the tariff on Cuban sugar was reduced to 0.9 cent a pound, under the authority of the Trade Agreements Act, which went far beyond the flexible provision which Secretary Hull had condemned. Last year the State Department was considering a further reduction to 0.75 cent a pound. Legislation accompanying this tariff reduction from 2 cents to 0.9 cent a pound provided for subsidies and production control of the domestic industry.

The present policy, in the main, is an extension of the program which began with the Jones-Costigan Act of 1934,

declared unconstitutional in 1936. The Sugar Act now in effect allots 15.41 percent of the American market to the Philippines, 28.6 percent to Cuba, and 0.4 percent to other foreign countries. The remaining 55.59 percent is divided among the continental cane- and beet-sugar areas, as well as the offshore areas of Hawaii, Puerto Rico, and the Virgin Islands. The sugar industry on the American Continent is permitted to supply less than 30 percent of the American market, and the western beet-sugar area is limited to 23.19 percent.

A processing tax of 50 cents a hundred pounds is levied on sugar, and benefit payments, which amount to considerably less than the amount of the taxes collected, are paid to cane and beet growers, who are rigidly limited in the number of acres they may devote to these crops.

The administration has left little doubt as to its intention in setting up this sugar program. The President, in his message to Congress on sugar in 1934, strongly questioned the value of domestic sugar production, and intimated that it might ultimately be abandoned. Secretary Wallace quite bluntly stated the views of the administration in his testimony before the House Ways and Means Committee in 1934, when he said:

The sugar-beet industry, as measured from the standpoint of free world competition, is inefficient.

What Secretary Wallace meant when he said that the domestic sugar industry is inefficient we shall try to see a little later. Other representatives from the Department of Agriculture came before the Senate and House committees to present the view that the American sugar industry is entitled to less consideration than foreign countries from whom we import sugar.

Senator Borah in 1934 summarized the administration's attitude toward the American sugar industry accurately and tersely in a single paragraph, which I will read:

Some time ago we had before us legislation with reference to sugar, a matter of very great concern to the people of my State. There is not a Senator here who knows the facts about that matter who does not know that had the administrative authorities had their way the sugar industry in the West would have been doomed. It was so declared in plain language. It was thought to be an inefficient industry; but by reason of the fact that there were a Senate and a House where the voices of the respective Members counted, the program was so changed as at least to give the sugar producers a chance for existence. Men representing the Government appeared before the committees of Congress and coolly, rather indifferently, and with that solemn assurance so characteristic of a man learned in theory but illiterate in wisdom, declared that the sugar industry must be permitted to die; that it was not efficient and could not exist without doing violence to the integrity of that economic world which never existed, and never will exist, except in the fertile fancy of some restless dreamer. No thought was given to the thousands of farmers who had spent a lifetime almost in making the industry a success and whose very success gave the lie to theory. No thought was given to what was to become of these bankrupt farmers after the theorists got through with them. Had the power been given or had the power existed, this industry would have been destroyed by these theorists.

Mr. President, the sugar program was modified to give the sugar grower in the United States a chance for existence if the industry did not attempt to expand, but nevertheless, the law has been administered by Secretary Wallace and his associates to give as little advantage as possible to American growers. Quotas have been adjusted to permit the price to fall below what it had been in 1934, although even the administration's theorists admitted that in 1934 it did not give the farmer a fair return.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a table showing the average prices of sugar from 1928 through 1939.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table referred to is as follows:

TABLE 1.—*Average prices of sugar, 1938 through 1939—cents per pound*

1928	6.9
1929	6.4
1930	6.1
1931	5.6
1932	5.0
1933	5.3
1934	5.5
1935	5.7
1936	5.6
1937	5.6
1938	5.3
1939	5.4

Mr. THOMAS of Idaho. Not only the sugar grower but every American taxpayer has been injured by the administration's sugar policy. The administration, in its zeal to help foreign sugar producers, has deprived our own Treasury of a substantial amount of revenue. L. J. Taber, master of the National Grange, established this point rather well when he testified before the Senate Finance Committee recently during the course of the hearings on the Trade Agreements Act:

Since 1934 we have reduced the duty on imports of sugar from Cuba from .2 to 0.9 cent per pound. Between September 3, 1934, and December 31, 1939, the Treasury sustained a loss of revenue in this connection amounting to $133,924,000. In the meantime, the retail price of sugar to the consumer has not been reduced to the extent of a single mill. The chief beneficiaries have been some of the biggest banks of Wall Street, which own the major portion of the Cuban sugar industry.

The sugar program has not helped either the grower or the consumer. The administration justifies itself in another way, however, by pointing out the benefits that will result from an increase in our trade with Cuba. A pamphlet published by the Sugar Division of the Department of Agriculture points out that between 1933 and 1938 Cuba's purchases from us rose from $22,674,000 to $75,152,000, or more than 230 percent.

The inference is that this increase in sales of American goods to Cuba was caused by our reducing the tariff on Cuban sugar, rather than what seems a far more probable cause, the general economic recovery since 1933. The pamphlet neglects to point out, however, that Cuba always has and probably always will buy far less from us than we buy from her. During the past 3 years, for every dollar spent in buying Cuban products only 65 cents has returned to the United States to buy American goods.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a table I have received from the Tariff Commission showing Cuba's trade with the United States during the years from 1925 through 1939. It shows conclusively that Cuban trade costs more than it is worth.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table referred to is as follows:

TABLE 2.—*Summary of Cuba's trade with the United States*

Calendar year	Cuba's trade with the United States[1]			
	Imports of American goods by Cuba	Exports of Cuban goods to the United States	Excess of exports	Ratio of imports to exports[2]
				Percent
1925	$189,400,000	$264,700,000	$75,300,000	72
1926	162,500,000	243,200,000	80,700,000	67
1927	159,800,000	256,900,000	97,100,000	62
Average	170,600,000	255,000,000	84,400,000	67
1928	129,400,000	203,600,000	74,200,000	64
1929	127,100,000	209,500,000	82,400,000	61
1930	91,900,000	116,700,000	24,800,000	79
Average	116,100,000	176,600,000	60,500,000	66
1931	45,900,000	89,300,000	43,400,000	52
1932	27,700,000	57,900,000	30,200,000	48
1933	22,700,000	57,200,000	34,500,000	40
Average	32,100,000	68,100,000	36,000,000	47
1934	41,200,000	81,400,000	40,200,000	51
1935	55,700,000	101,900,000	46,200,000	55
1936	66,500,000	122,300,000	55,800,000	54
Average	54,500,000	101,800,000	47,300,000	53

[1] Including Puerto Rico and Hawaii, which are separately classified in Cuban trade statistics.

[2] Percentages calculated before figures were reduced to millions.

TABLE 2.—*Summary of Cuba's trade with the United States*—Con.

Calendar year	Cuba's trade with the United States			
	Imports of American goods by Cuba	Exports of Cuban goods to the United States	Excess of exports	Ratio of imports to exports
				Percent
1937	$88,900,000	$150,600,000	$61,700,000	59
1938	75,200,000	108,600,000	33,400,000	69
1939	78,400,000	111,600,000	33,200,000	70
Average	80,800,000	123,600,000	42,800,000	65

The figures have not been adjusted for reimports and reexports as such, generally comparatively small. The figures for imports from the United States include both preferential and nonpreferential imports, the former representing exports of United States domestic products to Cuba, the latter, exports from the United States to Cuba of foreign merchandise or transshipped goods.

Source: Comercio Exterior de Cuba, 1925-38. Figures for 1939 based on data published in the Cuban official gazette.
Figures furnished by United States Tariff Commission.

Mr. THOMAS of Idaho. Yet, the administration leaders, including the President, continue to point out the awful economic consequences of letting American sugar producers supply the American market. It was Mr. Wallace, the Secretary of Agriculture, who carried this argument to its final absurdity. In 1934, he appeared before the House Ways and Means Committee to testify in behalf of reciprocal trade-agreement legislation. At that time he said:

We will have more net material welfare if we produce things we can produce efficiently and exchange them for goods produced more efficiently elsewhere; we can produce lard cheaper today than it can be produced in Cuba—Cuba has an outrageous tariff on lard. Why not send Cuba our lard and take from her sugar?

In other words, Secretary Wallace believed that by selling lard to some 4,000,000 Cubans the American farmer can be adequately compensated for the large portion of the American sugar market of 130,000,000 Americans which the administration has denied him.

It has not worked out that way. In 1938, the value of our purchases of Cuban sugar was $76,828,000. Our sales of lard to Cuba amounted to only $3,976,000.

Mr. President, since this example of how the sugar program was expected to benefit the American farmer was proposed in all seriousness by the man who has been Secretary of Agriculture for nearly 8 years, I ask unanimous consent to have printed in the RECORD at this point, in parallel columns, the value of our sugar purchases from Cuba, and the value of our lard sales to Cuba, from 1933 through 1938.

I think anyone can judge for himself after a single glance at this table what kind of a deal the Secretary of Agriculture gave the American farmer when he traded the American sugar market for the Cuban lard market.

The PRESIDING OFFICER. Without objection, the order is made.

The matter referred to is as follows:

TABLE 3.—*Comparison of sugar imports from Cuba with lard exports to Cuba*

[Values in thousands of dollars]

Year	Imports of sugar from Cuba	Exports of lard to Cuba
1933	37,026	818
1934	55,215	1,754
1935	80,450	3,036
1936	96,469	3,579
1937	103,808	4,871
1938 [1]	76,828	[1]3,976

[1] Preliminary data.

Mr. THOMAS of Idaho. It is unfortunate that both the President and the Secretary of Agriculture still feel that the farmer received a bargain when they traded $76,000,000 of his sugar market for a $4,000,000 lard market. I believe farmers, however, are beginning to realize that they have been "sold down the river."

Actually, if we received dollar for dollar benefits from our purchases from Cuba, we would be doing ourselves irreparable damage, perhaps, by curtailing our own industry. To the extent that we rely upon foreign producers for necessities that can as well be produced in the United States, we are unnecessarily placing ourselves at the mercy of an international situation that war and international crises make more uncertain every day.

But we do not receive dollar for dollar benefits from our sugar purchases from Cuba, and when we have dismissed all the other reasons given by the administration for importing more sugar from Cuba than all the western States are permitted to produce and sell, we return to Secretary Wallace's statement that:

The sugar-beet industry, as measured from the standpoint of free-world competition, is inefficient.

"Inefficient" means only one thing. It cost more—probably about 2 cents more—per pound to produce sugar in Idaho or in Utah than it does to produce it in Cuba. The great "liberal" Secretary of Agriculture forgets to mention, however, that in Idaho workers are paid from 35 to 50 cents an hour, while in Cuba labor can be hired for as little as 10 cents a day. Under the same reasoning, Secretary Wallace and his associates in the administration might just as reasonably decide that because wool, or cattle, or beans, or sewing machines can be produced more cheaply abroad, the tariff should be removed, and the American producers, and American workmen abandoned to their foreign competitors. As a matter of fact, there is a great deal of evidence that their thinking runs along precisely that line.

Although President Roosevelt was elected in 1932 on the promise that farm tariffs would not be lowered, his Secretary of Agriculture has never subscribed to that view. In 1934 he published a book entitled "America Must Choose," in which he discussed the New Deal plans for agriculture and industry. In that book Mr. Wallace said:

This will involve a radical reduction in tariffs that might seriously hurt certain industries and a few kinds of agricultural businesses, such as sugar-beet growing and flax growing. It might also cause pain for a while to wool growers and to farmers who supply material for various edible oils. I think we ought to face that fact.

In his book Secretary Wallace further said:

Now, if we are going to lower tariffs radically there may have to be definite planning whereby certain industries or businesses will have to be retired. The Government might have to help furnish means for the orderly retirement of such business, and even select those which are thus to be retired.

In Russia, where the Government is less thoughtful, enterprises are occasionally liquidated. Here, because the President has announced himself as a great humanitarian, businesses will merely be retired, but the result will be the same. Farmers and laborers whose livelihood comes from the retired industries can look elsewhere for a living or go hungry, and even if every Cuban goes on a diet consisting solely of lard, the farmer will not be repaid for the loss of his market.

The latest inspiration from the White House is some mysterious creation the President calls a "hemisphere cartel." No one in this country has been told much about it, except that it will cost the United States billions of dollars. From the Havana Conference, however, a few suggestions have leaked out which indicate that the greater share of the cost will be borne, not by the Federal Treasury, but by the American farmer. In the New York Times of July 25 was a dispatch from Havana which said that delegates there were urging—I trust the Senate will appreciate the significance of this statement—

"A heroic solution, really fair and efficacious" by which the Washington Government would appraise all the beet-sugar factories in the United States, buying them out and removing them from the field.

Remember, that comes from the Havana Conference.

Presumably, the "heroic sacrifice" would be left to the farmers and workers dependent upon raising sugar beets, who would be left with only the alternatives of finding jobs on the W. P. A. or joining the Army.

Time magazine also rather let the cat out of the bag in its issue of July 8, in which it suggested:

Hence, if the New Deal is serious about its hemisphere-cartel scheme, it may be forced to revive a still more radical scheme in the beet country. The scheme: The United States to get an independent valuation on the beet producers, buy their owners out.

The word from Havana indicates that the President's plan will not go through at this time. It will wait until after election; but meanwhile American farmers have been given a suggestion of what awaits them if President Roosevelt and Secretary Wallace are directing our affairs after next January. South American countries, you know, can produce a great many things, including cattle, beans, wheat, and wool, cheaper than they can be produced here, and there is no limit to which the retiring of American business and agriculture can go.

Frequently we hear the assertion made that the subsidy received by sugar-beet and sugarcane growers in the United States is proof of the domestic industry's inefficiency. Actually, the amount of the subsidy is less than the amount of the taxes collected. During 1939 sugar taxes in the amount of over $73,000,000 were collected and payments amounted to only $51,000,000.

When the domestic sugar industry can show a profit to the Federal Treasury of over $20,000,000, and sugar prices to the consumer are lower than at any time since 1932, it hardly deserves to be classified as inefficient. Secretary Wallace during nearly 8 years has been unable to persuade the farmers of my section that the industry producing one of their most profitable crops is inefficient, and I very much doubt that they will agree with the President that Secretary Wallace's views entitle him to promotion to the second most important post in the Federal Government.

There have been attempts before to cripple the domestic sugar industry. There has never been so brazen an attempt, however, to persuade the American people that destruction of the American sugar industry is a great liberal reform, designed to help the farmer whose livelihood is being destroyed. The anxiety for the welfare of the Cuban sugar industry arises almost entirely from the fact that a major portion of the Cuban sugar crop is owned by international bankers in New York.

The methods used by the international bankers to reduce the tariff on sugar and destroy the domestic industry have been unscrupulous in the extreme. They have been motivated by the great humanitarian desire to profit from labor which is paid 10 cents a day, and at the expense of honest, hard-working, American farmers who for a number of years have been fighting a losing struggle to maintain a decent standard of living.

In 1930 a Senate committee investigating lobbying condemned lobbyists of the international bankers for their effort to stir up hostility to the United States in Latin American countries upon the assumption that it, by its tariff policy, was mistreating Cuba. The report goes on to say that the attempt was "to no small extent successful."

So we find that international bankers are perhaps the strongest backers of the administration's so-called good-neighbor policy—the policy which requires us to keep the good will of other countries by giving them the American market at the expense of the American farmer.

I venture to say that not $1 of the dividends that have been paid or will be paid on Cuban sugar investments will benefit the people of the West—the people whose industry is being sacrificed to make dividends possible. At the present time American farmers are being sacrificed to the interests of capitalists who invested in Cuba with the full expectation of profiting from half-starved labor.

Moreover, the Sugar Act has not been administered so as to secure for American sugar producers the small benefits it is supposed to give them. Quotas have been consistently adjusted to depress the price of sugar.

Because of the fear of rising sugar prices due to war conditions, the quotas were suspended on September 11 of last year, and automatically the Cuban sugar tariff was increased from 0.9 cent to 1.5 cents per pound—still half a cent lower than it had been before 1934. The tariff was again reduced to 0.9 cent on December 27, 4 days before the 1940 quota went into effect on January 1 of this year. During this 4-day period the tariff remained at 0.9 cent per pound, and no quota provisions whatever protected the American market. During that time 284,000 short tons of Cuban sugar, valued at $11,000,000, which had been stored in bond in this country, were admitted. This amounted to over 15 percent of the entire year's imports; and during the 4 days $3,500,000 was lost to the Federal Treasury because of the reduced tariff.

During the present session of Congress Representatives from the sugar-producing States were hopeful of securing at least amendments to the present law which would result in a fair deal for the American sugar producers. A bill drawn by Representative CUMMINGS, of Colorado, was introduced, designed to improve the condition of sugar growers without injury to the consumers. It would have given the American farmer a larger share of the American market.

Hearings were held in the House committee for 3 days. There was virtual agreement on the provisions which would help the American grower. Then a letter came from the President which informed us that "no sugar legislation is necessarily required at this session of Congress, although it might be advisable to extend the life of the Sugar Act of 1937." That all but ended hope of securing justice for American sugar farmers at this session.

Because of the administration's hostility to the sugar industry, farmers have faced the growing season not knowing how much they will be permitted to grow, nor under what conditions they will be permitted to raise their crop.

These decisions are made largely by the Sugar Division of the Department of Agriculture here in Washington, which is administered by a statistician from New York, and which, I understand, contains not one farmer in the Washington office.

The administration has left us with the choice of extending the present law, which has left prices too low, and which gives foreign producers more of the American market than it gives the entire western United States, or of letting the present law expire, which would leave us with a reduced tariff and no quota restrictions whatever. This would place the domestic-sugar producer at the mercy of foreign imports without the tariff protection necessary to preserve our institutions and to protect American labor.

At the present time there are countless thousands of acres in the West on which crops of which we have a surplus are being raised. If the Government would permit them to do so, farmers could turn many of these acres to the profitable raising of sugar beets and thus an important step would be taken toward solving the entire farm problem.

We owe it not only to the sugar farmers but to the entire Nation to take steps at this time that will secure an adequate sugar supply, regardless of international developments. Events of the last war should have taught us that.

It is no longer only the interests of the domestic producer that are at stake, but the welfare of the entire country. Now is the time to abandon the policy of Secretary Wallace and his theorists, and start the development of a sugar industry capable of supplying our needs.

AMENDMENT OF RAILROAD UNEMPLOYMENT INSURANCE ACT

The Senate resumed the consideration of the bill (S. 3920) to amend the Railroad Unemployment Insurance Act, approved June 25, 1938, as amended June 20, 1939, and for other purposes.

Mr. WHITE. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SCHWARTZ in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Bridges	Clark, Idaho	Gillette
Ashurst	Burke	Clark, Mo.	Green
Austin	Byrd	Danaher	Gurney
Bankhead	Byrnes	Davis	Hale
Barbour	Capper	Donahey	Harrison
Barkley	Caraway	Ellender	Hayden
Bilbo	Chandler	Gerry	Holman
Bone	Chavez	Gibson	Holt

Johnson, Calif.	Miller	Schwartz	Vandenberg
Lee	Neely	Schwellenbach	Van Nuys
Lucas	Norris	Smathers	Wagner
Lundeen	Nye	Taft	Wheeler
McKellar	Overton	Thomas, Idaho	White
McNary	Pittman	Tobey	Wiley
Maloney	Reed	Townsend	
Mead	Reynolds	Tydings	

The PRESIDING OFFICER. Sixty-two Senators having answered to their names, a quorum is present.

The question is on agreeing to the amendment offered by the Senator from South Dakota [Mr. GURNEY].

Mr. WAGNER. Mr. President, if the amendment offered by the Senator from South Dakota should be adopted, it would mean simply that we would be giving the railroads a yearly benefit of at least of $20,000,000—perhaps as much as $40,000,000—which would be taken away from the workers, whereas the workers, even under the amendment, would receive very inadequate benefit increases not exceeding $4,000,000 in a year like the present. Of course, this proposal would also reduce the contribution into the reserve fund. We should be careful not to threaten that fund, because there may be years when employment may not be as high as it is now.

The bill which I am sponsoring, as I have said, is supported not only by the Railroad Retirement Board but by all of the labor organizations which are interested in this matter. Under that bill the workers would be given about $12,000,000 increase in benefit payments in years like the present one, and an additional sum would be held in reserve. Adoption of the substitute offered by the Senator from South Dakota [Mr. GURNEY] would put the railroads in a class by themselves, treating them much more favorably than any other industry in the country, because we would be bringing their tax down to 2 and ultimately 1 percent, whereas every other industry in the country pays 3 percent. And we would continue the payment of inadequate benefits to railroad workers. These benefits are pitifully low at the present time, and I am trying to bring them up to at least the amounts which are being paid to workers in the industries which are insured under the better systems. I think it would be exceedingly unjust to the workers on the railroads if the substitute should be agreed to.

Mr. AUSTIN. Mr. President, there is one pleasant thing about this controversy—that is, that we stand on common ground with respect to the principle of unemployment insurance. Those who favor the bill as presented by the distinguished Senator from New York, and those who favor the substitute proposed by the distinguished Senator from South Dakota, are all undertaking to write into law an improvement on the scheme of unemployment insurance.

There is always a grave question about what premium or what rate of charge should be made to establish a fund for any kind of insurance. It makes very little difference whether it be the loss of property by theft or by fire, or the loss of services through illness, or the loss of life, or the loss of employment; an inexorable law, the law of averages, governs. For example, I am told that, based on the theory of averages, if one tosses into the air a thousand pennies a sufficient number of times a certain event will recur a certain number of times, and thereby it is possible to ascertain an average upon which to reckon as certainly as in the case of any other law.

For insurance of this character, first to save, and, second, to promote a scheme that is so good for the public welfare, Congress is interested to have the rate of charge right, and it is also interested to have the amount of indemnity or benefit right, and the two are so related to each other in economy and practice that if we are not recklessly going to deal with this great scheme we ought to have experience extending over a reasonable enough length of time in order to know what is best to do, and what is best to avoid, for we can safely assume that if we hastily increase the amount of the benefits payable under the Railroad Unemployment Insurance Act, if by increasing them 115 percent in one swoop we destroy the security that is involved in the safety fund of the act, we are not doing labor any good; we are hurting not merely the employee or the employer, we are hurting society; we are injuring the idea, and we are setting a very bad example of poor judgment as legislators.

Therefore it seems to those of us who propose the substitute, which actually does increase the benefit and proposes a diminution of the cost, graduated and reaching into the future, and based on what the experience of the past proves, that we must give weight to the fact that this law did not go into effect until the 1st of July, 1939; and here we are, just about a year after it was inaugurated, coming forward and saying, "We will increase the benefits 115 percent and clean up the surplus which is now in the fund"—created how? Let us see.

The idea of unemployment insurance is not a creature of Congress. It is not a new idea in the United States of America. Such insurance has been in existence in various States of the Union, and there had been accumulated this safety or surplus fund in order to assure continuity of benefits. It is these State funds, transferred over to the Federal Treasury, which created this large amount of money which constitutes the melon which we are now proposing to cut—and for whose benefit? Mr. President, it should be remembered that every dollar that goes into that fund under the proposed law, and that went into it under the act of 1939, is paid by the employers. There were $2,000,000,000 of pay roll on which the employers paid 3 percent. That is $60,000,000. The original act is so emphatic that I read it now. It is very short. I read from volume 52, Public Laws, page 1103 (52 Stat., sec. 8 (f)):

(f) The contributions required by this act shall be collected by the Board and shall be deposited by it with the Secretary of the Treasury of the United States, 90 percent thereof to the credit of the account and 10 percent thereof to the credit of the fund.

I will have something to say about that fund. Mr. President, I do not expect attention. The conduct of the Senate has indicated that it is not interested in this proposed legislation, but I must have quiet.

(g) The contributions required by this act shall be collected and paid quarterly or at such other times and in such manner and under such conditions not inconsistent with this act as may be prescribed by regulations of the Board—

Mr. LUCAS. Mr. President, may we have some order in the Senate, please? I am interested in this argument.

The PRESIDING OFFICER (Mr. SCHWARTZ in the chair). The Senate will be in order.

Mr. AUSTIN. I thank the Senator from Illinois. It is exceedingly difficult to talk in this Chamber, anyway, and when the noise made in the Chamber is greater than the sound of the voice of the speaker I feel as if I am perhaps taking the time of others unwisely.

Now I come to that portion of the section to which I referred particularly, as follows:

And shall not be deducted, in whole or in part, from the compensation of employees in the employer's employ.

This means that every dollar of the cost comes out of the employers and not a dollar out of the employees.

The fund that is to be cut up now by this proposed legislation consists in part of this contribution and in part of those funds which had accumulated as a safety reserve and were transferred from the States to the Federal Government.

Mr. LUCAS. Mr. President, will the Senator yield on that point?

Mr. AUSTIN. Yes.

Mr. LUCAS. I should like to know what amount of money was transferred from the various State reserves to the United States Treasury after this law became effective in July of last year.

Mr. AUSTIN. Mr. President, I am informed that it is approximately $100,000,000. I cannot turn to that part of the record. I see that the Senator from Maine [Mr. WHITE] has risen. Perhaps he can answer.

Mr. WHITE. I think the Senator will find the figures on the top of page 17 in the minority report.

Mr. AUSTIN. I thank the Senator. I read from page 17 of the report:

It was originally estimated that these transfers would amount to about $70,000,000, but now it appears that they will exceed $100,000,000.

Mr. LUCAS. Will the Senator yield further for one question?

Mr. AUSTIN. Yes.

Mr. LUCAS. What has been the accumulation in that fund since the law went into effect and since all contributions have been made directly to the Federal Treasury?

Mr. AUSTIN. I cannot answer as to the amount of that.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. GURNEY. Following the language just read on page 17 of the report there is a full explanation in answer to the question by the Senator from Illinois [Mr. LUCAS]. I read as follows:

The 3-percent pay-roll tax imposed by the act is expected to yield about $66,000,000 for the present fiscal year, of which $60,000,000 will go into the benefit fund and the remaining $6,000,000 into the administration fund. Only three-fourths of these taxes, however, will have been collected by June 30, 1940. As against this total of over $145,000,000 thus expected to be received into the benefit fund during the first year of the operation of the act, it is estimated that the total benefits to be paid during the year will be about $15,000,000 or $16,000,000. There should thus be an unexpended balance in the benefit fund at the end of the year of about $130,000,000.

With the last quarter still to come in of about $15,000,000, it will make a total in the benefit fund of $145,000,000.

Does that answer the question of the Senator from Illinois?

Mr. LUCAS. That answers the question. The point I am trying to clear up in my mind is, Upon what basis was the rate originally fixed, and why the increase of 115 percent during a short period of time?

Mr. AUSTIN. Mr. President, two different things are now referred to. The rate was 3 percent. When the law was passed a year ago, it was agreed that that was the minimum rate which would support the losses from nonemployment. The truth is that we have been through a fairly good period so far as railroad employment is concerned. Employment has increased rather than decreased, so we have not had a normal experience to judge whether the rate of 3 percent is too much or too little. That is one reason why we ought not to pass the bill. We ought to give the original law a chance to be worked out; and the proposed amendment in the nature of a substitute would do that.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. AUSTIN. Let me finish my statement, and then I shall be glad to yield. It is expressly provided that the cut in the rate shall not be made until after 1941; and then if it is made on the scale proposed, from 3 percent to 2 percent, there must be a condition precedent, namely, that the amount of the safety fund shall not be reduced below $100,000,000. If it is above $100,000,000, then the rate is to be reduced. The following year it will be reduced 1 percent further if the fund remains as much as $100,000,000. We would proceed on the present basis for a year. We would run for another year, and if at the end of that time experience should show that the cut could safely be made, we would make it. We would then go for the fourth year, and if experience should justify another reduction it would be made. We do not say, "We will adhere to 3 percent notwithstanding any experience," but we say that we will take care of the problem of a huge growing surplus by dividing it.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. AUSTIN. I promised to yield first to the Senator from New York.

Mr. WAGNER. The Senator proposes to take care of the excess reserve by giving it back to the railroads. I thought the Senator had not accurately stated the situation when he suggested that the bill which is pending would threaten the reserve fund. As a matter of fact, if there is any threat to the reserve, it is the threat which comes from the substitute. From what the Senator says, the workers will not receive the benefit of the larger reserve, but it is proposed to reduce the taxes. It is proposed to cut the melon, if that is the term the Senator prefers, and give it to the railroads. That is exactly what is proposed.

Mr. AUSTIN. Mr. President, this bill is important enough to be entitled to discussion which adheres closely to the facts.

Mr. WAGNER. That is what I am trying to do.

Mr. AUSTIN. The bill is entitled to discussion which is not heated in any way at all. I have no feeling which would justify any such emphasis.

Let me explain the proposal of the substitute. The funds which were transferred from the States to the Federal Government will never be transferred again. They are nonrecurring items. Once exhausted, they are gone forever. So the folly of distributing them now consists in the possibility that our experience with unemployment next year may be such that by reason of expenditures above that which is paid in currently by the employer—3 percent on the pay roll—the safety fund may be depleted to such a point that it will no longer be insurance, it will no longer be protection, and thereupon the very idea may be destroyed. If not that, then another amendment to the law may be necessary to increase the tax on the pay roll in order to rebuild that which we shall have so ruthlessly and recklessly removed.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield to the Senator from Illinois.

Mr. LUCAS. I should like to ask the able Senator from Vermont whether or not he can tell me what the reserve would be under the provisions of the bill which is now before the Senate. I understood the Senator to say that under the provisions of the substitute there shall be not less than $100,000,000 in the reserve fund in 1941, before the distribution is started. Am I correct?

Mr. AUSTIN. I think I understand the question.

Mr. LUCAS. What will the reserve fund be in the event the bill before us is passed?

Mr. AUSTIN. Under the provisions of the bill of the distinguished Senator from New York it is left to chance. Under the substitute it is not left to chance. The substitute provides a minimum of $100,000,000 before any reduction in the rate occurs. Of course, under both measures an event might occur which would result in sweeping out the reserve fund.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. WAGNER. I think it is fair to say that under the bill I have introduced, which is pending, the reserve at the end of the year would be about $165,000,000, with all the increased benefits paid. Under the substitute the railroads are to receive the exclusive benefit of any accumulation above $100,000,000 by having a reduction in taxes.

Mr. AUSTIN. That is correct.

Mr. WAGNER. That is exactly the situation.

Mr. AUSTIN. That shows one of the beneficial purposes of the substitute. It is better for me to be employed, earning my compensation, than to be unemployed and receiving insurance. What is true of me is true of every other individual in the United States. Therefore, if I can promote such a relationship between myself and my employer that he will devote some of his capital to regularizing employment and preventing unemployment—serving the prophylactic purpose, as it were, of preventing unemployment—that is an improved social condition which has an indirect result on this type of legislation.

The substitute encourages such improvement, which the original bill does not do. The substitute holds up before the employer and the employee the possibility of some of the capital of the employer being diverted into regularization systems or schemes relating to employment.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. WAGNER. Is it not a fact that whether the industry regularizes employment or not, under the substitute any sum above $100,000,000 will go back to the railroads?

Mr. AUSTIN. No; it does not go back at all.

Mr. WAGNER. So the regularization of employment has nothing to do with the question.

Mr. AUSTIN. It does not go back at all. That is entirely inaccurate. No sum of money is paid to the railroads.

Mr. WAGNER. If under the 3-percent tax a railroad is required to pay an additional $20,000,000, and we say, "We will reduce the tax so that you will not have to pay the $20,000,000," the railroad is certainly getting the benefit of $20,000,000.

Mr. AUSTIN. That is quite true; but that is different from paying back any money to the railroads. After years of experience which are assumed to be enough experience upon which to rely, the Government—not the railroads—reduces the tax on the pay rolls; but the Government does not reduce it before the experience. The Government does it after the experience.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. TYDINGS. I am not a member of the committee which considered this legislation, and I am asking only for information. Is it the contention of the Senator from Vermont that all the purposes of the act relating to employees can be carried out at a lower cost than that under the present law?

Mr. AUSTIN. It is.

Mr. TYDINGS. Is it the contention of the opponents of the Senator's position that the tax which now exists is necessary to carry out the purposes of the law with reference to employees?

Mr. AUSTIN. I have not heard them make that claim.

Mr. TYDINGS. Then the point in debate is whether or not we have been taxing the railroads to a degree higher than has been necessary in order to accumulate a fund for the benefit of employees.

Mr. AUSTIN. May I make the answer a little more complete? That may prove not to be true. The point is that we have had an experience of approximately 13 months.

Mr. TYDINGS. And we have accumulated a surplus.

Mr. AUSTIN. We have accumulated a surplus which looks too large.

Mr. TYDINGS. Yes.

Mr. AUSTIN. But we are conscious of a labor condition in the railroads which has been extremely favorable to that result, and which may not recur. In the course of the 4 years contemplated by the amendment, it may happen that the rate may prove to be not too high. We are increasing the indemnity 30 percent. That increase of indemnity may prove to be too great. Let me observe, in passing, that it is higher than that of the States of the Union, with one exception; and that is California. The situation as to the State of California is subject to an explanation which takes it out of a fair comparison.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. TYDINGS. This is the line of cleavage: The Senator proposes, as I understand, a broad policy to reduce the rate of taxation to such a point that it will be sufficient to carry the benefits now enumerated?

Mr. AUSTIN. No; not "now enumerated." We propose to provide better benefits.

Mr. TYDINGS. Well, "better benefits." As I understand, the Senator from New York objects to that policy. On what ground?

Mr. WAGNER. I will state the ground, if I may.

Mr. TYDINGS. I am a little confused as to just what the issue is.

Mr. WAGNER. The position we are taking is that the benefits which were originally provided were woefully inadequate, but we were told by the actuaries that it would be dangerous to make them any higher at the time.

The experience of a year has shown that the benefits are in excess of what was anticipated and that the workers could get a more reasonable benefit by retaining the 3 percent which every other employer in the country has to pay.

Mr. TYDINGS. Will the Senator allow me to interrupt him right there?

Mr. WAGNER. Certainly.

Mr. TYDINGS. As I understand, the Senator would keep the 3-percent rate and give the workers more benefits?

Mr. WAGNER. Exactly.

Mr. TYDINGS. And, on the other hand, the opposition side would reduce the rate with a very slight increase in benefits; is that the issue?

Mr. WAGNER. Yes; that is the issue.

Mr. TYDINGS. That is what I have been trying to find out.

Mr. AUSTIN. Mr. President, let us examine that claim.

Mr. TYDINGS. I am not arguing it as right or wrong; I am trying to get what is in dispute.

Mr. WAGNER. Mr. President, will the Senator from Vermont yield?

Mr. AUSTIN. I want to put something in the RECORD at this point.

Mr. TYDINGS. Mr. President, I shall surrender the floor if the Senator will allow me to ask him one more question.

Mr. AUSTIN. Let me first state what the record shows about the increase in benefits related to the benefits already heretofore given by the States.

I call attention, on page 80 of the hearings, to the table under the heading "Minimum and maximum weekly benefits for total unemployment."

Under Senate bill 3925, which is the amendment now pending—and it will be understood that the amendment that was considered at the hearing raised the benefit 25 percent——

Mr. TYDINGS. To 25 percent.

Mr. AUSTIN. No; added 25 percent to the benefit, whereas the proposed substitute amendment adds 30 percent. It adds a little more than the amendment considered at the hearings. Having that in mind, these are the figures which the record shows. Under the proposed amendment the minimum benefit would be $7.50.

Mr. TYDINGS. For whom?

Mr. AUSTIN. For the benefit of an unemployed employee. Under the proposed amendment the maximum weekly benefit would be $20.

Mr. TYDINGS. For the term of unemployment or for so many weeks?

Mr. AUSTIN. For 80 weeks.

Mr. WAGNER. Does the Senator want that statement to remain in the RECORD?

Mr. AUSTIN. I desire to finish my remarks; then I will give the learned Senator an opportunity later.

Mr. WAGNER. Very well, if the Senator is willing to have it stand at 80 weeks.

Mr. TYDINGS. I understood the Senator from Vermont to say 18 weeks.

Mr. AUSTIN. The Railroad Unemployment Insurance Act of 1938—that is the one we are proposing to amend—it will be understood, provides $6.53 minimum weekly benefits.

Mr. TYDINGS. Minimum or maximum?

Mr. AUSTIN. Minimum, whereas the maximum weekly benefit is $11.20.

In New York—now we are coming to the State of the distinguished author of the bill—the minimum weekly benefit is $7, and the maximum weekly benefit is $15.

Is that one of the States whose benefit rates are such as to make the pending proposal outrageous? Compare the two. The minimum under this amendment is $7.50 and under the New York statute $7. The maximum benefit under this amendment is $20, while under the New York statute it is $15.

The table continues with Indiana, Wyoming, Maine, and South Dakota, and I ask unanimous consent to insert it in the RECORD at this point.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). Without objection, it is so ordered.

The table referred to is as follows:

Minimum and maximum weekly benefits for total unemployment

	Minimum weekly benefit	Maximum weekly benefit
S. 3925	$7.50	$20.00
Railroad Unemployment Insurance Act of 1938	6.53	11.20
New York	7.00	15.00
Indiana	2.00	15.00
Wyoming	5.00	18.00
Maine	3.00	15.00
South Dakota	3.00	15.00

Mr. TYDINGS. I understood the Senator to say a moment ago that the maximum rate was $10 a week. I am sure from what he said subsequently he meant the minimum rate was $10 a week.

Mr. AUSTIN. I do not recall making that statement. If I did, I must have been in error. I have it not in memory.

Mr. BARKLEY. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Kentucky?

Mr. AUSTIN. I yield.

Mr. BARKLEY. The Senator draws a comparison between the minimum and maximum weekly payments under this act and under certain unemployment compensation acts of the States. Does that comparison apply to the relationship of railroad wages with other ordinary wages, or does it apply to applicable statutes of the States with respect to railway employees?

Mr. AUSTIN. This consideration is limited to railway unemployment statutes. It is different somewhat from the general unemployment statutes.

Mr. BARKLEY. The Senator realizes, I am sure, that it might not be entirely fair to compare railway wages with other wages, because, as a rule, I think they exceed other wages.

Mr. AUSTIN. I think that is true.

Mr. BARKLEY. So a fair distinction cannot be drawn.

Mr. AUSTIN. I am not making a comparison between general wages and railway wages.

Mr. BARKLEY. The Senator says that the amendment offered by the Senator from South Dakota would not result in the payment to the railroads of $20,000,000, or whatever the amount involved is, but that it would result in a reduction of the tax to the amount of, say, $20,000,000.

Mr. AUSTIN. It might do so.

Mr. BARKLEY. But by whatever method it is intended to bring about the smaller payment by the railroads, not simply as railroads but as employers, under the 3-percent rate, whether it is a return to them of $20,000,000 or simply a reduction in their payment by $20,000,000, the employees would be deprived of that amount of money, by whatever process it is to be arrived at. Is that true?

Mr. AUSTIN. No; that is not so.

Mr. BARKLEY. What becomes of the $20,000,000? If the railroads do not pay it into the fund, who gets it?

Mr. AUSTIN. It is an insurance fund.

Mr. BARKLEY. It is an insurance fund for the benefit of the employees.

Mr. AUSTIN. The point is we are dealing with insurance, and a safety fund is merely an element of security. It is intended not to be paid to the employees directly and immediately, but it is there in case it becomes necessary, for the plan is not self-supporting. If it is not needed, the $20,000,000 would go into the Treasury of the United States to become a part of the fund; that is all.

Mr. BARKLEY. That is true.

Mr. AUSTIN. It provides so much more insurance.

Mr. BARKLEY. It is held there for the benefit of the employees.

Mr. AUSTIN. Yes.

Mr. BARKLEY. It may be that the particular $20,000,000 paid in during 1 year might not be paid out in that year but would be held intact against the day or the year when it might be needed even to pay present benefits to the employees, because it is conceivable that this amount fluctuates from year to year; it is not always the same, and it might be conceivable that in some year, 5 or 10 years from now, the amount that would be paid in would be considerably less than in some previous year and, therefore, an additional amount would be needed.

Mr. AUSTIN. That is why we put a minimum in our bill.

Mr. BARKLEY. Yes; it seems to me that we are taking chances with a reduction below the 3-percent payment, which is the average paid by practically all corporations in the country with respect to unemployment insurance.

Mr. AUSTIN. Here is the point about that: We assume that $100,000,000 would be an adequate fund for the insurance, that is for security; so we put that stop order in there. There can be no reduction of this tax if that safety fund should fall below a hundred million dollars.

Mr. GURNEY. Mr. President, if I may answer that question a little further, it is our belief that employees of railroads like any other employees, would rather have wages than benefit payments for unemployment, because of course wages are always higher than benefit payments under unemployment insurance. The theoretical amount of $20,000,000 we are talking about is 1 percent of the assessments the railroads pay each year into this insurance fund, and it is in the nature of a reward to the railroads. If they knew they were getting a reduction of $20,000,000 in their annual tax, that reward of $20,000,000 would be a great incentive for them to stabilize employment and continue to give jobs, and not lay off men, and thereby not have to pay unemployment insurance.

Mr. BARKLEY. Mr. President, will the Senator yield at that point?

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Kentucky?

Mr. AUSTIN. I do.

Mr. BARKLEY. Can the Senator estimate how much increased employment would be brought about by spreading out $20,000,000 a year over all the railroads of the United States?

Mr. GURNEY. How much of an increase there would be?

Mr. BARKLEY. Yes. If we should divide that sum among the various railroads that contribute to it, how much would it amount to in increased employment?

Mr. GURNEY. A reduction of one-third of the tax they are paying at the present time.

Mr. BARKLEY. Yes; it would mean a reduction of one-third of the tax they are paying at the present time, but how much increase in manpower would it mean?

Mr. REED. Mr. President, may I answer the Senator?

The PRESIDING OFFICER. To whom does the Senator from Vermont yield?

Mr. AUSTIN. I yield to the Senator from Kansas.

Mr. REED. With the permission of the Senator from Vermont, it would mean an increase of something between 1 percent and 2 percent.

Mr. BARKLEY. On all the railroads of the United States?

Mr. REED. That is correct.

Mr. BARKLEY. In other words, $20,000,000 represents between 1 and 2 percent of all the railroads pay out for wages?

Mr. REED. That is correct.

Mr. AUSTIN. It is merely a question of taking off that percentage from the national railway income of $2,000,000,000.

Mr. BARKLEY. Is there anything in the substitute which requires the railroads to use that extra $20,000,000 in the employment of men?

Mr. AUSTIN. No.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield first to the Senator from Louisiana [Mr. ELLENDER], who has been trying for some time to interrupt me.

Mr. ELLENDER. Mr. President, does the able Senator agree with the statement made by the Senator from New York [Mr. WAGNER] today that although Senate bill 3920 does not increase the tax, but leaves it constant, and although the benefit payments are doubled, the reserves will be as great as, if not greater than, they now are?

Mr. AUSTIN. That is an estimate; and I should feel as if I were making an intemperate estimate if I should say "Yes" to that question or say "No" to it, because the system has been in operation for only 13 months, and we have had a very favorable experience as to unemployment. That is one of the reasons for not passing this bill and spending this money immediately.

What is the hurry, in any event? We are dealing here with a great social system covering the entire United States. What is the necessity for haste in regard to spending this money immediately? Will it harm the employee to have it there on tap, and allow a year or two of experience to educate us and him as to whether or not it is wise to have it? We are not taking it away from him by our amendment. We do not, as the Senator from New York says, pay back any of this money. It remains in the fund, and it is spread over the years, and during those years we will learn whether the experience justifies these very great changes. An increase of benefits of 115 percent is an inordinate increase.

Mr. ELLENDER. In dollars and cents, just how much does it amount to? Has the Senator information as to that?

Mr. AUSTIN. Yes; there are tables which show that, but I have not the facility of turning to them readily. I will ask the Senator from South Dakota whether he can state what 115 percent represents in dollars.

Mr. GURNEY. The amount paid out in the past year was about $15,000,000. If employment should remain constant, and business should remain as it now is, with the same volume of freight running, we could then naturally figure 115 percent more than the present $15,000,000, which would be approximately $32,000,000 or $33,000,000 a year.

Mr. ELLENDER. I thank the Senator.

Mr. AUSTIN. Mr. President, before leaving this particular point I desire to call attention to what the hearings show with respect to the benefits proposed by Senate bill 3925.

It would increase the benefit payments by about 30 percent. Such an increase is certainly substantial, and is as great as is justified under present conditions.

The increase would proceed along three definite lines:

First. An increase in the scale of daily benefits to the men who, in their base year, earned $1,025 or more in wages.

Second. A shortening—I think this is important—of both the waiting period and the registration period, which would enable unemployed men to obtain their benefits sooner than under the present act, and at more frequent intervals.

And then here is a third one:

Third. An increase in the number of days for which benefits are payable within each registration period.

The last change, on which all parties represented at the hearings before the subcommittee were agreed, would increase the weekly benefits of unemployed railway men to levels which, both at the minimum and the maximum, would exceed the weekly benefits now payable under any of the State acts except the minimum rate in California.

Mr. President, is it not worth while to save this trust fund intact? We are now the trustees of that fund. We are expected, and I think we ought to be bound, to exercise more prudence and care in regard to it than we would with our own money. This is other people's money with which we are dealing. It is money which was contributed by the employer, and is for the benefit of the employee. Ought we not to be careful and not destroy this fund before we know what we are doing? Is there any earthly reason for haste in the destruction of the fund? Is it not better in the interest of the long program; is it not better in the interest of the social system which we are trying to improve and benefit; is it not better for the cause of the scheme of unemployment insurance that we hold our hand and not destroy this fund now just because we have some money? Let us pause and if, during the time provided by the amendment for its study and consideration it is proved that the fund is too large and is unnecessary to keep in the Treasury of the United States, then we can give it to the employees, and do it with the assurance that as trustees of the fund we have exercised care and prudence and done our duty with deliberation.

Mr. LUCAS. Mr. President, will the Senator from Vermont yield to me before he concludes?

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Illinois?

Mr. AUSTIN. I yield to the Senator from Illinois.

Mr. LUCAS. I should like to ask one more question of the Senator from Vermont.

As I understand, the present law affects all railroads throughout the United States.

Mr. AUSTIN. Up to a limit or down to a limit. It is this: Every employer shall pay a contribution with respect to having employees in his service equal to 3 percent of so much of the compensation as is in excess of $300 for any calendar month payable by him to any employee with respect to employment after June 30, 1939.

Mr. LUCAS. Practically every railroad employee in the country is affected?

Mr. AUSTIN. I think he would be.

Mr. LUCAS. One other question. I asked that question merely as a preliminary to this further question:

We have heard quite a little about twenty or thirty million dollars that is going back to the railroads in the event the substitute amendment to the original bill is adopted. I should like to know whether the evidence before the committee discloses what the railroads as a whole actually made, if anything, upon the total investment they now have during the past year, which I understand was fairly prosperous in comparison with former years.

Mr. AUSTIN. I do not know. I will ask the Senator from South Dakota [Mr. GURNEY], who is very familiar with the bill, to answer that question, if he can.

Mr. GURNEY. Mr. President, I have no figures on the exact railroad earnings. I am sure the Senator from Kansas [Mr. REED] would be able to answer the Senator's question.

Mr. LUCAS. The reason I ask the question is this: I go back a few years to the time when I happened to occupy in Illinois the position of chairman of the tax commission under Gov. Henry Horner. The members of the tax commission were directed and compelled under the law to assess for tax purposes the capital stock as well as the rolling stock of all the railroads that entered our State. I happen to know, during those years, the condition of the railroads under our jurisdiction as far as earning capacity was concerned; and while I entered upon the duties of that position somewhat prejudiced against the railroads because of the manner in which they had operated many years in the past, I came to realize during my service on the commission that if there was any one industry in this country which in my humble opinion needed aid and help, it was the railroads of America. I saw the short lines gradually becoming extinct, and I saw the long hauls asking for every conceivable help, from the Government down.

It occurred to me, therefore, that perhaps the railroads themselves might be able to use this twenty or thirty million dollars in a way which would aid in the rehabilitation and the continuance in properly maintaining these iron highways, which are so indispensable and absolutely necessary for the general welfare of our country.

It should be understood that I hold no brief for the railroads, yet we cannot under any circumstances let the railroads down. They are a necessary adjunct of transportation that deserve careful consideration of those who look with optimism for the future welfare of America. During recent years, they have been under Federal supervision and we know that they have been compelled to hew pretty close to the line, and rightfully so. It seems to me the successful operation of the railroad system of America is the basis upon which this unemployment reserve fund must depend.

Mr. REED. Mr. President, will the Senator from Vermont yield to me?

Mr. AUSTIN. Yes; I yield to the Senator from Kansas.

Mr. REED. The earnings of the railroads of the country, based upon their property-investment account, which is not an entirely dependable figure, were about 2 percent. They might be a little over 2 percent.

Mr. WHITE. Mr. President, will the Senator from Vermont yield?

Mr. AUSTIN. I will yield in a moment. To me the figure of $2,000,000,000 pay roll would be a great deal more significant if I could answer the question of the Senator from Illinois. I suspect that that return is upon a sum of money that is greater than the income of the railroads. I yield to the Senator from Maine.

Mr. WHITE. Mr. President, commenting still further on the question of the earnings of the railroads, the Senator from Kansas has given the figures as I understand them to be.

Mr. REED. The approximate figures.

Mr. WHITE. The approximate figures. But it should be said also that probably one-third of the railroads of the United States are hovering on the brink of bankruptcy today, and there has been a committee appointed by the President, and a committee of the Senate, struggling for almost 2 years to find some way by which assistance could be rendered the railroad systems so that our transportation might be maintained at a high standard of efficiency.

Mr. REED. Mr. President, the bill of the Senator from New York has no business before this body at this time. We had had, at the time it was introduced, less than 1 year's experience under the Railroad Unemployment Insurance Act.

Secondly, the Senator from New York should not have sunk to the cheapness of making a statement which might be misinterpreted, when he said that if we cut this melon the railroads would get the money. That is not true.

Up to July 1, 1939, railroad unemployment was handled as other unemployment has been handled, by the various States.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. REED. I shall be happy to yield in a moment, if the Senator will permit.

Mr. WAGNER. I was going to ask a question. If I made a cheap argument, I did not intend to do so, and I want to apologize to the Senate.

Mr. REED. Let me develop that point. I think I will show the Senator, at least the Senate——

Mr. WAGNER. May I ask a question?

Mr. REED. Certainly.

Mr. WAGNER. The bill of the Senator from South Dakota [Mr. GURNEY] provides that when the reserve fund gets above $100,000,000—as it is now—then, instead of the workers' getting any benefit, the railroads shall get the benefit, by a reduction of taxes of 1 percent this year, and, undoubtedly, 2 percent next year. Who gets that melon, if there is one?

Mr. REED. I will answer the Senator from New York very much more understandingly and very much more comprehensively than he has stated the case, if he will permit me to go ahead now without interruption.

Mr. WAGNER. I have listened to the Senator so often that I am sure he can do that.

Mr. REED. So long as railroad unemployment was handled by the States, it was handled as other unemployment was handled. Whenever any one industry is separated from industry in general, I do not care whether it be a newspaper publishing business—such as I own—a railroad, or any other single industry, so that its unemployment problems are to be handled in that industry alone, then that industry carries the burden, whatever it may be.

If the substitute for the bill of the Senator from New York becomes a law, then a railroad will not get a dollar, and the Senator from New York left the impression to a casual hearer that if the substitute were adopted the railroads would get a melon.

How would they benefit? Let me say to the Senator from New York that at one time there were 2,000,000 railroad employees. At the lowest ebb the number went down to about 900,000. Railroad employment is now back up to 1,035,000, if my memory is correct. Railroad employment in the last year or so has been stabilized. Consequently there has been a minimum drain upon the unemployment-insurance fund. That condition is not certain to continue in the future.

The Senator's bill has no business here, in the first place, and if it had not been here, there would have been no substitute. I am a signer of the report on the substitute, being a member of the committee. The distinguished Senator from New York will doubtless remember the conversation in the committee when some of us expressed the hope that the Senator from New York and the Senator from South Dakota could agree upon a bill. The Senator from New York informed me this morning they were unable to do so.

Let me state all the substitute measure would do. The present amount in the fund is clearly excessive, and is not needed, and it will not be needed so long as railroad employment continues at its present level. The gentleman who sits by the side of the Senator from New York knows much about railroad pay rolls, as I am aware because he has testified before subcommittees of which I have been a member. The railroad pay roll of the country is about $2,000,000,000 a year, perhaps slightly in excess of that amount at this time. Assessing a 3-percent tax upon that sum would bring in something over $60,000,000 a year to take care of unemployment. In the last year only about $15,000,000 was necessary.

This is where the employer comes in, and the only place where he comes in. If railroad employment continues stabilized as at present, under the substitute bill there would come a time when the 3-percent tax would be reduced, and to that extent and only to that extent would the railroads benefit. Why should they not benefit? They are the employers. They have been now cut off from the general unemployment situation.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. REED. Not now.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. REED. They have been cut off from the general unemployment situation to handle their own unemployment situation. The substitute bill provides that whenever the reserve fund falls below $100,000,000 the 3-percent tax shall be restored, in the event it has been reduced more than 3 percent due to either stabilized employment or an increase in employment.

Let me suggest to the distinguished Senator from New York that, after all, the railroads are essential factors in our whole scheme of things. They are not pariahs; they are not social enemies; they are among the greatest employers of labor in the country. They pay a wage scale above the average; and if they are to handle their own unemployment situation, and it is found that a 3-percent assessment on the pay roll is not necessary to take care of railroad unemployment, certainly there is no reason why it should not be reduced; and that does not justify the Senator from New York in leaving the impression upon the Senate that if the substitute bill, to which my signature is appended, were agreed to it would result in the payment of some money back to the railroads. That will not be the result. It is true that if they can stabilize employment—and we want a 4-year period in which to test out the substitute—there may come a time when it will be possible to reduce the present 3-percent tax upon the pay roll. The distinguished Senator from Kentucky asked a while ago what a reduction of 1 percent, which would be about $20,000,000, would mean. Generally speaking, it would mean 1 percent in employment. There would be an inducement for the railroads to stabilize their employment, if they could, rather than have the taxes raised.

I think the bill of the Senator from New York is unsound, unworthy, unnecessary, and that it has no business before the Senate now. The only reason why the substitute, signed by five members of the Committee on Interstate Commerce of

the Senate, is before the Senate is that those sponsoring it present it in an earnest effort to meet the problem fairly and squarely, with due regard for the railroad employees and the railroads themselves. It never would have the effect of returning any money to the railroads, as the Senator from New York a while ago intimated it would.

Mr. WAGNER obtained the floor.

Mr. GURNEY. Mr. President, will the Senator yield for a question?

Mr. WAGNER. A question of me?

Mr. GURNEY. Yes.

Mr. WAGNER. Certainly.

Mr. GURNEY. To substantiate the information furnished by the Senator from Kansas [Mr. REED] as to the operating income of the railroads, I should like to inform the Senator from New York that in 1937 the operating income of the class I railroads, the larger railroads, was 2.37 percent; in 1938 it was 1.43 percent; in 1939 it was 2.26 percent. That refers to the net operating income of the class I railroads, and I take it operating income means income before payments were made on any railroad bonds, or anything like that. So the average for the past 3 years would be 2 percent or a little less. I thank the Senator for yielding.

Mr. WAGNER. To begin with, I have been in sympathy with the railroads and their misfortunes over a period of time, and as chairman of the Committee on Banking and Currency I have aided in every way I could to provide the authority to make loans to them for their rehabilitation. But the matter now before us presents an entirely different question. Here the question is, if some aid is needed for the railroads, whether you are going to take that out on the workers. No suggestion has been adopted heretofore when railroads were in difficulty that we should reduce the wages of the railroad employees to the point where they would receive a mere subsistence wage. We felt that the obligation rested on the railroads and on the public to see that those employees were given a fair wage.

Mr. President, I shall not discuss the assertion about "cheap" talk. What happened was that the Senator from Vermont talked about "cutting a melon," referring to this legislation which suggested a small—I still think really an inadequate—increase for the unemployed. My answer was that if there was any cutting of melons, then it was the railroads that got the benefit of the cutting and not the workers, because what Senators are providing by the substitute measure is that whenever the fund is above $100,000,000 the tax levy on the railroads for the unemployment-compensation fund should be reduced.

One Senator said a moment ago "Oh, some day there might be a reduction." Why, the substitute provides for a reduction this year of 1 percent on the tax, and probably 2 percent next year.

Mr. REED. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. REED. But we always provide for $100,000,000 reserve.

Mr. WAGNER. And my bill provides for more than $100,000,000. That is the difference between us. The fund under my bill at the end of this year will be about $165,000,000. In that we take account of the increased benefits and the amount which is collected under the 3-percent tax.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. GURNEY. Is the Senator sure he would have $100,000,000 reserve at all times under his measure?

Mr. WAGNER. I am reasonably sure at the present going, yes; and for some time to come. Conditions can get a great deal worse and the actuarial figures indicate that the sum would still be considerably above $100,000,000.

Mr. GURNEY. Will the Senator yield further?

Mr. WAGNER. Yes; I will yield. I will be a little more generous in that respect than other Senators have been.

Mr. GURNEY. If business is reduced there may not be so much employment, and not so much wages paid out, and the fund may not receive $60,000,000 a year.

Mr. WAGNER. We can indulge in all sorts of speculations and conjectures as to what may happen in the future, but from the present outlook we will have in this fund at the end of the coming year $165,000,000; and to the extent that we can predict, that is going to continue. There will always be a margin which will be adequate, so that our fund will continue to accumulate. There may come a time when you will want to raise the benefit payments to the workers still higher than they are today rather than permit the fund to go beyond a certain amount.

Mr. GURNEY. I wish to ask the Senator a question. Does not the Senator from New York feel that the incentive to provide regular wages and continuous employment would be great on the part of the railroad employers if they felt they could get away from paying 3-percent tax, and that they could stay at the 2-percent level?

Mr. WAGNER. I have heard the Senator state that in committee and on the floor. In the first place, there is nothing in this legislation providing that whatever sum is saved, in the form of taxes or in the form of money not paid to the workers, shall go toward employment of the unemployed workers. No specific assurances were given by anybody that the money would be so used. I think some of it will go into dividends. I do not object to that. But I think we want to provide a decent and adequate benefit for the unemployed during the period of unemployment.

Mr. GURNEY. Will the Senator yield for one further question?

Mr. WAGNER. Yes.

Mr. GURNEY. It would be better, though, to provide continuous employment so the employees could get wages rather than benefit payments?

Mr. WAGNER. Absolutely, if that can be done.

Mr. GURNEY. That is the difference between the two proposals.

Mr. WAGNER. Oh, no; if you will provide in this legislation that whatever money is saved shall go toward the employment of somebody, then you have an argument. Otherwise this is pure oratory. I am sure the Senator is sincere. This, however, is pure expectation, but without any assurances of any kind.

A number of States have had the experience that we have had here. Their 3-percent tax has accumulated reserves higher than they have ever anticipated. And what have they done? They have done the just thing—increasing the benefits paid the workers—because that increase provides increased purchasing power, which in the end will aid the general employment situation.

We have discussed maximum rates. The Senator from Vermont has emphasized maximum rates. The thing that counts here is average rates, and the thing that counts here is the number of weeks or days that you are receiving unemployment benefits. You may have a rate of $15 or $20 a week and you may be getting it only for 3 or 4 weeks. That sounds like a very high rate, but it does not give the unemployed very much.

A moment ago, when I tried to correct the Senator, he got a little angry at me, though I did not mean to annoy him. He used the expression "80 weeks"——

Mr. AUSTIN. It should have been 80 days.

Mr. WAGNER. Yes. All I meant to do was to correct the Senator. I meant to say to the Senator that I was sure he did not intend to say 80 weeks, but I was ruthlessly—one Senator suggests the word "blitzkrieged"—I was ruthlessly "blitzkrieged." That is the correction I wanted to make.

The provision now is for a maximum of 80 days of benefit payments. It now provides for a 15-day waiting period, and we are reducing the waiting period to 7 days. We are increasing the benefit payments to 100 days.

If you are going to subsidize every industry that finds it difficult to pay a 3 percent tax into the fund, that is one thing. I am making this statement now because the Senator says we must discuss the facts. I am discussing the facts. Every industry in the country today pays 3 percent.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. GURNEY. Is it not a fact that under a big majority of the State compensation laws a concern gets the benefit of the earned rate, and thereby lowers its payment to the State insurance funds?

Mr. WAGNER. That is a different situation. Only five States are granting actual tax reductions for "merit rating" at the present time. I know in my State we have refused to grant it, because it is not fair to the rest of industry; especially small business, which cannot regularize employment.

The taxes collected by the States are utilized for the purpose of taking care of the unfortunate unemployed. What they have been doing as the funds have accumulated is this: They recognize that we are not paying adequate unemployment payments. They are very small. They are going to be larger, let me say, year by year. They are going to be increased. These States are increasing their benefit allowances. They are increasing not always the amount per week, but they are increasing the length of period, and shortening the waiting period, and doing other things which we are doing here.

We are providing for a carry-over. Where an employee is entitled to, say, 100 days, and he has exhausted 50 days, we allow him to carry the other 50 days over to the next unemployment year for him, so that in that particular following year he will get an increased sum.

The Senator spoke of "maximum." I am now talking about averages. The average payment in the United States per worker per week under the State insurance funds is $10.19 per week, and under our Federal railroad unemployment fund it is $7 per week. It cannot be said that we are treating our workers as fairly as the States do—and those States are not altogether prosperous either.

The Senator said this bill should not be here. I am not ashamed of it. I have been trying for a long while to bring a better day to those who are more unfortunate than you and I. We are talking about giving a dollar or two or three or four dollars a week to a worker who is unemployed. That is the "outrageous" thing we are doing here. But on the contrary it is said we must save the railroads this $20,000,000, or perhaps $40,000,000 per year, by reducing the tax to 2 or 1 percent. It is argued we have to treat railroads differently from any other industry in the country.

I hope the time will come when we can reduce the tax. I hope the time will come soon, and it is coming sometime, when we will solve this question of unemployment, when we will not need to raise any money for unemployment insurance. But as long as unemployment is here we must treat the unemployed worker fairly. We are giving him little enough. Do not take it out of him. If we are to give a subsidy to the railroads, let us make it a general assessment, and not an assessment only on the unemployed workers.

The Senator from Vermont [Mr. AUSTIN] said something about the $100,000,000 reserve. He was waxing oratorical at the time, and I am not sure that I correctly understood him. He said that the $100,000,000 will never again be transferred; that it is here once and for all. Of course it is. The $100,000,000 arises in this way: In 1935, when we passed the Social Security Act, the railroad employees were included among other employees of the country, and they were to be cared for from State funds. The law went into effect in 1936. In many of the States it was discovered that there were great discrepancies in the treatment of railroad workers. Some who were insured in one State were receiving much smaller benefits than those insured in another State. There was also constant conflict as to whether an employee was really working in one State or in an adjoining State, because, of course, they were all engaged in interstate commerce. In addition, large sums accumulated in the reserves, swelled by the tax contributions of the railroads. That is how the $100,000,000 came about. We said to the States, "You received this money. You are not to utilize it now. You do not have to pay unemployed railway workers, because we shall take care of them nationally; so give us back the balance of the money which the railroads paid into the funds of the States." That money was transferred to the Federal fund under the Federal law. It is no different from the money which we are now collecting under the Federal system.

That accounts for the $100,000,000. At the end of this year we shall have $65,000,000 more. So we shall have $165,000,000; and I think it is a fairly safe prediction that all we shall use in benefits will be about $25,000,000. So we shall on the average use less than the receipts and we shall have an ever larger fund.

The Senator made another statement. I cannot believe he meant it. He said that what we are doing after 1 year is threatening the fund. What are we doing with the fund? We are holding it intact. We say, "You may not reduce it to $100,000,000. You must keep it all here, because we may have a bad year and we may want a little more money." The Senator is the one who is threatening the fund, because he proposes that after $100,000,000 is accumulated the receipts shall be reduced by one-third, and if the fund gets to $125,000,000 receipts are cut by two-thirds. We say, "No; we will not threaten the fund to that extent. We cannot say that $100,000,000 or $125,000,000 will always be enough, and we propose to keep a good large sum." We propose to keep $165,000,000, $170,000,000, or perhaps $200,000,000. The time may come when perhaps we ought to readjust matters.

The Senator from Maryland [Mr. TYDINGS] put it very plainly. We have this accumulated fund, which the railroads have paid in taxes, just as every other industry in the country has paid. When we enacted the law we recognized, as the debates will show, that the benefits were inadequate. The representatives of the railroad workers thought they were inadequate, but we were told that on a 3-percent tax larger sums could not be paid. Of course, the benefits are inadequate. The waiting period is too long. The number of days of payment is too short. But we were told that we could do nothing about it, because the fund would be made unsound, and this is a contributory system, an insurance system.

However, experience has shown that we were wrong. All that we propose to do by this bill is to pay, not a decent sum—it is pitiably inadequate—but something more than we are now paying.

The Senator says that this is unworthy legislation. I do not think he should so characterize it. I introduced it at the unanimous request of the brotherhoods. Every worker in the industry was represented on the committee which drafted the bill and asked me to introduce it. The Railroad Retirement Board, which has on it a member representing the railroads, unanimously said that it was fair legislation.

The workers are inadequately compensated, and the bill will give them a chance to receive just a little more. Unworthy? Then every worker on the railroads is unworthy, and we who are trying to build as best we can a better day for the average worker, the common man, are unworthy. That is all the bill does.

Mr. REED. Mr. President, will the Senator yield?

Mr. WAGNER. I yield. I will return good for evil.

Mr. REED. I am sure the Senator understood that the statement referred to was based upon the statement immediately following, that at the time of the introduction of his bill we had had less than 1 year's experience. With the indulgence of the Senator from New York, I may say that I have sat with subcommittees of our Interstate Commerce Committee dealing with the railroad-retirement question. Actuarial calculations were made upon an annual pay roll of $2,200,000,000, and upon those actuarial calculations certain rates of retirement were established. In the last session of this Congress we had probably 20 bills to amend the Railroad Retirement Act; and the railroad brotherhoods—so far as I know, unitedly—and the railroads—I am sure, unitedly—opposed any amendment until we had had more experience.

That is the only reason why I said that the legislation introduced by the Senator from New York had no place here, because at the time he introduced it we had had something like 10 months' experience. Within the past year I have sat with subcommittees listening to testimony on the Railroad

Retirement Act, which has had several years of operation—I have forgotten just how many—and we were urged not to change it, because it was feared that unless the railroad pay rolls should increase, the present retirement amounts could not be met out of the joint collection in that case, one-half from the employer and one-half from the employee.

I recognize that the distinguished Senator from New York is a great friend of labor——

Mr. WAGNER. No; I only want to be just to labor. I am no better friend of labor than anybody else.

Mr. REED. I, too, am trying to be just.

Mr. WAGNER. I want to be just to labor, as I want to be just to everybody else. I do not think it is fair to say that I am one-sided about the question. I want to be fair to everybody else; but I have discovered in my time that labor does need spokesmen.

Mr. REED. It happens that I have been one of labor's spokesmen all my life.

Mr. WAGNER. I am delighted to know that.

Mr. REED. The present law became effective only a year ago, and at the time of the introduction of the Senator's bill we had had only about 10 months' experience. I submit to the Senator from New York that upon a matter of this importance I was justified in saying at that time and under those circumstances that a bill of this kind should not have been introduced.

Mr. WAGNER. I am afraid there will never come a time when such a bill would not be characterized as being too early. It is always too early for bills which one does not want.

Let me answer the Senator from Kansas, and then I shall conclude. The Senator says that I should wait, that we should have more experience. Let us look at the proposal which the Senator is supporting. He goes so far as to say that at the end of a year we shall never need more than $100,000,000 or $125,000,000 in the reserve and that we should relieve the railroads of paying taxes in any sum above $100,000,000. The Senator goes much further than I do. He has already decided the question. He has decided that $125,000,000 is sufficient. However, he has decided the matter the wrong way. He wanted to balance the thing in some way. He did not wait. He simply increased the benefits an insignificant sum. So far as the total benefits are concerned, they are very insignificant. The Senator did not wait. He drafted his bill and said, "We will give the workers a little, and we will give the railroads the rest." I say, give the workers what I think anybody who is fair would say is not quite adequate, but which is something better, and keep the fund intact above $125,000,000. I do not dare say yet that $125,000,000 will be adequate. I want to keep the amount higher than that for the time being.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. WAGNER. Just a moment.

It has been said that this is an insurance fund. That is not strictly accurate. It is money which is collected to be paid out. We do not have or want a full insurance reserve. Not being able always to predict the future, we want to have enough in reserve so that if unfavorable conditions come along we shall be able to meet them. However, the fund is collected to be paid to the workers when they are unfortunate enough to be unemployed. Let us not have that argument, because the Senator is on the wrong track.

Mr. REED. Mr. President, will the Senator from New York permit an observation?

Mr. WAGNER. I am afraid of observations. I yield for a question.

Mr. REED. No insurance money is collected for any other purpose except to be paid out.

Mr. WAGNER. That is what I say.

Mr. REED. That is what I say, too.

Mr. WAGNER. Then we are in agreement.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. GURNEY. Is it not correct to say that no proposal to limit the fund to $100,000,000 would have been made unless the Senator's bill had first been introduced?

Mr. WAGNER. I see. Then the object of the Senator's amendment is to defeat the bill which the railroad workers propose?

Mr. GURNEY. No. Will the Senator further yield?

Mr. WAGNER. I yield.

Mr. GURNEY. Is it not correct to say that under the amendment which I propose as a substitute the workers would receive a 30-percent increase?

Mr. WAGNER. It depends upon how the 30 percent is figured. It is a very inadequate increase. Our experience with the railroad employees and their organizations has been that they are just, fair, and reasonable. That is the reason why they have so much support. They never ask for anything unreasonable, and they regard the proposed increase as almost nothing.

Mr. GURNEY. Mr. President, will the Senator further yield?

Mr. WAGNER. I yield.

Mr. GURNEY. Is it not a fact that the 30-percent increase proposed in my substitute would produce benefits under the Railroad Unemployment Insurance Act equal to the benefits received by other classes of employees in every State of the Union?

Mr. WAGNER. I heard the Senator say that, but I disagree with him. It may be equal to some; but under the amendment proposed by the Senator, railroad workers would still be behind the parade. We want to catch up with what the States are doing, at least, and give railroad workers as much as the better State laws give the unemployed under their insurance systems. I am merely trying to reach that point. If I could, I would go a little ahead of it, because, as the senior Senator from Kentucky [Mr. BARKLEY] pointed out a moment ago, the work of railway employees is much more hazardous than that of other employees in most other industries, and requires a higher degree of skill. They are entitled, if anything, to a little better treatment.

Mr. GURNEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New York again yield to the Senator from South Dakota?

Mr. WAGNER. I yield.

Mr. GURNEY. May I conclude, then, from the Senator's statement that under Senate bill 3920 as the Senator introduced it, railroad employees would receive more in unemployment benefits than would any other class of labor?

Mr. WAGNER. I did not say that.

Mr. GURNEY. I ask could I draw that conclusion?

Mr. WAGNER. A moment ago I mentioned the fact that the average unemployment benefit paid to railway employees was about $7 a week, whereas the average in all the States, including every kind of employment, is $10.19 a week. What I said was that certainly the railroad workers ought to be at least on as high a scale as other workers because of the skill required and in some instances the hazard of their employment.

Mr. GURNEY. I could conclude, then, that railroad workers would receive greater benefits under this bill than, for instance, steel workers?

Mr. WAGNER. I did not say that.

Mr. GURNEY. I merely wondered if that is not a fact?

Mr. WAGNER. There is some misunderstanding on the part of one or the other of us. Shall I repeat? I said the average payment——

Mr. GURNEY. I should like to ask the Senator if, under the bill he is sponsoring, the railroad workers would get greater unemployment benefits than would other kinds of workers?

Mr. WAGNER. In some instances they might. I am talking about averages. The average in the States is $10.19, whereas the average for the railroad worker is $7. That is what I want to change. The Senator desires to keep it intact.

Mr. BARKLEY. Mr. President, will the Senator from New York yield for a question?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Kentucky?

Mr. WAGNER. I yield.

Mr. BARKLEY. The Senator from South Dakota observed a moment ago that if the Senator from New York had not introduced his bill the Senator from South Dakota would not have introduced the proposed substitute. Are we to understand that the substitute, therefore, is not presented on its merits but simply as an effort to undermine the bill of the Senator from New York?

Mr. WAGNER. That is what I suggested; in an indirect way, it would defeat the proposed legislation. I am sure that cannot be the motive, but that might be implicit in the statement the Senator from South Dakota made.

Mr. President, I ask unanimous consent that at the end of my remarks there be printed a copy of the majority report of the Committee on Interstate Commerce on the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The report (No. 1752) is as follows:

The Committee on Interstate Commerce, to whom was referred the bill (S. 3920) to amend the Railroad Unemployment Insurance Act, approved June 25, 1938, as amended June 20, 1939, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The committee amendments are as follows:

Page 2, line 9, insert "after June 30, 1940" after "employment."

Page 2, line 11, insert "or as an employee representative" after "employer."

Page 2, lines 14 through 21, change the definition of "registration period" to read as follows:

"The term 'registration period' means, with respect to any employee, the period which begins with the first day for which such employee registers at an employment office in accordance with such regulations as the Board may prescribe, and ends with whichever is the earlier of (i) the thirteenth day thereafter, or (ii) the day immediately preceding the day for which he next registers at a different employment office; and thereafter each period which begins with the first day for which he next registers at an employment office after the end of his last preceding registration period and ends with whichever is the earlier of (i) the thirteenth day thereafter, or (ii) the day immediately preceding the day for which he next registers at a different employment office."

Page 5, table following line 13, insert ".99" after the second amount in each line of column I.

Page 8, line 5, change the semicolon after the word "unemployment" to a comma.

Page 10, line 6, delete the hyphen from "unemployment-compensation."

Page 10, line 15, change "Provided" to "And provided further."

Page 11, line 3, delete the comma after "parlor-car service."

Page 15, line 24, change "a" to "or."

Page 16, line 13, insert a comma after "from"; change "changes" to "charges."

Page 16, line 14, insert a comma after "upon."

Page 19, line 25, strike out "and."

Page 22, line 9, strike out "or" after "enacted."

Page 23, line 1, change *"Provided"* to *"And provided."*

Page 23, line 2, insert after "That", the following: "for the purpose of registering unemployed employees who reside in areas in which no employer facilities are located, or in which no employer will make facilities available for the registration of such employees."

Page 23, line 4, insert "in such areas," after "accept" and "such" after "of."

Page 23, line 13, change *"And provided further" to "Provided."*

Page 25, line 9, change "subsection" to "section."

Page 25, line 20, insert after "amount of" the following: "annuities, pensions, or deaths."

Page 27, line 6, change the semicolon after "1940" to a comma.

COMMITTEE AMENDMENTS

The committee amendment to section 2 of the original bill makes the exclusion, for some purposes, of certain railway-labor organization service apply only to that performed after June 30, 1940. It also places service as an employee representative within the exclusion, which is discussed hereafter in the explanation of the bill.

Another committee amendment substitutes for the 14-consecutive-day registration period provided for in section 3 of the original bill a registration period which will normally consist of 14 consecutive days but which may consist of fewer than that number if the claimant transfers his registration from one employment office to another within 14 days of the beginning of the registration period. This change will tend to reduce the number of transfers, which in many cases are made by persons who are merely traveling and not really looking for work.

The only other committee amendment which effects a change of substance is that to section 26 of the original bill, which relates to the authority of the Board to appoint persons, without regard to civil-service laws and the Classification Act of 1923, for the purpose of taking registrations of unemployed employees and performing services incidental thereto. The committee amendment limits such authority to the appointment of persons for areas in which no employer facilities are available or in which no employer will make facilities available for the registration of employees.

The remaining committee amendments are merely corrections of typographical errors or of minor departures from uniformity in style.

GENERAL STATEMENT

Experience during the first 10 months of operations under the present Railroad Unemployment Insurance Act indicates the need of changes to provide for more nearly adequate benefits, to simplify the administration of certain provisions, and to make others more readily understandable. The bill is intended to effect such changes In addition to minor clarifying amendments, necessary changes in crossreferences, and other formal amendments, it deals with the following matters:

1. Benefit year and base year.
2. Benefit formula and rates.
3. Maximum benefits.
4. Remuneration and day of unemployment.
5. Disqualifying conditions.
6. Exclusion of local lodge and employee-representative service.
7. Reporting provisions.
8. Miscellaneous.

EXPLANATION OF THE BILL

1. Benefit year and base year: In place of the individual benefit year extending for 12 months from the beginning of the claimant's first compensable half month, section 7 of the bill substitutes a benefit year, uniform for all claimants, from July 1 through June 30 of the following year. A registration period beginning in June and ending in July is to be treated as if entirely within the benefit year ending in such month of June.

In addition to being more understandable and less likely to cause difficulties in administration, the uniform benefit year will shorten the average interval between the exhaustion of benefit rights and the resumption of them in a succeeding benefit year. At present the benefits of a person experiencing a prolonged spell of unemployment are often interrupted at a time when he is in greatest need of benefits; the amendment will greatly reduce the number of such cases.

The base year is redefined by section 8 of the bill as the calendar year immediately preceding the beginning of the benefit year.

2. Benefit formula and rates: In place of the present formula, under which benefits are paid for each day of unemployment in excess of 7 in a half month, section 9 of the bill provides that during the first registration period, in a benefit year, in which a claimant has 7 or more days of unemployment, benefits shall be payable for days of unemployment in excess of 7; in subsequent registration periods in the same benefit year, for days of unemployment in excess of 4.

The provision that benefits shall not be payable in any benefit year until there has been a registration period containing 7 or more days of unemployment, and, then, in such period, only for days of unemployment in excess of 7, serves substantially the same purpose as the present waiting-period requirement but avoids certain inequities which the latter has occasioned among claimants with various patterns of employment. It also avoids difficulties which have been experienced because of the fact that the present waiting-period requirement may be fulfilled at any time within 6 months before the beginning of a benefit year; claimants who have exhausted their benefit rights have, therefore, been registering, at considerable inconvenience and expense to themselves and the Board, in order to secure waiting-period credit for use if they should be unemployed after the end of the current benefit year. Many such persons do not, of course, begin benefit years within 6 months of the beginning of the periods for which they have so registered, and such registrations, which have usually involved inconvenience and expense to the claimant and the Board, are, therefore, fruitless. Claimants will also receive their first benefit checks sooner under the new provision than under present requirements, it being estimated that the number of days intervening between the first registration and the receipt of the first check will be cut from about 38 to approximately 22.

The change in the formula relative to registration periods subsequent to the first registration period of a benefit year will also effect a reduction in the number of registration periods which are begun but never result in the payment of benefits, and thus will remove another source of considerable inconvenience to claimants and to the Board.

The present benefit rates, though weighted in favor of the lower-paid employees, have not, in conjunction with the present benefit formula, provided for the average employee benefits equal to those under most State unemployment-compensation laws. Even with the proposed benefit formula, the present rates would not provide adequate benefits. Accordingly, section 9 of the bill provides benefit rates which, under the proposed benefit formula, will produce minimum benefits of $17.50, and maximum benefits of $40 for 14 days of unemployment in a registration period, instead of a present minimum of $12.25 and maximum of $21 for

the same number of days of unemployment. The following comparison of benefits for 14 days of unemployment in a registration period shows the effect of this change:

Base year compensation	Proposed benefits	Present benefits
$150 to $199.99	$17.50	$12.25
$200 to $474.99	20.00	14.00
$475 to $749.99	22.50	15.75
$750 to $999.99	25.00	17.50
$1,000 to $1,299.99	30.00	17.50 19.25
$1,300 to $1,599.99	35.00	21.00
$1,600 and over	40.00	21.00

3. Maximum benefits: To retain approximately the present maximum duration of benefits, which, for claimants who are continuously unemployed, is about 21 weeks, section 10 of the bill establishes 100 as the basic maximum number of days in a benefit year for which benefits may be paid. To provide a longer possible duration for those employees who were qualified for benefits in the preceding benefit year but to whom benefits were payable for fewer than 100 days in such year, section 10 also provides that such employees may carry over into the current benefit year a number of days, not in excess of 50, equal to the difference between 100 and the number of days of unemployment in the preceding benefit year for which benefits were payable to them. The number of days of unemployment thus carried over is, of course, an addition to the basic maxima of such employees.

The proposed changes in the benefit formula, the benefit rates, and the maximum benefit provision will, it is believed, produce reasonably adequate amounts of benefits for employees covered by the railroad unemployment-insurance system, and it is believed that they are in accordance with sound principles of unemployment insurance.

The average annual benefit cost under the proposed amendments is estimated at between $50,000,000 and $53,000,000, or approximately double the present cost. In spite of this increase in cost, however, it is estimated that a modest but entirely adequate reserve will be accumulated from year to year on the basis of the present contribution rate.

4. Remuneration and day of unemployment: Experience under the present act has disclosed certain inequities resulting from the fact that some claimants, who derive income from work under such circumstances that it is not service for hire, are paid benefits, while benefits must be denied to others, who receive pay for similar work under circumstances which make it service for hire. In order to remove such inequities and to avoid difficult administrative determinations as to whether or not earnings are pay for services for hire, section 4 of the bill includes in the definition of "remuneration" earned income other than for services for hire if its accrual, in whole or in part, is ascertainable with respect to a particular day or days.

In view of the inclusion of earned income in the definition of remuneration, section 5 of the bill amends the definition of day of unemployment so that the accrual of remuneration will be considered in determining whether or not a day is a day of unemployment. Section 5 of the bill also contains an amendment to the definition of "day of unemployment" which is designed to encourage individuals to retain or to seek odd jobs or part-time work, by permitting to be counted as days of unemployment days for which subsidiary remuneration averaging not more than $1 a day is payable or accrues. This may be done, however, only in the cases of claimants who have $150 or more in base-year compensation, exclusive of the earnings from the position or occupation in which such subsidiary remuneration was earned. Subsidiary remuneration is that derived from work which requires substantially less than full time and can be performed while a person is holding a normal full-time job in another occupation. The amendment with respect to it will prevent service for nominal salaries to labor organizations, fraternal organizations, and the like from interfering with the receipt of unemployment-insurance benefits.

To clarify the treatment of a working day which includes a part of each of 2 consecutive calendar days, section 5 also contains an amendment which provides, in substance, that remuneration for such a working day shall be deemed to have been earned on the calendar day on which such working day ends and not on the calendar day on which it begins, and that an individual having such a working day shall not, by reason of taking work on such working day, be considered unavailable for work on the calendar day on which the working day begins.

5. Disqualifying conditions: Sections 17 and 18 of the bill make a substantial change in the disqualifying conditions contained in section 4 (a) (vi) of the act, relating to an employee paid on a mileage basis who has earned at least eight times his last schedule daily rate of pay during the half month. Experience has shown that "schedule daily rate" is a term which is not generally understood and that it does not afford a standard which can be readily checked. In addition, many train and engine service employees paid on a mileage basis but also engaged in yard service, which is not paid for on a mileage basis, have been confused as to how much of their earnings should be taken into consideration in connection with this disqualifying condition. Moreover, inequities have become apparent as between mileage employees having patterns of employment which permit them to avoid the disqualifying condition and other employees, in substantially the same circumstances but with different patterns of employment, who are subject to it. Inequities have also been apparent as between mileage employees and other employees on trains who are not paid on a mileage basis but who earn substantially full-time pay in a very short period of time.

Section 17 of the bill provides that there is not to be considered as a day of unemployment any day in a registration period in which an employee earns, in train and engine, yard, or other similar service, at least 20 times his daily benefit rate. Section 18 makes similar provision with respect to days in a registration period comprising the last half of a 28-day period in which an employee earns at least 40 times his daily benefit rate in such service. These changes are intended to prevent the payment of benefits to transportation employees who, in the specified classes of service, earn, in less than full time, what is substantially full-time pay for a period.

Section 14 of the bill extends the disqualifying condition for failure without good cause to accept an offer of available, suitable work, to cover any case of failure, without good cause, to comply with instructions from the Board requiring the individual to apply for suitable work or to report in person or by mail to an employment office. It is believed that there is no substantial difference between an employee who fails to accept such an offer and one who fails to apply or report when so directed.

Section 18 of the bill adds to the act a new subsection, 4 (a) (viii), under which a Sunday or any day which is generally observed as a holiday in the locality in which the claimant registers for that day is not a day of unemployment unless it is immediately preceded by a day of unemployment and immediately followed by a day of unemployment, or was the last day in a registration period and was immediately preceded by a day of unemployment. If 2 or more consecutive days are a Sunday and 1 or more holidays, such consecutive days are not days of unemployment unless they are immediately preceded and immediately followed by a day of unemployment or, if the last day of such consecutive days is the last day of a registration period, unless such consecutive days are immediately preceded by a day of unemployment.

The purposes of this amendment are to permit only those Sundays and recognized holidays which are included in periods of continuous unemployment to be considered as days of unemployment and to discourage the large number of registrations for Sundays and holidays which employees who are not genuinely unemployed now make in order to protect their rights in the event of subsequent unemployment.

To simplify administration, section 16 of the bill removes from the operation of section 4 (a) (v) of the act cases in which there is merely "a right to receive" payments of the types enumerated in that section. This change is believed to be necessary, since, for example, an employee claiming railroad unemployment insurance benefits may have a right to receive an annuity, although at the time he makes his claim neither he nor the Board knows whether such right actually exists.

Section 16 of the bill also provides for the recovery of amounts, or parts thereof, paid a claimant as railroad unemployment insurance benefits if subsequent to such payment he receives or is held entitled to receive any payment of the types enumerated in the section except benefits under an unemployment-compensation law other than the act. Section 16 of the bill provides further that, if any payment of the types enumerated in the section, except benefits under an unemployment-compensation law other than the act, is less than the amount of railroad unemployment-insurance benefits which would be payable and not recoverable, the disqualifying condition and the first proviso contained in the section shall not apply. In this event the benefits under the act shall be diminished or recoverable in the amount of such payment.

Under section 15 of the bill, to conform section 4 (a) (iv) to other parts of the act as amended, the period of disqualification therein provided for is made to begin with the first day of the registration period rather than of the half month.

6. Exclusion of local-lodge and employee-representative service: Section 2 of the bill provides that, for benefit and contribution purposes, employment after June 30, 1940, in the service of a local lodge or division of a railway-labor-organization employer or as an employee representative shall be disregarded. It is believed that any additional unemployment-insurance benefits which might be payable upon the basis of compensation from such service do not justify the administrative difficulties and expense connected with the collection of contributions based on such compensation.

7. Reporting provisions: As amended by section 21 of the bill, section 6 of the act no longer specifically requires that returns of compensation show the amounts of compensation earned in each month. Section 21 also eliminates the reference to preparation by the Board of the annual statements of compensation which are to be distributed to employees. It further amends section 6 of the act by specifically relating the provision as to conclusiveness to the determination of eligibility for, and the amount of, benefits, and by providing for the conclusiveness, not of the return of compensation itself, or of the failure to make a return, but of the Board's record of such return or the absence of a Board record of such return.

8. Miscellaneous: Section 11 of the bill substitutes for the reference to section 9 of the Railroad Retirement Act of 1937 contained in section 2 (d) of the present act a more detailed description of the methods of recovery referred to. The protection

previously accorded disbursing officers is extended to include protection against liability for amounts, the recovery of which has been begun but cannot be completed, and certifying officers are also expressly accorded the same protection as disbursing officers.

Section 12 of the bill makes certain clarifying amendments to section 2 (f) of the act, particularly to distinguish more precisely between the periods involved.

Section 3 of the act is amended by section 13 of the bill to define a "qualified employee" as one to whom the Board finds that compensation of not less than $150 was payable with respect to his base year. Section 20 of the bill provides for the review of an initial determination involving (1) the denial of a claim on the basis of the claimant's not being a "qualified employee," or (2) an award of benefits which the claimant contends was at less than the proper benefit rate. This section also provides that benefits shall be paid, subject to a right of recovery by the Board, in any case of an award of benefits in whole or in part upon the basis of pay earned in the service of a person or company found by the Board to be an employer under the act but which disputes coverage and does not comply with the provisions of the act. The decision as to whether such benefits shall be repaid is made upon proceedings prescribed in the section. In all cases covered by section 20, provision is made as to communication of the final decision of the Board, the effect of Board decisions, and the judicial review thereof.

By section 19 of the bill, the right to a hearing before a district board is limited to a "qualified employee" whose claim for benefits has been denied in whole or in part, upon an initial determination on a basis other than one which is reviewable under the provisions of section 20 of the bill. The amendment contained in section 19 would thus remove from the jurisdiction of the district board such troublesome questions as employer or employee coverage and the determination of base-year compensation. However, as indicated above, section 20 of the bill makes other adequate provision for the review of determinations upon such points.

A number of changes having to do with personnel are effected by amendments to section 12 of the act. The powers of the Board with regard to the detailing of employees are extended by section 26 of the bill, and that section will also permit the Board under certain circumstances to appoint persons to take registrations of claimants on a piece-rate basis. The Board is authorized by section 27 of the bill to grant compensatory leave for overtime to lower-paid employees at any station at which claims for benefits are received, adjudicated, and certified for payment, and section 25 extends to persons having railroad experience, who are in the employ of the Board on June 30, 1940, the possibility of acquiring, under certain conditions, a competitive classified civil-service status.

The list of expenses for which moneys are permanently appropriated to the Board is removed from section 11 (c) of the act by section 22 of the bill, but section 24 of the bill incorporates it, with some changes, in a new section 11 (e) of the act. The changes include in the list certain moving expenses of Board employees transferred permanently from one official station to another. The absence in the present act of such a provision has worked hardship on employees required to move in the interest of the Board. Another change adds to the list of expenses mileage allowances to Board employees for travel by privately owned automobiles on official business of the Board within the corporate limits of their official stations. The savings in time and personal-service costs which would be effected under this provision would exceed the additional traveling expenses incurred.

Since the activities of the Board's various organization units in the administration of the Railroad Retirement Acts and the Railroad Unemployment Insurance Act are so closely interrelated that any attempt at segregation would make the cost of administration prohibitive, it is essential to efficiency and economy that the organization structure of the Board be integrated and that all means of financing available to the Board be commingled for the purpose of meeting the joint costs of the Board's integrated organization. Accordingly, section 24 of the bill establishes in the Treasury of the United States a permanent administrative revolving fund from which the Board may pay all the expenses of its various activities, except that a cut-off date is provided beyond which the revolving fund is not available for meeting the expenditures of the prior fiscal year. The Board must from time to time replenish the fund by requisitions, without itemization by objects of expenditure, from the railroad unemployment insurance administration fund and any other appropriation available to it for administrative expenses, in the proportion which the expenses of administering the respective activities for which the railroad unemployment insurance administration fund and the various other appropriations are available bears to the total administrative expenses of the Board.

The establishment of such a revolving fund (1) permits the Railroad Retirement Board to authorize one expenditure budget for each unit of organization as a basis for effective expenditure control, (2) eliminates the necessity of splitting vouchers, and (3) simplifies the accounting and reporting procedures of the Board, the General Accounting Office, and the Treasury.

Section 22 of the bill conforms the final sentence of section 11 (c) of the act with the provisions relating to the revolving fund.

Under section 23 of the bill the transfers from the railroad unemployment insurance administration fund to the railroad unemployment insurance account are authorized to be made at the end of each fiscal year rather than at the end of each fiscal year beginning with the end of the fiscal year 1946. The transfers may be made from the excess of the amount previously credited to the fund over the total amount expended for the purpose of administering the act, rather than from the excess of the amount credited to the fund during the preceding 7 fiscal years over the total amount expended during the same period. It is believed that no useful purpose would be served by holding administrative surpluses until 1946.

Section 1 of the bill specifies July 1, 1940, as the effective date of the amendments, except as to a claimant having a half month beginning in June 1940 and ending in July 1940. Such claimant would finish that half month on the basis of the present provisions of the act and would then start anew, beginning with the first day of unemployment following the end of such half month.

Section 30 of the bill amends the definition of "compensation" contained in section 1532 of the Internal Revenue Code by excluding, for certain purposes, earnings of less than $3 a month from a local lodge or division of a railway-labor-organization employer, if such amount is earned after March 31, 1940, or if it was earned between December 31, 1936, and April 1, 1940, but certain taxes were not paid on the basis of it prior to July 1, 1940. Such earnings are also to be disregarded, for certain purposes, under the Railroad Retirement Act of 1937 as that act is amended by section 28 of the bill. Section 29 of the bill amends the Railroad Retirement Act to clarify the previously more general provisions, as to the recovery, or the waiver of the recovery, of erroneous payments and as to the protection against liability for amounts the recovery of which has been waived.

PROVISIONS OF ALTERNATIVE BILL

The committee had for consideration, at the same time that it was considering S. 3920, another bill, S. 3925, dealing with a portion of the subject matter dealt with in S. 3920. This second bill differed from S. 3920 on three points, and raised one additional question. These four items are:

1. Experience rating.
2. The appropriation of funds for administrative expenses.
3. Waiting period.
4. Maximum benefits.

1. Experience rating: S. 3925 does not provide for increasing net benefit payments as substantially as the bill which the committee recommend be passed. Instead, it proposes to reduce the rate of contributions from a maximum of 3 percent to 2 percent and to 1 percent, varying with the balance in the railroad unemployment insurance account. In other words, it proposes to devote accumulated reserves principally to the reduction of contributions. The accumulation of reserves may occur for either or both of two reasons:

(a) The benefits may be less adequate than a 3-percent rate would permit; and

(b) The amount of unemployment, averaged over a number of years, may be less than anticipated.

(a) There is, of course, no absolute standard by which the adequacy of benefits can be determined. But it has been the congressional policy, and all parties in interest apparently agree, that the Railroad Unemployment Insurance Act should provide benefits at least as favorable to the unemployed as the better State acts. Some attempt has been made to show that S. 3925 meets such a standard. But when statements apparently indicating such a conclusion are carefully examined it is to be noted that the comparison is always restricted to particular features such as maximum and minimum weekly benefit rates for total unemployment. At the hearings before the subcommittee it was demonstrated by application of the provisions of S. 3925 and of various State laws to representative samples of actual cases that S. 3925 would still leave the Railroad Unemployment Insurance Act in an inferior position compared with the better State unemployment plans. While not as inferior as before with respect to weekly benefit rates, the act would be definitely inferior with respect to partial unemployment, and definitely inferior on the over-all picture. Comparison with five States whose benefit provisions, on the whole, are slightly below the average of all States, showed that in 29.7 percent of the cases individuals would be better off, and in 17 percent of the cases as well off, under the State laws as under the Railroad Act if S. 3925 were adopted.

(b) A reduction in the contribution rate because of a reduction in unemployment is based upon the theory which underlies the so-called experience rating in some State unemployment-compensation laws. Those who entertain this view believe that it is within the control of individual employers or groups of employers to reduce the number of workers who become unemployed and qualify for benefits, but that the employers will not exercise this power to any appreciable extent unless induced to do so by a consequent reduction in the rate of contributions. Experience rating in State legislation provides, therefore, for differential rates of contributions supposedly related to the success of the employer in reducing the number of his employees who become unemployed and qualify for benefits.

The prevention of unemployment necessarily implies that persons who succeed in securing work are employed as long as they desire and without interruptions for periods long enough to require the payment of unemployment-insurance benefits. Any employer or group of employers can attain this objective only if it offers a constant volume of employment. The proponents of experience rating point to certain types of managerial technique which employers may utilize to regularize and stabilize employment.

However, some of these techniques are obviously not applicable to the railroad industry. For example, the extent to which a railroad may accomplish the result analogous to output diversification in manufacturing is distinctly limited by local, State, and Federal

regulations and a showing of public convenience and necessity. Other devices suggested for stabilizing employment are of limited applicability to the railroad industry. Temporary price concessions to increase business in slack periods may have some effect on passenger traffic, but they are not an important factor in the total amount of traffic and hence of employment. The training of workers to perform a variety of jobs to enable the transfer of persons in a select group to whom available employment is to be confined is limited by the seniority rules which have long been in effect on the railroads.

Moreover, some of the techniques suggested by advocates of experience rating do not and should not require the stimulus of reduction in contributions for their adoption. Progressive management will attempt to forecast the demand for its product or service and to operate its business accordingly, regardless of whether savings in unemployment insurance costs will result. A reduction in the seasonal factor on railroads, for example, would reduce the volume of equipment and facilities required, and such reduction would dwarf any conceivable saving in unemployment-insurance costs.[1] Generally speaking, construction and maintenance operations by a railroad involve transportation of substantial quantities of material. It can hardly be seriously urged that a railroad would need the incentive of reduced unemployment contributions to make an effort to plan transportation of such materials so as not to increase its peak traffic.

The devices referred to above relate to the stabilization of employment over a relatively short period of time. No employer or group of employers can control materially the volume of cyclical unemployment. Statistics indicate that over a period of years the volume of cyclical unemployment is at least three times the unemployment due to seasonal factors. Between 1926 and 1937 the ton-miles of freight traffic of the railroads declined by almost 19 percent, while the ton-miles of freight traffic for all forms of transportation declined only 5.3 percent. Employment on the railroads during the same period declined proportionately to a much greater extent. It will not be seriously urged that had an unemployment-insurance system been in effect on the railroads during that period they would have made a greater effort to maintain their volume of traffic against the general decline of production and the competition of other forms of transportation.

Assuming that an employer can achieve beneficial results by an effort to stabilize employment, it is obvious that the major part of unemployment on railroads is not due to failings of particular managements but rather is inherent in the economic organization of the country.

In addition to the advantages alleged to be derived from employment stabilization, representatives of the railroads contended at the hearings that the railroad industry is now being penalized because it pays taxes, for social-insurance purposes, of 6 percent as compared with 4 percent payable by most other industries. The difference lies in the fact that under title VIII of the Social Security Act (now subchapter A of ch. 9 of the Internal Revenue Code) the tax rate for old-age insurance is 1 percent as compared with 3 percent for the railroad industry.

This comparison is inapposite. The railroad-retirement system brought benefits to the railroad industry which the Social Security Act has not brought to other industries. Under the Railroad Retirement Act the railroads were relieved of the great bulk of the pension payments made under their private systems which had been in effect for many years. According to the Railroad Retirement Board (annual report for 1937, p. 35), the number of pensions under the private railroad plans on July 1, 1937, was 54,029. The monthly rate for these pensioners was $3,138,593.88. These rates represented an increase over the amounts payable by the railroads of 10.3 percent (Railroad Retirement Board Annual Report for 1937, p. 47). Making allowance for the increase under the Retirement Act, the annual pension roll of the railroads assumed by the Railroad Retirement Board was approximately $34,150,000. Under the Social Security Act there would have been no basis for making any adjustments in pensions prior to January 1, 1940. Moreover, since benefits would have been then paid only to persons who qualified by employment since January 1, 1937, the Social Security Act would have had, to date, substantially no effect on railroad pension payments and could have no appreciable effect for some time. During the 3 years ending with the end of the current fiscal year it is obvious that the railroad pension bill would have been not less than $102,000,000 had the railroads been subject to the Social Security Act.

The total taxes paid by the railroads and employers subject to the Carriers Taxing Act to June 30, 1940, will be approximately $190,000,000. Of this amount, $102,000,000 represents pension payments so that the net cost to the railroads would have been about $88,000,000. Special taxes under the Social Security Act and the Internal Revenue Code would have been $65,000,000, leaving not more than $23,000,000, or the equivalent of about one-third of 1 percent of the pay roll, as an additional tax.

It is doubtful, however, whether even this represents an out-of-pocket cost to the railroads. Under the Railroad Retirement Act more than 100,000 persons have been retired from active railroad service. The average monthly compensation of these employees was not less than $150 a month (Railroad Retirement Board, Annual Report for 1939, p. 92) so that the annual pay roll on full-time basis would be at least $180,000,000. Some of these retired employees have already died, and others would in any event have retired. Many others, however, who have been retired undoubtedly have not been replaced but would have remained in service except for the enactment of the Railroad Retirement Act. It is a not unreasonable assumption that the savings from failure to make replacements more than offsets the apparent addition to out-of-pocket cost to the railroads arising out of taxes under the Carriers Taxing Act in excess of those which would have been levied under the Social Security Act or subchapter A of chapter 9 of the Internal Revenue Code.

There appears to us no sound basis for the railroads' argument of tax discrimination. We do not believe that the Federal Government should take the lead in sacrificing adequate benefits for tax reductions; rather it should go in the opposite direction. Should such a lead be followed by the States the result on the whole Federal-State unemployment-insurance system might well be disastrous.

There is a further point which should not be overlooked in considering the costs which railroad employers should properly bear. S. 3925 apparently contemplates the provision of funds for administrative expenses from the general funds of the Treasury. During periods in which the contribution rate would be 1 percent the annual credit to the administration fund would be only about $2,000,000, which is far from sufficient to meet administrative expenses. The only apparent source from which the deficit could be made up is general funds of the Treasury.

2. Appropriation for administrative expenses: S. 3925 proposes to change the present provisions for the continuing appropriation of 10 percent of the contributions received for administrative expenses to an authorization to appropriate funds for administrative expenses from a fund into which 10 percent of the contributions are to be deposited. The present provisions were carefully considered by this committee in reporting upon the bill which became the original Railroad Unemployment Insurance Act. In reporting on that bill, this committee stated:[2]

"Unlike the amounts appropriated for administrative expenses of other activities of the Government, the experience of the Social Security Board and the State unemployment insurance agencies illustrates that the amounts that will be necessary for administering an unemployment-insurance system cannot be predicted with reasonable accuracy a substantial period in advance. It is essential to the proper functioning of an unemployment-insurance system that funds be available to administer its functions expeditiously; if a substantial period elapses between the time of unemployment and the time of the payment of benefits therefor, a large part of the purpose of an unemployment-insurance system will be defeated. Studies have indicated that approximately 10 percent of the funds of an unemployment-insurance system will ordinarily be expended for administrative expenses. By setting aside 10 percent of the contributions into this fund and making it continuously available for administrative expenses, the functioning of the unemployment-insurance system will not break down because of a shortage of administrative expenses in the face of an unpredicted increase in unemployment. Any excesses accumulated in this fund may be transferred to the benefit account (subsec. (d))."

Those considerations are still applicable. Moreover, administration of the act by the Railroad Retirement Board has demonstrated that such provisions will not be abused. Substantial funds have been accumulated in the railroad unemployment insurance administration fund, and the Railroad Retirement Board has suggested that the authority originally given to it to transfer surpluses after the fiscal year 1946 be accelerated so that it can promptly transfer to the account from which benefits are paid the major part of such surpluses.

The suggestion for the change of these provisions appears to have been based upon a misconception. This appears in a letter from J. H. Parmelee, director, bureau of railway economics, Association of American Railroads, reported on page 5523 of the CONGRESSIONAL RECORD for May 6, 1940. In that letter it was stated that certain provisions of S. 3906, which are the same as the corresponding provisions of S. 3920, would enable the Railroad Retirement Board "to spend money for administrative purposes without any check or supervision by Congress or by any Government agency." It is sufficient to state that the expenditure of funds for administrative expenses under the applicable provisions will be subject to checks and supervision to the same extent as the expenditure of any other Government funds for similar purposes.

3. Waiting period: The change in the waiting-period requirement proposed in S. 3920 is discussed above. It is proposed by S. 3925 that the waiting period be changed from a 15-day half-month during which an employee had at least 8 days of unemployment to a 14-day registration period in which he had at least 7

[1] The aggregate cost of unemployment insurance to the railroad industry is approximately $65,000,000 per year. In the report to the President of his Committee of Six, which included three railway presidents, it was stated that "on the side of economy due to better methods of buying and utilization, more efficient use of the railway plant as a whole, and the steadily increasing efficiency of management and employees, the railways in 1937 handled 1,000 ton-miles of revenue freight at a cost of $6.41, compared with a cost of $10.78 in 1921. Had the cost of handling 1,000 revenue ton-miles been as high in 1937 as it was in 1921, railway operating expenses in 1937 would have been greater than they were by $1,576,000,000."

[2] Rept. No. 2164, 75th Cong., 3d sess.

days of unemployment. As pointed out above, a major consideration in changing the waiting-period requirement as proposed in S. 3920 is the reduction of the interval between the first registration for unemployment and the receipt of the first benefit check from approximately 38 days to approximately 22 days. The proposal in S. 3925 would reduce such interval at the most by only 2 days, no portion of which would result from the change from 8 to 7 days of unemployment in a registration period but would result from other provisions changing the basic period from a half month of 15 days to a registration period of 14 days. Moreover, responsible officials of the Federal Government have recommended to the States that benefit payments be liberalized, partially through a reduction in the waiting-period requirement and partially through a liberalization of the benefit structure. It would be inappropriate for the only unemployment-insurance system administered by the Federal Government not to pursue a similar policy.

4. Maximum benefits: Both S. 3920 and S. 3925 propose an increase in the rate of benefits, but S. 3925 proposes a reduction in the duration of benefits from approximately 21½ weeks to 17½ weeks. This reduction would be effected by leaving the total number of compensable days unchanged, since both S. 3920 and S. 3925 provide for an increase in the number of compensable days in a registration period. It should not be forgotten that the increase in the number of compensable days in a registration period is designed to liberalize the benefit provisions. But when, as in S. 3925, such a change is not coupled with a corresponding change in the number of days compensable annually, the provision becomes, in cases of extended unemployment, merely a means of accelerating the exhaustion of benefit rights and not a liberalization at all. As indicated above, responsible officials of the Federal Government are on record as urging expansion of the benefits payable under State laws. Pursuant to these recommendations, a substantial number of States have extended the maximum duration of benefits. The proposal in S. 3920 would retain the present basic maximum and would extend it to some extent only for employees who previously had not received the major portion of benefits to which they would have been entitled had they been sufficiently unemployed.

By so defining the group to whom additional benefit rights are extended, assurance is given that the beneficiaries of the extension have established a very substantial insurance base through substantial employment in the previous year and have not, to the same degree as others, realized the benefits of their insurance. As mentioned above, S. 3925 would reduce the maximum duration for all employees. Moreover, insofar as the maintenance of the Federal system can be soundly financed with the normal contributions to which industry in general is subject, the Federal system should not be inferior to those of the more liberal States. It is obviously to the interest of the Federal Government that the State unemployment-compensation systems be as generous as is consistent with their present financial resources. It is demonstrable that this is not true at the present time. The advice offered by the Federal Government to the States concerning the liberalization of benefits cannot be taken seriously if the Federal Government itself shortens the maximum duration in the only unemployment-insurance system administered by it.

CONCLUSION

In essence, S. 3920, the bill which the committee recommend do pass, proposes that the existing scale of unemployment-insurance benefits be increased, particularly for the lower-bracket wage earners in the railroad industry. They propose no increase in the existing tax rate for railroad unemployment insurance. The alternative proposal espoused by the minority of the committee is in essence a bill designed to lower the existing tax rate upon carriers for unemployment insurance and to increase slightly the weekly benefits paid to unemployed under the Railroad Unemployment Insurance Act, as amended.

The committee are of the opinion that it has been fully shown that the changes proposed in the existing law by the bill, S. 3920, are not only warranted but will tend to bring the operation of the Railroad Unemployment Act, as amended, more nearly in conformance with the provisions of existing State unemployment-insurance laws and provide a decent scale of unemployment benefits for unemployed railroad workers who are covered by provisions of the act.

The PRESIDING OFFICER. The question is on the amendment in the nature of a substitute offered by the Senator from South Dakota [Mr. GURNEY]. (Putting the question.) The Chair is in doubt.

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Burke	Danaher	Hale
Ashurst	Byrd	Davis	Harrison
Austin	Byrnes	Donahey	Hayden
Bankhead	Capper	Ellender	Holman
Barbour	Caraway	Gerry	Holt
Barkley	Chandler	Gibson	Johnson, Calif.
Bilbo	Chavez	Gillette	Lee
Bone	Clark, Idaho	Green	Lucas
Bridges	Clark, Mo.	Gurney	Lundeen
McKellar	Nye	Smathers	Van Nuys
McNary	Overton	Taft	Wagner
Maloney	Pittman	Thomas, Idaho	Wheeler
Mead	Reed	Tobey	White
Miller	Reynolds	Townsend	Wiley
Neely	Schwartz	Tydings	
Norris	Schwellenbach	Vandenberg	

The PRESIDING OFFICER. Sixty-two Senators have answered to the roll call. A quorum is present. The question is on agreeing to the amendment, in the nature of a substitute, offered by the Senator from South Dakota [Mr. GURNEY]. (Putting the question.) By the sound the "noes" appear to have it.

Mr. GURNEY. I ask for a division.

On a division, the amendment was rejected.

The PRESIDING OFFICER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL APPROPRIATION FOR THE TENNESSEE VALLEY AUTHORITY

Mr. REYNOLDS obtained the floor.

Mr. McKELLAR. Mr. President——

Mr. REYNOLDS. I yield to the Senator from Tennessee.

Mr. McKELLAR. I move that the Senate proceed to the consideration of Senate Joint Resolution 285, Calendar No. 2058.

Mr. AUSTIN. Just a moment.

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Vermont?

Mr. REYNOLDS. I yielded momentarily to the Senator from Tennessee.

Mr. McKELLAR. To enable me to make the motion which I have made.

The PRESIDING OFFICER. Let us dispose of the motion.

Mr. JOHNSON of California. What is the motion?

The PRESIDING OFFICER. The Senator from Tennessee has moved that the Senate proceed to the consideration of Senate Joint Resolution 285, making an additional appropriation for the Tennessee Valley Authority for the fiscal year 1941 to provide facilities to expedite the national defense. The question is on agreeing to that motion.

The motion was agreed to; and the Senate proceeded to consider the joint resolution.

Mr. McKELLAR. I ask to have printed in the RECORD at this point, for the convenience of Senators, the report on the joint resolution.

The PRESIDING OFFICER. Without objection, the order is made.

The report (No. 1953) is as follows:

The Committee on Appropriations, to whom was referred the joint resolution (S. J. Res. 285) making an additional appropriation for the Tennessee Valley Authority for the fiscal year 1941 to provide facilities to expedite the national defense, reports the same to the Senate without amendment and presents herewith information relative thereto.

On June 19, 1940, the President of the United States sent to the Senate the following message requesting an appropriation of $25,000,000 for the purpose of expanding the electric generating facilities of the Tennessee Valley Authority in order to meet the increasing demands for power from plants engaged in the manufacture of materials and supplies needed for national defense purposes:

THE WHITE HOUSE,
Washington, June 19, 1940.

The PRESIDENT OF THE SENATE.

SIR: I have the honor to transmit herewith for the consideration of Congress supplemental estimate of appropriation for the Tennessee Valley Authority for the fiscal year 1941 in the amount of $25,000,000.

The details of this estimate, the necessity therefor, and the reasons for its transmission at this time are set forth in the letter of the Director of the Bureau of the Budget transmitted herewith, with whose comments and observations thereon I concur.

Respectfully,

FRANKLIN D. ROOSEVELT.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D. C., June 19, 1940.

The PRESIDENT,
The White House.

SIR: I have the honor to submit herewith for your consideration supplemental estimate of appropriation for the Tennessee Valley

Authority for the fiscal year 1941 amounting to $25,000,000 as follows:

TENNESSEE VALLEY AUTHORITY

Tennessee Valley Authority Fund: For an additional amount to carry out the provisions of the act entitled "The Tennessee Valley Authority Act of 1933," approved May 18, 1933, as amended by the act approved Aug. 31, 1935, and by the act approved July 26, 1939 (16 U. S. C., ch. 12a), including the funds necessary to begin construction of a dam on the Holston River near Jefferson City, Tenn.; to begin installation of 2 additional electric generating units at Wilson Dam, Ala., and 1 additional electric generating unit at Pickwick Landing Dam, Tenn.; and to begin construction of steam electric generating facilities with a rated capacity of approximately 120,000 kilowatts in the area served by the Authority; and the acquisition of necessary land, the clearing of such land, relocation of highways, and the construction or purchase of transmission lines and other facilities, and all other necessary works authorized by such acts, and for printing and binding, law books, books of reference, newspapers, periodicals, purchase, maintenance, and operation of passenger-carrying vehicles, rents in the District of Columbia and elsewhere, and all necessary salaries and expenses connected with the organization, operation, and investigations of the Tennessee Valley Authority, and for examination of estimates of appropriations and activities in the field, $25,000,000: *Provided*, That this appropriation shall be in addition to and shall be covered into and accounted for as a part of the Tennessee Valley Authority Fund, 1941, as established by the Independent Offices Appropriation Act, 1941, approved Apr. 18, 1940 ---------- $25,000,000

This amount is required to enable the Tennessee Valley Authority to provide, for national-defense purposes, additional electric generating capacity in the area served by the Authority so as to meet the rapidly increasing demands for power from plants engaged in the manufacture of materials and supplies needed for national-defense purposes.

The expansion of facilities of the Tennessee Valley Authority as contemplated by this estimate has the approval of the Advisory Commission to the Council of National Defense.

The foregoing estimate of appropriation is required to meet contingencies which have arisen since the transmission of the Budget for the fiscal year 1941, and its approval is recommended.

Very respectfully,

HAROLD D. SMITH,
Director of the Bureau of the Budget.

On June 21, 1940, Mr. E. R. Stettinius, Jr., of the Advisory Commission to the Council of National Defense, addressed the following letter to Senator ADAMS, chairman of the subcommittee on deficiencies, urging the appropriation in the interest of national defense:

THE ADVISORY COMMISSION TO THE
COUNCIL OF NATIONAL DEFENSE,
Washington, D. C., June 21, 1940.

Hon. ALVA B. ADAMS,
Committee on Appropriations,
United States Senate, Washington, D. C.

DEAR SENATOR ADAMS: We have given careful study to the question of increasing the power capacity of the Tennessee Valley Authority. We have consulted that agency as well as the Federal Power Commission. In addition, I have had the advice of two consultants on my staff in the National Defense Advisory Commission, Mr. Gano Dunn, president of the J. G. White Engineering Corporation, and Mr. Charles W. Kellogg, president of the Edison Electric Institute.

We have concluded that, because of present demands on Tennessee Valley Authority already heavily loaded, and particularly in the face of the exceptional increase in power that will be necessary to produce aluminum for the airplane program of the United States, the proposed 180,000-kilowatt increased hydro capacity and the 120,000-kilowatt increased steam capacity is a project that should be immediately approved for purposes of national defense.

Sincerely yours,

E. R. STETTINIUS, Jr.

The committee held hearings on the estimate in connection with the second deficiency bill, at which the Tennessee Valley Authority officials testified. Further hearings were held in connection with this joint resolution, at which Mr. Stettinius, member of the Advisory Commission to the Council of National Defense; Mr. Gano Dunn, power consultant of the Commission, and Mr. David E. Lilienthal, vice chairman of the Tennessee Valley Authority, appeared and testified as to the urgent need for additional power development.

Of Mr. Gano Dunn, Mr. Stettinius had this to say:

"Now, in short, I wish to say that the gentleman on my left, Mr. Gano Dunn, is one of the outstanding electrical and mechanical engineers of this country. He is a past president of the American Institute of Electrical Engineers. He is now, and has for many years been, president of the J. G. White Engineering Corporation, who designed and built the present 60,000-kilowatt steam plant of the T. V. A. at Muscle Shoals.

"Mr. Dunn was the power-expert member of the Nitrate Commission of the War Department during the last war. At that time, he made a thorough engineering survey of the Tennessee River with reference to its suitability as a source of power for the manufacture of nitrates. So he for years has been familiar with this territory.

"You would be interested to know that, in connection with Wendell Willkie's difficulty with Mr. Lilienthal and his colleagues——

"Senator ADAMS. His former difficulty.

"Mr. STETTINIUS. Yes; his former difficulty—this distinguished gentleman on my left was engaged, or rather his firm was engaged, by the Commonwealth & Southern to represent Wendell Willkie against the Government.

"Mr. Dunn comes before you as my colleague and specialist on power matters on the Defense Commission, unbiased as a professional engineer, to speak in behalf of the T. V. A. expansion; and he has been a lifelong opponent to Government-owned power facilities."

The following are excerpts from the testimony of Mr. Stettinius stressing the need for additional power especially in connection with the expansion of the facilities of the Aluminum Corporation for the purpose of meeting the requirements of the aircraft industry for aluminum:

"I wish to say that in some ways this power situation of the T. V. A. is a very, very vital matter from the standpoint of national defense. The Aluminum Corporation now is expanding their production by 60,000,000 pounds per annum. If the water is short, the T. V. A. cannot supply power for this present production.

"They are waiting commencement now of another 60,000,000 pounds per annum capacity in Tennessee, which is clearly dependent upon this power expansion that you gentlemen are considering this afternoon.

"It looks as a general estimate, as a general background, gentlemen, it looks as if the defense program will involve something in the neighborhood of 200,000,000 pounds per annum of aluminum production in addition to the present requirements.

"Senator HAYDEN. What is the occasion for using so much aluminum?

"Mr. STETTINIUS. In the airplane schedule chiefly, sir. In the wing construction, the motors, and the fuselage. In the general aviation program, for instance, about 5 tons of aluminum go into one of these large-size bombers.

"Senator HAYDEN. I want to confess frankly to you that, coming from Arizona, which is the greatest copper-producing State, and realizing the great inroads that aluminum has made on copper, I am pretty highly prejudiced perhaps against that metal. But I do realize that it is lighter than any other metal, and that the need in aircraft construction is for lightness.

"Mr. STETTINIUS. Yes; in aircraft construction, aluminum, from the standpoint of its weight, its thickness, its strength, and its durability, takes the place of almost any other metal.

* * * * * * *

"Mr. STETTINIUS. Mr. Dunn in his testimony can bring out a great number of factors having to do with the entire industrial situation in the southeastern section of this country in connection with the defense program separate and apart from the aluminum case that I have spoken about."

For the information of the Senate there is included in this report excerpts from the memorandum filed by Mr. Dunn in justification of the expansion of power facilities at T. V. A.

"The increase in the hydro power of the Tennessee Valley Authority is advantageous because, by installing 90,000 kilowatts of generating equipment at the Holston Dam, the water impounded by that dam will not only energize the 90,000 kilowatts there installed but an additional 90,000 kilowatts to be installed at the Pickwick and Wilson Dams farther down the river. This is because the Holston Dam happens to be the highest one upstream from other dams in the Tennessee Valley over which other dams, the water which is stored in the Holston Reservoir is also discharged with accompanying power, which would not be the case if the Holston Dam stood alone by itself. By this particular development of the Tennessee Valley it may be said that we get 2 kilowatts of power for every 1 kilowatt that the Holston Dam itself develops.

"Our approval of 120,000 kilowatts of steam plant to be located near the Watts Bar Dam has the effect of transforming a large amount of what is termed 'secondary' or dump power resulting from the variations in the flow of the river into primary or continuous power which the Tennessee Valley Authority system greatly needs. The amount of power we approved was 180,000 kilowatts of hydro and 120,000 kilowatts of steam, but while this constitutes a total of 300,000 kilowatts of increased installed capacity it does not constitute 300,000 kilowatts of increased power, since the hydro power and the steam power overlap and they are not both in full operation at the same time. The net amount of increased power made available by the 300,000 kilowatts of installed capacity is in the neighborhood of 220,000 kilowatts.

"If the increased requirements for aluminum were the only increased requirements for the national defense for which power will be needed in the Tennessee Valley an increase in capacity of 100,000 kilowatts would have been adequate to take care of 80,000 kilowatts demand for aluminum and allow some spare capacity.

"But, in addition to the national-defense demands for aluminum involved in the airplane program, there are other power increases in prospect for the Tennessee Valley, for instance, 7,000 kilowatts to supply the new Du Pont powder plant at Memphis (Tennessee Powder Co.) for which a contract has just been let. There is also the requirement of 14,000 kilowatts for a proposed paper mill at Savannah, Tenn., and 8,000 kilowatts for metallurgical operations at Wilson Dam. There will also be by the time of 2 years hence an

estimated increase of 50,000 kilowatts in the requirements of the various municipalities in the Tennessee Valley which now are supplied with power by the Tennessee Valley Authority. These increases besides the increase for aluminum and others which may yet arise in the development of the defense program fully justify the increased capacity which we have approved."

As to the relative cost of water power and steam power, Mr. Dunn had this to say:

"Now, in respect to the relative cost of water power and steam power, I have gone about the country preaching that steam power is cheaper than water power. That this is true is easily proved, at private rates for the cost of capital.

"Somebody asked this question at the House hearing, and if it is not out of the way now, I should be glad to discuss it at this time.

"Senator McKELLAR. Go right ahead.

"Senator ADAMS. You see, we are in this situation where we are putting up other people's money.

"Mr. DUNN. That is true. You are putting up my money, too.

"Originally, in 1892, for instance, it took 8 pounds of coal to make a kilowatt-hour by steam. At that time water power cost probably only half as much as steam power. But at that time water powers were not generally developed, because electric power transmission had not been developed. Nobody knew how to transmit the power from the water powers where it was developed to the cities where it was consumed.

"Later on, about 1907, the cost of steam power got down to 5.4 pounds of coal per kilowatt-hour. Also about that time the art of electric-power transmission began to be worked out by electrical engineers so that the unfortunate fact that water powers usually found themselves far away from cities was overcome.

"Then water power was still cheaper than steam power. I remember coming down here as the president of the American Institute of Electrical Engineers at the request of Senate and House committees and advising them in the drafting of the original water-power acts which gave the Government the right of recapture of all water powers at a fair value.

"The reason for this right of recapture was that at that time water powers were so much cheaper than steam powers that in the public interest it was not considered fair to see private interests obtain a water-power site and enjoy its profits in perpetuity because of the lower cost of water power.

"Now what has happened in the meantime? By 1920 the cost of steam power had dropped to such an extent that it took only about 3 pounds of coal to produce a kilowatt-hour.

"By 1930 the cost had dropped to 1.62 pounds of coal per kilowatt-hour. In 1936, when we had the World Power Conference here in Washington, the average cost of a kilowatt-hour by steam throughout the country for the year 1934, according to the survey reported by the Federal Power Commission, was 1.45 pounds of coal per kilowatt-hour. And today, in 1940, a new plant can develop a kilowatt-hour for 0.9 pound of coal.

"In that scaling down from 8 pounds of coal per kilowatt-hour to nine-tenths of a pound of coal per kilowatt-hour, steam power passed water power and now is much the cheaper power when costs are calculated on the same basis for each form of power.

"Now, you may ask me, and I am anticipating the question: If that is so, why is the power of T. V. A., which is principally water power, so cheap?

"The reason is this: The cost of steam power is made up very largely of the cost of coal and the cost of labor. You cannot buy coal or labor without paying for it. There is no way of getting around it. On the other hand, practically 80 percent of the cost of water power is in the cost of the capital that goes into building the plant, and in these days Government capital can be secured without full returns.

"Senator ADAMS. Let us get that right down on that basis. You had a great reduction in the amount of coal to make a kilowatt?

"Mr. DUNN. Yes.

"Senator ADAMS. If we amortize the cost of installation, how does the present cost of your electro-hydro power compare with the present cost of your coal-produced power, that is, making a proper amortization of the installation cost and allowing for depreciation?

"Mr. DUNN. May I finish with the previous question and make it complete?

"Senator ADAMS. Yes. You have to put up with us, because we sometimes interrupt people unintentionally.

"Mr. DUNN. Senator, I am never so happy as when I am interrupted, because I then can follow the minds of my questioners; and nothing is worse than talking against an unresponsive mind.

"Senator ADAMS. Yes; anyone who has practiced law understands that. We have talked to courts who would shut up like a clam and give us no intimation of what they were thinking.

"Mr. DUNN. Now, to go back to the point: Generally speaking, the first or capital cost of a water power is anywhere from three to four or five times as much as the first cost of a steam power. And if you calculate the elements that go into the cost of the output of a water power, namely, the cost of a kilowatt-hour, you will find that about 80 percent of those elements are in the category of returns to capital such as interest on investment, depreciation, etc. In the T. V. A. these returns to capital are abnormally low. If, for instance, they were what the Supreme Court calls a fair return for private capital, let us say, 6 percent, and if all the capital producing power were charged to power you could not afford to operate T. V. A. at its present exceptionally low rates.

"But what have you got in T. V. A.? In the first place, you have a very low Government rate of interest on the capital that is invested, a rate of interest that does not compare with the interest in private financing, where the rate represents the risk involved. The Government assumes the risk here, and therefore the rate of interest is low.

"But in addition to that, in the T. V. A. a large amount of the capital invested is not charged to power but to navigation and flood control. The power is regarded as a byproduct. Therefore, in calculating the cost of power the low rate of interest which is paid, is paid on only a part of the total investment.

"Senator ADAMS. You know, some of us rather marvel at the bookkeeping by which they reach those conclusions.

"Mr. DUNN. I marvel at it, too, sir.

"But here I am urging you to do more of it. And why? It is required by the defense of the United States.

"Now if I may finish this comparison of steam-power and water-power costs.

"If you do not make normal returns to capital, or what I may call comparable returns to capital, in a Government water power, then, because the returns to capital constitute the principal part of the cost of water power which is not the case with steam, the cost of the water power goes way down. That is why you can sell firm power from T. V. A. for 2.75 mills per kilowatt-hour, which private plants cannot do."

It was pointed out to the committee that it is planned to have the Cherokee (Holston) Dam ready to store the spring floodwaters of 1942, and that if there is any delay in commencement of construction the dam will not be completed in time to store such waters. The resulting delay in putting the project into operation might mean the defeat of the very purpose for which the project was initiated—expediting the national defense. On this point Mr. Dunn's testimony was as follows:

"Mr. DUNN. I would like to go back, if I may, to the thing that is most on my heart.

"We are in a dangerous situation in regard to the national defense. We need this power. The T. V. A. is the best place in the country to get it now.

"If we don't get this appropriation promptly approved, if there should be a week's delay, we may lose a whole year in getting 180,000 kilowatts of the power.

"The reason for that is that unless you get the Holston Dam closed in time to catch the spring floods of 1942 you will not fill your reservoir; and dams and water wheels but no water to run them are useless.

"Now, you might ask me, Why is it that you pick out this particular week and say that if there is a week's further delay it may cost us a year's delay in getting power? My answer is that I don't say just that.

"But I do say that we may already be too late. It is an act of God when those floods do come in the spring of 1942. If our dam is closed before they come, well and good. If it is not we have lost a whole year.

"The time of completion that was mentioned, of 24 months, is a very short time.

"Senator ADAMS. You would not guarantee that time?

"Mr. DUNN. No; we may have already delayed too long.

"I do say that if we in the Defense Commission who are charged with this responsibility don't do our duty now and start this thing as promptly as we could, and if you in Congress don't do your duty now and start this thing as soon as you can, and the odds should then go against us in the spring of 1942 before the dam is closed, and if as a result of this the aluminum for those airplanes is not ready, the public will hold us responsible, as it will also hold you.

"A week now may mean a loss of a whole year in getting that power available. We may already be too late. But if we are, and you approve this matter, we have both done our best."

It was further pointed out to the committee, in connection with the development of steam-electric-generating facilities, that unless orders for the necessary machinery were placed immediately there would be prolonged delay in obtaining delivery of such machinery due to accumulated orders.

The following excerpts from Mr. Dunn's testimony stressed the urgent necessity for placing orders for steam machinery and equipment at this time:

"Senator TOWNSEND. Suppose we turn this picture around. You say that we may be too late for the dam. I suppose that the Government is going to pay for all of this proposition. Why don't we appropriate sufficient money to build sufficient steam plants so that we know we are going to be able to figure on them instead of taking a chance on the dam?

"Mr. DUNN. My answer to that is that unless we order the steam right away we may be too late for the steam also. The steam manufacturers of turbines, generators, and boilers are already nearly full of orders, and unless we place the orders for the steam equipment promptly we are not going to be able to get deliveries in time. It is even possible that the steam plant would take longer to build than the dam.

* * * * * * *

"Mr. DUNN. There is a further thing that I would like to say on this question of the time of completion. When I made the statement that the T. V. A. engineers now estimated that the steam plant could be completed in 18 months, that only means if the orders are placed immediately.

"Senator ADAMS. That is the minimum?

"Mr. DUNN. No. That is what we can fairly expect. But if you delay in placing those orders, then you cannot get your turbines and boilers until 24 or 30 months, on account of the clogging of the factories.

"Senator ADAMS. The generators are practically the same kind of equipment, whether it is steam or hydro, are they not?

"Mr. DUNN. Oh, no.

"Senator ADAMS. They are different types of generators?

"Mr. DUNN. Yes. They are wholly different types. The companies who make the water wheels are mostly different companies from those who make the equipment for the steam.

"Senator ADAMS. Are the motors different?

"Mr. DUNN. No. The generators are the same. But they are usually made together; and the men who make them, like the Smith Co. and the Baldwin & Chalmers Co., with their hydro departments, are not busy, because everybody is building steam plants nowadays. That is another reason for going to them for this hydro equipment.

"There is going to be a general increase in demands for power all over the country on the part of the public utilities; and unless we get these orders in promptly, we cannot get delivery that will enable us to complete the steam equipment in 18 months, and perhaps not for 24 or 30 months.

"The rush has not yet begun, Senator. The great appropriations that Congress has made have not yet begun to take hold. But as soon as they do, we are going to have congestion in the factories and will get behind in our normal program. Therefore, I cannot urge it upon you too strongly.

"As to what was said about my testimony being against interest, I have no interest in this other than the national defense.

"Senator ADAMS. That is right. We know that you gentlemen come here to give your views of what is best for the country at this time. We accept that attitude without qualification. I think I can speak for the other members of the committee on that.

"Senator MCKELLAR. I am sure that you can."

As to the advantage to national defense in having the Aluminum Co.'s plant already located in Tennessee Valley, Mr. Stettinius' testimony was as follows:

"Senator NYE. How much additional opportunity is there for power development in the Tennessee Valley in the event of an emergency increase?

"Mr. LILIENTHAL. There is very great opportunity, Senator. In the upper waters of the Holston River, for instance, in wild country where there would be no extensive relocation of roads or railroads, there are some very fine dam sites. We could respond promptly to the Defense Commission's needs if it were necessary to undertake construction there. Of course, we are not suggesting the development of any of those sites at this time.

"Senator MCKELLAR. In that connection, I want to ask Mr. Dunn another question.

"With the aluminum plant within 20 miles of Knoxville and within something like 20 miles of the Norris Dam and about the same distance from other dams that are being built there, if these improvements on the river, if these dams on the river, had not been built, wouldn't you have had to find some other factories of the Aluminum Co. or some other aluminum company besides this Tennessee Valley one?

"Mr. STETTINIUS. Yes, sir.

"Senator MCKELLAR. You would be in bad shape?

"Mr. STETTINIUS. Yes, sir.

"Senator MCKELLAR. For the manufacture of aluminum?

"Mr. STETTINIUS. Yes.

"Senator MCKELLAR. If it were not for these dams?

"Mr. STETTINIUS. Yes, sir. We would."

The total cost of the projects proposed to be undertaken in connection with the national-defense program will amount to $65,800,000, of which the proposed $25,000,000 is the initial appropriation. Further appropriations, of $29,800,000 and $11,000,000 in the fiscal years 1942 and 1943, respectively, will be needed to complete the projects. The work to be undertaken is as follows:

"The following table summarizes the expenditure estimates for this national-defense power-supply program:

Project	Total estimated cost	Estimated expenditures		
		Fiscal year 1941	Fiscal year 1942	Fiscal year 1943
Cherokee project	$36,000,000	$11,000,000	$19,000,000	$6,000,000
Wilson and Pickwick units	5,360,000	3,500,000	1,800,000	
Steam electric-generating facilities	10,500,000	7,500,000	3,000,000	
Transmission facilities	14,000,000	3,000,000	6,000,000	5,000,000
Total	65,800,000	25,000,000	29,800,000	11,000,000

"The following is a more complete description of these projects:

"1. Cherokee Dam: A storage dam and hydroelectric power plant to be built on the Holston River near Jefferson City, Tenn. This project will cost $36,000,000; will have a useful storage capacity of 1,400,000 acre-feet; and will have an installed capacity of 90,000 kilowatts. The supplemental appropriation will provide $11,000,000 for initial expenditure on this project. This amount, together with $19,000,000 in the fiscal year 1942 and $6,000,000 in the fiscal year 1943, will enable the Authority to have the storage from this project available in the spring of 1942 and the generating units at the site on the line in the fall of 1942. The storage and generating units at this project, together with additional generating units at Wilson and Pickwick Dams, as described below, will increase the continuous firm power capacity of the Tennessee Valley Authority power system by 120,000 kilowatts.

"2. Generating units No. 11 and No. 12 at Wilson and No. 4 at Pickwick: The supplemental appropriation will provide $3,500,000 to start installation of two additional 26,000-kilowatt generating units at Wilson Dam, and one additional 36,000-kilowatt unit at Pickwick Dam. This amount, together with $1,800,000 in the fiscal year 1942, will enable the Authority to have these three units with a total capacity of 88,000 kilowatts on the line by the spring of 1942 at which time the storage from the Holston project will be available to increase the low-water flow through all main river projects.

"3. Steam electric-generating facilities: The supplemental appropriation will provide $7,500,000 to start construction of additional steam electric-generating facilities in the area served by the Authority with an installed capacity of approximately 120,000 kilowatts. This amount, together with $3,000,000 in the fiscal year 1942, will be sufficient to have these facilities on the line by December 1941. The Authority will be assisted in the planning and design of these facilities by a nationally recognized engineering firm specializing in design of steam plants.

"4. Transmission facilities: The supplemental appropriation will provide $3,000,000 to start construction of the transmission facilities needed to tie the generating facilities described above into the Tennessee Valley Authority power system and to carry this power to the market. It is estimated that an additional $6,000,000 in fiscal year 1942 and $5,000,000 in fiscal year 1943 will be required for this purpose.

"The total estimated cost of the projects to be started with this supplemental appropriation is $65,800,000. With this expenditure over the next 2½ fiscal years, the generating capacity in the Tennessee Valley can be increased by 298,000 kilowatts. The emergency schedule to be followed will make this capacity and the attendant continuous firm power available for use on the following dates:

Date	Plant	Installed capacity kilowatts	Firm power continuous kilowatts
December 1941	Steam	120,000	100,000
February 1942	Pickwick No. 4	36,000	
March 1942	Wilson No. 11	26,000	
April 1942	Wilson No. 12	26,000	
Do	Holston storage, used down river		80,000
August 1942	Holston No. 1	30,000	30,000
September 1942	Holston No. 2	30,000	10,000
October 1942	Holston No. 3	30,000	
Total increase		298,000	220,000

PROHIBITION OF THE MAILING OF SUBVERSIVE MATTER

Mr. REYNOLDS. Mr. President, I ask unanimous consent to introduce a bill, which I send to the desk and request to have read by the clerk.

The PRESIDING OFFICER. Without objection, the Senator will be permitted to introduce the bill, and it will be read.

The bill (S. 4223) to prohibit the transmission through the mails or in interstate commerce of certain subversive matter was read the first time by title and the second time at length, as follows:

Be it enacted, etc., That it shall be unlawful to deposit or cause to be deposited in the United States mails for transmission or delivery any matter, or to transmit or cause to be transmitted by radio, telegraph, or telephone, or by any other means, from any place in any State, Territory, or possession of the United States to any place outside of such State, Territory, or possession any matter in furtherance of any activity or conspiracy tending or intended to subvert or change the form of the Government of the United States, or of any State, from the republican form guaranteed by the Constitution. Whoever violates any of the provisions of this act shall, upon conviction, be imprisoned not more than 2 years or fined not more than $5,000, or both.

The PRESIDING OFFICER. Without objection, the bill will be referred to the Committee on the Judiciary.

Mr. REYNOLDS. Mr. President, the bill introduced by me would prohibit members of the Communist Party, or the leaders thereof, members of the German-American Bund, and of similar organizations which are bent either on the destruction of this Government or on changing our form of government from using the mails for that purpose. For the life of me, I can see no reason why the people of the United States or the Government should permit these un-American forces to utilize the United States mails, the telephone, the telegraph, or other means of communication in attempting to destroy the Government. I have therefore introduced the bill.

In connection with the measure, I have before me two petitions in support of the proposed legislation. One is a petition in the form of a resolution issued by the American

Defense Society, of New York City, their petitioner being the president of that organization, Mr. Robert Appleton. I take this opportunity to read the petition, as follows:

Whereas article IV, section IV, of the Constitution of the United States, guarantees to the States a republican form of government; which guarantee inures to each citizen of a State, as well as to the State as a political entity (See *Appeal of Allyn*, 81 Conn., 534; Cooley Const. Lim., 77th ed., p. 62; *United States* v. *Cruikshank*, 92 U. S., 542), and

Whereas representatives, agents, and/or citizens of foreign governments, that are not republican in form, are engaged and conspiring in subversive activities in the United States, in the several States, and in the State of New York, tending and intended to change our existing and established republican form of government of the United States, of the several States, and of the State of New York, to some form not republican; and

Whereas such representatives, agents, and/or citizens of foreign governments and their associates and abettors, in furtherance of said subversive activities, are using the mails, the radio, the telephone and the telegraph, for the dissemination and distribution of propaganda and literature tending and intended to change our existing and established republican form of government of the United States, of the several States, and of the State of New York, to some form of government, not republican; and

Whereas such subversive activities and the dissemination and distribution of such propaganda and literature constitute a serious danger to the republican form of government, so guaranteed to the several States and to the State of New York and to its citizens, including this petitioner, by said article IV, section IV, of the Constitution of the United States; and

Whereas the several States, and the State of New York, and their citizens, under the Constitution, have conferred upon the Congress of the United States the exclusive power to legislate concerning the use of the mails, the radio, the telephone, the telegraph, and other means of communication between the States; and

Whereas the power to carry into effect the guaranty of section IV, article IV, of the Constitution resides exclusively in Congress (see *Texas* v. *White*, 7 Wall., 730, 19 L. ed. 227; *Marshall* v. *Dye*, 231 U. S., 250, 34 S. Ct., 92, 58 L. ed. 206; *Taylor* v. *Beckham*, 178 U. S. 578, 20 S. Ct. 890, 1009, 44 L. ed. 1187; *Pacific Tel. Co.* v. *Oregon*, 223 U. S. 118); and

Whereas it has been recognized by the Supreme Court of the United States that the repelling of invasions and the putting down of domestic violence are not the only exigencies that may arise to require the enforcement of the guaranty contained in article IV, section IV, of the Constitution (see *Taylor* v. *Beckham*, supra); and the dissemination and distribution of such propaganda and literature, in furtherance of such subversive activities and conspiracies, are infecting the blood stream of our Nation with noisome, totalitarian philosophies, termed Communist, Nazi, or Fascist, which, however known, are equally abhorrent to the traditional principles of our American form of government; and

Whereas the distinquishing feature of a republican form of government is the right of the people to elect their own officers for legislative, judicial, and executive functions, within the bounds of written constitutions limiting their own powers, as against the sudden impulses of mere majorities—a feature that is being jeopardized in America by said subversive activities; and

Whereas self-preservation, the first law of nature, applies to governments as well as to individuals and it is inconceivable that our people, under their Constitution, are too weak to provide protection from "fifth column" activities; and

Whereas it has been held by the Supreme Court of the United States that legislation by Congress making it an offense to mail an obscene paper, does not contravene the first amendment to the Constitution of the United States (see *Harmon* v. *United States*, 50 F. 921, affirming 45 F. 414; *United States* v. *Journal Co.*, 197 F. 415; *Knowles* v. *United States*, 170 F. 409; *Clark* v. *United States*, 211 F. 916; and cases cited); and that legislation by Congress, making it an offense to mail papers containing advertisements of lotteries, does not contravene the first amendment and does not abridge "freedom of speech and of the press," and the Court said: "The circulation of newspapers is not prohibited but the Government declines itself to become an agent in the circulation of printed matter which it regards as injurious to the people" (see *In re Rapier*, 143 U. S. 132, 12 S. Ct. 374, 36 L. Ed. 93; *Horner* v. *United States*, 143 U. S. 213, 12 S. Ct. 407, 36 L. Ed. 126; and *Horner* v. *United States*, 143 U. S. 570, 12 S. Ct. 522, 36 L. Ed. 266); and

Whereas the first amendment to the Constitution of the United States, while prohibiting legislation by Congress against free speech, as such, cannot have been and obviously was not intended to give immunity for every possible use of language to those who, with brazen hypocrisy, claim the protection of the first amendment while attempting to subvert and destroy the whole Constitution and the form of government established by it (see *Frohwerk* v. *United States*, 249 U. S. 204, 39 S. Ct. 249, 63 L. Ed. 561); and

Whereas Congress has such powers, under the Constitution, in addition to the enumerated powers, as are necessary or expedient or proper to carry out the granted powers (see *Gibbons* v. *Ogden*, 22 U. S. 1, 5 L. Ed. 302, and, accordingly, Congress has the power to enforce the guaranty of a republican form of government, as provided in article 4, section IV, of the Constitution:

Now therefore your petitioner, a citizen of the United States and a resident and citizen of the State of New York, respectfully petitions the Congress of the United States to enact appropriate legislation to prohibit the use of the mails, the radio, the telegraph, the telephone, and of any and all other means of communication and transportation over which the exclusive control has been conferred upon Congress under the Constitution of the United States in furtherance of any activity or conspiracy tending and intended to subvert or to change the form of government of the United States or of any State from the republican form as guaranteed by article IV, section 4, of the Constitution of the United States.

ROBERT APPLETON, *Chairman.*
THE AMERICAN DEFENSE SOCIETY, INC.,
225 Fifth Avenue, New York, N. Y.

JULY 8, 1940.

Mr. President, that petition is followed by a resolution in reference to the proposed legislation adopted by the Junior Order United American Mechanics, signed by Mr. James L. Wilmeth, of Philadelphia, Pa., secretary of the order. I read the second paragraph, as follows:

Whereas some of these subversive organizations have gained the freedom of the air, under the guise of upholding a candidate for public office, thus placing themselves within the regulations of the Federal Communications Commission, and have cited in other ways, such as high-sounding titles of their organizations, to influence citizens of the United States to join their forces, and have also circulated petitions and secured signers thereto for candidates for public office, without acquainting the people with the fact that they are signing subversive documents—

I ask that the whole resolution be printed in the RECORD at this point.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas the national board of officers of the national council, Junior Order United American Mechanics, is well acquainted with the action of the Communist Party, and Nazi bund, Fascists, and other similar organizations in this country, which are fostered and sponsored for the most part by foreign countries, and whose object and purpose is to seek a change in the form of the United States Government, and that some of such organizations exist for the avowed purpose of overthrowing the United States Government and substituting therefor a totalitarian form of government; and

Whereas some of these subversive organizations have gained the freedom of the air, under the guise of upholding a candidate for public office, thus placing themselves within the regulations of the Federal Communications Commission, and have cited in other ways, such as high-sounding titles of their organizations, to influence citizens of the United States to join their forces, and have also circulated petitions and secured signers thereto for candidates for public office without acquainting the people with the fact that they are signing subversive documents: Therefore be it

Resolved by the national board of officers of the national council, Junior Order United American Mechanics, That we stoutly condemn all such organizations and practices, and that they should either be outlawed or their organizations placed under the direction and control of the proper authorities; and be it further

Resolved, That the freedom of the air, in the matter of broadcasting, should be denied to such organizations on the ground that the founding fathers of this Nation never intended by the freedom which they bestowed in their Constitution for such freedom to be the means of destroying that Constitution and system of laws which they established for the government of a free people.

JAMES L. WILMETH, *Secretary.*

Mr. REYNOLDS. Mr. President, in looking over the record of the past several years in regard to the matter about which I am now speaking, I found in the CONGRESSIONAL RECORD of March 4, 1936, a very able speech made by Representative McClellan, of Arkansas, pertaining to the use of the mails, the radio, and other means of communication by members of the Communist Party. The speech impressed me so thoroughly that I am extremely desirous that the Members of this body, as well as the other readers of the CONGRESSIONAL RECORD, have an opportunity of pursuing Mr. McClellan's thoughts. Therefore I ask that the address of Mr. McClellan and the debate ensuing be reprinted in full at this juncture in the RECORD.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

Mr. MCCLELLAN. Mr. Chairman, I requested this time so that I might direct the attention of Members to something I think of grave concern to every American citizen, something that should receive the attention of every Member of this House. We have already heard some discussion of communism this afternoon, and I regret that I am unable to follow the suggestion made by the gentleman from Texas [Mr. Maverick], who just preceded me, that we forget about communism. I say, God forbid that real Americans should ever forget about the menace of communism. [Applause.] This morning when I read in the Washington Herald an editorial entitled "Communism and the Columbia Broadcasting System," and when I reread it and began to understand the full

significance of what is transpiring in America, and the subject that that editorial deals with, I was aroused, I believe, to a keener sense of my duties and responsibilities as a Representative in this legislative body than I have heretofore felt since I took the oath of office. At first thought it occurred to me, What is communism? This editorial announces that tomorrow the head of the Communist Party in America is to have the free use of one of the greatest broadcasting chain radio systems that we have for the purpose of disseminating information about Russian communism, not only information about it, but to preach to Americans the doctrine of the destruction of free Christian institutions. When I read that I thought it was time for Congress to take some action.

I inquired today and learned from the authorities of the Federal Communications Commission that there are letters and telegrams pouring in to it now from American people throughout the Nation protesting the free use of these facilities being made available to public enemies of this Government. I join with all true Americans in that protest. I do not know how far we can go or just what can be done, but I say to you that if we are helpless, if the Federal Communications Commission does not now have under the law authority to prohibit the broadcasting of this doctrine of destruction and overthrow of the very Government that patriots by the thousands and millions have died to establish, build, and maintain, then God pity us, I do not know how we are going to be saved. As an American citizen, and as a Member of this Congress, I resent the action of the Columbia Broadcasting System making available its facilities free to those who want to preach the doctrine of Soviet communism and of destruction of our system of government to American citizens. The boys who wore the khaki in the World War went across to foreign soil to fight a war to make the world safe for democracy. Whether we failed in making it safe for democracy may be debatable, but we do know that we preserved America, and on their behalf I denounce the action of this broadcasting system that is making available its facilities for the purpose of aiding an organized public enemy. [Applause.]

I go further. I say to you out of profound reverence and gratitude to those who have made that flag possible, to those who have secured to you and me and passed on to us the heritage that gives us the right today to assemble and worship Almighty God as we please, and to have free institutions of learning, I denounce the action of the Columbia Broadcasting System for aiding and abetting a public enemy that seeks to invade this Nation by the dissemination of its poisonous propaganda.

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. MCCLELLAN. Yes.

Mr. PIERCE. Is the gentleman aware that the doctrine he is now preaching, if it had been in existence some years ago and been in force, there would have been no flag, there would have been no America, no independence? Goodness gracious, what do you know about Russia?

Mr. MCCLELLAN. Does the gentleman want to make a speech in my time?

Mr. PIERCE. No; but I think the gentleman is giving vent to a lot of fuss and feathers about nothing.

Mr. MCCLELLAN. Well, I am glad that the gentleman needs enlightenment. What the gentleman has in mind is the doctrine of free speech, I suppose.

Mr. PIERCE. Yes.

Mr. MCCLELLAN. Does the gentleman say that we ought to sit here idle and let those who are seeking to gain control of this Government for the sole purpose of destroying free speech get control of it by the use of these facilities?

If that is all you know about Russia and communism then you really need to be enlightened. [Applause.]

Mr. PIERCE. How do you know what you are saying is true?

Mr. MCCLELLAN. How do you know it is not?

Mr. MCCORMACK. Will the gentleman yield?

Mr. MCCLELLAN. I yield.

Mr. MCCORMACK. The gentleman from Oregon [Mr. PIERCE] has raised a question which has been advanced and which many people honestly misunderstand. When the framers of the Constitution revolted, they revolted; they did not claim they had a right to urge revolution under the guise of freedom of speech. They revolted and engaged in a revolution. If they had been apprehended they woud have been tried as traitors.

Mr. MCCLELLAN. Mr. Chairman, at this time I ask unanimous consent to revise and extend my remarks and insert in the RECORD this editorial about which I have spoken.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

Mr. SCOTT. I object to the editorial, but not to the revising of the gentleman's remarks.

The CHAIRMAN. Does the Chair hear objection?

Mr. SCOTT. Mr. Chairman, I object.

Mr. MCCLELLAN. I invite the gentleman from California to read it. It has some good Americanism in it. I regret I do not have time to read it, but I think it ought to go into the RECORD so that all American people may have an opportunity to read it.

Mr. BLANTON. Mr. Chairman, so that my friend will not be denied the right of free speech, about which our friend from California talks much, I yield the gentleman 3 additional minutes, so that, in spite of the objection, he may let us know what said editorial embraces.

Mr. MCCLELLAN. We go out and build battleships, manufacture cannons and airplanes, and we spend billions on equipping and maintaining an Army and Navy to defend us against enemies who might attack us in time of war. Have we not the desire and courage and power and statesmanship to prevent, in times of peace, the formation and prosecution of a conspiracy for our ultimate destruction by force and revolution? I say to you that if they gain any hold at all they will advocate revolution. That is their aim and purpose.

Mr. Chairman, I desire, as a Member of this Congress, to go on record today by answering in the affirmative that I think we ought to have, as Members of Congress and the representatives of our people at home, the desire, the courage, the will, and the determination to take such affirmative action by legislation or otherwise, as may be expedient and necessary, to prevent them from ever gaining a foothold in this Nation.

Mr. BLANTON. Will the gentleman yield?

Mr. MCCLELLAN. I yield.

Mr. BLANTON. Will the gentleman tell us what is in that editorial to the printing of which the gentleman from California [Mr. SCOTT] objected?

Mr. MCCLELLAN. I do not have time to read it.

Mr. BLANTON. You can tell us what is in the editorial.

Mr. MCCLELLAN. I will answer the gentleman by saying that it points out that this man Browder, who is the head of the American Communist Party, is to speak tomorrow, and has the free use of the facilities of this chain broadcasting company. He has announced—or his paper, the Daily Worker, the official organ of that organization, has announced—that for the first time in the history of the American (Communist) Party the millions of the American people will have an opportunity to hear the program—and note what the program really is—of that party direct from the foremost American authority on communism.

"Local stations which are part of the Columbia system should be urged to pick up this broadcast. Organizations should arrange mass meetings where workers and farmers can be brought together to hear this important speech."

Oh, we may well expect that his remarks will be mild at first, but we do not have to speculate as to the motive that prompts this address or the results this enemy of our Government hopes to achieve.

And I may say further to my colleague from Texas [Mr. Blanton] and to the other Members of this House that the author of this editorial points out previous public declarations of this man, Earl Browder, and also of articles contained in the Daily Worker, the official organ of the Communist Party in America, as recently as December 9, 1935, in which they advocate "the dictatorship of the proletariat and the power of the soviets" in America and in which they advocate the establishment of "one party—and for building the transition to the revolutionary struggle for a soviet America."

I heartily commend this paper for its great patriotic service in the publishing of this editorial and in calling this matter to the attention of the American people, and I endorse every statement made and every assertion contained therein. Communism is the very antithesis of democracy. It is the oil of regimentation that will not mix with the pure waters of religious and economic freedom. I make my choice and cast my lot with democracy. And I invite you, my colleagues, to read this editorial and join with me in protesting the un-American conduct and act of the Columbia Broadcasting Co. in surrendering to this organization the availability and use of its powerful facilities for the dissemination of this un-American propaganda.

This action on the part of the Columbia Broadcasting System and its president, William S. Paley, constitutes a flagrant insult and defiance to every believer in Almighty God and every lover of our Christian institutions. The leaders of the Communist Party and powers in Russia are atheists. In that country the worship of Almighty God is forbidden. Religious liberty has been completely trampled and destroyed. If it is their purpose to overthrow our American Government and institute instead these principles, policies, and doctrines that now obtain in Soviet Russia, as their official organ, the Daily Worker, has proclaimed, as quoted in this editorial, then I say to you that any action of this organization and its leaders and the emissaries of the Soviet Government toward the accomplishment of this design constitutes treason in the extreme. It is an offense that I cannot tolerate and which I most emphatically, unreservedly, and irrevocably condemn. [Applause.]

This man Browder, during the time the American soldiers were wearing khaki and fighting in France, was serving in a Federal penitentiary for being a slacker. That is the stripe of Americanism they now tell us ought to be granted free speech to overthrow the very Government the World War soldiers fought to preserve. I say to you I will not go along with that sort of "ism" and neither will I condone it by silence. I believe in preserving these institutions, and I shall raise my voice on every occasion and against any man who attacks and seeks to destroy all that we have built for the freedom and happiness of our people during our 160 years of national existence.

Mr. MCSWAIN. Will the gentleman yield?

Mr. MCCLELLAN. I yield.

Mr. MCSWAIN. Is it not a fact that advocating the overthrow of our Government by force and violence is substantially and virtually treason?

Mr. MCCLELLAN. It is treason, and the act of the Columbia Broadcasting Co. in making use of its facilities free for that purpose is little if anything less than treason itself.

Mr. MCSWAIN. Is not treason a greater crime than murder? Would anybody under the sun sustain and support anybody who would broadcast or publish a paper advertising murder?

Mr. MCCLELLAN. Certainly not. Talk about freedom of speech! Freedom of speech ends when and wherever the conversation of the

person talking advocates the overthrow of this Government by force and violence begins. Whenever the conversation runs in that direction there is no license or right that I recognize as being superior to my duty and yours of preventing the accomplishment of such a design. It is the same proposition of a man walking down the street and saying to you, "Governor PIERCE, I have a right to wave my arms. That is my individual liberty, and I propose to do as I please and exercise it." But you will immediately warn and admonish him, "Yes; but your individual liberty ends where the point of my nose begins." [Laughter.]

So I say their liberty ends where the safety and preservation of our national existence and democratic form of government begins.

Mr. BLANTON. Will the gentleman yield?

Mr. MCCLELLAN. I yield.

Mr. BLANTON. As a matter of fact, illustrating what those who oppose the McCormack and Kramer bills mean by free speech, when the gentleman, being a representative of the people, wanted to read an editorial, one of the advocates of this free speech, who objects to the Kramer and McCormack bills, the gentleman from California [Mr. SCOTT], objected to his extending the editorial?

Mr. MCCLELLAN. That is true. [Applause.]

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

INSURANCE BOOTLEGGING BY ALIEN COMPANIES

Mr. REYNOLDS. Mr. President, I wish to speak briefly in regard to bootlegging insurance, insurance being bootlegged by alien insurance companies. I think it a very important matter, and I think it one which should arouse the interest of every Member of Congress. In view of the fact that we are spending the dollars of American citizens in building up our national defense, I think those dollars, insofar as possible, should be distributed to American businessmen, and that where those dollars are paid out in the form of insurance premiums, the premium money should be paid by American contractors doing national-defense work to American insurance companies and their agents.

Mr. President, while all this hue and cry is going on to see that nobody makes any unjust profit out of the defense program, and Congress is voting billion after billion of dollars to increase our facilities and armaments in that program, it seems strange indeed that, with all the care and attention which people give to imposing and superimposing upon our American corporations profit taxes and excess-profit taxes on this class of business, yet our War and Navy Departments blithely allow these moneys appropriated by Congress to be spent by contractors who in turn use the American taxpayers' funds to purchase insurance from a class of companies which pay no taxes of any kind, directly or indirectly, to any State in the United States or to the Federal Government. I refer to Lloyd's of London, who right now are benefiting more by the defense program than any of the American insurance companies or those foreign companies who are complying with American laws.

You can well understand a corporation carrying out a contract for many millions of dollars for the Navy or Army or for other Federal works must protect itself with various forms of insurance—surety bonds, employer's liability insurance to take care of accidents, fire, and other forms of insurance.

There are many companies in America, old and well established and owned by taxpaying corporations, and there are still other British companies which have been here for many years and have been operating with a long and honorable record, who comply in every way with the rules and regulations laid down by the various State and Federal Governments. But the cream of the business goes to London Lloyd's, which operates in a mystic, subrosa manner, who bootleg this insurance, so to speak, and by evading Federal laws and Federal taxation and State taxation, are able to sell the insurance to the American contractor about 22½ percent cheaper than the companies who walk up to the counter and pay the tax collector.

Of course, they can undersell these other companies, in precisely the same way that a distillery in Mexico, running liquor over the border and delivering it through back doors of saloons, can sell whisky cheaper than the American distillers.

The only difference is that it is possible occasionally to catch the liquor bootlegger, because he has to deliver his goods in a truck, but it is not possible to catch the insurance bootlegger, because he does business by mail, cable, or trans-Atlantic telephone.

Does it seem fair for us to impose taxation upon our properly licensed insurance companies, which burden will probably be increased during this session of Congress, and automatically deprive them of the right to share in this very defense munition business which they are paying taxes to support? And they are deprived because Lloyd's, by evading all taxation, are able to do business 22½ percent cheaper?

I know of a contract just let in Panama by the War Department which carries a clause which specifically states that the contractor must protect his employees by carrying employer's liability insurance, and the insurance must be placed in a company or companies acceptable to the War Department. In connection with previous and similar contracts in Panama and elsewhere, Lloyd's policies have been accepted by the War Department as satisfactory, but I ask, Should the War Department or Navy Department construe this kind of insurance as satisfactory when they know, or at least should know, that the companies carrying the insurance are doing so illegally and evading the laws of this country—the very country that is footing the bill in the long run?

I bring this matter to the attention of my colleagues now because I am reliably informed that recently there was placed by the War Department a $30,000,000 contract for construction work in the Panama Canal Zone with a very large construction firm and that firm placed its insurance with Lloyd's, of London, an alien company. My recollection is that the amount of premium paid was about $340,000, which sum should have gone to legitimate domestic companies, or at least English companies which are domiciled in this country in such a manner that they might be served with process.

UNDERWRITERS AT LLOYD'S

Underwriters at Lloyd's, or as they are commonly known, Lloyd's of London, or London Lloyd's, constitute an institution peculiar to and existing only in England, and is simply a group of unincorporated individuals who, by agreement, organized themselves into groups of underwriters for the purpose of assuming risks of an insurable nature.

Organizations or groups of individuals, such as Lloyd's of London, exist in no other country in the world, and as such are not permitted or licensed to do business in any State in the United States, except in Illinois and Kentucky where in both instances special laws have been enacted by the legislatures requiring Lloyd's to make deposits, submit to examination, pay State taxes, and do business through regularly licensed insurance brokers or agents.

All insurance companies organized under the laws of any State of the United States and alien insurance companies authorized to do business in any State of the United States and maintaining United States branch offices, are required by Federal statutes and statutes of the several States to bear their share of the tax burden. Whereas, Lloyd's can and undoubtedly do escape Federal taxation and State taxation (except in Illinois and Kentucky) because of the fact that they are not duly licensed and, therefore, do not render either financial statements or tax returns to the State taxing authorities or to the Bureau of Internal Revenue.

American and alien insurance corporations licensed in any State of the United States are taxed under the Federal Revenue Act of 1940, but Lloyd's of London, not being a corporation, escape Federal taxation because no provision is made for the taxation of nonresident alien individuals deriving a part of their income from activities in the United States.

A very large number of American business concerns buy insurance from Lloyd's because Lloyd's, not being subjected to the same taxation as domestic companies and alien companies legally transacting business in the United States, are able to sell insurance coverages at a cheaper rate.

The laws of the several States and regulations of the Treasury Department make certain requirements of insurance companies as conditions precedent to being licensed to do business or to write obligations for the benefit of the United States of America. Briefly, these requirements are:

First. A minimum capital and surplus must be subscribed and paid in. Lloyd's have no capital and, with the exception of Illinois and Kentucky, no surplus in the United States.

Second. Such capital and surplus must be in cash or specified classes of securities—the investment of Lloyd's surplus, if any, is not controlled in the United States.

Third. Adequate reserves must be carried for losses, unearned premiums, and other special purposes. With the exception of Illinois and Kentucky, no States make any provision for the maintaining of surplus or premium reserves by Lloyd's for they obviously have no jurisdiction over them.

Mr. President, I am sure the junior Senator from Kentucky [Mr. CHANDLER], who is now presiding over this body, is thoroughly conversant with the fact that his State is one of but two in the Nation that make provision for the maintaining of a surplus or premium reserves by Lloyd's. I am sure he saw to it that the people of his Commonwealth were protected when it came to fortifying themselves against attacks of alien origin. I therefore congratulate the State of Kentucky. I mention the junior Senator from Kentucky in reference to Kentucky's protection, recalling that the Senator served as Governor of the State of Kentucky and was no doubt familiar with the requirements made with respect to insurance companies engaged in business of that sort in his Commonwealth.

Fourth. Each company, as a condition precedent to doing business in a State or with the United States Government, must be licensed or admitted to do business.

Fifth. Many States, as a condition precedent to the issuance of a license, require a substantial deposit consisting of securities, or the giving of qualifying bonds in large penalties, or both. Only in the State of Illinois do Lloyd's maintain a cash deposit.

Sixth. Some States require that admitted companies must reinsure only in other admitted companies. No State has jurisdiction over the reinsuring of risks primarily assumed by Lloyd's.

Seventh. Companies admitted to do business in the several States must appoint attorneys within the State upon whom legal process may be served.

Eighth. Annual financial statements must be filed on forms prescribed by the various States and by the Treasury Department of the United States, and are subject to audit by the supervising authority. Lloyd's do not file such financial statements except in Illinois and Kentucky, and in those States only in a limited form.

Ninth. Each company licensed in the several States is subject to visitation and examination at its own expense by the insurance department of the State where organized and of each State in which licensed.

Tenth. An admitted company must appoint agents who are required to be licensed, and in many of the States a company cannot execute a policy unless executed through a resident licensed agent who shall receive full commissions.

Eleventh. Each company must pay, in accordance with the laws of each State where it does business, taxes on premiums, taxes on capital assets, franchise taxes, State and municipal license fees, and taxes on agent's fees, and all other forms of taxes.

Twelfth. According to the laws of a number of States, and the regulations of the United States Treasury Department, a licensed or admitted company may not expose itself on any single risk in excess of 10 percent of its capital and surplus. Lloyd's do not have to comply with this restriction because the various States, except Illinois and Kentucky, and the Federal Government, have no control over the operations of the underwriting groups.

The situation as to Lloyd's is as follows:

First. London Lloyd's do not have any capital or surplus.

Second. London Lloyd's do not have any statutory deposit in the United States, except in Illinois where the deposit there is for the sole protection of Illinois policyholders, and is not subject to any of the laws and regulations of other States or the Federal Government.

Third. London Lloyd's do not, except in Illinois and Kentucky, pay any State taxes of any nature.

Fourth. The 3-percent stamp tax, which is imposed by the revenue law of 1924, applies only to alien companies and associations which do not issue their policies through a licensed agent or officer resident in any State or district of the United States in which it is authorized to do business. Therefore if Lloyd's issues a policy covering a risk in Illinois or Kentucky the 3-percent stamp tax is not required to be paid. If Lloyd's underwriters issue in Illinois or Kentucky a policy covering a risk in another State, the 3-percent tax is not required to be paid.

Thirty-seven capital-stock insurance companies doing a casualty and surety business in 1939 have more than $300,000,000 invested in Government, State, and municipal bonds and in bonds of industrial corporations of the United States.

Thirty-five companies had in their employ during 1939 over 35,000 employees and paid in salaries over $50,000,000.

Just one of these companies, in 1939, paid in taxes and license fees in the various States 64 percent of its total capitalization, amounting to $1,960,000.

Lloyd's, for all practical purposes, is not licensed to do business in the United States nor, generally speaking, in any State in the United States, except under a sort of quasi arrangement which has been made in Illinois and Kentucky. Notwithstanding this, however, Lloyd's do a tremendous amount of business in the United States, usually through brokers in New York. It is estimated that the premiums they take out of the United States and send to London are between $750,000,000 and $1,000,000,000 annually.

On this they pay no taxes of any kind whatever, although from time to time various devices have been attempted by both Federal and State Governments to try to make them pay their share of the taxes. By reason of this method of doing business they escape a tax burden equivalent to about 22½ percent of the premium dollar which is imposed upon American and properly licensed foreign companies complying with various American State and Federal laws.

Lloyd's should not be confused with capital-stock British companies regularly entered into the United States and fully complying with all laws of the United States. These companies are as bitter against Lloyd's competition here as are the American companies.

One wonders why Lloyd's continues to get away with it. The answer is very simple, though, and that is they have tremendous financial resources and have always paid their losses. It is exactly the same thing, for instance, as if in Great Britain a tax were placed on the New York brokers upon any trading on the New York Stock Exchange. Yet the English people might continue to trade by wire, cable, telephone, and so forth, and the stock-exchange members in New York would simply laugh and say, "Come and collect your tax."

The injustice to the insurance companies, both British and American, complying with State and Federal taxes and the numerous agents in every State in the Union, is, of course, apparent and has been recognized for a long time. This wrong should, therefore, be righted, especially insofar as people participating in Government contracts for war or Navy or Federal works and where contractors have to furnish insurance against fire, employer's liability, or surety bonds, or in any way are operating on funds derived directly or indirectly from Government appropriations which, in turn, are taken from the taxpayers, which include insurance companies. The insurance companies at least should have a chance to get a crack at the business without having a penalty of 22½ percent imposed against them.

Right now some of the biggest Army contracts recently let—one for approximately $30,000,000 in Panama in the last 60 days, which I mentioned—are cases in point. A contractor has placed his employer's liability insurance with London Lloyd's when there are countless properly licensed American and foreign insurance companies anxious and willing to get it, but operating at 22½ percent disadvantage by reason of honestly and truly paying their taxes to the United States Government and the respective States.

This matter should be investigated. This business should go to American insurance agents and brokers who represent American insurance companies and duly licensed foreign companies authorized to do business in this country. Our Government in these instances should favor American insurance companies—its war contractors should be prohibited from favoring foreign companies such as Lloyd's. The American dollars should go to American business.

In a word, Mr. President, I am greatly interested in aiding Americans before I aid foreigners. We are spending $18,000,000,000 for a general American defense program. The more of that $18,000,000,000 we can keep in this country the better for the American people who have to foot the bill and the better for the Government itself. I protest against big contractors in this country, who are receiving millions upon millions of dollars in business, giving their insurance business to alien insurance companies. I say they should endeavor to deal with American citizens, since they are being paid with American dollars and being favored by the American Government. That being the case, those contractors who have been favored by the American Government in the national-defense program should certainly give their insurance business to American insurance companies, in order that those companies and their duly qualified representatives may receive the American dollars which are furnished by the American Government.

So much for that subject, Mr. President.

Mr. President, at the present time we are all vitally interested in what is taking place to the south of the Rio Grande; and I wish to take this opportunity to congratulate our very able Secretary of State, Mr. Cordell Hull, for the fine work he has done at Habana during the past 10 days. I was happy, together with all my colleagues, to learn that the republics to the south of us are in thorough accord that this hemisphere should be protected against armed invasion by the totalitarian powers abroad, and that we should work together to combat any "fifth column" or Trojan horse movements which may be started against us with a view to making penetration of any part of the Western Hemisphere.

In that connection, I bring to the attention of the Senate the first part of an editorial appearing today in the columns of the Washington Daily News, entitled "Well Done, Mr. Hull."

I join with the editors of the Washington Daily News in congratulating Mr. Hull upon the very excellent work he has done at Habana. The latter part of the editorial relates to the future of the South American republics.

Another editorial which I ask to have printed in that connection is from a newspaper the name of which I do not recall. The editorial is entitled "More Bootstrap Stuff."

I ask that it be followed by a very able article from the pen of Mr. John T. Flynn, under the heading "Plain economics," dated New York, July 25; also, an article by Mr. Raymond Clapper, under the heading "Continental Bloc." The articles to which I refer deal with the subject of financing the purchase of the surplus products of the Latin American countries, a subject which I think this body will no doubt approach at this session of Congress. I ask that the articles to which I have referred be printed in the RECORD for the reason that the subject will have the attention of Members of this body at some future date.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Daily News]

WELL DONE, MR. HULL

In these times when good news is as scarce as butter in Germany, the week-end dispatches from Habana are a tonic.

The program of Secretary Hull, for Pan American cooperation to forestall a Nazi foot-in-the-door in this hemisphere by taking over certain territories if necessary, on a temporary basis, appears to have prevailed.

Fears that Argentina would cleave to her classic role as an obstructor of policies conceived in Washington were dissipated when the chief Argentinean delegate, Dr. Leopoldo Melo, announced that "American solidarity has triumphed."

While the formal Habana agreement remains to be completed, apparently it will deal not only with the problem of jointly administering the New World colonies of German-conquered nations, but also, and properly, with restraining the abuse of diplomatic privileges by Nazi propagandists and Trojan horsemen.

There is also to be an economic agreement, only vaguely outlined so far, but which appears to imply the use of large sums of this country's money to stabilize South American commodity prices, in the hope of preventing the sort of price panic that might drive Latin America into economic bondage to Hitler.

Until the exact nature of the latter project is disclosed, comment would be premature. But in the matter of enlisting cooperation against any Nazi move to occupy Dutch or French outposts in the Caribbean—possessions of enormous strategic value—Secretary Hull has been brilliantly successful.

Common sense has dictated such an arrangement, but the personal respect and friendship which Mr. Hull has achieved among the statesmen to the south undoubtedly made its accomplishment easier.

MORE BOOT STRAP STUFF

We don't like the source but can't challenge the sense of the argument from Reichsbank Minister Funk on the central phase of that cartel scheme.

Funk points to a fatal weakness in our trade position when he says that no country can by artificial device long continue to be both the world's greatest creditor and the world's greatest export nation. Which is just another way of restating an economic truism—that trade is a two-way street.

It was on that same truth that Secretary Hull based his efforts for reciprocal commerce. The war disrupted everything—temporarily, as war will—but war cannot destroy forever a law that is in its essence immutable.

It was through the failure to recognize that truth that we got into trouble for which we have paid and paid and paid. Before 1914 the United States was a debtor nation. The first World War turned her into a creditor nation. With the Fordney-McCumber tariff, and later with the Smoot-Hawley tariff, she sought to eat her cake and have it. Later, Hull's program turned back to the realities.

Now the cartel scheme is trotted out. It is merely another misconceived effort, as were the two tariffs mentioned, to accomplish the impossible; a dream for making us simultaneously the world's greatest creditor and the world's greatest export nation.

It is the brain child of a group of amateur diplomats and Boy Scout economists who think they can, through the use of our impounded gold, amend both the force of trade gravitation and the law of supply and demand.

It must be tried, say these tyros, as is their custom, at "whatever cost" and "regardless of commercial customs." The motto is, "We have no power but money." They are of the spending school.

They would buy up the surpluses of South America, pile them on the surpluses which already weigh us down, and create the greatest monopoly in history—over which their friend Thurman Arnold, by the way, would have no control.

Then they would make the buyer be good while he paid through the nose.

This is aimed at the totalitarian system.

Granting the desirability of slapping Hitler down in his postwar ambition to dominate Western Hemisphere trade, this isn't the way to do it.

Instead of strengthening ourselves we would bankrupt ourselves. And then we couldn't even say, "We have no power but money."

PLAIN ECONOMICS

(By John T. Flynn)

NEW YORK, July 25.—Before it will be possible for Congress to act intelligently on the President's plan for a half-billion-dollar credit for South America, Congress will have to know the reason back of the plan.

Originally the President played with the idea for a cartel or international arrangement between this country and South America to make a great pool of that country's unsalable products.

The cost of such a pool no man knows. Estimates run from half a billion to two billion dollars. Perhaps somewhere around a billion and a half might be a safe estimate. It is an immense sum of money, and we would have to supply it. We might well lose it all, and on top of the other huge sums for national defense Congress can hardly be blamed for asking a moment for thought.

Now, the President begins his program in this direction by asking Congress to provide half a billion dollars for the Export-Import Bank to finance South American surpluses. How the bank would proceed, the President does not say. Whether it would make individual loans to separate countries, or form a cartel made up of all countries, is not disclosed.

But before Congress can talk of methods it has to know the purpose of the plan. Ostensibly the purpose is to help South American countries which cannot sell their products because of the war. But is that the real purpose? There is grave cause to believe that it is not.

It happens that South American countries produce commodities and crops which we also produce. We are not a good market for their wares. It also happens that England and France have access to the kind of goods produced in South America within their own empires. It happens—and no one arranged this—that the countries which have greatest need of South America's products are Germany, Italy, and Japan.

They do not produce enough wheat, beef, copper, silver, oil, and other commodities for themselves. They have to buy them somewhere. South America is such a market; also, South America has to sell to countries that want their goods and has to buy from such countries as a matter of necessity. There is every reason why trade between South America and Germany, Italy, and Japan should and must continue. Otherwise South America is sunk.

Now, England is deeply interested in preventing Germany and Italy from getting supplies from anywhere, including South America, and our Government has been doing everything in its power to aid England in this. The best way to help England is to put an end to South American trade with Italy and Germany. The quickest way to ruin South America is to do that very thing.

Now, what are we up to? Is it to help England and ruin South America, or is it to help South America? Incidentally we can do a nice job in the direction of ruining ourselves if we undertake to pay the bills involved in the ruin of South America.

CONTINENTAL BLOC

(By Raymond Clapper)

Out of the widely ramified activity concerning Western Hemisphere defense—military, economic, and political—may be evolving a new kind of international organization. The goal apparently is a regional association which would be less binding than a federation but which would have more force and cohesion behind it than the League of Nations.

Germany, Russia, and Japan are establishing regional organizations by conquest or pressure. The United States is undertaking to organize the Western Hemisphere on a quid pro quo basis. We are offering military and economic support to Latin American nations in return for their political cooperation.

As to military support, we are offering the most elaborate defense program in our peacetime history. We are offering our first peacetime conscription proposal. It is no secret to Latin American republics that we are rushing preparations in order to have troops available at the earliest possible moment for expeditionary service wherever it might be needed in the Western Hemisphere. The Navy is refitting some destroyers for fast emergency transport service. It has just purchased two steamships from South American runs. Some of our warships are now in South American ports for the purpose of steadying regimes which might otherwise be in danger of overthrow of internal elements sympathetic to Fascist countries.

As to economic support, President Roosevelt has asked Congress to set aside $500,000,000 in order to give the Export-Import Bank a free hand in making loans to South American countries. Secretary Hull at the Habana Conference has indicated the willingness of the United States to assist in creating facilities for the handling of surpluses which are breaking the backs of several South American countries. In this the United States would carry the burden of financing.

In return for these economic and political services, the United States seeks the political cooperation of Latin American countries in stabilizing and protecting the whole Western Hemisphere from encroachment. The United States asks the other American countries to join in creating a collective trusteeship to maintain the integrity of the Monroe Doctrine. The chief purpose of this proposal is to provide a joint inter-American organization which could take over, at least temporarily, Western Hemisphere possessions of European powers in cases where the owners had lost control.

This refers principally to possessions of Great Britain, France, and the Netherlands. Transfer of such possessions to control of another non-American power is deemed dangerous to the integrity of the Western Hemisphere. Western countries would create a governing authority to administer such possessions in the interest of all of the Americas.

The plain purpose of all this is principally to keep Hitler out of the Western Hemisphere and to prevent his exercise of remote control on this side of the Atlantic.

As the United States is the strongest and richest of the Western Hemisphere nations, we have the largest interest in preserving the Monroe Doctrine. The chief burden of economic and military assistance will fall upon this country. Some of the Latin American countries have been indifferent, and in some instances hostile, to the Monroe Doctrine. They have direct economic interests in European markets and at the same time have encountered difficulty in marketing their products in the United States.

Their cooperation in political protection for the Western Hemisphere is not gained easily. Only the strong inducements of adequate military and economic assistance are likely to bring it about. That is the crux of our Western Hemisphere problem. Without the political cooperation of the South American Continent or of a substantial portion of it our military and economic aid becomes largely futile.

If this cooperation is received then there are the beginnings of a regional association of western nations which may provide the mechanism by which free and independent countries can pool themselves into the kind of continental bloc which seems esssential to survival in these times. This is indeed a lonely world for the nation which tries to stand alone.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORT OF A COMMITTEE

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nomination of James W. Blair, to be postmaster at Clayton, Okla., in place of J. W. Blair.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). If there be no further reports of committees, the clerk will state the nomination on the calendar.

FEDERAL BOARD FOR VOCATIONAL EDUCATION

The legislative clerk read the nomination of Dr. Clarence Poe to be a member of the Federal Board for Vocational Education.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

That concludes the calendar.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 58 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, July 30, 1940, at 12 o'clock meridian.

CONFIRMATION

Executive nomination confirmed by the Senate July 29, 1940

FEDERAL BOARD FOR VOCATIONAL EDUCATION

Dr. Clarence Poe to be a member of the Federal Board for Vocational Education.

HOUSE OF REPRESENTATIVES

MONDAY, JULY 29, 1940

The House met at 12 o'clock noon.

Rev. Bernard Braskamp, D. D., pastor of Gunton-Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

O Thou who in the long ago went before Thy people in a pillar of cloud by day and a pillar of fire by night to lead them in safety, grant that we also in our pilgrimage may be confident that Thou wilt guide and provide.

May the blessing of God's guiding wisdom rest in an abundant measure upon our President, our Speaker, and all the Members of Congress. Make us one with Thee in the thoughts of our minds, the desires of our hearts, and the endeavors of our lives. May we acquit ourselves like men, rigidly honest, transparently pure, and joyously steadfast in the midst of life's struggles because of an unswerving faith in the Lord God omnipotent.

God of all grace, in these days when men and nations are in the deep darkness of a world Gethsemane and our hearts are saddened by their pleading cries for help, wilt Thou show us how we may be of the largest possible service in meeting the needs of suffering humanity.

Hear us in the name of the Christ who was moved with compassion and who went about doing good. Amen.

The Journal of the proceedings of Thursday, July 25, 1940, was read and approved.

EXTENSION OF REMARKS

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include therewith a resolution adopted by the Democratic Central Committee of the District of Columbia in connection with suffrage.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my remarks on two subjects: To include an article by Miss Dorothy Thompson and in a second extension an article by Mr. Willis Overholser.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to extend my own remarks on two separate subjects: To include a resolution passed by the Queensboro Civic Club of Shreveport, La., on the subject of national defense, and to include in another extension a short editorial from the Shreveport Journal of July 20 last.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a short editorial from the Connellsville Digest, Connellsville, Pa., on the Youghiogheny watershed project.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SECCOMBE. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and to include therein an article written by my colleague the gentleman from New York [Mr. BARTON].

The SPEAKER. Without objection, it is so ordered.

There was no objection.

COMPULSORY MILITARY TRAINING

Mr. SMITH of Ohio. Mr. Speaker, I wish to make two unanimous-consent requests—to extend my remarks in the RECORD and include therein a radio address, Compulsory Military Training—For What? delivered by me over the red network of the National Broadcasting Co., July 11, 1940, and to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SMITH of Ohio. Mr. Speaker, I have been receiving many hundreds of letters from all parts of the United States in response to this radio address. The sentiment expressed in them shows that 95 percent of the writers are definitely opposed to compulsory military training.

Many of the writers express the fear that this would be the beginning of the militarism that has kept the Old World in an almost perpetual state of war and despotism.

Many indicate their belief that this proposal for compulsory military training is merely a prelude to our entrance into the war.

Not a few of the writers remind us of the promises of the politicians in 1916 that they would keep us out of war.

I have just returned from my congressional district, where I made a pretty thorough canvass with respect to this bill. I am certain the people there are overwhelmingly opposed to it.

I am firmly convinced the needed number of men can be had by voluntary enlistment. If the young men of the Nation today were assured that this proposed military scheme is really and only for defense, there would be a great many more volunteers. But they are not sure of this. They remember 1916 and 1917. That experience is deeply embedded in their minds.

Furthermore, many young men are today volunteering for service and are rejected because of red tape and arbitrary discrimination. In my opinion what is needed most today to strengthen our defense is pilots to man our war planes. A ruling of the War Department provides that only men with 2 years of college education may be accepted for this service. This I believe is wrong. There are many young men in this ccuntry who have not had 2 years of college training but would make the best of pilots. It seems to me this is too obvious to require argument. These men should be given every encouragement and opportunity to demonstrate their fitness and to serve their country.

The gentleman from New York [Mr. WADSWORTH], the coauthor of the Burke-Wadsworth bill, attempts to make much of section 15 in the bill. It reads in part as follows:

All the provisions of this act shall become inoperative on and after May 15, 1945, unless continued in effect by Congress.

He seeks support for this measure on the ground that it contains this provision—that it is not a permanent law. From this argument we certainly cannot help but infer that he wishes to convey the idea that the Burke-Wadsworth bill is merely an emergency measure and does not attempt to establish the principle of compulsory military training as a permanent American institution. But it so happens that the gentleman from New York [Mr. WADSWORTH] introduced a bill for compulsory military training back in the Sixty-sixth Congress, second session, when assuredly no plea for any such program could have been made on the basis of any possible emergency. The United States had then joined the movement which was in the opposite direction—disarmament. That was in the period when the sentiment against militarism was so strong we were actually engaged in sinking our own battleships. Certainly the gentleman from New York [Mr. WADSWORTH] must have been for permanent compulsory military service in peacetime as a permanent institution when he introduced his original bill.

How anyone can, at this time, with the experience of the last 10 years of so-called emergency legislation, seriously propose this military program and attempt to make the people believe it is only to meet an emergency that will be abandoned as soon as the emergency is over, is not easy to answer. Most of the important measures passed in the last 10 years were supposed to be for emergency purposes only. It was expected they would be repealed as soon as the emergency was over.

One of the stock arguments for these emergency measures always was that Congress could abolish them at any time, but we know how these emergency laws have become permanent laws; that it has become a fixed policy to retain them as permanent laws. Many of these laws were written so as to expire after a certain number of years unless reenacted by Congress. Everyone here in Congress knows how difficult and even impossible it is now to repeal these measures. Once enacted, they produce certain conditions which supply the politicians with plenty of reasons for continuing them.

So it would be with this program of compulsory military training.

Should it be set up it would bring about such enormous and far-reaching changes in our whole social, economic, and political life as to make it next to impossible to abandon it. The political powers would then be so completely entrenched that they could perpetuate it even though the vast majority of the people might wish it discontinued.

The text of the address of Hon. FREDERICK C. SMITH, Republican, of Ohio, Eighth District, over the red network of the National Broadcasting Co., Thursday, July 11, 1940, follows:

COMPULSORY MILITARY TRAINING—FOR WHAT?

Ladies and gentlemen of the radio audience, first I want to thank the National Broadcasting Co. for granting me this time.

I wish to consider with you, my fellow Americans, the proposal of universal, compulsory military service and a large standing army in time of peace, which is being advanced by the present administration and other interested groups. If this is adopted the American people will be forced to give up one of their most cherished traditions and yield to an alien system of military regimentation. The idea is entirely foreign to the American way of life and opposed to those fundamental concepts of liberty and the abhorrence of militarism which the American people have maintained through several hundred years.

Unfortunately, the national state of mind is at present so stirred up, excited, and confused that it is difficult to consider this question calmly and without prejudice. We have been bombarded so much with scare headlines, war propaganda, and frenzied appeals to our emotions, that we are today so alarmed and agitated as to be near hysteria. Our highest Government officials are primarily responsible for this agitation.

It is a grave error, in a time like the present, for those in high authority to add panic and confusion to the apprehension already existing. If our defenses have been neglected, we shall need clear and calm judgment to decide what must be done.

The question of universal compulsory military training is so important, so far reaching in its effect on the lives of all our people, and the future of our Nation that we must make the greatest effort to consider it fairly and honestly and to understand its various aspects in relation to our American institutions.

First we should ask, "Universal compulsory military service—for what?" Wherefore are all our men, and possibly all our women, to be forced into uniforms and training camps and our Nation placed permanently under the European system of military domination?

Ostensibly for defense, of course. But let us first inquire whether such a course is necessary to obtain that objective, if, in fact, it will achieve that objective, and whether or not there may be other

reasons than defense for urging the acceptance of this proposal—at this time.

It is hardly necessary to remind you of the powerful forces in our country which are striving to force us into the European war. Would not the adoption of this program at this time serve the warmongers to maneuver us closer to that holocaust? It is not a coincidence that those who advocate our entrance into the war are largely the same group who advocate universal compulsory military service.

The rash statements and actions of Mr. Roosevelt and other officials should convince us that we would have been catapulted into the war long ago if we had had the military program they are now trying to force upon the Nation. With a large standing army the necessary incident, or excuse, to declare war would likely have been found.

Another important motive back of this scheme is the unemployment situation. For 7 years the present administration has been promising to put the unemployed back to work. Today, with an election in the offing, the failure to make this promise good is entirely too conspicuous. Hitler and Mussolini promised to put their unemployed back to work. They did—in army and labor camps—and now the sequel—war!

Is America now to import the system of Hitler and Mussolini? Is this to be the fate of the C. C. C. boys, the N. Y. A. boys and girls, W. P. A. workers, and the millions of idle young folks who today walk the streets looking into a bleak and hopeless future? Are these now to be herded into compulsory labor armies and military camps? Americans, I ask you, is this our solution?

There is still another condition that is causing many persons to consider compulsory military service as a remedy. It is at last beginning to dawn upon our Nation that communism is becoming a real threat to our economy and Government. We are finally beginning to understand that our greatest danger is not from the Communist Party and its affiliates, or from Russia or other foreign places, but from the development of Communistic schemes and plans within our own Government and institutions.

Our Government is now literally saturated with people who strive for complete political regimentation of labor, agriculture, and industry, for the complete overthrow of private property rights and its replacement by political control and ownership of all the means of production; in short, for everything Stalin practices in the name of communism.

Strange to say, there are those who urge this plan on the ground that it would help to protect us against the communism that has already developed within our Government. This I believe is a most fallacious and dangerous idea.

There is no reason to believe that by further regimenting our people we could hope to overcome the bureaucratic regimentation and control that has been built up in our Government. In fact, it will strengthen it, as this military regimentation if adopted now, will be in the control of these selfsame forces.

There is but one way to combat the communism within our Government. That is for the free people of this Nation to demand the destruction of the giant bureaucracy that has fastened itself upon us; free labor, agriculture, and industry from the political shackles that are destroying them.

I challenge anyone to cite a single instance where communism was ever checked in the slightest by universal compulsory military service and a large standing army in peacetime.

Did it protect France against the spread and growth of communism? It certainly did not save her democracy. At the same time that she was building the finest army in the world she drifted strongly into communism.

Look at Latin America. It teems with communism. Nearly all of these countries have compulsory military service. Certainly there is no evidence anywhere in that land that this "ism" has been checked by it. Mexico is a good example. She has the military scheme; nevertheless she goes more and more communistic. Stalin uses compulsory military service to destroy democracy.

Indeed, the world has long recognized the close relationship between militarism and communism.

There are also some among us who believe this plan might act as a means to lessen strikes and labor troubles. All I can say on this point is, Heaven forbid that we shall ever resort to any measure of this kind for such a purpose.

Naturally, whatever means we shall finally decide may be necessary for our national defense, must be predicated largely upon our foreign policy. Is this Nation now to be committed to the old system of militarism and imperialism in order to force our South American neighbors to accept our protection?

It is well known that many of the countries in Latin America do not have a very friendly feeling toward the United States; that they fear our power and imperialism more than they fear Europe. The peoples in these Latin countries have little in common with our people; their language, their culture is European.

Europe has been the big purchaser of South American agricultural products, which we naturally are unable to buy since we already have a surplus. Their governments, while called republican, are actually more dictator than otherwise, and fascism and communism are strongly entrenched in most of them. Germany has been able, with her barter system and other devices, to obtain a large share of South American trade.

Can anyone foretell what dangers or complications may result if the United States attempts to force her will on these people?

Sooner or later America must realize that no system of defense will be adequate, if she continues the suicidal policy of meddling in other people's affairs throughout the world. Such a policy, if continued, will doubtless call for universal compulsory military training and all that goes with imperialism.

We should be reminded that a big standing army and military force has always been a temptation to rulers and the heads of governments to use it to increase their own power and to make themselves appear great. Seldom have they failed to use it for this purpose.

Last but not least, what about our first line of defense, which now is so very sick? I refer to the state of our national finances. A military arm can never be any stronger than the finances of a nation.

The sinews of war, the kind and quantity of all supplies to the army in the field depend on the state of health of the national finances. Only a solvent treasury can possibly keep an army supplied with the right kind of things and enough of them.

What good can it do us if we have the biggest fleet and army in the world but cannot manage the means to support them?

The cost in dollars and the loss in productive energy, if universal compulsory military service and large standing army in peacetime were established, would be appalling. Instead of strengthening our defenses it would only weaken them.

It is the nature of this military program to create a caste system, where the more cunning and the richer are on top giving orders, while the less artful and poorer are kept at the bottom doing the fighting.

The Burke-Wadsworth bill that proposes this plan starts out by doing this. It provides for exempting "men whose employment in industry, agriculture, or other occupations of employment or whose work in engineering, chemistry, physics, medicine, or dentistry are found to be necessary to the maintenance of the national health, safety, or interest."

Would this not exempt the richer groups, those who have been more fortunate in having enough money to educate and train themselves in the skilled trades and higher vocations? Oh, what an opportunity this would provide for political "pull" and favoritism.

Among other officials of the Government, Congressmen, too, are exempted. Ditch diggers are not. This proves to me there is something wrong with this proposal. I have always thought ditch diggers do a pretty good job draining our fields. I am not so sure we Congressmen do as well in discharging our duties.

We dare not let this pass. I wish to emphasize that it would be especially dangerous under the present ominous conditions.

First. It would be a most effectual means to push us all the way into the war.

Second. It would be adopting Hitler's plan for ending unemployment.

Third. It would put the young manhood and womanhood of our country under the military control of the communistic forces that now dominate our Government.

Fourth. It would further weaken our first line of defense by wrecking still more our finances.

Fifth. It would create a caste system, where political corruption and favoritism would be rampant, where the more cunning and well to do would give orders and the poor would do the fighting

Sixth. It would, in my opinion, be the final factor now needed to complete the dictatorship.

There is no more need now for this program than there ever was. What is needed in America today is more honest-to-God statesmanship and less politics. When we have this we shall have no trouble providing adequate national defense, without resorting to the European system of universal compulsory military service and huge standing armies in peacetime.

I thank you.

EXTENSION OF REMARKS

Mr. McGREGOR. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a short editorial from the Coshocton Tribune of July 17.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

SITKA, ALASKA—INCREASE IN DEBT LIMIT

Mr. DIMOND. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9571) to authorize the incorporated town of Sitka, Alaska, to purchase and enlarge certain public utilities and for such purpose to issue bonds in the sum of $200,000 in excess of present statutory debt limit.

The Clerk read the title of the bill.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the Delegate from Alaska kindly explain the bill?

Mr. DIMOND. Mr. Speaker, as indicated in the title of the bill, this is a bill to authorize the incorporated town of Sitka, Alaska, to issue bonds in the sum of $200,000 above the present authority in order to purchase and expand an electric-current plant and a water system for the benefit of the people of the town and for the benefit of the adjoining naval air base. May I say here that I have in my hand a

copy of a letter from Louis Compton, Acting Secretary of the Navy, asking for the prompt consideration of the bill, which is one of the reasons I am bringing it up at this time.

Mr. MARTIN of Massachusetts. It has the unanimous report of the committee?

Mr. DIMOND. Yes; it has the unanimous approving report of the committee. The facts are that the present owner of the existing plant is quite an elderly gentleman and he wishes to sell out his plant because he wants to liquidate some of his property. It is necessary that the plant be expanded in order to take care of the wants of the growing city of Sitka and to take care of the requirements of the naval air base nearby. The common council of the town has unanimously requested the passage of this legislation and if the price offered is reasonable and satisfactory the town wishes to take over the property, expand and enlarge it so as to take care of the wants of the town and the requirements of the naval base. Judging by our experience with similar municipal enterprises in Alaska, there is every reason to assume that this plan will work out successfully, as was the case with Ketchikan and Petersburg and Wrangell, Alaska.

Mr. MARTIN of Massachusetts. The people are in favor of this?

Mr. DIMOND. Yes. Before this can be made effective the plan as worked out in detail must be approved by a 55-percent favorable vote of the taxpayers of the town.

Mr. CHURCH. Mr. Speaker, reserving the right to object, will the gentleman give me the provisions of the bill with reference to the air field?

Mr. DIMOND. There is nothing in the bill with respect to the Air Corps or the air base.

Mr. CHURCH. The gentleman just mentioned something about an air base.

Mr. DIMOND. I would like to read the letter from the Acting Secretary of the Navy.

Mr. CHURCH. Give me the provisions of the bill in reference to the air field or the air base.

Mr. DIMOND. There is nothing in the bill in reference to the air field or the air base. All the bill provides for is the purchase, expansion, and enlargement of the electric-light system and the water system by the town. There is an understanding between the town and the commandant or the officials of the air base that current and water will be furnished the air base if and when desired, but there is nothing in this bill about that.

Mr. CHURCH. This past week we had a hearing in the House Naval Affairs Committee in which hearing there was omitted any reference to the Sitka air base; therefore, has the gentleman anything in this bill about the policy of establishing an air base at Sitka?

Mr. DIMOND. No; there is nothing in this bill that refers to the air base at Sitka at all.

The present population of the town of Sitka is approximately 2,000, and it is still growing. The population of the town has almost doubled in the last 10 years. Water for domestic use, as well as electric current, is furnished the town at the present time by the Sitka Wharf & Power Co., Inc., a corporation. But the plants are now too small to supply the wants of the town and the nearby Navy air base, which is under construction. The present owner of the electric light and power and water plants, as I said a moment ago, desires to sell. And the people of the town wish to purchase and to enlarge and expand the plants so as to take care of present and reasonable future requirements. No price for the property has yet been agreed upon, and none can be agreed upon until this legislation is enacted. The town officials believe that if an appraisal of the plants is made it will be relatively easy to agree upon the purchase price of the property. When that has been done the whole proposition will be submitted to the taxpayers of the town and if they approve it by a 55-percent vote then the bonds may be issued, the property purchased, and the plants enlarged and expanded, all as authorized in the bill.

It is necessary to take prompt action, because the present owner is determined to sell the property anyhow, and if the city does not purchase it the plants will be sold to somebody else and thus the opportunity of the town of Sitka to own and operate its own electric-current and water systems will probably be forever lost. Moreover, the work to be done in the enlargement and expansion of the plants should be commenced at the earliest possible date, so as to be completed before winter. While the climate of Sitka is mild and such work can be prosecuted during the winter season, it is undoubtedly more economical to do the work during the summer and fall rather than during the winter. This proposition is a completely self-liquidating one and there seems no doubt that enough income will be derived from the operation of the plants to be the principal and the interest on the bonds when due.

The following is a letter dated July 12, addressed to the chairman of the Committee on the Territories by Hon. Lewis Compton, Acting Secretary of the Navy, recommending the enactment of the bill:

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, July 12, 1940.

The CHAIRMAN, COMMITTEE ON THE TERRITORIES,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: The Navy Department notes that the bill H. R. 9571, "To authorize the incorporated town of Sitka, Alaska, to purchase and enlarge certain public utilities, and for such purpose to issue bonds in the sum of $200,000 in excess of present statutory debt limit," has been referred to the committee of which you are chairman.

The purpose of the bill is as stated in its title.

The prompt passage of the bill (H. R. 9571) authorizing a bond election to permit the city of Sitka, Alaska, to acquire utilities, is of importance to the Navy Department. The proposed improvements to the water system are of vital concern to the naval air station, Sitka, Alaska, as this system is the only available source of supply for this station.

This station is being rapidly enlarged under the present contract for Alaskan naval air stations and the proposed improvements are highly desirable during, as well as after, the construction period. The bill involves no additional expenditures chargeable to naval appropriations.

The Navy Department recommends the enactment of the bill H. R. 9571.

The Navy Department has been advised by the Bureau of the Budget that there would be no objection to the submission of this report.

Sincerely yours,

LEWIS COMPTON, *Acting.*

The SPEAKER. Is there objection to the request of the Delegate from Alaska [Mr. DIMOND]?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the incorporated town of Sitka, in the Territory of Alaska, is hereby authorized and empowered to purchase and acquire from Sitka Wharf & Power Co., Inc., a corporation organized and existing under laws of the Territory of Alaska, all or any part of the public utilities owned by said corporation and including electric current, light, power, and water utilities, plants and systems, and all or any part of the property, both real and personal, rights, claims, interests, and equities connected therewith, and to reconstruct, extend, and improve the same; and for such purposes to issue bonds in any amount not exceeding $200,000, the same to be in excess of the present statutory debt limit of said town as provided by the act entitled "An act to authorize municipal corporations in the Territory of Alaska to incur bonded indebtedness, and for other purposes," approved May 28, 1936 (49 Stat. 1388); and nothing herein contained shall be so construed as to prevent or preclude the said town from incurring other indebtedness up to but not beyond the limits prescribed by the said act of May 28, 1936, without regard to the bonded indebtedness herein authorized.

SEC. 2. Before said bonds shall be issued a special election shall be ordered by the common council of the said town of Sitka, Alaska, at which election the question of whether such bonds shall be issued in the amount above specified for the purpose hereinbefore set forth shall be submitted to the qualified electors of said town of Sitka, Alaska, whose names appear on the last assessment roll of said town for purposes of municipal taxation. The form of the ballot shall be such that the electors may vote for or against the issuance of bonds for the purposes herein specified up to the amount herein authorized. Not less than 20 days' notice of such election shall be given to the public by posting notices of same in three conspicuous places within the corporate limits of the town of Sitka, Alaska, one of which shall be at the front door of the United States post office at Sitka, Alaska. The election notice shall specifically state the amount of bonds proposed to be issued for the purposes herein specified. The registration for such election, the manner of conducting the same, and the canvass of the returns of said election shall be, as nearly as practicable, in accordance with the requirements of law in general or special elections in said municipality; and such bonds shall be issued for the purposes herein

authorized only upon condition that not less than 55 percent of the votes cast at such election in said municipality shall be in favor of the issuance of said bonds for such purpose.

SEC. 3. The bonds herein authorized shall be coupon in form and shall mature in not to exceed 30 years from the date thereof. Such bonds may bear such date or dates, may be in such denomination or denominations, may mature in such amounts and at such time or times, not exceeding 30 years from the date thereof, may be payable in such medium of payment and at such place or places, may be sold at either public or private sale, may be nonredeemable or redeemable (either with or without premium), and may carry such registration privileges as to either principal and interest, or principal only, as shall be prescribed by the common council of said town of Sitka. The bonds shall bear the signatures of the mayor and of the clerk of the town of Sitka, and shall have impressed thereon the official seal of said municipality. The coupons to be annexed to such bonds shall bear the facsimile signatures of the mayor and of the clerk of said municipality. In case any of the officers whose signatures or countersignatures appear on the bonds shall cease to be such officers before delivery of such bonds, said signatures or countersignatures, whether manual or facsimile, shall nevertheless be valid and sufficient for all purposes, the same as if said officers had remained in office until such delivery. Said bonds shall bear interest at a rate to be fixed by the common council of the town of Sitka, not to exceed, however, 6 percent per annum, payable semiannually, and said bonds shall be sold at not less than the principal amount plus accrued interest.

SEC. 4. The bonds herein authorized to be issued shall be general obligations of the said town of Sitka, payable as to both interest and principal from ad valorem taxes which shall be levied upon all of the taxable property within the corporate limits of such municipality in an amount sufficient to pay the interest on and the principal of such bonds as and when the same become due and payable.

SEC. 5. No part of the funds arising from the sale of said bonds shall be used for any purpose or purposes other than those specified in this act. Said bonds shall be sold only when and in such amounts as the common council of the town of Sitka shall direct; and the proceeds thereof shall be distributed only for the purposes hereinbefore mentioned and under the orders and direction of said common council from time to time as such proceeds may be required for said purposes.

SEC. 6. The said town of Sitka is hereby authorized to enter into contracts with the United States of America or any agency or instrumentality thereof under the provisions of the National Industrial Recovery Act, and acts amendatory thereof, and acts supplemental thereto, and revisions thereof, and the regulations made in pursuance thereof, and under any further acts of the Congress of the United States to encourage public works, for the relief of unemployment, or for any other public purpose for the sale of bonds issued in accordance with the provisions of this act, or for the acceptance of a grant of money to aid said municipality in financing any public works; or to enter into contracts with any persons or corporations, public or private, for the sale of such bonds; and such contracts may contain such terms and conditions as may be agreed upon by and between the common council of said town of Sitka and the United States of America or any agency or instrumentality thereof, or any such purchaser.

With the following committee amendments:

Page 2, line 16, strike out all of section 2 down to and including the word "specified", on line 8, page 3, and insert the following: "Before said bonds shall be issued a special election shall be ordered by the common council of the said town of Sitka, Alaska, at which election the question of whether such bonds shall be issued in any amount not exceeding $200,000 for the purposes hereinbefore set forth shall be submitted to the qualified electors of said town of Sitka, Alaska, whose names appear on the last assessment roll of said town for purposes of municipal taxation. The form of the ballot shall be such that the electors may vote for or against the issuance of bonds in any amount not exceeding $200,000 for the purposes herein specified. Not less than 20 days' notice of such election shall be given to the public by posting notices of same in three conspicuous places within the corporate limits of the town of Sitka, Alaska, one of which shall be at the front door of the United States post office at Sitka, Alaska. The election notice shall state that bonds in any amount not exceeding $200,000 are proposed to be issued for the purposes herein specified."

Page 4, line 14, strike out the words "in such medium of payment and."

Page 5, line 7, strike out the figure "6" and insert the figure "5."

Page 5, line 23, after the word "purposes" insert "or any of them."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TRANSPORTATION OF MAIL IN TERRITORY OF ALASKA

Mr. DIMOND. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9851) authorizing special arrangements for the transportation of mail within the Territory of Alaska.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the Delegate from Alaska [Mr. DIMOND]?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the difference this will make in present conditions?

Mr. DIMOND. Mr. Speaker, this bill is requested by the Post Office Department. It has been approved by the Civil Aeronautics Authority, or Civil Aeronautics Board, whatever its proper title may be at the present time, and it also has the approval of the Bureau of the Budget.

In order to point out just what the bill will do, it is necessary to explain the present conditions with respect to the transportation of mail in some parts of Alaska. In the interior of Alaska, which is largely devoid of anything in the way of roads, during the winter season all classes of mail are carried by air. All classes of mail are there carried by air, because that is the cheapest method of transportation.

When the Civil Aeronautics Act with respect to air mail was passed recently, one provision of that act said that the existing contracts for the carriage of all classes of mail in Alaska would be continued in effect until the Civil Aeronautics Authority should apply the act to Alaska by issuing certificates of public convenience and necessity and prescribing rates of compensation. Up to the present moment no such certificate has been issued for any of the routes carrying all classes of mail by air.

The Civil Aeronautics Authority now desires to put the act into effect in Alaska, and if that is done all existing mail contracts for carriage of mail by air wi be canceled. Under the Civil Aeronautics Act it is possible to carry air mail only, as is said by the Post Office Department; therefore the Post Office Department would in that event be required to carry other classes of mail by dog teams or horses, at a much greater cost to the Government.

The purpose of this bill is to permit the continuance of the carriage of all classes of mail in Alaska by air under the Civil Aeronautics Act just the same as is the case at the present time, and it will put the full control in the hands of the Civil Aeronautics Authority. As I say, there is no objection to the bill that I know of. It is requested by the Post Office Department and approved by the Civil Aeronautics Authority and the Bureau of the Budget, and it has received a favorable unanimous report from the House Committee on the Post Office and Post Roads.

Mr. MARTIN of Massachusetts. It is not really necessary to have this legislation. This compels them to transport mail by air, whereas it would be optional otherwise?

Mr. DIMOND. No; it would not be optional. In the opinion of the Solicitor of the Post Office Department, as I understand, if the Civil Aeronautics Authority puts the Civil Aeronautics Act completely in effect in Alaska, it would no longer be possible to carry all classes of mail by air and it would be necessary to go back to the old and more costly method of carrying all except air mail on the ground by dog teams or on horseback or in some other kindred fashion.

Mr. MARTIN of Massachusetts. This makes it necessary to carry all the mail by air?

Mr. DIMOND. It permits the carriage of all classes of mail by air, as at present.

Mr. MARTIN of Massachusetts. It is not mandatory?

Mr. DIMOND. It is not mandatory; no.

Mr. LEWIS of Colorado. Reserving the right to object, Mr. Speaker, and I shall not object, referring to the bill just passed, not the present bill, is the power for the plant at Sitka steam or water power?

Mr. DIMOND. It is water power.

The SPEAKER. Is there objection to the request of the Delegate from Alaska?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That whenever required by the Postmaster General, any air carrier authorized by the Civil Aeronautics Authority under title IV of the Civil Aeronautics Act of 1938 to engage in the transportation of mail in the Territory of Alaska shall, within the limits of such authorization, transport, in addition to mail on which postage shall have been paid at the rate provided by the Act of June 12, 1934 (48 Stat. 933), as amended, any other classes of mail bearing the appropriate postage for its respective class, and the Postmaster General is authorized to require such

transportation. The rate of compensation to be paid such carrier for the transportation of all mail shall be fixed by the Civil Aeronautics Authority in accordance with the provisions of the Civil Aeronautics Act of 1938, approved June 23, 1938 (52 Stat. 973). When in the opinion of the Postmaster General the needs of the Postal Service require the transportation of mail by aircraft in the Territory of Alaska, where no transportation of mail by aircraft has been authorized by the Civil Aeronautics Authority under title IV of the Civil Aeronautics Act of 1938, the Postmaster General, notwithstanding any other provision of law, is authorized to contract for the carriage of all classes of mail bearing the appropriate postage for its respective class by aircraft after advertisement in accordance with law. The transportation of mail under contracts entered into under this act shall not be deemed to be "air transportation" as that term is defined in the Civil Aeronautics Act of 1938, and the rates of compensation for such transportation of mail shall not be fixed under that act. The Postmaster General shall transmit a copy of each contract made pursuant to this act to the Civil Aeronautics Authority at the time it is let. Any such contract shall be canceled upon the issuance by the Civil Aeronautics Authority of an authorization under said title IV of the Civil Aeronautics Act of 1938 to any air carrier to engage in the transportation of mail by aircraft between any of the points named in such contract.

SEC. 2. Payment for services pursuant to contracts entered into by the Postmaster General under authority of this act shall be made from the appropriation for star route service in Alaska.

With the following committee amendment:

Page 2, line 17, after "not", insert "except for sections 401 (1) and 416 (b) of the Civil Aeronautics Act of 1938."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. DIMOND. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I have made on the two bills just passed, and to incorporate in my remarks on the bill, H. R. 9571, a letter addressed to the chairman of the Committee on the Territories by Hon. Lewis Compton, Acting Secretary of the Navy.

The SPEAKER. Is there objection to the request of the Delegate from Alaska?

There was no objection.

ORDER OF BUSINESS

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that on tomorrow, after the completion of the consideration of the so-called T. V. A. bill, it may be in order to call up the bill H. R. 9931, an amendment to the Commodities Credit Corporation Act.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. WOLCOTT. Reserving the right to object, Mr. Speaker, I understand a rule has been granted on this bill, but I do not believe there would be any objection to the rule. I believe it is agreeable to this side to take the bill up by unanimous consent, providing there may be an agreement as to time. I believe there are some, at least, on this side who will want to be heard on the bill. May I suggest to the gentleman that there will be no objection to taking the bill up by unanimous consent if we can agree to take it up in the Committee of the Whole House with probably 2 hours of general debate. I may say to the gentleman that if we find we are not going to use that much time, we will yield it back; but I believe 2 hours will be ample—an hour on each side.

Mr. RAYBURN. That is agreeable to me, Mr. Speaker, as far as I am concerned.

Mr. WOLCOTT. It is a very short bill and will not take very long to read.

Mr. RAYBURN. My attention has just been called to the fact that a similar Senate bill is here. If the Senate bill is identical with the House bill, is it agreeable to the gentleman from Michigan that we consider the Senate bill?

Mr. WOLCOTT. That is agreeable. My memory is that the Senate bill is the same as the House bill, but I am not positive.

Mr. RAYBURN. Then I modify my request, Mr. Speaker, and ask that it be in order to consider the House bill; but that if the Senate bill is identical with the House bill, we may take up the Senate bill. I have no objection to agreeing to 2 hours of general debate, as far as I am concerned. The rule provides for 2 hours, anyway.

The SPEAKER. Is there objection to the modified request of the gentleman from Texas?

Mr. CHURCH. Reserving the right to object, Mr. Speaker, in order to make an inquiry, I understand that the Navy authorization bill, H. R. 10200, will not come up for consideration today, although arrangements were made for it to come up today. However, as the gentleman knows, we will not want to lose any rights there because that bill should precede the appropriation bill, which I understand is slated for Wednesday.

Mr. RAYBURN. I was thinking that in all probability we might bring that bill up by unanimous consent on Wednesday. The gentleman from Georgia, the chairman of the Committee on Naval Affairs [Mr. VINSON], is not here today.

Mr. CHURCH. I understand that, but we would not want to lose the rights that he obtained for today.

Mr. RAYBURN. All rights are lost, and a new unanimous-consent request will have to be agreed to in the House.

Mr. CHURCH. The authorization bill ought to precede the appropriation bill on Wednesday.

Mr. RAYBURN. I believe that is correct.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

DAWSON SPRINGS CONSTRUCTION CO.

Mr. LEMKE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 4037) to confer jurisdiction upon the United States District Court for the Western District of Kentucky to hear, determine, and render judgment upon the claim of Theodore R. Troendle, for the Dawson Springs Construction Co.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, will the gentleman explain the character of the bill?

Mr. LEMKE. The purpose of the bill is to establish a claim by Mr. Troendle with respect to material furnished for the construction of three buildings for the Public Health Service during wartime. The Treasury Department allowed the bill in the sum of $7,166, but Mr. McCarl said the Treasury Department had no such authority. All that Mr. Troendle now asks, as I understand it, is to be allowed to go into court and prove his claim.

Mr. MARTIN of Massachusetts. Why has the matter been delayed so many years?

Mr. LEMKE. For the reason he had been trying to get it settled through different channels, and the old man did not know just how to proceed. As a matter of fact, I may say that, indirectly, he lost his home depending on this settlement.

Mr. MARTIN of Massachusetts. How much money is involved?

Mr. LEMKE. I would say the amount allowed by the Treasury Department is $7,166, which, in my opinion, is about all he will recover.

Mr. JENKINS of Ohio. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question. Has this bill been on the regular Private Calendar?

Mr. LEMKE. On the Consent Calendar.

Mr. JENKINS of Ohio. What happened to it there?

Mr. LEMKE. It was objected to, and I may say that some of the objectors told me the reason they objected was because they had not had time to study the bill and learn what it is about.

Mr. JENKINS of Ohio. Has the gentleman consulted the official objectors on this side?

Mr. LEMKE. I have consulted with some of them on both sides.

Mr. JENKINS of Ohio. Does the gentleman give us his opinion that Mr. McCarl, when he was at the head of the Accounting Office, approved it from the standpoint of its own merit?

Mr. LEMKE. He simply objected to it on the ground that the Treasury Department had no authority to make any such settlement.

Mr. JENKINS of Ohio. Has any Government official approved it on its merits?

Mr. LEMKE. I understand the Treasury Department, to the extent of $7,166.

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, is the bill so drawn that it will only include a recovery amounting to the sum which the Treasury Department has approved or is the bill wide open, so that additional amounts can be claimed?

Mr. LEMKE. The bill is wide open to adjust the claim because lumber was furnished by the Government that was unfit for use, and he had to get it resawed and he also had to get a different kind of lumber. However, I am satisfied that he can prove that he is entitled to $7,166, if not more.

Mr. SCHAFER of Wisconsin. Does the gentleman have a limitation in the bill with respect to attorneys' fees?

Mr. LEMKE. There is no attorneys' fee limitation.

Mr. SCHAFER of Wisconsin. Will the gentleman offer an amendment to cover the usual attorneys' fee limitation.

Mr. LEMKE. Yes; I will be pleased to do that.

Mr. MICHENER. Mr. Speaker, reserving the right to object, from what committee does this bill come?

Mr. LEMKE. The Committee on Claims.

Mr. MICHENER. And the bill simply gives the court jurisdiction in the matter?

Mr. LEMKE. That is all. It gives the court jurisdiction regardless of the statute of limitations.

Mr. CARLSON. Mr. Speaker, further reserving the right to object, I understand the gentleman is to place a limitation in the bill before it is passed with respect to attorneys' fees?

Mr. LEMKE. Yes; I will be pleased to offer an amendment providing for the usual 10-percent limitation on attorneys' fees.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the United States District Court for the Western District of Kentucky, notwithstanding the lapse of time or the statute of limitations, to hear, determine, and render judgment upon the claim of Theodore R. Troendle, for the Dawson Springs Construction Co., of Dawson Springs, Ky., for losses or damages arising out of a contract dated February 2, 1920, for the construction of eight buildings for the United States Public Health Service Sanatorium at Dawson Springs, Ky.: *Provided, however*, That from any decision or judgment rendered in any suit presented under the authority of this act a writ of certiorari to the Supreme Court of the United States may be applied for by either party thereto, as is provided by law in other cases.

Mr. LEMKE. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEMKE: At the end of line 7, on page 2, insert "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. WHITE of Idaho. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the defense program and reclamation.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. WHITE of Idaho. Mr. Speaker, I next request unanimous consent to insert in the RECORD an extension of remarks with one of the planks in the Democratic Party platform.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. WHITE of Idaho. Next, Mr. Speaker, I ask unanimous consent to insert in the RECORD a statement made by me before the Senate Appropriations Committee on forest roads and trails and a copy of a provision in the bill which shows the action of the Senate in raising the amount.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein two articles from Father Coughlin's Social Justice, July 29, 1940, issue.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. CASE of South Dakota and Mr. FULMER asked and were given permission to revise and extend their own remarks in the RECORD.

Mr. HOPE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a copy of certain resolutions adopted at a meeting at Kansas City on last Saturday.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my remarks and to include a short editorial from the Portland Journal.

The SPEAKER. Is there objection?

There was no objection.

Mr. MUNDT. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein a set of resolutions adopted by the North Central Association of Commissioners, Secretaries, and Directors of Agriculture, held on July 19.

The SPEAKER. Is there objection?

There was no objection.

Mr. SABATH. Mr. Speaker, I ask unanimous consent to extend my remarks and to include two reports on the financial condition of the country, and certain statements in respect to outstanding corporations and companies.

The SPEAKER. Is there objection?

Mr. CHURCH. Mr. Speaker, reserving the right to object, will the gentleman be good enough to repeat his request? I understood him to mention certain reports.

Mr. SABATH. Financial reports as published by the various newspapers as to conditions of business and profits, excess profits that had been made in the first 6 months of this year by outstanding companies and corporations of this country.

The SPEAKER. Is there objection?

Mr. SCHAFER of Wisconsin. Mr. Speaker, I reserve the right to object. Do I understand that these statements indicate that our New Deal brethren have been permitting excess profits?

Mr. SABATH. These reports show the tremendous profits that business and manufacturers have been making during the last 6 months.

Mr. SCHAFER of Wisconsin. And that the New Deal has taken care of the big financial interests of the country?

Mr. SABATH. Not only the big ones, but the small ones as well. They are all making money.

The SPEAKER. Is there objection?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, temporary leave of absence was granted as follows:

To Mr. WHITE of Idaho to attend to urgent business.

To Mr. MERRITT, indefinitely, on account of illness.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 30 minutes p. m) the House adjourned until tomorrow, Tuesday, July 30, 1940, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1853. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the District of Columbia for the fiscal year 1941 in the amount of $1,050; to the Committee on Appropriations.

1854. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Treasury Department for the fiscal year 1941 amounting to $38,167,000; to the Committee on Appropriations.

1855. A letter from the Secretary of the Navy, transmitting the draft of a proposed bill to repeal the first proviso to the appropriation for miscellaneous expenses as contained in title I of the Naval Appropriation Act for the fiscal year ending June 30; to the Committee on Naval Affairs.

1856. A letter from the Secretary of War, transmitting a draft of a proposed bill to authorize the discontinuance of professional examinations for promotion in the Regular Army of officers of the Medical, Dental, and Veterinary Corps during time of war or emergency declared by Congress; to the Committee on Military Affairs.

1857. A letter from the Administrator, Veterans' Administration, transmitting draft of a proposed bill to authorize the Administrator of Veterans' Affairs to grant an easement in a small strip of land at Veterans' Administration Facility, Los Angeles, Calif., to the county of Los Angeles, Calif., for sidewalk purposes; to the Committee on Public Buildings and Grounds.

1858. A letter from the Acting Secretary of the Navy, transmitting a draft of a proposed bill to provide for the appointment of certain persons as commissioned or warrant officers in the Naval Reserve, and for other purposes; to the Committee on Naval Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. HENNINGS: Committee on Foreign Affairs. H. R. 10213. A bill to permit American vessels to assist in the evacuation from the war zones of certain refugee children; with amendment (Rept. No. 2805). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LANDIS:

H. R. 10236. A bill to amend the provisions of the pension laws for peacetime service to include officers or enlisted men of the National Guard of the United States; to the Committee on Invalid Pensions.

By Mr. WHITE of Idaho:

H. R. 10237. A bill to promote a program of water conservation and to facilitate the investigation of means and methods for the prevention or reduction of water losses caused by seepage from irrigation canals, and for related purposes; to the Committee on Irrigation and Reclamation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COLLINS:

H. R. 10238. A bill for the relief of C. E. Luter; to the Committee on Claims.

By Mr. COURTNEY:

H. R. 10239. A bill for the relief of Dr. H. A. Gant; to the Committee on World War Veterans' Legislation.

By Mr. DELANEY:

H. R. 10240. A bill for the relief of Abram Oszhkoski; to the Committee on Immigration and Naturalization.

By Mr. GUYER of Kansas:

H. R. 10241. A bill for the relief of Leona Johnson; to the Committee on Claims.

By Mr. HENNINGS:

H. R. 10242. A bill granting a pension to Florence Whitfield; to the Committee on Invalid Pensions.

By Mr. KRAMER:

H. R. 10243. A bill for the relief of Salomon George Kaufmann, his wife, Doris Kaufmann, and their child, John Michael Peter Kaufmann; to the Committee on Immigration and Naturalization.

By Mr. MACIEJEWSKI:

H. R. 10244. A bill for the relief of Dr. Michel Konne and Pauline Lucia Konne; to the Committee on Immigration and Naturalization.

By Mrs. O'DAY:

H. R. 10245. A bill for the relief of Meir Langermann, his wife, Frederike, and son, Joseph; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9070. By Mr. HARTER of New York: Petition of the Women's International League for Peace and Freedom, Buffalo, N. Y., opposing compulsory military training; to the Committee on Military Affairs.

9071. By Mr. LUCE: Petition of sundry residents of Massachusetts, urging action on proposal to amend the Neutrality Act to permit use of American ships to transport English refugee children; to the Committee on Foreign Affairs.

9072. By Mr. SCHIFFLER: Petition of Mrs. R. K. Gardner and other citizens of Wheeling, W. Va., protesting against this country participating in the European war; to the Committee on Foreign Affairs.

9073. By the SPEAKER: Petition of the United Automobile Workers of America, Local 230, Los Angeles, Calif., petitioning consideration of their resolution with reference to the national-defense program; to the Committee on Military Affairs.

9074. Also, petition of the Lions Club of Waskom, Tex., petitioning consideration of their resolution with reference to the defense program; to the Committee on Military Affairs.

9075. Also, petition of the Central States Probation and Parole Conference, meeting held in Chicago, Ill., petitioning consideration of their resolution with reference to allow admission of boys on probation or parole into our Civilian Conservation Corps camps and the United States Army and Navy; to the Committee on the Judiciary.

9076. Also, petition of the Nation Legion of Mothers of America, Midlothian, Ill., petitioning consideration of their resolution with reference to foreign affairs; to the Committee on Foreign Affairs.

9077. Also, petition of the American Medical Association, Chicago, Ill., petitioning consideration of their resolution with reference to the national-defense program; to the Committee on Military Affairs.

9078. Also, petition of the Committee to Oppose Conscription, 8 Plympton Street, Cambridge, Mass., petitioning consideration of their resolution with reference to the national-defense program; to the Committee on Military Affairs.

9079. Also, petition of Roger Foster, Chevy Chase, Md., and others of Washington, D. C., and Virginia, petitioning consideration of their resolution with reference to the national-defense program; to the Committee on Military Affairs.

9080. Also, petition of the Stockton California City Employees, Local 102, 1 Stockton, Calif., petitioning consideration of their resolution with reference to the national-defense program; to the Committee on Military Affairs.

9081. Also, petition of the North Central Asscciation of Secretaries, Commissioners, and Directors of Agriculture,

Deadwood, S. Dak., petitioning consideration of their resolution with reference to importation of farm products; to the Committee on Agriculture.

9082. Also, petition of Robert E. Lucie, of New York, petitioning consideration of his resolution with reference to calling the Nation to prayer and repentance; to the Committee on Ways and Means.

SENATE

TUESDAY, JULY 30, 1940

(Legislative day of Monday, July 29, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

Almighty God, Who hast in all ages showed forth Thy power and mercy in the preservation of Thy people, and in the protection of all who put their sure trust in Thee: Grant that the people of this land, which Thou hast so blessed, may show forth their thanks and praise for all Thy mercies, by loving obedience to Thy laws. Through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Monday, July 29, 1940, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed the bill (S. 4037) to confer jurisdiction upon the United States District Court for the Western District of Kentucky to hear, determine, and render judgment upon the claim of Theodore R. Troendle, for the Dawson Springs Construction Co., with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 9571. An act to authorize the incorporated town of Sitka, Alaska, to purchase and enlarge certain public utilities and for such purpose to issue bonds in the sum of $200,000 in excess of present statutory debt limit; and

H. R. 9851. An act authorizing special arrangements in the transportation of mail within the Territory of Alaska.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 3200) to provide for the rank and title of lieutenant general of the Regular Army in the military departments of Panama and Hawaii, and it was signed by the President pro tempore.

MEMORIALS

Mr. REED presented a memorial of 73 citizens of Marion County, Kans., remonstrating against the adoption of a military-conscription policy in peacetime, which was referred to the Committee on Military Affairs.

He also presented a memorial of 55 citizens of Edgerton, Johnson County, Kans., remonstrating against the adoption of a compulsory military-training system and expressing the belief that the proposed program for national defense violates the policy of neutrality and is a step toward war, which was referred to the Committee on Military Affairs.

RESOLUTIONS OF VETERANS OF FOREIGN WARS, DEPARTMENT OF CONNECTICUT

Mr. MALONEY. Mr. President, I ask unanimous consent that there may be published at this point in the RECORD as a part of my remarks and appropriately referred resolutions adopted by the Veterans of Foreign Wars of the United States, Department of Connecticut, at the twentieth annual encampment held in New Britain, Conn., on June 28, 29, and 30, 1940.

There being no objection, the resolutions were ordered to be printed in the RECORD and referred, as follows:

To the Committee on the Judiciary:

Resolution adopted by the Veterans of Foreign Wars of the United States, Department of Connecticut, at the twentieth annual encampment held in New Britain, Conn., June 28, 29, and 30, 1940

Whereas the founders of this Nation here erected a free government based upon the individual rights and personal dignity of man and were obliged to flee from and thereafter defend themselves against the autocracies of the Old World in order to establish such a haven of liberty; and

Whereas the doctrine of personal liberty guaranteed by the Constitution which they enacted and which the people of this Nation adopted has been gravely abused by enemies of free government within our Nation, and it now appears that such treasonable activities are being undertaken that the continued existence of our form of government is threatened by a minority within serving autocracies of the European Continent which are engaged in brutal assaults upon free people: Now, therefore, be it

Resolved, That we respectfully urge the Congress of the United States to enact appropriate legislation by which participation in any activities designed to change the Constitution of the United States by any means other than those set forth in the Constitution itself, or participation in plotting against the peace and security of the United States shall be deemed a felony and punished by forfeiture of citizenship and such other and further punishment as the Congress may direct; and that copies of this resolution be forwarded to the national headquarters of this order and to the Senators and Congressmen from the State of Connecticut.

To the Committee on Military Affairs:

Resolution adopted by the Department of Connecticut, Veterans of Foreign Wars of the United States, at the twentieth annual encampment, held in New Britain, Conn., on June 28, 29, and 30, 1940

Whereas this Nation has guaranteed the freedom of nations on the American Continents from foreign domination or political interference through the Monroe Doctrine and it now appears that the totalitarian powers of the European Continent recognize no doctrine other than the doctrine of force; and

Whereas it is well established that agencies are at work in the interests of political interference with nations on the American Continents for said European powers, and such activities include subversive activities well organized in the United States, the further development of which may lead to war; and

Whereas this Nation has long neglected the call of this and other patriotic organizations for an adequate national defense, and is now in a state of dire unpreparedness to defend its doctrines and its people: Now, therefore, be it

Resolved, That the Congress of the United States is respectfully urged to enact necessary legislation at once to provide for compulsory military service for the training of all eligible men of the Nation for service in the national defense; and that copies of this resolution be forwarded to the national headquarters of this order and to the Congressmen and Senators from the area of this department.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHEPPARD:

S. 4224. A bill to authorize the discontinuance of professional examinations for promotion in the Regular Army of officers of the Medical, Dental, and Veterinary Corps during time of war or emergency declared by Congress; to the Committee on Military Affairs.

By Mr. McCARRAN:

S. 4225. A bill to enact the Aviation Salvage at Sea Convention into statute law in the United States; to the Committee on Commerce.

By Mr. VAN NUYS:

S. 4226. A bill for the relief of Julius Yuhasz and Arvid Olson; to the Committee on Claims.

By Mr. AUSTIN:

S. 4227. A bill for the relief of Herbert Zucker, Emma Zucker, Hanni Zucker, Dorrit Claire Zucker, and Martha Hirsch; to the Committee on Immigration.

By Mr. BYRD:

S. 4228. A bill reviving and renewing patent No. 1,467,930, serial No. 557,262; to the Committee on Patents.

By Mr. SHEPPARD:

S. J. Res. 286. Joint resolution to strengthen the common defense and to authorize the President to order members and units of reserve components and retired personnel of the

Regular Army into active military service; to the Committee on Military Affairs.

HOUSE BILLS PLACED ON CALENDAR OR REFERRED

The following bills were each read twice by their titles and ordered to be placed on the calendar, or referred, as indicated below:

H. R. 9571. An act to authorize the incorporated town of Sitka, Alaska, to purchase and enlarge certain public utilities and for such purpose to issue bonds in the sum of $200,000 in excess of present statutory debt limit; to the calendar.

H. R. 9851. An act authorizing special arrangements in the transportation of mail within the Territory of Alaska; to the Committee on Post Offices and Post Roads.

REGULATION OF INVESTMENT COMPANIES AND ANSWERS—AMENDMENTS

Mr. WAGNER submitted sundry amendments intended to be proposed by him to the bill (S. 4108) to provide for the registration and regulation of investment companies and investment advisers, and for other purposes, which were ordered to lie on the table and to be printed.

SELECTIVE COMPULSORY MILITARY TRAINING—AMENDMENT

Mr. LEE submitted an amendment intended to be proposed by him to the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service, which was ordered to lie on the table and to be printed.

CLAIM OF THEODORE R. TROENDLE, FOR THE DAWSON SPRINGS CONSTRUCTION CO.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 4037) to confer jurisdiction upon the United States District Court for the Western District of Kentucky to hear, determine, and render judgment upon the claim of Theodore R. Troendle, for the Dawson Springs Construction Co., which was, on page 2, line 7, after the word "cases", to insert a colon and the following proviso:

Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. BARKLEY. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

NOMINATING ADDRESS BY SENATOR HILL AT DEMOCRATIC CONVENTION

[Mr. HILL asked and obtained leave to have printed in the RECORD the address delivered by him at the recent Democratic National Convention at Chicago, nominating Franklin D. Roosevelt for President, which appears in the Appendix.]

STATEMENT OF PAUL V. M'NUTT AT DEMOCRATIC NATIONAL CONVENTION

[Mr. MINTON asked and obtained leave to have printed in the RECORD the statement made by Hon. Paul V. McNutt at the Democratic National Convention, July 18, 1940, which appears in the Appendix.]

ADDRESS BY FREDERICK G. HUGHES TO EMPLOYEES OF GENERAL MOTORS MANUFACTURING CO.

[Mr. MALONEY asked and obtained leave to have printed in the RECORD an address delivered by Mr. Frederick G. Hughes to employees of the New Departure plant of the General Motors Manufacturing Co. at Bristol, Conn., on June 24, 1940, which appears in the Appendix.]

SUSPENSION OF PUBLICATION OF CHATTANOOGA NEWS—EDITORIAL FROM PHILADELPHIA RECORD

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD an editorial published in the Philadelphia Record of July 29, 1940, entitled "Who Killed the Paper That Fought Willkie?" which appears in the Appendix.]

EDITORIAL FROM WASHINGTON (D. C.) TIMES-HERALD ON MR. WILLKIE'S CANDIDACY

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD an editorial on Mr. Willkie's candidacy published in the Washington (D. C.) Times-Herald of July 30, 1940, being a reprint of an editorial published in the New York News of the same date, which appears in the Appendix.]

GLASS AGAINST KELLY—EDITORIAL FROM NEW ORLEANS ITEM

[Mr. CLARK of Missouri asked and obtained leave to have printed in the RECORD an editorial from the New Orleans Item entitled "Glass Against Kelly," which appears in the Appendix.]

KENTUCKY'S SELF-APPRAISAL—EDITORIAL FROM GRAND RAPIDS PRESS

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an editorial from the Grand Rapids Press entitled "Kentucky's Self-Appraisal," which appears in the Appendix.]

THE THIRD-TERM ISSUE—EDITORIAL FROM NEW YORK SUN

[Mr. WILEY asked and obtained leave to have printed in the RECORD an editorial from the New York Sun of Monday, July 29, 1940, under the title "The Acute Angle of the Third-Term Issue," which appears in the Appendix.]

ADDITIONAL APPROPRIATION FOR THE TENNESSEE VALLEY AUTHORITY

The Senate resumed the consideration of the joint resolution (S. J. Res. 285) making an additional appropriation for the Tennessee Valley Authority for the fiscal year 1941 to provide facilities to expedite the national defense.

The PRESIDENT pro tempore. The joint resolution is before the Senate and open to amendment.

Mr. McKELLAR. Mr. President, I think all Senators are familiar with this measure. On June 19, 1940, the President sent in a recommendation and a Budget estimate for the purposes contemplated by the joint resolution. Later on Mr. Stettinius, Mr. Knudsen, Mr. Gano Dunn, and several others appeared before the House committee and the Senate committee and testified that the building of a dam for hydro power and a steam plant on the Holston River in Tennessee near Knoxville was absolutely necessary in the interest of the national defense. It grew out of this situation: As we all know, the Aluminum Co. of America has the largest of its various plants in a little town called Alcoa, in Tennessee, about 20 miles from Knoxville, and about the same distance or slightly farther from the site of this proposed dam and power plant.

The President recommended that $25,000,000 be appropriated for this plant for the work to be done in the present year.

Mr. Stettinius said that he had had a survey made as to the power which would be necessary for national-defense purposes. I shall read short excerpts from his statement if the Senate will permit me. They are published in the RECORD of this morning, but, at the same time, I think certain references to his statement should be made.

The principal witness before the committee was Mr. Gano Dunn, who is an outstanding electrical and chemical engineer. Mr. Dunn was for a long time, and perhaps still is, connected with the J. G. White Engineering Co. He testified at length before the committee. He said he had examined the power possibilities all over the country. He had especially examined into the power capacity in connection with the production of aluminum which is to be used, as we all know, for the building of airplanes for war purposes.

The largest aluminum plant in the country being at Alcoa, it was very important, as he thought, to examine the power capabilities of the streams near the point where aluminum is manufactured. He described in his testimony the Holston Dam as a "natural"; that is, he says that by the use of combined hydro and steam plants the amount of power necessary for the production of aluminum could be obtained as in no other place in this country.

In the first place, he recommended a steam plant of a capacity of 120,000 kilowatts. The hydro plant at the point where the dam was built would generate 90,000 more kilowatts, and in the succeeding dams down the river, by the flow of water from the Holston Dam, additional kilowatts could be generated, all within the sphere of and within transmission distance of the aluminum plant. So 300,000 kilowatts of power could be furnished the aluminum plant within

18 months with a steam plant, and within 24 months with a water plant.

The question was raised that the war might be over in 24 months, or even in 18 months. His reply to that was that the Army was building large guns that would take longer than that to complete, and the Navy was building great ships that would take longer than that to complete, and therefore the same principle applied to the vital use of power for the manufacture of aluminum that applied to the manufacture of large guns and tanks and other implements of war and the building of ships for the Navy. So it was shown very clearly, both to the House and Senate committees, that this project is very vital for defense purposes.

Another question that was asked was why there was not sufficient power there without this expansion. It was shown that the Aluminum Co. of America is now buying between a million and a half and $2,000,000 worth of power from the Tennessee Valley Authority, and it was necessary for them to have more power.

I do not think any Senator can read the testimony of Mr. Stettinius and Mr. Dunn and not come to the conclusion that they are entirely right and that it is absolutely necessary to have this plant built.

Mr. Stettinius highly praised Mr. Dunn as an engineer, and no one who heard Mr. Dunn testify could come to any other conclusion than that he knows his business as few men do.

Now I quote from the testimony of Mr. Stettinius:

I wish to say that in some ways this power situation of the T. V. A. is a very, very vital matter from the standpoint of national defense. The Aluminum Corporation now is expanding their production by 60,000,000 pounds per annum. If the water is short, the T. V. A. cannot supply power for this present production.

They are waiting commencement now of another 60,000,000 pounds per annum capacity in Tennessee, which is clearly dependent upon this power expansion that you gentlemen are considering this afternoon.

It looks as a general estimate, as a general background, gentlemen, it looks as if the defense program will involve something in the neighborhood of 200,000,000 pounds per annum of aluminum production in addition to the present requirements.

Senator HAYDEN. What is the occasion for using so much aluminum?

Mr. STETTINIUS. In the airplane schedule chiefly, sir. In the wing construction, the motors, and the fuselage. In the general aviation program, for instance, about 5 tons of aluminum go into one of these large-size bombers.

Senator HAYDEN. I want to confess frankly to you that, coming from Arizona, which is the greatest copper-producing State, and realizing the great inroads that aluminum has made on copper, I am pretty highly prejudiced perhaps against that metal. But I do realize that it is lighter than any other metal and that the need in aircraft construction is for lightness.

Mr. STETTINIUS. Yes; in aircraft construction aluminum, from the standpoint of its weight, its thickness, its strength, and its durability, takes the place of almost any other metal.

And again:

Mr. STETTINIUS. Mr. Dunn in his testimony can bring out a great number of factors having to do with the entire industrial situation in the southeastern section of this country in connection with the defense program separate and apart from the aluminum case that I have spoken about.

Then Mr. Dunn testified, and I will read a portion of what he so well said:

The increase in the hydro power of the Tennessee Valley Authority is advantageous because, by installing 90,000 kilowatts of generating equipment at the Holston Dam—

That is the place where it is to be installed—

the water impounded by that dam will not only energize the 90,000 kilowatts there installed but an additional 90,000 kilowatts to be installed at the Pickwick and Wilson Dams farther down the river. This is because the Holston Dam happens to be the highest one upstream from the other dams in the Tennessee Valley over which other dams the water which is stored in the Holston Reservoir is also discharged with accompanying power, which would not be the case if the Holston Dam stood alone by itself. By this particular development of the Tennessee Valley it may be said that we get 2 kilowatts of power for every 1 kilowatt that the Holston Dam itself develops.

Our approval of 120,000 kilowatts of steam plant to be located near the Watts Bar Dam has the effect of transforming a large amount of what is termed secondary or dump power resulting from the variations in the flow of the river into primary or continuous power which the Tennessee Valley Authority system greatly needs. The amount of power we approved was 180,000 kilowatts of hydro and 120,000 kilowatts of steam, but while this constitutes a total of 300,000 kilowatts of increased installed capacity it does not constitute 300,000 kilowatts of increased power, since the hydro power and the steam power overlap and they are not both in full operation at the same time. The net amount of increased power made available by the 300,000 kilowatts of installed capacity is in the neighborhood of 220,000 kilowatts.

Mr. President, I desire now to call attention to another matter. It came up in the committee on the question of which was cheaper—steam power or hydro power. Mr. Dunn stated that steam power by itself, because of the reduction of the price of coal for one thing, and for other reasons, in his opinion was cheaper than hydro power, but not in a case such as this where the dam is the top dam on a river where there are many other dams and where the amount of hydro power manufactured at the particular dam is 90,000 kilowatts and 90,000 other kilowatts will be manufactured as the water moves down into the other dams.

In addition to that, Mr. Dunn, this morning, wrote to the chairman of the subcommittee a letter which I shall take the liberty of reading concerning one phase of the matter. This letter is addressed to the Senator from Colorado [Mr. ADAMS]:

Certain members of the committee of which you are chairman have raised the question: Why should not the increased capacity of T. V. A. required for national-defense purposes be wholly in steam power instead of partly in steam power and partly in hydro power, as has been recommended by the engineers and approved by the Advisory Committee to the Council of National Defense?

The most reliable and economical operation of a mixed system like that of the T. V. A. comes about when the amount of steam bears to the amount of hydro a ratio determined by engineering considerations. If in the T. V. A. system the steam is expanded at the expense of the water, the cost of operation is considerably increased, and some of the benefits of hydroelectric development are lost. If not enough steam is provided, the operation in respect to prime power becomes uncertain and a large part of the power becomes secondary power of much lower value.

As we all know, primary power is the power which comes from the stream all the year around, and secondary power is the increased amount which comes about with rains or floods.

The amount of steam power included in the plan is the right amount to give the best compromise between these conflicting requirements, and any important change in it would be contrary to good engineering.

There is another consideration of a most serious kind. Since this matter came up a month or so ago the power demands for national defense have begun to rise all over the industrial part of the country, and many large orders have been placed with the manufacturing companies for steam machinery and equipment. To such an extent has this occurred that whereas deliveries of 15 to 18 months were then possible, I am informed that in the last 3 weeks the General Electric Co., the largest manufacturer of steam turbogenerators, has been obliged to lengthen its delivery dates so that it is now quoting deliveries no earlier than 25 months from the date of order.

If under these circumstances the amount of steam equipment for the T. V. A. expansion should be materially increased, it could only be at the expense of the expansion of steam plants elsewhere also needed for national defense, and it is probable that the priority authorities would not recognize the claim for early delivery of a large part of the T. V. A. order.

For all these reasons, and in the interest of the prompt determination of the T. V. A. expansion, which is urgently needed for the national defense, I urge that the proportions of steam to hydro, which have been carefully determined from engineering considerations, be not disturbed.

So, Mr. President, I am presenting this matter to the Senate, and hope the joint resolution may pass at the very earliest possible moment, so that work may go forward upon this project of national defense.

Mr. NORRIS. Mr. President——

Mr. McKELLAR. I yield to the Senator from Nebraska.

Mr. NORRIS. I desire to suggest to the Senator that for the RECORD—Senators probably know it—the Senator ought to read the name of the engineer signing the letter.

Mr. McKELLAR. Certainly. The letter is from Gano Dunn, one of the most celebrated engineers in the United States, and at present engaged by the Council of National Defense which has been set up by the President of the United States.

Mr. MILLER. Mr. President——

Mr. McKELLAR. I yield to the Senator from Arkansas.

Mr. MILLER. Does the pending joint resolution contemplate the building of an entirely new dam?

Mr. McKELLAR. Yes; an entirely new dam near Jefferson City.

Mr. MILLER. At a cost of how much—about $65,000,000?

Mr. McKELLAR. The steam plant will cost a very considerable sum, and that is to be deducted from the $65,000,000 which the hydro plant will cost.

Mr. MILLER. Then under the joint resolution, as I understand, one new dam will be built.

Mr. McKELLAR. One new dam will be built.

Mr. MILLER. And an auxiliary steam plant will be built for the purpose of supplying additional power. Is that correct?

Mr. McKELLAR. No; the purpose of the steam plant is to supply power when the water is low, so as to provide a constant flow of primary power. Primary power is necessary in the view of the Commission and this engineer, Mr. Dunn, in order that the best results may be obtained in the manufacture of aluminum.

Mr. MILLER. The purpose of all stand-by steam plants is to afford a constant supply of primary power.

Mr. McKELLAR. That is the purpose.

Mr. MILLER. But the thought occurred to me that we are continuing to pour into the T. V. A. millions and millions of dollars. This project is for the manufacture of aluminum from bauxite.

Mr. McKELLAR. Yes.

Mr. MILLER. Ninety-six percent of the bauxite that will be manufactured there comes from Arkansas.

Mr. McKELLAR. The Senator does not object to that, does he?

Mr. MILLER. Not at all. I am for the joint resolution and shall support it.

Mr. McKELLAR. I thank the Senator.

Mr. MILLER. But I think we are short-sighted in our policies in putting all our eggs in one basket. If the Tennessee River were the only river in the United States capable of producing hydroelectric power, the question would be different; but this very engineer, Mr. Dunn, to whom I have talked, the Federal Power Commission, and the Army engineers say that we have 2,000,000 kilowatt-hours annually going to waste in Arkansas on dams the construction of which has been authorized by Congress, and yet the National Defense Commission cannot be induced to go there and build dams; but they are insisting upon extracting from the States of the interior their products and sending them to industrial areas. That is what we are doing.

Mr. McKELLAR. Mr. President, if the Senator will yield to me for a moment, I may say, in reply to what he has stated, that I voted for every one of the bills to aid the development of water power in his State to which he refers.

Mr. MILLER. The Senator did.

Mr. McKELLAR. But the Aluminum Co. many years ago built this very large dam in east Tennessee and began to build other dams. Incidentally they are building two more small dams there now; they are in the course of construction.

The advantage of having this particular dam built on the Holston River at Jefferson City is that it is only about 20 miles from the great plant of the Aluminum Co. It is not to be erected for a general increase in power development on the Tennessee River. It works that way, because the Holston is a tributary of the Tennessee River, but the peculiar reason why the Defense Council is acting—and I do not think it should be blamed—is that this power can be generated right at the Aluminum Co. plant, and the Aluminum Co. has its plant there now, the largest such plant in the world. It needs the power with which to manufacture the aluminum there. If there were an aluminum plant in Arkansas, I imagine the Council would recommend that a dam be built in Arkansas.

Mr. MILLER. The power is needed, it is true. Is the Aluminum Co. going to build a new plant or use its present facilities?

Mr. McKELLAR. Developments have been proceeding so rapidly that it is hard to keep up with them; but I think within the last 2 or 3 years the Aluminum Co. has doubled its capacity at this point. Before doing that it made a contract with the T. V. A. for quite a large amount of power, which is being sold at an excellent rate, a rate at which the T. V. A. can sell it, and the company is taking power from the T. V. A. now, but they have not enough power. They must have more power, and that is why these two plants, one a steam plant and one a hydro power plant, are to be built.

Mr. MILLER. I understand the completeness of the case that is made by the testimony and in the hearings; I realize the necessity for the appropriation proposed and for the enlargement of this plant; I appreciate what Mr. Dunn and others have said as to the reasons which impel them to recommend this appropriation, and I am wholeheartedly for it; but I wish to say to the Senator and to the Senate, in all seriousness, that if we are to locate new industries—and I am willing to admit this is not a new industry, that it is an expansion of the present one, 30,000 tons a year being what they are going to undertake to mill there by this increased power—the Senate cannot afford to proceed to build one industrial empire at the expense of the entire nation, under the pretense of national defense, when the same objectives can be obtained by scattering the industries over the Nation. I am as wholeheartedly for the joint resolution as I can be, and I expect to do everything I can for the program, but I felt that I did not want this proposed legislation to go through without some facts being called to the attention of the Senate.

Mr. TYDINGS. Mr. President, will the Senator from Tennessee yield?

Mr. McKELLAR. I yield.

Mr. TYDINGS. As I understand from the brief explanation, there is not sufficient power now available to operate this plant.

Mr. McKELLAR. There is not.

Mr. TYDINGS. Would it not be possible to run transmission lines to this mill more economically from some other dam under the Tennessee Valley Authority than to build a new dam?

Mr. McKELLAR. There are transmission lines to all the plants along the Tennessee River, but it will be remembered that the T. V. A. has taken over great power companies in that area and is supplying them, and therefore there is not enough power there now.

Mr. TYDINGS. In other words, unless the action proposed in the joint resolution shall be taken, there will be no other place where they can get adequate power to operate this plant as it is desired that it be operated?

Mr. McKELLAR. For the best interest of national defense.

Mr. TYDINGS. Is that correct?

Mr. McKELLAR. That is a correct statement.

Mr. TYDINGS. There is no other way by which they can get the power except by building these two dams in order to furnish it?

Mr. McKELLAR. One dam and one steam plant. That is what the engineers testified.

Mr. HOLMAN. Mr. President, I should not like to let the question of the Senator from Maryland as to the availability of power go unanswered. On the Columbia River there are plants already authorized which could furnish power and which are looking for customers.

Mr. McKELLAR. Mr. President, will the Senator yield for a moment?

Mr. HOLMAN. Yes.

Mr. McKELLAR. That is entirely correct, and if the Senator will examine the testimony of Mr. Dunn, who has stated the matter so clearly, he will find that they are counting on 60,000 kilowatts of power from one of the great dams in the Senator's State. It will be found that in making the estimate of all the power in the country which could be used for war purposes one of the items was 60,000 kilowatts, as I remember the figures, from a dam in the Senator's State.

Mr. HOLMAN. It is not my purpose to oppose the measure presented by the Senator from Tennessee. I have just spent a week on the Tennessee River, and have been at the site of the proposed dam, and followed the development down to the mouth of the river, but, in my judgment, the time is

coming when the Government of the United States must scatter its industries, and must take into consideration the vast expenditures which have been authorized on the Columbia River.

I doubt if many Members of the Senate realize the enormous power and flow proportions of the Columbia River. The Columbia, its tributaries, and adjacent streams have far greater power potentialities than any other river system on the North American Continent. There are 43,000,000 potential 90 percent water horsepower on all the streams in the United States. Nineteen million two hundred thousand horsepower, or 44.5 percent of all the country's water power, is found on the Columbia system.

The average flow of the Columbia River is 1 9/10 times as large as the average flow of the Mississippi at St. Louis, below which place the Mississippi has no potential power; 1 1/10 times as large as the Ohio's flow at its mouth; 7 9/10 times as large as that of the Tennessee at Chattanooga; 4 3/10 times as large as that of the Tennessee at its mouth; 1 3/10 times as large as the flow of the St. Lawrence at the international section; 15 1/10 as large as that of the Colorado at Boulder Dam; and 1 7/10 times as large as that of the Yukon at its mouth.

The Columbia is a steady stream, and in this respect is excelled only by the St. Lawrence because of the regulating effect of the large storage reservoirs of the Great Lakes. The low-water flow of the Columbia is 1 9/10 times that of the Mississippi at St. Louis, 3 times that of the Ohio at Paducah, 13 5/10 times that of the Tennessee at Chattanooga, and 6 3/10 times that of the Tennessee at its mouth.

Oregon and Washington together have 13,200,000 potential horsepower, compared with 1,300,000 in Tennessee, 900,000 in Alabama, and about 1,600,000 in the T. V. A.

Funds have been appropriated and construction is in progress which will result in the availability of about 615,000 kilowatts at Bonneville and Grand Coulee in a little over a year. This is more than double the defense-power requirements submitted by the Defense Commission.

I merely desire to call the attention of the Senate at this time to the developments already authorized on the Columbia River, and to the fact that future demands for war purposes, or other purposes, should look to the Columbia River for hydroelectric service, and that we should not continue concentrating the developments in one small area of the Nation.

The PRESIDENT pro tempore. The question is on the engrossment and third reading of the joint resolution.

The joint resolution (S. J. Res. 285) was ordered to be engrossed for a third reading, read the third time, and passed.

SELECTIVE COMPULSORY MILITARY TRAINING

Mr. VANDENBERG. Mr. President, I wish to present for the RECORD a very illuminating article from this morning's New York Times dealing with Canada's experience with her own national defense and with conscription.

There is an obvious parallel between Canadian necessities and our own. There has been considerable misunderstanding as to the nature of the development of the Canadian defense. I think the article which I am presenting from the Times is undoubtedly authentic. It discloses that a Canadian active service force of 133,000 men has been raised by the volunteer system. Since our population is roughly 10 times the size of that of Canada, the Canadian figures should probably be multiplied by 10 in seeking to draw a parallel with our own situation. On the basis of that parallel, we would have a volunteer force of 1,300,000 men before we undertook conscription.

Canada undertakes conscription 1 year after its entry into the war. But what is the conscription which Canada will inaugurate on October 1? I quote:

> Under the compulsory system, which is just getting under way, the first class will be called for training October 1. There will be 30,000 men in this class.

The equivalent figure in the United States would be 300,000.

> They will receive a month's—
>
> Not 1 year's—
>
> They will receive a month's intensive training and then be demobilized. Each month a new class will be called up, but for the first year only single men will be drafted.
>
> Men will be paid $1.20 a day while in uniform, but this pay will continue if they keep up their drill in nonpermanent militia units at night.

In other words, the program calls for 30-day conscription, and subsequent voluntary service in part-time training in their own home areas.

I quote further:

> To those who suggest that 30 days is too brief a period for training, Defense Minister Ralston replied:
>
> "The weight of opinion is," he said, "that we must lay as broad and deep a foundation as possible for the Canadian Army.
>
> "To withdraw 300,000 men from their work for more than 30 days over a year might jeopardize production of essential war commodities. It is necessary to give the largest number of men elementary military training in the shortest possible time."

Mr. President, what I am emphasizing, for whatever it may be worth, in respect to our study of our own problem, is that conscription across the border, in the great empire to the north, which has been at war for a year, is confined to 30 days' service, and to home service only.

I ask that the entire article from the New York Times be printed in the RECORD at this point.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

> CANADA WILL TRAIN 300,000 YOUNG MEN—NEW ARMY WILL BE SEPARATE FROM ACTIVE-SERVICE FORCE NOW TOTALING 133,572—ARMS OUTPUT INCREASES—RALSTON TELLS COMMONS THAT NO MORE MEN WILL BE SENT TO AID BRITISH DEFENSE
>
> OTTAWA, July 29.—As a vanguard of a new Canadian army to defend this country 300,000 single men will be trained in successive monthly waves of 30,000 each, Defense Minister J. L. Ralston announced to Parliament tonight.
>
> This new army will be separate from the Canadian active-service force which now numbers 133,572 men. It will not be sent outside Canada. In addition to these recruits there will be available to man coastal defenses and in reserve 100,000 men enlisted for the duration of the war.
>
> Colonel Ralston indicated that for the present no more men would be sent overseas.
>
> "There is at the moment no shortage of manpower in England," he declared. "The real demand is for equipment."
>
> TRAINING TO BE CONTINUED
>
> The new recruits will not be kept in uniform after their month in camp is over, but their training will be continued in the nonpermanent militia.
>
> At the head of the priority list of Canada's military preparations, Colonel Ralston placed the strengthening of Canada's Atlantic coast fortifications.
>
> Command headquarters are to be organized at once in the Maritime Provinces and fortifications already erected are to be strengthened. The general in charge of the new command will be in control of the troops in Newfoundland as well.
>
> As an additional measure of home defense, steps to coordinate police and military protection for internal security of the country were announced. Angus McDonald, new minister for naval service, will also take charge of internal defense matters.
>
> Colonel Ralston also announced that a new rifle factory would shortly be in production in Canada. All surplus rifles were given to the British Government 2 months ago.
>
> Production of small-arms ammunition will be increased 50 percent in the next month and doubled before the end of the year. Machine-gun production is now ahead of schedule, the Minister stated.
>
> UNIFORMS NOW DELIVERED
>
> The House was assured that Canadian overseas forces were now completely equipped with mechanized transport and Canadian factories had turned their whole production over to making good the losses suffered by the British Army in Flanders. All the transport had been so modified from British design as to be capable of mass production under North American conditions.
>
> Difficulties in providing uniforms for Canadian forces were now removed, the House was told. To date, 210,927 complete sets of uniforms had been delivered.
>
> Colonel Ralston's speech was the most reassuring that Parliament has heard this session. He was followed by Air Minister Charles G. Power, who detailed steps in speeding up the commonwealth air-training plan. Eighty-eight airfields with their training schools will be in operation by the end of the summer.
>
> Two months ago there were 488 pupils in the schools. Now there are 2,643. With staff and pupils there are now a total of 19,453 in the Canadian air force.
>
> Meanwhile Canada is operating a two-way system of raising military forces to meet the emergency. There is compulsory serv-

ice, but this is for home defense only. Canadians are enlisting at the rate of 1,200 a day for overseas service.

Under the compulsory system which is just getting under way, the first class will be called for training October 1. There will be 30,000 men in this class. They will receive a month's intensive training and then be demobilized. Each month a new class will be called up but for the first year only single men will be drafted.

TO RECEIVE $1.20 A DAY

Men will be paid $1.20 a day while in uniform, but this pay will continue if they keep up their drill in nonpermanent militia units at night. Two nights' drill means 1 day's pay.

When drafted, the men will be attached to these units and will continue to belong to the same regiment.

A national registration will be held August 19, 20, and 21. Cards of all the men of military age—19 to 45—will be sent to a judge in each province. As each class is called the men will be given a medical examination, and if they are physically fit they must report for training. There are no exemptions allowed.

There are 91 militia regiments in Canada, and more may have to be established. Many of these regiments have already furnished battalions for overseas service. New battalions are now being organized for home defense.

To those who suggest that 30 days is too brief a period for training, Defense Minister Ralston replied:

"The weight of opinion is," he said, "that we must lay as broad and deep a foundation as possible for the Canadian Army.

"To withdraw 300,000 men from their work for more than 30 days over a year might jeopardize production of essential war commodities. It is necessary to give the largest number of men elementary military training in the shortest possible time."

One of the difficulties Canada faces is the shortage of competent instructors to train these men. Several thousand instructors are now in training in special schools established for the purpose. The instructors are being drawn largely from men who served in the last war.

The 30 days will give only the initial military training that is common to all arms. Specialization comes later. It has been thought best, Colonel Ralston said, "to give this initial training to all the men concerned." After they have absorbed something of the spirit of the army, they will have instinctive preferences with respect to the branch of the service in which they desire to serve.

EXECUTIVE SESSION

Mr. MINTON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORT OF COMMITTEE ON MILITARY AFFAIRS

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nomination of Robert Porter Patterson, of New York, to be Assistant Secretary of War.

The PRESIDENT pro tempore. If there be no further reports of committees, the clerk will state the nomination on the calendar.

POSTMASTER

The legislative clerk read the nomination of James W. Blair to be postmaster at Clayton, Okla.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

ASSISTANT SECRETARY OF WAR

Mr. SHEPPARD. Mr. President, the Committee on Military Affairs a little earlier today favorably reported the nomination of Robert Porter Patterson, of New York, to be Assistant Secretary of War. I ask unanimous consent for the immediate consideration of that nomination.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The nomination will be stated.

The legislative clerk read the nomination of Robert Porter Patterson, of New York, to be Assistant Secretary of War.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. SHEPPARD. I ask that the President be notified of the confirmation of the nomination.

The PRESIDENT pro tempore. Without objection, the President will be notified.

That completes the calendar.

LEGISLATIVE SESSION

Mr. BARKLEY. I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

RECESS

Mr. BARKLEY. Mr. President, a measure identical with the Senate joint resolution which has just been passed is now under consideration in the House. It is very important that the legislation be enacted as soon as possible; either that the Senate joint resolution be enacted by the House, or that the House measure, if the House passes it, shall be enacted by the Senate. There is an agreement in effect in the House that 2 hours shall be devoted to debate on the measure, after which, as I understand, it will be voted upon. In order that there may be no delay in the consideration of the measure in either House, whichever one desires to pass the measure of the other House, I ask unanimous consent that the Senate stand in recess until 3 o'clock p. m.

Mr. McNARY. Mr. President, I wish to make an inquiry. When the Senate reconvenes at 3 o'clock, is it to take up other matters?

Mr. BARKLEY. No; it is not contemplated that we will take up other matters.

Mr. McNARY. Then it is the intention thereafter to recess until Thursday?

Mr. BARKLEY. Yes; it is the intention thereafter to recess until Thursday.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent request presented by the Senator from Kentucky? The Chair hears none, and it is so ordered. The Senate will stand in recess until 3 o'clock p. m.

Thereupon (at 12 o'clock and 40 minutes p. m.) the Senate took a recess until 3 o'clock p. m., when it reassembled, and the President pro tempore took the chair.

Mr. BARKLEY. Mr. President, the House has not yet acted on the joint resolution to which reference has been previously made. Therefore I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Thereupon (at 3 o'clock and 1 minute p. m.) the Senate took a recess subject to the call of the Chair.

At 6 o'clock and 40 minutes p. m. the Senate reassembled, and was called to order by the President pro tempore.

ADDITIONAL APPROPRIATION FOR THE TENNESSEE VALLEY AUTHORITY—MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed a joint resolution (H. J. Res. 583) making an additional appropriation for the Tennessee Valley Authority for the fiscal year 1941 to provide facilities to expedite the national defense, in which it requested the concurrence of the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate a joint resolution coming over from the House of Representatives.

The joint resolution (H. J. Res. 583) making an additional appropriation for the Tennessee Valley Authority for the fiscal year 1941 to provide facilities to expedite the national defense was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the sum of $25,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, as an additional amount to carry out the provisions of the Tennessee Valley Authority Act of 1933, approved May 18, 1933, as amended by the acts approved August 31, 1935, and July 26, 1939, including the funds necessary to begin construction of a dam on the Holston River near Jefferson City, Tenn.; to begin installation of two additional electric generating units at Wilson Dam, Ala., and one additional electric generating unit at Pickwick Landing Dam, Tenn.; and to begin construction of steam electric generating facilities with a rated capacity of approximately 120,000 kilowatts in the area served by the Authority; and the acquisition of necessary land, the clearing of such land, relocation of highways, and the construction or purchase of transmission lines and other facilities, and all other necessary works authorized by such acts, and for printing and binding, lawbooks, books of reference, newspapers, periodicals, purchase, maintenance, and operation of passenger-carrying vehicles, rents in the District of Columbia and elsewhere, and all necessary salaries and expenses connected with the organization, operation, and investigations of the Tennessee Valley Authority, and for examination of estimates of appropriations and activities in the

field: *Provided*, That the foregoing appropriation shall be in addition to and shall be covered into and accounted for as a part of the "Tennessee Valley Authority Fund, 1941," as established by the Independent Offices Appropriation Act, 1941: *Provided further*, That purchases may be made by the Authority during the fiscal year 1941 without regard to the provisions of section 3709 of the Revised Statutes and section 9 (b) of the Tennessee Valley Authority Act, as amended, when in the judgment of the Board of Directors of the Authority such a procedure will expedite the completion of projects determined to be essential for national defense purposes by the Advisory Commission of the Council of National Defense: *Provided further*, That the extent and location of the transmission lines provided for herein shall receive the approval of such Commission.

Mr. McKELLAR. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the House joint resolution. In making the request for unanimous consent, I wish to say that the House joint resolution is exactly the same as the Senate joint resolution passed by the Senate earlier today, with the exception that on page 3, line 4, after the word "defense" the following proviso was inserted by the House:

Provided further, That the extent and location of the transmission lines provided for herein shall receive the approval of such Commission.

Meaning the Advisory Commission of the Council of National Defense.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. DANAHER. Inviting the Senator's attention to the House joint resolution, does he not mean page 3, line 5? The word "defense" appears in line 3 and again in line 5.

Mr. McKELLAR. That is true in the Senate joint resolution. I had the House joint resolution before me. It is line 4, page 3, of the House joint resolution. In other words, after the last word in the joint resolution that proviso was inserted.

Mr. DANAHER. I thank the Senator from Tennessee.

Mr. McKELLAR. I renew my request for unanimous consent that the Senate proceed to the consideration of the House joint resolution.

There being no objection, the joint resolution (H. J. Res. 583) making an additional appropriation for the Tennessee Valley Authority for the fiscal year 1941 to provide facilities to expedite the national defense was considered, ordered to a third reading, read the third time, and passed.

Mr. McKELLAR. Mr. President, Senate joint resolution 285 is now on the Vice President's desk. I ask that the vote by which the Senate joint resolution was passed be reconsidered, and that it be indefinitely postponed.

The PRESIDENT pro tempore. Without objection, the vote by which Senate Joint Resolution 285 was agreed to is reconsidered, and the joint resolution is indefinitely postponed.

Mr. McKELLAR. Mr. President, I now ask unanimous consent that the President pro tempore be authorized to sign the enrolled House Joint Resolution 583 during the recess or adjournment of the Senate.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

REPORT OF THE COMMITTEE ON MILITARY AFFAIRS

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 286) to strengthen the common defense and to authorize the President to order members and units of reserve components and retired personnel of the Regular Army into active military service, reported it with amendments and submitted a report (No. 1987) thereon.

ADJOURNMENT TO THURSDAY

Mr. BARKLEY. I move that the Senate adjourn until Thursday next.

The motion was agreed to; and (at 6 o'clock and 45 minutes p. m.) the Senate adjourned until Thursday, August 1, 1940, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 30 (legislative day of July 29), 1940

WAR DEPARTMENT

Robert Porter Patterson to be Assistant Secretary of War.

POSTMASTER

OKLAHOMA

James W. Blair, Clayton.

HOUSE OF REPRESENTATIVES

TUESDAY, JULY 30, 1940

The House met at 12 o'clock noon.

Rev. Bernard Braskamp, D. D., pastor of Gunton Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

Eternal and gracious God, with gladness and gratitude we are coming unto Thee, for in the revelations of Thy presence and power we find our strength and hope. We pray that we may daily validate these revelations by the convincing and glorious certitude of an ever-enriching personal experience.

Grant that the challenging Spirit of the Son of God may permeate and dominate the minds and hearts of the Members of this legislative body as they address themselves to the duties and responsibilities of this day.

We pray that men everywhere may be eager to participate in a new spirit of fellowship and understanding. May the will of men be good will and Thy ways their ways. Help our humanity to see that the greatest securities for all are not in weapons of warfare, but in the implements of welfare, when swords are beaten into plowshares and spears into pruning hooks, and when men give their allegiance to the Prince of Peace who shall rule not with the rod of iron but with the scepter of justice and righteousness.

In Christ's name we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2920. An act to amend the Railroad Unemployment Act, approved June 25, 1938, as amended June 20, 1939, and for other purposes.

ACTIVE SERVICE FOR THE NATIONAL GUARD, OFFICERS' RESERVE CORPS, ETC. (S. DOC. NO. 265)

The SPEAKER laid before the House the following communication from the President of the United States, which was read by the Clerk and referred to the Committee on Military Affairs and ordered to be printed:

THE WHITE HOUSE,
Washington.

The SPEAKER,
House of Representatives.

DEAR MR. SPEAKER: The increasing seriousness of the international situation demands that every element of our defense structure be brought as rapidly as possible to the highest state of efficiency, in training as well as in equipment and material.

The National Guard of the United States, an integral and vital part of the Army, comprises a body of men who have voluntarily assumed an obligation to serve the Nation in any crisis. To the extent possible under normal conditions, the officers and men of the National Guard have prepared themselves for this service, and I am assured that today the guard has reached the highest state of efficiency in its peacetime history.

The developments of modern warfare are such, however, that only seasoned and highly trained troops can hope for

success in combat. Our citizen soldiery, no matter how willing and earnest, cannot possibly attain the necessary degree of efficiency through their normal training activities. Even our professional soldiers required months of intensive training to bring them to their present satisfactory state. We know too well the tragedy that ensues when inadequately trained men are assailed by a more skillful adversary.

Some weeks ago I asked the Congress for authority to order the National Guard into active service should an emergency require this action when your body was not in session. That proposal is no longer sufficient, as I am now convinced that the security of the Nation demands that this component of our Army be brought to the highest possible state of training efficiency more rapidly than its present program permits. Moreover, this group of men, who of necessity must be among the first to fight in the Nation's defense, have a right to the best preparation that time and circumstance permit.

Realizing as I do the personal sacrifice that a period of extended active duty demands of the National Guard, I have deferred until now any request for immediate action in this respect. I cannot, with clear conscience, longer postpone this vitally essential step in our progress toward adequate preparedness, and I am therefore transmitting herewith legislation that, if enacted, will enable me to order the National Guard of the United States to active service for such period of intensive training as may be necessary to raise its efficiency to a point comparable with that of our small Regular Establishment.

If this authority is granted, I propose to order the guard to duty in successive increments to permit the effective use of training facilities and equipment immediately available. Each increment will, of course, be released when it attains the desired state of efficiency.

Of equal importance is the Officers' Reserve Corps. This splendid body of officers has had little opportunity for service with troops, and to the maximum extent possible their training should now be perfected by an adequate period of active service. If ordered to active duty, they can acquire the desired efficiency and at the same time supply the increased need for officers in our expanded Regular Army. The authority I am requesting is therefore drawn so as to include the Officers' Reserve Corps.

I ask your earnest consideration of this program and your prompt and favorable action thereon.

Very sincerely yours,

FRANKLIN D. ROOSEVELT.

EXTENSION OF REMARKS

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a report from the enforcement agencies of the Treasury Department.

The SPEAKER. Is there objection?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. KELLER. Mr. Speaker, I ask unanimous consent to deliver an address before this House next Thursday after everything else is done and most everybody has gone home.

The SPEAKER. For how long does the gentleman wish to address the House?

Mr. KELLER. For 1 hour, if necessary. I want to talk on the question of preparedness. I think my training, experience, observation, and writing on that subject may enable me to offer to the House some vital advice or suggestions.

The SPEAKER. Without objection, it is so ordered.

Mr. RICH. Mr. Speaker, reserving the right to object, the gentleman spoke about speaking to the House when most of the Members had gone home. The gentleman ought to deliver that address when they are here.

The SPEAKER. The Chair hears no objection, and it is so ordered.

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent that on Monday next, at the conclusion of the legislative program, I may be permitted to address the House for 25 minutes.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to extend my remarks very briefly in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. KEEFE. Mr. Speaker, I ask unanimous consent to extend my remarks and include a letter from a constituent.

The SPEAKER. Is there objection?

There was no objection.

Mr. KUNKEL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a letter from Lt. Col. Albert H. Stackpole.

The SPEAKER. Is there objection?

There was no objection.

WAR-RISK INSURANCE

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, today I have introduced the following resolution:

Notwithstanding the provisions of existing law, any member of the National Guard called into the service for training, for State service, or when called into the service of the United States by Presidential proclamation shall be eligible for and entitled to apply for United States Government life insurance under the provisions of sections 300 and 311, World War Veterans' Act, as amended, from and within 120 days after the date of reporting for training, for State service, or for Federal service.

Mr. Speaker, clearly it seems to me that those who enter training in the National Guard, called into State service, or called into Federal service are entitled to take out war-risk insurance if they wish to. We expect men today to go into training for their country and to offer their services for their country in that way, and surely they are entitled to the benefits and protection of Government insurance.

I earnestly hope that my resolution will be adopted. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to extend my remarks and to include two items, one from the Los Angeles Examiner, Perkins Accused of Harboring 700 Alien Lawbreakers; and the other a resolution by the County Supervisors Association of California.

The SPEAKER. Is there objection?

There was no objection.

DEPORTATION OF HARRY BRIDGES

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. LELAND M. FORD. Mr. Speaker, I would like to read to the House Resolution No. 9 passed by the County Supervisors Association of California:

Whereas our democracy is now being threatened by enemy agents engaging in subversive and un-American activities to our detriment; and

Whereas the House of Representatives of the United States has already approved legislation directing that Harry Bridges, C. I. O. organizer, now operating on the west coast, be immediately deported from the United States; and

Whereas such legislation is now pending before the United States Senate for action by that body: Now, therefore, be it

Resolved by the County Supervisors Association of California, meeting in annual convention, at Oakland, Calif., on June 21, 1940, hereby declares that it strongly urges and supports concurrence by the United States Senate, in the action already taken by the House of Representatives in directing the deportation of Harry Bridges, C. I. O. organizer, now operating in California, and that we further

strongly approve and support any legislation to deport any known alien enemy engaged in subversive or un-American activities against the United States.

[Applause.]

EXTENSION OF REMARKS

Mr. BENDER asked and was given permission to revise and extend his own remarks in the RECORD.

Mr. HARTLEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include therein a brief editorial by Meador Wright.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Michigan??

There was no objection.

Mr. JONKMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial from the Grand Rapids Herald.

The SPEAKER. Is there objection to the request of the gentleman from Michigan

There was no objection.

Mr. LAMBERTSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a letter.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. LECOMPTE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a short resolution on the subject of Congress remaining in session, and also dealing with "fifth column" activities.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. THILL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a short newspaper article.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include therein an editorial.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. TABER. Mr. Speaker, I ask unanimous consent that in connection with remarks I expect to make in the Committee of the Whole later in the day I may be permitted to revise and extend them and to include certain tables I have prepared.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

COMMITTEE ON MILITARY AFFAIRS

Mr. MAY. Mr. Speaker, I ask unanimous consent that the House Committee on Military Affairs may sit during the sessions of the House the remainder of the week.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

CALL OF THE HOUSE

Mr. WOLCOTT. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] One hundred and sixty-three Members are present, not a quorum.

Mr. RAYBURN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 170]

Allen, Pa.	Bates, Ky.	Boykin	Buck
Anderson, Mo.	Bell	Bradley, Mich.	Buckley, N. Y.
Barry	Bloom	Bradley, Pa.	Byron
Caldwell	Ferguson	Maas	Sasscer
Camp	Fernandez	Magnuson	Schaefer, Ill.
Cannon, Fla.	Flaherty	Marcantonio	Seger
Casey, Mass.	Folger	Martin, Ill.	Shanley
Celler	Ford, Thomas F.	Mason	Shannon
Chapman	Fries	Merritt	Sheridan
Clark	Goodwin	Mitchell	Smith, Ill.
Connery	Green	Myers	Smith, W. Va.
Creal	Hall, Edwin A.	Norrell	Sparkman
Cummings	Harrintgon	Norton	Spence
Curtis	Houston	O'Day	Sullivan
D'Alesandro	Jacobsen	O'Leary	Thomas, N. J.
Darrow	Jenks, N. H.	Osmers	Tolan
Delaney	Jones, Ohio	O'Toole	Vincent, Ky.
Dies	Kennedy, Md.	Parsons	Vreeland
Ditter	Kleberg	Patrick	Wadsworth
Drewry	Larrabee	Risk	Welch
Englebright	Luce	Ryan	White, Idaho
Evans	McGranery	Sacks	White, Ohio

The SPEAKER. Three hundred and forty-four Members have answered to their names. A quorum is present.

On motion of Mr. RAYBURN, further proceedings under the call were dispensed with.

ADDITIONAL APPROPRIATION, FISCAL YEAR 1941, TENNESSEE VALLEY AUTHORITY

Mr. LEWIS of Colorado. Mr. Speaker, I call up House Resolution 554 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

House Resolution 554

Resolved, That immediately upon adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for consideration of House Joint Resolution 583, a joint resolution making an additional appropriation for the Tennessee Valley Authority for the fiscal year 1941 to provide facilities to expedite the national defense. That after general debate, which shall be confined to the joint resolution and shall continue not to exceed 3 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, the joint resolution shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the joint resolution for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. LEWIS of Colorado. Mr. Speaker, of the 1 hour to which I am entitled on the rule, I yield 30 minutes to the gentleman from New York [Mr. FISH], and at this time I yield myself 10 minutes.

Mr. Speaker, as the pending resolution which has just been read indicates, this is a rule for consideration of House Joint Resolution 583, making an additional appropriation of $25,000,000 for the Tennessee Valley Authority for the fiscal year 1941, to provide additional facilities for the production of electric power, to expedite the national-defense program. This is an open rule providing for 3 hours' general debate, after which the joint resolution—House Joint Resolution 583—will be read for amendment under the 5-minute rule.

The purpose of the joint resolution which this rule makes in order will be fully explained by members of the Appropriations Committee. In brief, the resolution provides for an initial appropriation of $25,000,000 for a program of expansion the total cost of which will be $65,800,000. The expansion program is as follows: First, the construction of a storage dam and hydroelectric power plant on the Holston River, near Jefferson City, Tenn.; second, the installation of two additional 26,000-kilowatt generating units at Wilson Dam and one additional 36,000-kilowatt unit at Pickwick Dam; third, the construction of additional steam electric generating facilities in the area served by the Authority, with an installed capacity of approximately 120,000 kilowatts; and, fourth, the construction of the transmission facilities needed to tie the generating facilities just mentioned into the Tennessee Valley Authority power system and to carry the power to market.

This additional power is needed for the production of aluminum for the manufacture of airplanes and for other purposes in the national-defense program.

Mr. William S. Knudsen in the course of his testimony before the Appropriations Committee—page 5 of the printed hearings on the joint resolution—stated:

My interest in this project is purely to see that we get aluminum enough or duralumin enough to build the planes with. I suppose

you know the average plane takes about 5 tons [of aluminum]. * * * Yes; that is the average, and my interest here in this project is to get aluminum enough for the planes, and the average quantity per plane is about 5 tons, meaning both in the frame itself and in the parts of the motor that are made of aluminum, such as the crankcase, pistons, and cylinder head.

Mr. Speaker, the report of the Committee on Appropriations so fully, clearly, and succinctly sets forth the purposes for which this $25,000,000, and the additional amounts later to be asked for, will be used, that I ask unanimous consent to insert in the RECORD the committee's report at this point in connection with my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The report referred to follows:

The Committee on Appropriations, to whom was referred the joint resolution (H. J. Res. 583) entitled "Joint resolution making an addititonal appropriation for the Tennessee Valley Authority for the fiscal year 1941 to provide facilities to expedite the national defense," reports the measure without amendment and with a recommendation for its early consideration and passage.

The joint resolution carries an appropriation of $25,000,000 in accordance with the Executive recommendation in Senate Document No. 241 of the present session to enable the Tennessee Valley Authority to provide additional electrical generating capacity to meet the present and projected requirements for power from plants engaged and to be engaged in the manufacture of materials and supplies for national-defense purposes. The $25,000,000 carried in the joint resolution is the initial appropriation of a program to cost $65,800,000.

The expansion of Tennessee Valley Authority power facilities to be undertaken under the appropriation is urgently pressed by the Advisory Commission of the Council of National Defense. There appeared before the committee in support of the program Mr. William S. Knudsen and Mr. Edward R. Stettinius, Jr., members of the Advisory Commission; Mr. Gano Dunn, power consultant of the Commission's staff; and Mr. David E. Lilienthal, vice chairman of the Tennessee Valley Authority. The committee invites attention to the testimony of these gentlemen incorporated in the printed hearings in justification of the vital importance of the proposed facilities to the national-defense program.

There should not be any confusion in the public mind with respect to this proposal for the Tennessee Valley Authority. Irrespective of the present or past views of anyone with respect to the governmental policy involved in the Tennessee Valley Authority Act or the operations thereunder, this appropriation should be viewed and adjudged solely by its present bearing upon the national-defense program.

The expansion of existing plants and facilities and the location of new plants and facilities so necessary for production of equipment, material, and supplies for national defense depend upon many factors, such as existing locations, power supply, transportation facilities, raw materials, strategical geographical location, housing, labor supply, etc. One of the principal materials used in airplane production is aluminum, and larger-scale production of this material is dependent upon available power supply. In addition to the future needs for aluminum, other plant expansion or creation for defense needs are projected for the Tennessee Valley Authority area, and the power program to be undertaken by the joint resolution is very definitely tied into the projects and purposes that have been provided for under defense appropriations and authorizations heretofore enacted at this session as well as those that are to be considered in connection with the new program outlined by the President in his message of yesterday.

A survey of power sources by the Advisory Commission indicates the Tennessee Valley Authority area offers a quick solution with respect to securing additional power for aluminum production and the provision of facilities for the manufacture of other defense equipment and materials. Fortunately the Tennessee Valley Authority development has reached such a stage that additional generating facilities can be installed at existing dams and the organization and plans are ready for starting immediate work on additional facilities. All existing power installations, both those of the Tennessee Valley Authority and private companies in adjoining territory, are now being taxed to the limit to meet normal demands, and presently scheduled installations will only care for normal growth in demands, without regard to the new demands of national defense.

The total defense program for the Tennessee Valley Authority as initiated under the joint resolution involves a total of $65,800,000 on the following appropriation schedule: $25,000,000 for the fiscal year 1941, $29,800,000 for the fiscal year 1942, and $11,000,000 for the fiscal year 1943. It consists of (1) a storage project with power installation at the site, (2) installation of additional capacity in empty stalls at existing down-river projects to utilize the added flow contributed by the storage project, (3) the construction of additional steam electrical-generating facilities, and (4) the construction of the new transmission facilities required on account of this added generating capacity. The following is a more detailed description of these projects:

"1. Cherokee Dam: A storage dam and hydroelectric power plant to be built on the Holston River near Jefferson City, Tenn. This project will cost $36,000,000, will have a useful storage capacity of 1,400,000 acre-feet, and will have an installed capacity of 90,000 kilowatts. The appropriation will provide $11,000,000 for initial expenditure on this project. This amount, together with $19,000,000 in the fiscal year 1942 and $6,000,000 in the fiscal year 1943, will enable the Authority to have the storage from this project available in the spring of 1942 and the generating units at the site on the line in the fall of 1942. The storage and generating units at this project, together with additional generating units at Wilson and Pickwick Dams, as described below, will increase the continuous firm-power capacity of the Tennessee Valley Authority power system by 120,000 kilowatts.

"2. Generating units No. 11 and No. 12 at Wilson and No. 4 at Pickwick: The appropriation will provide $3,500,000 to start installation of two additional 26,000-kilowatt generating units at Wilson Dam and one additional 36,000-kilowatt unit at Pickwick Dam. This amount, together with $1,800,000 in the fiscal year 1942, will enable the Authority to have these three units with a total capacity of 88,000 kilowatts on the line by the spring of 1942, at which time the storage from the Holston project will be available to increase the low-water flow through all main river projects.

"3. Steam-electric generating facilities: The appropriation will provide $7,500,000 to start construction of additional steam-electric generating facilities in the area served by the Authority with an installed capacity of approximately 120,000 kilowatts. This amount, together with $3,000,000 in the fiscal year 1942, will be sufficient to have these facilities on the line by December 1941. The Authority will be assisted in the planning and design of these facilities by a nationally recognized engineering firm specializing in design of steam plants.

"4. Transmission facilities: The appropriation will provide $3,000,000 to start construction of the transmission facilities needed to tie the generating facilities described above into the Tennessee Valley Authority power system and to carry this power to the market. It is estimated that an additional $6,000,000 in fiscal year 1942 and $5,000,000 in fiscal year 1943 will be required for this purpose."

The completion of the above projects will increase the generating capacity of the T. V. A. by 298,000 kilowatts. The emergency schedule to be followed will make this capacity and the attendant continuous firm power available for use on the following dates:

Date	Plant	Installed capacity, kilowatts	Firm power, continuous, kilowatts
December 1941	Steam	120,000	100,000
February 1942	Pickwick No. 4	36,000	
March 1942	Wilson No. 11	26,000	
April 1942	Wilson No. 12	26,000	
Do	Holston storage, used down river [1]		80,000
August 1942	Holston No. 1 [1]	30,000	30,000
September 1942	Holston No. 2 [1]	30,000	10,000
October 1942	Holston No. 3 [1]	30,000	
Total increase		298,000	220,000

[1] At Cherokee Dam.

The urgency of providing an appropriation now lies primarily in the time factor of water storage. Delay in starting work on the proposed storage dam and making contracts for generating equipment may have the ultimate effect of a year's loss of time in the initial utilization of additional water power. It is planned to have the Cherokee Dam ready to store the spring floodwaters of 1942. Delay of weeks or even of days, considering the unforeseen contingencies which may occur during construction causing further delay, may mean a defeat of these important features of national defense. Prompt initiation of work on the steam electric plant is also highly necessary in order that it may be completed on schedule and supplement water power generation during the low-water season.

The joint resolution follows the customary terms of Tennessee Valley Authority normal appropriations with one exception. A clause has been added suspending, during the fiscal year 1941, the provisions of existing law requiring competitive bidding, in order to expedite completion of such projects as are determined to be essential to the national defense by the Advisory Commission of the Council of National Defense. This authority follows that granted to the military and naval services in the emergency, and is an important factor in eliminating the very considerable delay that ensues normally from advertisement, consideration of bids, and making of awards under the competitive procedure. It should be remembered in this connection that a large proportion of the Tennessee Valley Authority funds are expendable on construction labor under force account instead of by the contract method so that the waiving of competition will apply to procurement of materials, supplies, and equipment, in connection with those projects determined to be essential to national defense by the Advisory Commission.

Mr. LEWIS of Colorado. Mr. Speaker, on July 9, 1940, hearing was had by the Subcommittee on the Deficiencies, of the Appropriations Committee, on House Joint Resolution 583, which this rule makes in order.

At this hearing there appeared Mr. David E. Lilienthal, vice chairman of the Board of Directors, and Col. T. B.

Parker, chief engineer, of the Tennessee Valley Authority, each of whom emphasized the urgent need for the additional facilities for which House Joint Resolution 583 provides the initial appropriation.

There also appeared and strongly urged the vital necessity, in the interest of national defense, that this appropriation should be made, Mr. Edward R. Stettinius, Jr., and Mr. William S. Knudsen, members of the National Defense Advisory Commission. They were accompanied by Mr. John D. Biggers, deputy commissioner under Mr. Knudsen.

Mr. Stettinius, it will be recalled, was formerly vice president of General Motors Corporation, and until he accepted as a patriotic duty the President's appointment to the National Defense Advisory Commission was chairman of the board of directors and member of the finance committee of the United States Steel Corporation. Mr. Knudsen, I believe you all know, was president of General Motors Corporation until he answered the President's call to duty. Mr. Biggers was president of the Libbey-Owens-Ford Glass Co. All of these gentlemen urged the importance of expediting the appropriating of funds necessary to provide the additional facilities of T. V. A. for generation of power necessary for the production of aluminum needed in the manufacture of airplanes.

With these gentlemen appeared Mr. Gano Dunn, one of the foremost electrical and mechanical engineers and consultants of the United States. For many years Mr. Dunn has been and is now president of the J. G. White Engineering Corporation of New York, one of the oldest consulting and constructing engineering companies in the United States, which designed and built the present 60,000-kilowatt steam station of the Tennessee Valley Authority at Muscle Shoals. Mr. Dunn also stressed the vital importance of immediate construction of the facilities for which House Joint Resolution 583 provides an initial appropriation.

At the hearing before the Committee on Rules on application for this rule, Mr. Stettinius and Mr. Dunn also appeared and reiterated and strongly reemphasized their statements as to the importance, in the interest of national defense, that the additional facilities contemplated by the joint resolution should be provided at the earliest possible moment.

Mr. Speaker, none of these gentleman to whom I have just referred have in the past been very ardent advocates of the T. V. A. They have had many criticisms to offer, but each and every one of them emphasized their conviction that if we wish to carry cut our national-defense program it is vitally essential that we make this appropriation without delay. I understand also that another eminent gentleman, Mr. Wendell Willkie, the candidate for President on the Republican ticket, made a statement strongly endorsing this appropriation. It is my understanding that the gentleman from New York [Mr. FISH] will call the attention of the House to certain statements made by Mr. Willkie. If the gentleman from New York [Mr. FISH] does not do so, or if I have been misinformed as to his intention to quote Mr. Willkie, I shall take pleasure in quoting Mr. Willkie later in this debate.

Mr. Speaker, I reserve the balance of my time and ask the gentleman from New York [Mr. FISH] to use some of his time.

Mr. FISH. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, there is no opposition that I know of on this side to the rule. The rule is fair and provides for the consideration of this bill and for a fair and free discussion of it on its merits.

The proponents of the bill make the argument that the bill is purely for national defense. It is quite clear that some parts of the bill and possibly more than half the appropriation are directly for needed national defense. The issue, therefore, is whether we should take the entire appropriation or just single out those parts that are essential to the continuation of the national-defense program.

Some of the witnesses before the committee who have always opposed Government operation and ownership have favored these appropriations or parts of the appropriations. I would prefer to have the members of the Committee on Appropriations themselves, particularly on the minority side, go into the details of the arguments, because all I know is what I read in the hearings before the Committee on Appropriations. Mr. Gano Dunn and Mr. Stettinius are claimed to have gone on record before the committee for these appropriations. Whether they did so merely in principle or whether they went into the details is a matter for the committee members to make clear to the House. The Members of the House, Republicans and Democrats alike, are entitled to this information before they vote on this very large appropriation for national defense. Every Member of the House, whether he be a Democrat or a Republican, desires to vote every single dollar that is necessary for adequate national defense and for preparedness at the present time.

Mr. Wendell Willkie is quoted in the hearings, and it is up to the members of the committee to make clear whether his remarks apply to the entire bill or only to a part of the bill, or only to the bill in principle. For the benefit of the Members of the House and for their information I shall read from the hearings. Mr. Gano Dunn, who is a very well known engineer, is the speaker. This appears on page 16 of the hearings:

> I would like to read a statement by Mr. Willkie into the record. Here is what Mr. Willkie said on that subject on June 15, when this proposal was presented in a memorandum to the President. On June 12 it was presented, and it became public, without our knowledge. The reporters went ahead and saw Wendell Willkie, expecting to get a grand slam from him against doing this thing. I will quote from this newspaper interview of June 14, in a Scripps-Howard paper. This is what Mr. Willkie said:
>
> "Nothing is more important than defense, and there is nothing which might and will mask more political logrolling than the flag-waving variety of national defense. But if some impartial group, the United States Army or its engineers, for instance, do say that the completion of these dams is a link in our national defense, the dams should be completed and as rapidly as those charged with our defense think necessary."
>
> That is a quotation from Mr. Willkie.

It is claimed that this entire project, amounting to $65,800,000, will provide for 220,000 kilowatts, and that only half, or less than half, of that amount is needed—somewhere between 65,000 and 85,000 kilowatts—in order to produce sufficient aluminum for our airplane production in the future and for certain powder plants, I believe two in number, and for other preparedness purposes; so that we do not actually require the 220,000 kilowatts, and probably not half that much. Therefore, as this issue is presented here, it is a question in my mind whether we should vote for the whole bill or only that part we actually need for national defense at the present time or in the immediate future.

Mr. Speaker, in view of the fact that this is a national-defense measure, and further in view of the fact that just before this Congress recessed several weeks ago, I put into the RECORD a letter from The Adjutant General of the United States showing figures indicating that our volunteer system had not failed, that they had filled all the quotas they demanded in order to secure enlistments in the Regular Army, may I say that was quite a surprise to me as a Member of Congress, and it must be a surprise to other Members of Congress. I was lead to believe, from reading the New York Times and the New York Herald Tribune, and other papers that are so enthusiastic about universal military conscription, that our volunteer system had broken down and that we were unable to secure adequate enlistments in order to fulfill the quotas provided for by Congress. The highest authority in the Army—The Adjutant General—put in writing a list of all the quotas that had been filled, showing that each quota had been filled on time and that in every instance where we asked for recruits those recruits were forthcoming, something like 20,000 in the month of June alone. I believe the Members of Congress, if they thought that the volunteer system had failed, or if they knew that the volunteer system had failed, might then properly favor for the purposes of national defense the universal military conscription bill. I want to go definitely on record in these few minutes that I am opposed——

Mr. COX. I should like to inquire of the gentleman if he does not think he is getting somewhat far afield in the line of discussion he is now carrying on, when the question before us is the adoption of a rule making in order the con-

sideration of a bill which extends the T. V. A.? We ought not to cheapen the procedure of presenting rules by Members claiming time and then taking advantage of the opportunity to discuss questions that are entirely foreign to the issue involved.

Mr. FISH. I have never seen the gentleman fail to take any opportunity to say anything he wanted at any time in this House of Representatives—never—and I am not opposing that either.

Mr. COX. Yes; but I always stand on my own feet and speak my own mind, and I am never caught traveling in two different directions at the same time.

Mr. FISH. The gentleman may stand on his own feet, but the gentleman is very often wrong. I do not yield any more to the gentleman from Georgia. Let the gentleman criticize anybody else, but I will take care of myself any time the gentleman wants to start an argument.

Mr. COX. I did not want to make a point of order against the gentleman.

Mr. FISH. The gentleman is becoming a common scold in this House. He is getting into the habit of criticizing everybody. He is always right and everybody else is wrong. I know the gentleman is for universal military service, and so does everybody else in the House, and that is the gentleman's right, but do not try to cut off anybody who wants to speak against it in time of peace or until every effort has been made to exhaust the volunteer system.

Mr. COX. Well, Mr. Speaker, if the gentleman insists, I make the point of order——

Mr. FISH. Mr. Speaker, I do not yield to the gentleman.

Mr. COX. That the gentleman is not in order in discussing the universal draft.

Mr. FISH. I am speaking for national defense, and the gentleman knows that the main purpose of this bill is national defense and I shall proceed.

Mr. COX. Mr. Speaker, I invoke the ruling of the Chair.

The SPEAKER. The gentleman will proceed in order on the resolution pending.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield for a brief question?

Mr. FISH. I yield to the gentleman.

Mr. SCHAFER of Wisconsin. The gentleman from New York has been proceeding in order. This rule provides for the consideration of a bill which has been dressed up as a national-defense measure, and the gentleman's discussion has been well within the rules of the House. I sincerely hope that he will not yield further to the gentleman from Georgia, a champion of compulsory military training, to interrupt his national-defense argument.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. FISH. Mr. Speaker, I yield myself 5 more minutes.

Mr. Speaker, this question of national defense is the biggest issue before the Congress and will continue to be the biggest single issue until we adjourn, and the facts should be put before the Members of the House.

I have already stated that the volunteer system has not failed, and if it does fail, then it is time to consider some other kind of legislation. The proposed universal military service or conscription bill, Mr. Speaker and Members of the House, is the worst type of regimentation. For years past we on this side of the House have been opposing the regimentation of the New Deal, and there are even some on the Democratic side who have joined with us, and I am thinking also of the gentleman from Georgia, who has often opposed regimentation of the American people. It is now seriously proposed, before we find out that the volunteer system has failed, to go even further and regiment American youth and conscript them in time of peace. We should go slow and make haste slowly before we import these foreign forms of militarism and autocracy into America or bring Hitlerism over here. Our answer to the dictator nations is to make democracy work here and not to subvert by a military dictatorship.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield.

Mr. SCHAFER of Wisconsin. Why is it that the New Deal compulsory military service bill, which was originally sponsored by the multimillionaire publisher of the New York Times, from the gentleman's State, Col. Julius Ochs Adler, exempts Members of Congress from its draft provisions? Why should not Members of Congress be included, so that all gentlemen who vote for the bill may have an opportunity to be drafted and serve Uncle Sam for $21 a month, whether they come from the State of Georgia or from any other part of the country?

Mr. FISH. I cannot speak for the New York Times. I am talking against the principle of universal military conscription in time of peace and regimentation of that kind. If we need it in time of war we will be for it, but why bring it up now when we can do away with the 3-year Army enlistments and reduce the period of enlistment to 1 year and probably get 1,000,000 American soldiers in a few months' time, and we do not need any more than 1,000,000 soldiers in the present emergency.

Mr. BENDER. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Ohio.

Mr. BENDER. Is it not a fact that 22 years ago before voluntary enlistments were abandoned, there were 1,300,000 men who volunteered for service in the World War?

Mr. FISH. I think the gentleman is correct. Members of Congress should have some faith in the patriotism of our American youth, and if we need 1,000,000 American boys to serve in our volunteer forces in the Regular Army and the National Guard I am convinced that if we reduce the term to 1 year enlistment we will get at least a million men. We ought to give them a chance to serve instead of dragging in this conscription bill here. Whether it originates from the New York Times or not I do not know, but I know this: It does not originate from the American Farm Bureau, from the National Grange, from the American Federation of Labor or any labor organization. It may originate from the New York Times or it may not, but it certainly does not represent the viewpoint of the wage earners and the farmers of this country, and here we have it thrust upon us and we are told we cannot even discuss it under the pending measure for national defense.

Mr. STEFAN. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield for a brief question.

Mr. STEFAN. Is it the sincere opinion and belief of the gentleman that the voluntary program of enlistment has been exhausted? People in my district who are opposed to conscription in peacetime are entitled to know now how much effort has been put forward to secure enlistments on the popular voluntary basis. I want them to know the facts now. Now will you tell us: Has the voluntary-enlistment program failed?

Mr. FISH. I am glad the gentleman has asked me that question. It is not my opinion, it is my knowledge, based on a letter of The Adjutant General, the highest authority in the Army, who states it has not failed, that the Army has filled every quota asked for, and I put this letter into the RECORD of July 11 and it is a part of the record today. It is not my opinion, because I do not know the number of enlistments, but that is the record compiled by the War Department.

I am definitely in favor of reducing the term of enlistment from 3 years to 1 year. I believe if you do that it will solve the whole problem, and that you will get all of the volunteers you want in the next few months, and that the Regular Army and the National Guard will fill its quota, and you will have a million men in the Regular Army and National Guard combined. But until you have tried that out do not bring in this conscription bill in time of peace and regiment the American youth into a huge military machine as was done by Hitler and other foreign dictators. This is not the American way but the road to militarism and dictatorship.

Mr. RANDOLPH. Mr. Speaker, will the gentleman yield?

Mr. FISH. Yes.

Mr. RANDOLPH. While the gentleman is discussing conscription, or the so-called compulsory military training bill, I want the RECORD to show at this point that as one Member of Congress, I have been impressed with the opposition voiced by my constituents to the measure as now prepared for introduction and consideration in this body. The decision we will make on this matter is of supreme importance. We must proceed most carefully.

Mr. FISH. And I go further to say that if that bill ever comes out in its present form, it will never pass the House of Representatives.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. FISH. Mr. Speaker, I yield myself 1 minute more.

Mr. ROBSION of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. FISH. Yes.

Mr. ROBSION of Kentucky. I commend the position the gentleman is taking, and notice that the bill, according to the newspaper accounts of it, includes for registration, men 64 years old. I wonder if they are going to provide a cane with every man of that age for that training.

Mr. FISH. In the name of common sense, if we are to have universal military conscription, the whole bill, in its present form, ought to be scrapped. If we are to have partial military conscription, we ought to bring in a bill limiting the ages from 19 to 24 or 19 to 25, because what we need are youth, not old men to serve and fight. The bill as proposed is a monstrosity of regimentation that would devour our free institutions and liberties and create a military dictatorship in the United States.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. FISH. Yes.

Mr. SCHAFER of Wisconsin. If the danger is so great that we have to pass this Col. Adolph Ochs Adler compulsory military-service bill why should there not be included in that bill a provision to draft and conscript wealth, including multimillionaire Adolph Ochs Adler's millions to pay for the defense program, in view of the almost bankrupt condition of the Treasury of the United States?

The SPEAKER. The time of the gentleman from New York has again expired.

Mr. FISH. Mr. Speaker, I yield myself 2 minutes more.

Mr. KELLER. Mr. Speaker, will the gentleman yield?

Mr. FISH. I cannot yield. I am very glad that the gentleman from Wisconsin has raised that question. It is a matter purely of facts. The American Legion, in 1920 or 1921, went on record in favor of a universal military-service bill. I attended that Legion convention, as did many others here, and it was thought at that time that it meant military conscription in time of war. That was my interpretation of it, and that it would include the drafting of wealth, labor, manpower, industry, and the veterans all together. Carrying out that viewpoint, former Representative Royal Johnson, back in about 1921, introduced a bill to conscript wealth and soldiers in time of war.

Others of the House did the same. I did it several times. I am still for that principle, but that is not written into this Wadsworth-Burke bill. That has nothing to do with industry or wealth. That has to do with soldiers alone, and I am not in favor of that principle except in time of war, and only in time of peace if our volunteer system fails.

Mr. SCHAFER of Wisconsin. If it is necessary to draft men in time of peace, then the draft bill should include drafting wealth to pay for the defense program, and taking the wealth of these "multimillionaire draft men proponents" to pay the cost of preparing for and fighting wars which they foment with their propaganda.

Mr. FISH. The gentleman asked another question, and that is, Against whom is this bill aimed? Whom do we in America fear? That is a fair question. Do we fear Hitler, who seems to be afraid of undertaking the adventure of going 20 miles overseas to attack England, when he would have 3,000 miles to come over here? My own idea is that that is preposterous, when we have the greatest Navy in the world, seven times greater than the German Navy; or that we should even fear Hitler and Mussolini together, to make it necessary that we should rush in and draft two or three million American youth. We have the biggest Navy in the world and have an air force expanding at the potential rate of 800 airplanes a month. Yet we seem to be in a hysteria of fear that America is about to be attacked, and that we cannot take care of an enemy like Hitler, who is apparently afraid to send his Army 20 miles across the sea to attack England.

Mr. GIFFORD. Mr. Speaker, will the gentleman yield?

The SPEAKER. The time of the gentleman from New York has again expired.

Mr. FISH. Mr. Speaker, I yield myself 1 minute more. I yield to the gentleman from Massachusetts.

Mr. GIFFORD. Mr. Speaker, the gentleman is talking about a very important matter. In my largest town in the last issue of the paper there is an editorial stating that we have an armory and that we have a National Guard, and there is no one there now. They have all sorts of exhortations for volunteers and airplanes dropping leaflets, they have done everything they can, and there is not a single enlistment and the newspaper said they would not get any. And yet you will spend $15,000,000,000 for armaments, without any men to use it. I represent as patriotic a section as any. How are you going to answer that?

Mr. FISH. I do not know about the National Guard. I do know about the Regular Army. However, I believe in the National Guard which is highly efficient and I do not want to see it undermined. If you will reduce the period of enlistment to 1 year you will get all the men you want for the Army and National Guard. But my opposition to this whole un-American proposition in time of peace is this, that if you regiment American youth and bring over the European war system of conscription to the United States that is your first step to creating a dictatorship in America, and I am against it. [Applause.]

[Here the gavel fell.]

Mr. FISH. Mr. Speaker, I yield the balance of my time to the gentleman from New Jersey [Mr. MCLEAN].

The SPEAKER. The gentleman from New Jersey is recognized for 10 minutes.

Mr. McLEAN. Mr. Speaker, I do not concur with the gentleman from New York [Mr. FISH] that there is no opposition or that there should be no opposition to this resolution. I am opposed to the rule, and I think that anybody who understands the background and the purposes of this bill ought to vote against bringing it before the House at this time.

My reasons are, first, that it is not what it purports to be. It is not what it purports to be because it is not a national-defense measure. It is a measure dressed up in the cloak of national defense, the purpose of which is to enable the Tennessee Valley Authority to get more money out of the Treasury of the United States.

In the second place, I have great respect for Mr. Knudsen, Mr. Stettinius, and Mr. Gano Dunn, and I am convinced that those gentlemen are being deceived by those who are behind this measure—the people who are behind this measure outside of the House, namely, the Tennessee Valley Authority. We all know that the Tennessee Valley Authority is dominated by an individual by the name of David E. Lilienthal, one of the vice directors of the Board.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. McLEAN. Yes; I yield briefly.

Mr. DINGELL. Will the gentleman disclose who this master mind happens to be that is fooling these gullible people, Mr. Knudsen, Mr. Stettinius, and so on?

Mr. McLEAN. I have just stated, Mr. David E. Lilienthal, Vice Director of the Tennessee Valley Authority.

Mr. DINGELL. Where did the gentleman get that information?

Mr. McLEAN. I base that on experience. The Tennessee Valley Authority was incorporated, and they were instructed

to build a dam at Norristown in Tennessee, and they were given $40,000,000 with which to build it. They were told to operate Wilson Dam and they were told to make an investigation of the Tennessee Valley and to recommend to Congress what further operations there ought to be down there, so that the Congress could guide and direct their activities and their further operations. It was not very long before we learned that Mr. Lilienthal had been capable enough to get the President to give him out of relief funds $75,000,000, with instructions to proceed to build Wheeler Dam, of which the Congress knew nothing at all. Mr. Lilienthal is one of the most scientific money-getters for the proposition he is connected with that has ever come under my observation.

It was not very long before I learned that Mr. Lilienthal, Dr. Harcourt Morgan, and Dr. Arthur E. Morgan had incorporated a company under the laws of the State of Delaware, without any authority of Congress, and they knew they needed the authority of Congress, because it is in their records that they said they ought to go to Congress to get it, but they did not. They organized as a corporation, Electric Home and Farm Authority, under the laws of the State of Delaware, and they got a million dollars of Government funds to finance that corporation. Now somebody is trying to unravel it. They only accounted for $750,000 when the bill was before us, and another corporation was organized to take it out of their hands.

This Electric Home and Farm Authority had a contract with the Reconstruction Finance Corporation. This illegal Delaware corporation that was organized to sell ice boxes, irons, hair curlers, vacuum cleaners, and other things on the installment plan—the Government of the United States going into the retail installment business—had a contract as a private corporation, with the Reconstruction Finance Corporation to borrow $10,000,000 as additional capital to go into the retail business of selling electrical paraphernalia, under the auspices of the great Government of the United States.

Mr. DINGELL. Will the gentleman yield right at that point?

Mr. McLEAN. I yield.

Mr. DINGELL. What has that got to do with what is under discussion now? This is a matter involving national defense.

Mr. McLEAN. I am going to show you that David E. Lilienthal saw an opportunity in the tempo of the times, in the hysteria of the times—this clever individual who knows how to dip money out of the Treasury of the United States, knew how to come forward and catch the public mind, catch busy public officials off guard, perhaps, and add $65,800,000 to the billion dollars already spent in the Tennessee Valley.

Then they organized, in order that they might have another agency of the Government of the United States for borrowing purposes, what was known as the Tennessee Valley Cooperatives. That was organized under the laws of the State of Tennessee. Every time they organize a corporation they create officers, and they put men on the pay roll, not at nominal salaries, not a few men, but hundreds of them at substantial salaries, about which this Congress of the United States has nothing to do.

This Tennessee Valley Cooperatives that they organized, what its purpose was I do not know. Somebody said it was to teach people how to grow highland potatoes in the lowlands, and vice versa; teach people how to live a more abundant life. As an agency of the Government of the United States, they turned over to Mr. Lilienthal and the Tennessee Valley Authority directors $300,000 for the Tennessee Valley Cooperatives. T. V. A. has spent a billion dollars and has had 7 years and even now is not ready to provide its part for the national defense. They now want $65,800,000 and 2 years more.

I have some memoranda here I will read you about the necessity for this thing.

Mr. LEWIS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. McLEAN. I yield.

Mr. LEWIS of Colorado. Does the gentleman believe that Mr. Stettinius, Mr. Knudsen, and Mr. Gano Dunn are such gullible persons that they can be deceived by one clever man? Or does he believe they have made their recommendation on the basis of their experience, their investigation, and their technical skill?

Mr. McLEAN. How long did that investigation take? Three weeks, was it not?

Mr. DINGELL. It would not take Bill Knudsen 3 days to investigate it.

Mr. LEWIS of Colorado. I would say that Mr. Knudsen was not a very gullible man.

Mr. McLEAN. He did not testify for this bill.

I do not say that any of them are gullible; I would not apply that adjective to any of them; but I say they are earnest, busy, enthusiatic men, and I think I am privileged to say they share the human frailties of the rest of us. When a man like Mr. Lilienthal comes to them with the ear of the President of the United States and with a copy of Senate Document No. 241, bearing the President's signature, they are likely to fall into mistakes of judgment, maybe, once in a while. But I will give you their latest word about it.

We need aluminum. In the first progress report of the National Defense Council Dr. George J. Mead, aeronautical adviser to Mr. Knudsen, said:

> Taking into account aircraft now on hand the new production program already determined upon and now well under way is expected to give the Army 25,000 airplanes and the Navy 10,000 by July of 1942.

It is important to have dates in mind here. Bear in mind that none of this power will be ready for delivery from the steam plant until December 1941, and from the hydro plant until August, September, or October 1942.

Mr. LEWIS of Colorado. That is when the peak is going to occur.

Mr. McLEAN. When will this national-defense program find its completion? I mark its start by the speech of the President here on May 16. What is the date we are working for when we are going to have the defense we need and when our demand for supplies will fall off and when the American people will know how much more taxes they have got to pay for it? Are we going to go on for 2 years? Is it 2 years or longer. Is it going to be 5 years? Whatever it is, listen to what they say:

> Plans have been completed for the program for 25,000 additional Army and Navy airplanes during the next 2 years and the placing of orders totaling $100,000,000 since July 1.

Now, listen to Mr. Stettinius. On July 13 Mr. Stettinius stated——

Mr. LEWIS of Colorado. Where did he state it?

Mr. McLEAN. In his press conference or in his report. It was published in the New York Times of Sunday, July 14:

> Mr. Stettinius summarized the current situation regarding nine critical and strategic materials as follows:
> "Aluminum—essential to the airplane program. Industry has advised the Commission of plans for expansion and its willingness to erect plant to cover entire program as needs develop."

[Here the gavel fell.]

The SPEAKER. The time of the gentleman from New Jersey has expired.

Mr. McLEAN. Mr. Speaker, I ask unanimous consent to proceed just long enough to read three lines.

The SPEAKER. The time of the gentleman from New Jersey has expired under the rule.

Mr. LEWIS of Colorado. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia [Mr. COX].

Mr. COX. Mr. Speaker, I do not at this time desire to engage in debate with my good friend the gentleman from New York [Mr. FISH] on the question of national defense. The gentleman has developed the habit of shifting his position on public questions as they arise too rapidly to anticipate just where he will stand any considerable while before the necessity for the making of decision rises. I will debate that question with the gentleman when the issue comes up for the decision of this House.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. COX. No; if the gentleman will excuse me, please.

Mr. Speaker, when members of the Appropriations Committee came before the Committee on Rules on their application for this rule, I raised the query as to whether the bill was business or politics, and I was assured by gentlemen appearing in behalf of securing a rule that it was business and not politics. The reason I made the inquiry was that I knew, as every one of you knows, that different agencies of the Government may be expected to take advantage of this demand for national defense to secure legislation that will give them a stronger position in the Government and a larger share of the appropriations that are to be made in behalf of national defense. This very bill that is made in order by the rule happens to be an instance of that kind.

We should not fool ourselves. This happens to be a case where Mr. Lilienthal of the T. V. A. is taking advantage of the necessity to strengthen the national defense in a particular manner to broaden the operations of the T. V. A. So the gentleman from New Jersey was upon safe grounds in his references to Mr. Lilienthal. But the very fact that that condition does exist, the fact that that statement happened to be the truth, is no reason in this particular instance why the bill which this rule intends to make in order should not pass. I hold no brief for Lilienthal or any of his kind. If it were within my power, I would drive the whole group of leftist reformers out of the Government. Somebody has said that he would like to see a change in order that he could see a delousing of Washington.

I am not making it that strong, but change or no change in the national administration, I am anxious to see, and I think there is a public need that this Government be de-Lilienthaled, de-Lewised, de-Hillmaned, and de-many others who happen to be under the dominion and the control of the one master mind of America at this hour who is now offering the tremendous political influence which he commands on the block. In the next few days we will know who is willing to pay the price that will get that support.

Mr. Speaker, those who have discussed this question have referred to Mr. Stettinius. There is nobody in this House who questions his fine patriotism or his ability, but he does not know anything about the engineering questions involved in this bill. He brought before the Rules Committee Mr. Gano Dunn, whose name has been given you and for whom he vouched upon his own reputation. It was Mr. Dunn who gave the Rules Committee the information upon which it took action.

[Here the gavel fell.]

Mr. LEWIS of Colorado. Mr. Speaker, I yield the gentleman 5 additional minutes.

Mr. COX. Mr. Speaker, Mr. Dunn has not been overcome by the so-called master mind, Lilienthal. Mr. Dunn is no push-over for anybody. He happens to be the master electrical engineer in the country, possibly the world.

But Mr. Dunn came before us not only as a man of reputation and fine integrity but as a man of understanding and of fine courage. He does not believe in all of this uplift stuff that we have been engaged in.

He does not want to communize or socialize America, but he does want to do the manly thing. He wants to contribute to the national defense which we need, not because of any important pending danger but as a matter of safety, and from the standpoint of safety Mr. Dunn stated that upon his investigation there was immediate necessity for this activity and for this development. He would not support it, he stated, as an original proposition. He stated it serves as an adjunct to what already has been done and while the cost of execution of the project is higher than should be under some circumstances, that its original cost is recaptured a hundred times over in the sense that it improves the whole system. Mr. Dunn made it very plain before our committee, and I am sure before the Appropriations Committee, that having seized, having taken over, or having borrowed every other available block of power in the country, there is still a pressing necessity for the power that this project will provide, and it must be provided if the aluminum necessities of this Government are to be supplied according to the plans that have been outlined.

Let me say to you Republicans who look with suspicion upon T. V. A., and I am not going to blame you, and to you Democrats who think as I do, if there be many, and I think there are, those of us who continue in spite of everything to resist what seems to be the purpose on the part of some to socialize America, our philosophies are not annihilated, and there should be no shock resulting to us because of our support of the bill that this rule intends to make in order. I hope that we may relegate to the rear our general objections to proposals of this kind and may unite in support of this measure, because in uniting we are expressing a concerted desire and determination of giving support to the administration in the effort to strengthen the national defense. There is no politics in this proposal and none should be put in it.

[Here the gavel fell.]

Mr. LEWIS of Colorado. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, my friend the gentleman from New York [Mr. FISH], in quoting from statements concerning the attitude of Mr. Wendell Willkie in approval of the purposes of House Joint Resolution 583, overlooked a further statement on page 4 of the report of the hearings before the Committee on Appropriations. When Mr. Stettinius was testifying he made the following statement, among others:

Mr. Dunn—

Referring to Mr. Gano Dunn—

was the power-expert member of the Nitrate Commission of the War Department prior to the World War and at that time made studies of the Tennessee River with reference to its suitability and source for power for the manufacture of nitrates. In the lawsuit—this will amuse some of you—

I am still quoting Mr. Stettinius:

In the lawsuit—this will amuse some of you—in the lawsuit which Wendell Willkie and the Commonwealth & Southern brought several years ago to test the constitutionality of the T. V. A. Act, he hired Mr. Dunn's firm to represent him against the Government. Mr. Dunn has previously been opposed to the Government's policy of entering into competition with private utilities, but he now is strongly in favor of this request of the T. V. A., purely from the standpoint of the emergency at hand and the interests of the national defense.

Mr. Stettinius went on further to state:

I have been over this matter for approaching 3 weeks now with Mr. Dunn and the members of our staff, and I am perfectly confident, gentlemen, that from the standpoint of our aluminum production to meet the aviation program which Mr. Knudsen is responsible for, and a great many other developments in the southeastern section, we must have this added power.

The gentleman from Virginia [Mr. WOODRUM] asked:

And you cannot get it from private industry?

Mr. Stettinius responded:

We cannot, sir; and it cannot be delayed for reasons which Mr. Dunn will bring out in his testimony. Not weeks, but days, count now from the standpoint of speeding this work up so that we can get the full effect of the spring floods 2 years hence.

Mr. Speaker, at this time I ask unanimous consent to insert in connection with my remarks the report made by Mr. Dunn to Mr. Stettinius on this subject, together with certain introductory remarks in the hearings before the Appropriations Committee, which indicate the necessity for the construction for which the joint resolution provides an initial appropriation.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The matter referred to, as printed at pages 8–10 of the hearings before the Committee on Appropriations, is as follows:

LETTER IN RE INCREASE IN POWER CAPACITY OF T. V. A.

Mr. WOODRUM. Now I want you to start off in your own way and give us what the picture is, and then we will ask you questions.

Mr. DUNN. We did not expect to come before this committee. We were under the impression when the President had sent in a recommendation several weeks ago, at the time the matter was before the Senate, that his recommendation would be approved. Before we approved this increase in power, I was asked by Mr. Stettinius to write

him all the reasons that led us to approve the increase, and I have here a letter which was not intended to be presented to this committee, nor for publication, but as I read it over I rather think it is the best presentation of the case that we could make, especially as it was made as an interoffice explanation of the purpose in hand. I would like to put it in the record, if you will allow me.

Mr. WOODRUM. All right, sir.

Mr. DUNN. It is dated July 1, 1940, addressed to Mr. Stettinius, from Gano Dunn, and the subjct is entitled "Justification of approval of 300,000 kilowatts increase in power capacity of the Tennessee Valley Authority."

It would bore you to have me read that letter in full, and therefore I will only take up the high spots in it, if you wish.

Mr. WOODRUM. Yes; and put the whole letter in the record, if you will.

The letter referred to is as follows:

MEMORANDA FOR E. R. STETTINIUS, JR.

MONDAY, JULY 1, 1940.

From: Gano Dunn.

Subject: Justification of approval of 300,000 kilowatts increase in power capacity of the Tennessee Valley Authority.

In response to your request of June 24, Mr. Raynor and I have prepared a documented chronology of the Tennessee Valley Authority power increase covering all the transactions of which I am aware from June 8 to June 28, inclusive, which chronology in bound form is attached hereto.

The calculations of Mr. Batt and Mr. Folsom for an estimated annual requirement of aluminum (exhibit XVI) based on a production rate of ——— planes per year, beginning July 1, 1942, indicates a shortage of 60,000,000 pounds per year over and beyond the increased production of aluminum that will by that time have been brought about by what may be called a normal increase in the rate of production.

This so-called normal increase involves 30,000 kilowatts of water power to be developed at Nantahala in Tennessee and 30,000 kilowatts more of water power to be developed at Glenville in Tennessee both by the Aluminum Co. itself plus 60,000 kilowatts which by July 1, 1942, will have been developed at Bonneville in Washington and applied to aluminum production there. This represents 120,000 kilowatts of additional power for aluminum before any increase in the capacity of T. V. A. has been considered.

In arriving at the 60,000,000 pounds per year shortage of aluminum after July 1, 1942, due allowance has been made for the supply of aluminum derived from recoveries from scrap and other sources, but no curtailment in normal consumption or its growth during 2 years has been planned.

The energy required to produce aluminum is variously estimated at from 10 to 12 kilowatt-hours per pound. On the assumption that the plants run continuously day and night, which is what is termed at 100 percent load factor, the production of 60,000,000 pounds of aluminum represents a power requirement of approximately 80,000 kilowatts.

There are several possible sources for the whole or part of this power. Among these are the Santee-Cooper project now under construction in South Carolina, the Bonneville Project through a still further increase in the power from that project over the 60,000 kilowatts that has already been included, and there is the possibility of some increase in the power from Boulder Dam, although this latter is likely to be preempted for other projects. There are also power increases in varying amounts possible from other sources.

No increase is possible from T. V. A. with its present installed capacity, for this capacity is not only fully loaded but often overloaded and makes maximum use of the limited amount of water that is available. As the documented chronology will show (exhibit I), the Aluminum Co. has already been given notice of the possible necessity of cutting off 30,000 kilowatts of its secondary power on account of low water.

From the point of view of national defense an increase in power for the production of aluminum can best be obtained by an increase in the capacity of the Tennessee Valley Authority. The principal plant of the Aluminum Co. of America, which is practically the sole manufacturer of aluminum, is located in the Tennessee Valley. Notwithstanding the increase of that company's plant at Bonneville the extension of their plant in the Tennessee Valley is likely to be accomplished with greater certainty and with greater facility than the building of new plants elsewhere, having in mind the time limitation within which the airplane-production program must be accomplished. The same argument that applies favorably to the extension of an existing aluminum plant applies favorably also to the extension of an existing power system such as that of the Tennessee Valley Authority. Also, in recommending power expansion in the Tennessee Valley we had in view creating new sources, not all of one kind of power, but partly of water power and partly of steam power, which gives two alternatives on which to rely in the event that something went wrong with the program.

The increase in the hydro power of the Tennessee Valley Authority is advantageous because, by installing 90,000 kilowatts of generating equipment at the Holston Dam, the water impounded by that dam will not only energize the 90,000 kilowatts there installed but an additional 90,000 kilowatts to be installed at the Pickwick and Wilson Dams farther down the river. This is because the Holston Dam happens to be the highest one upstream from other dams in the Tennessee Valley over which other dams the water which is stored in the Holston Reservoir is also discharged with accompanying power, which would not be the case if the Holston Dam stood alone by itself. By this particular development of the Tennessee Valley it may be said that we get 2 kilowatts of power for every 1 kilowatt that the Holston Dam itself develops.

Our approval of 120,000 kilowatts of steam plant to be located near the Watts Bar Dam has the effect of transforming a large amount of what is termed secondary or dump power resulting from the variations in the flow of the river into primary or continuous power which the Tennessee Valley Authority system greatly needs. The amount of power we approved was 180,000 kilowatts of hydro and 120,000 kilowatts of steam, but while this constitutes a total of 300,000 kilowatts of increased installed capacity it does not constitute 300,000 kilowatts of increased power, since the hydro power and the steam power overlap and they are not both in full operation at the same time. The net amount of increased power made available by the 300,000 kilowatts of installed capacity is in the neighborhood of 220,000 kilowatts.

If the increased requirements for aluminum were the only increased requirements for the national defense for which power will be needed in the Tennessee Valley, an increase in capacity of 100,000 kilowatts would have been adequate to take care of 80,000 kilowatts demand for aluminum and allow some spare capacity.

But, in addition to the national defense demands for aluminum involved in the airplane program, there are other power increases in prospect for the Tennessee Valley, for instance, 7,000 kilowatts to supply the new Du Pont power plant at Memphis (Tennessee Powder Co.) for which a contract has just been let. There is also the requirement of 14,000 kilowatts for a proposed paper mill at Savannah, Tenn., and 8,000 kilowatts for metallurgical operations at Wilson Dam. There will also be by the time of 2 years hence an estimated increase of 50,000 kilowatts in the requirements of the various municipalities in the Tennessee Valley which now are supplied with power by the Tennessee Valley Authority. These increases besides the increase for aluminum and others which may yet arise in the development of the defense program fully justify the increased capacity which we have approved.

In the case of hydro expansion at T. V. A., the construction work can be performed in less than the usual time, because as we have been informed, the designs are wholly complete and the technical staffs now finishing one of the other projects can be immediately transferred to the Holston River project. The Tennessee Valley engineers assure us that under these circumstances the hydro expansion can be ready within 24 months if the appropriation is promptly approved but that if there is delay in starting the hydro work through delay in making the appropriation the power will be delayed nearly a year through missing the opportunity of filling the new reservoir with the spring floods.

With respect to the steam expansion, we are informed that, provided orders are placed for the machinery prior to July 15 and provided authorization is given to employ negotiated contracts instead of competitive bidding, the first part of the steam power can be available within 18 months.

As has already been mentioned, additional power will probably be available from the hydroelectric development at Bonneville in Washington, but the plans for the aluminum requirements (exhibit XVI) already include 60,000 kilowatts additional from there by July 1, 1942.

More power than this it is not considered desirable to apply to the production of aluminum at Bonneville because the site is so far from the sources of bauxite, one of the principal raw materials entering into the aluminum production, that the transportation from Tennessee and Arkansas where the material is now found to Bonneville, which is on the Columbia River in the State of Washington, not only involves large additional expense but with the return shipment of the finished product eastward will tend to clog the railroad systems of the country at a time when the requirements of national defense are going to place heavy additional demands upon them.

In selecting the Tennessee Valley as the location for the principal power expansion which we have approved, we have had in mind not only the location there of the principal plant of the Aluminum Co. of America but also the excellence of the organization, technical and otherwise, that has been assembled there. On account of the large developments that have already been made in the Tennessee Valley, their engineers and other staffs are part of a going organization, experienced in the construction of dams and transmission lines to an extent not likely to be found in any entirely new project not yet completed.

GANO DUNN.

Mr. LEWIS of Colorado. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. MCLEAN) there were—ayes 142, noes 30.

So the resolution was agreed to.

Mr. WOODRUM of Virginia. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the joint resolution (H. J. Res. 583) making an additional appro-

priation for the Tennessee Valley Authority for the fiscal year 1941 to provide facilities to expedite the national defense.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 583, with Mr. HART in the chair.

The Clerk read the title of the joint resolution.

The first reading of the joint resolution was dispensed with.

Mr. WOODRUM of Virginia. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the matter presented in this joint resolution is critically necessary for the national-defense program. I believe every Member of this House is committed in some form or another to cooperate for an adequate national defense. There may be some differences of opinion as to what that adequate national defense would call for. Therefore I hope that in the consideration of this resolution we will not undertake to resurrect and reconsider the question of whether or not there should have been a Tennessee Valley development or whether or not the officials now presently connected with the Tennessee Valley Authority should be there or some others put in their places, and that we will in no respect whatever bring up our old prejudices and our old recollections and our old scars of other battles.

In figuring out this defense program two things have been necessary, preeminently necessary. One was to secure an adequate number of trained human beings for our defense effort. The next was to implement those human beings, to give the pilots airplanes to fly, to give the tank drivers tanks to travel with, to give the soldiers guns, armor, ammunition, and quarters, to give the Navy an adequate fleet, and so forth. To do that most important thing the whole procedure was so to coordinate and so to mobilize private industry as to be able to provide these necessary implements of national defense.

It seems to me the President did a very proper and very appropriate thing when he called into the service of the Government the leading private business experts in their particular lines in the United States, regardless of their political affiliations or their ideas of political philosophy, in order to constitute this advisory commission on defense. This is not a Government agency in the ordinary sense. It is purely an advisory commission, Mr. Knudsen heading up that Commission. I doubt if any man in this Chamber would challenge the fact that Mr. Knudsen is probably as well, if not better, qualified than any man in the United States when it comes to the question of mass production, of actually producing expeditiously these necessary implements of national defense. Mr. Knudsen surrounded himself with experts of equal prominence, one of the principal of whom is Edward R. Stettinius, Jr., former chairman of the board of United States Steel. Mr. Knudsen's job is to take the materials and work them into the finished product. The job of Mr. Stettinius is to provide Mr. Knudsen with the raw materials.

These men proceeded, then, to surround themselves with men expert in their own particular lines in order to build up this defense program and get it going. They have been before the Committee on Appropriations several times. I for one wish to record the fact that I believe everything humanly possible is being done to carry out the wishes of Congress and the wishes of the American people that this defense program be expedited and that we not only appropriate money but get something for the money that we appropriate, and get it quickly.

When it comes to the question of producing airplanes, the President laid out a tentative program approximating a program of 50,000 planes a year. This does not mean that we will make 50,000 airplanes this year or next year, but it is a program, it is an objective, to build up and expand, to build new plants if necessary, so that as soon as possible our production of planes will reach the point of 50,000 a year or thereabouts. This program was laid before this Advisory Commission on Defense, and they were asked to do it.

They went to work on the proposition. Mr. Knudsen, in figuring on it, said to Mr. Stettinius:

> We begin on this, and we can build up gradually. This a program that is progressive. We will build up gradually, but by the end of June 1942 we will produce a certain number of planes. Public policy suggests that we should not name the exact number, but it is a number less than 50,000. We will be at a point where industry, expanding industry and new industry, can be on a production of so many thousands of planes a year. But when we reach that time, according to the survey my experts have made, we will be short 60,000,000 pounds of aluminum per year. So as this program is built up to that point, if we are to carry on from there you must simultaneously make provision so that when it reaches that point we will have aluminum in a greater quantity by 60,000,000 pounds a year than we have now.

Hence the beginning of the proposition which is now before the Congress.

No; we do not need the power tomorrow. We have enough aluminum tomorrow to build the number of planes that are laid out tomorrow, but we will be lacking 60,000,000 pounds a year in 1942 of being able to carry on this program.

Why think about building planes in 1942? I believe I am not stating any secret, because it has been in the pubic press, when I say that the British Government is now putting its own funds into America to finance new airplane enterprises in order to furnish them planes on a basis of 3,000 a month for their own use, and they cannot get them into production until 1944. So they are looking ahead and we must also look ahead with respect to this program. The Advisory Commission on Defense is also looking ahead, as well as Mr. Knudsen and Mr. Stettinius, not in a casual or nonchalant way, but with all of the emphasis and all of the force they can put behind this appeal and they have stated to the Appropriations Committee that it is vitally and urgently necessary that they be provided with this additional aluminum by 1942.

Now, how are you going to get it? You must build new plants. It is proposed to build a new plant in the vicinity of the present one in the Tennessee Valley area, and to do that there is required additional power. The Advisory Council on Defense summoned to its assistance Mr. Gano Dunn, well known to the gentleman from New York City [Mr. TABER] and many of you gentlemen on the Republican side of the House. He is a Republican, and an outstanding Republican, very firm and very orthodox in his Republican beliefs, but, like you and like myself, or like we have professed to be, he is for this defense program first. Not only is Mr. Dunn a member of the minority party but Mr. Dunn has been an habitual and relentless opponent of the T. V. A. He has opposed it at every step of the way. He has lectured many times on the value of producing electric power by steam rather than by water power, and he will say to you now that if it were a question of starting at scratch and producing this new power that is needed, if there were no T. V. A. to build on to, unquestionably we should do it by steam, but Mr. Dunn will also tell you this: He will tell you that, already having T. V. A. set up as a going concern and already having this succession of dams on the Tennessee River, that by going up on the Holston River and putting in this Cherokee Dam, of which Mr. Wendell Willkie speaks in his statement, that you get not only the primary power produced by the introduction of a new dam but every time the water goes over one of those dams downstream you get additional power.

[Here the gavel fell.]

Mr. WOODRUM of Virginia. Mr. Chairman, I yield myself 10 additional minutes.

And Mr. Dunn, as I say, one of the outstanding and leading electrical engineering experts in the country, will tell you, as he has told all of us, emphatically and unequivocally, that this project is justified, this project which calls for the building of this dam and supplementing it by one steam-generating plant.

The project calls for a total expenditure of $65,800,000.

The building of a storage dam and hydroelectric power plant on the Holston River near Jefferson City, Tenn., will cost $36,000,000; installing two new generating units at Wilson Dam and one at Pickwick Dam to cost $5,300,000, and by making these additional installations you get the benefit of

the additional storage you have upstream by putting in one steam-generating plant to cost $10,500,000, and the necessary transmission facilities to tie this up to cost $14,000,000.

This power is vitally needed. It cannot be secured anywhere else. Private industry cannot provide it. Of course, someone has said, "Could you not take the power from T. V. A. by having the T. V. A. shut off the power it is selling to some other people and turn all of the power over to the defense program?" Certainly you could do that if you wished to shut off that power which the T. V. A. has sold and is delivering to other manufacturers, many of whom are also engaged in work of the defense program, but it would not be the part of good business or good judgment to take power that T. V. A. has sold to someone else and divert it. It would simply require those people to build new plants of some kind or to shut down their operations.

Now, some one has suggested, and I believe such an amendment will be offered, that we cut out the dam and just build the steam-generating plant. I want to read you a letter which Mr. Gano Dunn wrote to me, at my request, when that question was raised. This letter is dated July 29, 1940.

DEAR MR. WOODRUM: Certain members of the committee of which you are chairman have raised the question: Why should not the increased capacity of T. V. A. required for national defense purposes be wholly in steam power instead of partly in steam power and partly in hydroelectric power as has been recommended by the engineers and approved by the Advisory Commission of the Council of National Defense?

The most reliable and economical operation of a mixed system like that of the T. V. A. comes about when the amount of steam bears to the amount of hydro a ratio determined by engineering considerations. If in the T. V. A. system the steam is expanded at the expense of the water the cost of operation is considerably increased and some of the benefits of hydroelectric development is lost. If not enough steam is provided the operation in respect to prime power becomes uncertain and a large part of the power becomes secondary power of much lower value.

The amount of steam power included in the plan is the right amount to give the best compromise between these conflicting requirements and any important change in it would be contrary to good engineering.

There is another consideration of a most serious kind. Since the matter came up a month or so ago the power demands for national defense have begun to rise all over the industrial part of the country and many large orders have been placed with the manufacturing companies for steam machinery and equipment. To such an extent has this occurred that whereas deliveries of 15 to 18 months were then possible—I am informed that in the last 3 weeks the General Electric Co., the largest manufacturer of steam turbogenerators, has been obliged to lengthen its delivery dates so that it is now quoting deliveries no earlier than 25 months from the date of order.

If under these circumstances the amount of steam equipment for the T. V. A. expansion should be materially increased it could only be at the expense of the expansion of steam plants elsewhere also needed for national defense and it is probable that the priority authorities would not recognize the claim for early delivery of a large part of the T. V. A. order.

For all these reasons and in the interest of the prompt determination of the T. V. A. expansion which is urgently needed for the national defense I urge that the proportions of steam to hydro which have been carefully determined from engineering considerations be not disturbed.

Respectfully yours, GANO DUNN.

Mr. Chairman, may I say this. In a program of this magnitude, you have to place confidence in some people whom you think have information and certain technical knowledge, and I do not know where you would go, and I do not believe my friend the gentleman from New York [Mr. TABER] can suggest anywhere to go, to find a greater electrical engineering expert than Mr. Dunn, and with his background and with his predilections, when he goes in as vigorously and as strongly as he does endorsing propositions, backed up by the Advisory Commission on Defense, saying this is vitally needed for our airplane-production program, then it would seem to me that the House of Representatives or any Member thereof would be going a long way to place his lay judgment against the expert judgment of these gentlemen.

Mr. JONKMAN. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM of Virginia. Yes.

Mr. JONKMAN. How much additional aluminum will this plant produce, and how much is being produced at the present time?

Mr. WOODRUM of Virginia. That statement is in the hearings. I cannot recall it at the moment, but a number of pounds above what I stated in my opening statement. That is to say, when this program reaches July 1, 1942, as it has progressed, there will be 60,000,000 pounds of aluminum short. There is in the hearings a statement of how many pounds is presently being produced. This statement may be surprising. It requires on an average 5 tons of aluminum for each plane.

Mr. VORYS of Ohio. Mr. Chairman, I find on page 9 of the hearings a statement in Mr. Dunn's report that they will need 60,000,000 pounds of aluminum, which represents a power requirement of approximately 80,000 kilowatts, and yet we are asked to provide 100,000 kilowatts from steam and 120,000 kilowatts from water power—apparently three and a half times more than the maximum needed to produce the aluminum.

Mr. WOODRUM of Virginia. Oh, there is a number of other defense requirements down there besides aluminum.

Mr. VORYS of Ohio. Obviously, from his statement, unless there is some further explanation, his statement is not very clear. It is hardly even an excuse, because he further states that 60,000 pounds can be procured out West at Bonneville. Therefore he is only 20,000 shy, and we are providing 200,000 kilowatts more for other purposes. Are those other purposes just general in nature?

Mr. WOODRUM of Virginia. Oh, no; there is a powder plant coming in there that originally asked for 7,000 kilowatts, and now that request has been jumped to 14,000. And there is a number of other industries. My attention was called to page 10 of this report, and I read the following:

If the increased requirements for aluminum were the only increased requirements for the national defense for which power will be needed in the Tennessee Valley, an increase in capacity of 100,000 kilowatts would have been adequate to take care of 80,000 kilowatts demand for aluminum and allow some spare capacity.

But, in addition to the national-defense demands for aluminum involved in the airplane program, there are other power increases in prospect for the Tennessee Valley; for instance, 7,000 kilowatts to supply the new Du Pont power plant at Memphis, for which a contract has just been let.

And, as I say, that has been stepped up now to 14,000.

Mr. McLEAN. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM of Virginia. Yes.

Mr. McLEAN. That power plant will need this power long before December 1942. There is not a dollar's worth of power now being provided for that will be used at that powder plant. This will not produce any more power until 1942.

Mr. WOODRUM of Virginia. The gentleman will see from Mr. Dunn's statement that there are other points along there where power is coming in. There are two private projects there. The Aluminum Co. has a power project coming in, bringing in additional power, and the whole thing is progressive. We do not want it tomorrow, but we will need it later.

Mr. McLEAN. The gentleman will please get the point. Under this program that we are asked to vote this $65,800,000 for, the Tennessee Valley Authority says that the steam plant will not be ready until December 1941, and that the hydro plant will not be ready until successively August, September, October, 1942. What right have they to avail themselves of this powder plant, which is ready to open and must necessarily operate instantly, as a reason why we should now spend this money for power that is needed immediately and that will not be available until 2 years from now?

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. WOODRUM of Virginia. Mr. Chairman, I yield myself 2 additional minutes.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield.

Mr. MICHENER. In answer to the gentleman from New Jersey [Mr. McLEAN], the hearing before the Rules Committee was later than the hearing before the Appropriations Committee. Mr. Dunn explained clearly that according to the program of the National Defense Commission the bottleneck will be reached on July 1, 1942, and that all available

power anywhere within the United States would be used from now on; but that on July 1, 1942, if we are to keep up our program of building airplanes according to schedule, we must have the power provided for in this bill. This bill is to meet a demand which will arise on that day.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield.

Mr. RICH. When you talk about furnishing powder plants, why does not the Du Pont Co. locate its power plants where we now have power accessible, as we have in Pennsylvania, where they already have powder plants, and where they can go ahead and manufacture powder immediately? Why wait on this plant?

One other question: You are going to build a proposed paper mill. My goodness, the paper mills of this country are adequate now to furnish all the paper we need. Why start in constructing new paper mills under this project?

Mr. DINGELL. Mr. Chairman, I suggest that the chamber of commerce of the gentleman from Pennsylvania, Brother RICH'S community might better present that proposition.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM of Virginia. I yield to the gentleman from Michigan.

Mr. DONDERO. What effort has been made to ascertain whether or not private industry could furnish this all-important material, aluminum, which is so necessary for the manufacture of planes?

Mr. WOODRUM of Virginia. Private industry will furnish it, but they must have power with which to make it. Somebody has to produce the power to furnish to private industry.

Mr. DONDERO. And that is not available now?

Mr. WOODRUM of Virginia. That is not available now.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. RICH. I would like to have the gentleman answer why we are building this proposed paper mill?

Mr. WOODRUM of Virginia. My time has expired.

Mr. TABER. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, no one is more interested in promoting the national defense than I am. However, I am not inclined to support something that I believe to be a racket, trying to ride in on the skirts of national defense, just because it is passed on by someone who I do not believe has given it adequate study. I am sorry to say that is my opinion of the type of consideration that Mr. Dunn has given to this particular project.

Let me say to you that the Tennessee Valley Authority has been continuously an outfit that we could tell absolutely nothing about. When they gave us figures, we could not depend upon them. When they gave us operating statements, we could not depend upon them.

Let me give you the slightest bit of history of this outfit and of that development. The Board of Army Engineers estimated that for $75,000,000 they could put in all the navigation works that might be desired there. Let me say to you that with reference to their flood-control proposition, it has gotten down now, I think, to about 259,000 acre-feet in the Norris Reservoir, according to a statement put out by their Chief Engineer, Colonel Parker.

Let me say to you that in the hearings last winter it was claimed there were 1,500,000 acre-feet of storage in Norris Reservoir for power purposes and 520,000 for flood control; that it is now claimed that 1,761,000 there is for power, and I understand that another engineer from the T. V. A. has estimated that that power storage is 1,100,000 acre-feet within the last 2 or 3 days.

Let me say to you that they have furnished me tables showing the run-off of this Holston River month by month, week by week, over a period of 19 years. They tell us that in an average year, like 1927, Holston Reservoir would be filled in 3 months. In 1927 the average cubic-foot-per-second flow was 5,910. That was the second highest year in history. The average flow is 4,673 over the 19 years, or one-fifth less. The average flow over the last 10 years is 4,250, or about two-thirds what they figure on. In the lowest 12 months in the last 24 the flow is 2,031 cubic feet per second. It is apparent that the dam will be filled in not less than 6 months.

Mr. GORE. Mr. Chairman, will the gentleman yield?

Mr. TABER. Not at this time. If the gentleman has a question later, I will yield.

Every statement we have had from that T. V. A. outfit has worked out just like that.

So that we may know something about what the power situation ought to be according to the tables that they have given us, and so that we may know something about how they have been operating, I want to call attention to this, and I am going to put this into the RECORD in a table. The total cost of these items, according to the table on page 1682 of last year's hearings, is $343,978,000; deduct from that one-eighth of the Norris Reservoir that they claim is for flood control today, $3,750,000; and deduct two-thirds, although it is altogether too much, on the navigation proposition, $50,000,000, and you have left a cost of $290,208,000. The interest on that is $8,706,000. Depreciation on a reasonable basis is $5,804,000; and operating expense, according to page 1630 of the hearings, for the year 1941, is $7,464,000. This makes a total cost of $21,974,400.

The estimated revenue for that year was $12,800,000. This shows a loss for the year of $9,174,000. The taxpayers from your district and mine will pay that cost and will continue to pay it just so long as that incompetent outfit runs the T. V. A.

Cost (p. 1682 of 1941 hearings)	$343,978,000
No flood control except one-eighth Norris	3,750,000
Navigation, two-thirds of engineers' estimate (liberal)	340,208,000
	50,000,000
	290,208,000
Cost of power:	
Interest, 3 percent	8,706,240
Depreciation:	
10 percent on transmission	
1½ percent on dams	
3 percent on wheels and generators	5,804,160
Average, 2 percent	
Operating:	
Estimated expense (p. 1630) for 1940	7,464,000
Total cost	21,974,400
Estimated revenue (p. 1630)	12,800,000
Loss	9,174,000

At the present time, according to the testimony of this outfit in the 1941 hearings of last December, and adding to it 60,000 kilowatts of steam plant, the present capacity of the plant is 939,000 kilowatts. According to their own statement, their average secondary capacity is 70,000; their firm capacity is 599,000; their peak demand is 790,000. By July 1, 1942, including this 120,000 steam plant they are asking for, there will be a plant capacity of 1,105,000 kilowatts, a firm power of 612,000 kilowatts, and an average secondary power of 182,000 kilowatts, with a peak demand of 945,000 kilowatts. Add to that Pickwick No. 4 and Wilson 9 and 10 or Wilson 11 and 12—the testimony is rather confusing on that—and you get 1,193,000 installed; adding the new plant, 120,000, you get 1,313,000, with a firm kilowatt capacity of 732,000.

This set-up is sufficient to take care of the average power requirements for 1942. It runs the total demand up to 642,000, according to their estimate, and it shows a surplus of 90,000 kilowatts after providing for these items of war preparedness.

The reason I am going to suggest that this steam plant be allowed to stay in is because I believe—and the T. V. A. investigating committee a year ago so found—that they need a steam-plant auxiliary, because they had gone to work and invited everyone down in there at prices below cost. They had gotten manufacturing outfits down there so far beyond the capacity of the outfit to take care of them the way they were operating that they needed a steam-plant auxiliary to take care of that situation. At the present time if they would operate that outfit as it should be operated I believe they would have the capacity to take care of this national-defense proposal. The total amount of power that would be required for aluminum would run from 65,000, according to the alumi-

num company, to 80,000, according to Mr. Dunn. The other item might run 30,000 additional, so the peak capacity that would need to be added would be 116 kilowatts.

The following table, as I understand it, is the capacity of the T. V. A. without the so-called Cherokee Dam:

	Plant capacity	Average kilowatts, secondary	Average kilowatts, firm	Peak demand
Present, including Wilson Dam 60,000-kilowatt steam plant	939,000	70,000	500,000	790,000
July 1942 Watts Bar moved up including Wilson steam	1,105,000	182,000	612,000	945,000
Add Pickwick No. 4	36,000			
Wilson 9 and 10 or 11 and 12	52,000			
Total	1,193,000	182,000	612,000	945,000
Add new steam	120,000		120,000	120,000
Power available	1,313,000	182,000	732,000	1,065,000
Estimated 1942 peak demand and average power requirements		70,000	526,000	779,000
Add for war preparedness			116,000	116,000
Total		70,000	642,000	895,000
Surplus after providing for war preparedness		112,000	90,000	170,000

Why should we go ahead and add another dam out of the National Treasury to spread out these people into the power business is beyond me. Just think of putting up to us the building of a power dam in such times as these to install a paper mill, when all of us know that a paper mill can go anywhere and that it has nothing whatever to do with national defense. It is perfectly ridiculous. We ought to keep away from that kind of operation. We ought not to get into the sort of thing they are trying to lead us into here. There is absolutely no reason why we should go ahead and provide for this new dam. If we go ahead with it, we shall take the best farms they have left in the Tennessee Valley. Already all sorts of folks down there are building up cases for big damages for taking their land, and we are going to get into just one more racket like the one we were in before when we started in with the power business.

Why can we not have a sense of responsibility as we approach this problem? Why can we not use our own common sense? I am going to prepare for the RECORD a table showing the flow of this river year by year and the average flow over the last 10 years from the statement that has been furnished me by Mr. Parker. Why should we turn over all this money to this particular outfit to go ahead and waste, when we know they will waste it if we give it to them?

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. RICH. There are power facilities in other parts of the country where they can manufacture powder. Why is it necessary to increase these dams and build this power plant in this particular location for the manufacture of powder?

Mr. TABER. I will not question that, because it is a matter of only 15,000 or 20,000 kilowatts; I am not going to fuss about that. Powder is an item for national defense, but I presume they could build those plants elsewhere. This outfit, however, is running its power out and selling it, as I have demonstrated to you, for less than it costs, at the expense of other taxpayers. If a manufacturer can go down there and get the power at the expense of the taxpayers, there is naturally some attraction to go there.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield myself 1 additional minute.

When the appropriate time comes, I shall move to strike out that part of the bill providing for the power dam, because I believe they have all of that sort of thing they ought to be allowed to get into in that particular territory. I do not believe there is any reason why we should go into it. Ten million dollars will build the power plant, according to their testimony, in 18 months. The other thing will take from 2 to 3 years, and it will just be a waste. There is very serious doubt as to whether that outfit could possibly ever get it ready, and I do not believe it is in the interest of national defense to waste our substance. [Applause.]

Mr. WOODRUM of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. JENNINGS].

Mr. JENNINGS. Mr. Chairman, the measure now before the House provides for the construction of what is known as the Cherokee Dam on the Holston River near Jefferson City, Tenn., and for the installation of three electric generators, two at the Wilson Dam and one at the Pickwick Dam; and also for the construction of a steam-generating plant to supplement and equalize the production of firm power from these nine dams in the Tennessee Authority during periods of drought.

If the reasons advanced in support of this measure are sound and if the facts stated in support of it are true, the measure should pass. It has just been stated here by the distinguished gentleman from New York that the Tennessee Valley Authority had induced a large number of industries to come down there in order to use this power. That is not in accordance with the facts. This was an industrial region before the Tennessee Valley Authority came there and it is such today. And today one-third of the critical war materials that are produced in this country are produced in the Tennessee Valley area. This includes copper, iron, and aluminum.

At Alcoa, in Blount County, is located the largest aluminum plant in the world. It is located on a tract of 3,000 acres of land. The buildings themselves cover 90 acres of that land. There is shipped each day of the year to Alcoa 1,000,000 pounds of alumina, which is an aluminum oxide which has been produced from bauxite at the company's plant in St. Louis, Mo. That ore is mined in Arkansas and in South America.

The 1,000,000 pounds of aluminum oxide is there, by the use of electric current, separated into its component parts. This is done by mixing the alumina with cryolite in a molten state, and by submerging in the mixture 24 electrodes, and by passing from the electrodes electric current to carbon-lined sides of the melting vat. From the 1,000,000 pounds of alumina received there each day 500,000 pounds of pig aluminum is produced. Under the old method of manufacturing aluminum before the use of electricity came into vogue it required 24 hours to produce 30 pounds of aluminum, which sold then at $8 a pound. Now, by the use of this current, it is possible to produce 30 pounds of aluminum in 10 seconds.

We all know that in the manufacture of airplanes for war purposes aluminum is absolutely essential. There is required 5 tons of aluminum to produce one airplane. Would it not be a tragic thing that as a result of dallying in this hour of our Nation's peril and quibbling over something that is already an accomplished fact, the time should come in America when our children and our housewives would be gathering together aluminum pots and pans, as they are doing in England today, in order to build airplanes for defense purposes?

Mr. VORYS of Ohio. Will the gentleman yield?

Mr. JENNINGS. I yield to the gentleman from Ohio.

Mr. VORYS of Ohio. I have heard a great deal about this figure of 5 tons of aluminum for one airplane.

Mr. JENNINGS. That is the testimony of Mr. Stettinius.

Mr. VORYS of Ohio. Whoever testified to that may be mistaken. It is like talking about the fact it takes 5 tons to build a locomotive or an automobile.

Mr. JENNINGS. I did not yield for a speech. I am stating the testimony of Mr. Stettinius and Mr. Knudsen. I saw in that plant with my own eyes less than a week ago the aluminum plates and sheets and other forms of aluminum for the manufacture of airplanes, airplane engines, their cylinder heads, their piston rods, and so forth. That is what they tell me, and I accept it as true. I am not here to impugn anybody's integrity or to question anybody's patriotism. When men with the standing of Mr. Knudsen and Mr. Stettinius testify before a committee of this House that it requires 5 tons of aluminum to make an airplane I assume they are telling the truth and know what they are talking about. These men

say it is absolutely necessary that we have this additional power.

Mr. RICH. Will the gentleman yield?

Mr. JENNINGS. No. If the gentleman will hear me with an understanding heart and an open mind it will not be necessary for me to yield.

Mr. Stettinius, Mr. Knudsen, and a large number of representatives of the General Staff of the United States Army went to Alcoa, and they learned, as has been stated on the floor of this House, that although the Aluminum Co. of America with its present facilities and available power will have no shortage of aluminum until July 1, 1942, yet at that time there will be a shortage of 60,000,000 pounds. They then undertook to find out where they could get this additional power. There is just one way to produce and manufacture aluminum, and that is by the use of electric current. They cannot get it from private companies. It is not feasible to go to the Bonneville Dam in the State of Washington. If that were done it would be necessary to have 4,000 freight cars per year to transport the bauxite out there, the raw ore, or the alumina, as the case might be, then bring the finished product back. In addition to this there is no rolling mill out there.

Mr. Chairman, this great plant at Alcoa has been there for over 20 years. All they have to do down there is install additional melting pots and expand the facilities to some extent and there will be absolutely no shortage of aluminum in this great projected defense program that we have under way at the present time. Forty-three percent of all the aluminum produced in this country is produced at Alcoa, and 75 percent of the aluminum that is going into our war planes today comes from that plant.

Something has been said about the flow of water in the Holston River. Now, I know about the Holston River. I live down there on the Holston River. I have fished it, I have hunted on it, and I have land that adjoins the river, although below the dam. But I know the river. It is a large river. It drains a watershed of 3,400 square miles and has its origin in the State of Virginia. It is a very large stream, as I stated. The advantage of this upstream dam is that there will be produced at this dam, which covers an area of 30,000 acres, 90,000 kilowatts of electricity, firm power; then the water stored in the Cherokee Dam, when it is released, flows over eight downstream dams, so that the water impounded by this dam will be used eight times over these downstream dams; and by the installation of the two electric generators at Wilson Dam and the one at the Pickwick Dam 90,000 additional kilowatts will be produced.

Something has been said about our candidate for the Presidency, Mr. Willkie. He said in an interview on June 14 of this year, published in the papers of this country, in response to a question, that in the event an impartial board recommended the construction of an additional dam he would favor it. Who doubts the impartiality of Mr. Knudsen, Mr. Stettinius, or Mr. Dunn? Mr. Dunn is a sort of a modern Apostle Paul. He has been a Pharisee of the Pharisees, but now he comes in this hour of the Nation's danger and says that this is absolutely necessary; that the bottleneck in the production of essential war materials is the production of aluminum and the use of power.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. JENNINGS. I told the gentleman to listen and I would give him some information. I have the greatest esteem in the world for the gentleman, but I cannot play with him now.

[Here the gavel fell.]

Mr. WOODRUM of Virginia. Mr. Chairman, I yield 2 additional minutes to the gentleman from Tennessee.

Mr. JENNINGS. As I was saying, the water impounded by this dam is available at eight downstream dams. When we supplement that regular and uninterrupted flow of power by this steam-generating plant we are assured of an additional 220,000 kilowatts per year.

This power is not needed alone for the production of aluminum. There are other industries there—industries that are engaged in the production of munitions and industries that are engaged in the production of magnesium, which is an alloy used in the manufacture of aluminum. This current is used for that purpose. It would be ridiculous to say that in a great industrial area of this country where munitions of war are being made and where people exist by virtue of taking part in those industries we should have a black-out and cut off the power from these essential industries.

Mr. Chairman, there has been set on foot a progressive and national program that has in view total preparedness. Before I would do anything consciously to retard the full arming of this country against threatened invasion from abroad I would rather that my right hand should forget its cunning and that my tongue should cleave to the roof of my mouth. This is no time to dally; this is no time to hesitate. We must get ready. There is just one way to do it, and that is to act now. [Applause.]

I now propose to cite facts and reasons which absolutely refute the charge that this measure is proposed by the Tennessee Valley Authority under the guise of advancing the national defense. The undisputed facts hit this unjust charge squarely between the eyes. Every Member of this House knows that a crisis—an emergency—world-wide in its scope, exists, threatening a black-out of free government throughout the world and laying the ax at the very roots of our national existence as a free people. To meet this threat to our institutions, this challenge to the American way of life, the Congress has appropriated billions, and will shortly appropriate billions more, in all totaling more than $10,000,000,000. This Nation is preparing for total defense. In the present world catastrophe no measure short of this will suffice. At this hour the hearts of men are being "sifted out before the judgment seat." "He who dallies is a dastard, and he who doubts is damned."

The President wisely sought the experience, the ability, and the assistance of the best minds in our business world. He summoned to his aid, and to the service of the country, Mr. Edward R. Stettinius, Jr., and Mr. William S. Knudsen, and made them members of the National Defense Advisory Committee. To Mr. Stettinius has been delegated the gigantic task of securing the production and of assembling the necessary critical materials for the construction of the material parts of a gigantic war machine for national defense. To Mr. Knudsen has been given the well-nigh superhuman task of seeing that these materials procured by his associate, Mr. Stettinius, are built into guns, airplanes, tanks, armored cars, tractors, ships, cannon, rifles, machine guns, ammunition of all types, and all of the paraphernalia of modern warfare. No man doubts the ability, the genius, the outstanding records of achievements, and the devoted patriotism of these two great men.

Shortly after their appointment as members of the National Defense Advisory Commission they conferred with the General Staff of the Army as to the needs of the Government with respect to critical materials needed in our expanded air-defense program. They went to Alcoa, in Blount County, Tenn., where is located the largest aluminum manufacturing plant in the United States. This plant is owned and operated by the Aluminum Co. of America. We all know that aluminum is the absolutely indispensable material used in the manufacture of airplanes, and I mean by that bombing and fighting planes. On conferring with the officials of the Aluminum Co. of America, Mr. Stettinius and Mr. Knudsen made known the quantity of sheet and plate aluminum and other aluminum necessary in the manufacture of airplanes and airplane motors. They were informed that the Aluminum Co. of America could supply the needs of the Government until July 1, 1942, at which time it was developed there would be a shortage of 60,000,000 pounds of aluminum. Thereupon they requested of the Aluminum Co. of America an increased production of aluminum to meet the Government's needs. The officers of the Aluminum Co. informed them that to produce the needed quantity of aluminum more electric power was absolutely necessary. The Directors of the Tennessee Valley Authority were then approached, and they informed Mr. Stettinius and Mr. Knudsen that the Authority

had contracted its available power to municipalities, cooperatives, and industries making essential war supplies. The officers of the Tennessee Valley Authority stated that if it could build another dam—the Cherokee Dam on Holston River near Jefferson City, Tenn., to be specific—and install the three electric generators at the Wilson Dam and at the Pickwick Landing Dam, and could build the electric generating plant above referred to, it could, by July 1, 1942, produce primary power in sufficient quantities to meet the requirements of the Aluminum Co. of America in the production of aluminum in quantities required by the Government in the fulfillment of its war-airplane program and power needed in the normal growth of industries and increasing demand for power in the area, and also power necessary in the development of other needed war industries in the Tennessee Valley area. This proposed dam, the installation of these additional electric generating facilities in the downstream dams, and the construction of the proposed steam-electric generating plant therefore did not originate with the Tennessee Valley Authority. These projects were the logical, the imperative outgrowth of the Nation's dire need for war materials in the present emergency.

These facts were developed and established by the testimony of Mr. Edward R. Stettinius and Mr. William S. Knudsen, members of the National Defense Advisory Commission; Mr. Gano Dunn, assistant to the Commissioners; Mr. David E. Lilienthal, vice chairman of the Board of Directors of the T. V. A.; and Col. T. B. Parker, chief engineer of the Tennessee Valley Authority, in the hearings conducted by the subcommittee of the Committee on Appropriations of this House on Tuesday, July 9, 1940.

Speedy action is required. This action is referred to by Mr. Stettinius in his testimony as a "trigger action."

Mr. Stettinius, on page 5 of his testimony, states:

If the appropriation is not promptly provided, then there may be a whole year's delay because you will miss the spring floods in filling the reservoir, and with an empty reservoir you cannot get power, even if your machinery is all installed.

Mr. Stettinius and Mr. Knudsen request this expansion program on the part of the Tennessee Valley Authority for the production of additional power after conferring with and reaching a complete agreement with those responsible for national defense and after learning that the Tennessee Valley area is one of the important areas for the production of such essential national-defense materials as aluminum and other metals, explosives, and phosphorus, and other chemicals, and, more recently, aircraft. They learned that a deficiency of power supply is the bottleneck in the time essential to the production of these critical war materials. They ascertained that all existing power installations, both those of the Tennessee Valley Authority and private companies in adjacent territory, are now being taxed to the limit to meet normal demands. I again quote from the testimony of Mr. Stettinius before the subcommittee of the Committee on Appropriations on July 9, 1940. In developing these facts Mr. Stettinius and Mr. Knudsen had not only the advice of high Army and Navy officials but also that of Mr. Gano Dunn, one of the outstanding electrical and mechanical engineers of the Nation. I now quote from the testimony of Mr. Stettinius, on page 4 of the hearing:

Mr. Dunn was the power expert member of the Nitrate Commission of the War Department prior to the World War and at that time made studies of the Tennessee River with reference to its suitability as a source of power for the manufacture of nitrates.

In the lawsuit—this will amuse some of you—in the lawsuit which Wendell Willkie and the Commonwealth & Southern brought several years ago to test the constitutionality of the T. V. A. Act he hired Mr. Dunn's firm to represent him against the Government. Mr. Dunn has previously been opposed to the Government's policy of entering into competition with private utilities, but he now strongly is in favor of this request of the T. V. A. purely from the standpoint of the emergency at hand and the interest of the national defense.

I have been over this matter for approaching 3 weeks now, with Mr. Dunn and the members of our staff, and I am perfectly confident, gentlemen, that from the standpoint of our aluminum production to meet the aviation program which Mr. Knudsen is responsible for, and a great many other developments in the southeastern section, we must have this added power.

Mr. WOODRUM. And you cannot get it from private industry?

Mr. STETTINIUS. We cannot, sir, and it cannot be delayed for reasons which Mr. Dunn will bring out in his testimony. Not weeks but days count now, from the standpoint of speeding this work up so that we can get the full effect of the spring floods 2 years hence.

Mr. WOODRUM. The program calls for the erection of a storage dam and hydroelectric power plant to be built on the Holston River, near Jefferson City, Tenn., at a total cost of $36,000,000; then for the installation of steam-electric generating facilities at a cost of $10,500,000; Wilson and Pickwick units, $5,300,000; transmission facilities, $14,000,000; making a total of $65,800,000.

Now you are asking for $25,000,000 in 1941, $20,800,000 in 1942, and $11,000,000 in 1943.

Mr. STETTINIUS. That is correct, sir.

Mr. WOODRUM. And the Council of Defense has been over that thoroughly and regards it is necessary and important, and that time is of the essence?

Mr. STETTINIUS. I do not think I can say "The Commission," but Mr. Knudsen, in charge of production, and I, from the standpoint of materials, and Mr. Dunn, having jurisdiction of the power to be supplied, all definitely unite in the conclusion that this expansion is justified and must take place to meet the production ahead.

Mr. Stettinius further testified on page 13 of the hearings:

Mr. STETTINIUS. Yes; it is all a part of a coordinated whole, in that the plane production, and specifically aluminum, and the powder production that are contemplated to be financed through this approximately $5,000,000,000 request that you will shortly receive, are all part of the program, and are in proper relation to it. The chemical plants, the ammonium and other plants, and the aluminum plants must be served by this power increase.

Mr. Stettinius further testified on page 17 of the hearings:

Mr. WOODRUM. Do you wish to say anything further in reference to the aluminum shortage?

Mr. STETTINIUS. There is a shortage of aluminum, and I can tell you that we must increase our aluminum facilities as rapidly as possible to meet the plane program.

Mr. WOODRUM. There is nothing like an adequate amount of power for carrying on this work in connection with the national defense.

Mr. STETTINIUS. That is true. I might add, Mr. Chairman, that the support we are getting from the President, and all the way down throughout all the agencies in Washington, is most encouraging, and most inspiring. I include Congress in that statement, of course.

* * * * * * *

The CHAIRMAN. Of course, private industry everywhere is interested in the national defense.

Mr. STETTINIUS. That is correct. The Commission is getting full support from industry on all sides, and we are getting the full support of the Government agencies in Washington. Particularly, I would like to go on record as to the magnificent cooperation we have been receiving from the Army and Navy.

Mr. LUDLOW. As a member of the committee, I am heartily in favor of this proposition, but if it were not in a time of emergency you would not be in favor of the Government engaging in the power business?

Mr. STETTINIUS. No, sir.

Mr. DUNN. Neither would I.

Mr. STETTINIUS. Mr. Dunn is an expert in the field of power. I am not an expert in the field of power, but I subscribe to everything that Mr. Dunn has said in his testimony.

At this hearing, on pages 5 to 7, appears the testimony of Mr. Knudsen. We quote:

Mr. WOODRUM. Mr. Knudsen, we will be very glad to hear whatever you have to say to us.

Mr. KNUDSEN. I am not a power man; I am a manufacturer. My interest in this project is purely to see that we get aluminum enough or duralumin enough to build the planes with. I suppose you know the average plane takes about 5 tons of this stuff.

Mr. WOODRUM. Five tons of aluminum?

Mr. KNUDSEN. Yes; that is the average; and my interest here in this project is to get aluminum enough for the planes, and the average quantity per plane is about 5 tons, meaning both in the frame itself and in the parts of the motor that are made of aluminum, such as the crankcase, pistons, and cylinder head. And in this area where the T. V. A. is located, that is outlined by the General Staff as area E. We have areas A, B, C, D, and E, which are satisfactory to the General Staff for plant-location purposes, being away from the shore, and in this area E, besides aluminum plants, we have some other plants projected, the actual location of which I am unable to give you at this time, because the sites have not been picked; but they are in this area E. So that there will be a call for power beyond what will be required for aluminum.

Mr. WOODRUM. And you cannot get it from private industry?

Mr. KNUDSEN. Well I do not know, frankly; I am not familiar with that.

Mr. STETTINIUS. I think Mr. Dunn can answer that.

Mr. KNUDSEN. The power people will have to tell you about that. I can only testify as to the manufacturing end.

Mr. O'NEAL. How long will it take to get into production with the money being asked for?

Mr. KNUDSEN. That is something Mr. Dunn will have to answer.

Mr. WOODRUM. Do you mean power production or aluminum production?

Mr. O'NEAL. I mean with the money spent that is proposed here, how quickly will it bring results?

Mr. DUNN. The steam will be ready in 18 months and the hydro in 24 months, provided you take prompt action; but there is a trigger action in this, and if the appropriation is not promptly provided, then there may be a whole year's delay, because you will miss the spring floods in filling the reservoir, and with an empty reservoir you cannot get power, even if your machinery is all installed.

Mr. O'NEAL. I know you have looked into the possibility of more rapid development along that line, but I understand at Grand Coulee there is a vast amount of power to be developed, and that can probably be developed in less time than here. Is that correct, or am I incorrectly informed?

Mr. WOODRUM. How about letting Mr. Knudsen finish his statement first, and then ask questions.

Mr. O'NEAL. I thought he had completed his statement.

Mr. WOODRUM. What else do you want to say about that?

Mr. KNUDSEN. I do not know of anything else.

Mr. WOODRUM. That is the whole story?

Mr. KNUDSEN. Unless you want to ask me something.

Mr. WOODRUM. I would like to ask you this general question if you do not mind. How is the general work of the Defense Commission coming along? Is everything going satisfactory?

Mr. KNUDSEN. Well, you are a better judge of that than I am, because, naturally, I have only been here a month and the time has been spent in getting the schedules for the requirements both of the A schedule, which covers the money appropriated here last month, and the B schedule, which is coming up on the hill here to Congress either this afternoon or tomorrow. We are trying to plan our work so that we can place all the contracts we have got money for now and at the same time we study the capacity, or try to study the capacity, so that we can handle the second program either with contract authorizations or with cash. * * *

Mr. WOODRUM. Referring to aluminum, the proposition is to build another aluminum plant there near this power?

Mr. KNUDSEN. About that, Mr. Stettinius can tell you. We have split our work this way, that he brings the material up to the siding and then I cut it up, so that there is a straight division of our work.

Mr. WOODRUM. He has to bring this aluminum up to you before you can make planes out of it; is that the idea?

Mr. KNUDSEN. Yes, sir.

Mr. LUDLOW. Is this power needed entirely for the production of aluminum?

Mr. KNUDSEN. No, sir.

Mr. LUDLOW. You are going to use it for other purposes, too?

Mr. KNUDSEN. There are other plants plotted in that area.

Mr. LUDLOW. For what production?

Mr. KNUDSEN. Some of them for munitions, some for other things—for powder.

Mr. LUDLOW. But the major part of it would be for aluminum?

Mr. KNUDSEN. That is the thing I am mostly interested in at the moment, because in planes that is the important item; that is the major item in a plane.

On the necessity of this expansion-power program on the part of the T. V. A., made possible by this appropriation, Mr. Dunn testified as follows. I quote from his testimony beginning on page 7 of the hearings:

Mr. O'NEAL. Mr. Chairman, I would like to ask one or two questions of Mr. Dunn first. I want to ask about Bonneville as well as Grand Coulee. I understand that the generators at Bonneville can increase their power facilities; and Grand Coulee, as I understand, can increase their facilities in the near future.

Mr. DUNN. Mr. Chairman, answering the first of Mr. O'NEAL'S questions, he is exactly right about it; and before we recommend this large block of power for T. V. A. we sought other places where we could get the power. We found a very good supply at Bonneville, and we are planning to take 60,000 kilowatts from there before we take this increase from T. V. A.

Mr. O'NEAL. You can make more speed, then, by T. V. A. than at Grand Coulee?

Mr. DUNN. Yes, sir.

PROSPECT OF GETTING POWER FROM PRIVATE COMPANIES

Mr. LUDLOW. Did you develop the prospect of getting it from private companies?

Mr. DUNN. Yes, sir.

Mr. LUDLOW. And ineffectually?

Mr. DUNN. Yes, sir.

Mr. LUDLOW. What was the problem, then?

Mr. DUNN. No one company system can furnish it. It would have to be furnished by transmission lines coming in from several different companies. It would be a good deal more expensive than the present power from T. V. A. There would be long delays in negotiating such a supply, and we have got T. V. A. right down there where the main plant of the Aluminum Co. is. Now, it is good management, when you want to increase a manufacturing plant and a power supply, to increase an existing manufacturing plant at an existing power supply. They are both right there together in the Tennessee Valley. We found no other place as favorable as T. V. A. for this large block of power increase; and, as Mr. Knudsen said, it is not only for aluminum but for other national-defense projects as well. The increase, in our opinion, is justified on the aluminum alone, but almost every day now there is some new national-defense demand for power directed in the region of the Tennessee Valley.

For instance, since we first investigated this, there has been a contract signed with the Du Pont people for a powder plant, the Tennessee Powder Co., which requires 7,000 kilowatts, and this is already being increased to 14,000 kilowatts. There are other plants where the increased power for national-defense needs, besides this aluminum need, is going to add up to almost the full capacity that we are here recommending for aluminum. Besides this there is the normal growth in the demands for power by the municipalities that are already located in the Tennessee Valley and are being supplied. You cannot limit or cut off that growth; it would disturb the industrial and social conditions if you did. Of the increase that we are recommending, 50,000 kilowatts goes to supply the growth of what is already connected up with T. V. A.

Does that answer your question?

Mr. LUDLOW. Yes.

From the point of view of national defense an increase in power for the production for aluminum can best be obtained by an increase in the capacity of the T. V. A. The principal plant of the Aluminum Co. of America, which is practically the sole manufacturer of aluminum, is located in the Tennessee Valley, notwithstanding the increase of that company's plant at Bonneville. The expansion of that plant in the Tennessee Valley is likely to be accomplished with greater certainty and with greater facility, than the building of a new plant elsewhere, having in mind the time limitation within which the airplane-production program must be accomplished.

This is true because the Holston Dam is the highest dam upstream from other dams in the Tennessee Valley over which other dams, the water which is stored in the Holston River Dam Reservoir is also discharged. In other words, this water from the Holston River Dam is not only used to generate 90,000 kilowatts at this dam, but it is used again as it flows over the Fort Loudon Dam, the Watts Bar Dam, the Chickamauga Dam, the Hales Bar Dam, the Guntersville Dam, the Wheeler Dam, the Wilson Dam, and the Pickwick Landing Dam. Thus it is used nine times at these nine dams in the production of increased power.

The construction of the 120,000 kilowatts of steam plant to be located within the Tennessee Valley area will supplement and equalize the production of water-generated power, and will enable the Tennessee Valley Authority to produce a continuous flow of primary power. Theoretically speaking, the amount of power to be produced by their new facilities and this steam plant will amount to 300,000 kilowatts of installed capacity, yet the actual and certain amount produced will be in the neighborhood of 220,000 kilowatts.

If the increased requirements for aluminum were the only increased requirements for the national defense for which power will be needed in the Tennessee Valley, an increase in capacity of 100,000 kilowatts would have been adequate to take care of 80,000 kilowatts demand for aluminum and allow some spare capacity.

But in addition to the national-defense demands for aluminum involved in the airplane program, there are other power increases in prospect for the Tennessee Valley, for instance, 7,000 kilowatts to supply the new Du Pont powder plant at Memphis (Tennessee Powder Co.) for which a contract has just been let * * * eight thousand kilowatts for metallurgical operations at Wilson Dam. There will also be, by the time of 2 years hence, an estimated increase of 50,000 kilowatts in the requirements of the various municipalities in the Tennessee Valley which now are supplied with power by the Tennessee Valley Authority. These increases, besides the increase for aluminum and others which may yet arise in the development of the defense program, fully justify the increased capacity which we have approved.

The proposed dam can be speedily constructed because the plans for same are fully complete, all preliminary borings and explorations have been made and the Tennessee Valley Authority can move its technical staff, employees, and equipment from a dam now being completed. Under these circumstances the Holston River Dam can be ready within 24 months for the production of power if this appropriation is promptly approved. If there is delay in starting this work, the power will be delayed nearly a year, thus missing the opportunity to fill the new reservoir with the spring floods of 1942.

The Tennessee Valley has been selected as the location for the principal power expansion approved by the members of the National Defense Advisory Commission and by other authorities of the Government because they had in mind not

only the location there of the plant of the Aluminum Co. of America but also the excellence of the organization, technical and otherwise, that has been assembled there. The engineers and other staffs of the Tennessee Valley Authority and of the Aluminum Co. of America are parts of a going organization, experienced in the construction of dams and transmission lines and in the manufacture of aluminum to an extent not likely to be found in any entirely new project not yet completed.

Mr. Dunn further testified that—

there is no other place in the country where such advantageous power arrangements can be made in connection with a going concern in the production of aluminum as the T. V. A. The principal plant of the Aluminum Co. is there. These other private power plants under development by the Aluminum Co. are near there, and it is natural therefore to look to T. V. A. for this power increase.

VALUE OF HOLSTON RIVER DAM

Mr. Dunn further testified on pages 11 and 12:

And here I am talking in favor of Government water power. The reason for this is, first, that it is a matter of national defense; and second, this is an unusual situation for a water power, because the storage that will be created by this Cherokee Dam on the Holston River is at the top of a series of dams. It is the topmost storage on the stream, and therefore the storage created by it will not only energize the 90,000 kilowatts that it is proposed to put at its own dam but 90,000 more kilowatts down the river as that storage water falls over some of the other dams, like the Wilson and Pickwick Dams.

Mr. TABER. Well, that depends.

Mr. DUNN. No, sir; it does not depend. It is absolutely so.

Mr. TABER. It depends on to what extent your storage enables you to increase the normal flow of the stream.

Mr. DUNN. That is right; it does depend on that. And the storage from the Holston Dam is such that, in addition to the 90,000 kilowatts that it will energize at Holston, it will energize 90,000 other kilowatts down the river at the Pickwick and Wilson Dams.

* * * * * * *

The CHAIRMAN. It equalizes the stream flow?

Mr. DUNN. That is right. It equalizes the stream flow. I have no hesitation in recommending this particular water-power development, because those are the facts.

Mr. TABER. You mean that none of this water would come down in such a way that it could be used except for storage?

Mr. DUNN. Yes, sir. In other words, all the storage water that comes down adds to the effectiveness of each dam that it goes over; or, to put it the other way, if the Holston Dam was alone, if there was only one dam across the stream, the way most of the water powers in the country are, you would only get 90,000 kilowatts out of it, and no more. Here you not only get the 90,000 kilowatts out of it, but 90,000 more down the stream and the appropriation that is here asked for covers both of those sets of 90,000 kilowatts.

NORMAL GROWTH WOULD ABSORB INCREASED POWER PRODUCED

Mr. JOHNSON of West Virginia. What would you propose to do with this power if the war should end?

Mr. DUNN. The rate of growth of consumption in the T. V. A. valley is rapid. The T. V. A. capacities are now overloaded. They are called upon for more power than they can easily deliver, and the rate of growth of the community down there is such that it would only take a few years completely to absorb it in the event the war requirements were removed.

Mr. JOHNSON of West Virginia. In other words, it would not be lost if the war was lost?

Mr. DUNN. Oh, no.

Mr. LUDLOW. You mean there would be such an influx of new industries down there?

* * * * * * *

Mr. O'NEAL. Mr. Dunn, you subscribe, then, to this statement by the Tennessee Valley Authority in connection with the supplemental appropriation for 1941:

Should the emergency period end in the near future, the power capacity made available by this program will be absorbed within a few years by normal growth in demand.

Mr. DUNN. I do, fully.

EARLY COMPLETION OF THE HOLSTON RIVER DAM IMPERATIVE

Mr. DUNN. There is another reason for haste, which is not as urgent as the reason that I have previously dwelt upon. The reason that I have previously dwelt upon is what I called the trigger action of getting this great dam finished in order to fill the reservoir with the spring floods of 1942. It is a case where 2 or 3 weeks lost may mean a year lost. That is unusual. There is a speculative element in it. You cannot tell. We are short of time already and the year may already be lost; but if on account of a short delay now, a year is lost, we will be held responsible by the public when the time comes, and Congress will be held responsible by the public when the time comes.

Mr. LUDLOW. What time limit do you give yourselves on the completion of this program?

Mr. DUNN. July 1, 1942, for the hydro and December 1941 for the steam.

I think I know what is in Mr. TABER'S mind, and I can show him to his complete satisfaction that in this case the building of this Holston Dam is the equivalent of building two dams, because on account of upstream storage you get 2 kilowatts for 1—for every kilowatt that that dam itself delivers.

In his testimony, then, Mr. Dunn points out that the Tennessee Valley Authority is now so overloaded with demands for power that it has notified the Aluminum Co. it must cut off 30,000 kilowatts of the power now supplied that company.

Mr. Dunn then stated:

I would like to read a statement by Mr. Willkie (Mr. Wendell L. Willkie) into the record. Here is what Mr. Willkie said on that subject on June 15, when this proposal was presented in a memorandum to the President. On June 12 it was presented, and it became public without our knowledge. The reporters went ahead and saw Wendell Willkie, expecting to get a grand slam from him against doing this thing. I will quote from this newspaper interview of June 14 in a Scripps-Howard paper. This is what Mr. Willkie said:

"Nothing is more important than defense, and there is nothing which might and will mask more political logrolling than the flag-waving variety of national defense. But if some impartial group, the United States Army or its engineers, for instance, do say that the completion of these dams is a link in our national defense, the dams should be completed and as rapidly as those charged with our defense think necessary."

That was a quotation from Mr. Willkie.

Mr. WOODRUM. That is a patriotic statement.

Mr. DUNN. Yes. He said an impartial board, and I think I can submit that men like those associated with the National Defense Commission are an impartial board.

Mr. TABER. I have every confidence in everything that you tell us, and it seems to me that this, if it was true, would be an answer to the question. * * *

The gentleman from New York [Mr. TABER] then entered into the role of a doubting Thomas and expressed himself as at liberty to either support or oppose the project.

THERE IS URGENT NEED FOR INCREASING THE PRODUCTION OF ALUMINUM

Mr. WOODRUM. Do you wish to say anything further in reference to the aluminum shortage?

Mr. STETTINIUS. There is a shortage of aluminum, and I can tell you that we must increase our aluminum facilities as rapidly as possible to meet the plane program.

Mr. WOODRUM. There is nothing like an adequate amount of power for carrying on this work in connection with the national defense.

SPEED NECESSARY IN THE PURCHASE OF EQUIPMENT

Mr. Dunn further testified:

With these huge expenditures that Congress has been providing for, the industries of the country will be filled with orders. Therefore it is of the greatest importance, particularly with respect to steam machinery, that the orders for the increased T. V. A. equipment be placed promptly while there is a place for them in the factories. In order to place these orders promptly, negotiated contracts are much more desirable than competitive bidding, because of the long time necessary in providing for competitive bidding.

INCREASED ALUMINUM PRODUCTION

Mr. Dunn then testified:

Mr. WIGGLESWORTH. How many pounds of aluminum will this produce annually?

Mr. DUNN. The amount that T. V. A., with this increased power, will produce, is 60,000,000 pounds of aluminum, of which we are short.

PRESENT AND ULTIMATE CAPACITY

On page 22 of the hearings, Colonel Parker, Chief Engineer of the T. V. A., testified as follows:

Mr. TABER. What is meant by present capacity and what is meant by ultimate capacity?

Colonel PARKER. Present capacity includes those generating machines already installed, and the ultimate capacity refers to the possible capacity that could be realized by using the space constructed for such future installations.

Mr. TABER. By putting in more generators or more water wheels. You do not call them water wheels now, do you?

Colonel PARKER. Yes, sir; ultimate capacity means additional installations, such as at Wilson Dam or anywhere. There we constructed 8 generating units with space in the building for the installation of 10 more such units.

It appears from all of the testimony that the vital and crying need is the production of more power by the T. V. A. by the construction of this dual-purpose dam on the Holston River. The installation of the three new generating hydro units at the Wilson and Pickwick Landing Dams, and the

construction of the steam generating plant. This is shown by the following testimony of Colonel Parker:

Mr. TABER. The Wilson outfit has not any capacity to run a great deal more than you are now figuring on. None of these outfits has?

Colonel PARKER. Not unless there is additional storage added.

I think I should add there that in the normal expansion of that system, if it were expanded, the next step would be the development of upstream storage, which would make possible the economical addition of units downstream.

Mr. WOODRUM. That is called for in the estimate we are considering?

Colonel PARKER. Our plan was to develop the Cherokee storage, and the reason that is desirable as an emergency program is that that storage can be built very promptly. With storage at Cherokee added units downstream become feasible on short schedule.

The units downstream being duplicates of existing units, the specifications and plans are already prepared. So if it were possible to dispense with the ordinary bidding process and advertising we could immediately order duplicates of those machines simply by taking these specifications out of the pigeon hole where they are now being kept.

So the idea of building storage dams together with the units downstream is something we can do immediately.

LAND PURCHASES

Testimony of Colonel Parker then shows that the T. V. A. has a complete organization for the immediate acquisition of lands needed, either by negotiated purchases or by condemnation proceedings which immediately put the Government in possession of the lands condemned.

Under these proceedings the appraised value of the lands condemned is paid into court and is at once available to the landowner, unless he desires to litigate the question of whether or not he is entitled to any more money for the land thus taken by the Government.

The added power to be produced by these projects is needed entirely for emergency use. This fact is shown by the testimony of Colonel Parker appearing on page 28 of the hearings:

Mr. WIGGLESWORTH. Can you say what percentage of power from this proposed dam, if it is constructed, will go into emergency uses that are primarily responsible for this request?

Colonel PARKER. This output is intended entirely for emergency uses.

It was developed by the testimony of this witness that 50,000 kilowatts of the 220,000 kilowatts increased power resulting from these increased facilities would be used by municipalities.

On page 29 of the hearing the following appeared:

Mr. WIGGLESWORTH. The other 170,000 is for national defense.

Mr. DUNN. Yes; with some surplus over.

Mr. WIGGLESWORTH. How much?

Colonel PARKER. It depends; we do not know. For instance, since that letter, 7,000 kilowatts have been added to the powder plant, and those requirements are coming in all of the time and we do not know just how much; but we are confident it will all be used and possibly we will have to go elsewhere, even after that, for some emergency program.

Mr. LILIENTHAL. Mr. Chairman, that is an extremely important point. The Board has authorized me to say that none of this power, that is to say, none of this additional increment, will be disposed of under long-term contract except after clearance with the Advisory Defense Commission; because it is intended that it all be devoted to defense purposes. * * * So that we want to make it clear that this entire block—not in specific kilowatts, of course, but this added increment—is definitely intended for defense purposes; therefore, we would like to have the Defense Commission pass on its disposition as I have suggested.

NEED FOR EARLY COMPLETION OF HOLSTON RIVER DAM

Colonel PARKER. I just want to emphasize the importance of the date of beginning this job; that is, in order to fill the reservoir in the spring of 1942, as is contemplated, and just to get the whole benefit of the thing, we have to get it done before the spring high water, and it is already projected to start almost immediately this summer, so as to get it done before the spring high water. If we actually miss that, it means the thing goes over another year before you can fill it.

Mr. WOODRUM. You mean by that the time is so important that the question of days or weeks would make a difference?

Colonel PARKER. Well, we certainly should actually start it some time next month—actually move in there with our construction force. If we do not, we run a serious chance of not being able to fill it. Of course, we can always concentrate and increase our force; but in order to guarantee that we ought to start right away.

Mr. DUNN. May I add a word to what Colonel Parker has said?

Mr. WOODRUM. Certainly.

Mr. DUNN. I want to differ with him somewhat with respect to the emergency of starting this work. There are liable to occur accidents, there is liable to occur bad weather, there are liable to occur delays, and we may have such a glut here in the supply of machinery and other things before the contract is let that we feel we have a speculative problem ahead of us. If, for instance, there is a few weeks' delay now—we are already late in starting it—I do not think his organization can complete this water power in 20 months; I think he is underestimating it; therefore in the Defense Commission we feel we should lose no time whatever, because something might go against us, and this is a case where a few weeks, as I know—in fact, we may already be too late. My firm has built many water powers. It built three of the water powers now in the T. V. A.—Ocoee No. 1, Ocoee No. 2, and Ocoee No. 3. Every once in a while we get caught with the appearance of spring floods earlier than expected, and then it is impossible to close the dam. We should not take the risk when the defense of the United States is at stake; and if we do take it and lose, we will all be subject to criticism.

Colonel Parker further testified on page 30 as follows with respect to the combined use of the power developed from the dams of the T. V. A. and the proposed generating plant:

But we do think this combination of those two things is really the best plan and avoids getting into difficulties and obstacles along some one line.

Colonel Parker further testified on page 31:

Mr. JOHNSON of West Virginia. Mr. Engineer [referring to Colonel Parker], why do not you go out in West Virginia and locate one of these electrical outfits? They have coal there; you do not even have to go under the earth to get it in some places.

Colonel PARKER. Another thing is that this particular steam plant is designed not to run continuously. If it had to run continuously and burn all that coal every day it would cost very materially more than our hydro-generated energy. It is intended to supplement out existing hydro plant and to operate only perhaps 25 or 30 percent of the time, so that it will in that way be a relatively economical development. But if we were to overdevelop it, to build more of it than could be taken care of by our present system, or to develop, as the gentleman says, without relation to our present system, it would cost the Government a great deal more—probably twice as much as water-generated energy does at the present time.

Furthermore, I do not think it is going to be possible in this emergency to get the delivery of very much steam-generating equipment. I think that is going to be a serious difficulty. Do not you agree with that, Mr. DUNN?

Mr. DUNN. I am sure it will; and, unless the orders are placed promptly they will lose their place in rank in the factories.

Colonel PARKER. Last month we had a quotation from the Westinghouse Co. on a steam-turbo generator, and they gave delivery as 14 months. It has now gone up to 16 months, with the lapse of 2 or 3 weeks, and next month I hesitate to think what it will be. We are right at the point where, if we delay any longer, it is going to be almost impossible to get the steam equipment that we can do this thing with.

One-third of our critical war metals and minerals are already being provided in the T. V. A. area. These are iron, copper, and magnesia, which are derived from olivine. At this time only 3,600 tons of magnesia are produced in the United States as against 40,000 tons in Germany each year.

Another critical material found in the T. V. A. area is verniculite which is a substitute for cork, and it is used for insulation purposes. The major portions of the country's cork supply, as we all know, comes from Spain. Two-thirds of the critical war materials now needed for national defense may be produced in the Tennessee Valley area. This area has been designated by the Staff of the United States Army as one of the largest defense areas. General Staff came to this conclusion because of the location of the great aluminum plant at Alcoa, in Blount County, Tenn. A great powder plant is under construction at Memphis and an airplane factory is now in operation in Nashville. The continuation of these enterprises calls for an additional increase in power.

The Holston River on which the proposed Cherokee Dam is to be constructed drains a watershed of 3,428 square miles as against an area of 2,912 square miles drained by the Clinch River and its tributaries above Norris Dam. The area flooded by the Cherokee Dam will be 32,000 acres as against 29,000 acres flooded by Norris Dam. The flow of this water in the Holston River is so great that it will fill this dam every year. In addition to that the area in question is far removed from the coast, is surrounded by mountain barriers, is served by adequate railways and public highways.

THE ALUMINUM CO. OF AMERICA AND THE MANUFACTURE OF ALUMINUM WITHIN THE TENNESSEE VALLEY AREA

The plant of the Aluminum Co. of America at Alcoa is located on a 3,000-acre tract. The buildings housing the

various operations of this company at Alcoa cover 90 acres of ground. This plant was located at its present site on account of the availability of an almost unlimited amount of hydroelectric energy. The company's plant at Alcoa is the largest in the world.

It owns and operates three dams. One at Calderwood, Tenn. One at Cheowa, and one at Santeetlah, both in the State of North Carolina. It has now under construction two additional dams, one at Nantahala, and one at Glenville, both in North Carolina.

Representatives of the General Staff of the Army recently made a visit of inspection at Alcoa. Mr. Stettinius and Mr. Knudsen recently visited the company's plant at Alcoa. On making known the material needs of the Government for additional aluminum in carrying out the Government's expanded program for national defense, the fact developed that on July 1, 1942, the Aluminum Co. of America would be 60,000,000 pounds short of the amount of aluminum desired by the Government, and this despite the fact of the increased manufacturing facilities which it proposed to install, and the increased production of power by its 2 additional dams now under construction. Electricity in vast quantities is absolutely essential to supply the additional 60,000,000 pounds of aluminum needed, and which would constitute the shortage on July 1, 1942, unless the present bill is enacted into law, and the Tennessee Valley Authority permitted to expand its power facilities as provided by this appropriation. Under the old system of the manufacture of aluminum it required 24 hours to produce 30 pounds of aluminum. By the modern method, through the use of electric current, this being developed by Mr. Charles M. Hall, a graduate of Oberlin College some 50 years ago, it is possible now to produce 30 pounds of aluminum in 10 seconds.

Aluminum is made of bauxite, a mineral consisting chiefly of hydrated aluminum oxide, but containing several percent of other oxides, chiefly silica, titania, and iron oxide. It is mined in Arkansas and in Surinam, South America. This ore is treated in St. Louis, Mo., to remove the impurities, and is there ground to a fineness that will pass through a sieve containing 200 openings to the square inch. The ore when thus refined loses 50 percent of its weight. It is then known as alumina, which is an aluminum oxide. Two pounds of alumina produce one pound of aluminum.

The solvent, molten cryolite—containing a small percentage of fluorspar, in which alumina is dissolved to form the electrolyte—is not consumed, the small losses are made up by additions during the course of operation. Cryolite, sodium alumina fluoride, occurs in appreciable quantity in only one natural deposit, which is in Greenland. Facilities for its production synthetically are available at East St. Louis, and a substantial percentage of that which is used is produced there from materials which are readily available within the United States. If necessary, this production could be expanded to produce the entire requirement. Small additions of aluminum fluoride, made at East St. Louis, are made from time to time. Fluorspar occurs in quantity in Kentucky and southern Illinois.

The large amount of electrical energy consumed in the production of aluminum at Alcoa is supplied by a series of hydroelectric developments on the Little Tennessee River system, supplemented by purchases from T. V. A. This is conducted over power lines of aluminum cable, steel reinforced, as high-voltage alternating current to minimize transmission losses. At the reduction works the voltage is stepped down and the alternating current is changed to direct current by means of either rotary converters or mercury arc rectifiers. Since the voltage drop across a single reduction cell is small, approximately 6 or 7 volts, a sufficient number of cells or pots are connected in series to correspond to the voltage of a single rectifying unit. The current will vary with the type of reduction cell but is upward of 30,000 amperes.

The reduction cell or pot, as it is called, is a large steel shell with a carbon lining separated from it with heat insulating material. The carbon lining serves as cathode or negative electrode of the cell. The electrolyte is kept molten by the heat generated by the passage of the electric current. The current is led into the electrolyte through anodes, which are usually blocks of carbon suspended on metal rods from the positive bus bar. These anodes are made from petroleum coke or pitch coke, ground and mixed with pitch and tar and molded while hot to the desired shape, and then baked to drive off the volatile constituents of the mixture. These grades of coke which are low in ash are used, since any impurity in the anodes will be dissolved in the electrolyte as the carbon is consumed and will be deposited as an impurity in the aluminum.

As the current flows into the cell, oxygen is liberated at the anode, and unites with the carbon at the high temperature—about 1,800 degrees Fahrenheit—the carbon dioxide escaping into the atmosphere. At the carbon lining of the cell where the current leaves the electrolyte, metallic aluminum is deposited. Since the temperature is above the melting point of aluminum—1,220 degrees Fahrenheit—the metal is deposited in molten form. When all the aluminum oxide dissolved in the electrolyte is used up, the voltage of the cell rises, and a telltale lamp connected in parallel with the cell glows to warn the operator that more aluminum oxide—called alumina—must be added. The new charge of alumina which has previously been sprinkled on the crust which freezes over the electrolyte, to be preheated, is added by breaking the crust and stirring it into the bath. The alumina dissolves the voltage drops to the normal operating value, the light goes out, and the process of making aluminum continues. At fixed internals, usually of about 3 days, the aluminum is removed from the reduction cell into a large ladle and poured into cast-iron molds, where it solidifies as pig aluminum. A sample is taken from each ladle or cast and analyzed. Each pig is marked with a grade letter corresponding to the purity of the metal.

In some of the reduction cells a single large cylindrical anode is used instead of several rectangular anodes. When this method is used, the electrode mixture of ground coke and pitch is packed in an aluminum shell provided with suitable arrangement for leading in the current. The heat generated by the passage of the current bakes the mixture and drives off the volatile material. As the lower end of the electrode is consumed by the oxygen liberated during electrolysis, additional electrode mixture is packed in the top of the cylindrical aluminum shell, new sections being added as required.

The aluminum pig is then shipped to the various fabricating plants to be transformed into the various usable forms, such as notched ingot, rolling or extrusion ingots, sheet, plate, tubing, bar and rod, and shapes, castings, and so forth.

It is not feasible to expand operations in the State of Washington, due to the cost of transportation of bauxite to its plant on the Columbia River and the reshipment of the finished product across the country. The costs incident to such transportation are prohibitive, and an addition thereto would cause a congestion of railroad traffic because it would necessitate the use of 4,000 railway cars annually. The feasible, practicable, and only possible way to meet the present emergency and needs of the Government for national defense is to increase the company's manufacturing facilities at Alcoa. This the company has taken all steps to do. It only awaits the enactment of this measure as a green light and go-ahead signal.

I visited its great plant this month and spent some 3 or 4 hours in observing its various operations. I there saw the bauxite deposited into melting pots where submerging in a cryolite bath it was by the use of electric current melted and then siphoned into receptacles from which it was poured into pig molds. I there saw these aluminum pigs again melted, refined, and made into pure aluminum ingots of the desired shape, and also combined with copper and manganese to make the different aluminum alloys required in the manufacture of needed war planes for the defense of this country, and in the finishing rooms and shipping rooms I saw carloads of airplanes and airplane parts consigned to every airplane

manufacturer in the United States. These aluminum products produced by this company by power developed at its own dams and by power acquired by it from the T. V. A. and the shortage to be supplied by electric current from the projects to be made possible by this appropriation are essential to the defense and preservation of our institutions and the protection of the lives, the property, and the liberty of our people.

Mr. TABER. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. WIGGLESWORTH].

Mr. WIGGLESWORTH. Mr. Chairman, the program before us this afternoon calls for the ultimate expenditure of $65,800,000. It is before us ostensibly as a program of national defense, to produce from 60,000 to 80,000 kilowatts of power to in turn produce some 30,000 tons of aluminum for airplane manufacture 2 years in the future.

Broken down, the program recommended divides itself into four parts, as follows: A new hydroelectric dam for the T. V. A. system on the Holston River, $36,000,000; new generating equipment at the Wilson and Pickwick Dams, $5,300,000; a new steam generating plant, $10,500,000; additional transmission facilities, $14,000,000—a total of $65,800,000. This is to produce 220,000 kilowatts of firm power.

Mr. Chairman, I believe every Member of this Committee under present conditions is for national defense 100 percent. I believe every Member of this Committee, if additional power is essential for that purpose, wants that power produced in the surest way and in the cheapest way it can be produced. It is obvious, however, that we are not justified in appropriating large sums of money for this or that purpose simply because it comes in here with a national-defense tag around its neck.

As far as this particular proposal is concerned, I personally am prepared to go along with items 2, 3, and 4 of the program. I am also prepared to go along with items 2, 3, and 4 and an additional steam plant if necessary. I regret that I am not prepared to support item 1 of the program, providing for the construction of a new hydroelectric plant on the Holston River for the T. V. A. I regret that I cannot support that item of the program, because, in my judgment, the proponents of the program have failed to establish the necessity of the power to be generated by that dam and have also failed, if we assume that the power is necessary, to establish that the sure way and the cheap way to produce the power is through the suggested hydroelectric construction.

May I say, Mr. Chairman, that I have not only listened to the testimony on the record in this connection; I have talked personally and at some length with Mr. Dunn. I have gone to considerable lengths to consult other persons off the record who, in my judgment, are qualified as experts on the subject. The result has been to confirm my own judgment to the effect that the hydroelectric dam is not justified.

This program comes before us with the ostensible approval of the Council for National Defense. May I direct your attention in this connection to the very brief and desultory hearings on the program. If you will consider these hearings, you will find that the Council for National Defense as a whole has not endorsed the power features of the program. You will find that Mr. Knudsen has not endorsed the power features of the program. You will find that Mr. Stettinius has declined to qualify as an expert on the power features of the program. You will find that the primary responsibility rests squarely on the shoulders of Mr. Gano Dunn, consultant for Mr. Stettinius in this field of activity of the Council for National Defense.

Here is what Mr. Knudsen said. I quote from page 5 and page 7 of the hearings.

Mr. KNUDSEN. I am not a power man; I am a manufacturer. My interest in this project is purely to see that we get aluminum enough or duralumin enough to build the planes with. * * *

Mr. TABER. Then all you are giving us is a sort of picture indicating that you feel that we need more aluminum capacity.

Mr. KNUDSEN. Yes, sir.

I quote also the following statement by Mr. Stettinius appearing on page 18 of the hearings:

Mr. STETTINIUS. Mr. Dunn is an expert in the field of power. I am not an expert in the field of power, but I subscribe to everything that Mr. Dunn has said in his testimony.

I have had the pleasure of meeting Mr. Dunn. I have talked with him both on and off the record. I know of the splendid standing he has enjoyed for years in his field of engineering. I have the greatest respect for his ability and for him as an individual. If Mr. Dunn came to us in connection with this program with his own figures, obtained as a result of his own independent investigation; if his recommendation were based on his own independent judgment, I should think much more highly of the proposal than I can under present conditions. I say this for the reason that it is perfectly apparent from Mr. Dunn's own statement that the figures upon which he has relied are not his own figures but the figures furnished by the T. V. A. and the T. V. A. engineers.

Now I want to call your attention to the fact that 7 months ago these same T. V. A. officials appeared before the Independent Offices Committee and presented detailed tables in connection with their testimony. These tables, which will be found at pages 1614 and 1615 of the hearings, set forth in detail the installed capacity, the available power, the estimated peak demand, and the estimated power requirements period by period up to and into the year 1943.

Now, if you take the figures furnished in those tables 7 months ago and deduct every kilowatt of power called for in the program which is before us today, including the increase to be anticipated in the consumption of municipalities, you will find that over and above the requirements of the T. V. A. system, if you include the steam plant alone, there will be some 16 percent of excess power available. If you include both plants called for here, the steam plant and the electrical plant, you come out with a figure of something like 35 percent in excess of the power required for all the purposes now under consideration.

Mr. Dunn stated that he had not even seen these T. V. A. figures, although they were officially presented to the Congress only 7 months ago. Mr. Dunn apparently relied on figures more recently presented by T. V. A. I have not seen those figures. It is therefore impossible to reconcile them with the figures officially presented 7 months ago. Once again apparently T. V. A. has furnished two sets of official figures. It is impossible to tell which set of figures, if either, is correct. I regret that Mr. Dunn's recommendations come to us based on one set of figures with no knowledge on his part whatsoever of the other set of figures.

Mr. EATON. Mr. Chairman, will the gentleman yield for a question?

Mr. WIGGLESWORTH. I yield to the gentleman.

Mr. EATON. The T. V. A. program has cost about one-half billion dollars, and I want to know as a Member of this House and representing taxpayers why it is, after this enormous expenditure, it is now necessary for a hurried defense proposition to be brought in here to spend $65,000,000 more to get something we ought to get out of the $500,000,000 already spent.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. WIGGLESWORTH. I cannot answer the gentleman's question. I think it is a very proper one. I do know, however, that this dam is brought in here with the same old argument that we must begin to build it at once or lose the flood waters some 2 years hence. The same argument has been used again and again by the T. V. A. in seeking this or that dam and almost invariably it has proved impossible to complete construction in the time estimated for construction.

Mr. EATON. This enterprise was started as a defense proposition and now it is worth nothing and we have to build a new one in a hurry.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. WIGGLESWORTH. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. Is it not a fact that Mr. Dunn's testimony, appearing on page 19 of the hearings, is a valid argument in favor of defeating this $65,800,000 power

dam for the benefit of the Aluminum Trust? Mr. Dunn states, on page 19 of the hearings:

> Water power used to be cheaper than steam power, but now steam power is cheaper than water power.

Mr. Dunn also stated:

> Roughly, water power requires three or four times as much capital as steam power does.

If we are interested in national defense and in conserving the funds of our almost bankrupt Federal Treasury, we had better build some steam plants in the coal-mining districts of the country, in view of Mr. Dunn's admissions that water power costs more than steam power and water power requires three or four times more capital than steam power does.

Mr. WIGGLESWORTH. I personally agree with the gentleman, and I am coming to that matter in a moment.

I want to say in passing that although Mr. Dunn has relied on recent figures of the T. V. A., he was compelled to testify, in response to questions by the gentleman from Virginia [Mr. WOODRUM], that he was not sufficiently familiar with those figures to give the storage capacity of the proposed hydroelectric dam on the Holston River. Not until a week later did the committee receive any real information on such matters as the minimum flow of the river, the height of the proposed dam, and so forth, and then only from the T. V. A. engineers.

Mr. Chairman, I submit that on the record before your committee, the need of the power to be generated by this hydroelectric dam has not been established; that, on the contrary, on the basis of the record, the power to be produced by existing facilities, plus the new steam plant, is more than sufficient to take care of all foreseeable demands.

I further submit, Mr. Chairman, assuming that the power in question is in fact required, that the proponents of this program have failed to establish that the hydroelectric plant is either the quickest or the cheapest way in which to produce the power.

On the contrary, the record indicates, in my judgment, that the proposed hydroelectric plant is not entitled to consideration on either score.

The record indicates that the hydroelectric plant must be completed in time to catch the floodwaters of the spring of 1942. Failure to complete the structure by that time means that the construction is useless for national defense or any other purpose for a full year thereafter. All experience with T. V. A. indicates a period of at least 3 years as necessary for the completion of this structure. I offered to lay a wager with Mr. Dunn that the proposed dam, if approved, would not be constructed prior to June 30, 1942. The wager was not accepted. The record indicates that a steam plant could, in all probability, be completed within 18 months and therefore be available in time for the June 1942 bottleneck in power, which this program seeks to eliminate.

Those with experience in the hydroelectric field have suggested that additional power could be made available promptly through the release of reserves now held by T. V. A. for navigation and flood control, by proper arrangements with private companies for the purchase of off-peak power, by the operation of existing steam capacity, by drawing on other sources of power, such as Canada or Bonneville or Grand Coulee, or in other ways. Without passing judgment on these suggestions, the record indicates indisputably that under the proposed program we are to procure 100,000 kilowatts of power for $10,500,000, at the rate of $105 per kilowatt by steam power, while we are asked to pay $41,500,000 for 120,000 kilowatts of power, at the rate of $344 per kilowatt for power generated by the proposed hydroelectric plant. In other words, the hydroelectric-power proposal costs almost three and one-half times as much as the proposed steam power.

On the basis of testimony before your committee, I am unable to support the proposed hydroelectric dam. The need for the power has not been established. If it is in fact needed, it would appear that it can be produced far more cheaply and surely 2 years hence by steam power.

The only basis upon which I could support the hydroelectric-dam proposal would be on the basis of placing the newborn child on the doorstep of Mr. Dunn, hoping that it would prosper under his guidance. Personally, in the light of expert off-the-record testimony which I have obtained, I am unwilling to resort to this method of procedure.

Mr. WOODRUM of Virginia. I yield 5 minutes to the gentleman from Mississippi [Mr. COLLINS].

Mr. COLLINS. Mr. Chairman, it seems to me particularly unfortunate that the T. V. A. has been injected into this argument. The situation that the House finds itself in today is simply this: The Aluminum Co. of America has a plant in Alcoa, Tenn., which produces about 43 percent of the aluminum produced in the United States. The airplane industry is supplied to the extent of three-fourths of its requirements by this particular plant. During the period from July 1939 down to February 1940 the Aluminum Co.'s plant in Tennessee could not run to capacity because of lack of electrical power. In other words, this country's airplane-building program is dependent entirely upon the production of aluminum, and our production of aluminum is dependent upon electrical energy, securable in the vicinity of the plant that the Aluminum Co. of America has elected to place in the Tennessee Valley.

Mr. VAN ZANDT. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. I regret I cannot. We are faced with the necessity of building airplanes and they are built out of aluminum. During the calendar year 1939 and the first 4 months of the calendar year 1940—16 months—the total importations of aluminum to the United States amounted to $34,500,000. That aluminum largely came from Canada, the United Kingdom, France, Norway, Switzerland. Gradually these importations have dwindled to the extent that we are now getting practically no aluminum from these countries. England needs all of the aluminum that Canada and the United Kingdom can produce for her own airplane needs. There will be no importations of aluminum from France and none from Norway and none from Switzerland, because Mr. Hitler is not going to permit importations from those countries to build planes for Great Britain and our needs.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. I am sorry. If this country requires aluminum, the only way that we are going to get it is by passing this water-power bill. Aluminum means airplanes.

This country produced during the last calendar year 148,000 tons of aluminum. If it requires 5 tons of aluminum to build a plane, and all of this tonnage was used solely for airplane production, that would mean 29,600 airplanes yearly. Of course, we are going to have to use aluminum for something other than airplanes, so the airplane share of aluminum would not give us more than 10,000 airplanes, and yet we talk about 50,000 more airplanes, and talk is all it is, unless aluminum is produced in sufficient quantities to supply our needs.

Now, what is the situation about aluminum and the production of aluminum in this country and elsewhere?

I am reading from page 634 of the Minerals Yearbook, 1939:

> Although official data on world output of bauxite and aluminum in 1938 are incomplete, both commodities probably established new high records. For the third time in the last 5 years the production of aluminum in Germany exceeded that in the United States. Of the total output of the world, Germany contributed 29 percent and the United States 23 percent. Canada, Union of Soviet Socialist Republics, and France ranked next in importance as producers. The total consumption of more than 500,000 short tons of aluminum in 1938 can be attributed partly to the strategic importance of the metal in a war-threatened world.

Germany ranks first in production of aluminum. The United States ranks second, and Canada ranks third, and the reason Canada ranks third is because of the enormous water-power facilities of the Dominion of Canada.

Now, Mr. Chairman, let us look this question squarely in the face. Without electrical energy we cannot produce aluminum and without aluminum we cannot have the airplanes

that are necessary for the military protection of the people of the United States. That is the story. [Applause.]

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS of Ohio. Mr. Chairman, I want, if I may, to answer just briefly one of the arguments advanced by my very delightful and very distinguished colleague from Tennessee [Mr. JENNINGS]. He told us that the power plant at Alcoa, Tenn., produced 75 percent of the aluminum produced in the country. Now, that is a very important and stupendous statement from two standpoints——

Mr. JENNINGS. Will the gentleman yield? I said 43 percent.

Mr. JENKINS of Ohio. I understood the gentleman to say 75 percent and I wrote it down that way, but let it be 43 percent. That will do as well. That still is a stupendous statement from two standpoints. One is that it is entirely too much of a percentage of any product to be produced by any one plant in this great country of ours—especially of a product so essential as aluminum. My idea of defense is to conserve one's resources when produced. This is quite as important as to produce them. We must learn a lesson which some of the combatants in the present war failed to learn. We must scatter and diversify our production plants so that if one is put out of operation the whole production of that one product is not endangered. We ought not to increase the production of this very important product at this large plant. Aluminum can be produced almost anywhere for the raw materials from which it is produced is not found in Tennessee. The gentleman's statement is also one worthy of notice when he said that Alcoa has been operating for 20 years. That was long before the T. V. A. was ever thought of. How did the Alcoa plant operate then without the T. V. A.? The T. V. A. was not there then. How would it operate now if the T. V. A. had not been created? It would operate as before, for the T. V. A. is not indispensable. How would other aluminum plants down in that section operate now if it were not for the T. V. A.? They would probably operate much more freely. Some of them have petitioned and asked time after time that they be given permission to build their own dams, build their own power plants. They do not want to be bound by this ruthless economic giant. But this gigantic octopus that has been built up under the protection of the National Government insists on dominating the whole region.

The T. V. A. is determined to stamp out all competition of every kind. Its officers, who can always find it convenient to come into our galleries, as they are today, insist on dominating the situation.

Are the T. V. A. officials interested in this new dam from the standpoint of national defense? No. They are interested because they want to extend their power. They want their dynasty to extend its power and influence. It wants to reach out in every possible direction. Why did it not include this Cherokee Dam in its first program of dam construction if it is so important? Why did they omit it from its program? I cannot believe it is so important now. This great program of power construction planned by the New Deal was wonderful to contemplate when first published. It was wonderful enough to be terrorizing. I wish I had my big map to show how extensive and expansive this program is. It starts from the headwaters of the Tennessee River halfway up in the State of Virginia and goes down across North Carolina and Tennessee, over across Georgia, Alabama, and Mississippi, and back up across Tennessee again. This one little dam that they propose to build now is right up in the northeast corner of the State of Tennessee. It is on the headwaters of Holston River, which is nothing but a small mountain stream, and is practically dry much of the time. What do they expect to benefit from the construction of this $35,000,000 dam? They can hardly expect it to be more efficacious than the beautiful and much advertised Norris Dam. Just how wonderful is the Norris Dam today? I do not know how many of you have seen it. My, how in its majestic whiteness it rears itself into the air two or three hundred feet! White and beautiful, it gleams in the sunlight. It is a thing of beauty, but, oh, how useless it is today. It and the city of Norris were terrible mistakes, and we have a bridge in our home city that they call Misfit Bridge. They should rename this dam and call it Mistake Dam. Today the Norris Dam is useless. It has been for many days. It was useless for a good portion of last year. What is wrong, you ask. My reply is that the water is so low that none is going over the spillway, and the river is dry for a long distance below the dam. The beautiful dam is there, and millions have been practically wasted to give Senator NORRIS a monument. There is some water back of the dam. This is in the form of a lake, upon which the pleasure seekers paddle their canoes or race their motorboats or leisurely fish and swim, all at the expense of Uncle Sam. Poor, deluded, ignorant Congressmen that we have been in the heavy tax-paying States to vote our money for a playground that is not necessary and terrifically expensive.

Now, you ask me, what are we going to do at this Cherokee Dam? We will do just what is done at Norris Dam. We will spend $35,000,000 just for a monument for some uplifter. I have a letter from the most prominent man living in that community today, and he says, "I walked across the Holston River a few days ago, and in many places right exactly where they propose to put this new dam the river is dry." My friends, I call upon you not to be carried by this war hysteria to do what your more sober judgment would condemn. If Norris Dam is a mistake, Cherokee will be also.

My friends, if you talk about national defense, what are the elements that should characterize a project to recommend it as one of importance to national defense? First, the project ought to recommend itself from the point of the swiftness with which it can be constructed. Speed and time are often the principal prerequisites. The cheapness with which it can be constructed is also an important item in determining the desirability of a project. You have heard a lot of testimony here today about Mr. Dunn and one or two other gentlemen. Certainly they are all respectable men. Who is it who wants to impute improper motives to these gentlemen? I am sure I do not. But, friends, listen to me; in the testimony given by these gentlemen to the effect that this dam would be feasible and would be advisable they say most emphatically that they can construct a steam plant for producing electricity for $10,000,000 which will produce more power than this dam will produce when it is running under most favorable circumstances. Why spend $35,000,000 to construct a dam which will produce practically no firm power when you can by spending $10,000,000 construct a steam plant which will produce much more power, all of which will be firm and marketable power ready to be used any and every day?

Half of the time this dam will not produce any power; there will not be enough water there to produce power. It will be just like the Norris Dam. The distinguished Senator was here in the Chamber until just a few minutes ago. I wish he had stayed so that he might have heard us talk about that beautiful dam that bears his name but does not bring to him the honor and glory that he expected. The Norris Dam was not constructed for protection or national defense. It was constructed there as a social experiment to try out Government-controlled power. It was never a navigation nor a flood-control project. It was essentially a power project from its beginning.

I am opposed to this whole Government-controlled plan of power production. I have said many times on this floor that I am not for the destruction of all these dams and plants that have been built; I would not dynamite these fine structures that have been put up; rather, I would complement them; I would build by the side of each one of them a coal-burning, steam-producing power plant so that they could have an effective and constantly sustained flow of usable power. Take the Norris Dam, for instance, a great, silent monument today not worth a dime except for recreation. If you had by it a fine, big, steam-power plant you would have something worth while. But I hope the time will come when we will take out

of Government control this gigantic agency and put it under safe and efficient control.

How did Alcoa operate before T. V. A.? They operated on their own steam-generated power or their own dams. You ask why did the Aluminum Co. go to Alcoa or any other place down in that section? I do not know. I presume they saw the advantage of cheap coal and cheap water-power sites. Why did they not take it to St. Louis or some place where they treated or processed this bauxite ore? Why did they not build it in southern Ohio? I think they could have done as well. According to Mr. Parker, the chief engineer, it would take a lot of coal to produce power by steam. He said it would take 1,400 tons of coal a day to generate the power necessary. He seems to think that 1,400 tons is a tremendous tonnage. In my own district there are several mines that can produce more than 1,400 tons of coal per day. We have several that will produce twice or three times that much. Why not construct one of these plants over in Pennsylvania, or in southern Illinois, or in southern Indiana?

My distinguished friend the gentleman from Mississippi [Mr. COLLINS] said something to the effect that this aluminum plant is down there and that it should be supplemented. Well, my goodness, is there no place in these great United States of America for a second plant? Must we be limited in our production of aluminum to one producing plant? Why should we not have several other plants located elsewhere so that we would not be limited to reliance upon one producing plant only? If the distinguished gentleman from Mississippi who speaks so frequently in favor of T. V. A. were here he would no doubt vote to build this dam for the Aluminum Co. of America. Not one of you will stand up here and admit that you are voting for this bill to help any one plant, but if you vote for this bill you are casting a vote to help one company that has one plant that produces 43 percent of this one product in these great United States of America.

Mr. Chairman, let us use a little common sense here today. Let us have a little reason; let us look at this thing from the standpoint of common sense and reason. We are all for national defense; we want to produce aluminum; but will anybody say to me that we cannot produce aluminum in any place but Tennessee? Is that true? Well, bless your life, it cannot be true. Then, if we can produce it somewhere else, let us produce it somewhere else so we shall not be entirely dependent on one place.

Let us for just a minute look at the relative costs of producing electricity by coal as against water power. You cannot find a statement by any reputable engineer anywhere that does not say that steam will produce electricity cheaper than it can be produced by water power. Let us look at the testimony of Mr. Dunn. I understand he is now in the gallery. I have never had the honor to meet him, but they say he is a wonderful man, and I believe he is; he must be because he surely has a great reputation in the power field. What did he say? He said that up to about 10 or 20 years ago it took 8 pounds of coal to produce 1 kilowatt of power, but now they have it perfected so that it takes only nine-tenths of a pound of coal to produce 1 kilowatt of power.

Mr. Chairman, is there any magic about this power-producing business? Can it be done nowhere except in Tennessee? If not, how does the great State of New York operate without the T. V. A.? If not, how does the great State of Michigan operate without it? How does the great State of Ohio operate without it? The plants in Tennessee should be compelled to operate just as the large plants in all the other States operate. Some of us prophesied that the T. V. A. would fail to carry on. We prophesied that this thing never would carry itself. Last year it failed and again this year it failed. Out in Ohio I have two great power plants in my section that produce power by coal. One of these plants, I believe, uses 4,000 tons of coal a day. I do not know who owns the power companies. One is the Allegheny, and one is the Ohio, and one is the Southern Ohio. I do not know much about them except I know who the local managers are. But what did these companies have to do last year? They had to operate their power plants in the southern parts of Ohio, Indiana, and Kentucky to the limit and to divert their load into the Tennessee Valley to take up the load that T. V. A. could not carry. Why this terrible failure on the part of the T. V. A.? The T. V. A. sold more power than they could generate. That is a habit with them. Mr. Lilienthal had to admit when we had our investigation of the T. V. A. that they sold power many times before they ever made it. And they tell me—I cannot prove this, but they tell me—that they are down there now working on this dam site provided for here in this bill, and have been working on it quite a little while spending money recklessly, with no appropriation whatever made for it. What effrontery. How do they do that, Mr. Chairman? How do they justify their arrogance? They do it because of the organization that they have developed down there and because of the unrestricted power we have assigned to them.

We have surrendered power to them to an extent that is little short of shameful. As I stated before, they march across these States with a tread that is irresistible, with a tread that is crushing. They ask no advice of a governor. They tell him. They ask no mayor, they ask no county commissioners, for a concession or advice. They tell them what to do. Down there if you want to run for constable you have to have a T. V. A. sign on you or you cannot be elected. Mr. Chairman, what kind of a situation is that? What do you think of that kind of a grab when they ask for this power or for this dam under the stress of the present times? Do not be carried away by the claim that this is national defense. Look rather at the people who are interested in it. Why should the T. V. A. people be in the gallery today? Does it make any personal difference to them?

Mr. WOODRUM of Virginia. Will the gentleman yield?

Mr. JENKINS of Ohio. Yes; the gentleman is such a fine fellow and always yields, that I yield to him.

Mr. WOODRUM of Virginia. The gentleman has commented several times on that. I personally requested the T. V. A. and Mr. Dunn to be present in order to give us technical information if we need it.

Mr. JENKINS of Ohio. I do not know how they could give it from the gallery.

Mr. WOODRUM of Virginia. Would the gentleman let them come on the floor and give it?

Mr. JENKINS of Ohio. No; and neither would the gentleman. This is not the place for it.

Mr. WIGGLESWORTH. Will the gentleman yield?

Mr. JENKINS of Ohio. I yield to the gentleman from Massachusetts.

Mr. WIGGLESWORTH. Did I understand the gentleman to say that he has information to the effect that this dam has been started without any authorization or appropriation?

Mr. JENKINS of Ohio. I cannot give you that with the same authority that I give you the information that these rivers are dry. I gave you that emphatically and without any equivocation. With reference to the statement whether they have been started to work on this dam site, I only have that from the letter of one individual, and I do not vouch for it. I did not say I would vouch for it. Let us not have any mistake about that. But I believe it, and I believe it because I have had the experience and I know how they operate, and you members of the Committee on Appropriations ought to believe it because you know how they operate. They fear no law but themselves, and they recognize no authority but the New Deal.

Let us not be carried away by their surreptitious demand for more authority.

The gentleman from New York [Mr. TABER] is going to introduce an amendment, for which I will vote, because I am against this kind of control. I am against the Government doing these things. I am in favor of letting the Aluminum Co. buy its own power like they do in Ohio, Indiana, and in every other State of the Union. Let them go out and buy the power. Let some power company come in and supply it. That is the American way of doing business. I shall vote for the amendment which the gentleman from New

York [Mr. TABER] proposes, because I think it will make the T. V. A. more certain, more useful, and more effective against the time when a Republican administration shall come back to power. I hope then that the Republican Party will do away with all these commissions and take charge of this giant and see that the power is sold as they do at Boulder Dam. Sell it to whoever can use it and pay for it. Let the Government get out of the power business. Then I think we should turn back to the Department of Agriculture all the agricultural activities of the T. V. A., such as the fertilizer business, and put these fellows out of business. At present the T. V. A. officials are more powerful than any Governor. The Federal Government should not grant powers to an Authority that will permit it to challenge or thwart the States in the operation of their functions and inherent rights.

Let me tell you, in all seriousness, let us be sensible about this thing. We are for national defense, but let us follow a sensible course in our effort to achieve it. Build no more dams, but build steam plants that will always be dependable and will not run dry. [Applause.]

[Here the gavel fell.]

Mr. WOODRUM of Virginia. Mr. Chairman, I yield 7 minutes to the gentleman from Pennsylvania [Mr. SNYDER].

Mr. SNYDER. Mr. Chairman, as I see it, there is only one major problem involved in the proposition before the Committee at the present time, and this is whether we are going to provide adequate facilities for turning out national defense installations in the shortest possible time, and at the lowest possible cost. In all walks of life we find that we have to have confidence in the other fellow, and that is true whether it be in our social life, industrial life, or economic life. We have to have confidence in the other fellow. When we go out here and get on the elevator we do not ask questions. We assume that the operator of the elevator has it in a safe condition when we get on it. When we go down to the train, take the train, and get into our berth, we do not ask who the engineer or who the switchman, or who the operators are that will guide the train through the night. We take it for granted that they know their business. When we go down here and get on an airplane and go up into the heavens during the night or day we do not ask who the pilot is and how much training he has had. We assume he is placed there because of his knowledge and efficiency.

In this particular case I have confidence in the men who testified before our committee. I have confidence in all of them, and especially in the three men to whom I refer; Mr. Knudsen, because of the position he has occupied in the field of production with General Motors that uses more aluminum perhaps than any other firm. Mr. Knudsen stated in his testimony:

My interest in this project is purely to see that we get aluminum enough or duralumin enough to build the planes with. I suppose you know the average plane takes about 5 tons of this stuff.

Mr. WOODRUM. Five tons of of aluminum?

Mr. KNUDSEN. Yes; that is the average, and my interest here in this project is to get aluminum enough for the planes, and the average quantity per plane is about 5 tons, meaning both in the frame itself and in the parts of the motor that are made of aluminum, such as the crankcase, pistons, and cylinder head. And in this area where the T. V. A. is located, that is outlined by the General Staff as area E. We have areas A, B, C, D, and E which are satisfactory to the General Staff for plant location purposes, being away from the shore, and in this area E, besides aluminum plants, we have some other plants projected, the actual location of which I am unable to give you at this time, because the sites have not been picked; but they are in this area E. So that there will be a call for power beyond what will be required for aluminum.

Then over on page 11, Mr. Dunn, in whom I have the greatest confidence—I have followed him as an engineer for a number of years—had this to say:

And here am I talking in favor of Government water power. The reason for this is, first, that it is a matter of national defense; and second, this is an unusual situation for a water power, because the storage that will be created by this Cherokee Dam on the Holston River is at the top of a series of dams. It is the topmost storage on the stream, and therefore the storage created by it will not only energize the 90,000 kilowatts that it is proposed to put at its own dam, but 90,000 more kilowatts down the river.

Again, I want to quote Mr. Stettinius, and may I say that anyone who has been chairman of the board of the United States Steel Co. for a number of years and has their confidence would naturally know something about the production of commodities and where they could be produced at the minimum cost. On page 17 Mr. Stettinius said to the committee:

I think there are many emergency expenditures that should be made by the Government for facilities that should be owned by the Government. I might mention the vast expenditures for the item, for instance, of armor plate, which will approach $20,000,000. That, of course, will never be used in peacetime, and my recommendation is that the plants we build be owned by the United States Government. If necessary, they could be leased to private companies for operation, with the title remaining in the Government of the United States.

Yes, Mr. Chairman, I think that in times like this we have to take the word of those who have been placed in a position where we feel confident they know what they are talking about. We have confidence in General Marshall, Chief of Staff of the Army, and we have confidence in the leaders of other institutions. I have enough confidence in these men who testified before the committee and this bill should be passed by a unanimous vote of the House this afternoon. [Applause.]

Mr. TABER. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Mr. Chairman, the great question before us this afternoon is national defense. I yield to no one in my desire to put this country in an adequate position to defend itself from all aggression. I call your attention to the fact that we are this afternoon asked to appropriate $25,000,000 in the expectation that we shall increase that amount next year by $40,000,000 additional. I want to show you here the report of the engineer, Mr. Dunn, in whom everybody here has expressed such great confidence, that only about one-half of the power that is requested to be developed under this bill is to be used for national defense or to meet a so-called national emergency. I want to read you Mr. Dunn's statement on page 15 of the hearings:

I am not for a moment saying that this amount of increased power which we have approved is exactly the amount that we need for the aluminum production. It is considerably more. It is nearly twice as much. But, on the other hand, I am saying that in addition to that amount there is 14,000 kilowatts for this new powder plant (since the letter of July 1 was written it has been increased from 7,000 to 14,000). Then there is 8,000 kilowatts for metallurgical work that is going on there; there is 14,000 kilowatts for a proposed new paper mill at Savannah, Tenn.; then there is 50,000 kilowatts for increased consumption of the public and general uses of the cities that are already taking it.

If that is national defense, then I do not know anything. Where is the emergengy for 300,000 kilowatts? Is it national defense when you are furnishing power to cities that are already taking it at less than cost and when you are furnishing 14,000 kilowatts for a proposed paper mill, when we have paper mills in this country that can furnish all the paper that is necessary in time of war or in time of peace, and when the paper mills of this country need the business and want to keep their own plants in operation now? I say, then, that this bill is camouflaged, I say this bill is hypocrisy, I say this bill is only trying to fool and humbug the American people. You are trying to hoodwink the Members of Congress into voting for something in the name of national defense. God give us more men in Congress and in high public places who will be honest and not say when they make proposals that they will be used for national defense when they only set the Government up in more business.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield for a question.

Mr. TREADWAY. May I ask the gentleman why this bill calls for $25,000,000, when it is admitted that you expect to follow it up with other bills increasing the amount to $65,000,000? Why do we do this sort of thing by piecemeal? Is it fooling anybody?

Mr. RICH. It will take 2 years to build this dam, and they will need only $25,000,000 of it now. We have been appropriating and appropriating and appropriating right along. That is practically all we have done this session. Before we get through we will have many, many more appropriation

bills. I have never seen anything like it in my life, nor have I ever heard anything like it.

Let me call your attention to the fact that Mr. Dunn also made this statement:

> They present this and the President asks us, "Is this a thing that is needed for the national defense?"

Who are "they"? Lilienthal and his gang down there, who want to build up the Tennessee Valley Authority. Lilienthal and his gang, who say, "If you do not give me this, we will tell the Aluminum Co. that by July 1 we will turn their power off." Did you ever hear a sound businessman make such a threat? Then they try to create a national-defense aspect to this so that Lilienthal and his gang can build up this great power project called the T. V. A. I say it is rotten. I do not call it a national-defense bill. I call it a camouflage bill, unjust and unwarranted and unsound.

The gentleman from Ohio [Mr. JENKINS] just gave you some very fine statements to the effect that instead of concentrating all of our aluminum manufacturing in one spot we ought to try to divide it up and put it at other places in this country. All your eggs in one basket might get broken. All military plants in one spot might be bombed.

It has been proven by Mr. Dunn, this great engineer of whom you talk, that we can generate electricity by steam more cheaply than by water. All you need to do is read his statement on pages 18 and 19 of the hearings and see what he says. It is important enough for me to read it so that some of you will get that point. He says they can produce steam power with about nine-tenths of a pound of coal per kilowatt-hour. I quote:

> With the cost of steam power going down, as it has for a number of years, it has passed below the cost of water power. Water power used to be cheaper than steam power but now steam power is cheaper than water power.

Let me show you that to produce 120,000 kilowatts of steam power they want to spend $10,500,000, and to produce the balance, or 180,000 kilowatts of water power, they want to spend $54,500,000 to build the dams and install generators. Water plays out in drought periods—coal and oil will always be here.

Does not that reveal to you, from the standpoint of a business proposition or from the standpoint of national defense, that you can build and equip a steam plant in one-third of the time you would be able to get this water-power development constructed; and does it not convince you that when you can build a 120,000-kilowatt plant for ten and a half million dollars, and you have to spend fifty-four and a half million dollars for 180,000 kilowatts of water-power electricity, when the sum total as stated by Mr. Dunn is not going to be 300,000 kilowatts, but the total power generated is to be 280,000 kilowatts—does not that convince you, according to the figures he gives in the report, that a steam plant should be constructed?

Mr. LEAVY. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield to the gentleman from Washington for a question.

Mr. LEAVY. The gentleman will admit that the initial cost of producing electrical energy is not necessarily the measuring stick as to the cost of energy throughout the years after it is installed.

Mr. RICH. No; but Mr. Dunn has stated it is cheaper to manufacture current, considering the cost of the investment and the amount of interest which you have to pay. I know there are a lot of people that do not expect the Government to get anything back when the Government goes into these great water projects. They expect your taxpayers and my taxpayers to foot the bill; they make up the difference in taxes between cost and sale price; and that is why they are camouflaging and humbugging the American people in this way. The Government operation of business most always is at a loss; very seldom is there an exception to this.

Then you talk about putting 9,000,000 men to work. I say do it by helping the miner, the railroader, and you will help the farmer as well, for every kilowatt generated there will be required 10 men in the mines and 3 men on the railroads to move the coal; and when you are talking and thinking about putting men in this country to work, why do you not diversify your industry and put the industries in the places where they will be strategically placed and cut out this paper mill in the guise of national defense and cut out the Government furnishing the power to these municipalities under the guise of national defense; that is a dishonest thing to do; and do all of these things in a sound, businesslike way, in an honest way? Put the proposal on its merits, with no thought of trying to set the Government in business in the guise of national defense.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. In view of the record, is it not a fact that this project can be placed in the category mentioned by Mr. Willkie, according to Mr. Dunn's testimony, appearing on page 16, when he stated that Mr. Willkie said:

> Nothing is more important than defense, and there is nothing which might and will mask more political logrolling than the flag-waving variety of national defense.

If that is what Mr. Willkie said, does it not apply to this bill? In view of the record, is this not shown to be an antinational defense, T. V. A. political "pork barrel" and logrolling piece of legislation?

Mr. RICH. You are exactly right. In my opinion, if there was ever a bill presented to the Congress that represented an effort to camouflage the Members of Congress and camouflage American people, this bill is it. I tell you I cannot see how the Members of Congress are going to support such legislation under the guise of national defense. I tell you men and women that when you talk about national defense you have got to have in mind a sound Treasury. You have got to have honest people; and it is high time we got honest men and women to represent this Government of ours and bring in bills just on their merits and what they will accomplish, and not under the guise of national defense. [Applause.]

[Here the gavel fell.]

Mr. WOODRUM of Virginia. Mr. Chairman, I yield 5 minutes to the gentleman from Washington [Mr. LEAVY].

Mr. LEAVY. Mr. Chairman, let me say at the outset that I am going to support this measure and I do not come down into the Well of the House to find fault with the judgment of the men who brought in this legislation or who suggested it to the Appropriations Committee, but I do want to say this: I am satisfied that the National Defense Advisory Board has not to date investigated the four corners of the United States in respect to their program. No doubt this undertaking now proposed is deserving, and you cannot tie to it the suggestion that it is partisan. You cannot even say that it is one supported by the sponsors of public power as against private power, because that is not the fact. Those who recommend this, and those who made this finding, are the best-known proponents of private power in the United States. They rank on a par with Mr. Willkie himself.

So it cannot be branded from that angle, and I take it therefore that it is necessary. T. V. A. is not asking for it, but I assert that those who sponsor it, with all respect to them, have not investigated all the possibilities, and there are going to be many new calls for the use of electrical energy, and the critics of the present administration will doubtless live to see the day when they will recognize, and even admit, that they were mistaken in their criticisms on the expansion of this great national power program.

GENERATING SOURCES AND TRANSMISSION LINES

Grand Coulee has an ultimate capacity of 18 generating units of 105,000 kilowatts each. Three of these units have been contracted for and are in process of construction and will be in operation before the end of 1941. The smaller house or auxiliary units will be completed ready for service this summer.

The Bonneville Dam is completed and 2 units, totaling over 86,400 kilowatts, are in operation. Two more units, which will make the total available capacity 195,000 kilowatts, will

be in operation this fall or winter. Two more units have been authorized, are in process of construction, and will be completed by the end of 1941. At that time Bonneville's available capacity will be 300,000 kilowatts. This Congress authorized the foundations for units 6 to 10, inclusive. The remaining units, totaling 218,000 kilowatts, could be completed in 2 years' time at a very low cost per kilowatt.

The 220,000-volt transmission line connecting Bonneville and Grand Coulee will be completed this summer. This line will have an immediate capacity of 100,000 kilowatts to shift current in either direction. The two 220,000-volt transmission lines connecting Bonneville to West Vancouver, Wash., are completed and are delivering current. The lines to Portland, Salem, and Eugene, Oreg., are also completed, and the line from Vancouver to Kelso, Tacoma, and Seattle is in process and will be completed within a year. All that is needed to give a 250,000-kilowatt outlet from Grand Coulee is closing the gap between Seattle and Coulee. This could be accomplished in less than a year.

In addition transmission lines have been authorized from the midpoint on the Bonneville-Coulee line to Hanford, Pasco, Walla Walla, and Colfax, Wash., with branches to Pendleton, Oreg., and Yakima and Ellenburg, Wash. These lines are under survey. If these lines and the Oregon branch lines are projected on a map it will be seen that the two States have a considerable coverage, which can easily take care of the power requirements of any raw-material industry. These lines will provide interconnections with the public storage systems of Tacoma and Seattle and the principal private systems, thus "firming up" the installed capacity at Grand Coulee and Bonneville. Here is a natural set-up to supply large quantities of the lowest-cost power to be found in America.

We have in the United States, in the Northwest, power galore, and it is going to be used, and I want it to be considered for use by the end of 1941. There will be brought into the States of Oregon and Washington, at Coulee and Bonneville, in excess of 500,000 kilowatts of power, in addition to what we have now, instead of the amount mentioned in the statement made by Mr. Dunn on page 11 of this record, where he says there will be 60,000 kilowatts.

I am not here to criticize Mr. Dunn, but he shows an evident lack of knowledge of what there is in the West when he states we will have but 60,000 kilowatts additional of power out there.

There is an aluminum plant being built there, and it will be in production very shortly. It is being built by the only concern that can produce aluminum, the Aluminum Co. of America. This company has a practically 100-percent monopoly on aluminum, and this is a most unfortunate and unhappy situation. Sixty percent of the airplane construction of the United States is or will be on the Pacific coast. The aluminum pigs that will be produced by Bonneville's power will have to be shipped clear across the continent to be fabricated, and when fabricated shipped back to the coast to go into planes, and then they will be shipped back again across the continent. That situation should be given consideration, and there should be careful examination made of all the United States and not adopt what seems to be a policy, and I again find myself where I must criticize. There seems to be an attitude on the part of the United States Army men that the United States consists very largely of that territory from this region north, and from the Mississippi River east, less than 20 percent of the area of the Nation, and they are concentrating nearly all our defense program in this small area.

Mr. MURDOCK of Utah. Mr. Chairman, will the gentleman yield?

Mr. LEAVY. Yes.

Mr. MURDOCK of Utah. And in connection with the power to be developed on the Columbia River, does not the gentleman think our national defense today should take into consideration the fact of the manufacture of airplanes on the west coast, the power of the Columbia River, which will be available, and also 30,000,000 tons of alunite in the southwest part of Utah which are available as the best source of aluminum in the United States.

Mr. LEAVY. Yes; and more than 30,000,000 tons of magnesite also available in that region in and around Grand Coulee.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. WOODRUM of Virginia. Mr. Chairman, I yield the gentleman 1 minute more.

Mr. LEAVY. According to the present national-defense program, by 1943, the requirements for the Pacific coast airplane production will be about 100,000 tons of aluminum. The plant being built at Vancouver, Wash., which will be in operation shortly, will produce 30,000 tons of pig aluminum. Why should we not give consideration at least to cheapest hydro power on the face of the earth, Bonneville with more than 500,000 kilowatts and Grand Coulee, with 1,800,000 kilowatts, and a steady flow of water, as an assured source. [Applause.]

The CHAIRMAN. The time of the gentleman from Washington has again expired.

Mr. WOODRUM of Virginia. Mr. Chairman, I yield now to the gentleman from Arkansas [Mr. KITCHENS].

Mr. KITCHENS. Mr. Chairman, the resolution before us provides an appropriation of $25,000,000 for construction of a dam on the Holston River near Jefferson City, Tenn., the purpose of the dam being to create power and generate electricity for the reduction of bauxite ore to aluminum, 5 tons of which, I am informed, are necessary for the construction of one American bombing plane. It is estimated that a total of $65,000,000 will be required to finish the projects, the object of this resolution.

I rise before this honorable body to call attention to the fact that over 95 percent of the located bauxite-ore deposits in America are in central western Arkansas and that 90 percent of the ore used in the United States is from Bauxite, Ark. In this connection let me point out also that near these bauxite-ore deposits, at the foothills of the Missouri and Ouachita Mountains, in southern and western Arkansas, are to be found unlimited quantities of cinnabar from which quicksilver, an indispensable war material, is extracted. These deposits of cinnabar are in Clark, Pike, and Howard Counties, Ark. There are numerous small cinnabar-mining companies now mining cinnabar in Clark County, in my district, and in Pike and Howard, adjoining counties in the district of my colleague, Hon. FADJO CRAVENS. In that territory are also bentonite, the Okay clay and cement deposits, lead, novaculite, zinc, some manganese, and the only diamond mine in America. Allow me to call your attention also to the fact that just below that area, in southern Arkansas, are to be found some of the greatest oil and gas fields in the world; while just to the northwest, near Fort Smith, Ark., are to be found unlimited deposits of coal, both anthracite and bituminous; and on Ouachita River, near Camden, in my district, are an estimated 75,000,000 tons of lignite.

Now, Mr. Chairman, in that territory, where is located all of these necessary, critical, and strategic minerals, is one of the great rivers of the West, and the only navigable river west of the Mississippi, and I refer to the Ouachita River that rises in northwestern Arkansas, flows in a southeasterly direction through the lower Ozarks, Ouachita, and Missouri Mountains to the Mississippi River. On that river and its tributaries in these mountains are to be found some of the finest power sites in America. I have been trying to excite and arouse the interest of the Government in further controlling, developing, and harnessing the waters of the Ouachita River and its tributaries, not only for the control of floods that cause great damage to the people, but for the enormous power available in the waterfalls of that river and its tributaries in the midst and vicinity of these enormous mineral deposits.

I am pleased to inform the Congress that, after long effort, I now have ready for the Congress a most favorable report of the War Department, its Board of Engineers, Federal

Power Commission, and National Resources Board, approved by the President, recommending that a dual-purpose dam for flood control and power be constructed immediately at The Narrows, in the midst of all of these minerals and ores, on Little Missouri River, one of the tributaries of the Ouachita River, at a cost of no more than $6,800,000, and which will also include protection from floods of the lands of Terre Noire and Ozan basins. Not only will this dam and reservoir give flood protection to the people, but it will generate, as a beginning, 15,400,000 kilowatts of power, to be easily increased to 30,000,000 kilowatts according to the report.

Likewise, in that report is a reserved approval and recommendation of another dam and reservoir on Muddy Fork Creek, a tributary of Little Missouri River, also in the center of these great deposits of mineral ores, the cost of which would not exceed three and one-half million dollars. In other words, the necessary power can be generated within the area of the ores for $15,000,000 or less. The United States Board of Engineers, for the first time in its history, last August visited that area, personally inspected the dam sites, some of the mines, examined the levees, canals, and flood-damaged lands of Terre Noire and Ozan creeks, and held public hearings at Prescott, Ark.

It occurs to me that as a sound business proposition, where we have all the ores and all of the potential power necessary to develop those ores, such development in the interest of economy, flood control, and the best interests of the people and national defense, should be in the area where such ores and minerals are to be found. I am constrained to believe that those in authority do not appreciate or have been insufficiently informed of the immense possibilities of obtaining cheaply, at the source and in the same area, all the ores, critical and strategic minerals, and power necessary for their development where the greatest deposits in America are to be found.

Numerous dam sites for power and flood control exist on Ouachita River and its tributaries, as well as on the White River and its tributaries, in Arkansas, for the development of power equal, if not greater, than that of the Tennessee Valley, and, mind you, this power is there in the midst, as I repeat, of the greatest mineral deposits in America and in the vicinity of some of the greatest oil, gas, and coal fields in the world.

I shall not oppose this resolution under the circumstances in these perilous times. We are in an emergency to make America safe for Americans, and it is our purpose to build the best and more bombing planes and the best and more destroyers, battleships, cruisers, torpedo boats, submarines, tanks, antiaircraft and antitank guns, and the most destructive shells and munitions in the world, but in doing so let us avoid waste of time, effort, and money in obtaining and reducing to use and assembling the necessary materials. Let our Government not overlook that great mineral and power area in Arkansas and its other resources. Let it not overlook our inland and strategic position in Arkansas.

Forty-three percent of all aluminum, it appears, is produced at Alcoa, Tenn., from the bauxite ores of Arkansas by Mellon's Aluminum Co. of America. Is it wise to increase and centralize our defense facilities in one area? It occurs to me that a dispersion of such facilities is necessary so that the acquisition of necessary defense materials will not be jeopardized if one plant or one area be out of commission. I therefore commend to the Congress, the National Defense Council, and the President a prompt consideration of the potential power, critical and strategic minerals, and other resources, and their immediate development in Arkansas.

Mr. TABER. Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey [Mr. McLEAN].

Mr. McLEAN. Mr. Chairman, out of deference to my distinguished friend, the gentleman from Virginia [Mr. WOODRUM], I shall not reopen the old sores and I shall say no more about past controversy in respect to the T. V. A., but I shall bring him up to date on the arrogance and impudence of the Tennessee Valley Authority. After the objection was made the other day I received a great many letters from people interested in the Tennessee Valley district, complimenting me upon my action and stating their views. One of those gentlemen wrote:

> Already they have hundreds of men at work at this dam site, and our town and other towns nearby are all flooded with T. V. A. cars and men. This has been going on for 2 weeks, and the money not even appropriated.

That 2 weeks' period fits in very nicely, almost exactly, with Mr. Lilienthal's arrival in Washington, his visit to the President, and his reference to the Defense Commission and his appearance on the radio on the 20th of June when he announced to the world that this measure was going to pass before the end of the week, and that was Thursday. It will be interesting for us to know who is running this country.

When my time expired under the rule, I was showing that recent statements and reports that have been made indicate that this legislation is unnecessary and ought not to be enacted at this time. Bear in mind that this action is going to bind future Congresses to expenditures that are going to be made pursuant to this proposal. To show the lack of necessity for it I want to read what Mr. Stettinius said in his press conference, as reported in the New York Times on Sunday, July 14. I believe it was a report of progress that he gave out. In speaking of essential materials being made available, he said that—

> The aluminum industry has advised the Commission of plans for expansion and its willingness to erect plants to cover the entire program as needs develop.

Now, if we have the assurances of the producers of aluminum and from the aluminum industry that they are willing to furnish all that is necessary as the needs develop, why do we experiment with this proposition, bind ourselves and future Congresses to spend $66,000,000, from which there will be absolutely no benefit until December 1941 when the steam plant will be completed? The hydro plant will not be completed until October 1942.

Then last night perhaps some of you heard Mr. Knudsen being interviewed over the radio by Mr. Pearson and Mr. Allen, in which he stated that by autumn American airplane capacity would jump from 900 planes monthly, the present capacity, to 1,500. The present production of motors is 2,200 monthly.

Then, of course, we have the statement of Secretary Morgenthau. It has been rather difficult for me to understand how Mr. Morgenthau fits into this picture, but he evidently speaks with authority; and he says that in addition to the American needs the airplane industry will supply 3,000 planes per month to the British, in addition to our own demands.

There is a first line of national defense, and the gentleman from Virginia [Mr. WOODRUM] knows what it is. It is a stable financial policy and a sound Treasury. When we come to an expenditure of $65,800,000 we ought to stop and think what that means. We have increased the nuisance taxes. The tax of $1 a barrel on beer only brings in $43,000,000. Those of us who are concerned with raising revenue must give some thought to expenditures. I do not propose to turn the Treasury over to David Lilienthal and let him send it all down the Tennessee River.

Here is the real reason why they want this increased power. They have overloaded their supply. They collected $15,000,000 last year from current sold. Does the Treasury get any of that? It does not. It is all spent by the T. V. A. It reminds me of the story of the chap who went into the oil-refining business. He sold a lot of stock to his friends. When the factory was built and operating he asked them all to come down and inspect the plant. They went down and had a fine lunch and they saw the beautiful side walls all done with tile and partitions made of plate glass, beautiful nickel-plated machinery all running smoothly; and one of the stockholders asked him, "How many barrels of oil do you make?" He told him. He then asked, "How many barrels of oil do you sell?" His reply was, "Oh, we don't

sell any oil. It takes all the oil we make to run the plant." [Laughter.]

That is about what happens in the Tennessee Valley today.

I respect Mr. Dunn. He has made a valuable contribution to the American Congress in the testimony he has given in this regard. From his testimony we can readily gather the real facts.

Mr. MASSINGALE. Mr. Chairman, will the gentleman yield?

Mr. McLEAN. I want to read this analysis I have made of Mr. Dunn's testimony. If I have time after that I will be glad to yield.

Mr. Dunn has made a valuable contribution to us who are really conscientiously and earnestly desirous of knowing what is going on in the Tennessee Valley, and getting the good out of the T. V. A., if it is possible, and preventing it from running us into very serious debt. This is a digest of Mr. Dunn's testimony:

Point 1. The T. V. A. supply of electricity is not only fully loaded, that is, at this time, but it is overloaded, and makes maximum use of the limited amount of water that is available.

Point 2. The amount of increased power sought is not the amount needed for aluminum production. In addition to that amount, there are 14,000 kilowatts for a new powder plant. That powder plant needs that power now if it needs it at all. It cannot wait for 2 years to get it. Not $1 of this appropriation will go to any current furnished to that powder plant. There are also 8,000 kilowatts for metallurgical work that is being done at the Wilson Dam and 14,000 kilowatts for the proposed paper mill at Savannah, Tenn.

And now here is the significant thing which leads to my conviction that this proposition amounts to nothing more than the T. V. A. seeking additional funds under the pretense of national defense. The scheme of the T. V. A. to put the measure across is to dress it up and send it forth in the cloak of national defense. They calculate that against the plea of national defense resistance is difficult. They know it is likely to be embarrassing, and they know that any proposal for national defense is a signal for affirmative action. Hence, this is their accepted hour to expand their facilities one-third larger than they are at the present time. Here is a significant thing that makes me think that is true. Mr. Dunn says that 50,000 kilowatts of this increased capacity is needed for increased consumption of the public and general uses of the cities that are already taking it. The demands I have stated, in addition to the 80,000 kilowatts for aluminum, make up the total amount of 220,000 kilowatts for the proposed increase.

Here is their report, as published in the papers yesterday. I have not seen the report, but in this article the T. V. A. puts emphasis on the growth of this Federal agency during the last 18 months, during which they acquired the electric properties of the Tennessee Electric Power Co., the Mississippi Power Co., and the Alabama Power Co., all subsidiaries of the Commonwealth and Southern Corporation. The T. V. A. is overloaded, Mr. Dunn says so.

The third point I would make is that the Tennessee River affords huge power when floods are coming down, but for 10 percent of the time there is hardly any power there at all.

The fourth point: It is the desire of the T. V. A. to transfer to this new project the technical staffs now operating one of its other projects.

I do not blame them for wanting to keep their friends employed, and if they have finished the project on which they have been working, they have to have a new project in order to keep them employed, and, according to the advice I have received from my friend in Tennessee, they have already embarked upon this project, they have already transferred their staff to the new site, already spending the money they propose to get which has not yet been authorized.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield 5 additional minutes to the gentleman from New Jersey.

Mr. McLEAN. Point 5: This huge appropriation is not to be earmarked for this project, but it is to be in addition to and carried into and accounted for as a part of the T. V. A. appropriation for the current year.

There has already been made available through the T. V. A. for the present fiscal year $40,000,000. Adding this $25,000,000 makes $65,000,000. In addition to this it must be borne in mind that they are selling power, that they collected $15,000,000 this year from power sales. This will make their total $80,000,000. Next year it will be $94,000,000 if we give them the $39,000,000 in the project authorized in the pending bill. We are not voting for $25,000,000 but for $65,800,000. In 1942 they will have $66,000,000. So what the T. V. A. will really have for spending in these 3 years will be $240,000,000, and we get no return whatever out of the T. V. A.

Point 6: It is intended to spend this money and do this work without competitive bidding. T. V. A. will be permitted to award the contract for the steam plant to whomsoever they see fit.

In the light of the statements made by Mr. Knudsen, Mr. Stettinius, Mr. Dunn, and Mr. Morgenthau, that industry is willing to take care of this proposition, that industry is willing to furnish the material when it is needed and that our program is well under way and that we are going to have 25,000 planes for the Army and 10,000 for the Navy—and all this before this program will be completed—why do we need to authorize this tremendous expenditure?

I now yield to the gentleman from Oklahoma [Mr. MASSINGALE].

Mr. MASSINGALE. Having heard the splendid speech of the gentleman from New Jersey and noted his enthusiasm I am just wondering if what he has said is correct—and I am satisfied that most of it is—whether America is not going to be mighty hard put to find anybody on whom we as Members of Congress can rely for advice in matters of this sort, when he rejects an engineer like Mr. Dunn.

Mr. McLEAN. Mr. Chairman, I do not yield further. I may say to the gentleman from Oklahoma that I do not reject Mr. Dunn.

Mr. MASSINGALE. All right, but the gentleman does not follow his advice.

Mr. McLEAN. I follow his advice to the extent that I think it proper that I should.

Mr. MASSINGALE. Does not the gentleman feel also that if he cannot accept the suggestion of a man like Knudsen, of a man like Stettinius, that we are hard put to believe any man?

Mr. McLEAN. I will say to the gentleman from Oklahoma that we should put such weight on a witness' testimony as we feel it is entitled to. We are expected to balance the things a man says against other available evidence. If I must say it, Mr. Knudsen appeared before the Appropriations Committee and did not say one single solitary word to the effect that this appropriation was necessary. Mr. Knudsen said only: "I am not a power man. I must tell you frankly I know nothing about it."

Mr. MASSINGALE. What about Stettinius?

Mr. McLEAN. Mr. Stettinius said one thing before the committee and, the following Saturday, he said that the industry had advised the Defense Commission that plans were being made for expansion and its willingness to erect plants to cover the entire program as needs develop, and I believe that. I have faith in American industry and that American industry will supply all the aluminum and all the power we need for this program of airplanes. [Applause.]

[Here the gavel fell.]

Mr. WOODRUM of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. GORE].

Mr. GORE. Mr. Chairman, we have heard the Holston River referred to as a trickle. The gentleman from New York belittled its size and its potentialities. It seems to me that when we are discussing the erection of a dam on a stream one of the basic questions is the size of that stream, and its flow.

The drainage area and flow of the Holston River is an established fact, established just as surely as the altitude above sea level of this Capitol. I would like to read some figures here which can be obtained from the Geological Survey comparing the Norris Dam with the proposed Cherokee:

Drainage area in square miles: Norris, 2,912; Cherokee, 3,428.

Average annual flow in cubic feet per second: Norris, 4,600; Cherokee, 4,800.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. GORE. I yield.

Mr. TABER. What is the source of the gentleman's figures?

Mr. GORE. I am citing figures from the Geological Survey.

Average regulated flow: Norris, 4,250; Cherokee, 5,100.

Average head at dam: Norris, 160; Cherokee, 114.

Downstream head, and the distinguished gentleman from Alabama will speak on this subject—Norris, 420; Cherokee, 490.

As a matter of fact, the actual figures show that the Holston River is larger than the Clinch River above the Norris Dam. It can thus be seen that the ability of the project to furnish continuous power and to provide storage for the downstream installation compares favorably with the Norris project. [Applause.]

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield such time as he may desire to the gentleman from West Virginia [Mr. SCHIFFLER].

Mr. SCHIFFLER. Mr. Chairman, I propose to vote against the pending bill, which has for its object the appropriation of $25,000,000 for the further extension of the activities of the Tennessee Valley Authority, and I shall do so for several reasons:

I am in complete sympathy with the entire necessary program for adequate national preparedness and defense. I shall support every necessary and rational effort to better protect our Nation and to preserve our Government. It shall never be truthfully said that I have been derelict in the discharge of my full duty to my country. All that I possess in this world I will gladly and willingly give to protect and preserve the blessings that have been so generously bestowed upon me and my fellow Americans by reason of our form of government. I am compelled to oppose the present proposed appropriations. I am actuated by a desire to serve only in that manner which will reflect such services in substantial benefits to our country. Several reasons suggest themselves why I should oppose such appropriation.

First. The Tennessee Valley Authority and the projects under its control do not represent the sound philosophy which supports our American way of life. To take by taxation from some of their capital for the enrichment of another group is unfair and un-American. This is only justifiable when the distress and necessity of any particular group or class require such. When distress exists it is the duty of all to aid in the relief of that distress. It must, therefore, logically follow that the entire scheme or plan of the T. V. A. is predicated upon a fallacious foundation of unsound financing and of discrimination.

Second. The projects included within the T. V. A. are in direct competition with like facilities created and existing by reason of private capital investment. This, in spite of the fact that much of the capital derived from taxation and invested in the Tennessee Valley Authority and like projects, comes from the very people who are being injured by its program and operation.

Third. The present appropriation is called for because of the fact that we have an insufficient supply of aluminum necessary for the purpose of manufacturing the planned number of airplanes—the desired airplanes being necessary for our complete national defense. This is undoubtedly true, and the necessary power to increase the aluminum production can be obtained in another more efficient and economical manner. All of the evidence submitted before the committee directly confirms this statement.

Undoubtedly the emergency calls for prompt and certain relief and it is clear and undisputed that the development of the necessary supplemental kilowatts of electricity can be obtained by a steam plant in a much shorter period of time than by the water-power plan. According to the best evidence produced before the committee, it will require not less than 2 years, and probably 3 years, to construct the necessary dams and install the equipment for such water power electric development, while a steam plant for the generating of such electricity can be completed and in operation within 18 months. It is also quite obvious from the best evidence submitted, that the steam plant will cost much less to construct than the hydro plant and that the operating costs are much less. It therefore logically follows that efficiency, economy, and the best interest of our country at this time, in view of the existing emergency and of the necessity for additional electricity, could be obtained by the erection of steam plants. Another very important element that requires our most serious consideration is that of the continuity of power flow.

It is also clearly shown that some of the hydroelectric operations operated by the Federal Government, including some of those in the Tennessee Valley, have interruptions by reason of insufficient water supply. This necessarily interrupts the continuity of electric power supply. A steam-generated plant will produce electric power 24 hours daily for 365 days of the year.

Fourth. And, I think of paramount importance, is the employment of hundreds of now unemployed coal miners and railroad employees, some of whom are now employed by the W. P. A. or are on direct relief. These men are trained and accustomed to do their particular kind of work. They are without employment today. They are being supported from the Federal Treasury. They do not want such support from the Federal Treasury. Why continue by pursuing this policy further in destroying or suppressing jobs for worthy American workmen when these men and their families seek only the opportunity to render an honest day's labor and receive a fair day's wage? They ask for nothing unjust, but only for that which is righteously theirs. This opportunity to provide that employment for them should not be overlooked. They ask only to sell their labor and to receive enough to live as decent self-respecting Americans and to keep their families and rear their children as such.

Fifth. There is not one scintilla of evidence to disclose that private capital and private industry have been requested to supply the necessary power, notwithstanding that billions of dollars remain idle and millions of men remain unemployed. These two important factors in our national defense, when coordinated and encouraged, can give impetus of incalculable value to such program. It has been suggested that the facilities to supply the additional required electric power are not available. Nothing, however, has been done to encourage men and money to set to work and by the construction of a steam generating plant put these two forces energetically and cooperatively to work.

I might urge other reasons why the present appropriation bill should be defeated, but I feel that I have given clear, undisputed, and sufficient sound and logical reasons for such. I urge each of you to vote against such bill in the interest of our unemployed citizens, in the interest of our idle capital, and in the interest of real and progressive Americanism, with the knowledge that our every emergency can be met only when there is complete harmony.

I am certain that such can be obtained and a more closely coordinated policy and plan followed, when and if, we take into consideration the rights and interests of all our citizens.

Mr. TABER. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, I have often expressed my worry about the Public Treasury. I am worried now about items that will be asked for, of doubtful value for national defense. Huge appropriations will be labeled as such and you

will be most unpatriotic if you vote against any measure so classified. It seems to have been proven that we are to have twice as much power as we will need for the purpose of aluminum, although I assume the gentleman from Mississippi [Mr. RANKIN] could use it.

Mr. RANKIN. Will the gentleman yield?

Mr. GIFFORD. Not now.

Mr. Chairman, this purely social experiment troubles me. I dislike to enlarge it, yet I do not want to be unpatriotic. The gentleman from Oklahoma asked, "Are we not hard put when we cannot take the testimony of such men as these three men mentioned?"

Well, are we not hard put when we have only one man who can rule the Nation for another 4 years? [Applause.]

Mr. MASSINGALE. I may say to the gentleman that it is a rather unfortunate circumstance perhaps, but it seems that the American people have about reached that conclusion.

Mr. GIFFORD. I hardly think the American people had much to say about it or whether our beloved Speaker should be Vice President rather than Santa Claus. If ever my feelings were hurt, it was when I listened to the radio and heard the result of the votes cast at that convention for our beloved, able Speaker [Mr. BANKHEAD], who has given his all for the man who dictated his defeat. If there is any red blood in you Democrats, I expect you to demonstrate it. I shall. So that when you say you are hard put for advice, you speak truly. I do not know much about this particular matter. The gentleman from Massachusetts [Mr. WIGGLESWORTH] gave you most enlightening information, in my opinion. It was clear, it was concise, it seemed irrefutable.

I can hear the statement of the gentleman from Virginia ringing in my ears when he said he would not like to assume the responsibility for holding this thing up for 2 weeks. He made that statement some 2 weeks ago. But they actually began operations more than 2 weeks ago. They knew we were "rubber stamps." If there is any racket in government, it seems to be down there and there is no curb on their activities that seems to be effective.

We should worry about doubtful governmental spending and in my job of criticizing at every opportunity I may say that I am greatly disturbed in the way you are putting this over. Let us amend it. Let us do only what is necessary and save a large amount of these millions. I am contemplating the days ahead, the billions that will be spent without careful consideration and under the hysteria of the moment. [Applause.]

[Here the gavel fell.]

Mr. WOODRUM of Virginia. Mr. Chairman, I yield 5 minutes to the gentleman from South Carolina [Mr. HARE].

Mr. HARE. Mr. Chairman, it is very interesting for one who is particularly disinterested from a personal or political standpoint to note the arguments made against this resolution. Some find that it is very unwise to use water power to generate electric current, a power in which this country stands in need at the present time, but it is quite proper if the power is the product of coal and steam. In other words, they do not feel that water power should be used to generate electric power. But when they find there is a necessity to have this power they think coal ought to be used instead of water. So on it goes.

However, my purpose in rising at this time is to give my reaction to the testimony submitted to the House through the committee hearings.

First, it is shown there is a military disturbance both in the Orient and in Europe. The disturbance is of such magnitude that this country feels the necessity of increasing its national defense. In outlining a national-defense program it is found there is a lack of airplanes, and that in order to increase this supply it is essential there be an increased supply of aluminum, and in order to have an increased supply of aluminum it is necessary to have an increased supply of electric energy. The question then arises as to which is the cheaper and the better way to supply this energy.

The National Defense Council, chosen for their wisdom, for their knowledge and their integrity, advises that after due research aluminum can best be obtained through water-power development near the seat of the T. V. A. If that is true, and I assume it is, I can see no objection to the plan. However, I want to go just a little further in this matter because the evidence does not disclose all of the elements of defense with reference to aluminum, for we are told that most of the aluminum in this country is manufactured from bauxite. We are also told that about 60 or 65 percent of the bauxite is imported from South America, 3,000 miles away, and that only about 30 or 35 percent is obtained in the United States. The question that arises in my mind is, if this material is so absolutely essential, and I know it is, have we given any thought to the possibility of conditions arising in South America by which we would not be able to obtain the necessary amount of bauxite? If such a condition should arise, where will we get our supply? What will be the source of supply of aluminum, that indispensable material in the manufacture of airplanes, that material essential in the development of that implement of war so necessary in these modern days?

I take the position that the National Defense Advisory Council will bring to this Congress, after careful study and due investigation, other bills asking Congress to appropriate funds for finding other sources of aluminum in our own country in order that we may be fully prepared in case bauxite from South America is unable to reach us in such quantities to enable us to continue to manufacture aluminum. It has been suggested that in South America today you could take a bomb no larger than your hand and choke the streams on which the bauxite deposits are located, thus preventing the shipment of 1 ton of bauxite from South America to the United States. I am told that these deposits are located along small streams not much wider than an ordinary creek. We are told also that on some of these streams a boat cannot turn around but has to back up and get the bauxite from the mine.

Suppose Mr. Hitler or someone else should drop a few bombs along the British and Dutch Guianas of South America from which practically all of our imported bauxite is obtained. Or suppose some other condition should arise that would prevent the importation of bauxite, and the production of airplanes would continue to depend upon aluminum, what would happen to our national-defense program from the standpoint of airplanes? It would not take a great engineer or Philadelphia lawyer to see that this country would be seriously handicapped in the completion of this particular phase of the defense program. Therefore, from the evidence already before us it is extremely important we should begin to give some attention to other sources of securing aluminum than relying solely on bauxite from which it is to be obtained.

I gather from reliable information obtained from the Bureau of Mines, the Geological Survey, and the outstanding geologist of my State that there are inexhaustible supplies of kaolin found in my district and adjoining districts in South Carolina, as well as in adjoining territory in the State of Georgia. I learn further from reliable information that some of these kaolin deposits have yielded as high as 48 percent of aluminum oxide, the refined product from which aluminum is manufactured. It is extremely important, therefore, that attention should be given to this situation from the standpoint of national defense. Now, if the statements I have made are absolutely correct, and I am prepared from the source of information referred to say that they are correct, this Government should take such steps as will be necessary to develop the processing of these deposits or cooperate with those who have developed means of processing same so that when the peak of airplane production arises by July in 1942 we will be prepared to substitute the manufacture of kaolin into aluminum, because bauxite by that time may not be available.

Mr. Chairman, in this connection, I should say that midway between the kaolin deposits in Georgia and those in my district the Army Engineers, the engineers of the Federal Power Commission, and others who have studied the matter have all declared that there is the best site for the construc-

tion of a power plant in the Southeastern United States on the Savannah River near Clarks Hill, S. C. This site has been studied, investigated, and surveyed by army engineers and others for the past 10 years or more, and time and time again it has been recommended that a hydroelectric power plant be erected on this site.

On August 15, 1935, the President of the United States addressed a communication to the Secretary of War, the Secretary of the Interior, and the chairman of the Federal Power Commission, directing that a three-member board be created, consisting of one representative of the Corps of Engineers, one from the Natural Resources Commission, and one from the Federal Power Commission to make a further study and prepare a report on the advisability of proceeding the following year with the Savannah River improvement by erecting the dam at Clarks Hill. In this report the committee says:

The Clarks Hill site is one of the best undeveloped power sites on any stream entering the Atlantic Ocean from the South Atlantic States.

The estimated cost of this dam and equipment is placed at approximately $28,000,000. This dam is within 10 or 15 miles of some of the deposits referred to, and I am firmly convinced if the development of this project were undertaken at once it would materially strengthen the weakest link I have been able to find in our defense program from the standpoint of adequate production of airplanes, which will continue to be the greatest defense weapon used in future wars.

In Senate Document No. 66, page 7, first session of the Seventy-sixth Congress, a letter from the Secretary of War to the chairman of the Committee on Commerce of the United States Senate, April 24, 1939, says:

Meritorious water-power developments are of special significance to national defense. Constructed in time of peace in connection with the development of rivers for the benefit of navigation and for the control of floods—or during depressions as work-relief measures—they represent, in effect, stored peacetime labor, and provide a source of dependable power which almost certainly would be of great value in a war emergency. Power from the Clarks Hill project would thus be available for supplying the increased power load during war as well as the expanding market in the region of the project. It would make possible the establishment of war industries in that region, or, in the alternative, would provide power for transmission, by relay, to distant industrial centers.

In a recent statement made by Dr. F. H. H. Calhoun, dean of the School of Chemistry and Geology, Clemson College, S. C., says:

Bauxite is an ore that is formed only in tropical and subtropical countries. The area in our own Southern States where bauxite deposits have been found have been pretty well prospected, and there are many deposits of low-grade ores, which might be utilized, but these are not extensive enough to give us an adequate supply for many years. Our only alternative seems to be the utilization of our kaolin and other clays.

[Applause.]

[Here the gavel fell.]

Mr. WOODRUM of Virginia. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas [Mr. TERRY].

Mr. TERRY. Mr. Chairman, I was very much interested in the remarks of the gentleman from South Carolina [Mr. HARE] because I want to bring to the Committee thoughts along a similar line. It is my purpose to vote for the bill now under consideration. I believe that Mr. Stettinius, Mr. Knudsen, and Mr. Dunn, the gentlemen who have recommended this bill, are familiar with the subject, and that we should follow their advice. I further believe that the Tennessee Valley Authority has justified itself in this country and that the people of the country have saved and will save millions of dollars by reason of the yardstick that has been furnished by the Tennessee Valley Authority.

However, I wish to say this—and I say it in all kindness and without questioning their integrity or motives—and that is, that I believe that, so far, the National Defense Advisory Council has not given any indication of a purpose to seek out other sources of supply of this material, aluminum, which is vitally essential in the manufacture of airplanes. At page 16 of the hearings Mr. Stettinius states that there is a shortage of aluminum, and that we must increase our aluminum facilities as rapidly as possible to meet the plane program. We do not have to go far to find bauxite in the United States. In my own State of Arkansas, within 20 miles of Little Rock, my home town, there exists 90 percent of all the bauxite in this country, I am informed, which is the raw product from which aluminum is made. The Aluminum Co. of America owns about 60 percent of the bauxite lands in that region and about 40 percent of them are owned by individual owners. The Government should avail itself of all this supply of bauxite and should not confine itself to the use of that owned by the Aluminum Co. of America, which now has an almost 100-percent monopoly on aluminum production.

I have taken up with the Advisory Council the question of approving a reservoir dam near Ozark in Franklin County, in the western part of Arkansas in the Ozark Mountains, where there is a sufficient flow of water for hydroelectric power and where there are vast quantities of the best quality of coal, which can be used jointly in the steam and water production of power, the impounded water being used for condensation in the steam plant. It seems to me that the National Defense Advisory Council should avail itself of the raw products of the States where they do not have these plants as they do in the Tennessee Valley, which are owned by the Aluminum Co. of America.

Mr. RANKIN. To what stream does the gentleman refer?

Mr. TERRY. I am referring to a proposed reservoir on the Mulberry River in northwest Arkansas, which is known as the Cass Lake project. It is right in the heart of the coal fields of western Arkansas where there are hundreds of coal miners now unemployed, who would be given work by this project. This coal is of the highest type in this country. Reputable engineers have told me that using coal at the mouth of the mine in connection with impounded water from the reservoir used for condensation in the steam plant gives the cheapest power that can be produced. Here we would have all the advantages of steam-power development and all the advantages of water-power development. So I want to call the attention of this committee and the Congress to the fact that the Advisory Council, in my humble opinion, is not proceeding rapidly enough in taking advantage of the products of those parts of the country that are not developed at this time. [Applause.]

The bauxite deposits of Arkansas are well known, comprising, as stated before, about 90 percent of all the bauxite in the United States. And yet there is not 1 ounce of bauxite refined in Arkansas. We are told that the Government desires to increase the supply of aluminum as rapidly as possible, and that it desires to avoid all lost motion and transportation congestion. If this is so, why would it not be good business for the Government and the Defense Council to aid in the establishment of a plant where the power is located within the same area where the raw product is mined?

We were told by the President that it was the part of wisdom to establish small plants in various sections of the country in strategic areas and not place all industries in one area, where an enemy attack might disrupt the whole program. Why should the production of aluminum be confined largely to the Tennessee Valley when other sections of the country are blessed with water-power potentialities, are strategically located in the interior, and also have the raw product itself, thus eliminating the delay, cost, and congestion of transportation? I think this program should be scattered as widely as possible over the country, and I submit that one area or one large industrial organization, such as the great Aluminum Co. of America, should not be given the entire control of this most vital and strategic material. It is not good business for the Government and is not fair to the other communities. [Applause.]

Mr. WOODRUM of Virginia. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia, Mr. HOBBS, or rather I should say the gentleman from Alabama [Mr. HOBBS].

Mr. HOBBS. Mr. Chairman, I am in such good humor this afternoon that I am not even going to resent the imputation that I am from Georgia. I know some distinguished statesmen from that State, than whom there are no whicher, and

I am delighted to be mistaken for one of those eminent gentlemen.

Neither am I surprised in the least that no Republican has yet taken this Well and admitted frankly that they are against national defense if its interest runs counter to their prejudices and selfishness. No Republican in the history of the world would admit that, but if every person who believes it would just give me a dime I could pay off a large part of the national debt with the proceeds. One of the troubles with you Republicans is that you have not learned yet that the War between the States is over. This is no time for sectionalism. We ought not to play politics on any issue involving the national defense. And if you keep on butting you are going to butt your brains out. "Butting" is the oldest "alibi" in the history of argumentation. It is a clever way of trying to take a back door or a side door approach on an issue of this kind which you dare not face through the front door.

This whole issue boils right down to this question: Who knows the most about this? Those who have first-hand information, or those who have not?

It reminds me of the interrupted funeral down in Alabama. The man who was supposedly the corpse they were burying came in and interrupted the preacher just as he was very vigorously extolling the virtues of the deceased. "But wait a minute, Parson, I ain't ceased yet." The preacher said, "Now, you sit down, brother; you don't know what you are talking about." The interrupter replied, "I sure God do, and I am the only man here what has got first-hand information; I know damn well I ain't dead." [Laughter and applause.]

Now, the testimony of those people who really know what they are talking about is unanimous to the single point that this is a necessary project from the standpoint of national defense. There is no one who disputes it. The Republicans, every single one of them, admit it; but they say—that old "but," you know—"but we just don't like this part of it." Now, what part of it is it they do not like? The part that their preconceived prejudices lead them to be against. The engineers all tell you that this is necessary. We know it. Those of us who have lived with this proposition down there from the beginning and toiled by night and by day for years know it. There is not a single inch of the Tennessee River I have not flown over a dozen times from Paducah, Ky., back up yonder to the sources of the Clinch and the Holston.

I know exactly what this place is they are talking about. It is one of the two finest natural reservoirs ever put by the finger of God on his footstool. They talk about there being no water below the dam at Norris at this minute. Why, that is what it is built there for, an impounding dam to stabilize the flow of the Tennessee so that it will generate prime power 365 days in the year, 24 hours a day. That is the purpose of an impounding dam—to control the flow so that in low water you can boost it up and in high water you can shut it off. You can catch the floods in 1942 with this dam that they propose to build at the base of this natural reservoir on the Holston. That is the whole purpose of these dams, and when you do that, then every drop of water that you impound by this new dam in aid of national defense is going to be used, not once, not twice, but eight times. That is the beauty of a hydroelectric generator; it uses but does not consume the water that drives it. You can use it, the same water, at every single turbine downstream. I have seen the time when there was not a foot of water in the Tennessee River, but I have not seen that since Norris Dam was built, 300 miles above Wilson Dam, and neither have you. It has stabilized the flow until we now have more than twice as much prime power as we ever had at Wilson Dam before. And why do we need prime power for making aluminum? It is because it is produced by a 24 hour a day, 365 days a year process, and if it is interrupted for 5 minutes you can tell the difference in the product. The manufacture of aluminum requires continuous power. The construction of the proposed dam will develop prime power at eight different dams, any one of which could serve an aluminum plant in its vicinity. I appeal to you to lay aside your prejudices about where the dam is going to be. There is not one of you who has the intestinal investiture to stand up here and charge there is any politics in this bill, because you know there is not. If there were any politics in it, we surely would not be putting it in a Republican district of Tennessee. [Laughter and applause.]

Norris Dam also was located and built in a Republican district. We Democrats build dams and other national-defense projects where they should be built—to serve the Nation best. [Applause.]

[Here the gavel fell.]

Mr. WOODRUM of Virginia. Mr. Chairman, I yield such time as he may desire to the gentleman from Tennessee [Mr. KEFAUVER].

Mr. KEFAUVER. Mr. Chairman, I have carefully studied the report of the hearings before the Appropriations Committees of the House and Senate on this resolution. I am personally acquainted with the proposed location of Cherokee Dam on the Holston River, and have been through the enormous plant of the Aluminum Co. of America near Maryville, Tenn. I also personally know of many of the other industries in the Tennessee Valley that are producing munitions and that require a large amount of electricity in their operation.

The Nation has embarked upon a necessary program of preparedness. We have got to arm to the teeth and quickly. The work of supervising the program has been entrusted to a nonpartisan committee in which this Congress and the American people have great confidence. Congress has been cooperating fully with this committee. And the necessity of the case demands that performance be left to this splendid committee after Congress has considered and appropriates money for necessary defense measures. Likewise, we must to a large extent be guided by this committee as to the means in making available strategic materials which they say are necessary to produce the armaments that we must have.

It is difficult for me to understand how any Member of Congress can vote against this resolution if he conscientiously believes in preparedness.

A goal for the production of a definite number of planes has been set. It is necessary to have an additional 60,000,000 pounds of aluminum available after July 1, 1942. The cheapest and surest method of making this aluminum available is the building of the dam, steam plant, and installation of the additional generators called for in this resolution.

The Tennessee Valley has been selected because of aluminum available in that section, and because as said by Mr. Dunn in his statement before the committee:

> In selecting the Tennessee Valley as the location for the principal power expansion which we have approved, we have had in mind not only the location there of the principal plant of the Aluminum Co. of America but also the excellence of the organization, technical and otherwise, that has been assembled there. On account of the large developments that have already been made in the Tennessee Valley, their engineers and other staffs are part of a going organization, experienced in the construction of dams and transmission lines to an extent not likely to be found in any entirely new project not yet completed.

And as said by him on pages 7 and 8 in the hearings before the committee:

> There would be long delays in negotiating such a supply, and we have got T. V. A. right down there where the main plant of the Aluminum Co. is. Now, it is good management, when you want to increase a manufacturing plant and a power supply, to increase an existing manufacturing plant at an existing power supply. They are both there right together in the Tennessee Valley. We found no other place as favorable as T. V. A. for this large block of power increase; and, as Mr. Knudsen said it is not only for aluminum but for other national-defense projects as well. The increase, in our opinion, is justified on the aluminum alone, but almost every day now there is some new national-defense demand for power directed in the region of the Tennessee Valley.

This expenditure differs from many that are being made for national defense. If for any reason the guns and ships we are building should become unnecessary and useless, the money they cost would be to a large extent lost. That is not the case with the money that will be spent in this addition to the Tennessee Valley Authority properties. This is true because the record shows that the additional power produced would be absorbed in any event in 3 or 4 years. It is only necessary to visit the Tennessee Valley and to note the opera-

tions taking place there to understand this. Sales of electrical appliances in the valley are increasing at a fast rate. Other industries are requiring an increased amount of electricity, so that this dam, and the additional facilities authorized in this resolution, would be good investments even if they were not necessary for national defense.

Additionally, I wish to call your attention to the fact that this dam has some value to navigation on the Tennessee River, and it has a tremendous value for flood control in that it will have available 1,400,000 acre-feet of storage space for flood-control purposes.

I trust that this resolution will be passed overwhelmingly so that this project already too long delayed can be commenced at once. [Applause.]

Mr. TABER. Mr. Chairman, I yield the balance of my time to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Chairman, let me devote a few moments at least to a consideration that does not presently meet the eye in this bill, but with which the Congress must wrestle sooner or later. I have had a very recent experience, and in order properly to dramatize the matter it is necessary, of course, to recount a few facts of the immediate past.

On the 10th of July I strolled over to the Appropriations Committee at 3:30 in the afternoon in the hope that a copy of the hearings on this bill might be procured, and they were not yet in print. On the 11th of July, at 11 o'clock in the morning, the full Committee on Appropriations met to consider the pending bill. After an hour of discussion we came up to the floor. Many of the Members, of course, had already gone to Chicago, I assume, and so the request was made to consider this bill by unanimous consent. The gentleman from New Jersey [Mr. MCLEAN] objected, and he was within the prerogatives of this House in so objecting if he desired. This is what happened. The bill, of course, was not considered, but we spent 3 or 4 hours discussing national defense on this floor. A few days later the Advisory Commission made a release, ostensibly from them, but certainly carrying a White House date line, in which I was mentioned, in which the gentleman from New York [Mr. TABER] was mentioned, and in which the gentleman from New Jersey [Mr. MCLEAN] was mentioned. It was some of the material that Senator BARKLEY used in Chicago at the Democratic Convention. It disturbed me a good deal, because I received a few letters and telegrams as a result—none from my own district; some from New Orleans, some from South Dakota, some from New York—couched in the most intemperate language, seeking to put the tarred stick upon those who would dare to exercise their legislative prerogatives and insist, in the name of the people, in the name of the taxpayers of the country, that the Congress ought to exercise decent caution and some degree of moderation in considering a bill that involves $65,800,000. A gentleman wrote me from Chicago that he was distressed to hear that I had placed party politics above national defense and above the general welfare.

In the afternoon of July 11, when there was a quorum call there were only 297 Members of the House who were either in town or who had come here to respond, and I say to you that certainly the people are entitled to a little more consideration than that, and that a bill that involves that enormous amount of money is still more than chicken feed or pocket change to me and the people whom I represent. I thought it rather distressing to gentlemen of Congress on both sides of the aisle. We are not so far removed now from an attitude of mind in this country where, if you stand up and expect to have your say in the interest of the people, the tarred stick will be put upon you by some radicals, by some of those who know only intemperate language. In addition there comes this problem for us. Will we have the fortitude to stand up and exercise our own ingenuity and the forthrightness of spirit and character and such capacity as we enjoy in the hope of doing something for the people, or will we slink and say, "Oh, they tag us now with national defense, and you cannot vote against that?" Then will recur to us all the hideous ghosts of 1917 and 1918, when we bought 33 halters for every horse of the American Army, when we bought 20 saddles for every horse, and when we bought 3 branding irons for every horse. Then will arise the ghost of waste and extravagance. So there is suggested this afternoon as an incident to this legislative process the question of our responsibility as we take on or spurn advice from those who are expected to know.

A member of the Committee on Appropriations, on the morning this bill was considered, stood up in his place on the morning of July 10 and said:

I am going to throw this responsibility upon the members of the National Advisory Commission.

It disturbed me a good deal. I thought, Must I do that? Must I shut my mouth on things of this kind, or do the people expect me to say something if I have some notion about it and feel that perhaps we are going a little too far or making a mistake. Gentleman stand in the shadow today, and the problem that is going to disturb most of us on both sides of the aisle, perhaps as we put a clothespin on our respective noses and approve things that will rankle, is how we shall act. I do not know how you will act, but I shall have my say, because I think my people will expect it.

With respect to the merit of this measure, giving it some attention since the 11th of July, it occurred to me that we have the President's message on this. Remember how your President and mine stood here in all earnestness and said that it was 4 hours from Brazil to Caracas, Venezuela, and two and a half hours from Venezuela to the Canal Zone, and two and a half hours from the Canal Zone to some farthermost point, and then two and a quarter hours to Kansas City, to Omaha, and to St. Louis, those great metropolitan centers in the Central West. In view of the development of speedy air navigation, he sought to emphasize the new military technique in the world and suggested that those cities were not safe if a base were established on Cape Verde, the Azores, or somewhere in South America. Must I remind you that the Tennessee Valley Authority and that area is closer to one of those bases that the President mentioned than is Omaha?

It is closer than Kansas City. It is closer than St. Louis. So that if you are going to concentrate the production of aluminum and the production of aluminum castings in that area, do we not perhaps reach the continuity of our defense program and make it vulnerable in that degree, even as the President of the United States suggested from that rostrum on the 16th of May, 1940?

Now, I see my good friend from Oklahoma [Mr. MASSINGALE] here and I want to address a remark or two to the very pertinent and forthright question that he raised that has disturbed me a great deal. Mr. Knudsen wants this, they say. I think there is no finer man, no more able man in the country than Mr. Knudsen, but Mr. Knudsen said, according to the hearings, that he was not a power man so he had to look elsewhere, because his job was production after he got the material with which to work. The question of raw materials was assigned to Mr. Stettinius, so he asked Mr. Dunn and others to serve on a kind of consultant commission. Now, we ought to be able to follow Mr. Dunn. I recognize him as the foremost power authority in the country, but here is the thing that disturbs me: Mr. Dunn has come before the committees of this Congress before and he has said at that time—

Gentlemen, you can manufacture electricity with steam power cheaper than you can with hydro.

Now he comes and says—

I am for this—a combination of hydro and steam.

According to a letter that was addressed to my good friend, the distinguished chairman of our committee, Mr. WOODRUM of Virginia, it was sought to be set out that you had to have a synchronized, equalized program between a steam plant and a hydroelectric plant. I have been listening to testimony for over 3 years on the T. V. A. and not a single engineer has ever raised his voice about synchronizing and equalizing steam and hydroelectric power. In fact, they have played down the steam issue. When it was raised in the Senate some years ago by Senator VANDENBERG I went into the matter and asked them some questions no later than this year on the hearings.

Was anything said about equalization? Was anything said about synchronization? Oh, no not a word. Now it appears, according to the letter of July 29 by Mr. Dunn that this is to be equalized.

Well, gentlemen, it is all very amazing, I will say. If you ask me my ordinary lay opinion, for whatever it is worth, they will not generate a single kilowatt of prime power on the Cherokee Dam when it is completed. What is prime power? Well, if I understand the term, prime power is power that is on tap and will furnish a continuous supply all the time, 24 hours a day, 365 days a year. Am I wrong? If I am wrong, somebody stand up and correct me. That is my notion of prime power.

Well, let us see whether you will get the water on the little Holston River. Let us see whether you will get prime power. No. They want a steam plant because from steam you will get prime power and if you gage it to a constant base load you will manufacture it cheaper than you will at a hydroelectric dam. Do you know what the sensible thing would be in this bill? Instead of spending $36,000,000 on a hydroelectric dam to generate 90,000 kilowatts, in the hope that when the water comes over it will go down to Norris Dam, Chickamauga and Wilson Dams and Hales Bar and all the rest, the building of several steam plants would produce more power and save more than $20,000,000.

As for the alleged re-use of the same water, you will if you have the water, but if you do not have the water you will not. So really that is not much of an argument, as a matter of fact. Besides, you will have to count on a good many losses up there, because I have an idea that the reason Norris Dam has not turned out so well and the reason that they have not turned a wheel up there for some days, and the reason the generators have not been working for a little while is probably because lots of water got away; because there are holes; because there are caves; because there is grouting work that probably should be done, as any engineer could tell you; that perhaps it is not all so rosy. It intrigued me a good deal, so the other day I wrote to Mr. Krug, of the Tennessee Valley Authority.

Mr. Krug is a fine fellow. He is one of the ablest engineers in the country. I take off my hat to him. He is one of the ablest fellows who ever came before a committee of Congress. He sent me a two-page letter that I got this morning, and I defy any Member of this House to read that letter and then determine whether it was responsive to the question, and to what extent the generators at Norris Dam had not been working and for how long. He just alludes to it very briefly and says that the last generation occurred on July 21, 1940; but he does not say how many of those intervening days and intervening weeks the generators at Norris Dam were not running. That is the difficulty. If they want power in 18 months, if they want it right away, instead of running along with a speculation that may take 2 years at the very least and very likely 3 years if they do not capture the spring floods in 1942, why not do the sensible thing? Go into some of these areas and build steam plants. You can build more than three steam plants for the money that this dam will cost. They will generate 360,000 kilowatts as against 90,000 of alleged prime power by this dam up on the little Holston; that is to cost $36,000,000.

As for reducing bauxite, on the 12th of July the Department of Commerce sent me the figures of imports of bauxite in 1939 from British and Dutch Guiana. There were 520,000 tons. How much did we get in our own country? Four hundred thousand tons.

You can get it from Brazil, you can get it from Dutch Guiana. You can load it on a vessel and take it up to any seaport city and reduce it if you want to. So it is not a question of where the deposit is located. Furthermore, as the gentleman from Arkansas [Mr. TERRY] said, most of the bauxite is in Arkansas. The sensible thing to do would be to build a couple of steam plants. Then we would know we would have the power, it would cost less, and we would render the taxpayers a service. [Applause.]

[Here the gavel fell.]

Mr. WOODRUM of Virginia. Mr. Chairman, I yield the remainder of my time to the gentleman from Alabama [Mr. STARNES].

The CHAIRMAN. The gentleman from Alabama [Mr. STARNES] is recognized for 17½ minutes.

Mr. STARNES of Alabama. Mr. Chairman, I am hopeful that the debate which precedes the vote will not have obscured the facts and the only issue in the consideration of this bill.

We are confronted here with a proposal to appropriate immediately $25,000,000 and to authorize the letting of contracts that will call for further appropriations which will raise the total amount to $65,800,000. We are asked to do this in the name of national defense. We are told that there is an actual, bona fide need for this power. Who presented this question, who defended these estimates before congressional committees? It was the Advisory Commission to the National Defense Council, composed of Messrs. Knudsen, Stettinius, and Dunn. These men made this presentation to the Appropriations Committee only after consultation with the War Department General Staff and, of course, with the Chief Executive of this Nation. What is the situation?

We stand today in the shadow of a conflagration which threatens all civilization—and this is spoken advisedly. Those who have been wont to laugh and to scoff before cannot do so now, because none can foretell what will happen. War is more terrible today than ever before because of the new and striking weapons of offense. Most terrible of all is the airplane. The present war has demonstrated conclusively the tremendous striking power and the tremendous destruction consequent upon the use of that striking power by the air forces of the various nations engaged therein. Today we have approximately 2,900 planes ready for duty. It is proposed to build within the next 3 years, if possible, 25,000 planes for the Army and 10,000 planes for the Navy. Mr. Knudsen, while he says he is not a power expert, is charged with the manufacturing of these planes, and he tells you that it is necessary to have at least 5 tons of aluminum for each plane, on the average.

Mr. Stettinius tells you that he is not a power expert but that he is charged with the acquisition of the raw materials which go into the finished product. You have the word of these gentlemen that this appropriation is vital and essential for our plane program if we are properly and adequately to defend the Nation. Now, let us turn to power.

In the matter of power we have before us a man who is recognized nationally as the outstanding expert along these lines, Mr. Gano Dunn. No one questions his ability, regardless of whether one agrees with his political philosophy or economic philosophy. No one questions his integrity or his ability to speak on this question, and he says that this power is necessary. He says that this is the most logical place to create that power, and he says that after studying the Nation in every aspect. In this conclusion he is supported by the President of the United States and the General Staff of the Army. You have therefore perfect coordination between these three—the man who is charged with manufacturing the planes, the man who is charged with the acquisition of the raw material that goes into the manufacture of the planes, and the man who is charged with coordinating the power program of the Nation to sustain and to carry on this program of acquisition and manufacture.

Why is it the best place? Because it can be produced more cheaply down there; these kilowatts, 300,000—approximately 220,000 of it is prime—can be produced more cheaply at this particular point than anywhere in the Nation. Then, too, take into consideration the fact that the aluminum plants are also located in close juxtaposition to the dams and to the steam plant which will be constructed.

Why can power be produced more cheaply? Simply because it is a storage dam; it is a power dam purely and simply, with no navigation aspects. It is because of the fact that it will change the secondary power down the stream to primary power and will produce an additional 88,000 kilowatts at Wilson and Pickwick in addition to the 90,000 kilowatts of prime power produced at the dam site. The steam

plant can be used here more cheaply and more economically to supplement and to implement the hydroelectric development in the valley than it could elsewhere. So by the construction of this dam we create 90,000 kilowatts of prime power at the dam, and with the water impounded when released to flow on toward the sea, we create an additional 88,000 kilowatts approximately of prime power. With the development proposed in this bill we raise the amount of prime power in the T. V. A. area from approximately 683,000 to 900,000 kilowatts.

Not all of this power goes to aluminum—oh, no—but the amount which goes to the production of aluminum is directly in the national-defense program; and Mr. Knudsen stated in his testimony that additional plants were being studied and additional sites for them would be established in this area. The simple reason for this is that in this area we have closer together more of the essential, vital, raw materials for the national defense than can be found in any other like area of America. Answering the gentleman from Illinois [Mr. DIRKSEN] when a moment ago he asked why we should locate the aluminum plant there, I may say that the aluminum plant was located there by private industry, by private business from Pennsylvania.

Why do they want to carry on this program in the Tennessee Valley? Simply because the War Department studies made during the World War and subsequent thereto and at the present time show that the Tennessee Valley area is more nearly invulnerable than any other section in all of America. That is why.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. STARNES of Alabama. I am sorry; I cannot yield.

There are calls for this aluminum. If it takes 5 tons to produce a plane on an average, with a 35,000-plane program for the Army and Navy contemplated within the next 3 years, you can realize the tremendous amount of aluminum that it will be necessary to provide.

You have the power in this area you must use in the powder plants, and I call to the attention of the gentleman from New Jersey that the powder plant at Memphis is not now in operation because it has not been completed. I also call to his attention, if it needs to be called to his attention and if it is worth while to do so, that the national-defense program upon which we have embarked will take from 5 to 7 years to complete in its entirety. Time is of the essence of things in this critical hour. You have already been told by Mr. Dunn that the 2 weeks' delay in the consideration of this bill will probably delay from 6 to 8 months the acquisition of generators that are essential in a steam plant; therefore, the picture has changed since he was before our committee to the extent that it seems probable now the hydroelectric development can be put into use and the power supplied at the dam more quickly than with the steam plant.

Mr. Chairman, few people, few laymen realize the absolute vital essential element of time in modern warfare. Hitler took 7 years to prepare. France and these other nations were beaten to their knees because they failed to prepare. England began 4 years ago on her program when Mussolini called her bluff and went down into Ethiopia. They are not even yet ready to withstand the threatened invasion of those lovely islands and the possible destruction of the British Empire. When and if Great Britain is destroyed the last outpost of civilized governments between us and the totalitarian powers has been removed.

The question was asked, Why not let the private companies in the Tennessee Valley furnish this power? That was answered fully and adequately by Mr. Dunn when he stated that a study had already been made of that possibility prior to the presentation of this bill and the request on the part of the National Defense Council. He stated that after a study of the power requirements and the power supply from public and private sources it was absolutely essential that we have the power provided for under the terms of this bill or that will be made possible by reason of the appropriation of this bill in order to carry on the national-defense program. I challenge each and every one of you who question the economic philosophy back of the T. V. A.—and you have that right—to state on your authority or any competent authority that a complete case has not been made here for the national defense. I challenge any of you to take that responsibility even though from the very beginning you have constantly fought against the development of this project. This bill is presented for the defense needs of the Nation. Those needs are urgent and those who take upon themselves the responsibility to either curtail or delay action are assuming an awful responsibility in face of world conditions.

Mr. TABER. Will the gentleman yield?

Mr. STARNES of Alabama. I yield to the gentleman from New York.

Mr. TABER. I will say on my responsibility I do not believe this has anything to do with national defense. I believe the power is available without it.

Mr. STARNES of Alabama. The gentleman is merely stating a belief based upon his own social and political philosophy and not one which is in accord with the facts. He cannot, from any testimony by reputable witnesses given in any congressional hearing, support any such statement.

Mr. RAYBURN. Will the gentleman yield?

Mr. STARNES of Alabama. I yield to the gentleman from Texas.

Mr. RAYBURN. Is it not true that all of the testimony before the committee given by experts was to the effect that in the interest of national defense and as the greatest link in our national defense program this additional dam on the Holston River is necessary?

Mr. STARNES of Alabama. The gentleman is absolutely correct in that statement.

Mr. RAYBURN. Is it not further an amazing thing that when it comes to this one thing which is separate and apart in a way from the Tennessee Valley Authority an effort to create additional power in order to make war materials, that these gentlemen over there hark back to their opposition to the original Tennessee Valley Authority? Is it not true, further, that each and every one of these men said that as far as geography is concerned and as far as the production of power in a cheap way is concerned this is the best location in the United States that is available at this time?

Mr. STARNES of Alabama. Absolutely; and I tried to stress that point a moment ago. There is no place in all America where we can find the power and an aluminum plant in such juxtaposition as you find in the Tennessee Valley. The aluminum plant was located there years ago.

Mr. BENDER. Will the gentleman yield?

Mr. STARNES of Alabama. I yield to the gentleman from Ohio.

Mr. BENDER. Did not the gentleman from Washington [Mr. LEAVY] point to the available power at Bonneville?

Mr. STARNES of Alabama. Yes; and I call attention to the fact that Mr. Dunn also said that power was available, but it is going to be used in developments out there. They cannot wait for the construction of a new plant out there and the completion of Coulee Dam. He said it was necessary to begin work at once on the extension of the plant in the T. V. A. area and the extension of the hydroelectric facilities there just the same as they have already extended the plants in Pennsylvania, New York, and Massachusetts, where we have national-defense installations, in order to meet the urgent needs of the armed forces of this Nation.

Mr. TABER. Every item of power that may be available at Bonneville and at Grand Coulee will be available 6 months before any of this can be completed.

Mr. STARNES of Alabama. Yes; but there will not be any aluminum plant in the 6 months.

Mr. MASSINGALE. Will the gentleman yield?

Mr. STARNES of Alabama. I yield to the gentleman from Oklahoma.

Mr. MASSINGALE. I want to ask the gentleman the same question I asked Members on the other side of this debate.

If the Members of this Congress are denied the right to rely upon the advice of such eminent engineers as Mr. Dunn and such eminent industrialists as Mr. Stettinius and Mr.

Knudsen, where can we go for advice in this kind of procedure?

Mr. STARNES of Alabama. You have here a beautiful example of that Scriptural quotation relating to those who have eyes but see not, and ears but hear not. I am afraid that some are so blinded by passions and prejudices against certain social and economic philosophies of the administration that they cannot see any good anywhere at any time in some of the agencies concerned. I say, I am afraid that is true.

Mr. GORE. Mr. Chairman, will the gentleman yield?

Mr. STARNES of Alabama. I yield to the gentleman from Tennessee.

Mr. GORE. I wonder if the gentleman would not inform the House just how much over-all increase in the power production capacity over the entire dam system the erection of this dam to impound the waters in floodtime will bring.

Mr. STARNES of Alabama. If I recall correctly, the construction of this dam, with the consequent impounding of the waters behind the dam to furnish prime power and storage capacity, plus the power made available with the steam plant, will raise the prime power in the Tennessee Valley area from 683,000 kilowatts to 903,000 kilowatts. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired; all time has expired. The Clerk will read.

The Clerk read as follows:

Resolved, etc., That the sum of $25,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, as an additional amount to carry out the provisions of the Tennessee Valley Authority Act of 1933, approved May 18, 1933, as amended by the acts approved August 31, 1935, and July 26, 1939, including the funds necessary to begin construction of a dam on the Holston River near Jefferson City, Tenn.; to begin installation of two additional electric generating units at Wilson Dam, Alabama, and one additional electric generating unit at Pickwick Landing Dam, Tennessee; and to begin construction of steam electric generating facilities with a rated capacity of approximately 120,000 kilowatts in the area served by the Authority; and the acquisition of necessary land, the clearing of such land, relocation of highways, and the construction or purchase of transmission lines and other facilities, and all other necessary works authorized by such acts, and for printing and binding, lawbooks, books of reference, newspapers, periodicals, purchase, maintenance, and operation of passenger-carrying vehicles, rents in the District of Columbia and elsewhere and all necessary salaries and expenses connected with the organization, operation, and investigations of the Tennessee Valley Authority, and for examination of estimates of appropriations and activities in the field: *Provided*, That the foregoing appropriation shall be in addition to and shall be covered into and accounted for as a part of the Tennessee Valley Authority Fund, 1941, as established by the Independent Offices Appropriation Act, 1941: *Provided further*, That purchases may be made by the Authority during the fiscal year 1941 without regard to the provisions of section 3709 of the Revised Statutes and section 9 (b) of the Tennessee Valley Authority Act, as amended, when in the judgment of the Board of Directors of the Authority such a procedure will expedite the completion of projects determined to be essential for national-defense purposes by the Advisory Commission of the Council of National Defense.

Mr. WOODRUM of Virginia. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. WOODRUM of Virginia: On page 3, line 4, after "Defense", insert the following: "*Provided further*, That the extent and location of the transmission lines provided for herein shall receive the approval of such Commission."

Mr. TABER. Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. TABER as a substitute for the amendment offered by Mr. WOODRUM of Virginia: On page 3, line 4, after "Defense", insert the following: "*Provided further*, That the extent and location of the transmission lines provided for herein shall be limited to the present service area except for such national-defense projects as receive the approval of such Commission."

Mr. TABER. Mr. Chairman, I have offered this amendment to limit the operations resulting from this additional program to the present service area, except where power may be required for national defense. This is the difference between the amendment offered by the gentleman from Virginia and my own amendment.

Mr. WOODRUM of Virginia. Mr. Chairman, the difficulty with the substitute would consist of not being able to define the area. We are told by the engineers and the experts who worked on this and considered language almost identical with the language in the amendment offered by the gentleman from New York [Mr. TABER], it being desired to place a limitation in the joint resolution which would prevent the T. V. A. from expanding their transmission lines outside their present workable area—that their program is extended over so many counties and in so many different directions and under such varied circumstances that the authorities would run into almost hopeless confusion when they undertook to define the phrase "present service area" as used in the gentleman's amendment.

I may say that this amendment which I have offered was discussed with the power people, the coal people, the T. V. A., and the Advisory Commission, and it was felt that this language requiring any extension of service lines to be approved by the Advisory Commission of the Council of National Defense, would be sufficiently restrictive and would be a satisfactory solution; so I hope the substitute amendment offered by the gentleman from New York will not be adopted, and that the amendment which I have offered will be agreed to.

Mr. JENKINS of Ohio. Mr. Chairman, I ask unanimous consent that committee amendment and the substitute therefor may again be reported.

The CHAIRMAN. Without objection, the Clerk will again report the two amendments.

There was no objection.

The Clerk again read the Woodrum of Virginia and the Taber amendments.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York as a substitute for the committee amendment offered by the gentleman from Virginia.

The substitute amendment was rejected.

The CHAIRMAN. The question now recurs on the committee amendment offered by the gentleman from Virginia.

The committee amendment was agreed to.

Mr. DIRKSEN. Mr. Chairman, I offer two amendments and ask unanimous consent that they be considered together.

Mr. WOODRUM of Virginia. We do not know what the amendments are, Mr. Chairman, and should like to have them reported first.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. DIRKSEN: On page 1, line 8, strike out the last two words of line 8, all of line 9, and the first two words of line 10, and on page 2, lines 4 and 5, strike out the words "one hundred and twenty" and insert "two hundred and forty."

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois that the two amendments be considered together?

There was no objection.

Mr. DIRKSEN. Mr. Chairman, the purport of the two amendments is very simple. The first one strikes out the authority to build the Cherokee Dam on the Holston River, and the second one increases the amount of electrical energy to be generated by steam from 120,000 to 240,000.

When you strip this whole thing of all hysteria and the fine, impassioned speeches that have been made here today, this is the whole thing in a nutshell. Mr. Knudsen says it takes 5 tons of aluminum to produce an airplane. Mr. Knudsen says also that in 1942 we will be short approximately 60,000,000 pounds of aluminum. Therefore, something must be done to provide aluminum with which to produce airplane castings. Everybody agrees with that and goes along with

it wholeheartedly. He then turns to Mr. Stettinius who is purveying and providing raw materials, and Mr. Stettinius, looking over the situation as to where an adequate supply of aluminum can be procured, takes into his confidence Mr. Gano Dunn, power consultant, and others and they decide that in order to produce that amount of aluminum they need additional power. That is where we come to a divergence of views. They need aluminum for aluminum castings and they need power with which to produce the aluminum, and the question for us to determine today is where and how shall the power be generated. Mr. Dunn says it should be generated by hydro and steam to cost over all $65,800,000. Here is an alternative proposal to generate this power with steam for which we can spend $25,000,000 for two steam plants and generate the same amount of power.

You want the proof? Let me establish how the gentleman from Alabama, my good friend [Mr. STARNES], was talking by the card and, certainly, not according to the facts, because here is a letter that Mr. Dunn sent to Mr. Stettinius on July 1, 1940, at page 10 of the hearings:

> The net amount of increased power made available by the 300,000 kilowatts of installed capacity is in the neighborhood of 220,000 kilowatts.

The net increase will be 220,000 kilowatts. That is O. K. with me and I go along with it wholeheartedly. So here is an amendment to provide 20,000 more kilowatts than the net that Mr. Dunn himself expects from this kind of installation. If that is not going along with the program, I do not know what the Congress could do in order to persuade everybody of their interest in a program of this kind. They want 220,000 kilowatts of power. We will give them 240,000 with this amendment. We will give that 240,000 at an infinitely less cost and at the same time confer a service on the taxpayers of the country and fully subserve every interest of national defense as Mr. Knudsen and Mr. Stettinius have given it to a committee of the Congress.

Mr. JENKINS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Ohio.

Mr. JENKINS of Ohio. In addition to that, according to the gentleman's amendment, all that power will be primary or constant power ready every day in the year.

Mr. DIRKSEN. Definitely, it will be prime power in the sense it will be on tap 24 hours a day and 365 days in the year, and besides that, if time is of the essence of this thing, Mr. Dunn himself has stated before the committee that a steam plant can be completed in 18 months, while this dam may take 2 years or it may take 3 years.

I think this proposal will more nearly serve national defense than the proposal brought to us by the committee. So there is the situation in a nutshell for your disposition. [Applause.]

Mr. WOODRUM of Virginia. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 15 minutes, and I want the last 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BENDER and Mr. RANKIN rose.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. BENDER].

Mr. BENDER. Mr. Chairman, I am sorry I have not as much influence with the Chairman as the gentleman from Mississippi [Mr. RANKIN], but it is all right. I will take my 5 minutes any time I can get them.

So fanatical has T. V. A. been in the last few years to spend for public ownership and operation of the electrical business that it today finds itself with more market than it can actively serve in a year of low water. In fact, today it is purchasing large blocks of off-peak power from utilities in order to conserve what little water it has. Now confronted with a national emergency and heavy demands on its power for the development of the manufacture of aluminum for our airplanes, it is unable to fulfill its principal obligations of assisting the national defense by its own confessions.

Two or three years will be required before the installation now under consideration will be generating power. Had T. V. A. fulfilled its moral and legal obligations to prepare to meet the demands of national defense this agency would not now be in the embarrassing position of coming before Congress with the confession of mismanagement.

As to actual shortage of power in this dry year there can be no question, and unless the fall rains begin early they will be confronted with a serious problem by November.

I suppose it would be unwise to oppose this appropriation without qualification, but it certainly is apparent that the management of T. V. A. has been remiss in its duties by ignoring the national-defense factor and it has purchased more and more markets for its load in the blithe assurance that if its national-defense activities should arise Congress would meekly accord it more funds for more generating capacity.

It is amusing to me to hear these new dealers paying tribute to some of the economic royalists whom they have been ignoring or denouncing for the last 8 years. When Mr. Knudsen and Mr. Stettinius and all the rest of them gave you advice about the New Deal and its experiments you threw their advice and recommendations out the window.

Mr. Knudsen has been quoted here as saying that 5 tons of aluminum are required for every airplane. I understand from the testimony that Mr. Knudsen says that 5,000 pounds are necessary. There are 2,000 pounds in a ton, and I believe that is exactly what is required—about two and a quarter or two and a half tons, instead of 5 tons, as has been represented. You know the Tennessee River flows through five States and drains the entire Nation. During the years 1940, 1941, and 1942 we have been asked to appropriate and we are appropriating approximately $240,000,000 to operate the T. V. A., and what is happening to that money and what returns are we getting on our investment? Judge LEAVY points out, and Representative ANGELL pointed out the other day, that at Bonneville we have a great opportunity to produce aluminum, because of that vast power plant there. It is not being used, or taken advantage of, and I say it is wrong for these people to come in here, under the guise of national defense that they ignored, asking for this appropriation at this late hour. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. RANKIN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Illinois [Mr. DIRKSEN], which would eliminate the authorization for the construction of this dam by the Tennessee Valley Authority.

I have been in this House for many years, and have observed many interesting spectacles, but never have I witnessed so many suicidal confessions on the part of Republican members, in the light of their records on the power question, as I have seen today. They have quoted and requoted the testimony of Mr. Gano Dunn whom they regard as an authority on this subject, in which he says:

> Steam power is cheaper than water power.

I have said time and time again that electricity could be generated, with either coal, oil, or gas, and distributed at the T. V. A. yardstick rates, to the people in every section of every State in the Union without loss on legitimate investments.

These Members now arise and quote the statement of Mr. Dunn, an authority on this question, to the effect that electricity can be generated more cheaply with steam than with water power. When they do that, they confess that they have been wrong and I have been right, when I have contended that

electricity could be generated with gas, coal, oil, or water power and distributed to the ultimate consumers throughout the entire country at the T. V. A. yardstick rates, thereby saving the American people approximately $1,000,000,000 a year on their light and power bills.

Now these worthy gentlemen are compelled to confess their errors. The gentleman from Illinois [Mr. DIRKSEN], in order to save his face with the people of Illinois, must now go back home and get down on his knees, so to speak, and confess to the people of Illinois that he was wrong, and that I was right, when I stated that the people of Illinois were overcharged $69,000,000 a year for their electric lights and power. Think of it. For electricity generated in Illinois, by Illinois coal, or Illinois water power, the people of the State of Illinois are forced to pay the enormous overcharge of $69,000,000 a year, according to the T. V. A. rates, $79,000,000 a year according to the Ontario rates, and $85,000,000 a year according to the Tacoma, Wash., rates. In 30 years it would amount to more than twice the amount of the indemnity Germany imposed on France in 1871.

The gentleman from Ohio [Mr. JENKINS], the gentleman from Ohio [Mr. BENDER], and all the other Republican Members from that State who have fought the T. V. A. and the administration's power policies generally must now go back to the people of Ohio and confess that they have been wrong and that I have been right, and that the people of Ohio are paying an overcharge of $47,000,000 a year for their own electricity, generated in the State of Ohio with Ohio coal and Ohio water power. That is more than the value of the entire wheat crop of Ohio.

The stentorian gentleman from Wisconsin [Mr. SCHAFER] and his colleague [Mr. BOLLES], who is continuously sniping at the T. V. A., must now go back to the people of Wisconsin and confess that they have been wrong and that I have been right in my contention that the people of Wisconsin are overcharged $20,000,000 a year for their electric lights and power, because this power can be generated in Wisconsin with either coal or water power and distributed to the people of Wisconsin at the T. V. A. yardstick rates, after paying all overhead expenses together with a reasonable return on legitimate investments.

You Republican Members from Indiana must now go back home and confess to the people of Indiana that you have been wrong and I have been right in my contention that the people of Indiana are overcharged more than $24,000,000 a year for their electric lights and power, which is more than the value of the wheat crop of the entire State.

The gentleman from Massachusetts [Mr. GIFFORD], who referred to me in his address, and all the other Republicans from Massachusetts who have opposed the T. V. A. and the power policies of this administration generally must now go back to the people of Massachusetts and confess to them that they have been wrong and I have been right in my contention that the people of Massachusetts are overcharged $44,000,000 a year for their electric lights and power.

It must be humiliating indeed to the distinguished gentleman from New York [Mr. TABER] to have to accept this statement of Mr. Dunn and go back to the people of New York and acknowledge that he has been wrong and I have been right in my contention that the people of the State of New York are overcharged $157,000,000 a year for their electricity according to the T. V. A. rates, $179,000,000 according to the Tacoma rates, and $176,000,000 a year according to the Ontario rates.

This power can be generated with either coal, oil, or water power anywhere in the State of New York approximately as cheaply, as it is being generated with water power on the Tennessee River, the Colorado River, or the Columbia River, according to the testimony of Mr. Gano Dunn.

Then, where does this $157,000,000 to $176,000,000 of annual overcharges the people of New York have to pay—where does it go? It costs just as much to distribute electricity generated by water power as it does to distribute it when generated with oil, or gas, or wood, or corn cobs—and no more. But the people of New York, after paying all the operating expenses, after allowing for taxes, sinking funds, depreciation, and reasonable returns on legitimate investments, are still required to pay this annual overcharge ranging from $157,000,000 according to the T. V. A. rates, to $176,000,000, according to the Ontario rates—for which they get nothing in return.

Several years ago I said on the floor of this House that electricity could be generated with coal about as cheaply as with water power. The distinguished gentleman from Pennsylvania [Mr. RICH] took issue with me and demanded that I submit the proof. Now, he comes in, quotes the words of Mr. Dunn to the effect that steam power is cheaper than water power, and uses that as an argument against the building of this dam, overlooking the fact that this dam will be conserving a great natural resource, while burning coal would be exhausting one; overlooking the fact that in addition to contributing to the national defense, this dam will help to control floods, conserve the soil, protect the growing timber, and supply water for the generation of power at the dams below.

But the most remarkable thing about this statement of the gentleman from Pennsylvania [Mr. RICH] is his walking into the trap and inferentially confessing that he has been wrong and I have been right in my contention that the people of Pennsylvania are overcharged $72,000,000 a year for their electric lights and power according to the T. V. A. rates, $76,000,000 according to the Ontario rates, and $105,000,000 according to the Tacoma, Wash., rates. He must now go back to the people of Pennsylvania and admit to them that they can generate power with Pennsylvania coal anywhere in that State as cheaply as it can be generated with waterpower, and that it can be distributed at the T. V. A. yardstick rates, or the Ontario rates or the Tacoma rates to every consumer in Pennsylvania, without loss on legitimate investments.

Why, Mr. Chairman, in 1871, when the German Army crushed the French Republic, the German Empire imposed upon France an indemnity of $1,000,000,000, which the people of France were required to pay within 30 years. Yet the people of New York, the people of Pennsylvania, the people of Michigan, the people of Illinois, the people of Ohio, Massachusetts, or New Jersey—the people of any one of these States, are paying overcharges for electric lights and power that, in 30 years, will amount to far more than the indemnity imposed by Germany upon the conquered republic of France.

In 30 years these overcharges in Pennsylvania would amount to more than $2,000,000,000; in 30 years these overcharges in Illinois would amount to more than $2,000,000,000; in 30 years these overcharges for electricity in the State of New York would amount to more than $4,000,000,000; in Ohio these overcharges in 30 years would amount to $1,400,000,000. In Michigan they would amount in 30 years to $1,200,000,000, and in New Jersey or Massachusetts they would amount to more than $1,500,000,000.

I have listened to the gentleman from New Jersey [Mr. MCLEAN] and other Republican Members from New Jersey, not only opposing this measure but opposing every other measure affecting the Tennessee Valley Authority. They must now go back to the people of New Jersey and admit that they have been wrong and I have been right in my contention that electricity could be supplied to every consumer in that State at the T. V. A. yardstick rates, which would save the consumers of New Jersey more than $47,000,000 a year, according to the T. V. A. rates; more than $56,000,000, according to the Ontario rates; and more than $63,000,000 a year, according to the Tacoma, Wash., rates. Unless we can get them relief from these exorbitant rates, the people of New Jersey alone will pay in overcharges in 30 years far more than the $1,000,000,000 indemnity Germany imposed on France in 1871.

All you Republican Members who have fought me on this issue must now go back home, confess your errors, and tell the people of your States that you have been wrong and that I have been right in my contention that the American people are overcharged approximately $1,000,000,000 a year for their electric lights and power, as the following table will show.

TABLE 1.—*Total electric sales for ultimate consumption, 1938*

State	Estimated sales data for 1938			Estimated revenues and consumer savings under rates in effect in—					
				Tennessee Valley Authority		Tacoma, Wash.		Province of Ontario, Canada	
	Number of customers	Total kilowatt-hours	Total revenues	Revenues	Overcharges	Revenues	Overcharges	Revenues	Overcharges
Alabama	227,517	1,353,415,000	$21,504,052	$14,203,547	$7,300,505	$11,117,368	$10,386,684	$13,248,836	$8,255,216
Arizona	64,360	417,176,000	7,983,960	3,664,696	4,319,264	2,895,926	5,088,034	3,478,845	4,505,115
Arkansas	136,552	472,128,000	11,868,951	6,187,408	5,681,543	4,962,367	6,906,584	4,600,354	7,268,597
California	2,040,466	8,177,854,000	152,273,910	119,331,903	32,942,007	95,331,778	56,942,132	111,935,916	40,337,994
Colorado	226,545	581,891,000	17,802,306	9,269,371	8,532,935	7,544,875	10,257,431	8,203,424	9,598,882
Connecticut	491,754	1,284,372,000	38,986,091	21,380,153	17,605,938	16,491,660	22,494,401	18,725,507	20,260,584
Delaware	52,222	189,493,000	4,451,948	2,446,496	2,005,452	1,986,869	2,465,079	2,198,379	2,253,569
District of Columbia	157,325	710,877,000	12,960,335	9,934,858	3,025,477	8,408,115	4,552,220	8,864,071	4,096,264
Florida	304,520	822,238,000	28,347,451	12,851,303	15,496,148	10,873,163	17,474,288	11,089,603	17,257,848
Georgia	273,925	1,517,731,000	28,196,918	17,170,507	11,026,411	13,977,940	14,218,978	15,622,004	12,574,914
Idaho	100,656	585,330,000	8,475,119	4,978,110	3,497,009	3,927,547	4,547,572	4,572,773	3,902,346
Illinois	2,195,590	6,936,786,000	161,177,634	91,262,377	69,915,257	75,697,361	85,480,273	81,442,602	79,735,032
Indiana	758,043	2,476,349,000	58,634,803	34,524,525	24,110,278	28,308,885	30,325,918	31,326,109	27,308,694
Iowa	487,723	1,212,592,000	32,676,846	18,215,149	14,461,697	15,230,461	17,446,385	16,221,662	16,455,184
Kansas	342,294	952,000,000	24,692,966	13,918,271	10,774,695	11,483,545	13,209,421	12,448,429	12,244,537
Kentucky	297,516	934,158,000	22,563,974	13,649,563	8,914,411	11,043,513	11,520,461	12,527,974	10,036,000
Louisiana	258,700	939,577,000	20,716,925	11,253,054	9,463,871	8,861,139	11,855,786	10,305,637	10,411,288
Maine	202,707	818,603,000	14,026,488	7,747,721	6,278,767	6,217,950	7,808,538	7,092,029	6,934,459
Maryland	377,033	1,560,193,000	32,012,400	18,820,992	13,191,408	15,403,831	16,608,569	17,062,812	14,949,588
Massachusetts	1,268,924	2,744,451,000	87,941,621	43,454,530	44,487,091	36,663,560	51,278,061	37,834,398	50,107,223
Michigan	1,309,501	4,334,243,000	98,411,598	58,381,178	40,030,420	48,996,575	49,415,023	50,815,065	47,596,533
Minnesota	544,430	1,475,258,000	39,260,406	22,828,100	16,432,306	18,924,425	20,335,981	20,197,023	19,063,383
Mississippi	108,828	366,132,000	9,976,497	5,327,058	4,649,439	4,293,965	5,682,532	4,895,346	5,081,151
Missouri	725,134	2,450,217,000	54,277,898	33,272,487	21,005,411	27,687,599	26,590,299	29,713,012	24,564,886
Montana	121,185	1,283,681,000	12,383,154	8,267,743	4,115,411	6,260,075	6,123,079	7,963,192	4,419,962
Nebraska	229,129	604,093,000	16,928,989	9,829,820	7,099,169	8,232,807	8,696,182	8,784,164	8,144,825
Nevada	21,161	100,294,000	2,377,033	1,435,448	941,585	1,155,802	1,221,231	1,356,239	1,020,794
New Hampshire	140,355	284,275,000	9,427,843	4,870,022	4,557,821	3,909,970	5,517,873	4,394,394	5,033,449
New Jersey	1,217,363	2,894,399,000	93,718,647	45,641,305	48,077,342	38,144,037	55,574,610	39,982,271	53,736,376
New Mexico	45,026	86,227,000	3,708,493	1,535,553	2,172,940	1,345,718	2,362,775	1,337,789	2,370,704
New York	3,948,993	12,533,482,000	315,363,963	157,491,530	157,872,433	135,502,280	179,861,683	138,680,881	176,683,082
North Carolina	329,842	1,930,127,000	32,841,639	21,258,927	11,582,712	16,356,699	16,484,940	20,343,485	12,498,154
North Dakota	78,862	133,041,000	5,334,909	2,597,702	2,737,207	2,290,611	3,044,298	2,220,255	3,114,654
Ohio	1,730,397	6,027,100,000	131,084,622	83,212,635	47,871,987	67,116,491	63,968,131	75,051,353	56,033,269
Oklahoma	289,758	934,645,000	23,959,480	12,506,812	11,452,668	8,494,791	15,464,689	11,284,465	12,675,015
Oregon	278,965	1,030,117,000	20,086,066	13,671,592	6,414,474	11,068,879	9,017,187	12,470,054	7,616,012
Pennsylvania	2,365,768	9,687,374,000	198,143,535	125,629,965	72,513,570	93,139,291	105,004,244	121,307,928	76,835,607
Rhode Island	199,466	528,535,000	15,568,308	8,032,381	7,535,927	5,857,637	9,710,671	7,334,334	8,233,974
South Carolina	136,336	1,037,410,000	16,075,821	10,355,884	5,719,937	7,900,761	8,175,060	9,945,941	6,129,880
South Dakota	87,351	157,498,000	6,318,130	2,986,941	3,331,189	2,588,963	3,729,167	2,601,633	3,716,497
Tennessee	288,300	1,294,358,000	25,742,724	18,468,437	7,274,287	14,900,146	10,842,578	16,835,145	8,907,579
Texas	840,627	2,889,172,000	69,243,509	38,146,547	31,096,962	26,923,305	42,320,204	34,261,783	34,981,726
Utah	118,637	680,271,000	11,653,174	7,225,560	4,427,614	5,552,716	6,100,458	6,760,098	4,893,076
Vermont	88,722	192,365,000	6,425,012	3,633,383	2,791,629	2,802,938	3,622,074	3,438,715	2,986,297
Virginia	332,449	1,195,093,000	27,788,391	16,686,808	11,101,583	13,549,229	14,239,162	15,077,497	12,710,894
Washington	474,471	2,342,699,000	34,067,104	23,574,839	10,492,265	19,793,159	14,273,945	21,443,757	12,623,347
West Virginia	245,610	1,439,003,000	25,839,078	15,721,888	10,117,190	12,290,979	13,548,099	14,830,146	11,008,932
Wisconsin	690,394	2,127,548,000	49,483,978	28,625,736	20,858,242	23,339,268	26,144,710	25,741,082	23,742,896
Wyoming	39,000	106,996,000	3,658,534	1,569,671	2,088,863	1,295,573	2,362,961	1,418,463	2,240,071
Total	27,290,432	94,832,867,000	2,146,443,233	1,257,050,486	889,392,747	1,016,142,572	1,130,300,661	1,139,286,874	1,007,156,359

These overcharges are in addition to all operating expenses and reasonable returns on legitimate investments. Let the people of every State read them, analyze them, and understand them, and they will realize that we are paying a tribute, an indemnity, if you please, to this organized juggernaut known as the Power Trust amounting to approximately $1,000,000,000 a year, the amount the French people were required to pay as result of the War of 1871. They paid it within 30 years. In the next 30 years, unless your people get relief from these exorbitant rates they will pay tributes in overcharges for their electric lights and power alone that will amount to approximately $30,000,000,000.

When you confess and prove by such outstanding authority as Mr. Dunn that electricity can be generated in any one of these States as cheaply with coal as with water power, you clinch the last argument in favor of my contention that we can force light and power rates down to the T. V. A. rates, to the Tacoma rates, or to the Ontario rates, without injury to legitimate investments, and save the American people overcharges that amount to approximately $1,000,000,000 a year.

In order that consumers of electricity in every State may make their own comparisons, I am also inserting the tables showing the overcharges the consumers in all three classes, residential, commercial, and industrial, paid in every State in the Union, and in the District of Columbia during the year 1938.

TABLE 2.—*Residential electric sales, 1938*

State	Estimated sales data for 1938			Estimated revenues and consumer savings under rates in effect in—					
				Tennessee Valley Authority		Tacoma, Wash.		Province of Ontario, Canada	
	Number of customers	Total kilowatt-hours	Total revenues	Revenues	Overcharges	Revenues	Overcharges	Revenues	Overcharges
Alabama	165,236	189,972,000	$5,788,628	$4,063,617	$1,725,011	$3,351,616	$2,437,012	$2,894,314	$2,894,314
Arizona	41,973	38,192,000	1,857,716	800,676	1,057,040	659,489	1,198,227	570,319	1,287,397
Arkansas	92,587	65,458,000	3,475,153	1,633,322	1,841,831	1,344,884	2,130,269	1,160,701	2,314,452
California	1,403,075	1,189,108,000	41,152,607	28,683,367	12,469,240	23,621,596	17,531,011	20,411,693	20,740,914
Colorado	172,159	120,337,000	6,115,416	3,100,516	3,014,900	2,556,244	3,559,172	2,207,665	3,907,751
Connecticut	419,438	382,151,000	16,457,291	9,331,284	7,126,007	7,685,555	8,771,736	6,632,288	9,825,003
Delaware	44,102	36,826,000	1,792,819	891,031	901,788	733,263	1,059,556	634,658	1,158,161
District of Columbia	134,726	142,891,000	3,990,953	3,480,111	510,842	2,805,504	1,125,449	2,478,382	1,512,571
Florida	235,867	247,973,000	12,034,778	5,632,276	6,402,502	4,645,424	7,389,354	4,007,581	8,027,197
Georgia	219,654	289,675,000	8,882,341	5,551,463	3,330,878	4,574,406	4,307,935	3,952,642	4,929,699
Idaho	62,985	95,090,000	$2,685,657	$1,579,166	$1,106,491	$1,299,858	$1,385,799	$1,125,290	$1,560,367
Illinois	1,737,790	1,298,790,000	56,123,586	34,179,264	21,944,322	28,174,040	27,949,546	24,357,636	31,765,950
Indiana	576,192	442,201,000	19,368,027	11,310,928	8,057,099	9,316,021	10,052,006	8,057,099	11,310,928

TABLE 2.—*Residential electric sales, 1938*—Continued

State	Estimated sales data for 1938			Estimated revenues and consumer savings under rates in effect in—					
	Number of customers	Total kilowatt-hours	Total revenues	Tennessee Valley Authority		Tacoma, Wash.		Province of Ontario, Canada	
				Revenues	Overcharges	Revenues	Overcharges	Revenues	Overcharges
Iowa	372,128	263,017,000	$12,217,167	$6,609,487	$5,607,680	$5,448,856	$6,768,311	$4,703,609	$7,513,558
Kansas	266,194	204,048,000	9,107,086	5,008,897	4,098,189	4,125,510	4,981,576	3,569,978	5,537,103
Kentucky	224,401	169,457,000	6,881,952	4,177,345	2,704,607	3,440,976	3,440,976	2,973,003	3,908,949
Louisiana	209,574	126,737,000	7,027,338	3,513,669	3,513,669	2,895,263	4,132,075	2,501,732	4,525,606
Maine	140,584	98,142,000	4,826,611	2,413,306	2,413,305	1,988,564	2,838,047	1,718,274	3,108,337
Maryland	304,582	245,677,000	10,288,792	6,245,297	4,043,495	5,144,396	5,144,396	4,444,758	5,844,034
Massachusetts	1,064,743	686,200,000	35,124,729	18,159,485	16,965,244	14,963,135	20,161,594	12,890,776	22,233,953
Michigan	1,090,584	1,093,070,000	36,801,377	25,135,340	11,666,037	20,682,374	16,119,003	17,885,469	18,915,908
Minnesota	425,161	397,751,000	14,427,547	8,945,079	5,482,468	7,372,477	7,055,070	6,376,976	8,050,571
Mississippi	75,376	64,640,000	2,924,631	1,579,301	1,345,330	1,298,536	1,626,095	1,123,058	1,801,573
Missouri	588,107	516,812,000	19,475,676	12,035,968	7,439,708	9,913,119	9,562,557	8,569,297	10,906,379
Montana	87,043	82,370,000	3,166,860	1,649,934	1,516,926	1,358,583	1,808,277	1,174,905	1,991,955
Nebraska	176,361	144,288,000	6,317,862	3,474,824	2,843,038	2,861,991	3,455,871	2,476,602	3,841,260
Nevada	14,940	16,403,000	661,961	301,192	360,769	247,573	414,388	214,475	447,486
New Hampshire	102,877	69,805,000	3,686,075	1,736,141	1,949,934	1,430,197	2,255,878	1,234,835	2,451,240
New Jersey	1,019,214	708,495,000	37,455,844	18,877,745	18,578,099	15,544,175	21,911,669	13,446,648	24,009,196
New Mexico	32,846	23,601,000	1,348,452	556,911	791,541	458,474	889,978	396,445	952,007
New York	3,214,644	2,216,954,000	108,405,661	58,864,274	49,541,387	48,457,330	59,948,331	41,952,991	66,452,670
North Carolina	208,478	208,760,000	7,652,671	4,530,381	3,122,290	3,734,503	3,918,168	3,229,427	4,423,244
North Dakota	57,063	50,018,000	2,183,358	1,115,696	1,067,662	917,010	1,266,348	792,559	1,390,799
Ohio	1,404,129	1,230,441,000	45,748,718	30,239,903	15,508,815	24,933,051	20,815,667	21,547,646	24,201,072
Oklahoma	214,260	157,927,000	8,192,205	3,948,643	4,243,562	1,267,305	6,924,900	2,809,926	5,382,279
Oregon	182,009	249,265,000	6,667,043	4,506,910	2,360,133	3,546,867	3,120,176	3,066,840	3,600,203
Pennsylvania	1,925,887	1,585,247,000	48,462,484	27,817,466	20,645,018	22,922,755	25,539,729	19,821,156	28,641,324
Rhode Island	169,249	101,176,000	5,971,517	2,758,841	3,212,676	2,269,176	3,702,341	1,964,629	4,006,888
South Carolina	89,057	100,288,000	3,489,551	2,173,990	1,315,561	1,790,140	1,699,411	1,545,871	1,943,680
South Dakota	63,719	52,537,000	2,412,417	1,157,960	1,254,457	952,905	1,459,512	825,047	1,587,370
Tennessee	199,279	257,165,000	7,943,631	6,029,216	1,914,415	4,964,769	2,978,862	4,289,561	3,654,070
Texas	652,799	513,813,000	24,017,173	12,801,153	11,216,020	5,619,706	18,397,467	9,102,509	14,914,664
Utah	92,560	95,385,000	3,518,470	2,075,897	1,442,573	1,709,976	1,808,494	1,477,757	2,040,713
Vermont	61,168	47,491,000	2,346,513	1,142,752	1,203,761	940,952	1,405,561	884,635	1,461,878
Virginia	268,692	269,547,000	10,756,171	6,055,724	4,700,447	4,990,863	5,765,308	4,353,325	6,402,846
Washington	366,641	532,473,000	12,993,159	9,017,252	3,975,907	7,419,094	5,574,065	6,418,621	6,574,538
West Virginia	201,572	159,949,000	6,834,414	3,950,291	2,884,123	3,266,850	3,567,564	2,822,613	4,011,801
Wisconsin	531,011	491,884,000	17,190,413	10,365,819	6,824,594	8,526,445	8,663,968	7,374,687	9,815,726
Wyoming	29,554	20,804,000	1,198,997	507,176	691,821	417,251	781,746	360,898	838,099
Total	21,432,270	17,790,301,000	717,449,498	419,516,286	297,933,212	338,649,047	378,800,451	298,831,806	418,617,692

TABLE 3.—*Commercial electric sales, 1938*

State	Estimated sales data for 1938			Estimated revenues and consumer savings under rates in effect in—					
	Number of customers	Total kilowatt-hours	Total revenues	Tennessee Valley Authority		Tacoma, Wash.		Province of Ontario, Canada	
				Revenues	Overcharges	Revenues	Overcharges	Revenues	Overcharges
Alabama	33,424	176,259,000	$5,175,315	$2,572,132	$2,603,183	$2,717,040	$2,458,275	$2,365,119	$2,810,196
Arizona	8,314	58,638,000	1,982,005	858,208	1,123,797	897,848	1,084,157	790,820	1,191,185
Arkansas	27,816	82,649,000	3,629,179	1,571,435	2,057,744	1,625,872	2,003,307	1,448,042	2,181,137
California	323,013	1,950,900,000	47,140,578	31,018,500	16,122,078	31,914,171	15,226,407	28,567,190	18,573,388
Colorado	36,522	132,244,000	5,701,661	2,565,747	3,135,914	2,588,554	3,113,107	2,195,139	3,506,522
Connecticut	61,635	257,315,000	10,784,892	4,626,719	6,158,173	3,850,206	6,934,686	4,260,032	6,524,860
Delaware	7,248	40,637,000	1,185,932	578,735	607,197	602,453	583,479	532,483	653,449
District of Columbia	21,809	171,029,000	4,182,607	3,166,233	1,016,374	3,350,268	832,339	2,915,277	1,267,330
Florida	53,976	219,220,000	10,268,617	3,943,149	6,325,468	4,045,835	6,222,782	3,624,822	6,643,795
Georgia	50,826	299,373,000	9,259,805	4,500,265	4,759,540	4,657,682	4,602,123	4,148,393	5,111,412
Idaho	13,873	103,456,000	2,054,555	1,027,278	1,027,277	1,047,823	1,006,722	945,095	1,109,460
Illinois	339,421	1,322,079,000	47,322,210	23,945,038	23,377,172	25,412,027	21,910,183	22,099,472	25,222,738
Indiana	101,160	572,313,000	17,128,893	9,266,731	7,862,162	9,694,953	7,433,940	8,547,318	8,581,575
Iowa	83,098	276,014,000	10,574,983	5,467,266	5,107,717	5,689,341	4,885,642	5,033,692	5,541,291
Kansas	55,762	208,819,000	7,584,567	3,860,545	3,724,022	3,989,482	3,595,085	3,549,577	4,035,990
Kentucky	44,369	182,387,000	6,297,244	3,302,728	2,934,516	3,520,159	2,777,085	3,098,244	3,199,000
Louisiana	42,191	146,051,000	5,491,083	2,361,166	3,129,917	2,383,130	3,107,953	2,130,540	3,360,543
Maine	33,850	114,550,000	3,944,001	1,912,840	2,031,161	1,948,336	1,995,665	1,702,968	2,181,033
Maryland	53,002	270,207,000	8,875,260	4,828,141	4,047,119	5,094,399	3,780,861	4,446,505	4,428,755
Massachusetts	200,548	929,013,000	32,221,239	13,081,823	19,139,416	13,565,142	18,656,097	12,050,743	20,170,496
Michigan	170,451	980,869,000	30,495,349	16,101,544	14,393,805	16,863,928	13,631,421	14,820,740	15,674,609
Minnesota	93,135	334,921,000	12,596,273	6,235,155	6,361,118	6,449,292	6,146,981	5,743,900	6,852,373
Mississippi	20,274	75,039,000	3,119,326	1,372,503	1,746,823	1,422,413	1,696,913	1,263,327	1,855,999
Missouri	107,193	531,581,000	17,472,698	9,417,784	8,054,914	9,889,547	7,583,151	8,666,458	8,806,240
Montana	23,419	76,086,000	3,053,869	1,447,534	1,606,335	1,456,696	1,597,173	1,334,541	1,719,328
Nebraska	41,594	141,636,000	5,633,208	2,979,967	2,653,241	3,120,797	2,512,411	2,743,372	2,889,836
Nevada	3,770	26,478,000	829,411	408,900	420,511	424,658	404,753	376,553	452,858
New Hampshire	19,697	67,790,000	2,750,135	1,105,554	1,644,581	1,127,555	1,622,580	1,017,550	1,732,585
New Jersey	194,601	715,735,000	32,572,004	12,833,370	19,738,634	13,289,378	19,282,626	11,823,637	20,748,367
New Mexico	9,615	35,863,000	1,683,663	643,159	1,040,504	663,363	1,020,300	587,598	1,096,065
New York	622,842	3,640,615,000	132,257,427	55,151,347	77,106,080	58,061,010	74,196,417	50,786,852	81,470,575
North Carolina	47,826	255,618,000	7,494,539	4,077,029	3,417,510	4,181,953	3,312,586	3,754,764	3,739,775
North Dakota	19,389	51,000,000	2,325,888	1,030,368	1,295,520	1,072,234	1,253,654	951,288	1,374,600
Ohio	206,491	983,258,000	31,763,967	17,883,113	13,880,854	18,772,504	12,991,463	16,485,499	15,278,468
Oklahoma	58,076	284,248,000	9,137,254	4,175,725	4,961,529	4,303,647	4,833,607	3,846,784	5,290,470
Oregon	39,912	257,588,000	6,579,577	3,599,029	2,980,548	3,671,404	2,908,173	3,316,107	3,263,470
Pennsylvania	305,411	1,117,013,000	25,815,479	13,088,448	12,727,031	13,733,835	12,081,644	12,055,829	13,759,650
Rhode Island	24,819	73,205,000	3,525,327	1,424,232	2,101,095	1,020,232	2,505,095	1,307,896	2,217,431
South Carolina	25,366	103,424,000	3,408,602	1,775,882	1,632,720	1,833,828	1,574,774	1,636,129	1,772,473
South Dakota	18,006	57,282,000	2,588,436	1,149,266	1,439,170	1,182,915	1,405,521	1,058,670	1,529,766
Tennessee	41,382	213,166,000	7,241,728	4,352,279	2,889,449	4,540,563	2,701,165	4,004,676	3,237,052
Texas	143,674	761,772,000	23,905,982	11,785,649	12,120,333	12,263,769	11,642,213	10,853,316	13,052,666
Utah	10,799	68,070,000	2,428,641	1,126,889	1,301,752	1,160,890	1,267,751	1,037,030	1,391,611
Vermont	12,516	29,543,000	1,253,901	564,255	689,646	576,794	677,107	520,369	733,532
Virginia	48,298	243,575,000	7,963,585	3,902,157	4,061,428	4,069,392	3,894,193	3,623,431	4,340,154
Washington	55,196	479,841,000	9,993,570	5,826,251	4,167,319	6,545,788	3,447,782	5,806,264	4,187,306
West Virginia	33,858	178,710,000	5,821,205	3,096,881	2,724,324	3,236,590	2,584,615	2,858,212	2,962,993
Wisconsin	97,682	370,992,000	13,398,701	6,752,945	6,645,756	7,141,508	6,257,193	6,216,997	7,181,704
Wyoming	7,977	25,930,000	1,294,687	477,740	816,947	488,097	806,590	440,194	854,493
Total	4,095,136	19,694,001,000	649,209,058	318,299,634	330,909,424	331,159,301	318,049,757	293,449,454	355,759,604

TABLE 4.—*Industrial and other electric sales for ultimate consumption, 1938*

State	Estimated sales data for 1938			Estimated revenues and consumer savings under rates in effect in—					
	Number of customers	Total kilowatt-hours	Total revenues	Tennessee Valley Authority		Tacoma, Wash.		Province of Ontario, Canada	
				Revenues	Overcharges	Revenues	Overcharges	Revenues	Overcharges
Alabama	28,857	987,184,000	$10,540,109	$7,567,798	$2,972,311	$5,043,712	$5,491,397	$7,989,403	$2,550,706
Arizona	14,073	320,346,000	4,144,239	2,005,812	2,138,427	1,338,589	2,805,650	2,117,706	2,026,533
Arkansas	16,149	324,021,000	4,764,619	2,982,651	1,781,968	1,991,611	2,773,008	1,991,611	2,773,008
California	314,378	5,037,846,000	63,980,725	59,630,036	4,350,689	39,706,011	24,184,714	62,957,033	1,023,692
Colorado	17,864	329,310,000	5,985,239	3,603,108	2,382,121	2,400,077	3,585,152	3,800,620	2,184,609
Connecticut	10,681	644,906,000	11,743,908	7,422,150	4,321,758	4,955,929	6,787,979	7,833,187	3,910,721
Delaware	872	112,030,000	1,473,197	976,730	496,467	651,153	822,044	1,031,238	441,959
District of Columbia	790	396,957,000	4,786,775	3,288,514	1,498,261	2,192,343	2,594,432	3,470,412	1,316,363
Florida	14,677	355,045,000	6,044,056	3,275,878	2,768,178	2,181,904	3,862,152	3,457,200	2,586,856
Georgia	3,435	928,683,000	10,054,772	7,118,779	2,935,993	4,745,852	5,308,920	7,520,969	2,533,803
Idaho	23,798	386,784,000	3,734,907	2,371,666	1,363,241	1,579,866	2,155,041	2,502,388	1,232,519
Illinois	118,379	4,315,917,000	57,731,838	33,138,075	24,593,763	22,111,294	35,620,544	34,985,494	22,746,344
Indiana	80,691	1,461,835,000	22,137,883	13,946,866	8,191,017	9,297,911	12,839,972	14,721,692	7,416,191
Iowa	32,497	673,561,000	9,884,696	6,138,396	3,746,300	4,092,264	5,792,432	6,484,361	3,400,335
Kansas	20,338	539,133,000	8,001,313	5,048,829	2,952,484	3,368,553	4,632,760	5,328,874	2,672,439
Kentucky	28,746	582,314,000	9,384,778	6,109,490	3,275,288	4,082,378	5,302,400	6,456,727	2,928,051
Louisiana	6,935	666,789,000	8,198,504	5,378,219	2,820,265	3,582,746	4,615,758	5,673,365	2,525,139
Maine	28,273	605,911,000	5,255,876	3,421,575	1,834,301	2,281,050	2,974,826	3,610,787	1,645,089
Maryland	19,449	1,044,309,000	12,848,348	7,747,554	5,100,794	5,165,036	7,683,312	8,171,549	4,676,799
Massachusetts	3,633	1,129,238,000	20,595,653	12,213,222	8,382,431	8,135,283	12,460,370	12,892,879	7,702,774
Michigan	48,466	2,260,304,000	31,114,872	17,144,294	13,970,578	11,450,273	19,664,599	18,108,856	13,006,016
Minnesota	26,134	742,586,000	12,236,586	7,647,866	4,588,720	5,102,656	7,133,930	8,076,147	4,160,439
Mississippi	13,178	226,453,000	3,932,540	2,375,254	1,557,286	1,573,016	2,359,524	2,508,961	1,423,579
Missouri	29,834	1,401,824,000	17,329,524	11,818,735	5,510,789	7,884,933	9,444,591	12,477,257	4,852,267
Montana	10,723	1,125,225,000	6,162,425	5,170,275	992,150	3,444,796	2,717,629	5,453,746	708,679
Nebraska	11,174	318,169,000	4,977,919	3,375,029	1,602,890	2,250,019	2,727,900	3,564,190	1,413,729
Nevada	2,451	57,413,000	885,661	725,356	160,305	483,571	402,090	765,211	120,450
New Hampshire	17,781	146,680,000	2,991,633	2,028,327	963,306	1,352,218	1,639,415	2,142,009	849,624
New Jersey	3,548	1,470,169,000	23,690,799	13,930,190	9,760,609	9,310,484	14,380,315	14,711,986	8,978,813
New Mexico	2,565	26,763,000	676,378	335,483	340,895	223,881	452,497	353,746	322,632
New York	111,507	6,675,913,000	74,700,875	43,475,909	31,224,966	28,983,940	45,716,935	45,941,038	28,759,837
North Carolina	73,538	1,465,749,000	17,694,429	12,651,517	5,042,912	8,440,243	9,254,186	13,359,294	4,335,135
North Dakota	2,410	32,023,000	825,663	451,638	374,025	301,367	524,296	476,408	349,255
Ohio	119,777	3,813,401,000	53,571,937	35,089,619	18,482,318	23,410,936	30,161,001	37,018,208	16,553,729
Oklahoma	17,422	492,470,000	6,630,021	4,382,444	2,247,577	2,923,839	3,706,182	4,627,755	2,002,266
Oregon	57,044	523,264,000	6,839,446	5,765,653	1,073,793	3,850,608	2,988,838	6,087,107	752,339
Pennsylvania	134,470	6,985,114,000	123,865,572	84,724,051	39,141,521	56,482,701	67,382,871	89,430,943	34,434,629
Rhode Island	5,398	354,154,000	6,071,464	3,849,308	2,222,156	2,568,229	3,503,235	4,061,809	2,009,655
South Carolina	21,913	843,698,000	9,177,668	6,406,012	2,771,656	4,276,793	4,900,875	6,763,941	2,413,727
South Dakota	5,626	47,679,000	1,317,277	679,715	637,562	453,143	864,134	717,916	599,361
Tennessee	47,639	824,027,000	10,557,365	8,086,942	2,470,423	5,394,814	5,162,551	8,540,908	2,016,457
Texas	44,154	1,613,587,000	21,320,354	13,559,745	7,760,609	9,039,830	12,280,524	14,305,958	7,014,396
Utah	15,278	516,816,000	5,706,063	4,022,774	1,683,289	2,681,850	3,024,213	4,245,311	1,460,752
Vermont	15,038	115,331,000	2,824,598	1,926,376	898,222	1,285,192	1,539,406	2,033,711	790,887
Virginia	15,459	681,971,000	9,068,635	6,728,927	2,339,708	4,488,974	4,579,661	7,100,741	1,967,894
Washington	52,634	1,330,385,000	11,080,375	8,731,336	2,349,039	5,828,277	5,252,098	9,218,872	1,861,503
West Virginia	10,180	1,100,344,000	13,183,459	8,674,716	4,508,743	5,787,539	7,395,920	9,149,321	4,034,138
Wisconsin	61,701	1,264,672,000	18,894,864	11,506,972	7,387,892	7,671,315	11,223,549	12,149,398	6,745,466
Wyoming	1,469	60,262,000	1,164,850	584,755	580,095	390,225	774,625	617,371	547,479
Total	1,763,026	57,348,565,000	779,784,677	519,234,566	260,550,111	346,334,224	433,450,453	547,005,614	232,779,063

According to the expert testimony which you gentlemen have quoted, with approval, and which has not been denied, these overcharges are really greater than these tables indicate.

Mr. Speaker, I am for national defense, but I am also for protecting the American people from such ruthless racketeering as they are being subjected to at the hands of these utilities.

If a foreign power should come and threaten war against the United States unless we paid them an indemnity of $1,000,000,000, we would rise as one man and drive such an enemy from our shore. Yet, when these ruthless racketeers attempt to get control of the water power of this Nation, monopolize the electric industry, and wring a billion dollars a year in overcharges from the helpless consumers of electric lights and power, those of us who raise our voices in protest, those of us who are fighting this battle of the century for justice to these electric consumers, find ourselves opposed by the very members who are supposed to represent the people who are the worst plundered by these overcharges.

While we are preparing against dangers from without, let us not forget that our country, our form of government, our institutions, the very peace, happiness, and prosperity of the American people we are here to represent, are being threatened by this greater danger from within.

This amendment should be defeated, and the bill should pass as presented by the committee.

I am not one of those men who are expecting my country to be attacked from without. I know the unsurmountable obstacles a foreign power would have to overcome to ever land an Army upon American shores. But I believe in preparing my country to defend itself against any antagonist, or combination of antagonists, that might be sent against us, now or in the years to come. In order to do that we must have the strongest air force on earth. We should have had it long ago. They tell us that this dam is absolutely necessary in order to supply the aluminum to make the planes.

Therefore, this amendment should be defeated, and the bill as reported by the committee should be passed by a unanimous vote.

But while we are thus preparing to defend ourselves against enemies from without, we must continue our drive against these enemies at home until we wipe out these exorbitant overcharges the helpless consumers of this country are now paying for their electric lights and power. [Applause.]

Mr. VAN ZANDT. Mr. Chairman, as one keenly interested in the national defense of our country, I want to make a few observations on this measure because it is designed to provide additional facilities to expedite national defense.

By expanding the T. V. A. with the construction of dams, power plants, generators, and so forth, sufficient power will be generated to produce additional aluminum necessary for the construction of aircraft.

My first observation leads me to believe we are unwise in confining our expansion program to one particular area in our desire to secure the necessary aluminum for national-defense purposes. A number of my colleagues stated very emphatically that the aircraft industry depends on the aluminum plant as well as the dams, powerhouses, and so forth, located in the T. V. A. area.

A moment ago I said it was unwise to confine such necessary part of our national defense in the same area because of the possibility of attack in the event of war. Who can deny that one bomber with his cargo of death and destruction could not wipe out the entire T. V. A. area as it exists today?

Therefore I favor the construction of a series of power plants conveniently located throughout the different areas designated by the War Department as those inland areas safest from attack.

Gentlemen, it is simply a question of heeding the age-old advice: "Don't put all your eggs in one basket."

My next observation is the time element required to construct the dams as compared to the time required to construct steam plants. It has been said here this afternoon that there will be a shortage of aluminum for national-defense purposes to the extent of 60,000,000 pounds by July 1, 1942. In other words, nearly 2 years from now we will be faced with this shortage.

My colleague from Virginia [Mr. WOODRUM] stated here some weeks ago that it will require 2 years to construct the proposed dam on the Holston River. From other sources I learn it will take from 2 to 3 years. If time is an element as everyone agrees, why not construct immediately steam power plants strategically located in the Central United States that can be completed and in operation in exactly 18 months?

Let us look at the facts. This Holston River dam will be built at a total cost of $35,000,000 and will take from 2 to 3 years to complete. It will have to depend on floodwaters or, in other words, the weather element to produce 90,000 kilowatt-hours of energy annually.

One steam plant erected at a cost of $10,500,000 in a period of 18 months can produce 120,000 killowatt-hours annually without placing any dependency on floodwaters, weather element, or any other contingency.

Gentlemen, here is the picture.

One dam costs $35,000,000, produces 90,000 kilowatt-hours annually, while for the same amount you can construct 3 steam-power plants that will each produce 120,000 kilowatt-hours annually.

Once again I want to repeat if you centralize all of your plants, dams, and so forth in the T. V. A. area you are not adhering to sound military preparedness and you are becoming an easy target for attack.

The War Department furnished in a memorandum their idea of areas in which plants could be safely located and less liablie to attack. The T. V. A. is located in area E which includes part of Tennessee, Mississippi, Arkansas, Louisiana, Texas, Oklahoma, and westward.

The three plants I mentioned a moment ago could be located at strategic points in area B, which comprises Ohio, southwestern Pennsylvania, West Virginia, western portion of Virginia, and eastern Kentucky. In area B you are in the middle of one of the greatest bituminous coal areas in the United States. Prominent engineers will tell you power can be produced cheaper by coal than by water.

Therefore, in the interest of giving the American people 100 cents out of every dollar appropriated for national defense, let us realize that by the construction of a steam-power plant at the front door of a coal mine with an adjacent river the American people are given the type of national defense to which they are entitled and at a minimum cost.

Mr. WOODRUM of Virginia. Mr. Chairman, I hope we will forget about electric-power rates and our antipathies toward the Tennessee Valley Authority and try to get back once more to where we started—the issue in this case.

I will confess that I do not know how much aluminum we will be short in 1942 for the airplane program. I do not know how much aluminum is required to make a plane. I do not know whether there is power available or not. I would not ask this House to decide whether it ought to be hydroelectric power or a steam-generating plant or both on anything I say about it, because I do not know anything about it except from the information I get from people who I think do know about it. Every scintilla of evidence in this record from Mr. Knudsen, Mr. Stettinius, Mr. Dunn, and everybody else nails down the fact that we need aluminum, and that the only way we can get aluminum is to have more power to produce it, and that the Tennessee Valley Authority is the logical place to do it. There is not any getting away from that. Certainly Mr. Knudsen said he was not a power expert, but he had drawn about him men who are power experts. He had conferred with them and collaborated with them, and he was ready to accept their program and come to Congress and endorse it, and he did endorse it enthusiastically.

Now, I want to read you a letter from the chief engineer of the T. V. A. on the question directly at issue, whether you should cut out this hydroelectric dam and do it all by steam power. Here is what Colonel Parker said about it:

> The Cherokee Dam is upstream from nine generating plants on the Tennessee River, either operating or under construction, having an aggregate head of over 500 feet. Its own head will be nearly 150 feet, making a total head of about 650 feet over which can be used the water stored behind Cherokee Dam. In combination with the generating units to be installed downstream, and with the proposed steam plant, additional continuous power will be generated at a cost slightly over 1.5 mills per kilowatt-hour, which is an extremely low figure.
>
> The minimum cost of producing firm power at an independent steam plant would not be much less than 3.5 mills per kilowatt-hour.

That is, 1.5 with this dam upstream getting the benefit of these generating units downstream, against 3.5 mills if you undertook to make it wholly a steam-generating plant.

> The combination of steam and hydroelectric installations proposed makes possible a remarkable economy, supplements the present system, and provides a diversification of materials and equipment which will facilitate procurement and construction under emergency conditions.

Now, that is the whole story in a nutshell. The experts who do know say that while it may be true that if you started at scratch to generate so many kilowatts of power and you had to build a dam over there to do it on this side, or perhaps a steam plant over there, maybe you could generate that power more cheaply by a steam plant. But here you have an unusual situation, because building this dam upstream you get the benefit of that additional power. Supplementing it with one steam plant you have got a coordinated situation which, according to the testimony of all these experts, is a situation that is desired.

I hope very much that the Committee will vote down the amendment offered by the gentleman from Illinois [Mr. DIRKSEN]. In the first place, it does not save a nickel of money. It does not take a penny out of the resolution. The cost of this proposition is not just in the cost of building the plant. Suppose you build a steam plant a little cheaper than you can build a dam, you have to pay 3.5 mills for generating the power.

Let me read you what Colonel Parker said in the hearings. The gentleman from New York [Mr. TABER] asked him:

> Why have you not contemplated putting the steam plant right near the coal mine?
>
> Colonel PARKER. It will be put as near the coal as is possible and yet on a source of water supply, which is equally important. It probably will be put right near all of our major reservoirs and as near to the coal fields as we can; but that means 1,400 tons of coal a day, which is a great deal of coal.

That is 2,800 tons of coal a day if you undertake to run two steam-generating plants continuously and produce all this power—a prohibitive cost. The present plan is only to run this one plant about one-third of the time.

Mr. VAN ZANDT. Will the gentleman yield?

Mr. WOODRUM of Virginia. I yield.

Mr. VAN ZANDT. The gentleman talks about burning coal. Does he realize in my back yard we have thousands of coal miners out of work. Probably they will go back to work, instead of going on relief, if we could use more coal.

Mr. WOODRUM of Virginia. I appreciate that fact.

Mr. DIRKSEN. Will the gentleman yield?

Mr. WOODRUM of Virginia. I yield.

Mr. DIRKSEN. I know the gentleman wants to always be fair. While the amount has not been changed, it will save us from embracing these obligations that must be paid

later, and there will be a very substantial saving, if we strike out the dam and build these two steam plants.

Mr. WOODRUM of Virginia. If you save a few million dollars in building the primary plant but pay more than twice as much for power down through the years you have not made a sensible investment. I say we should accept the testimony of credible experts, and the uncontroverted testimony you have is that this should be a combination hydroelectric and steam proposition. My judgment is that if you are going to take the dam out of the bill you might as well defeat the whole bill. [Applause.]

The CHAIRMAN. The time of the gentleman from Virginia has expired, all time on the amendments have expired.

The question is on the amendments offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. DIRKSEN) there were—ayes 79, noes 118.

So the amendments were rejected.

Mr. McLEAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McLEAN: Strike out the entire resolution beginning on line 3 and insert the following:

"That the Tennessee Valley Authority be, and is hereby, authorized and directed to expend not to exceed the sum of $65,800,000 to provide additional facilities for generating electric current to be used in the manufacture of essential materials for national defense, as outlined in Senate Document No. 241, Seventy-sixth Congress, third session; that of this amount there is hereby appropriated out of any money in the Treasury not otherwise appropriated the sum of $25,000,000 to be made immediately available, $29,800,000 in 1942, and $11,000,000 in 1943; that said appropriations shall be kept in a separate fund apart from other funds of the Tennessee Valley Authority, and shall be designated as the Tennessee Valley National Defense Fund of 1940. It shall be accounted for as such, and no part thereof shall be used for any purpose other than to provide additional facilities to be used exclusively for national defense purposes."

Mr. WOODRUM of Virginia. Mr. Chairman, I reserve a point of order on the amendment.

Mr. McLEAN. Mr. Chairman, the purpose of this amendment is to be honest with the American people. We have here a proposal which is dressed up in the cloak of national defense. If this is a national-defense measure, let us keep it such, and let us recognize it as such, and let us protect the funds we appropriate for national-defense purposes designated and characterized as national-defense funds. The American people are not to stand very long for financial legerdemain such as was practiced under the tax bill a few weeks ago when they were told it was a national-defense tax bill, whereas as a matter of fact a considerable proportion of it, the largest proportion of it, went into the general funds of the Treasury. Nor will they stand for legislation of this kind very long. They will soon begin to realize they are being deceived, and that the things that are being done here in the name of national defense are nothing more than providing for the ordinary demands of the people of the country.

If this is a national-defense matter let us make it such. The bill in its present form amounts to nothing more than a supplemental appropriation for the Tennessee Valley Authority for 1941. It is to be included in the same appropriation, it is to be added to the appropriation that was made in the independent offices appropriation bill last April. This is how it reads:

Provided, This appropriation shall be in addition to and shall be covered into and accounted for as a part of the Tennessee Valley Authority fund of 1941 as established by the Independent Offices Appropriation Act of 1941, approved April 18, 1940.

The Tennessee Valley Authority collected $15,000,000 last year from the sale of power, yet no part of that was accounted for to the Congress of the United States. By this bill we propose to give them a supplemental appropriation to be added to their other money to be used for the general purposes of the T. V. A. just the same as if we had included it in the independent offices appropriation bill of last April.

It is time we began to straighten out the finances of the T. V. A. so that we can know something about the money they have at their disposal and what they do with it. If this is a national-defense measure, let us make it such. [Applause.]

Mr. MURDOCK of Utah. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in my 8 years' service in this House I have voted for every appropriation which has come to the floor of this distinguished body for the Tennessee Valley Authority.

The very fact that Mr. Stettinius, Mr. Knudsen, and the eminent power engineer, Mr. Dunn, have appeared before congressional committees asking this appropriation is the greatest testimonial we have had as to the wisdom and the foresight of this administration in the construction of power dams and navigation dams on the Tennessee River. [Applause.]

I am going to vote for this appropriation this afternoon. I am going to vote for it because the three eminent men selected by the President of the United States as the most efficient experts in their respective lines in the United States have given their advice to Congress that it is an important step in our national defense. The only reason I rise this afternoon is to point out to this Committee that by enacting this legislation you take a necessary step in national defense, but at the same time you tighten the grasp of that 100-percent monopoly on the source of aluminum in the United States, the Aluminum Co. of America. I wonder if such a monopoly is conducive to national defense? My answer is emphatically "no." There is no time to discuss this question this afternoon as there is such urgency for this legislation, but I would be derelict in my duty as a Member of this House and as a Representative from Utah if I did not call your attention to the fact that we have 30,000,000 tons of alunite in southern Utah. In addition we have a small plant that has demonstrated that alunite is the best and the most economical source of metallic aluminum in the United States today.

I ask our National Defense Council, I ask the President of the United States, and I ask the Members of this House to raise their sights a little bit and encompass the whole United States of America in this national-defense program. Look to the west coast and the manufacture of airplanes out there, then look to the source of aluminum in the deposits of alunite in the State of Utah, located on a railroad. In the vicinity of that alunite you find almost unlimited cheap electric power at Grand Coulee and Bonneville on the north and at Boulder Canyon to the southwest.

I want this legislation passed today, but I hope before we adjourn there will be money appropriated for an investigation of the availability of alunite and the mineral mentioned by the gentleman from Washington [Mr. LEAVY] in his State as a source of aluminum which is so valuable and vital in our national defense. Mr. Chairman, I ask that this resolution be passed making this appropriation, but after that is done let us complete the job by exploring every source of aluminum within the continental United States and relieve this great Nation from its dependence on foreign bauxite as its sole source of aluminum. [Applause.]

Mr. WOODRUM of Virginia. Mr. Chairman, I ask unanimous consent that all debate on the pending resolution conclude in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia [Mr. WOODRUM]?

Mr. SCHAFER of Wisconsin. Mr. Chairman, I object.

Mr. WOODRUM of Virginia. Mr. Chairman, I move that all debate on the resolution close in 15 minutes.

The motion was agreed to.

Mr. LELAND M. FORD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, it is said that this is for national defense. I maintain that national security is divided into three parts—military security, which nobody will question; economic security, which everybody knows about; and political security, to which you have paid very little attention.

Under political security comes socialism, nazi-ism, fascism, communism—and the only difference between these is in the size of the dose given. They are all fundamentally the same and all spring from Karl Marx. This country today has to be defended against socialism as much as it has through its military channels. You may have economic security, you may have military defense, but if you have not a political

security, socialism, riots, and so forth, will eventually take care of the country. I maintain that all of this Government operation, power, banking, insurance, real estate, and the other 85 businesses that the Government is engaged in is socialism. Every Democrat and every Republican in this House must eventually answer the question, Is or is it not socialism? If it is, I cannot consistently see how any Democrat or how any Republican can vote for these things. They do not have to answer to me, but they certainly will have to answer to themselves some day, some time, and draw the line against the encroachment of socialism on pure democratic government, and upon that answer the security of this country will depend. The best illustration of this is France. It has been said that democracy has fallen in France. Pure democracy has not fallen in France. It was the cancer of socialism, nazi-ism, fascism, and communism that attached itself to the body of pure democracy—destroyed and diluted it so that it could not work. I repeat again that we should stop dead in its track the encroachment of socialism on our form of government. This bill, the balance of the T. V. A., and the Government's operations in banking, insurance, real estate, and in other things are socialism. So far as I am concerned, I am going to stop all of them dead in their tracks and I shall vote against the pending bill. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Washington [Mr. LEAVY].

Mr. LEAVY. Mr. Chairman, may I say at the outset that the amendment offered by the gentleman from New Jersey should be defeated if for no other reason than it is not based upon the merits of the particular bill we have under consideration. It merely gives expression to a view concerning a certain type of political economy.

This measure is before us on a national-defense basis, and it either is or is not a part of the national defense. Whether it is socialism or partially so, or whether it is individualism or partially so are not the great questions.

I want to speak for a moment or two along the line suggested by the gentleman from Utah [Mr. MURDOCK]. It has been stated that in this national-defense program we have a long way to go, and that this $65,000,000 is only the beginning of a great program which will run through the next 4 or 5 years. We are all apparently in accord with the general idea that we must carry on a national defense program and we are all in accord, I believe, with the fact that electrical energy is going to play a large part in that program. In my judgment, that was wise.

The Government has spent $200,000,000 in my district for electrical-energy development as well as for other purposes. That is coming on the market now, and no steam plant ever conceived can begin to compare in price with the mill and a half or 2 mills per kilowatt-hour amortized over-all cost of this developed hydroelectric power. If the Aluminum Co. of America should locate their plant out there, and produce one-third of their pig-metal product there, there would be the requirement to haul back and forth, as I said earlier in the afternoon, everything they produced three times.

There is another ore there in addition to the ore, alunite, in Utah. There is magnesite, millions and millions of tons of it, and it will be all around this giant lake, a lake 151 miles in length, that will be created by the building of Grand Coulee. The power can be taken at the bus bar and the magnesite can be reduced to metallic magnesium, which is a metal superior to aluminum. It is a third lighter than aluminum. It has a greater tensile strength than aluminum. It can be produced for 10 cents a pound and not for 20 cents a pound. The Germans in 1938, with a secret electrical process, produced 40,000 tons of metallic magnesium, against our 4,000 tons. Their planes are being made of magnesium. I want the Defense Committee to look into the things we have in the West. It is not right that this Nation shall be dependent upon one concern and one metal alone, in our vital defense program.

MUST HAVE METALS TO BUILD PLANES

We have been told that each airplane will take about 5 tons of aluminum. On a weight basis this is equivalent to less than 3½ tons of magnesium. The lighter weight, superior magnesium can be produced at nearly half the cost as the more familiar aluminum.

The Defense Advisory Committee now comes before Congress and tells us that there will be a shortage of 60,000,000 pounds of aluminum by 1942. Bonneville and Grand Coulee can supply prime hydro power at the lowest cost in the United States. There is very little difference in the power requirements necessary to manufacture aluminum or magnesium, and any advantage from the consumption standpoint rests with magnesium.

THE MAGIC METAL

Magnesium is the magic metal of the future. Germany is now turning toward magnesium. To ignore this metal at this time borders on dangerous precedent. Lighter planes for a given capacity means greater speed and greater combat efficiency. Magnesium bombs, the plane's cargo, are lighter than those manufactured from any other metal. We cannot afford to ignore technological advances. To do so might lead to some form of disaster.

At present, in this country, magnesium is used for light metal, alloy products, and in the chemical and electric industries, with the greater use going into castings for miscellaneous airplane and automobile parts. Substitution of magnesium for other materials in the airplane is rapidly increasing, but has not progressed to the proportions found in Germany.

From 1935 to 1938 the United States annual consumption of magnesium was a little under 5,000,000 pounds. There was a great increase in consumption during 1939. This year the consumption has increased at a still greater rate, and will probably reach 12,000,000 pounds. The production capacity, with the completion of the Freeport, Tex., plant will about equal this year's consumption. All of our magnesium is now produced from brines, which makes a lower grade of metal compared with the new magnesite ore. It is the contained impurities which lower the resistance to corrosion. The objections urged against magnesium are against the brine metal which in the trade is known as Dow metal. There has been no commercial evaluation of magnesite magnesium, which is a very superior metal.

UNITED STATES OWNS LARGE BLOCKS OF NORTHWEST POWER

Funds have been appropriated for six Bonneville units totaling 300,000 kilowatts; 86,000 kilowatts of this has been completed and 220,000 kilowatts is in process of construction. Grand Coulee likewise has 315,000 kilowatts authorized and in process of construction. This total of 615,000 kilowatts capacity will be available before the T. V. A. plants can be completed. Bonneville can install 218,000 kilowatts and Coulee 1,500,000 kilowatts additional, when needed for around one-fifth of the cost of similar construction in the T. V. A. area. The dams are or shortly will be completed, and the foundations will be in place for the additional capacity. The testimony before the Senate and House committee shows that no private power system in America can furnish the 200,000 to 300,000 kilowatts immediately required. We were further told that aluminum to supply the existing Pacific coast airplane plants, over the Bonneville aluminum capacity, must be shipped from the East. Each pound of aluminum produced at Vancouver has to be reshipped in some form across the continent three times. There are no aluminum fabricating plants in the West.

NECESSITY FOR MAGNESIUM

It would seem, because of the speed element in the defense program, that full consideration has not been given to some advanced vital technological and economic components of this program.

Germany has developed a secret process for producing magnesium metal from calcined magnesite by electro-thermic smelting and distillation. A commercially feasible process

which is thought to be the same as the German process has been developed at Washington State College. Vast, unlimited deposits of magnesite exist in northeastern Washington, and the Pacific Northwest is endowed with the largest developed supply of low-cost power in America.

Magnesium alloys are materially lighter than any other structural material. Pound for pound, magnesium alloys have considerably greater strength than steel. These and other characteristics show that the possibilities of this metal must be given full consideration in any airplane-production program. Magnesium is now assured a permanent position in the schedule of light metals.

Dow metal now sells for 28 to 30 cents per pound, aluminum for 20 cents, and it has been estimated by competent authorities that electro-thermic magnesium can be produced from Northwestern magnesite and power for around 10 cents per pound. These technological and economic considerations cannot be ignored. Germany and other air-minded nations are making great strides in the production and utilization of metallic magnesium. If this country wishes to preserve its place in this technological advance, it must take immediate steps to produce and utilize this metal.

Magnesium is 30 percent lighter than aluminum; it can be fabricated with greater ease and has greater strength.

Bauxite ore, the base for aluminum, is listed amongst the critical materials. Our consumption of bauxite is largely imported from Dutch Guiana. Consider what can happen to this supply under existing world conditions. Although we have a fair reserve in Arkansas, and a small reserve in Tennessee, I think you will find that the planes in this program will be made from imported materials.

The employment component of this problem has been completely ignored in the House presentation. Has anyone told us in this testimony that our importations of strategic and critical minerals represent a pay-roll displacement in excess of the total direct mining employment existing in the United States today? This set-up smacks of an aluminum monopoly. Congress is asked to preserve such a monopoly, while at the same time the Department of Justice is trying to break up such an unsound situation.

MAGNESIUM—METAL OF FUTURE

I repeat, this is the metal of the future. Its low-cost production will give mankind numerous fields of activities, now denied to him. It is a metal which weighs only two-thirds that of aluminum and one-quarter that of steel. Weight for weight alloys of magnesium are over 5 times as strong and stiff as steel. No other metal has the strength and light weight of magnesium. The production of magnesium metal in the United States is so small as to create an absurdity. The small production in the United States results from the present production from inadequate local supplies—principally as a byproduct of brine solutions used for other purposes.

The largest supply of low-cost magnesium ores in the country occurs in the Pacific Northwest. Because of shortage of aluminum ores, Germany has developed a highly secret electrothermic process for reducing low-grade magnesium ores. A new process has been developed jointly by Washington State College and the Bureau of Mines which is thought to be similar to the secret German process. This process utilizes electric power.

The combined location of ores and cheap power in the Pacific Northwest justifies the development of the "wonder metal."

In 1915 magnesium metal sold for $5 a pound. Brine magnesium metal now sells for 28 to 30 cents per pound. Ninety-nine and ninty-eight one hundredths percent pure magnesium can be produced from magnesite ores with Bonneville and Grand Coulee power for 10 cents per pound. Heavier aluminum sells for 19 to 20 cents per pound.

Germany before the war was producing over 40,000 tons of this metal annually, and is replacing steel with this lighter-weight metal.

INCREASED USE FOR MAGNESIUM

The airplane use of magnesium in the United States is very small in comparison with the use of aluminum. The reason has been the production of brine metal, its attendant corrosion, and monopoly conditions. These handicaps can be overcome by the production of this metal from northwestern magnesite deposits. It will only be a short time before we will have to meet the competition of this superior foreign produced metal, and then the magnesium production will have to be suddenly increased.

It would seem that the defense committee is relying on production from sea water to meet such a demand, when the production capacity limit is defined by the available supply of power. The sea-water plant under construction in Texas is removed from large power sources.

WEST COAST AIRPLANE PRODUCTION CAPACITY

The New York Times on Sunday, July 23, 1940, section 10, ran an article on the Southern California aircraft production capacity, which brought out that this capacity could be increased to 1,560 planes per month. This estimate does not include the aircraft production of the Boeing Co. of Seattle. For the purpose of analysis it can be assumed, on the basis of this information, that the west coast capacity can be easily increased in a short time to 1,500 to 1,800 planes per month.

According to the testimony of Mr. William S. Knudsen, of the National Defense Advisory Committee, as shown on page 5 of the House hearings, an average of 5 tons of aluminum and the alloys will be used per plane.

It follows then that the west coast aluminum requirements can amount to 90,000 to 108,000 tons per year, or 180,000,000 to 216,000,000 pounds, under a wise program.

The yearly capacity of the new Aluminum Co.'s plant at Vancouver, Wash., will be 30,000 tons per year, or about one-third of these west coast requirements.

The Aluminum Co. can only produce pig aluminum at Vancouver and some castings at their Los Angeles plant. All sheets and shapes must be brought from eastern rolling mills and extrusion plants. If we are to bring our airplane-production capacity up to the stated amount and depend only on aluminum, it seems highly desirable to provide not only additional western pig-aluminum capacity, but also immediate western facilities for rolling and extrusion.

ALUNITE

My good friend the gentleman from Utah [Mr. MURDOCK] has called attention to 30 million tons of alunite in Utah. He is absolutely correct in his statements. Large deposits of alunite are to be found also in the State of Washington. The successful production of aluminum from alunite has been experimentally demonstrated. I am informed that this investigation has proceeded through the pilot plant stage, and that approximately $1,000,000 has been spent by reliable private interests on these experiments. The results have been entirely satisfactory. In the pilot plant, alumina has been produced from alunite with a substantial potash recovery. The alumina was shipped to the East for demonstration and a satisfactory aluminum pig was produced by standard electrolytic methods. Alunite contains about 37 percent alumina while bauxite ore contains about 53 percent. The potash recovery and the difference in process is claimed to produce aluminum that can compete successfully with the product of the Aluminum Co. I understand that reliable interests are willing to build a plant and contract for Bonneville power.

All that is needed to start this program is some assurance that they will be recognized. There is no evidence that alunite production has been given requisite consideration by the Defense Commission. The defense and economic results obtainable from this new alunite process are highly important, as it will compete with the present aluminum monopoly, and will provide new sources of aluminum from domestic sources.

I hope that the Defense Council will be farsighted enough to ask for an appropriation to cover a full investigation of magnesium from northwestern magnesite, aluminum from western alunite, northwestern manganese, western chromium, and other western strategic and critical metals, as it is apparent that extensive consideration has not been given these sources.

THE DEFENSE MAP

The New York Times of Sunday, May 5, 1940, published a defense map of the United States as seen by the defense experts. This map is only line thickness west of the Mississippi and south of the T. V. A. and takes in only 13 percent of the land area of the United States. This map tells the story in few words how our experts have ignored 87 percent of the land area of our country in the defense-material plans. Do the defense experts realize that we must defend this large area as well as the important naval and military outposts still farther to the West?

Our Western States give the Nation a number of raw materials, without which the war industries of the Nation would be stopped. Still other resources are allowed to remain dormant because of monopoly conditions. Nowhere in the current plans of the Defense Council, or in the industrial mobilization plans of the Army or the Navy is there any expressed indication of the need for placing in the largest part of our land area a diversified group of war industries. This short-sighted policy is denying to 87 percent of our country the right to contribute to the defense of the Nation, to its own defense, and the defense of its outposts.

It appears also that the requirement of industrial reserves has been passed over. What are we to do in case of destruction in the concentrated industrial areas, the bottle necks created by concentration, or transportation tie-ups affecting these congested industrial areas? I do not profess to be an expert but I can see that many vital considerations have been left out of this presentation.

Behind it all looms the profits of the Aluminum Co. and certain allied interests. The desire for industrial profits largely contributed to the downfall of France. Are our experts going to lead us into a similar situation? I ask this question, not out of any regional interest, partisanship, or politics. Regional interest, of course, prompted me to investigate, but the disclosures resulting from my investigation are disturbing. The experts need to tell us whether they are providing sufficiency to the remaining 87 percent of our country, and whether they are making the fullest economical use of the resources of all the country. The hearings and this debate leaves many vital points unanswered.

SOME JOKERS

The Dunn testimony as to the relative merits of steam versus hydro is purely academic. Nowhere in the testimony or the debate is the essential cost consideration disclosed. The essential point, due to the large kilowatt-hour requirement of aluminum production is the electric cost per kilowatt-hour. The position of the Aluminum Co. has been that it is necessary to secure large blocks of power for less than 3 mills per kilowatt-hour to make aluminum production feasible.

The T. V. A. under existing contracts sells primary power to Alcoa for 2.78 mills per kilowatt-hour and hydro secondary power available for 75 percent of the time for 2 mills.

The proposed Watts Bar steam plant will, under cheap-coal conditions and the load factor given in the testimony, produce 5-mill current. This is too costly for commercial aluminum production. The Cherokee Dam alone will, without allocation, produce about 3.5- to 3.8-mill current and with allocation 2 mills per kilowatt-hour. The lower river plants, included in the proposal will produce very low-cost power after the Cherokee Dam is built.

Similar prime power can be purchased under the "at site" filed Bonneville rates for 1.75 mills per kilowatt-hour and under the transmitted rate for a trifle over 2 mills per kilowatt-hour. Grand Coulee power can be sold as low or lower than Bonneville power. The testimony shows that it takes about 12 kilowatt-hours per pound of aluminum. Therefore 1 mill difference in the cost of current adds 1.2 cents per pound of metal. This means that the steam power aluminum will cost over 3 cents per pound more than metal produced with Bonneville-Coulee power.

The actual cost figures to the Aluminum Co. will depend on the type of contract T. V. A. and the Defense Council negotiates with the Aluminum Co. Congress has been given no information on this.

The bill language set out in the House hearings and that finally submitted differ. At the last minute the proviso that the extent and location of the transmission lines provided in the bill shall receive the approval of the Defense Committee was added. Is not this virtually giving the admitted former agent of the private power companies authority denied by the organic T. V. A. Act? I do not question the motives of any member of the Defense Committee, but when the public interest is involved, safeguards should be placed against the possibility of private power-company influence being injected into such a vital component of the problem.

The inference that 60,000 kilowatts was allocated to Bonneville is incorrect. The 60,000 kilowatts referred to is covered in contracts executed last December and early spring by the Aluminum Co. These contracts were negotiated before the pending matter was initiated.

CONCLUSION

These facts, as stated in the hearings, and the pending requests are inconsistent and it is evident that: (1) Additional pig and fabricating aluminum capacity should be installed in the Pacific Northwest; (2) defense industrial activities should be decentralized; (3) defense funds should be immediately allotted to demonstrate the advantages of magnesium production to private industry and thus afford private industry an opportunity to mine, process, and fabricate this advanced metal; (4) if private industry will not undertake, after demonstration, magnesium production, then Congress should initiate steps to construct a federally owned magnesium plant.

The identical situation also exists as to alunite, manganese, and chromium production. Extensive deposits of these metals will be found adjacent to low-cost power in Washington, Oregon, and Utah. These and other Pacific Northwest materials are vital to any effective defense program. It is suggested that the same procedure should be followed as to these other metals which has been outlined for magnesium.

The President, in his July 10 message to Congress, stated, "If the United States is to have any defense, it must have total defense." The only purpose of these remarks is to constructively stress some vital points in any program of total defense.

[Applause.]

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from South Dakota [Mr. CASE].

Mr. CASE of South Dakota. Mr. Chairman, it seems to me a little unfortunate that one of the most important factors that should have been considered in the discussion of this subject has received so little attention. It was mentioned by the gentleman from Arkansas [Mr. TERRY]. It has just been recently developed by the gentleman from Utah [Mr. MURDOCK] and the gentleman from Washington [Mr. LEAVY]. That neglected factor is the source of the material from which we are to make the aluminum.

Those of us who come from the West know that there are important deposits of alunite, which the gentleman from Utah mentions. There is also leucite, an aluminum-bearing ore, in Wyoming. In my own State of South Dakota there are inexhaustible beds of Pierre shales or clays from 300 to 1,200 feet in thickness—in a few places they reach a maximum thickness of 2,000 feet—that carry from 15 to 30 percent aluminum oxide. This Pierre shale forms the surface soil of more than a third of the State; it is only lightly covered in another third.

The beds are exposed for 250 miles on the very banks of the Missouri River, where the material could be floated downstream, if it were desired. Power could be developed at one of a half dozen sites on the river or could be developed from

coal, because a circle with a radius of 400 miles from Rapid City contains one-fourth of all the known coal deposits of the world. And as concretions in these Pierre shales on the same river is found the largest known deposit of metallic manganese in the United States—102,000,000 tons of metallic manganese in nine townships.

In a comprehensive consideration of this problem from a national-defense standpoint some consideration should certainly be given to the location of the material from which you are going to make the aluminum and its relation to transportation, freedom from attack, nearness to other strategic minerals and coal as well as to power.

I was talking last week with a professor in the school of mines in my State and he said to me "Where are you going to get your cryolite for the bath solution if you are going to produce all this aluminum by electrolysis?" I said, "I do not know." He said, "My understanding is that the cryolite comes from Greenland. Will you not have a bottleneck in the production of your aluminum if imports from outside are cut off and you depend upon Greenland for getting your cryolite?" I confessed to him that I did not know.

When I said a little earlier this afternoon that I thought this debate had some aspects of a "blitzkrieg" it was because practically all we have heard has been talk about power, and there has been very, very little discussion of the source of the aluminum or other factors entering into its most feasible production. Someone did say that if it was produced in the West it would take so many freight cars to take the ore to the plants. Gentlemen, the raw material is there and no evidence has been presented to show that any adequate supply of bauxite exists in the Tennessee Valley. Certainly it is easier to find freight cars for the finished product than to find cars and ships for imported bauxite.

This bill will pass, of course, because it comes up here ticketed as part of the defense program. We are told that if the bill is delayed a day, or at most a week, that we may miss the floodwaters in the spring of 1942. That is typical of the stampede tactics which some day will be ridiculed as people in more sober moments pass on what we do today. Everyone must know that if we were to consider the proposed legislation from a sound and logical standpoint we would not stop at power, we would go into other angles of the question. There is no one here who is quarrelling with the idea of national defense. In fact, in all seriousness, these other things are fundamental considerations for national defense, not merely power but raw materials, transportation, freedom from attack, and so forth. If we were to give the full consideration that should be given to this question we would go into those angles of it, too. With one of the recent speakers I join in the hope that the members of the Council of National Defense will raise their sights and look at the entire United States in approaching these problems. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK. Mr. Chairman, I was very much surprised to hear the gentleman from New Jersey [Mr. McLEAN] make the statement that this joint resolution contains nothing but a supplementary appropriation for the T. V. A. of 1941. The head of the Advisory Commission is one of the outstanding businessmen of the country, a man who has made his mark, a man who, I am informed, has never voted for President Roosevelt.

Mr. McLEAN. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. In view of the fact that I have mentioned the gentleman's name, I yield.

Mr. McLEAN. When the gentleman reads this language in the resolution—

Provided, That the foregoing appropriation shall be in addition to and shall be covered into and accounted for as a part of the "Tennessee Valley Authority fund, 1941," as established by the Independent Offices Appropriation Act, 1941—

Does he not believe it?

Mr. McCORMACK. The gentleman gets very alarmed and excited when reference is made——

Mr. McLEAN. I am asking the gentleman a question and I should like an answer.

Mr. McCORMACK. If the gentleman will be seated, I will answer his question. The gentleman made the charge, inferentially, at least, if not directly, when he said that this is nothing but a supplementary appropriation for the T. V. A. of 1941, that this appropriation is not connected with national defense. I call attention to the fact that the President of the United States has called into service one of the outstanding businessmen of the country, a man who, I understand and am informed, has never voted for the President, so politics is not involved; a man whom we all respect as a good American and a contributor to American progress, Mr. Knudsen, who is president of General Motors and one of the outstanding businessmen and financiers of the country. This gentleman appeared before the committee with his associates and has advised the members of the committee that this is necessary in the interest of the national defense of the country; yet we see those on the Republican side, as usual, speaking one way on national defense and voting another way.

I hope my friend, the gentleman from Virginia in charge of the bill, will ask for a roll call on this question so that the country may know whether this is another spectacle of the Republican Members of the House speaking their love of national defense, speaking as they did for the workers who are unemployed on W. P. A. and voting against national defense and voting against W. P. A. appropriations. [Applause.]

The gentleman from California [Mr. LELAND M. FORD] talked about socialism. Is the Federal Deposit Insurance Corporation Act socialism? If so, it protects the deposits of about 20,000,000 depositors in this country. Is the Home Owners' Loan Corporation socialism? If so, it has protected the homes of 2,000,000 people in this country.

Is the relief that the Democratic Party has given to the farmer of the country socialism? If so, I wonder what the farmer of the country thinks of such specious and incorrect argument, coming from a prominent member of the Republican Party. The gentleman from California charges that this and other activities in the interest of the average person constitute socialism. That is the type of legislation that the Republican Party charges is socialism, legislation that is consistent with the best interests of our country.

I remember years ago, in Massachusetts, as a young man, when the effort was made to enact into law the Workmen's Compensation Act, the charge made against that beneficial and progressive legislation was that it was socialism. I remember the 8-hour law for women and children, when that legislation was enacted years ago in Massachusetts, and its opponents charged that it was socialism. I remember the minimum-wage law for women and children employed in industry, and the opposition to the enactment of such legislation in Massachusetts was that it was socialism. We hear the same cry today against progressive legislation, consistent with the best interests of the people that was made years ago against progressive legislation of the past decades. Yes; I can even go back in history to the days when the fight was made to establish the public-school system in the various States of the Union and the cry made then was that it was socialism, that public education was not the function of the State, but was a matter of private concern. Yes; I remember reading the early history of Massachusetts when the effort was made to have public roads, to be used by the public, built and maintained by the public, the cry was that it was socialism, that it was not the duty of the State, city, or town, or county, to build and maintain public roads for the use of the general public. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. MOSER].

Mr. MOSER. Mr. Chairman, I do not wish to take up the time of my colleagues, but as late as 4 o'clock this afternoon I talked with both Mr. Knudsen and Mr. Stettinius. Up to that time I was not sold on the conclusion whether I would support this resolution; but let me say for the information of the gentleman from Ohio [Mr. BENDER] that Mr. Knudsen

assured me that it does require five tons of aluminum to construct one airplane, and, needing material and supplies, asked me to talk to Mr. Stettinius, whose task it is to find it, and who, in accordance with the thought of the gentleman from New Jersey as indicated in his amendment, told me he hoped that he was not being deluded in believing this entire appropriation would be expended for the one purpose of national defense, but that if he was sold on the wrong idea he would be willing to admit it. I therefore state to the Committee that I will support the amendment offered by the gentleman from New Jersey [Mr. McLEAN], and I will support the resolution of the gentleman from Virginia [Mr. WOODRUM]. I yield back the remainder of my time.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. McLEAN].

The question was taken; and on a division (demanded by Mr. McLEAN) there were—ayes 94, noes 126.

So the amendment was rejected.

The CHAIRMAN. The Committee automatically rises under the rule.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HART, Chairman of the Committee of the Whole House on the state of the Union, reported that, the Committee having had under consideration the joint resolution (H. J. Res. 583) making an additional appropriation for the Tennessee Valley Authority for the fiscal year 1941 to provide facilities to expedite the national defense, pursuant to House Resolution 544, he reported the same back to the House with an amendment adopted in the Committee.

The SPEAKER. Under the rule the previous question is ordered.

The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. DIRKSEN. Mr. Speaker, I offer a motion to recommit, which is on the Clerk's desk.

The SPEAKER. Is the gentleman opposed to the joint resolution?

Mr. DIRKSEN. I am in its present form.

The SPEAKER. Is there any gentleman who is entirely opposed to the resolution seeking recognition; if not, the Clerk will report the motion of the gentleman from Illinois.

The Clerk read as follows:

Mr. DIRKSEN moves to recommit the bill to the Committee on Appropriations with instructions to report the same back forthwith with the following amendments:

On page 1, line 8, strike out the last two words and all of line 9 and the first two words in line 10; also, on page 2, in lines 4 and 5, strike out the words "one hundred and twenty" and insert the words "two hundred and forty."

Mr. WOODRUM of Virginia. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the motion to recommit.

Mr. DIRKSEN. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 125, nays 229, not voting 77, as follows:

[Roll No. 171]

YEAS—125

Alexander	Chiperfield	Engel	Hawks
Allen, Ill.	Church	Fenton	Hess
Andersen, H. Carl	Clason	Fish	Hoffman
Anderson, Calif.	Clevenger	Ford, Leland M.	Holmes
Andresen, A. H.	Cluett	Gifford	Hope
Andrews	Cole, N. Y.	Gilchrist	Horton
Arends	Corbett	Gillie	Jarrett
Austin	Crawford	Graham	Jenkins, Ohio
Bates, Mass.	Crowther	Grant, Ind.	Jensen
Bender	Culkin	Gross	Johns
Blackney	Dirksen	Guyer, Kans.	Johnson, Ill.
Bolles	Ditter	Gwynne	Johnson, Ind.
Bolton	Dondero	Halleck	Jonkman
Brown, Ohio	Douglas	Hancock	Kean
Carlson	Dworshak	Harness	Keefe
Carter	Eaton	Harter, N. Y.	Kilburn
Case, S. Dak.	Elston	Hartley	Kinzer
Knutson	Pittenger	Schiffler	Treadway
Kunkel	Plumley	Seccombe	Van Zandt
Lambertson	Powers	Shafer, Mich.	Vorys, Ohio
Landis	Reed, Ill.	Short	Wheat
LeCompte	Reed, N. Y.	Simpson	Wigglesworth
Lewis, Ohio	Rees, Kans.	Smith, Ohio	Williams, Del.
McDowell	Rich	Springer	Winter
McGregor	Robsion, Ky.	Sumner, Ill.	Wolcott
McLean	Rockefeller	Sweet	Wolfenden, Pa.
Maas	Rodgers, Pa.	Taber	Wolverton, N. J.
Marshall	Rogers, Mass.	Talle	Woodruff, Mich.
Martin, Iowa	Routzohn	Thill	Youngdahl
Miller	Rutherford	Thorkelson	
Monkiewicz	Sandager	Tibbott	
Murray	Schafer, Wis.	Tinkham	

NAYS—229

Allen, La.	Edelstein	Kirwan	Rabaut
Anderson, Mo.	Edmiston	Kitchens	Ramspeck
Angell	Elliott	Kleberg	Randolph
Arnold	Ellis	Kocialkowski	Rankin
Ball	Englebright	Kramer	Rayburn
Barden, N. C.	Faddis	Lanham	Reece, Tenn.
Barnes	Fay	Lea	Richards
Beam	Fitzpatrick	Leavy	Robertson
Beckworth	Flaherty	Lemke	Robinson, Utah
Bell	Flannagan	Lesinski	Rogers, Okla.
Bland	Flannery	Lewis, Colo.	Romjue
Boehne	Ford, Miss.	Ludlow	Sabath
Boland	Ford, Thomas F.	Lynch	Sacks
Boren	Fulmer	McAndrews	Sasscer
Brewster	Gamble	McArdle	Satterfield
Brooks	Garrett	McCormack	Schuetz
Brown, Ga.	Gathings	McGehee	Schulte
Bryson	Gavagan	McGranery	Schwert
Buck	Gehrmann	McKeough	Scrugham
Buckler, Minn.	Gerlach	McLaughlin	Secrest
Bulwinkle	Geyer, Calif.	McLeod	Shanley
Burch	Gibbs	McMillan, Clara	Sheppard
Burdick	Gore	McMillan, John L.	Smith, Conn.
Burgin	Gossett	Maciejewski	Smith, Maine
Byrne, N. Y.	Grant, Ala.	Mahon	Smith, Va.
Byrns, Tenn.	Gregory	Maloney	Smith, Wash.
Byron	Griffith	Mansfield	Snyder
Cannon, Fla.	Hall, Leonard W.	Marcantonio	Somers, N. Y.
Cannon, Mo.	Hare	Massingale	South
Cartwright	Hart	May	Starnes, Ala.
Casey, Mass.	Harter, Ohio	Michener	Steagall
Claypool	Havenner	Mills, Ark.	Stefan
Cochran	Healey	Mills, La.	Sumners, Tex.
Coffee, Nebr.	Hendricks	Monroney	Sutphin
Coffee, Wash.	Hennings	Moser	Sweeney
Cole, Md.	Hill	Mott	Tarver
Collins	Hinshaw	Mundt	Tenerowicz
Colmer	Hobbs	Murdock, Ariz.	Terry
Connery	Houston	Murdock, Utah	Thomas, Tex.
Cooley	Hull	Myers	Thomason
Cooper	Hunter	Nelson	Vincent, Ky.
Costello	Izac	Nichols	Vinson, Ga.
Cox	Jarman	Norrell	Voorhis, Calif.
Cravens	Jennings	O'Brien	Wallgren
Crosser	Johnson, LutherA.	O'Connor	Walter
Crowe	Johnson, Lyndon	Oliver	Ward
D'Alesandro	Johnson, Okla.	O'Neal	Warren
Darden, Va.	Johnson, W. Va.	O'Toole	Weaver
Davis	Jones, Tex.	Pace	West
Dempsey	Kee	Patman	Whelchel
Dickstein	Kefauver	Patton	Whittington
Dingell	Keller	Pearson	Williams, Mo.
Disney	Kelly	Peterson, Fla.	Wood
Doxey	Kennedy, Martin	Peterson, Ga.	Woodrum, Va.
Duncan	Kennedy, Michael	Pfeifer	Zimmerman
Dunn	Keogh	Pierce	
Durham	Kerr	Poage	
Eberharter	Kilday	Polk	

NOT VOTING 77

Allen, Pa.	Delaney	Jones, Ohio	Seger
Barry	DeRouen	Kennedy, Md.	Shannon
Barton, N. Y.	Dies	Larrabee	Sheridan
Bates, Ky.	Doughton	Luce	Smith, Ill.
Bloom	Drewry	Magnuson	Smith, W. Va.
Boykin	Evans	Martin, Ill.	Sparkman
Bradley, Mich.	Ferguson	Martin, Mass.	Spence
Bradley, Pa.	Fernandez	Mason	Stearns, N. H.
Buckley, N. Y.	Folger	Merritt	Sullivan
Caldwell	Fries	Mitchell	Taylor
Camp	Gartner	Mouton	Thomas, N. J.
Celler	Gearhart	Norton	Tolan
Chapman	Goodwin	O'Day	Vreeland
Clark	Green	O'Leary	Wadsworth
Courtney	Hall, Edwin A.	Osmers	Welch
Creal	Harrington	Parsons	White, Idaho
Cullen	Hook	Patrick	White, Ohio
Cummings	Jacobsen	Risk	
Curtis	Jeffries	Ryan	
Darrow	Jenks, N. H.	Schaefer, Ill.	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Mason (for) with Mr. Cullen (against).

Mr. Jones of Ohio (for) with Mr. Wadsworth (against).

Mr. Darrow (for) with Mr. Camp (against).
Mr. Gartner (for) with Mr. Courtney (against).
Mr. White of Ohio (for) with Mr. Dies (against).
Mr. Jeffries (for) with Mr. Magnuson (against).

General pairs:

Mr. Drewry with Mr. Barton of New York.
Mrs. O'Day with Mr. Seger.
Mr. Delaney with Mr. Bradley of Michigan.
Mr. Doughton with Mr. Risk.
Mr. Folger with Mr. Curtis.
Mr. Bates of Kentucky with Mr. Jenks of New Hampshire.
Mr. Harrington with Mr. Luce.
Mr. Parsons with Mr. Martin of Massachusetts.
Mr. Hook with Mr. Gearhart.
Mr. Bloom with Mr. Stearns of New Hampshire.
Mr. Schaefer of Illinois with Mr. Edwin A. Hall.
Mr. Creal with Mr. Osmers.
Mr. Sparkman with Mr. Thomas of New Jersey.
Mr. Sullivan with Mr. Goodwin.
Mr. Sheridan with Mr. Welch.
Mr. O'Leary with Mr. Vreeland.
Mr. Green with Mr. Fries.
Mr. Buckley of New York with Mr. Chapman.
Mr. Clark with Mr. Celler.

The result of the vote was announced as above recorded.

The SPEAKER. The question now is on the passage of the resolution.

Mr. WOODRUM of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 265, nays 93, answered "present" 1, not voting 72, as follows:

[Roll No. 172]

YEAS—265

Allen, La.	Disney	Johnson, Lyndon	O'Connor
Anderson, Calif.	Doxey	Johnson, Okla.	Oliver
Anderson, Mo.	Duncan	Johnson, W. Va.	O'Neal
Angell	Dunn	Jones, Tex.	O'Toole
Arends	Durham	Kee	Pace
Arnold	Eberharter	Keefe	Patman
Austin	Edelstein	Kefauver	Patton
Ball	Edmiston	Keller	Pearson
Barden, N. C.	Elliott	Kelly	Peterson, Fla.
Barnes	Ellis	Kennedy, Martin	Peterson, Ga.
Barry	Englebright	Kennedy, Md.	Pfeifer
Barton, N. Y.	Faddis	Kennedy, Michael	Pierce
Beam	Fay	Keogh	Poage
Beckworth	Fish	Kerr	Polk
Bell	Fitzpatrick	Kilday	Powers
Blackney	Flaherty	Kirwan	Rabaut
Bland	Flannagan	Kitchens	Ramspeck
Boehne	Flannery	Kleberg	Randolph
Boland	Ford, Miss.	Kocialkowski	Rankin
Boren	Ford, Thomas F.	Kramer	Rayburn
Brewster	Fries	Kunkel	Reece, Tenn.
Brooks	Fulmer	Lanham	Rees, Kans.
Brown, Ga.	Gamble	Lea	Richards
Bryson	Garrett	Leavy	Robertson
Buck	Gartner	LeCompte	Robinson, Utah
Buckler, Minn.	Gathings	Lemke	Rogers, Mass.
Buckley, N. Y.	Gavagan	Lesinski	Rogers, Okla.
Bulwinkle	Gehrmann	Lewis, Colo.	Romjue
Burch	Gerlach	Ludlow	Ryan
Burdick	Geyer, Calif.	Lynch	Sabath
Burgin	Gibbs	McAndrews	Sacks
Byrne, N. Y.	Gilchrist	McArdle	Sasscer
Byrns, Tenn.	Gore	McCormack	Satterfield
Cannon, Fla.	Gossett	McGehee	Schuetz
Cannon, Mo.	Grant, Ala.	McGranery	Schulte
Carlson	Gregory	McKeough	Schwert
Cartwright	Griffith	McLaughlin	Scrugham
Casey, Mass.	Guyer, Kans.	McLeod	Secrest
Church	Gwynne	McMillan, Clara	Shanley
Claypool	Hall, Leonard W.	McMillan, John L.	Shannon
Cluett	Hancock	Maciejewski	Sheppard
Cochran	Hare	Mahon	Smith, Conn.
Coffee, Nebr.	Hart	Maloney	Smith, Maine
Coffee Wash.	Harter, N. Y.	Mansfield	Smith, Va.
Cole, Md.	Harter, Ohio	Marcantonio	Smith, Wash.
Collins	Hartley	Martin, Iowa	Snyder
Colmer	Havenner	Massingale	Somers, N. Y.
Connery	Healey	May	South
Cooley	Hendricks	Michener	Starnes, Ala.
Cooper	Hennings	Mills, Ark.	Steagall
Corbett	Hill	Mills, La.	Stefan
Costello	Hinshaw	Monkiewicz	Sumners, Tex.
Cox	Hobbs	Monroney	Sutphin
Cravens	Hope	Moser	Sweeney
Crosser	Houston	Mott	Talle
Crowe	Hull	Mundt	Tarver
Crowther	Hunter	Murdock, Ariz.	Tenerowicz
D'Alesandro	Izac	Murdock, Utah	Terry
Darden, Va.	Jarman	Myers	Thomas, Tex.
Davis	Jeffries	Nelson	Thomason
Dempsey	Jennings	Nichols	Vincent, Ky.
Dickstein	Jensen	Norrell	Vinson, Ga.
Dingell	Johnson, Luther A.	O'Brien	Voorhis, Calif.
Wallgren	Weaver	Williams, Mo.	Woodrum, Va.
Walter	West	Wolverton, N. J.	Zimmerman
Ward	Whelchel	Wood	
Warren	Whittington		

NAYS—93

Alexander	Fenton	Landis	Short
Allen, Ill.	Ford, Leland M.	Lewis, Ohio	Simpson
Andersen, H. Carl	Gifford	McDowell	Smith, Ohio
Andresen, A. H.	Gillie	McGregor	Springer
Bates, Mass.	Graham	McLean	Sumner, Ill.
Bender	Grant, Ind.	Maas	Sweet
Bolles	Gross	Marshall	Taber
Bolton	Halleck	Miller	Thill
Brown, Ohio	Harness	Murray	Thorkelson
Case, S. Dak.	Hawks	Pittenger	Tibbott
Chiperfield	Hess	Plumley	Tinkham
Clason	Hoffman	Reed, Ill.	Treadway
Clevenger	Holmes	Reed, N. Y.	Van Zandt
Cole, N. Y.	Horton	Rich	Vorys, Ohio
Crawford	Jarrett	Robsion, Ky.	Wheat
Culkin	Jenkins, Ohio	Rockefeller	Wigglesworth
Dirksen	Johns	Rodgers, Pa.	Williams, Del.
Ditter	Johnson, Ill.	Routzohn	Winter
Dondero	Johnson, Ind.	Rutherford	Wolcott
Douglas	Jonkman	Sandager	Wolfenden, Pa.
Dworshak	Kean	Schafer, Wis.	Youngdahl
Eaton	Kinzer	Schiffler	
Elston	Knutson	Seccombe	
Engel	Lambertson	Shafer, Mich.	

ANSWERED "PRESENT"—1

Kilburn

NOT VOTING—72

Allen, Pa.	Curtis	Jenks, N. H.	Schaefer, Ill.
Andrews	Darrow	Jones, Ohio	Seger
Bates, Ky.	Delaney	Larrabee	Sheridan
Bloom	DeRouen	Luce	Smith, Ill.
Boykin	Dies	Magnuson	Smith, W. Va.
Bradley, Mich.	Doughton	Martin, Ill.	Sparkman
Bradley, Pa.	Drewry	Martin, Mass.	Spence
Byron	Evans	Mason	Stearns, N. H.
Caldwell	Ferguson	Merritt	Sullivan
Camp	Fernandez	Mitchell	Taylor
Carter	Folger	Mouton	Thomas, N. J.
Celler	Gearhart	Norton	Tolan
Chapman	Goodwin	O'Day	Vreeland
Clark	Green	O'Leary	Wadsworth
Courtney	Hall, Edwin A.	Osmers	Welch
Creal	Harrington	Parsons	White, Idaho
Cullen	Hook	Patrick	White, Ohio
Cummings	Jacobsen	Risk	Woodruff, Mich.

So the House joint resolution was agreed to.

The Clerk announced the following additional pairs:

On this vote:

Mr. Cullen (for) with Mr. Mason (against).
Mr. Wadsworth (for) with Mr. Jones of Ohio (against).
Mr. Courtney (for) with Mr. Darrow (against).
Mr. Dies (for) with Mr. White of Ohio (against).
Mr. Byron (for) with Mr. Kilburn (against).

General pairs:

Mr. Drewry with Mr. Woodruff of Michigan.
Mrs. O'Day with Mr. Seger.
Mr. Delaney with Mr. Bradley of Michigan.
Mr. Doughton with Mr. Risk.
Mr. Folger with Mr. Curtis.
Mr. Bates of Kentucky with Mr. Jenks of New Hampshire.
Mr. Harrington with Mr. Luce.
Mr. Parsons with Mr. Martin of Massachusetts.
Mr. Hook with Mr. Gearhart.
Mr. Bloom with Mr. Stearns of New Hampshire.
Mr. Schaefer of Illinois with Mr. Edwin A. Hall.
Mr. Creal with Mr. Osmers.
Mr. Sparkman with Mr. Thomas of New Jersey.
Mr. Sullivan with Mr. Goodwin.
Mr. Sheridan with Mr. Welch.
Mr. O'Leary with Mr. Vreeland.
Mr. Camp with Mr. Andrews.
Mr. Magnuson with Mr. Carter.
Mr. Green with Mr. Fernandez.
Mr. Clark with Mr. Celler.
Mr. Chapman with Mr. Tolan.
Mr. Jacobsen with Mr. Smith of West Virginia.
Mr. Patrick with Mr. Merritt.
Mr. Boykin with Mr. Taylor.
Mr. Larrabee with Mr. Bradley of Pennsylvania.
Mr. Cummings with Mr. Mouton.
Mr. DeRouen with Mrs. Norton.
Mr. Martin of Illinois with Mr. White of Idaho.
Mr. Ferguson with Mr. Evans.

Mr. KILBURN. Mr. Speaker, I had a pair with the gentleman from Maryland, Mr. BYRON. If he had been present, he would have voted "aye." I voted "no." I therefore withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. WOODRUM of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their own remarks on the resolution just passed.

The SPEAKER pro tempore (Mr. PACE). Is there objection?

There was no objection.

CALENDAR WEDNESDAY

Mr. WOODRUM of Virginia. Mr. Speaker, at the request of the majority leader, I ask unanimous consent that business in order on tomorrow, Calendar Wednesday, may be dispensed with.

The SPEAKER pro tempore. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. LEWIS of Colorado. Mr. Speaker, during the course of my statement on the rule I secured permission to include therein a letter from Mr. Gano Dunn to Mr. Stettinius. I had intended to ask that there be included therein a brief introductory statement from the hearings, but I find when the transcript came that I evidently overlooked asking for that permission. I now ask that I be permitted to include a brief preliminary statement from the hearings.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. SHANLEY. Mr. Speaker, I ask unanimous consent to extend my remarks and include an article by Beecher Elliot and an article by Colonel Martin.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

By unanimous consent, Mr. MURDOCK of Arizona was granted permission to extend his own remarks in the RECORD.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my remarks and include an editorial.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. MONRONEY. Mr. Speaker, I ask unanimous consent to extend my remarks and include therein an article from Time magazine on the gentleman from New Mexico, the Honorable JACK DEMPSEY.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my remarks and include certain tables which I have prepared.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that on tomorrow, after disposition of business on the Speaker's desk and the conclusion of the legislative business of the day, I may be permitted to address the House for 20 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. COLLINS. Mr. Speaker, I ask unanimous consent to extend my own remarks by inserting in the RECORD an address delivered last Sunday night by Col. Richard R. McCormick, editor and publisher of the Chicago Tribune, on the necessity for the reorganization of the structure of the Army.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. MARCANTONIO. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a radio speech I delivered last Sunday night.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein a short article from the New York Herald Tribune.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. THORKELSON. Also, Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a short excerpt from a book issued by the Committee on Defending America.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. TINKHAM. Mr. Speaker, with unanimous consent I ask to have my remarks extended in the RECORD to include a dispatch from Ottawa, Canada.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

ARMY REORGANIZATION

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to address the House for 30 seconds.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. HINSHAW. Mr. Speaker, I was interested in the remarks of the gentleman from Mississippi a moment ago concerning reorganization of the Army and possible plans in that direction. I hold in my hand a United Press article from the Washington Daily News written in Berlin by Mr. Richard C. Hottelet explaining something of the organization of the Nazi air force. I ask unanimous consent to revise and extend my remarks and to include the article.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The article referred to follows:

SEPARATE COMMAND IS NAZI AIR SECRET

(By Richard C. Hottelet)

BERLIN, July 29.—The German Air Force, which started from scratch 6 years ago, has become indisputably the world's greatest.

Witness Poland, Norway, the Low Countries, France.

The one factor which, more than any other, made the Reich's "Luftwaffe" what it is today was unified organization—organization so perfect in detail that the German Air Force can function in one capacity or a dozen, in whole or in part, in offense or in defense without a hitch and at a moment's notice.

STREAMLINED

The Luftwaffe is modern and streamlined in all its parts.

As one of Germany's three armed services, with which it is coequal, the air force has its own commander in chief. With the army and navy, it is subject to orders from Hitler's high command, the supreme unifying and coordinating power.

Non-German experts acquainted with the air force's organization have reported that it functions with an efficiency rare in such large and ramified bodies.

The methods of organization and the routines followed not only are brand new, these experts have discovered, but are also completely flexible so that they may be changed to meet new situations and to allow the greatest possible discretion to the numerous responsible officials.

The air force is not, as recent history may have seemed to indicate, a purely offensive service. It includes every branch of Germany's defense against air attack, including all antiaircraft artillery. It also has its own signal and medical corps as well as other specialized groups which enable it to operate as a self-contained unit.

The air force may operate independently, or in conjunction with the army and navy. Air force units may be detached for service under army or navy command. Discretion for such employment of the air force lies exclusively with the high command.

Although Reich Field Marshal Hermann Wilhelm Goering outranks Admiral Erich Raeder, Navy Commander in Chief, and Gen. Field Marshal Walther von Brauchitsch, Army Commander in Chief, the air force itself enjoys no precedence over the other two branches.

POLISH CAMPAIGN

The past 11 months have illustrated how the air force works. In an operation like the Polish campaign, the army would request a certain number of planes and antiaircraft batteries for local reconnaissance, artillery observation, and protection.

These units would be temporarily detached by the high command and placed under direct command of the army. Meanwhile, the main body of the air force would be operating in its own sphere, bombing enemy lines of communications and air bases and fighting enemy airplanes.

In an operation over difficult terrain and across a body of water, as in the Norwegian campaign, the air force would be closely coordinated with the navy as well as the army.

In a mixed campaign involving land as well as water operations, as in the offensive against France and Britain, air power would be used constantly both independently and in coordination with land and sea forces.

At the outset of the drive, acting in its own realm, the air force would strike en masse against enemy air bases with a view to seizing air superiority at once. If success met this attempt, large units might then be detached for army service to aid ground forces to smash their way deeper into enemy territory.

Always, however, whatever its function of the moment, the air force is cooperating with its brother services in driving toward some specific strategic objective.

FLEXIBILITY FIRST

The air force's antiaircraft batteries were employed against enemy tanks and even warships as well as against enemy planes. In all instances the greatest flexibility of operation was maintained, and there was no adherence to set schemes of action merely for the scheme's sake.

In overseas operations the air force would act independently, raiding enemy industries, harbors, and other military objectives, and in close cooperation with the navy, bombing enemy shipping or hunting submarines.

An illustration of the air arm's flexibility was the organization of Germany's crack parachute troops. The original idea was Gen. Ernst Udet's, whose job at the time ostensibly was in connection with the technical development of plane engines.

But there was no jealousy or quibbling, and, according to one non-German aviation expert, "No one complained that he was overstepping the functions of his office—they all helped."

The Reich is divided into four air fleets (luftfoltten), each of which includes several air districts (luftgaue). In addition, there are special districts covering small areas of greater military vulnerability, such as Berlin, Leipzig, and the Ruhr industrial valley.

The air fleet command is in charge of all operations and all plane bases, communications, and whatever equipment it may need.

SELF-CONTAINED

If the air fleet gets an offensive assignment, it may leave its home base or even depart from Germany lock, stock, and barrel. It then becomes a completely self-contained fighting unit fully supplied with its own fighting, bombing, reconnaissance, staff, and hospital planes and its own antiaircraft batteries, signal corps, quartermasters' detachments, and medical units.

In short, it is given the task of bringing operations to a successful conclusion and is supplied with all means of doing so.

One expert summed it up by saying:

"If circumstance demands, the air fleet can have infantrymen, sailors, artillerymen, and engineers assigned to it. Nobody worries about the seaming heterogeneity of organization—the only consideration is that the air fleet is to do a job and do it efficiently."

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

To Mr. O'LEARY, indefinitely, on account of illness.

To Mr. CLARK, 3 days, on account of illness.

To Mr. HOOK, 2 weeks, on account of official business.

To Mr. RANDOLPH, for 1 day, on account of official business.

To Mr. SHERIDAN (at the request of Mr. BOLAND) for 27 days, on account of being called into active naval service stationed on U. S. S. *Cimarron* at Pearl Harbor, Honolulu.

To Mr. BATES of Kentucky (at the request of Mr. VINCENT of Kentucky) for 1 day, on account of important business.

To Mr. GOODWIN (at the request of Mr. LECOMPTE), for this week, on account of important business.

To Mr. JACOBSON (at the request of Mr. LECOMPTE), for the balance of week, on account of important business.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3920. An act to amend the Railroad Unemployment Act, approved June 25, 1938, as amended June 20, 1939, and for other purposes; to the Committee on Interstate and Foreign Commerce.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 3200. An act to provide for the rank and title of lieutenant general of the Regular Army in the military departments of Panama and Hawaii.

ADJOURNMENT

Mr. WOODRUM of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 38 minutes p. m.) the House adjourned until tomorrow, Wednesday, July 31, 1940, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1859. A communication from the President of the United States, transmitting the draft of a proposed joint resolution to provide for the strengthening of the national defense; to the Committee on Military Affairs.

1860. A communication from the President of the United States, transmitting emergency supplemental estimates of appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1941, totaling $75,750,000, plus contract authorizations totaling $46,230,000 (H. Doc. No. 888); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. EBERHARTER: Committee on Claims. S. 419. An act for the relief of Luke A. Westenberger; with amendment (Rept. No. 2806). Referred to the Committee of the Whole House.

Mr. THOMAS of New Jersey: Committee on Claims. H. R. 5814. A bill for the relief of R. Madge Williams; with amendment (Rept. No. 2807). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 6091. A bill for the relief of Samuel Roberts; with amendment (Rept. No. 2808). Referred to the Committee of the Whole House.

Mr. FENTON: Committee on Claims. H. R. 6230. A bill for the relief of James Murphy, Sr.; with amendment (Rept. No. 2809). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND:

H. R. 10246. A bill to further amend the act of July 30, 1937, authorizing the conveyance of a portion of the Stony Point Light Station Reservation to the Palisades Interstate Park Commission; to the Committee on Merchant Marine and Fisheries.

By Mr. MANSFIELD:

H. R. 10247. A bill to authorize the use of a tract of land in California known as the Millerton Rancheria in connection with the Central Valley project, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. PETERSON of Florida:

H. R. 10248. A bill to provide that the Navy ration shall include canned fruit juices; to the Committee on Naval Affairs.

By Mrs. ROGERS of Massachusetts:

H. R. 10249. A bill making members of the National Guard eligible for Government life insurance when called into service; to the Committee on World War Veterans' Legislation.

By Mr. WALTER:

H. R. 10250. A bill authorizing the construction of certain public works on the Lehigh River at Bethlehem, Pa., for flood control; to the Committee on Flood Control.

By Mr. KOCIALKOWSKI:

H. R. 10251 (by request). A bill to extend to the Virgin Islands the provisions of certain laws relating to vocational education and civilian rehabilitation; to the Committee on Insular Affairs.

H. J. Res. 586 (by request). Joint resolution transferring the administration of the homestead projects established in the Virgin Islands from the government of the Virgin Islands to the Department of Agriculture; to the Committee on Insular Affairs.

By Mr. HOFFMAN:

H. Res. 559. Resolution requesting certain information from the Postmaster General; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FAY:

H. R. 10252. A bill for the relief of Karl Eduard von Vietinghoff-Scheel; to the Committee on Immigration and Naturalization.

By Mr. KRAMER:

H. R. 10253. A bill for the relief of Eugene Gruen and his wife Kate; to the Committee on Immigration and Naturalization.

By Mr. MACIEJEWSKI:

H. R. 10254. A bill to enable Vladas Barciauskas to remain permanently in the United States; to the Committee on Immigration and Naturalization.

H. R. 10255. A bill for the relief of Edgar Jack Chaplin; to the Committee on Naval Affairs.

By Mr. PETERSON of Florida:

H. R. 10256. A bill for the relief of Mrs. J. W. Stackhouse; to the Committee on Claims.

By Mr. REECE of Tennessee:

H. R. 10257. A bill for the relief of Richard Padgett; to the Committee on Claims.

H. R. 10258. A bill granting a pension to Clara Rosenbalm Hale; to the Committee on Invalid Pensions.

By Mr. SABATH:

H. R. 10259. A bill for the relief of Kresimir Matijevic; to the Committee on Immigration and Naturalization.

By Mr. SHEPPARD:

H. R. 10260. A bill for the relief of Walter J. Bittman; to the Committee on Immigration and Naturalization.

By Mr. TENEROWICZ:

H. R. 10261. A bill for the relief of Paul Szeliga; to the Committee on Immigration and Naturalization.

By Mr. THOMASON:

H. R. 10262. A bill for the relief of Emily Barlow; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9083. By Mr. COLE of Maryland: Resolution recently adopted by the Optimist Club of North Baltimore, Inc., Towson, Md.; to the Committee on Military Affairs.

9084. By Mr. ELSTON: Petition of Richard A. Forberg, secretary of Cincinnati Youth Committee Against War, and 30 other members of such committee, petitioning Congress to oppose and defeat the Burke-Wadsworth bill and all similar bills which propose compulsory military training in peacetime; to the Committee on Military Affairs.

9085. By Mr. HARTER of New York: Petition of the Women's Committee of the Niagara Frontier Defense Committee, favoring House bill 10213, to permit American vessels to assist in the evacuation of refugee children from the war zones; to the Committee on Foreign Affairs.

9086. By Mr. MONKIEWICZ: Resolution of the Court of Common Council of the city of Rockville, Conn., fully endorsing national-defense program and pledging fullest cooperation in helping strengthen our defenses; to the Committee on Military Affairs.

9087. By Mrs. NORTON: Petition signed by 477 members of the New Jersey Homing Pigeon Concourse Association, Inc., endorsing and urging the enactment of House bill 7813, a bill entitled "To Safeguard the Homing Pigeon"; to the Committee on Agriculture.

9088. By Mr. SCHWERT: Petition of Bishop John A. Duffy, of Buffalo, appealing for exemption of students for the priesthood from compulsory military service; to the Committee on Military Affairs.

9089. By Mr. STEARNS of New Hampshire: Petition of Mr. and Mrs. George Foote and others of Dublin, N. H., petitioning immediate legislation to enable the United States to send ships and convoys to remove British children to the United States; to the Committee on Foreign Affairs.

9090. By Mr. SUTPHIN: Petition of the New Jersey Society Sons of the American Revolution, urging a strong united militant spirit of Americanism, compulsory training, and the completion of an adequate preparedness for national defense, and opposing granting any rights and privileges to any groups owing allegiance to any foreign power; to the Committee on Military Affairs.

9091. By the SPEAKER: Petition of the Midwest Federation of American Syrian Lebanon Clubs, Indianapolis, Ind., petitioning consideration of their resolution with reference to allegiance to the Government of the United States of America; to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JULY 31, 1940

The House met at 12 o'clock noon and was called to order by the Speaker.

The Reverend Bernard Braskamp, D. D., pastor of Gunton-Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

Almighty God, whose goodness and mercy have followed us all our days, we come into Thy presence through the gateway of prayer. Thou wilt never close this way, for Thy fatherly heart is always open with love in response to those who seek Thee.

In all our duties give us Thy help; in our perplexities, Thy counsel; in our dangers, Thy protection; and in our sorrows, Thy peace. When the evening shadows betoken the end of the day, may a conscience that is peaceful and a heart that is happy be Thy testimony that we have tried to make life less difficult for the distressed and afflicted.

Grant that our beloved country may be the abode of peace and prosperity, of truth and justice, of righteousness and freedom. Keep us true to our historic ideals of integrity and unselfish service to needy humanity. May this Nation be an ambassador of God, leading the way toward a civilization built upon the principles of the Kingdom of Heaven.

In the name of the King of Kings we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 583. Joint resolution making an additional appropriation for the Tennessee Valley Authority for the fiscal year 1941 to provide facilities to expedite the national defense.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 4037. An act to confer jurisdiction upon the United States District Court for the Western District of Kentucky to hear, determine, and render judgment upon the claim of Theodore R. Troendle, for the Dawson Springs Construction Co.

SECOND SUPPLEMENTAL NATIONAL-DEFENSE APPROPRIATION BILL, FISCAL YEAR 1941

Mr. WOODRUM of Virginia, from the Committee on Appropriations, reported the bill (H. R. 10263) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes (Rept. No. 2810), which was read a first and second time and, with the accompanying report, referred to the Committee of the

Whole House on the state of the Union and ordered to be printed.

EXTENSION OF REMARKS

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an editorial.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. REED]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. TREADWAY]?

There was no objection.

Mr. TREADWAY. Mr. Speaker, I want to call attention to a very erroneous impression that seems to be going around the country. I hold in my hand an extract from this morning's paper which says definitely that members of the tax subcommittee of the Senate Finance Committee and the House Ways and Means Committee met yesterday morning with Treasury and congressional experts, and so forth; then later on it states that—

This afternoon they had a general discussion that ended nowhere.

Mr. Speaker, that is an erroneous impression. The tax subcommittee has not been called together. Yesterday afternoon I met some newspapermen, and they were surprised that I did not know there was a meeting of the tax subcommittee being held. No notice has been given any member on the Republican side of any such meeting. The Democrats may be holding such meetings, which might be termed partisan "nonpartisan" gatherings. They will eventually come in here and tell us that they want to pass a nonpartisan tax measure. Why do they not make it nonpartisan by including Republican members of the committee rather than meeting the way they do, in secret informal sessions in which they presume to determine the whole program? Our assistance may not be of much value, but we are Members of the House and of the committee, and they should not have these meetings without letting us know.

If it were a partisan matter which was under consideration, such as a tariff bill, we might expect to be excluded; but the excess-profits tax is a nonpartisan measure which the Republican members of the committee were instrumental in initiating.

We of the Republican minority are perfectly willing to assume our share of the responsibility in preparing a sound excess-profits tax measure, but we do not want the country to get the impression that we have been permitted to have any part in its drafting up to the present time, for we have not.

[Here the gavel fell.]

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi [Mr. RANKIN]?

There was no objection.

Mr. RANKIN. Mr. Speaker, the gentleman from Massachusetts [Mr. TREADWAY] complains of the very practice that he followed himself when the Republicans were in power, when they were trumping up the Fordney-McCumber tariff bill, the most iniquitous tariff bill that was ever passed by the American Congress, one that robbed the American people more than any other measure Congress ever passed, a bill which levied a tribute on everything the American farmer had to buy, from the swaddling clothes of infancy to the lining of the coffin in which old age is laid away.

They held meetings behind closed doors, and I refer to the Republican members of the Ways and Means Committee, among whom was the distinguished gentleman from Massachusetts [Mr. TREADWAY]. Now, when we are trying to undo some of those iniquities which they perpetrated during the Harding, Coolidge, and Hoover regimes, he has no right to condemn the Democrats for merely following the precedent set by them in holding their meetings. If our members of the committee are holding separate meetings, as he intimates, it is because they are simply trying to arrive at some decision before they call in the Republican Members who will probably want to throw sticks in the machinery. [Applause.]

EXTENSION OF REMARKS

Mr. KEEFE. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include therein an editorial from the Chicago Tribune.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin [Mr. KEEFE]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. RAYBURN]?

There was no objection.

Mr. RAYBURN. Mr. Speaker, I feel certain that the gentleman from Massachusetts [Mr. TREADWAY] is alarmed about something that has not happened and will not happen. The gentleman from Tennessee [Mr. COOPER], who, as I understand, is chairman of the subcommittee on taxation, has for some time been talking to people in the Treasury Department. In all probability the Treasury Department is ready to make a report on what it thinks about the so-called excess-profits matter. I am certain that the gentleman from Tennessee [Mr. COOPER] and his subcommittee intend that this matter shall be considered in a nonpartisan fashion and that when the real work that is to come before the subcommittee and the full committee is ready the gentleman from Massachusetts [Mr. TREADWAY] and the gentlemen on his side of the House will have all the responsibility that they desire in connection with writing a tax bill.

FEDERAL DEPOSIT INSURANCE CORPORATION

Mr. STEAGALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. STEAGALL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a statement, carried in the New York Herald Tribune, by Mr. Leo T. Crowley, Chairman of the Board of the Federal Deposit Insurance Corporation, reviewing the operations of the Corporation this year and setting forth facts and figures.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

EXTENSION OF REMARKS

Mr. RICH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial from the Williamsport Sun.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, whenever a Republican gets up here on the floor of the House and criticizes something that has happened, such as the gentleman from Massachusetts [Mr. TREADWAY], a member of the Ways and Means Committee, stated a few minutes ago he is a member of the committee involved for taxation, and if it does not take well with the administration, the Chair generally recognizes the gentleman from Mississippi [Mr. RANKIN] to follow the Speaker on the Republican side, it is so apparent.

The gentleman from Mississippi may be an administration spokesman, but the gentleman from Mississippi in the things he has to say here in reference to the Democratic Party in criticizing the Republican tariff or anything the Republicans may do or have done, does not count or register very much for sound American principles. He does not have any business experience that I know of. He wants the Government in all kinds of business. The Chair recognizes him at his will. I want to say here that as long as we permit the importation of farm commodities that take the place of what the farmers in this country ought to raise, or the importation of goods that take the place of American manufactures, while at the same time we want to give employment to the 9,000,000 Americans who are out of work, then I say it is time we have a tariff that will protect American industry and protect American labor. [Applause.]

[Here the gavel fell.]

HARRY BRIDGES

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LELAND M. FORD. Mr. Speaker, I should like to call the attention of all Congressmen to the fact that the United States Government has in its possession four sworn affidavits made by Harry Bridges, and that three of them on their face must be perjured. I should like to know why the Attorney General does not proceed against Harry Bridges. I believe one of the greatest lines of defense in this country today is to defend us from enemies within. The Attorney General must know that Bridges is guilty of perjury. If he is going to continue to let these aliens make perjurious statements and get away with it, I can see in that a real break-down of American government. I believe this country has a right to look to the highest officials in this land to see that the law is carried out. This is not a Democratic idea, neither is it a Republican idea. It goes to the welfare and safety of this country. I believe this body should insist on this country's officials doing their duty. [Applause.]

[Here the gavel fell.]

PERMISSION TO ADDRESS THE HOUSE

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

[Mr. GROSS addressed the House. His remarks appear in the Appendix of the RECORD.]

EXTENSION OF REMARKS

Mr. McDOWELL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a very excellent article on the lack of tin in America, from today's Washington Merry-Go-Round.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

EXPORTATION OF SCRAP IRON

Mr. SECCOMBE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SECCOMBE. Mr. Speaker, a few weeks ago I made some remarks concerning the shipment of scrap iron to Japan. I believe this morning some remarks were made in regard to the shipment of commodities into America and the fact that these commodities come into conflict and competition with the products of our farms, and thereby work a hardship on our farmers. I believe every one of us today is receiving dozens of letters and telegrams protesting the shipment of scrap iron and other war materials, especially to our potential enemies. The shipment of scrap iron at any time is equal to taking the topsoil of America and sending it to foreign countries, because it never comes back to our land except in the form of bullets or some form of ammunition. Certainly something should be done now because of the shortage of scrap iron here in America to stop this for once and for all, especially in view of Japan's barbarous warfare in China. I trust something will be done very quickly, as we now have a shortage here in America. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a newspaper article or two.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GEYER of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on two occasions and include therein a communication from one of my constituents and an article from Fortune magazine.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MASSINGALE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and include therein what I regard as a very able speech made by Congressman KLEBERG, of Corpus Christi, Tex., on the 20th day of July, on the subject of preparedness.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

SECOND SUPPLEMENTAL NATIONAL-DEFENSE APPROPRIATION BILL, 1941

Mr. WOODRUM of Virginia. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10263) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes; and pending that I ask unanimous consent that general debate continue for 4 hours, the time to be equally divided between the gentleman from New York [Mr. TABER] and myself.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. RAYBURN. Mr. Speaker, reserving the right to object, may I ask the gentleman from Virginia if it is not his purpose to complete the consideration of this bill during the day?

Mr. WOODRUM of Virginia. It is, I will say to the gentleman from Texas. We figure that the debate will be over by 4:30, and, so far as any of us know, there is no opposition to the bill and we expect to read it and pass it this evening.

Mr. MICHENER. Mr. Speaker, reserving the right to object, what is coming up tomorrow?

Mr. RAYBURN. The so-called amendment of the Commodity Credit Corporation Act, which will not take a long time, and also the housing bill. On Friday we will consider a report from the Committee on Interstate and Foreign Commerce on an amendment to the Securities and Exchange Act affecting investment trusts. I understand there is a complete agreement as to these amendments by the industry, the Securities and Exchange Commission, and the Committee on Interstate and Foreign Commerce. So far as I know, it is a unanimous report and there is a unanimous agreement among all the parties concerned about it.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10263, the second supplemental national defense appropriation bill, 1941, with Mr. COLE of Maryland in the chair.

The Clerk read the title of the bill.

Mr. WOODRUM of Virginia. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WOODRUM of Virginia. Mr. Chairman, I yield myself 10 minutes

Mr. Chairman, this bill carries $4,970,151,957 of appropriations and contractual authority for the Army, the Navy, and the Marine Corps. I am not going to take a great deal of the time of the Committee in going into the details of the bill. While the amount of money involved is large, the number of individual items is not great. The bill provides equipment for the Army, the Navy, and the Marine Corps for aviation and for ordnance and for the purchase of essential and critical materials.

You will find in the report which the committee has filed a statement breaking down these several items. The amount of the appropriation in the bill is $2,234,191,957 in cash and the amount of contractual authority is $2,728,960,000. Of this sum the Army gets in appropriations $1,662,265,417 and in contractual authority $2,249,730,000. The Navy's allocation is $571,926,540 of appropriation and $479,230,000 of contractual authority.

By far the greater amount of the appropriations contained in the measure is for so-called critical and essential materials and on account of the construction program of the Navy. The bill provides for the most pressing and important equipment considered to be necessary in an emergency for an Army of 1,200,000 men, and for the most pressing and important critical materials for a force of 2,000,000 men. Critical materials consist of munitions of a type which cannot be easily or quickly acquired; materials of a noncommercial character.

The matériel provided for in this bill for the Army includes practically everything that a soldier and a modern army will use, from articles of the uniform to personal supplies and equipment and munitions of every kind and description.

With respect to Army aviation the committee recommends the Budget proposal for the procurement of 14,394 airplanes of various types, including accessory equipment and spare engines and spare parts.

Included in the munitions program is $38,787,142 for the procurement of 28,401 motor-propelled vehicles, apart from combat and technical vehicles.

Coming to the Navy we provide for commencing the construction of additional battleships, cruisers, and smaller craft, and for the reconditioning of some auxiliary vessels either already in the service or to be acquired, all for and incident to the purpose of reaching the objective of giving us a so-called 2-ocean Navy of about 700 combatant ships, which would be completed in about 3 or 4 years.

We also provide under the Navy head for the procurement of 4,028 airplanes. The total of additional aircraft, Army and Navy, provided for is 18,422.

In a large program of this kind, of course, one of the great problems is the question of the mobilization of industry in order to secure the orderly and expeditious delivery of the vast quantity and varied nature of the matériel involved. To facilitate the program the President appointed an Advisory Commission on National Defense. In the hearings we have set out the name of each member of that Commission and his duties. They are all experts, called from various fields of civil life. It is an entirely civil commission, headed by Mr. William S. Knudsen, of the General Motors Corporation, and Mr. Edward R. Stettinius, of the United States Steel Corporation. I particularly direct the attention of the Members to the round-table discussion found in the hearings beginning at page 232. The committee brought before it in one session the Secretary of War, Mr. Stimson, the Chief of Staff, General Marshall; the Secretary of the Navy, Mr. Knox; the Chief of Naval Operations, Admiral Stark; and Mr. William S. Knudsen and Mr. Edward R. Stettinius, of the Advisory Commission on Defense; the purpose being to find out whether or not in making these vast appropriations and laying out, as Congress has laid out this comprehensive hemisphere-defense program, if we were just paying out money and passing laws and getting nowhere, or whether or not it was all on order or we were really getting results in the accomplishment of three major objectives, namely, the early preparation of land, sea, and air forces in which we might feel secure if a need for their employment should arise. We received, without exception, the most emphatic, the most optimistic statements from these gentlemen. I felt, and I believe every member of the committee felt, that we do have a well-rounded, coordinated defense program, that it is in the hands of experts, that we may reasonably expect, and that we may, indeed, promise to the American people that not only is Congress passing these bills but that these acts are being taken in hand by those charged with their enforcement and operation, and that we are going to get results, that the critical hour ahead for the world and for America, if and when it comes, will find us in a position to take care of ourselves.

I do not know of any controversy in the bill. That does not mean that we did not go into it carefully. We did, but I say this for the Appropriations Committee as a whole and for each subcommittee dealing with this defense program: The fact that we are in a great emergency calling for mobilization of our resources and of our manpower for defense needs in no way lessens or minimizes the importance of watching and seeing to those fundamental principles of accounting and budget balancing, about which Congress has been and should be very much concerned. It is going to be the purpose of the Appropriations Committee and of each subcommittee, to follow every one of these appropriations just as carefully as we can humanly do so and see to the application of the purchase money as we would say in the law, or see to it that these funds are expended in the manner in which Congress means them to be spent, and that the American taxpayer gets a dollar's worth of defense for every dollar we appropriate. We believe that can be done and that it will be done.

It is necessary in this emergency to act quickly, to act expeditiously, and the fact that a bill of this size will pass in 1 day's consideration by the Congress does not mean that we are any less interested in fiscal affairs or are going to be any less zealous in days to come to see to it that useless expenditures are cut off and that there shall be an orderly accounting in all fiscal affairs. [Applause.]

I reserve the remainder of my time.

Mr. TABER. Mr. Chairman, I yield 20 minutes to myself. This bill provides for a very considerable amount of money, more than any other bill that has come before the Congress in the 18 years that I have been permitted to serve here. It calls for items for the national defense. In the bill that was brought to the House about the first of June and that became a law some time along about the 20th or 22d of that month we provided for the necessary matériel, guns, munitions, airplanes, and that sort of thing, to provide for an army along with what we had, of 1,200,000 men. This bill covers the matériel, the munitions, and the airplanes required for an army of 800,000 more, or 2,000,000 in all. I shall give some of the largest figures in the bill.

Mr. WOLCOTT. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. WOLCOTT. There has been some talk that in some of these bills there will be an appropriation which would enable the United States Housing Authority to continue its operations, not only building housing for the employees at manufacturing establishments engaged in producing war matériel, but also in the building of camps and cantonments. Is there anything in this bill which authorizes that, which I have not been able to locate?

Mr. TABER. There is nothing of that kind here and every single item in here for construction of any housing

that there might be would be under the Quartermaster of the Army or the Bureau of Yards and Docks of the Navy.

I think the gentleman's query is well directed and the only reason anyone could have for turning over the construction of any housing to the United States Housing Commission would be that they would be the most incompetent outfit that might be picked in the United States to take charge of that operation. No bill would come in here with my approval from the Appropriations Committee that carried a dollar for them.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. VINSON of Georgia. In response to the gentleman's question to the gentleman from New York, let me state that in a bill reported to the House a few days ago, section 2 made available solely for national defense, the facilities of the National Housing Commission for naval construction; but after inquiry I can state to the House that that will not be presented, but we will present a proposition for the Bureau of Yards and Docks to build whatever houses are necessary for the Navy. We are completely divorcing the Navy from the United States Housing Authority and not permitting the United States Housing Authority to get its nose under the tent on the national-defense program. [Applause.]

Mr. RICH. Mr. Chairman, will the gentleman yield for a question?

Mr. TABER. I yield to the gentleman from Pennsylvania.

Mr. RICH. We were told by the gentleman from Virginia [Mr. WOODRUM] that we were going to have a two-ocean Navy. Will it be necessary now, if we build a two-ocean Navy, to spend the money that was appropriated for the additional locks on the Panama Canal and the great expenditures that were to be made there?

Mr. TABER. I would not want to answer that question. I would rather the gentleman from New Jersey [Mr. POWERS] who has given long study to that subject and who is much more familiar with it than I am, would discuss that, because I understand that the additional lock proposition is some way off anyway and all that there is there for the moment is planning, in the nature of a third lock, and that is all there can be for a very considerable number of months. While the Army bill did carry a considerable item, not a big item in dollars——

Mr. RICH. It was $250,000,000, was it not?

Mr. TABER. Perhaps as a contract authorization, but it would not be used in a long time. It was a contract authorization almost entirely, and the only immediate work in connection with that operation, as I understand it, is planning and laying out. There is a lot of work at the Canal in connection with the expansion of our air fields and facilities for our naval vessels, and all that sort of thing, and for our defense operations. But I do not recall any substantial amount for the construction of that item in cash.

Mr. JENKINS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Ohio.

Mr. JENKINS of Ohio. I heard with a great deal of satisfaction the very terse statement made by the gentleman from Georgia [Mr. VINSON], chairman of the Committee on Naval Affairs, with reference to the determination to keep the United States Housing Commission from any activity in connection with the Navy construction. I do not recall the gentleman having answered what will be the policy with reference to the Army. I notice there is a big item for Army posts and storage. Will that include any of the things that the gentleman from Michigan [Mr. WOLCOTT] was asking about?

Mr. TABER. There is nothing in the Army proposition, as I recall it—there is nothing in the Army proposition in this bill for construction of housing activities. Mr. Pugh informs me that every dollar of the $70,000,000 is storage facilities, and it is all to be built under the direction of the Quartermaster General of the Army; not a dollar of it under anyone else.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. CRAWFORD. I wish to ask two questions, one referring to page 1 of the committee print report—do I understand that this bill actually appropriates $2,237,000,000 and authorizes contractual obligations for $4,970,000,000?

Mr. TABER. No. It appropriates $2,237,000,000 and provides contract authorization for $2,733,000,000.

Mr. CRAWFORD. That gives the total of $4,970,000,000; is that correct?

Mr. TABER. That is correct.

Mr. CRAWFORD. May I ask one other question? The best the gentleman can determine, what will that bring our Army and Navy defense program up to, in the way of appropriations since January 1 last, in round figures?

Mr. TABER. About seven billion.

Mr. CRAWFORD. That is since January 1, 1940?

Mr. TABER. Yes. Of course, a considerable amount of that was deficiency items that we carried in January and February in the first two deficiency bills that we passed. Probably $500,000,000 of that total would have been spent before July 1.

Mr. CRAWFORD. May I ask one other question?

Mr. TABER. I yield to the gentleman.

Mr. CRAWFORD. As far as the gentleman knows, are we likely to have an additional appropriation bill pertaining to defense during the balance of the session?

Mr. TABER. Of course, I do not know how long the session is going to last; but I do know this, that if we call out the National Guard we will have to have money to take care of the temporary housing for it. We are going to have to have money to take care of moving it. We are going to have to have the money to take care of feeding it and paying it. That will run close to $400,000,000 a year. If we call out troops, beyond those that are already provided for, it would depend on how many we called out. I beg the gentleman's pardon.

Mr. CRAWFORD. That is strictly maintenance cost as applied to the National Guard?

Mr. TABER. That would be for their pay, the ammunition that they would use in practice, for their temporary housing, their transportation, and all that sort of thing—routine expenses for such a number of troops as 225,000 or 230,000.

Mr. JENKINS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Ohio.

Mr. JENKINS of Ohio. As I remember the President's message that came to us a couple of weeks ago with reference to this appropriation bill, it asked for $4,800,000,000. Am I wrong in my recollection?

Mr. TABER. As I remember it, the figure shown on the first page of the report, $4,973,000,000, is the right figure for the President's estimate. That was not all cash, however; part of that was made up of contract authorizations.

Mr. JENKINS of Ohio. I may be wrong about that, but I was under the impression it was $4,800,000,000. I was going to ask the gentleman what was the occasion for the increase, but I may be wrong in my premise.

Mr. TABER. I now recall there was an item added as a supplemental Budget estimate covering somewhere around $122,000,000. The gentleman is correct about that. I had forgotten about that supplemental estimate that came up. While it is dated the 27th of this month, I cannot tell the gentleman the date it came here.

Mr. JENKINS of Ohio. Approximately and roughly what is included in the additional item the gentleman mentioned, this $122,000,000?

Mr. TABER. An additional $25,000,000 for the maintenance of the Bureau of Ships in the Navy. That means mostly improvements upon ships already in commission, and additional repairs that result from having more of them active all the time than we would get if we were in a normal situation, and $45,000,000 for the Bureau of Aeronautics.

Mr. JENKINS of Ohio. Another question, if the gentleman will permit: I see in the papers rather well-authenticated statements to the effect that our appropriations for national

defense, when we shall have passed this bill, will approximate thirteen and one-half billion. Is that correct?

Mr. TABER. I am afraid that information is a little misleading. The figures at the end of the recess, about the 22d of June, were just under $6,000,000,000, including contract authorizations. This is the first item since then, and this will make the total run just under $11,000,000,000, including contract authorizations, with the items that have gone before; and that includes not only funds for the fiscal year 1941, the current fiscal year, but about five to six hundred millions of money I referred to a moment ago that was appropriated that had been used prior to the 1st of July; and it also includes a lot of contract authorizations for which we will be appropriating money as late as the fiscal year 1943 in some instances.

Mr. JENKINS of Ohio. That may be the basis of this figure, $13,500,000,000.

Mr. TABER. My figure of $11,000,000,000 takes into consideration all of the contract authorizations for the Army and the Navy passed at this particular session, as well as all appropriations; and I think it is correct.

Mr. JENKINS of Ohio. Just while I am asking these questions, how much are the other appropriations outside of those earmarked for national defense? Approximately what do they amount to for this session?

Mr. TABER. The appropriations to the 1st of July, as I remember—I am giving an offhand figure—I have the exact figures in the office but not in my head—but as I remember it they run about $13,000,000,000. I may be a little off there. Of that the cash appropriations were approximately $4,500,000,000 for the Army. That would leave a little over $9,000,000,000 for something else. I will put the correct figures in the RECORD so that accurate information may be available for those who want it.

I submit the following table, which does not include reappropriations, contract authorizations, and many other items:

Regular annual appropriations, 76th Cong., 3d sess.

Agriculture and farm credit		$918,603,918.00
Independent offices		1,120,243,528.00
State	$20,125,500	
Commerce	33,908,500	
Justice	41,323,000	
Judiciary	11,792,000	
		107,149,000.00
Treasury	218,752,033	
Post Office	814,049,062	
		1,032,801,095.00
Navy		1,308,171,138.00
Interior		135,383,330.05
District of Columbia		48,765,080.00
Civil functions		222,718,717.00
Military		1,499,323,322.00
Legislative		23,671,220.00
Labor	$32,714,390	
Federal Security	857,143,400	
Other	133,424,900	
		1,023,282,690.00
Emergency supplemental		252,340,776.00
Urgent deficiency		57,541,300.00
First deficiency		92,035,408.52
Second deficiency		85,891,777.23
Emergency relief		1,157,711,357.00
First supplemental national defense		1,479,777,147.00
Second supplemental national defense (passed House)		2,234,191,957.00
Total		12,799,602,760.80

Mr. JENKINS of Ohio. Giving a complete break-down of the appropriations up to date?

Mr. TABER. I will do that.

Mr. JENKINS of Ohio. I thank the gentleman.

Mr. TERRY. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Arkansas.

Mr. TERRY. A few minutes ago the question was raised about the United States Housing Authority building housing at naval establishments, and the chairman of the Naval Affairs Committee said, as I understood him, that the Housing Authority would have nothing to do with the building of housing at naval establishments. It is my understanding that under a provision which was included in one of the defense bills passed recently the United States Housing Authority is to build housing for the low-paid groups of naval employees at a number of the establishments; for instance, I understand that at the new base at Corpus Christi, Tex., and probably at Pensacola, Fla., and at Portsmouth, Va., and one other place low-cost housing is to be built for naval employees in the low-paid groups.

Mr. TABER. It would, of course, be high-cost housing if they tried to build it.

Mr. TERRY. I do not know whether that is true or not. [Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield myself 10 additional minutes.

Mr. TERRY. I am asking for information as to whether or not my understanding is correct.

Mr. TABER. I do not know. They may be doing it; but I do not know.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. VINSON of Georgia. In response to the inquiry of the gentleman from Arkansas, in what is known as the Speed-up Act, authority was given by joint arrangement between the Army and the Navy and the Housing Authority to have additional defense housing built; but, as a matter of fact, no money has been made available and no money is going to be made available for the Housing Authority to build houses for workers in the navy yards.

Mr. TERRY. I may say to the gentleman from Georgia that it is my understanding that they are using United States Housing Authority money to do this work.

Mr. VINSON of Georgia. That is an entirely different proposition.

Mr. TERRY. They are taking it away from various municipalities where housing projects are already under way.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield further?

Mr. TABER. I yield.

Mr. VINSON of Georgia. The United States Housing Authority is out of money; it has no money. That is the reason they sought to put in the naval bill a $250,000,000 bond authorization, so they could get money to do what the gentleman is talking about.

Mr. TABER. I hope they are out of money, and I hope they will stay out of money.

Mr. VINSON of Georgia. That is right.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. TREADWAY. In connection with the inquiries made by the gentleman from Ohio, the gentleman from New York has stated that he would include in his remarks a table of the various amounts that have already been appropriated or authorized.

Would it be possible to include in that table a further reference to contracts that have been let under those appropriations, so that we may have a complete picture of exactly where we stand financially and in preparation?

Mr. TABER. Well, it would be quite a job to prepare that. I may say to the gentleman insofar as the appropriations that have been made for the Army and the Navy are concerned, it is my understanding that of those appropriations which were for additional ships, ammunition, ordnance, and things of that kind, exclusive of the ordinary food supply, clothing, and all that sort of thing, at the time we were holding our hearings approximately 50 percent of the money that we had provided had been obligated, but as to these other developments I have not any information as to what percentage has been obligated. I do not think a very large percentage of anything beyond the Army and Navy has been obligated.

Mr. TREADWAY. So we have on hand very large sums?

Mr. TABER. Oh, yes.

Mr. Chairman, for a few moments I want to go ahead and say a word or two with reference to these items. The big

item including contract authorizations involved here is the ordnance, which for the Army amounts to a billion and a half and the airplanes which amount to almost that. Then there are $325,000,000 for the providing of facilities with which to make ordnance materials. It is the program that all of these outfits shall be operated by private industry. They will belong to the Government because private industry cannot construct them on account of the depreciation rules and that sort of thing and because of lack of funds in a great many cases. Every item that is provided for anything of that kind is particularly set out and is under the control of Mr. Knudsen and Mr. Stettinius, so that I do not believe we are going to get into the question of competition with private industry in any way.

Mr. STEFAN. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Nebraska.

Mr. STEFAN. With reference to these buildings the Government is going to give, for instance, powder plants; will they be leased to private industry?

Mr. TABER. They will be, with the exception of small units for increasing a Navy powder plant that is already in operation. That is the program.

Mr. GIFFORD. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Massachusetts.

Mr. GIFFORD. I was interested to read that industry will do most of this work, but suppose labor trouble comes up, who settles that? Does Mr. Stettinius have anything to do with that?

Mr. TABER. I shall have considerable to say on that question before I sit down. I do not know whether I want to get into that at this moment or not.

Mr. GIFFORD. Somebody ought to have considerable to say about that.

Mr. TABER. I will say it now.

Mr. GIFFORD. Your report is not very voluminous here.

Mr. TABER. Mr. Chairman, England and France are where they are today not so much because they did not have funds available to build what they needed for national defense but because a policy of socialization and coddling has been followed over there. So far as I am personally concerned, I want to see the man who works get a good fair day's pay; but I do not believe that the wage-hour bill, the Walsh-Healey bill, or the National Labor Relations Act have added a single dollar to the average workingman's pay envelope. In fact, I believe that the practices that have resulted following the passage of those bills have thrown a lot of them out of work and have reduced the average man's pay envelope.

Since this program began for the building up of the Army and Navy I know that I have been obliged to work much longer than 10 hours a day. I know that those in executive positions, those who are carrying out great responsibilities, have had to do the same thing. The putting on of overtime, the settling of labor disputes, and that sort of thing has got to be approached from the standpoint of the interests of the United States. Everyone has got to put in the background those things that are selfish.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield myself 5 additional minutes.

Mr. Chairman, we have to work if we are going to get out of this situation. Let me say to you that I am informed that as the Germans marched into Paris the Government workers in the Government offices were enjoying a 2-hour luncheon period. That is just a sample of the reason why Germany succeeded, because her people were tired of being on the losing side and were ready to go to work and Germany therefore got the jump on England and France. We in this country must not be afraid to meet our responsibilities and to see that our people do their part and do it as patriotic Americans.

Mr. HAWKS. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Wisconsin.

Mr. HAWKS. Did the gentleman get the same propaganda that came to my desk this morning from John L. Lewis?

Mr. TABER. I do not know. I have not got that far in my mail yet. I am not that near up to date.

Mr. MASSINGALE. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Oklahoma.

Mr. MASSINGALE. May I ask the gentleman if in the hearings his committee got any information as to just what is being done; in the first place have the purchasing authorities which are going to spend this money agreed on a type of a rifle for the United States Army and are they having it made?

Mr. TABER. I understand they have, and that they are having them made to the very peak capacity of the available plants and of those they can work in.

Mr. MASSINGALE. Have they agreed upon the type of tank they want to use, and are they having them made?

Mr. TABER. Contracts have been let for a very large number of tanks within the last 3 weeks. I asked them if they were firm contracts that required immediate starting and the following through of those contracts until they were completed, and I was told that they were. I will say to the gentleman with reference to the tank situation that not all of the possible contracts have been let. The Army has not ceased efforts to develop something better. The gentleman and I would not want them to do that. But on regular service tanks they are going ahead as fast as the situation would warrant.

Mr. MASSINGALE. Have they agreed upon and are they having built planes such as the Germans used in their campaign in France, or similar planes?

Mr. TABER. I suppose the gentleman refers to planes for dropping parachute troops?

Mr. MASSINGALE. Not necessarily planes for dropping parachute troops; I mean the diving type.

Mr. TABER. The Germans did nothing but copy the American dive bomber, with which our Navy started 10 years ago.

Mr. MASSINGALE. Are we having them made?

Mr. TABER. We are having them made, and we have made them. Every one of our aircraft carriers is equipped to the full limit of its complement with dive bombers of the most modern type.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield myself 8 additional minutes.

Mr. MASSINGALE. The reason I have asked the gentleman these questions—and I appreciate his answers—is that I know if anybody would try to dig out that information it would be the gentleman from New York. I believe the American people want to know just what is being done; not just what is being promised to be done.

Mr. LEWIS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Colorado.

Mr. LEWIS of Colorado. I notice on page 10 of the report there is an item of slightly over $150,000,000 for clothing and equipage. During the last several years I have been interested in the amount of Army supplies of what seemed to be very good clothing and one thing and another, accumulated during the World War, which were apparently being disposed of and then being retailed by dealers in second-hand clothing. What has been done about that? Just because a uniform is not of the most recent design does not mean that it is not still good for men's use.

Mr. TABER. I cannot, because I have not been in a position to do so, discuss the manner in which they have disposed of what was left from the World War. I am advised that it is practically gone. We were advised that a very large quantity of it had been used by the C. C. C. Whether any of it has been sold to junkmen that should not have been sold, I am not in a position to discuss because I do not know. I have not had an opportunity to go into it. However, I am satisfied there is very little of that material around now. I am satisfied that we need to get the things that are provided here at the present time. Whether they have been too free in condemning articles as surplus and selling them, I do not know; I could not say. I am advised by those who have been on the military subcommittee recently that they do not be-

lieve those in charge have been overzealous in getting rid of the stock.

Mr. LEWIS of Colorado. I understand there were several million uniforms left over at the end of the World War, and with proper safeguarding and care they might have been kept, it seems to me.

Mr. TABER. There were large quantities around for a long time. I understand that those are practically gone.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Massachusetts.

Mr. GIFFORD. As I understand, $4,000,000,000 is being provided in this measure?

Mr. TABER. Four billion nine hundred and seventy million dollars.

Mr. GIFFORD. There is a very brief report on the bill. We hear a great deal from the public that they want expeditious action. There are going to be many bottlenecks. Yesterday it was aluminum, and you got your $65,000,000. You have your 8-percent limitation on capital so that they cannot make any money. You will have your excess-profits tax. We read about these four or five men who have been appointed. Mr. Hillman has charge of one bottleneck, which will be a bottleneck, and a most important one, of course. Will this Congress dare hint that they are willing and have the courage to mention even taking away one of the hindrances that are bound to arise, and prevent us from getting into a bottleneck from which we cannot be extricated, which is what the gentleman said and everybody knows has happened in every other nation?

Mr. TABER. I may say to the gentleman that as far as I am concerned, I am ready and have been ready to vote to remove any bottleneck; I do not care what it is—Sidney Hillman or anyone else. I did not vote for the National Labor Relations Act. I was the one who demanded a roll call upon its passage. I did not vote for the wage-hour bill. I did not vote for the Walsh-Healey bill. I would not vote for any of them if they were here today, and I would vote to repeal every one of them right now.

In this bill we are attempting to remove some bottlenecks, and I hope the Members of the House will go along with us in that attempt. We are trying as best we know how, without any partisanship, as far as I am concerned, to provide what funds are asked in a fair way for national defense.

I will be perfectly frank with you. I believe the amount of money that is carried here is more than we will be able to use successfully, but I do not want to be one who has refused to provide what is needed when somebody else starts some trouble against us. When we consider the figure of $4,970,000,000, we ought to consider that this means contract authorizations for the delivery of planes and ordnance, and these two items make up two-thirds of what this bill carries. Some of these authorizations run for as long as 3 years from today. We do not want to figure that the passage of this bill means that the $4,970,000,000 is for the rest of the year 1941. It is not. It is spread out over a very considerable period, and it would not run so much if we were on a basis of full preparedness for what we have in mind might happen.

Mr. DWORSHAK. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman.

Mr. DWORSHAK. On page 6 of the bill appears an item for expediting production providing for a direct appropriation of $162,500,000, with a similar amount of contractual authority, and I observe that section 3709 of the Revised Statutes is waived. Does that mean there is absolutely no precaution provided for the prevention of profiteering?

Mr. TABER. No; it does not. The 8-percent provision of the law limiting gross profits applies to that language. The whole set-up is an emergency set-up, and while it will be possible for the people who have charge of letting these contracts to let them without competitive bids by negotiated contracts, there is no waiving in this particular spot of the question of the amount of profits that might be derived. [Applause.]

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, it is an interesting historical fact that this is the largest bill ever reported out of the Appropriations Committee in peacetime, and it is especially noteworthy and interesting that it comes before the House with a unanimous committee report, and it probably will pass the House without a roll call.

In view of the thorough explanation of this bill by the gentleman from Virginia, Judge WOODRUM, and the gentleman from New York [Mr. TABER], the very able ranking members on the two sides of the aisle, any statement by me may seem repetitious, but there are certain provisions of the bill and some phases of the defense program to which I should like to invite special attention.

In the first place, I would like to point out what this bill, which I am supporting and defending, means in terms of national sacrifice. I agree that whatever the cost of adequate national defense is, it must be paid, but I think somebody should call attention to the bills that are being incurred, so that the American people may be put fully on notice that the time is coming when we must tighten our belts and make real sacrifices for the common good, sacrifices that we never have known in our lifetime and that we never expected to have to make. Money does not grow on trees and every dollar of debt that is being incurred to place our country in a safe and secure defense position must come ultimately from the sweat and toil and sacrifice of the taxpayers of our country.

The immediate problem is to get our defenses in order and no one appears to be giving any thought, or, at least, any adequate thought, to how the bills are to be paid. And yet this is a phase of the approach to national defense which must have attention if our country is to remain financially sound and vigorous to meet all of the strains of the fateful years that are immediately ahead. It would be well, I think, for our revenue-raising authorities to give immediate and careful attention to drastic measures to keep our country's financial position sound and equal to all eventualities. Heavy taxation is certain and, as much as we would all regret to see a capital levy, I am not certain that it can ultimately be avoided. The point I wish to stress is that, while we must go ahead as rapidly as possible building our defenses, we should be giving more attention to the associated problem of paying the bills so as to keep America sound and solvent.

Appropriations are being made so rapidly and in such amounts that the clerks are not able to estimate accurately the present status of our national debt. It seems to have become a very obscure and far-off consideration. For a long time our statutory debt limit was $45,000,000,000. This, as we all know, was raised some months ago to $49,000,000,000. The cash appropriated in the bill now before the House, to say nothing of the contract authorizations carried by it, will shoot the national debt far above $50,000,000,000, or more than a billion dollars above the present statutory debt limit. And apparently our national-defense appropriations have only started. If compulsory military training is approved by Congress, it will immediately add another billion dollars to our defense program, according to testimony by Gen. George C. Marshall, Chief of Staff, before our subcommittee.

The supplemental defense bill now before you appropriates and authorizes contracts amounting to $4,963,151,957. Some minds may be able to grasp this amount, but to most persons it is staggering and incomprehensible. Some idea of its magnitude may be obtained, I think, from the fact that it amounts to $2,577,300 for every year since the birth of Christ. One item in this bill appropriates $303,585,000 for the production of ordnance matériel and equipment. This involves the construction of 31 plants for the production and handling of munitions, costing from $5,000,000 to $20,000,000 each. Some of these plants for the manufacture of implements of death and destruction will cost two and three times apiece what the United States paid for the Territory of Alaska, and some of these single plants will cost much more than Jefferson paid for the Louisiana Purchase, out of which were carved several great American States.

These facts are cited to show the colossal magnitude of our defense program. What the scope of that defense is to be you will find in the testimony of Secretary of Navy Knox—

page 6 of the hearings—and Secretary of War Stimson—page 113 of the hearings. Both of those gentlemen, responding to questions which I asked, said that the kind of defense we are planning is hemisphere defense, to be prepared to carry out our obligations under the Monroe Doctrine. Secretary Knox said—page 6:

Since we have indicated our intention of enforcing the Monroe Doctrine, the only kind of defense which can be hoped to be successful in a major war would be hemisphere defense.

Secretary Stimson—page 113—called attention to the resolution passed by Congress some weeks ago reaffirming the Monroe Doctrine and said:

When Congress has passed a resolution like that, it is up to the Army to try to make it good.

While the obligations we are assuming are enormous and the appropriations necessary to carry out those obligations are, and necessarily will continue to be stupendous, it is to your subcommittee a great satisfaction to know that there is supervising and regulating these vast expenditures and operations such a safe, sound, and competent governing body as the Advisory Commission to the Council of National Defense. William S. Knudsen and Edward R. Stettinius appeared before our subcommittee not only once, but several times, and submitted themselves to the closest examination as to their plans and purposes. I think I speak the sentiments of the entire subcommittee when I say that we were greatly impressed by the zeal, the patriotism, and the magnificent competency of both gentlemen. Mr. Stettinius' field is the procuring of raw materials. Mr. Knudsen's function is the production of finished manufactured units of defense. They work together with perfect harmony and precision and we believe that if the country had been searched with a fine-toothed comb it would have been impossible to find two men better fitted to perform the mammoth tasks assigned to them than are these two masters of industry. I will confess that I felt a lot better satisfied over the future of our defense program after I had seen them and talked with them. I could not escape the conclusion that their sphere of service might well be broadened and that they might be of invaluable aid in furnishing advice in regard to financing the great defense program, as well as in procuring and manufacturing the implements of war. I felt reassured when I learned that no one of the costly military and naval construction enterprises and munitions plants will be established until the Advisory Commission has evaluated the individual proposals and passed judgment on the necessity for each plant. On page 246 of the hearings you will find this colloquy:

Mr. TABER. From your answers I would judge that you would go over them pretty carefully before you would approve them.

Mr. KNUDSEN. I think that is my duty.

Mr. TABER. You would expect to do that?

Mr. KNUDSEN. That is my duty.

Mr. LUDLOW. Along that line might I suggest that there are estimates for 31 separate new plants which have to do with the manufacture and handling of war matériel. Will you pass on each of these?

Mr. KNUDSEN. Yes; I am passing on every one of them, or at least my organization is.

All of this, I think, is very reassuring. It means, I sincerely believe, that the national-defense program is in safe, competent hands and that it will be executed in accordance with the best business principles and with a minimum of waste. On this subject of waste in national-defense appropriations the following testimony, found on page 247 of the hearings, is interesting:

Mr. LUDLOW. Mr. Knudsen, I know that the entire country has confidence in you and Mr. Stettinius, and I want to ask you about just one proposition.

I get many letters from people who are wondering if we are getting ahead of the game with our appropriations, and whether the appropriations are larger than the amount that can be assimilated by the producing activities. Of course, I realize that in carrying out a program of such magnitude the time element is a very essential factor. Is it possible for you to provide for and enforce adequate safeguards against waste? Incidentally, there must be a good deal of waste connected with it.

Mr. KNUDSEN. There is waste connected with everything. It is only the degree of waste that matters. In the organization where I was myself before I came here the waste is about 3 percent, and it is a constant worry. But I could not say there would not be any excessive waste.

Mr. LUDLOW. I do not think anybody would expect that; but I wondered whether the very velocity of your operations and the expedition that is necessary would lead to much waste.

Mr. KNUDSEN. That is part of our responsibility.

Mr. LUDLOW. I was wondering whether the expedition that is necessary would not make it very difficult to avoid or abolish waste.

Mr. KNUDSEN. If there is any waste, it is generally when there is delay in the deliveries. I have men who travel around to the different plants, and I have not got a man who has not worked at his trade. I would not have anybody else.

If the same percent of waste is applied to the national-defense program as exists under General Motors, Mr. Knudsen's organization, the wastage in executing a bill such as the one before us, carrying appropriations and authorized appropriations of $4,963,151,957, would be about $150,000,000. I would be surprised if it could be held down to that amount, considering the nature of governmental operations and the speed with which the defense program must be executed. I can only give my opinion as one observer, and that is that Mr. Knudsen and Mr. Stettinius will do their very best to see that the taxpayers of America get a dollar's worth of value out of every dollar of defense money that is appropriated.

Our subcommittee on deficiencies is taking a very broad view of the defense needs of the country and is exercising great liberalism in passing upon the necessary defense items. While in ordinary, normal, everyday functioning in regard to governmental operations we are always loath to make appropriations in excess of Budget estimates, we have not hesitated to do so in instances where, on a proper showing, we have been convinced that the Budget cut defense items too deeply. An examination of defense bills in comparison with Budget estimates will show that we have raised the Budget many millions of dollars on specific items. We have felt that in these vital instances the Budget has not had the opportunity to go into the matters or has not had before it the facts to justify the estimates that we have had. At the same time we have been careful not to relinquish our grasp on appropriations or to weaken our control over the purse strings. A notable instance of our assertion of the rights of Congress in connection with appropriations was our refusal to grant a request that would have given the War Department carte blanche authority to increase its personnel in the District of Columbia to execute the duties imposed by this supplemental national-defense bill. The testimony on this subject, beginning on page 227 and running through several pages of the hearings, is very interesting. Our subcommittee felt that it would be derelict to the public interest if it granted the War Department a blank check to build up its personnel, and in order to protect the integrity of the appropriating system we declined to grant the authority asked. The sentiment in the subcommittee, very properly, I think, is against any more blank-check appropriations. We decided to give the Department a 10-percent increase for overhead, and if that does not prove adequate to provide necessary personnel the deficiencies subcommittee will always be ready to receive additional estimates and will listen attentively to the justifications offered in support thereof. This is the regular and proper way to legislate in order to preserve the integrity of the congressional appropriating system, and there is no sound reason for setting it aside even in times of emergency.

I shall not detain the House by referring to details of the bill, which are explained in the splendid committee report, and which have been and will be discussed in extenso in an illuminating way by others. If my observations have any point and applicability in this debate, it will be mainly to assure the House and the country that the execution of the preparedness program is in competent hands and is going ahead satisfactorily and that there is every reason to believe that in due time the vast appropriations we are making will materialize in units of production. [Applause.]

Mr. WIGGLESWORTH. Mr. Chairman, I yield myself 15 minutes and ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN (Mr. KELLY). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. WIGGLESWORTH. Mr. Chairman, like other members of the committee in charge of this bill, I rise in its support.

The bill carries with it, if we include both appropriations and contract authorizations, the sum of about $4,900,000,000. Added to the appropriations and the contract authorizations already made available for the fiscal year 1941, this brings the total for the year to approximately $10,000,000,000. This sum of $10,000,000,000 may be broken down into appropriations amounting to about $6,400,000,000, of which $2,200,000,000 is carried in this bill, and contract authorizations amounting to about $3,600,000,000, of which $2,700,000,000 is provided for in this bill.

The $6,400,000,000 of appropriations for the present fiscal year includes, of course, the sums necessary for the expenses of operation of the War Department and the Navy Department. It does not include the sums which have been carried over from the last fiscal year into the present fiscal year, beginning July 1, the exact amounts of which are not available.

Of the total of $10,000,000,000 available for the current fiscal year, the Army receives, roughly, $6,700,000,000, consisting of about $3,900,000,000 in appropriations and about $2,800,000,000 in contract authorizations. The balance of approximately $3,300,000,000 goes to the Navy in appropriations to the extent of about $2,400,000,000 and in contract authorizations to the extent of about $900,000,000.

Under leave to extend my remarks, I insert at this point a table giving a rough break-down as between the Army and the Navy and as between appropriations and contract authorizations of those sums which have been made available for the current fiscal year:

National-defense appropriations—fiscal year 1941 (approximate)

Totals:	
This bill	$4, 900, 000, 000
Previous bills	5, 100, 000, 000
Total	10, 000, 000, 000

	Appropriations	Contract authorizations	Total
Army:			
This bill	$1, 600, 000, 000	$2, 200, 000, 000	$3, 900, 000, 000
Previous bills	2, 300, 000, 000	577, 000, 000	2, 800, 000, 000
Army total	3, 900, 000, 000	2, 800, 000, 000	6, 700, 000, 000
Navy:			
This bill	574, 000, 000	483, 000, 000	1, 057, 000, 000
Previous bills	1, 800, 000, 000	313, 000, 000	2, 100, 000, 000
Navy total	2, 400, 000, 000	796, 000, 000	3, 300, 000, 000
Total, Army and Navy	6, 400, 000, 000	3, 600, 000, 000	10, 000, 000, 000

The policy reflected in this bill, Mr. Chairman, is a long cry from our national-defense policy of a few months ago. That policy as late as December of 1939 was reflected in a reduction in War Department requests to the extent of $564,000,000, at a still later date in a reduction in War Department requests amounting to $6,700,000, and at a still later date in a reduction in War Department requests for personnel to the extent of about 25,000 men.

All of these reductions were the result of action by the Bureau of the Budget, acting for the President of the United States, in accordance with our national-defense policy at that time.

Until May 16 our national-defense policy may be said to have been a $2,000,000,000 policy. As late as June 4 and June 5 our policy may be said to have been a $5,000,000,000 policy. It was at that time, in connection with the bill then under consideration, that both General Marshall, as Chief of Staff of the Army, and Admiral Stark, as Chief of Naval Operations of the Navy, stated for the record in substance that if the appropriations then under consideration, bringing the total for the present fiscal year to about $5,000,000,000 were in fact authorized by the Congress, they would take care of the needs of the Army and Navy, and provide those things which could be obtained at the then level of industrial production, prior to the reconvening of the Congress in January 1941.

Our present policy, our $10,000,000,000 policy, presented itself for the first time about 3 weeks ago, when it appeared in the most recent national-defense message of the President, overriding the statements by the Chief of Staff and the Chief of Naval Operations to which I have just referred, and calling for additional appropriations of $4,900,000,000, or thereabouts, which are carried in this bill.

The present bill finds its justification, first, in the decision to construct a 2-ocean Navy and, second, in the decision to obtain a trained Army of 1,000,000 men with 200,000 more in reserve and equipment which it always takes time to produce for a further 800,000 men, or a total of 2,000,000 men.

Out of the $4,900,000,000 carried by this bill, the Army receives about $3,900,000,000, which may be roughly broken down into four major categories, as follows:

Army (approximate)

	Appropriations	Contract authorizations	Totals
Essential materials (1,200,000 men)	$224, 500, 000	$12, 700, 000	$237, 200, 000
Critical items (2,000,000 men)	669, 000, 000	1, 002, 000, 000	1, 671, 000, 000
Airplane program (14,000; 25,000 total)	606, 000, 000	1, 072, 000, 000	1, 678, 000, 000
Expediting construction (production and storage facilities)	162, 500, 000	162, 500, 000	325, 000, 000
Total	1, 662, 000, 000	2, 249, 000, 000	3, 911, 000, 000

Of the total of $4,900,000,000 carried in the bill, the Navy receives the balance of about $1,000,000,000. This in turn may be roughly broken down into five major items, as follows:

Navy (approximate)

	Appropriations	Contract authorizations	Totals
Shipbuilding (70 percent increase in combatant ships) (combat, 200; auxiliaries, 52)	$208, 000, 000	$73, 000, 000	$281, 000, 000
Acquisition and conversion of auxiliaries (22)	75, 000, 000		75, 000, 000
Aviation (4,000; total, 10,000)	170, 000, 000	375, 000, 000	545, 000, 000
Public works	40, 700, 000	35, 000, 000	75, 000, 000
Miscellaneous	81, 000, 000		81, 000, 000
Total	574, 000, 000	483, 000, 000	1, 057, 000, 000

Mr. Chairman, the expenditure called for is tremendous. It means that we are increasing our actual cash expenditure for national defense from something less than $2,000,000,000 in the last fiscal year to about $6,400,000,000 in the present fiscal year. It means that unless we produce additional revenue we may increase our deficit of over $3,500,000,000 in the last fiscal year to a deficit of $8,000,000,000 in the present fiscal year.

It emphasizes the madness of the waste and extravagance of recent years and the dangers for every American citizen which have resulted.

Nevertheless, Mr. Chairman, I see no escape from supporting the appropriations which are before us at this time. The Secretary of State, the Secretary of the Navy, the Chief of Staff, the Chief of Naval Operations, Mr. Stettinius, representing the Council for National Defense, have all testified for the record that these appropriations, in their judgment, are essential to a proper program of national defense.

Furthermore, both Mr. Knudsen and Mr. Stettinius, in the light of their wide business experience, as well as other officials of the War and Navy Departments holding responsible positions in our national-defense program, have testified for the record that, in their judgment, the unusual cash outlay called for under the combined appropriation bills for the fiscal year 1941 can and will, for the most part, be spent within that year.

Mr. Chairman, in the light of this testimony, I am supporting this bill in its entirety. I hope that the rest of the House

will do likewise. I see no other course of action that can be safely pursued under the world conditions by which we are confronted at this time.

[Here the gavel fell.]

Mr. WIGGLESWORTH. Mr. Chairman, I yield myself 3 additional minutes.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. WIGGLESWORTH. I yield to the gentleman from Michigan.

Mr. CRAWFORD. I believe the gentleman said this bill will implement the Army in a sufficient manner to require 2,000,000 men. It appeals to me in this way: Suppose the gentleman and I were sitting down and making plans for financing a new factory that would call for a thousand-man personnel and we were looking ahead to the time when the factory would be ready to operate. We have no men available to operate the factory. If we are now appropriating money to build the equipment to utilize the services of 2,000,000 men, where will we be if the selective-draft bill is not enacted into law and if volunteers do not come in sufficiently to meet this mechanization as it rolls off the production line? Is not that what we are up against? In other words, we are now appropriating money to complete a plant and the personnel will not be available at the time of the completion of the plant to operate.

Mr. WIGGLESWORTH. I will say to the gentleman that it seems to me we would be substantially in the same position that we are in today. As the gentleman states, these appropriations are intended to furnish so-called essential materials and equipment for 1,200,000 men, and over and above that to provide so-called critical items, some of which may take 2 or 2½ years to complete for an Army of 2,000,000 men. Obviously, if that equipment is to be utilized, we must, in some manner or other, raise more than the 250,000 men in the Regular Army and the 230,000 men in the National Guard that are now available. [Applause.]

Under leave to extend my remarks, Mr. Chairman, I insert at this point in the RECORD a statement made by Mr. Knudsen, under date of July 26, 1940, showing the progress made under the Council for National Defense, as reported by the Associated Press:

KNUDSEN REPORT ON PROGRESS OF NATION'S DEFENSE PROGRAM

WASHINGTON, July 26.—Here is the text of the statement by William S. Knudsen, of the National Defense Commission, on the progress of the defense program to date:

Since the Defense Commission was appointed by the President 8 weeks ago, this department has sought to lay a solid foundation upon which the resources of industry would be coordinated. At the same time, every effort has been made to expedite current contracts for defense matériel.

Progress in connection with the first objective has been substantial and, with the continuing cooperation of industry and the interested Government agencies, we can be confident of a production machine capable of attaining the definite goal specifically stated in the request now before the Congress for funds to equip completely a modern army of 2,000,000 men. This can be accomplished just as fast as the best production facilities and techniques in the world can gain momentum through favorable congressional action upon this augmented program.

Our progress toward second objective—clearance of current contracts—can be measured in dollars as follows:

Army (from June 6 through July 25)	$315,288,152.08
Navy (from June 6 through July 25)	1,412,907,677.87
Total	1,728,195,829.95

There are problems and responsibilities in mechanical production which, naturally, are not thoroughly comprehended by the general public.

BASIC PREPARATION

What may seem to some as unnecessary delay is almost always, in reality, a period of basic preparation necessary to sound achievement. For example, much has been said in the press and on the air about tanks and tank construction. I am sure, however, that few people realize that before actual production can start, months of effort must be expended upon design alone. Our tank designs are well advanced. Contracts have already been placed for the lighter type. The heavier tanks are being redesigned to take advantage of vital information gleaned from experience in the European war.

To give some idea of the engineering preparation involved in tank construction, for instance, it should be noted that approximately 2,400 individual drawings are required in the complete design of the light tanks. The 155 mm. gun carriage requires approximately 1,000 separate drawings and an additional 500 for the recoil mechanism. Even the tank guns of 75 mm. require 300 drawings and their panoramic sight, 160. This is merely to suggest the energy and time necessary before these instruments can begin to roll off a production line.

MACHINE-TOOL PROBLEM

The problem of machine tools, which is fundamental to the entire defense program, is another point where basic design must be carried on and to those unacquainted with requirements in this respect it may seem that little or nothing is being done. Tools for turning out ordnance supplies must be specially designed. The kind of work involved does not, of course, attract headlines. Very definite progress is being made, however, and no actual delay exists.

There is scarcely a defense instrument which does not depend for its production upon the machine-tool industry. This industry was the first and most important potential bottleneck which this department confronted. It was considered immediately and steps taken to work out a prompt solution.

Through the unlimited cooperation of the industry which set up its own defense committee, I am able to report that the huge planers and millers needed to work armor plate, particularly for the expanded naval program, will be available on time, according to reports to me from the industry this week. This should prevent what might have been a serious delay in naval construction.

It can also be said that the machine-tool builders are making their facilities available to the defense program on a voluntary basis as completely and effectively as though wartime priorities were in effect.

AIRPLANES AND ENGINES

Estimates have been completed on required capacities for airplanes and engines but this information must remain confidential for the present. There is every indication that the industry will be able to meet the heavy requirements placed upon it under the program calling for an annual production of 25,000 complete aircraft (engines and armor) by July 1, 1942. An analysis has been made of current and expanded rates of delivery for British account and in this connection it should be said that the British proposals for expanded procurement of aircraft in this country do not threaten interference with maximum production of our own needs inasmuch as they would be handled independent of capacity required for the maximum American program.

GREAT POWDER PLANT

Light ordnance and explosives: Contracts have been formally signed with the Du Pont Co. providing for erection and operation of Government-owned powder plant at Charlestown, Ind., with a production capacity of 200,000 pounds per day. This plant will be completed and in operation within 10 months. In 1917 the contract for construction of the first powder plant was not signed until 7 months after we had entered the war.

Negotiations for a shell-loading plant are well advanced and a contract is expected to be signed shortly.

It has been found that no serious problem exists in connection with the production of small arms and ammunition. Assurances have been received that at least 500 of the new Garand rifles will be produced daily in one arsenal by October 1 and that production at this arsenal will be doubled by early spring.

Shipbuilding: We have been working closely with the Navy Department on construction capacity in connection with the expanded program calling for a 70 percent increase in fighting ships. Detailed studies are being made rapidly in connection with the problem of expanding shipbuilding facilities.

Construction: An over-all survey has been undertaken to determine War and Navy Department requirements in the immediate future. This survey will show definitely the amount of construction contemplated by these two departments in connection with the defense program.

Food products: A preliminary survey of Army and Navy food requirements indicates that no bottlenecks exist in this field even under maximum requirements.

Trucks: No bottlenecks have been found to exist in truck production and present schedules call for delivery of 25,000 trucks to the armed services by December 31 of this year.

Mr. Chairman, I yield 15 minutes to the gentleman from Massachusetts [Mr. TINKHAM].

Mr. TINKHAM. Mr. Chairman, an excellent article, written by Mr. Felix Morley, editor of the Washington Post, appeared in the July 13 issue of that publication. The article is entitled "Consistent Monroe," with a subheading "The doctrine works both ways." It reads as follows:

The importance of the Monroe Doctrine as a cardinal principle of American foreign policy can scarcely be exaggerated at this time. On the basis of this doctrine is being erected the whole tremendous program for hemisphere defense. All current plans for improving our relations with Latin America, and for keeping the war out of the New World have their roots in the famous message which President Monroe delivered to Congress on December 2, 1823. Without this doctrine, still fresh and vigorous in spite of its years, there

would be little justification for the important Pan-American Conference scheduled to convene in Habana next week.

It seems eminently fitting therefore that the American people should refresh their memories as to the actual content and purpose of this great manifesto. If that is done, there will be much less risk of unnecessary international complications, less room for justified recriminations, and far better chance of preserving peace and democracy throughout the Western Hemisphere during the difficult days ahead.

The original Monroe Doctrine has two essential parts, which in the minds of its sponsors were absolutely inseparable. The first and most publicized part of the doctrine is that which declares that the United States would regard any attempt by European powers "to extend their system to any portion of this hemisphere as dangerous to our peace and safety." This ringing assertion of policy was qualified only by the statement that "with the existing colonies or dependencies of any European power (in the New World) we have not interfered and shall not interfere."

The second part of the Monroe Doctrine is equally important but much less frequently quoted. Herein it is stated that: "In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy so to do." And President Monroe, obviously desiring to emphasize this point, said further: "Our policy in regard to Europe * * * remains the same, which is not to interfere in the internal concerns of any of its powers; to consider the government de facto as the legitimate government for us * * *."

II

The complementary and inseparable character of these two parts is obvious. Indeed the only possible justification for telling other people to mind their business is an agreement, given or implied, to mind your own. And it is well to remember that this country offered no warnings to European dictatorships until American statesmanship had fully demonstrated that it had no intention of ordering the affairs of the Old World.

"Behind the Monroe Doctrine," said J. Reuben Clark in the comprehensive memorandum on the subject which he wrote in 1928, while Under Secretary of State, "is the principle of the complete political separation of Europe and the Americas." And Mr. Clark, reporting to Secretary of State Kellogg, further observed that: "The principles of the nonextension of the European political system to this hemisphere and interposition in the affairs of Latin American republics are mere corollaries of the political separation of Europe and America."

Our diplomatic record strongly supports the contention that an essential part of the Monroe Doctrine is its categorical statement that: "In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy so to do."

Interesting evidence to this effect is found in a letter written by Thomas Jefferson to President Monroe when the latter asked the advice of the Sage of Monticello on the doctrine which was then being formulated. Writing under date of October 24, 1823, Mr. Jefferson said:

"The question presented by the letters you have sent me is the most momentous which has ever been offered to my contemplation since that of independence. That made us a Nation. This sets our compass and points the course which we are to steer through the ocean of time opening on us. And never could we embark upon it under circumstances more auspicious. Our first and fundamental maxim should be, never to entangle ourselves in the broils of Europe; our second, never to suffer Europe to intermeddle with cis-Atlantic affairs.

Nearly a generation later President Polk, reaffirming the Monroe Doctrine in his message to Congress of December 2, 1845, stated that: "It is well known to the American people and to all nations that this Government has never interfered with the relations subsisting between other governments. We have never made ourselves parties to their wars or their alliances. * * * We may claim on this continent a like exemption from European interference."

Half a century after this, in the famous note of July 20, 1895, which applied the Monroe Doctrine to the boundary dispute between Venezuela and Great Britain, Secretary of State Olney again emphasized the dual nature of this principle of American foreign policy. "Unquestionably," wrote Mr. Olney, "it was reasoned by the administration of President Monroe that 'complete European noninterference in American concerns would be cheaply purchased by complete American noninterference in European concerns.'"

The perfect symmetry of its logic gives the Monroe Doctrine its great effectiveness as a policy. But whenever that symmetry is injured, whenever the United States assumes that it can direct affairs in Europe while denying Europe any right to direct affairs in Latin America, the essential spirit of the doctrine is injured and its moral authority is undermined.

It was, for instance, wholly in accord with the Monroe Doctrine for the administration, when Italy entered the war, to serve notice that "the United States would not recognize any transfer, and would not acquiesce in any attempt to transfer any geographic region of the Western Hemisphere from one non-American power to another non-American power."

It was, however, completely at variance with the letter and spirit of the Monroe Doctrine for President Roosevelt to tell former Premier Reynaud, of France, a few days earlier, that "the Government of the United States will not consider as valid any attempt to infringe by force the independence and territorial integrity of France." As the wording of the Doctrine has it: "Our policy in regard to Europe is * * * to consider the government de facto as the legitimate government for us."

When the time comes for an effective international organization, with power to apply collective action against an aggressor, and when the United States is a member of that organization—then the Monroe Doctrine will automatically be merged in this larger system of security. Until that time the value of the doctrine in maintaining the security of a limited area depends upon attention to the self-denying, as well as to the self-assertive, side of the principle so well and truly laid down by President Monroe.

Those who appreciate the enormous importance of the Doctrine at this time have therefore welcomed Secretary Hull's statement of July 6, that "The Government of the United States pursues a policy of nonparticipation and of noninvolvement in the purely political affairs of Europe." And equally appropriate has been the President's pledge, in the defense message of July 10, that "We will not send our men to take part in European wars."

That pledge was necessary, under the Monroe Doctrine, to give full force to Mr. Roosevelt's equally categorical assertion that "We will repel aggression against the United States or the Western Hemisphere."

I wish to add that I do not agree with Mr. Morley's interpretation of the declarations made by President Roosevelt and Secretary of State Hull to which he refers in the last two paragraphs of his article. I propose to have more to say on this subject here in the House at a little later date. [Applause.]

The CHAIRMAN. The gentleman yields back 4 minutes.

Mr. WOODRUM of Virginia. Mr. Chairman, I have no further speakers. The Clerk may read the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Naval air station, Key West, Fla.: Purchase of land, $125,000.

Mr. DIRKSEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would not like to have the opportunity foreclosed, before this bill is completed, to pay a little testimony to the former Assistant Secretary of War, Mr. Louis Johnson, who resigned on July 20.

You will notice from an examination of the hearings that every so often there would appear this interjection "We will ask The Assistant Secretary of War."

I think that is great testimony to the capacity of this gentleman and the kind of service that he has rendered to the country during his incumbency as Assistant Secretary of War.

More particularly, I believe it was Louis Johnson, of West Virginia, who rendered great service to the country in pointing out the weakness in our defensive establishment. In implementation of that fact, let me read a few excerpts, first from a speech that he delivered in Boston on the 18th of November 1938. That is more than 18 months ago. That address was delivered to the industrial session of the Fourteenth Annual New England Conference of the New England Council. Let me quote:

Today we no longer make good our boast. Our air supremacy is threatened. From Europe come reports of pursuit ships and attack planes of greater speed and better performance. Even the marked superiority of our flying fortresses and our super flying fortresses is challenged. To meet the tremendous pace that the rest of the world is setting, we must double, yes, treble and perhaps even quadruple, our present air force with the best airplanes that can possibly be produced.

In the following month of December 1938, he made an address to the Motor and Equipment Wholesalers convention in the Stevens Hotel in Chicago.

Here is what the Assistant Secretary of War said on that occasion:

I say to you in all frankness and in all sincerity that if our Army were called to battle today, it would find itself short of artillery and tanks, of combat cars and airplanes, of machine guns and semiautomatic rifles, of antitank guns and ammunition, of gas masks and searchlights, of telescopes and of quadrants, and of many other items too numerous to mention.

In the short time available to me, I could hardly discuss in detail all of these shortages. I already have touched upon our needs in motors. Let me tell you a few things about our artillery, which is one of the most important arms in battle. In the World War it accounted for more than 70 percent of the gunshot casualties. If

current reports are correct, it is causing 80 percent of the casualties in China.

In our field artillery today practically all of the gun carriages for our French 75's belong to an old model designed more than 40 years ago. With them, we can get a maximum range of but 9,000 yards. Of our improved modernized type, which can give us 13,500 yards, we have but 112 in the whole United States.

We have no 105-millimeter howitzers, a type which we find in foreign armies is taking the place of the lighter calibers. The modern 105 is capable of developing double the fire power of a 75 mounted on the carriages of 40 years ago, such as predominate in our service.

That was the Assistant Secretary of War speaking in Chicago on the 3d day of December 1938. We should salute Louis Johnson for having brought to the attention of the United States of America the fact that we were unprepared and that we should make haste in our mechanical preparation. I think it was rather distressing that he should have to leave the service. He had no choice, of course. You recall what was recounted in the papers and how they editorialized on the subject when Mr. Early of the White House staff finally announced to a breathless country that it had been the precedent for a Cabinet member to select his assistant. Oddly enough, that certainly was not the case as between Secretary of War Woodring and Louis Johnson, because Mr. Woodring did not select Mr. Johnson, and very often there was a very sharp divergence of opinion between these two gentlemen. But let it be said that Louis Johnson called to the attention of the country its needs in national defense. He joined in making the necessary industrial surveys, and he has rendered a distinct contribution to the whole cause of national defense. For years, Secretary Johnson and myself have lived at the same hotel, and I can personally testify to his daily habit of going to his office at 7 o'clock in the morning to begin his labors. I know of the evenings and Sundays which he has spent at his desk, and how industriously he addressed himself to his duties. He was not only a hard worker but a student, and it is fair to say that he brought a degree of ability to his task which was not exceeded by anyone in the Government.

I know nothing of the present Assistant Secretary of War, but I believe and I feel the country believes that they lost a distinguished public servant when Assistant Secretary of War Johnson was virtually compelled to resign. There was a note of bitterness; there was a note of distress in the resignation he sent to the President of the United States. I think I express the belief and opinion of many people in all sections of the country that a man who had served so well, who had done so much might very well have been retained in his position even though it may not have met with the immediate assent of the man who was appointed to the Cabinet. And so today Louis Johnson, who is enjoying a well-earned vacation, is deserving of the plaudits and acclaim of the people of the United States of America. [Applause.]

The Clerk read as follows:

The first paragraph of section 2 (b) and subdivision (1) of such section 2 (b) of the act approved June 28, 1940 (Public, No. 671, 76th Cong.), are hereby amended to read as follows:

"(b) After the date of approval of this act no contract shall be made for the construction or manufacture of any complete naval vessel or any portion thereof, under the provisions of this section or otherwise, unless the contractor agrees, for the purposes of section 3 of the act of March 27, 1934 (48 Stat. 505; 34 U. S. C. 496), as amended—

"(1) to pay into the Treasury profit in excess of 8 percent (in lieu of the 10 percent specified in such sec. 3) of the total contract prices of such contracts within the scope of this subsection as are completed by the particular contracting party within the income taxable year."

Mr. VINSON of Georgia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VINSON of Georgia: On page 26, after line 14, add a new paragraph, as follows:

"The first proviso in section 8-B of the act approved June 28, 1940 (Public, No. 671), is hereby repealed."

Mr. WOODRUM of Virginia. Mr. Chairman, the committee has no objection to the amendment.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman from Georgia explain the amendment?

Mr. VINSON of Georgia. Certainly. The purpose of this amendment is to take out of the act of June 28 certain language which I am satisfied every Member of the House desires to have stricken. This amendment was decided upon in conference after consideration by the Naval Affairs Committee this morning on the suggestion of the gentleman from Illinois [Mr. CHURCH], the gentleman from New York [Mr. COLE], the gentleman from Ohio [Mr. HESS], the gentleman from Virginia [Mr. DARDEN], other members, and myself. We decided that the language which this amendment strikes out is entirely too broad; that it should be repealed and taken out of the bill. I read the language that will be stricken out if this amendment is adopted:

Provided, That the Secretary of the Navy is further authorized, under the general direction of the President, whenever he deems any existing manufacturing plant or facility necessary for the national defense, and whenever he is unable to arrive at an agreement with the owner of any such plant or facility for its use or operation, to take over and operate such plant or facility either by Government personnel or by contract with private firms.

That language is entirely too broad. There is no justification to permit the delegation of such authority to the Secretary of the Navy or to the President or anyone else under conditions such as the country is in today. If the country were involved in war, it might be necessary to confer such authority, but, the country being in a limited emergency, there is no rhyme, reason, or excuse for that language to be in the law; and at the direction of the Committee on Naval Affairs I am asking that it now be stricken out of the act of June 28, 1940.

Mr. CHURCH. Will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from Illinois.

Mr. CHURCH. Mr. Chairman, I think the Committee of the Whole House should be proud of the statement of the able chairman of the Naval Affairs Committee. Everyone in the committee will agree that this should come out of the act, and I am sure the whole House will join in taking this language out of the act.

The amendment offered by the gentleman from Georgia strikes from the act of June 28, 1940, entitled "An act to expedite national defense, and for other purposes," the following language to be found in section 8 (b) of that act:

Provided, That the Secretary of the Navy is further authorized, under the general direction of the President, whenever he deems any existing manufacturing plant or facility necessary for the national defense, and whenever he is unable to arrive at an agreement with the owner of any such plant or facility for its use or operation, to take over and operate such plant or facility either by Government personnel or by contract with private firms: *Provided further*, That the Secretary of the Navy is authorized to fix compensation to the owner of such plant or facility.

That language confers war time powers on the Secretary of the Navy. It gives him the power to take over all of American industries and operate them. I am sure it was not the intention of the Congress that the Secretary of the Navy, acting under the direction of the President, should have such powers. I know it was not the intention of our Committee on Naval Affairs, which reported the bill to the House.

It will be recalled that last December the then Acting Secretary of the Navy, Charles Edison, wrote the Speaker of the House proposing a bill to vest in the President extraordinary war-time powers in time of peace. The recommended bill would have enabled the President, by proclamation, to commandeer all our factories and materials. Under its terms the President would control our entire industrial machinery in peacetime in the same manner as he serves as Commander in Chief of the Army and Navy. The proposal had possibilities of completely destroying democracy.

When our committee opened its hearings on January 8, last, on H. R. 7665 and H. R. 8026, the then Acting Secretary of the Navy was questioned concerning his recommendation of legislation to give the administration power to take over our industrial machinery. He said, "I just made a mistake in making it. It is as simple as that."

Our Committee on Naval Affairs never reported that bill. We agreed that no such power should be vested in the President and the Secretary of the Navy in time of peace. It was

understood by the entire committee that the recommendation would go into the waste-paper basket.

But now we discover on the statute books the very thing which our Committee on Naval Affairs decided against. How did it happen?

The bill as reported by our committee did not contain such language. It did not confer such powers on the Secretary of the Navy and the President. If you examine H. R. 9822, as reported to the House and subsequently passed by the House, you will not discover any such terms as is now embodied in section 8 (b) of the act of June 28.

The Senate Committee on Naval Affairs amended that section. But if you examine the bill as reported by the Senate committee and as passed by the Senate you will not find the language in question.

Obviously, these far-reaching terms were inserted while the bill was in conference. The record shows that on June 21 the Senate asked for a conference. On June 22 the House and Senate agreed to a conference; and, Mr. Chairman, on the same day the conference committee made its report to the House and Senate. On the same day the House and Senate agreed to the conference report.

The conference committee report was not printed. When the House agreed to the report it relied on the explanation made by the chairman of the Committee on Naval Affairs. But nowhere in his explanation of the report will be found any mention of this very important provision inserted in the bill. I am confident he did not realize the potentialities of this new matter in the report. Somehow, by some means, in the haste of the conference committee to bring the bill back to the House and the Senate, the Navy Department advisers had the words put in the bill.

When my Committee on Naval Affairs met today I insisted upon an executive session so that I might bring this matter to the attention of the committee for the first time. That any such language was embodied in the bill as finally enacted was news to the committee. Our committee would never accept any such provision.

As a result of that executive session it was informally agreed that I should introduce a bill to repeal this particular provision of law, and it was informally understood that the committee would support the bill. I accordingly introduced the proper bill shortly after we met this noon.

It was also informally understood among committee members that the gentleman from Georgia or I would today offer the pending amendment to this bill which makes an appropriation to the Navy. Our chairman wishes to keep faith with his committee. If the House adopts this amendment, it will not be necessary for the committee to consider my bill, assuming, of course, the Senate will also agree to the amendment. If, however, this amendment offered by the gentleman from Georgia should fail of enactment, either in this body or in the Senate, I will immediately proceed to obtain action on my bill.

Our people desire a strong national defense, Mr. Chairman. We intend to defend this democracy. But there will be no democracy here to defend if we permit such broad powers to rest in the hands of the President and the Secretary of the Navy. This country is not at war. It is at peace. The time has not arrived when we must give the President and the Secretary of the Navy complete control of our industrial machinery. We can establish an adequate defense without creating industrial dictators.

It behooves us to proceed carefully. This is an illustration of the kind of thing that can happen when we allow ourselves to be carried away by a hysteria and do not take the time to consider bills carefully.

I urge the adoption of the amendment offered by the gentleman from Georgia. It is an important amendment. It is as important, even more so, than any other provision of this bill. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. VINSON].

The amendment was agreed to.

Mr. GIFFORD. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. GIFFORD. Mr. Chairman, I regret that I was not present to take the time allotted me before the bill was read for amendment. This bill involves a vast amount of expenditure and it does not seem proper that we pass it with so little discussion. I realize there is a unanimous opinion so far as the appropriation is concerned, but I think the country expects more than that of us. They will not criticize us because we are unwilling to vote money. No matter where it may come from, we are willing to vote it. The people probably want us to do that. They will be willing to pay additional taxes. After 2 weeks' visitation among my people I find everybody is willing that we appropriate money for preparedness. They are in a jittery condition, however. They all say they are willing to pay more taxes for defense, but I found a disturbing lack of enthusiasm in other vital matters. Perhaps I can better express it in another way. We are all willing to donate a little of our money to pay the nurse to watch with the patient but we do not care to do any of the watching ourselves. We will contribute but hesitate to serve.

They have been asking our people to enlist in the Army and Navy. There was a very strong editorial in the paper of the supposedly most patriotic town in the United States, as a matter of fact the largest town in my district. They have an armory there. Formerly a National Guard unit trained there, and the people were proud of it. Exhorters from the Army have recently been urging enlistment. Army planes have been flying over the town dropping leaflets urging enlistment, but not a single favorable response. The editorial of the local paper said, "There will not be any." In this morning's mail from that town and from many other towns comes an avalanche of letters against conscription. What are we going to do about it? There is a state of mind which is willing for us to spend billions, and willing somehow to pay for it, but not to sacrifice by personal service as enlisted men. This Congress does not dare write any suspension of New Deal legislation because the people have been told it will not be necessary. They have been told that they are not to sacrifice one iota of the social gains already made. You will confiscate capital, you will limit profits, you will take away plants but you will not demand of the people themselves as a whole any extraordinary effort or any sacrifices to break bottlenecks when necessary. All this is perfectly evident and costly delays will be suffered. That has been the great cause of the collapse of democratic nations and we should profit by such experiences.

Mr. Chairman, the gentleman from Connecticut [Mr. MILLER] evidently conducted an examination far beyond what any committee of the House has done. You will remember last week that he put into the RECORD the mechanized material we have and the amount on order. We have practically nothing. It is indeed frightening. The people will learn this. Yet we will do nothing to cut the red tape and clear the way for action. I tried to start an argument 2 weeks ago by putting in the RECORD a story on red tape, and I was to take the time today—at least a half-hour—to speak on that subject. Our people will not accept explanations of delay from the Army, Navy, the Treasury, or the politicians if they do not get results and get them quickly. If the War and Navy Departments cannot decide on the kind of a gun to be used or the kind of airplane they want, it will be tragic. If they must waste a great deal of time before they decide just what to do, heaven help us. It is stated that 3 long months have already passed and practically nothing along vital lines has been done. It is easy to place contracts for textiles and woolen goods and a lot of other housekeeping material. We have already signed contracts for more than a billion dollars' worth of that sort, but they seem not to have made up their minds what they want in the way of guns and tanks, and yet

in a few minutes we will appropriate more than $4,000,000,000, nearly $5,000,000,000, for items stated only in generalities. It will be claimed Congressmen have done their part. But we have not done our part. We have not even discussed many phases of our duties. We have not told the people what should be told. We need more than one Mr. MILLER, of Connecticut. We need others to fully inform our people, else we will not get them in a frame of mind necessary for personal service.

Mr. REED of New York. Will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from New York.

Mr. REED of New York. We all recall that we went through that same experience along about 1916 and 1917, during which time the officials of the Army and Navy could not agree, and muddled things along until all of the supplies which our men used were furnished by the Allies.

Mr. GIFFORD. Heaven help us if the same situation prevails today.

Mr. MARCANTONIO. Will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from New York.

Mr. MARCANTONIO. I think it should be noted that when we are about to appropriate close to $5,000,000,000 for war purposes we have not even a hundred Members present in the House.

Mr. GIFFORD. I remarked that a few minutes ago. Because this has the unanimous report of the committee, there are not many here. I do not want to stand in the way of it, and I will vote for the measure, but I want the country to understand that I am not satisfied that by voting for this bill I have done my part. We represent our people, and we must assist the Army and Navy in the severing of a vast amount of so-called red tape that they can proceed to contract with private firms in a way that will insure prompt and sure delivery.

We must tell the President of the United States that he cannot reassure people that all social gains shall be continued if they hamstring the defense program. We will have to depend on more than one Sidney Hillman. It is recited that after these others perform it is Sidney Hillman who will clear the decks of any production trouble. Congress must not depart and leave it to Hillman to settle all complications, all the bottle necks that will be created by the vast amount of legislation now on the books, which is certain to bring great complications. Do not send me home to say that I left it to Sidney Hillman, and that I left no power of suspension to give opportunity for the businessman to proceed if he finds he cannot do so because of these legislative handicaps. The Congress does not dare at the moment to provide necessary suspensions. We will take his profits, we will force him to pay high taxes, but we must provide for the proper allocation of amortizing new plants erected to assist the Government and later made useless.

Mr. WOODRUM of Virginia. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from Virginia.

Mr. WOODRUM of Virginia. Has the gentleman read the hearings on this bill and the statements of Mr. Knudsen and Mr. Stettinius as to what is being done with respect to acquiring these necessary armament materials?

Mr. GIFFORD. I am satisfied with their report. I have not read it fully, but I have read plenty of comments, and I have full confidence in those particular men. I begin to have some confidence in the President that he will give them proper authority. I doubted that in the first instance. I was not criticizing them, and the gentleman knows I was not.

Mr. WOODRUM of Virginia. From the standpoint of accomplishing something upon which you really can put your finger, I call attention of the gentleman to airplanes. In the last 12 or 18 months we have stepped up our plane production from about 1,000 a year to eight or nine hundred a month, and the output is daily increasing.

Mr. GIFFORD. Is England going to have them?

Mr. WOODRUM of Virginia. England is getting some of them, yes; but not in any way that is detrimental to our interest.

Mr. GIFFORD. I trust not.

Mr. WOODRUM of Virginia. Does not the gentleman think that is an accomplishment?

Mr. GIFFORD. Yes.

Mr. WOODRUM of Virginia. I thank the gentleman.

Mr. GIFFORD. Will the gentleman now comment on the other end of it, the very important end, the Hillman end? Has the gentleman confidence that it will be taken care of?

Mr. WOODRUM of Virginia. I expressed myself on the floor of the House when it was originally suggested that Mr. Hillman was to be put in charge of the youth-training program, and I disapproved, but it is a matter of record that Mr. Hillman is one of the labor leaders of the United States and this defense program has to deal with labor. An industrialist, if he wants to get production, has to deal with a group of people. The employees are the people to deal with, and he must deal with them and he must influence them. I am not so sure——

Mr. GIFFORD. I do not think the gentleman is so sure either.

Mr. WOODRUM of Virginia. I will say to the gentleman that Mr. Knudsen and Mr. Stettinius feel that they have a very valuable assistant in Mr. Hillman.

Mr. GIFFORD. The gentleman knows what I am driving at, that we are appropriating this $4,000,000,000 cheerfully and willingly, knowing it ought to be done. A huge amount of money will be spent how, but when? You know Mr. Stettinius can do nothing until the Army and the Navy decide what they want.

Mr. WOODRUM of Virginia. That is true.

Mr. GIFFORD. Up to a certain point they can do that hurriedly, as I mentioned in connection with housekeeping materials. Have they decided on the type of gun to build, does the gentleman know?

Mr. WOODRUM of Virginia. They are buying the Garand rifles and other types of weapons, large and small, just as fast as they can be manufactured. The matter of weapons, I may say to the gentleman, involves the question of changes. You cannot lay out a pattern today and say that is the best.

Mr. GIFFORD. They are better than broomsticks, are they not?

Mr. WOODRUM of Virginia. I think so and the Army thinks so.

Mr. GIFFORD. Now, they want to train a great army of men and draft them with nothing but broomsticks on their shoulders.

Mr. WOODRUM of Virginia. I do not just understand from the gentleman what he thinks we should do that we are not doing.

[Here the gavel fell.]

Mr. GIFFORD. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. GIFFORD. I do want the gentleman to know what I think we ought to do. Have I not made myself clear that at this particular moment, in voting almost $5,000,000,000, we ought to inform ourselves and inform our people how it will be spent, and that we have removed all the barriers so that we can get the quick results which the country is demanding? We are dodging that issue completely. You have had your hearings and Mr. Stettinius may have assured you that up to date everything is going along all right, but the statement of the gentleman from Connecticut [Mr. MILLER], which is in the RECORD and which the people will learn about, is altogether disheartening. It takes more than voting money to accomplish early preparation for defense.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from Michigan.

Mr. CRAWFORD. I read the report made by the gentlemen referred to, Mr. Stettinius, Mr. Knudsen, and Mr. Dunn, I believe it was, on the other bill, but I am not satisfied at all with what the gentlemen had to say.

Mr. GIFFORD. Of course the gentleman is not satisfied.

Mr. CRAWFORD. We know, as well as we know anything, that the Treasury Department is standing in the way just as much as the Army and the Navy officials are standing in the way. All three of them are in the way. Eventually this material will undoubtedly have to be produced by private plants owned by private stockholders, not by plants owned by the Government and operated by Government officials. However, the Treasury Department has not agreed, and has not said to industry what industry can expect from an excess-profits standpoint and from an amortization standpoint. Today the newspapers carry the story of the disagreement between the Treasury Department and the Joint Committee on Internal Revenue Taxation.

Mr. GIFFORD. Mr. Ford may say he can manufacture 50,000 planes a month, or whatever the amount he stated. He may say it, but he may back down for some reason such as the one he gave before, that he would not sell planes to England. Then they offer it to the other large automobile manufacturers and they say, "We will take the contract," but very shortly they say they cannot. A lot of others are going to say they cannot. They cannot build a new plant until the amortization plan through the Treasury is presented to them. Many such problems may need legislative action.

Who would move—who will move? Nobody will move, and yet we are supposed to move, and what are you going to tell your people about it? Are you not going to tell the Treasury that they must move and how to move?

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield on another point?

Mr. GIFFORD. I yield to the gentleman.

Mr. CRAWFORD. It is not only a question of building new plants; in many cases it will take four or five times the working capital of the company to invest in new machine tools alone, and, of course, private industry is not going to take up its working capital in that way without some assurance.

Mr. GIFFORD. Yes; and that assurance will be slow in coming. Soon we will be asked for $500,000,000 to assist South America, although we hear Mr. Jones saying he has not much idea how he is going to use it. He states that no plans have been made, but in this war business, with everybody worried, with the draft idea before them, you Congressmen, as well as myself, will have to know these plans and the probable results. No; these boys are not willing to enlist, and we do not want to draft them. We must know what we are talking about, and we cannot know here in an hour and a half of discussion on a four and a half billion dollar measure. Spend these vast sums of money if you will, but let us know why and for what purpose we are spending it.

Mr. BRADLEY of Michigan. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman.

Mr. BRADLEY of Michigan. Getting back to the gentleman's question about aircraft production, I read today that Mr. Knudsen testified that by the end of August our production would be 895 completed combat and transport planes, of which our Army and Navy will get less than 400, England will get 236, and 85 go to other governments, and 180 of them go to the Army.

Mr. GIFFORD. Have they 5 tons of aluminum in each one of them?

Mr. BRADLEY of Michigan. No; they have not.

Mr. GIFFORD. No; and you will get that in 2 years from now. Everything is 2 years. The people are not talking about 2 years. The people are thinking about things that they are to get now.

Mr. BENDER and Mr. MARCANTONIO rose.

[Here the gavel fell.]

Mr. GIFFORD. I did not want to ask for any more time, but I will now ask for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BENDER. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from Ohio.

Mr. BENDER. I want to ask two questions: First, in the New York Herald Tribune of July 19, G. Howard Ferguson, former Premier of Ontario and former Canadian High Commissioner at London, said this in a dispatch which that newspaper carried:

> The United States will be in war before Christmas.

I do not know what all of these appropriations have to do with the belief on the part of the British executives that we are going into the war. What assurances do they have on which to base that opinion?

Mr. GIFFORD. They know perfectly well we have created disturbances enough in the last month. We have passed legislation and we will be asked to enact legislation to the end that our boys may have to go to South America to fulfill those obligations. Does it fool anybody when the President wants to call out the National Guard, but only in the Western Hemisphere? We must defend ourselves quickly. We must have such defense that no nation will want to attack us. We do not expect they will, but the people demand preparedness, and our South American commitments are highly productive of real trouble.

I do not oppose this bill and I congratulate the gentleman from Virginia. He has reported the bill promptly, and I am in accord with him, but many other difficult problems face us in the proper spending of the money.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. I yield.

Mr. MARCANTONIO. It has been reported in the press that 3,000 airplanes a month are expected by England from the United States.

Mr. GIFFORD. I hope they get them.

Mr. MARCANTONIO. Well, I do not, for you cannot keep out of war when you become a military reservoir for one side of the belligerents against the other. It has also been reported that the Secretary of the Treasury, Mr. Morgenthau, agreed to the statement that about 3,000 airplanes a month would go to England. How is this pro-war policy compatible with the alleged need for 50,000 airplanes for America?

Mr. GIFFORD. Does not the gentleman understand that English capital probably paid for the plant expansion and that they should properly go to England if England furnishes the money for such purposes? The gentleman ought not to complain about that.

Mr. MARCANTONIO. My point is that it is not compatible with our alleged need for airplanes, as such a policy is conducive to our involvement in this war.

Mr. GIFFORD. What astounds me is that some of you men who argued here on the repeal of the embargo, and said, "If you repeal we will be in great danger," although we repealed the embargo I heard one of those speakers yesterday ridicule the idea that we are in any danger of being involved. I cannot understand some men's minds. One moment, if we do this or that we are in extreme danger, and after we do it they argue that we are in no danger. Well, read the speech of the gentleman from Connecticut [Mr. MILLER]. Let us ponder the answer from the Army and the Navy. I trust they have made their decisions and are ready to go ahead; that they know what kind of tanks and what kind of rifles should be made. I have heard much about the Johnson rifle that can be made at a much less cost. Of course I do not know anything about it. But my people want to know about it, and they want to have, immediately, that or some other rifle, instead of a broomstick.

Mr. BENDER. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. Yes.

Mr. BENDER. To make this point. We are spending billions of dollars for defense, and we are all for it. We are all sorry that the President of the United States had not seen fit to ask for appropriations long before now for proper defenses, but the point I especially emphasize is the article that appeared in the newspapers, in the American press last week, to the effect that in Great Britain or in England, out of every dollar of the earnings of every citizen there 42 cents goes for taxes. While we are voting billions of dollars for defense,

what are we doing about acquainting the American people with the cost?

Mr. GIFFORD. We are doing nothing but trying to continue the New Deal. A great increase in taxes would be fatal to them in this election. They continue only by giving largesses. That is all we are doing, and the gentleman ought to understand that. They tell you that when disarmament came on the Republicans were in power. We did disarm, and the Democrats now try to blame us for doing it, but at the time when we had the disarmament program every Democratic platform, every Democratic orator condemned the Republicans, because they did not disarm fast enough.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. GIFFORD. Well, I trust I have aroused a little discussion on these vital matters.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk concluded the reading of the bill.

Mr. WOODRUM of Virginia. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. COLE of Maryland, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee had had under consideration the bill H. R. 10263, and had directed him to report the same back with an amendment with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. WOODRUM of Virginia. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS

Mr. TABER. Mr. Speaker, I ask unanimous consent to extend the remarks I made today on the bill and to insert a table.

The SPEAKER. Is there objection?

There was no objection.

ORDER OF BUSINESS

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that tomorrow it may be in order to consider the bill S. 3998, being the so-called Commodity Credit Corporation amendment.

The SPEAKER. Is there objection?

Mr. TABER. Mr. Speaker, I reserve the right to object. I understand that this bill comes with the unanimous report from the Committee on Banking and Currency?

Mr. RAYBURN. That is my understanding, although I am not a member of that committee.

The SPEAKER. Is any member of the committee here?

Mr. RAYBURN. The gentleman from Michigan [Mr. WOLCOTT] agreed that this bill should come up in this fashion on Monday last, but the chairman of the committee was not here.

Mr. CRAWFORD. Mr. Speaker, if the gentleman will yield, I certainly have no objection to the bill coming up; and as a member of the committee, I made no objection to the bill being reported out of the committee, but I did reserve the right to speak against the bill, and I expect to speak against the bill.

Mr. RAYBURN. Then I make my request the same as I did the other day, that there be 2 hours of general debate upon the bill if it is so desired.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. TABER. Further reserving the right to object, Mr. Speaker, what will be the program for the remainder of the week?

Mr. RAYBURN. I intend now to ask unanimous consent that following the Senate bill I have just spoken about, H. R. 10065 may be in order. There has been a rule granted, and we can save 1 hour on the rule by getting unanimous consent. It is a unanimous report from the Committee on Interstate and Foreign Commerce. It is a bill affecting investment trusts.

Let me repeat, the industry, the Securities and Exchange Commission, the Senate committee, and the House committee are in entire agreement on this amendment to the Securities and Exchange Act. There are 3 hours of general debate. The gentleman from Maryland [Mr. COLE] tells me that that time will not all be taken. If we complete those two bills tomorrow, it is the intention to adjourn over until Monday.

Mr. TABER. There will be no other business but those two bills?

Mr. RAYBURN. That is true.

The SPEAKER. Does the gentleman from Texas desire to fix control of the time on the Commodity Credit Corporation bill?

Mr. RAYBURN. Yes, Mr. Speaker. I would ask unanimous consent that one-half the time be controlled by the gentleman from Alabama [Mr. STEAGALL] and one-half by the gentleman from Michigan [Mr. WOLCOTT].

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GIFFORD. Mr. Speaker, reserving the right to object, perhaps I was not listening intently, but do I understand there will be 2 hours of general debate?

Mr. RAYBURN. Yes.

Mr. GIFFORD. And this carries an appropriation of $500,000,000?

Mr. RAYBURN. Frankly, I do not know what the bill provides. My understanding is that the bill is simply to implement the law as it now stands.

Mr. GIFFORD. I would like the House to understand that it is increasing the power to borrow money up to $1,900,000,000, or an increase of $500,000,000.

Mr. RAYBURN. I may say to the gentleman that a rule has already been granted, and we are just trying to save 1 hour and heat and light. [Laughter.]

Mr. GIFFORD. I just wanted the House to understand.

The SPEAKER. The Chair is under the general impression that this is an authorization bill and not an appropriation bill.

Mr. RAYBURN. That is correct. That is the reason why I said I thought it was more of an implementing bill.

Mr. TABER. As I understand, this bill is to increase the loaning power of the Commodity Credit Corporation.

Mr. RAYBURN. The gentleman from Missouri [Mr. WILLIAMS], a member of the committee, informs me that that is the fact.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that following the Senate bill about which we have just spoken, it may be in order to take up the bill H. R. 10065, and that whatever of the 3 hours' time is consumed, one-half may be controlled by the gentleman from Maryland [Mr. COLE] and one-half by the gentleman from New Jersey [Mr. WOLVERTON].

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXTENSION OF REMARKS

Mr. MILLS of Louisiana. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. WIGGLESWORTH. Mr. Speaker, I ask unanimous consent to extend the remarks I made today and to include therein a recent statement made by Mr. Knudsen.

The SPEAKER. Is there objection?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. GARRETT. Mr. Speaker, I ask unanimous consent that after the conclusion of the legislative program of today I may address the House for 10 minutes.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my remarks and to include a letter from Msgr. John A. Ryan.

The SPEAKER. Is there objection?

There was no objection.

Mr. LAMBERTSON. Mr. Speaker, I ask unanimous consent to extend my remarks and to include a prize essay on peace.

The SPEAKER. Is there objection?

There was no objection.

Mr. CHURCH. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made today immediately following the statement by the gentleman from Georgia [Mr. VINSON] and that they appear in the RECORD immediately following his statement.

The SPEAKER. Is there objection?

There was no objection.

Mr. BRADLEY of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a short editorial from the Pittsburgh Post Gazette.

The SPEAKER. Is there objection?

There was no objection.

Mr. SMITH of Ohio. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a resolution adopted by the Ralph D. Cole Post, No. 3, of the American Legion, Findlay, Ohio, opposing the Burke-Wadsworth compulsory military training bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. MARSHALL. Mr. Speaker, I ask unanimous consent to extend my remarks and to include an article from the Cleveland Plain Dealer.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein the text of a message sent by the President today to the National Foreign Trade Convention in San Francisco on the foreign-trade situation.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection?

Mr. HOUSTON. Mr. Speaker, I also ask unanimous consent to extend my own remarks in the RECORD and to include therein a short poem written by one of my constituents.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MURDOCK of Arizona. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD on the bill passed today.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The gentleman from Texas [Mr. GARRETT], under the previous order of the House, is recognized for 10 minutes.

NATIONAL DEFENSE

Mr. GARRETT. Mr. Speaker, these are perilous times through which our Nation is passing and for the past 4 weeks I have remained here at my post of duty to take my share of the responsibility and work which each of us must bear, though I was facing a campaign down in Texas which had my political fate as the stake. I have not shirked nor flinched from that duty despite the worry and despair which at times filled my soul. Scurrilous and unscrupulous attacks have been made upon me; whisperings of untruths and misrepresentations have been made against my record and my personal life and I have been forced into a run-off primary. I take pride in a splendid plurality which my people gave to me while I was unable to be there and face my enemies.

It has been my privilege and pride to vote for every defense measure, for every appropriation which the President has requested of us for the strengthening of our Army and Navy in the time that I have been a Member of Congress. I am proud of that record and of the fact that the present strength of our national defense is due in some part to the efforts which I have been able to make along that line.

Today we voted on an appropriation and authorization bill which will close our efforts for the perfection of our Army and its equipment. Tomorrow, Thursday August 1, we will vote the same kind of a measure for the perfection of our Navy.

I feel that with the passage of these two bills a large part of the work will have been done. Much remains which can be done and many other measures can be acted upon, but, Mr. Speaker, I am asking the indulgence of the House for my absence for the next three weeks that I may go home and answer those unwarranted, scurrilous, unscrupulous and wholly untrue charges which have been and are being made against me and my record.

Mr. VINSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. GARRETT. I yield.

Mr. VINSON of Georgia. The gentleman from Texas has correctly sized up the national defense situation. It is a perilous time. As chairman of the Committee on Naval Affairs I want publicly to thank him for the valuable aid and assistance he has rendered the country. He has cooperated in all the national defense programs. The great State of Texas with its distinguished delegation in Congress has every reason to feel proud of a Representative like the gentleman now addressing the House, proud of his record on national defense. Let me say also that I have closely observed the gentleman from Texas since he came here three and a half years ago and he has been very punctual in his attendance on the sessions of the House. In fact, I know of no Member who spends more time on the floor of the House when business is being transacted than does the gentleman from Texas.

Mr. GARRETT. I thank the gentleman from Georgia. Mr. Speaker, I have been for a strong Navy and an adequate Army. I feel that though we covet neither the lands nor the possessions of any other nation that many do covet ours. The dictator nations are rampant and on the loose. Therefore I feel that we need and must have a Navy strong enough to hold all possible aggressor nations at a distance from our shores and the shores of all the Americas until we can arm and assemble an army to defend any point on this continent.

At the end of the World War we were far along the road toward being the strongest naval power in the world. Would God that we had stayed that way but in an altruistic spirit we sank battleships and let other nations burn blueprints to bring our forces down to a ratio which was set at 5–5–3. Now we find that we need another ratio. Some cry "Two ships for one." Others want to match each navy with a single ship. Personally I am content to give the President this money and let them build to match navy for navy on ocean for ocean as long as the war drums throb and the rape of nations shall continue.

Behind this Navy which we can and will build to float in pride on our bordering seas we need an Army with the best of modern equipment, mobile, fast, and highly trained and in the air overhead swarms of planes, fast and endurable, or mighty in their power to hold the mastery of the three elements—land, water, and air.

Army and Navy problems are problems for the technician now. The best of machinery is now war machinery. The finest product of the factory with the greatest accuracy of construction which man has achieved must go into the makings of such machines. These are things which have to be

built and for which we have and will vote an ever-increasing sum of money until our defense is adequate and no nation can or will threaten us in our liberties.

These machines, tanks, trucks, artillery, and other equipment for the Army would be useless without that swarm of planes which the President envisioned for our people and which has so aptly caught their fancy. He who rules the blue rules the land these days. I am proud of the Air Force which we have. I want to see it increased and more and more factories raising airplanes aloft. Our mechanics can do the work. Our natural resources are ample and our youth willing to rise on wings of steel for the defense of their land.

Mr. SNYDER. Mr. Speaker, will the gentleman yield?

Mr. GARRETT. I yield to the distinguished chairman of the Subcommittee on Appropriations in the War Department.

Mr. SNYDER. Mr. Speaker, I have been very much interested in the gentleman's statement and I want to commend him on the attitude he has taken toward defense matters during the time it has been my privilege of knowing him. He has supported every measure of national defense that has been brought to the floor of the House. In fact, no Member of this House has been more enthusiastic in his support of national-defense measures than has the gentleman from Texas. Not only has he rendered invaluable service to the Subcommittee on Appropriations in the War Department but to the entire defense program of the Nation. We need more men of his courage, vision, and statesmanship in the Congress of the United States. I know the citizens of the district which he represents in Congress are justly proud of him and the unselfish service which he has rendered his constituents, the great State of Texas and the Nation.

Mr. GARRETT. I thank the gentleman.

But these enemies from without are not the only ones we must arm against. Within our folds are those aliens who do not love our institutions and hate our flag. We can and will deport him to his native land. But alongside him resides that man who for a mere pittance would sell the liberties of his country and in doing it betrays even himself. For 30 pieces of silver the traitor in the twelve sold the Master of Men. For even less there are those in our midst who would do the same. These subversive, traitorous, and dirty agents of foreign powers, whoever they may be, deserve to be dealt with to the full extremity of human action. We have passed a measure fingerprinting all aliens. We have laws punishing all those who work against our country. We need further laws to curb and hold them in check and it is my hope that full and proper measure will be taken before this Congress adjourns its work.

I voted for the resolution which created the Dies committee. I had no apology then to make for that action though it was stamped with a great deal of undue and unwarranted prejudice. Called witch hunters and with a snide press full of hate against the work which they were doing those men went on their way and began turning the eyes of the Nation toward these subversive and foreign influences.

I voted for their second appropriation and for their third. I knew what they wanted to do and though it was not a popular thing in many sections to do I saw what must be done to save this country from such perils as their exposures showed "fifth columns" to be.

Mr. LEAVY. Mr. Speaker, will the gentleman yield?

Mr. GARRETT. I yield to the gentleman from Washington.

Mr. LEAVY. Mr. Speaker, I listened with a great deal of interest to the remarks of the gentleman from Texas. I come from a place as far removed almost as one could be from the State of Texas, yet as a member of the Committee on Appropriations I have had the pleasure of knowing the gentleman, working with him, and observing the keen interest he has taken in the problems that have come before us. If any district in the United States has been represented well, cautiously, conservatively, yet ably, it is the gentleman's own district, the Seventeenth District of Texas. Truly, no Member of Congress is more earnest or conscientious in his efforts to serve his constituents than he.

Mr. GARRETT. I thank the gentleman from Washington.

In 1936 in my first race for Congress I pledged my people that I would never vote for a war of aggression and that I would oppose any and all foreign entanglements. I am of the same opinion still. And it was with a real thrill that only a short time ago I heard the President of these United States pledge the same thing to the people of this country. We seek no war. We want peace. But we must in these perilous and dangerous times be so strong that we cannot and will not be attacked. I have called on the War Department and the Navy Department to cut red tape. Make these weapons of defense, these planes, and build these ships in record time. I want them to do this, the Congress wants it done, and the people cry that it must be done. A day's delay in Congress is dangerous; a day's delay in preparation of plans is dangerous; and a day's delay in manufacture can be disastrous.

I have two fine sons. I know the heart of a father and what he feels toward those sons. I have seen them grow and develop into fine young men. They are now in the age when they would have to be among the first to answer their Nation's call for its defense. They would be clamoring to go should there be national peril. They represent to me the same things which millions of other fine boys represent to their parents—their hopes, their dreams, and their ambitions; the progeny of our race depends upon them for tomorrow. Give them weapons which will not bring about another retreat through Belgium when men with obsolete rifles faced tanks and diving bombers. Give them the tanks, the bombers, and the ships, and the youth of this land will hold its shores inviolate; its traditions will be their battle cry, and its freedom will continue to flaunt its happiness and success under the folds of Old Glory through the ages to come. Gentlemen of the House, I voted for this bill and expect to vote for the naval bill tomorrow, and give these fine boys their chance. [Applause.]

ENROLLED JOINT RESOLUTION AND BILL SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H. J. Res. 583. Joint resolution making an additional appropriation for the Tennessee Valley Authority for the fiscal year 1941 to provide facilities to expedite the national defense.

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 4037. An act to confer jurisdiction upon the United States District Court for the Western District of Kentucky to hear, determine, and render judgment upon the claim of Theodore R. Troendle, for the Dawson Springs Construction Co.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on the following dates present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On July 13, 1940:

H. R. 6056. An act for the relief of Antal or Anthony or Tony Zaicek or Zaiczek;

H. R. 6884. An act to encourage travel in the United States, and for other purposes;

H. R. 7696. An act to amend the United States Grain Standards Act, to provide for the grading of soybeans, and for other purposes;

H. R. 8372. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Chester, Ill.;

H. R. 9877. An act authorizing the Secretary of the Interior to promulgate and to put into effect charges for electrical energy generated at Boulder Dam, providing for the application of revenues from said project, authorizing the operation of the Boulder Power Plant by the United States directly or through agents, and for other purposes;

H. R. 10100. An act to establish the composition of the United States Navy, to authorize the construction of certain naval vessels, and for other purposes; and

H. J. Res. 582. Joint resolution making an appropriation to enable the United States Maritime Commission to establish the marine and war-risk insurance fund.

On July 31, 1940:

H. J. Res. 583. Joint resolution making an additional appropriation for the Tennessee Valley Authority for the fiscal year 1941 to provide facilities to expedite the national defense.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 4 minutes p. m.) the House adjourned until tomorrow, Thursday, August 1, 1940, at 12 o'clock noon.

COMMITTEE HEARING

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization at 10:30 a. m. Wednesday, August 7, 1940, in room 445 House Office Building, for the consideration of refugee bills H. R. 10083, H. R. 8502, H. R. 8497, H. R. 10150, H. J. Res. 580, and H. J. Res. 581.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. TAYLOR: Committee on Appropriations. H. R. 10263. A bill making appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes; without amendment (Rept. No. 2810). Referred to the Committee of the Whole House on the state of the Union.

Mr. JONES of Texas: Committee on Agriculture. S. 4107. An act to transfer the jurisdiction of the Arlington Farm, Virginia, to the jurisdictions of the War Department and the Department of the Interior, and for other purposes; with amendment (Rept. No. 2811). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 9815) granting a pension to Jack N. Nelson, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SECREST:

H. R. 10264. A bill to provide for a 1-year enlistment period for the Army, Navy, and Marine Corps, and to increase the minimum pay of enlisted men in the Army, Navy, Marine Corps, and Coast Guard; to the Committee on Military Affairs.

By Mr. GIBBS:

H. R. 10265. A bill to legalize the construction by the State Highway Board of Georgia of a free highway bridge across the Withlacoochee River at Horns Ferry, between Valdosta, Ga., and Madison, Fla.; to the Committee on Interstate and Foreign Commerce.

By Mr. LANDIS:

H. R. 10266. A bill to provide that enlistment in the Regular Army shall be for 1 year and that the lowest monthly base pay for enlisted men in the Regular Army and Marine Corps shall be $30; to the Committee on Military Affairs.

By Mr. LANHAM:

H. R. 10267. A bill to authorize the Administrator of Veterans' Affairs to grant an easement in a small strip of land at Veterans' Administration Facility, Los Angeles, Calif., to the county of Los Angeles, Calif., for sidewalk purposes; to the Committee on Public Buildings and Grounds.

By Mr. CHURCH:

H. R. 10268. A bill to amend the act of June 28, 1940, entitled "An act to expedite national defense, and for other purposes;" to the Committee on Naval Affairs.

By Mr. DIMOND:

H. R. 10269. A bill to authorize a preliminary examination and survey of Salmon Creek, in the Territory of Alaska, in the vicinity of Juneau, Alaska, for flood control, for run-off and water-flow retardation, and for soil-erosion prevention; to the Committee on Flood Control.

By Mr. WOLCOTT:

H. R. 10270. A bill authorizing the conveyance of real property heretofore used by the United States Coast Guard and Light House Service to the county of Huron, Mich.; to the Committee on Merchant Marine and Fisheries.

By Mr. VINSON of Georgia:

H. R. 10271. A bill to provide for the appointment of certain persons as commissioned or warrant officers in the Naval Reserve, and for other purposes; to the Committee on Naval Affairs.

H. R. 10272. A bill to repeal the first proviso to the appropriation for "Miscellaneous expenses," as contained in title I of the Naval Appropriation Act for the fiscal year ending June 30, 1941 (Public, No. 588, 76th Cong., 3d sess.); to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRYSON:

H. R. 10273. A bill for the relief of Vernon Atkison; to the Committee on Claims.

By Mr. McCORMACK:

H. R. 10274. A bill for the relief of George E. Collins; to the Committee on Naval Affairs.

By Mr. FENTON:

H. R. 10275. A bill for the relief of Arthur G. Moyer; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9092. By Mr. LYNCH: Resolution of the Port Morris Community Council, Bronx, N. Y., urging that provision be made for availability to the Negro for entrance into the Air Corps of the Army, Navy, and Marine Corps; to the Committee on Military Affairs.

9093. By Mr. ROMJUE: Petition of the Springfield Committee to Defend America, Springfield, Mass., urgently requesting the President, Senators, and Representatives to take immediate action to insure the rapid armament of the United States until it has an impregnable national defense; to the Committee on Military Affairs.

9094. By Mr. LUTHER A. JOHNSON: Memorial of Hon. Beauford H. Jester, of Corsicana; Hon. Frank A. Woods, of Franklin; Hon. J. P. Clark, mayor of Ennis; and Messrs. Harry Slabotsky, K. P. Chinn, and T. M. Spence, of Ennis, all of the State of Texas, opposing Senate bill 3920 and House bill 9706 and favoring Senate bill 3925 and House bill 10082; to the Committee on Interstate and Foreign Commerce.

SENATE

THURSDAY, AUGUST 1, 1940

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

Almighty and everlasting God, who art always more ready to hear than we to pray, and art wont to give more than either we desire or deserve: Pour down upon us the abundance of Thy mercy and grant to us the spirit to think and do only such things as are right, that we, who cannot do anything that is good without Thee, may, by Thee, be enabled to live according to Thy will. Through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Tuesday, July 30, 1940, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed a bill (H. R. 10263) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 4037) to confer jurisdiction upon the United States District Court for the Western District of Kentucky to hear, determine, and render judgment upon the claim of Theodore R. Troendle, for the Dawson Springs Construction Co., and it was signed by the President pro tempore.

ENROLLED JOINT RESOLUTION SIGNED DURING ADJOURNMENT

Under authority of the order of the 30th ultimo, on July 31, 1940, the President pro tempore signed and enrolled joint resolution (H. J. Res. 583) making an additional appropriation for the Tennessee Valley Authority for the fiscal year 1941 to provide facilities to expedite the national defense, which had been signed previously by the Speaker of the House of Representatives.

CALL OF THE ROLL

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Davis	La Follette	Reynolds
Andrews	Donahey	Lee	Russell
Ashurst	Frazier	Lodge	Schwartz
Austin	George	Lucas	Schwellenbach
Bankhead	Gerry	Lundeen	Sheppard
Barbour	Gibson	McCarran	Smathers
Barkley	Gillette	McKellar	Taft
Bilbo	Green	McNary	Thomas, Idaho
Bone	Guffey	Maloney	Thomas, Okla.
Bridges	Gurney	Mead	Thomas, Utah
Burke	Hale	Miller	Tobey
Byrd	Harrison	Minton	Tydings
Byrnes	Hatch	Neely	Vandenberg
Capper	Hayden	Norris	Van Nuys
Caraway	Herring	Nye	Wagner
Chandler	Hill	O'Mahoney	Walsh
Chavez	Holman	Overton	Wheeler
Clark, Idaho	Holt	Pepper	White
Clark, Mo.	Johnson, Calif.	Pittman	Wiley
Connally	Johnson, Colo.	Radcliffe	
Danaher	King	Reed	

Mr. MINTON. I announce that the Senator from California [Mr. DOWNEY] is absent because of illness.

The Senator from North Carolina [Mr. BAILEY], the Senator from Michigan [Mr. BROWN], the Senator from South Dakota [Mr. BULOW], the Senator from Louisiana [Mr. ELLENDER], the Senator from Virginia [Mr. GLASS], the Senator from Delaware [Mr. HUGHES], the Senator from Montana [Mr. MURRAY], the Senator from Illinois [Mr. SLATTERY], the Senator from South Carolina [Mr. SMITH], the Senator from Tennessee [Mr. STEWART], and the Senator from Missouri [Mr. TRUMAN] are unavoidably detained from the Senate.

Mr. AUSTIN. I announce that the Senator from Minnesota [Mr. SHIPSTEAD] and the Senator from Delaware [Mr. TOWNSEND] are necessarily absent.

The PRESIDENT pro tempore. Eighty-two Senators have answered to their names. A quorum is present.

PETITIONS AND MEMORIALS

Mr. TYDINGS presented the petition of members of Maryland Chapter, National Legion Mothers of America, Baltimore, Md., praying that the United States keep out of war, that the so-called Johnson Act be not repealed, and that Congress remain in session during the existing crisis, which was referred to the Committee on Foreign Relations.

He also presented the petition of members of Maryland Chapter, National Legion Mothers of America, Baltimore, Md., praying that the letter of resignation of Hon. Harry H. Woodring as Secretary of War be published in full, which was referred to the Committee on Military Affairs.

Mr. REED presented memorials of 232 citizens of Inman, McPherson County, Kans., remonstrating against the enactment of compulsory military training legislation, which were referred to the Committee on Military Affairs.

Mr. VANDENBERG presented a memorial of sundry citizens of Fulton, Mich., remonstrating against the enactment of compulsory military training legislation, which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES

Mr. GEORGE, from the Committee on Finance, to which was referred the bill (S. 3778) to amend the act entitled "An act to provide better facilities for the enforcement of the customs and immigration laws," approved June 26, 1930, reported it with an amendment and submitted a report (No. 1988) thereon.

Mr. RADCLIFFE, from the Committee on Finance, to which was referred the resolution (S. Res. 200) directing the Tariff Commission to investigate the production costs of crab meat, crab paste, and crab sauce (submitted by Mr. RADCLIFFE on January 4, 1940), reported it without amendment.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (S. 4120) authorizing the Secretary of War to accept a gift of lands from the city of Tucson, Ariz., reported it without amendment and submitted a report (No. 1989) thereon.

Mr. SCHWELLENBACH, from the Committee on Claims, to which was referred the bill (H. R. 554) for the relief of Meta De Rene McLoskey, reported it without amendment and submitted a report (No. 1990) thereon.

INVESTIGATION OF RAILROADS, HOLDING COMPANIES, AND AFFILIATED COMPANIES

Mr. WHEELER (for himself and Mr. TRUMAN), from the Committee on Interstate Commerce, submitted additional reports of that committee, pursuant to Senate Resolution 71 (74th Cong.), authorizing an investigation of interstate railroads and affiliates with respect to financing, reorganizations, mergers, and certain other matters, which were ordered to be printed, as follows:

Missouri Pacific system—Acquisition of Fort Worth Belt Railway Co. (Rept. No. 25, pt. 10); and

Market operations with railroad funds—Missouri Pacific purchases of system securities and related accounting practices (Rept. No. 25, pt. 11).

ENROLLED BILL PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on July 30, 1940, that committee presented to the President of the United States the enrolled bill (S. 3200) to provide for the rank and title of lieutenant general of the Regular Army in the military departments of Panama and Hawaii.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NYE:

S. 4229. A bill conferring jurisdiction upon the United States District Court for the District of North Dakota to hear, determine, and render judgment upon the claim of Edla H. Fyten; to the Committee on Claims.

By Mr. SHEPPARD:

S. 4230. A bill to amend certain sections of the Federal Credit Union Act, approved June 26, 1934, as amended, and for other purposes; to the Committee on Banking and Currency.

By Mr. BURKE:

S. 4231. A bill for the relief of Guy F. Allen, chief disbursing officer, Treasury Department, and for other purposes; to the Committee on Claims.

By Mr. THOMAS of Oklahoma:

S. 4232. A bill for the relief of the Eastern Cherokees;

S. 4233. A bill for the relief of the Eastern and Western Cherokees; and

S. 4234. A bill to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes; to the Committee on Indian Affairs.

By Mr. DONAHEY:

S. 4235. A bill for the relief of Mrs. Thomas A. Panter; to the Committee on Claims.

By Mr. RUSSELL:

S. 4236. A bill for the relief of Ida Valeri; to the Committee on Immigration.

By Mr. WHEELER:

S. 4237. A bill declaring certain members of the Crow Tribe of Indians to be members of the competent class of members of such tribe; to the Committee on Indian Affairs.

By Mr. BARBOUR:

S. J. Res. 287. Joint resolution to limit the emergency powers of executive officers of the United States; to the Committee on Military Affairs.

By Mr. KING:

S. J. Res. 288. Joint resolution proposing an amendment to the Constitution of the United States providing for national representation for the people of the District of Columbia; to the Committee on the Judiciary.

HOUSE BILL REFERRED

The bill (H. R. 10263) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

FOREIGN ACCOUNTS IN FEDERAL RESERVE BANKS—AMENDMENTS

Mr. ADAMS submitted amendments intended to be proposed by him to the bill (S. 4174) relating to foreign accounts in Federal Reserve banks, which were ordered to lie on the table and to be printed.

AMENDMENT OF FEDERAL RESERVE ACT—AMENDMENTS

Mr. ADAMS submitted amendments intended to be proposed by him to the amendment proposed by Mr. BROWN to the bill (H. R. 10127) to amend the Federal Reserve Act, and for other purposes, which were ordered to lie on the table and to be printed.

SELECTIVE COMPULSORY MILITARY TRAINING—AMENDMENTS

Mr. GREEN submitted an amendment and Mr. ELLENDER submitted three amendments intended to be proposed by them, respectively, to the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service, which were severally referred to the Committee on Military Affairs and ordered to be printed.

ACTIVE SERVICE FOR THE NATIONAL GUARD, ETC.—AMENDMENTS

Mr. BARBOUR submitted an amendment intended to be proposed by him to the joint resolution (S. J. Res. 286) to strengthen the common defense and to authorize the President to order members and units of reserve components and retired personnel of the Regular Army into active military service, which was ordered to lie on the table and to be printed.

Mr. BILBO. Mr. President, I wish to offer an amendment, and have it read, to put the Senate on notice. It is an amendment intended to be proposed by me to the joint resolution (S. J. Res. 286) to strengthen the common defense and to authorize the President to order members and units of reserve components and retired personnel of the Regular Army into active military service.

The PRESIDENT pro tempore. Without objection, the amendment will be read.

The Chief Clerk read as follows:

At the end of section 3 insert the following new subdivision:

"(f) Any member of the National Guard under 21 years of age who was registered in and attended any high school, junior college, college, academy, or any other educational institution of learning during the session of 1939–40 and who did not graduate or finish the course prescribed by such school shall be exempt from the provisions of this act in order that he may pursue or finish his course in such school."

The PRESIDENT pro tempore. The amendment submitted by the Senator from Mississippi will lie on the table and be printed.

LETTER FROM THE ACTING SECRETARY OF THE INTERIOR—CHIPPEWA INDIAN LANDS—CHANGE OF REFERENCE

On motion by Mr. PITTMAN, the Committee on Foreign Relations was discharged from the further consideration of a letter from the Acting Secretary of the Interior, dated May 25, 1940, transmitting a draft of proposed legislation to amend section 2 of the act of April 13, 1938, entitled "An act to provide for a flowage easement on certain ceded Chippewa Indian lands bordering Lake of the Woods, Warroad River, and Rainy River, Minn., and for other purposes," and the letter (with enclosure) was referred to the Committee on Public Lands and Surveys.

MILITARY CONSCRIPTION—EDITORIAL FROM DETROIT FREE PRESS

Mr. VANDENBERG. Mr. President, I ask unanimous consent to print in the Appendix of the RECORD a courageous and invincible editorial from the Detroit Free Press entitled "Democracy, Conscription's Victim."

The PRESIDENT pro tempore. Is there objection?

Mr. ASHURST. Mr. President, if the editorial is printed in the Appendix of the RECORD it will not have the publicity it should have. I ask unanimous consent that it be read.

Mr. VANDENBERG. I certainly have no objection to that being done.

Mr. BARKLEY. Mr. President, I was otherwise engaged. I inquire what is the article?

Mr. VANDENBERG. I merely asked that an editorial from the Detroit Free Press be printed in the Appendix. The Senator from Arizona has asked that it be read. I have no objection to having that done.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Arizona that the editorial be read?

There being no objection, the editorial was read by the Chief Clerk, as follows:

[From the Detroit Free Press of July 31, 1940]

DEMOCRACY, CONSCRIPTION'S VICTIM?

The congressional hearings on the proposed conscription bill should be deliberate enough to determine three things:

How much is the demand for a total military and civilian dictatorship over the manpower of the Nation due to a realistic attitude?

How much is it due to plain hysteria?

How much of it is due to politics?

These questions should be fully answered now so that the people may have complete understanding.

A peacetime totalitarianism is a far graver violation of tradition than any proposal for a third term.

The latter is a simple issue. The people understand it and have a right to accept or reject it as they please.

But compulsory service for all men between the ages of 18 to 64, with broad authority for the President to call on anybody as he chooses for any kind of duty, military or otherwise, is another matter. It is not easily understood.

The American people are being asked to give away their liberties with no assurance that they will ever get them back.

They are being lead to believe that war is imminent. It is characteristic of Americans to respond instinctively to any call to patriotic duty.

It is not at all surprising that one poll shows 67 percent of the people are in favor of some form of conscription. They responded in the same manner when President Wilson issued his draft call.

But are they not now voting in the same spirit in the belief that we either are already at war or are about to be plunged into one?

Is it not possible that they have been whipped into such a fever of emotionalism that they believe this is the one way to save America?

If that is the case, they have been misled.

The best of our military experts do not believe that any such massing of manpower—42,000,000 men and boys—is necessary.

At the outside figure they are interested only in an army of 750,000 soldiers. More, they would not know what to do with the 2,000,000 men Mr. Roosevelt talks about.

What of the other 40,000,000? Out of the clouds of oratory and tub thumping the idea seems to loom that they would be

regimented into various industries and civic duties—regimented as was the total manpower of Germany.

As to this phase of the problem the career men in the Army have nothing to say. That is all outside their tasks. They might get 2,000,000 men, but any politically minded administration would have complete control over the other 40,000,000.

"But," the war-minded at Washington in both parties argue, "this is necessary if we are to meet the Hitler invasion when it comes."

"When it comes!" That is the spur. Yet military experts have no idea that it is coming next week or next year or the year after, if ever. The career men cannot talk. However, the Free Press here offers quotations from three world-famous writers on military matters who are not given to hysterics, who are not running for office, and who strive hard to see things as they are.

First, there is Col. Frederick Palmer, recognized as one of the greatest living authorities on war. He was the official press representative for the A. E. F. in France and was awarded the Distinguished Service Medal for his work. For years, though an American, he was the military expert for the London Times.

Is he excited? Not a bit! He says:

"Whence and in what strength will any attack upon us come? * * * Will our impatience for speed in our vast preparations defeat the very object for which we are striving?"

Japan? He points out that Japan has its hands full right now with China and will have for some years to come without taking us on. "This," he says, "dismisses any immediate danger on the Pacific coast."

But there is the Atlantic—and Hitler? Palmer calls attention to the simple fact that neutral military observers now agree that Germany had no "wonder army that wrought a military miracle." Germany really had no opposition, with France collapsing before a real fight started.

"Consequently there is no reason why we should be scared or overimpressed by German might as touched by some kind of hellish totalitarian magic."

Palmer even questions that Hitler can possibly defeat England across those 22 miles of turbulent waters. But supposing he does? What then?

"Hitherto Hitler's sea tactics have been negative and destructive. Now he must have surface sea command himself. His position is reversed. He must protect his convoys across the Atlantic."

Palmer first predicts the failure of the British campaign and then shows how utterly impossible it would be for Hitler to bring his army across to our shores. The danger is not immediate. "Our danger is," he concludes, "that we shall get an extravagant, unbalanced preparedness whose continuance we shall neglect when we are lulled into security, with the result that one day an enemy, or group of enemies, will get the jump on us."

This is taking the long view—a consideration of the years and not the days.

The whole program for conscription could go over until after the fevers of the coming election without in any way endangering America—as long as industry maintains equipment production. Then we might think more sanely.

The President has asked that the National Guard be mobilized to meet some immediate danger, the nature of which he does not state. If the guard is called out, it will take 6 months at least to furnish it sufficient equipment to put it on a battle-worthy basis.

The Presidential campaign will be over in 3 months. So what could be done with 2,000,000 raw civilians in that time?

This rush program does not make sense.

Second. There is Hanson W. Baldwin, military expert for the New York Times. How could Germany land a sufficient number of troops on this continent to require such a vast standing army to overcome them? He says:

"The maximum initial force that could be transported, even if control of the sea were wrested from us, would not be much larger than 50,000 men. The transportation of such a force would require 375,000 tons of shipping—perhaps 40 ships—about the largest force that could conveniently be convoyed in a single operation.

"To supply such a force might require from 650,000 tons of shipping to 2,000,000 tons monthly; in other words, perhaps half the tonnage of the German merchant marine would have to be devoted solely to the job of supplying 50,000 soldiers. If this force were to be doubled, the shipping tonnage necessary would be doubled; to supply an army of 1,000,000 men in this hemisphere would require at the very least 13,000,000 tons of shipping.

"Economically and commercially the problem seems impossible; not even Britain or a combination of Britain and Germany has sufficient shipping to divert such an enormous amount of it from their ordinary and vital trade routes to military purposes."

The third of this triumvirate of famed military authorities is Maj. George Fielding Eliot, war expert for the New York Herald-Tribune and Life Magazine, and author of the widely read book on American preparedness, the Ramparts We Watch.

"Nothing could be worse," he writes, "than to give our own people and the peoples of the rest of the world the idea that we are going to have, or are even on the point of creating, a vast citizen army of millions. We cannot do this for a long time.

"We ought not to try to build up such an army on any half-baked basis. If we have learned anything from the present war, it is the need of ample training. * * * Let us all know exactly what we are doing—let us all know, not just the White House coterie and the general staff.

"Let us not forget that we are primarily a sea power. * * * There may be other ways of improving the national morale besides spending more than is necessary on an army which, if it passes the size needful for hemisphere missions, may well become an instrument useful only for overseas adventures—perhaps for a ghastly holocaust in Europe.

"We should be quite clear on one point: That we do not propose to furnish the manpower for any invasion of the European continent. It will be much better not to create any instrument of war which can be useful for that purpose.

"It all gets back to the lack of any coordinated, well-weighed plan for our defense. * * * We should do our thinking now while we have the time. And we should appoint able and experienced experts to do the job of translating thought into concrete and complete plans upon which to base our expenditures and our labors."

By common public acceptance these three men know what they are talking about. They are nonemotional and nonpolitical students of military preparedness and the arts of warfare.

The free press does not question the sincerity of President Roosevelt in his drive for preparedness, but it is forced at times to question his judgment because, in the very ardor of his cause, he lets his enthusiasm and his emotions run away with him—as is well evidenced by that "stab in the back" speech at Charlottesville and his proposal to "quarantine aggressor nations" in his Chicago address in 1937.

The issue involves too vital a change in our whole concept of American life not to speak out bluntly about it.

The American people should not be lulled to sleep by grandiose talk. Our dangers from abroad are not one-half so real as the danger within our own borders. It may well be that the very life of democracy itself is at stake here.

Why, then, all the mad, precipitate rush?

If the Members of the United States Congress do not weigh carefully all the factors involved, if they do not permit the people full and open hearings so that they will have complete understanding, then they will be derelict in their duty and recreant to a sacred trust.

Let the people know that once they have bent their necks to the yoke of regimentation there is no turning back. The bands will play martial music, the flags will fly—and we, a once free people, may march to the goosestep under a totalitarian government.

TRIBUTE TO THE LATE SENATOR LOGAN

[Mr. DAVIS asked and obtained leave to have printed in the RECORD an address delivered at the grave of Senator M. M. Logan by George McComb, in a Memorial Day service held by the Independent Order of Odd Fellows on May 30, 1940, which appears in the Appendix.]

ADDRESSES BY SENATOR LA FOLLETTE AND COL. HENRY BRECKENRIDGE ON AID FOR DEFENSE OF BRITISH ISLES

[Mr. LA FOLLETTE asked and obtained leave to have printed in the RECORD radio addresses by Col. Henry Breckenridge and himself on the topic Should We Fight the Nazis To Defend the British Isles? which appears in the Appendix.]

ADDRESS BY SENATOR PEPPER AT HARVARD UNIVERSITY ON AMERICAN DEFENSE

[Mr. PEPPER asked and obtained leave to have printed in the RECORD an address delivered by him at Harvard University on July 30, 1940, under the auspices of American Defense Group of Harvard University, which appears in the Appendix.]

STATEMENT BY SENATOR PEPPER ON UNIVERSAL CONSCRIPTION

[Mr. PEPPER asked and obtained leave to have printed in the RECORD a statement by him on the subject Should the United States Require Universal Conscription? published in the Times Union, of Jacksonville, Fla., on Sunday, July 28, 1940, which appears in the Appendix.]

ADDRESS BY WILLIAM RICHEY AT BRYAN MEMORIAL BREAKFAST

[Mr. BURKE asked and obtained leave to have printed in the RECORD an address delivered by William Richey, of Omaha, Nebr., at the William Jennings Bryan memorial breakfast held in connection with the 1940 Democratic National Convention in the Hotel Sherman at Chicago, Ill., on July 17, 1940, which appears in the Appendix.]

LETTER FROM MRS. LILLIAN L. VAN BURGH ON OLD-AGE PENSIONS

[Mr. O'MAHONEY asked and obtained leave to have printed in the RECORD a letter on the subject of Old-Age Pensions, addressed to him by Mrs. Lillian L. Van Burgh, of Casper, Wyo., which appears in the Appendix.]

APPROPRIATIONS FOR ARMY AND AIR CORPS AND NAVY AND BUREAU OF AERONAUTICS, 1920–41

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD a table showing appropriations for the Army and the Air Corps from 1920 to 1941, and for the Navy and the

Bureau of Aeronautics for the same period, which appears in the Appendix.]

LETTER AND DISCUSSION BY COLONEL FLEMING ON HOURS-OF-LABOR CEILING

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD a letter addressed by Col. Philip B. Fleming, Administrator of the Wage and Hour Division, Department of Labor, to the President of the United States, in relation to the question whether, in the light of the national-defense emergency, it would be necessary to raise the ceiling for hours of labor, and also a radio discussion on the same subject by Colonel Fleming and Mr. Osgood Nichols, of the Information Branch of the Wage and Hour Division, which appear in the Appendix.]

AGREEMENT AT HABANA—EDITORIAL FROM WASHINGTON POST

[Mr. LUCAS asked and obtained leave to have printed in the RECORD an editorial from the Washington Post of July 31, 1940, entitled "Agreement at Habana," which appears in the Appendix.]

SOUND PRINCIPLES OF INTERNATIONAL TRADE—ARTICLE BY ROBERT P. VANDERPOEL

[Mr. LUCAS asked and obtained leave to have printed in the RECORD an article from the Chicago Herald-American of July 29, 1940, entitled "Americans Must Learn Quickly Sound Principles of International Trade," which appears in the Appendix.]

DECLINE AND RISE OF UNITED STATES NAVAL POWER

[Mr. LUCAS asked and obtained leave to have printed in the RECORD an article and accompanying tables entitled "The Decline and Rise of United States Naval Power, 1921–40," which appear in the Appendix.]

TRAINING OF MANPOWER—EDITORIAL FROM LIBERTY MAGAZINE

[Mr. BARBOUR asked and obtained leave to have printed in the RECORD an editorial by Bernarr Macfadden entitled "How Long, O Lord, How Long?", to be published in the Liberty magazine of the issue of August 15, 1940, which appears in the Appendix.]

ARTICLE BY WALTER LIPPMANN ON NATIONAL DEFENSE

[Mr. WILEY asked and obtained leave to have printed in the RECORD an article by Walter Lippmann, published in the Washington Post of August 1, 1940, under the title "'Total Defense' Stalled," which appears in the Appendix.]

SELECTIVE COMPULSORY MILITARY TRAINING

Mr. LODGE. Mr. President, I have received from the noted military writer, Maj. George Fielding Eliot, a letter which states opinions on the question of procuring men for our Army which I think would be of great interest to the Senate. I should like to point out that the writer of the letter favors fixing the size of the Army at a figure of 750,000, which is what I have advocated for some time, and Major Eliot makes the following statement about the bill which I introduced some weeks ago:

> Your bill, as compared with the Burke-Wadsworth bill, has the virtue of simplicity and clarity of objective—the creation of a regular army of definite size.

Mr. President, yesterday I was courteously accorded a hearing by the Military Affairs Committee on the bill which I have introduced. I may remind the Senate that this bill not only set a definite limit to the total number of men in our Army, but also provided, in effect, that only about 400,000 would have to be raised by selective draft. I gathered at the meeting yesterday that the bill now being considered by the committee is undergoing many fundamental changes, and so I will not make any comment on the provisions of the bill which may eventually be reported. I should, however, like to compare my bill with the proposals which have received so much attention in the press by showing what my bill is and what it is not.

My bill is a simple defense bill. Its aim is to bring our Army up to its top strength, always in harmony with our existing program for procuring weapons.

It is not a bill capable of causing far-reaching internal, social, and economic changes, having little, if any, relation to national defense.

It is a bill aimed at peace and defense. It seeks to make the United States sufficiently strong so that no foreign power will dare to molest us.

It is a peacetime bill. It is not a bill which assumes that we are already at war, and which accordingly seeks to create a nation in arms.

It is a 1940 bill, to provide a highly selected personnel for a relatively small standing army, in the hope and belief that this will avert the need for mass conscription later on.

It is not a 1917 bill which seeks to place every able-bodied man in the military service in some capacity or other.

If I may make a comparison, it is a modern, well-tooled, automatic rifle, and not a blunderbuss.

My bill would involve directly about 1 out of every 3,250 American citizens—not enough to dislocate anything, threaten democracy, or bring any danger of totalitarianism. Its burden would fall chiefly on those relatively well to do.

There is no point in registering 42,000,000 men if all we want is 400,000 soldiers. There is waste and offense to our democratic system of things if we draft every able-bodied man instead of drafting able-bodied men only in such numbers as can be effectively utilized for the national defense, having due regard to the amount of equipment available.

A bill which takes the short emergency view of this matter should limit itself to providing a sufficient number of men for our existing needs, and should not seek to plan the entire future.

A bill which seeks to lay down a long-term policy on military training should not take all men from 18 to 64, but should give every young man a certain period of training when he reaches a certain age. The proposals I have seen described do not fall into either classification.

I ask unanimous consent that the letter from Major Eliot be printed in the RECORD in full.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NEW YORK, *July 29, 1940.*

The Honorable HENRY CABOT LODGE, Jr.,
United States Senate, Washington, D. C.

DEAR SENATOR LODGE: I have read with great attention the bill which you sent me, and have just finished reading the committee draft of the Burke-Wadsworth bill as it has finally received the approval of the Military Affairs Committee of the Senate.

Your bill, as compared with the Burke-Wadsworth bill, has the virtue of simplicity, and clarity of objective—the creation of a Regular Army of definite size. The Burke-Wadsworth bill has the following defects, as I see it:

(1) It leaves to the President the power to call out any number of men he sees fit, in time of peace. In my opinion the size of the Regular Army in time of peace ought to be definitely limited by statute. I do not believe that limitation by appropriation is sufficient.

(2) It places upon the War Department the responsibility for ill-defined home-defense forces. Such forces as are required for local defense purposes as a part of the defense plans of the country (antiaircraft, harbor defense, etc.) ought to be part of the Regular Army or National Guard. Temporary forces for the maintenance of internal order, guarding bridges, factories, etc., should be State forces such as the proposed New York Guard.

(3) The period of training is too short (also in your bill). Two years would be ideal; 18 months is in my opinion the minimum: Six months for induction and individual training; a year for unit and field training. But I realize that as a practical matter this may not be possible, so I think voluntary extension of service ought to be made attractive.

(4) It is provided that men who enlist in the Regular Army or National Guard for 2 additional years are relieved from the Reserve service provided by the bill. This flies directly in the face of the need for having a fully trained Reserve. It ought to be provided that a 2-year enlistment in the Regular Army should cut the Reserve service from 10 to 5 years; and that National Guard service should merely be reckoned as reducing the Reserve service by that much.

(5) The bill provides specifically that conscripted men shall have an opportunity to qualify for promotion. This ought not to be enacted into law. In general, specialists and noncommissioned officers should be men who have volunteered for longer periods of service. There should be no barrier to specially qualified conscripts qualifying for promotion, but a rigid legal requirement that they shall have such an opportunity will only make trouble.

(6) The National Guard provision in the preamble of the bill is just a concession to the political strength of the guard, and if strictly construed might require the guard to be called into service before the Regular Army Reserve. This is ridiculous.

(7) Finally, it seems to me this bill takes in too much territory. It will produce illusions in the mind of the average American. It is likely to permit the creation of a huge army for which we have no need, and which we could not use except in overseas adventures. We ought to concentrate, we must concentrate on building up an army equipped, trained, and officered to fight on modern battlefields. This army cannot be very large, must be limited by the need for providing for the Navy and other essentials of national defense. The Burke-Wadsworth bill does not draw a fine enough sight, which is language you will well understand. We need a fine weapon of precision, not a shotgun, for this job.

We have, I think, to keep in mind that we have two lines of thought which must constantly be coordinated: First, to prepare as quickly as possible for an imminent emergency; second, to lay the foundations for a long-range military policy.

Under either your bill or the Burke bill we can call up as many men for immediate training as the Regular Army and the National Guard can possibly absorb. But the Burke bill seems to fasten upon us a tremendous burden, both from the financial and administrative point of view, which to my mind is not only wholly unnecessary, but may become a positive danger by absorbing too great a proportion of the funds and resources available for the national defense—which after all are not unlimited.

May I suggest certain features which I believe ought to be incorporated in whatever compulsory service bill is enacted.

(1) Fix the size of the Regular Army in time of peace at a maximum of 750,000, exclusive of reservists called back for temporary periods of training.

(2) Provide for voluntary enlistments (both direct and from conscripts who have completed their compulsory training).

(3) Provide for registration of all men from 20 to 45 years of age, as a sort of survey of manpower resources, and for morale purposes.

(4) Provide for calling up annually of a class of conscripts, carefully selected, sufficient to maintain the Regular Army at 750,000 men; the period of service to be 1 year (if no more can be had).

(5) Provide for such men to serve thereafter 10 years in the Reserve; except that they may extend their period of service in the Regular Army for 1 year, and knock off 2 years' Reserve service; or for 2 years, and knock off 5 years' Reserve service. Minimum period of Reserve service to be 5 years for all classes of enlistment, including volunteers.

(6) National Guard service to count as Reserve service.

(7) The annual class to be called from men between 20 and 25 years of age. This will permit of deferred classifications to men with temporary impediments to service of a personal or physical nature.

(8) Reservists during the first 5 years of Reserve service should be liable to be called up for three refresher periods of 30 days each, and one such period subsequent to their fifth year.

(9) There should be provision for a specialist reserve of men for such duties as clerks, truck drivers, hospital attendants, cooks, and other jobs for which their civilian occupation qualifies them; enlistment in this reserve should be either voluntary or made by selection from the annual class of recruits after selecting the men for combat training. As far as possible such duties should be performed entirely by men of this reserve on active duty for periods of 1 year or more. The training period for this reserve should be originally 90 days.

(10) Pay to be equalized with the Navy, subject to the following provision: That all conscripts during their first year of service shall receive the minimum pay of $21 per month, except that such as qualify for appointment as noncommissioned officers and specialists shall receive a bonus of $3 per month. Volunteers to receive $21 per month during their recruit training, $36 on qualification as fully trained privates, $54 when promoted to private first class. Conscripts extending their enlistment to be immediately placed on the same pay status as volunteers. Pay of noncommissioned officers: Corporal, $60; sergeant, $72; staff sergeant, $84; master sergeant or first sergeant on acting appointment, $99, on permanent appointment, $126. This abolishes the grade of technical sergeant and brings Army pay to the same basis as Navy pay. It will make the service attractive and bring us a good grade of volunteer enlistments.

The objective should be to maintain a Regular Army of about 50-percent volunteer long-service soldiers and 50-percent conscripts, with a reserve of fully trained men capable of immediately bringing the Army to full war strength, plus 10 percent immediate replacement cadres with each unit and a depot establishment capable of providing a reservoir of replacements and of training additional recruits in time of emergency.

This is the long-range objective. But we have not yet taken care of the immediate emergency. For this purpose let the bill provide that for a period of 2 years from its passage the number of men called into active service under its provisions shall not be restricted as to number, provided that no more than 1,000,000 such conscripts shall be on active service at any one time exclusive of those who may have volunteered to extend their period of enlistment, notwithstanding the provision that the Regular Army shall not ordinarily exceed a total of 750,000, including conscripts. During this 2-year period of initial preparation and organization it should be lawful to induct conscripted men into any units of the National Guard which might be in the Federal service for the time being. This will enable the guard to be used for training men, as well as the Regular Army, and will get the guard off to a good start, insofar as Congress shall during that time authorize the ordering of the guard into Federal service. Recruits trained in the guard units should, of course, pass into the Reserve in just the same manner as those trained in Regular Army units.

What will be the practical results of such a bill?

First of all, the War Department will be able to carry out its present plans for calling in 400,000 men on October 1, 1940; 400,000 more on April 1, 1940; and 600,000 on October 1, 1941. On October 1, 1941, the status of the Army will be as follows:

Regular Army:	
Volunteers	375,000
Conscripts of the class of Oct. 1, 1940, who have extended their enlistments (estimated at 10 percent)	40,000
Conscripts of the class of Apr. 1, 1941	335,000
Total	750,000
National Guard (presuming it to be all in Federal service):	
Volunteers	238,000
Conscripts of class of Apr. 1, 1941 (remainder)	65,000
Total	303,000
Army Reserve (remainder of class of Oct. 1, 1940)	320,000

At this point the War Department plans to bring in an additional 600,000 men, most of whom (on the above basis) would have to be trained by the National Guard. On October 1, 1942, the National Guard could be returned to State control, and there would thereafter be an ample Regular Army Reserve. This, presuming no emergency arises in the interim. But it would be much better if 2 years' service could be had—at least at first.

Of course, as the number of fully trained reservists (those with 2 years service or more) grows, the size of the Regular Army actively employed can be reduced. The law ought to provide that no more than 60 percent of the Regular Army in active service shall be volunteers, thus assuring the steady annual increment for the Reserve.

Units of the Regular Army ought to be maintained on the following basis at all times:

(1) Reinforced strength (war strength plus 10-percent immediate replacements): The garrisons of Hawaii, Alaska, and such other outlying points as cannot be immediately reinforced.

(2) War strength: All other garrisons outside the continental United States; all combat formations of the Air Corps; armored troops; Cavalry.

(3) Peace strength: All other formations.

There should be a clear division of function between the Regular Army and the National Guard. The former should have all M-day tasks, except certain antiaircraft and harbor-defense missions in the continental United States and Puerto Rico. The National Guard should supply the bulk of the harbor-defense and antiaircraft troops in the United States (other than antiaircraft troops with mobile formations), certain corps and Army units, and should form a second-line force to take the place of the Regular Army when the latter might have to be sent out of the country or require eventual reinforcement.

What would be the effect of this bill on the National Guard? It would benefit greatly. To begin with, presuming it is now ordered out (as seems essential) for training purposes, it would start with 2 years' active service. Its recruits would then come in large part from men who had already had a year's training (although direct enlistment should be permitted). It would never lack for such number of raw recruits as it might require, as many men would enlist to avoid being conscripted into the Regular Army. Its officers would, of course, have to be a lot better than they are now. Original appointments as second lieutenants in combat units might be restricted to graduates of approved R. O. T. C. units, graduates of the Military Academy, enlisted men with 1 year Regular Army plus 2 years' guard service, or enlisted men with 5 years' guard service. The professional requirements for appointment should be kept very high, and Federal confirmation after appointment might be conditional on a 3 months' course at the school of the arm.

It seems to me that such a bill would make use of all existing facilities for training—of course, Reserve officers would be ordered out to serve with the Regular Army and National Guard in such numbers as might be desirable—and would provide us as quickly as possible with a battle-worthy army. It would also lay the foundations for a military system of limited objective, adequate to our needs, and able at any time to put the whole Regular Army into the field without delay, and to back it up with a National Guard of much better quality than we now possess.

I should look forward to a time when the Regular Army on active service would consist of 450,000 men, of whom 250,000 would be long-service volunteers and 200,000 conscripts under training. There would be an Army Reserve of approximately 1,200,000, of whom about 25 percent would be fully trained, the rest with 1 year's training. On mobilization, 200,000 fully trained and 100,000 partially trained reservists would be required to bring the Regular Army to war strength; 75,000 partially trained reservists would form the 10 percent immediate replacement groups; 100,000 fully trained and 150,000 partially trained reservists would form the depots for the Regular Army; there would still be available 575,000

partially trained reservists as replacements, or to bring the National Guard to war strength. With such an organization, the Nation would have a military establishment costing comparatively little, yet fully ample to discharge any duty which might be laid upon it other than one calling for a new American expeditionary force to Europe or Asia.

I hope you will forgive me for troubling you with so long a letter, but I feel very deeply that we must get under way with a workable plan and one within our means and adapted to our needs.

If you think it desirable, I should be very glad to come to Washington to talk this matter over with you at greater length. I am most anxious to do anything I can to promote the cause of true preparedness for this country, as I know that you are. Understanding the problems of the Army as well as you do, it seems to me that if any Senator can bring some sense and logic into our military plans, you are the one to do it. Please feel free to command me in any way.

With best wishes, I am

Very sincerely yours,

GEORGE F. ELIOT.

Mr. BURKE. Mr. President, I ask unanimous consent that there be printed in the RECORD, in connection with the discussion which has just taken place, a short editorial which appeared in the Christian Science Monitor on July 24, 1940, entitled "Democracy and the Draft," from which I read a paragraph or two:

If properly carried out, the selective draft is the most democratic way the responsibility for the common safety can be distributed. There are, of course, many kinds of sacrifice involved in national defense. Ultimately the selective policy should extend also to training for certain noncombatant and industrial services. And stringent taxation should assure that no excessive profits are made out of the arming effort but that financial contributions are made according to ability.

* * * * * * *

The important point about the selective draft is that it should be genuinely selective. It should not be a mere drawing of numbers so much as careful sorting of the Nation's manpower into classifications for service.

* * * * * * *

With these guiding policies, a compulsory selective-service law should be enacted promptly.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Nebraska?

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor of July 24, 1940]

DEMOCRACY AND THE DRAFT

Action is getting under way on the Burke-Wadsworth bill for selective compulsory military training in the United States. Approval of a revised version of it by the Senate Military Affairs Committee means apparently that the subject will come to the floor of the Senate next week.

The 12 months' training period now proposed is more adequate from the military point of view than the 8 months previously contemplated. More satisfactory also, from the standpoint of the trainee, is the basic Army pay of $21 a month instead of $5 a month.

If properly carried out, the selective draft is the most democratic way the responsibility for the common safety can be distributed. There are, of course, many kinds of sacrifice involved in national defense. Ultimately the selective policy should extend also to training for certain noncombatant and industrial services. And stringent taxation should assure that no excessive profits are made out of the arming effort but that financial contributions are made according to ability.

The Burke-Wadsworth bill now would provide for registering all male citizens from 18 to 64. Originally it would have drawn men for the Army and Navy from the broad age group between 21 and 45, leaving others to home-guard or other work. Unfortunately one amendment by the committee narrows selection for the active services to those under 31 instead of up to 45.

One of the merits of the bill in its first form was the distribution of the call on a basis of fitness rather than of arbitrary age limits. Drawing from a class of more than 20,000,000 instead of 11,500,000 might be slightly more cumbersome, but it would also be more selective with reference to the man's employment, ability, and family situation. Furthermore, the broader age limit would help answer the charge that young men were being drafted to fight older men's wars.

Col. William J. Donovan, commander of the Fighting Sixty-ninth Regiment in the last war, has been reiterating the thesis that mature men rather than youths should be called to the colors first. His is expert testimony that the tasks of modern warfare call at least equally if not in greater degree for the cool judgment of maturity as compared to the robust energy of youth.

There is a further consideration. If today's youth is to be convinced that events call for preparedness rather than pacifism, this will be more effectively done by example than by precept. One further step to draw more middle-aged men into the service would be to raise the maximum voluntary enlistment age from 35 to 45. Another would be to schedule more training camps open to men in their forties.

The important point about the selective draft is that it should be genuinely selective. It should not be a mere drawing of numbers so much as careful sorting of the Nation's manpower into classifications for service. Besides suitable exemptions for conscientious objectors, men necessary to industry, and men with family responsibilities, the draft boards should undertake studious evaluation of men's usefulness and intelligent direction of human resources.

With these guiding policies, a compulsory selective service law should be enacted promptly.

ORDER OF BUSINESS

Mr. McNARY. Mr. President, I desire to express the very strong hope to the able Democratic leader, the Senator from Kentucky [Mr. BARKLEY], that the Senate will not proceed to the consideration of Senate Joint Resolution 286 today. A number of Senators have stated to me that they desire time to study the measure and the report. Therefore, I now request that the Senate proceed to the consideration of the joint resolution about the first of next week.

Mr. BARKLEY. Mr. President, I had already informed the Senator from Oregon that, after conferring with the Senator from Texas [Mr. SHEPPARD] the chairman of the Committee on Military Affairs, I had no intention of bringing the joint resolution up for consideration today. While it is true it was reported Tuesday, and has been printed and is available, a number of Senators have expressed the desire to have a day or two to study the measure, and, in my opinion, that is not an unreasonable request. It had been my intention to announce that we would not take up the National Guard measure until Monday, but we will take it up on Monday for consideration.

Mr. McNARY. Is it the purpose of the Senator from Kentucky to have the Senate proceed to the consideration of the calendar today?

Mr. BARKLEY. When we reach that order in our proceedings, it is my purpose to ask that the calendar be called for the consideration of unobjected-to bills, beginning where we left off at the last call of the calendar, order of business No. 2040.

Mr. McNARY. Is it the intention of the Senator to have a session of the Senate tomorrow and Saturday?

Mr. BARKLEY. No; I intend to move that the Senate adjourn until Monday, after the call of the calendar shall have been concluded.

Mr. McNARY. I thank the Senator.

SELECTIVE COMPULSORY MILITARY TRAINING

Mr. LEE. Mr. President, I wish to submit an amendment to the selective-service bill. The amendment proposes to increase the base pay of soldiers. The entire schedule is set out in the amendment. The essence of it is that it increases the pay of soldiers from $21 a month to $30, with prorated increases in the base pay of soldiers for the entire schedule. I ask that the amendment be printed and lie on the table, and at the proper time I shall offer it to the bill (S. 4164) to provide for the common defense and to increase and train the personnel of the armed forces of the United States.

The PRESIDENT pro tempore. The amendment will be received and printed, and lie on the table.

Mr. LEE. Mr. President, in connection with the amendment I have just presented, I notice in the publication, P. M., of Wednesday, July 31, this headline:

Steel waits law for arms work.

In the article it is explained that one of the biggest steel mills in the United States has not turned a wheel or done a thing toward the defense program because those in control do not have the tax law written to suit them. I read this quotation from the article:

STEEL WAITS LAW FOR ARMS WORK

(By Nathaniel S. Keith)

Among the 120 big plants operated by the United States Steel Corporation is one of the 3 mills in the United States of America that can produce heavy armor plate for battleships. The capacity of those mills falls far short of what will be needed in the next 4 or 5 years to equip the two-ocean Navy.

To meet its share of the administration's defense program, United States Steel has been planning to expand its armor-plate plant. But it also wants Congress to pass a bill permitting the

cost of those facilities to be written off against profits within 4 or 5 years, thus reducing income taxes.

LAW'S DELAY

"We've delayed buying additional equipment for our armor-plate program until the bill is passed," said Irving S. Olds, new chairman of Big Steel. This corporation, he explained, had expected Congress to vote for rapid write-offs of new arms output facilities several weeks ago. He didn't know what had caused the delay; perhaps it was only that Congress always needed a long time to pass tax laws. In the meantime, United States Steel is on the side lines.

Mr. President, I saw in the paper just lately also that the limitation of 8-percent profit had been raised to 12-percent profit on some of the war contracts. Certainly in the light of such an attitude on the part of manufacturers and businessmen, I think it is fair that we should raise the soldier's pay at least to $30 a month.

If a soldier in the trenches should take the same attitude that has been taken by Mr. Olds, that is to say, that he would not advance until his pay was raised, he would be court-martialed. But no soldier is going to take such an unpatriotic attitude as that.

Again I call the attention of the Senate and the people of the United States to the fairness and the justice of the program of the soldiers who fought in the last war—that if we are going to draft men we should draft money and materials in the same manner. [Manifestations of applause in the galleries.] A program of universal service that shall call upon everyone to do his proportionate part in case of war. I think the only fair, just, and democratic manner of raising an army when we really get into a war emergency is by a selective draft, and by the same token it is right and just that we should call upon the financial resources in this country and the material resources in this country, and the men who control those resources, by the same mandatory power by which we call men to the colors.

THE THIRD-TERM TRADITION

Mr. GUFFEY. Mr. President, we have been repeatedly told, frequently by individuals who should and in some cases do know better, that there is a sacred tradition against a third term for any President of the United States.

Some of those who are most vocal in this respect have, I regret to say, apparently operated on the assumption that constant repetition will make it so.

Naturally, if the American people could be brought to believe that such tradition existed the immediate end of such partisans would be gained, regardless of historical fact.

The whole truth is that the alleged tradition against a third term for any President is a political fiction.

There is no such tradition. There never was any such tradition.

Nothing in the Constitution restricts the number of terms any President may serve.

That was not an accident. It was deliberate. The question of Presidential tenure was thoroughly debated by the founding fathers in the Constitutional Convention.

Guided by George Washington as its chairman, the Convention finally accepted Washington's own view that any restriction would be unwise if not actually dangerous.

I can see no propriety—

Washington wrote—

in precluding ourselves from the services of any man, who, in some great emergency, shall be deemed, universally, most capable of serving the public.

Alexander Hamilton, Gouverneur Morris, John Jay, Rufus King, James Otis, and other great leaders of the day agreed with Washington.

There can be no doubt whatever that George Washington withdrew after two terms because he was tired and wanted to go home.

He had accepted a second term only because of the then critical posture of our affairs with foreign nations.

With his country at peace, he felt he had earned his retirement.

At no time, either publicly or privately, did he ever assert as a political maxim that no President should serve more than two terms.

Thomas Jefferson had more definite views.

As Ambassador to France, he had seen the degeneracy of royal families and was determined to prevent every danger to American freedom from continuing too long in office.

His view in this respect was overruled by the Constitutional Convention and has since been overruled by history, for he advocated a single 6-year term for Presidents and a single limited term for Representatives and Senators, with 4- or 6-year terms for Justices of the Supreme Court.

Jefferson favored a single term for the President, but served two terms himself and in addition dictated Presidential policy for four additional terms through Madison and Monroe.

Although favoring restricted tenure, he had been in favor of Washington continuing almost indefinitely as Chief Executive, and admitted his own willingness to serve a third term if division over his successor should lead to a danger of monarchy.

While at the height of his popularity as President he might easily have secured a constitutional amendment prohibiting a third term, but he made no effort whatever to do so.

We have seen that George Washington did not consciously establish a two-term precedent.

His successor, John Adams, served only one term.

Jefferson was personally responsible for restricting not only his own terms but also the terms of his political protégés, Madison and Monroe.

It is clear that Jefferson attempted to establish a two-term tradition and succeeded in maintaining it by his own political power under the two administrations that followed his.

The question is whether the new policy died with its author or was followed by those who came after the Virginia Presidents—Jefferson, Madison, and Monroe.

Monroe's successor, John Quincy Adams, assailed "the practice which the Virginia Presidents have taken so much pains to engraft upon the Constitution," and added that "this is not a principle of the Constitution, and I am satisfied that it ought not to be."

Of the 27 Presidents after Monroe, only 4 up to President Roosevelt's time served a full 8 years.

In addition, Theodore Roosevelt and Calvin Coolidge, serving unexpired terms, fall technically within the definition of two-term Presidents.

Jackson, Grant, Cleveland, Theodore Roosevelt, Wilson, and Coolidge were the six Presidents who might have challenged the tradition.

Jackson believed in a single term of 4 to 6 years, and so told the Congress no less than six times in annual messages, yet he served two terms and rejected a third on the single ground that "the time has now come when advanced age and a broken frame warn me to retire from public life."

At no time did he give any intimation that tradition played any part in his decision.

It was almost 100 years after Washington's day before this tradition was advanced publicly against any candidate.

The victim was Grant, who took the position that the only way to prevent a third term was to amend the Constitution, and that—

It may happen in the future history of the country that to change an Executive because he has been 8 years in office will prove unfortunate, if not disastrous.

His political opponents quickly rushed an anti-third-term resolution through Congress, but Grant went into the Republican convention of 1880 without patronage or organized support and led the balloting for 36 consecutive votes before the stop-Grant minorities united on the dark horse, Garfield.

Grant was the first President who had an opportunity to reject the tradition.

He did so, and was thwarted only through a political cabal which defeated him in convention maneuvering.

The next two-term President was Grover Cleveland, who was so wearied of political attack that after 2 years of a second term he was longing for retirement.

Years later, when the 1904 elections were looming, political leaders started a boom for his nomination.

He raised no question of tradition, but rejected the suggestion with the comment that he wanted nothing so much as a retreat to give him freedom from nagging annoyance and exhausting importunities.

Theodore Roosevelt was the first President in American history to bring the issue to the people themselves.

Denied a Republican third-term nomination by political chicanery, he formed his own Bull Moose organization and soundly trounced the regular Republican nominee, but so split the Republican strength that Woodrow Wilson, with a minority vote became President.

Many who now profess conscientious objections to a third term supported Theodore Roosevelt in that fight.

Had his health not been wrecked by his fight for the League of Nations, Wilson might have been a candidate for a third term.

In any event he had no opposition in principle.

The people might more likely be cheated than served by further limitations of the President's eligibility—

He wrote—

His fighting power in their behalf would be immensely weakened.

Calvin Coolidge ended a movement to draft him, headed by many individuals now opposing a third term, by his enigmatic "I do not choose" declaration—in which there was no reference whatever to tradition.

Hence it is clear that not one of the Presidents following Jefferson who might conceivably have had a third term withdrew because of any objection in principle—yet if any tradition were to be established they were the only men who could have established it, for they alone had the opportunity to make a choice.

It cannot be argued that they were deterred by any public sentiment against a third term. Washington and Jefferson could have been reelected almost indefinitely, and Jefferson could have brought about extension of the terms of Madison and Monroe had he wished.

Jackson could have served as long as he chose.

Grant was a third-term contender solely because the people clamored for him.

Politicians urged renomination upon Cleveland because of his record.

Factionalism, not tradition, defeated Theodore Roosevelt.

Wilson would have been elected or defeated solely upon the basis of the policies he advocated and the principles he represented.

The same is true of Coolidge.

Not one two-term President from the days of Thomas Jefferson refused a third term on principle; not one expressed opposition in principle to a third term.

Although their views can be considered merely academic, most of the one-term Presidents raised no objection to a third term, and many strongly urged it.

The people themselves have never been given an opportunity to vote on the issue in a clean-cut test.

The "tradition," therefore, must be seen for what it is, an artificial, fictitious contrivance of politicians, used heretofore in our political history solely to thwart popular will by denying renomination to a popular President.

Had our political history been different—had the policy of the "Virginia Presidents" become the "tradition" of the people—the theory that something should not be done because it was not customary would still be a mischievous theory, for it would establish an extraconstitutional, invisible Government of precedent and usage foreign to the spirit of the American people.

It would substitute a system of taboos, based upon no consideration except custom and habit, for the Constitution and the laws of the land.

The founding fathers felt, and many Presidents reiterated, that the American people should be free to choose their Chief Executive without legal or other hindrance apart from the Constitution.

The American people have a right to resent attempts to tell them what they shall or shall not do in exercising this legal right.

They should resent it, for history is on their side.

I believe they will.

RESERVE AND RETIRED ARMY PERSONNEL—AMENDMENT

Mr. OVERTON. Mr. President, I send to the desk and ask that there lie on the table and be printed in the RECORD an amendment to Senate Joint Resolution 286.

There being no objection, the amendment intended to be proposed by Mr. OVERTON was ordered to be printed and lie on the table, and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. OVERTON to the joint resolution (S. J. Res. 286) to strengthen the common defense and to authorize the President to order members and units of Reserve components and retired personnel of the Regular Army into active military service, viz after section 3, to insert the following new section:

"SEC. 4. (a) The benefits of the Soldiers' and Sailors' Civil Relief Act, aproved March 8, 1918, are hereby extended to all National Guard, Reserve, and retired personnel ordered into the active military service under authority of this joint resolution, so long as such personnel are in such service and for 60 days thereafter, and, except as hereinafter provided, the provisions of such act shall be effective for such purposes.

"(b) For the purposes of this section—

"(1) The following provisions of such act of March 8, 1918, shall be inoperative: Section 100; and paragraphs (1), (2), and (5) of section 101; article 4; article 5; paragraph (2) of section 601; and section 603.

"(2) The term 'persons in military service,' when used in such act, shall be deemed to mean persons ordered into the active military service under the authority of this joint resolution.

"(3) The term 'period of military service,' when used in such act, when applicable with respect to any person, shall be deemed to mean the period beginning with the date on which such person is ordered into such active military service and ending with the date on which he is relieved from such service."

Mr. OVERTON. Mr. President, the amendment undertakes to apply the benefits of the Soldiers' and Sailors' Civil Relief Act of March 8, 1918, to all National Guard reserves and retired personnel ordered into active military service under the authority of the joint resolution, with certain exceptions which, in my judgment, are either inapplicable or unnecessary, insofar as the joint resolution is concerned.

For the information of the Senate, I ask unanimous consent that, following the printing of the amendment which I have sent to the desk, there be printed in the RECORD the provisions of the act of March 8, 1918, which, by the terms of the amendment, are to be made applicable to the joint resolution; that is, to except from the printing the provisions which, by the terms of the amendment, are excepted from the joint resolution, and to include only the provisions which are made applicable to the joint resolution under the terms of the amendment.

The PRESIDING OFFICER (Mr. SMATHERS in the chair). Is there objection to the request of the Senator from Louisiana?

There being no objection, the provisions referred to were ordered to be printed in the RECORD, as follows:

[Public—No. 103—65th Cong.—H. R. 6361]

An act to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war

Be it enacted, etc.—

ARTICLE I

GENERAL PROVISIONS

* * * * * * *

(3) The term "person," as used in this act, with reference to the holder of any right alleged to exist against a person in military service or against a person secondarily liable under such right, shall include individuals, partnerships, corporations, and any other forms of business association.

(4) The term "court" as used in this act shall include any court of competent jurisdiction of the United States or of any State, whether or not a court of record.

* * * * * * *

SEC. 102. (1) That the provisions of this act shall apply to the United States, the several States and Territories, the District of Columbia, and all territory subject to the jurisdiction of the United States, and to proceedings commenced in any court therein, and shall be enforced through the usual forms of procedure obtaining in such courts or under such regulations as may be by them prescribed.

(2) When under this act any application is required to be made to a court in which no proceeding has already been commenced with respect to the matter, such application may be made to any court.

SEC. 103. Whenever pursuant to any of the provisions of this act the enforcement of any obligation or liability, the prosecution of any suit or proceeding, the entry or enforcement of any order, writ, judgment, or decree, or the performance of any other act, may be stayed, postponed, or suspended, such stay, postponement, or suspension may, in the discretion of the court, likewise be granted to sureties, guarantors, indorsers, and others subject to the obligation or liability, the performance or enforcement of which is stayed, postponed, or suspended.

When a judgment or decree is vacated or set aside in whole or in part, as provided in this act, the same may, in the discretion of the court, likewise be set aside and vacated as to any surety, guarantor, indorser, or other person liable upon the contract or liability for the enforcement of which the judgment or decree was entered.

ARTICLE II

GENERAL RELIEF

SEC. 200. That in any action or proceeding commenced in any court if there shall be a default of an appearance by the defendant the plaintiff before entering judgment shall file in the court an affidavit setting forth facts showing that the defendant is not in military service. If unable to file such affidavit plaintiff shall in lieu thereof file an affidavit setting forth either that the defendant is in the military service or that plaintiff is not able to determine whether or not defendant is in such service. If an affidavit is not filed showing that the defendant is not in the military service, no judgment shall be entered without first securing an order of court directing such entry, and no such order shall be made if the defendant is in such service until after the court shall have appointed an attorney to represent defendant and protect his interest and the court shall on application make such appointment. Unless it appears that the defendant is not in such service the court may require as a condition before judgment is entered that the plaintiff file a bond approved by the court conditioned to indemnify the defendant, if in military service, against any loss or damage that he may suffer by reason of any judgment should the judgment be thereafter set aside in whole or in part. And the court may make such other and further order or enter such judgment as in its opinion may be necessary to protect the rights of the defendant under this act.

(2) Any person who shall make or use an affidavit required under this section knowing it to be false shall be guilty of a misdemeanor and shall be punishable by imprisonment not to exceed 1 year or by fine not to exceed $1,000, or both.

(3) In any action or proceeding in which a person in military service is a party if such party does not personally appear therein or is not represented by an authorized attorney, the court may appoint an attorney to represent him; and in such case a like bond may be required and an order made to protect the rights of such person. But no attorney appointed under this act to protect a person in military service shall have power to waive any right of the person for whom he is appointed or bind him by his acts.

(4) If any judgment shall be rendered in any action or proceeding governed by this section against any person in military service during the period of such service or within 30 days thereafter, and it appears that such person was prejudiced by reason of his military service in making his defense thereto, such judgment may, upon application, made by such person or his legal representative, not later than 90 days after the termination of such service, be opened by the court rendering the same and such defendant or his legal representative let in to defend; provided it is made to appear that the defendant has a meritorious or legal defense to the action or some part thereof. Vacating, setting aside, or reversing any judgment because of any of the provisions of this act shall not impair any right or title acquired by any bona fide purchaser for value under such judgment.

SEC. 201. That at any stage thereof any action or proceeding commenced in any court by or against a person in military service during the period of such service or within 60 days thereafter may, in the discretion of the court in which it is pending, on its own motion, and shall, on application to it by such person or some person on his behalf, be stayed as provided in this act, unless, in the opinion of the court, the ability of plaintiff to prosecute the action or the defendant to conduct his defense is not materially affected by reason of his military service.

SEC. 202. That when an action for compliance with the terms of any contract is stayed pursuant to this act no fine or penalty shall accrue by reason of failure to comply with the terms of such contract during the period of such stay, and in any case where a person fails to perform any obligation and a fine or penalty for such nonperformance is incurred a court may, on such terms as may be just, relieve against the enforcement of such fine or penalty if it shall appear that the person who would suffer by such fine or penalty was in the military service when the penalty was incurred and that by reason of such service the ability of such person to pay or perform was thereby materially impaired.

SEC. 203. That in any action or proceeding commenced in any court against a person in military service, before or during the period of such service, or within 60 days thereafter, the court may, in its discretion, on its own motion, or on application to it by such person or some person on his behalf shall, unless in the opinion of the court the ability of the defendant to comply with the judgment or order entered or sought is not materially affected by reason of his military service:

(1) Stay the execution of any judgment or order entered against such person, as provided in this act, and

(2) Vacate or stay any attachment or garnishment of property, money, or debts in the hands of another, whether before or after judgment, as provided in this act.

SEC. 204. That any stay of any action, proceeding, attachment, or execution, ordered by any court under the provisions of this act may, except as otherwise provided, be ordered for the period of military service and 3 months thereafter or any part of such period, and subject to such terms as may be just, whether as to payment in installments of such amounts and at such times as the court may fix or otherwise. Where the person in military service is a codefendant with others the plaintiff may nevertheless by leave of court proceed against the others.

SEC. 205. That the period of military service shall not be included in computing any period now or hereafter to be limited by any law for the bringing of any action by or against any person in military service or by or against his heirs, executors, administrators, or assigns, whether such cause of action shall have accrued prior to or during the period of such service.

ARTICLE III

RENT, INSTALLMENT CONTRACTS, MORTGAGES

SEC. 300. (1) That no eviction or distress shall be made during the period of military service in respect of any premises for which the agreed rent does not exceed $50 per month, occupied chiefly for dwelling purposes by the wife, children, or other dependents of a person in military service, except upon leave of court granted upon application therefor or granted in an action or proceeding affecting the right of possession.

(2) On any such application or in any such action the court may, in its discretion, on its own motion, and shall, on application, unless in the opinion of the court the ability of the tenant to pay the agreed rent is not materially affected by reason of such military service, stay the proceedings for not longer than 3 months, as provided in this act, or it may make such other order as may be just.

(3) Any person who shall knowingly take part in any eviction or distress otherwise than as provided in subsection (1) hereof shall be guilty of a misdemeanor, and shall be punishable by imprisonment not to exceed 1 year or by fine not to exceed $1,000, or both.

(4) The Secretary of War or the Secretary of the Navy, as the case may be, is hereby empowered, subject to such regulations as he may prescribe, to order an allotment of the pay of a person in military service in reasonable proportion to discharge the rent of premises occupied for dwelling purposes by the wife, children, or other dependents of such person.

SEC. 301. (1) That no person who has received, or whose assignor has received, under a contract for the purchase of real or personal property, or of lease or bailment with a view to purchase of such property, a deposit or installment of the purchase price from a person or from the assignor of a person who, after the date of payment of such deposit or installment, has entered military service, shall exercise any right or option under such contract to rescind or terminate the contract or resume possession of the property for nonpayment of any installment falling due during the period of such military service, except by action in a court of competent jurisdiction.

(1a) Any person who shall knowingly resume possession of property which is the subject of this section otherwise than as provided in subsection (1) hereof shall be guilty of a misdemeanor and shall be punished by imprisonment not to exceed 1 year or by fine not to exceed $1,000, or both.

(2) Upon the hearing of such action the court may order the repayment of prior installments or deposits or any part thereof, as a condition of terminating the contract and resuming possession of the property, or may, in its discretion, on its own motion, and shall, on application to it by such person in military service or some person on his behalf, order a stay of proceedings as provided in this act unless, in the opinion of the court, the ability of the defendant to comply with the terms of the contract is not materially affected by reason of such service; or it may make such other disposition of the case as may be equitable to conserve the interests of all parties.

SEC. 302. (1) That the provisions of this section shall apply only to obligations originating prior to the date of approval of this act and secured by mortgage, trust deed, or other security in the nature of a mortgage upon real or personal property owned by a person in military service at the commencement of the period of the military service and still so owned by him.

(2) In any proceeding commenced in any court during the period of military service to enforce such obligation arising out of nonpayment of any sum thereunder due or out of any other breach of the terms thereof occurring prior to or during the period of such service, the court may, after hearing, in its discretion, on its own motion, and shall, on application to it by such person in military

service or some person on his behalf, unless in the opinion of the court the ability of the defendant to comply with the terms of the obligation is not materially affected by reason of his military service—

(a) Stay the proceedings as provided in this act; or

(b) Make such other disposition of the case as may be equitable to conserve the interests of all parties.

(3) No sale under a power of sale or under a judgment entered upon warrant of attorney to confess judgment contained in any such obligation shall be valid if made during the period of military service or within 3 months thereafter, unless upon an order of sale previously granted by the court and a return thereto made and approved by the court.

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ARTICLE VI

ADMINISTRATIVE REMEDIES

SEC. 600. That where in any proceeding to enforce a civil right in any court it is made to appear to the satisfaction of the court that any interest, property, or contract has since the date of the approval of this act been transferred or acquired with intent to delay the just enforcement of such right by taking advantage of this act, the court shall enter such judgment or make such order as might lawfully be entered or made the provisions of this act to the contrary notwithstanding.

SEC. 601. (1) That in any proceeding under this act a certificate signed by The Adjutant General of the Army as to persons in the Army or in any branch of the United States service while serving pursuant to law with the Army, signed by the Chief of the Bureau of Navigation of the Navy Department as to persons in the Navy or in any other branch of the United States service while serving pursuant to law with the Navy, and signed by the Major General Commandant, United States Marine Corps, as to persons in the Marine Corps, or in any other branch of the United States service while serving pursuant to law with the Marine Corps, or signed by an officer designated by any of them, respectively, for the purpose, shall when produced be prima facie evidence as to any of the following facts stated in such certificate:

That a person named has not been, or is, or has been in military service; the time when and the place where such person entered military service, his residence at that time, and the rank, branch, and unit of such service that he entered, the dates within which he was in military service the monthly pay received by such person at the date of issuing the certificate, the time when and place where such person died in or was discharged from such service.

It shall be the duty of the foregoing officers to furnish such certificate on application, and any such certificate when purporting to be signed by any one of such officers or by any person purporting upon the face of the certificate to have been so authorized shall be prima facie evidence of its contents and of the authority of the signer to issue the same.

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SEC. 602. That any interlocutory order made by any court under the provisions of this act may, upon the court's own motion or otherwise, be revoked, modified, or extended by it upon such notice to the parties affected as it may require.

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SEC. 604. That this act may be cited as the Soldiers' and Sailors' Civil Relief Act.

Approved, March 8, 1918.

THE CALENDAR

Mr. BARKLEY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of bills on the calendar to which there is no objection, beginning at the end of the last call, which means beginning with Calendar No. 2040.

The PRESIDING OFFICER. Is there objection? The Chair hears none; and the Senate will now proceed to the consideration of bills on the calendar to which there is no objection. The clerk will state in order the bills on the calendar, beginning with Calendar No. 2040.

NATIONAL AVIATION DAY

The joint resolution (S. J. Res. 245) authorizing Government employees' participation in the celebration of National Aviation Day, and for other purposes, was announced as first in order.

Mr. KING. Mr. President, I notice that the Secretary of War recommends that the joint resolution be not enacted into law. I have no information in regard to the merits or demerits of the joint resolution. I am merely wondering whether or not the committee took into account the adverse position taken by the Secretary of War in regard to the joint resolution.

The PRESIDING OFFICER. The joint resolution was reported by the Senator's colleague the Senator from Utah [Mr. THOMAS], who seems to be absent from the Chamber. Does the Senator wish to object?

Mr. KING. I shall not object. I merely wish to call attention to the fact that the Secretary of War has reported adversely.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That those in charge of Government establishments are hereby authorized to participate in such celebrations, and Government equipment, including flags, insignia, and models, may upon application by responsible parties be loaned to local communities for the purpose of such celebration, and service bands and other units of the Army, Navy, Marine Corps, Coast Guard, and National Guard may likewise be permitted to appear at such celebrations if held in the cities where such service bands and other units are stationed: *Provided*, That no expense shall be incurred by the Government in carrying out the purposes of this joint resolution.

The preamble was agreed to.

CITIZENSHIP OF CERTAIN ENLISTED MEN OF THE ARMY

The bill (H. R. 9158) to amend the act entitled "An act for the protection of certain enlisted men of the Army," approved August 19, 1937, and for other purposes, was announced as next in order.

Mr. VANDENBERG. Mr. President, may we have an explanation of the bill?

Mr. SCHWARTZ. Mr. President, this bill was presented by the War Department. It passed the House on May 20. Under existing law enlisted men in the Army are required to be citizens of the United States. By reason of the fact that there were in the Army a number of men who were not citizens of the United States, but who had been in the Army for many years, some of whom were World War veterans, on August 19, 1937, Congress passed an act authorizing such persons in the Army to perfect their citizenship within 3 years. The 3-year period expires August 19, 1940. Unless the bill is enacted prior to that time it will be necessary to separate from the service between 300 and 500 men who have been in the Army for some time, and who, for various reasons, have not perfected their citizenship.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment on page 2, after line 18, to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the body of the act entitled "An act for the protection of certain enlisted men of the Army", approved August 19, 1937 (50 Stat. 696), be, and the same is hereby, amended to read as follows:

"That, notwithstanding the language contained in the second proviso under the subheading 'Pay, and so forth, of the Army' of the act of July 1, 1937 (50 Stat. 446), and similar provisos of other acts heretofore or hereafer enacted, any alien otherwise eligible for enlistment in the Regular Army, who shall have been an enlisted man therein for any period subsequent to June 30, 1937, who shall have made a valid and still effective declaration of intention to become a citizen of the United States, or shall have furnished prima facie evidence of his eligibility for admission to such citizenship without prior formal declaration of intention, and shall have agreed in writing to complete his naturalization without unnecessary delay, shall, up to and including June 30, 1943, be deemed eligible (1) if in the service, for continuance therein until expiration of current enlistment, for reenlistment, and for continuance in the service under such reenlistment not later than June 30, 1943; (2) if not in the service, for reenlistment and for continuance in the service under such reenlistment not later than June 30, 1943; and (3) in either case for receipt while so serving of the pay of his grade and length of prior service: *Provided*, That Filipinos who were serving in the Army on July 1, 1937, may be retained in the service under current enlistments and may be reenlisted without regard to their citizenship status, and may receive their proper pay and allowances under such enlistments and reenlistments.

"SEC. 2. Hereafter, service in the Regular Army honorably terminated shall be credited for purposes of legal residence under the naturalization laws of the United States, regardless of the legality or illegality of the original entry into the United States of the alien, the certificate of the honorable termination of such service or a duly authenticated copy thereof made by a naturalization

examiner of the Immigration and Naturalization Service being accepted in lieu of the certificate from the Department of Labor of the alien's arrival in the United States required by the naturalization laws; and service so credited in each case shall be considered as having been performed immediately preceding the filing of the petition for naturalization."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

WIDOW OF DONALD D. ELLIOTT

The bill (S. 4044) for the relief of the widow of Donald D. Elliott was announced as next in order.

The PRESIDING OFFICER. The Chair is advised that Senate bill 4044, Calendar No. 2042, is similar to House bill 8774, Calendar No. 2046. Is there objection to the substitution of the House bill for the Senate bill and the present consideration of the House bill?

There being no objection, the bill (H. R. 8774) for the relief of the widow of Donald D. Elliott was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 4044 will be indefinitely postponed.

FOREIGN ACCOUNTS IN FEDERAL RESERVE BANKS

The bill (S. 4174) relating to foreign accounts in Federal Reserve banks was announced as next in order.

Mr. ADAMS. Mr. President, this bill came up some weeks ago. At that time the junior Senator from Michigan [Mr. BROWN] was looking after the measure. I had suggested an amendment which he then thought might be appropriate, but there was not adequate time to consider it fully, and the bill went over. I should like to have the bill go over until the Senator from New York [Mr. WAGNER] may be here, so that I may inquire of him whether it is agreeable to submit the amendment which I had in mind.

I will say to the Senate the purport of the amendment I had in mind. The bill protects the Federal Reserve banks by providing that if they have money of foreign governments they may pay the money out safely upon the finding of the Secretary of State as to proper authority. It seems to me we ought to afford the same protection to National and State banks.

I do not wish to interfere with the passage of the bill, but I should like to have it go over until the Senator from New York may be present.

The PRESIDING OFFICER. On request, the bill will be temporarily passed over.

LANDS ACQUIRED BY THE UNITED STATES SUBJECT TO TITLE INFIRMITIES

The Senate proceeded to consider the bill (H. R. 9736) to amend section 355 of the Revised Statutes, as amended, to authorize the Attorney General to approve the title to low-value lands and interests in lands acquired by or on behalf of the United States subject to infirmities, and for other purposes.

Mr. KING. Mr. President, I reported the bill after due consideration, but I was advised several weeks ago, before the recess, that there were some suggested amendments by the Department of Agriculture. I ask that the bill be passed, but I shall enter a motion to reconsider, so that if the Department of Agriculture has any proper amendments to present, I shall ask to have the bill taken up again and the amendments considered.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 355 of the Revised Statutes of the United States (U. S. C., title 33, sec. 733; title 34, sec. 520; title 40, sec. 255; and title 50, sec. 175) be, and the same is hereby, amended to read as follows:

"SEC. 355. No public money shall be expended upon any site or land purchased by the United States for the purposes of erecting thereon any armory, arsenal, fort, fortification, navy yard, customhouse, lighthouse, or other public building of any kind whatever, until the written opinion of the Attorney General shall be had in favor of the validity of the title.

"Notwithstanding the provisions of this or any other law whenever the average value of any lands or interests in land to be acquired by or on behalf of the United States under a single option or contract of sale or by exchange or donation does not exceed $10 per acre (hereinafter referred to as "low-value lands"), the title may be accepted subject to such infirmities as, in the opinion of the Attorney General may, without jeopardizing the interests of the United States, be left for removal by condemnation or other appropriate proceedings, if and when necessary: *Provided*, The total value of any lands or interests to be acquired under a single option or contract of sale subject to an infirmity does not exceed $3,500. No public money shall hereafter be expended for the acquisition of such low-value lands or interests in land by or on behalf of the United States for any purpose, nor in cases of donation and exchange shall grants be accepted until the written opinion of the Attorney General has been had approving the title subject, if expedient, to infirmities as herein provided. However, no money in excess of $2,500 shall be expended for the construction of buildings, works, or other improvements (except roads, trails, and fire-protection improvements) on any site, tract, or parcel of land the title to which is subject to infirmities, until the written opinion of the Attorney General in favor of the validity of the title has been had as in the case of other lands. For the purpose of this act values of lands and interests in land shall be determined in cases of purchase by the consideration paid or to be paid and in cases of donation and exchange by the acquiring authority's appraisal.

"The Attorney General is hereby authorized to approve the title to easements or rights-of-way to be acquired by or on behalf of the United States, subject to such infirmities as, in his opinion, will not jeopardize the interests of the United States.

"Nothing in this act shall be construed to limit the authority now or hereafter delegated to any officer in exercising the power of eminent domain for or on behalf of the United States, to take title to or possession of or to expend money for or upon any land or interest in land, or to expend money as security for an ultimate award in advance of final judgment in any proceedings to determine just compensation; nor shall this act be construed to preclude any acquiring agency from expending money for the erection of any preliminary and temporary structure upon any land.

"The head or other authorized officer of any department, independent establishment, or agency, shall procure any evidence of title which the Attorney General may deem necessary, and the expenses of procurement, except where otherwise authorized by law or provided by contract, may be paid out of the appropriations for the acquisition of land or out of the appropriations made for the contingencies of the acquiring department, independent establishment, or agency.

"The Attorney General may, in his discretion, base any opinion as to title required either by this act or any other law upon either or both of the following: Certificates of title of title companies or such evidence of title as he may deem satisfactory.

"The foregoing provisions of this section shall not be construed to affect in any manner any existing provisions of law which are applicable to the acquisition of lands or interests in land by the Tennessee Valley Authority. Nor shall the foregoing provisions of this section, or the provisions of any other law, be construed to require any opinion of the Attorney General in connection with the acquisition or improvement of easements and rights-of-way for military or naval purposes or for the acquisition or improvement of easements and rights-of-way by the Department of Agriculture for forest and other conservation purposes where the cost of any such easement of right-of-way acquired under a single instrument of conveyance and the cost of any improvement thereon does not exceed $2,500; and the Attorney General may, in his discretion, waive the requirement for his opinion in connection with the acquisition or improvement of easements and rights-of-way for other purposes when, in his opinion, such waiver will not jeopardize the interests of the United States.

"Notwithstanding any other provision of law, the obtaining of exclusive jurisdiction in the United States over lands or interests therein which have been or shall hereafter be acquired by it shall not be required; but the head or other authorized officer of any department or independent establishment or agency of the Government may, in such cases and at such times as he may deem desirable, accept or secure from the State in which any lands or interests therein under his immediate jurisdiction, custody, or control are situated, consent to or cession of such jurisdiction, exclusive or partial, not theretofore obtained, over any such lands or interests as he may deem desirable and indicate acceptance of such jurisdiction on behalf of the United States by filing a notice of such acceptance with the Governor of such State or in such other manner as may be prescribed by the laws of the State where such lands are situated. Unless and until the United States has accepted jurisdiction over lands hereafter to be acquired as aforesaid, it shall be conclusively presumed that no such jurisdiction has been accepted."

The PRESIDING OFFICER. Without objection, Senate bill 3900 will be indefinitely postponed.

Mr. BILBO subsequently said: Mr. President, not knowing the calendar was to be called, I was engaged in conference on the price of cotton and therefore was absent from the Chamber. I am informed that Calendar No. 2047, House bill 9736, passed without objection. I enter a motion to

reconsider the vote by which that bill was passed, and I ask to have the bill go over, because I have an amendment that has been agreed upon which it is desired to insert in the bill.

The PRESIDING OFFICER. The motion of the Senator from Mississippi to reconsider will be entered.

Mr. KING subsequently said: Mr. President, a few moments ago the Senate passed House bill 9736. I indicated at the time that I understood one of the departments had an amendment which it desired to have incorporated in the bill. The amendment is being considered and put into shape by the legislative drafting service. I entered a motion to reconsider the vote by which the bill was passed, and I ask now that the motion to reconsider be acted upon and that the bill be restored to the calendar.

The PRESIDENT pro tempore. The Chair is informed that the Senator from Mississippi [Mr. BILBO] moved that the vote by which Calendar No. 2047, House bill 9736, was passed be reconsidered. The question is on the motion of the Senator from Mississippi.

The motion was agreed to.

The PRESIDENT pro tempore. The bill will be restored to the calendar.

ISSUANCE OF BONDS BY SITKA, ALASKA

The bill (S. 3940) to authorize the incorporated town of Sitka, Alaska, to purchase and enlarge certain public utilities and for such purpose to issue bonds in the sum of $200,000 in excess of present statutory debt limit was announced as next in order.

The PRESIDING OFFICER. The Chair is advised that the bill, the title of which has just been stated, is identical with House bill 9571, Calendar No. 2093. Without objection, the House bill will be substituted for the Senate bill and will now be considered.

There being no objection, the bill (H. R. 9571) to authorize the incorporated town of Sitka, Alaska, to purchase and enlarge certain public utilities and for such purpose to issue bonds in the sum of $200,000 in excess of present statutory debt limit was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 3940 will be indefinitely postponed.

AMENDMENT OF TRANSPORTATION ACT OF 1920

The bill (H. R. 10014) to amend the Transportation Act, 1920, as amended, was announced as next in order.

Mr. McNARY. Mr. President, I observe the presence of the able Senator from Montana [Mr. WHEELER]. I should like to have a brief explanation of the bill.

Mr. WHEELER. I ask that the bill be passed over temporarily.

The PRESIDING OFFICER. On the request of the Senator from Montana, the bill will be temporarily passed over.

Mr. WHEELER subsequently said: Mr. President, I ask unanimous consent to revert to Calendar 2053, House bill 10014, to amend the Transportation Act, 1920, as amended.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H. R. 10014) to amend the Transportation Act of 1920, as amended.

Mr. WHEELER. Mr. President, let me say this bill is recommended by the Treasury Department because of the fact that they found themselves in such a position during the war and after the war, that as to certain bonds and certain preferred stocks of railroads when they matured under a ruling by the Attorney General, the Treasury could not accept new bonds in place of them. This bill simply provides an amendment to correct the law as interpreted by the Attorney General so as to give the Treasury Department the right to exchange the old bonds for new bonds or to make settlement of some of the bonds with the railroad companies. They have found, for instance, that where railroads were in the hands of receivers or were about to be reorganized the reorganization was held up because under this ruling the Treasury Department could not accept new bonds in lieu of old bonds.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That title II of the Transportation Act, 1920 (41 Stat. 457), as amended, is hereby further amended by adding at the end of that title the following new section:

"SEC. 213. With respect to any bonds, notes, or other securities acquired on behalf of the United States under the provisions of this act, including, without limitation of the foregoing, any securities acquired as an incident to a bankruptcy, receivership, or reorganization proceeding, or by assignment, transfer, substitution, or issuance, or by purchase, default, or other acquisition (whether at a foreclosure sale or otherwise) of collateral given for the payment of obligations to the United States, the President, or any officer, agent, or agency he may designate, is authorized to sell, exchange, or otherwise dispose of, any such bonds, notes, or other securities, or to enter into arrangements for the extension of the maturity thereof, in such manner, in such amounts, at such prices, for cash, securities or other property, or any combination thereof, and upon such terms and conditions as the President or any officer, agent, or agency so designated may deem advisable and in the public interest."

NATIONAL CEMETERY, PORTLAND, OREG.

The Senate proceeded to consider the bill (S. 3163) to provide for a national cemetery in the vicinity of Portland, Oreg., which is as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to establish and maintain, in accordance with the provisions of law governing national cemeteries, a national cemetery in the vicinity of Portland, Oreg. The Secretary of War is authorized to acquire by donation, purchase, condemnation, or otherwise such suitable lands as are in his judgment necessary for the establishment and maintenance of such cemetery.

SEC. 2. There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the purposes of this act.

Mr. BARKLEY. Mr. President, may I inquire of the able Senator from Oregon if this new cemetery to be located in his State has any political repercussions or implications?

Mr. McNARY. I will yield to my colleague to answer that question, if he cares to do so.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONSTRUCTION OF FACILITIES IN MARJORIE PARK, TAMPA, FLA.

The bill (S. 4106) to authorize the construction of certain facilities in Marjorie Park, Davis Island, Tampa, Fla., and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Federal Works Administrator be, and he is hereby, authorized to accept on behalf of the United States of America, without cost, title to a tract of land in Marjorie Park, Davis Island, Tampa, Fla., suitable for use for the site of a United States quarantine station.

SEC. 2. There is hereby authorized to be appropriated the sum of $76,000 to be expended by the Federal Works Administrator for the construction and installation of such buildings, utilities, and appurtenances thereto on the tract of land herein authorized to be acquired to replace the existing United States quarantine station adjoining MacDill Field, Fla.

SEC. 3. Upon completion of the construction above authorized, the Federal Works Administrator is hereby authorized and directed to transfer to the control and jurisdiction of the Secretary of War as an addition to MacDill Field, Fla., or for use for other military purposes, the land and improvements now comprising the United States quarantine station adjoining MacDill Field, Fla.

LAND IN OREGON FOR BOY SCOUTS' SUMMER CAMP

The Senate proceeded to consider the bill (S. 2644) to set aside certain lands in the State of Oregon for a summer camp for Boy Scouts, which had been reported from the Committee on Public Lands and Surveys with amendments, on page 1, line 7, after the words "to the", to insert "city of"; in line 8, after the word "City", to strike out "Lions Club as a summer camp for the Boy Scouts of Junction City, Oreg., and vicinity" and insert "for park or summer camp purposes"; in line 11, after the words "to the", to insert "city of"; and in the same line, after the word "City", to strike out "Lions Club", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to lease the lands included within the southeast quarter of the southeast quarter, section 34, and the southwest quarter of the southwest quarter, section 35, township 15 south, range 6 west, Willamette meridian, Oregon, to the city of Junction

City for park or summer camp purposes. Such lease shall be without cost to the city of Junction City for a term of 50 years and under such other terms and conditions, including provisions for the care, removal, and disposition of timber by the United States, as the Secretary of the Interior deems advisable to safeguard the interests of the United States.

The amendments were agreed to.

Mr. KING. Mr. President, may I inquire of the Senator from Oregon with regard to this measure? My attention has been called upon several occasions to the fact that the Department of the Interior is exacting where such summer camps are established or where any camps are established in the forest reserves that certain actions shall be performed and certain control shall be exerted, and that such requirements are very harmful and very oppressive to the residents of the States. I was wondering if that question had been looked into? To give a concrete illustration, in my own State at a place where a number of farmers are ready to build a small reservoir at their own expense, the Federal Government has decided that in and about the little reservoir which they desire to build there ought to be recreation camps, recreational facilities, and things of that sort. So Federal authorities are exacting of those who are willing themselves to construct that little reservoir that it shall be built in conformity with the demands of the Forest Service. Such a heavy obligation is imposed that the farmers are not able to build the reservoir. I was wondering if the committee had considered that question as to whether or not too much power was given to the Department of the Interior in establishing such recreational facilities on the public domain?

Mr. HOLMAN. Mr. President, I do not recall that that particular question was discussed in the committee, but I have before me the report of the committee wherein the Director of the Bureau of the Budget advises that he has no objection to the presentation of this report. It is signed by E. K. Burlew, Acting Secretary of the Interior.

There was considerable discussion of this bill and it was finally agreed to by the committee. Since it was similar to legislation that had been enacted for the accommodation of other groups in other States, since it will provide recreational facilities without cost to the Government, and inasmuch as over half the area of the State of Oregon is Government land, it seemed to me we might well permit a small portion of it to be used by the public in the community in Oregon.

The PRESIDING OFFICER. The amendments having been agreed to, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to set aside certain land in the State of Oregon for park or summer camp purposes."

ORDER OF BUSINESS

Mr. LODGE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LODGE. I should like to know whether it is planned, when the last item on the calendar has been reached, to cease the consideration of the calendar, or whether it is planned to start in at the beginning again?

Mr. BARKLEY. Mr. President, it is not planned to start in at the beginning. The Senator from Montana has a bill, however, on which he desires to have action when the consideration of the calendar shall have been concluded; but we will not go back and call the calendar for bills that have been heretofore called.

Mr. LODGE. I thank the Senator.

WILSON A. KRAMER

The PRESIDING OFFICER. The clerk will state the next bill on the calendar.

The bill (H. R. 6823) for the relief of Wilson A. Kramer was considered, ordered to a third reading, read the third time, and passed.

NATIONAL AMERICAN-SCANDINAVIAN EDUCATIONAL WEEK

The Senate proceeded to consider the bill (S. 2691) to designate the week of October 9 to October 16, each year, as National American-Scandinavian Week, which had been reported from the Committee on the Judiciary with amendments, in line 5, after the word "of", to strike out "our", and in line 9, after the word "authorized", to strike out "and requested", so as to make the bill read:

Be it enacted, etc., That all Americans might gain a greater inspiration from the high ideals of citizenship and the spirit of intelligent cooperation which are characteristic of American citizens of Scandinavian extraction, the week from October 9 to October 16 each year is hereby designated as National American-Scandinavian Educational Week, and the President is authorized to issue a proclamation so designating such week.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 9024) relating to the status of retired officers of the Army, Navy, Marine Corps, and Coast Guard of the United States, and to amend section 113 of the Criminal Code, was announced as next in order.

Mr. DANAHER. Mr. President, may we have an explanation of that bill, please?

Mr. BARKLEY. The Senator from Texas [Mr. SHEPPARD], who reported the bill, seems to be absent at the moment. I ask that the bill go over for the time being.

The PRESIDING OFFICER. Without objection, the bill will be temporarily passed over.

DE ROSEY C. CABELL AND OTHERS

The bill (H. R. 6365) to correct the military records of DeRosey C. Cabell, McFarland Cockrill, James N. Caperton, Junius H. Houghton, Otto F. Lange, Paul B. Parker, James deB. Walbach, and Victor W. B. Wales was considered, ordered to a third reading, read the third time, and passed.

FRANCIS G. M'DOUGALL

The bill (H. R. 719) for the relief of Francis G. McDougall was considered, ordered to a third reading, read the third time, and passed.

CARL HURT

The bill (H. R. 2278) for the relief of Carl Hurt was considered, ordered to a third reading, read the third time, and passed.

FULTON COMBS

The bill (H. R. 2490) for the relief of Fulton Combs was considered, ordered to a third reading, read the third time, and passed.

FRANK SPEARS

The bill (H. R. 3992) for the relief of Frank Spears was considered, ordered to a third reading, read the third time, and passed.

THOMAS MIRALIA AND BETTY MIRALIA

The bill (H. R. 5116) for the relief of Thomas Miralia and Betty Miralia was considered, ordered to a third reading, read the third time, and passed.

CAPTAIN AND CREW OF FISHING BOAT "UNIONE NO. 1"

The bill (H. R. 5254) for the relief of the captain and crew of the fishing boat *Unione No. 1* was considered, ordered to a third reading, read the third time, and passed.

ROBERT L. TAYLOR

The bill (H. R. 5309) for the relief of Robert L. Taylor was considered, ordered to a third reading, read the third time, and passed.

CLYDE E. MALLE

The bill (H. R. 5562) for the relief of Clyde E. Malle was considered, ordered to a third reading, read the third time, and passed.

ESTATE OF J. L. FRETWELL

The bill (H. R. 6740) for the relief of the estate of J. L. Fretwell was considered, ordered to a third reading, read the third time, and passed.

THEODORE R. KING

The bill (H. R. 7416) for the relief of Theodore R. King was considered, ordered to a third reading, read the third time, and passed.

ELIZABETH BUXTON HOSPITAL

The bill (H. R. 7668) for the relief of Elizabeth Buxton Hospital was considered, ordered to a third reading, read the third time, and passed.

J. E. DAMBACH

The bill (H. R. 7679) for the relief of J. E. Dambach was considered, ordered to a third reading, read the third time, and passed.

RELIEF OF CERTAIN DISBURSING OFFICERS OF TREASURY DEPARTMENT

The bill (H. R. 7851) for the relief of certain disbursing officers of the Division of Disbursement, Treasury Department, was considered, ordered to a third reading, read the third time, and passed.

WILLIE PERRY

The bill (H. R. 7957) for the relief of Willie Perry was considered, ordered to a third reading, read the third time, and passed.

ZOE HOYT WAGNER AND IO F. HOYT

The bill (H. R. 8028) for the relief of Zoe Hoyt Wagner and Io F. Hoyt was considered, ordered to a third reading, read the third time, and passed.

MAY C. TAYLOR

The bill (H. R. 8091) for the relief of May C. Taylor was considered, ordered to a third reading, read the third time, and passed.

THOMAS R. FOX

The bill (H. R. 8217) for the relief of Thomas R. Fox was considered, ordered to a third reading, read the third time, and passed.

CLYDE CAIETTI, A MINOR

The bill (H. R. 8246) for the relief of Clyde Caietti, a minor, was considered, ordered to a third reading, read the third time, and passed.

CHARLES H. AMOS HANDLE CO.

The bill (H. R. 8318) for the relief of the Charles H. Amos Handle Co. was considered, ordered to a third reading, read the third time, and passed.

EDNA S. GARDINER

The bill (H. R. 8459) for the relief of Edna S. Gardiner was considered, ordered to a third reading, read the third time, and passed.

DR. A. C. WADE

The bill (H. R. 8504) for the relief of Dr. A. C. Wade was considered, ordered to a third reading, read the third time, and passed.

RELIEF OF CERTAIN CLAIMANTS ON ACCOUNT OF FIRE LOSSES

The bill (H. R. 8666) for the relief of certain claimants on account of loss by fire for which the United States was adjudged liable was considered, ordered to a third reading, read the third time, and passed.

RUFUS K. SANDERLIN

The bill (H. R. 8946) for the relief of Rufus K. Sanderlin was considered, ordered to a third reading, read the third time, and passed.

FRED SHELTON

The bill (H. R. 9130) for the relief of Fred Shelton was considered, ordered to a third reading, read the third time, and passed.

EDWARD F. HIGGINS

The bill (H. R. 9520) for the relief of Edward F. Higgins, postmaster, Great Neck, N. Y., was considered, ordered to a third reading, read the third time, and passed.

RELIEF OF CERTAIN DISBURSING OFFICERS

The bill (H. R. 10034) for the relief of certain disbursing officers of the Treasury Department, the Department of the Interior, and the Army, was considered, ordered to a third reading, read the third time, and passed.

UNITED STATES CUSTOMHOUSE, DETROIT, MICH.

The joint resolution (H. J. Res. 472) to prohibit the sale or disposal of the United States Customhouse for the city of Detroit was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

MONONGAHELA RIVER BRIDGES, ALLEGHENY COUNTY, PA.

The bill (H. R. 9828) to extend the times for commencing and completing the construction of bridges across the Monongahela River in Allegheny County, Pa., was considered, ordered to a third reading, read the third time, and passed.

DEPOSIT OF COLLECTIONS FOR OVERTIME IMMIGRATION SERVICES

The Senate proceeded to consider the bill (H. R. 5403) to provide for the deposit of certain collections for overtime immigration services to the credit of the appropriation chargeable with the payment for such services, and for other purposes, which had been reported from the Committee on Immigration with amendments, on page 1, line 3, after the word "That", to strike out "hereafter", and in the same line, after the word "collected", to insert "on or after July 1, 1941", so as to make the bill read:

Be it enacted, etc., That moneys collected on or after July 1, 1941, as extra compensation for overtime service of inspectors and employees of the Immigration Service pursuant to the act of March 2, 1931 (46 Stat. 1467), shall be deposited in the Treasury of the United States to the credit of the appropriation for the payment of salaries, field personnel of the Immigration and Naturalization Service, and the appropriation so credited shall be available for the payment of such compensation.

The amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

UTILIZATION OF CERTAIN LANDS ON THE PUBLIC DOMAIN

The bill (H. R. 9389) to more effectively utilize certain lands of the public domain, and for other purposes, was announced as next in order.

Mr. THOMAS of Oklahoma. Mr. President, I understand that Calendar No. 9092, House bill 9389, has now been reached on the calendar.

This bill is a sort of an omnibus measure. For example, on page 3 we find that the text refers to a number of tribes of Indians, as follows:

First, the Shoshone Nation; second, the eastern division; third, the northwestern division; fourth, the Indians living on the Fort Hall Reservation; fifth, the Piute Indians; sixth, the western bands of the Shoshone Nation. Then we have the Shoshone-Goship Bands of Indians; and next, we have the mixed bands of Bannocks and Shoshones; and last, we have the northwestern division of the Shoshone Nation.

Mr. President, this bill purports to grant each of these Indian tribes, with certain exceptions, the right to go into the Court of Claims to assert their claims against the Government. The record shows that some of these different tribes have heretofore had introduced for them jurisdictional bills.

For example, Senate bill 72 was introduced on January 4, 1939, and referred to the Committee on Indian Affairs. The committee considered the bill, reported it favorably, and it passed the Senate on May 19, 1939.

A similar bill, not entirely identical but quite similar, is designated as House bill 9705. The bill has for its purpose almost identically the same end. This bill was passed by the House of Representatives on June 17, 1940, more than 1 year after the House of Representatives had sent to it the Senate bill.

Then the bill before the Senate at this time (H. R. 9389) has attached to it an amendment which embodies the provisions of Senate bill 3083. That was a bill introduced by the senior Senator from Arizona [Mr. ASHURST]. It was referred to the Committee on the Judiciary, and by that committee the bill was referred to a subcommittee. The subcommittee held extensive hearings on the bill, and I exhibit to the Senate a copy of the hearings.

Mr. President, the Judiciary Committee has made no report upon that bill. I cannot say whether or not the subcommittee made a report to the main committee; but the record

shows that the main committee has not made a report upon that bill.

The bill now before the Senate seems to be all-embracing, and seeks to give a number of these bands of Indians the right to go into the Court of Claims under the provisions of Senate bill 3083, a bill which has not as yet been reported to the Senate by the Judiciary Committee.

Mr. President, the whole subject matter, in my opinion, should have gone to the Indian Affairs Committee of the House but because of the wording of the title of the bill it was sent, not to the Indian Affairs Committee, but it was diverted to the Public Lands Committee. When the bill reached this body the title was so worded that the secretary no doubt thought the bill should go to the Public Lands Committee; and, not having examined the text of the bill, the bill was referred to the Public Lands Committee.

I make no criticism of the Public Lands Committee. The bill went to that committee in regular order, and it does have to do with public lands in a sense; but, in the main, the bill is an Indian bill, purporting to grant jurisdiction to numerous tribes to go into the Court of Claims under the provisions of the text of a bill which has not been reported on by the Judiciary Committee.

The senior Senator from Colorado [Mr. ADAMS], the chairman of the Public Lands Committee, is present, and I shall be glad to yield to him if he has any statement to make as to what should be done with this bill. It deals with public lands in one particular, it deals with Indian Affairs in many particulars, and it deals with the judiciary in another particular. All I want is to make a proper disposition of the measure; but it is not in shape for the Senate to pass upon it as it stands before the Senate at this hour.

Mr. ADAMS. Mr. President——

Mr. THOMAS of Oklahoma. I yield to the Senator from Colorado.

Mr. ADAMS. The statement of the Senator from Oklahoma is correct. The bill is one which might appropriately go to either of the committees named; and I think if matters could be so arranged that the two committees could cooperate in working out the problem involved in the bill it would be to the advantage of the bill.

The amendment suggested in the Public Lands Committee in reference to the jurisdictional feature, which was really the part which should more appropriately have gone to the Indian Affairs Committee, was put in because we felt that the limitations and restrictions which came to us in the House bill did not adequately protect the Government. The Senator is correct that the bill as prepared by the Attorney General's office was drawn upon as the basis for the amendment.

While I am on my feet I wish to make a comment upon a practice of the House. The Senator referred to Senate bill 72. Senate bill 72 was a bill introduced by myself for the sole purpose of correcting a typographical error in a bill which was passed. By error, the word "range" had been used where the word "township" should have been used. The bill passed the Senate and went to the House. When it came back 26 pages had been added to it, establishing a right to go into the Court of Claims.

Mr. THOMAS of Oklahoma. Mr. President, the Senate Committee on Indian Affairs has heretofore referred a number of these bills to the Comptroller General for a report, and I have a copy of one of these reports. It is found in the report submitted by the chairman of the Public Lands Committee. The particular part to which I refer is on page 4. The Comptroller General reports that House bill 9705 and Senate bill 72 are in substance practically identical, although the two bills are arranged differently.

The last paragraph of the report submitted by the Comptroller General is as follows:

> The third and fourth provisos of H. R. 9389 are similar to the provisions of S. 72 regarding set-offs, and for reasons stated in my report of June 13, 1940, on the latter bill, both provisos are considered undesirable and, it is believed, should be eliminated from the bill.

So the Comptroller General reports adversely upon at least two provisions of the bill. For the present, I am forced to object to the consideration of the measure.

The PRESIDENT pro tempore. Objection being made, the bill will be passed over.

The last measure on the calendar, Senate Joint Resolution 286, Calendar No. 2094, has been heretofore passed over.

INSURANCE BENEFITS FOR CERTAIN PERSONS ENGAGED IN COAL-MINING OPERATIONS

Mr. WHEELER. Mr. President, I move that the Senate proceed to the consideration of Senate bill 4070, Calendar No. 1828.

Mr. DANAHER. Mr. President, I did not understand from the reading clerk what happened to Calendar No. 2094, Senate Joint Resolution 286.

The PRESIDENT pro tempore. That is the National Guard bill, which, under the agreement, will come up on Monday.

Mr. DANAHER. I thank the Chair.

Mr. McNARY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Oregon?

Mr. WHEELER. I do.

Mr. McNARY. Has request been made to proceed to the consideration of Senate bill 4070?

Mr. WHEELER. Yes.

Mr. ADAMS. There is a measure on the calendar which was passed over and which should be considered.

Mr. WHEELER. Let me dispose of this bill, and then I shall have no objection.

Mr. McNARY. May I ask the character of the proposed legislation?

Mr. WHEELER. I think there is no opposition whatsoever to it.

Mr. McNARY. I am not myself indicating any opposition.

Mr. WHEELER. It has been held that captive mines come under the Railroad Retirement Act. This bill merely attempts to correct the interpretation which has been put upon the law by the Retirement Board. The Board is in favor of the proposed legislation, the railroads, the mining companies, and the railroad brotherhoods are all in favor of it.

Mr. DAVIS. The miners are also in favor of it.

Mr. WHEELER. The miners are in favor of it; so everyone interested is in favor of it.

Mr. McNARY. Did the committee favorably report the bill?

Mr. WHEELER. Yes; the bill was unanimously reported by the committee.

Mr. McNARY. I have no objection.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 4070) to provide for the more uniform coverage of certain persons employed in coal-mining operations with respect to insurance benefits provided for by certain Federal acts, and for other purposes, which had been reported from the Committee on Interstate Commerce with amendments, in section 2, page 2, line 11, after the words "end of", to insert the word "each"; in section 3, page 2, line 22, before the word "Fifth", to strike out "Paragraph" and to insert "paragraph"; in section 4, page 3, line 22, to insert a comma between "Act" and "but"; in line 23, after the word "service", to strike out the comma and the word "or" and to insert the word "of"; in section 5, page 5, line 17, after the word "after", insert a comma, and after the word "Act", to strike out the comma, so as to make the bill read:

> *Be it enacted, etc.*, That section 1 (a) of the Railroad Retirement Act of 1937, section 1 (a) of the Carriers Taxing Act of 1937, section 1532 (a) of the Internal Revenue Code, and section 1 (a) of the Railroad Unemployment Insurance Act are amended, effective in the case of each such act as of the date of its enactment, by adding at the end of each such section the following new sentence: "The term 'employer' shall not include any company by reason of its being engaged in the mining of coal, the supplying of coal to an employer where delivery is not beyond the mine tipple, and the operation of equipment or facilities therefor, or in any of such activities."
>
> SEC. 2. Section 1 (a) of the Railroad Retirement Act of 1935 and paragraph First of section 1 of the Railway Labor Act, as amended, are amended, effective in the case of each such act as

of the date of its enactment, by adding at the end of each such section and paragraph the following new sentence: "The term 'carrier' shall not include any company by reason of its being engaged in the mining of coal, the supplying of coal to a carrier where delivery is not beyond the mine tipple, and the operation of equipment or facilities therefor, or in any of such activities."

SEC. 3. Section 1 (b) of the Railroad Retirement Act of 1937, section 1 (b) of the Carriers Taxing Act of 1937, section 1532 (b) of the Internal Revenue Code, the first paragraph of section 1 (d) of the Railroad Unemployment Insurance Act, section 1 (b) of the Railroad Retirement Act of 1935, and paragraph Fifth of section 1 of the Railway Labor Act, as amended, are amended, in the case of each such act as of the date of its enactment, by adding at the end of each such section and paragraph the following new paragraph:

"The term 'employee' shall not include any individual while such individual is engaged in the physical operations consisting of the mining of coal, the preparation of coal, the handling (other than movement by rail with standard railroad locomotives) of coal not beyond the mine tipple, or the loading of coal at the tipple."

SEC. 4. (a) The laws hereby expressly amended, the Social Security Act, approved August 14, 1935, and all amendments thereto, shall operate as if each amendment herein contained had been enacted as a part of the law it amends, at the time of the original enactment of such law.

(b) No person (as defined in the Carriers Taxing Act of 1937) shall be entitled, by reason of the provisions of this act, to a refund of, or relief from liability for, any income or excise taxes paid or accrued, pursuant to the provisions of the Carriers Taxing Act of 1937 or subchapter B of chapter 9 of the Internal Revenue Code, prior to the date of the enactment of this act by reason of employment in the service of any carrier by railroad subject to part I of the Interstate Commerce Act, but any individual who has been employed in such service of any carrier by railroad subject to part I of the Interstate Commerce Act, as is excluded by the amendments made by this act from coverage under the Carriers Taxing Act of 1937 and subchapter B of chapter 9 of the Internal Revenue Code, and who has paid income taxes under the provisions of such act or subchapter, and any carrier by railroad subject to part I of the Interstate Commerce Act which has paid excise taxes under the provisions of the Carriers Taxing Act of 1937 or subchapter B of chapter 9 of the Internal Revenue Code may, upon making proper application therefor to the Bureau of Internal Revenue, have the amount of taxes so paid applied in reduction of such tax liability with respect to employment, as may, by reason of the amendments made by this act, accrue against them under the provisions of title VIII of the Social Security Act or the Federal Insurance Contributions Act (subchapter A of chapter 9 of the Internal Revenue Code).

(c) Nothing contained in this act shall operate (1) to affect any annuity, pension, or death benefit granted under the Railroad Retirement Act of 1935 or the Railroad Retirement Act of 1937, prior to the date of enactment of this act, or (2) to include any of the services on the basis of which any such annuity or pension was granted, as employment within the meaning of section 210 (b) of the Social Security Act or section 209 (b) of such act, as amended. In any case in which a death benefit alone has been granted, the amount of such death benefit attributable to services, coverage of which is affected by this act, shall be deemed to have been paid to the deceased under section 204 of the Social Security Act in effect prior to January 1, 1940, and deductions shall be made from any insurance benefit or benefits payable under the Social Security Act, as amended, with respect to wages paid to an individual for such services until such deductions total the amount of such death benefit attributable to such services.

(d) Nothing contained in this act shall operate to affect the benefit rights of any individual under the Railroad Unemployment Insurance Act for any day of unemployment (as defined in section 1 (k) of such act) occurring prior to the date of enactment of this act.

SEC. 5. Any application for payment filed with the Railroad Retirement Board prior to, or within 60 days after, the enactment of this act, shall, under such regulations as the Social Security Board may prescribe, be deemed to be an application filed with the Social Security Board by such individual or by any person claiming any payment with respect to the wages of such individual, under any provision of section 202 of the Social Security Act, as amended.

SEC. 6. Nothing contained in this act, nor the action of Congress in adopting it, shall be taken or considered as affecting the question of what carriers, companies, or individuals, other than those in this act specifically provided for, are included in or excluded from the provisions of the various laws to which this act is an amendment.

SEC. 7. (a) Notwithstanding the provisions of section 1605 (b) of the Internal Revenue Code, no interest shall, during the period February 1, 1940, to the eighty-ninth day after the date of enactment of this act, inclusive, accrue by reason of delinquency in the payment of the tax imposed by section 1600 with respect to services affected by this act performed during the period July 1, 1939, to December 31, 1939, inclusive, with respect to which services amounts have been paid as contributions under the Railroad Unemployment Insurance Act prior to the date of enactment of this act.

(b) Notwithstanding the provisions of section 1601 (a) (3) of the Internal Revenue Code, the credit allowable under section 1601 (a) against the tax imposed by section 1600 for the calendar year 1939 shall not be disallowed or reduced by reason of the payment into a State unemployment fund after January 31, 1940, of contributions with respect to services affected by this act performed during the period July 1, 1939, to December 31, 1939, inclusive, with respect to which services amounts have been paid as contributions under the Railroad Unemployment Insurance Act prior to the date of enactment of this act: *Provided*, That this subsection shall be applicable only if the contributions with respect to such services are paid into the State unemployment fund before the ninetieth day after the date of enactment of this act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FOREIGN ACCOUNTS IN FEDERAL RESERVE BANKS

The PRESIDENT pro tempore. House bill 10127, to amend the Federal Reserve Act, was passed over when reached on the calendar. Is any action desired on the bill?

Mr. ADAMS. The bill which went over was Senate bill 4174, relating to foreign accounts in Federal Reserve banks.

The PRESIDENT pro tempore. The Senate bill went over.

Mr. ADAMS. Yes; and I was about to ask the Senator from Kentucky, who is also a member of the Committee on Banking and Currency, what he thought should be done. I desire to offer an amendment, and the other members of the committee may not concur in the amendment.

Mr. BARKLEY. Mr. President, this bill was almost passed before the recess prior to the Chicago convention, but because of some misunderstanding in the language of the bill which was passed by the House the consideration of the measure was not completed. It is very desirable to have the bill acted upon, but the Senator from New York [Mr. WAGNER] and the Senator from Michigan [Mr. BROWN] are both temporarily absent, and I am not in a position to urge that the bill be considered today.

Mr. ADAMS. It will be agreeable to the Senator from Kentucky to have the bill go over?

Mr. BARKLEY. Yes. I suggest that the Senator from Colorado offer his amendment.

Mr. ADAMS. If I may, I will offer the amendment so that it may be pending when the bill is taken up.

The PRESIDENT pro tempore. There is an amendment pending at this time, one offered by the Senator from Michigan [Mr. BROWN].

Mr. ADAMS. That is a different amendment.

The PRESIDENT pro tempore. The amendment presented by the Senator from Colorado will be printed and will lie on the table.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations (and withdrawing a nomination), which were referred to the appropriate committees.

(For nominations this day received and nomination withdrawn, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. HARRISON (for Mr. BAILEY), from the Committee on Finance, reported favorably the nomination of LINDSAY C. WARREN, of North Carolina, to be Comptroller General of the United States, for a term of 15 years, vice Fred H. Brown, resigned.

He also, from the same committee, reported favorably the nominations of sundry officers for promotion, and several doctors for appointment, in the Public Health Service.

Mr. LODGE, from the Committee on Finance, reported favorably the nomination of Fred H. Brown, of New Hampshire, to be a member of the United States Tariff Commission for the remainder of the term expiring June 16, 1941.

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nomination of Brig. Gen. Mervin Gilbert McConnel, Idaho National Guard, to be brigadier general, National Guard of the United States, under the provisions of law.

object to the consideration of the measure.

amended, are amended, effective in the case of each such act as

Mr. HILL, from the Committee on Commerce, reported favorably the nomination of George P. Baker, of Massachusetts, to be a member of the Civil Aeronautics Board in the Department of Commerce for the remainder of the term expiring December 31, 1943, vice Robert H. Hinckley.

Mr. PITTMAN, from the Committee on Foreign Relations, reported favorably the nomination of Walter A. Foote, of Texas, now a Foreign Service officer of class 4, and a secretary in the Diplomatic Service, to be also a consul general.

Mr. McCARRAN, from the Committee on the Judiciary, reported favorably the nomination of Fay L. Bentley, of the District of Columbia, to be judge of the juvenile court for the District of Columbia.

NOMINATIONS OF FRED H. BROWN AND LINDSAY C. WARREN

The PRESIDENT pro tempore. If there be no further reports of committees, the calendar is in order.

Mr. BARKLEY. Mr. President, two reports have been made today from the Committee on Finance, one of the nomination of Mr. Fred H. Brown, of New Hampshire, to be a member of the Tariff Commission, and one of Mr. LINDSAY C. WARREN, a Member of the House of Representatives from North Carolina, to become Comptroller General. In view of the proposed adjournment until Monday, I ask unanimous consent that the two nominations be now considered.

Mr. McNARY. Mr. President, are there favorable reports on both nominations?

Mr. BARKLEY. Both were reported favorably.

Mr. McNARY. Was the report unanimous in each case?

Mr. BARKLEY. It was unanimous.

Mr. GEORGE. Mr. President, I hope that consent for the immediate consideration of these nominations will be given. They were both reported unanimously by the Finance Committee.

I should like to take occasion to say, with respect to Mr. LINDSAY C. WARREN, long a Member of the House of Representatives from the State of North Carolina, that his departure from the legislative branch of the Government is a matter of genuine regret to his friends, not only in the State of North Carolina but throughout the country. Mr. WARREN is eminently well fitted for the responsible position of Comptroller General, an office in which very stern and high qualities are demanded at this time. Mr. WARREN is undoubtedly today one of the ablest men in public life in the United States.

Mr. BARKLEY. Mr. President, I wish to join the Senator from Georgia in the sentiments he has expressed concerning Mr. LINDSAY WARREN, a Member of the House of Representatives from North Carolina. We have all come in contact with him during his long membership in the House, both as Members of the House and in committees of the Senate and the House, and I think there is no more conscientious, able, industrious, or devoted public servant in either branch of Congress than LINDSAY WARREN. While I share the regret that he is leaving the legislative branch, I congratulate the President and the Government on the prospect of his service in the important position to which he has been appointed.

The PRESIDENT pro tempore. The clerk will state the nominations.

The legislative clerk read the nomination of Fred H. Brown, of New Hampshire, to be a member of the United States Tariff Commission.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

COMPTROLLER GENERAL

The legislative clerk read the nomination of LINDSAY C. WARREN, of North Carolina, to be Comptroller General.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. BARKLEY. Mr. President, I ask that the President be notified immediately of both these confirmations.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the President will be immediately notified.

ADJOURNMENT TO MONDAY

Mr. BARKLEY. As in legislative session, I move that the Senate adjourn until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 1 o'clock and 35 minutes p. m.) the Senate adjourned until Monday, August 5, 1940, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate August 1, 1940

COMPTROLLER GENERAL OF THE UNITED STATES

LINDSAY C. WARREN, of North Carolina, to be Comptroller General of the United States for a term of 15 years, vice Fred H. Brown, resigned.

UNITED STATES TARIFF COMMISSION

Edward Dana Durand, of Minnesota, to be a member of the United States Tariff Commission for the term expiring June 16, 1946. (Reappointment.)

COAST GUARD OF THE UNITED STATES

The following-named persons in the Coast Guard of the United States, to take effect from dates of oath:

John A. Turmala to be a chief boatswain.
Theodore G. Munson to be a chief machinist.
William J. H. Siekemeyer to be a chief boatswain.
Louis J. Perry to be a chief machinist.

The following-named officers in the Coast Guard of the United States, to rank as such from the dates set opposite their names:

TO BE COMMANDERS

Lt. Comdr. Paul K. Perry, May 1, 1940.
Lt. Comdr. William J. Kossler, May 25, 1940.
Lt. Comdr. Merlin O'Neill, May 25, 1940.
Lt. Comdr. Norman H. Leslie, May 25, 1940.
Lt. Comdr. Norman R. Stiles, July 1, 1940.

TO BE LIEUTENANT COMMANDERS

Lt. Walter S. Anderson, July 1, 1939.
Lt. Donald E. McKay, July 1, 1939.
Lt. Vernon E. Day, August 5, 1939.
Lt. Leslie B. Tollaksen, August 5, 1939.
Lt. John L. Steinmetz, August 5, 1939.
Lt. Stanley C. Linholm, August 29, 1939.
Lt. Fred P. Vetterick, September 2, 1939.
Lt. George M. Phannemiller, January 1, 1940.
Lt. George F. Hicks, February 1, 1940.
Lt. Clarence F. Edge, May 1, 1940.
Lt. Alexander L. Ford, May 25, 1940.
Lt. Stephen H. Evans, May 25, 1940.
Lt. John A. Glynn, May 25, 1940.
Lt. John E. Fairbank, May 25, 1940.
Lt. Joseph A. Kerrins, May 25, 1940.
Lt. Edward H. Thiele, May 25, 1940.

TO BE LIEUTENANTS

Lt. (Jr. Gr.) Robert S. Lecky, August 5, 1939.
Lt. (Jr. Gr.) Emmet T. Calahan, August 5, 1939.
Lt. (Jr. Gr.) Joseph F. McCue, August 5, 1939.

APPOINTMENTS IN THE REGULAR ARMY

To be second lieutenants with rank from date of appointment

Howard Clarence Aylesworth, Infantry.
Robert Louis Dickerson, Infantry.
Gordon Arthur Bahe, Infantry.
Joseph Earl Treadway, Coast Artillery Corps.

To be chaplains, with the rank of first lieutenant, with rank from date of appointment

Terrence Patrick Finnegan
John Joseph McDonnell

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO ADJUTANT GENERAL'S DEPARTMENT

Maj. Gordon Sherman Armes, Cavalry, with rank from July 1, 1940.

Maj. L. Hoyt Rockafellow, Infantry, with rank from July 1, 1940.

Maj. Lawrence Edward Schick, Cavalry, with rank from July 1, 1940.

TO QUARTERMASTER CORPS

Maj. Joseph James Canella, Infantry, with rank from August 1, 1935.

Maj. Millard Stowe Curtis, Infantry, with rank from July 1, 1939.

Maj. Crowell Edward Pease, Field Artillery, with rank from July 1, 1940.

Capt. William Everton Pheris, Infantry, with rank from August 1, 1935.

Second Lt. Harvey Lloyd Brown, Jr., Infantry, with rank from June 14, 1938.

TO SIGNAL CORPS

Capt. James Elmer Totten, Infantry, with rank from June 9, 1938.

TO CHEMICAL WARFARE SERVICE

First Lt. Richard Robert Danek, Infantry, with rank from August 1, 1935.

First Lt. Harrison Schermerhorn Markham, Infantry, with rank from August 1, 1938, effective September 29, 1940.

TO CAVALRY

First Lt. Franklin Rogers Sibert, Infantry, with rank from June 12, 1939.

TO AIR CORPS

Second Lt. Delmer Joseph Rogers, Corps of Engineers, with rank from June 12, 1939.

PROMOTIONS IN THE REGULAR ARMY

To be lieutenant colonels

Maj. Theodore Besson Apgar, Cavalry, from July 1, 1940.

Maj. Ernest Terrill Barco, Field Artillery, from July 1, 1940.

Maj. Lester Amiel Daugherty, Field Artillery, from July 1, 1940.

Maj. Leland Adrian Miller, Ordnance Department, from July 1, 1940.

Maj. Raymond Edward O'Neill, Air Corps (temporary lieutenant colonel, Air Corps), from July 1, 1940.

Maj. Robert Alexander Laird, Corps of Engineers, from July 1, 1940.

Maj. Frank Melvin S. Johnson, Corps of Engineers, from July 1, 1940.

Maj. Porter Prescott Lowry, Coast Artillery Corps, from July 1, 1940.

Maj. Jerome Jackson Waters, Jr., Field Artillery, from July 1, 1940.

Maj. William Almond Shely, Infantry, from July 1, 1940.

Maj. John Urban Ayotte, Infantry, from July 1, 1940.

Maj. Charles Heyward Barnwell, Jr., Infantry, from July 1, 1940.

Maj. Thomas Grafton Hanson, Jr., Cavalry, from July 1, 1940.

Maj. Edward George Herlihy, Infantry, from July 1, 1940.

Maj. George Albert Moore, Cavalry, from July 1, 1940.

Maj. Arnold John Funk, Infantry, from July 1, 1940.

Maj. Alexander Shepherd Quintard, Field Artillery, from July 1, 1940.

Maj. Harry Allen Skerry, Corps of Engineers, from July 1, 1940.

Maj. Roscoe Stewart Parker, Cavalry, from July 1, 1940.

Maj. Norman Minus, Quartermaster Corps, from July 1, 1940.

Maj. Heywood Shallus Dodd, Cavalry, from July 1, 1940.

Maj. Kent Craig Lambert, Cavalry, from July 1, 1940.

Maj. George Edward Huthsteiner, Cavalry, from July 1, 1940, subject to examination required by law.

Maj. Maurice Morgan, Coast Artillery Corps, from July 1, 1940.

Maj. Sylvester Emery Nortner, Corps of Engineers, from July 1, 1940.

Maj. Frank Wiltshire Gana, Corps of Engineers, from July 1, 1940.

Maj. John Leonard Pierce, Infantry, from July 1, 1940.

Maj. John Joseph Atkinson, Field Artillery, from July 1, 1940.

Maj. Charles Frederick Houghton, Cavalry, from July 1, 1940.

Maj. Lowell Warde Rooks, Infantry, from July 1, 1940.

Maj. Samuel Davies Bedinger, Field Artillery, from July 1, 1940.

Maj. Malcolm Vaughn Fortier, Infantry, from July 1, 1940.

Maj. John Walter Nicholson, Infantry, from July 1, 1940.

Maj. Ray Bradford Conner, Finance Department, from July 1, 1940.

Maj. John Lloyd McKee, Infantry, from July 1, 1940.

Maj. Glenn Luman Allen, Infantry, from July 1, 1940.

Maj. Charles Rouse Jones, Infantry, from July 1, 1940.

Maj. Willard Stewart Paul, Infantry, from July 1, 1940.

Maj. Robert Henry Chance, Infantry, from July 1, 1940.

Maj. Harry Augustine Buckley, Cavalry, from July 1, 1940.

Maj. March Hugo Houser, Chemical Warfare Service, from July 1, 1940.

Maj. Willfred Rowell Higgins, Infantry, from July 1, 1940.

Maj. Jesse Plez Green, Infantry, from July 1, 1940.

Maj. Howard Winthrop Turner, Field Artillery, from July 1, 1940.

Maj. William Audley Taber, Infantry, from July 1, 1940.

Maj. Henry Garner Sebastian, Infantry, from July 1, 1940.

Maj. Wesley Crowell Brigham, Field Artillery, from July 1, 1940.

Maj. Cyrus Higginson Searcy, Infantry, from July 1, 1940.

Maj. Leon Edward Norris, Infantry, from July 1, 1940.

Maj. Jack Lester Meyer, Quartermaster Corps, from July 1, 1940.

Maj. Turner Ransom Sharp, Quartermaster Corps, from July 1, 1940.

Maj. Clay Irvin Hoppough, Signal Corps, from July 1, 1940.

Maj. Remi Paul Hueper, Finance Department, from July 1, 1940.

Maj. William Joshua Jackson, Quartermaster Corps, from July 1, 1940.

Maj. Fred During, Infantry, from July 1, 1940.

Maj. John Robert Francis, Infantry, from July 1, 1940.

Maj. Rene Eugene Fraile, Adjutant General's Department, from July 1, 1940.

Maj. Clinton Rush, Infantry, from July 1, 1940, subject to examination required by law.

Maj. George Louis Danforth, Field Artillery, from July 1, 1940.

Maj. Ward Currey Goessling, Field Artillery, from July 1, 1940.

Maj. Harold Burton Gibson, Cavalry, from July 1, 1940.

Maj. Victor Roland Woodruff, Field Artillery, from July 1, 1940.

Maj. Gustav Adolph Mellanchton Anderson, Infantry, from July 1, 1940.

Maj. Melvin Selmer Williamson, Cavalry, from July 1, 1940.

Maj. Robert William Yates, Field Artillery, from July 1, 1940.

Maj. Dana Caswell Schmahl, Field Artillery, from July 1, 1940.

Maj. Wilbur Granville Dockum, Field Artillery, from July 1, 1940.

Maj. Clinton Mansfield Lucas, Field Artillery, from July 1, 1940.

Maj. Harry Adamson, Quartermaster Corps, from July 1, 1940.

Maj. Samuel Gilbert Fairchild, Field Artillery, from July 1, 1940.

Maj. Leslie Leonard Connett, Infantry, from July 1, 1940.

Maj. Owen Rivers Rhoads, Infantry, from July 1, 1940.

Maj. Carl Russell Adams, Coast Artillery Corps, from July 1, 1940.

Maj. Elmer Forrest Wallender, Quartermaster Corps, from July 1, 1940.

Maj. Harry Vincent Hand, Infantry, from July 1, 1940.

Maj. Ben Menadue Sawbridge, Field Artillery, from July 1, 1940.

Maj. Dominic Joseph Sabini, Field Artillery, from July 1, 1940.
Maj. Herman Feldman, Quartermaster Corps, from July 1, 1940.
Maj. Ned Blair, Infantry, from July 1, 1940.
Maj. Ernest Alvin Kindervater, Infantry, from July 1, 1940.
Maj. Gordon Cogswell Irwin, Signal Corps, from July 1, 1940.
Maj. Everett Marion Yon, Infantry, from July 1, 1940.
Maj. John Harvey Fye, Field Artillery, from July 1, 1940.
Maj. George Mood MacMullin, Infantry, from July 1, 1940.
Maj. Nicholas Szilagyi, Infantry, from July 1, 1940.
Maj. Frederick Weston Hyde, Infantry, from July 1, 1940.
Maj. Charles Royal Lehner, Field Artillery, from July 1, 1940.
Maj. Rosser Lee Hunter, Infantry, from July 1, 1940.
Maj. Carroll Arthur Powell, Signal Corps, from July 1, 1940, subject to examination required by law.
Maj. Feodor Otto Schmidt, Infantry, from July 1, 1940.
Maj. James Francis Brittingham, Field Artillery, from July 1, 1940.
Maj. Frank Clide De Langton, Cavalry, from July 1, 1940.
Maj. Oscar Bergstrom Abbott, Infantry, from July 1, 1940.
Maj. George Seymour McCullough, Infantry, from July 1, 1940, subject to examination required by law.
Maj. Carter Roderick McLennan, Cavalry, from July 1, 1940.
Maj. Geoffrey Galwey, Cavalry, from July 1, 1940.
Maj. Louis Garland Gibney, Cavalry, from July 1, 1940.
Maj. David Seth Doggett, Field Artillery, from July 1, 1940.
Maj. Thomas Grady Jenkins, Infantry, from July 1, 1940.
Maj. Roy Dayton Burdick, Corps of Engineers, from July 1, 1940.
Maj. Leslie Carlyle Wheat, Infantry, from July 1, 1940.
Maj. Lawrence Harold Bixby, Field Artillery, from July 1, 1940.
Maj. Walter Compere Lattimore, Field Artillery, from July 1, 1940.
Maj. Russell Hubbard Dixon, Field Artillery, from July 1, 1940.
Maj. Everett Marshall Graves, Field Artillery, from July 1, 1940.
Maj. William Tuttle Hamilton, Cavalry, from July 1, 1940.
Maj. William Valentine McCreight, Infantry, from July 1, 1940.
Maj. John Henry Ringe, Infantry, from July 1, 1940.
Maj. Virgil Bell, Infantry, from July 1, 1940.
Maj. William Granville Purdy, Infantry, from July 1, 1940.
Maj. Chesley Ray Miller, Infantry, from July 1, 1940.
Maj. Frederick Francis Duggan, Cavalry, from July 1, 1940, subject to examination required by law.
Maj. Walter Lee Mitchell, Infantry, from July 1, 1940.
Maj. Robert Franklin Dark, Infantry, from July 1, 1940.
Maj. Mimucan Dabney Cannon, Infantry, from July 1, 1940.
Maj. Harry Howard Baird, Cavalry, from July 1, 1940.
Maj. Ralph Slate, Infantry, from July 1, 1940.
Maj. Nathan Eugene McCluer, Field Artillery, from July 1, 1940, subject to examination required by law.
Maj. Ernest John, Infantry, from July 1, 1940.
Maj. Ralph Marshal Caulkins, Infantry, from July 1, 1940.
Maj. William Taylor Bauskett, Jr., Cavalry, from July 1, 1940.
Maj. Claudius Leo Lloyd, Infantry, from July 1, 1940.
Maj. Carlisle Barksdale Cox, Cavalry, from July 1, 1940.
Maj. Joseph Lester Brooks, Quartermaster Corps, from July 1, 1940.
Maj. Carlos Watkins Bonham, Field Artillery, from July 1, 1940.
Maj. Sidney James Cutler, Field Artillery, from July 1, 1940.
Maj. Theodore James Sledge, Infantry, from July 1, 1940.
Maj. Henry Hardy Slicer, Coast Artillery Corps, from July 1, 1940.
Maj. Stanley Gloninger Saulnier, Infantry, from July 1, 1940.
Maj. Will Hughes Gordon, Infantry, from July 1, 1940, subject to examination required by law.
Maj. Thomas Cole Brown, Infantry, from July 1, 1940.
Maj. Thomas Joseph Johnston, Chemical Warfare Service, from July 1, 1940.
Maj. John Marion Rhodes, Quartermaster Corps, from July 1, 1940.
Maj. Dudley Blanchard Howard, Air Corps (temporary lieutenant colonel, Air Corps), from July 1, 1940.
Maj. Willard Wadsworth Irvine, Coast Artillery Corps, from July 1, 1940.
Maj. Charles Emerson Boyle, Field Artillery, from July 1, 1940.
Maj. William Doughty Evans, Coast Artillery Corps, from July 1, 1940.
Maj. William Benjamin Tuttle, Infantry, from July 1, 1940.
Maj. Donald Armpriester Stroh, Infantry, from July 1, 1940.
Maj. Edwin Adolph Henn, Field Artillery, from July 1, 1940.
Maj. Russell Thomas George, Coast Artillery Corps, from July 1, 1940.
Maj. Thomas Clyde McCormick, Field Artillery, from July 1, 1940.
Maj. Erskine Ashley Franklin, Cavalry, from July 1, 1940.
Maj. Albert Miller Jackson, Coast Artillery Corps, from July 1, 1940.
Maj. George Raymond Owens, Coast Artillery Corps, from July 1, 1940.
Maj. Andrew Davis Bruce, Infantry, from July 1, 1940.
Maj. John Edward Maher, Cavalry, from July 1, 1940.
Maj. Joseph Philip Kohn, Coast Artillery Corps, from July 1, 1940.
Maj. Dallas Loyd Knoll, Quartermaster Corps, from July 1, 1940.
Maj. Robert Justin Van Buskirk, Coast Artillery Corps, from July 1, 1940.
Maj. Floyd Emerson Galloway, Air Corps (temporary lieutenant colonel, Air Corps), from July 1, 1940.
Maj. John Edwin Selby, Cavalry, from July 1, 1940.
Maj. Herbert Everett Watkins, Cavalry, from July 1, 1940.
Maj. Henry Yost Lyon, Infantry, from July 1, 1940.
Maj. Joseph Anthony Cistero, Infantry, from July 1, 1940.
Maj. Thomas William Freeman, Infantry, from July 1, 1940.
Maj. Paxton Sterrett Campbell, Quartermaster Corps, from July 1, 1940.
Maj. William Ross Irvin, Cavalry, from July 1, 1940.
Maj. Alfred Lyons Baylies, Cavalry, from July 1, 1940.
Maj. Roy Leo Schuyler, Infantry, from July 1, 1940.
Maj. Louis DeSaussure Hutson, Infantry, from July 1, 1940.
Maj. Lathan Hunter Collins, Cavalry, from July 1, 1940.
Maj. Loren Prescot Stewart, Infantry, from July 1, 1940.

To be majors

Capt. Carl Brown McDaniel, Air Corps (temporary major, Air Corps), from July 2, 1940.
Capt. Carlisle Brown Irwin, Infantry, from July 2, 1940.
Capt. Lee Carl Vance, Cavalry, from July 2, 1940.
Capt. Russell Vivian Perry, Quartermaster Corps, from July 2, 1940.
Capt. Thomas Davison Drake, Infantry, July 2, 1940.
Capt. Granville Victor Morse, Cavalry, from July 2, 1940.
Capt. Herbert Spencer Jordan, Infantry, from July 3, 1940.
Capt. Dresden James Cragun, Finance Department, from July 3, 1940.
Capt. Edward Harvey Clouser, Quartermaster Corps, from July 3, 1940.
Capt. Herbert Kenneth Baisley, Air Corps (temporary major, Air Corps), from July 3, 1940.
Capt. Thomas Robinson, Cavalry, from July 3, 1940.
Capt. John Kraybill Nissley, Air Corps (temporary major, Air Corps), from July 3, 1940.
Capt. William Rush Blakely, Infantry, from July 3, 1940.
Capt. Carl Eugene Anderson, Infantry, from July 3, 1940.

Capt. William Douglass Paschall, Field Artillery, from July 3, 1940.
Capt. Frederick Mott Thompson, Infantry, from July 3, 1940.
Capt. Voris Hamilton Connor, Field Artillery, from July 3, 1940.
Capt. Arthur Bordeaux Nicholson, Coast Artillery Corps, from July 3, 1940.
Capt. Girvelle Leighton Field, Coast Artillery Corps, from July 3, 1940.
Capt. Staten Eugene Rall, Infantry, from July 3, 1940.
Capt. Don Emerson Carleton, Cavalry, from July 3, 1940.
Capt. Kenneth Lafayette Johnson, Field Artillery, from July 3, 1940.
Capt. Eugene Haworth Vernon, Infantry, from July 3, 1940.
Capt. Paul Green Kendall, Cavalry, from July 3, 1940.
Capt. Ralph Waldo Russell, Coast Artillery Corps, from July 3, 1940.
Capt. Archibald Yarborough Smith, Air Corps (temporary major, Air Corps), from July 3, 1940.
Capt. DeWitt Ballard, Infantry, from July 3, 1940.
Capt. James Lendsey McKinnon, Field Artillery, from July 3, 1940.
Capt. Willis Glenn Cronk, Infantry, from July 3, 1940.
Capt. Richard Tyler Willson, Cavalry, from July 3, 1940.
Capt. Leslie Lee Hittle, Field Artillery, from July 3, 1940.
Capt. Leslie Furness Young, Field Artillery, from July 3, 1940.
Capt. Eugene Desiré Regad, Ordnance Department, from July 3, 1940.
Capt. Donald Taylor Beeler, Infantry, from July 3, 1940.
Capt. Charles Creswell Blakeney, Field Artillery, from July 3, 1940.
Capt. William Mason Hoke, Infantry, from July 3, 1940.
Capt. Willard Fromm Millice, Field Artillery, from July 3, 1940.
Capt. Elvin Hamilton Burger, Infantry, from July 3, 1940.
Capt. James Freeland McGraw, Infantry, from July 3, 1940.
Capt. Richard Searl Marr, Field Artillery, from July 3, 1940.
Capt. Leonard James Greeley, Chemical Warfare Service, from July 3, 1940.
Capt. Kingsley Sherman Andersson, Corps of Engineers, from July 3, 1940.
Capt. William Frishe Dean, Infantry, from July 3, 1940.
Capt. Ben Early Cordell, Coast Artillery Corps, from July 3, 1940.
Capt. Dalies Joshua Oyster, Field Artillery, from July 3, 1940.
Capt. George Phillips Privett, Field Artillery, from July 3, 1940.
Capt. William Lindsay McPherson, Coast Artillery Corps, from July 3, 1940.
Capt. William Vincent Gray, Infantry, from July 3, 1940.
Capt. Daniel Peter Norman, Infantry, from July 3, 1940.
Capt. John Mitchell England, Coast Artillery Corps, from July 3, 1940.
Capt. Floyd Cornelius Devenbeck, Ordnance Department, from July 3, 1940.
Capt. William Black Forse, Infantry, from July 3, 1940.
Capt. William Brown Short, Coast Artillery Corps, from July 3, 1940.
Capt. John Wallace Homewood, Infantry, from July 3, 1940.
Capt. James Vestie Collier, Field Artillery, from July 3, 1940.
Capt. Edwin Kennedy Wright, Infantry, from July 3, 1940.
Capt. Clint Leroy Taylor, Field Artillery, from July 3, 1940.
Capt. Richard Herbert Torovsky, Quartermaster Corps, from July 3, 1940.
Capt. Philip Mapes Shockley, Quartermaster Corps, from July 3, 1940.
Capt. Charles Goodwin Pearcy, Air Corps (temporary major, Air Corps), from July 3, 1940.

MEDICAL CORPS

To be majors

Capt. Daniel John Berry, Medical Corps, from August 1, 1940.
Capt. William Augustus Hadly, Jr., Medical Corps, from August 1, 1940.
Capt. Roary Adlai Murchison, Medical Corps, from August 1, 1940.
Capt. Paul Hayes, Medical Corps, from August 1, 1940.
Capt. Hugh Logan Prather, Medical Corps, from August 1, 1940.
Capt. George Hollander Donnelly, Medical Corps, from August 1, 1940.
Capt. Francis Willard Pruitt, Medical Corps, from August 1, 1940.
Capt. Elbert De Coursey, Medical Corps, from August 1, 1940.
Capt. John Frederick Bohlender, Medical Corps, from August 1, 1940.
Capt. Charles Scott Mudgett, Medical Corps, from August 1, 1940.
Capt. Ellis McFerrin Altfather, Medical Corps, from August 1, 1940.
Capt. Aubrey LeVerne Bradford, Medical Corps, from August 1, 1940.
Capt. Rollin LeRoy Bauchspies, Medical Corps, from August 1, 1940.
Capt. Ernest David Liston, Medical Corps, from August 1, 1940.
Capt. John Ruxton Wood, Medical Corps, from August 1, 1940.
Capt. Jack William Schwartz, Medical Corps, from August 1, 1940.
Capt. Clyde Lemuel Brothers, Medical Corps, from August 1, 1940.
Capt. Roger Gaylord Prentiss, Jr., Medical Corps, from August 1, 1940.
Capt. Claude Linwood Neale, Medical Corps, from August 1, 1940.
Capt. George Horsfall, Medical Corps, from August 1, 1940.
Capt. Harold Edward Schneider, Medical Corps, from August 1, 1940.
Capt. Olin Foster McIlnay, Medical Corps, from August 1, 1940.
Capt. Samuel Howard Alexander, Medical Corps, from August 8, 1940.
Capt. John Larkin Gallagher, Medical Corps, from August 12, 1940.
Capt. Warren Mimms Scott, Medical Corps, from August 13, 1940.
Capt. James Harvey Turner, Medical Corps, from August 13, 1940.

To be captains

First Lt. Oswald Raymond Jensen, Medical Corps, from August 6, 1940.
First Lt. John Robert Woodruff, Medical Corps, from August 16, 1940.
First Lt. William Theodore Lane, Medical Corps, from August 26, 1940.

MEDICAL ADMINISTRATIVE CORPS

To be captain

First Lt. Homer Clarence McCullough, Medical Administrative Corps, from August 29, 1940.

To be first lieutenants

Second Lt. Frank Stepczyk, Medical Administrative Corps, from August 19, 1940.
Second Lt. Jacob Bruce Martin, Medical Administrative Corps, from August 19, 1940.
Second Lt. Harry John Nelson, Medical Administrative Corps, from August 19, 1940.
Second Lt. James Thomas Johnson, Medical Administrative Corps, from August 19, 1940.

CHAPLAINS

To be chaplains with the rank of lieutenant colonel

Chaplain Ralph Conrad Deibert (major), United States Army, from August 16, 1940.

Chaplain Ralph Winfred Rogers (major), United States Army, from August 29, 1940.

To be chaplain with the rank of captain

Chaplain Alvie Littleton McKnight (first lieutenant), United States Army, from August 26, 1940.

PROMOTIONS IN THE NAVY

The following-named commanders to be captains in the Navy to rank from the date stated opposite their names:

Ingram C. Sowell, January 1, 1940.
George D. Hull, July 1, 1940.
Paul Hendren, July 1, 1940.
Chapman C. Todd, Jr., July 1, 1940.

The following-named lieutenant commanders to be commanders in the Navy to rank from the 1st day of July 1940:

Stanley J. Michael	James A. Crocker
Clayton S. Isgrig	Harley F. Cope

The following-named lieutenants to be lieutenant commanders in the Navy to rank from the date stated opposite their names:

John H. Griffin, September 1, 1939.
Carroll D. Reynolds, September 23, 1939.
Howell C. Fish, October 1, 1939.
Robert H. Gibbs, November 1, 1939.
Wallace S. Newton, November 1, 1939.
Lee F. Sugnet, December 8, 1939.
William H. Truesdell, December 8, 1939.
Walter S. Mayer, Jr., December 8, 1939.
George F. O'Keefe, December 8, 1939.
Herman E. Schieke, December 8, 1939.
Cecil L. Blackwell, December 8, 1939.
Aubrey B. Leggett, December 8, 1939.
John E. Florance, February 1, 1940.
Edwin R. Swinburne, April 1, 1940.
Martin J. Drury, April 1, 1940.
Gelzer L. Sims, April 13, 1940.
Norman W. Sears, June 1, 1940.
James V. Query, Jr., June 1, 1940.
Albert G. Mumma, June 26, 1940.
James M. Lane, June 26, 1940.
Francis D. McCorkle, July 1, 1940.
John J. Crane, July 1, 1940.
William G. Cooper, July 1, 1940.

The following-named lieutenants (junior grade) to be lieutenants in the Navy, to rank from the date stated opposite their names:

Charles J. Odend'hal, Jr., September 23, 1939.
Jacob C. Myers, November 1, 1939.
William L. Tagg, December 8, 1939.
Robert J. C. Maulsby, December 8, 1939.
Charles S. Hutchings, April 1, 1940.
Ed B. Billingsley, May 1, 1940.
Francis E. Nuessle, June 26, 1940.
George M. Ottinger, June 26, 1940.
Robert E. Coombs, Jr., June 26, 1940.

The following-named lieutenants (junior grade) to be lieutenants in the Navy, to rank from the 1st day of July, 1940:

Allan A. Ovrom	George E. Porter, Jr.
William C. F. Robards	Harold G. Bowen, Jr.
James M. Clement	Francis E. Brown
Richard O. Greene	Baxter L. Russell

The following-named ensigns to be lieutenants (junior grade) in the Navy, to rank from the 3d day of June 1940:

William D. Brinckloe, Jr.	Edward W. Hessel
Green C. Goodloe	Henry F. Burfeind
Harry B. Hahn	Edward H. O'Hare
Albert S. Freedman, Jr.	Jack E. Gibson
Mac D. Thompson	Franklin D. Buckley
Guy J. Anderson	Frank H. Henderson, Jr.
Ralph H. Benson, Jr.	Richard S. Rogers
Roy H. Burgess, Jr.	

The following-named passed assistant dental surgeons to be dental surgeons in the Navy with the rank of lieutenant commander from the 26th day of June 1940:

James A. Connell	Macy G. Martin
Ralph W. Taylor	Maurice A. Bliss
Glenn W. Berry	Merrette M. Maxwell
Arthur R. Logan	

Paymaster John Enos Wood to be a pay inspector in the Navy with the rank of commander from the 1st day of July 1940.

The following to be assistant paymasters in the Navy with the rank of ensign from the 5th day of August 1940:

John K. Aldrich	Grover C. Heffner
Thomas L. Britton	Floyd Loomis, Jr.
Gordon M. Callison	Robert C. McNab
Arthur E. Desrosier	Howard J. Nickel
Robert C. Disher	John L. O'Brien 3d
William N. Dunstan	Ross A. Porter
Bruce F. Evans	Earl G. Rice, Jr.
Robert W. Granston	Ralph W. Sauer
Ivan C. Hartzell	Ollo V. Wallgren, Jr.
William F. Harvey, Jr.	Charles M. Wilkins

Radio Electrician Kenneth Anthony to be a chief radio electrician in the Navy, to rank with but after ensign, from 1st day of March, 1940.

The following-named lieutenant commanders to be lieutenant commanders in the Navy from the date stated opposite their names, to correct the date of rank as previously nominated and confirmed:

Arthur H. Graubart; August 1, 1939.
Charles E. Tolman; August 1, 1939.
Howard T. Orville; September 1, 1939.
Carter A. Printup; September 23, 1939.
Hamilton L. Stone; December 29, 1939.
John G. Johns; April 1, 1940.
Thomas J. Hickey; May 1, 1940.

The following-named lieutenants to be lieutenants in the Navy from the date stated opposite their names to correct the date of rank as previously nominated and confirmed:

Harry Hull, July 1, 1939.
Jacob A. Lark, August 1, 1939.
Richard H. Best, August 1, 1939.
John Munholland, September 1, 1939.
Louis J. Kirn, September 1, 1939.
William B. Short, Jr., September 1, 1939.
Norman E. Blaisdell, September 23, 1939.
William T. Zink, Jr., September 23, 1939.
William P. Schroeder, September 23, 1939.
George E. Hughes, October 1, 1939.
Ernest M. Snowden, October 1, 1939.
Barry K. Atkins, November 1, 1939.
John R. Spiers, November 1, 1939.
Ralph M. Wilson, November 1, 1939.
Wallace H. Weston, November 1, 1939.
Paul E. Emrick, November 1, 1939.
Robert O. Beer, November 1, 1939.
Daniel L. Carroll, Jr., November 1, 1939.
Earl R. Eastwold, November 1, 1939.
Frank M. Parker, November 1, 1939.
William Outerson, December 8, 1939.
Burdette E. Close, December 8, 1939.

Passed Assistant Paymaster Sidney A. Ernst to be a passed assistant paymaster in the Navy, with the rank of lieutenant, from the 1st day of July 1939, to correct the date of rank as previously nominated and confirmed.

Assistant Paymaster William N. McGibony to be an assistant paymaster in the Navy, with the rank of ensign, from the 29th day of May 1940, to correct the date of rank as previously nominated and confirmed.

Lieutenant Commander Allan D. Blackledge to be a commander in the Navy to rank from the 1st day of July, 1940.

The following-named lieutenants to be lieutenant commanders in the Navy to rank from the date stated opposite their names:

William E. Verge, November 1, 1939.
Robert N. McFarlane, February 1, 1940.

Henry C. Bruton, July 1, 1940.
John L. Burnside, Jr., July 1, 1940.

The following-named assistant paymasters to be passed assistant paymasters in the Navy with the rank of lieutenant, to rank from the date stated opposite their names:

Thomas J. Montgomery, June 26, 1940.
John C. DeWitt, Jr., July 1, 1940.

POSTMASTERS

ALABAMA

Lela Tate to be postmaster at Adamsville, Ala., in place of Agnes Bonds. Incumbent's commission expired March 13, 1940.

Henry N. Jordan to be postmaster at Chatom, Ala., in place of R. L. Gordy. Incumbent's commission expired August 15, 1939.

Sister Mary Teresa to be postmaster at Holy Trinity, Ala., in place of Sister Mary Teresa. Incumbent's commission expired May 19, 1940.

ARIZONA

Charles L. Kinsey to be postmaster at Chloride, Ariz., in place of J. R. Livingston, retired.

ARKANSAS

John L. Conley to be postmaster at Green Forest, Ark., in place of Logan Stafford. Incumbent's commission expired June 8, 1940.

CALIFORNIA

William R. Stewart to be postmaster at Arcadia, Calif., in place of T. A. Grant. Incumbent's commission expired June 18, 1940.

Cliff D. Myers to be postmaster at McKittrick, Calif., in place of V. B. Douglas. Incumbent's commission expired July 1, 1940.

Sydney W. Balding to be postmaster at Willowbrook, Calif., in place of S. W. Balding. Incumbent's commission expired June 2, 1940.

COLORADO

Lester William Dillow to be postmaster at Hugo, Colo., in place of W. M. Jones. Incumbent's commission expired April 25, 1940.

Ira O. Martin to be postmaster at Keenesburg, Colo., in place of I. O. Martin. Incumbent's commission expired February 7, 1940.

Anna C. Hanson to be postmaster at Strasburg, Colo., in place of M. E. Dermody, removed.

CONNECTICUT

Daniel J. McCarthy to be postmaster at Ansonia, Conn., in place of M. J. Cock, deceased.

Daniel P. Hurley to be postmaster at Terryville, Conn., in place of D. P. Hurley. Incumbent's commission expired April 28, 1940.

FLORIDA

Edward N. Mitchell to be postmaster at Altamonte Springs, Fla. Office became Presidential July 1, 1939.

Broder Alfred Millergren to be postmaster at Wewahitchka, Fla., in place of A. H. Richards, retired.

GEORGIA

Mattie Lee Deck to be postmaster at Chickamauga, Ga., in place of J. O. Goodson, removed.

Miriam H. Mallory to be postmaster at Concord, Ga., in place of I. B. Owen. Incumbent's commission expired January 20, 1940.

Herbert J. W. Kizer to be postmaster at Jefferson, Ga., in place of V. E. Holder. Incumbent's commission expired April 25, 1940.

Henry H. Jones to be postmaster at Lakeland, Ga., in place of K. E. Stapleton. Incumbent's commission expired March 18, 1940.

Clayton J. Tanner to be postmaster at Nicholls, Ga., in place of T. A. Pearson, resigned.

Harley Davis to be postmaster at Pearson, Ga., in place of M. E. Harrell. Incumbent's commission expired March 13, 1940.

TERRITORY OF HAWAII

John I. Silva to be postmaster at Eleele, T. H., in place of J. I. Silva. Incumbent's commission expired March 4, 1940.

ILLINOIS

Walter C. Vail to be postmaster at Bushnell, Ill., in place of J. R. Markley. Incumbent's commission expired January 16, 1939.

Montelle M. Boyd to be postmaster at Capron, Ill., in place of E. C. Knight. Incumbent's commission expired August 22, 1939.

Raymond Alan Wescott to be postmaster at Hamilton, Ill., in place of G. E. Ferree, Sr. Incumbent's commission expired June 1, 1940.

Levi Mosiman to be postmaster at Morton, Ill., in place of J. C. Moore, deceased.

Oscar L. Spangler to be postmaster at Ridge Farm, Ill., in place of L. H. Newby, deceased.

Elsie M. Snow to be postmaster at Sheldon, Ill., in place of E. M. Snow. Incumbent's commission expired January 23, 1940.

INDIANA

Paul G. Weber to be postmaster at Huntington, Ind., in place of J. C. Crosby. Incumbent's commission expired April 27, 1938.

Denzil B. Mann to be postmaster at Lynn, Ind., in place of C. A. Washler. Incumbent's commission expired June 8, 1940.

Wrighta S. Williams to be postmaster at Monon, Ind., in place of J. H. Smith, deceased.

Russell W. Rosenbush to be postmaster at Union City, Ind., in place of O. L. Hindsley. Incumbent's commission expired June 8, 1940.

KANSAS

Francis J. McAuliffe to be postmaster at Leavenworth, Kans., in place of J. E. Gardiner. Incumbent's commission expired June 18, 1938.

KENTUCKY

Mayme D. Cogar to be postmaster at Midway, Ky., in place of M. D. Cogar. Incumbent's commission expired March 21, 1940.

MAINE

Lula E. Crockett to be postmaster at North Haven, Maine, in place of L. E. Crockett. Incumbent's commission expired April 1, 1940.

MARYLAND

George A. Hohn to be postmaster at Port Deposit, Md., in place of R. L. Westerfield, deceased.

Alice M. Davis to be postmaster at Whiteford, Md., in place of H. J. Norris, retired.

MASSACHUSETTS

Dorothy Durant to be postmaster at Becket, Mass., in place of M. D. E. Tower, retired.

Thomas J. Brown to be postmaster at Hopkinton, Mass., in place of J. J. Murtaugh, deceased.

Maurice P. Murphy to be postmaster at Hull, Mass., in place of J. E. Worster, retired.

John D. Anthony to be postmaster at Orleans, Mass., in place of W. M. Higgins, Jr., removed.

Edward C. Moroney to be postmaster at Shrewsbury, Mass., in place of R. T. Mulvaney. Incumbent's commission expired June 19, 1940.

MICHIGAN

Evert Van Den Berg to be postmaster at Central Lake, Mich., in place of A. C. James. Incumbent's commission expired May 18, 1940.

Olaf Christensen to be postmaster at Grass Lake, Mich., in place of G. W. Allen. Incumbent's commission expired January 20, 1940.

Arvid J. Johnson to be postmaster at Mancelona, Mich., in place of E. S. Allen, deceased.

William F. Murphy to be postmaster at St. Joseph, Mich., in place of W. F. Murphy. Incumbent's commission expired March 10, 1940.

Walter F. Kelly to be postmaster at Turner, Mich., in place of J. D. Norris, removed.

MINNESOTA

Anna M. Manahan to be postmaster at Chatfield, Minn., in place of E. J. Sutherland, retired.

Robert B. Forrest to be postmaster at Lake Wilson, Minn., in place of R. B. Forrest. Incumbent's commission expired March 27, 1939.

MISSISSIPPI

Robert E. Rushing to be postmaster at Crosby, Miss., in place of G. H. Jones, resigned.

Robert Donald Sharp to be postmaster at Grenada, Miss., in place of J. B. Keeton, resigned.

Robert M. Yarbrough to be postmaster at Indianola, Miss., in place of D. E. Nabors, removed.

Florence W. Blaine to be postmaster at Vance, Miss. Office became Presidential July 1, 1938.

Leo A. White to be postmaster at Webb, Miss., in place of W. J. Stephens, retired.

MISSOURI

Cleo O. Smith to be postmaster at Carthage, Mo., in place of F. F. Ross, removed.

MONTANA

Frances B. Burchard to be postmaster at Bigfork, Mont., in place of N. K. Peterson. Incumbent's commission expired July 1, 1940.

NEBRASKA

Ralph P. Kilzer to be postmaster at South Sioux City, Nebr., in place of R. M. Hefner. Incumbent's commission expired August 27, 1939.

NEVADA

Edwin M. Byrne to be postmaster at Winnemucca, Nev., in place of D. F. Defenbaugh, removed.

NEW JERSEY

Lemuel E. Miller, Jr., to be postmaster at Cape May, N. J., in place of L. E. Miller, Jr. Incumbent's commission expired June 20, 1940.

NEW YORK

Andrew W. Keller to be postmaster at Bergen, N. Y., in place of W. J. Davy, retired.

Cora G. Dwyer to be postmaster at Geneseo, N. Y., in place of J. M. Dwyer, resigned.

William T. Conley to be postmaster at Marcellus, N. Y., in place of Robert McHale. Incumbent's commission expired June 25, 1940.

NORTH DAKOTA

Pauline Dougherty to be postmaster at Fordville, N. Dak., in place of F. L. Swehla. Incumbent's commission expired June 25, 1940.

James F. Ford to be postmaster at Reeder, N. Dak., in place of J. F. Ford. Incumbent's commission expired June 25, 1940.

OHIO

James B. Preston to be postmaster at Nelsonville, Ohio, in place of L. J. Eberle, deceased.

OKLAHOMA

Mary H. West to be postmaster at Ada, Okla., in place of M. H. West. Incumbent's commission expired June 13, 1940.

Faye L. Rigney to be postmaster at Depew, Okla., in place of J. R. Homsey. Incumbent's commission expired June 2, 1940.

Grace A. Phillips to be postmaster at Maud, Okla., in place of G. A. Phillips. Incumbent's commission expired June 2, 1940.

Harold Cartwright to be postmaster at Muskogee, Okla., in place of D. M. Wiley, resigned.

PENNSYLVANIA

William A. Euston to be postmaster at Annville, Pa., in place of W. M. Grumbine, removed.

Charles D. Hoffman to be postmaster at Fairoaks, Pa. Office became Presidential July 1, 1938.

Viola B. Nellings to be postmaster at Gladwyne, Pa. Office became Presidential July 1, 1939.

Eugene M. Burke to be postmaster at Karns City, Pa., in place of E. M. Burke. Incumbent's commission expired June 3, 1940.

John E. Bednar to be postmaster at Nanticoke, Pa., in place of S. B. Janowski, resigned.

Goldie M. Bower to be postmaster at New Oxford, Pa., in place of C. A. Bower, deceased.

Philip C. Fermier to be postmaster at Trumbauersville, Pa., in place of C. H. Gretzinger. Incumbent's commission expired June 18, 1938.

Charles R. Aiken to be postmaster at Wampum, Pa., in place of M. G. Minner, deceased.

SOUTH DAKOTA

Doris L. Stewart to be postmaster at Cresbard, S. Dak., in place of D. L. Stewart. Incumbent's commission expired June 16, 1940.

Fred Shroyer to be postmaster at Gettysburg, S. Dak., in place of Fred Shroyer. Incumbent's commission expired May 1, 1940.

Orval Ogle to be postmaster at Pine Ridge, S. Dak., in place of Orval Ogle. Incumbent's commission expired June 16, 1940.

Victor M. Dalthorp to be postmaster at Volga, S. Dak., in place of V. M. Dalthorp. Incumbent's commission expired May 1, 1940.

TENNESSEE

Douglas B. Hill to be postmaster at Collierville, Tenn., in place of D. B. Hill. Incumbent's commission expired March 28, 1940.

Addison Barry to be postmaster at Lebanon, Tenn., in place of J. R. Hobbs. Incumbent's commission expired August 12, 1939.

Hazel A. Seay to be postmaster at Whitwell, Tenn., in place of H. E. Hudson. Incumbent's commission expired January 20, 1940.

TEXAS

Mary E. Horn to be postmaster at Streetman, Tex., in place of H. D. Burleson, resigned.

Simon J. Burttschell to be postmaster at Weimar, Tex., in place of B. B. Hefner, deceased.

UTAH

Gerald W. French to be postmaster at Greenriver, Utah, in place of J. M. French, retired.

VERMONT

Catherine F. Richards to be postmaster at Randolph, Vt., in place of O. M. Mayo, removed.

Gustavus F. Rabaioli to be postmaster at South Ryegate, Vt., in place of C. M. Beaton, deceased.

WASHINGTON

Rafael Pumala to be postmaster at Kalama, Wash., in place of F. D. Tatman, resigned.

WEST VIRGINIA

Daisy L. Lester to be postmaster at Elbert, W. Va. Office became Presidential July 1, 1938.

Don R. Nickell to be postmaster at Lewisburg, W. Va., in place of J. B. Hern, resigned.

Walker A. Pollard to be postmaster at Red Jacket, W. Va., in place of Lance Hatfield, removed.

Harry Kelley to be postmaster at Rivesville, W. Va., in place of R. A. Hood. Incumbent's commission expired June 2, 1940.

WISCONSIN

William E. Drossart to be postmaster at Casco, Wis., in place of W. E. Drossart. Incumbent's commission expired January 20, 1940.

Leslie E. Sawyer to be postmaster at College Camp, Wis., in place of L. E. Sawyer. Incumbent's commission expired June 1, 1940.

Hollis A. Parkin to be postmaster at Coloma, Wis., in place of W. A. Roblier, retired.

Leora M. Ginsbach to be postmaster at Elmwood, Wis., in place of J. A. Ginsbach, resigned.

John J. Brogan, Jr., to be postmaster at Green Bay, Wis., in place of J. J. Brogan, Jr. Incumbent's commission expired June 19, 1940.

Andrew J. Clark to be postmaster at Milltown, Wis., in place of A. J. Clark. Incumbent's commission expired August 14, 1939.

Arthur F. Boles to be postmaster at Nekoosa, Wis., in place of A. F. Boles. Incumbent's commission expired July 30, 1939.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 1, 1940

COMPTROLLER GENERAL OF THE UNITED STATES

LINDSAY C. WARREN to be Comptroller General of the United States.

UNITED STATES TARIFF COMMISSION

Fred H. Brown to be a member of the United States Tariff Commission.

WITHDRAWAL

Executive nomination withdrawn from the Senate August 1, 1940

POSTMASTER

MARYLAND

Claude B. Doing to be postmaster at Lansdowne, in the State of Maryland.

HOUSE OF REPRESENTATIVES

THURSDAY, AUGUST 1, 1940

The House met at 12 o'clock noon and was called to order by the Speaker.

The Reverend Bernard Braskamp, D. D., pastor of Gunton-Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

O Thou God of all goodness we thank Thee for the blessings with which Thou dost crown our lives.

We pray that in the thought and work of this day we may have an eye single to Thy glory. May we have a larger share in ministering to the welfare and happiness of mankind. Fill us with a sincere desire to bring about a more ethical and equitable distribution of the necessities of life.

Wilt Thou bless Thy servants in their endeavors to find a way out of the dark valley of tribulation and depression in which our world is groping? May all the nations of the earth be brought back to the spiritual moorings from which they have drifted. We know that Thou art standing with outstretched arms waiting to welcome their return.

God grant that the heart of humanity may be attuned to a willing obedience to the spirit of the Christ, in Whose name we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on three subjects.

The SPEAKER. Is there objection to the request of the gentleman from Washington [Mr. SMITH]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. KELLER. Mr. Speaker, I have been granted permission to speak to this body this afternoon. Unfortunately I have not been able to gather all the information I need for an address of that kind and I therefore ask unanimous consent that I may be given the same time next Monday instead of this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. KELLER]?

There was no objection.

Mr. BURDICK. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes on next Monday after disposition of matters on the Speaker's desk and at the conclusion of any special orders heretofore made.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota [Mr. BURDICK]?

There was no objection.

EXTENSION OF REMARKS

Mr. HARE asked and was given permission to extend his own remarks in the RECORD.

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a statement from the Commissioner of Education and the Administrator of N. Y. A.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. SNYDER]?

There was no objection.

Mr. THOMASON. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include a statement that Secretary Stimson made yesterday before the Committee on Military Affairs of the House.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. THOMASON]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to address the House for 20 minutes on Tuesday next after disposition of any business on the Speaker's desk and at the conclusion of any special orders heretofore entered.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. DICKSTEIN]?

There was no objection.

EXTENSION OF REMARKS

Mr. RICH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial written by Sedgwick Kistler, for the Lock Haven Express of July 30, 1940. I may say that Mr. Kistler is former Democratic chairman of the State of Pennsylvania, and this editorial is in reference to the third term.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. RICH]?

There was no objection.

Mr. KUNKEL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial from the Harrisburg Patriot.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. KUNKEL]?

There was no objection.

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a brief editorial.

The SPEAKER. Is there objection to the request of the gentleman from Indiana [Mr. SPRINGER]?

There was no objection.

Mr. BURDICK asked and was given permission to extend his own remarks in the RECORD.

Mr. SHAFER of Michigan. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD in opposition to Resolution 576 that has been introduced in the House and to include therein a letter from a constituent.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. SHAFER]?

There was no objection.

Mr. JONES of Ohio. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and to include therein an editorial from one of the local papers.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. JONES]?

There was no objection.

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial from the Boston Herald.

The SPEAKER. Is there objection to the request of the gentleman from Vermont [Mr. PLUMLEY]?

There was no objection.

LEAVE OF ABSENCE

Mr. VREELAND. Mr. Speaker, I ask unanimous consent that I may have leave of absence from August 5 to August 26, inclusive, to serve in the United States Army at the Army maneuvers to be held at Plattsburg, N. Y.

The SPEAKER. Is there objection to the request of the genteman from New Jersey [Mr. VREELAND]?

There was no objection.

EXTENSION OF REMARKS

Mr. WADSWORTH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a brief but very interesting letter from Major General Rivers, retired.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. WADSWORTH]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. EATON. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey [Mr. EATON]?

There was no objection.

Mr. EATON. Mr. Speaker, recently two patriotic citizens, constituents of mine, tried to volunteer as soldiers in the United States Army. One was rejected because a portion of one of his toes was missing. The other was rejected because he was half an inch too short. If these rigid requirements are to continue when and if the proposed draft legislation is enacted into law, there will certainly be a notable increase of caudal malformations, both artificial and congenital. I hope the good news that a deformed toe is complete insurance against military service will not get out until something is done to meet the situation. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent to include in the remarks I hope to make on the bill under consideration today a copy of the text of the Habana declaration on inter-American economics.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. ROMJUE asked and was given permission to extend his own remarks in the RECORD.

Mr. KEFAUVER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a short article by Mr. Jesse S. Cottrell.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

AFTER MOBILIZATION—WHAT?

Mr. KUNKEL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KUNKEL. Mr. Speaker, in the Appendix of the RECORD, on page 14818 I have an extension of remarks entitled "After Mobilization—What?" This outlines a plan which has been worked out by Col. Albert H. Stackpole, of the Pennsylvania National Guard, in conjunction with some other members of the guard. I believe this plan should receive the careful study of all the Members of the House while we are about to consider the military conscription bill. I merely wish to call it to your attention and urge you to read it carefully.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a short newspaper article, and also a letter from a resident of my district.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. VAN ZANDT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter from Colonel Rutherford of the Planning Branch of the United States Army.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. McDOWELL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. McDOWELL. Mr. Speaker, supplementing the remarks of the distinguished gentleman from New Jersey [Mr. EATON], I may say that the Army refused me because I am too old. I am 37.

EXTENSION OF REMARKS

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and include therein two articles, one on national defense and the Republican Members of the House of the Seventy-sixth Congress, and the other, an article from the Inglewood Daily News by Assemblyman Jack B. Tenney, of California.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BOLLES. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SHANLEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the reception to Secretary Hull this morning, and also to include an article by Monsignor Ready.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. ELLIS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter from the President of our State University.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by having printed the proceedings of the American Forum of the Air participated in by the gentlemen from Illinois, Mr. EVERETT M. DIRKSEN and Mr. T. V. SMITH, the gentleman from Michigan, Mr. FRED L. CRAWFORD, and the gentleman from Alabama, Mr. SAM HOBBS.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMODITY CREDIT CORPORATION

Mr. STEAGALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 3998) to increase the credit resources of the Commodity Credit Corporation.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 3998, with Mr. BARDEN of North Carolina in the chair.

The Clerk read the title of the bill.

The first reading of the bill was dispensed with

The CHAIRMAN. Under the unanimous-consent agreement entered into yesterday, the gentleman from Alabama [Mr. STEAGALL] is entitled to recognition for 1 hour and the gentleman from Michigan [Mr. WOLCOTT] is entitled to recognition for 1 hour.

The Chair now recognizes the gentleman from Alabama [Mr. STEAGALL].

Mr. STEAGALL. Mr. Chairman, this bill provides additional lending power in the amount of $500,000,000 for the Commodity Credit Corporation. The Commodity Credit Corporation was established as an independent branch of the Government for the purpose of protecting the farmers of the Nation in the marketing of their crops. Later, the Corporation became a part of the Department of Agriculture of the United States.

Under an act passed in 1938, the capital of the Corporation was fixed at $100,000,000, and under the provisions of that act the Treasury of the United States is required to have an audit and appraisal annually to ascertain the status of the capital structure of the Corporation. In the event the capital structure of the Corporation should become impaired, the Treasury is required to restore the capital to $100,000,000. In case the assets of the Corporation disclose a surplus above the capital structure of $100,000,000, the excess is to be paid into the Treasury of the United States by the Commodity Credit Corporation. An accounting was had under the provisions of the act of 1938, on March 31 of this year, and it was ascertained that the Corporation was due the Treasury an amount of $43,756,731.01. It is estimated that there will be needed for the operations of the Corporation in connection with the 1940 crop, an additional amount of $500,000,000.

Of course, there is no way to ascertain in exact dollars and cents what these requirements will be, but it is certain that with the crop prospects now indicated and world conditions and world markets upset and disturbed as they are, and which will necessarily continue to be during the coming months, there will be an unusual and urgent need for loans by the Corporation if we are to protect the farmers of the Nation against the sacrifice of their crops and the destruction of their purchasing power.

The estimate of requirements for loans during 1940 are as follows: On cotton, 3,300,000 bales, $150,000,000; corn, 260,000,000 bushels, $150,000,000; wheat, 140,000,000 bushels, $90,000,000; tobacco, $40,000,000; and other crops, $60,000,000, making a total of $490,000,000.

I have a letter from the President addressed to the Speaker. The letter is as follows:

THE WHITE HOUSE,
Washington, July 1, 1940.

The SPEAKER, THE HOUSE OF REPRESENTATIVES,
Washington, D. C.

MY DEAR MR. SPEAKER: I have the honor to transmit herewith for the information of the Congress a letter dated June 27, 1940, from the Secretary of the Treasury, transmitting, pursuant to the provisions of the act approved March 8, 1938 (52 Stat. 107), an act to maintain unimpaired the capital of the Commodity Credit Corporation at $100,000,000, and for other purposes, an appraisal of all the assets and liabilities of the said Corporation as of March 31, 1940.

On the basis of such appraisal the Commodity Credit Corporation has been directed to deposit in the Treasury the sum of $43,756,731.01. During the fiscal year 1938 it was necessary for the Congress to appropriate $94,285,404.73 to maintain unimpaired the capital of the Commodity Credit Corporation, and it was necessary for the Congress to appropriate for the fiscal year 1939 a further amount of $119,599,918.05 to maintain unimpaired the capital of the Corporation. There has been appropriated $213,885,322.78 for this purpose, and after giving effect to the recovery of $43,756,731.01 during the current fiscal year, the net expenditures for the last 3 years amount to $170,128,591.77.

The policy adopted by the Congress and incorporated in the act approved March 8, 1938, providing for an annual appraisal of the assets of the Commodity Credit Corporation, makes it possible to include currently in each annual Budget the expenditures necessary to support the program which that Corporation is engaged upon or the receipts which the Government receives from that activity.

Respectfully,

FRANKLIN D. ROOSEVELT.

I have a letter from the president of the American Farm Bureau Federation that I should like also to include in my remarks. The letter is as follows:

AMERICAN FARM BUREAU FEDERATION,
Washington, D. C., June 6, 1940.

Hon. HENRY B. STEAGALL,
Chairman, House Committee on Banking and Currency,
House Office Building, Washington, D. C.

MY DEAR CHAIRMAN STEAGALL: I want to endorse and urge the passage of H. R. 9931, a bill to increase the credit resources of the Commodity Credit Corporation, by increasing the borrowing power of that Corporation from $900,000,000 to $1,400,000,000.

Since the Commodity Credit Corporation was established in 1933, it has been a major factor in protecting and aiding virtually all branches of American agriculture. Its loans on cotton, corn, wheat, rye, tobacco, peanuts, prunes, raisins, hops, pecans, figs, dates, butter, naval stores, wool, and mohair have prevented chaotic market conditions for these commodities and have been of untold benefit to farmers throughout the United States. These loans are fundamental to the agricultural production, marketing, and ever-normal granary programs.

I know that you have observed the drastic price declines that have resulted from the recent war developments. No one can foresee what further changes may occur between now and harvesttime. From present indications, however, it appears that agriculture needs the services of the Commodity Credit Corporation more than ever in the past. Changes in the war situation now occur with much greater speed than they did in 1914, and certainly American agriculture should not be abandoned to such ineffective efforts as the "buy a bale" movement which had to be adopted for cotton when the war broke out in the fall of 1914. It would be a historic injustice if agriculture were left without effective protection during the marketing period this fall and prices should subsequently rise as they did during the first World War.

The American Farm Bureau Federation therefore urges the immediate passage of H. R. 9931 to enable the Commodity Credit Corporation to function effectively during this emergency.

At the meeting of the board of directors of the federation held in Chicago on June 3 and 4 the effect of the war upon American agriculture was given very thorough consideration and a number of recommendations to meet this situation were adopted. I enclose a copy of the recommendations of our board with respect to the surplus problems growing out of the present emergency.

Sincerely yours,

EDW. A. O'NEAL, *President.*

EMERGENCY RESERVES

Hundreds of thousands of homeless and starving people are now cut off from their normal supplies of food and clothing; American farmers, who have hitherto supplied these people are now faced with disastrously low prices for the farm commodities that are dependent upon these markets; they are also faced, if the experience of the past is repeated, with enlarged demands in the post-war period and the prospect of inflated prices leading to disruptive expansion of farm plant; and as a nation we should now avoid wastage or loss in all essential food supplies and positive steps should be taken to store our surpluses against the time when they may be urgently needed either for our own use or for a hungry world.

Immediate steps should therefore be taken by the Federal Government to (1) make available to the Red Cross or other agencies funds for the purchase of such food and fiber supplies as can now be used to relieve distress in war areas; and (2) within the framework of the present agricultural program to take steps to acquire in volume such stocks of meat and dairy products and tree and field crops both in raw and processed form as will prevent demoralization of domestic markets and constitute a full reserve against any world need which we may be called upon to meet.

For the carrying out of the above policy, we now urge appropriation of $100,000,000 to be used by the American Red Cross for present distribution of food and fiber to victims of war and that complete provision be made as necessary for acquisition of raw or processed farm crops for storage against future needs.

EFFECT OF THE WAR ON AGRICULTURE

The present war, and also large expenditures on our own defenses, and peace settlements the nature of which cannot be foreseen, will all have a profound effect on our agriculture. It may be that some domestic outlets will improve temporarily, but we must expect that both our domestic and foreign markets will suffer violent disturbance. Perhaps some of our present foreign markets will be lost forever. We insist upon the following measures to meet this situation:

1. The use of loan and storage operations and marketing agreements to cushion the shock of these disturbances as they affect producers of distressed commodities.

2. The continuation, perfecting, and as may be necessary, the great expansion of present machinery for moving surpluses into domestic and foreign consumption.

3. Use of all reasonable safeguards against speculation in agricultural land with its attendant, disastrous effects on farm debt and family ownership and tenure.

4. Discourage bringing of new lands into production or breaking up of range lands where nothing can result save the eventual

distress of the individuals concerned and the wastage of the lands involved.

5. Preparation for the sudden withdrawal of war demand or armament expenditures with measures which will cushion the shock of depression and restore the flow of peacetime purchasing power of all kinds.

I wish also to incorporate a letter from the Secretary of Agriculture, which is as follows:

DEPARTMENT OF AGRICULTURE,
Washington, May 18, 1940.

Hon. WILLIAM B. BANKHEAD,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: This is a recommendation that consideration be given to an urgent need for legislation to increase the credit resources of the Commodity Credit Corporation of the Department of Agriculture.

It is necessary that the borrowing power of the Commodity Credit Corporation—under the provisions of section 4 of the act approved March 8, 1938 (52 Stat. 107), as amended by the act of March 4, 1939 (53 Stat. 510)—be increased somewhat in order to make it possible for the Corporation to perform the various essential functions authorized and directed by the Congress: To carry out the mandatory loan provisions of the Agricultural Adjustment Act of 1938 with respect to corn, cotton, and wheat; to continue to provide reasonably adequate and commensurate services with respect to other crops; to meet emergencies arising as a consequence of abnormally large crops, such as occurred in cotton in 1937, or as a consequence of war, such as occurred in the case of tobacco during the past season; to make, whenever authorized and directed by the Congress, such temporary advances to other agencies of the Department of Agriculture as may be required for short-time seasonal needs; and to make payments into the Treasury of the United States (a payment of $75,000,000 is now estimated for this spring), representing any surplus of the Corporation's net worth over its stated capital, as directed by the Congress in section 2 of the act.

In order that the Corporation will have the minimum credit resources to perform these essential and desirable requirements, it is recommended that the aggregate amount of obligations which the Corporation may issue and have outstanding at any one time, under the provisions of section 4 of the act, be increased to not less than $1,400,000,000.

As required by Budget Circular 344, this matter was referred to the Bureau of the Budget, and under date of May 13 the Director thereof advised this Department that there would be no objection to the submission of this proposed legislation to the Congress.

Sincerely,

H. A. WALLACE, *Secretary.*

In addition, I have a letter from the Secretary of the Treasury to which is attached a statement of the figures and all desirable information in connection with the audit and appraisal of the accounts of the Corporation had on the 31st of March 1940. I am sure this information will be valuable to Members of the House and I ask that it be incorporated in the Appendix to the RECORD.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. STEAGALL. Mr. Chairman, the Commodity Credit Corporation must have an increase in its credit resources if it is to be enabled to serve American agriculture this fall. I want to call attention to a few pertinent facts which show the value of loan programs and the efficiency with which they are handled for the benefit of American agriculture. The Commodity Credit Corporation makes loans to farmers and farm organizations for the purpose of protecting farm incomes and avoiding the disastrous effects of undue and unnecessary declines in market prices. By reason of these loans it is no longer necessary for farmers to sacrifice their crops on temporarily depressed markets. In place of dumping their products into the hands of unwilling buyers and bringing about chaotic conditions which have characterized our markets for agricultural products in the past, producers are now able to secure adequate loans on their products and sell them in an orderly manner. These loans are made without recourse upon the producer-borrower except in case of fraud, and therefore effectively serve their purpose as a major form of price protection to American farmers. Naturally such loans could not be made by private banking institutions. Private institutions have been enabled to participate in the larger loan programs of the Commodity Credit Corporation, however, by means of offers made by the Corporation to buy paper obtained by private agencies in connection with these loan programs. As a result, the services of the commercial banking institutions in the country have been utilized and the purely administrative expenses of the Commodity Credit Corporation have been very small.

During the 7 years that it has been in operation, the Commodity Credit Corporation has made over 10,000,000 separate loans to farmers, totaling in excess of $1,500,000,000. These loans have been made on 17 different commodities, namely, cotton, corn, wheat, rye, barley, tobacco, peanuts, prunes, raisins, hops, pecans, figs, dates, butter, naval stores, wool, and mohair. These loans are made available only when market conditions are unsatisfactory.

In the past 2 years the appraisals made by the Treasury have shown a paper loss totaling $213,000,000. This year it is expected that the audit now being made will show a paper profit of between thirty-five and one hundred million dollars. On the liquidations of approximately $650,000,000 worth of loans to date, actual losses have amounted to less than $25,000,000, or about 4 percent. Certainly this is a small cost for the protection these loan programs have given to American agriculture.

One of the most important aspects of any governmental program is the administrative costs. The administrative expenses of the Commodity Credit Corporation have amounted to only two-fifths of 1 percent of the loans handled.

We have all seen the development of unsatisfactory conditions in the markets for our various agricultural products from time to time over the past 7 years, and have seen those conditions met promptly and effectively by these loan programs. In the spring of 1938, wool fell to a level far below the world price plus tariff. No one knows how much lower it would have gone in the absence of a commodity-loan program. The loan program stopped the decline immediately and later on in the year growers redeemed their wool and sold it at a profit.

The withdrawal of British buyers on the outbreak of war last fall necessitated the closing of the flue-cured tobacco markets in mid-season. Prompt action by the Commodity Credit Corporation permitted these markets to reopen and farmers were able to market their crop.

In 1937 this country produced the largest cotton crop in its history, approximately 19,000,000 bales. If the Commodity Credit Corporation's loan program had not been available, cotton prices would probably have fallen to the levels of 1932 and several years' work in building up the purchasing power of the South would have been largely destroyed. Although the Commodity Credit Corporation still owns, or has loans on, approximately 9,000,000 bales of cotton, these stocks have been reduced by 2,000,000 bales in the current year.

No one can tell with certainty how large this year's production will be. We do know, however, that almost every year some crops are overproduced and others are underproduced. Weather hazards must always be reckoned with in agricultural production.

In recent weeks the "blitzkrieg" in Europe has eliminated a large part of the farmer's export market. No one can foretell how much of it will remain by the time the American farmer brings his crops to market this fall. The present export situation is far worse than it was in 1932. Unless the Commodity Credit Corporation is permitted to continue its loan programs, American farmers will face ruin during the coming year. Commodity-loan programs will be needed this fall as they have never been needed before. The only serious question in connection with this bill is whether an increase of $500,000,000 in the credit resources of the Commodity Credit Corporation will be sufficient.

Mr. WOLCOTT. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I know how difficult it is to present this bill in its true light so that there can be anything approaching an understanding of the issues involved, because unfortunately, we have a lion by the tail and think we cannot let go.

There is nothing of a defense nature in this bill. There is nothing in this bill which involves South American cartels or the export or import of crops, except as the domestic market

is further demoralized by the continuance of the practice which the Commodity Credit Corporation has engaged in since its inception.

This Corporation was set up by Executive order under authority contained in the National Industrial Relations Act. It first had a capital of $3,000,000, all paid in by the Treasury. Sometime later the amount of capital and the amount of loans became so grossly out of balance that we raised the capital $97,000,000 to make a total of $100,000,000. The Reconstruction Finance Corporation subscribed for this additional $97,000,000, and up until the reorganization bill was passed, by which this Corporation was transferred to the Department of Agriculture, the Commodity Credit Corporation has been administered by the Reconstruction Finance Corporation. When we had made approximately $284,000,000 of cotton loans against the original $3,000,000 of capitalization we increased the capital by $97,000,000 to make a total of $100,000,000. All we did was to effect a paper transaction whereby we transferred from loan to the purchase of capital the $97,000,000. At the present time therefore the Commodity Credit Corporation has a capital of $100,000,000.

We have authorized loans on agricultural commodities against that hundred million dollars, in the aggregate, to the amount of $900,000,000. This bill increases the amount the Commodity Credit Corporation may loan against that capital to $1,400,000,000, or an increase in the loan authorizations of $500,000,000.

We have heard a great deal of criticism on the Democratic side of the House of the manner in which the old Farm Board functioned. I have listened to speech after speech made on this floor and have read numerous articles condemning the Farm Board as impractical, because it cost the Government so much money. There was a limitation on the amount of money which the old Farm Board could lose of $500,000,000. They did not lose anywhere near that, but the manner in which the assistance was to be given by the Farm Board was a thing which was most roundly condemned. The Commodity Credit Corporation is doing exactly the same job in connection with the removal of surpluses from the market that the old Farm Board tried to do, and would have been successful in doing, if there had not been a change of administration, with this exception that, instead of losing a possible $500,000,000, we may lose much more than that through the operations of the Commodity Credit Corporation. In this bill we are asking for an authorization to loan another $500,000,000, which will result in an increase in their losses. It cannot be otherwise.

I shall confine most of my remarks to the question of cotton. We cannot attack the fundamental reason why we are not moving the cotton crop in this bill. You have already loaned hundreds of millions of dollars and already taken hundreds of millions of dollars of losses on cotton, and you are going to continue to do it until we find the fundamental reason for the failure of our Department of Agriculture to find ways and means of moving our cotton crop. At the present time the Commodity Credit Corporation owns—actually owns—6,500,000 bales of cotton. In addition to this, they have under loans another 2,500,000 bales of cotton, which in the course of time will become the property of the Government, because the farmer is given the loan above the market prices and loses all interest in the cotton when he gets his money. When the loan matures he must repay or it is liquidated by foreclosure and the Government takes title to the cotton.

So at the present time the Government has in warehouses 9,900,000 bales of cotton. The average yearly cotton production in this country is approximately 12,000,000 bales. This program as outlined for us authorizes the Commodity Credit Corporation to loan on another 3,300,000 bales of cotton. The 1940 program provides that they may loan on 3,300,000 bales of cotton because that is the estimated surplus, so at the end of the 1940 program, if this bill is passed, the Government will own 12,300,000 bales of cotton, or more than 1 year's production of cotton. Two years ago we exported only 3,000,000 bales of cotton. We usually exported 8,000,000 bales of cotton. We produce ordinarily about half the cotton which is consumed in the world. Roundly about 24,000,000 bales of cotton are consumed in the world. We produce half of that and we used to export more than half of the amount we produce. The same year that we exported these 3,000,000 bales of cotton, instead of our usual 8,000,000 bales, the world consumption of cotton increased 3,000,000 bales to approximately 27,000,000 bales of cotton. Because of the activity of the Triple A and the Commodity Credit Corporation, we have largely destroyed our export market for cotton. The only solution of that problem which is offered to us is another $500,000,000 to take the surplus cotton off the market and put it into warehouses.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. WOLCOTT. Mr. Chairman, I shall take an additional five minutes.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. In a moment. Because of this there has grown up in the South a new industry, that of warehousing Government-owned cotton. It was called to our attention when the so-called barter bill was presented, and the gentleman from Michigan [Mr. CRAWFORD] made a detailed study of that matter and opposed that bill on the floor; and I am given to understand from a reliable source that the gentleman from Michigan [Mr. CRAWFORD] is directly responsible for reducing the warehouse charges on this cotton from 25 cents a bale per month to 10 or 12 cents a bale per month, saving the Government of the United States and taxpayers literally millions of dollars. [Applause]

Mr. AUGUST H. ANDRESEN. Will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. AUGUST H. ANDRESEN. The gentleman referred to the activities of the A. A. A. in connection with the loss of our cotton market. I might say, in addition to that, the activities of the New Deal and the A. A. A. not only lost us our foreign market for cotton, but it also encouraged additional foreign production of cotton, so that our foreign cotton market is permanently lost.

In 1933 and prior to 1933 our average exports of cotton were 8,000,000 bales, but after the New Deal went into operation under the farm program of curtailed production, our exports dropped gradually until they amounted to three and one-half million bales last year. I want to ask the gentleman a question referring to this six and one-half million bales of cotton that the Government now holds. How much did the Government pay for that cotton?

Mr. WOLCOTT. Most of this cotton was pegged at 12 cents a pound. Interest charges and warehouse charges against this cotton which is now in the warehouses, in addition to the loan, presents a situation where the Government would have to sell this cotton at 16½ cents, or something like 7 cents above the market price to even get its money out of it.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. WOLCOTT. Mr. Chairman, I yield myself 1 additional minute.

Mr. COLE of New York. Will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. COLE of New York. Can the gentleman advise us what proportion of the $900,000,000 of the capital of the corporation has been used to buy cotton?

Mr. WOLCOTT. I can tell you the amount outstanding at the present time, I believe. The dollar value of this 6,650,000 bales of cotton is approximately $380,000,000. That is, it is carried on the books of the Commodity Credit Corporation at that figure.

Mr. COLE of New York. And the next largest crop is what?

Mr. WOLCOTT. We have 90,000,000 bushels of corn at a value of $55,000,000; 176,000,000 pounds of tobacco valued

at $36,500,000. The estimated loss on this cotton at the present time is $148,625,000.

Mr. COLE of New York. But the fact is that nearly half of the authorized capital of this Corporation has been used to buy up the surplus cotton crop?

Mr. WOLCOTT. That is right, and the authorization in this bill will be necessary in order to carry this cotton, because these interest and storage charges are pyramiding every year against it. As I say, we have a lion by the tail, and it seems we cannot let go at this particular time.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman.

Mr. RICH. The gentleman spoke a moment ago about curtailed production. Can the gentleman tell us how much we curtailed our production when we plowed under the cotton——

Mr. WOLCOTT. I think the gentleman must have misunderstood me. I did not say anything about curtailed production.

Mr. RICH. But the gentleman from Minnesota [Mr. AUGUST H. ANDRESEN] spoke about it. How much did we pay the farmers for not raising cotton?

Mr. WOLCOTT. I do not know. I know that we have paid the farmers already $380,000,000 on their cotton crops, and at present we have taken a paper loss of $148,625,000, and we stand to take a loss of almost half of the amount which has been loaned on cotton.

Mr. RICH. And, notwithstanding that loss, we have curtailed the production of cotton and the Department of Agriculture is now paying the farmers for not raising cotton?

Mr. WOLCOTT. The gentleman is correct.

Mr. RICH. So we are going to take a loss there?

Mr. WOLCOTT. The gentleman is correct.

[Here the gavel fell.]

Mr. STEAGALL. Mr. Chairman, I yield 17 minutes to the gentleman from Georgia [Mr. BROWN].

Mr. BROWN of Georgia. Mr. Chairman, this is a very simple bill. The Commodity Credit Corporation was organized in 1933 with a capital stock of $100,000,000. If there is less than $100,000,000 Congress must, under the law, appropriate enough to make it $100,000,000. If there is more than $100,000,000, then the surplus is carried to the Treasury Department. This year we will place into the Treasury a surplus of nearly $50,000,000. That is the testimony of witnesses. That is the testimony of the officials of the Commodity Credit Corporation. I do not understand where my good friend, Mr. WOLCOTT, got his figures. I think the figures that you can rely upon are the figures from the people who handle this department. I brought it out on examination myself. It is in the record. I asked them, "In your 7 years' operation how much money have you loaned?" The reply was "$1,500,000,000." "Give amount you have liquidated." The reply was, "We have liquidated $650,000,000." "What are your losses on all farm commodities?" The answer is in the record. "Less than $25,000,000."

I know of no agency of this Government that has helped the distressed farmers as much as this agency. The testimony shows this. It cannot be refuted. This is the testimony of the men who operate the Commodity Credit Corporation.

Mr. ZIMMERMAN. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Georgia. I yield.

Mr. ZIMMERMAN. I will ask the gentleman if the record shows any foundation for the statement of the gentleman from Michigan [Mr. WOLCOTT], who stated a moment ago that the losses were $500,000,000?

Mr. BROWN of Georgia. Absolutely none.

Mr. STEAGALL. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Georgia. I do.

Mr. STEAGALL. The testimony will be found on page 9 of the hearings, where it is specifically stated by Mr. Robbins that less than $25,000,000 covered the total losses on transactions that have been closed.

Mr. BROWN of Georgia. That is the answer to the question. The pending bill empowers this agency to borrow $500,000,000 additional. It cannot now borrow over $900,000,000. We all know it is important on account of our loss in export trade in cotton and other agricultural commodities that we make some preparation to offset this loss. Under present world conditions it seems that our exports will be further curtailed.

Some way must be provided to peg the prices of these commodities, and therefore it is very necessary to increase the borrowing power of the Commodity Credit Corporation from $900,000,000 to $1,400,000,000. If further loans are not made on our basic commodities, no harm will be done by passing this bill, and, in the words of Hon. Jesse Jones, we will be ready with a shotgun in the corner.

It may be soon, or when this war is over, we will have to depend on home markets and those to the north and south of us. Therefore I repeat it is imperative that we loan to producers enough money so they will be in position to hold their products if the prices are materially reduced.

In a discussion on the reciprocal trade agreements legislation I stated, and I am more convinced now than ever, that we must have an efficient tool for dealing scientifically and realistically with international commercial problems in a war-torn world and rebuilding when peace comes a world economy that will permit men and groups and nations to exchange their products to their mutual advantage.

Commodity Credit Corporation has an authorized and paid-in capital of $100,000,000. The Congress has also provided the Corporation with a borrowing power of $900,000,000 on the credit of the United States Government. This would be increased to $1,400,000,000 under the provisions of H. R. 9931.

The Congress has also provided for readjusting the net worth of Commodity Credit Corporation to the amount of its $100,000,000 capital once each year. This was done by requiring that the Corporation's assets and liabilities be appraised as of each March 31, on the basis of the market prices prevailing on that day, and providing (a) that any deficiency of its net worth under $100,000,000 be restored by congressional appropriation, and (b) that any excess in its net worth over $100,000,000 shall be paid into the general fund of the United States Treasury. The total amount appropriated heretofore for this purpose has been $213,000,000. The actual losses realized by the Corporation to date, however, are less than $25,000,000. This is a small loss in view of the number of distressed and helpless farmers the Corporation has undertaken to benefit and has benefited. It is estimated that the net worth of the Corporation as of March 31, 1940, which is now being determined by the Secretary of the Treasury, will exceed its $100,000,000 capital and require a payment of "surplus" into the United States Treasury this spring of something between $35,000,000 and $100,000,000.

Since the hearings I have been informed that this agency will pay at least $50,000,000 into the Treasury of the United States.

Mr. PACE. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Georgia. I yield.

Mr. PACE. The gentleman from Michigan, in his remarks a few minutes ago, stated that there never had been any cotton loans paid, that the farmers never paid them. On page 10 of the testimony, the statement of Mr. Robbins, the head of the Corporation, is that the cotton loans liquidated total $376,000,000. Does that not show that considerable cotton loans have been repaid?

Mr. BROWN of Georgia. It certainly does.

The Commodity Credit Corporation was formed pursuant to the provisions of the National Industrial Recovery Act. It was incorporated in October 1933 under the laws of the State of Delaware. All its capital stock is owned by the United States Government. The exclusive voting rights of the stock were vested in the Secretary of Agriculture last August by an Executive order of the President. Prior to that time the Commodity Credit Corporation was an independent agency of the Federal Government. It was managed and operated, however, in close affiliation with the Reconstruction Finance Corporation, and its loans were made, as required by law,

upon the recommendation of the Secretary of Agriculture. The Corporation has now become, under the President's reorganization order effective July 1, 1939, an integrated part of the Department of Agriculture and, except for certain legal technicalities attributable to the corporate form of organization, operates as a regularly established bureau of the Department under the control and supervision of the Secretary of Agriculture.

The Commodity Credit Corporation has made loans on cotton, corn, wheat, rye, tobacco, turpentine, rosin, wool, mohair, figs, dates, prunes, raisins, pecans, and butter. All loans made by the Commodity Credit Corporation are secured by commodities pledged as collateral under either warehouse receipts or chattel mortgages; and in all instances the rate of interest charged the borrowing producer is 3 percent per annum.

The Congress made loans mandatory, under certain conditions, on three commodities, namely, cotton, corn, and wheat. On cotton and wheat the minimum rate of the loan is 52 percent of parity price and the maximum rate of the loan is 75 percent of parity, but within these limits the rate of loan is discretionary. In the case of corn, the rate of loan is fixed by a statutory formula, but within the same percentage of parity limits. Loans are also prohibited by law on any of these three commodities with respect to which a vote is taken on marketing quotas and fails to be approved by a required two-thirds majority, under the provisions of the Agricultural Adjustment Act of 1938.

Loans to associations of producers are made directly by Commodity Credit Corporation. Practically all of the loans to individual producers, however—which represent the vast majority of the total loans—are made indirectly through private lending agencies. In nearly all instances the private lending agency is the producer's local bank, which extends a loan on conditions specified by the Commodity Credit Corporation and on loan forms provided by the Corporation. The local bank receives a guaranty from the Corporation to purchase the note upon demand at its face value plus accrued interest at the rate of 2 percent for all commodities except grain. In the case of grain, the guaranteed minimum rate to be earned by the local lending agency is somewhat less, namely, 1½ percent, in view of the fact that an especially large amount of work in connection with the making of grain loans is performed by county agricultural conservation committees rather than by the local lending agencies. The difference between the rate of 3 percent charged all producers on all Commodity Credit Corporation loans and the lesser rate of interest obtained by the local lending agency represents the margin to compensate Commodity Credit Corporation for its operating expenses and risk of loss.

The loans by Commodity Credit Corporation have meant the difference to producers of between 25-cent and 57-cent corn, 35-cent and 60-cent wheat, 15-cent and 25-cent butter, 5-cent and 10-cent cotton, and so forth. The commodity-loan programs administered by the Corporation are an important part of the general farm program, and in the financial sense such loan programs constitute the ever-normal granary. The purpose of the loans is to raise and stabilize farm prices, and, when properly coordinated or correlated with adequate programs under the Agricultural Adjustment Act for production or market adjustment, these objectives can readily be achieved without undue burden on the Treasury of the United States.

Mr. Carl B. Robbins, President of the Commodity Credit Corporation, testified before the House Banking and Currency Committee that the loans made under the Corporation's commodity-loan programs have aggregated more than $1,500,000,000, of which more than $650,000,000 have been liquidated, with a total actual loss to the Government of less than $25,000,000. While Mr. Robbins declined to make anything in the nature of an official estimate before the committee, he did advise, in response to questions propounded, that a rough preliminary estimate indicated the amount the Corporation would be required to pay into the Treasury this year by reason of its net worth exceeding $100,000,000, based upon an appraisal to be made by the Secretary of the Treasury as of March 31, 1940, in accordance with the act of March 8, 1938—Public Law No. 442, Seventy-fifth Congress—would be between $35,000,000 and $100,000,000.

Not only has Commodity Credit Corporation demonstrated that farm prices can be raised and stabilized by commodity-loan programs, but present indications are that Commodity Credit Corporation will be called upon to meet many demands for financing agricultural production in connection with adjustments made necessary by the European war. One such situation developed last fall in the case of flue-cured tobacco. A large percentage of the American production of this type of tobacco is sold to England, which normally carries about a 2-year stock on hand in the course of the curing process. Almost immediately with the outbreak of hostilities in Europe, Great Britain found itself in a position in which it felt that it had to discontinue using its exchange for purchasing additional supplies of tobacco in order to be able to purchase other American products, and the English companies withdrew from the American tobacco markets. Our farmers faced such ruinously low prices that it was necessary to close the flue-cured tobacco markets. Fortunately, Commodity Credit Corporation was able to develop promptly a program for financing the acquisition and carrying of these tobacco inventories over the emergency period. This made possible the reopening of the markets and enabled farmers to sell their crop of flue-cured tobacco at prices substantially the same as those that had prevailed before the emergency. We may have a similar experience in cotton and other commodities.

I call this situation to the attention of the House because I and some of my colleagues on the Banking and Currency Committee felt that the increase in borrowing power requested by the Commodity Credit Corporation might not prove to be sufficient because of recent developments in the European war. Mr. Robbins testified before the committee that the increase in borrowing power of $500,000,000 was predicated upon conservative estimates of the Corporation's needs for financing 1940 production submitted to the Bureau of the Budget prior to the spread of war to the Low Countries and the Mediterranean. No change was made by the committee, but there was a full appreciation of the fact that it might be necessary for the Commodity Credit Corporation to request a further increase in its borrowing power at the next session of the Congress if the war should continue to spread and further disrupt our export outlets for the crops now growing.

I strongly urge the necessity of H. R. 9931, as recommended by the Banking and Currency Committee.

It is imperative that this bill pass, and I hope there will not be a vote against it, due to the grave situation the world over at this time. [Applause.]

Mr. GIFFORD. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, "Drinking will not drown your sorrow: It will only irrigate it." So again today we drink at the fountain of the Treasury to the tune of $500,000,000 further to irrigate the drunken orgy of raiding the Public Treasury. This bill should not be discussed by itself alone; it is one of many of the same order.

The gentleman from Michigan says we have a lion by the tail. I thought the usual animal was a bull that we had by the tail. It does not matter; we have the gold purchase by the tail; we have the silver fiasco by the tail; and we have a host of other schemes by the tail that we must let run their courses until the Treasury and our credit is finally exhausted.

I congratulate the gentleman from Georgia. Is it not wonderful that he can convince himself and stand bravely here with boldness and assurance and say: "Behold! This Corporation lost only $25,000,000." I was once in a business where I kept it bolstered up pretty well for 10 years, but finally had to take the great loss that was painfully evident for some time before. Bookkeeping devices served to give me false courage.

I congratulate you on your Mr. Robbins. He made a competent witness, and yet he says, as will be found on page 9 of the hearings, the page they quote so often, that "on that

which we have disposed of we have lost only about $25,000,000." See the possibilities of misunderstanding in it! "On that which we have disposed of." But what about those vast amounts of 5 or 6 years in storage, when that is disposed of?

Mr. JOHNS. Will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from Wisconsin.

Mr. JOHNS. I notice on page 6 of the hearings that Mr. Robbins stated that approximately $650,000,000 of the loans that have been made by the Corporation have been repaid and that in addition the Corporation has liquidated approximately $400,000,000 of loans by taking over the pledged commodities.

Mr. GIFFORD. And they have sold some of those taken over and it would appear they have taken a loss of not over $25,000,000.

Mr. JOHNS. How much have they disposed of?

Mr. GIFFORD. I do not know but it has been stated that we will have over a million bales of cotton, probably 1,200,000 bales of cotton that we will own, and we are today irrigating it. The gentleman from Georgia did not tell you that we must have $90,000,000 this year for carrying charges alone. How about that loss? The future will tell a different and sadder story.

This bookkeeping business is most deceiving until the books are closed. We even carry the feed loans made to the farmers in 1921 at face value. There has been no loss on the books as yet. That is New Deal bookkeeping. The thing is so ridiculous. But we will irrigate today by $500,000,000 more. The gentleman from Georgia knows and everybody else knows, there will be a frightful loss by this Commodity Credit Corporation in the final result. They have only $33,000,000 left now to lend, and their commitments are very heavy for this year already on account of loss of the foreign markets. They must have this $500,000,000 additional at risk. Besides that, if they should dispose of some of their holdings they will have that money to use. This new industry, this storage of cotton, to which the gentleman from Michigan referred, has been highly profitable to some people. New England had a little bite of it lately. After strenuous efforts we have procured a little of it, and they tell us we will probably have that cotton for a good long time. I led the applause for the gentleman from Michigan [Mr. CRAWFORD] when he was given credit for the reduction from more than 20 cents a bale to as low as 8 cents a bale. We are in New England taking it for about 8 cents a bale.

Mr. KNUTSON. Will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from Minnesota.

Mr. KNUTSON. Does the quality of cotton improve with age?

Mr. GIFFORD. I presume everything improves with age with the New Deal behind it. I listen to these boastful statements made about the competency of the New Deal. I wish I had the time to comment on them. There is one answer that should be sufficient reply. We will have a public debt of $60,000,000,000, and with one breath and in one sentence you can brush their boastful claims into the river. That is a sufficient and complete answer for the meager results that you have obtained. Another answer is the present frame of mind of the people of this Nation. As I said yesterday, they want ships, they want guns, but they do not want conscription. They want all of these largesses and these things that have been handed to them by the New Deal at the expense of future generations. Lest I forget, I want to remind you of the present set-up.

We have had Jesse Jones supervising this proposition for some time, but we will not have Jesse Jones any longer. The full voting power now is in the hands of one man, the Santa Claus that you selected as your Vice President. You certainly picked him because he is your Santa Claus. He stands for largesses, and he has the complete and full authority now. Jesse Jones will be heard from no more, and he will be sadly missed.

Mr. KNUTSON. Does not the gentleman agree that it is entirely fitting that one Santa Claus should have another Santa Claus running with him?

Mr. GIFFORD. Oh, it is wonderful. We can recite present conditions, but it is laughable, it is utterly ridiculous with this tremendous amount of money involved, with the $90,000,000 carrying charges this year, for anyone to boastfully say they have lost only $25,000,000. Every March 31 they will have their books audited and the market value will be ascertained. But they are not going to sell that cotton. They will have to hold it a long time. The expenses will run along. The loss in the end will be tremendous. My good friend the gentleman from Georgia [Mr. BROWN], of whom I think so much, down in his heart cannot believe, with the conditions as they are, that we will only lose $25,000,000.

We have appropriated $213,000,000 for the capital stock. I am trying to find out from the record here how it is that of the $213,000,000 they have accounted for only $100,000,000. There are $113,000,000 in there some place that would seem to have been lost. On page 9 Mr. Robbins said—I repeat:

> On that which we have already disposed we have lost $25,000,000.

How misleading it may be. But it is like all Treasury bookkeeping. You have heard me complain so many times about Treasury bookkeeping. It is a fraud on the people, such a fraud that we marked off one day two and one-half billion dollars of fake assets at one stroke that had been carried as real assets in the Treasury. This is simply a continuation of it.

Mr. PACE. Will the gentleman yield?

Mr. GIFFORD. Can I help the gentleman?

Mr. PACE. The testimony is that $650,000,000 of these loans have been liquidated.

Mr. GIFFORD. No; repaid.

Mr. PACE. So a $25,000,000 loss is not such an enormous percentage of the loans made, handled, and liquidated?

Mr. GIFFORD. No; not if I pick the right bale to be disposed of. For some of this you paid a higher price. You have had carrying charges on it for years. I do not know where those charges have been met. It looks to me as if in this method of bookkeeping they have been hidden somewhere. They are not actually charged up where they ought to be. As I say, this Treasury bookkeeping has forced me—and it ought to force you—to look with suspicion on all of this. You have bolstered these schemes in order to keep them from disclosing real conditions; but the fact is that, though you started with perhaps $300,000,000, now you want $1,400,000,000; next year you may want $2,000,000,000, and Heaven knows where the end will be.

You cannot let go of the tail. How well that applies to this particular experiment.

Mr. STEAGALL. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from Alabama.

Mr. STEAGALL. I call the attention of the gentleman to the fact that the testimony of Mr. Robbins on page 9 shows that the $213,000,000 referred to by the gentleman still stands as a protection against future losses, except as it has been reduced by the $25,000,000 losses that have been sustained up to this time on the transactions that have been closed.

Mr. GIFFORD. I have read and reread in the last few days page 9, but I still am looking for the fellow in the woodpile. I know he is there.

[Here the gavel fell.]

Mr. GIFFORD. I believe my time has been exhausted. I should not take more. However, I will take 2 more minutes, although I ought not to take those 2 minutes away from the gentleman from Michigan [Mr. CRAWFORD]. He knows more about this than anybody else. He has traveled this country over looking at these storage plants. He is a fund of information on this subject. He deserves a tremendous amount of credit not only for this study but for many other things to which he has given his attention. I should not take his time, but I hope there is Yankee enough left in me yet that you do not pull the wool over my eyes in these matters. It is my job to watch these expenditures, and I have been watching them. I have indeed studied them. Many Sundays have I devoted to the Treasury bookkeeping

and its reports. I have reason now to no longer have confidence in them. Let us not consider this wholly by itself, but let us consider all the other foolishments that you have embarked upon and that you dare not stop. The gentleman from California [Mr. VOORHIS] whom I admire so much, is going to talk again on Monday. He has been trying to solve these problems for a long time. He has given much of himself. Has he got anywhere? Not yet. He votes consistently for these appropriations, but must know they are fundamentally unsound.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from Michigan.

Mr. DONDERO. The gentleman has been referring to what the people will discover some day. Does not the gentleman believe the people will also discover some day that no one yet has devised a system of government that is superior to simple arithmetic?

Mr. GIFFORD. Yes; they will come to such realization. But in our democracy how many crimes can be committed of this sort? No one in authority dares to call a halt. We Republicans are quite helpless. You give me a secretary at $91 a month to do typewriting, but you will not give me an expert who would be helpful to dig the truth of these matters, despite the position I hold on the expenditures committee. I wish I could have such competent help. Much could be disclosed. However, the people will not be misled forever by these false assurances, knowing the public debt is mounting into the frightening sum of sixty billions of dollars. [Applause.]

[Here the gavel fell.]

Mr. STEAGALL. Mr. Chairman, I yield 5 minutes to the gentleman from South Carolina [Mr. FULMER].

Mr. FULMER. Mr. Chairman, during the past few months we have been appropriating millions, yes, billions, for national defense. I believe this to be very proper on account of the condition confronting this country because of a destructive war that is now going on in Europe. I want to call to your attention that perhaps never in the history of our country have we had more serious problems, especially farm problems, than we are going to have in the coming years, regardless of who wins the war in Europe.

If we fail to appropriate this money so as to have it available to carry on a proper, common sense, and orderly distribution of the farm products of the country, it is going to be impossible to build a successful national defense. Unless it is possible to have a well-rounded, well-balanced, and successful agriculture it is going to be impossible to have a real well-rounded and successful national defense. A successful agriculture is definitely a major part of a successful defense program.

As a rule, farm commodities, especially cotton, are about the best collateral you can get for loans, especially according to the amount loaned on cotton per pound. Now we are confronted with a considerable number of millions of bales of cotton on hand at this time. The prospect is for about a 12,000,000-bale crop this year. Unless this Government is in a position to make a reasonable loan on cotton, and I am hoping that it will be made from the beginning of the cotton season so that the small farmer will be in position to take advantage of it, there is nothing to keep cotton from going to 3 or 4 cents a pound, which would mean destruction to the South. Anything that destroys the agricultural South will affect every other section of the country.

I call the attention of my friends on my left to this fact, that I am deeply interested in their problem—western agriculture—and I wish to say to you that if you can help the South work out its serious problem at this time and in the future it will mean everything to every other agricultural section of the country. For the reason, if we fail in cotton or if we have to reduce considerably the number of bales we are now producing, it simply means that the South will be driven into dairying, hog producing, and the production of every other type of commodity that you raise in every other section of the country. All of our products will then be in competition with yours, and the cause of agriculture will be defeated all over this country.

Mr. BROWN of Georgia. Mr. Chairman, will the gentleman yield?

Mr. FULMER. I yield to the gentleman from Georgia.

Mr. BROWN of Georgia. If this bill fails to pass, the producer of corn and wheat will not be able to borrow any money, will he?

Mr. FULMER. I am sure of that, and it is just as important to the salvation of the corn and wheat farmer as it is to the cotton and tobacco farmers. This is a national proposition.

This is not a cotton bill. I hope sometime in considering agriculture we will take a national viewpoint in connection with trying to solve the agricultural problem, because you cannot solve it in one section of the country, perhaps, without destroying the other sections, unless you cooperate on a common-sense basis to be helpful to every section of the country. It is just as necessary at this time to appropriate this money and have it available to relieve agriculture as it is to appropriate money to build up your national defense to save this country, because, as stated before, unless we can place agriculture on a sound and successful basis it is going to be impossible to place our national-defense program on a sound and successful basis. I call to your attention the invasion of some of the Scandinavian countries by Germany, and what a splendid fight the people of those countries put up in that instance, all because from an agricultural standpoint they were prosperous and happy and had something to fight for. I am hoping this bill will pass overwhelmingly because of what it means to agriculture in every section of the country, to business, and to a successful defense program. [Applause.]

[Here the gavel fell.]

Mr. WOLCOTT. Mr. Chairman, I yield 13 minutes to the gentleman from Michigan [Mr. CRAWFORD].

Mr. CRAWFORD. Mr. Chairman, I wish to build somewhat of a background on which we may stand for a few minutes, at least, and look forward just a little bit as to the rough spots in the road that we may run into in connection with cotton and some of our other crops.

Secretary of Agriculture Wallace, speaking some time ago before the American Farm Economic Association, made these interesting, and I think truthful, remarks:

> Cotton and tobacco, the principal crops of the South, are both export products. We normally sell half or more of these crops abroad. The average annual value of cotton exports from 1875 to 1910 amounted to $260,000,000. During these same years the average favorable balance of merchandise exports from this country amounted to $250,000,000. This was a period when it was generally considered that the United States was prosperous, a period when the principal and interest of our foreign debts were being paid off. In other words, cotton exports played no small part in paying for the industrialization of this country in the nineteenth century. If 90 percent or more of the cotton crop were domestically consumed it might not be difficult to attain parity income from cotton production. But whether we like it or not, that is not the case. American cotton depends on foreign buyers for a large part of its consumption. Suppose, for example, that our cotton producers during the last few years had received a parity price for that portion of the crop domestically consumed. World prices for the remainder of the crop, even with normal production, would leave the farmers' income from cotton much below parity, possibly 25 percent to 30 percent.

And in this same address the Secretary goes ahead to point out:

> It should be borne in mind that this increase in foreign acreage and cotton production—

Referring to the increase in China, Russia, Uganda, Brazil, and other areas—

> has taken place while the world price of cotton was on a very low level. About 10 years ago foreign countries produced around 10,000,000 bales of cotton for the equivalent of approximately $900,000,000 in American money. In recent years foreign countries have produced around 16,000,000 bales of cotton for an equivalent of around $600,000,000 in American money. These foreign countries are now growing 60 percent more cotton for about 30 percent less money than they did 10 years ago.

Cotton authorities inform us that during the past 10 years, under some 13 cotton programs which this Congress has acted upon, we have paid out from the United States Treasury in round figures approximately $1,400,000,000 for this one crop alone.

It is interesting to observe that while we were doing this and while we were cutting the cotton acreage approximately 46 percent throughout the country, the balance of the world was increasing the production of cotton from 10,000,000 bales up to 16,000,000 bales per annum, as the Secretary of Agriculture has pointed out.

In the May 1940 issue of a trade report put out by the New York Cotton Exchange, it is pointed out:

> It may be readily calculated that a consumption totaling roughly 4,000,000 bales, has already been lost—

Referring to exports for the current year—

> or is now in process of being lost, not counting the possible further loss of 1,000,000 bales if the war should spread to southeastern Europe.

I think we can take it for granted that the war, since that date, has spread to the area referred to.

In the same report of the New York Cotton Exchange we find that in 1936 the countries of South America, Brazil, Argentina, and Peru, had supplies of cotton, 478-pound bales, of 2,033,000 bales. In 1938 that had jumped to 2,293,000 bales, in 1939 to 2,480,000 bales, and in 1940 to 2,510,000 bales, in these three producing areas of the South American countries.

In looking over the text of the Habana Declaration on Inter-American Economics, under Habana date line of July 30, only this morning I checked this with the State Department to see if this was the text of the declaration agreed to by the 21 countries that sat around the table at Habana the other day, and we find this interesting information, and for the information of the House I have already obtained permission to insert this entire statement in the RECORD.

The convention down there established what is known as an Inter-American Economic and Financial Consultative Committee. That consultative committee has been charged by the 21 countries to—

> (A) Cooperate with each country on this continent in a study of the possible measures for the increase of internal consumption of its own export surpluses of those fundamental products of the economic life of the same.

Then, under (C)—

> (C) Create instruments of inter-American cooperation for warehousing, financing, and transitory disposition of the surpluses of said products, as well as for their orderly and systematic distribution and sale, taking into account normal conditions of production and distribution of these products.

Mr. Chairman, within the last few years we have built up the Commodity Credit Corporation to where it must now have a capital structure of not less than $1,500,000,000; $1,400,000,000 in the way of authorized loans, and $100,000,000 in the way of contributed capital. If you will refer to page 81 and page 82 of the hearings you will find where Mr. Robbins, in answer to a question which I propounded to him at the close of the hearings takes the position that Congress should not be astonished if the Commodity Credit during the next few months calls for another $250,000,000 to $500,000,000 with which to carry on this program.

Reference has been made to cotton loans. I understand the cotton loan will probably be announced sometime shortly after August 8, when the crop reports come out. In my opinion, based on the small amount of study which I have given to this question, the Commodity Credit Corporation will be called upon to make loans on anywhere from five to seven million bales of cotton instead of 3,300,000 bales of cotton, as indicated in the hearings, if the loan is announced around 11 cents a pound. It seems to me that as we advance toward this cooperative movement between the United States of America and Latin America and the British Empire in operating a blockade against the industrial "have not" countries of Europe, that we are moving into a capital structure for the Commodity Credit Corporation of not less than $3,000,000,000 within the next 12 to 24 months. And to be added to that is whatever capital structure may be created for the Inter-American Bank and the Export-Import Bank in the handling of the surpluses of the Americas in connection with this economic declaration to which I have already referred.

Mr. PACE. Mr. Chairman, will the gentleman yield?

Mr. CRAWFORD. Yes.

Mr. PACE. Why did the gentleman put it that way, that there would be so many bales if the loan was made at 11 cents? Has the gentleman had any intimation that the loan would be fixed at 11 cents?

Mr. CRAWFORD. I have, but it is unofficial, because no member of the Department of Agriculture can give out this information positively in advance. You have to add two and two together, read between the lines, confer with the trade, read the cotton reports and comments, and draw your own conclusion. There are a lot of reasons, arguing from one viewpoint, why an 11-cent loan should be made, while others from another viewpoint say that it should not be so high. Of course, we have not the time to go into all of those things today, but my prediction is, if the loan is set at 11 cents, that the cotton carried into the Commodity Credit Corporation under this new increased-loan authorization will go far beyond the 3,300,000 bales referred to, and I am not saying that to condemn any particular approach. I am simply trying today to get before the House what, in my opinion, is the fact—that we have merely started down the road in connection with this program. Of course, on the other hand, this language is very interesting to me, where the 21 countries have declared that they will—

> Establish appropriate organisms for the distribution of a part of the surplus of any of said products as a humanitarian measure and social aid.

Mr. Chairman, definitely this whole proposition is moving into the field of sociology. There are no ifs, ands, or buts about it, but that is the fact, and I hope that any one who disagrees with that observation will take the time to try to refute it. The blue and yellow stamp money procedure here and as it is being discussed in connection with the Latin American approach further supports this view. Humanitarian measures and "social aid" goes far afield when it draws upon the Federal Treasury. We have witnessed that in connection with W. P. A. and the P. W. A. and the general relief agencies now operating. Just where is all of this leading us? Political administration of this social aid has been tried out more or less and we have the Hatch Act. Later we may have to make the law much more exacting if billions of dollars' worth of foodstuffs is also to be distributed by political appointees. Is this a means of absolutely controlling our people? We can well afford to question this method of procedure, both nationally and internationally.

On the other hand, if through some kind of socialistic approach you are going to take these surpluses and feed them out to the people, that, in turn, will interfere with your natural marketing processes and it will come back and hit you in the face, except to the extent that you, through such an approach, actually increase the amount of goods consumed.

Mr. FERGUSON. Mr. Chairman, will the gentleman yield?

Mr. CRAWFORD. I yield.

Mr. FERGUSON. Would the gentleman advocate selling our products, cotton or wheat, at the world price?

Mr. CRAWFORD. I think the only sensible answer that could be given to a question of that kind is this: I advocate the disposition of foodstuffs, fats, fibers, and industrial products after they have been created. Having created them, let us get them distributed and consumed. Let us not put them into warehouses and say to the world, "You cannot have it." But you may say, "Oh, well, then you are not in favor of cooperating with the British Empire in the blockade." Of course, that raises the question of national defense, because here we are agreeing to continue the blockade;

that is, these goods must not move to Europe through the free channels of trade.

[Here the gavel fell.]

Mr. WOLCOTT. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. FERGUSON. Will the gentleman yield further?

Mr. CRAWFORD. I yield.

Mr. FERGUSON. Is it not true that loans, for instance, on wheat, have created a domestic price on wheat far above the world price, that would not have been possible without the storage of this wheat?

Mr. CRAWFORD. That may be true, but unfortunately for the institution of wheat, unfortunately for the consumers of wheat throughout the world, we have set an artificial price on wheat and said to them in substance, "You cannot have it. We are going to keep it in storage." We have said the same thing in connection with cotton and corn, and we are going to continue to say those things.

International exchange has completely dried up. Note the absence of quotations on the franc, guilder, belga, and Danish and Norwegian krones. There is plenty of trouble these days for the foreign exchange dealers. You go to New York today and there is no exchange on the market with many, many countries of western Europe. There is no exchange being traded in. That is gone. Even the old faithful—sterling—has become a casualty. And we have seen the coming of free marks, registered marks, travelers' marks, aski marks: And there are the three categories of Italian marks. We can only touch on these things lightly, but for instance, around May 1 the insurance on cargoes moving from this country to the United Kingdom, was around 3½ percent of the value of the cargo. In July it had jumped to 7½ percent, and today it is about 12 to 15 percent to certain ports. That is another operation which runs contrary to the movement of goods in the channels of commerce. The whole process of international trade has become a nightmare and we contribute in a manner that makes it no more promising for the future. As we go into this agreement with Latin America in the name of national defense, we further interfere with the movement of goods. We do that as a defense measure, as a trade-area measure, as a parity-payment measure to farmers. At the same time, the tragedy of the whole situation is, we keep building these stocks of goods on the shelves and saying to the world, "You cannot have them." Perhaps some day they will come and make us defend the warehouses where the goods are stored. Eventually we must come down to further reduced production of goods as such, and that, in turn, means a lower standard of living for the people throughout the whole world, including the United States.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. CRAWFORD. I yield.

Mr. COOLEY. What solution would the gentleman offer of the problem facing the cotton farmers of the Nation and the tobacco farmers of the Nation, along with the producers of other major commodities, when they are faced with a world situation which under the gentleman's suggestion would force them to curtail production of their crops to the extent of 50 percent in some instances as we are doing today in the tobacco section of the United States? We have cut our crops from 1,200,000,000 acres last year to 600,000,000 this year, and without some assistance from the Government, such as contemplated by this bill, the tobacco farmers would be faced with a disastrous situation and with bankruptcy. What would the gentleman offer as a solution of that problem?

Mr. CRAWFORD. We established in years past the objective to be obtained through the making of loans above the market value and the warehousing of the goods. In addition, through the cutting down of acreage and the cutting down of productivity, theoretically, we have moved for an entire decade along that road, and it has brought congestion in the channels of commerce. It has blocked the movement of goods to such a point now that as long as you follow that objective you have got to continue making these loans; and it is for that reason that I visualize within the next 12 to 18 months a $3,000,000,000 capital structure for the Commodity Credit Corporation, in addition to the Inter-American Bank, the Export-Import Bank, $500,000,000 of which you are going to be asked to give us for that bank within the next few days.

Now, going directly to your question, you say what suggestion do I make? The only way to unscramble an egg is to proceed to unscramble it. In doing that, somebody is going to bleed blood, unless you want to let the taxpayers, operating through the Treasury, pay the thing off in one fell swoop and thereby distribute the loss throughout the United States.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, will the gentleman yield?

Mr. CRAWFORD. I yield.

Mr. AUGUST H. ANDRESEN. Is it not a fact that some day we will have to meet this face to face, whether we like it or not?

Mr. CRAWFORD. Of course, you will. There is no question about that. That is the reason I have never supported the program, because in my opinion it was unsound at the beginning. It has been unsound all along, and I think it is unsound today.

Mr. COOLEY. Will the gentleman yield further?

Mr. CRAWFORD. I yield.

Mr. COOLEY. Is the gentleman in favor of the Government withdrawing its hand from extending relief to these farmers, who, according to the gentleman's own statement, would be bled white in the event they were forced to trade in the world in the troubled condition in which it is today?

Mr. CRAWFORD. I will answer that question this way: I am in favor of having those who administer the Government sit down and actually tackling the bull by the horns and get this foodstuff, fats, and fibers, actually into the channels of trade and out into consumption instead of continually advancing loans, putting it on the shelf, and building higher stocks, more surpluses, and declaring to the world that they cannot have it.

If the farm operators are to be forced to depend upon such mechanics to obtain a fairly good share of the national income on what grounds can loans of only 52 percent parity be justified? On what grounds can loans less than 100 percent parity be justified? If this is to be the remedy, why does not the administration grant the loans or set the minimum price at parity values? If the objective is to prevent the goods going into export—through making above-the-market loans—then what is to be done domestically and internally when the export markets have disappeared and the Treasury is no longer able to carry the loans? The administration certainly has never answered these questions. Yet, before they are answered, declarations are agreed to with other countries of this hemisphere and to the effect we will go along with them in handling their uncontrolled surpluses. What is to be the end of all of this?

Mr. Chairman, on the basis of permission granted, I now submit for inclusion in my remarks the text of Habana Declaration on Inter-American Economics.

TEXT OF HABANA DECLARATION ON INTER-AMERICAN ECONOMICS

HABANA, July 30.—Following is the text of the Pan American Conference declaration on inter-American economics:

The Second Meeting of Ministers of State of the American Republics, considering:

That, in the first consultative meeting held in Panama, it was decided to declare that it was convenient and necessary then, more than ever, taking into consideration prevailing circumstances, to establish among these republics a sincere and strict cooperation to protect their economic and financial institutions, maintain their fiscal stability, assure the stability of their monetary systems, to promote and develop their industries, intensify their agriculture and develop their commerce;

That, in order to reach the objectives of the preceding paragraph, it was agreed to create an Inter-American Economic and Financial Consultative Committee in Washington;

That the present war has accentuated disorganization of international commerce and loss of certain markets for certain American products;

That the existence of surplus products whose exportation is essential for the economic life of the countries of America is an affair of considerable economic, social, and financial importance which

concerns in general the mass of people, especially in those sectors which intervene in production and circulation of wealth of each country and, finally, for the governments of all the continent;

DIFFICULTIES SEEN AHEAD

That it is to be foreseen that these difficulties will continue as long as the war lasts and that some of them, or other new ones, will exist after the cessation of hostilities;

That it is of great importance to orientate the economic development of the American nations, diversifying their production and increasing, at the same time, their consumption;

Resolves:

1. To make the following declaration:

(a) That the American nations maintain their adhesion to liberal principles of international commerce with peaceful aims, based on equality of treatment and just and equitable procedures in interchange.

(b) That it is the purpose of the American nations to apply these principles in their mutual relations as widely as actual circumstances permit.

(c) That the American nations should prepare themselves to reestablish their commerce with all the world in accord with these principles as soon as non-American countries are disposed to do the same.

SHOULD FORTIFY ECONOMY

(d) That meanwhile the American nations should do that which is in their power to fortify their economy, to augment their commerce and economic relations among each other, to project and apply adequate methods to solve difficulties, disadvantages, and dangers that derive from the existing perturbation and dislocation in current conditions.

(e) That the American nations consider it necessary to maintain their normal economic links existing among themselves in order to assure conservation or betterment of the position acquired among their respective markets.

2. To amplify and intensify the activities of the Inter-American Economic and Financial Consultative Committee so that this organism may continue consultations among the American Republics in relation to economic and commercial matters and adjustments, especially contemplating the immediate situations which it is necessary to confront as a result of constriction of important farm markets and exchanges operated in this respect.

With the object of solving special problems, subcommittees composed of representatives of the interested countries may be constituted in those places thought to be most suited to their better functioning.

3. Especially to charge said committee in the shortest possible time to proceed to:

TO CARE FOR SURPLUSES

(a) Cooperate with each country on this continent in a study of the possible measures for the increase of internal consumption of its own export surpluses of those fundamental products of the economic life of the same.

(b) Propose to the American nations immediate measures and adjustments based on mutual benefit which tend to increase the interchange among the same, avoiding that with these the interests of respective producers shall be hurt and having as an objective the amplification of markets for such products and the augmentation of their consumption.

(c) Create instruments of inter-American cooperation for warehousing, financing, and transitory disposition of the surpluses of said products, as well as for their orderly and systematic distribution and sale, taking into account normal conditions of production and distribution of these products.

(d) Propose the celebration of agreements concerning said products with the aim to assure, as much for the producers as for consumers, equitable conditions of interchange.

(e) Recommend methods to raise the level of life of the peoples of America, including measures for public health and good nutrition.

FOR HUMANITARIAN AID

(f) Establish appropriate organisms for the distribution of a part of the surplus of any of said products as a humanitarian measure and social aid.

(g) Consider, while these plans and recourses are being developed, the establishment of a broader system of inter-American cooperation in matters relating to measures of credit and other aids which might be immediately necessary in economic, financial, and monetary matters and in foreign exchange.

4. Support Resolution 13 of the Inter-American Economic Financial Consultative Committee and recommend for the promotion of the economic development of the American nations under the terms of said resolution, that each one of them, by self-initiative, establish in consonance with the program of the Inter-American Development Commission enterprises of government or private capital coming from two or more republics in this hemisphere.

These enterprises may direct themselves directly to the Inter-American Bank or to other official or private credit institutions, recommending that the bank referred to shall grant the most favorable consideration to the possibility of lending them financial aid.

Mr. BROWN of Georgia. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. H. CARL ANDERSEN].

Mr. H. CARL ANDERSEN. Mr. Chairman, I want to take these 5 minutes to tell the House my personal views in regard to the corn-sealing program. It is not my intention to say anything about the cotton part of this bill because that subject has been covered very fully by other gentlemen speaking here today.

It is my firm conviction from the knowledge obtained from farming for years before coming to Congress that the average farmer in the Seventh District of Minnesota, one of the best farming regions to be found anywhere on this earth, did not make any profit from 1931 to 1939 with the exception possibly of the last 3 years. We were afflicted by drought for 2 years, following the disastrous year of 1932. I am also personally convinced that had it not been for the corn loans that those 3 years—1937, 1938, and 1939—would not have shown a profit to the farmers of the great Midwest. That is why today I am urging you men and women to vote for this bill.

Had the farmers in my congressional district in Minnesota been forced to sell the excess corn that they had for marketing during those 3 years they would have received anywhere from 30 cents per bushel up to 39 cents per bushel at husking time; that is, providing that the price had held to where it was and not allowing for the great stabilizing effect of the corn loans on the market.

In other words, the average quarter-section farmer in southwestern Minnesota who might happen to have had 2,000 bushels of corn to sell, either as corn or through feeding it to livestock, would, at the very most, have received an average of approximately 35 cents per bushel from that same 2,000 bushels of corn per year for those 3 years. This means that he would have to take at least 20 cents per bushel less, or $400 less, for the same 2,000 bushels of corn each year had he not been able to apply for the Commodity Credit loan of 57 cents per bushel.

But there is still a more grave angle to this situation than the mere difference between the 35-cent average market price per bushel and the 57-cent loan rate. Without doubt, had it not been that a floor of 57 cents per bushel, a prop holding up the market price, had been placed as it was under this corn, my friends and Members of this Congress, you would most likely have seen a reenactment, if not worse, of the agricultural slump of the year 1932.

Had it been left to the speculators in Chicago to dictate what price the farmer should receive for that corn the past 3 years, I sincerely doubt whether we would have been able to obtain more than 20 cents per bushel. Yes; there is considerable doubt whether or not that same quarter-section farmer with the 2,000 bushels of corn that he had for sale would have received the total of $400 for it rather than the approximately $1,200 that he actually obtained under the loan through the Commodity Credit Corporation.

We have an emergency in agriculture and have had one for years. I know from personal experience, from actual experience back in the district which I have the honor to represent here in the House, that the farmers of my congressional district—and I can safely say that applies to all agriculture in America—cannot continue to farm under cost of production and also retain ownership of their farms. I repeat that if we are ever to expect the tenant farmer to be given an opportunity to own his own farm, that can never be attained by refusing to pay the farmer what it costs him to produce the food which the rest of the Nation must have or cease to exist.

Today, in these few minutes, I cannot go into the reasons for the present pitiful condition of agricultural prices. There is no doubt, however, that the flooding of our own American markets by the products produced in foreign countries have had much to do with costing the farmers of America billions of dollars in gross income. There is no doubt in my mind that the American farmers cannot compete with the low-priced labor of other countries for the world market and for our own market and still maintain a decent standard, the American standard of living, here in America.

I sincerely hope that in a few years at the most that we shall be able to receive cost of production for what we pro-

duce on the farm, for that portion which is consumed in our Nation, just as the automobile manufacturer is given cost of production on his automobile; just as the steel manufacturer is assured of so much per ton on the steel manufactured; and just as the laboring man who works in factories which produce products sold in interstate commerce is given and guaranteed a certain minimum wage for his labor. Surely, when because of the upset economic system in our country, a farmer is not able to obtain a decent price for his commodities, there is just as much justice in our Government in loaning me as a farmer 57 cents per bushel, only three-quarters of parity, for the corn that I produce and that these quarter-section farmers produce, especially after they have taken at least one-quarter of their corn land out of production; I repeat that there is just as much justice in making such a loan as there is for the Government, for your and my Government, in the vast appropriations made recently for national defense, which we all realize to be necessary, to guarantee to the munition makers, to big business, to airplane manufacturers, from 8- to 12-percent profit before their factories ever start a lick of work on the contract.

I cannot and will not agree that any $500,000,000 has been lost in this program. We sold our 1937 corn just a few weeks ago. The government received for that corn that we delivered in Tyler in the neighborhood of 47 cents per bushel. They loaned us 57 cents per bushel on it, as they have loaned to millions of farmers throughout America. Possibly there might be a 15-percent loss, Mr. Speaker, on the corn part of the program, but I cannot see but what it is far better for our Government to take a loss if necessary of a few hundred millions in a successful effort to hold up the price of these farm commodities rather than to let it go to the dogs, where it would have gone without this loan holding it up. I repeat to you, the farmers back in my district would have sold their corn for 18 or 20 cents per bushel or perhaps less during the last 3 years, let alone what price to which hogs and beef cattle would have fallen, if there had not been the great stabilizing influence of the 57-cent corn loan holding up the price on this great commodity. That 57 cents was under there as a floor. Even that 57 cents does not represent parity, nor does it give to the farmers of America very little if any profit, but what little profit there was went to him rather than to the speculators in Chicago, where otherwise the great corn crops of the last few years would have been dumped on a glutted market.

So, Mr. Chairman, I would not be properly representing the people of the Seventh District of Minnesota, both the farmers and the people in the villages, who are dependent upon the farms of my district for their business, were I to sit back and listen to this debate without taking a small part in it. May I impress upon you that what I have to say in this connection here is the viewpoint of a man who knows what it means to farm actually and not on paper. I thank you. [Applause.]

[Here the gavel fell.]

Mr. BROWN of Georgia. Mr. Chairman, I yield 5 minutes to the gentleman from South Carolina [Mr. HARE].

Mr. HARE. Mr. Chairman, I desire to subscribe at the outset to the theory advanced by the gentleman from Michigan [Mr. CRAWFORD] when he suggests that instead of providing for the exportation of the raw material to foreign countries we should first process the material and then, if necessary to subsidize, subsidize the finished product. I subscribe to this theory because I think it this way we would be able to give increased employment in our own country and we would be able to store the finished product just as easily as the raw material, and there is no reason why we should not be able to dispose of the finished product as easily as the raw materials.

Mr. FERGUSON. Mr. Chairman, will the gentleman yield?

Mr. HARE. I yield.

Mr. FERGUSON. Is it not true that the Surplus Commodities Corporation now is subsidizing the use of cotton and these other surplus commodities of the farm after they have been processed? Is not that a step in that direction at this time?

Mr. HARE. There is no doubt about that. The Commodity Credit Corporation found last year that it was just as expedient and wise to subsidize the finished product as the raw material because at one time in the year they stopped exporting raw cotton but continued the exportation of the finished product.

A great deal has been said in this debate about the cotton program destroying our export market. The gentleman from Michigan referred to the fact that 2 years ago we exported only 3,000,000 bales. That was true, but one swallow does not make a summer. You cannot judge a program or a plan or a policy by the operations of 1 year.

This past year we exported six and a half million bales, which was about a normal year of exports. If we take a period of 30 years, we will find that the percentage of exports over 5-year periods have all been practically the same ratio with reference to production. That is, when production increases the percentage of exports increases correspondingly, and vice versa. You cannot judge by 1 year. You cannot pick out one year and compare it with another year. You have to take periods of years. For instance, I find from the year 1910 to 1914, a period of 5 years, the percentage of production exported was 65 percent. In the 5-year period 1915 to 1919, inclusive, the percentage of exports compared with production was 50 percent. Then in 1921 to 1925 the percentage of exports compared with production was 58 percent. During the period 1926 to 1930 exports of cotton was 57 percent of production, and the percentage of production exported in the period from 1932 to 1936, inclusive, was 58 percent. In other words, for the past 15 years the percentage of exports of cotton has been practically 58 percent of production.

Mr. FULMER. Will the gentleman yield?

Mr. HARE. I yield to the gentleman from South Carolina.

Mr. FULMER. In connection with that, if you will look at the record you will find that while they have been increasing the production of cotton in foreign countries they have each year been increasing the consumption of additional cotton while in this country we have gone along on practically a level basis so far as the consumption of cotton is concerned.

Mr. HARE. The theory advocated here is not so very different from the theory that has been advocated for a number of years by industry. Industry has for many years clamored for a high protective tariff. That is, industry has been asking the Government to permit industry to tax consumers on everything they buy in an amount equivalent to the tariff duty. In other words they have been asking the Government to tax the people in order to keep foreign goods out of this country. The only difference I see in the theory referred to and the bill before us is to tax all the people, the manufacturer and consumer alike, in order to dispose of American-made goods in foreign countries. [Applause.]

[Here the gavel fell.]

Mr. CRAWFORD. Mr. Chairman, I yield 10 minutes to the gentleman from Connecticut [Mr. MILLER].

Mr. MILLER. Mr. Chairman, I sat through the hearings on this bill, and when the hearings closed there were questions in my mind that I could not seem to secure an adequate answer to from the witnesses who appeared before the committee. I am going to raise those same questions here this afternoon, in the hope that some members of the committee, or some proponents of this legislation who understand its background and its purpose better than I, will try to answer.

I think the truest words said during the debate this afternoon were the words of the gentleman from South Carolina when he said that until we solve the problem of the cotton farmer we are going to have trouble in every other part of the country. Certainly that is a major problem, and we are not going to have a prosperous United States if the great Southern States are permitted to suffer by lack of an adequate market for their crops. I do not know what the answer to the problem is. Not having any solution, I suppose I shall vote to continue this program.

Mr. FULMER. Will the gentleman yield?

Mr. MILLER. I yield to the gentleman from South Carolina.

Mr. FULMER. May I say to the gentleman that to solve this problem we will have to definitely make up our mind that we are going to consume more cotton in this country or else cut the acreage and production of cotton? May I state that in other countries they are mixing other fibers with their cotton, but in this country the various other fibers are running away with our market and cotton is going down. We may have to do something about consuming cotton along that line.

Mr. MILLER. I certainly hope some larger and better market can be found for our cotton crop and for some of our other surpluses.

Mr. CRAWFORD. Will the gentleman yield?

Mr. MILLER. I yield to the gentleman from Michigan.

Mr. CRAWFORD. Let us take this as an illustration. We know that an 11-cent loan is being considered this very minute. If we make the 11-cent loan on cotton at the present time with our European markets in the condition they are, it will encourage the substitution of other fibers for fabrics instead of the use of our domestically produced cotton. We have been running along that road for 10 years and we continue on that road. I want to make that observation to fit in with this very thing the gentleman now states.

Mr. MILLER. I think it is certainly a major part of the problem. I asked Mr. Robbins certain question and I have been searching for an answer. I cannot understand why the world conditions that we face today are greatly different from the conditions that we faced in 1916 and 1917. I believe there is going to be somewhat of a world famine during this coming winter. Certainly a great part of the farm production of Europe will not be harvested this year. A good many of their crops last year were not harvested. I cannot see why we will not have a repetition of World War conditions when there was definitely a shortage of practically all farm commodities. I think that a need for those commodities will exist on the other side of the ocean and, as I see it, our problem is to work out some way to get the surpluses that we have over here, largely cotton, wheat, and corn, to the part of the world where they can use them.

Reference has been made today to the situation of the tobacco farmers. We raise a good deal of tobacco in Connecticut, although most of it, practically all of it, is cigar-wrapper tobacco and is not involved in the present difficulty with British exports. I believe that the only reason that Great Britain is not buying our tobacco, and the reason why it has canceled contracts it had to buy our tobacco and to buy our apples and other farm commodities, is simply that they are now putting every bit of dollar credit they have into war munitions.

I do not believe in driving a hard bargain with anybody because we are in the driver's seat, but I do think we have the interest of our own farmers and our own people to consider, and I can see no reason why we should not insist that, if we are going to sell to the countries of Europe the war materials they badly need and that they apparently have plenty of money to pay for, a certain sum of money be spent on buying these farm surpluses that are today being bought from other countries where they can get normal credit.

Mr. CASEY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. MILLER. I yield to the gentleman from Massachusetts.

Mr. CASEY of Massachusetts. I believe the gentleman is making a very interesting statement. I should like to point out that at the present time our inability to sell our surplus goods overseas is, I believe, due to the fact that our ships are unable to go into the belligerent zones and the ships of Great Britain, for example, are busily engaged in carrying men and ammunition up to the hilt. I do believe the time will come, however, when hostilities cease, when we shall be able to get rid of our surpluses and there will be a fine market overseas.

Mr. MILLER. I believe the gentleman agrees that there are bound to be famine conditions in Europe this coming year?

Mr. CASEY of Massachusetts. I do agree with that.

Mr. MILLER. It is a coincidence that this bill carries an authorization of an appropriation of $500,000,000, and we know that within the next few days we will have another bill before us also involving $500,000,000. I am wondering if these two bills will not be in conflict and if the result we are trying to reach from passing this bill will not be adversely affected by the other bill when it comes along. As I understand, we are going to be asked to appropriate $500,000,000, as the newspapers have expressed it, to buy the surpluses of South America, to keep those surpluses out of the hands of the European dictators. We all know that many of the surpluses, in fact, most of the surpluses, of South America are also our surpluses. I believe we should consider both of these things at the same time.

While it is not particularly connected with this bill, I think all these matters that are under consideration by the Congress and by the State Department are involved in this whole question of farm surpluses. Again depending only on the newspapers, apparently we are entering into an agreement—maybe it is not a treaty but it certainly is an agreement—that it seems to me at least gives to two-thirds of the republics of this hemisphere the right not only to control our actions but actually, as I see it, to involve us in war. If the newspapers are properly presenting the matter, any two-thirds of the South American nations can practically force us into a position that will put us into a war, whether or not we want to go into it.

I wish that the hearings we have on these matters would be permitted to run longer, and then we could get more of the background and more of the details of these bills. Year after year—and this is not partisan criticism—we have been following the same road, as the gentleman from Michigan pointed out, appropriating money. We know that something has to be done for the farmer. We know that he cannot carry his own surpluses. Still, after 4 or 5 years on one plan, it seems that if it does not work—and it has not worked—there are brains enough in this Congress and in this country to work out a plan that will work and that will restore some fair market to our farmers. [Applause.]

Mr. STEAGALL. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. GILCHRIST].

Mr. GILCHRIST. Mr. Chairman, I do not know so very much about cotton but I do know something about corn. Last year I raised corn, as we always do in Iowa, and I sold some of it for 37½ cents a bushel. True, it was a very small amount. I warehoused, sealed, and stored on the farm all I could at 57 cents a bushel under the provisions of the Commodity Credit Act, but I did not have storage room for all of the crop, and so I sold part of it at 37½ cents. This is less than half the cost of production, and also less than about half the parity price.

Let me say to the gentlemen on both sides of this aisle that the farmers cannot live in Iowa and sell corn at 37½ cents a bushel. The amount I sold was only 300 bushels. The rest of it was warehoused and stored at 57 cents. I was home in Iowa last week and I found that corn out there now is selling for about 52 or 54 cents, just such corn as I sold at 37½ cents, and just such corn as was taken over by the Commodity Credit Corporation. The difference between 37 and 57 cents, or 20 cents, used to go to the speculator. The farmer would haul his corn downtown when he husked it and take 37 cents or less per bushel. As the gentleman from Minnesota [Mr. H. CARL ANDERSEN] said, if it had not been for this warehousing proposition, we would probably have had to take 20 cents per bushel last fall. Why allow the speculator to get this enormous profit? Why permit the poor farmer to lose the price of his labor?

Today the Government loses practically nothing on corn, and it has lost nothing up to this year. So far the price has raised up to the storing or warehousing price at which the farmers are getting loans from the C. C. C.; but out on the farms the price for the moment may be a trifle less than loan price in some communities. Are you going to vote for the farmer or for the speculator? There was a speech put

into the RECORD not long ago by our good friend the gentleman from New York [Mr. TABER], the watchdog of the Treasury, attempting to show that corn prices had already reached parity. How ridiculous that is when you know what corn is selling for in Iowa. I have my account book over in my office now. If I had known this discussion was coming on, I would have brought it here and would have read the entry about the sale of that corn.

Gentlemen tell me on this side and on the other side, that we must not allow subsidies to the farmer, and that we must refer back to basic principles. Now this would be all right if nobody else was getting subsidies and artificial law-made benefits, but when everybody else is getting subsidies, why not the farmers? I want to emphasize the fact that farmers will live if there are no subsidies to anybody. They will get along somehow, if nobody gets help from the Government. They would not starve to death even if they did not get benefit payments provided that there was no tariff and farmers were allowed to buy in the great world markets, if there was no wage and hour bill, which increases the price of everything farmers buy, if there were no subsidies for mail, for air carriage, or for water transportation, no fair-trade bill which raises prices, no gold subsidy which raises the price of gold to $35 per ounce, if there was no silver purchase price policy which raises the price of silver four times its market value, if railroads got no subsidies, if bankers got no special benefits. I can name a score of such benefits to a score of industries and groups. The farmer is bound to eat and live whether you boys and girls in the cities live or not; but he may be compelled to live without the things that he should have unless he be given fair treatment. Remove all subsidies or else give the farmer his right to receive fair living prices by this loan proposition. The loan proposal was first introduced into this country in Iowa. I had a part in writing it and in making it the law of that State. The idea was then brought here to Washington by the Secretary of Agriculture. In our Republican platform adopted at Philadelphia we said we favored a profit price for agriculture. Are you Republicans on this side going to repudiate that statement and admit that it is a mere platitude and that you will regard the promise as a false and fraudulent one.

Commodity loans have been endorsed by and in the Republican platform, and this is a year in which the Republican Party must carry the great agricultural States of the Middle West. It must carry Iowa and Illinois and other States like them. And you cannot do this if you are false to our promises. This very day there was laid upon your desk the midmonthly local marketing price report of the Agricultural Marketing Service. People generally agree that the years from 1909 to 1914 were average years and that these years were prosperous years for everybody, including the farmer. And these years have been taken as the basis for parity prices. Let me call to your attention also that these years were Republican years. A Republican sat in the White House and the Congress was for the most part Republican. Most agricultural experts agree that these years should be taken as representative years because prosperity came to everybody as a whole.

Using 100 percent as an index number for these years we find from this report that grain was selling in July 1940 for only 78 percent of what it sold for in those prosperous or index years. And we also find that the prices paid by farmers in 1940 was 127 percent of what it was in the former basic years. Here is a difference in the comparison of 49 percent against the interests of the grain farmer. We also find from this report that the ratio of prices received by the farmer to the prices paid by him in July 1940 was only 78 percent of what it should be and what it was formerly in those basic years. Does any gentleman on this floor believe that farmers can exist under such a disparity of price? Does any gentleman believe that he ought of right to live under such disparity of price? Why should a farmer not have parity? Do you think that he ought not to be on a par with other people? If you do, vote against this bill, but do not thereafter pat the farmer on the back and tell him how much you love him, for he will know that you are a fraud and that the truth is not in you.

The present program may not be regarded as a permanent one, but until and unless something else is offered which will keep par and which will redeem pledges and which will be morally fair and which will do equity we must go ahead with it. When Members talking against the bill this afternoon were challenged to propose something else and something better for farmers, these Members very gracefully diverted the argument and slid out from under answering it.

If plans can be devised which will adequately safeguard farm interests in a permanent way. I will be glad to support them, but there is nothing before us of this character this afternoon. The present program depends upon annual appropriations and I can visualize the time when these appropriations will not be made, but we can then substitute other means to do justice to farm people.

We have been voting billions and billions of dollars for defense. We are going to have an army with a huge complement of men sufficient to protect our homes. We are going to implement them with modern arms and munitions. We will build a great navy to protect both our shores. We will have war planes in the air. We will put an argosy upon the waves.

We will have submarines under the waters, and our flag will wave triumphantly over the surface of the land. But let me tell you that there is no defense and that there can be no defense unless agriculture is encouraged to produce foods and fibers and oils that will support armies and navies. Everybody knows that armies travel upon their bellies. Everybody knows that starvation is the means by which dictators and tyrants bring governments and peoples to their knees in suppliance. All the great marshals knew this. Napoleon knew it, and war strategy of the present day is based upon it. The quartermaster is the man who brings victory to armies. And while we are appropriating these moneys for armed defense, I pray that you remember that the production of food is more important than anything else, and that farmers will not and should not be expected to go on producing at a time when they are brought into despair by bankrupt prices for their commodities.

I spoke a moment ago about subsidies and artificial benefits that were going into other than farm channels. Manufacturers get them; industrialists get them; banks get them; carriers get them. Farmers pay for them, and they ought to be exempted from these payments or else they should be given a share of them. It is all right to speak of great principles. It is all right to say the Government should not support the people but that the people should support the Government. But certain entrenched classes have so long been receiving artificial help that they do not realize the truth of the situation. Are you going to say that a farmer should not be on a par with others; that he should be a mere underling; that he should be servile; that he should not have a profit price or a living price for his commodities? Do you believe that when the time comes to quit a spending program, as my friend from Michigan said, someone would bleed blood? All right; will it be the farmer? Are you going to say, "You farmers must be the fellows that bleed this blood"? [Applause.]

I have secured permission to put into the RECORD an editorial which I approve, and which was written by Mr. Waymack, editor of the Des Moines Register, one of the great newspapers of my State, and is as follows:

MORAL PARITY IN USE OF "PRINCIPLES"

Listening to some serious arguments among educated people the other day, we were struck by the way they used great principles to provide foundations for arguments.

Because we think the way they did it is about the way most people do it, we'll describe the procedure.

It was a good deal like the way old-time printers used to reach up into a certain little box to draw out the letter "A," use it, and then put it back for use at some future time.

The old-time printer drew out the letter "A" when the letter "A" was the one he wanted at that particular moment.

When it was the letter "B" he could use to advantage, that was the one he took.

Well, at this discussion that we are speaking of, the agriculture problem was the subject. And one of the very sincere and ardent arguers reached up into the boxes of great principles that he keeps mentally handy, and pulled out the one about the "disastrousness" of people getting into the habit of "leaning" on government.

Now, this is an all-right principle. That is to say, there's something to it. Something real and big and important.

It is true that if all the people come to look to government for everything, and to quit relying at all on themselves, the country gets in a bad way.

But the trouble about plucking out this great principle and applying it with gusto to the farm problem is that those who are so fond of doing this put the principle promptly away again, and exhibit another more suitable for their purpose, the moment they start arguing about any other problem except the farm.

Sometimes, if the discussion swings rapidly from one subject to another, the finger work of the pluckers-out of great principles becomes something marvelous to behold.

It is as magnificent an exhibition of speed and dexterity as when Paderewski does a swift piece with miraculously nimble hands over the keyboard of a piano.

Only it doesn't make harmony, intellectual harmony.

Invariably, when an arguer proposes the great principle of never leaning on government as a final and complete damnation of every approach to agriculture's problem that stands any chance of getting anywhere, this arguer obviously assumes, at least for the moment, that never until agriculture began to assert its rights was any leaning done.

He invariably ignores the fact that it is governmental policies, demanded and got by earlier leaners, that have created the farm problem.

He doesn't really argue against all leaning. He argues in favor of all leaning that has been done up to a certain point and against all leaning from that point on.

He preaches unqualified reliance on rugged individualism and unimpeded economic law for the farmers, but for none other.

And the moment anyone tries to make him apply his great principle of nonleaning to everybody, not just to the farmers, he stuffs it back in its little box so fast it makes your head swim.

Perhaps the great need of this country is not, as Tom Marshall said, back in the quiet McKinley days, "a good 5-cent cigar," but a United States committee on the coordination of the argumentative use of great principles.

Until that committee gets its job done, which we surmise will be when the millennium comes, we are just going to scoff at the one-sided and obtuse gentlemen who can't stomach leaning on government, because it is wrong in principle, when it is the farm cause that is up, though they can't find that principle with a microscope on any other occasion.

Some time ago we raised the question of moral parity as well as economic parity for American agriculture.

Moral parity in the use of great principles is one desperate need.

Mr. STEAGALL. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia [Mr. PACE].

Mr. PACE. Mr. Chairman, in March, I think it was, of 1938, the Congress passed an act requiring that on March 31 of each year the assets and liabilities of the Commodity Credit Corporation should be appraised. They were appraised last year, 1939, and on the value of the commodities on which the loans had been made as compared with the amount of the loans, it was found that the capital structure had been impaired. It was necessary for the Congress to appropriate funds to correct that impairment. A terrific fight was made on the floor, particularly on the Republican side, against the appropriation of funds to repair the capital stock. I stated then I thought it would be very unfortunate if the Congress should adjourn without appropriating funds for that impairment because then the buyers of cotton, corn, and wheat would know that the Commodity Credit Corporation was helpless, could not make loans and that the buyers would take advantage of the situation. I further stated that I thought if the appropriation was made and the world knew and the cotton buyers knew that the Government was in position to protect the farmers, very little use would be made of the cotton loans.

It appears that this was a correct prediction. We produced last year about 12,000,000 bales of cotton, but of that total crop only 19,849 bales are under loan. That is the amount of cotton of last year's crop that is under loan and the reason it is so little is the fact that we did restore the capital stock and the buyers knew that the Government was in position to protect the farmer and the market price was maintained at above the loan figure. That is exactly what we face at this hour.

There is now only $33,000,000 available for loans. That is all the money the Commodity Credit Corporation has. If you fail to pass this bill, the corn buyers, the wheat buyers, and the cotton buyers will know that the Commodity Credit Corporation is helpless, that there is no money there to make the loans, although there is a law making the loans mandatory, and the chances are that you will have 3- or 4-cent cotton again and 15- or 20-cent corn again and 20- or 30-cent wheat again. That is exactly the situation.

It is estimated that $150,000,000 will be needed for corn loans, 260,000,000 bushels; that $90,000,000 will be needed for wheat, 140,000,000 bushels; that $150,000,000 will be needed for 3,300,000 bales of cotton; $40,000,000 for loans on tobacco, and $60,000,000 for loans on other crops, making a total prospective need of $490,000,000.

This is why those interested in the corn, wheat, cotton, and tobacco producers of this Nation are here asking you to increase the lending power of the Corporation, but hoping that not one dollar of it will have to be used. [Applause.]

[Here the gavel fell.]

Mr. CRAWFORD. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. KEAN].

Mr. KEAN. Mr. Chairman, when the officials of the Commodity Credit Corporation were asked by the members of the Banking and Currency Committee why they wished this additional half billion dollars, they stated that owing to the tremendous upset in the world conditions it would probably be necessary for the Corporation to make so-called loans to this extent during the next fiscal year. I do not think that the average citizen, outside the districts where these loans are made, realizes that these so-called loans are not loans at all, but that they are made in every case without recourse. The farmer is given the money, either through a bank with the Corporation's guaranty, or through the Corporation itself, at a set price which may be the market value of the crop, or in some cases above the market value. Then, if the price goes up, the farmer is allowed to sell the commodity covered by the loan, while, if the price goes down, the Government is left holding the bag and the farmer is not even asked to pay insurance or interest, as a rule. No matter how many other resources the farmer may have, he has no further responsibility, and owes nothing to the Corporation.

Mr. PACE. Is not the same thing true of the city man with the H. O. L. C. loan and other loans on which there is no security other than the collateral itself?

Mr. KEAN. No; I do not think that is true of the H. O. L. C. One of the complaints of the H. O. L. C. is that they are always taking deficiency judgments.

Mr. PACE. I understood that they could not take deficiency judgments.

Mr. KEAN. Oh, yes; they can. I am not saying that this policy, in the conditions which have confronted the world in the last few years, is not advisable. I cannot qualify as an expert on farm conditions, but I do say that in calling this sort of deal a loan, the average person is being deceived with reference to this whole policy. What the policy should be called is an underwriting and a guaranteeing of a minimum price to farmers on certain commodities, and the public in considering whether this policy should be further expanded, should understand this fact clearly.

As I said before, I am not qualified to judge the necessity for this program or the need for the increase at the present moment, but I cannot stand here and favor increasing the guaranteed debt of the United States by another half billion dollars. In the bill which we passed the other day we increased the regular debt limit by $3,000,000,000 to take care of conditions arising out of the emergency created by events abroad. If the Commodity Credit Corporation needs this money, it should be secured by selling Treasury bonds. It is about time that we stopped issuing these Government-guaranteed obligations in an attempt to fool the people as to how much money the Government really owes. This bill, taken in conjunction with the bill we passed a while ago turning certain capital back to the Treasury and thereby decreasing the direct Treasury obligations in exchange for increasing the guaranteed obligations, will raise the guaranteed debt to well over $6,000,000,000, which will make our total debt $55,000,000,000. Of course, the excuse is made that many of

the guaranteed bonds are secured by assets which may be recoverable, but certainly no banker would consider a so-called loan up to the full market price on a commodity which fluctuates violently in price, and on which there is no recourse against the borrower, as a safe risk. How long are we going to continue guaranteeing these questionable obligations? I think it is about time that we stopped fooling ourselves as to the amount that we owe.

Mr. THORKELSON. Mr. Chairman, will the gentleman yield?

Mr. KEAN. Yes.

Mr. THORKELSON. Is it not a fact that the farm imports today are in a sense a subsidy to the foreign farmers? I refer to the farm imports brought about by the trade treaties and compacts, the imports of cattle and wheat. Is it not a fact that the loans that we extend to foreign nations are a double subsidy for the foreign farmers at the expense of our own, and in order to adjust that that we must subsidize our own producers?

Mr. KEAN. It may be true that the policy which the administration wants to carry out with reference to South America, as the gentleman from Michigan [Mr. CRAWFORD] said, is to lend money to South America to help their crops, and then we will have to pay our own farmers extra money for the crops here. It seems rather illogical.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. KEAN. Yes.

Mr. CRAWFORD. I think it is necessary, in studying this information obtained from the State Department, to realize that this country has been committed to the proposition of making common cause with the 20 countries to the south of us. We are now in the pot with them, and, in my opinion, it will tie up all of the surplus products of these 20 countries to the south of us. And if our distinguished Chairman will permit me to make this observation, I refer to one of his press reports issued the other day, where he had reference to the Export-Import Bank bill which will be up for consideration, I suppose, within a few days. He said this:

> As part of a broader program of this country with the other countries of the Western Hemisphere, I have today introduced a bill which will broaden the lending powers of the Export-Import Bank and enable it to make loans for the purpose of assisting in the development of the resources, the stabilization of the economies, and the orderly marketing of the products of such countries.

That, in connection with the economic declaration of the 21 countries, in my opinion, sews us up positively and definitely to whatever billions are required to handle the proposition.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. STEAGALL. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. VOORHIS].

Mr. VOORHIS of California. Mr. Chairman, the problem that is attempted to be met in this bill is the problem of so-called surpluses. We know that to a great extent these so-called surpluses are not real surpluses at all. More recently we have developed the stamp plan in the Surplus Commodities Corporation, on the very reasonable idea that the thing to do with food, if there are hungry people in the country, is to enable those people to consume it.

Basically, as America looks forward into her future, the one most vital thing that it seems to me she must realize is this: that her opportunity of living at peace is going to depend in very large measure on her ability in developing a distributive system which will enable her people to consume as they produce. I say this because it appears to me inevitable that opportunity for foreign trade is going to be much less in future than it has been in the past. There are some commodities which we produce in real surplus—some commodities where we are dependent upon foreign markets to dispose of them. One of those commodities is cotton. It therefore seems to me to be perfectly ridiculous for people to criticize the present program of the Department of Agriculture which endeavors, through the soil-conservation program, to enable our farmers to get a better balance in the production which takes place.

Now, here is a program of making loans to farmers to enable them to stabilize the market and protect agricultural prices, or to realize a better price on their production. I think it is little enough for us to do this. Our farmers—25 percent of our population—have received over a long period of time no more than 6 percent to 11 percent of the Nation's income. But I have asked for this time in order to say that I believe that fundamentally what this problem is is a problem of coming much nearer than we have ever come before to enabling the American people to consume their production. Doing that, believe me, has more to do than any other one thing with our hope of peace and our true national defense.

Now, here is wealth already produced. Here are people in need of those farm commodities, and yet it is, we think, necessary for us in the first place to borrow some of our own national credit to loan the farmers and then to borrow some more in order to finance the stamp plan. It does not seem to me that is reasonable, particularly not when the level of prices for basic farm commodities is below what it ought to be, and particularly not when you know that the prices of those commodities will respond to the influence of the injection of an additional quantity of the medium of exchange into circulation quicker than any prices that there are. It seems to me that we have a duty to directly monetize these commodities which are already produced and waiting for a market and thus enable the people of America to consume them promptly. I think such a policy should be continued until such time as agricultural prices are restored to parity.

Mr. JOHNS. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS of California. I yield to my distinguished and able friend from Wisconsin.

Mr. JOHNS. I have been interested in the discussions about the floor of prices for agricultural products. It seems to me that if this bill were carried to its logical conclusion and you made loans to every farmer on every product in this country and fixed the loan, such as was spoken about this morning, at, say, 57 cents, and the Government absorbed the difference, we would not have any trouble in working out our floor of prices. The Government would pay that much anyway. What does the gentleman think about that? The gentleman is a great economist and I would like to have the gentleman answer that.

Mr. VOORHIS of California. I have been one Member who has been very deeply interested for a long time in the general approach to the agricultural problem, of a guaranteed minimum price for agricultural products. I have thought and studied at length on this subject and always I come back to the idea of saying in a careful piece of legislation that below a certain price farm commodities will not be allowed to fall. I recognize that such a plan involves certain difficulties, certain difficulties that will have to be met and overcome in some fashion, but I will say this much: Either every monopoly in America which levies tribute upon the rest of the people in the form of artificially high prices must have its power broken or else the farmer must be protected against cutthroat competition and control of his prices by agencies like the Chicago Board of Trade. In the interest of national defense on yesterday we provided for a minimum profit of 12 percent on airplane contracts. I do not know of anything more fundamental than food products, from the standpoint of national defense, and it appears to me that if you are going to take steps like that in one field, there is quite as much logic in taking them in another. The burden of my present appeal is this, however, that we understand that a so-called surplus is not a real surplus so long as there are people in the United States who need to use it; and that wealth produced is the only basis that gives money value; that, therefore, there is a gap in our thinking in this respect unless we know how to bring those two things together. [Applause.]

Miss SUMNER of Illinois. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS of California. I yield.

Miss SUMNER of Illinois. I wonder if the gentleman noticed in the testimony given in the hearings that there was no particular concern with corn and no losses on the food commodities; it was only on the cotton. The problem for consumption is purely cotton. I am not sure what the figures are. Perhaps the gentleman knows about the chances for increasing the consumption of cotton in our country.

Mr. VOORHIS of California. I think there are ways to do that. I would point out that we are only beginning at this moment to utilize the stamp plan of the Surplus Commodities Corporation for cotton. It is being used in my own county in California, and I am very interested to see what the consequence of that will be. My own conception of that plan is that it is only a very good beginning in the sort of thing we need to do. I tried to say awhile ago that we all realize that in the case of cotton there is a real problem; a problem that is more difficult than the problem connected with any other commodity. I might say, however, that cotton surpluses would be sharply reduced if all the families in this Nation had sufficient buying power to buy mattresses and sheets and things like that which most of us regard as necessities.

Mr. BROWN of Georgia. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS of California. I yield.

Mr. BROWN of Georgia. The gentleman realizes they are making these loans on 30 or 40 commodities. The testimony shows that the Government has not lost a dime on cotton in the past 2 years. The testimony further shows that the Chairman of the Board said that as long as you limit the loans to 50 or 60 percent of parity he does not believe you will lose a dime on cotton.

Mr. VOORHIS of California. Well, I hope the gentleman did not understand me to be critical of that program. I am not at all. I have simply been trying to interject some consideration of more basic matters.

Mr. BROWN of Georgia. But the lady from Illinois brought up that subject. I wanted to assure her there has been no loss on cotton in the past 2 years.

Mr. VOORHIS of California. There is one more thing I want to say about agriculture and national defense. It is the sort of thing to which we are giving entirely too little thought. The more people any nation has who can say to themselves that they own a small piece of their native land, the stronger that nation will be. Conversely, to the extent that numbers of our people are forced off their land onto the road or pushed back into the group of tenants, we are weakened to that extent—at least in spirit. And the spirit of our people, believe me, gentlemen, is important. Do you know that we have in excess of $1,000,000,000 lying idle in our Treasury which could be used with perfect safety for making loans to enable tenants and former farm owners, who are now migrant laborers, to become owners? I have introduced a bill that would make that possible; and may I say that it would be well if some legislation of that kind could receive some earnest consideration—yes; right now. For, after all, the defense of our country in the last analysis is in the hearts of its people.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. WOLCOTT. Mr. Chairman, I ask unanimous consent to revise and extend the remarks I made today.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. GILCHRIST. Mr. Chairman, in connection with the remarks I made today I ask unanimous consent to include an editorial.

The CHAIRMAN. The Chair informs the gentleman from Iowa that he will have to obtain that permission in the House.

All time has expired. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the act approved March 8, 1938 (52 Stat. 107), as amended by the act approved March 4, 1939 (53 Stat. 510), be amended as follows: In section 4, delete the figure "$900,000,000" and insert in lieu thereof the figure "$1,400,000,000".

Mr. SCHAFER of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHAFER of Wisconsin: Page 1, line 7, strike out "$1,400,000,000" and insert "$1,000,000,000."

Mr. SCHAFER of Wisconsin. Mr. Chairman, our national debt is increasing at a very rapid and dangerous rate. Any thinking person who studies government and the history of the governments of the world will realize that the real danger to our common country at this very hour lies within and not without. Every country which has had a dictatorship supplant its previous form of government has carried on a spending spree on borrowed public money as has the New Deal in the United States for 7 long years.

Mr. Chairman, here we have a bill to increase our national debt $500,000,000 for so-called cotton and corn relief. In a few days we expect to consider a bill which requires Uncle Sam to borrow and spend another $500,000,000 from our almost bankrupt Federal Treasury. This latter bill will hand $500,000,000 to South American dictator countries which now owe our private American investors more than $2,000,000,000 and are now in default in principal and interest payments on most of this debt.

Mr. Chairman, we will be asked to hand these South American dictatorships $500,000,000 so that they can produce more of the very products which are produced in America and for which the $500,000,000 in the pending bill is to be expended.

Mr. Chairman, with reference to cotton, we know that since the New Deal has had control of our Federal Government the export market for United States cotton has decreased millions of bales per year. At the same time South America, particularly Brazil, has increased its cotton exports many times. Now Mr. Hull, the New Deal Secretary of State, comes along and asks that we raid our almost bankrupt Federal Treasury and hand half a billion dollars to South American dictatorships in order that they can produce more cotton, corn, and other agricultural products which compete with the products of our country.

Mr. Chairman, should we continue these New Deal expenditures and American sell-out policies much longer, Uncle Sam will be plunged into bankruptcy and inflation, which will bring our people misery, distress, suffering, despair, and chaos such as we have never known.

Mr. Chairman, instead of having the Federal Government borrow half a billion dollars to subsidize foreign competitors and another half a billion under the pending bill for the relief of those producing the very same commodities in the United States, we should levy a substantial tariff tax on all competitive foreign imports in order to increase tax revenues and decrease tax burdens of our own people. Charity begins at home. In the interest of our country and our countrymen, our New Deal brethren should stop borrowing billions of dollars with which to play Santa Claus to foreign countries and foreign people, as they have been doing for 7 long years. [Applause.]

Mr. RICH. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The gentleman moves to strike out the last word.

Mr. RICH. I will strike out the last word, Mr. Chairman. I think that the amendment is probably a very wise amendment to have incorporated into this particular bill now under discussion.

This bill carries with it as it now stands $500,000,000. The amendment offered by the gentleman from Wisconsin would cut it down to $100,000,000. Even if we appropriate the $100,000,000, I ask the Members on the Democratic side of the House: Where are you going to get the money? I have been asking you that for 6 years and you have not found the answer. You never can and you never will be able to. It will take a wise Congress to do so.

Yesterday you appropriated $4,800,000,000 in cash and authorizations when there was less than a majority of the Members present on the floor. About 100 Members are present on the floor this afternoon, and today it is $500,000,000 more. Let me show you just what we have appropriated during this session of Congress.

We have appropriated over $12,799,602,760. Here is the list of appropriations:

Regular annual appropriations, 76th Cong., 3d sess.

Agriculture and farm credit		$918,603,918.00
Independent offices		1,120,243,528.00
State	$20,125,500	
Commerce	33,908,500	
Justice	41,323,000	
Judiciary	11,792,000	
		107,149,000.00
Treasury	218,752,033	
Post Office	814,049,062	
		1,032,801,095.00
Navy		1,308,171,138.00
Interior		135,383,330.05
District of Columbia		48,765,080.00
Civil functions		222,718,717.00
Military		1,499,323,322.00
Legislative		23,671,220.00
Labor	$32,714,390	
Federal Security	857,143,400	
Other	133,424,900	
		1,023,282,690.00
Emergency supplemental		252,340,776.00
Urgent deficiency		57,541,300.00
First deficiency		92,035,408.52
Second deficiency		85,891,777.23
Emergency relief		1,157,711,357.00
First supplemental national defense		1,479,777,147.00
Second supplemental national defense (passed House)		2,234,191,957.00
Total		12,799,602,760.80

The President's estimate of the income for the year 1941 was $5,600,000,000. You brought in a tax bill several weeks ago to raise $1,007,000,000. I say to you that you should bring in two or three more tax bills such as that, because it is going to be necessary at least to keep the deficit down next year to where it is this year. I have insisted on new taxes or less spending for 7 years, because with the appropriations you have made compared with the small revenue you will receive, you will be in the red next year $6,192,602,760.

That is not the nigger in the woodpile, large as that deficit is. The nigger in the woodpile lies in the authorizations you have made this session, authorizations so large in amount they will stagger the next Congress to meet when it comes into session. There is the nigger in the woodpile. It will stagger the imagination of the greatest financiers in America to face the deficit you have made and the obligations you have created. You have been in the red every year since the New Deal came to town from one and one-half billions to four and one-half billions annually. A shame, a disgrace. In the next session of Congress it will require men who have the greatest possible business heads on them, men who are the greatest possible executives of all time, to master the situation which you have gotten America into. America is facing a terrible catastrophe. Notwithstanding the fact that the statement has been made that we are in a national emergency, I have been unable to find any one who can explain to me what this great national emergency is, except fear. Fear is the great national emergency that confronts us. What is the fear of? It is the fear of somebody in a foreign country coming over to this country and attacking us.

Mr. Chairman, I believe in preparedness but if we are going to have preparedness we want to have preparedness not only to take care of the enemies that might approach our shore but we must have preparation to take care of our economic situation and the great debt that you have created in the last 8 years. With the authorizations that have been made during this session of Congress it is going to take the ingenuity and the business ability of the best brains this country can afford to get us over the period which we now face.

Mr. EBERHARTER. Will the gentleman yield?

Mr. RICH. I yield for a question.

Mr. EBERHARTER. Did the distinguished gentleman from Pennsylvania on yesterday speak against the appropriation bill which was being considered at that time or did he vote against it?

Mr. RICH. Well, I will tell the gentleman, there were not enough red-blooded Members of Congress to stand up here and say that we should not give that much money to the White House to spend at this time. We are for preparedness but not for dictatorship. I am afraid that bill may lead to it.

Mr. EBERHARTER. The gentleman himself evidently did not have the guts to vote against the bill or to speak against the bill.

Mr. RICH. The gentleman did not have enough red blood in his veins to come here and speak against it and there was not anybody else, but I suppose the gentleman is satisfied with his votes for New Deal spending, but when it comes to national defense, we ought to defend America. But we should not have permitted the terrible squandering of funds unnecessary in Government operation. We could and should have cut down our expenses greatly. Our children will stagger with our national debt. It is a millstone around their neck, a burden they may not be able to bear. I am and have been for economy in Government operation for unnecessary functions established and bureaus set up. [Applause.]

[Here the gavel fell.]

Mr. STEAGALL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in view of what has been said in reference to the operations of the Commodity Credit Corporation under present management, I think it is only fair to call attention to the fact that after investigation by a Senate committee it was ascertained that the losses in a 2-year period under the Board that conducted similar operations with a limited number of commodities during the Hoover administration amounted to $345,000,000 of the $500,000,000 authorized, or about 69 percent of the loans made.

For the past 6 years of operations of the Commodity Credit Corporation there have been losses of only $25,000,000, and, as has been pointed out by my colleague from Georgia, those losses in the past 2 years did not arise by reason of any transactions in connection with cotton crops.

In order that the House may understand what it is going to vote on, may I say that the pending amendment would reduce the authorization in the present bill from $500,000,000 to $100,000,000. The effect would be to destroy the purpose of the bill and to nullify the efforts of the Corporation to support the orderly marketing of the crops of 1940. The sums that will be required, according to estimate, amount to $150,000,000 for cotton, $150,000,000 for corn, and $90,000,000 for wheat, $40,000,000 for tobacco, and $60,000,000 for other crops. It is manifest and indisputable that to limit the fund to $100,000,000 as against such demands would certainly tie the hands of the corporation and defeat the purpose of the bill.

Mr. SMITH of Ohio. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, during the hearings on this bill before the Banking and Currency Committee a question was raised about a statement I made on the floor some time ago with reference to a loss by the Commodity Credit Corporation. It appears that the gentleman from Missouri [Mr. WILLIAMS], one of the members of the committee, asked a question of Mr. Robbins, president of the Commodity Credit Corporation, whether my statement that $186,000,000 was lost by the Commodity Credit Corporation was correct. He stated he spoke from memory in mentioning that amount. The figure I gave, as a matter of fact, was $180,965,315.

Mr. Robbins' answer indicated my figures were wrong.

The statement I made on the 31st of May and referred to by the gentleman from Missouri [Mr. WILLIAMS] was that the Treasury of the United States had reported that loss and I gave it as my authority at that time. I wish now to repeat that statement and to state again my authority for the same. It was taken from Document No. 172, Part 1, Financial Statement of Certain Government Agencies by the Secretary of the Treasury of the United States, in response to Senate resolution No. 150. On page 30 of this document, under table 25, appear the figures which show a loss by the Commodity Credit Corporation as of June 30, 1939, of $180,965,315.

Regarding this bill, this is, as I understand, the second or third time the amount, which the Commodity Credit Corporation may lend, has been raised. As long as the present

regime continues the amount will be continuously raised, nothing stopping this process but bankruptcy of the Treasury.

The increased authorization for more millions by the Commodity Credit Corporation is merely a part of the general policy now in operation with respect to all the other lending agencies.

Soon we will be confronted with another request to authorize an increase in the lending capacity of the Export-Import Bank of Washington to $500,000,000. This is to be used as a nucleus for more and greater appropriations to embark our Nation upon another wild and devastating program, a cartel which is to be formed to buy up all the surpluses of Argentina, Brazil, and all the other South American countries to keep them from trading with certain European nations. Apparently this cartel idea is to be operated in conjunction with our armed forces.

Much praise is being showered by newspaper editors and others on our State Department for its success in the recent Habana conference. On the surface, it no doubt appears to many that much was accomplished there in bringing the Latin American countries in line with a common defense policy, and probably also with a trading policy that will protect our Nation from undue competition with certain European nations.

However, the people should go a little slow here. It is too early to tell just what was accomplished at Habana. Just how much was each one of the delegates from the other countries influenced by the $500,000,000 that was dangled before their eyes? What part did that play in the final result? Here is something to think about. Anyone familiar with the history of our financial, diplomatic, and military relations with South America well knows it is most probable this $500,000,000 loan proposal to the Latin American countries played an important role in making the Habana agreement possible.

What would happen with that pact should Congress refuse to authorize this $500,000,000 loan?

God alone knows where all this is leading us. Now, when we are in need of strengthening our armed defenses, as well as our internal conditions, when we should be conserving to the utmost all our resources, and especially when we should be bending every effort to strengthen our first line of defense, the financial condition of our Government, we are engaging in just the opposite.

Anyway, this is not really helping the farmers. A bankrupt Treasury will wreck the farmers the same as all other groups. Certainly they realize this. [Applause.]

[Here the gavel fell.]

Miss SUMNER of Illinois. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, it has been said that all a woman has is her good name. I assume that a good reputation for accuracy is important to those who are in Congress, because Members are so often expected to take what is said on faith. The statement I made which was questioned was that there had not been much loss on commodities other than cotton. That statement is substantiated by the testimony given in the hearings as set out on page 10 in answer to a question by the gentleman from Missouri [Mr. WILLIAMS] a member of the committee, as follows:

Question:

What I had in mind was where has been the loss? Has it been on any particular article or is it general?

And Mr. Robbins, who is the head of the Commodity Credit Corporation, replied:

The loss of the less-than-$25,000,000 that has been incurred to date has been principally on cotton, because that crop came under loan in larger volume as a consequence of its great loss of export outlets.

Those of you who are interested in corn, and by that I mean corn as a commodity grown in your community, will also be interested in the testimony on page 44, in which Mr. Robbins discussed the fact that the reason we have had a surplus on the corn market is that recently we have had three bumper crops in succession, which is unusual. The witness made the following comment:

Even though we should have, let us say, 450,000,000 bushels of corn under loan and 90,000,000 owned, as at the present time, plus whatever free stock might be on hand at the beginning of the next marketing season, the total would be probably less than one-third of a normal corn crop, so that if a drought should occur—

And you from corn-farming districts know that a drought is at present occurring—

that would reduce yields by a very large amount. All of the corn in the free supply, all that we own, and all that is under loan would be needed as feed for stock.

I draw your attention to this fact for this one reason. I feel that in our part of the country—I know nothing about the cotton situation, personally—these corn loans can be used as a material factor to prevent depressions, for this reason. Our trouble is to get money down into the bottom of the well, in the rural communities. We can do that only at the time the crops are marketed. For instance, from 1932 to 1935 hardly anybody where I lived marketed his corn crop who could avoid selling, and consequently there was little money pump-primed in a natural way down to our communities. Those corn loans have been effective in bringing money down into our communities regularly each year, and I believe that if some steps can be taken to take care of the cotton-surplus problem and the problems where the supply is greater than it should be, this corn-loan plan is a possibility that we should consider, since it creates a healthier economy. We as Republicans have never been loath to consider and study all New Deal proposals, even when they have been suggested by certain new dealers in whose judgment we have learned to feel little confidence.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, will the gentlewoman yield?

Miss SUMNER of Illinois. I yield to the gentleman from Minnesota.

Mr. AUGUST H. ANDRESEN. If we do not solve the cotton problem by finding an additional export market or reopening a market, the Commodity Credit Corporation will lose between $300,000,000 and $400,000,000 on the cotton they hold.

Miss SUMNER of Illinois. In that connection, since the South American question has been brought up today a little prematurely, may I say that I was doing some studying on the South American surplus-commodity problem last week, and I received a rough estimate from a reputable authority whose name I shall not mention because I have not requested permission to use his name. This authority estimated that if we took over the surpluses of South America as they are today, without making any allowances for the surpluses there might be if the South Americans attempted to raise without any crop control—and we would, of course, have nobody to police them—in the next 10 years we would be into a $20,000,000,000 program. Goodness knows what it would cost us if they were tempted to increase their production as such a guaranty of surplus disposal would tempt them to do.

Mr. CRAWFORD. Mr. Chairman, will the gentlewoman yield?

Miss SUMNER of Illinois. I yield to the gentleman from Michigan.

Mr. CRAWFORD. Going to the question of cotton and corn, corn is not an export crop as is cotton. A plan of this kind can work quite effectively on corn without piling up these potentialities.

Miss SUMNER of Illinois. That is right.

Mr. CRAWFORD. But in the case of cotton, we are surrendering the world market to other cotton-producing areas and thereby putting our cotton operators in the South out of a job, or driving them into competition with northern agriculture. In my opinion, therein is the danger. We are making a jacket for both cotton and corn crops which, I believe, is proving to be absolutely unsound.

Miss SUMNER of Illinois. In studying South American conditions, I was particularly impressed with the figures,

which I do not have at my fingertips at the moment, showing their recent increase in cotton production. [Applause.]

[Here the gavel fell.]

Mr. FISH. Mr. Chairman, I move to strike out the last four words.

Mr. Chairman, I have taken this time because the House, when it adjourns today, will probably adjourn over until Monday. Under this particular bill, the Commodity Credit Corporation bill which has to do with our surplus crops, there is a question I want to propose to the Members of Congress on both sides, and ask their consideration of it. There is probably no man in the House who is more opposed than I to intermeddling in the affairs of foreign nations and being involved in the European war situation. There is probably no Member of the House who is more of an isolationist from foreign wars than I. But that does not mean that I am an isolationist from either peace, good will, or humanitarian efforts.

It seems to me that the United States owes a great moral duty toward suffering humanity and has a great moral obligation to the world. We are all thankful because we have been able to keep out of the war, but that does not mean that we are fulfilling our moral obligations to the world. In the next 6 months or in the next year millions of people in Europe, men, women, and children, but particularly women and children, may die of starvation. We have an enormous surplus in wheat, in corn, in hogs, and in cotton. We have been destroying a potential surplus for years, paying the farmers a billion dollars to plow under and destroy our crops and kill off our pigs. It seems to me in this war tragedy that has covered Europe that we, more than any other nation, have a moral duty and obligation to provide relief to the starving and stricken people of Europe. Probably we are the only Nation in the world that can easily feed the starving people of Poland, Norway, Denmark, Holland, Belgium, and France. Of course, we must first see that our own people are fed first, but we should take the rest of the surplus and for the time being, not lend it to these war-ravaged foreign nations and to these starving people in Europe, but give to them and not even ask for any thanks. We may not even get any thanks in return, but, nevertheless, instead of plowing under or destroying these crops and instead of hiding them away in storehouses, if these war-stricken foreign nations are unable to buy them we should give our surplus foodstuffs to them without thought of recompense in the name of humanity and from one Christian nation to another to save these war victims—women and children from starving to death. I think every Member of Congress would be glad to consider any sound and constructive program that would enable us to give our surplus corn, wheat, hogs, and beef to the starving children of Europe, and that is what I am asking the Members of Congress to consider regardless of partisanship, because such action will be necessary in the near future. It may come within the next 30 or 60 days when we will be asked to decide that question, and I know in advance what my answer will be.

I would give every pound of pork and beef and every bushel of surplus wheat and corn to these starving women and children who, through no fault of their own, may not be able to live through another winter in Europe. That is our obligation toward the people of war-ridden Europe and that is the American way. That is also the humanitarian way and I believe when Congress is called upon to act it will respond as it did in the Belgian relief, back in 1915, and if it responds in that manner, not one pound of our foodstuffs will go to the German Army, but will all go to help save the lives of millions of Polish, Norwegian, Danish, Dutch, Belgian, and French children.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield.

Mr. MARCANTONIO. I want to take this occasion to point out a more serious need which exists in one of our island possessions right at this moment. Puerto Rico has a population of 1,800,000 people and the Associated Press reports today that 100,000 people have been stricken with influenza down there, and of the first 52,000 cases 144 deaths have taken place. This means one person out of every 18 in Puerto Rico has now been stricken with influenza and is subject to a possible case of pneumonia. I submit that is a hardship and a casualty to which the Congress should give its immediate attention and all agencies of the Government should send all of the help that is necessary to relieve the suffering of these people down in Puerto Rico at this time.

[Here the gavel fell.]

Mr. FISH. Mr. Chairman, I ask unanimous consent to proceed for 3 minutes.

Mr. EBERHARTER. Mr. Chairman, reserving the right to object, we have another important bill coming up at this time and the Members are desirous of getting away and therefore I feel constrained to object at this time, for the additional reason that this is not pertinent to the bill under consideration.

Mr. FISH. It is very pertinent but I shall discuss it later on.

The CHAIRMAN. Objection is heard.

The question is on the amendment offered by the gentleman from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER of Wisconsin. Mr. Chairman, may we have the pending amendment again reported?

The Clerk again read the amendment offered by the gentleman from Wisconsin [Mr. SCHAFER].

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. SCHAFER of Wisconsin) there were—ayes 51, noes 79.

So the amendment was rejected.

Mr. ZIMMERMAN. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. ZIMMERMAN: At the end of line 7, strike out the period and insert a semicolon and add the following: "*Provided*, That to obtain a loan on cotton, producer must furnish a certificate of grade and staple signed by a licensed classer whose license is issued by the United States Department of Agriculture."

Mr. STEAGALL. Mr. Chairman, I make the point of order against the amendment that it is not germane to the bill.

The CHAIRMAN. Does the gentleman from Missouri wish to be heard on the point of order?

Mr. ZIMMERMAN. I have no statement to make on the point of order, Mr. Chairman.

The CHAIRMAN (Mr. BARDEN of North Carolina). The Chair is ready to rule.

The bill now under consideration seeks to amend section 4, which deals with the amount only. The amendment offered by the gentleman from Missouri seeks to add a proposition which might be germane to the original act but which seems to the Chair not to be related to the section of the act here sought to be amended by the pending bill. The Chair is therefore of the opinion that the amendment is not germane to the bill now being considered by the Committee, and therefore sustains the point of order of the gentleman from Alabama [Mr. STEAGALL].

Mr. STEAGALL. Mr. Chairman, I move the Committee do now rise and report the bill back to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BARDEN of North Carolina, chairman of the Committee of the Whole House on the state of the Union, reported that that Committee had had under consideration the bill S. 3998, and had directed him to report the same back to the House with the recommendation that it do pass.

Mr. STEAGALL. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question now is on the passage of the bill.

Mr. STEAGALL. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. As many as are in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Twenty-one Members have risen, not a sufficient number.

Mr. STEAGALL. Mr. Speaker, I demand a division.

The House divided; and there were—ayes 115, noes 37.

Mr. RICH. Mr. Speaker, I object to the vote on the ground there is no quorum present, and I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Pennsylvania makes the point of order that there is no quorum present. Evidently there is no quorum present. This is an automatic call. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 247, nays 106, not voting 79, as follows:

[Roll No. 173]

YEAS—247

Alexander	Dickstein	Keller	Pfeifer
Allen, Ill.	Dirksen	Kelly	Pierce
Allen, La.	Disney	Kennedy, Martin	Poage
Allen, Pa.	Doughton	Kennedy, Michael	Polk
Andersen, H. Carl	Doxey	Keogh	Rabaut
Anderson, Calif.	Duncan	Kerr	Ramspeck
Anderson, Mo.	Dunn	Kilday	Randolph
Andresen, A. H.	Durham	Kitchens	Rankin
Arends	Eberharter	Kleberg	Rayburn
Arnold	Edelstein	Knutson	Rees, Kans.
Barden, N. C.	Edmiston	Kocialkowski	Richards
Barnes	Elliott	Kramer	Robertson
Barry	Ellis	Landis	Robinson, Utah
Beckworth	Faddis	Lanham	Rogers, Okla.
Bell	Fay	Lea	Romjue
Bland	Ferguson	Leavy	Ryan
Boehne	Flaherty	LeCompte	Sabath
Boland	Flannagan	Lemke	Sacks
Bolles	Ford, Miss.	Lesinski	Sasscer
Boren	Ford, Thomas F.	Lewis, Colo.	Schuetz
Boykin	Fries	Ludlow	Schulte
Brooks	Fulmer	Lynch	Schwert
Brown, Ga.	Garrett	McAndrews	Scrugham
Bryson	Gathings	McArdle	Secrest
Buck	Gavagan	McCormack	Shanley
Buckler, Minn.	Gearhart	McGehee	Sheppard
Buckley, N. Y.	Gehrmann	McGranery	Smith, Conn.
Bulwinkle	Geyer, Calif.	McKeough	Smith, Va.
Burch	Gibbs	McLaughlin	Smith, Wash.
Burdick	Gilchrist	McMillan, Clara	Snyder
Burgin	Gore	McMillan, John L.	Somers, N. Y.
Byrns, Tenn.	Gossett	Maciejewski	South
Byron	Grant, Ala.	Mahon	Sparkman
Cannon, Fla.	Green	Maloney	Starnes, Ala.
Cannon, Mo.	Gregory	Mansfield	Steagall
Carlson	Griffith	Marcantonio	Stefan
Cartwright	Guyer, Kans.	Martin, Ill.	Sumner, Ill.
Case, S. Dak.	Gwynne	Martin, Iowa	Sumners, Tex.
Casey, Mass.	Hare	Massingale	Sutphin
Chiperfield	Harrington	May	Sweeney
Church	Hart	Mills, Ark.	Sweet
Claypool	Harter, Ohio	Mills, La.	Talle
Cochran	Havenner	Monroney	Tarver
Coffee, Nebr.	Healey	Moser	Taylor
Coffee, Wash.	Hendricks	Mott	Tenerowicz
Cole, Md.	Hennings	Mouton	Terry
Collins	Hill	Mundt	Thomas, Tex.
Colmer	Hobbs	Murdock, Ariz.	Thomason
Connery	Hope	Murdock, Utah	Thorkelson
Cooley	Houston	Murray	Tolan
Cooper	Hull	Myers	Vinson, Ga.
Costello	Hunter	Nelson	Voorhis, Calif.
Cox	Izac	Nichols	Wallgren
Cravens	Jarman	Norrell	Walter
Crosser	Jensen	O'Connor	Ward
Crowe	Johnson, Ill.	O'Neal	Warren
Cummings	Johnson, Luther A.	Pace	Weaver
Curtis	Johnson, Okla.	Parsons	West
D'Alesandro	Johnson, W. Va.	Patman	Whelchel
Davis	Jones, Tex.	Patton	Wolverton, N. J.
Dempsey	Keefe	Pearson	Zimmerman
DeRouen	Kefauver	Peterson, Fla.	

NAYS—106

Angell	Bolton	Clevenger	Culkin
Austin	Bradley, Mich.	Cluett	Ditter
Barton, N. Y.	Brewster	Corbett	Dondero
Bates, Mass.	Brown, Ohio	Crawford	Dworshak
Bender	Clason	Crowther	Eaton
Elston	Horton	Monkiewicz	Short
Engel	Jarrett	O'Brien	Simpson
Fenton	Jeffries	Oliver	Smith, Maine
Ford, Leland M.	Jenkins, Ohio	Osmers	Smith, Ohio
Gamble	Johns	Pittenger	Springer
Gartner	Johnson, Ind.	Plumley	Stearns, N. H.
Gerlach	Jones, Ohio	Powers	Thill
Gifford	Jonkman	Reed, Ill.	Tibbott
Gillie	Kean	Reed, N. Y.	Tinkham
Graham	Kinzer	Rich	Treadway
Grant, Ind.	Kunkel	Robsion, Ky.	Van Zandt
Gross	Lambertson	Rockefeller	Vorys, Ohio
Hall, Leonard W.	Lewis, Ohio	Rodgers, Pa.	Wadsworth
Halleck	Luce	Rogers, Mass.	Wigglesworth
Hancock	McDowell	Routzohn	Williams, Del.
Harness	McGregor	Rutherford	Winter
Harter, N. Y.	McLeod	Sandager	Wolcott
Hartley	Maas	Schafer, Wis.	Wolfenden, Pa.
Hawks	Marshall	Schiffler	Woodruff, Mich.
Hess	Martin, Mass.	Seccombe	Youngdahl
Hinshaw	Michener	Seger	
Hoffman	Miller	Shafer, Mich.	

NOT VOTING—78

Andrews	Delaney	Kee	Shannon
Ball	Dies	Kennedy, Md.	Sheridan
Bates, Ky.	Dingell	Kilburn	Smith, Ill.
Beam	Douglas	Kirwan	Smith, W. Va.
Blackney	Drewry	Larrabee	Spence
Bloom	Englebright	McLean	Sullivan
Bradley, Pa.	Evans	Magnuson	Taber
Byrne, N. Y.	Fernandez	Mason	Thomas, N. J.
Caldwell	Fish	Merritt	Vincent, Ky.
Camp	Fitzpatrick	Mitchell	Vreeland
Carter	Flannery	Norton	Welch
Celler	Folger	O'Day	Wheat
Chapman	Goodwin	O'Leary	White, Idaho
Clark	Hall, Edwin A.	O'Toole	White, Ohio
Cole, N. Y.	Holmes	Patrick	Whittington
Courtney	Hook	Peterson, Ga.	Williams, Mo.
Creal	Jacobsen	Reece, Tenn.	Wood
Cullen	Jenks, N. H.	Risk	Woodrum, Va.
Darden, Va.	Jennings	Satterfield	
Darrow	Johnson, Lyndon	Schaefer, Ill.	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Whittington (for) with Mr. Kilburn (against).
Mr. Camp (for) with Mr. Reece of Tennessee (against).
Mr. Hook (for) with Mr. Douglas (against).
Mr. Cullen (for) with Mr. Jennings (against).
Mr. O'Leary (for) with Mr. Mason (against).
Mr. Bates of Kentucky (for) with Mr. Holmes (against).
Mr. Bloom (for) with Mr. Jenks of New Hampshire (against).
Mr. Wood (for) with Mr. Vreeland (against).
Mr. Courtney (for) with Mr. Thomas of New Jersey (against).
Mr. Dies (for) with Mr. White of Ohio (against).
Mr. Magnuson (for) with Mr. Cole of New York (against).

General pairs:

Mr. Beam with Mr. McLean.
Mr. Darden of Virginia with Mr. Carter.
Mr. Clark with Mr. Goodwin.
Mr. Folger with Mr. Darrow.
Mr. Byrne of New York with Mr. Blackney.
Mr. Peterson of Georgia with Mr. Fish.
Mr. Drewry with Mr. Andrews.
Mr. Williams of Missouri with Mr. Risk.
Mr. Satterfield with Mr. Welch.
Mr. Schaefer of Illinois with Mr. Englebright.
Mr. Sullivan with Mr. Ball.
Mr. Woodrum of Virginia with Mr. Taber.
Mr. Celler with Mr. Fernandez.

The result of the vote was announced as above recorded.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The bill H. R. 9931, a similar House bill, was laid on the table, and the rule providing for the consideration of the bill was laid on the table.

ELECTION TO COMMITTEES

Mr. MARTIN of Massachusetts. Mr. Speaker, I offer the following resolution and ask for its immediate adoption.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 560

Resolved, That MARGARET CHASE SMITH, of Maine, be, and she is hereby, elected to the following committees of the House of Representatives: Committee on Invalid Pensions, Committee on Election of the President, Vice President, and Representatives in Congress, Committee on War Claims, and Committee on Revision of the Laws.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

EXTENSION OF REMARKS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include an editorial.

The SPEAKER. Is there objection?

There was no objection.

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to extend my own remarks and include two editorials from the Gaelic American of New York City on the subjects of the national anthem and war-mongering financiers.

The SPEAKER. Is there objection?

There was no objection.

Mr. MURDOCK of Utah. Mr. Speaker, I ask unanimous consent to extend my remarks and to include a brief letter from a constituent.

The SPEAKER. Is there objection?

There was no objection.

Mr. FLAHERTY. Mr. Speaker, I ask unanimous consent to extend my remarks and include an editorial from the Boston Post on the Conscription Act.

The SPEAKER. Is there objection?

There was no objection.

Mr. GILCHRIST. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made this afternoon, and in connection therewith insert an editorial recently published in Iowa.

The SPEAKER. Is there objection?

There was no objection.

Mr. MUNDT. Mr. Speaker, I ask unanimous consent to extend my remarks to include a statement by Dr. Francis Townsend.

The SPEAKER. Is there objection?

There was no objection.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my remarks and include an address by Mr. Louw, of the South African Assembly, on the aliens amendment and immigration bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. THORKELSON. Mr. Speaker, this will exceed the two and a half pages, and I have an estimate from the Public Printer. I ask unanimous consent that it be inserted notwithstanding.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include quotations from an article in the New York Journal of Commerce.

The SPEAKER. Is there objection?

There was no objection.

By unanimous consent, Mr. WOODRUFF of Michigan was granted permission to revise and extend his own remarks.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my remarks and include therein two newspaper articles.

The SPEAKER. Is there objection?

There was no objection.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to extend my remarks and insert therein an article by Mr. Emil E. Holmes, national deputy chief of staff, Disabled American Veterans of the World War, and also a part of my bill known as H. R. 10113.

The SPEAKER. Is there objection?

There was no objection.

Mr. GEYER of California. Mr. Speaker, I ask unanimous consent to extend my remarks and include a communication from the United States Medical Service.

The SPEAKER. Is there objection?

There was no objection.

Mr. CARTWRIGHT. Mr. Speaker, I ask unanimous consent to extend my remarks and include an article relative to highways by Robert E. Harper.

The SPEAKER. Is there objection?

There was no objection.

Mr. HART. Mr. Speaker, I ask unanimous consent to extend my remarks by including correspondence between the chairman of the American Youth Congress and myself.

The SPEAKER. Is there objection?

There was no objection.

INVESTMENT COMPANY ACT OF 1940 AND INVESTMENT ADVISERS ACT OF 1940

Mr. COLE of Maryland. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10065) to provide for the registration and regulation of investment companies and investment advisers, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10065, with Mr. LANHAM in the chair.

The Clerk read the title of the bill.

By unanimous consent the first reading of the bill was dispensed with.

Mr. COLE of Maryland. Mr. Chairman, I understand that under the unanimous consent granted yesterday the gentleman from New Jersey [Mr. WOLVERTON] controls one-half of the time—one hour and a half—and I will have control of one hour and a half.

The CHAIRMAN. The gentleman is correct.

Mr. COLE of Maryland. Mr. Chairman, I yield myself 10 minutes. There are not many requests for time to discuss this bill for the regulation of investment companies. I think it can safely be said at this time that the entire 3 hours allotted for debate will not be consumed.

The bill comes to the committee with the unanimous approval of the House Committee on Interstate and Foreign Commerce. The bill has been approved unanimously, I believe, by the Committee on Banking and Currency of the Senate. After hearings before the Rules Committee of the House, the bill was approved by that committee and a rule was granted. Yesterday, by unanimous consent, the rule was dispensed with and made unnecessary, and the bill is now brought up in this fashion.

Mr. Chairman, this bill, as the Members will easily appreciate, is highly complicated and is a very important measure. This bill, I firmly believe, will not only restore the confidence of the small investor in investment companies but will perform the vital function of stimulating the flow of capital into industry, particularly those industries indispensable to the national defense.

The bill provides for the registration and regulation of investment trusts and investment companies and of investment advisers. The bill is the result of a most comprehensive study and investigation of those organizations, made by the Securities and Exchange Commission, pursuant to provisions contained in section 30 of the Public Utility Holding Act of 1935.

Many Members will remember that during the days of 1935 when the holding-company bill was passed—a bill which bore the name of the distinguished majority leader of this House—in connection with the consideration of that measure it was my pleasure to participate to some extent as a member of the committee in the deliberations of the committee and on the floor. The House at that time did not see fit to legislate at all with respect to investment trusts. In the Senate the Holding Company Act was amended to include a direction that an investigation of investment companies be made by the Securities and Exchange Commission. That amendment was agreed to in conference.

Section 30 of the Utility Holding Company Act of 1935 provides as follows:

The Commission—

Speaking of the Securities and Exchange Commission—

is authorized and directed to make a study of the functions and activities of investment trusts and investment companies, the corporate structures, and investment policies of such trusts and companies, the influence exerted by such trusts and companies upon

companies in which they are interested, and the influence exerted by interests affiliated with the management of such trusts and companies upon their investment policies, and to report the results of its studies and its recommendations to the Congress on or before January 4, 1937.

The study of the Commission disclosed that the problems of these organizations were far more extensive than the Congress or the Commission anticipated at that time, with the result that the report was not completed and filed until a considerable time after January 1937.

The Commission, in the course of its survey, studied every investment trust and investment company of substantial size. The Commission has submitted to the Congress reports aggregating approximately 6,000 pages, which cover in detail every phase of the functions and activities of these organizations and their deficiencies and abuses. Based on this survey and reports, a bill was introduced in the Senate (S. 3580) and a companion bill (H. R. 8935) was introduced in the House on March 14, 1940, by the distinguished gentleman from California [Mr. LEA].

Extensive hearings lasting for a period of 4 weeks were held on the bill by the Senate Subcommittee on Banking and Currency. At these hearings various members of the Commission and their experts, and various representatives of the investment-trust industry testified in detail with respect to the provisions of this bill.

The bill represents the result of intensive effort for a period of some 5 weeks by representatives of the industry and of the Commission. Not merely the principles of this bill, but also its provisions as drafted, are strongly endorsed both by the Securities and Exchange Commission and by the greatest part of the investment-trust industry. Thus the bill, as introduced and reported, has the distinction of having the virtually unanimous support of the persons for whose regulation it provides, as well as of the regulatory agency by which it is to be administered. Representatives of the industry urged upon the committee that the present international situation should not only not be a deterrent to the enactment of this legislation but should rather serve as a vital reason for its immediate passage. As was stated by Alfred Jaretzki, Jr., of Sullivan & Cromwell, counsel to a substantial portion of the investment-company industry:

We feel that this bill is not only a workable bill, but is a bill which is a good thing for the industry. We would like very much to see it passed, and we hope very much that it can be passed at this session. The industry would like to feel that it has regulation behind it; that is, that we may know what the regulation is to be and that we will no longer live in uncertainty as to what the future holds for us. This is the type of regulation under which the industry feels it can work and which it feels will be very beneficial to the industry. We are hopeful that if this legislation passes it will constitute a stimulus to the investment-company industry's contributing to venture capital.

* * * the critical period that we are going through now, rather than being a reason for postponing legislation, is, in our opinion, an added reason for passing this legislation. We feel that it would be helpful not only to the industry to have this legislation passed now * * * but also * * * we feel that it is a very healthy sign that Government and industry can come together and do a constructive job of this kind.

As was stated by Arthur Bunker, of Lehman Corporation, speaking on behalf of the industry before the House Committee on Interstate and Foreign Commerce:

These principles again received the unanimous approval of the industry in the form of the bill which is now before you.

Since it has had that joint approval, we are naturally interested and accordingly we strongly urge its passage at the present session. We believe this to be a workable bill and a bill which will be beneficial to the industry. We recognize that abuses have existed in the industry and we feel that legislation is necessary to prevent their continuance and to help the better elements of the industry to raise the standards of the industry to increasingly higher levels.

* * * * * * *

We trust that the present national emergency should not be a deterrent to its enactment but should rather serve as an added reason for the passage of the bill.

We feel that it is a very healthy sign that the Government and industry can come together and do a constructive job of this character.

With this legislation the confidence of the public in investment companies will, we believe, be restored, and these companies will be able to serve not only the investor but also the important function of supplying new capital to those industries vital to the national defense.

Mr. Cyril Quinn, vice president of Tri-Continental Corporation, testified before the House committee:

I would like to say that the bill now before you, in my opinion, is a good bill. It is a workable bill in that the rules under which the industry will have to operate are clear and explicit, which I think is a requirement of any proper regulatory bill. I think it is a reasonable bill in that, while it sets up certain safeguards, it still leaves the management freedom of action in meeting the responsibilities of handling funds that are entrusted to it. I think also that it will be an effective bill in that certain practices in the past which have existed are safeguarded against, and certain desirable practices which many companies are now following are now required of all companies.

Ranald H. Macdonald, vice president of National Bond & Share Corporation, and chairman of the investment company committee of the Investment Bankers Association, testified:

We believe that this bill is entirely workable as it is now drawn and we believe that the bill should be passed and hope that it will be passed.

Paul C. Cabot, of State Street Investment Corporation, testified:

The present revised bill which you have before you, I think is an excellent one, and I am heartily in favor of it.

In the past there have been a great many abuses that have been brought to your attention by the reports of the Securities and Exchange Commission.

It is my considered opinion that this bill will eliminate, or at least largely mitigate, those abuses that have been present in the past and I hope that you will act favorably upon it.

Mr. Hugh Bullock, vice president of Calvin Bullock, testified:

I approve of this bill and hope very much indeed it will become law as soon as possible.

William Tudor Gardiner, former Governor of the State of Maine, representing Incorporated Investors, Boston, Mass., testified:

The more consideration I gave to the matter, the more important it seemed to me that there should be some such legislation as this.

Essentially, the investment-company industry involves the gathering together of cash and negotiable securities for management, and that facilitates a wrongful use if management falls into unscrupulous hands; if the managers are dishonest, unscrupulous, or even selfish, there can come great harm to the stockholders.

As to the form of this legislation, I must confess that at one time it appeared to me desirable if a simpler bill could be produced, but careful study satisfied me that the task can in no way be further simplified than it has been done in this bill.

The legislation must cover a great variety of investment companies, and that is one of the reasons for the length of this bill.

As some of the questions by the chairman, Mr. COLE, this morning indicated, publicity is a great regulating force; but in the case of complex corporate structures and practices, I think it is plain that publicity is not enough.

This bill, I believe, covers the situation adequately, and without undue restriction on legitimate business.

I would like to urge upon the committee the fact that many man-hours of work have gone into this piece of legislation. It has been a great demand on the time of many representatives of this industry.

We most earnestly hope that this matter will have your prompt consideration and that the action of the Congress may be favorable, so that the industry can carry on its other work.

Merrill Griswold, chairman of Massachusetts Investors Trust and Supervised Shares, Inc., testified as follows:

I should like to assure you that this measure has the practically unanimous approval of the open-end companies, as it is now drafted. The representatives who came here from Boston and New York and Chicago made it a point at all times to inform the smaller companies in their localities of what was going on and invite their criticism and to keep them fully posted.

Henry J. Simonson, Jr., president of the National Securities and Research Corporation, which sells periodic-payment-plan certificates testified as follows:

In conclusion, I want to say in behalf of the people that I represent in the periodic payment business, that we urge very strongly the passage of this bill. We think it will bring greater protection to the investors. We think that it will be a great thing for us, and we are sponsoring it.

Judge Willis I. Norton, testifying on behalf of Investors Syndicate, which sells guaranteed face amount certificates, said:

Our company is very heartily in favor of and very heartily endorses this bill. We think it is sound legislation.

Mr. James White, partner of Scudder, Stevens & Clark, of Boston, Mass., an investment counsel firm which also sponsors three open-end investment companies testified as follows with respect to title II of this bill which deals with investment counsel organizations:

My firm is heartily in favor of this bill.

We think it is necessary and we think it is constructive both in the public interest and in our own interest, in that of our investment-counsel business, and investment-trust business.

* * * * * * *

In the present form we think this legislation provides a set of rules that we can operate under without any difficulty at all, that it will certainly discourage people going into our line of business who are not qualified to or who have any thought of using a professional status as a cloak to cover up larceny or any illegal operations.

Mr. Dwight Rose, an investment counsel representing the Investment Counsel Association of America, testified with respect to title II, as follows:

At the time of the introduction of the original bill, or shortly following, I made a trip to the west coast and back, at which time I interviewed a large number of investment counsel firms and individuals who are not members of our association. I found almost all of them in agreement on the general principle of Federal regulation and registration, some minimum regulation. * * * Also the association has been advised by many investment counsel who are not members of the association, located in various parts of the country, who get into New York at rather frequent intervals, that practically all of them would endorse this bill, although I am not officially authorized to represent them.

The Investment Counsel Association of America unqualifiedly endorses the present bill, the Investment Company Act of 1940 and Investment Advisers Act of 1940, and in view of the difficult financial problems confronting our national economy at this critical juncture, we urgently hope passage of the bill may be expedited at this session of Congress so the public may have the benefit of the bill and its provisions without further delay.

In addition, communications were received from numerous investment companies approving the proposed legislation and urging its immediate passage.

This bill therefore has the unanimous approval of virtually the entire investment company industry, the Securities and Exchange Commission and the House Committee on Interstate and Foreign Commerce and the Senate Committee on Banking and Currency.

It is my firm conviction that the bill is a most progressive and salutary piece of legislation which is designed not only to protect the investor but to encourage the flow of new capital into industry.

The extent of public interest in investment companies is indicated by the fact that the industry has total assets of over $4,000,000,000, with approximately 2,000,000 investors throughout the country, 95 percent of whom own 100 shares or less with a value of $500 or less. More than half of the common-stock issues registered under the Securities Exchange Act of 1933 were in investment company issues ($2,200,000,000 of common stock of investment companies as compared with a total of $4,000,000,000, of all common-stock offerings). It has been estimated by the Commission that investment companies have an influence or controlling interest in noninvestment companies, the total resources of perhaps $30,000,000,000 including banks, insurance companies, aviation, and steamship companies, oil companies, chemical companies, and so forth.

The public contributed approximately $7,000,000,000 to investment trusts and companies and sustained a capital shrinkage of about $3,000,000,000 in the last decade. Of this loss it is estimated by the Securities and Exchange Commission that over a billion dollars was attributable to faithless management—management which was actuated by the pecuniary interest of the controlling persons rather than the interest of the investors.

This bill is designed to provide investors in all investment companies with adequate information with respect to the operation of their company; will prohibit persons convicted or enjoined in connection with securities frauds from being associated with these organizations; will insure the presence of independent members of boards of directors; will prohibit the unloading of securities by controlling persons and other insiders on their investment companies; will prevent the future pyramiding of one investment company upon another; will markedly simplify capital structures of investment companies and afford some measures of protection for senior security holders in these organizations; will tend to establish fair pricing and selling methods of investment company securities; will prohibt the issuance of stock for services and eliminate tricky management voting stocks; and will provide a more reasonable sales load on installment plans and insure these investors a more equitable interest in the fund.

The honest and respectable elements in the industry recognize that evils have existed which have cast a stigma upon the industry as a whole. For this reason these representatives have not only approved but have urged the immediate passage of this bill.

Title II of the bill deals with investment advisers—persons who, for compensation, advise individuals as to investment in securities. The provisions of this title have also been based on a study made by the Securities and Exchange Commission and have been approved by not only the investment advisers who appeared and testified before the committee, but by many other advisers. The title seeks to protect the public from frauds and misrepresentations of tipsters and touts and to safeguard the honest investment adviser against the stigma of the activities of these individuals. The bill makes fraudulent practices by investment advisers unlawful and requires investment advisers doing business by the use of the mails and the facilities of interstate commerce to register with the Commission which is empowered to deny registration to individuals convicted or enjoined by the courts for securities frauds.

The work of the Securities and Exchange Commission convinces me very definitely of the wisdom Congress shows at times in directing the various commissions, and at times the committees of Congress, to investigate important activities with which we must deal legislatively in the future. Following that long period during which the S. E. C. looked into this very difficult problem and the legislation before both Houses of Congress, it was found that many changes were advisable in the original bill; and, just as last year when the trust-indenture bill was before us the great banking industry of this country through their representatives sat around the table with the Securities and Exchange Commission and the members of your committee and worked out legislation, the same thing occurred again, and believe it or not, we worked out legislation free from any complaint or criticism, and I present to you today a bill which I think it safe to say 95 percent, if not all, of the industry affected supports.

Mr. Chairman, this great work—and I speak advisedly in applying that adjective—has been done by the Securities and Exchange Commission under the leadership of Judge Healy, a member of that Commission; Mr. David Schenker, counsel to the investment-trust study; Mr. John Hollands, of the Commission's staff; and a number of others working with them as a staff day and night, month after month, and year after year since we gave the Commission this assignment directing the investigation. The report of the Commission on the study reaches its culmination in the bill now before us. Their report to us disclosed the abuses of the past to which this industry has been subjected by many of its members whom I think the legislation before us will hereafter dispose of forever. I believe the Commission as a whole, especially the group associated so intimately and definitely with this problem, deserves the thanks of Congress and of this country for solving the problem in the way they recommended, and especially in a way that permits the industry

affected to come hand-in-hand with the administrative side of this Government recommending after thorough consideration by your committee legislation of this importance and which I think the future will show to be of very vital interest and concern to the investing public. In this connection credit, too, must be given to the representatives of the industry who collaborated in the preparation of this bill: Alfred Jaretzki, Jr., of Sullivan and Cromwell, counsel for the closed-end companies; Warren Motley, of Boston, for the open-end companies; and Paul Bartholet, an expert on investment trusts in general.

I shall not discuss the provisions of this bill in too great detail. However, I would like to briefly outline its terms. [Applause.]

ANALYSIS OF PROVISIONS OF TITLE I

Findings and declaration of policy: Section 1 of the bill contains the findings of the Congress with respect to investment companies and the declaration of policy of the bill.

Definitions and exemptions of investment companies: Investment companies within the purview of this bill are in general defined as companies which are engaged primarily in the business of investing, reinvesting, and trading in securities; and issuers which invest in or hold securities—other than securities of noninvestment company subsidiaries—having a value exceeding 40 percent of the value of their total assets. A third group of investment companies covered by the bill are companies which engage in the business of issuing so-called face-amount installment certificates. Provision is made generally to exclude from the bill companies primarily engaged, directly or through subsidiaries, in the operation of a business other than that of an investment company. In addition, the bill specifically excludes brokers, underwriters, banks, insurance companies, common or commingled trust funds administered by a bank, bank holding company affiliates subject to the supervision of the Board of Governors of the Federal Reserve System, companies subject to the Interstate Commerce Act, and those of their wholly owned subsidiaries substantially all of whose assets consist of securities of companies which themselves are subject to the Interstate Commerce Act, small-loan companies, factoring companies, companies dealing in mortgages or discount paper, holding companies subject to the Public Utility Holding Company Act of 1935, and certain other special types of companies—section 3. The bill makes provision for the exempting of employees' investment companies, and certain other persons who are not within the intent of the proposed legislation—section 6.

Classification and subclassification of investment companies: Investment companies are broadly classified into three categories—management companies, unit investment trusts, and face-amount certificate companies. Management companies are divided into two types: open-end companies—companies in which the stockholder or certificate holder has a right to compel the company to redeem his shares at their asset value; and closed-end companies—companies in which the shareholders do not have such a right. Management companies, both of the open-end and closed-end type, are further subclassified upon the basis of the extent of the diversification of their investments, into diversified companies which, speaking generally, must have at least 75 percent of their assets in diversified securities and nondiversified companies which are not required so to diversify their investments—sections 4 and 5.

Transactions by unregistered investment companies: Investment companies, unless registered as provided in the bill, are forbidden to conduct their activities through use of the mails or instrumentalities of interstate commerce. Foreign investment companies may not register as investment companies or publicly offer securities of which they are the issuer in the United States unless the Commission finds that these foreign investment companies can be effectively subjected to the same type of regulation as domestic investment companies—section 7.

Registration of, disclosure of investment policy, and size of investment companies: Provision is made for the registration of investment companies with the Commission. In the main, the Commission may require the information required to register securities under the Securities Act of 1933 and the Securities Exchange Act of 1934. In addition, the registration statement must state the policy of the company as to items specifically enumerated in the bill and supply information with respect to the business affiliation and experience of the officers and directors of the company. Provision is made for the simplification of the registration procedure by permitting the filing of copies of registration statements already filed under the acts now administered by the Commission. No shift in the company's fundamental policies as stated in the registration statement may be made without the approval of a majority of the company's outstanding voting securities—sections 8 and 13.

To put a brake on the irresponsible formation of investment companies, no investment company organized hereafter may make a public offering of its securities unless it has or is assured of having at least $100,000 through private subscription. The bill does not contain any limitation with respect to maximum size of investment companies, but authorizes the Commission to study and report from time to time the effect of size of investment companies both on the national economy and on the trusts themselves—section 14.

Ineligibility of certain affiliated persons and underwriters: Any person who within 10 years has been convicted of a crime or is enjoined by a court in connection with a security or financial fraud is prohibited by the bill from acting as an officer or director of any investment company or in certain other capacities. The bill recognizes, however, that even such a person may rehabilitate himself and so the Commission is authorized to exempt persons from this prohibition where it is shown that the penalty as applied to any such person would be unduly or disproportionately severe or that the conduct of such person has been such as not to make it against the public interest or protection of investors that such exception be granted—section 9.

Provisions relating to directors, officers, and certain affiliated persons: In the future no person shall serve as a director of an investment company unless elected by the holders of its outstanding voting securities, except that, in effect, vacancies not exceeding one-third of the board occurring between meetings of stockholders may be filled in any otherwise legal manner. However, with respect to existing strict trusts, where no provision is made for election of trustees, the bill does not require an affirmative election of trustees but provides a procedure for their removal by certificate holders—section 16.

The bill provides that at least 40 percent of the board of directors of an investment company shall be independent; that is, no more than 60 percent may consist of investment advisers to the company or affiliated persons of such an adviser or officers or employees of the company. Moreover, a majority of the board of directors of an investment company must be composed of persons who are not regular brokers for the company or principal underwriters of its securities, or investment bankers, or in each case persons affiliated with them. An exception is made to take care of certain types of investment companies which are closely affiliated with investment advisers and which are designed primarily to make available this medium of diversification of investment to the smaller customers of these advisers. This exception is carefully safeguarded by specific conditions. Hereafter the majority of the board of directors of an investment company may not consist of persons who are officers or directors of any one bank, except that any investment company which, on March 15, 1940, shall have had a majority of its directors consisting of such persons may continue to do so—section 10.

In the future persons who are officers, directors, investment advisers, and so forth, or persons affiliated with such persons, may not, as principal, knowingly sell to or purchase from any investment company any securities or other property or borrow from any such investment company. Provision is made for certain exceptions with respect to transactions involving the company's own security issues and for transactions exempted by the Commission—section 17.

In general, agency transactions are not affected by the bill, but brokerage commissions are limited in the main to standard rates with provision for special exemptions. Provision is made that those officers and employees who have access to securities or funds of investment companies may be required to be bonded. Securities of investment companies must be placed in the custody either of banks, or with stock-exchange firms subject to supervision by the Commission as to methods of safekeeping—section 17.

Investment companies may not purchase securities underwritten by persons affiliated with the investment company, unless the investment company itself is a principal underwriter of such securities, until after the termination of the underwriting syndicate—section 10. Officers and directors of investment companies and certain other persons are not allowed to exculpate themselves from liability for any willful misfeasance, bad faith, gross negligence, or reckless disregard of their duties—section 17. The provisions of section 16 of the Securities Exchange Act of 1934 relating to transactions of officers, directors, and controlling persons which now apply to equity securities of investment companies whose securities are listed on a national securities exchange are made applicable to all securities of all registered closed-end companies—section 30. Gross misconduct or gross abuse of trust by directors, officers, investment advisers, principal underwriters, and so forth, is made a basis for injunctive proceedings in a Federal court to be instituted by the Commission—section 36. Larceny or embezzlement of property of investment companies is made a Federal crime—section 37.

Provisions with respect to certain activities of investment companies: Investment companies, generally speaking, may not trade on margin, participate in joint trading accounts, or effect short sales in portfolio securities in contravention of rules and regulations which may be prescribed. Investment companies may engage in underwriting activities if consistent with their declared investment policies—section 12. Upstream loans to investment companies, except by wholly owned subsidiaries, are prohibited—section 21.

Hereafter, an investment company or group of controlled companies may not purchase securities issued by another investment company if as a result of such acquisition such group will have more than 3 percent of the outstanding voting securities of such other investment company, or 5 percent of a specialized investment company. Investment companies, however, may increase their holdings in other investment companies of which they already hold 25 percent of the voting stock, since such holdings constitute presumptive control. A similar provision limits the acquisition by investment companies of an insurance company's stock to 10 percent, with additional exceptions relating to the organization of new insurance companies and the purchase of stock of insurance companies from other investment companies or where it is found that such acquisition is in the public interest because the financial condition of such insurance company will be improved as a result of such acquisition or any plan contemplated as a result thereof—section 12.

Cross and circular ownership as defined are prohibited in the future and existing cross and circular ownership must be eliminated within 5 years—section 20.

Although investment companies are in general prohibited from acquiring securities of persons engaged in the brokerage business or in the business of underwriting and dealing in securities, provision is made to permit investment companies, either alone or jointly with other investment companies, to purchase stock of a company engaged primarily in the business of underwriting and distributing securities and to acquire stock of a company formed to engage in the business of furnishing new capital to industry, financing promotional enterprises, and similar activities—section 12. It is hoped that investment companies will soon jointly form such a company. It is believed it should make a material contribution to national recovery.

Distribution, repurchases, and redemptions of investment company securities: No open-end company and no closed-end company may issue any of its securities except for cash or for securities—sections 22 and 23.

Publicly offered securities of all investment companies must be registered under the Securities Act of 1933, but provision is made to eliminate duplication in the material field under that act and the present bill. Circular literature intended for distribution to prospective purchasers of the securities of open-end companies, unit investment trusts, and face-amount certificate companies must be filed with the Commission—section 24.

Closed-end companies may not issue their common stock at a price below the current net asset value, except in connection with an offering to their security holders, conversion of a convertible security, exercise of any warrant outstanding on the date of enactment of this bill, or with consent of a majority of their stockholders. No closed-end company may repurchase any of its outstanding securities except on a securities exchange or open market upon prescribed notice to its stockholders or pursuant to tenders or under other circumstances to be prescribed to insure fair treatment of all security holders—section 23.

With respect to the distribution and redemption of securities issued by open-end companies, an association of securities dealers registered under section 15A of the Securities Exchange Act of 1934 is, subject to the provisions of that section, empowered to make rules to protect investors, so far as is reasonably practicable, against any dilution of their equity due to the methods of pricing, distribution, and redemption of redeemable securities and to prevent grossly excessive sales loads on such securities. The Commission after 1 year is empowered to make rules and regulations to deal with these subjects. In other words, the industry is given a year in which to solve this problem for itself. In addition, provision is made to prohibit the sale of redeemable securities to any person other than a dealer or principal underwriter at a price less than that at which the security is sold to the public. The bill prohibits the suspension of redemption of a redeemable security for a period more than 7 days except during certain specified emergency periods or other period fixed by the Commission. The negotiability of open-end securities may not be restricted in contravention of provisions which may be formulated—section 22.

Capital structure: Except for refunding of outstanding securities and securities issued in connection with reorganizations, closed-end companies in the future may not issue more than three classes of securities—one class of security representing indebtedness, including loans not publicly distributed, one class of preferred stock, and one class of common stock. Securities representing indebtedness must have at the time of issue an asset coverage of at least 300 percent and preferred stock an asset coverage of at least 200 percent. Similarly no dividends or distributions may be declared or made upon the common stock unless the securities representing indebtedness and preferred stock issued in the future have an asset coverage of 300 percent and 200 percent, respectively, and dividends may not be paid on such preferred stock unless such indebtedness has an asset coverage of at least 200 percent. Voting rights are also provided for preferred stock and in certain contingencies for senior securities representing indebtedness other than loans. Temporary borrowings up to 5 percent are exempted from this provision—section 18.

Open-end investment companies are not permitted to issue any senior securities, except that such companies are permitted bank borrowings, provided that an asset coverage of 300 percent is maintained at all times for such borrowings—section 18.

Dividends: In respect of dividends on existing securities, as well as securities issued in the future, investment companies are required to disclose by written statement accompanying any dividend the source of such payment when made other than from the current or accumulated net income as defined—section 19.

Proxies and voting trusts: Solicitations of proxies, consents, and authorizations relating to securities of investment companies registered under this bill are to be subject to the regulations to which solicitations relating to securities listed on national securities exchanges are already subject by reason of the Commission's regulations adopted under section 14 (a)

of the Securities Exchange Act of 1934. To assure uniformity of interpretation and administration as between that act and the present bill, section 20 (a) of the bill has been so drafted as to follow verbatim section 14 (a) of the Securities Exchange Act, with only such slight modifications of language as are necessary because of the special classes of companies to which section 20 (a) applies.

Hereafter no public offering may be made of voting trust certificates of investment companies. Existing voting trusts may continue until their expiration—section 20.

Investment advisory contracts and contracts for distribution of open-end company securities: After 1 year from the effective date of the act all investment advisory or management contracts must be in writing, must prescribe in detail the compensation to be paid, and must be nonassignable and terminable upon 60 days' notice. In effect, the contract has to be approved by a majority of the voting stock, may be for an initial period of 2 years, and renewable annually thereafter by the board of directors or stockholders. Analogous provisions are incorporated with respect to contracts for the distribution of open-end company securities. Existing arrangements are permitted to continue for a period not exceeding 5 years—section 15.

Reorganizations of investment companies: With respect to investment company reorganizations as defined, the bill provides that the Commission, at the request of 25 percent of any class of the security holders to be affected by such reorganization, or on the request of a company which is a party to such a plan, may give an advisory opinion. The company is required to send a copy of such advisory opinion to its security holders. The Commission may institute injunction proceedings in a Federal court to restrain the consummation of grossly unfair plans of reorganization or plans which constitute gross misconduct or gross abuse of trust—section 25. The functions and duties of the Securities and Exchange Commission under the Bankruptcy Act remain unchanged.

Reports and accounting: Investment companies are required to file with the Commission annual reports, including financial statements, similar to the annual reports now filed with the Commission under the Securities Exchange Act of 1934 by companies having securities listed on national securities exchanges, and less comprehensive reports on a semiannual or quarterly basis. In addition, investment companies must file with the Commission copies of reports sent to their security holders and may be required to transmit semiannually to their stockholders reports containing certain specified financial and other information. The reports to stockholders may not be misleading in any material respect in the light of the reports filed with the Commission. Under other acts administered by the Commission, lacking such a provision as this, misleading financial statements, inconsistent with those filed with the Commission, have been sent security holders in an appreciable number of instances. Annual reports to the Commission and to stockholders may be required to be certified by independent public accountants, whose certificate must be based on a reasonably comprehensive audit—section 30.

The Commission is authorized to require investment companies and certain of their majority-owned subsidiaries to preserve accounts, records, and documents upon which the financial statements filed with the Commission are predicated. Investment advisers, depositors, and principal underwriters of certain investment companies may likewise be required to preserve records showing their transactions with the investment companies with which they are associated. These accounts, records, and documents are subject at all times to examination by the Commission or its representatives. The Commission is authorized to provide for a reasonable degree of uniformity in the accounting policies and principles to be followed by investment companies in maintaining their accounts and records and preparing the financial statements required in their report to the Commission and stockholders—section 31.

Subject to certain exceptions, the selection of independent public accountants of investment companies must be submitted for ratification or rejection to stockholders who, in addition, at any time by a majority vote may terminate their employment. The auditor's certificate must be addressed to security holders as well as the directors. The controller or other principal accounting officer of every company is to be chosen either by the board of directors of the company or by its security holders, and not merely be appointed by its executive officers. The Commission is also empowered to require accountants and auditors to keep reports and work sheets and other documents relating to investment companies—section 32.

Unit investment trusts: The trust indentures of unit investment trusts must designate as trustee or custodian a bank of a specified minimum size; must require that all property and funds of the trust will be held by the trustee; and that the trustee—which may not resign unless a successor trustee has been designated or the trust liquidated—be entitled to reimburse itself out of the trust property for its expenses actually incurred and fees actually earned. Except under special circumstances, the depositor or underwriter must be prohibited from deriving any fees from the trust other than the original sales load for distributing the shares. Provision must also be made to advise shareholders of portfolio changes. Finally, proceedings in court may be instituted by the Commission to liquidate so-called orphan trusts—section 26.

Periodic payment plans: The bill contains additional provisions which relate specifically to companies issuing periodic-payment-plan certificates. These provisions fall roughly into three classes: Provisions relative to sales load; provisions regulating the incidents and denominations of the certificates, and provisions regarding custodianship. The sales load is limited to 9 percent. Recognizing the heavier initial expense, due primarily to sales commissions, the bill permits half of the sales load to be taken out during the first year of the plan; the balance is to be spread equally over the subsequent years. To prevent evasion of these restrictions on sales load by the imposition of so-called management fees, the Commission is authorized to prescribe maximum management fees. The provision relating to sales load may be modified by the Commission to meet the problems of small companies. Periodic-payment-plan certificates must be redeemable securities; and the initial payment under any plan must be at least $20, with each subsequent payment at least $10—section 27.

Face-amount-certificate companies: Companies which sell face-amount certificates are generally subject to the provisions of the bill but must comply with certain provisions which are specifically applicable to that type of company. The bill contains provisions with respect to minimum capitalization of face-amount-certificate companies. All companies which in the future sell these certificates must at all times maintain reserves, which, accumulated at a rate not to exceed 3½ percent compounded annually, must provide an amount sufficient to meet at all times all the liabilities and obligations of the company to all its certificate holders. The companies must have cash or qualified investments (investments which are qualified under the Code for the District of Columbia for life insurance companies) of a value not less than the aggregate of their capital and reserve requirements. The bill makes provision to require deposit with certain qualified banks of all or any part of the investments maintained by such company as certificate reserve requirements except that the company may be credited with deposits made pursuant to law or regulation with State authorities in respect to liabilities of the certificates sold to the residents of such States. The bill makes provision for the distribution of the loading charge (the maximum amount of which charge is fixed by the bill) over the life of the certificate. In essence, no more than 50 percent of the load may be taken out the first year, no more than 7 percent in each of the following 4 years, and not more than 4 percent the remaining years. The surrender value of the certificate for the first year must be equal to at least 50 percent of the gross annual payment made on the certificate and for any subsequent time must be the amount of reserve of such certificate less a prescribed surrender charge. A certificate may not contain a provision making the holder liable

for any unpaid balance on the certificate and must provide for the issuance to the certificate holder upon the happening of certain contingencies of a so-called paid-up certificate.

The obligations of the company to a certificate holder, who has defaulted, are specifically enumerated in the bill—section 28. If a face-amount company does not maintain the minimum certificate reserve on all its outstanding face-amount certificates issued prior to the effective date of the bill then the company cannot make any distribution or pay any dividend on any senior capital security which exceeds a prescribed percentage of its earnings or which the Commission determines might impair the financial integrity of the company or its ability to meet its liabilities on the outstanding certificates. In the future, face-amount certificate companies cannot issue senior capital securities in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate for the protection of investors, or if such company has such senior capital securities outstanding to make any distribution or pay any dividend in contravention of such rules and regulations as the Commission may prescribe to insure the financial integrity of the company and to prevent the impairment of the company's abilities to meet its obligations on its face-amount certificates—section 18. A face-amount company can acquire the securities of another face-amount company only upon certain prescribed conditions—section 12. The bill makes provision to obtain equality of treatment of certificate holders who are residents of various States in the event of bankruptcy of a face-amount company. The bill preserves the rights of residents in those States which require specific deposits with their State officials but makes provision for equalization of treatment of all certificate holders, by providing that residents of other States must receive an amount equal to that received by the residents of States with deposits, before the latter can share in the general assets of the bankrupt company—section 29.

Unlawful representations: The bill contains the usual provisions prohibiting misrepresentations and half-truths in registration statements, reports, and other documents filed with the Commission, and prohibiting the misrepresentation of the effect of registration with the Commission. In addition, the use of misleading names by registered investment companies is specifically prohibited. The latter provisions may be enforced by order of the Commission when the name is adopted after the effective date of the bill, and by a court at the suit of the Commission as to names theretofore adopted—sections 34 (b), 35.

Administrative and enforcement machinery: The bill contains ample provisions, but appropriately circumscribed, for the enforcement of its provisions; for the carrying out of the powers and duties vested in the Commission, and for court review of the Commission's action—sections 38 to 46, 49.

Formal provisions: The bill contains the usual provisions regarding validity of contracts, liability of controlling persons, the effect of the bill on existing law, and separability of provisions. The effective date of title I is November 1, 1940, as to all companies except face-amount certificate companies, as to which the bill does not become effective until January 1, 1941. The short title of the bill is the "Investment Company Act of 1940"—sections 47, 48, 50 to 53.

ANALYSIS OF PROVISIONS OF TITLE II

Findings and definitions: Sections 201 and 202 contain, respectively, the findings of the Congress with respect to investment advisers and the definitions of various terms used in title II. The term "investment adviser" is so defined as specifically to exclude banks, bank holding company affiliates, lawyers, accountants, engineers, teachers, brokers—insofar as their advice is merely incidental to brokerage transactions for which they receive only brokerage commissions—publishers of bona fide newspapers, news magazines, or financial publications of general and regular circulation, and persons whose advice is limited to securites issued by the United States and certain instrumentalities of the United States. In addition, the Commission is authorized by rules and regulations or order, to make certain further exceptions according to prescribed statutory standards.

Registration of investment advisers: Investment advisers who make use of the mails or instrumentalities of interstate commerce in connection with their investment advisory business, unless they fall within one of the specific exemptions provided in section 203 (b), are required to register by filing with the Commission an application for registration containing certain information, the character of which is specified in the bill. The administrative machinery for registration is similar to that provided in the Securities Exchange Act of 1934 for the registration of over-the-counter brokers and dealers. Registration may be denied or revoked if the registrant has within 10 years been convicted of a crime or is enjoined by a court in connection with a security or financial fraud, or if his application for registration is materially misleading. The data contained in the application for registration must be kept reasonably current by such annual and special reports as the Commission may require for that purpose—sections 203, 204.

Investment advisory contracts: Contracts or agreements between an investment adviser and a client may not provide for compensation to the investment adviser based upon capital gains or capital appreciation. Each such contract must be nonassignable, and must provide, if the investment adviser is a partnership, that the client will be notified of any change in the membership of the firm, so that he will be in a position, if he so desires, to disaffirm the contract—section 205.

Certain prohibited transactions: Transactions and practices which defraud or operate as a fraud or deceit upon clients or prospective clients are prohibited. Registered investment advisers are also forbidden to purchase securities from or sell securities to any client, either as principal or in connection with a brokerage business, without first advising the client of the transaction and obtaining his consent thereto—section 206.

Unlawful representations, administrative and enforcement machinery, and formal provisions: In these respects title II contains provisions generally comparable to those of title I—sections 207 to 221, inclusive. Section 210, which relates to publicity, recognizes that in many instances the adviser-client relationship has a confidential basis, and provides for confidential treatment of information obtained in the administration and enforcement of the title, to the extent that such treatment is consistent with efficient enforcement.

[Here the gavel fell.]

Mr. WOLVERTON of New Jersey. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. HINSHAW].

Mr. HINSHAW. Mr. Chairman, the gentleman from Maryland [Mr. COLE] is to be highly complimented, for as chairman of the subcommittee of our Committee on Interstate and Foreign Commerce he has brought to you a most remarkable bill. It is particularly remarkable in that it comes here unanimously approved by our committee and by both Government and the businesses affected. I do not know when a bill of this importance has been brought to the House in which not only the Government agency affected, in this case the Securities and Exchange Commission, but also the industries to be regulated, have been in such unanimous accord. The committee itself was unanimous in voting to report the bill to the House. However, I personally have had a certain hesitation and mental reservation, so to speak, in connection with title II of the bill, and it has been agreed by Judge Healy, Chairman of the Securities and Exchange Commission, that he would support a resolution, which I give notice now I shall later introduce, to investigate the subject covered by title II of this bill, namely, the regulation of investment advisers.

I have suggested this because I have certain qualms concerning the workability of title II. In the first place, an investment adviser is in a peculiar relationship with his client. Investment advisers are in the relationship somewhat of a physician to his patient. There is a question in my mind whether or not an investment adviser is actually engaged in interstate commerce. Is he any different in laying out a

prescription for his client as to what the client should purchase or sell on his investment account? Is he any different in that respect from the doctor who issues a prescription to his client for his physical correction? There is a grave question in my mind as to the constitutionality of this title in respect to the necessity for registration of these people by virtue of their engaging, as supposed in this section, in interstate commerce.

Title II does something else. It exempts from the requirement to register as investment advisers, banks and certain holding-company affiliates; lawyers, accountants, engineers, or teachers whose performance of investment advisory services is solely incidental to the practice of their professions; any broker or dealer whose performance of such service is solely incidental to the conduct of his business as a broker or dealer and who receives no special compensation therefor; the publisher of any bona fide newspaper, news magazine, or business or financial publication of general and regular circulation; any person whose advice, analyses, or reports relate to no securities other than securities which are direct obligations of or obligations guaranteed as to principal or interest by the United States, and so forth.

In other words, it has exempted from the registration provisions of this bill some of the largest groups of investment advisers in the business, namely, the banker, the lawyer, the income-tax accountant frequently, and a number of others who, regardless of their competency, have practiced investment advising over a long period of time.

I fail to see why such groups as just mentioned should be exempt from registration, if the professional adviser must register, when it is these groups that do most of the advising on investments for the widows, the orphans, the executors of small estates, and the ordinary, common run of small investors, businessmen, and thrifty workers. In fact, if any advisers are to be regulated, it would seem to me that some of the worst advice given to those who can least afford to lose is handed out by these very groups. The professional investment adviser is not interested in such small accounts as they are more bother than the small fees are worth, so these people consult with whoever may be in a confidential relationship to them. In these cases—and there are hundreds of thousands of them—there is no recourse except for demonstrable fraud.

Title II of this bill has been agreed to by the Investment Advisers' Association, composed, as I understand, of some four-hundred-and-odd, more or less large, firms engaged in the advising business. The members of that association are to be complimented for their desire to improve the status of their profession and to improve its quality. But, after all, the proof of the pudding is in the eating of it, and the proof of the investment counsel's service is in the long-run results attained. The mere setting up in business as investment adviser does not make the advice sound. Yet under this bill anyone of almost any qualification can demand a certificate of registration as an investment adviser, providing he has a reasonably clean record. There are hundreds of small partnerships and thousands of individuals in the United States who act as investment counsel and who, I believe, were not consulted in setting up title II. Many of them have contractual relationships with their clients that are not in accordance with the provisions of this bill and may, in fact, be in violation of it. There is a serious question whether or not the contractual restrictions in this bill are not in themselves a violation of the right of contract as between employer and employee or between principal and agent or in the ordinary professional relationship. I do not know the answer to that, but the question has been raised. I am not here defending the principles involved in these relationships, but I raise the question of right to contract.

Then, registration itself lends color of Federal approval to anyone to whom is issued a certificate of registration by the Securities and Exchange Commission. If I am to go into the investment advising business, or if you should go into it, and can hang that sign out in front of your door stating that you are "registered with the Securities and Exchange Commission," it gives a certain color of honesty, ability, and integrity to you which you may in nowise possess.

It is true that the Commission may investigate applicants for registration and refuse to issue a certificate until after a hearing, but the requirements for registration are largely negative in character. Adequate positive qualifications do not appear in this bill. The Investment Advisers' Association has conducted an inquiry into this subject and arrived at no very definite conclusions. In fact, they acknowledge that, while a formal education for an investment adviser is desirable, yet a formal education does not necessarily produce a competent adviser. Judgment is a rare quality, indeed, but a good investment adviser must be something of a reliable prophet and a seer to boot. If a rich man loses through bad advice, that is too bad, but if a widow or a minor or a man in very modest circumstances loses that is a tragedy, and its magnitude is inversely proportional to the wealth of the loser.

Mr. Chairman, I believe this whole subject should be further investigated. Judge Healy admitted to me privately that there might be certain sections of this bill which would have to be changed in the course of time. I do not desire to take any more of the time of the House this afternoon. I congratulate the gentleman from Maryland [Mr. COLE] and the gentleman from New Jersey [Mr. WOLVERTON] on the splendid work of their subcommittee and recommend that the House approve this bill. I again announce that at a later time I will introduce the resolution to which I have previously referred.

Mr. COLE of Maryland. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Chairman, realizing there is nothing perfect under the sun and that we never get an absolutely perfect bill, I shall support this legislation. I agree with the gentleman from California [Mr. HINSHAW] that in exempting bankers, brokers, and lawyers, the committee has perhaps made a mistake. But let us see whether it will not nevertheless do a great deal of good and accomplish some of the things we have been seeking to accomplish; that is, bring about a little more honesty and decency in all these investment matters so far as the investment brokers and bankers are concerned.

I want to compliment the gentleman from Maryland [Mr. COLE], and I want to thank the Interstate and Foreign Commerce Committee for giving to the country this legislation which in the first place created the Commission which made this report and on which report and recommendation this legislation is based. In 1929 I started after unprincipled investment bankers and all those affiliated and connected with them, particularly those investment bankers and brokers who robbed the people of this country of billions and billions of dollars, those conscienceless manipulators who started in 1925 to unload upon the public millions upon millions of worthless securities, who brought about the great inflation in 1927 and 1928 and the subsequent crash of 1929, those fellows who nearly bankrupted the entire Nation, closed most of our banks, prostrated our industries, and deprived millions of our people of their life savings. I think the Interstate and Foreign Commerce Committee of the House has really rendered a great service in presenting this bill. Before the legislation creating the Securities Exchange Commission the stock exchanges and that horde of money changers affiliated with them, whether it was the big board, the Curb, or the various other exchanges, listed most any kind of stock and unloaded it upon the public.

The issuance of stock to the extent of from three to five times the actual value of properties was the commonest sort of practice by these dishonest stock-manipulating geniuses. They got their own stock at inside prices fixed by themselves. Not only was the public taken in, but the small bankers and their depositors as well. The financial upheaval that followed will never be forgotten. Though perhaps under the then existing law these grafters and scoundrels may not, strictly speaking, have been guilty of larceny, I do not hesitate to say that in my own opinion their brutal get-rich-quick schemes which ruined so many innocent people constituted outright larceny, and there is no other way to describe

them. If Whitney, the once New York Stock Exchange "big shot," now in prison, or President Hoover, had listened to my warnings early in 1929, the catastrophe that came near wrecking our whole financial structure could have been averted.

Under the law we passed in 1933 and amended in 1934 and 1935, these abuses have to some extent, at least, been eliminated, and the sharpers, gangsters, brokers, and gamblers have not had the same opportunity they formerly had to rob the American public.

I believe this proposed legislation, though not perfect, will be wholesome and beneficial. As chairman of a select committee of the House making an investigation in 1934 and 1935, I ascertained that many of the investment trusts, after unloading their stock upon the public, removed the valuable stocks and bonds against which they issued their stock and substituted a lot of "cats and dogs" that had no value, thereby robbing thousands upon thousands of people who invested in the stock of those investment companies.

If I had done nothing else in my many years in this House, the fact that I started in 1929 the investigation which has finally resulted in this legislation leaves me contented that I have been of at least some value to the House and to the country.

Although I would have preferred to see somewhat stronger restrictions in the bill, taking everything into consideration, and believing that in times such as these we should try to work in harmony, I feel that the committee has used good judgment in yielding in some respects and bringing out a bill that has been approved even by those whom it affects, which is something unusual.

Mr. Chairman, I am especially pleased to observe so many Republican Members supporting this proposed legislation in the interest of the investing public, but I am afraid, very much afraid, that it will not be approved by the Wall Street gambling fraternity that is supporting Mr. Willkie for President. Their gambling operations have already been retarded considerably by this type of legislation and by this administration, and the passage of this bill will retard them still more. They are hopeful, no doubt, that if Mr. Willkie becomes President they will be able to again conduct their precious business (?) in Wall Street and on the stock exchanges without interference.

But my advice to them is to forget their daydreams and start to devote themselves to such legitimate pursuits as will require no interference or Government regulation.

Mr. Chairman, the Securities Exchange Commission has made a very exhaustive study of improprieties in the use of these large pools of small investors' money by insiders and self-appointed managers.

Very definitely the bill deals with protecting the investing public against machinations such as I have been fighting against for many, many years. There are a great number of individual points covered in the bill, some of which are:

Prohibition of interlocking directorates.

Definite classification of investments that any particular investment trust may buy for their portfolio.

Duty to divulge such security holdings as lodge control in any individual investment trust.

Restriction of the amount of its own paper that any investment trust may sell to the public, when considering its good assets.

Restriction of issuance of preferred stock by any individual investment trust according to its annual profit yield; in other words, this prohibits watering.

Gives right to stockholders to nullify voting rights and privileges of preferred stockholders when sufficient yield is not earned during any year on existing capitalization.

Gives right to stockholders by 60-percent majority to oust undesirable officers and directors.

These are the chief advantages, although there are probably 100 or more, all of which are designed to protect the investor and make impossible recurrence of the unscrupulous financiers' use of other people's money for selfish interest and his own aggrandizement.

Passage of this bill will expand the regulatory powers of the S. E. C. into still another channel of finance, as it should, and will tend to reestablish the confidence of millions of small investors in long-term securities through investment trusts. This should be of great assistance to expansion of industry and commerce.

In conjunction with the Securities Acts of 1933 and 1935, and the Chandler bill, this closes another door on the financial crooks.

For all these reasons I heartily endorse the bill and urge its prompt enactment into law. [Applause.]

Mr. WOLVERTON of New Jersey. Mr. Chairman, I yield myself such time as may be necessary.

Mr. Chairman, it is not my intention to speak at length on the pending bill. Without discussion of the details of the bill I wish merely to emphasize the necessity for this regulatory legislation and the extreme care that has been exercised by the Committee on Interstate and Foreign Commerce to present to the House legislation that will be adequate to effectively protect the investing public, in the type of investments covered by the bill, and at the same time provide against regulation that would unreasonably handicap investment companies from performing a service to the public that has become an important part of our economic and financial structure.

This bill and a similar one introduced in the Senate are the outgrowth of a study and inquiry made by the Securities and Exchange Commission into the methods and policies of investment companies. This investigation was undertaken by the Commission pursuant to the authority and direction contained in the Public Utility Holding Company Act of 1935. The report of the Commission showed that many irregularities and unfair practices in the management of investment trusts and investment companies had resulted in losses of considerable sums to large numbers of investors. Responsible companies and individuals engaged in the business were anxious that these improper methods and policies that brought the industry into disrepute and resulted in loss of confidence by the investing public should be corrected. Thus, the work of the Commission was not a mere "witch hunting" expedition nor based upon a desire to harass honest business. It was entirely an effort to preserve a necessary and important agency of business from improper use by some unscrupulous manipulators to the detriment of honest men who sought to conduct the business on a basis of honesty and integrity, and to save the investor from the losses that were incident to doing business with those who were not actuated by honest motives.

In discussing the public interest in investment trusts and investment companies Robert E. Healy, Commissioner of the Securities and Exchange Commission, who had general supervision of the investment-trust study testified at the committee hearings that:

> The American public has contributed over $7,000,000,000 to those organizations. That is on the basis of investment. You can compare that with $14,000,000,000 roughly estimated as the investment in the electric-light industry. The value of their assets at present is approximately $4,000,000,000. * * * With respect to 22 of the bankrupt companies upon which the Commission has reasonably accurate figures, the security holders sustained a capital loss to December 31, 1935, of approximately $510,000,000 out of a total net capital contribution of almost $560,000,000, or a loss of about 90 percent. Altogether, investors have sustained a capital shrinkage of approximately $3,000,000,000 in all types of investment trusts and investment companies.

This tremendous loss, of course, was not entirely due to fraudulent practices, but was attributable to a large extent to the decline in security values since 1929. However, the fact remains that in a substantial number of cases, losses suffered by investors were due to unscrupulous management of the investment trusts and investment companies.

Mr. Healy further testified:

> Many individual investment companies have total assets equal to those of the larger savings banks. Their securities are owned by approximately 3,000,000 investors throughout this country, with the majority of the individual investments in such securities having a value of under $500. The number of security holders of investment trusts and companies probably exceeds that of all other

industries except utility holding company systems. It is estimated that one out of every 10 holders of securities of all types in this country is a holder of investment trust and investment company shares or certificates.

In addition, investment companies at present control or are in a position to control or importantly influence various industrial, banking, utility, and other enterprises having total assets which, as of the end of 1935, amounted to some $30,000,000,000. Furthermore, these investment trusts and investment companies, because of their very substantial trading in securities on stock exchanges, are a most substantial factor in our securities markets.

Because of the large public interest in these organizations, and because these investment trusts and investment companies represent unsupervised pools of savings, these institutions have been a matter of concern to representatives of the investment company industry, stock exchanges, financial writers, and governmental bodies from the early period of their existence in this country. The potential dangers of these organizations have been indicated, and with the passing years criticism has increased.

The hearings before the committee showed many of the abuses that have existed in the conduct of investment trusts and investment companies. Unscrupulous individuals in control of some of these investment companies have not hesitated to engage in dealings between themselves as officers and with other companies in which they were interested. In some instances they have purchased from such other companies for the investment companies worthless securities at high prices, or sold securities of the investment companies to other companies in which they were interested at ridiculously low prices, or have borrowed as individuals from the investment companies and failed to pay back the sums borrowed. I mention only these few instances of dishonest practices to illustrate the methods in use by some of the dishonest manipulators of the funds invested by the public. Many other practices equally dishonest have been utilized. Furthermore, without regulation the investor has not always been able to obtain accurate financial reports as to the operation of the companies in which he was interested. Often such reports were misleading or actually dishonest. All of which made it easy to fleece the investor.

It is not to be assumed that all or even most of the investment trusts and companies have been guilty of dishonest practices. But, it has nevertheless existed to such an extent as to make it necessary in the public interest to provide a Federal system of regulation and control to insure upon the part of all such companies an honesty of management that will make all such investments reasonably secure. It is that very thing this bill seeks to accomplish.

The Securities Act of 1933 and the Securities Exchange Act of 1934 have not been effectual in preventing the type of abuses that have grown up in the investment field. These acts merely provide for publicity. This, however, has not provided adequate security to the investing public. And, furthermore, many investment companies have not come within the provisions of either of these acts.

It is the opinion of the Committee on Interstate and Foreign Commerce, the Securities and Exchange Commission, and representatives of the industry itself, that regulation and control of investment trusts and investment companies is necessary for the protection of the public and best for the industry. Consequently this legislation represents the combined efforts and study of all these and has the approval of all. The committee has offered this legislation to the House in the belief that it will remove abuses that have existed and will establish the investment business on a basis that will encourage the confidence of the public.

Before concluding my remarks, I wish to pay tribute, deserved tribute, to the gentleman from Maryland [Mr. COLE] for the important part that has been taken by him in formulating this legislation along lines that would prove effectual in regulating investment trusts and investment companies, but in a manner that would not unreasonably handicap this important industry in the carrying on of its important part in our economic and financial structure.

But in addition to this important service rendered by the gentleman from Maryland [Mr. COLE], he also was instrumental in inaugurating a new practice that will, in my opinion, whenever utilized, result in worth-while legislation, namely, that of having representatives of the business or industry to be affected by the legislation sit down with the regulatory body, and, around the table, discuss the problems and arrive at a fair and reasonable solution of them. That practice was pursued in formulating the present legislation. It has therefore come before this House with the approval of both the Securities and Exchange Commission and representatives of the investment industry. It likewise has the unanimous support of the Committee on Interstate and Foreign Commerce. It is legislation that is entitled to have the unanimous support of this House. [Applause.]

Mr. COLE of Maryland. Mr. Chairman, I yield to the gentleman from California [Mr. LEA], such time as he may desire to use.

Mr. LEA. Mr. Chairman, I regard this bill as a substantial contribution for the benefit of investors as well as the business interests of the country. It provides constructive regulation without any destructive burdens or purpose. A notable feature of the bill is that it is the outgrowth of cooperation; it represents the well-considered judgment of both the investment world and the Securities and Exchange Commission.

The words just spoken by the gentleman from New Jersey [Mr. WOLVERTON] when he complimented the gentleman from Maryland [Mr. COLE] for his part in this legislation were well spoken. This legislation is an example of cooperation of businessmen and representatives of the Government in trying to provide constructive legislation. It is legislation that should be helpful and not unduly burdensome or harmful; it is an example that may well be followed in the future.

There has been a purpose on the part of our committee to encourage this sort of cooperation. Some months ago the chairman of this committee had a number of applications from business people, particularly, those interested in the securities market and those interested in removing any handicaps to investment capital, to have a hearing on the question of modifying the Securities Act and the Securities Exchange Act of 1934. Some doubt existed as to whether or not such an investigation could appropriately or advantageously be conducted so near a Presidential election, but, finally, on the understanding that a hearing would be had dealing with the economic problems and not the political ones involved, the committee arranged a meeting in which the business interests of the United States were to have an opportunity to come before the committee and to present their criticism as to what should or should not be done by the Government in the regulation of the securities market in order that we might remove every handicap that unnecessarily restrains investment capital.

At the time this matter was set for hearing, as chairman of the Interstate and Foreign Commerce Committee, I made a statement as to the purposes of the hearing, as follows:

We have now had several years' experience under each of these acts. This was pioneer legislation. We can naturally expect that out of years of experience defects in these laws as well as in their administration have been revealed and which should be corrected. The country as a whole does not question the general purposes of these acts or the necessity of such protective legislation. We do need, however, the removal of every unnecessary handicap to business, whether of governmental or economic character.

It appears that in the last 10 years capital investment has not equaled depletion in the business plants of the country. There is a great volume of idle capital. Idle capital means idle men and a decreased volume of business. To remove unnecessary handicaps and encourage the investment of this capital are among the greatest problems of the Nation. The economic welfare of the country, as well as its social progress are dependent upon both capital and labor employment. This partial stagnation of capital investment has continued over a 10-year period and must have some important fundamental reasons behind it. The law affecting securities and their administration perhaps does not constitute more than a minor part of the main problem, but yet possibly a phase of importance.

It is not expected that legislation will result from the hearing this year. The move is rather preliminary and of an educational character as preparatory to the consideration of any legislation that may be found necessary to improve the situation at the next session of Congress.

It is believed that a fair presentation of the facts by experienced businessmen from an economic and practical viewpoint without partisan motives will help the country to understand these problems and to give better support to appropriate legislation.

Following the setting of that hearing before our committee, the Securities and Exchange Commission and representatives of business got together and it was jointly agreed that they would prefer that instead of having the hearing now, a study should be made—a joint study by representatives of the Securities Commission and the business and investment interests of the country—with the idea of examining these acts in the light of the experience that has developed in the last 5 years, to find out what, if anything, should be done to improve these acts and to remove any unnecessary burdens or restraints upon investment capital. In view of that agreement the hearing was canceled. That study is to go on from now until January. When January comes, regardless of what party may be in control of this House, I hope an intelligent and searching consideration of these problems will be made. Then I hope all needed improvement in these laws will be enacted. I would be disappointed if such a hearing does not develop legislation that will constructively encourage the investment of capital in this country.

So I believe that in this respect the committee is doing a useful work.

Before closing these brief remarks I want to say much credit is deserved by the gentleman from Maryland [Mr. COLE]. He performs a real service to this country when, conscientiously and industriously and with a world of good sense, he devotes himself to constructive legislation such as this. [Applause.] I consider the man in this body, whoever he may be, whether in committee or anywhere else, who devotes himself conscientiously to the development of constructive legislation that affects the welfare of the 130,000,000 people of this country is doing a great service. A man does a great service in this body if he does nothing but vote right; but if, in addition to voting right, he makes constructive contributions that really help the country, his is, indeed, a very great service.

I want also to compliment the gentleman from New Jersey [Mr. WOLVERTON]. He gives to legislation before our committee the benefit of his ripened judgment, his skill and ability as a lawyer, and his fine conception of the duty of a public servant. We are fortunate in our committee and this body is fortunate in having two men like these gentlemen to serve their country disinterestedly, but devotedly, and with a great deal of ability. [Applause.]

Mr. COLE of Maryland. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I appreciate very much the references to my service on this committee and to the work on this and other legislation administered by the Securities and Exchange Commission.

The truth is that the work of the Interstate and Foreign Commerce Committee is accomplished by the generous cooperation of all its members, at times functioning through various subcommittees. I can go back in my recollection to the many hours that we have spent together in legislation—now important law—administered so efficiently by the Securities and Exchange Commission. Take for instance the subcommittee which handled this bill, and over which I presided, and on which the gentleman from New Jersey [Mr. WOLVERTON], the gentleman from Tennessee [Mr. REECE], the gentleman from Oklahoma [Mr. BOREN], the gentleman from New York [Mr. O'TOOLE], and formerly the gentleman from Michigan, Mr. Mapes, served. All of them participated in the work required to bring to the committee this bill so unanimously accepted by the Members today.

I have served with almost every member of the splendid group making up the Interstate and Foreign Commerce Committee of the House on subcommittees dealing with intricate and difficult problems assigned to us from time to time. It has been my experience that all of them are most anxious to apply their ability and conception of what is needed in these important times without regard to the long hours or the amount of work required. They are all hard-working and industrious members. Certainly this demonstration here today of the House accepting without a dissenting vote one of the most controversial and important pieces of legislation is sufficient evidence in which the great committee, which I represent here today, is held by the Congress of the United States.

I have mentioned the service of our late colleague, Mr. Mapes, of Michigan. He was a great statesman and one of the real members of the committee. His place as ranking minority member is filled by the distinguished gentleman from New Jersey [Mr. WOLVERTON]. Congressman WOLVERTON is one of the best lawyers I have ever known. I sometimes wonder if the membership of the House realizes how many hours of hard and painstaking work he put in on legislation. His value as a member of this committee is hard to estimate.

Mr. Chairman, I yield to the gentleman from Texas [Mr. RAYBURN].

Mr. RAYBURN. Mr. Chairman, when this great committee with which I was connected for 24 years comes before the House, I still have a great pride in it. It is composed of great big fellows and it does great big work. For a committee like this to bring in unanimously a far-reaching bill such as this and for the House to show the confidence in it that it will in the passage of the bill today, is a compliment that comes to few committees.

I listened to the complimentary remarks the chairman of the committee, Mr. LEA, made with reference to the gentleman from Maryland [Mr. COLE] and the gentleman from New Jersey [Mr. WOLVERTON]. I take this moment to refer to a man who is absent from that committee now, but who was for many years the ranking minority member of the committee during the years that I was chairman of it. Mr. Chairman, I have served with probably 1,800 men since I first entered this hall, but I say to you that I never served with a better man, and in my opinion there was never a finer gentleman, a finer Congressman, or abler statesman in this House than my lamented colleague, Carl Mapes. [Applause.] He was gentle; he was fine; he was able. As I say, I have taken this moment not only to congratulate this great committee upon its fine work, but to say this word in tribute to a great man who has passed on.

The CHAIRMAN. If there is no other yielding of time, the Clerk will read the bill for amendment.

Mr. COLE of Maryland. Mr. Chairman, I ask unanimous consent that the bill be considered as read and be open to amendment.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the committee amendments.

Mr. COLE of Maryland. Mr. Chairman, there are numerous committee amendments, many of them clarifying, none controversial. I ask unanimous consent that the committee amendments be considered in bulk and printed in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The committee amendments are as follows:

Page 12, line 9, strike out "prescribed" and insert in lieu thereof "described."

Page 19, line 2, after the word "securities", insert "or the issuer thereof."

Page 20, line 3, strike out all the line and insert in lieu thereof "so determined is not in excess of market value or asset value of such securities in the case of majority-owned subsidiaries, and is not in excess of market value in the case of other controlled companies."

Page 31, after line 23, insert a new paragraph as follows:

"(3) Any company which since the effective date of this title or within 5 years prior to such date has been reorganized under the supervision of a court of competent jurisdiction, if (A) such company was not an investment company at the commencement of such reorganization proceedings, (B) at the conclusion of such proceedings all outstanding securities of such company were owned by creditors of such company or by persons to whom such securities were issued on account of creditors' claims, and (C) more than 50 percent of the voting securities of such company, and securities representing more than 50 percent of the net asset value of such company, are currently owned beneficially by not more than 25 persons; but such exemption shall terminate if any security of which such company is the issuer is offered for sale or sold to the public after the conclusion of such proceedings by the issuer or by or through any underwriter. For the purposes of this paragraph,

any new company organized as part of the reorganization shall be deemed the same company as its predecessor; and beneficial ownership shall be determined in the manner provided in section 3 (c) (1)."

Page 31, line 24, change "(3)" to "(4)."

Page 33, after line 16, insert a new paragraph as follows:

"(d) The Commission, by rules and regulations or order, shall exempt a closed-end investment company from any or all provisions of this title, but subject to such terms and conditions as may be necessary or appropriate in the public interest or for the protection of investors, if—

"(1) the aggregate sums received by such company from the sale of all its outstanding securities, plus the aggregate offering price of all securities of which such company is the issuer and which it proposes to offer for sale, does not exceed $100,000;

"(2) no security of which such company is the issuer has been or is proposed to be sold by such company or any underwriter therefor, in connection with a public offering, to any person who is not a resident of the State under the laws of which such company is organized or otherwise created; and

"(3) such exemption is not contrary to the public interest or inconsistent with the protection of investors."

Page 33, line 17, change "(d)" to "(e)."

Page 46, after line 7, strike out all of lines 8, 9, 10, and 11 and in lieu thereof insert the following:

"(2) such investment adviser is registered under title II of this act and such investment adviser is engaged principally in no business other than that of rendering investment supervisory services as defined in title II;"

Page 56, line 2, after "of", strike out "only."

Page 56, line 2, after "stock", insert "only."

Page 56, line 22, after "company", insert "and any company or companies controlled by such registered company."

Page 57, strike out all of line 14 and in lieu thereof insert the following: "or any State, or to affect the right under State law of any insurance company to acquire securities of any other insurance company or insurance companies."

Page 71, line 20, after "place", insert "and maintain."

Page 72, strike out all of lines 1 to 14, inclusive, and in lieu thereof insert the following: "subject to such rules and regulations as the Commission may from time to time prescribe for the protection of investors; or (3) such registered company, but only in accordance with such rules and regulations or orders as the Commission may from time to time prescribe for the protection of investors. Rules, regulations, and orders of the Commission under this subsection, among other things, may make appropriate provision with respect to such matters as the earmarking, segregation, and hypothecation of such securities and investments, and may provide for or require periodic or other inspections by any or all of the following: Independent public accountants, employees and agents of the Commission, and such other persons as the Commission may designate. No such member which trades in securities for its own account may act as custodian except in accordance with rules and regulations prescribed by the Commission for the protection of investors."

Page 93, line 3, after the period at the end of the line, insert a new sentence as follows: "Any company which, as of March 15, 1940, was required by provision of its charter, certificate of incorporation, articles of association, or trust indenture, or of a bylaw or regulation duly adopted thereunder, to postpone the date of payment or satisfaction upon redemption of redeemable securities issued by it, shall be exempt from the requirements of this subsection; but such exemption shall terminate upon the expiration of 1 year from the effective date of this title, or upon the repeal or amendment of such provision, or upon the sale by such company after March 15, 1940, of any security (other than short-term paper) of which it is the issuer, whichever first occurs."

Page 93, strike out all of lines 12, 13, and 14 and in lieu thereof insert the following:

"(g) No registered open-end company shall issue any of its securities (1) for services; or (2) for property other than cash or securities (including securities of which such registered company is the issuer), except as a dividend or distribution to its security holders or in connection with a reorganization."

Page 93, strike out all of lines 17, 18, and 19 and in lieu thereof insert the following:

"SEC. 23. (a) No registered closed-end company shall issue any of its securities (1) for services; or (2) for property other than cash or securities (including securities of which such registered company is the issuer), except as a dividend or distribution to its security holders or in connection with a reorganization."

Page 93, line 23, after "which", strike out "price" and insert in lieu thereof "net asset value."

Page 93, line 24, after "determined", strike out "on the basis of values calculated."

Page 94, line 4, after "its", strike out "common-stock holders" and insert "common stockholders."

Page 96, line 1, after "commerce", strike out "or" and insert "to."

Page 98, strike out the word "opinion" and insert in lieu thereof the word "report" in lines 2, 6, 7, 9, 17, 19, 21, and 23.

Page 103, line 21, after "investment", strike out "company, or" and insert in lieu thereof "company issuing periodic payment plan certificates, or."

Page 103, line 22, after "any", strike out "periodic payment plan" and insert "such."

Page 105, line 19, strike out "company, or" and in lieu thereof insert "company issuing periodic payment plan certificates, or."

Page 105, line 20, after "any", strike out "periodic payment plan" and insert "such."

Page 108, line 5, after "the", strike out "specified."

Page 108, line 17, after "minimum rate", insert a comma.

Page 108, line 18, after "of", strike out the comma and "the nearest."

Page 109, line 16, after "holder", strike out "under the terms of his certificate."

Page 110, lines 9 and 10, strike out "under the terms of his certificate."

Page 110, line 10, after "of", strike out "a" and insert "any."

Page 120, line 19, after "Sec. 29.", insert "(a)."

Page 121, line 2, strike out the figures "45" and insert the figure "2."

Page 121, line 23, strike out "October 1, 1940" and insert in lieu thereof "January 1, 1941."

Page 124, line 20, after "section", insert "13 or."

Page 130, line 1, strike out "such holders" and in lieu thereof insert "stockholders."

Page 130, line 13, change the period at the end of the line to a colon.

Page 130, after line 13, insert the following: "*Provided*, That if the selection of an accountant has been rejected pursuant to paragraph (2) or his employment terminated pursuant to paragraph (3) the vacancy so occurring may be filled by a vote of a majority of the outstanding voting securities, either at the meeting at which the rejection or termination occurred or if not so filled then at a subsequent meeting which shall be called for the purpose."

Page 130, line 22, after the end of the line, insert the following: "In the event of such termination and removal the vacancy so occurring may be filled by action of the holders of record of a majority of the shares of beneficial interest either at the meeting, if any, at which such termination and removal occurs, or by instruments in writing filed with the custodian, or if not so filed within a reasonable time, then a subsequent meeting which shall be called by the trustees for the purpose. The provisions of paragraph (40) of section 2 (a) as to a majority shall be applicable to the vote cast at any meeting of the shareholders of such a trust held pursuant to this subsection."

Page 149, line 4, after "misleading", strike out the comma and insert "in the light of the circumstances under which they were made".

Page 155, line 8, after "broker", insert "or dealer".

Page 155, line 10, strike out "brokerage" and after the word "business" insert "as a broker or dealer".

Page 155, line 25, at the end of the line strike out "and" and insert "'control' and".

Page 156, strike out all of lines 3, 4, and 5.

Page 156, line 6, strike out "(14)" and insert "(13)".

Page 156, lines 8 to 12, inclusive, strike out the following: "For the purposes of this paragraph the term "continuous advice" shall mean at least a quarterly review by the investment adviser of the investments of the client entrusted to his supervision."

Pages 156 and 157, renumber paragraphs (15), (16), (17), (18), (19), (20), and (21), respectively, to paragraphs (14), (15), (16), (17), (18), (19), and (20).

Page 161, strike out all of lines 5 and 6 and in lieu thereof insert the following: "(2) A statement as to whether such investment adviser is engaged or is to engage primarily in the business of rendering investment supervisory services."

Page 165, strike out all after line 17 and in lieu thereof insert the following:

"(3) acting as principal for his own account, knowingly to sell any security to or purchase any security from a client or acting as broker for a person other than such client, knowingly to effect any sale or purchase of any security for the account of such client without disclosing to such client in writing before the completion of such transaction the capacity in which he is acting, and obtaining the consent of the client to such transaction. The prohibitions of this paragraph (3) shall not apply to any transaction with a customer or a broker or dealer if such broker or dealer is not acting as an investment adviser in relation to such transaction."

Page 166, strike out all after line 19 and in lieu thereof insert the following:

"(c) It shall be unlawful for any person registered under section 203 of this title to represent that he is an investment counsel or to use the name investment counsel as descriptive of his business unless such person is primarily engaged in the business of rendering investment supervisory services or unless his registration application as amended or as supplemented by the most recent report on file with the Commission states that such person is engaged or is about to engage primarily in the business of rendering investment supervisory services."

Committee amendments offered by Mr. COLE of Maryland:

Page 7, lines 6 and 7, after the word "institution", insert "or trust company."

In the committee amendment at page 20, line 10, after "excess of", insert "the higher of."

Page 25, line 2, strike out the comma.

Page 25, strike out all of lines 19 and 20 and in lieu thereof insert the following: "loan association, building and loan association, cooperative bank, homestead association, or similar institution, or any receiver, conservator, liquidator, liquidating agent, or similar official or person thereof or therefor; any common trust."

Page 33, after line 3, insert a new paragraph, as follows:

"(4) Any issuer as to which there is outstanding a writing filed with the Commission by the Federal Savings and Loan Insurance Corporation stating that exemption of such issuer from the provisions of this title is consistent with the public interest and the protection of investors and is necessary or appropriate by reason of the fact that such issuer holds or proposes to acquire any assets or any product of any assets which have been segregated (A) from assets of any company which at the filing of such writing is an insured institution within the meaning of section 401 (a) of the National Housing Act, as heretofore or hereafter amended, or (B) as a part of or in connection with any plan for or condition to the insurance of accounts of any company by said corporation or the conversion of any company into a Federal savings and loan association. Any such writing shall expire when canceled by a writing similarly filed or at the expiration of 2 years after the date of its filing, whichever first occurs; but said corporation may, nevertheless, before, at, or after the expiration of any such writing file another writing or writings with respect to such issuer."

In the committee amendment at page 33, line 4, change "(4)" to "(5)."

In the committee amendment at page 35, line 5, strike out "does" and in lieu thereof insert "do."

Page 37, line 10, after the figure "8", insert "or exempt under section 6."

In the committee amendment at page 48, line 12, strike out "no business other than that", and in lieu thereof insert "the business."

Page 49, line 6, after "date", insert "or dates".

Page 67, lines 21 and 22, strike out "March 15, 1940", and in lieu thereof insert "the date of enactment of this title."

Page 67, line 23, after "No", insert "natural."

Page 68, line 10, after "any", insert "such."

In the committee amendment at page 75, line 5, after "employees", strike out the comma.

Page 111, strike out all of line 12 after the period and all of lines 13 to 18, inclusive, and in lieu thereof insert the following: "The company may at its option take as loading from the gross payment or payments for a certificate year, as and when made by the certificate holder, an amount or amounts equal in the aggregate for such year to not more than the excess, if any, of the gross payment or payments required to be made by the holder for such year, over and above the percentage of the gross annual payment required herein for such year for reserve purposes. Such loading may be taken by the company prior to or after the setting up of the reserve payment or payments for such year and the reserve payment or payments for such year may be graduated and adjusted to correspond with the amount of the gross payment or payments made by the certificate holder for such year less the loading so taken;"

Page 131, line 2, strike out "transaction", and in lieu thereof insert "transactions."

Page 157, line 6, after "institution", insert "or trust company."

Page 163, line 13, strike out the comma.

Page 173, line 12, after "to", insert a comma.

The CHAIRMAN. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. COLE of Maryland. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. LANHAM, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H. R. 10065, directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. COLE of Maryland. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

House Resolution 553, providing for the consideration of the bill, was also laid on the table.

PUBLIC HOUSING

Mr. HEALEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD at this point.

The SPEAKER. Is there objection?

There was no objection.

Mr. HEALEY. Mr. Speaker, delays which are holding up legislation to provide additional funds for public housing are threatening the whole national-defense program, because of imminent housing shortages in more than 150 key cities of the Nation.

Conditions in Massachusetts and other New England cities are typical examples of housing needs. Quick and decisive action must be taken by Congress to provide housing for families of defense workers or the whole defense program will be placed in jeopardy.

We have speeded up every phase of the defense program, save housing. We have authorized the expenditure of enormous sums for Army and Navy equipment, for ships, for arms and ammunition. We have set the wheels in motion to expand all our defense industries—but we have done very little to provide housing for the thousands of workers that will be needed to do the work.

A dozen cities in New England alone are desperately in need of housing right now and the situations are bound to become worse as the defense program goes forward. Here are a few examples:

Newport, R. I., with a large United States naval station and a torpedo-manufacturing industry, needs 1,800 new homes to take care of the influx of workers as a result of defense activities. The housing authority there has requested the United States Housing Authority for a loan of $1,000,000 to take care of immediate needs.

Quincy, Mass., home of the Fore River Shipyards, is now suffering a serious housing shortage, especially among the low-income groups, and officials there have indicated that 2,000 new homes will be imperative in the near future.

Pawtucket, R. I., needs 500 homes at once to provide for increased employment in eight large industrial plants within a radius of 3 miles. Five of these are now working on Government contracts and probably will triple their employment as a result of national-defense preparations.

Bath, Maine, site of another large shipyard, has no housing facilities to meet the emergency of increased employment. It is estimated that 500 new homes must be built in that area soon.

Bridgeport, Conn., which reports rapid industrial expansion, has urgently appealed to the United States Housing Authority for funds to build 400 homes at once.

Hartford, Conn., another center of defense industrial activity, faces a critical housing shortage that is steadily growing more acute. The local authority has requested Government funds to built 1,000 dwellings.

Other cities sorely needing housing for families of defense workers are Portsmouth, N. H., producer of submarines, and New Britain and New London, Conn., industrial centers for the production of defense materials.

These few cities, picked at random from many in the same condition, cannot possibly supply the necessary housing for defense workers and their families unless the Government comes to their assistance. Private building interests may help some, but the crying need of the hour is for low-rent dwellings which private enterprise so far has not been able to provide.

We have the facilities to supply all the housing that is needed in this emergency. The United States Housing Authority is set up for that purpose. It has a large and experienced staff of technicians who can step in at a moment's notice and do the job.

As a matter of fact, the United States Housing Authority already has done a splendid job with defense housing in the short time the emergency has existed and with limited funds available. Five United States Housing Authority aided defense housing projects are now under way and a dozen others will be started in the very near future.

Given the funds, the United States Housing Authority may speed the work of local authorities who are appealing for Government assistance. With 2½ years' experience in financing and supervising development of slum-clearance and low-rent housing projects, the agency is tooled to produce large-scale projects at highest possible speed.

The Government has been making extensive plans for the building of munition plants and airplane factories and placing orders with industries in communities which are without adequate housing facilities for new workers.

Unless we build houses as well as factories we must again face, as in World War years, serious delays in the production of vital defense materials.

In view of that experience, I hope we will not repeat this serious mistake but will pass the necessary legislation to hasten and facilitate the building of adequate housing for defense workers.

ADJOURNMENT OVER

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ORDER OF BUSINESS

Mr. RAYBURN. Mr. Speaker, several Members have asked what the program will be for the coming week. Monday is unanimous consent day, of course. I do not think there is a very long calendar.

There are two veto messages of bills which came from the Committee on the Judiciary and I understand the committee wants to have a vote on those messages. There will be 1 hour on each, of course. That will come up on Monday.

On Tuesday there will be the so-called wire-tapping bill, House Joint Resolution 571, with 1 hour of general debate. Also the bill H. R. 4366, providing for additional compensation for attorneys in the Department of Justice, with 1 hour of general debate.

There will be taken up on Wednesday the revised housing bill, for which I understand a rule will probably be granted tomorrow.

On Thursday the so-called Court of Claims, Carden, et al., bill, H. R. 7230, with reference to a bill which has been before the Court of Claims and giving them an opportunity to go to the Supreme Court, will be taken up.

Also, Senate Concurrent Resolution 40, with reference to the eradication of the fruitfly, will be taken up, with 1 hour of general debate.

That completes the program through Thursday and that is as far as the program has been planned.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. RAYBURN. I yield.

Mr. HOFFMAN. Is there any information as to when the Wheeler-Logan bill and the Smith amendments to the Labor Act will be back to the House from the Senate?

Mr. RAYBURN. I am not informed as to just how fast the Senate will work.

GENERAL LEAVE TO EXTEND REMARKS

Mr. COLE of Maryland. Mr. Speaker, at the request of the gentleman from Illinois [Mr. SABATH] and some others, I ask unanimous consent that all Members who have spoken on the bill just passed may be allowed 5 legislative days within which to revise and extend their own remarks.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

By unanimous consent, Mr. RANDOLPH, Mr. RICH, and Mr. SCHAFER of Wisconsin were granted permission to extend their own remarks in the RECORD.

Mr. SHEPPARD. Mr. Speaker, I ask unanimous consent to insert in the RECORD a resolution by the national committee of Young Democratic Clubs of America.

The SPEAKER. Is there objection?

There was no objection.

Mr. GUYER of Kansas. Mr. Speaker, I ask unanimous consent to extend my own remarks and insert a short quotation from a Kansas newspaper.

The SPEAKER. Is there objection?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. FISH. Mr. Speaker, I ask unanimous consent that after the other unanimous-consent requests are granted I may address the House for 3 minutes.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent in connection with the general leave granted the gentleman from Maryland [Mr. COLE] to include certain excerpts in my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. WALLGREN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a radio address delivered by the gentleman from Pennsylvania [Mr. BOLAND] in Scranton, Pa., last Sunday night.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HENNINGS. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include therein an editorial from the St. Louis Call.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MONRONEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial from the Altus Times Democrat, of Altus, Okla., on the compulsory military-training bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. NORRELL. Mr. Speaker, I ask unanimous consent to extend in the RECORD a table prepared for me by the Department of Agriculture, which was the basis of some of the information given during the consideration of the bill (S. 3998) increasing the capital stock of the Commodities Credit Corporation.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. WILLIAMS of Missouri (at the request of Mr. ROMJUE), indefinitely, on account of death in family.

To Mr. VINCENT of Kentucky, for today, on account of official business.

The SPEAKER. Under the previous order of the House, the gentleman from New York [Mr. FISH] is recognized for 3 minutes.

REMOVAL OF BRITISH CHILDREN

Mr. FISH. Mr. Speaker, in view of the fact that Prime Minister Churchill has been reported in the press as being opposed to further transfer of British children to America, and quoted him as saying that such removal was "most undesirable," I want to read into the RECORD a letter I have just received from Lord Lothian, the British Ambassador.

The SPEAKER. Is there objection to the reading of the letter?

There was no objection.

Mr. FISH. Mr. Speaker, the letter reads as follows:

BRITISH EMBASSY,
Washington, D. C., July 30, 1940.

The Honorable HAMILTON FISH,
House of Representatives, Washington, D. C.

MY DEAR MR. CONGRESSMAN: Mr. Eric Biddle, the secretary of the United States Committee for the Care of European Children, has suggested that I should write to you, as it has been stated that the attitude of His Majesty's Government toward the proposal to send American ships to the United Kingdom to fetch children needs clarification.

In the circumstances I am glad to inform you that if the American ships are sent to the United Kingdom to fetch children there are a large number of the children available for these ships to take back.

His Majesty's Government has decided that it cannot assume the responsibility for sending children to the North American continent in British ships unless they are convoyed. As there is a lack of

convoyed British ships at present, the board is unable itself to take the responsibility for sending children to the United States. It is, however, stated that about 1,200 children are coming to this continent at their own risk, or rather that of their parents, in the next 6 weeks.

Applications to the Children's Overseas Reception Board for evacuation to the United States already exceeds 32,000, of which 10,000 are for located homes. It is estimated that the applications would reach a figure of 50,000. The great majority of these children are from homes other than those of rich parents. Ninety-eight percent of the applications are in respect to children from grant-aided schools.

I would like to thank you for your generous interest in the matter. Believe me, my dear Mr. Congressman,

Very sincerely yours,

LOTHIAN.

I am putting this letter in the RECORD merely for the information of the Members of the House. There was a good deal of dispute and misunderstanding in the Committee on Foreign Affairs as to the attitude of the British Government as a result of the statement purported to have been made by the Prime Minister of England, Mr. Churchill, in opposition to further removal of English children. It is evident from a perusal of Lord Lothian's letter that the British Government favors sending its children here, provided Americans will furnish the ships and send them over there. Such action will require the approval of Congress, and, under the terms of the bill, of all the warring nations, including England, Germany, and Italy. Every possible safeguard has been written into the Hennings bill. I hope that speedy and favorable action will be taken by the Congress to enact this humanitarian measure into law and help provide shelter and safety for these young victims of the ravages and destruction of modern warfare. [Applause.]

WESTERN HEMISPHERE UNITY

Mr. ROBERTSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. ROBERTSON. Mr. Speaker, It was my happy privilege today to join with colleagues from the House and Senate in welcoming at the Union Station the return to the Capital City of our distinguished Secretary of State, the Honorable Cordell Hull. His success in formulating and securing the adoption at the Habana Conference of a plan for unity of action among Western Hemisphere nations adds new luster to an already distinguished career in international diplomacy. The people of America are grateful to Cordell Hull for his consistent and unselfish devotion to the cause of world peace. We realize now how fundamentally right he has always been in insisting that mutually beneficial international trade was the only foundation for enduring world peace. Napoleon pretended that his campaigns of conquest were for the purpose of preserving peace in Europe. France and Great Britain at the Versailles peace table made some concessions to the Woodrow Wilson-Cordell Hull theory of enduring peace, but not enough to insure an unshackled international trade. The German dictator, like Napoleon the Great, pretends that his objective is the peace of Europe, but if there be any in this country who still have any illusions on that subject it would pay them to read the recent book called The Voice of Destruction, the article in the August 3 issue of the Saturday Evening Post and the article in the August issue of the Reader's Digest, in which the true aims of Hitler are discussed.

During the course of the Habana Conference government officials of Germany threatened both the United States and the countries of South America. Dr. Arthur Funk, speaking for the German Government, confidently predicted German success and said that the nations of the Western Hemisphere would hereafter trade with a victorious Germany on German terms or not at all. Under the superb leadership of Secretary Hull the nations of the Western Hemisphere decided in effect to follow the Hull plan for peace and mutually profitable trade rather than the Hitler plan. The action of our Congress in supporting the Hull Reciprocal Trade Agreement Program in 1934 laid the foundation for the success of the Habana Conference.

Our exports to South American countries which modified their trade restrictions have increased 110 percent in contrast to an increase of only 64 percent to those countries which have not concluded a trade agreement with this nation. In fact, our trade in the case of two countries which have not concluded agreements has actually decreased.

The following two tables show our export trade with South America in detail.

United States exports including reexports to South America

	1934	1935	1938	1939
Trade-agreement countries:				
Brazil	$40,375,000	$43,618,000	$61,957,000	$80,441,000
Colombia	21,611,000	21,636,000	40,863,000	51,295,000
Venezuela	19,281,000	18,585,000	52,278,000	61,952,000
Ecuador	2,343,000	2,843,000	3,273,000	5,900,000
Total	83,610,000	86,682,000	158,371,000	199,588,000
Non-trade-agreement countries:				
Argentina	42,688,000	49,374,000	86,793,000	71,114,000
Chile	12,030,000	14,948,000	24,488,000	26,789,000
Uruguay	6,140,000	6,223,000	5,060,000	5,177,000
Peru	9,891,000	12,174,000	16,587,000	19,246,000
Bolivia	5,118,000	2,829,000	5,385,000	4,512,000
Paraguay	647,000	700,000	643,000	675,000
Total	76,514,000	86,248,000	138,956,000	127,513,000

Source: Figures for 1934, 1935, and 1938 from Foreign Commerce and Navigation of the United States; figures for 1939 from Commerce Reports, Feb. 14, 1940, U. S. Department of Commerce.

Comparative statement of United States exports, including reexports to South America

	2-year average		Change 1938–39 average over 1934–35 average increase (+) decrease (−)	
	1934–35 [1]	1938–39	Value	Percent
Trade-agreement countries:				
Brazil	$41,997,000	$71,199,000	+$29,202,000	+69.5
Colombia	21,624,000	46,079,000	+24,455,000	+113.1
Venezuela	18,933,000	57,115,000	+38,182,000	+201.7
Ecuador	2,593,000	4,587,000	+1,994,000	+76.9
Total	85,147,000	178,980,000	+93,833,000	+110.2
Non-trade-agreement countries:				
Argentina	46,031,000	78,954,000	+32,923,000	+71.5
Chile	13,489,000	25,639,000	+12,150,000	+90.1
Uruguay	6,182,000	5,119,000	−1,063,000	−17.2
Peru	11,033,000	17,917,000	+6,884,000	+62.4
Bolivia	3,974,000	4,949,000	+975,000	+24.5
Paraguay	674,000	659,000	−15,000	−2.2
Total	81,383,000	133,237,000	+51,854,000	+63.7

[1] The years 1934–35 represent substantially a preagreement-year period, since only 1 agreement was in effect for the entire year 1935. During the 2-year period 1938–39 16 agreements were in effect throughout both of these years.

Source: Figures for 1934, 1935, and 1938 from Foreign Commerce and Navigation of the United States; figures for 1939 from Commerce Reports, Feb. 14, 1940, United States Department of Commerce.

The record made by the trade-agreements program in expanding and promoting the foreign commerce of the United States requires no defense. Those who examine the record in a spirit prompted by a desire to discover the truth and to appraise the results free from partisan bias and prejudice will find that trade agreements have contributed in large measure to the movement of our products to the markets of the world in greater volume until disrupted by war conditions.

Others, prompted by considerations to promote partisan objectives, have placed statements in the CONGRESSIONAL RECORD from time to time containing conclusions unsupported by a full disclosure of the facts. By carefully selecting figures showing the foreign trade of the United States covering periods running for a few months duration they are able to wholly distort the real picture. Trade comparisons covering a period of only a few months prove nothing. In this connection it is interesting to note that Mr. Wendell

Willkie, in an article approving the trade-agreements program in Fortune Magazine of April 1940, realized that short-time comparisons of trade results are not particularly informative. He said:

> * * * It may be years before conclusive results can be shown. But it is inconceivable to us that prosperity can be reestablished without any foreign trade. And it seems clear that if we are to have foreign trade it must be done on a reciprocal basis. We, the most successful people in the world at business and industry, know that there are two parties to every trade, and that one cannot always profit at the expense of the other. It is of vital importance to us that the other party profit too.

In connection with Mr. Willkie's recorded support of the trade-agreements program I note from the press that George N. Peek has attempted to show Mr. Willkie "the error of his ways" on trade agreements. The New York Times of July 21, in reporting Mr. Peek's interview with Mr. Willkie, indicated that Mr. Peek read his well-known objections to the present administration's farm and trade-agreements program, for the benefit of the press, and stated:

> During the reading of these points, Mr. Willkie appeared to disagree on many of them. When Mr. Peek assailed the administration's reciprocal-trade program the nominee interrupted to remind the reporters, "This is only Mr. Peek's viewpoint." Mr. Peek nodded and replied, "I am not trying to commit you on anything, Mr. Willkie."

From this it appears that Mr. Willkie still supports the trade agreements, and that in this interview he wanted it understood that he did not agree with Mr. Peek's criticism.

At this time of uncertainty when the trade routes outside the Americas have been disrupted by war, and world events foreshadow even greater disruption to world trade, with its attendant repercussions in the United States, maintenance and expansion of our trade with our South American sister republics is of vital importance to the welfare and prosperity of the entire country.

Again I say, the Nation owes a debt of gratitude to Cordell Hull for what he accomplished at Habana. [Applause.]

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 30 minutes p. m.), under its previous order, the House adjourned until Monday, August 5, 1940, at 12 o'clock noon.

COMMITTEE HEARING

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization at 10:30 a. m. Wednesday, August 7, 1940, in room 445 House Office Building, for the consideration of refugee bills H. R. 10083, H. R. 8502, H. R. 8497, H. R. 10150, House Joint Resolution 580, and House Joint Resolution 581.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1861. A communication from the President of the United States, transmitting a draft of a proposed provision pertaining to the appropriation for the purchase, transportation, and distribution of agricultural, medical, and other supplies for the relief of refugee men, women, and children contained in section 40 (b) of the Emergency Relief Appropriation Act, fiscal year 1941 (H. Doc. No. 889); to the Committee on Appropriations and ordered to be printed.

1862. A communication from the President of the United States, transmitting a draft of a proposed provision pertaining to the appropriation for the Council of National Defense and allocations from the appropriations entitled "Emergency Fund for the President" (H. Doc. No. 890); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. CARTER: Committee on Rivers and Harbors. H. R. 10247. A bill to authorize the use of a tract of land in California known as the Millerton Rancheria in connection with the Central Valley project, and for other purposes; without amendment (Rept. No. 2812). Referred to the Committee of the Whole House on the state of the Union.

Mr. HARTER of Ohio: Committee on Military Affairs. H. R. 8613. A bill to amend the act to provide for the retirement of disabled nurses of the Army and the Navy; without amendment (Rept. No. 2813). Referred to the Committee of the Whole House on the state of the Union.

Mr. MAY: Committee on Military Affairs. S. 3619. An act relating to changes in the administration of the National Guard of the United States bearing on Federal recognition, pay, allotment of funds, drill, training, and so forth; without amendment (Rept. No. 2814). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LEA:

H. R. 10276. A bill to amend section 8 (a) of the Securities Act of 1933; to the Committee on Interstate and Foreign Commerce.

By Mr. MAY:

H. R. 10277: A bill to provide for the employment on active duty of retired personnel of the Regular Army, and for other purposes; to the Committee on Military Affairs.

H. R. 10278. A bill to authorize the discontinuance of professional examinations for promotion in the Regular Army of officers of the Medical, Dental, and Veterinary Corps during time of war or emergency declared by Congress; to the Committee on Military Affairs.

H. R. 10279. A bill to provide uniformity in temporary promotions in the Army of the United States in time of emergency; to the Committee on Military Affairs.

By Mr. McDOWELL:

H. R. 10280. A bill to amend the National Housing Act, as amended, so as to give protection to certain mortgagors who are required to render military or naval service during any national emergency; to the Committee on Banking and Currency.

By Mr. GREEN:

H. R. 10281. A bill to provide an appropriation to carry out the provisions of the act of August 15, 1914, regulating the sponge fisheries; to the Committee on Appropriations.

By Mr. MAY:

H. J. Res. 587. Joint resolution to provide for the strengthening of the national defense; to the Committee on Military Affairs.

By Mr. WHELCHEL:

H. J. Res. 588. Joint resolution providing for the payment of war debts by the acquisition of funds in the United States and certain possessions in the Western Hemisphere of countries in default in the payment of such war debts; to the Committee on Ways and Means.

By Mr. McARDLE:

H. Res. 561. Resolution creating a special committee to investigate profiteering and ways and means of preventing same in connection with the tax measures passed by Congress to finance the national-defense program; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BREWSTER:

H. R. 10282. A bill for the relief of Karel Lederer; to the Committee on Immigration and Naturalization.

By Mr. GATHINGS:

H. R. 10283. A bill granting a pension to Alice F. Thomas; to the Committee on Invalid Pensions.

By Mr. GREEN:

H. R. 10284. A bill for the relief of J. H. Churchwell Wholesale Co., of Jacksonville, Fla.; to the Committee on Claims.

By Mr. HENNINGS:

H. R. 10285. A bill for the relief of Charles S. Ladinsky and Moe Kanner; to the Committee on Claims.

By Mr. SCHULTE:

H. R. 10286. A bill for the relief of Julius Yuhasz and Arvid Olson; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9095. By Mr. HOBBS: Petition of Campbell R. McCullough; to the Committee on Military Affairs.

9096. By Mr. REED of Illinois: Petition of Walter A. O'Brien, of Glen Ellyn, Ill., and some 400 signers, protesting against the usurpation by the President of the power of Congress to declare war; to the Committee on the Judiciary.

SENATE

MONDAY, AUGUST 5, 1940

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

O God, who declarest Thy almighty power chiefly in showing mercy and pity: Mercifully grant unto us such a measure of Thy grace, that we, running the way of Thy commandments, may obtain Thy gracious promises and be made partakers of Thy heavenly treasure. Through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, August 1, 1940, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF A BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that on July 31, 1940, the President had approved and signed the bill (S. 3200) to provide for the rank and title of lieutenant general of the Regular Army in the military departments of Panama and Hawaii.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed without amendment the bill (S. 3998) to increase the credit resources of Commodity Credit Corporation.

The message also announced that the House had passed a bill (H. R. 10065) to provide for the registration and regulation of investment companies and investment advisers, and for other purposes, in which it requested the concurrence of the Senate.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	King	Reed
Andrews	Downey	La Follette	Reynolds
Ashurst	Frazier	Lee	Russell
Austin	George	Lodge	Schwartz
Bankhead	Gerry	Lucas	Schwellenbach
Barbour	Gibson	Lundeen	Sheppard
Barkley	Gillette	McKellar	Slattery
Bilbo	Green	McNary	Smathers
Bone	Guffey	Maloney	Taft
Bulow	Gurney	Mead	Thomas, Idaho
Burke	Hale	Miller	Thomas, Okla.
Byrd	Harrison	Minton	Thomas, Utah
Byrnes	Hatch	Murray	Tobey
Capper	Hayden	Neely	Townsend
Caraway	Herring	Norris	Vandenberg
Chandler	Hill	Nye	Van Nuys
Chavez	Holman	O'Mahoney	Wagner
Clark, Idaho	Holt	Overton	Wheeler
Connally	Hughes	Pepper	White
Danaher	Johnson, Calif.	Pittman	Wiley
Davis	Johnson, Colo.	Radcliffe	

Mr. MINTON. I announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Michigan [Mr. BROWN], the Senator from Missouri [Mr. CLARK], the Senator from Louisiana [Mr. ELLENDER], the Senator from Virginia [Mr. GLASS], the Senator from Nevada [Mr. MCCARRAN], the Senator from South Carolina [Mr. SMITH], the Senator from Tennessee [Mr. STEWART], the Senator from Missouri [Mr. TRUMAN], the Senator from Maryland [Mr. TYDINGS], and the Senator from Massachusetts [Mr. WALSH] are unavoidably detained from the Senate.

Mr. AUSTIN. I announce that the Senator from Minnesota [Mr. SHIPSTEAD] and the Senator from New Hampshire [Mr. TOBEY] are necessarily absent.

The PRESIDENT pro tempore. Eighty-three Senators having answered to their names, a quorum is present.

EMERGENCY SUPPLEMENTAL ESTIMATES, NAVY DEPARTMENT (S. DOC. NO. 267)

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States, transmittting emergency supplemental estimates of appropriations for the Navy Department and the naval service, fiscal year 1941, totaling $28,786,000, plus contract authorizations totaling $19,075,000 which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

CLAIM OF J. L. SUMMERS, DECEASED

The PRESIDENT pro tempore laid before the Senate a letter from the Administrator of the Federal Works Agency, transmitting a draft of proposed legislation for the relief of J. L. Summers, deceased, former disbursing clerk, Division of Disbursement, Treasury Department, which, with the accompanying paper, was referred to the Committee on Claims.

SPECIAL FINDINGS AND OPINIONS OF COURT OF CLAIMS (S. DOC. NO. 266)

The PRESIDENT pro tempore laid before the Senate a letter from the Chief Clerk of the Court of Claims, transmitting certified copies of the special findings of fact and opinions filed by the court in the following cases, which, with the accompanying papers, was referred to the Committee on Claims and ordered to be printed:

Congressional, No. 17450, E. A. Wailes, receiver of Delta Oil Co. against the United States; and

Congressional, No. 17468, Tupelo Oil & Ice Co. to the use of Tupelo Oil & Gin Co., Inc., against the United States.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate telegrams in the nature of memorials from sundry citizens of San Francisco and San Pedro, Calif., remonstrating against the enactment of selective compulsory military training legislation, which were referred to the Committee on Military Affairs.

He also laid before the Senate a telegram in the nature of a memorial from the Women's Council of the Hollywood League for Democratic Action, Los Angeles, Calif., remonstrating against the enactment of selective compulsory military training legislation, which was referred to the Committee on Military Affairs.

He also laid before the Senate a resolution adopted by the Nineteenth Congressional District Convention of Labor's Non-Partisan League, at Santa Ana, Calif., protesting against the enactment of selective compulsory military training legislation, which was referred to the Committee on Military Affairs.

He also laid before the Senate a letter in the nature of a memorial from Mrs. J. L. Rockridge, a citizen of the United States, remonstrating against the enactment of selective compulsory military training legislation, which was referred to the Committee on Military Affairs.

He also laid before the Senate a resolution adopted by the convention of the North Central Association of Secretaries, Commissioners, and Directors of Agriculture, at Deadwood, S. Dak., favoring ratification by the Senate of all proposed trade agreements in the same manner as treaties are ratified, which was referred to the Committee on Agriculture and Forestry.

He also laid before the Senate the petition of Father Divine and sundry other citizens of the United States, praying that the Americas be united for peace, and also praying for the enactment of pending legislation to prevent and punish the crime of lynching, which was referred to the Committee on Foreign Relations.

Mr. CLARK of Idaho presented a petition of sundry citizens of the State of Idaho and adjoining States, praying for the appointment of a congressional committee to investigate the veterans' facility at Boise, Idaho, which was referred to the Committee on Finance.

Mr. REED presented a memorial of 85 citizens of the State of Kansas, remonstrating against the enactment of selective compulsory military training legislation, which was referred to the Committee on Military Affairs.

He also presented a memorial of 75 citizens of the State of Kansas, members of the Kansas Farmers Union Juniors, remonstrating against the enactment of military conscription legislation in peacetime, which was referred to the Committee on Military Affairs.

Mr. VANDENBERG presented a petition of sundry citizens of the State of Michigan praying that the United States keep out of war, which was referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of the State of Michigan remonstrating against the enactment of selective compulsory military training legislation, which were referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (S. 3657) authorizing the appointment and retirement of John Tomlingson as a second lieutenant, United States Army, reported it without amendment and submitted a report (No. 1994) thereon.

He also, from the same committee, to which was referred the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service, reported it with amendments and submitted a report (No. 2002) thereon.

Mr. TOWNSEND, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 1183. A bill for the relief of Ben L. Kessinger and M. Carlisle Minor (Rept. No. 1991); and

H. R. 2286. A bill for the relief of Wasyl Kulmatycki (Rept. No. 1992).

Mr. SMATHERS, from the Committee on Claims, to which was referred the bill (S. 3185) for the relief of Noland Blass, reported it without amendment and submitted a report (No. 1993) thereon.

Mr. SCHWARTZ, from the Committee on Claims, to which was referred the bill (H. R. 3907) for the relief of William A. Reithel, reported it with an amendment and submitted a report (No. 1995) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 6699. A bill for the relief of special tax school districts Nos. 2, 3, 4, and 5, Broward County, Fla. (Rept. No. 1996);

H. R. 6842. A bill for the relief of Rufus E. Farmer (Rept. No. 1997);

H. R. 7425. A bill for the relief of the parents of Charldean Finch (Rept. No. 1998);

H. R. 7681. A bill for the relief of Emelie Witzenbacher (Rept. No. 1999);

H. R. 7747. A bill for the relief of Estelle M. Corbett (Rept. No. 2000); and

H. R. 10036. A bill for the relief of John A. Kames (Rept. No. 2001).

ENROLLED BILL PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on August 1, 1940, that committee presented to the President of the United States the enrolled bill (S. 4037) to confer jurisdiction upon the United States District Court for the Western District of Kentucky to hear, determine, and render judgment upon the claim of Theodore R. Troendle, for the Dawson Springs Construction Co.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GUFFEY:

S. 4238. A bill making an appropriation to provide for filling certain abandoned coal mines located under the surface at Shenandoah, Pa.; to the Committee on Appropriations.

By Mr. GEORGE:

S. 4239. A bill to authorize the Administrator of Veterans' Affairs to grant an easement in a small strip of land at Veterans' Administration facility, Los Angeles, Calif., to the county of Los Angeles, Calif., for sidewalk purposes; to the Committee on Finance.

By Mr. SHEPPARD:

S. 4240. A bill to authorize the sale, under the provisions of the act of March 12, 1926 (44 Stat. 203), of surplus War Department real property; to the Committee on Military Affairs.

HOUSE BILL PLACED ON THE CALENDAR

The bill (H. R. 10065) to provide for the registration and regulation of investment companies and investment advisers, and for other purposes, was read twice by its title and ordered to be placed on the calendar.

RIVER AND HARBOR IMPROVEMENT FOR NATIONAL DEFENSE—AMENDMENT

Mr. MILLER submitted an amendment intended to be proposed by him to the bill (H. R. 9972) authorizing the improvement of certain rivers and harbors in the interest of the national defense, and for other purposes, which was ordered to lie on the table and to be printed.

ACTIVE SERVICE OF NATIONAL GUARD, RESERVE, AND RETIRED PERSONNEL—AMENDMENT

Mr. ADAMS, Mr. AUSTIN, and Mr. WAGNER each submitted an amendment intended to be proposed by them, respectively, to the joint resolution (S. J. Res. 286) to strengthen the common defense and to authorize the President to order members and units of reserve components and retired personnel of the Regular Army into active military service, which were severally ordered to lie on the table and to be printed.

SELECTIVE SERVICE COMPULSORY MILITARY TRAINING—AMENDMENT

Mr. LEE. Mr. President, on August 1 last I submitted a proposed amendment to be offered to the military training bill to raise the base pay of soldiers from $21 to $30 a month, and to raise the other schedules accordingly. There was some mistake in the printing, and the amendment which is on the desks today carries the same schedule which is now in existence in the Army. Therefore I ask that all these amendments be gathered up from the desks; and I shall offer another amendment in order to have the schedule correctly printed, and ask that it be placed on the desks instead of the ones that are now on the desks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS FOR THE NATIONAL DEFENSE—AMENDMENT

Mr. SHEPPARD submitted an amendment intended to be proposed by him to the bill (H. R. 10263) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place in the bill, to insert the following:

"Notwithstanding any other provision of law, the Secretary of the Navy is authorized, in his discretion, to construct housing and other structures of a permanent character within the limitations of appropriated funds in any case where such construction, in his opinion, is required in the interest of national defense."

SELECTIVE COMPULSORY MILITARY TRAINING—AMENDMENTS

Mr. BARBOUR, Mr. GUFFEY, Mr. LEE, Mr. WILEY, and Mr. JOHNSON of Colorado each submitted an amendment, and Mr.

MALONEY submitted an amendment in the nature of a substitute, intended to be proposed by them, respectively, to the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service, which were severally ordered to lie on the table and to be printed.

Mr. LODGE. Mr. President, I wish to submit an amendment intended to be proposed by me to Senate bill 4164, the compulsory military training bill, which I ask may lie on the table and be printed.

The amendment provides that persons inducted into the land or naval forces of the United States pursuant to the act shall not be employed beyond the limits of the Western Hemisphere, except in the Territories and possessions of the United States, including the Philippine Islands.

The PRESIDENT pro tempore. The amendment of the Senator from Massachusetts will lie on the table and be printed.

DAY OF PRAYER

Mr. GILLETTE. Mr. President, whether men are acting as individuals or as component parts of a nation, whenever they find that their problems, because of being numerous or difficult or intricate, are hard of solution, they are prone—and I think personally properly prone—to turn to some surer source of judgment for aid and guidance.

I have noted within the past few days that Cardinal Hinsley, of the Catholic hierarchy of Great Britain, has addressed a proclamation to the Catholic people of the dominions calling for a day of petition and supplication.

I find also that during the dark days of 1863 a distinguished Senator from Iowa, Senator James Harlan, offered a resolution in the Senate calling upon President Lincoln to designate such a day.

I find also that President Wilson, in response to a request, issued such a proclamation.

I find that our distinguished President at the present time, in a recent radio address, expressed himself as being dependent on a higher source, and asking the people to cooperate with him in supplication and petition.

With these controlling precedents, I am induced to offer a resolution along these lines, which I ask to have printed in the RECORD for the information of Senators and to lie over under the rule.

The resolution (S. Res. 293) was ordered to lie over under the rule, as follows:

Whereas the Senate of the United States on March 3, 1863, passed a resolution requesting President Lincoln, by proclamation, to set apart a day for national prayer and humiliation, in view of the critical situation then confronting our war-torn Nation, and President Lincoln, in response to this request, appointed such a date of prayer for the Nation; and

Whereas President Wilson, during the crisis of the World War, likewise appointed a day for national prayer and supplication; and

Whereas, following the observance of these days of national divine petition, there were manifest outpourings of God's blessings on the Nation; and

Whereas President Franklin Delano Roosevelt, in an address to the joint session of the Congress on September 21, 1939, stated that the situation of recent weeks carried a trend to a condition which "relegates religion, democracy, and good faith among nations to the background where there could be no place for the ideals of the Prince of Peace"; and

Whereas President Roosevelt, in an address to the American people on May 26, 1940, stated that "day and night I pray for the restoration of peace in this mad world of ours. I am certain that out of the hearts of every man, woman, and child in this land in every waking minute a supplication goes up to Almighty God; that all of us beg that suffering and starving, that death and destruction may end, and that peace may return to the world. In common affection for all mankind your prayers join with mine that God will heal the wounds and hurts of humanity": Therefore be it

Resolved, That in the situation we are now facing, imperiling as it does both the spiritual and democratic ideals of our own Nation and of other nations as well, we respectfully request the President of the United States, by proclamation, to appoint a day of prayer on behalf of our Nation, a day for confession of our national offenses, and for petitioning the Source of All Wisdom for the guidance and protection of our Nation in this crisis period, and that He may point the way to thought and action that will secure for our own country and all humanity the blessings of peace and liberty under law.

JAMES E. BARRY—WITHDRAWAL OF PAPERS

On motion by Mr. SHEPPARD, it was

Ordered, That the papers accompanying the bill (S. 2496) for the relief of James E. Barry (76th Cong., 1st sess.), be withdrawn from the files of the Senate (no adverse report having been submitted thereon).

MILITARY CONSCRIPTION—LETTER BY EX-SECRETARY WOODRING

Mr. VANDENBERG. Mr. President, I present a letter from Hon. Harry H. Woodring, who for 7 years was the distinguished Secretary of War in the Cabinet of President Roosevelt. The letter deals with the problem of military conscription. It comes from one who knows. I ask that it be printed in the RECORD at this point.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. VANDENBERG. Mr. President, following the Woodring letter I ask to have published in the RECORD a sturdy interview with Raymond J. Kelly, national commander of the American Legion. The article is headed "Conscription only as last resort favored by American Legion head." I ask that it be printed at this point in the RECORD.

Mr. WHEELER. Mr. President, could we have the letter from Mr. Woodring read?

Mr. VANDENBERG. I have no objection if the Senator wishes it read. I should like to have it read.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the letter will be read.

The Chief Clerk read as follows:

TOPEKA, KANS. *August 1, 1940.*

Hon. ARTHUR H. VANDENBERG,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In answer to your inquiry on the compulsory military bill now before the Senate, I cannot see the need of compulsory military training at this time, and I should like to see the bill amended so that it does not become effective until, and after, the Chief of Staff of the United States Army has first advised the Senate in writing that the voluntary system has completely broken down. The voluntary system is traditional, and I believe is an important factor in the American way of free government as is free speech, the will to worship God as one's own conscience dictates, free assembly, and other American principles. If, through the influence of increasing tendency toward paternalism, we have broken down the moral stamina and fiber of the American youth, and made him a regimented atom, rather than a free individual, and thereby broken down the voluntary instinct to serve in a patriotic way, we then unquestionably will have to adopt a compulsory system for the defense of this country. But we must be assured when we adopt the compulsory system that we have unquestionably left the American principle based on the individual's freedom of action and have adopted a bill that smacks of totalitarianism.

I believe it is the duty of Congress, and particularly the Senate, to be certain that the voluntary system has not failed for these reasons, but because it has had disadvantages for which our Government itself is to blame. For instance several years ago, and also several months ago, I proposed to the administration the increase of the basic pay of the enlisted soldier of the United States Army from $21 to $30. The reply was that it was inconsistent with the financial program of the Administration. Whether that inconsistency holds good today, I would be willing for the Senate to decide. I believe the voluntary system is at a great disadvantage. We go out over the country and propose to the American youth that he enlist in the Army for a period of 3 years at $21 per month basic pay. That young man knows that 95 percent of such enlisted men receive the $21 per month during the full 3 year period. And he also knows that the youth that enlist at the same time in the United States Navy at $21 basic pay is advanced in grade, through their custom, approved by, and money appropriated therefor by the the Congress of the United States—is advanced within 60 or 90 days to $30, and in many instances soon thereafter to $36 per month. In fact there is a letter addressed to Chairman SHEPPARD, bearing my signature, before the Senate Military Affairs Committee, written only 6 or 7 months ago, bearing fully on this question of inequality of pay between the two services. I have not the figures before me, but I believe it is safe to say that within a year over 66⅔ percent of the youth that enlist in the United States Navy receive over $30 per month or more.

The same youth that is asked to join the Army at $21 pay for 3 years sees his neighbor join the C. C. C. for 1 year at $30 per month, and in many instances the C. C. C. camp and the Army post are side by side. How any fair-minded Member of Congress could say that we have given the voluntary system of enlistment for the United States Army service a fair trial, and that it has broken down, and therefore we need the compulsory service, is beyond my understanding.

I also think the Senate should ask if our present quota of enlistments, as outlined by the War Department, have failed to be

reached in any instance. Perhaps we of the War Department several months ago did not place the quota high enough. That is not the fault of the voluntary system. If we need a million, or two million, young men for trained service in the United States Army, let's first give equal advantages to the voluntary system of raising this quota, and if necessary let's provide for 1 year voluntary service at $30 per month. I am for a trial by voluntary system before changing to the compulsory system. If the voluntary system fails, then I will join with others in obtaining the number of men, in the necessary time to defend this country, through a compulsory system.

Thanking you for your inquiry, and with continued good wishes, I am

Yours sincerely,

HARRY H. WOODRING.

The PRESIDENT pro tempore. Without objection, the interview presented by the Senator from Michigan will be printed at this point in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

CONSCRIPTION ONLY AS LAST RESORT FAVORED BY AMERICAN LEGION HEAD

KELLY PROPOSES CALL FOR MILLION VOLUNTEERS FOR YEAR'S TRAINING—DEPLORES PROPAGANDA TO GET UNITED STATES IN EUROPE'S WAR

(By Nathan Oatis)

INDIANAPOLIS, IND., August 2.—Raymond J. Kelly, husky National Commander of the American Legion, said in an interview today he favored conscription only as a last resort—and then an all-inclusive conscription.

Kelly, a lawyer who is 45, but looks much younger in spite of gray, curly hair, sat in shirt sleeves in his office at national headquarters here and talked about war and preparedness.

"We are not at war," he said, "although everything that is being done seems to be based on the theory that we are, or that we will be any moment.

"The provisions of the Burke-Wadsworth bill should not be put into effect," he said, "until all other avenues have been exhausted."

This bill originally provided for registration of all men between 18 and 64 for "selective compulsory military training and service," but the age limits have been reduced to 21 to 31 by the Senate Military Affairs Committee.

FOR MILLION VOLUNTEERS

In place of conscription the Legion commander proposed a call for a million volunteers for a year's training.

"I believe the response," he said, "would be tremendous." And he pointed out it took only a few days to get 50,000 student pilots for so-called Plattsburgs of the air.

In event of war, Kelly said, business and industry as well as men, should be drafted, and "all elements of the Nation should serve equally."

He recalled the Legion for 20 years had proposed such a system in resolutions for "universal selective service."

Kelly deplored propaganda he said was being spread in an effort to get the United States to send troops to the European war.

"It is not our war that is being fought in Europe," he said. "Some people are endeavoring to make it our war. But while we naturally sympathize with those who are resisting aggression and force, we cannot be the policemen of the world."

Americans should "think of our own country first, and be prepared to defend our own interests in our own hemisphere."

NOT PREPARED NOW

This country is not prepared now for its own defense, he said, and added he didn't know whether President Roosevelt's arms program would prepare it adequately, because "I have not been able to learn the complete details of what he intends.

"With all the facilities we possess," Kelly continued, "it will take from a year to two years to have anything like the proper defense forces. And, of course, we could build up our own forces more rapidly and completely if we do not send essential equipment to belligerents."

He did not criticize this policy, but expressed belief it should be carried out with care "so as not to strip our own forces of badly needed equipment."

Kelly said the United States needs an army of 1,000,000 trained men, fully mechanized, beside National Guard and organized Reserves; a navy "second to none, capable of operating in both oceans against any possible grouping of aggressors," and "the largest air force in the world."

"If we can build up the kind of defense we need," he said, "our very strength may save us from war."

Kelly, a Republican, was corporation counsel in Detroit's nonpartisan city administration before he became head of the Legion last September.

ADDRESS BY GENERAL PERSHING ON COMPULSORY MILITARY TRAINING

Mr. MINTON. Mr. President, last evening Gen. John J. Pershing delivered over a national radio hook-up an interesting address touching, among others, on the question of compulsory military training. As one who served with General Pershing in France, I have the utmost confidence in the general's views on this important subject, and I am sure the American people have.

I ask unanimous consent that there may be inserted in the body of the RECORD, immediately following my remarks, the speech of General Pershing delivered last evening.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The address is as follows:

Fellow citizens, I am speaking tonight because I consider it my duty. It is my duty to tell you that in my opinion we face problems of the utmost seriousness, and all the things we hold most dear are gravely threatened.

I must tell you that we can defend them only if we make up our minds now to speak the truth without concealment; if we make up our minds to face the truth without flinching; if we make up our minds to act upon the truth without hesitating.

I think you will believe me when I say that no war was ever prevented by hiding the danger and by arguing that the danger does not exist.

The men who are best qualified to know what is going on in Europe and in Asia and in this hemisphere, the men whose business it is to know the facts, are very nearly unanimous in believing what I am saying to you tonight.

A grave danger for us lurks in the present world situation. So the time has come when we must rise up as a united people to make secure our country's independence and our great inheritance of constitutional liberty.

SEES DISASTER IN APPEASEMENT

More than half the world is ruled by men who despise the American idea and have sworn to destroy it. They know that while one great people remains independent and free because it is strong and is brave they can never crush finally the people they have conquered. The example of liberty here will always continue to inspire the resistance to tyranny over there.

They are fanatical and they are strong; they are efficient and they are ruthless. Eight nations have tried to appease them. The appeasers of eight nations are dead or in jail or discredited and ruined. In seven of these eight nations the appeasers who would not take the danger seriously, who would not prepare when there was still time, have led their countries into disaster.

It is not hysterical to insist that democracy and liberty are threatened. With democracy and liberty overthrown on the Continent of Europe, only the British are left to defend democracy and liberty in Europe.

By sending help to the British, we can still hope with confidence to keep the war on the other side of the Atlantic Ocean, where the enemies of liberty, if possible, should be defeated. But some are bold about what they would do tomorrow if Great Britain is defeated and the war comes to this hemisphere. I say to you solemnly that today may be forever too late to keep war from the Americas. Today may be the last time when, by measures short of war, we can still prevent war.

MEET FORCE WITH STRONGER FORCE

We must be ready to meet force with a stronger force. We must make ourselves strong by building up our Army and Navy and the establishment of the principle of universal selective service, which means merely that the men needed are chosen by lot.

And I am telling you tonight, because it is my duty to warn you before it is too late, that the British Navy needs destroyers and small craft to convoy merchant ships, to escort its warships and hunt submarines, and to repel invasion.

We have an immense reserve of destroyers left over from the other war and in a few months the British will be completing a large number of destroyers of their own. The most critical time therefore is the next few weeks or months. If there is anything we can do to save the British Fleet during that time, we shall be failing in our duty to America if we do not do it.

If a proper method can be found, America will safeguard her freedom and security by making available to the British or Canadian Government at least 50 of the over-age destroyers which are left from the days of the World War. If the destroyers help save the British Fleet, they may save us from the danger and hardship of another war.

Americans should not shrink from duty because of probable hazards. I know that many sincere patriots are frightened at the thought of even the smallest act because they think such acts would lead us closer to the day when another American expeditionary force sets sail for Europe.

OPPOSES EXPEDITIONARY FORCE

It is my opinion that in this war it would be absolute folly even to consider sending another expeditionary force. No one is considering it and those who may say that anyone is considering it are deceiving themselves and deceiving you.

We must have the strength of character to face the truth. Foremost among the truths which we will ignore at our peril is that the time needed to build our own defenses may be lengthened if we have the courage to make the small but important contribution which is still within our power toward the sustaining of the British defense.

A new kind of war is loose in the world, fought with all weapons, including treason—fought most insidiously during what some of our countrymen call peacetime. It is a war against a civilization that we know. It is a revolution against the values which we have

cherished and which we wish our children to cherish in the future. It is a revolution which denies the dignity of man and which banishes the hope of brotherhood and comradeship on earth.

We can see it developing right before our very eyes. It must be faced with daring and with devotion. We must lift up our hearts. We must reaffirm our noble traditions and make ourselves so strong that the traditions we live by shall not perish from the earth.

I thank you.

VICE PRESIDENT JOHN N. GARNER

Mr. WILEY. Mr. President, several days ago I wrote a letter to the Vice President of the United States. I have been asked by several persons to insert it in the CONGRESSIONAL RECORD. In the absence of objection I should like to read the letter. It is very short:

AUGUST 2, 1940.

Hon. JOHN N. GARNER,
Uvalde, Tex.

DEAR MR. PRESIDENT: It has been kind of loresome and strange around the Senate the last 2 weeks, just because you haven't been around. When I rise to address the Chair and you are not there, and I don't see you around the cloakrooms or lobby, there is a sort of a vacancy.

It isn't just because you are the Vice President of the United States. It isn't because you have been around here so long, but it is because it is you we are missing. Out in my State of Wisconsin, as I told you once, there are a lot of political kinfolks of yours. They may not be sailing under the same political flag, but they kind of think the way you do. They are squareshooters. They are on the level. They aren't just politicians. They are big-hearted, big-minded, gentle folks with ideals and purposes—folks who if they were representing a commonwealth or the Nation would not represent a class but would represent all the people; who like you, would not hesitate to damn or criticize "wrong" wherever it was found and who would praise a "right" wherever it was found.

I have never had the privilege of getting close to you, so that I felt I could call you Jack. To me you were always "Mr. President," but there was something warm about you, something genuine. Besides that you were always peppy, had a smile, and as you passed through our Senate reading room with the cigar in your mouth you generally had a story, an amusing incident to tell.

So, Mr. President, won't you come back? I believe the country needs you here. It needs your sense of balance, of judgment, of common sense, and some of us would feel just a little surer, a little more safe, and far more happy if you would just come back.

With kindest regards to you and Mrs. Garner (we need her here, too—you both make a great team), I remain,

Sincerely yours,

ALEXANDER WILEY.

Since that letter was written, Mr. President, there was called to my attention an article by Raymond Moley entitled "Mr. GARNER's Silence," published in Newsweek of August 5. I ask that the article be printed at the conclusion of my remarks. I desire to read from the article just a paragraph or two. It begins:

If tears were shed by any of Vice President GARNER's friends as he left Washington last week they should have been tears of regret over what they had done to themselves at Chicago the week before, and not tears for him. "Daughters of Jerusalem, * * * weep for yourselves," he might have told them. For Mr. GARNER leaves with his laurels, his conscience, and the assurance that he closes the books of official life with his principles unimpaired.

One of these principles is that men clothed with official power must be controlled by law and custom. This Mr. GARNER learned from watching the comings and goings of public figures for 37 years in Washington. Another principle is that such a government as ours is obligated to represent all the people—not just a part of them. Mr. GARNER was against special privilege for anybody. And when he said "anybody" he meant "anybody." He meant not only businessmen but C. I. O. sit-down strikers. He also believed that Presidential discretion in spending billions of dollars of public money was a means of perpetuating one regime in office. He opposed it in vain. He saw in Chicago the result he had predicted.

The article concludes:

If this be Mr. GARNER's retirement from public life, it is a retirement magnificently earned. He has been the Senate's greatest presiding officer. Tradition barred him from debate, and Mr. GARNER respects tradition. But by sheer force of character, by repeated demonstrations of shrewd judgment, he became the strongest figure on Capitol Hill. It will be many a year before his equal is found.

I ask unanimous consent that the article be printed in full at the conclusion of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The article is as follows:

PERSPECTIVE—MR. GARNER'S SILENCE

(By Raymond Moley)

If tears were shed by any of Vice President GARNER's friends as he left Washington last week, they should have been tears of regret over what they had done to themselves at Chicago, the week before, and not tears for him. "Daughters of Jerusalem * * * weep for yourselves," he might have told them. For Mr. GARNER leaves with his laurels, his conscience, and the assurance that he closes the books of official life with his principles unimpaired.

One of these principles is that men clothed with official power must be controlled by law and custom. This Mr. GARNER learned from watching the comings and goings of public figures for 37 years in Washington. Another principle is that such a government as ours is obligated to represent all the people—not just a part of them. Mr. GARNER was against special privilege for anybody. And when he said "anybody," he meant "anybody." He meant not only businessmen but C. I. O. sit-down strikers. He also believed that Presidential discretion in spending billions of dollars of public money was a means of perpetuating one regime in office. He opposed it in vain. He saw, in Chicago, the result he had predicted.

Mr. GARNER has chosen to register his disapproval by maintaining silence. Why, it may be asked, should Mr. GARNER limit his disapproval to that? Why just silence? The answer is that a man like Mr. GARNER has a profound belief in party loyalty. The average man does not feel it with anything like the passion of a GARNER. The average man, though he may consider himself a regular Democrat or a regular Republican, can conceive of circumstances in which he'd cast his vote for the opposition party. Mr. GARNER could not. Outright bolting of his party by a man of his background he would consider apostasy. He could forgive it in others, but never in himself. Silence is the limit of his disapproval. But that is why his silence is so ominous. It is the supreme expression of his condemnation. It carries more conviction than the speeches of many men.

By the same token, it is more terrifying to those who conceived the "draft." They know how potent can be the silent treatment administered not only by GARNER but by thousands of other Democrats. It is a rebellion by passive resistance. It cannot be fought directly. It cannot be answered. Words do not answer silence. It means that many candidates on the Democratic ticket in the cities, counties, and States will go through the campaign discussing all issues but one, and all names but two. It means that countless party workers can go through the motions of working for the national ticket but convey no conviction and influence no votes. It means that the little group of favorites who encouraged the "draft" movement against the better judgment of veteran Democrats can entreat until they are blue in the face without ever getting more than the semblance of united party action. It means that the draft-Roosevelt engineers are dealing with men who have lived through political defeat as well as political victory—men who believe that defeat can be survived if principle is kept inviolate. That is what silence can mean. That is what Mr. GARNER's silence means.

If this be Mr. GARNER's retirement from public life, it is a retirement magnificently earned. He has been the Senate's greatest presiding officer. Tradition barred him from debate, and Mr. GARNER respects tradition. But by sheer force of character, by repeated demonstrations of shrewd judgment, he became the strongest figure on Capitol Hill. It will be many a year before his equal is found.

ISSUANCE OF CURRENCY AGAINST GOLD AND SILVER STOCKS

Mr. VANDENBERG. Mr. President, the question is often asked why the Government does not issue currency against its gold and silver stocks, instead of raising money by taxation and borrowing. It occurred to me that it would be useful at this time to have an authentic statement made on the subject. The Treasury Department has done so in a letter to me from the Under Secretary of the Treasury, Mr. Bell. I think it would be worth while to have it printed in the body of the RECORD at this point.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letter is as follows:

TREASURY DEPARTMENT,
Washington, July 30, 1940.

Hon. ARTHUR H. VANDENBERG,
United States Senate.

MY DEAR SENATOR: This is in further reply to your letter of June 11, 1940, enclosing an inquiry from Mr. and Mrs. Wesley Reid, 9974 Littlefield Street, Detroit, Mich., and requesting a statement in answer to inquiries asking why the Government does not issue additional currency against its gold and silver stocks instead of raising money by taxation and borrowing.

The monetary gold stock of the United States constitutes an integral part of our monetary system. Gold certificates and credits payable in gold certificates, amounting to $18,100,000,000, have been

issued to the Federal Reserve banks. These certificates are the principal assets of the 12 Federal Reserve banks, which have deposit liabilities to member banks of approximately $13,900,000,000 and outstanding Federal Reserve notes of $5,200,000,000. The deposit liabilities of the Federal Reserve banks, in turn, constitute the reserves which member banks maintain against their deposit liabilities, now amounting to roughly $50,000,000,000.

To be sure, the Government is authorized to issue additional amounts of other kinds of United States currency, but one important objection to issuing money in order to pay for expenditures in excess of receipts is that bank reserves would be further increased. Currency in excess of what the public chooses to hold for cash transactions is usually deposited in banks. The deposit of such currency increases banks' reserves, which are available for a multiple expansion of bank credit. Member banks of the Federal Reserve System now have well over $6,000,000,000 of reserves in excess of legal requirements, and the problem of coping with excess reserves at some future time would be greatly augmented by large additional issues of currency, if such issues were unrelated to a desire on the part of the public to convert bank deposits into currency.

Moreover, the very announcement of the intention to issue additional United States currency might arouse fears of inflation and lead to a type of speculation that would be highly undesirable. To many persons, resort to the issue of paper money to meet Government expenditures might signify both an absence of restraint upon future Government expenditures and an inability to raise funds by other means.

In view of the fact that the Government can now borrow at the lowest rates in history and that such borrowing does not entail the above-mentioned disadvantages, the saving in interest cost to be gained by issuing currency would not appear to offset the disadvantages involved.

Mr. and Mrs. Reid's postal card is returned herewith.

Very truly yours,

D. W. BELL,
Under Secretary of the Treasury.

ADDRESS BY SENATOR CAPPER ON COMPULSORY MILITARY TRAINING

[Mr. CAPPER asked and obtained leave to have printed in the RECORD a radio address delivered by him on July 30 on the subject of voluntary enlistments, which appears in the Appendix.]

ARTICLES BY SENATORS BURKE AND M'KELLAR ON PRESIDENTIAL VOTES

[Mr. MCKELLAR asked and obtained leave to have printed in the RECORD an article by Senator BURKE entitled "Why I'll Vote for Willkie" and an article by Senator MCKELLAR entitled "Why I'll Vote for Roosevelt," published in the Chicago Herald-American of July 31, 1940, which appear in the Appendix.]

ARTICLE BY SENATOR THOMAS OF UTAH ON REVISION OF NATIONAL LABOR RELATIONS ACT

[Mr. MINTON asked and obtained leave to have printed in the RECORD an article by Senator THOMAS of Utah, published in the Washington Daily News of August 3, 1940, on the subject Should the Wagner Labor Act Be Drastically Revised? which appears in the Appendix.]

ADDRESS BY JOHN W. CARTER AT THE VIRGINIA DEMOCRATIC CONVENTION

[Mr. BYRD asked and obtained leave to have printed in the RECORD the address delivered at the Democratic State Convention of Virginia in Roanoke, Va., on June 14, by State Senator John W. Carter, which appears in the Appendix.]

RECENT DEFENSE PROGRESS

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD a statement showing recent defense progress in the Army and the Navy from 1934 to 1940, which appears in the Appendix.]

ADDRESS BY PROF. SIDNEY POST SIMPSON BEFORE AMERICAN DEFENSE MEETING OF HARVARD SUMMER SCHOOL

[Mr. PEPPER asked and obtained leave to have printed in the RECORD an address delivered by Prof. Sidney Post Simpson, of Harvard Law School, before the American defense meeting of the Harvard summer school on July 30, 1940, which appears in the Appendix.]

COMPULSORY MILITARY TRAINING

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD an editorial from the Summer Session Collegian of July 26, 1940, on the subject Compulsory Military Training, which appears in the Appendix.]

ARTICLE BY CLARENCE DEAN ON TREATMENT OF AMERICAN INDIANS

[Mr. MALONEY asked and obtained leave to have printed in the RECORD an article by Clarence Dean, published in the Hartford Times of August 2, 1940, relative to the treatment of American Indians on Federal reservations, which appears in the Appendix.]

RESOLUTION OF UNITED STATES JUNIOR CHAMBER OF COMMERCE ON NATIONAL DEFENSE

[Mr. LEE asked and obtained leave to have printed in the RECORD a resolution on the subject of national defense adopted at the twenty-first annual convention of the United States Junior Chamber of Commerce, which appears in the Appendix.]

IMPROVEMENT IN BUSINESS CONDITIONS

[Mr. SCHWELLENBACH asked and obtained leave to have printed in the RECORD an article by Roger W. Babson under the heading "Wide upturns seen by Babson in second half," published in the New York Herald Tribune of August 4, which appears in the Appendix.]

ARTICLE BY WESTBROOK PEGLER ON RACKETEERING IN LABOR UNIONS

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article by Westbrook Pegler concerning racketeering in labor unions, and a copy of Senate Joint Resolution 275, introduced by him, proposing to prohibit labor organizations from employing certain persons as officers or agents, which appear in the Appendix.]

"THE NEW ORDER IN ASIA"—EDITORIAL FROM NEW YORK DAILY NEWS AND WASHINGTON TIMES-HERALD

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an editorial from the New York Daily News and the Washington Times-Herald entitled "The New Order in Asia," which appears in the Appendix.]

ARTICLE BY FREDA KIRCHWEY ON SELECTIVE COMPULSORY MILITARY TRAINING

[Mr. HILL asked and obtained leave to have printed in the RECORD an article on selective compulsory military training by Freda Kirchwey entitled "There Is No Alternative," published in The Nation of August 3, 1940, which appears in the Appendix.]

ACTIVE SERVICE OF NATIONAL GUARD, RESERVE, AND RETIRED PERSONNEL

The PRESIDENT pro tempore. The routine morning business is closed.

Mr. SHEPPARD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 2094, Senate Joint Resolution 286.

The PRESIDENT pro tempore. Let the Chair suggest to the Senator from Texas that that cannot be reached by a motion at this time. If unanimous consent is given, it can be done. Otherwise the calendar will be called.

Mr. BARKLEY. Mr. President, I ask unanimous consent that the calling of the calendar be dispensed with. I thought that when the Chair announced that the morning business was closed that covered the calling of the calendar.

The PRESIDENT pro tempore. The Senator from Kentucky asks unanimous consent that the call of the calendar be dispensed with. Is there objection? The Chair hears none, and it is so ordered.

Mr. SHEPPARD. Mr. President, I now renew my motion that the Senate proceed to the consideration of Senate Joint Resolution 286.

The motion was agreed to; and the Senate proceeded to consider the joint resolution (S. J. Res. 286) to strengthen the common defense and to authorize the President to order members and units of Reserve components and retired personnel of the Regular Army into active military service, which had been reported from the Committee on Military Affairs with amendments.

CAMPAIGN CONTRIBUTIONS

Mr. HATCH. Mr. President, there is a matter which I wish to discuss for just a few moments, as I think it is of more or less importance at this particular time. I refer to

a recent opinion issued by the counsel for the Republican National Committee on the act just recently passed by the Congress and signed by the President relating to certain political activities. The opinion deals almost altogether with the matter of campaign contributions, and it is upon the provisions of the bill itself, and also the opinion, that I desire to speak for a few moments today.

Senators will recall that during the debate in the Senate of the measure seeking to restrain certain political activities the Senator from Alabama [Mr. BANKHEAD] offered an amendment limiting campaign contributions to $5,000. There was no doubt at all as to what that provision meant, there was no doubt as to what the Senator from Alabama had in mind when the amendment was offered, and there was no doubt about it being the will of the Senate that the amendment be adopted as it was drawn, because, as I recall, we had a record vote on that particular amendment. I myself voted against it, although I stated at the time that I favored the principle, but I was afraid it would act to kill the entire measure.

The amendment offered by the Senator from Alabama reads as follows:

It is hereby declared to be a pernicious political activity, and it shall hereafter be unlawful, for any person, directly or indirectly, to make contributions in an aggregate amount in excess of $5,000, during any calendar year, or in connection with any campaign for nomination or election, to or on behalf of any candidate for an elective Federal office (including the offices of President of the United States and Presidential and Vice Presidential electors), or to or on behalf of any committee or other organization engaged in furthering, advancing, or advocating the nomination or election of any candidate for any such office or the success of any national political party.

In substance, that was exactly the way the amendment was drafted by the Senator from Alabama and the way it passed the Senate. It was not changed in the Committee on the Judiciary of the House of Representatives, but on the 10th of July, Mr. VREELAND, of New Jersey, offered the following amendment, which was adopted on the floor of the House without debate, but there was a division, and I think the vote was 93 to 74. The amendment reads:

This subsection shall not apply to contributions made to or by a State or local committee or other State or local organization.

It is not my purpose today to discuss that particular exemption or my own interpretation of it. It might mean many things. For instance, it might well apply to committees which existed at the time of the passage of the measure. There are many things which might be involved. But the thing I particularly desire to discuss is the advice and the interpretation which has been given by the counsel for the Republican National Committee, Mr. Fletcher. I have his opinion here as reported in the New York Times of yesterday. Mr. Fletcher said:

As counsel for the Republican National Committee, I had a conference with several prominent lawyers regarding the effect of the Hatch Act upon the Republican campaign. The act has now been signed by the President in the form in which it passed both Houses of Congress. At that conference we came to certain conclusions which I herewith embody in an opinion to you.

We believe that section 13 of the act—

Which is one dealing with the limitation on personal gifts—

does not prohibit the giving of subscriptions up to the limit authorized by the act, that is, $5,000, to each of several candidates.

Mr. President, I cannot understand that interpretation at all. The act, according to Mr. Fletcher—and these are his words—would not "prohibit the giving of subscriptions up to the limit authorized by the act" provided "they are maintaining separate campaigns or separate campaign committees."

I am not casting any undue reflection upon anyone, but when one seeks to interpret a law and find out what it means, why is it necessary to point out how the law can be violated, or at least its principle avoided?

Mr. BARKLEY. Has the Senator seen the letter or statement issued by the Attorney General, which appears in today's papers?

Mr. HATCH. I have it here, and shall ask to have it printed in the RECORD. What I am criticizing is not the interpretation so much, but it is pointed out in paragraph after paragraph in this opinion how to avoid the principle of the act. That is what I object to more than the legal conclusion.

Mr. Fletcher's opinion continued:

Obviously gifts to the Republican National Committee inure to the benefit of all Republican candidates, while a gift to an individual candidate or his committee does not benefit other candidates except indirectly and remotely.

The act, as passed, specifically provides that subsection 13A "shall not apply to contributions made to or by a State or local committee or other local organization."

That is the amendment which was placed in the section in the House, as I have just related.

Mr. BANKHEAD. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. BANKHEAD. I think at this point it would be appropriate to point out that Mr. VREELAND, the Member of the House who offered the amendment which the counsel for the Republican National Committee says emasculates the effect of the limitation, is a member of the Republican Party.

Mr. HATCH. I have no knowledge of Mr. VREELAND's politics.

Mr. BANKHEAD. I have just examined the Congressional Directory, which is on all Senators' desks, which shows that he was elected as a Republican. He is the author of the emasculating amendment.

Mr. HATCH. The opinion continues:

The Corrupt Practices Act has always recognized an exemption for State and local committees; and evidently this sentence, which was added just before the act was passed, was intended to take out of the operation of the statute altogether State and local committees or other local organizations.

The opinion then continues:

We have no doubt that the State and local committees referred to are those that are organized wholly within a State, even though their object be, in part, the election of Federal officers. Consequently, we see no objection to any donor giving any amount he sees fit to a State or local finance or political committee. The words "or other local organization" would also cover a local group operating within a State, even though its activities sought the election of Federal officers.

It is therefore our advice that donors desiring to give more than $5,000 to Republican candidates or committees should give only one gift of $5,000 to the Republican National Committee or the Republican Senatorial Committee or the Republican Congressional Committee. Any amounts above $5,000 that a donor desires to give should be given to State or local committees.

Again we see that the Attorney General of the United States does not agree with this interpretation, as I shall presently show. The counsel for the Republican Party is pointing out directly and in words how to evade the very principle the Senator from Alabama [Mr. BANKHEAD] fought for on the floor of the Senate and which was contained in his amendment. I ask the Senator from Alabama if I am correct in that statement?

Mr. BANKHEAD. The Senator from New Mexico is clearly correct in his statement.

Mr. HATCH. I continue to read from the opinion by Mr. Fletcher:

You also inquired of us respecting collection of pledges made before the Hatch Act was passed where the pledges are in excess of permissible gifts under the act. Since the act defines "contribution" to include a "pledge," we think it is probably true that the collection of a pledge made before the act passed would not be a violation of the act, but if you wish to be double safe in the matter, prior pledges which would violate the act should be—

What? Pledges made to the Republican National Committee, he is talking about now, I think, but he says—

To be double safe in the matter do not carry out your pledge to the Republican committee but give it to one of the State or local committees.

That is a direct and positive recommendation that the very principle which he says is prohibited by the act, be violated.

In substance, his language is:

If you wish to be double safe in the matter, prior pledges which would violate the act should be paid to State and local committees to the extent that they exceed $5,000.

Section 20 of the Hatch Act, as passed, limits the amount that each committee may receive or expend during a calendar year or

campaign to $3,000,000 and provides that subscriptions obtained with the knowledge or consent of the treasurer of the committee are deemed to have been made to that committee.

It is our opinion that the $3,000,000 limitation applies strictly to the calendar year or campaign and that the committee should regard as part of its permissible $3,000,000 the money that it has already collected or disbursed during the calendar year, notwithstanding that the act was not in force when the collections occurred.

We do not think, however, that the Republican National Committee is required to include in its collections money that it caused to be paid directly to State or other committees prior to the passage of the act.

The set-up which you had planned prior to the passage of the Hatch Act contemplated that all subscriptions would be made to the national committee—

Now that had already been planned. That plan had been made, that all subscriptions should be paid to the national committee, and that the funds should be distributed to the States from and through the national committee.

It is obvious—

Says Mr. Fletcher—

that such a procedure will result in reducing the $3,000,000 limit for each committee, because money passing through the hands of a committee will be deemed to be a part of its permissible $3,000,000.

We therefore recommend—

Now this is a recommendation—

that you discontinue the plan you now have and have all solicitations made by State or local finance committees.

A plan had already been set up that all contributions should be made to the national committee. If that plan is carried into effect and the sum expended exceeds the limit fixed by Congress, the letter of the act would be violated; therefore Mr. Fletcher recommends that the original plan of making contributions to the national committee be abandoned and contributions be made through the local committees. What for?

Mr. GILLETTE. Mr. President, will the Senator yield to me for a very brief statement?

Mr. HATCH. I yield to the Senator from Iowa.

Mr. GILLETTE. In connection with the matter that the Senator from New Mexico is discussing so forcefully, I may make this statement on behalf of the special committee which has been clothed by the Senate with certain powers, and charged with certain duties in connection with this same matter. We have considered the matter to which the Senator has been referring. Until the question has been adjudicated we are not following the opinion, the advisory or off the record opinion, of anyone, but the committee is proceeding on the theory and from the position that the Congress in establishing this limitation and prohibiting contributions, direct or indirect, over a certain limitation, had a definite purpose, and we are not being party to any evasion of that purpose by any party or any national or local committee. That is the theory on which we are proceeding until there is an adjudication made in the courts.

Mr. HATCH. I appreciate the statement made by the Senator from Iowa.

Mr. VANDENBERG. Mr. President, will the Senator yield to me for a question?

Mr. HATCH. I yield to the Senator from Michigan.

Mr. VANDENBERG. There will be a great many thoroughly conscientious citizens who, like myself, completely subscribe to the theory of the Hatch Act, who will want as authentic information as possible as to what their rights and privileges are, and I should like to ask the Senator if I understand him correctly that it is his interpretation of the act that the $3,000,000 limitation applies to the national campaign, plus the sum total of all 48 State campaigns?

Mr. HATCH. I have not been trying to give my own interpretation of the act, and I have not been discussing the legal opinion expressed by Mr. Fletcher. Technically and legally he may be absolutely correct, although I have my doubts about that subject. The point I am trying to make is the obvious evasion of the law attempted in this opinion, as it appears to me. I will tell the Senate what I am advising. I had a discussion with Colonel Halsey last week about what attitude Senators should take in their campaigns. My advice is to resolve every doubt in favor of every principle of the act. That is the way to proceed.

Mr. VANDENBERG. I certainly agree with the Senator from New Mexico in that matter.

Mr. HATCH. But instead of resolving every doubt in favor of the act, it seems to me everything has been resolved against the act, and the effort made to find a method of getting around it. Under Mr. Fletcher's interpretation, each committee is advised it can spend $3,000,000.

Mr. VANDENBERG. But still I come back to the question which will bother everybody, as we, in good faith, contemplate this problem.

Mr. HATCH. Mr. President, it would have been the finest thing in the world, and I would have taken the floor in commendation of him, if Mr. Fletcher had said "Heretofore we have laid out our plan that all campaign contributions shall go through the National Committee, and under the law which Congress has passed, $3,000,000 is all that committee can spend. We are going to obey that law, and we will let our gifts come through the Republican National Committee, and keep them within the $3,000,000 limitation." That would have been a splendid, fine thing for our country. But, instead of that, he tells members of his party, in effect, to give $3,000,000 to every State and local committee.

Mr. VANDENBERG. So far as the Senator's discussion of evasion is concerned, it would seem to me that Mr. Willkie himself has given very substantial evidence of a purpose and desire to come under the spirit as well as the letter of the law.

Mr. HATCH. I was highly gratified when immediately after his nomination he made a statement that the $5,000 limitation would be adhered to.

Mr. VANDENBERG. Precisely.

Mr. HATCH. He said something to that effect. But Mr. Fletcher was in Colorado Springs with Mr. Willkie, I understand, when this statement was issued.

Mr. WAGNER. And after a conference.

Mr. HATCH. And it was issued after a conference, a Senator suggests on the floor.

Mr. VANDENBERG. There is nothing to indicate that the opinion is binding on Mr. Willkie, or that he has gone back on his avowed purpose; but does the Senator still say that the $3,000,000 total limitation includes all 48 State campaigns as well as the national campaign?

Mr. HATCH. I have not gotten down really to studying what the correct legal interpretation is. I am going to do it. I hope that what I have said will be the result. It may not be. It may be that technically Mr. Fletcher is absolutely correct.

Mr. VANDENBERG. The Senator is not prepared to make a statement on that subject now.

Mr. HATCH. I did not intend to discuss that point at all. It is the apparent evasion of the principle of the law that I am discussing, and that is far more important to me than the technical language and discussion of the act.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. HATCH. I yield to the Senator from Wisconsin.

Mr. WILEY. The Senator will bear in mind that I stood by him in the Senate in his fight for this measure.

Mr. HATCH. I think the Senator from Wisconsin on every occasion voted in favor of the measure.

Mr. WILEY. I not only spoke on behalf of it, but worked on behalf of it. I am sure that the Senator does not want to be unfair in any statement he has made.

Mr. HATCH. I hope I have not been unfair.

Mr. WILEY. I think there is an implication in a portion of his statement which savors of unfairness. Let me call the Senator's attention to a situation that has existed in relation to the Republican Party. We have 48 States, and we have Territories. As I understand—though I was not the beneficiary of the fund in my campaign—when, for instance, the party would collect, say in a given State, $40,000 or

$50,000 for the campaign in the State, it would involve the candidates for Governor, Representative, and other offices. That would be paid into the treasury of the Republican Party, and 80 percent of that would go back to the committee in the State. Consequently, as I understood, the $3,000,000 limitation applied to the Presidential election and not to the election of Governors or Representatives or Senators. That is what I think the Senator from Michigan was getting at.

Mr. Fletcher made the statement—and I hold no brief for him, because I do not know him—that the States would have to clear through their own committees. It is absolutely imperative for physical and financial reasons that that be done. If we take 48 States and if we apply the limit of $3,000,000 to 48 States, applicable to all Senators and Representatives, Democrats and Republicans, who are running for office, Governors who are running for office, and officials of the States who are running for office, of course we could not get anywhere. Consequently, Mr. Fletcher recognizes the $3,000,000 limit applying to the Presidential election and Vice Presidential election, but says in substance, as I understood from what the Senator read, that the States have to conduct their own compaigns now without the funds coming through the Democratic Committee or the Republican Committee.

Mr. MINTON. Mr. President, will the Senator yield to me?

Mr. HATCH. I should like first to reply to the Senator from Wisconsin. In all the debate we have had on the subject in the Senate, I have never laid at the door of the Republican Party any charge which I have not also laid at the door of the Democratic Party.

Mr. WILEY. Say that loud, so that those in the galleries may hear. [Laughter.]

Mr. HATCH. I thought we had all been equally guilty, and I hoped this law would be a step away from our equal guilt. I was extremely disappointed when I read the opinion of the counsel of the Republican National Committee, not, as I say, because of his technical reasoning, but because of the apparent purpose.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. HATCH. I now yield to the Senator from Indiana.

Mr. MINTON. I merely wish to observe that perhaps Mr. Willkie's right hand does not know what his left hand doeth. It remains to be seen whether or not Mr. Willkie cares. Perhaps Mr. Willkie is to play the part of Mr. Purity in politics, while Mr. Fletcher will play Mr. Practical.

Mr. HATCH. I thank the Senator.

Mr. MINTON. The Senator will remember that I was not for his bill; but, of course, the Senator from Wisconsin and all the other Republicans were for it. I told them that as soon as it was passed the Republicans would be trying to dodge it.

Mr. WILEY. I have no recollection of the Senator from Indiana saying that the Republicans would try to dodge it. I may say that, being from Indiana, the Senator knows just how the thing is done. [Laughter.]

Mr. HATCH. The opinion proceeds:

> Subscriptions up to $5,000 may be paid either to the Republican Congressional Committee, the Republican Senatorial Committee, or the Republican National Committee. All amounts over $5,000 should be paid to State and local committees.

Just to be sure, again, that the law is evaded, I assume.

> Each of these committees can pay to the national committee such part of its collections as it sees fit to do without violating section 13a of the act, and in this manner each committee will have its own $3,000,000 limitation.

If that is not a perfect blueprint of how to evade the act, I never saw one.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. CONNALLY. What does the Senator from New Mexico think the Republican Party wants with a general counsel if a part of his duty is not to keep them out of jail? [Laughter.]

Mr. HATCH. I have always found that a lawyer's best advice to his client, if he wants to keep him out of jail, is not to violate the law, rather than to hunt some circuitous route around the law, because I have known very able lawyers to be mistaken in advising their clients to follow circuitous routes.

Mr. CONNALLY. Usually the lawyer who receives the largest pay is the one who successfully shows his clients a circuitous route around the law.

Mr. HATCH. We have not yet reached the gem of this opinion. Here it is:

> Procedure for State groups. In order that there may be no doubt that the State and local committees come within the exception in the act—

He has said that they are not included in the act, but to be doubly sure, and to be certain that they may have contributions in excess of $5,000, and that each committee may have its own $3,000,000, this advise is given—

> we think that they should be entirely divorced from the Republican National Committee and should operate by authorization of the respective State committees.
>
> The existing Republican National Finance Committee may continue to function, giving advice and counsel, and will be in constant touch with State and local committees. It should not do solicitation for State and local committees or have detailed knowledge of their subscriptions.

In other words, "Boys, go out and get all the money you can, but don't let us know anything about it."

Mr. MINTON. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. MINTON. Is the divorce a divorce from bed and board, or is it absolute? [Laughter.]

Mr. HATCH. Reading further from the opinion:

> You also stated to us that there was a possibility that an independent Willkie-McNary committee might be formed to solicit and disburse funds for the election of Mr. Willkie and Mr. McNARY, unconnected with the Republican National Committee.
>
> It is our opinion that donations to such a committee would not have to be included in the Republican National Committee's limitation of $3,000,000, if such Willkie-McNary committee is independently organized and does not consist of members of the Republican National Committee.

This is a perfect plan laid out and designed to evade and avoid a law passed in utmost good faith by the Congress of the United States. I am glad, Mr. President, that only recently Colonel Halsey, the Secretary of the Senate, saw fit to circulate to Governors and secretaries of the several States, candidates for election to Federal offices, and other persons in interest the following letter:

> UNITED STATES SENATE,
> *Washington, D. C.*
>
> *To Governors and Secretaries of the Several States, Candidates for Election to Federal Offices, and Other Persons in Interest:*
>
> The Congress of the United States passed two laws, which the President of the United States approved, relating to political activities. These laws affect certain Federal and State officers, employees, and agencies and political subdivisions in connection with an election for the office of President, Vice President, electors for President and Vice President, United States Senators and Representatives in Congress, Delegates, and Commissioners from the Territories and insular possessions.
>
> These acts were passed during the first and third sessions of the Seventy-sixth Congress, were approved on August 2, 1939, and July 19, 1940, respectively, and are known as (the Hatch Acts) Public Laws Nos. 252 and 753 of the Seventy-sixth Congress, and are additional to provisions in the Corrupt Practices Act of 1925 (S. Doc. No. 264).
>
> Certain limitations are also imposed on contributions in connection with any campaign for nomination or election to or on behalf of such cadidates and national political parties.
>
> Your attention is respectfully called to these laws, with the request that the names of candidates for the office of the United States Senator from your State, with their addresses, be furnished, so that their attention may be called to these laws in preparing their returns of contributions and expenditures as required by the Corrupt Practices Act of 1925, which returns shall under law be filed with the Secretary of the United States Senate.
>
> EDWIN A. HALSEY, *Secretary.*

Colonel Halsey had the forethought merely to call the provisions of the law to the attention of everybody affected. He did not think it was necessary to advise how the law could be evaded.

Immediately upon the issuance of the interpretation of this act by Mr. Fletcher, the Attorney General of the United States had this to say:

My attention is called to the published opinion of Henry P. Fletcher, Counsel for the Republican National Committee, interpreting provisions of the Hatch Act which were intended to place limitations on campaign contributions and expenditures.

It is stated to be his opinion that these limitations are avoidable by subdividing contributions, such as dividing contributions between different candidates on the same ticket—

Mr. Fletcher does so advise—

dividing them between the national committee and various local committees even though engaged in promoting the same national ticket—

Mr. Fletcher does so advise—

and by dividing them between campaign clubs and special committees and the regular national committee—

Which Mr. Fletcher did advise, although he stated that prior to the passage of the act the plan had been that all contributions should go through the national committee.

The Department of Justice will not render advisory interpretations of the Hatch Act or of other laws for political parties or others. But silence in the face of the widely published opinion of Mr. Fletcher might mislead well-intentioned persons to believe it to be an accepted interpretation of the Hatch Act.

Hence it is fair to state now that no plan of this nature for avoiding the limitation of the Hatch Act is accepted or approved by the Department of Justice.

Mr. VANDENBERG. Mr. President, will the Senator yield for another question?

Mr. HATCH. I yield.

Mr. VANDENBERG. Let me give a personal example to demonstrate the difficulty of the situation which the Senator presents.

I am a candidate this fall for reelection to the Senate from Michigan. Does the Senator say that the expenditures which I make in my campaign must fall within the limit of $3,000,000 which is defined in the Hatch Act? How in the world am I to know and how can I be advised as to whether or not I am within the $3,000,000 limitation?

Mr. HATCH. I am quite sure the Senator will have no trouble on that point. The act itself speaks very clearly about it. I do not now have the exact section before me.

Mr. GEORGE. Mr. President, does not the act provide that it does not repeal the Corrupt Practices Act?

Mr. HATCH. It does not repeal the Corrupt Practices Act. It says that no political committee shall receive contributions in excess of $3,000,000.

Mr. VANDENBERG. I understand all about the Corrupt Practices Act; and I think I have successfully lived within it, without any stretch of anybody's imagination. However, the problem raised by the able Senator from New Mexico goes beyond that. The Senator from New Mexico is contending—I take that back, because he is not making any contention as to the correct interpretation of the law—he is criticizing what he considers to be the purpose of the Fletcher statement.

Mr. HATCH. Yes.

Mr. VANDENBERG. I pass the purpose, and I come back again to the problem. I think it is very important that somebody should say authentically—and I know of no one who could say it better than the able Senator from New Mexico—whether or not it is the purpose of the Hatch Act to say that $3,000,000 is the total expenditure which any political party may make in the Nation, in all 48 States. That is what Mr. Fletcher has finally said. Let me say that I have great respect for Mr. Fletcher. Nevertheless, regardless of his motive, the fact remains that we ought to be able to know definitely whether or not Mr. Fletcher's interpretation of the law is correct. I should appreciate a statement on the subject from the Senator from New Mexico. I will say to him that his statement would be substantially final so far as my opinion is concerned.

Mr. HATCH. Let me say, in reply to the Senator from Michigan, that I have doubted the wisdom of giving interpretations of the act. It has passed from the legislative branch of the Government and is now in the executive branch of the Government for enforcement. Regardless of the willingness of the Senator from Michigan to accept as final my word on the subject, the officials charged with the enforcement of the law might not accept my interpretation.

So I rather preferred to let those interpretations come from the proper sources. For that reason, I am not going into the problem which the Senator has raised, and I confess that a great many problems and many questions will crop up under this act as we have actual experience with it. But I am concerned more than anything else at this time with the matter to which I have referred. I was not referring to anyone's personal motive or anything of that kind, but the statement issued seemed to me to be absolutely designed to lay down a safe and sure plan to avoid the principle which was written into the law. There is no doubt in my mind what that principle is, namely, that in a national campaign a national party performing national functions should not expend more than $3,000,000. That would include the local committees and State committees engaged in furthering the national ticket. There is no doubt in my mind about the intent and purpose of the act, and there is no doubt in my mind about the intention of the Senator from Alabama in his amendment that contributions should be limited to $5,000, in the aggregate, to all committees, national and local. That was the intention; that was the purpose; and I wish that both parties, my own party as well as the Republican Party, could get together and adhere to that principle. There is too much money spent in campaigns, much of which is wasted. Three million dollars is ample for either party to spend in the national campaign.

Mr. VANDENBERG. Mr. President, I agree entirely with what the Senator is now saying, and I think I agree with his interpretation of the act, if I understand it. I think he is now saying that $3,000,000 applies to any expenditure, national or State, which has for its purpose the furtherance of a national ticket.

Mr. HATCH. That is undoubtedly the principle, and that is what I want to see carried out.

Mr. VANDENBERG. And that excludes from the $3,000,000 limitation State funds and local funds which are devoted legitimately to State and local questions?

Mr. HATCH. I do not think there is any question about that.

Mr. NEELY. Mr. President——

Mr. HATCH. I yield to the Senator from West Virginia.

Mr. NEELY. If the conclusion upon which the Senator from New Mexico and the Senator from Michigan now appear to agree is not correct, is it not a fact that there is absolutely no limitation in the Hatch law that would restrict campaign contributions?

Mr. HATCH. Multiply by 48 the $3,000,000, and then multiply the county committees by $3,000,000 more, and there would be no limitation.

Mr. NEELY. If Mr. Fletcher's suggestion were carried out, would it not be possible to raise a political slush fund of a billion dollars for the use of any political party that might attempt to pollute a general election?

Mr. HATCH. That is quite correct.

Mr. WHEELER. Mr. President——

Mr. HATCH. I yield to the Senator from Montana.

Mr. WHEELER. Of course we, as a Congress of the United States cannot limit the amount of money that can be used by a State committee or a county committee or a city committee.

Mr. HATCH. The Senator has worked on the legislation and has been up against that question before.

Mr. WHEELER. It is impossible to do it. We cannot stop somebody from contributing to the State or a local committee; we cannot stop the speakers that are sent out to speak for candidates for governor or Senator or Representative in Congress from speaking for the candidate for the President of the United States.

That is simply something that cannot be done without curbing free speech. In other words, if money is used in a county or a city or a State to hire a speaker for the State ticket, and he is told, "We want to speak for the Governor,

for the State or county judge or anybody else on the Democratic ticket," he cannot be prevented from talking for the candidate for President. No law on the face of the earth could stop him, and if we attempted to do so we would be violating the provisions of the Constitution with reference to free speech. So, as a practical matter, and considering from the realistic standpoint, I never could conclude that if people wanted to get around the law there was any way in the world to reach them excepting to say, "You shall not turn in more than so much money to the national committee;" but they certainly can turn it into the local committees without any violation of law so long as they turn it in with the understanding that it is going to be used for the State and county tickets.

Mr. HATCH. Mr. President, I had not intended to take so long, but the Senator from Montana did me the honor of listening to me. He has heard the statement which was issued, as I read it. I appreciate all the practical things he has mentioned. I have given much study and thought to the whole subject. I have a different idea of the limitation as a means of reaching the evil. But this is the law now, and the principle of the law is well understood. I ask the Senator if he ever read a more brazen statement than that issued by Mr. Fletcher?

Mr. WHEELER. I am frank to say that I did not see Mr. Fletcher's statement; I did not happen to read his statement this morning.

Mr. HATCH. It seems to me, as I said before, that it was designed to assure an absolutely safe method of evading the law which was enacted by the Congress.

Mr. WHEELER. Of course, if that is the purpose, as I say, it will be evaded without question of doubt; but it seems to me, if what the Senator says about Mr. Fletcher's statement is true, that it is a flagrant violation of the intent of the law; and neither the Democratic Party nor the Republican Party ought to start out in the campaign with the idea that they are going to try to get around the law. I make that statement applicable to both the Democratic Party and the Republican Party.

Mr. HATCH. I made the same statement, and I hope my party will not do anything that could be subject to criticism. I will treat both parties equally.

Mr. WHEELER. The Congress of the United States has made its declaration of policy, and both parties, in good faith, ought to try to live up to the letter of the law and the spirit of the law as well. Of course, if money is donated to a national committee, it is sometimes sent to some of the States. That has not been done in my State; there at least it has been the other way around. But I think the limitation of $3,000,000 is wise and also that the limitation of $5,000 is a good thing; and, in my opinion, both parties ought to start out with the idea that they are going to live up not only to the letter but the spirit of the law.

Mr. HATCH. If both parties would issue a statement that they would comply with the principle of the law—and it is very easily to be obtained from a reading of the act—and then adhere to that principle, I think there could be nothing more wholesome and finer for the Government of this country than such an attitude on the part of both of the parties. I was keenly and gravely disappointed when I read this opinion of Mr. Fletcher in the New York Times.

Mr. WILEY subsequently said: Mr. President, I know that what I am about to say will be glad tidings of great joy to the distinguished senior Senator from New Mexico [Mr. HATCH]. Earlier today he discussed the Hatch bill and the implications thereof in relation to an opinion given by Mr. Fletcher. I have in my hand a newspaper article found in the Washington Daily News, which I ask to have incorporated in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, the article will be printed as requested.

The article appears at the conclusion of Mr. WILEY'S remarks as exhibit 1.

Mr. WILEY. I asked that the remarks I am about to make now be placed in the RECORD at the conclusion of the debate had earlier today in connection with the remarks of the senior Senator from New Mexico.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILEY. I wish to read from this article. It is headed:

Willkie Spikes Move to Thwart Hatch Act.

It seems, from this article, something having been said or suggested, that Mr. Willkie has immediately taken a position, and now that the leader of the Republican Party has taken this position, I ask that we get a similar promise from the head of the Democratic Party.

Let me read from the article:

Aside from any legal aspects, the nominee said, it is his firm intention that combined total expenses of the Republican National Committee, the Willkie-for-President clubs, and the independent Democratic movement shall be well within the sum mentioned in the Hatch Act, "of which I am heartily in favor."

Mr. HATCH. Mr. President, does the Senator from Wisconsin ask me to comment on that statement? He calls it to my attention.

Mr. WILEY. I am always glad to hear the distinguished Senator from New Mexico comment on any subject.

Mr. HATCH. I merely wish to say that I am very glad to have that statement from Mr. Willkie. I hope it is adhered to and lived up to.

I cast no aspersions against the Presidential nominee on the Republican ticket. But I know something about political committees and others who work on the side and go out and advise how things can be done, but "Let no one know about it." That was what I was condemning earlier today. I suggest if it is the desire to live up to the spirit of the Hatch law, let the plan which had been formerly made out, according to Mr. Fletcher's statement, and printed in the newspapers of yesterday, that all contributions go through the national committee—that was the previous plan before the passage of this law—let that plan be continued as it was originally, and there will be no question about the $3,000,000 limitation.

I suggest that as a method to avoid any confusion or doubt whatever.

Mr. WILEY. What I had to say was simply to clear up a little fog that had been spread earlier today, not so much by the distinguished Senator from New Mexico as by others, which was more or less a political miasma, we might say, and now that we have the challenge that comes to the country from the head of the Republican Party, saying that, so far as he is concerned, he is going to live up to the spirit and the letter of the law, we are entitled to a similar promise from the head of the Democratic Party.

In answer to the distinguished Senator's suggestion that the plan originally mentioned by Mr. Fletcher be carried out, I wish to say that there is something there that needs a little explaining. The plan originally, as I understand, that existed throughout the years in the Republican Party, was simply that the national committee was a clearinghouse for all funds that were used, not simply for national activities, but for State activities. One can appreciate that that plan could not be followed, because the national committee then would be charged with the funds that were used for State activities.

In this connection let me ask that there be inserted in the RECORD at this point sections 13 and 21 of the Political Activities and Federal Corrupt Practices Act, otherwise known as the Hatch Act.

There being no objection, the sections referred to were ordered to be printed in the RECORD, as follows:

SEC. 13. (a) It is hereby declared to be a pernicious political activity, and it shall hereafter be unlawful, for any person, directly or indirectly, to make contributions in an aggregate amount in excess of $5,000, during any calendar year, or in connection with any campaign for nomination or election for an elective Federal office (including the offices of President of the United States, and Presidential and Vice Presidential electors), or to or on behalf of any committee or other organization engaged in furthering, advancing, or advocating the nomination or election of any candidate for any such office or the success of any national political party.

This subsection shall not apply to contributions made to or by a State or local committee or other State or local organization.

(b) For the purposes of this section—

(1) The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons.

(2) The term "contribution" includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution.

(c) It is further declared to be a pernicious political activity, and it shall hereafter be unlawful for any person, individual, partnership, committee, association, corporation, and any other organization or group of persons to purchase or buy any goods, commodities, advertising, or articles of any kind or description where the proceeds of such a purchase, or any portion thereof, shall directly or indirectly inure to the benefit of or for any candidate for an elective Federal office (including the offices of President of the United States, and Presidential and Vice Presidential electors) or any political committee or other political organization engaged in furthering, advancing, or advocating the nomination or election of any candidate for any such office or the success of any national political party: *Provided*, That nothing in this sentence shall be construed to interfere with the usual and known business, trade, or profession of any candidate.

(d) Any person who engages in a pernicious political activity in violation of any provision of this section, shall upon conviction thereof be fined nor more than $5,000 or imprisoned for not more than 5 years. In all cases of violations of this section by a partnership, committee, association, corporation, or other organization or group of persons, the officers, directors, or managing heads thereof who knowingly and willfully participate in such violation, shall be subject to punishment as herein provided.

(e) Nothing in this section shall be construed to permit the making of any contribution which is prohibited by any provision of law in force on the date this section takes effect. Nothing in this act shall be construed to alter or amend any provisions of the Federal Corrupt Practices Act of 1925, or any amendments thereto.

* * * * * * *

SEC. 21. No political committee shall receive contributions aggregating more than $3,000,000, or make expenditures aggregating more than $3,000,000, during any calendar year. For the purposes of this section, any contributions received and any expenditures made on behalf of any political committee with the knowledge and consent of the chairman or treasurer of such committee shall be deemed to be received or made by such committee. Any violation of this section by any political committee shall be deemed also to be a violation of this section by the chairman and the treasurer of such committee and by any other person responsible for such violation. Terms used in this section shall have the meaning assigned to them in section 302 of the Federal Corrupt Practices Act, 1925, and the penalties provided in such act shall apply to violations of this section.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. SHEPPARD. I yield.

Mr. HATCH. I merely wish to say to the Senator from Wisconsin that I have had some practical experience in politics in State campaigns and in national campaigns, and I know something of the way they are conducted and how they are financed. I do not believe the statement can be substantiated that the national committees of either party have ever financed State tickets in purely State campaigns. The national committees confine their activities to the election of national tickets.

I think we have a perfect and easy way to provide for a complete adherence and compliance with this law, by following the simple suggestion I made, that all contributions be made to the national committee, and let there be none of this "do not let anyone know" stuff. Those are the things I take offense at. Let the contributions be made openly, and honestly kept within the $3,000,000 limitation, and there will be no criticism and no dispute whatsoever.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. SHEPPARD. I yield.

Mr. MINTON. I do not want to reflect on my old-time friend and schoolmate, Wendell Willkie. Of course, I know that Mr. Willkie has given out a statement that he will obey the Hatch Act. Everything is "hunkydory" with Willkie. He is not going to take any money except up to a certain limit, and that is all within the law. That is Mr. Willkie; that is Mr. Puritan in politics. But then comes Mr. Fletcher, who shows how to get around the law Willkie is endorsing. That is Mr. Practical in politics. So what that looks like to me is a Dr. Jekyll and Mr. Hyde act.

Mr. HATCH. Mr. President, there is no occasion for any Dr. Jekyll and Mr. Hyde act in this situation. It is perfectly simple. Let both parties adhere to both the spirit and the letter of the law. Three million dollars is ample for them to spend. They will not be curtailed or hurt in any legitimate activity.

EXHIBIT 1

[From the Washington Daily News of August 5, 1940]

WILLKIE SPIKES MOVE TO THWART HATCH ACT

(By Thomas L. Stokes)

COLORADO SPRINGS, August 5.—Brushing aside a legalistic opinion by Henry P. Fletcher, counsel for the Republican National Committee, Wendell Willkie has made it plain that he expects obedience to his mandate that less than the Hatch Act limit of $3,000,000 shall be spent on his Presidential campaign.

When Mr. Fletcher arrived here, with the opinion in his brief case, some party leaders leaped merrily to the conclusion that ways had been found of getting around the Hatch Act, or through it, and spending several times $3,000,000.

But Mr. Willkie, when asked about it, said bluntly that he had not even read the Fletcher opinion—and the tone of his voice indicated he would not bother to read it.

Aside from any legal aspects, the nominee said, it is his firm intention that combined total expenses of the Republican National Committee, the Willkie-for-President clubs, and the Independent Democratic movement shall be well within the sum mentioned in the Hatch Act, "of which I am heartily in favor."

When some newspaper correspondents raised their eyebrows, Mr. Willkie went on to say that he hoped to keep the total around $2,500,000, but thought he shouldn't be taken to task if it ran, say, to $2,750,000.

"And what if it reaches $5,000,000?" asked one reporter.

"You can come back," retorted the candidate, "and call me a liar."

MR. FLETCHER'S IDEA

Mr. Fletcher, having studied the Hatch Act with "several prominent lawyers," concluded that its language would permit the National Committee to spend $3,000,000 and each of the other national groups to spend an equal amount, if they could get it.

He opined further that individuals who contribute $5,000 to the national campaign—that, also, being a Hatch Act limit—may safely give as much more as they wish to State or local committees. And he recommended an arrangement entirely divorcing the State and local committees from the Republican National Committee, so that there might be no question of their legal right to collect all the money anyone is willing to give.

HEADQUARTERS PORTRAIT

Typical of scenes constantly being enacted in the Willkie sunparlor headquarters atop the hotel where he is staying, and typical also, one suspects, of the coming campaign, was the little weekend drama when the candidate conferred with a group of Republican leaders.

He sat in his accustomed place on the broad divan. Beside him sat diminutive JOE MARTIN, chairman of the National Committee, his legs hardly reaching the floor. Joe was explaining some phases of the campaign organization to reporters.

"Excuse me, Joe, but——"

It was Mr. Willkie interrupting. It happened not once, but several times, during the series of newspaper conferences in explanation of the party leaders' deliberations. The candidate moved in to express his own views, to supplement this or that statement—in short, to take command.

HE TAKES THE REINS

"Excuse me, Joe——"

That is typical of the candidate's assumption of command—politely, but firmly. It may not always be "Joe." It may be "John" or "Henry" or "Sam" or "Bill." But it will be always the slightly husky voice of Wendell Willkie.

Republican leaders have discovered that—and they will have to like it. Undoubtedly they will, for their candidate has a buoyant confidence that is infectious and in a Gallup poll yesterday they saw a Republican Presidential candidate on the credit side of the electoral ledger for the first time in too long a while.

The candidate also made it plain that he will supervise the whole campaign and all its committees. For he said that coordination between the various groups—the National Committee, the Willkie-for-President clubs, and the Democrats-for-Willkie organization—would be "through personal representation of mine."

In 1936 Republicans spent something over $5,000,000.

ORDER OF BUSINESS

Mr. BARKLEY. Mr. President——

The PRESIDENT pro tempore. The Senator from Texas has the floor.

Mr. SHEPPARD. I yield to the Senator from Kentucky.

Mr. BARKLEY. In order that the Senate may be advised of the probable course of legislation during the week, I wish to state, after conferring with the Senator from Texas, chairman of the Committee on Military Affairs, that it has been

agreed that the military training bill, which was reported this morning from the Military Affairs Committee, will be taken up on Thursday of this week for consideration.

The Senator from Texas reported the bill today, but he would not be able to make a full statement concerning it until tomorrow, and it has been thought wise to give the Members of the Senate until Thursday to study the bill and the report before taking it up.

Mr. NORRIS. Mr. President——

Mr. BARKLEY. I yield.

Mr. NORRIS. Has the Senator described fully the bill? Does he mean the compulsory military training bill?

Mr. BARKLEY. The military training bill; yes, that is the one I have in mind.

Mr. NORRIS. Does the Senator anticipate that prior to that time we will have disposed of the National Guard bill?

Mr. BARKLEY. Oh, yes; that is, of course, understood.

Mr. NORRIS. And, of course, if that should not happen, I suppose the consideration of the other bill would be postponed?

Mr. BARKLEY. Yes; it is not the purpose to interfere with the consideration of the pending bill if it has not been disposed of, and I have assumed——

Mr. NORRIS. I think that is a fair assumption.

Mr. BARKLEY. That it would be disposed of.

Mr. NORRIS. But the contrary might happen and such things have happened sometimes.

Mr. BARKLEY. Of course, if the pending bill is still under consideration, it will not be displaced to take up the other bill.

I may also state, assuming that the pending bill be disposed of, as many Members think it will be today or at least tomorrow, it is contemplated that in the meantime before Thursday we will take up for consideration a bill reported from the Agricultural Committee by the Senator from Iowa [Mr. GILLETTE] amending the Agricultural Adjustment Act in certain provisions with respect to the marketing of agricultural products. If there is time, the bill reported from the Committee on Banking and Currency by the Senator from New York [Mr. WAGNER], known as the investment trust bill, will also be taken up for consideration. That is on the theory that there will be time for the consideration of those two bills following the disposition of the National Guard bill.

THE GUFFEYS OF PENNSYLVANIA

Mr. GUFFEY. Mr. President——

Mr. SHEPPARD. I yield to the Senator from Pennsylvania.

Mr. GUFFEY. Mr. President, the Republican nominee for President, born and baptized Lewis Wendel Wilkus, now commonly known as Wendell Willkie, has, on several occasions recently, referred slightingly to "the Guffeys of Pennsylvania."

For his information, I would like to say that my Guffey forebears sailed from Londonderry, Ireland, in the spring of 1738 and arrived in Philadelphia the same year. In 1758 my immediate forebears followed Colonel Forbes in his expedition over the Alleghany Mountains to western Pennsylvania, where they have resided ever since.

On my maternal side, the Houghs came to Pennsylvania with William Penn. Two of my forebears, father and son, fought in the Revolutionary War. After President Washington retired they became loyal and devoted followers of Thomas Jefferson, and later they became militant Democrats under the leadership of Andrew Jackson.

In the more than 200 years they have resided in Pennsylvania they have never found it necessary, expedient, or advisable to change their name, to change their religion, to change their politics—or to desert the country of their adoption.

ACTIVE SERVICE OF NATIONAL GUARD, RESERVE AND RETIRED PERSONNEL

The Senate resumed the consideration of the joint resolution (S. J. Res. 286) to strengthen the common defense and to authorize the President to order members and units of reserve components and retired personnel of the Regular Army into active military service.

Mr. McNARY. Mr. President——

Mr. SHEPPARD. I yield to the Senator from Oregon.

Mr. McNARY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	King	Reed
Andrews	Downey	La Follette	Reynolds
Ashurst	Frazier	Lee	Russell
Austin	George	Lodge	Schwartz
Bankhead	Gerry	Lucas	Schwellenbach
Barbour	Gibson	Lundeen	Sheppard
Barkley	Gillette	McKellar	Slattery
Bilbo	Green	McNary	Smathers
Bone	Guffey	Maloney	Taft
Bulow	Gurney	Mead	Thomas, Idaho
Burke	Hale	Miller	Thomas, Okla.
Byrd	Harrison	Minton	Thomas, Utah
Byrnes	Hatch	Murray	Tobey
Capper	Hayden	Neely	Townsend
Caraway	Herring	Norris	Vandenberg
Chandler	Hill	Nye	Van Nuys
Chavez	Holman	O'Mahoney	Wagner
Clark, Idaho	Holt	Overton	Wheeler
Connally	Hughes	Pepper	White
Danaher	Johnson, Calif.	Pittman	Wiley
Davis	Johnson, Colo.	Radcliffe	

The PRESIDING OFFICER. Eighty-three Senators having answered to their names, a quorum is present.

Mr. SHEPPARD. Mr. President, before the creation of the Federal Constitution the States had troops of their own, known as militia, established and regulated by their own laws.

Under the Federal Constitution, State laws continue to operate in connection with State militia as well as certain Federal laws.

Today, in practical effect, those composing the militia of the States have been made by Federal law members also of what this Federal law describes as the militia of the United States, the result being one physical group in each State with two legal designations. The part of such militia which is organized into troops is designated by the Federal law as the National Guard, and the part not so organized it designates as the unorganized militia.

The National Guard has a dual function.

As a part of the State Militia, and together with it, the National Guard may be called by act of Congress into active military service to execute the laws of the Union, suppress insurrections, and repel invasions.

As a part of the Army of the United States, made so by the National Defense Act of 1916, as amended, it may be ordered into the general military service without regard to the limitations heretofore specified with said Army by the President when Congress declares an emergency or declares war.

In language leaving no doubt that in his view a national emergency confronts us, the President on July 29, 1940, requested Congress to enact legislation enabling him to order the National Guard of the United States to active service for such period of intensive training as may be necessary to raise its efficiency to a point comparable with that of the Regular Army. The President transmitted with this request a draft of the legislation he deemed imperative, and that draft composes the joint resolution before us.

Under this joint resolution the President is given authority to order into the active military service of the United States, for a period of 12 consecutive months, any or all members and units of any or all reserve components of the Army of the United States, and retired personnel of the Regular Army with or without their consent, to such extent and in such manner as the President may deem necessary in strengthening the national defense.

Let me say here that the reserve components of the Army of the United States consist of the National Guard of the United States, the Officers' Reserve Corps, the organized Reserve, the Regular Army Reserve, and the Enlisted Reserve Corps. The President proposes, if this joint resolution is enacted, to order the Guard to duty in successive increments to permit the effective use of training facilities and equipment immediately available, and that each increment shall be released when it attains the desired state of efficiency or shall have served 12 consecutive months.

The joint resolution further provides that the members and the units of the reserve components ordered into active Federal service shall not be employed beyond the limits of the

Western Hemisphere except in the Territories and possessions of the United States, including the Philippine Islands.

The other reserve components, aside from the National Guard, affected by the joint resolution are the Officers' Reserve Corps, numbering at present approximately 116,000 officers, the retired personnel of the Regular Army, amounting to 3,750 officers and 12,000 enlisted men, the Regular Army Reserve, totaling 35,000, and the Enlisted Reserve Corps, including probably 3,000 men.

It will be seen that under the provisions of this joint resolution the President is authorized to order into service the units and personnel involved with or without their consent. It is necessary to impose a requirement of this kind in order promptly to obtain the needed forces and assistance. Without such a requirement the response will be slow and ineffective. General Marshall said at the hearings on the pending measure that the situation at the present time as to our availability of personnel in the Regular Army for training, our availability of material or equipment in the Regular Army for training, and as to the necessities for having certain trained units in the Regular Army available for immediate action, should necessity arise, is such that a mobilization of the National Guard is necessary to the functioning of the selective-service act, as well as in the matter of the Guard's own training.

Provision is made in the joint resolution making sure that all the personnel ordered into active service shall receive, while in such service, the pay and allowances and the other benefits prescribed for the Regular Army.

While section 3 of the measure before us was not proposed by the President, it was the sense of the Senate Military Affairs Committee that an effort should be made to restore persons ordered into service to their former employment at the end of their training or to employment of similar pay and status.

When such persons have been employed by the United States Government, its territories or possessions, or the District of Columbia, they shall be restored to such positions, or to positions of like status and pay.

When such persons were employed by private employers dealing in interstate commerce, such employers shall restore such persons to the positions they held, or to positions of like status and pay, unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so.

When such persons were in the employ of any State or political subdivision thereof, it is declared to be the sense of Congress that they should be restored to such positions or positions of like status and pay.

Persons restored to Federal Government positions or to positions in private employment shall be so restored without loss of seniority, insurance participation, or other benefits, and such persons shall not be discharged from such positions without cause within 1 year after such restoration.

The failure or refusal of any private employer to comply with the provisions of the joint resolution shall be an unfair labor practice within the meaning of the National Labor Relations Act. If no remedy is available under the National Labor Relations Act, the district court of the United States for any district in which such employer maintains a place of business shall have power, upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the benefits of the joint resolution, to specifically require such employer to comply with the spirit and purpose of the joint resolution. The court shall order a speedy hearing in any such case, and shall advance it on the calendar.

Having submitted this analysis of the measure under consideration, I desire to advance certain observations in reference to the National Guard.

The National Guard, to the extent permitted by time and circumstance, has made remarkable advances in military science and tactics; but these advances have not afforded it sufficient opportunity to meet the demands of present-day warfare. Its wonderful record justifies the best possible training and preparation.

Today, the National Guard has the requisite organization and to a substantial degree the requisite equipment. Its officers have had thorough basic training, and some work of a more advanced type. They should now have a long period of physical hardening and intensive training in the fast-moving methods of modern warfare.

As a result of our traditional military policy we have today an efficient but by present-day standards a small Regular Army, backed by an equally small National Guard army.

General Marshall, our great Chief of Staff, and many other military experts are convinced that we should have a strong "army in being," thoroughly seasoned and trained. There is but one way to obtain that result efficiently and in any reasonable length of time. That way is by utilizing the National Guard in the role which for 20 years has been planned for it under the National Defense Act, namely, a vital component of our existing Regular Army.

For 20 years the National Guard has been maintained largely at Federal expense for just such a situation as we now look upon.

In his message of July 29, 1940, requesting this measure, the President said that the increasing seriousness of the international situation demands that every element in our defense structure be brought as rapidly as possible to the highest state of efficiency in training as well as in equipment and material. He paid high tribute to the citizen soldier, out of whose patriotism and devotion the National Guard has evolved.

The President said that some weeks before he had asked Congress for authority to order the National Guard into active service should an emergency require this action when Congress was not in session. He added that this proposal was no longer sufficient; that he was convinced that the security of the Nation demands that the National Guard and other reserve components of the Army of the United States be brought to the highest possible state of training efficiency more rapidly than their present program permits.

The President stated that he realized the personal sacrifice a period of active duty demanded from the reserve components, and that for this reason he had deferred until the last moment the request for immediate action. He stated that he could not with clear conscience postpone longer this vitally essential step in our progress toward adequate preparedness.

The President gave due and merited praise to the Officers' Reserve Corps, that magnificent body of men in private life who, at great cost of time and toil, have fitted themselves for the work of an Army officer in order to aid in their country's defense. He asserted that this splendid body of officers has had little opportunity for service with troops, and that to the maximum extent possible their training should now be perfected by an adequate period of active service; that if ordered to active duty they can acquire the desired efficiency and at the same time supply the increased need for officers in our expanded Regular Army.

General George C. Marshall, Chief of Staff of the Army, came before the Senate Military Affairs Committee at its invitation to testify in reference to the pending measure.

He said it was the feeling of the War Department that it was urgently necessary that at least a portion of the National Guard be ordered to active duty, recruited up to full strength, and seasoned and trained as rapidly as possible; that this should be proceeded with as quickly as possible; that the Army was deficient in organized units trained in a sufficient strength for the necessary defensive measures the country might have to take; and that from the viewpoint of the War Department it was very urgent that it be permitted to proceed about the business of developing and training the military forces for the defense of this country in the present emergency in an orderly and businesslike fashion.

General Marshall stated that as matters now stand the War Department is unable, except through a very limited use of WPA funds, to make any preparation for the shelter of the units that might be called out for training under this measure, and that the longer we wait the more difficult the situation will become; because from the viewpoint of construction the

winter is upon us; that it takes 3 or 4 months adequately to prepare for the shelter of men, to protect their health, to facilitate their training after the money is made available; that the Department is very much embarrassed because the time is passing; that Congress has before it a measure for the training of men from civil life on an unpredecented scale; and that the ordering of the National Guard on active duty preliminary to such training is an absolute necessity.

General Marshall warned that our situation is utterly different from that of 1917. He said that at that time no one felt any peril in the United States; that we could proceed with deliberation; that we could wait until we built cantonments; that we could wait until we trained officers; that we could wait until we gathered shipping; that we could wait until we sent troops to Europe, and train them after we got them to Europe. Then he added that today, in his judgment, the security and the safety of this country depend on having available at the earliest practicable moment trained, seasoned men in adequate numbers; that there is no conceivable way to obtain them except by some such measure as this, followed by some form of selective training; that this is but a base of departure to the development of an adequate force to maintain the security of this country in the Caribbean region and the northern hemisphere, at least; that we cannot afford to speculate with the security of this country.

It is the unanimous conviction of the Senate Committee on Military Affairs that these warnings of the President and General Marshall should be immediately heeded.

So we report this measure favorably to the consideration of the Senate.

After numerous interruptions and colloquies during the course of his speech, Mr. SHEPPARD said:

Mr. President, I ask that the colloquies and interruptions which occurred in the course of my speech be printed at the conclusion of my remarks in order that my speech may appear as an undisturbed and undissected whole.

The PRESIDING OFFICER. Without objection, it is so ordered.

The colloquies occurring during the delivery of Mr. SHEPPARD's speech are as follows:

Mr. BONE. Mr. President, will the Senator yield?

Mr. SHEPPARD. I yield.

Mr. BONE. I am rather curious as to why the drafting officer preparing the joint resolution saw fit to use the words "reserve components of the Army" instead of saying "National Guard." Most of us are not familiar with the language employed in describing military units. Why should the joint resolution say "reserve components of the Army" instead of just saying "National Guard"? If I read the joint resolution merely as an average layman, I would not know that it meant calling out the National Guard at all. I wonder if there was any purpose in employing that sort of language.

Mr. SHEPPARD. The National Guard is one of the reserve components of the Army. The joint resolution calls out the other reserve components as well as the National Guard.

Mr. BONE. I understand that; but I wondered why the term "National Guard" was not employed here, so that the language would be a little more revealing. I am curious about that, because the average layman reading the joint resolution would never know that the National Guard was to be called out unless he could infer that from some of the subsequent language.

Mr. SHEPPARD. I am sure there was no intention on the part of the drafting officer to conceal that fact in any way.

Mr. BONE. I understand that; but why do we so frequently use such stilted language in drawing bills? Why are we not forthright? Why do we not call a spade a spade, so that persons who are familiar with ordinary English can understand why certain things are sought to be done?

Mr. SHEPPARD. I shall endeavor to describe what those reserve components are in the course of my remarks.

Mr. WHEELER. Mr. President——

The PRESIDING OFFICER (Mr. HILL in the chair). Does the Senator from Texas yield to the Senator from Montana?

Mr. SHEPPARD. I yield.

Mr. WHEELER. Can the Senator tell me how many men can be called out under the joint resolution?

Mr. SHEPPARD. About 225,000 in the National Guard alone. It is the plan of the War Department to call them out by increments, and the first increment is to be about 55,000. The names of the units to be called out are given in the report on the resolution.

Mr. WHEELER. Is the so-called State militia included?

Mr. SHEPPARD. That part of the State militia which is formed into the National Guard, not the other part.

Mr. WHEELER. Not the other part?

Mr. SHEPPARD. No.

Mr. WHEELER. Under the Constitution there is no right in the Congress of the United States to call out the State militia unless there is an insurrection or an invasion. Has there been a change in the provisions of the Constitution?

Mr. SHEPPARD. No. I have just referred to that distinction. The State militia may be called by act of Congress into the military service for the purposes the Senator has mentioned, but as a part of the Army of the United States, made so by the National Defense Act of 1916, that part of the militia known as the National Guard may be ordered into the general military service without regard to those limitations.

Mr. WHEELER. If the Senator does not mind my interrupting him, let me say that the adjutant general of one of the States asked me why it was that the National Guard had not been built up throughout the United States. I happen to know that in my own particular State of Montana those charged with the duty have been trying to get money to build up the National Guard, but they were unable to build it up because they could not get the money from the War Department with which to do it. Does the Senator know anything about that?

Mr. SHEPPARD. If Congress did not give the War Department sufficient money to take care of the National Guard in Montana, the War Department, of course, could not furnish them the money. On the other hand, the militia in Montana must meet certain requirements before they can get the funds. I do not know what the situation was in that State.

Mr. WHEELER. They met all the requirements, and there were requests for building up units of the National Guard in several of the cities, but they were unable to get the money. Information came to my attention to the effect that the Bureau of the Budget had turned down larger appropriations by the Congress for building up the National Guard, and I thought that perhaps the Senator, as chairman of the Committee on Military Affairs, could give me some light upon that particular phase.

Mr. SHEPPARD. The chances are that the War Department has not been given sufficient funds to reach the State of Montana at this time. I do not know what causes animated the Bureau of the Budget in shutting off funds, if it did so.

Mr. WHEELER. I thought probably the Senator, as chairman of the Committee on Military Affairs, would know whether or not the Bureau of the Budget had turned down requests by the Army or by his committee for larger appropriations.

Mr. SHEPPARD. I have not looked into that particular phase of the matter. My committee is an authorization committee. The Committee on Appropriations deals with appropriations.

Mr. TAFT. Mr. President, will the Senator from Texas yield?

Mr. SHEPPARD. I yield.

Mr. TAFT. I understood the Senator to state that it is the intention to call immediately 55,000 of the National Guard. Can the Senator state how soon the remainder of the guard will be called?

Mr. SHEPPARD. The Department will call them in increments, and as soon as facilities are available they will call out the next. I imagine it will be several months. The particular measure before us calls for the first increment to be in training for 12 months.

Mr. TAFT. How soon would the second increment be called in all probability?

Mr. SHEPPARD. Just as soon as facilities are available.

Mr. TAFT. If there is such an immediate need as to require a draft, why not call the whole 240,000 today?

Mr. SHEPPARD. Because adequate facilities are not available.

Mr. TAFT. The joint resolution, of course, authorizes the calling of the whole 240,000, but I wondered why, if there is such an emergency as to require the immediate conscription of 400,000 men by the first of October, the entire 240,000 of the National Guard are not called immediately, instead of only 55,000, and then, as I understand, postponing the calling of the rest until a year from now, after the first 55,000 have been trained.

Mr. SHEPPARD. Under the training system, it is expected to have 400,000 trainees in the service by October.

Mr. DOWNEY. Mr. President, will the Senator yield?

Mr. SHEPPARD. I yield.

Mr. DOWNEY. Let me inquire whether I understand correctly that the Army intends to call out additional units of the National Guard as rapidly as provision can be made for their living and training.

Mr. SHEPPARD. That is what I replied to the Senator from Ohio.

Mr. DOWNEY. I understood the Senator to say that they would not be called out for a year.

Mr. SHEPPARD. I meant that the various increments would serve a year each.

Mr. WHEELER. Mr. President, if such an emergency exists at the present time that we have to resort to conscription, why not call out the whole 240,000 men now?

Mr. SHEPPARD. There are not sufficient facilities for the housing and training of such a number at the present time.

Mr. WHEELER. The Government cannot equip them, and, in addition to that, has not the housing facilities for them, have they?

Mr. SHEPPARD. Not the housing facilities.

Mr. WHEELER. And the Government has not the clothes for them, unless they have their uniforms already as militiamen?

Mr. SHEPPARD. I think perhaps the clothing is available.

Mr. WHEELER. The clothing has been furnished to them in the various States, but the Government has not the housing facilities for them, and has not the other equipment for them, and that is why the whole 240,000 are not going to be called?

Mr. SHEPPARD. One of the reasons is the lack of housing.

Mr. WHEELER. Do I understand the Senator to say they are going to call out 50,000 now, or soon, and later are going to return those to private life and call out 50,000 more?

Mr. SHEPPARD. They keep all increments 12 months each, and as each increment completes its 12 months it goes back to the State from whence it came. The law will operate to June 30, 1942.

Mr. WHEELER. What I am trying to get at is, if there is the great emergency about which we hear so much, and our national security is in danger, why not call out the whole 240,000 men now, and why is it necessary, if we call out 240,000 men now, to conscript the youth of the country, because of this great national emergency, or, as it was stated in the original measure, because the integrity of the United States and our democracy are in danger? To me it does not make sense. Perhaps it does to some of the propagandists who are writing columns for the press, but to me, and I think to the great majority of the American people, it does not make sense. The American people should be taken into the confidence of the officials, and told what they are going to do, and what the great emergency is.

It is all very well for Senators to rise and say there is a great emergency, but that does not mean anything. What the people would know is, what constitutes the emergency, what is the background of the great emergency? Are we about to be attacked by Japan, are we about to be attacked by Mexico, are we about to be attacked by some other nation? We have heard nothing but "emergency, emergency, emergency," until it has gotten so that it does not mean much to the American people. We should know what are the facts, and not simply have the conclusion that there is an emergency.

Mr. SHEPPARD. If the Senator cannot see an emergency in the present world situation, I am certain I could not persuade him that there is one.

Mr. WHEELER. I can see an emergency, but the only emergency I see is that an election is coming on. [Laughter.] It seems to me that it is not sufficient for the Senator to rise and say that if I cannot see that an emergency exists in world affairs, he cannot persuade me. Of course I can see an emergency for some countries, but at the present time I do not see any emergency, and I am sure that the great majority of the American people do not see any great emergency, so far as the peace and security of the United States of America are concerned, except what is given out by the propagandists to scare the Members of Congress into thinking that something is going to happen immediately if we do not grant to the executive branch all the dictatorial powers they want granted.

Mr. SHEPPARD. If the Senator cannot see an emergency in the relation of the present world situation to the United States, I feel sure I would be unable to convince him.

Mr. WHEELER. Will the Senator tell me what the emergency is?

Mr. SHEPPARD. It is the well-known determination of the dictators of a large part of the world to destroy democracy throughout the world.

Mr. WHEELER. Does the Senator think that the German Government is coming here to attack and take over the United States?

Mr. SHEPPARD. I believe that Government will try to do so.

Mr. WHEELER. The Senator really believes that Mr. Hitler is coming here to attack the United States?

Mr. SHEPPARD. He will try to attack the United States. That is my firm belief, or I would not be here advocating this measure, and if I cannot convince the Senate that this is a proper measure, I shall be satisfied.

Mr. HOLMAN. Mr. President, will the Senator yield?

Mr. SHEPPARD. I yield.

Mr. HOLMAN. I am convinced that there must be an emergency from one experience I have had, among others, if the Senator who has the floor will bear with me for a moment. I recently persuaded the Senate to pass Senate bill 1108, which we call in our country the Peeler law, which went to the House and was there referred to the Ways and Means Committee of the House. The chairman of the subcommittee of the Ways and Means Committee of the House called me up and said the bill had been set aside at the behest of the State Department, because our relationships with Japan were of such a delicate nature that the State Department did not want this purely domestic bill to be passed by the Congress. In other words, according to the State Department, our relationships with Japan are so delicate that we do not dare to say what we will do with logs grown in the American forests. Either the State Department is all wrong or the Chief of Staff of the Army is all wrong, but there is an emergency.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. SHEPPARD. I yield.

Mr. VANDENBERG. I ask the Senator for an interpretation at that point. He is referring to the language of the bill which authorizes the President to order the militia into active service "for a period of 12 consecutive months." Does that mean that they have to be ordered for 12 months; that they could not be ordered for 10 months or 8 months?

Mr. SHEPPARD. It is my construction that they must serve 12 consecutive months.

Mr. VANDENBERG. If the emergency were for a period of less than 12 months, would the President still have to call the militia for 12 months?

Mr. SHEPPARD. He would.

Mr. BARKLEY. Mr. President, will the Senator yield at that point?

Mr. SHEPPARD. I yield.

Mr. BARKLEY. Under the language that has been stricken out, which provided "not to exceed 1 year," the President could have ordered the militia out for any number of months.

Mr. SHEPPARD. Oh, yes.

Mr. BARKLEY. But I assume that the change made by the committee presupposes that it is to be for a definite 12 months' period, no more and no less.

Mr. SHEPPARD. That is what we mean. We have changed the language to mean 12 consecutive months.

Mr. KING. Mr. President, will the Senator yield?

Mr. SHEPPARD. I yield.

Mr. KING. Assume that A, B, and C are members of the National Guard now, and anticipating that they may be called, that an emergency does exist, and that their conditions are such financially and in respect to health as to make it almost imperative that they shall not serve, may they resign without being subject to court martial?

Mr. SHEPPARD. They may be discharged from their enlistment.

Mr. KING. Obviously, however, if they are inducted into the service then they may not resign.

Mr. SHEPPARD. I think arrangements are being made so that they can be honorably discharged if the individual cases justify it.

Mr. NEELY. Mr. President, will the Senator yield?

Mr. SHEPPARD. I yield.

Mr. NEELY. Unless the ancient rules and regulations of the Army and the National Guard have been greatly modified, an enlisted man cannot resign. But he can, in favorable circumstances, obtain a discharge, which amounts to the same thing.

Mr. SHEPPARD. It amounts to the same thing.

Mr. NEELY. If the force under consideration were called out for a 12-month period to meet a specific emergency, could it not be disbanded when the emergency had passed even if the 12-month period had not expired?

Mr. SHEPPARD. This measure provides that these men must stay in service 12 months.

Mr. NEELY. But not after the passing of the emergency which made it necessary to call them to the colors.

Mr. SHEPPARD. I do not so understand it.

Mr. HILL. Mr. President, will the Senator yield?

Mr. SHEPPARD. I yield.

Mr. HILL. With reference to the words "12 consecutive months," it will be noted that the joint resolution as prepared by the War Department and introduced by the chairman of the committee, provided that the National Guard should be called out for a period "not to exceed 1 year." The words "not to exceed 1 year" have been stricken, and the committee amendment has been offered in lieu thereof, to wit: "12 consecutive months."

I think the Senate ought to know the reason why the committee amendment is offered. It is offered at the request of the National Guard itself, as represented by Gen. Milton A. Reckord, who is the chairman of the legislative committee of the National Guard Association, who came before the Senate Military Affairs Committee speaking for the National Guard and asked that the language be modified as it is provided in the committee amendment. General Reckord, speaking for the National Guard, took the position that the National Guard felt that they ought to have at least 12 months of training if the training was to be on a proper and efficient basis. Is that not true?

Mr. SHEPPARD. It is quite true.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. SHEPPARD. I yield.

Mr. JOHNSON of Colorado. Agreeing with everything that the Senator from Alabama [Mr. HILL] has just stated, the chairman of the committee will recall that the Army officers themselves representing the War Department did not want the National Guard called out for a period to exceed a year, and the National Guard did not want to be called out for less than a year. They wanted to be called out for at least a year. So the committee, in order to compromise these two viewpoints, decided upon the 12 consecutive months' period.

In reference to the question raised by the Senator from Utah [Mr. KING] a moment ago about men resigning before this measure is passed, before the call is made, before the National Guard is ordered into service, let me say that the National Guard officers and men are permitted to resign through their State officials, that is, the Governors of the States may accept their resignations.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. SHEPPARD. I yield.

Mr. OVERTON. The joint resolution provides that the President is authorized—

> To order into the active military service of the United States for a period of 12 consecutive months, any or all members and units of any or all reserve components of the Army.

And so forth. If the President exercises that authority, and orders into service a portion of the units, will he have exhausted the authority under this joint resolution, or can he from time to time order out additional units, and require each of the units he orders out to serve for a period of 12 consecutive months, so that certain units may be serving, we will say, from October 1, 1940, to October 1, 1941, and other units may serve from January 1, 1941, to January 1, 1942? Or is it the fact that when the President exercises this authority and issues an order, he exhausts his authority under the joint resolution, so that when he issues an order, he must determine what portion of the reserve shall be ordered into active service and shall serve for 12 consecutive months?

Mr. SHEPPARD. He can from time to time order out additional units.

Mr. OVERTON. I do not think the Senator grasped my meaning, or, rather, understands what I am asking. If the President exercises his authority, and, we will say, orders out one-half of the Reserves, can he later on order out additional Reserves?

Mr. SHEPPARD. Yes; until June 30, 1942, he can.

Mr. OVERTON. Any part of the Reserves?

Mr. SHEPPARD. Yes.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. SHEPPARD. I yield.

Mr. BARKLEY. The language of the joint resolution provides that he may order out "any or all members and units of any or all Reserve components of the Army of the United States." He does not have to order them all out at once, but during the entire period, until June 30, 1942, he is authorized to order out any or all of them, and he may order out part of them at any time, and part of them later.

Mr. OVERTON. Each part that is ordered out will have to serve 12 consecutive months?

Mr. BARKLEY. That is correct.

Mr. SHEPPARD. The President proposes, if this joint resolution is enacted, to order the Guard to duty in successive increments to permit the effective use of training facilities and equipment immediately available.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. SHEPPARD. I yield.

Mr. VANDENBERG. Can the Senator tell whether housing is available for the 242,000 total of the National Guard?

Mr. SHEPPARD. It is not at present available. The Army is going to provide as much housing as it can for as large a number as can be trained within the time the joint resolution is in operation.

Mr. VANDENBERG. If the Government cannot house 242,000 National Guardsmen for several months, how can it house 400,000 conscripts?

Mr. SHEPPARD. For the present we are going to send the trainees into the existing housing that the Army now

has and assign them to units in the Army which are below strength.

Mr. VANDENBERG. Before the Senator was interrupted he was detailing the various other branches of the Reserve service which are covered by the joint resolution. Will he give us the numbers which are involved at each point in his recital?

Mr. SHEPPARD. The President would call out only as many as could reasonably be taken care of.

Mr. VANDENBERG. What is the total?

Mr. SHEPPARD. I think I can recall the figures offhand. The National Guard at present is about 225,000; the Officers' Reserve Corps, 116,000; the enlisted Reserve Corps, about 3,000; the Regular Army Reserve, probably 35,000; retired officers, about 3,700. The enlisted Reserve Corps consists principally of enlisted specialists.

Mr. VANDENBERG. That represents a total of 166,000 Reserves in addition to the National Guard, does it not?

Mr. SHEPPARD. That is approximately correct.

Mr. VANDENBERG. So, the joint resolution finally covers 166,000 plus 242,000, which is in excess of 400,000.

Mr. SHEPPARD. As an outside limit.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. SHEPPARD. I yield.

Mr. BARKLEY. What is the difference between thc Officers Reserve Corps and the Organized Reserves referred to?

Mr. SHEPPARD. The Officers' Reserve Corps is a group of Reserve officers, while the Organized Reserves comprise these Reserve officers and enlisted men assigned to them.

Mr. BARKLEY. For instance, take the case of a young man who has graduated from the Air Corps Training School, and has served a year. Let us say he has graduated at Kelly Field, and has served a year, has been put on the Reserve list, and is now a Reserve officer. There is an organization of Reserve officers to which such officers may or may not belong. Would such an officer be included in either the Organized Reserves or the Reserve Corps?

Mr. SHEPPARD. He is included in the Officers' Reserve Corps, but it might not be called under this measure.

Mr. BARKLEY. Why not?

Mr. SHEPPARD. Because there are so many in the Reserve who have not had any training at all.

Mr. BARKLEY. It seems to me it would be to the Government's advantage to take the men who have received intensive training and who have served a year after finishing their training, and have been put in what is called the Reserve Corps. It seems to me the Government would sustain a great loss if such men were not subject to call for duty.

Mr. SHEPPARD. They are subject to call, but they have already had training.

Mr. BARKLEY. Yes.

Mr. SHEPPARD. Under the present arrangement, the 110,000 Reserve officers have had only 14 days' training every 3 or 4 years. So many of them have had such little training at all that I imagine they would be taken first, although if there were some special reason for calling such an officer as the Senator mentioned he would probably be called.

Mr. BARKLEY. It seems to me that it would be a great loss to the Government not to be able to call back to service a young man upon whom the Government had spent considerable money in training him as a future officer, who had served 1 year after leaving school, and who had been put on the reserve list subject to call at any time. His year's training at the aviation school and his year's service in the Army mean 2 years of real training.

Mr. SHEPPARD. That is quite true.

Mr. BARKLEY. The theory is that those who have had 2 years' training do not need it as much as those who have had only a few days' training out of each year.

Mr. SHEPPARD. That is true.

Mr. HILL. Mr. President, will the Senator yield?

Mr. SHEPPARD. I yield.

Mr. HILL. I think the Senate ought to realize that building an army involves something more than the question of men. We build an organization, a machine. If the organization is to be efficient and able to function, we must have the proper balance within the organization as between types of men and the service they are rendering.

The question has been asked, Why call out the trainees under a selective-service bill when we can call out 250,000 men through the National Guard? Let me explain the reason. Today, many of the units within the National Guard have not their full quota of men. Today, an infantry company in the National Guard has only 60 men. The war strength of an infantry company is approximately 200 men. The infantry company of the National Guard is short 140 men. What we do is to call out the infantry company of the National Guard. Perhaps it has the full officer personnel, the 3 officers prescribed, both for war strength and for peace strength. We take the officers and the 60 men, and fill in with the trainees until we have the fully rounded-out war-time-strength company. So we must think of this thing not only in terms of numbers, but in terms of organization of units and of the whole machinery. Is not that correct?

Mr. SHEPPARD. The Senator is correct.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. SHEPPARD. I yield to the Senator from Montana to ask a question of the Senator from Alabama.

Mr. WHEELER. I am asking for information. I understand that the War Department is authorized to raise the Army to a certain point. What is that point?

Mr. HILL. Three hundred and seventy-five thousand. That is the Regular Army.

Mr. WHEELER. That is the Regular Army. The quotas for June and July have been filled, have they not?

Mr. HILL. That is correct, but——

Mr. WHEELER. Let me finish. As I understand from the War Department, the quotas for 3-year enlistments have been completely filled. The department also informed my office that, so far as August is concerned, no doubt the August quota will be filled. Cannot the men required to fill the quotas be obtained from 3-year enlistments at the present time?

Mr. HILL. Not if we are to have the Army which the War Department says we should have.

Let us understand clearly about this quota business. It is nothing more nor less than what The Adjutant General, as the chief recruiting officer of the Army, estimated we could obtain through the recruiting system. In June we obtained approximately 22,000 enlistments. That did not mean that we got 22,000 additional men in the Army. We made a net gain of only about 16,000 because of the 22,000, some 6,000 were reenlistments. In June we got 16,000 additional men. The War Department is saying to us that we should have, as quickly as possible, a Regular Army of a certain size, some 240,000 or 250,000 members of the National Guard and, in addition, some 400,000 trainees.

In the opinion of the War Department and in my opinion, we cannot bring in anything like 400,000 men by the volunteer system in the immediate future. We are getting 16,000 men a month, and we are trying to get 400,000. Twenty-five months would be required, and even then we should never get 400,000, because they would serve for only 12 months. Two hundred thousand would be out before we could get the others.

Mr. WHEELER. Nobody knows. It is only a guess, because we have not tried that system.

Coming back to the C. C. C. camps, we pay the C. C. C. boys $30 a month, and in many places they work about 4 hours a day. We propose to draft young men into the Army, pay them $21 a month, and put them in the Army Reserve, to be called out later if we find it necessary. The C. C. C. camps all over the United States have had many, many more applicants than they could handle. That was true in my State, in New York, and in every other State in the Union. The young men wanted the training in the C. C. C. camps for a year's time at $30 a month. If we can get them in the C. C. C. camps by paying them $30 a

month, I have not the slightest doubt that we can get them in the Army. At least, it seems to me that that system ought to be tried before we violate every tradition and every principle upon which our Government was founded, and conscript the youth of the Nation when we are not facing a war.

Something has been said about an emergency. My attention has just been called to a statement by Maj. Gen. James K. Parsons. He is now in the Army. He was speaking before 231 businessmen at Fort Meade. General Parsons asserted that—

America can be defended by an Army and Navy of moderate size. There are alarmists who think we are wide open to attack. We are not. They are merely the victims of nightmares and ignorance. Such people are dangerous. We need calm intelligence now as perhaps we have needed it never before.

That is what I have been repeatedly saying. We have many alarmists about the country who are trying to tell us that we are open to attack, that we are to be attacked, that we must have conscription, and that we must have an armed camp here. Here is a major general in the Army who cautions the people against alarmists. I presume he meant some of the "columnists."

While I am on my feet I should like to call attention to the propaganda which is going on, if I may interrupt the Senator a few moments longer.

Secretary Knox says:

If we are to protect ourselves, our integrity, and this hemisphere, we can take but one action—adopt compulsory military training now.

Yet when his nomination was up for confirmation before the Senate committee, this is what he said:

With such a Navy as I have described, we would never need more than a moderate sized Regular Army of 300,000 men, supplemented with a well-trained, well-equipped National Guard. This would give us a first line of defense on land of 600,000 men, all that we would require to supplement our naval forces. Such a Navy would require a personnel of not more than 200,000 men.

Now, all of a sudden, the minute he is confirmed, he joins in the cry that we must have conscription in order to preserve the integrity of the United States of America.

Mr. ADAMS. The Senator overlooked the fact that we are to defend Patagonia, Tierra del Fuego, and Coral Islands in the Caribbean Sea.

Mr. BARKLEY. Mr. President——

Mr. SHEPPARD. I yield to the Senator from Kentucky.

Mr. BARKLEY. I do not know Major General Parsons to whom the Senator from Montana refers, but I wonder if he looks upon his superior officer, General Marshall, Chief of Staff of the United States Army, as an alarmist? General Marshall has recommended the pending measure and he has recommended the proposed legislation which has been reported today from the Committee on Military Affiairs. I am wondering whether this General Parsons, whom I do not know, in his diatribe against alarmists, includes his superior officer, the Chief of Staff of the United States Army?

Mr. WHEELER. Let me say to the Senator, so that there may be no mistake about it, that, so far as this particular piece of legislation is concerned, I have no objection to it; but I am saying that, so far as the conscription bill is concerned, I do not believe it is necessary, and I approve entirely of the statement made by General Parsons with reference to alarmists. He is Maj. Gen. James K. Parsons, commanding officer of the Third Corps Area, and I assume that he is in good standing in the Army at this particular time.

Then, I call attention to what Colonel Knox said when he was before the committee, and I contrast that with the statements he is making now. I could also call attention to other statements made before the Naval Affairs Committee, and I intend to do so before the day is over, but I do not want to take the time of the Senator from Texas now. I intend, however, to call attention of the Senate to them, and also to what some other naval officers and military officers of the United States have said about this matter.

Mr. BARKLEY. If the Senator from Texas will yield further there——

Mr. SHEPPARD. I yield.

Mr. BARKLEY. Simply because of the immediate context of this debate, let me say there is a vast difference, as the Senator realizes, between a regular standing Army of 300,000 or 375,000 men, which is to be the peacetime strength of the Regular Army, and a program of training men who might be called into service in the event of war or an emergency. There is nothing, it seems to me, inconsistent between the position taken by anybody who says if we have a Navy large enough to defend the United States against any aggression that we might not need a Regular Army of more than 300,000 men. But, of course, we are increasing the Navy because we realize that at the present juncture we do not have that sort of a Navy. If there should be an attack upon us from two oceans, we do not have a two-ocean Navy, and, because we do not have a two-ocean Navy, we are increasing it so that in 5 or 6 years from now we will have a two-ocean Navy.

What I understand the selective military service bill provides or contemplates is that from the entire body of the men of the United States within certain ages, subject to certain exemptions and exceptions, men shall be trained against the day when we may need more than 300,000 or 375,000 men or even 400,000 or 500,000 men in the Army. They will not constitute a part of the Regular Army; they will not form a part of our Regular Military Establishment; but they will be trained so that, in the event of war, in which we might be engaged they will be qualified to be called at once into the service of the United States to form not a part of the Regular Army for all time to come, but to form an army for that particular situation.

So, it seems to me, there is nothing inconsistent between the statement of any man who says that under the conditions set forth that a regular standing army of 300,000 would be sufficient and advocacy of a policy now of training men so that, in the event they are needed, they will be trained and ready for service when the time comes.

Mr. WILEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Wisconsin?

Mr. SHEPPARD. I yield.

Mr. WILEY. I have been listening to the arguments of my brethren in the Senate, and I desire to introduce here my own position. For 150 years there has been a tradition, almost an unwritten law, that during peacetime there should be no conscription, and, although we are not talking of that bill now, it seems to me that before we violate that tradition there should be a direct finding by the Congress that an emergency or crisis exists.

Colonel Knox, some time ago, as I understood what the Senator from Montana read, had one opinion and now has another opinion. That is not strange, for we are living in a very quickly moving world.

Mr. WHEELER. He made the statement when he was before the committee recently on the question of the confirmation of his nomination.

Mr. WILEY. That was about a month or 3 weeks ago. Even then I concede that there might be some difference. But the point is that Colonel Lindbergh said yesterday that if we were properly prepared we need never fear an attack, and the general of the Army said that we should give 50 of our ships to England in order to avoid the possibility of England going down, but none of those things covers the issue, as I see it. When Senators rise on the floor and suggest that someone has said we are in danger or that a crisis is upon us, that is not what we want. We want the facts. We know there are "four horsemen" abroad in the world—Germany, Italy, Russia, and Japan—who are ready to rape every other nation which they can overpower; and they are doing it. We know that they are literally dividing the world up among them. On the other hand, we know, so long as England stands and her navy is intact, that probably no other navy in the world could reach our shores to attack us. So what we want to

know is the facts; what is the judgment of the men who know as to what England can stand?

We are told by Mr. Stimson that England will be gone in 30 days. If England is gone in 30 days, shall we prepare then? Will we be in the position to defend ourselves? We know that South America will probably be divided up if England goes down. So, if England goes down and South America is divided up, we come to the other great issue, which is, What is our foreign policy in the Western Hemisphere? Are we going to stick by the Monroe Doctrine and defend it from the southern tip of South America to Labrador or the North Pole? If so, are we prepared? Or are we going to say, "No; we are going to defend it as far as the most easterly tip of Brazil"? If that is the position, and England goes down, are we prepared? In other words, what are the facts, not what is the conclusion of some one who, probably, has only a smattering of the facts? I think that is what America wants, and I think that is what America is entitled to. America is entitled to have the facts discussed here, because, if we are going to set aside an ancient policy which is practically a rule of conduct in this Nation, we must do it on the basis of facts.

So, I should like when Senators rise and say there is an emergency, there is a crisis, these are the facts A, B, C, D, and so forth. That is what I think we should do, because, after this bill is over with we will consider the next bill, and when the next bill comes up, we should know what our foreign policy will be in case certain conditions shall obtain. For instance, our Navy is now in eastern waters. If the Panama Canal should be destroyed, what use would it be in the eastern seas? Those conditions we have to think about in determining what we are going to do on the subject of adequate preparation.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. SHEPPARD. I yield.

Mr. BARKLEY. It ought to be stated, while we are dealing with facts, that Secretary Stimson did not say before the House committee that England was going down in 30 days. He was dealing with possibilities. Nobody can speculate as to whether England is going down at all or, if she is going down, whether it will be in 30 days. But, as I remember his testimony from the newspapers—and that is the only source I had—Secretary Stimson was dealing with the possibility that such a thing might happen; he did not say it would happen.

Mr. HILL. Mr. President——

Mr. SHEPPARD. I yield to the Senator from Alabama.

Mr. HILL. In reference to what the Senator from Kentucky had to say about the Regular Army, he put his finger on what, to my mind, is one of the most important things in this whole debate, and that is what we are seeking to do is to avoid the building of a great army in this country. Let me say that the War Department does not want a large Regular Army, and we will avoid that by training men under the other system which is now proposed so that they will be ready if we should need them.

With reference to the selective-service system, let me say further that the Congress of the United States asked George Washington to send to the Congress recommendations as to what, in his opinion, our military establishment should be. Washington spent many months studying the subject, and before sending in a report to the Congress consulted with those men who had been his best and most trusted lieutenants during the Revolutionary War. As the result of that study on the part of George Washington he sent to the Congress his recommendations as to what our military establishment should be, and we find in those recommendations the very idea and the very principle embodied in the selective-service plan which is now proposed.

Mr. WHEELER. If we follow George Washington with reference to that particular plan, we should follow him in other subsequent recommendations which he made, should we not?

Mr. HILL. I agree with the Senator. George Washington said that if there was a grave emergency in this country there might well be a third term in the Presidency; and I am delighted we are going to have a third term.

Mr. WHEELER. We may have it, but we may not; that is yet to be decided by the people. [Laughter.] But George Washington also said something about entangling alliances, did he not?

Mr. HILL. No; that was Jefferson.

Mr. WHEELER. No.

Mr. HILL. Oh, yes.

Mr. WHEELER. George Washington said something about "entangling alliances" also.

Mr. HILL. No.

Mr. BARKLEY. He also said, "In time of peace prepare for war."

Mr. WHEELER. That is true, and nobody wants to prepare for war any more than I do; I am perfectly willing to do everything that ought to be done and I have voted to do everything that I thought was necessary to be done in the way of preparation.

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mr. SHEPPARD. I believe in unlimited free speech and I want the Senator from Montana to say everything he has on his mind.

Mr. WHEELER. The Senator would not want me to say everything I have on my mind.

Mr. SHEPPARD. Yes; I would welcome it.

Mr. WHEELER. I was about to say that I think the only thing any of us differ about in regard to the training of these young men is with reference to conscripting them or having them enlist voluntarily. I say that if we have voluntary training and voluntary enlistments for 1 year and give the young men the same pay that we give the C. C. C. boys who have been taken out of the streets of New York and other cities, in my judgment we will get an adequate volunteer army for training purposes.

Mr. BARKLEY. Mr. President, if the Senator from Texas will yield at that point, the Senator from Montana does not put the C. C. C. camps, which are filled with young men taken from families that would otherwise be on relief, on the same basis and in the same category as the regular membership of the United States Army, does he?

Mr. WHEELER. We are paying the men of the United States Army $21 a month. We started out on that program when $21 had a much greater purchasing power than it has today. I think this great, rich Nation of ours ought to pay these men, when they go into the Army, more than $21 a month. I say that when we take into the Army a young man who may want to establish a home or may want to get married, it is miserly for the Government of the United States to pay him only $21 a month. It is not fair to the young man, and it is not fair to the Army; and, in my judgment, we shall not be able to get good men if we are going to keep the pay down to that figure.

Mr. BARKLEY. I may be prepared to agree with the Senator on the pay. I do not think there is a great deal of difference between $21 and $30—$9 a month—but it seems to me that is not the question with which we are faced. If Congress wants to pay the men $30 a month, that is one thing; but it seems to me it is another thing to take the position that in order to fight our battles—and, God knows, I hope we shall never have to fight any—but if we are going to have to fight any battles, it seems to me a little unfair to expect 130,000,000 people to be defended only by the adventurous spirits who are willing to rush in first and join the United States Army. I think there ought to be an equality of obligation among all the citizens of our country to defend the country, subject to such exemptions and exceptions as the law may wisely provide.

Mr. REYNOLDS. Mr. President——

Mr. SHEPPARD. I yield to the Senator from North Carolina.

Mr. REYNOLDS. I have been listening to the debate, and I desire to know first whether we are debating Senate

Joint Resolution 286 or the bill which was reported out this morning by the Military Affairs Committee.

Mr. SHEPPARD. Technically, the National Guard bill is before the Senate; but we all know that the larger question of military training will soon be before us, and I welcome any contribution on that subject also.

Mr. REYNOLDS. I see. I could not understand what was being discussed.

At any rate, in reference to the statement made by our able friend from Montana, there is actually a distinction between the boys in the C. C. C. camps and those who would be offered the opportunity to enlist under the so-called conscription or volunteer bill which was favorably reported out this morning by the committee. That distinction is this: The boy who is in the C. C. C. camp gets $30 a month. He is provided with clothing and shelter and food and an opportunity to develop himself both physically and mentally, as are the men in the Army. The men in the Army, as the able Senator has just stated, are paid only $21 a month; but the distinction between the two insofar as pay is concerned is really the only distinction, in that the boy in the C. C. C. camp who gets $30 a month makes voluntary application for enlistment in those camps, but according to my understanding he is compelled to contribute $25 of the $30 to his widowed mother or his decrepit father or some dependent, whereas, on the other hand, those who have likewise volunteered for the United States Army and who receive $21 a month are not compelled to make any contribution whatsoever to the support of their dependents.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. SHEPPARD. Yes.

Mr. WHEELER. If we have conscription, we shall probably take into the Army a large number of boys who have families, and who may want to contribute to their families just as much as the C. C. C. boys do; and we may take into the Army young men who want to get married, and who will want to contribute in similar fashion; so I do not think it is a question of whether they shall be compelled to contribute something to the support of their families, or whether the entire pay shall be given to the young men themselves. After all, as I said a while ago, when we fixed the pay of men in the Army at $21 a month, the purchasing power of the American dollar was much greater than it is today. I do not know on what date it was fixed.

Mr. SHEPPARD. It was fixed about 1920.

Mr. WHEELER. About 1920. The purchasing power of the dollar in 1920——

Mr. MINTON. Was less.

Mr. WHEELER. No; I beg the Senator's pardon. He will find that the purchasing power of the dollar has constantly lessened ever since 1920, except for a short time. Today, the purchasing power of the dollar is less than it was in 1920; and if we ask these boys to enlist and offer them $30 a month, in my judgment we shall get all the boys we want, providing they know that they are actually going to get some training, and are not just going to have to peel potatoes or shine somebody's shoes. I think such a plan will afford an opportunity for a great many young men to get real training. I am in favor of their getting training, but I am in favor of doing it in the traditional American way, by volunteers.

Mr. REYNOLDS and Mr. MINTON addressed the Chair.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). To whom does the Senator yield?

Mr. REYNOLDS. May I answer the Senator for just a moment?

Mr. SHEPPARD. The Senator from North Carolina wishes to reply. I yield to him.

Mr. REYNOLDS. Mr. President, the bill which the Military Affairs Committee reported out this morning to the Senate offers that opportunity. As a matter of fact, the bill really should be entitled a volunteer bill, because it provides every man spoken of by the Senator a moment ago an opportunity to enlist in the Army if he is 18 or more, or 35 or less. It is really a volunteer bill. It is not, in a very large sense, a conscription bill.

Mr. WHEELER. I do not know how the Senator can call it a volunteer bill. Under the bill, some persons will be permitted to volunteer.

Mr. REYNOLDS. Everybody from 18 to 35.

Mr. WHEELER. Yes; but at the same time they are conscripted, because the conscription law goes into effect.

Mr. REYNOLDS. No; those who volunteer are not conscripted. They are merely volunteers.

Mr. WHEELER. Yes; but the club is held over them that if they do not volunteer they will be conscripted.

Mr. REYNOLDS. No. I merely made mention of that for the reason that the Senator stated that it would be fine to provide American youth with an opportunity for advancement physically and mentally. In other words, it is a physical-culture bill.

Mr. MINTON. Mr. President——

Mr. SHEPPARD. I yield to the Senator from Indiana.

Mr. MINTON. The Senator from Montana says that when the pay of the soldier was fixed at $21 a month the purchasing power of the dollar was much greater than it now is. I am sure he will accept the authority of the Senate to the effect that the purchasing power of the dollar now is just twice what it was in 1920. The Senator from Oklahoma [Mr. THOMAS] advises me that that is the fact. So it is not true, as the Senator from Montana says, that the purchasing power of the dollar now is less than it was in 1920. As a matter of fact, so the Senator from Oklahoma advises me, it is twice as great.

Mr. THOMAS of Oklahoma. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Oklahoma?

Mr. SHEPPARD. I yield to the Senator from Oklahoma.

Mr. THOMAS of Oklahoma. In June of 1920 the value of the dollar, based upon the average of 784 commodities, was approximately 65 cents. The value of the dollar at the present time is some 128 cents, measured by the same yardstick. By that measurement the dollar today has almost twice the purchasing power that it had in June 1920.

Mr. WHEELER. I do not know anything about the statistics the Senator is quoting, but I know that if a man wants to buy a pair of shoes or a suit of clothes today, he will have to pay more for them than he would have had to pay in 1920. Perhaps the statistics mentioned by the Senator would apply to some wholesale commodities.

Mr. O'MAHONEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Wyoming?

Mr. SHEPPARD. I do.

Mr. O'MAHONEY. In connection with the discussion which has been opened by the Senator from Montana, it strikes me that there should be no difficulty about increasing the pay of soldiers and enlisted men in our Army unless it is the policy of the Congress that they should not be paid an amount equal to that which is paid either in the Civilian Conservation Corps or in the Navy.

The Chief of Staff, General Marshall, was before the Appropriations Committee this morning. He was there to testify with respect to the supplementary appropriation bill; but several questions were addressed to him by members of the committee who do not have the privilege of serving on the Military Affairs Committee with respect to the problem here under discussion and a similar problem.

I spoke to him about the discrimination which now exists in the pay of enlisted men in the Army as compared with the pay of those who enlist in the Navy, and I asked him if that was in accordance with the opinion of the Chief of Staff. He said it was not, that the Chief of Staff—he, the witness, General Marshall—believes that that discrimination should be eliminated. I asked him whether there was any doubt about that among the members of the General Staff as a whole, and he said there was not, that the General Staff has made that recommendation to the Congress. He said that as a matter of fact he had testified before the Committee on Military Affairs, which has just brought in this so-called conscription bill.

Mr. SHEPPARD. At that point let me say to the Senator that our committee has under way an investigation of this very question, in connection with a bill introduced by me, S. 2224.

Mr. JOHNSON of Colorado. Mr. President, will the Senator from Texas yield?

Mr. O'MAHONEY. Let me complete this remark. I went to the Committee on Military Affairs after the Committee on Appropriations had concluded its session this morning, and I have in my hand a copy of the hearings held April 24, 1940, on the pay of enlisted men and warrant officers and commissioned officers of the Army.

Mr. SHEPPARD. Those were the hearings in connection with the investigation to which I referred.

Mr. O'MAHONEY. On page 13 I find, in the description of the disparity between the pay of those who enlist in the Navy and those who enlist in the Army, the following:

> Correction of disparities—First priority.—a. Base pay.—(1) Disparity: The Pay Readjustment Act established a disparity of $6 in the pay of the fourth grade (sergeants and petty officers, third-class) in the Army and Marine Corps ($54) as compared to the same grade ($60) in the Navy and Coast Guard. In like manner the act established a disparity of $12 in the pay of the fifth grade (corporals and seamen, first-class) ($42 for the Army and Marine Corps and $54 for the Navy and Coast Guard). The act also established a disparity of $6 (Army and Marine Corps, $30; Navy and Coast Guard, $36) in the pay of the sixth grade (private, first-class, and seaman, second-class).

Mr. President, it seems to me to be extraordinary that, while the great problem of building up the Army is being considered by the committees of this body, apparently little attention is being paid by the committees to immediate action to eliminate the discrimination which the Chief of Staff says should be eliminated.

Mr. SHEPPARD. We are doing the best we can.

Mr. JOHNSON of Colorado and Mr. LEE addressed the Chair.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). Does the Senator from Texas yield, and, if so, to whom?

Mr. SHEPPARD. I yield first to the Senator from Colorado, and then I will yield to the Senator from Oklahoma.

Mr. JOHNSON of Colorado. I should like to ask the chairman of the Committee on Military Affairs whether he has not been advised by the War Department that the Bureau of the Budget claims that it is not in line with the policy of the administration to increase the pay of enlisted men at the present time. Is not that a fact?

Mr. SHEPPARD. I do not recall for the moment.

Mr. JOHNSON of Colorado. Did not Secretary Woodring inform the Senator that that was a fact; that the Bureau of the Budget said it was not in line with the policy of the administration?

Mr. SHEPPARD. I do not recall at the moment, but I shall ascertain what the fact is, and put it in the RECORD.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. SHEPPARD. I desire to say to the Senator from Wyoming that we have this question very closely at heart.

Mr. O'MAHONEY. I realize that.

Mr. SHEPPARD. And we are doing the best we can to give it thorough consideration. We did not think it should be covered in the pending measure, but we thought it should be taken care of in a separate measure.

Mr. O'MAHONEY. That is exactly the point upon which I disagree with the amiable and able chairman of the Committee on Military Affairs, because it is indissolubly associated with the question of conscription. It is the point upon which the argument is being made. I have read in the public prints that the Senator from Connecticut [Mr. MALONEY] is planning to offer an amendment which will do away with this discrimination. If I am correctly advised as to what his intentions are, I wish to say that I think he is eminently right, that such an amendment should be agreed to, and that we should waste no time whatever in doing away with these disparities.

With respect to what the Budget Bureau had to say, it might quite possibly be true that last April the Bureau of the Budget felt that this was not in line with the financial policy which had then been established. Certainly that would be true of every one of the emergency appropriation bills which we have passed. The bill which is now before the Committee on Appropriations would never have been approved by the Bureau of the Budget last April. Things have been moving very rapidly in the last few months. The point is that we now have this measure before us, which has been reported by the Committee on Military Affairs, and the pay of the men who go into the Army is of the essence of the whole measure. It seems to me that we cannot avoid handling that question.

Mr. SHEPPARD. Mr. President, I wish to thank the Senator for his suggestions. They are very constructive.

I now yield to the Senator from Oklahoma.

Mr. LEE. I wish to correct the impression the Senator from Wyoming has, as expressed by him, that the committee has not given consideration to the proposition of an increase in pay.

Mr. O'MAHONEY. I did not mean to imply that at all. What I desire to say—and I think there can be no dispute about it—is that the bill has been reported by the committee without the inclusion of any provision doing away with this discrimination. Is not that correct?

Mr. LEE. On August 1, I offered an amendment to raise the pay of soldiers exactly to the penny in an amount sufficient to bring it in line with the figure just recited by the Senator from Wyoming, and due to a mistake the figures were printed according to the old schedule. This morning I secured the floor and made the correction and asked that the table be reprinted with the correct figures. At the time I presented the amendment I made a speech, very short, but along the same line, advocating the raising of the pay of soldiers. Before submitting the amendment I brought it up in the committee, and by a voice vote it was killed in the committee, or, rather, it was not agreed to.

Mr. O'MAHONEY. That is exactly my point, that the committee has not acted to eliminate the discrimination.

Mr. LEE. It was not agreed to. The Senator used the word "consideration." The committee did give it consideration.

I agree 100 percent with the statement of the Senator from Wyoming that we certainly should place the pay of soldiers on a par with the pay of C. C. C. boys, and should place the pay of soldiers on a par with the pay of men in the Navy. Certainly when we are considering compulsory military training we should raise the pay of soldiers to at least a minimum of $30 a month. I am glad the Senator brought that question up, because it calls more attention to it, and my amendment has been lying on the table for 5 days now, and at the proper time I shall offer it for consideration in connection with the military training bill. I agree with the Senator that it is a vital and an important part of the bill.

Mr. MINTON. Mr. President——

Mr. SHEPPARD. I yield.

Mr. MINTON. We may have to consider a pay bill at some time or other, but now we are considering a bill to raise the quota of men, and I will ask the Senator from Texas whether we have not been advised time and again by the Chief of Staff, who has been quoted today by the Senator from Wyoming, that the pay question is a very involved one. It is one which cannot be settled by amendments offered on the floor of the Senate, or which we could tack onto a conscription bill such as that which was before the committee until this morning. There is a disparity between the Army pay and the Navy pay because in the Navy various grades and steps were created, because in the Navy technical men were used, and there were more places in which they could put technical men, and therefore they could create technical places for them, and increase their pay.

Until quite recently the Army had no such technical grades in which to put men, but now, with the prospective mechanization of the Army, it is possible that there will be various grades in which to put the men, and therefore we

can place them on a parity with the men in the Navy. But that has been the difference. It was not a deliberate discrimination against the Army. The disparity existed because of the difference between the duties performed by men in the Navy and men in the Army. We all know that in the case of the old infantrymen—as we knew them even in the World War—there was nothing technical about them. They were all "buck privates," or corporals, then some sergeants, then some officers. There was nothing technical about it. But the Army is a different thing now. So, when we come to consider the question of pay, we are going to have to consider it in the light of the duties the men perform. While we may all have our hearts wrapped up in the welfare of the soldiers, and some may feel they are not getting enough money as they serve in the Army—and I am sometimes touched by the feeling my colleagues display in 1940 about the pay of soldiers—after all, that is all wrapped up in a very technical proposition which will have to be very carefully considered in connection with a bill directed to that point, and not in connection with proposed legislation such as that now before the Senate.

Mr. TAFT. Will the able and long-suffering Senator from Texas yield to me for a question?

Mr. SHEPPARD. I yield gladly.

Mr. TAFT. The Senator referred to the emergency which exists, and which apparently will become a military emergency in the event England collapses. Is the Senator able to advise me how many men he thinks should be under arms in this country, apart from the Navy, during the existence of that emergency? Are there any figures that can be given as to the total number of men that should be under arms?

Mr. SHEPPARD. I think we should have, as soon as we can get them, between 600,000 and 700,000 men, if not a larger number.

Mr. TAFT. Under arms?

Mr. SHEPPARD. Under arms for defense purposes, and for training purposes, until we could raise an army equal to whatever emergency might develop.

Mr. TAFT. How many men does the able Senator think should be trained and in reserve in addition to the 600,000 or 700,000 men under arms?

Mr. SHEPPARD. I think there should be at least four or five million.

Mr. TAFT. In reserve?

Mr. SHEPPARD. Yes.

Mr. TAFT. Do those figures represent the opinion of the administration today?

Mr. SHEPPARD. I cannot say as to that. The Senator asked me for my opinion.

Mr. MINTON. Mr. President, I think my recollection is correct, and I think I can give the Senator the figures. General Marshall contemplates under this training program at the present time calling not in excess of 1,200,000 men.

Mr. TAFT. Assuming there is an emergency, or will be in the event Germany should overrun England, why will not that emergency last for the next 10 years? Why is not this a permanent situation we have to deal with rather than an emergency situation?

Mr. SHEPPARD. It may be. It may be prolonged. That is why I said four or five million men. It might even require a still larger number. It might require even the entire manpower of the Nation.

Mr. TAFT. The Senator, then, contemplates a direct attack on the United States by large armed forces from Europe?

Mr. SHEPPARD. I certainly do.

Mr. TAFT. Does the Senator think it is a practical thing to transport a million men, say, from Europe?

Mr. SHEPPARD. I think it may be in 2 or 3 years. Rapid progress is being made in methods of transportation.

Mr. TAFT. In 2 or 3 years?

Mr. SHEPPARD. Yes. The Senator said the crisis might continue 10 years.

Mr. GIBSON. Mr. President, will the Senator yield?

Mr. SHEPPARD. I yield.

Mr. GIBSON. Is the figure 600,000 or 700,000 meant to refer to the Regular Army, or is the National Guard included?

Mr. SHEPPARD. The Army of the United States, which means the Regular Army, the National Guard, the Officers Reserve Corps, the Enlisted Reserve, and so forth.

Mr. GIBSON. So the Senator's contention is that 600,000 or 700,000 men, consisting of 375,000 Regular Army and 250,000 National Guard is sufficient for our regular standing force?

Mr. SHEPPARD. Only as an initial protective force, as I tried to explain. We would increase that number from the great reservoir we are trying to develop through training.

Mr. GIBSON. So the figure, 1,200,000, of which the Senator from Indiana [Mr. MINTON] spoke, is a figure which the Army has in mind as being a regular standing army for a period of time?

Mr. SHEPPARD. No; I think that refers to a second force. We have the permanent initial protective force, and then the additional increases are determined by the necessities. But it is very necessary that we have a reservoir of trained men who would be eligible for service in order to meet the necessities.

Mr. GIBSON. Then, it is not intended to increase the authorized strength of the regular standing Army of the United States; is that correct?

Mr. SHEPPARD. Oh, yes; for the emergency. We have already increased it from 165,000 a few years ago to 375,000 now—the figure now authorized. We have, however, actually in the Army today about 260,000 men.

Mr. GIBSON. Then this proposed legislation will create a standing Army of 700,000 men for how long?

Mr. SHEPPARD. The pending measure, the National Guard measure, will continue to 1942, and the military training bill will continue for 5 years. One is for 2 years and the other for 5 years. But personally I think the emergency will be of longer duration than that, and call for continued legislation.

Mr. GIBSON. If the National Guard units are not to be called out immediately is there any reason why the War Department cannot lay down a plan to be incorporated in the joint resolution, so that National Guard men may be advised when they may be called out, and business and professional men and other men in the National Guard of the State of Vermont may be told definitely that within a reasonable time they may be expected to be called out in order that they may make their plans?

Mr. SHEPPARD. I think the Department is arranging to give this notice or is preparing to do so as soon as the joint resolution passes.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. SHEPPARD. I yield.

Mr. BARKLEY. There seems to be some confusion about the relationship between the present authorized standing Army, the National Guard, and the trainees contemplated under the military training measure. As I understand, we have authorized the creation of a regular permanent standing Army of 375,000 men.

Mr. SHEPPARD. That is true.

Mr. BARKLEY. In addition, we have heretofore provided that the National Guard shall be a part of the armed forces of the United States.

Mr. SHEPPARD. A part of the Army of the United States.

Mr. BARKLEY. So when we add the present National Guard membership, which may be called out under the provisions of the joint resolution, to the 375,000—which we have not yet, but will get, and are taking at the rate of 16,000 a month—and then add all the reserves, we shall have between 600,000 and 700,000 men.

Mr. SHEPPARD. A little more; probably 750,000.

Mr. BARKLEY. The 1,200,000 referred to by the Senator from Indiana [Mr. MINTON] are not a part of the Regular Army. At the end of their training period they will go

back into civil life, and if there is no increase in the emergency and no war the probability is that they will not be called back into service again. In the meantime others may be trained, and they will go back into civil life if the emergency shall have ended or shall not have increased.

Mr. SHEPPARD. Quite true.

Mr. BARKLEY. So the men who are to be trained under the provisions of the joint resolution are not to be called into or become a part of the Regular Army of the United States unless, and only unless, we are in a war or under a compelling emergency which would require that they serve longer than the period of their training.

Mr. SHEPPARD. I so understand.

Mr. GIBSON. Mr. President, will the Senator yield?

Mr. SHEPPARD. I yield.

Mr. GIBSON. Is it the purpose not to increase the size of the Regular Army beyond 375,000?

Mr. SHEPPARD. I cannot say definitely, because we never know one day what the next day may bring forth.

Mr. GIBSON. Is that the present aim?

Mr. SHEPPARD. That is the present aim.

Mr. BARKLEY. That is the present law.

Mr. SHEPPARD. That is the maximum toward which we are now working.

Mr. CHANDLER. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. HOLT in the chair). Does the Senator from Texas yield to the Senator from Kentucky?

Mr. SHEPPARD. I yield.

Mr. CHANDLER. I should like to answer the question of my good friend the junior Senator from Vermont, which I do not believe was quite adequately answered a few moments ago.

The Chief of the National Guard Bureau, Major General Williams, came before the Committee on Military Affairs and asked permission, immediately upon the passage of the joint resolution, to call certain designated units. Those units are designated in advance. They include 3,930 officers, 53 warrant officers, and 55,426 enlisted men. The proposal is immediately to commence intensive training for the Regular Army, which is now said to be 263,000, and for the additional units, which will bring into intensive active training a little more than 318,000 men.

I have listened to my distinguished friend, the chairman of the Committee on Military Affairs, and others who have participated in this debate. I do not think we can afford to speculate on the security of the people of the United States of America. I think we must have this training, and we must have it immediately.

Mr. GIBSON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Vermont?

Mr. SHEPPARD. I yield.

Mr. GIBSON. I appreciate what the Senator from Kentucky has said. I should like very much to know in advance as the men from New York and New Jersey now know, about when the National Guard men in Vermont may be expected to be called into service. Those of the Forty-third Division, made up in northern New England, have no idea when they may be expected to be called out. Many of them have to make plans to be away from their professions, their businesses, and their homes; and it takes time to get ready to go away for a year; so I think they should be informed as quickly as possible. I thought perhaps it might be wise to put in the legislation a provision that the War Department should formulate such a plan and give plenty of notice to the men.

Mr. SHEPPARD. The War Department has such a plan.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. SHEPPARD. I yield.

Mr. LODGE. I should like to ask the Senator from Texas a question for the RECORD. I realize how patient he has been, and I do not wish to cause any delay, but this is a very important matter.

I have received a letter from the Governor of Massachusetts, reading as follows:

THE COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE DEPARTMENT, STATE HOUSE,
Boston, July 25, 1940.

HON. HENRY CABOT LODGE, Jr.,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: Legal authorities in this State inform me that there is some doubt as to whether or not the Governor can organize a State home guard when, as, and if the National Guard is called into Federal service, provided that a state of war does not actually exist when the Federal Government does so call the National Guard. I have noted a letter of the Governor of the State of New York to Senator MORRIS SHEPPARD and Representative ANDREW J. MAY with relation to the same subject. It becomes most important for the joint resolution that is authorized by Congress on this subject to cover this point. Under our State law there is ample authority for me to organize such a home gaurd. Under the Federal law there is doubt unless the country is actually at war.

I know that you will agree with me that if our National Guard is called into Federal service it becomes necessary, in order to carry out the responsibility of the executive office in the Commonwealth, to organize a home guard. We are setting up a tentative organization at this time in order to be prepared and it certainly would be most unfortunate and difficult for the executive office in this State to have Congress not make this point clear when it passes a resolution calling the National Guard into Federal service.

I would appreciate it if you would give this matter your personal attention and keep it clearly before you.

With kind regards, I am

Sincerely yours,

LEVERETT SALTONSTALL,
Governor of the Commonwealth.

I should like to ask the Senator whether or not it is contemplated to take any steps to remove the doubt which apparently now exists as to the power of a Governor to organize a home guard.

Mr. SHEPPARD. I have telegraphed Governor Lehman that the Senate Committee on Military Affairs will take up that matter at its next regular meeting on next Friday, and will consider a bill I have introduced on the subject, and also a bill which I think the Senator from New Hampshire [Mr. BRIDGES] has introduced.

Mr. LODGE. I am much obliged to the Senator.

Mr. LUCAS. Mr. President, will the Senator yield for a question?

Mr. SHEPPARD. I yield.

Mr. LUCAS. Since I have been in the Chamber there has been some discussion with respect to the trainees. Am I correct in my understanding that if the National Guard is called out, a certain number of the trainees will be trained under National Guard organizations as well as under the Regular Army?

Mr. SHEPPARD. That is true.

Mr. LUCAS. One further question: Do the trainees who go into the National Guard camps or into the camps of the Regular Army throughout the country assume the same military status as the soldiers with whom they are training?

Mr. SHEPPARD. Yes; they do.

Mr. LUCAS. In other words, when one of the trainees goes into training for a year, if an emergency should arise during that time he would be a soldier for all intents and purposes, and would go right along with the organization?

Mr. SHEPPARD. That is my understanding.

I promised the Senator from Wyoming [Mr. O'MAHONEY] to look up the matter of the opinion of the Bureau of the Budget on the interdepartmental pay bill, and also the Army pay bill. I find that on February 19, 1940, Mr. Woodring wrote me in reference to the interdepartmental pay bill in part as follows:

A copy of this report was submitted to the Director of the Bureau of the Budget, who, after taking the matter up with the President, informed the War Department that the enactment of legislation as proposed in either the majority or minority reports should be postponed for the consideration of a later Congress.

On July 14, 1939, he wrote me in part, as follows:

The War Department has consistently adhered to the view that the problem of pay adjustment should be approached through a consideration of the situation of all classes of personnel of all

services. The Department has heretofore favored adjustments which would improve the pay situation of the enlisted men of the Army and remove existing disparities in the rates of base pay and rates of increase for length of service as between the pay of enlisted men of the Army and that obtaining in other armed services. However, the Bureau of the Budget has advised me that the proposed legislation would not be in accord with the program of the President and for that reason the War Department must refrain from comment upon the merits of the bill.

As I previously stated, the entire matter is still under consideration by the Senate Military Affairs Committee.

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. SHEPPARD. I yield.

Mr. FRAZIER. I understood the chairman of the committee to state that in the event any member of the National Guard has dependents, or for some reason wishes to apply for a discharge and not take the year of training, the War Department would be willing to let him do so.

Mr. SHEPPARD. If he makes a good case; yes.

Mr. FRAZIER. I notice on page 1, line 9, the language, "with or without their consent."

Mr. SHEPPARD. The matter of allowing individuals here and there to retire from the service is not inconsistent with that statement.

Mr. FRAZIER. So it is understood that those who have dependents, and cannot very well give up their jobs and take a year's training, may apply for discharge and be discharged?

Mr. SHEPPARD. I think they may, if they make a proper case.

Mr. THOMAS of Utah. Mr. President, will the Senator yield?

Mr. SHEPPARD. I yield.

Mr. THOMAS of Utah. On the point about which the Senator from North Dakota has been inquiring, with reference to the language "with or without their consent," it will be noted that it refers back to the various Reserve components, including, of course, the retired personnel of the Regular Army.

Lately the Congress passed an Army promotion bill which provided for the number of officers of the Regular Army and reduced the retirement age to 60. In case of emergency, retired officers may be called back to active service whether they want to return to the service or not, because that is part of their contract with the Government of the United States.

The other question about which we seem to be so much worried hinges upon the theory of deferment. We all should keep in mind the fact that the National Guard will be called in as a unit as now constituted in regiments, brigades, or divisions; that the National Guard is never a full component at any time but is maintained on the theory of keeping a skeletonized reserve. In talking with officers of the General Staff and going over this particular measure, it was shown that authority should be given the President to call the National Guard into active service so that we would find out exactly what we had in the National Guard. Ordinarily a company whose full quota in time of war is as high as 200 men numbers approximately 60 men with a full complement of officers. When such a unit is called into the Federal service it goes into the Federal service as a unit, but the individuals within that unit come in as individuals.

I asked General Marshall if it were not true, judging from what we went through in the calling of the guard for service on the border, and then later calling the guard into service into the Army at the time of the World War, that the whole spirit of the selective-draft theory would be followed so that men who should properly be deferred would be deferred. Thus, after a unit has been brought into active service, after the proper deferment has taken place, there will be more of a skeleton organization than at the present time. It will be upon that reduced skeleton organization on which the expansion for training and for service will be built. Thus it is entirely proper that the pending joint resolution should be considered first before we take up the selective-service measure. If we always keep in mind that we can never tell anything about the military force of the United States until the units which comprise them are actually called into service, after deferment under the selective theory, then we can start building up the Army and training it.

Mr. DANAHER. Mr. President, will the Senator from Texas yield?

The PRESIDING OFFICER (Mr. CHANDLER in the chair). Does the Senator from Texas yield to the Senator from Connecticut?

Mr. SHEPPARD. I yield to the Senator from Connecticut.

Mr. DANAHER. On page 3, line 3, I heard the Senator in his explanation interpolate, after the word "employer", some additional language which, as I understood, at least, included the words "in interstate commerce". I do not find that language in the joint resolution. I wonder where the Senator from Texas got the language.

Mr. SHEPPARD. It was in the joint resolution at first, and I am sure it has been omitted by error. I thank the Senator for calling my attention to it.

Mr. DANAHER. It is not in the star print of the joint resolution before us.

Mr. SHEPPARD. Very well, I will ask that the language be restored.

Mr. DANAHER. I thank the Senator.

Mr. THOMAS of Utah. Mr. President——

Mr. SHEPPARD. I yield to the Senator from Utah.

Mr. THOMAS of Utah. I may say that in the original amendment the words "interstate commerce" were included, but the joint resolution as it was finally reported by the committee reads just as it is now before the Senate, and the words "interstate commerce" were not included.

The reason for that was that it was assumed when first the idea of using the words "interstate commerce" was conceived that this provision of the measure was built around the commerce clause of the Constitution and the rights under it, but the grant of authority to organize the military forces of the United States, to build armies, is such an all-embracing and all-inclusive grant that it was assumed it went further than the commerce clause and that it was not necessary to include the words "interstate commerce," as the military grant was greater, and included, of course, the commerce section.

Mr. DANAHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Connecticut?

Mr. SHEPPARD. I yield.

Mr. DANAHER. The Senator from Utah now is slightly at odds with the Senator from Texas in that the Senator from Utah has explained that there is no necessity for the words "interstate commerce" on the ground that this section of the joint resolution will not depend upon the commerce clause of the Constitution, while the Senator from Texas, in answering my query, said that the omission was an oversight and he intended to restore the language. I will be very happy to have a reconciliation of the two views.

Mr. SHEPPARD. I say to the Senator that I shall endeavor to reconcile myself with the Senator from Utah, and that we shall reach an agreement.

Mr. GREEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Rhode Island?

Mr. SHEPPARD. I yield.

Mr. GREEN. Before the Senator proceeds about the National Guard, may I make a comment on page 1 of the joint resolution in line 6, which reads:

> The President be, and he is hereby, authorized to order into the active military service of the United States for a period of 12 consecutive months, any or all members and units—

And so forth. I understand it is not the intention that the President shall be limited to one call or order, but that he may make them from time to time, and that in each case it shall be for 12 months. I suggest, if that is the intention, that the language be changed so as to insert, after the words "twelve consecutive months", the word "each"; otherwise it might be considered that the President has exhausted his power when

he has once ordered any part of the National Guard into active service for a period of 12 months.

Mr. SHEPPARD. I have no objection to that suggestion, and when we reach the order of amendments I shall be glad if the Senator will offer such an amendment.

Mr. OVERTON. Mr. President——

Mr. SHEPPARD. I yield to the Senator from Louisiana.

Mr. OVERTON. That was the question which I propounded to the able Senator from Texas this morning during his presentation of the matter.

Mr. SHEPPARD. I recall the question, and I think the Senator will agree with me that the Senator from Rhode Island makes a good suggestion.

Mr. OVERTON. My thought in the matter is that when one is vested with discretionary authority, and he once exercises the authority, he cannot go back and reexercise the authority. I think that objection should be covered by inserting the words "authorized from time to time to order," and so forth.

Mr. SHEPPARD. I shall accept the amendment suggested by the Senator from Louisiana or the amendment suggested by the Senator from Rhode Island when we reach the order of amendments. In the meantime I shall try to confer with these Senators.

Mr. OVERTON. I thank the Senator.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. SHEPPARD. I yield.

Mr. TAFT. At the top of page 2 the joint resolution provides that the members and units—

> Shall not be employed beyond the limits of the Western Hemisphere except in the Territories and possessions of the United States, including the Philippine Islands.

Does that indicate an intention or a possibility of using them throughout South America? For instance, could troops be sent to Brazil or the Argentine?

Mr. SHEPPARD. I cannot answer the Senator's question authoritatively nor officially, but, under that language, the authority would be there. It reads:

> shall not be employed beyond the limits of the Western Hemisphere.

I think the language itself would authorize the sending of troops to any part of the Western Hemisphere.

Mr. TAFT. Could the Regular Army be sent to Brazil or Argentina, for instance, without any further authority from the Congress?

Mr. SHEPPARD. It could be sent anywhere in the Western Hemisphere.

Mr. TAFT. So that, even though Congress has not declared war, even though there has been no declaration of war or of the existence of war, an army could still be sent, without further reference to Congress, to Brazil or Argentina or any other friendly country?

Mr. SHEPPARD. Yes; but I do not think the President would exercise such authority without coming to Congress.

Mr. ADAMS. Mr. President——

Mr. SHEPPARD. I yield.

Mr. ADAMS. I shall submit at the appropriate time an amendment to meet that condition. I shall be glad to have it read and lie on the table until that time.

Mr. SHEPPARD. Very well.

The PRESIDING OFFICER. Without objection, the amendment will be read.

The LEGISLATIVE CLERK. It is proposed to strike out all of section 1 beginning with the words "the Western Hemisphere" in line 5, page 2, and to insert in lieu thereof the following:

> Continental United States and Territories and possessions of the United States.

The PRESIDING OFFICER. The amendment will lie on the table and be printed.

Mr. ADAMS. I will simply say that the purpose of the amendment is to restrict the power of the President with regard to those who are to be brought into the service under this joint resolution, so that they can be sent to service only within continental United States and Territories and possessions of the United States, so that they cannot be sent to foreign countries or to other places, including Patagonia and Tierra del Fuego.

Mr. SHEPPARD. I understand.

Mr. GILLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Iowa?

Mr. SHEPPARD. I do.

Mr. GILLETTE. Before the distinguished Senator takes his seat, may I propound a question or two to him?

Mr. SHEPPARD. Certainly.

Mr. GILLETTE. I will say to the Senator that I am trying to get into my mind the basic purposes of the joint resolution.

The present law on the statute books permits the President, when Congress shall have declared a national emergency to exist, to call any or all of the National Guard units into service anywhere, at any place, for the duration of the emergency. That is the present law, as I understand; is it not?

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. SHEPPARD. I yield to the Senator from Vermont.

Mr. AUSTIN. Let me suggest that that is not the law which applies to the situation. This joint resolution deals with the National Guard of the United States, not with the National Guard. They are two different institutions, although the personnel may be exactly identical. If the Senator wishes, I will call his attention to that act.

Mr. GILLETTE. I shall be very glad to have the information.

Mr. AUSTIN. I read from section 71 of the National Defense Act, and it is found at page 96 of this green compilation entitled "The National Defense Act." I read:

> In this act, unless the context or subject matter otherwise requires:
>
> (a) "National Guard" or "National Guard of the several States, Territories, and the District of Columbia" means that portion of the Organized Militia of the several States, Territories, and the District of Columbia, active and inactive, federally recognized as provided in this act and organized, armed, and equipped in whole or in part at Federal expense and officered and trained under paragraph 16, section 8, article I, of the Constitution.

That is the part of the guard to which the distinguished Senator from Iowa has just referred. But the other provision, namely, subsection (b), reads:

> "National Guard of the United States" means a reserve component of the Army of the United States composed of those federally recognized units and organizations and persons duly appointed and commissioner in the active and inactive National Guard of the several States, Territorities, and the District of Columbia, who have taken and subscribed to the oath of office prescribed in section 73 of this act, and, who have been duly appointed by the President in the National Guard of the United States, as provided in this act, and of those officers and warrant officers appointed as prescribed in sections 75 and 111 of this act, and of those persons duly enlisted in the National Guard of the United States and of the several States, Territorities, and the District of Columbia who have taken and subscribed to the oath of enlistment prescribed in section 70 of this act.

It happens that under the law the same man may have taken both oaths and may be concurrently a member of the National Guard and also a member of the National Guard of the United States. But it is not necessary to have the conditions occur for the calling of the National Guard of the United States which must occur for the calling of the National Guard.

Mr. GILLETTE. Mr. President, if the Senator will permit me, he has just defined the National Guard of the United States from his pamphlet.

Mr. AUSTIN. Yes.

Mr. GILLETTE. The present law provides:

> When Congress shall have declared a national emergency and shall have authorized the use of armed land forces of the United States for any purpose requiring the use of troops in excess of those of the Regular Army, the President may, under such regulations, including such physical examination as he may prescribe, order into the active military service of the United States, to serve therein for the period of the war or emergency, unless sooner relieved, any or all units and members of the National Guard of the United States.

That is the present law.

Mr. AUSTIN. Yes; and that refers to the other guard. There are two powers. One is the power to call and the other is the power to order, and in order that the President may call there must be an act of Congress declaring that an emergency exists.

Mr. GILLETTE. Yes.

Mr. AUSTIN. And there is something else, if I remember correctly.

Mr. GILLETTE. That refers to the National Guard of the United States. Section 81 (a) makes the additional provision that in case the United States is invaded or in danger of invasion, or there is rebellion against the United States, or the President is unable to execute the laws he may of his own motion, within certain territorial limitations, call into the service any or all of these units. Those are the provisions of the present law.

Mr. AUSTIN. Yes.

Mr. GILLETTE. I am trying to get at the purpose of the proposal now before us. We have these other provisions on the statute books. Is it the intention of those sponsoring the proposal before us to limit the right of the President to call the units of the National Guard, if this measure shall become law, to 12 months, and to limit it to certain territorial definitions?

Mr. AUSTIN. I should answer that in the negative. I think this is for an entirely different purpose from that contemplated by any of the laws now on the statute books.

Mr. GILLETTE. Is it then the purpose of those urging the joint resolution to add to our present statutory law a provision to permit the President in his own discretion, as he wills, and in the manner and at the time he wills, to call any units of the National Guard into service anywhere in the Western Hemisphere, if the measure is not amended as suggested by the Senator from Colorado for a limit of 12 months? Could the President, if this becomes a law as it is now presented, order the National Guard of New Hampshire to Rio de Janeiro for 12 months and permit the National Guard of Iowa to remain in this country?

Mr. AUSTIN. Mr. President, there are several questions in the Senator's interrogatory, and when I say "No," I am answering the one I understand to be the last, namely, could the President order the National Guard of New Hampshire anywhere? I say, "No; he has not any authority whatever over the National Guard of New Hampshire."

The proposal here is limited to the period which ends June 30, 1942. That takes care of the time element in the first part of the Senator's question. So that the President cannot "at any time" order out the National Guard of the United States. Within that period of time, from now until June 30, 1942, the President would be authorized to order into active military service for a period of 12 months—and that is a definite period—any or all members and units of any and all reserve components of the Army of the United States. That is all I call attention to.

As has already been very clearly stated—

> The Army of the United States shall consist of the Regular Army, the National Guard of the United States, the National Guard while in the service of the United States, the Officers' Reserve Corps, the Organized Reserves, and the Enlisted Reserve Corps.

If the event had already occurred that Congress had exercised its authority and authorized the President to call the National Guard out, either to enforce the law, to repel an invasion, or to suppress an insurrection, then the National Guard would be in the Federal service. On the other hand, if Congress had exercised its authority under existing law and declared an emergency to exist and the President had called out the National Guard, that would be the National Guard in Federal service. So we have perhaps the same identical men in two different capacities mentioned here in what constitute the reserve components of the United States Army, and the joint resolution deals only with them.

Mr. GILLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas continue to yield?

Mr. SHEPPARD. I yield the floor.

Mr. MALONEY obtained the floor.

Mr. GILLETTE. Will the Senator from Connecticut yield to me to ask a question of the Senator from Vermont?

Mr. MALONEY. I yield for that purpose.

Mr. GILLETTE. With the narrowing of the definition of the National Guard of the United States, would it be possible under the law, if there is a unit of the National Guard of the United States in Vermont, for the President to order them into service for 12 months at Rio de Janeiro and not order into the service the National Guard from Indiana, or Virginia, or Nebraska, or Iowa?

Mr. AUSTIN. Of course, we are dealing in the measure before us with nothing but the National Guard of the United States, and in order to have the question apply to this joint resolution, we must have had the Vermont unit federalized. Assume that step has been taken, and the Vermont unit is a part of the National Guard of the United States, or assume that these other powers have been heretofore exercised and it has become federalized; then the President could order that part which he determined necessary anywhere within the limits of the Western Hemisphere. I must read the proviso in order to get that correct. It reads:

> *Provided*, That the members and units of the Reserve components of the Army of the United States ordered into active Federal service under this authority shall not be employed beyond the limits of the Western Hemisphere except in the Territories and possessions of the United States, including the Philippine Islands.

I do not think that requires any interpretation. That is perfectly clear.

Mr. GILLETTE. I thank the Senator.

Mr. AUSTIN. I may say before I take my seat that it is my intention to offer an amendment to the amendment in this measure at the earliest opportunity.

Mr. WHITE. Mr. President, will the Senator from Connecticut yield that I may ask the Senator from Vermont a question?

Mr. MALONEY. I yield.

Mr. WHITE. I ask the question solely for information. I understand that a State unit known as the Vermont National Guard, for instance, upon taking the oath prescribed, as I understand, under the Defense Act of 1920, becomes federalized. When it becomes federalized, does it lose its character as a National Guard unit of the State of Vermont, or does it continue to have both capacities?

Mr. AUSTIN. Mr. President, it continues to have both capacities, in my opinion.

Mr. WHITE. What troubles me is that, as I understand, the constitutional provision is that the militia of the State of Vermont, which I take it to be the National Guard of the State of Vermont, can be called out only upon the authority of the Congress for three definite purposes, to which the Senator made reference but a short time ago, that is, to execute the laws of the Union, suppress insurrection, and to repel invasion. Now because they have become federalized, may the National Guard of Vermont be used for some other purpose than those three, which I will not again attempt to state, which are named in the Constitution?

Mr. AUSTIN. Mr. President, I understand that they may be; that the Congress, by the National Defense Act, has made them components of the Military Establishment.

Mr. WHITE. So that by that federalizing process we have lifted the Vermont units of the National Guard out from under that constitutional limitation; have we?

Mr. AUSTIN. No. If that National Guard is treated as the militia, the Constitution must be obeyed. Until the State regards its National Guard as no longer the militia, and creates a militia independent of it, I assume that under our practice, the National Guard will be regarded as the militia of constitutional standing.

Mr. WHITE. And they may be called out only for specified purposes. But when they have taken a Federal oath, I understand they may be called out for additional and other purposes. Am I correct about that?

Mr. AUSTIN. I may call attention to section 73 of the National Defense Act, which undertakes to deal with this question to some extent. There is set forth the oath that is required, and then this comment:

The President is authorized to appoint in the same grade and branch in the National Guard of the United States—

Mr. ADAMS. Mr. President, will the Senator yield to me to make an inquiry?

Mr. AUSTIN. In the middle of this reading?

Mr. ADAMS. I have not been able to hear the colloquy, which probably is in answer to my inquiry. Not having the benefit of membership on the Military Affairs Committee, I have been somewhat in doubt. The Constitution says that Congress may provide for the calling out of the militia to execute the laws, suppress insurrections, and repel invasion.

Mr. AUSTIN. I was in the midst of reading a sentence when this matter was suddenly interposed. What is the relevancy of this to the matter I was reading?

Mr. ADAMS. I did not hear what the Senator was reading. He was addressing himself to the Senator from Maine.

The PRESIDING OFFICER. Does the Senator from Connecticut yield, and if so, to whom?

Mr. MALONEY. I yield to the Senator from Colorado.

Mr. ADAMS. I do not want to disturb the equanimity of the Senator from Vermont.

Mr. AUSTIN. I was on my feet engaged in a colloquy with the Senator from Iowa [Mr. GILLETTE], and I find myself suddenly off the floor without my consent.

The PRESIDING OFFICER. The Chair can explain that situation. The Senator from Texas [Mr. SHEPPARD] yielded to the Senator from Iowa [Mr. GILLETTE] for the purpose of asking a question of the Senator from Vermont [Mr. AUSTIN], and neither the Senator from Iowa, nor the Senator from Vermont, nor the Senator from Maine had the floor in their own right. The Senator from Texas had the floor in his own right, and then when he surrendered it, the Senator from Connecticut obtained the floor, because he had been waiting all day to obtain the floor and to make a speech. The Senator from Connecticut yielded to the Senator from Iowa [Mr. GILLETTE] and the Senator from Iowa finished his question, and then the Senator from Connecticut yielded to the Senator from Vermont. That is the situation now, except that now the Senator from Colorado asks the Senator to yield.

Mr. ADAMS. I withdraw my request for recognition. I was merely seeking to obtain some light on a complicated situation.

The PRESIDING OFFICER. The Senator from Vermont has explained to the Chair that he was in the midst of making an answer to a question. Does the Senator from Connecticut yield to the Senator from Vermont for that purpose?

Mr. MALONEY. Certainly.

Mr. AUSTIN. I thank the Senator from Connecticut for yielding. What I am about to read is more responsive than anything I have thus far said:

The President is authorized to appoint in the same grade and branch in the National Guard of the United States any person who is an officer or warrant officer in the National Guard of any State, Territory, or the District of Columbia and who is federally recognized in that grade and branch: *Provided*, That acceptance of appointment in the same grade and branch in the National Guard of the United States by an officer of the National Guard of a State, Territory, or the District of Columbia, shall not operate to vacate his State, Territory, or District of Columbia National Guard office.

Officers or warrant officers of the National Guard who are in a federally recognized status on the date of the approval of this act shall take the oath of office herein prescribed and shall be appointed in the National Guard of the United States in the same grade and branch without further examination, other than physical, within a time limit to be fixed by the President, and shall in the meantime continue to enjoy all the rights, benefits, and privileges conferred by this act.

I think that is responsive to the question.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the bill (S. 2493) to provide for the operation of the recreational facilities within the Chopawamsic recreational demonstration project, near Dumfries, Va., by the Secretary of the Interior through the National Park Service, and for other purposes.

The message also announced that the House insisted upon its amendment to the bill (S. 3929) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Memphis, Tenn., disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CHAPMAN, Mr. KELLY, and Mr. HOLMES were appointed managers on the part of the House at the conference.

The message further announced that the House, having proceeded to reconsider the bill (H. R. 7737) to amend the Judicial Code by adding a new section thereto, designated as section 266a, to provide for intervention by States in certain cases involving the validity of the exercise of any power by the United States, or any agency thereof, or any officer or employee thereof, and for other purposes, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was—

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

SELECTIVE-SERVICE COMPULSORY MILITARY TRAINING

Mr. MALONEY. Mr. President, I am today submitting for the consideration of the Senate an amendment in the nature of a substitute for Senate bill 4164, although as yet Members of the Senate have not had an opportunity to examine or study the bill in its final form.

I ask unanimous consent that the amendment in the nature of a substitute which I have offered may be printed and lie on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MALONEY. Mr. President, I have not offered many changes in the proposal studied and prepared by the Committee on Military Affairs, but I have suggested changes which, in my judgment, are extremely important.

I should like to emphasize the fact that in this proposed substitute or change I cannot claim authorship and I have no pride of composition. What I have tried to do is to incorporate in a bill, or substitute, suggestions made by others, in the hope that we may prevent delay of a matter that is of paramount importance to our country. This substitute has necessarily been hurriedly put together, and I am certain that it is not only subject to correction and perfection, but that it will need change.

I have been prompted by a desire to do what I can to establish and maintain national unity. A proper national-defense program without national unity is next to impossible, and without national unity it would be delayed. The dangers confronting us, or the possible dangers confronting us, will not permit of delay, and I am sure that every Member of the Senate and practically all our fellow Americans are not only anxious but will be insistent that we accelerate our deliberations and hurry to a decision on this exceedingly important matter.

My proposed substitute would not delay the enactment of the bill or the program with which the Military Affairs Committee and the administration are so vitally concerned. It would not delay selective compulsory military training if we finally determine that compulsory military training is necessary. What it would do, Mr. President, is afford the young men of the country a chance to volunteer. I am not sure that that is the best approach to our great problem, but I do know that tens of thousands of our countrymen feel that we should endeavor to build up our national defense insofar as the Army is concerned in what has been referred to as the traditional way. If we can do that without delay it might be more desirable, because it might strengthen our position of national unity, and national unity is necessary. The last thing we want is a dictated national unity, and I cannot say that without reminding my colleagues of the

Senate that during the past several years every human effort has been made by the national administration to avoid dictated national unity. President Roosevelt himself has yielded in many difficult situations because of his insistence and determination that dictation from any source be avoided. He knows, certainly as well as any other American, how great is our danger, and he has said in connection with the matter which we are now considering that he favored, in principle, the suggestion before the Military Affairs Committee. He further insisted that the way of working it out was the responsibility and duty of Congress.

My suggested change makes provision for voluntary enlistments in the Army. It would increase the base pay of soldiers from $21 a month to $30 a month; and while this may incidentally encourage enlistments, its principal purpose is to give just treatment to the young men who offer themselves to the service and protection of their country. Unless and until their pay is increased they are suffering from discrimination. No one intended a discrimination; but it has been pointed out that those enrolled in the Civilian Conservation Corps are now receiving a greater remuneration than are the young men of the Army. It has also been pointed out that the military forces are paid less than are the naval forces. This is obviously unfair, and a definite effort to rectify the mistake has been too long delayed.

The proposal I offer aims to find out whether or not we can obtain the required number of young men for the Army through voluntary enlistments. It does not, however, delay the necessary aims of the Army or the country, because if the volunteer program does not measure up to the expectations of those who feel that that is the proper procedure it permits the operation of the selective compulsory military training program worked out by the Military Affairs Committee. The substitute, as does the committee measure, sets up all the machinery for the selective-compulsory plan, but delays putting it into effect until it is proven necessary. The substitute also liberalizes or extends the provision relating to men who are devoting their lives to the church, and that seems to me of like great importance. Certain other nations of the world have turned their backs upon religion, and in my judgment the existing turmoil is due in a large part to that horrible misfortune. Here in the United States—the last dwelling place of light and the refuge of freedom—we should make every effort not only to preserve religion but to extend it. No people can have too much religion, regardless of the faith they profess; and if religion should fail here in any degree my hope would be lessened.

My proposal further suggests that we defer compulsory military training of undergraduate college students until they have had a reasonable chance to complete their education. I know that I need not point out that we are great and powerful because of our educational system, and that it is of importance that we do nothing to permit a set-back in that field. I have endeavored to make provision that young men allowed this deferred privilege may be given training while they are still in school. Circumstances requiring it, they would be called to service upon the completion of their college course.

At this particular time I shall not speak at length upon the substitute or the bill. I want to do nothing to delay the program or the plans. Actually, my effort is to speed them up. Principally my effort is to preserve and strengthen our necessary national unity. I have heretofore declared on the floor of the Senate that there is national unity in the totalitarian countries and that the people and the soldiers of those countries have an ideal, even though it be a base ideal.

In the United States there are some few persons who would set aside this entire plan and program. With their views I have no sympathy, although for their opinions I necessarily have respect. It is idiotic to think that we shall spend billions of dollars for national defense and neglect the training of young men who in an hour of emergency would be called upon to fill our forces and man our military equipment. I pray to God that there may never be need for any of these young men to go to war; and I say with all the sincerity I possess that I do not believe they will ever be called upon to go to war if we are properly prepared.

We should emphasize with all the force of expression we have that the bill is not designed to take us to war but rather to keep us out of war. It is a peace measure—nothing more or less. We cannot, however, be blind to the fact that we may be in danger. None of us can read the minds of those across the seas, but every Member of the Senate has heretofore admitted that there is a possibility of great danger to our country. That admission was made as we voted for large appropriations for national defense. I have been "up front" in the effort to provide funds for national defense. As a member of the Appropriations Subcommittees for the Army and Navy, I long ago pleaded for more money for educational orders and for additional funds to build up our forces in almost every instance. In some cases I have been able to obtain increases, and I think the RECORD will show that I was responsible, at least in part, for large increases for our air forces over those proposed by the Budget.

Let me say again, at the risk of criticism for repetition, that I am concerned with two things, one the need for speed and the other the need for national unity. I fear that unless we come quickly to an agreement we shall suffer a long-drawn-out debate which will tear at the emotions of our people and divide us at a time when we can afford it less than ever before in our history.

I know that if we were at war the young men of our country would rush to the colors, but I should not want to go to war to swell the ranks of the Army. I should not want a single mother's son to go across any sea to fight, and I have prayed that they may not be called upon to fight in defense of their own country at home, but I do want to be prepared. I should rather see my son sacrifice a short period of his life to be prepared than to make a greater sacrifice of one kind or another later.

I do not know whether or not it is true, but we have been told that one or more of the once great nations of Europe suffered the horror and bitterness of defeat because their politicians procrastinated and fell into the easy ways of procedure. The situation of the moment calls for courage, and I hope no Senator will ever be forgetful of the vision and the challenge of the founding fathers. I hope the spirit yet prevails—and I am sure it does—that "come the need" we are still ready, for the defense of all we love and cherish, to pledge our lives, our fortunes, and our sacred honor.

ACTIVE SERVICE OF NATIONAL GUARD, RESERVE, AND RETIRED PERSONNEL

The Senate resumed the consideration of the joint resolution (S. J. Res. 286) to strengthen the common defense and to authorize the President to order members and units of Reserve components and retired personnel of the Regular Army into active military service.

Mr. PEPPER obtained the the floor.

Mr. BARBOUR. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BARBOUR. I should like to call up and have read by the clerk an amendment which I offered last week.

The PRESIDING OFFICER. The amendment will be read.

The legislative clerk read as follows:

On page 2, after line 16, it is proposed to insert the following:

"(b) The President shall, under such regulations as he may prescribe, defer training and service in the land and naval forces of the United States of those members of the National Guard whose employment in industry, agriculture, or other occupations or employment or whose work in engineering, chemistry, physics, medicine, or dentistry are found to be necessary to the maintenance of the national health, safety, or interest. The determination of each deferment of training and service shall be made with regard to the status of the individual and shall not be made by deferring the training and service of individuals by occupational groups without regard to the status of the individual therein. The President is also directed under such regulations as he may prescribe to defer the training and service in the land and naval forces of those members of the National Guard in a status with respect to persons dependent upon them for support which renders their deferment advisable: *Provided*, That no deferment for any reason shall be approved except on application therefor by an individual member of the National

Guard, in his own interest, and no deferment from service shall continue after the cause therefor ceases to exist. The President shall utilize the services of the National Guard Bureau of the War Department in the administration of this subsection (b), and the decisions of the Chief of the National Guard Bureau shall be final as to all applications for deferment of members of the National Guard."

The PRESIDING OFFICER. The Chair will suggest that committee amendments are first in order.

Mr. BARBOUR. In other words, my amendment will be considered later?

The PRESIDING OFFICER. Yes. Committee amendments are first in order.

Mr. BARBOUR. Mr. President, I realized that my amendment would have to be considered later, but I was anxious to have it read for the information of the Senate, so that it might be included in the RECORD of today.

Mr. AUSTIN. Mr. President, I offer an amendment which lies on the desk. I think it is in order, because it is an amendment to an amendment.

The PRESIDING OFFICER. There are several committee amendments, but the Senator from Florida now has the floor. When we come to the consideration of amendments, the committee amendments will be first considered.

Mr. PEPPER. I shall be glad to yield.

The PRESIDING OFFICER. The first committee amendment will be stated.

The first amendment of the Committee on Military Affairs was, in section 1, page 1, line 5, after the words "a period of", to strike out "not to exceed 1 year" and insert "12 consecutive months", so as to make the section read:

That during the period ending June 30, 1942, the President be, and is hereby, authorized to order into the active military service of the United States for a period of 12 consecutive months, any or all members and units of any or all reserve components of the Army of the United States, and retired personnel of the Regular Army, with or without their consent, to such extent and in such manner as he may deem necessary for the strengthening of the national defense: *Provided*, That the members and units of the reserve components of the Army of the United States ordered into active Federal service under this authority shall not be employed beyond the limits of the Western Hemisphere except in the Territories and possessions of the United States, including the Philippine Islands.

Mr. AUSTIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Vermont wish to offer an amendment to the first committee amendment?

Mr. AUSTIN. No; I wish to offer an amendment to the amendment on page 2, line 18.

Mr. DANAHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut desire to address himself to the first committee amendment?

Mr. DANAHER. As I understand, we are now to proceed with committee amendments.

The PRESIDING OFFICER. The clerk has just stated the first committee amendment. If the Senator from Florida will yield, the amendment may be now considered.

Mr. PEPPER. No, Mr. President.

The PRESIDING OFFICER. The Senator from Florida has the floor.

COMMENTS ON COLONEL LINDBERGH'S SPEECH

Mr. PEPPER. Mr. President, even for a period of a very few minutes I would be reluctant to take the time of the Senate in the consideration of the pending bill, which I realize, after all, is the best practicable way of getting toward the objective for which I feel such very serious concern, but I do not want this day to pass without making some comment upon an address which was made yesterday from the great city of Chicago on a great subject over the radio by Col. Charles A. Lindbergh.

As I understood the colonel's address, he started off fundamentally with the proposition that the action of the German Government was largely justified because of the fact that Germany and the Central Powers were poor while the British Empire was rich and there had been a treaty of Versailles which gave also just cause for the course which has been followed by the German Chancellor and the German Government.

Thereafter the colonel proceeded to the further point that it was pretty obvious that Germany was about to win the war and that the United States should adapt itself to a world in which Germany stood supreme so far as the continent of Europe was concerned.

Then the colonel suggested to his country that it should be willing to participate in some measures that would tend to bring about world peace.

Mr. President, I attribute to every other person in the whole United States the same patriotism and the same sincerity which any Senator upon this floor, or any other person, would claim for himself. It is perfectly understandable that men will have differences of opinion which are equally honest. I am not at all surprised that Colonel Lindbergh should find in the German people and in the attitude and policy of the German Government many things that claim his wholehearted admiration.

I regard the colonel as one of the men of remarkable genius that this generation has produced; but I suggest that it is a mechanical genius, a dispassionate genius, which has never been particularly noted for its sentimentality, its sympathy, or its human qualities. So I can well understand how the colonel might have been vividly impressed with the meticulous methods for which the German people are famous; that the marvelous organization which has been exhibited by the ruthless German military machine must have had a great hold upon his affection and his admiration; and that the thoroughness and the scientific attitude with which the German official mind approaches every problem and brings it into harmony and synchronization with other things certainly must have seemed to him as almost human perfection. But I was somewhat astonished that a man holding the position which the colonel holds would venture to say to the American people that the course of the German Government was justifiable and to give, by implication at least, his benediction to their brazen efforts to do what they aspire to do. He gave, as a suggestion of justification, the Versailles Treaty.

Mr. President, when Bismarck provoked the war with Schleswig-Holstein and took that nation's territory upon his own initiative there was no Versailles Treaty; when the same Bismarck, a little later, provoked an unjustifiable war with Austria there were no Versailles Treaty; and when, in 1870, the German Chancellor, Bismarck, willfully and cold-bloodedly, for the purpose of bringing on war with France, forged a telegram in order to inflame his people so that they would support war, there was no Versailles Treaty, and Central Europe then was not a glaring example of poverty, while France and Great Britain were very glaring examples of bloated wealth and riches.

So, Mr. President, I can see running throughout the whole course of the German Government since Bismarck's day but one national ambition, namely, empire, conquest, gain, expanse by one doctrine alone—force; in all that time I have never seen the German Government stand before the world as an advocate of anything but force in the counsels of men except for a short time while that government was a member of the League of Nationos.

So it does not seem to me, Mr. President, however conscientious the able colonel may have been in the view which I know he seriously and honestly entertains, that he was justified in the assumption that all that Hitler and modern Germany under the Nazi Party have done has been justified by the Versailles Treaty. In 1914, indeed Mr. President, there was no Versailles Treaty that sent the German legions marching across the frontier of Belgium, which certainly was not a provocative, threatening nation against the German people.

So, if there was no Versailles Treaty in 1866, as I recall the date, in 1870, and in 1914 to justify the aggressions of the German Government, I am not very strongly persuaded that the Versailles Treaty was the occasion for taking Denmark and Norway, Holland and Belgium, and Luxemberg, which

had nothing to do with that treaty, and many other nations which were the victims of that government's aggression.

Then, of course, the colonel said that the Germans were poor people and wanted territory upon which to expand. Poor old Chamberlain believed that argument. Perhaps he was disillusioned a long time ahead of the able colonel. Perhaps the colonel may, too, some day, be just another deluded Chamberlain sitting and sighing to himself over the wreckage of civilization.

I believed that man in what he said. I have no doubt that Chamberlain believed every word of Hitler at Berchtesgaden when he said he merely wanted to rescue a victimized German population who had artificially been created into an artificial state. He wanted to incorporate them into the Reich, which seemed to be a perfectly natural even a laudable ambition, one upon which men could not conscientiously differ, because our own President Wilson had said free determination, self-determination, are the right of the peoples of the earth.

So the world countenanced Hitler taking over Czechoslovakia and dismembering it, believing that Hitler meant what he said when he stated, "This is all the territorial ambition I have in Europe."

Then what did he do? A little later he took the remainder of Czechoslovakia, which had no claim whatever to being a part of the Reich.

The colonel says "but they are poor." Did Denmark have anything to do with their poverty? Did Norway have anything to do with it? Did some of the other countries which have been victimized, Belgium, for instance, have anything to do with their poverty? Why attack helpless and irresponsible people to right a wrong, even if poverty be the wrong inflicted upon them?

Mr. President, it does not seem that Colonel Lindbergh and Mussolini are at one in their argument as to why the German Government entered the war. When Italy entered into the war Mussolini made a hair-raising speech in which to the thousands and tens of thousands of gathered Italians, he said, "This is a phase of a world revolution." He did not speak about the poverty of Central Europe, but said it was a revolution that was going to overturn the existing order and put a new order in its place; that it was going to break down existing empires and set up new ones; it was going to unhorse people that had saved anything out of the past and substitute in their stead a people who gained by loot in this generation. Yet the colonel says, at least, by implication, that, because of the poverty of Central Europe, the Germans were driven into this great effort.

Mr. President, if poverty alone was the occasion of it, when are they going to be satisfied? How much will they have to take besides what they have already taken in order to satisfy their appetites for gain and conquest and loot? That is the reason some of us are concerned about this hemisphere. The German Government does believe in taking the property of those who have, and we happen to be one of those who have. So is South America. So they turn their lustful, greedy eyes upon every green spot upon the face of the earth and are going to try to trample it into their own subjugation.

But the most startling of all the comments the able colonel made was to state very clearly that he was not concerned about the issue of this war, for the reason that it was merely another land-grabbing contest between European powers, that, so far as we were concerned, we had nothing to do with it, that we were not concerned in its outcome, and we should not have anything to do with it or anything to say about it.

Mr. President, if the colonel were right in that premise, I would agree with him. The last thing in the world that I want to concern myself with or I want to see my Government concern itself with is a squabble involving the desire and effort of one nation to take territory from another nation in Europe. For that reason, I would favor in no sense ever sending abroad by this Government one soldier or sailor or marine or anybody else to fight in a struggle for territory on the continent of Europe.

But, Mr. President, for the colonel to say that this is just a land-grabbing contest between powers indicates that he has utterly missed the whole point of this war, because, as I said, Mussolini says it is a world revolution, and this is just a phase of it. Yet Colonel Lindbergh, speaking supposedly with great knowledge and background and perspective, says it is just a land-grabbing contest between European powers.

Mr. President, in this speech the colonel went one step further. He very definitely implied that we ought to live in peace and harmony and cordiality with Germany as the victor of this war; for, according to his hypothesis, it did not matter very much, anyway, which nation won; it would be the same kind of a world. We would not be affected by the issue of it, and therefore why should we concern ourselves about who won?

I just happened to pick up the Washington Star of yesterday, and on page A–14, in the first column, I read these headlines:

Totalitarian sweep has crushed labor in conquered lands.

I ask you to find a labor union in any country that has been conquered by Germany. Name one where the right of collective bargaining lives, where the right to strike lives.

I ask you to find, in all the territory that Germany has conquered, a free newspaper in which the right to print the truth according to the judgment and wisdom of the editor may be exercised.

I ask you, Mr. President, to find in the conquered territory that Hitler's iron heel has crushed an instance of the right of free speech without going to a concentration camp or being stood against a wall and shot.

I ask you, Mr. President, in all that broad land, that pathetic territory where the muffled sobs of crying babes and anguished mothers almost drown out every other sound, to find an instance in which the right of freedom of assembly exists.

I ask you, Mr. President—you who love God and worship Him—to find a free church in all that territory; to find a lodge of freemasons, where men may dedicate themselves to a cause of any kind that appeals to their conscience.

I ask you, Mr. President, where does free trade live in all that broad expanse? Where does any freedom, any liberty, live?

I do not like to make comparisons. I have never rested what I have ventured to say upon the virtues of Great Britain. I do not care whether anyone likes Great Britain or not, and I shall never strive to be an apologist for Great Britain. They have had their good qualities and their bad qualities, their noble days and their ignoble days; but, Mr. President, what Germany stands for is not the kind of thing that Britain has stood for as I read history, in modern times at least. So for the colonel to insult every intelligent man's opinion by asking him to believe that it makes no difference who dominates Europe and who wins this war is almost unthinkable for a man of his supposed intelligence.

These other nations have not threatened us with their spies. Go to a country in this continent and see if it is not infested with German spies. So far as I know the other nations have not done that. Go find the "fifth columnists" with their slimy, serpentine trail leading to the destruction, if possible, of every sacred institution we have. So far as I know, other nations are not threatening that. Find an evidence of other nations trying to strangle trade in the way that we know it, where free men may trade with free men even unto the ends of the earth. I do not know where it exists.

So, Mr. President, I am not surprised that the colonel has no horror about Hitler winning the war. To him the German Fuehrer no doubt holds up a worthy objective. Perhaps he would like to see life regimented in the way the Germans have regimented it, organized in the way they have organized it, conducted in the thorough way in which they conduct it. At least, Mr. President, I am led to that conclusion.

Mr. NEELY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from West Virginia?

Mr. PEPPER. I yield.

Mr. NEELY. Of course, Colonel Lindbergh's theory is different from that which the able Senator from Florida is now expounding.

Today's Washington Daily News carries the following headline:

Lindbergh heads third party, Rome hears.

Under that is a report of the speech which the colonel made in Chicago yesterday. It states that Lindbergh said:

No foreign nation would desire to invade the United States if it does not interefere in such a nation's affairs.

He evidently predicates that wise and truthful assertion upon the fact that Germany did not desire to invade Holland, because Holland had not interfered in Germany's affairs; that Germany did not desire to invade Denmark, because Denmark had not interfered in her affairs; that Germany did not desire to invade Luxemburg, because that helpless little country had not interfered in Germany's affairs.

In view of all which, and many other similar facts, was not Colonel Lindbergh fully justified in assuming that Hitler would never desire to invade the United States?

Furthermore, according to this newspaper article, the colonel said:

European nations are fighting a war over the division of territory and wealth.

Had the Senator from Florida understood that there was any controversy between Germany and Belgium over the division of territory or wealth at the time Hitler overran that country; or that there was any controversy between Germany and Holland about territory or money, when Hitler destroyed Rotterdam; or that there was a controversy with Czechoslovakia over territory or wealth when Hitler's gangsters with armored trucks removed $100,000,000 in gold from Prague to Berlin after Germany had bathed the land of the unoffending Czechs with blood?

In brief, does not recent history prove that the colonel's premise is sheer nonsense and that the conclusion he draws from it is as false as the word of the military monster who is now terrorizing the world and revelling in the blood of slaughtered men?

Mr. PEPPER. Mr. President, I am very much indebted to the able Senator from West Virginia for the questions he has put. Neither one of those questions requires any answer from anybody on this floor or in this Congress, because I believe every well-informed citizen in America knows the clear-cut answer, and that the answer is "No," as the able Senator from West Virginia intimated in the way he asked the questions; that all history belies every conclusion that Colonel Lindbergh has reached in considering this situation.

But I was about to say, Mr. President, that I can well understand that Colonel Lindbergh's attitude is a little different from that of some of the rest of us. The colonel has not just become an admirer of Germany. The colonel has been an admirer of Germany for a long time, and the sentiments have been reciprocated to the extent that the hand of Mr. Goering—the man whose planes have murdered untold thousands of men, women and children, most of them noncombatants, since this war started—the very hand that pushed the button that destroyed countless families, and bathed Europe in blood, pinned the cross of recognition and merit upon the breast of Lindbergh. And now, while his breast is still warm with that embrace, without repudiating whatever heinous offense has later been committed by those who thus decorated him, he now dares to counsel America's people to feel his affection and admiration for that kind of a government!

So, Mr. President, as the Senator indicated, there must have been rejoicing yesterday not only in Rome but in Berlin. They must have chuckled with satisfaction as they heard those words coming from what was once America's most honored hero, a man whose magic journey to fame came about from his having flown an airplane that landed upon the soil that is now enslaved by the very nation which he admires and honors.

The other day, as the ship *America* approached the city of New York through the harbor, and the tugboats and the sirens and the city officials and the populace along the shores were shouting their enthusiastic welcome to that pride of our merchant marine, my heart was saddened, and I felt almost like retreating from the celebration, when my eye turned to the left, and I saw the Statue of Liberty standing there with hand outstretched and countenance benign, looking upon those who enter the harbor of our greatest city, when I reflected that that Statue of Liberty was put there by contributions voluntarily made by the children of France. So, Mr. President, France was at Yorktown, and French children held up the Statue of Liberty to all who come to this world of freedom from slavery abroad; yet I have not heard Colonel Lindbergh express any sympathy for the French or speak about their good qualities. I have heard of no tear falling from his eyes for a single child that has been the victim of Goering's Stukas and bombing planes.

Mr. President, this man who built a mechanical heart and gained renown for building a mechanical heart, I venture to say, reflects more the sentiments of a mechanical heart than a human heart.

Mr. MINTON. Mr. President——

The PRESIDING OFFICER (Mr. ADAMS in the chair). Does the Senator from Florida yield to the Senator from Indiana?

Mr. PEPPER. I yield.

Mr. MINTON. Colonel Lindbergh, this great aviator—and he is a great aviator—has distinguished himself as a flier more than anything else, but has the Senator heard of Colonel Lindbergh offering his service as a flier to his country in this great emergency, when one of the agencies we are trying so hard to build up is the air force of our country?

Mr. PEPPER. Knowledge of such an offer on his part has not come to my attention, at least. Perhaps the colonel might think that with such an obnoxious policy as the Congress and the executive officials of this Government have determined upon, perhaps he would not like to wear the uniform of this country, and I do not suppose he would be terribly frightened if news came that Hitler was at the boundary of America, because Colonel Lindbergh would know that at least Colonel Lindbergh would not be harmed under the Fuehrer of Germany.

Mr. NEELY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. NEELY. I do not think we should criticize the colonel for not having volunteered to enter the service indicated by the able senator from Indiana, because so far Lindbergh has not even offered to enlist in the flying corps of Germany, and if he would not enlist over there where his idols are, of course he would not enlist anywhere. [Laughter.]

Mr. PEPPER. Mr. President, I hope that yesterday will be remembered; but that it will be remembered by the American people in a way different from that in which the able colonel would have them remember it. Instead of remembering the words of Colonel Lindbergh uttered yesterday, I hope the American people will prefer to remember the words that were uttered by an old man, one who has no ambition to satisfy, no fame to exploit, no grand future to challenge his efforts, an old man who has given his life to his country, wearing his country's uniform, who took the radio a little while after Colonel Lindbergh did, and who counseled his fellow citizens, in words of paternal affection, to beware, and not only to beware, but to take steps to defend their loved land against the known aggressions of the German people.

Mr. President, I suspect that General Pershing is a wiser counsellor to the American people about their security than is Colonel Lindbergh, because General Pershing has felt German steel, he has been in the armed service of his country, he knows the sinister power of Germany, and its ruthlessness. He has seen what the German Army can do upon Europe's soil. General Pershing is bequeathing to his people the

legacy of his affectionate counsel, not to let the horror of that thing ever venture to come to their soil.

Mr. President, General Pershing has never had a medal from the head of the German Air Corps, he has never been embraced by the triumvirate that controls and dictates the policy of Germany. He has just been a leader of his own country's citizen army, which, in spite of all they would say about it, held off 25 years longer that devastating flame which is now threatening again to scorch the earth as it already has scorched Europe.

Mr. LEE. Mr. President, does not the Senator think that if Colonel Lindbergh had not earned his German medal when it was presented to him he has by now earned it? [Laughter.]

Mr. PEPPER. I appreciate the sentiment of fair play which has entered into the remarks of the able Senator from Oklahoma, because naturally he is a straightforward American, who wants a man to have nothing he does not earn, and I know he indicates very strongly that there has been no gratuity in the bestowal of that medal upon our former eminent hero.

In perhaps a few hours, perhaps a few days, perhaps a few months, the people of this country will have to decide whether they are going to follow the chief of the "fifth column" in this country, America's ancient hero, Colonel Lindbergh, or whether they are going to follow the counsel of a man who is just as deep in the affections of his fellow citizens as he was the day he came back in command of his country's victorious armies—a man who by not one single act has diminished his stature in the esteem, the confidence, and the admiration of his people; a heroic figure who made a magnificent, heroic, lone, single-handed struggle against the grim reaper, Death, and won, as he won leading a citizens' army against the hordes of a German Kaiser who was the first Hitler of this generation.

Mr. HOLT. Mr. President, all I desire to say is that if we would turn back the pages of history to 1917, we could find almost the same words which have been uttered here this afternoon against Colonel Lindbergh, but they were uttered then against his distinguished father, Representative Lindbergh, who was also against war. We could find almost the same sentiment, almost the identical sentiment, and I fear the same result may occur in 1940 as a consequence of the same warmongering.

Mr. LEE. Mr. President, in his radio address Colonel Lindbergh asked the United States to cooperate with Hitler. In other words, he would have us grasp Hitler's hand, slippery with the blood of human beings, and the colonel is critical of an administration which cannot grasp a hand dripping with human blood.

ACTIVE SERVICE OF NATIONAL GUARD, RESERVE, AND RETIRED PERSONNEL

The Senate resumed the consideration of the joint resolution (S. J. Res. 286) to strengthen the common defense and to authorize the President to order members and units of Reserve components and retired personnel of the Regular Army into active military service.

The PRESIDING OFFICER. The question is on agreeing to the first amendment of the committee, on page 1, line 5.

Mr. SHEPPARD. Mr. President, I desire to offer an amendment to the amendment, suggested by the Senator from Rhode Island [Mr. GREEN] and the Senator from Louisiana [Mr. OVERTON.]

Mr. OVERTON. Mr. President——

Mr. SHEPPARD. I did not know the Senator from Louisiana had entered the Chamber.

Mr. OVERTON. I am very grateful to the Senator from Texas for suggesting that the committee amendment be amended. The amendment I wish to suggest, if the Senator from Texas will yield to me for that purpose, is on page 1, line 4, after the word "authorized" to insert the words "from time to time."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. DAVIS. Mr. President, let the clerk state the amendment.

Mr. OVERTON. I have two amendments, which should be considered together.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 1, line 4, after the word "authorized", it is proposed to insert the words "from time to time."

Mr. OVERTON. Mr. President, as complementary to that amendment, on line 6 in the committee amendment, after the word "months," I move to insert the word "each," so that it will authorize the President "from time to time to order into the active military service of the United States for a period of 12 consecutive months each," and so forth.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

Mr. ADAMS. Mr. President, I should like to make an inquiry.

Mr. SHEPPARD. Did the Chair put the question on the first amendment?

The PRESIDING OFFICER. The Chair put the question on the amendment to the amendment.

Mr. SHEPPARD. But one of the amendments was not to a committee amendment. The amendment in line 4 was not to a committee amendment. I will ask that the clerk read the amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 1, line 4, after the word "authorized", it is proposed to insert the words "from time to time."

The PRESIDING OFFICER. That amendment was agreed to without objection. Now, the question is on agreeing to the amendment proposed to the amendment of the committee.

Mr. ADAMS. I wish to make an inquiry of the Senator from Texas. I have been somewhat disturbed by this 12 consecutive months' provision. As I understand the situation, as the joint resolution is before the Senate, unamended, if the President calls into service a member of the National Guard, he must serve not less than 12 months or more than 12 months. In other words, regardless of what the emergency may be, the President may not continue him in service for another day after the 12 months has passed, and if the emergency disappears he may not release him. That is, the members of the guard are in for a full 12 months. In other words, there is a sacred period of 12 months which cannot be varied.

Mr. OVERTON. That is correct; but my amendment does not concern that provision. My amendment is merely to make it clear that the President can exercise the authority from time to time. It has nothing to do with the period of training or service.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Louisiana [Mr. OVERTON], to the amendment.

The amendment to the amendment was agreed to.

The question now is on the committee amendment as amended.

Mr. NORRIS. Mr. President, I wish to take this occasion to state my views on the theory of the pending measure as I understand it.

In my judgment we should not provide for the service of these men in such broad language as is provided in section 2; that is, that they can be put to service anywhere in the Western Hemisphere. The theory on which I support this measure is that it will bring into service some 200,000 to 400,000 men, and beginning with men who are already partially trained, give them active training. I doubt whether that will be necessary. I do not believe it will be necessary. But if the Regular Army, enlarged as we have now enlarged it, is not sufficient, it seems to me the power given to the President by the joint resolution, if exercised, will result in practically doubling the standing Army in a very short time, or at least will train men who will be able to take the field as trained and seasoned men.

If we are opposed to universal compulsory military training the cry almost always goes up that we may be caught in an emergency without an Army large enough to defend our country until we can train a large number of men sufficiently so they will be fit for battle duty. I think there is something in that argument. It is a good argument if we admit that our standing Army is not sufficiently large to meet an emergency until we have time to train an army large enough to do the work contemplated. I support the theory out of respect for those who hold that opinion, even though I myself do not hold that opinion. I support it because I think the passage of this measure will be sufficient for present emergencies and ought to bring about the defeat of the compulsory military training bill, consideration of which will follow the enactment of the pending measure.

The object of the pending measure is to train a great number of men who are already partially trained, and add them to our Army. Personally, I do not see how an enemy army can succeed in invading our country without making great preparations for such invasion, which would take more time than would be necessary to train an army to defend our country. We must take into consideration that a foreign army must accomplish three things before it can successfully invade our territory. One is the destruction of our Navy, another is the destruction of our air force, and the third is the destruction of our standing Army.

Mr. LEE. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. LEE. Does the Senator believe that the United States should maintain the Monroe doctrine, that is, repel any attempt at settlement in or the establishment of a military base in South America?

Mr. NORRIS. Mr. President, to begin with, I would not say that I think our country ought to be prepared to defend every foot of South and Central America and North America. It depends on where and how far one thinks the Monroe Doctrine ought to be applied. It has already been carried far beyond the point the President who first promulgated it had in view.

Mr. LEE. It is generally thought of as embracing the Western Hemisphere now, is it not?

Mr. NORRIS. It probably always did embrace the Western Hemisphere. I am not willing to say that I shall get behind the Monroe Doctrine in every emergency. For instance, if I can prevent it, I will not permit my country to become a collection agency, or to let any country in our hemisphere or in the other, take advantage of the Monroe Doctrine and deny the payment of its just debts or the performance of its honorable and just contracts. I do not want any other country to invade the Western Hemisphere or to establish a system over here similar to some of those in Europe.

Mr. LEE. If that is our policy and another country attempted to do what the Senator described, would it not be necessary in that case to have a military force strong enough to prevent such action?

Mr. NORRIS. That might be, but our first military force is our Navy. We voted for an increase in the Navy. I supported all that increase, and I believed in it, although I confess that I have changed my ideas from what they were 10 or 12 years ago, when I did not fully agree with the present theory with respect to the Navy. But conditions in Europe have arisen which I think have made us all sit up and take notice and to change some of our views.

We will not use a standing Army to prevent invasion until the three things I mentioned have happened. If Hitler attempted to establish a government in Mexico, or a base of supplies, then under any ordinary conditions I would be willing and anxious to go to the defense of Mexico and prevent such action. But it must be understood that in such case the battle would probably be fought mostly on the sea, and he would have to have a navy strong enough to overcome our Navy before he could accomplish his purpose.

Mr. LEE. Will the Senator again yield?

Mr. NORRIS. Yes.

Mr. LEE. What the Senator says is true. But does not the Senator think it possible that if Germany should defeat England, the English Navy might fall into the hands of Germany, and then Germany, with the British Navy, and the German Navy, and the Italian Navy, and such units as are left of the French Navy, might outnumber our Navy, particularly at a time when we might not want to take all our Navy from the Pacific Ocean because of the situation existing there?

Mr. NORRIS. Very well, That might happen in the next 2 weeks, we will say. And suppose this measure is passed, what will it do to prevent that sort of thing if it does happen in 2 weeks? Of what benefit will the compulsory military training bill be if that thing does happen? If Germany defeats England and gets the English Navy and then has the Italian Navy and perhaps the Japanese Navy, she will have a preponderance. She may have that preponderance within the next 30 days, and if she attacks us with that combined fleet, she may defeat us. Then all the measures we are trying to pass here would not do any good to meet that kind of emergency.

Mr. LEE. Certainly not, but——

Mr. NORRIS. If Germany and her allies wait we will be better prepared when the appropriations we have made have been properly expended, and our Navy and our Air Force properly increased.

Mr. LEE. But the Senator just made the argument that he could not conceive of an emergency that might call for that increase.

Mr. NORRIS. I do not believe that emergency is going to happen. It looks dark for England. She may probably be defeated. But my own idea is, Mr. President, that there is no danger of Great Britain turning her Navy over to Germany as France did, for instance. I am not afraid of that emergency arising, although I have to say, when the question is asked, that it is possible. All things are possible. It may be, Mr. President, that before we return here tomorrow an earthquate will have destroyed the Capitol, but I do not believe such an event will happen. We hope it will not happen. It probably will not happen. I do not expect to see Hitler get the English Navy. I am not afraid of that, although it is possible that it may occur.

Mr. LEE. Since it is possible, then does not the Senator think we ought to give ourselves the benefit of the doubt?

Mr. NORRIS. Everything is possible. Let us suppose that a part of our Navy is in the Pacific and a part of it is in the Atlantic, and we want to bring that part which is in one ocean through the Panama Canal and into the other ocean. It is possible that an earthquake may destroy the Panama Canal when our ships are going through. It is possible that a hurricane on the Pacific Ocean may destroy our fleet in that ocean, and another hurricane in the Atlantic Ocean may destroy our Atlantic Fleet. Such things are possibilities. They are in the hands of God. When I see how success has come to some of the dictators it seems to me that God is on the other side. It does not seem to me that He is on the right side in this fight. [Laughter.]

Mr. President, I shall vote for the joint resolution, although I do not believe it ought to carry the authority to take the men anywhere in the Western Hemisphere. Congress can be called together if such an emergency should arise. Many persons seem afraid that it might arise with lightning speed. I do not think it will. I think if we keep our feet on the ground, stop talking, and go home we can accomplish more good for peace and prosperity than in any other way.

The Senate is a hotbed of hysteria. The Senate is where the country will obtain its ammunition to become worked up and hysterical if it becomes hysterical. To my mind, there is no danger that we shall be confronted with an invading army in the next 30 days. If there is such danger, God help us! The law which we propose to pass would not do any good. More than 30 days would be required to work

it out. So we should be helpless if such a thing should happen. It is possible if all the world comes over here in flying machines. It is possible that Hitler may have hidden away 50,000 more planes which he has never exposed, and that he will get them all out next week and come over here with them. I do not believe it. I believe most of them would be lost in the attempt. We must give him credit for having some wisdom, even though he is a butcher and a murderer.

Mr. President, I shall vote for the joint resolution. It will perform a very useful service for those who believe we ought to commence training tomorrow. It will give us a standing Army, or the equivalent of a standing Army, of 700,000 or 800,000 men; and with our Navy as it stands today, and with our power in the air as it exists today, I do not believe a combination of all 4 of the dictator nations—if they should combine within the next 30 days—could overcome us with the disadvantages they would have to confront.

I do not think the situation is so dangerous; but if it is, the joint resolution will help to meet the danger. I hope and pray that reason may come back again to us and to our fellow citizens, and that when we do this much, people will say that we have done our duty. We shall have gone even beyond reason in getting ready; and I hope we shall defeat the bill which is to follow, known as the compulsory military training bill, which, in my opinion, is more dangerous to our peace and tranquility than anything else which has yet been undertaken.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, as amended.

Mr. ADAMS. Mr. President, I ask that the committee amendment, as amended, be stated.

The PRESIDING OFFICER. The committee amendment, as amended, will be stated.

The CHIEF CLERK. On page 1, line 5, after the words "a period of", it is proposed to strike out "not to exceed 1 year" and insert in lieu thereof "12 consecutive months each."

Mr. ADAMS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ADAMS. Would it be within the parliamentary privilege to amend the amendment so as to include certain words which were originally in the joint resolution? The words "not to exceed one year" are proposed to be stricken out. I should like, if possible, to have the amendment divided, if necessary, so that the words "one year" could be stricken out, leaving the words "not to exceed."

Mr. BARKLEY. Mr. President, from a parliamentary standpoint the committee amendment, as amended, is offered as a substitute for the language which is stricken out; and the question is on agreeing to the committee amendment as amended in lieu of the language stricken out. If the amendment as amended is defeated, the original language of the joint resolution will be restored.

The PRESIDING OFFICER. Disagreeing to the committee amendment, as amended, would restore the original language.

Mr. ADAMS. I trust that the committee amendment, as amended, will be rejected.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, as amended.

Mr. CONNALLY. Mr. President, I should like to ask my colleague the gentleman from Texas [Mr. SHEPPARD] a question. Is it intended by this language to require the President to call out the National Guard for as long as a year?

Mr. SHEPPARD. That is what the National Guard specifically requested.

Mr. CONNALLY. I know that is what they requested.

Mr. SHEPPARD. That is the intention.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. CONNALLY. I have not concluded.

The PRESIDING OFFICER. The senior Senator from Texas has the floor.

Mr. JOHNSON of Colorado. May I answer on the point as to how the amendment happened to be written the way it is?

Mr. CONNALLY. Yes.

Mr. JOHNSON of Colorado. The War Department did not want the Reserve officers and the Reserve components, including the National Guard, called out for a period longer than 1 year; and the Reserve officers and the National Guard, if they were to be called out, did not want to be called out for less than one year.

Mr. CONNALLY. That is correct.

Mr. JOHNSON of Colorado. Both sides were represented before our committee. We compromised the matter between them, and made the period exactly 1 year.

Mr. CONNALLY. The language is not quite clear to a layman. I am not a military man, but the language "for a period of 12 consecutive months"——

Mr. JOHNSON of Colorado. The purpose was to avoid going back home and then returning again to the service.

Mr. CONNALLY. It seems to me quite probable that the President would prefer not to call them all at once. He might want to call one group this month, another group next month, and still another group the following month.

Mr. JOHNSON of Colorado. He has that right.

Mr. CONNALLY. The language should be so framed that the President may call them, but that when he does call them he must give them a year's pay.

Mr. JOHNSON of Colorado. That is exactly what the joint resolution provides for.

Mr. CONNALLY. The members of the National Guard did not want to give up their jobs unless they could have a year's continuous service.

Mr. JOHNSON of Colorado. That is what the joint resolution provides for.

Mr. BARKLEY. Mr. President, I call attention to the language following the committee amendment. The President is authorized to call "any or all members and units," and so forth.

Mr. CONNALLY. Yes.

Mr. BARKLEY. So he does not have to call them all at once.

Mr. CONNALLY. That provision does not refer to the time. I assume, under that language, that he could call them. The trouble with the Army now is that it cannot digest all the influx at one time.

Mr. BARKLEY. The amendment to the amendment has already been agreed to, so he may call them from time to time.

Mr. CONNALLY. I thank the Senator. I know that my able colleague is looking after all the details.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. CONNALLY. I will yield in a moment. I wish to pay deserved tribute to my colleague, the senior Senator from Texas [Mr. SHEPPARD], who worked on this measure unremittingly and laboriously, and brought to it very fine ability and industry. I wish publicly to pay tribute to him for that work.

Mr. SHEPPARD. I am very grateful to my colleague.

Mr. JOHNSON of Colorado. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Colorado?

Mr. SHEPPARD. I yield.

Mr. JOHNSON of Colorado. I concur in what the junior Senator from Texas [Mr. CONNALLY] has to say about his colleague. He has been very patient all through the long-drawn-out hearings.

Mr. CONNALLY. If he had not been patient he would not have had any bill.

Mr. JOHNSON of Colorado. That is exactly correct.

In regard to the compromise which I mentioned a moment ago, which the committee made between the Army and the National Guard, the representatives of the Army were present before the committee, and approved the period of 1 year. They said they had no objections to it.

Mr. CONNALLY. I am very glad to know that the National Guard and the Army are in agreement for once.

Mr. ADAMS. Mr. President, I wish to make an inquiry of my colleague, the junior Senator from Colorado [Mr. JOHNSON].

To what extent does the Senator know that those who appeared before the committee represented the sentiment of the National Guard in saying that if they were called they wanted to be called for a full year? I know some members of the National Guard who wish the period to be as short as possible if they must be called.

Mr. JOHNSON of Colorado. I do not suppose the officers of any organization represent all of its membership; but all the National Guard members from whom I have heard want to be called for a year if they are to be called. They do not want to be called for a month or two. They want to make their plans to go into the Army and take a year's training. The joint resolution has the approval of the members of the National Guard.

Mr. ADAMS. That is one interpretation; but as the joint resolution stands it would authorize the National Guard to be put into the service of the United States and sent to South America, the Philippines, or anywhere else. It is something more than a training measure.

Mr. JOHNSON of Colorado. Yes; it is something more than a training measure; but the National Guard officers from whom we have heard are in accord. General Reckord, from Maryland, appeared before the committee and said that the National Guard was unanimous in wanting to be called out for a year. I have heard from many of the Reserve officers, and I know they want to be called out for a year.

Mr. ADAMS. If that be the case, the President would naturally conform to their wishes; so even if we left in the words "not to exceed" their wishes could be complied with, while if there are units in the National Guard which do not want to be called for a full year they would be compelled to go for a full year in spite of their wishes. It seems to me that if we leave the original language in the joint resolution we can protect both groups.

Mr. JOHNSON of Colorado. The testimony of the National Guard representatives was the other way.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, as amended. [Putting the question.] The Chair is in doubt.

On a division, the committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

Mr. BARKLEY. Mr. President, it is obvious that we probably cannot conclude the consideration of the joint resolution tonight. I have told a number of Members that if we could not do so we would suspend about 5 o'clock. It is now that hour.

Mr. WAGNER. Mr. President——

Mr. BARKLEY. I yield to the Senator from New York.

Mr. WAGNER. I desire to make an inquiry of the chairman of the committee in charge of the joint resolution with reference to an amendment which the Governor of my State had proposed to the Committee on Military Affairs with reference to authorizing the States to maintain troops whenever the National Guard, by order of the Federal Government, is called out.

Mr. SHEPPARD. I have advised the Governor of New York that the Senate Committee on Military Affairs desires to cover that matter in a separate bill. We are going to take it up next Friday.

Mr. WAGNER. At any rate, I prepared in response to his communication an amendment which I ask to have printed. I ask the chairman of the committee to look at it overnight, and perhaps we can reach some agreement about it.

The PRESIDING OFFICER. Without objection, the amendment will be printed and lie on the table.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. CHANDLER in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

Mr. SHEPPARD. Mr. President, from the Committee on Military Affairs I report favorably sundry Army nominations which were received by the Senate on the 1st day of August. These nominations are entirely of routine character, and total several hundred in number; and because of the large amount of printing involved I ask unanimous consent for their present consideration and confirmation.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the nominations are confirmed.

Mr. SHEPPARD. Mr. President, I ask unanimous consent that the President be at once advised of the confirmation of these nominations, and that the list of names of the persons confirmed be not again printed in the CONGRESSIONAL RECORD, but that proper reference be made to the pages on which their nominations appear.

The PRESIDING OFFICER. Without objection, the President will be notified, and the further request of the Senator from Texas will be complied with.

If there be no further reports of committees, the clerk will state the nominations on the calendar.

THE JUDICIARY

The legislative clerk read the nomination of Fay L. Bentley to be judge of the Juvenile Court for the District of Columbia.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk read the nomination of Walter A. Foote to be consul general.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

DEPARTMENT OF COMMERCE

The legislative clerk read the nomination of George P. Baker to be a member of the Civil Aeronautics Board for the remainder of the term expiring December 31, 1943.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

UNITED STATES PUBLIC HEALTH SERVICE

The legislative clerk proceeded to read sundry nominations in the United States Public Health Service.

Mr. BARKLEY. I ask unanimous consent that the nominations in the Public Health Service be confirmed en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN THE ARMY

The legislative clerk read the nomination of Mervin Gilbert McConnel to be brigadier general, National Guard of the United States.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

That concludes the calendar.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 4 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, August 6, 1940, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate August 5, 1940

UNITED STATES CIRCUIT COURT OF APPEALS

Hon. Alfred P. Murrah of Oklahoma to be judge of the United States Circuit Court of Appeals for the Tenth Circuit, vice Hon. Robert E. Lewis, retired.

UNITED STATES DISTRICT JUDGE

Robert L. Russell of Georgia to be United States District Judge for the Northern District of Georgia, to fill a new position.

NAVY DEPARTMENT

James V. Forrestal, of New York, to be Under Secretary of the Navy.

APPOINTMENT BY TRANSFER IN THE REGULAR ARMY

TO JUDGE ADVOCATE GENERAL'S DEPARTMENT

Capt. William Price Connally, Jr., Field Artillery, with rank from June 13, 1939.

APPOINTMENTS TO TEMPORARY RANK IN THE AIR CORPS, IN THE REGULAR ARMY

TO BE COLONEL

Lt. Col. Asa North Duncan, Air Corps, from August 1, 1940.

TO BE LIEUTENANT COLONEL

Maj. Edmund Pendleton Gaines, Air Corps, vice Lt. Col. Asa N. Duncan, Air Corps, nominated for appointment as temporary colonel, Air Corps.

TO BE MAJOR

Capt. Clifford Palmer Bradley, Air Corps, vice Maj. Edmund P. Gaines, Air Corps, nominated for appointment as temporary lieutenant colonel, Air Corps.

PROMOTIONS IN THE NAVY

MARINE CORPS

Lt. Col. Alfred H. Noble to be a colonel in the Marine Corps from the 1st day of August 1940.

Maj. Harry B. Liversedge to be a lieutenant colonel in the Marine Corps from the 1st day of August 1940.

Capt. Lewis B. Puller to be a major in the Marine Corps from the 14th day of August 1939.

The following-named captains to be majors in the Marine Corps from the 8th day of July 1940:

Lionel C. Goudeau	Paul A. Putnam
Lawrence Norman	Lee N. Utz

Mr. Dale H. Heely, a citizen of Virginia, to be a second lieutenant in the Marine Corps from the 25th day of June 1940.

Marine Gunner Theodore Gooding to be a chief marine gunner in the Marine Corps, to rank with but after second lieutenant, from the 2d day of July 1940.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 5, 1940

DIPLOMATIC AND FOREIGN SERVICE

Walter A. Foote to be a consul general of the United States of America.

DEPARTMENT OF COMMERCE

George P. Baker to be a member of the Civil Aeronautics Board in the Department of Commerce.

JUDGE, JUVENILE COURT, DISTRICT OF COLUMBIA

Fay L. Bentley to be judge of the Juvenile Court for the District of Columbia.

UNITED STATES PUBLIC HEALTH SERVICE

TO BE SURGEONS

Walter L. Barnes	Oswald F. Hedley
Lee C. Watkins	Walter P. Griffey
Paul A. Neal	Joseph O. Dean
William F. Ossenfort	Ivan W. Steele
Kenneth R. Nelson	Frank F. Thweatt, Jr.
Vane M. Hoge	Gilbert L. Dunnahoo

TO BE ASSISTANT SURGEONS

Samuel Sherman Spicer	Malcolm Judson Ford
James Barclay Donaldson	Donald Webster McNaughton
Jesse Douglas Harris	Ralph William Pagel
Frederick Hinkley Hull	William Robert Willard
Alfred Leon Holleman	Raymond Serge Roy

APPOINTMENTS, PROMOTIONS, AND TRANSFERS IN THE REGULAR ARMY

(NOTE: The nominations of persons named for appointment, promotion, or transfer in the Regular Army, which were received on the 1st instant, were confirmed en bloc today. The names of the persons confirmed will be found in the CONGRESSIONAL RECORD of August 1, 1940, beginning on p. 9778, under the caption "Nominations.")

APPOINTMENT IN THE NATIONAL GUARD OF THE UNITED STATES ARMY

Mervin Gilbert McConnel to be a brigadier general, National Guard of the United States.

HOUSE OF REPRESENTATIVES

MONDAY, AUGUST 5, 1940

The House met at 12 o'clock noon.

Rev. John Knox Bowling, D. D., minister of the First Presbyterian Church, Duncan, Okla., offered the following prayer:

Almighty God, our Heavenly Father, it is with grateful hearts that we turn in the beginning of this new day and this new week to ask Thy blessings upon our efforts of the day and of the week. We are privileged to thank Thee for every blessing with which Thou hast endowed each of our lives and our experiences. We pray Thee that we may worthily accept the responsibilities incumbent upon us, and as our duties are performed give us a gathering definite consciousness of duty well done. We pray Thy blessing upon the Nation of which we are a part, and that Thou will give to each of us who are charged with the responsibility of leadership a desire and an earnest satisfaction in fulfilling that desire of making our Nation the one which shall lead this chaotic world into a new sense of orderliness again. Let Thy blessing rest upon the officers and the Members of the House this day, this week, and this session. In Jesus' name. Amen.

The Journal of the proceedings of Thursday, August 1, 1940, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H. R. 719. An act for the relief of Francis G. McDougall;

H. R. 2278. An act for the relief of Carl Hurt;

H. R. 2490. An act for the relief of Fulton Combs;

H. R. 3992. An act for the relief of Frank Spears;

H. R. 5116. An act for the relief of Thomas Miralia and Betty Miralia;

H. R. 5254. An act for the relief of the captain and crew of the fishing boat *Unione No. 1;*

H. R. 5309. An act for the relief of Robert L. Taylor;

H. R. 5562. An act for the relief of Clyde E. Malle;

H. R. 6365. An act to correct the military records of DeRosey C. Cabell, McFarland Cockrill, James N. Caperton, Junius H. Houghton, Otto F. Lange, Paul B. Parker, James deB. Walbach, and Victor W. B. Wales;

H. R. 6740. An act for the relief of the estate of J. L. Fretwell;

H. R. 6823. An act for the relief of Wilson A. Kramer;

H. R. 7416. An act for the relief of Theodore R. King;

H. R. 7668. An act for the relief of Elizabeth Buxton Hospital;

H. R. 7679. An act for the relief of J. E. Dambach;

H. R. 7851. An act for the relief of certain disbursing officers of the Division of Disbursement, Treasury Department;

H. R. 7957. An act for the relief of Willie Perry;

H. R. 8028. An act for the relief of Zoe Hoyt Wagner and Io F. Hoyt;

H. R. 8091. An act for the relief of May C. Taylor;

H. R. 8217. An act for the relief of Thomas R. Fox;

H. R. 8246. An act for the relief of Clyde Caietti, a minor;

H. R. 8318. An act for the relief of the Charles H. Amos Handle Co.;

H. R. 8459. An act for the relief of Edna S. Gardiner;

H. R. 8504. An act for the relief of Dr. A. C. Wade;

H. R. 8666. An act for the relief of certain claimants on account of loss by fire for which the United States was adjudged liable;

H. R. 8774. An act for the relief of the widow of Donald D. Elliott;

H. R. 8946. An act for the relief of Rufus K. Sanderlin;

H. R. 9130. An act for the relief of Fred Shelton;

H. R. 9520. An act for the relief of Edward F. Higgins, postmaster, Great Neck, N. Y.;

H. R. 9571. An act to authorize the incorporated town of Sitka, Alaska, to purchase and enlarge certain public utilities and for such purpose to issue bonds in the sum of $200,000 in excess of present statutory debt limit;

H. R. 9828. An act to extend the times for commencing and completing the construction of bridges across the Monongahela River in Allegheny County, Pa.;

H.R. 10014. An act to amend the Transportation Act, 1920, as amended;

H. R. 10034. An act for the relief of certain disbursing officers of the Treasury Department, the Department of the Interior, and the Army; and

H. J. Res. 472. Joint resolution to prohibit the sale or disposal of the United States customhouse for the city of Detroit.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 2644. An act to set aside certain land in the State of Oregon for park or summer-camp purposes;

S. 2691. An act to designate the week of October 9 to October 16 each year as National American-Scandinavian Educational Week;

S. 3163. An act to provide for a national cemetery in the vicinity of Portland, Oreg.;

S. 4070. An act to provide for more uniform coverage of certain persons employed in coal-mining operations with respect to insurance benefits provided for by certain Federal acts, and for other purposes;

S. 4106. An act to authorize the construction of certain facilities in Marjorie Park, Davis Island, Tampa, Fla., and for other purposes; and

S. J. Res. 245. Joint resolution authorizing Government employees' participation in the celebration of National Aviation Day, and for other purposes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 5403. An act to provide for the deposit of certain collections for overtime immigration services to the credit of the appropriation chargeable with the payment for such services, and for other purposes; and

H. R. 9158. An act to amend the act entitled "An act for the protection of certain enlisted men of the Army," approved August 19, 1937, and for other purposes.

INAUGURATION OF THE PRESIDENT-ELECT IN JANUARY 1941

Mr. DOUGHTON. Mr. Speaker, I offer the following joint resolution and ask unanimous consent for its immediate consideration.

The Clerk read the joint resolution, as follows:

House Joint Resolution 467

Resolved, etc., That all amounts paid for admission tickets sold by authority of the Committee on Inaugural Ceremonies of the inauguration of the President-elect in January 1941, said committee to be appointed with the approval of the President-elect, shall be exempt from the tax on admissions imposed by section 500 of the Revenue Act of 1926, as amended, all the net proceeds from the sale of said tickets to be donated by the said committee to charity.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. JENKINS of Ohio. Reserving the right to object, Mr. Speaker, I do not see the gentleman from Massachusetts [Mr. TREADWAY] here. Does the gentleman from Massachusetts know that the joint resolution is being taken up at this time?

Mr. DOUGHTON. This is a customary resolution passed each 4 years. It has a unanimous report from the Committee on Ways and Means.

Mr. JENKINS of Ohio. That is a matter we take care of every other Congress?

Mr. DOUGHTON. It is the same matter we have taken care of before, and it comes with a unanimous report from the committee.

Mr. JENKINS of Ohio. I believe there is no objection, Mr. Speaker, so I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. WOODRUM of Virginia. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by inserting therein two brief newspaper articles.

The SPEAKER. Is there objection to the request of the gentleman from Virginia.

There was no objection.

Mr. KLEBERG. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by inserting therein an address by Wright Morrow, my long-time friend, nominating JOHN NANCE GARNER for President on the Democratic ticket at the national convention in Chicago.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. KITCHINS asked and was given permission to extend his own remarks in the RECORD.

Mr. ZIMMERMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a statement made by my colleague, Hon. CLYDE WILLIAMS, of the Eighth District of Missouri, which was published in the Missouri Democrat under date of August 2.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ANNOUNCEMENT

Mr. PETERSON of Georgia. Mr. Speaker, when the vote was taken last Thursday on the bill (S. 3998) to increase the credit resources of the Commodity Credit Corporation, I was unable to be present, because I was attending to important official duties. Had I been present, I would have voted "yea" on the final passage of the bill.

PERMISSION TO ADDRESS THE HOUSE

Mr. PETERSON of Georgia. Mr. Speaker, I ask unanimous consent that on today, after the completion of the legislative program of the day and following any special orders heretofore entered, I may be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

EXTENSION OF REMARKS

Mr. NELSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter from a constituent.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REFUGEE CHILDREN

Mr. COLMER, from the Committee on Rules, submitted the following privileged resolution, which was read, referred to the House Calendar, and ordered printed:

House Resolution 562

Resolved, That immediately upon adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for consideration of H. R. 10213, a bill to permit American vessels to assist in the evacuation from the war zones of certain refugee children. That after general debate, which shall be confined to the bill and shall continue not to exceed 2 hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

EXTENSION OF REMARKS

Mr. LUTHER A. JOHNSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a resolution passed in one of the counties of my district.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. SABATH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SABATH. Mr. Speaker, when the so-called draft bill was introduced by Senator BURKE, which is known as the Burke-Wadsworth bill, the country was falsely led to believe that that was an administration or Roosevelt bill. Personally, I want to assure the Members of the House and the country that that was not an administration bill, because I know the President would not call upon Senator BURKE or the gentleman from New York [Mr. WADSWORTH], who have been and are viciously opposed to him, and request that they introduce legislation in behalf of the administration.

I am satisfied, and I am sure every intelligent man knows, that the introduction of the bill providing for the drafting of boys of 18 and grandfathers of 65 is nothing but a Republican scheme to smear the President and the administration. The President is for a draft if it becomes necessary, but not for such a ridiculous plan as set forth in the Burke-Wadsworth bill.

The President's position on this matter has been made very clear. He favors a draft only if sufficient men cannot be obtained for the Army and Navy through voluntary enlistment, and he has pointed out that those who do enlist will primarily be trained in vocational studies. But you will recall that he plainly stated that, regardless of his own feelings, he was leaving the matter entirely up to Congress.

That is all I wanted to make clear, Mr. Speaker. I believe the public should know that this bill was not prepared by the administration, and it should also know that Congress will be the body to decide upon just what type of legislation will be enacted.

EXTENSION OF REMARKS

Mr. LEAVY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein two short editorials from a local weekly paper in my district, together with a letter and a telegram that I sent.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. LEAVY. Mr. Speaker, I make the further request that I be permitted to extend my remarks in the RECORD and to include therein an editorial from the Chicago Daily Times entitled "Roosevelt and Wallace."

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on three subjects.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an address on the Oregon Pioneer by W. L. Gosslin.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. THILL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a speech by Daniel Webster against conscription.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ANDERSON of California. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an article from a Pacific coast newspaper.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. McGREGOR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an open letter addressed to me from the Utica (Ohio) Herald.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial from the Daily Times, of Beaver, Pa.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CODIFICATION OF THE NATIONALITY LAWS

Mr. REES of Kansas. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. REES of Kansas. Mr. Speaker, I have asked unanimous consent at this time to call the attention of the Members of the House to what is known as the proposed Nationality Act of 1940. It is H. R. 9980, and the committee report is House Report 2396. The original bill was introduced early in the spring and the revised measure introduced June 3, 1940. Extensive hearings were held on the bill by a subcommittee of the Committee on Immigration and Naturalization. Representatives of the State Department, Immigration and Naturalization Service, and the Department of Justice as well as the War Department, appeared and gave testimony on the bill. The American Bar Association and some other groups were represented at the hearings. The bill has the approval of the various departments of the Government. The American Bar Association, through its representatives, also approves the measure. It has been recommended by the House Committee on Immigration and Naturalization without objection. A rule has been granted and the bill is on the House Calendar.

I particularly want to call your attention to the importance of this measure and urge you to give it your careful study and consideration—so when it comes to the floor of the House for debate, there will be no feeling on the part of this membership that the bill has not heretofore been brought to your attention. The purpose of the Nationality Code is to bring together in orderly and systematic form a consolidation of the laws of the United States upon citizenship, nationality, and expatriation. The bill also amends the present law with a view of making it more workable and to strengthen it and

make it more enforceable. The bill also provides for repealing obsolete, conflicting, and unnecessary portions of the law, and would permit more prompt and expeditious enforcement of our nationality law.

I suggest that the membership of the House examine the bill and especially the report, so that you may be more familiar with this measure, as well as the problem involved, when it comes to the floor of the House for consideration. Let me suggest, too, that this measure is in no wise political and should in my opinion have the support of the membership of Congress. This proposal, in my opinion, is of great importance. I trust the membership of the House will give approval to the bill when it comes up for consideration.

[Here the gavel fell.]

WILL THE 1940 ELECTION BE ANOTHER PUBLIC AUCTION

Mr. SHAFER of Michigan. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SHAFER of Michigan. Mr. Speaker, I am in possession of information showing a startling increase in the orders for the printing of blank relief checks and food stamps by the Bureau of Printing and Engraving during the past week or so, and I have requested this privilege of the floor to bring the matter to the attention of the Congress.

My information is that orders for 10,000,000 blank relief checks have been received by the Bureau of Engraving and Printing in the past 10 days—more blank relief checks than have been printed by the Bureau in the past 9 months. I am told that approximately 3,000,000 of these checks have been ordered for use in Minnesota, whose Governor is the Honorable Harold E. Stassen. Other blank checks have been ordered for use in New York, Illinois, and other politically key States.

I have also information to the effect that more food stamps were shipped out by the Bureau of Engraving and Printing in 3 days recently than have been shipped out in the entire history of the food-stamp plan. The supply has gone to Brooklyn, Minneapolis, Cleveland, and other politically strategic centers.

I am fully aware of the serious nature of the implications contained in these developments, and if the past performance of the administration had not been what it had been, I would hesitate to make public these facts and bring them to the floor of the House of Representatives. We must remember, however, that, despite the fact that Harry Hopkins, then the Administrator of the W. P. A., in an address delivered on May 8, 1938, said:

> Anyone who uses his position with the W. P. A. in any way to influence the votes of others by threat or intimidation would be dismissed.

Nevertheless, the President's chief relief officials have made many political statements designed to influence relief votes.

Aubrey Williams, then Deputy Administrator of W. P. A., now head of the National Youth Administration, in a speech to the Workers Alliance, Washington, D. C., June 27, 1938, said:

> You know your friends very well. Just judge the folks who come and ask for your support by the crowd they run with. * * * The people who stand for Government support of work-relief measures are those who are going to win the election.

Incidentally I find that, in addition to the 10,000,000 relief checks, 700,000 of new checks have been ordered by N. Y. A. to be administered by Mr. Williams.

Harry Hopkins, then Administrator of the W. P. A., now Secretary of Commerce, and one of the directing heads of the New Deal campaign, said, in a press conference on July 21, 1938:

> We got about 3,000,000 people working for us, and they are Americans like ourselves, and no one can tell them how to vote. * * * They have their own political views, and incidentally I think I know what their views are. * * * At least 90 percent of them are for Roosevelt.

Keeping in mind this sudden and significant, not to say startling, increase in the orders for blank checks, it becomes a remarkable coincidence that the number of persons on the Federal relief rolls have in the past increased greatly from June through October in each election year. Thus, in 1933, a nonelection year, the number of persons on Federal relief declined 15.4 percent during these months, although the index of industrial production, reflecting employment, declined 16.5 percent in that period; yet in the election year of 1934 the number of persons on Federal relief increased 11.6 percent from June through October.

In 1935, a nonelection year, the Federal relief rolls showed a decline of 9.6 percent from June through October; but in 1936, an election year, the Federal relief rolls increased 14.4 percent, although unemployment had been reduced 13 percent. In 1937, when there was no election, the Federal relief rolls showed a decline of 16.9 percent from June through October, although the index of production declined 10.5 percent in that period. But in 1938, an election year, the Federal relief rolls showed an increase of 19.2 percent, although unemployment declined 9 percent from June through October. In 1939, when there was no election, the number on relief declined 25.5 percent for the months preceding the usual election date.

The Senate Committee to Investigate Campaign Expenditures and the use of Government funds in the campaign of 1938, composed of one Republican and four Democratic Senators, under the chairmanship of Senator SHEPPARD, of Texas, reported that all over the country pressure was brought to bear on relief workers, relief funds were wrongfully used for political purposes, and the committee found that especially deplorable conditions existed in Kentucky.

The able senior Senator from Virginia, the Honorable CARTER GLASS, declared in another in another body of the Congress June 24, 1937, page 6284 of the CONGRESSIONAL RECORD, that—

> The last election was carried by people who were getting favors from the Government, people who were subsidized by the Government, people who were on relief rolls, and people who sanctioned the invasion of private property and its occupation, as is being done now. We have got no government in Washington and we have got no government in some of the States, because government has surrendered to mob violence.

Under the circumstances and in view of this record in the past, this startling and sudden increase in the number of relief checks has a significance which cannot be ignored. Ten million blank relief checks will, whether or not it is so intended, reach and perhaps influence a lot of voters. The free gift of food by the use of food stamps, the distribution of which is under the authority of Henry A. Wallace, the New Deal Vice Presidential candidate, will reach a lot of voters who naturally would be expected to feel friendly to the administration which gave them this food.

This certainly is a situation in which the old adage has a direct application: "Where there is so much smoke there's bound to be some fire."

Mr. Speaker, I am in possession of information which shows that the Bureau of Engraving and Printing is now at work printing around 10,000,000 blank relief checks; and also that in 3 days during the past week the Bureau of Engraving and Printing shipped out more food stamps than have been used in all the history of the food-stamp plan.

I am wondering, Mr. Speaker, whether the election in 1940 will be just another public auction.

Mr. JOHNSON of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. SHAFER of Michigan. I yield.

Mr. JOHNSON of Oklahoma. Is the gentleman opposed to the food-stamp plan in any State?

Mr. SHAFER of Michigan. I am not opposed to decent regulation of the food-stamp plan; no.

Mr. JOHNSON of Oklahoma. Does the gentleman intimate that the administration of the food-stamp plan has not been decent and that it has not been one of the greatest programs put over by this administration?

Mr. SHAFER of Michigan. I can assure the gentleman from Oklahoma that I am perfectly cognizant of the serious implications made in my few remarks this morning.

AMENDMENT OF THE TARIFF ACT OF 1930

Mr. McCORMACK, from the Committee on Ways and Means, reported the bill (H. R. 10181) to amend the Tariff Act of 1930, as amended by section 34 (c) of the Customs Administrative Act of 1938 (U. S. C., 1934 ed., Supp. IV, title 19, sec. 1001, par. 1529 (a)), which was referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

JUDGE MARVIN JONES

Mr. FULMER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and in connection with my remarks to extend a certain resolution.

The SPEAKER. Is there objection?

There was no objection.

Mr. FULMER. Mr. Speaker, I have asked this time to call to the attention of the Members of the House the fact that on last Thursday morning, August 1, 1940, the members of the Agricultural Committee met in an informal meeting for the purpose of delivering to our colleague the gentleman from Texas, MARVIN JONES, the distinguished chairman of the House Agricultural Committee, an appropriate resolution endorsing his long and distinguished service in the Congress of the United States.

This resolution was drafted by a special committee composed of members of the Agricultural Committee, after which it was transcribed on parchment and placed in an appropriate frame for presentation.

This resolution sets forth the date of his election, his outstanding service as a Member of Congress during the past 24 years, and his 10 years of service as chairman of the Agricultural Committee.

The resolution also commends President Roosevelt for his wise selection and appointment of the gentleman from Texas, MARVIN JONES, to the judicial branch of the Federal Government. As you know, the President has given Marvin an appointment as judge with the Court of Claims, and his appointment has been confirmed by the Senate.

Mr. Speaker, I am sure that the Members of the House will be interested in reading this resolution as adopted by the committee, and I am requesting the privilege of including same as a part of my remarks.

Resolutions adopted by the Committee on Agriculture of the United States House of Representatives, May 21, 1940

Whereas the President of the United States has named the Honorable MARVIN JONES and the Senate of the United States has confirmed his appointment as judge on the United States Court of Claims; and

Whereas MARVIN JONES elected as Representative to the United States House of Representatives in 1917 from Texas, where he attained high recognition for his mental and legal talents; and

Whereas in 1920 he became a member of the Committee on Agriculture of the United States House of Representatives, and in December of 1931 became chairman of said committee; and

Whereas as chairman of said committee he has demonstrated outstanding and unusual mental and human qualities; and

Whereas because of his fine understanding of the problems of agriculture, his untiring application, his legal and legislative ability, his tolerance, impartiality, and his fairness and leadership, this committee has made an outstanding record in presentation and passage of major bills and legislation through the House of Representatives and Senate and its service to agriculture and the Nation; now, therefore, be it

Resolved, That we, the members of the Committee on Agriculture of the United States House of Representatives, having served with MARVIN JONES as a member and as chairman of this committee, experience a real and sincere sense of regret and loss in his retirement from Congress and as chairman of this committee; and be it further

Resolved, That in our service with him we have developed a high and continuing regard for his ability, his leadership, his fairness, and for all of those qualities which are inherent in a real man and a true friend; and we are

Resolved, That we commend the President of the United States for his selection of Mr. JONES to the judicial branch of our Government with united acclaim and our expressed conviction that Mr. JONES is preeminently qualified to fill this post or a vacancy on the Supreme Court of the United States; and we are finally

Resolved, That these resolutions be presented to him in token of our individual and unanimous affection, esteem, and regard for him as our friend and colleague and that as Members of Congress charged with the responsibility in the House of Representatives with considering legislation affecting agriculture, the basic industry of our country, that we commend Mr. JONES for his invaluable service to agriculture and to the Nation as a Representative in the Congress of the United States of America.

In these, our resolutions, we express the earnest, individual, and united wish that in the new task which our friend is assuming that his efforts may be blessed with continuing high success in the service of his country and that he may be blessed with good health and happiness.

To these we put our hands.

H. P. Fulmer, Wall Doxey, John W. Flannagan, Jr., Harry P. Beam, J. G. Polk, R. M. Kleberg, Fred Cummings, Walter M. Pierce, Aug. H. Andresen, Frank E. Hook, Harry B. Coffee, Orville Zimmerman, Harold D. Cooley, Stephen Pace, Clifford R. Hope, J. Roland Kinzer, Fred C. Gilchrist, Phil Ferguson, Wm. Lemke, Ralph O. Brewster, Anton J. Johnson, Reid F. Murray, Frank O. Horton, Cliff Clevenger, Samuel Wilder King, Bolivar Pagan.

EXTENSION OF REMARKS

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to include a quotation from the CONGRESSIONAL RECORD in a unanimous-consent request which has already been granted to me.

The SPEAKER. Is there objection?

There was no objection.

Mr. THORKELSON. Also, Mr. Speaker, I ask unanimous consent to extend my remarks and to include a short article from the New York Tribune.

The SPEAKER. Is there objection?

There was no objection.

COMPULSORY MILITARY TRAINING

Mr. FISH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. FISH. Mr. Speaker, I do so in order to read the following statement sent out by the Associated Press:

LEGION CHIEF FOR "VOLUNTEER" ARMY

INDIANAPOLIS, August 1, 1940.—Raymond J. Kelly, national commander of the American Legion, said in an interview today he favors conscription only as a last resort, and then an all-inclusive conscription.

"We are not at war," he said, "although everything that is being done seems to be based on the theory that we are, or that we will be any moment."

In place of conscription, the Legion commander proposed a call for a million volunteers for a year's training.

"I believe the response," he said, "would be tremendous." And he pointed out it took only a few days to get 50,000 student pilots for so-called Plattsburgs of the air.

In event of war, Kelly said, business and industry, as well as men, should be drafted, and "all elements of the Nation should serve equally."

Kelly deplored propaganda he said is being spread in an effort to get the United States to send troops to the European war.

I approve and endorse the statement of Commander Kelly, which is similar to the recommendations of former Secretary of War Harry Woodring, and believe it is based on sound common sense and reason, and reflects the views of a large majority of the House of Representatives and the American people.

LEAVE TO ADDRESS THE HOUSE

Mr. FISH. Mr. Speaker, I ask unanimous consent that tomorrow, Tuesday, after the conclusion of the business of the House, I be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my remarks and to include a radio address delivered by me.

The SPEAKER. Is there objection?

There was no objection.

LEAVE TO ADDRESS THE HOUSE

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent that after the special order tomorrow just granted to the gentleman from New York [Mr. FISH] I be permitted to address the House for 25 minutes.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. PATRICK. Mr. Speaker, I ask unanimous consent to extend my own remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOUSTON. Mr. Speaker, I have two unanimous-consent requests, one to extend my remarks and to include therein a speech I delivered on foreign trade, and also to extend my remarks upon the expenditures of the Federal Government in Butler County, Kans.

The SPEAKER. Is there objection?

There was no objection.

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including therein a discussion on the Monroe Doctrine by Mr. Castle, from the Saturday Evening Post, and also to extend my remarks and to include a radio address I delivered myself.

The SPEAKER. Is there objection?

There was no objection.

Mr. LAMBERTSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent to place in the Appendix of the RECORD a resolution adopted by the American Legion, Department of South Dakota, at its annual convention.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on two subjects and to include a newspaper article.

The SPEAKER. Is there objection?

There was no objection.

CONSENT CALENDAR

The SPEAKER. This is consent day, and the Clerk will call the first bill on the Consent Calendar.

TIDAL POWER, PASSAMAQUODDY BAY

The Clerk called Senate Joint Resolution 57, authorizing the Secretary of War to cause a completion of surveys, test borings, and foundation investigations to be made to determine the advisability and cost of putting in a small experimental plant for development of tidal power in the waters in and about Passamaquoddy Bay, the cost thereof to be paid from appropriations heretofore or hereafter made for such examinations.

The SPEAKER. Is there objection?

Mr. CHURCH. Mr. Speaker, I ask unanimous consent that the Senate joint resolution be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

TOLL BRIDGE ACROSS THE MISSOURI RIVER AT FLORENCE STATION, OMAHA, NEBR.

The Clerk called the next bill, H. R. 7069, authorizing Douglas County, Nebr., to construct, maintain, and operate a toll bridge across the Missouri River at or near Florence Station, in the city of Omaha, Nebr.

The SPEAKER. Is there objection?

Mr. CHURCH. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMENDING CROP-LOAN LAW RELATING TO LIEN IMPOSED THEREUNDER

The Clerk called the next bill, H. R. 7878, to amend the crop-loan law relating to the lien imposed thereunder, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

COMPENSATION OF SPECIAL COUNSEL FOR THE UNITED STATES

The Clerk called the next bill, H. R. 4366, to authorize the payment of additional compensation to special assistants to the Attorney General in the case of United States against Doheny Executors.

The SPEAKER. Is there objection?

Mr. WOLCOTT. Reserving the right to object, Mr. Speaker——

Mr. MICHENER. Mr. Speaker, I reserve the right to object. This bill is on the calendar and will come up under a rule tomorrow. May I express the hope that the Members of Congress will get the report on this bill and read carefully the minority report?

Mr. WOLCOTT. Mr. Speaker, in view of the fact that a rule has been granted for the consideration of this bill, I ask unanimous consent that it be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CHANGING THE TIME OF APPOINTMENT OF PRESIDENTIAL ELECTORS

The Clerk called the next bill, H. R. 8700, to change the time of the appointment of Presidential electors and the election of Senators and Representatives in Congress.

The SPEAKER. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

EDMUND BURKE MEMORIAL COMMISSION

The Clerk called the next business, House Joint Resolution 307, to provide for the printing of the speeches and writings of Edmund Burke as a House document.

The SPEAKER. Is there objection?

Mr. KEAN. Mr. Speaker, I ask unanimous consent that this joint resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PRINTING OF REVISED EDITION OF BIOGRAPHICAL DIRECTORY OF THE AMERICAN CONGRESS

The Clerk called the next business, House Concurrent Resolution 54, authorizing the printing of a revised edition of the Biographical Directory of the American Congress.

The SPEAKER. Is there objection to the present consideration of the concurrent resolution?

Mr. KEAN. Mr. Speaker, I ask unanimous consent that this concurrent resolution be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

DESIGNATING THE PERSON WHO SHALL ACT AS PRESIDENT

The Clerk called the next bill, H. R. 9462, designating the person who shall act as President if a President shall not have been chosen before the time fixed for the beginning of his term, or when neither a President-elect nor a Vice-President-elect shall have qualified.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

UTE INDIANS

The Clerk called the next bill, S. 72, to amend the act entitled "An act conferring jurisdiction upon the United States Court of Claims to hear, examine, adjudicate, and render judgment on any and all claims which the Ute Indians or any tribe or band thereof may have against the United States, and for other purposes," approved June 28, 1938.

The SPEAKER. Is there objection?

Mr. RICH, Mr. COCHRAN, and Mr. COSTELLO objected, and the bill was stricken from the calendar.

OBLIGATIONS TO CERTAIN ENROLLED INDIANS UNDER TRIBAL AGREEMENT

The Clerk called the next bill, H. R. 5944, to carry out certain obligations to certain enrolled Indians under tribal agreement.

The SPEAKER. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

PARTICIPATION OF STATES IN CERTAIN REVENUES FROM NATIONAL PARKS, ETC.

The Clerk called the next bill, H. R. 9535, to authorize the participation of States in certain revenues from national parks, national monuments, and other areas under the administrative jurisdiction of the National Park Service, and for other purposes.

The SPEAKER. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. RICH, Mr. SPRINGER, and Mr. TABER objected to the consideration of the bill, and the same was stricken from the calendar.

MACKINAC STRAITS BRIDGE

The Clerk called the next bill, S. 1379, granting the consent of Congress to the Mackinac Straits Bridge Authority to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches thereto, across the Straits of Mackinac at or near a point between St. Ignace, Mich., and the Lower Peninsula of Michigan.

The SPEAKER. Is there objection?

Mr. DONDERO. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. RABAUT. Mr. Speaker, I reserve the right to object.

Mr. Speaker, this bill was originally introduced by Senator BROWN when he first came to Congress, and it has been pushed around and objected to here ever since.

The bill requires no money and asks for no money. It merely asks permission to allow the State of Michigan to build a bridge across the Straits of Mackinac. My colleague the gentleman from Michigan [Mr. DONDERO], who objects, comes from one of the most progressive districts in Michigan. This bill would be of great service to the people of his district.

Mr. DONDERO. Mr. Speaker, if the gentleman is to have permission to address the House, then I ask equal time to address the House on the same subject.

Mr. RABAUT. I have no objection to the gentleman's addressing the House, but I would like to see if it would not be possible to have this bill passed by this House today. Here is a great necessity, that of crossing the Straits of Mackinac, the necessity for a bridge; and the Highway Department of Michigan are very anxious to have legislation introduced in the State Legislature of Michigan for the purpose of having the State itself pay for this bridge. We ask nothing from the Federal Government except the right from the War Department to consider the construction of a bridge across navigable waters.

On what grounds does the gentleman object?

Mr. DONDERO. Mr. Speaker, reserving the right to object, my views are well stated——

The SPEAKER. The gentleman is not reserving the right to object to his own request, is he?

Mr. DONDERO. I have asked unanimous consent that this bill may be passed over without prejudice, but I object to its present consideration under the Consent Calendar.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. BRADLEY of Michigan. Mr. Speaker, reserving the right to object, I sincerely hope that we may be given an opportunity to discuss this bill later in the day.

Mr. RABAUT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RABAUT. How could this bill be brought up later in the day if it is passed over without prejudice now?

The SPEAKER. It cannot be brought up again today on the Consent Calendar.

Mr. RABAUT. Then, Mr. Speaker, I ask the gentleman what is his request.

Mr. HOFFMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOFFMAN. Can the bill be brought up under a request for suspension of the rules?

The SPEAKER. It could be brought up under a suspension of the rules if the Speaker recognized a Member for that purpose, which the Speaker has no intention of doing.

Mr. LESINSKI. Mr. Speaker, I object to the request to pass the bill over without prejudice.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DONDERO. Mr. Speaker, I object to the present consideration of the bill.

The SPEAKER. Objection is heard.

SIOUX INDIAN MASSACRE AT WOUNDED KNEE

The Clerk called the next bill, H. R. 953, to liquidate the liability of the United States for the massacre of Sioux Indian men, women, and children at Wounded Knee on December 29, 1890.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COSTELLO, Mr. HOFFMAN, and Mr. RICH objected.

SMITHSONIAN GALLERY OF ART

The Clerk called the next bill, H. R. 9806, to permit the Smithsonian Gallery of Art Commission to purchase a model of the winning design for the proposed Smithsonian Gallery of Art, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TABER, Mr. SPRINGER, and Mr. RICH objected.

ORIENTAL-LANGUAGE INTERPRETERS—IMMIGRATION AND NATURALIZATION SERVICE

The Clerk called the next bill, H. R. 8181, to grant retirement benefits to Chinese, Japanese, and Hindu interpreters in the United States Immigration and Naturalization Service.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the first paragraph of section 3 of the Civil Service Retirement Act, as amended, is amended by inserting after subdivision (g) thereof the following new subdivision:

"(h) Chinese, Japanese, and Hindu interpreters in the United States Immigration and Naturalization Service, whose tenure of employment is not intermittent nor of uncertain duration."

With the following committee amendments:

In line 5 strike out "(g)" and insert "(i)."

In line 6 strike out "(h)" and insert "(j)."

In line 7, after the word "Service", insert a comma and add the following: "who are citizens of the United States and."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DEPARTMENT OF THE INTERIOR—CIVIL SERVICE LAWS

The Clerk called the next bill, H. R. 9041, to provide that assistant or deputy heads of certain bureaus in the Department of the Interior shall be appointed under the civil-service laws, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That hereafter assistant or deputy commissioners of the Bureau of Fisheries, General Land Office, and Bureau of Indian Affairs, in the Department of the Interior, shall be appointed by the Secretary of the Interior, subject to the civil-service laws and the Classification Act of 1923, as amended. Appointments to these positions shall be considered as made under the authority of section 169 of the Revised Statutes, as amended (5 U. S. C., sec. 43). Assistant and deputy commissioners so appointed shall be authorized to sign such letters, papers, and documents and to perform such other duties as may be directed by the commissioner of their respective bureaus. The Secretary may

designate for each of the afore-mentioned bureaus an assistant or deputy commissioner, who shall be authorized to perform the duties of the commissioner in case of the death, resignation, absence or sickness of the commissioner.

SEC. 2. All provisions of law inconsistent with this act are hereby repealed to the extent of such inconsistency.

With the following committee amendment:

Page 1, line 4, strike out the words "Bureau of Fisheries."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CREATING A MOUNTAIN DISTRICT IN THE STATE OF TENNESSEE

The Clerk called the next bill, S. 1681, an act to amend section 107 of the Judicial Code to create a mountain district in the State of Tennessee, and for other purposes.

Mr. CHURCH. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice. A rule has been granted for the consideration of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. CHURCH]?

There was no objection.

CESSION BY THE STATE OF WASHINGTON OF JURISDICTION OVER CERTAIN LANDS IN OLYMPIC NATIONAL PARK

The Clerk called the next bill, H. R. 6559, to accept the cession by the State of Washington of exclusive jurisdiction over the lands embraced within the Olympic National Park, and for other purposes.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. WOLCOTT]?

There was no objection.

TORT CLAIMS AGAINST THE UNITED STATES

The Clerk called the next bill, H. R. 7236, to provide for the adjustment of certain claims against the United States and to confer jurisdiction in respect thereto on the Court of Claims and the district courts of the United States, and for other purposes.

Mr. SMITH of Washington. Mr. Speaker, this is quite a long, complicated bill. I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Washington [Mr. SMITH]?

There was no objection.

FRED B. WOODWARD

The Clerk called the next bill, H. R. 9432, to limit the operation of sections 109 and 113 of the Criminal Code, and section 190 of the Revised Statutes of the United States with respect to certain counsel.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. WOLCOTT]?

There was no objection.

EXTENSION OF CERTAIN OIL- AND GAS-PROSPECTING PERMITS

The Clerk called the next bill, H. R. 8448, to provide for the extension of certain oil- and gas-prospecting permits.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That notwithstanding the provisions of any other act, any oil- or gas-prospecting permit issued under authority of the act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, as amended, which expired between December 31, 1937, and January 1, 1940, because of lack of authority under existing laws to make extension of such permits, shall, upon application to the Secretary of the Interior and subject to valid intervening rights, be extended for an additional period ending December 31, 1941.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RELIEF OF CERTAIN FORMER DISBURSING OFFICERS FOR THE CIVIL WORKS ADMINISTRATION AND FEDERAL EMERGENCY RELIEF ADMINISTRATION

The Clerk called the next bill, H. R. 9514, for the relief of certain former disbursing officers for the Civil Works Administration and the Federal Emergency Relief Administration.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICH. Mr. Speaker, reserving the right to object, may I ask the author of the bill to explain it a little more fully than is given in the report?

Mr. COSTELLO. Mr. Speaker, I do not think the chairman of the committee is present, but the purpose of the bill is to clean up the accounts of the Civil Works Administration and the Federal Relief Administration, both of these agencies being now defunct. There are no employees on the Federal pay roll for either of those two agencies of the Government.

The purpose of the bill is simply to allow for the correction of the accounts of the employees. A bill was previously introduced specifying the names of the persons and the amount of money to be allowed for errors in their accounts. That bill went through to the President for approval, but it happened that during the interval between the time of the introduction of the legislation and the time the bill was received by the President there had been certain corrections in the amounts and as a result the bill specified balances that were not accurate. For this reason the President vetoed the bill.

Mr. RICH. What amount do they want to charge off these records?

Mr. COSTELLO. I may say to the gentleman that I do not know what the exact amounts are as to each individual case.

Mr. RICH. Were these paymasters bonded?

Mr. COSTELLO. I think so. These are only small items, possibly $5,000 or a little over that in any one case. I think the committee report here shows at the bottom of page 2 and at the top of page 3 the amounts.

Mr. RICH. Were these paymasters bonded?

Mr. COSTELLO. I believe they were.

Mr. RICH. If they were bonded, why do we have to except them by law and pass a special piece of legislation for their exemption?

Mr. COSTELLO. These are largely due to errors that have taken place in the entry of accounts, very often by inferior persons, and they are charged up to the man in charge of the department, the head paymaster. A similar procedure has been followed here that has been followed by the War and Navy Departments, and by other agencies of the Government.

Mr. RICH. The gentleman remembers that we charged off some $80,000,000 a year or so ago on accounts where the paymasters were bonded and because of their negligence the taxpayers of the country had to suffer. Is the gentleman sure that the amount of this charge-off is only about $5,000?

Mr. COSTELLO. I am reading from the report at the bottom of page 2 here, next to the last paragraph, "approximately $5,472.39 cover exceptions," and so forth. It is not only $5,000. There are different items. There is, on page 2, an item of $5,000; there is another one for $5,400, and another one for $2,900. The report on page 3 shows the remaining items that are to be charged off. I am not a member of the Committee on Claims which reported the bill. When the bill was called previously I asked unanimous consent that it be passed over without prejudice because I thought it was not in the usual form in that it did not specify the names of the persons.

Mr. RICH. Has the gentleman made a personal study of the bill?

Mr. COSTELLO. I had a man from that agency come down and talk to me and explain the reason for the different procedure, and it was because of the fact this is an agency of the Government that has been terminated and has ceased to exist. This simply gives authority to clean up the accounts.

Mr. RICH. If the gentleman will look on page 3, I notice not less than four or five different items that they want to charge off, not one particular item. There is one for $5,472.39, another for $2,962.73, another for $1,307.28, another for $13,631.05, another for $12,406.44, and another exception for $6,355.58.

Does the gentleman feel that this is a wise piece of legislation to pass at this particular time?

Mr. COSTELLO. I may say to the gentleman that most of these items are exceptions that have been made by the General Accounting Office over the method of handling these accounts. Take, for example, the item there of $13,000, to which the gentleman has referred.

Mr. RICH. Does the gentleman believe the new Comptroller General, Lindsay Warren, would recommend that these accounts be charged off?

Mr. COSTELLO. I believe that he most probably would. If the gentleman will read the explanation there of that $13,000 item, he will find that the payments were made for purposes other than indicated in the accounts, although the Federal Government received the full benefit of the services. The payment shown as personal services should have been shown as rental of equipment, so it is merely a technicality that has been raised about this $13,000 item. I believe the gentleman will find that the same is true for each of the different items listed there.

Mr. RICH. If the gentleman from California has made a study of it, and since we have a lot of respect for his judgment, I shall not object.

Mr. COSTELLO. I thank the gentleman.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MOSER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERSONS CONVICTED OF A FEDERAL OFFENSE

The Clerk called the next bill, H. R. 9954, to amend section 7 of the act of May 14, 1930 (46 Stat. 326; U. S. C., title 18, sec. 753f), relating to places of confinement and transfers of persons convicted of an offense against the United States.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERMITTING WIRE TAPPING IN CERTAIN CASES

The Clerk called the joint resolution (H. J. Res. 571) to authorize the Federal Bureau of Investigation of the Department of Justice to conduct investigations in the interest of national defense, and for that purpose to permit wire tapping in certain cases.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. SCHAFER of Wisconsin. I object, Mr. Speaker.

UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF NORTH CAROLINA

The Clerk called the next bill, H. R. 9122, to provide a mixed civil and criminal term of 2 weeks at Raleigh of the United States District Court for the Eastern District of North Carolina.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the third paragraph of section 98 of the Judicial Code, as amended (U. S. C., 1934 ed., Supp. V, title 28, sec. 179), is amended to read as follows:

"The terms of the District Court for the Eastern District of North Carolina shall be held at Raleigh, a 1-week civil term, on the second Mondays in September and March, and at the following places on each succeeding Monday thereafter: Fayetteville, Elizabeth City, Washington, New Bern, Wilson, Wilmington, and Raleigh, the term at Raleigh being a mixed criminal and civil term of 2 weeks, civil business to be called at the conclusion of the criminal. The clerk of the court for the eastern district shall maintain an office in charge of himself or deputy at Raleigh, at Wilmington, at New Bern, at Elizabeth City, at Washington, at Fayetteville, and at Wilson which shall be kept open at all times for the transaction of the business of the court."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEN. ANDREW PICKENS

The Clerk called the joint resolution (H. J. Res. 369) to provide for the erection of a shrine or monument to the memory of Gen. Andrew Pickens.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the joint resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PHOTOGRAPHS OF NATIONAL PARK SCENERY

The Clerk called the next bill, S. 769, authorizing the Secretary of the Interior to furnish mats for the reproduction in magazines and newspapers of photographs of national park scenery.

Mr. TABER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. O'CONNOR. Mr. Speaker, will the gentleman reserve his request for a moment?

Mr. TABER. Yes.

Mr. O'CONNOR. Mr. Speaker, this bill has already passed the Senate. It carries an appropriation of only $3,000. Its purpose is, of course, to stimulate travel as much as possible in the great scenic parks like Yellowstone National Park, Glacier Park, and all of the others by permitting small country newspapers to have the advantage of having mats of photographs and maps, and so forth, showing the scenic places in the various parks, for publication in these small papers. At the present time the cost is prohibitive. As this bill carries only a small appropriation and will do a lot to get before the public as a whole these scenic places in the manner I have indicated, I hope the gentleman will not insist upon his request.

Mr. BOLLES. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR. I yield to the gentleman from Wisconsin.

Mr. BOLLES. Does the gentleman believe the newspapers will print these maps?

Mr. O'CONNOR. That is my information.

Mr. BOLLES. I do not believe they will, and I am a newspaperman. Mr. Speaker, I object.

Mr. TABER. Mr. Speaker, my request was that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

DIVISION OF INVESTIGATIONS, DEPARTMENT OF THE INTERIOR

The Clerk called the next bill, S. 2627, to empower and authorize special agents and such other employees of the Division of Investigations, Department of the Interior, as are designated by the Secretary of the Interior for that purpose, to administer oaths in the performance of their official duties.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TABER. Reserving the right to object, Mr. Speaker, is anyone here in charge of this bill? If not, Mr. Speaker, I ask unanimous consent that it be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

KELLEY HOMESTEAD, NEAR ELK RIVER, MINN.

The Clerk called the joint resolution (H. J. Res. 376) authorizing the Secretary of Agriculture to accept from the National Grange a lease of the Kelley Homestead, near Elk River, Minn., and providing for its development and maintenance.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the joint resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

EXCEPTIONS TO SECTION 3709 OF THE REVISED STATUTES

The Clerk called the next bill, H. R. 10061, to consolidate certain exceptions to section 3709 of the Revised Statutes and to improve the United States Code.

Mr. O'CONNOR. Mr. Speaker, reserving the right to object, I would like to ask the purpose of this bill, and I would like to have the gentleman from Missouri [Mr. COCHRAN] explain its provisions.

Mr. COCHRAN. I may say to the gentleman from Montana that this bill was introduced by the chairman of the Committee on Revision of the Laws, the gentleman from New York [Mr. KEOGH]. The purpose of the bill is to place in the United States Code under one heading all the exemptions that have been granted to section 3709.

The gentleman from New York [Mr. KEOGH] has some clarifying amendments to offer. This bill will not disturb existing law in any way, but simply places in the United States Code, under one head, all of the exemptions without requiring one who is interested to go through the entire code to locate four or five dozen exemptions. There are one or two errors in the bill which I have called to the attention of the gentleman from New York, and he has certain amendments to correct them, because I do not want in this manner to disturb the existing situation.

Further I will say if the Senate adds any additional exemptions to this bill as chairman of the committee that reported it I will not agree to the action of the Senate.

Mr. O'CONNOR. I will say to the gentleman, Mr. Speaker, that I shall withdraw my objection.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 3709 of the Revised Statutes shall not be construed to apply to any purchases or services authorized by any appropriation act for the hereinafter enumerated independent offices and departments—

(a) Where the aggregate amount involved does not exceed the sum of $25—

(1) The Civil Service Commission.
(2) The Department of Commerce.
(3) The Department of Justice.
(4) The District of Columbia.

(b) Where the aggregate amount involved does not exceed the sum of $50—

(1) The administrative office of the United States courts.
(2) The Department of Agriculture.
(3) The Department of Labor.
(4) The Farm Credit Administration.
(5) The Federal Bureau of Investigation in the field.
(6) The Federal Home Loan Bank Board.
(7) The Federal Power Commission.
(8) The Federal Trade Commission.
(9) The General Accounting Office.
(10) The Indian Field Service.
(11) The Interstate Commerce Commission.
(12) The National Archives.
(13) The National Labor Relations Board.
(14) The Railroad Retirement Board.
(15) The Securities and Exchange Commission.
(16) The Tariff Commission.
(17) The Treasury Department.

(c) Where the aggregate amount involved does not exceed the sum of $100—

(1) The Air Safety Board.
(2) The Bureau of Air Commerce.
(3) The Civil Aeronautics Authority.
(4) The Federal Loan Agency.
(5) The Federal Works Agency.
(6) The Maritime Labor Board.
(7) The Rural Electrification Administration.
(8) The Smithsonian Institution.
(9) The United States Maritime Commission.

(d) Where the aggregate amount involved does not exceed the sum of $500—

(1) The Bureau of Mines.
(2) The United States Section of International Boundaries Commission, United States and Mexico.

SEC. 2. Section 3709 of the Revised Statutes shall not be construed to apply under any appropriation act to the following independent offices and departments under the circumstances specified herein:

(a) American Battle Monuments Commission—to any purchases when the aggregate amount involved does not exceed $500, nor to any leases in foreign countries for office or garage space.

(b) Bureau of the Budget—to any purchases of office equipment and supplies when the amount involved in any case does not exceed $50.

(c) The Bureau of Interparliamentary Union for Promotion of International Arbitration—to stenographic reporting services by contract if deemed necessary.

(d) Department of State—to any purchase or service when the aggregate amount does not exceed $100, or with respect to articles, materials, or supplies for use outside the United States when the aggregate amount involved does not exceed $300; or when the purchase or service relates to the packing of personal and household effects of Diplomatic, Consular, and Foreign Service officers and clerks for foreign shipment.

(e) Federal Communications Commission—to any purchase or exchange of instruments when the aggregate amount involved does not exceed $25.

(f) The International Committee of Aerial Legal Experts—to stenographic and other service by contract as deemed necessary.

(g) Medical Department of the Army—to the purchase of medicines and medical supplies.

(h) Social Security Board—to any purchase when the aggregate amount involved does not exceed $100.

SEC. 3. Materials and equipment for the control of incipient or emergency outbreaks of insects, pests, or grass diseases, including grasshoppers, Mormon crickets, and chinch bugs, may be procured with any sums appropriated to carry out the provisions of Public Resolution No. 91, approved May 9, 1928, without regard to the provisions of section 3709 of the Revised Statutes, as amended, and the transportation thereof may be under such conditions and means as shall be determined by the Secretary of Agriculture to be most advantageous.

SEC. 4. The sections or parts of sections of the Statutes at Large heretofore covering the provisions consolidated in this Act are repealed insofar as they are incorporated in the United States Code, 1934 Edition and Supplements thereto, as shown by the appended table: *Provided, however,* That any rights or liabilities existing under such repealed sections or parts of sections shall not be affected by their repeal.

Statutes at Large	United States Code	
	Title	Section
Act Feb. 27, 1893, ch. 168, 27 Stat. 485; Mar. 2, 1899, ch. 325, 30 Stat. 957; Mar. 2, 1911, ch. 192, 36 Stat. 975; May 18, 1916, ch. 125, sec. 1, 39 Stat. 126; Mar. 1, 1919, ch. 86, sec. 1, 40 Stat. 1262; May 29, 1920, ch. 214, sec. 1, 41 Stat. 677; June 12, 1922, ch. 218, 42 Stat. 638	41	
Act Jan. 25, 1929, ch. 102, title IV, 45 Stat. 1136; Apr. 18, 1930, ch. 184, title IV, 46 Stat. 215; Feb. 23, 1931, ch. 280, title IV, 46 Stat. 1352; July 1, 1932, ch. 361, title IV, 47 Stat. 520; Mar. 1, 1933, ch. 144, title IV, 47 Stat. 1409; Apr. 7, 1934, ch. 104, title IV, 48 Stat. 568; May 15, 1936, ch. 405, sec. 1, 49 Stat. 1347; June 16, 1937, ch. 359, sec. 1, title IV, 50 Stat. 298; Apr. 27, 1938, ch. 180, title IV, sec. 1, 52 Stat. 285; June 29, 1939, ch. 249, sec. 1, 53 Stat. 921	41	6a
Act Feb. 23, 1931, ch. 281, sec. 1, 46 Stat. 1363; June 30, 1932, ch. 330, sec. 1, 47 Stat. 460; June 16, 1933, ch. 101, sec. 1, 48 Stat. 292; Mar. 28, 1934, ch. 102, title I, sec. 1, 48 Stat. 514; Feb. 2, 1935, ch. 3, sec. 1, 49 Stat. 11; Mar. 19, 1936, ch. 156, sec. 1, 49 Stat. 1173; June 28, 1937, ch. 396, 50 Stat. 336; May 23, 1938, ch. 259, sec. 1, 52 Stat. 418; Mar. 16, 1939, ch. 11, sec. 1, 53 Stat. 532; Apr. 18, 1940, ch. 107, sec. 1, 54 Stat. 131	41	6b
Act June 22, 1936, ch. 689, sec. 1, 49 Stat. 1604; June 28, 1937, ch. 396, sec. 1, 50 Stat. 341; May 23, 1938, ch. 259, sec. 1, 52 Stat. 424; Mar. 16, 1939, ch. 11, sec. 1, 53 Stat. 539	41	6c
Act June 22, 1936, ch. 689, sec. 1, 49 Stat. 1605; June 28, 1937, ch. 396, sec. 1, 50 Stat. 344; May 23, 1938, ch. 259, sec. 1, 52 Stat. 426; Mar. 16, 1939, ch. 11, sec. 1, 53 Stat. 540	41	6d
Act May 14, 1937, ch. 180, title I, sec. 1, 50 Stat. 139; Mar. 28, 1938, ch. 55, sec. 1, 52 Stat. 123; May 6, 1939, ch. 115, sec. 1, title I, 53 Stat. 656; Mar. 25, 1940, ch. 71, title I, 54 Stat. 56	41	6e
Act June 16, 1937, ch. 359, title I, 50 Stat. 273; Apr. 27, 1938, ch. 180, title I, sec. 1, 52 Stat. 258; June 29, 1939, ch. 248, title I, 53 Stat. 896; May 14, 1940, ch. 189, title I, 54 Stat.	41	6f
Act June 16, 1937, ch. 359, title II, 50 Stat. 275; Apr. 27, 1938, ch. 180, title II, sec. 1, 52 Stat. 260; June 29, 1939, ch. 248, title II, 53 Stat. 898; May 14, 1940, ch. 189, title III, 54 Stat.	41	6g
Act June 16, 1937, ch. 359, title III, 50 Stat. 285; Apr. 27, 1938, ch. 180, title III, sec. 1, 52 Stat. 272	41	6h
Act June 28, 1937, ch. 396, sec. 1, 50 Stat. 335; May 23, 1938, ch. 259, sec. 1, 52 Stat. 417; Mar. 16, 1939, ch. 11, sec. 1, 53 Stat. 532; Apr. 18, 1940, ch. 107, sec. 1, 54 Stat. 124	41	6i
Act June 28, 1937, ch. 396, sec. 1, 50 Stat. 338; May 23, 1938, ch. 259, sec. 1, 52 Stat. 420; Mar. 16, 1939, ch. 11, sec. 1, 53 Stat. 534; Apr. 18, 1940, ch. 107, sec. 1, 54 Stat. 133	41	6j
Act June 28, 1937, ch. 396, sec. 1, 50 Stat. 339; May 23, 1938, ch. 259, sec. 1, 52 Stat. 421; Mar. 16, 1939, ch. 11, sec. 1, 53 Stat. 536; Apr. 18, 1940, ch. 107, sec. 1, 54 Stat. 135	41	6k
Act June 28, 1937, ch. 396, sec. 1, 50 Stat. 339; May 23, 1938, ch. 259, sec. 1, 52 Stat. 422; Mar. 16, 1939, ch. 11, sec. 1, 53 Stat. 537	41	6l
Act June 28, 1937, ch. 396, sec. 1, 50 Stat. 341; May 23, 1938, ch. 259, sec. 1, 52 Stat. 423; Mar. 16, 1939, ch. 11, sec. 1, 53 Stat. 538	41	6m
Act June 28, 1937, ch. 396, sec. 1, 50 Stat. 342; May 23, 1938, ch. 259, sec. 1, 52 Stat. 425; Mar. 16, 1939, ch. 11, sec. 1, 53 Stat. 539; Apr. 18, 1940, ch. 107, sec. 1, 54 Stat. 136	41	6n
Act Apr. 6, 1937, ch. 69, sec. 3, as amended May 9, 1938, ch. 192, 52 Stat. 344	41	6o
Act May 23, 1938, ch. 259, sec. 1, 52 Stat. 417; as amended Mar. 16, 1939, ch. 11, sec. 1, 53 Stat. 531; Apr. 18, 1940, ch. 107, sec. 1, 54 Stat. 124	41	6p

Statutes at Large	United States Code	
	Title	Section
Act June 25, 1938, ch. 681, title I, 52 Stat. 1117; Mar. 16, 1939, ch. 11, sec. 1, 53 Stat. 535; Apr. 18, 1940, ch. 107, sec. 1, 54 Stat. 134	41	6q
Act Mar. 16, 1939, ch. 11, sec. 1, 53 Stat. 527; as amended Apr. 18, 1940, ch. 107, sec. 1, 54 Stat. 116	41	6r
Act Aug. 7, 1935, ch. 455, 49 Stat. 540; Feb. 11, 1936, ch. 49, 49 Stat. 1123; May 15, 1936, ch. 405, 49 Stat. 1316; June 16, 1937, ch. 359, 50 Stat. 267; Apr. 27, 1938, ch. 180, 52 Stat. 254; June 29, 1939, ch. 248, title I, 53 Stat. 892; May 14, 1940, ch. 189, title I, 54 Stat. ——	41	6s
Act May 15, 1936, ch. 405, 49 Stat. 1315; June 16, 1937, ch. 359, 50 Stat. 267; Apr. 28, 1938, ch. 180, 52 Stat. 253; June 29, 1939, ch. 248, title I, 53 Stat. 891	41	6t
Act Feb. 20, 1929, ch. 270, sec. 1, 45 Stat. 1243; Apr. 19, 1930, ch. 201, sec. 1, 46 Stat. 243; Feb. 23, 1931, ch. 281, sec. 1, 46 Stat. 1370; Feb. 2, 1935, ch. 3, sec. 1, 49 Stat. 16; Mar. 19, 1936, ch. 156, sec. 1, 49 Stat. 1180; June 28, 1937, ch. 396, sec. 1, 50 Stat. 345; May 23, 1938, ch. 259, sec. 1, 52 Stat. 427; Mar. 16, 1939, ch. 11, sec. 1, 53 Stat. 542; Apr. 18, 1940, ch. 107, sec. 1, 54 Stat. 137	41	6u
Act June 28, 1937, ch. 396, sec. 1, 50 Stat. 331; May 23, 1938, ch. 259, sec. 1, 52 Stat. 412; Mar. 16, 1939, ch. 11, sec. 1, 53 Stat. 525; Apr. 18, 1940, ch. 107, sec. 1, 54 Stat. 113	41	6v
Act Apr. 18, 1940, ch. 107, sec. 1, 54 Stat. 113	41	6v–1
Act June 16, 1938, ch. 464, 52 Stat. 750; June 30, 1939, ch. 253, title II, sec. 1, 53 Stat. 978	41	6w
Act Aug. 25, 1937, ch. 757, title I, 50 Stat. 759	41	6x
Act Aug. 9, 1939, ch. 633, title I, sec. 1, 53 Stat. 1318	41	6y
Act Apr. 18, 1940, ch. 107, sec. 1, 54 Stat. 112	41	6z
Act Apr. 18, 1940, ch. 107, 54 Stat. 118	41	6aa
Act Apr. 18, 1940, ch. 107, 54 Stat. 119	41	6bb
Act Apr. 18, 1940, ch. 107, 54 Stat. 120	41	6cc
Act Apr. 18, 1940, ch. 107, 54 Stat. 131	41	6dd
Act Feb. 11, 1927, ch. 104, sec. 1, 44 Stat. 1081, as amended Apr. 18, 1940, ch. 107, sec. 1, 54 Stat. 137	41	6ee
Act May 14, 1940, ch. 189, title I, 54 Stat. ——	41	6ff
Act May 14, 1940, ch. 189, title IV, 54 Stat. ——	41	6gg

Mr. KEOGH. Mr. Speaker, I offer certain amendments and I ask unanimous consent that they may be read and considered together.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. KEOGH: Page 1, lines 5 and 6, after "enumerated", strike out "independent offices and departments" and insert "departments and independent offices."

Page 2, line 7, strike out "(3) The Department of Labor."

Page 2, line 14, strike out "(10) The Indian Field Service."

Page 2, between lines 15 and 16, insert "(10) The National Advisory Committee for Aeronautics."

Page 2, between lines 17 and 18, insert "(13) The Navy Department or its bureaus and offices."

Page 2, line 24, strike out "(1) The Air Safety Board", and insert "(1) The Civil Aeronautics Board."

Page 2, line 25, strike out "(2) The Bureau of Air Commerce."

Page 2, line 26, strike out "(3) The Civil Aeronautics Authority."

Page 2, after line 26, insert "(2) The Department of Labor."

Page 3, line 14, after "following", strike out independent offices and departments" and insert "departments and independent offices."

Page 3, between lines 19 and 20, insert:

"(b) Botanic Garden—to the purchase of supplies and equipment and the procurement of services made in the open market in the manner common among businessmen, when the aggregate amount of the purchase or the services does not exceed $50 in any instance.

"(c) Botanic Garden—to the purchase of plants, trees, shrubs, and other nursery stock in the sum of $300 at any one time."

Page 3, between lines 22 and 23, insert:

"(e) The Bureau of Foreign and Domestic Commerce—to purchases of supplies and equipment or the procurement of services in foreign countries made in the open market in the manner common among businessmen when the aggregate amount of the purchase or service does not exceed $100 in any instance."

Page 3, after line 25, insert:

"(g) Department of the Interior, the bureaus and offices thereof, Howard University, and the Columbia Institution for the Deaf, at the seat of the Government, as well as those located in the field outside the District of Columbia—to the purchase of supplies and equipment or the procurement of services made in open markets in the manner common among businessmen when the aggregate amount of the purchase or the service does not exceed $100 in any instance."

Page 5, line 4, after "4", insert "(a)."

Page 5, line 6, after first "are", insert "hereby."

Page 5, after line 11, insert:

"(b) The last paragraph under the heading 'Board of Mediation' in the Independent Offices Act of 1928 (44 Stat. 1072; U. S. C., title 45, sec. 164) is hereby repealed.

"(c) The last paragraph of the act of February 13, 1923, ch. 72 (42 Stat. 1244; U. S. C., title 41, sec. 6) is hereby repealed.

"(d) The last proviso of section 1 of the act of February 15, 1934, ch. 13 (48 Stat. 351, U. S. C., title 41, sec. 6) is hereby repealed."

Page 5, beginning of table, insert attached table pages Nos. 1 and 2:

Statutes at Large	United States Code	
	Title	Section
Act Apr. 6, 1937, ch. 69, sec. 3, as amended May 9, 1938, ch. 192, 52 Stat. 344	7	148b
Act Feb. 27, 1893, ch. 168, 27 Stat. 485	10	1203
Act Jan. 25, 1929, ch. 102, title III, 45 Stat. 1119; Apr. 18, 1930, ch. 184, title III, 46 Stat. 198; Feb. 23, 1931, ch. 280, title III, 46 Stat. 1334; July 1, 1932, ch. 361, title III, 47 Stat. 502; Mar. 1, 1933, ch. 144, title III, 47 Stat. 1393; Apr. 7, 1934, ch. 104, title III, 48 Stat. 551; Mar. 22, 1935, ch. 39, sec. 1, 49 Stat. 90; May 15, 1936, ch. 405, sec. 1, 49 Stat. 1336; June 16, 1937, ch. 359, sec. 1, title III, 50 Stat. 287; Apr. 27, 1938, ch. 180, title III, sec. 1, 52 Stat. 273; June 29, 1939, ch. 248, title III, 53 Stat. 909	15	198
Act Feb. 11, 1927, ch. 104, sec. 1, 44 Stat. 1081	20	68
Act Feb. 14, 1931, ch. 189, second paragraph, all between second and third semicolons, as added Aug. 7, 1935, ch. 455, sec. 1, 49 Stat. 540; Feb. 11, 1936, ch. 49, 49 Stat. 1123, second paragraph, all between second and third semicolons; May 15, 1936, ch. 405, 59 Stat. 1316, beginning with "stenographic" in line 9 and ending with "Statutes" in line 11; June 16, 1937, ch. 359, 50 Stat. 267, beginning with "stenographic" in next to last line and ending with "Statutes" in first line on p. 268; Apr. 27, 1938, ch. 180, 52 Stat. 254 beginning with "stenographic" in line 14 and ending with "Statutes" in line 16; June 29, 1939, ch. 248, title I, 53 Stat. 892, beginning with "stenographic" in line 11 and ending with "Statutes" in line 16	22	266a
Act June 25, 1910, ch. 431, sec. 23, 36 Stat. 861; May 18, 1916, ch. 125, sec. 1, 39 Stat. 126; Jan. 12, 1927, ch. 27, 44 Stat. 936	25	
Act May 13, 1926, ch. 294, sec. 1, 44 Stat. 548; Feb. 23, 1927, ch. 168, sec. 1, 44 Stat. 1157; May 14, 1928, ch. 551, sec. 1, 45 Stat. 528; Feb. 28, 1929, ch. 367, sec. 1, 45 Stat. 1397; June 6, 1930, ch. 407, sec. 1, 46 Stat. 516; Feb. 20, 1931, ch. 234, sec. 1, 46 Stat. 1186; June 30, 1932, ch. 314, sec. 1, 47 Stat. 393; Feb. 28, 1933, ch. 134, sec. 1, 47 Stat. 1362; May 30, 1934, ch. 372, sec. 1, 48 Stat. 828; July 8, 1935, ch. 374, sec. 1, 49 Stat. 471; Apr. 17, 1936, ch. 233, sec. 1, 49 Stat. 1226; May 18, 1937, ch. 223, 50 Stat. 181; May 17, 1938, ch. 236, sec. 1, 52 Stat. 392; June 16, 1939, ch. 208, sec. 1, 53 Stat. 834; June 18, 1940, ch. 396, sec. 1, 54 Stat	40	217

Page 5, last column of table, insert "6" in blank space opposite "41."

Page 5, between second and third paragraphs of citations, insert:

"Act June 25, 1910, ch. 431, sec. 23, 36 Stat. 861; May 18, 1916, ch. 125, sec. 1, 39 Stat. 126; Jan. 12, 1927, ch. 27, 44 Stat. 936	41	6a–1"

Page 7, end of table, insert:

"Act June 11, 1940, ch. 313, title I, 54 Stat. ——	41	6hh"
"Act Apr. 22, 1926, ch. 171, sec. 1, 44 Stat. 314	50	154"

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. KEOGH. Mr. Speaker, in connection with the bill just passed I ask unanimous consent that the Clerk may be instructed to correct the enumerations in the paragraphs in line with the amendments that have been adopted.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KEOGH. Mr. Speaker, under leave to extend my remarks I include the following explanation of the bill H. R. 10061 and amendments thereto, which passed the House today. The bill represents an effort on the part of the Committee on Revision of the Laws to consolidate the various exceptions to section 3709, Revised Statutes, appearing throughout the United States Code.

CONTENT—SECTIONS 1–3 OF BILL

An effort has been made to consolidate in the first three sections of this bill the provisions of all general and permanent Federal legislation making exceptions to section 3709 of the Revised Statutes. These provisions have been taken in most instances from prior appropriation acts, where they were originally set out as provisos to specific appropriations.

The bill includes all exceptions enumerated in 1940 appropriation acts received to June 27, 1940, which constitute chapters 27, 71, 107, 189, 313, 333, 343, and 396.

SECTION 4 OF THE BILL

A table of United States Code sections, referred to in section 4 of the bill, is incorporated as an appendix. The table does not cite every appropriation act in which the provisos

are repeated from year to year; however, it does include all citations now set out in the code as credits to the text of the several exceptions. Therefore, while the table does not exhaust the possible citations to appropriation acts, it identifies the text of the exceptions set out in the code and consolidated in this bill.

AGENCIES REORGANIZED

The Federal Home Loan Bank Board is now administered by the Federal Loan Administrator (Reorganization Plan No. I, sec. 402), but this change in administration should not affect the exception to Revised Statutes 3709.

The Rural Electrification Administration was transferred to the Department of Agriculture by Reorganization Plan No. II, section 5, but this should not affect the exception to Revised Statutes 3709.

The Bureau of Mines was transferred to the Department of the Interior by Executive Order No. 6611. Exception to Revised Statutes 3709 should remain intact.

The Bureau of the Budget was transferred to the Executive Office of the President by Reorganization Plan No. I, section 1. This exception to Revised Statutes 3709 should be retained despite the transfer.

The Social Security Board was transferred to the Federal Security Agency by Reorganization Plan No. I, section 201. The exception for this Board should remain intact.

FORM OF BILL

All uniform exceptions relating to independent offices and departments have been grouped under specific sums in section 1. Exceptions which could not be listed in section 1 of this bill because of some special difference have been set forth in section 2. Effort has been made to preserve the original substance of all exceptions consolidated in this bill. Only changes in form have been made.

FUTURE LEGISLATION

If this bill becomes law and if additional departments and independent offices are to be excepted from the provisions of section 3709 of the Revised Statutes, it is hoped this bill will be amended to include the new exceptions, in order that such exceptions may always be found in convenient form and in one place.

EXPLANATORY STATEMENT FOR AMENDMENTS TO H. R. 10061—FIRST AMENDMENT

Amendment merely transposes words "independent offices and departments."

SECOND AMENDMENT

The Department of Labor was erroneously listed under subdivision (b) of section 1 ($50) and is therefore being transferred to the list under subdivision (c) of section 1 ($100).

THIRD AMENDMENT

The Indian field service was erroneously listed under subdivision (b) ($50)—actually the exemption for this office is $100. It is covered in the words "bureaus and offices" in amendment adding the Department of the Interior as subdivision (g) under section 2.

FOURTH AMENDMENT

The National Advisory Committee for Aeronautics formerly appeared in title 50, section 154, but is being transferred in supplement VI to title 41, section 6ii. This exemption should be consolidated with the others.

FIFTH AMENDMENT

The Navy Department was added to the list of exceptions this year by act June 11, 1940, chapter 313, title I, 54 Statute.

SIXTH, SEVENTH, AND EIGHTH AMENDMENTS

These amendments substitute the Civil Aeronautics Board for the Air Safety Board, the Bureau of Air Commerce, and the old Civil Aeronautics Authority for the following reasons:

First. The Air Safety Board in the old Civil Aeronautics Authority was consolidated in the Civil Aeronautics Board by the Reorganization Plan No. IV, section 7.

Second. The Bureau of Air Commerce was transferred to the old Civil Aeronautics Authority by act June 23, 1938, chapter 601, section 203, 52 Statute 982.

NINTH AMENDMENT

This amendment is explained in statement for second amendment.

TENTH AMENDMENT

Same as first amendment.

ELEVENTH AMENDMENT

Subsections (b) and (c) of section 2 as inserted by this amendment formerly appeared in title 40, sections 217b and 217, respectively. They have been transferred to title 41, sections 6kk and 6jj, respectively, in supplement VI. These subsections should be consolidated with the other exceptions.

TWELFTH AMENDMENT

The twelfth amendment inserts exception formerly appearing in title 15, section 198, which has been transferred to title 41, section 6ii for supplement VI. It should also be consolidated with the other exceptions.

THIRTEENTH AMENDMENT

This amendment inserts exception for the Department of the Interior, and so forth, which will appear in supplement VI as title 41, section 6a–1. This amendment also includes the Indian field service referred to in the third amendment. It should be noted that Howard University and Columbia Institution for the Deaf were transferred to the Security Agency by Reorganization Plan No. IV, section 11; however, they are retained under the heading "Department of the Interior" because the final provisions thereunder appear unaffected by the mere transfer of these institutions to the Federal Security Agency.

FOURTEENTH AMENDMENT

This amendment merely changes form of section, required by the addition of three new paragraphs.

FIFTEENTH AMENDMENT

This amendment inserts the word "hereby" in the interest of clarity.

SIXTEENTH AMENDMENT

This amendment repeals provisions of title 45, section 164, relating to Board of Mediation, which Board was abolished by title 45, section 154.

It also repeals the exception relating to the Veterans' Bureau which was consolidated in the Veterans' Administration by title 38, section 11.

Finally it repeals the provisions in title 41, section 6, relating to the Federal Civil Works Administration, which agency has been supplanted by the Work Projects Administration. Exception to Revised Statutes 3709 for the Work Projects Administration will be found in the Federal Emergency Relief Appropriations Act set out as notes under title 15, section 728, but since their application is confined to the particular appropriation act in which they appear no W. P. A. exception has been incorporated in this bill.

SEVENTEENTH AMENDMENT

This amendment adds tables to cover additions made throughout the bill by the other amendments.

EIGHTEENTH AMENDMENT

This amendment supplies omission of "6."

NINETEENTH AMENDMENT

This amendment is covered by statement for seventeenth amendment.

TWENTIETH AMENDMENT

Same as seventeenth amendment.

BRIDGE ACROSS WABASH RIVER NEAR MOUNT VERNON, IND.

The Clerk called the next bill, H. R. 9952, authorizing the Indiana State Toll Bridge Commission to construct, maintain, and operate a toll bridge across the Wabash River at or near Mount Vernon, Posey County, Ind.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, the Indiana State Toll Bridge Commission is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Wabash River, at a point suitable to the interests of navigation, at or near Mount Vernon, Posey County, Ind., in accordance with the provisions of the act entitled "An act to regu-

late the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the Indiana State Toll Bridge Commission all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of such bridge and its approaches, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Indiana State Toll Bridge Commission is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches, including reasonable interest and financing cost, as soon as possible, under reasonable charges, but within a period of not to exceed 20 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls. An accurate record of the cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

USE AND DISPOSITION OF THE BEQUEST OF THE LATE JUSTICE OLIVER WENDELL HOLMES

The Clerk called the next business, House Joint Resolution 550, to provide for the use and disposition of the bequest of the late Justice Oliver Wendell Holmes to the United States, and for other purposes.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, there is no one who had more respect for the late Justice Holmes than I. I think at the proper time, when this Government can afford it, we should make available to all of the libraries of this country his works and his opinions. He wrote some of the most illuminating and most useful minority opinions that the Supreme Court has ever passed down, but this measure involves expense to the Government, an expense which is not necessary at this particular time, when every dollar we can get hold of should be spent in defense of this country, and I think if Justice Holmes were alive today he would request that this matter be delayed until the country is in better shape to do this great work.

Mr. KELLER. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. KELLER. May I suggest to the gentleman, Mr. Speaker, that this is a matter that has been under consideration by a commission appointed for that purpose, consisting of five members of the Supreme Court, five Members of this body, and five Members of the Senate. We have had many meetings and have gone over the matter from A to Z and back again and we have done the best we know how.

I doubt whether any Member here who has not met with us and discussed it as we have done would be able to suggest a disposition of that money as well as this resolution disposes of it. Unless the gentleman has some special reason for it I suggest that he permit the bill to be passed.

The SPEAKER. The Chair did not hear the request of the gentleman from Michigan.

Mr. WOLCOTT. Mr. Speaker, I reserved the right to object to make a statement. I think the committee has done a fine job, and under ordinary circumstances there surely would be no objection to permitting this bill to be passed. I have no criticism of the committee and I have no criticism of the plan which they have outlined here to distribute those works, but there is considerable expense involved to the Federal Government. This distribution is not made out of the legacy which Mr. Justice Holmes left. It is made by an appropriation, and for that reason I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. KELLER. I shall have to object. If the gentleman wants to take the responsibility of objecting, all right.

The SPEAKER. Objection is heard to the request of the gentleman from Michigan. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I reserve the right to object. I think I have made myself clear in the reason given for asking that this bill go over without prejudice. I have no objection to the purpose of the bill. I am just trying to protect a situation here in which we all have a responsibility on both sides of the House, the membership of the House who feel as keenly on this question of national defense and Government finance as I do. Of course, the gentleman has placed me in a position where I am forced to object.

The SPEAKER. Objection is heard, and the Clerk will call the next bill.

ALASKA GAME LAW

The Clerk called the bill (H. R. 8474) to further amend the Alaska game law.

Mr. KEAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

RETIRED LIST, NAVY AND MARINE CORPS

The Clerk called the bill (H. R. 9688) to provide for advancement on the retired list of any officer of the Navy or Marine Corps retired pursuant to the provisions of section 13 or 15 (e) of the act of June 2, 1938.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That any officer of the Navy or Marine Corps who has heretofore been placed on the retired list pursuant to the provisions of section 13 or 15 (e) of the act of June 23, 1938 (52 Stat. 944), or both of such sections, shall receive the retired pay of a rear admiral of the upper half.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

J. K. LOTA AND ASSOCIATES, HAWAII

The Clerk called the bill (H. R. 9123) to approve Act No. 65 of the Session Laws of 1939 of the Territory of Hawaii, entitled "An act to amend Act 29 of the Session Laws of Hawaii, 1929, granting to J. K. Lota and associates a franchise for electric light, current, and power in Hanalei, Kauai, by including Moloaa within such franchise."

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That Act No. 65 of the Session Laws of 1939 of the Territory of Hawaii, entitled "An act to amend Act 29 of the Session Laws of Hawaii, 1929, granting to J. K. Lota and associates a franchise for electric light, current, and power in Hanalei, Kauai, by including Moloaa within such franchise," passed by the Legislature of the Territory of Hawaii and approved by the Governor of the Territory of Hawaii on April 20, 1939, be hereby approved.

SEC. 2. This act shall be in force and effect from and after its passage.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELECTRIC CURRENT IN HAWAII

The Clerk called the bill (H. R. 9124) to approve Act No. 214 of the Session Laws of 1939 of the Territory of Hawaii, entitled "An act to amend Act 105 of the Session Laws of Hawaii, 1921, granting franchise for the manufacture, maintenance, distribution, and supply of electric current for light and power within Kapaa and Waipouli in the district of Kawaihau on the island and county of Kauai, by including within said franchise the entire district of Kawaihau, island of Kauai."

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That Act No. 214 of the Session Laws of 1939 of the Territory of Hawaii, entitled "An act to amend Act 105 of the Session Laws of Hawaii, 1921, granting franchise for the manufacture, maintenance, distribution, and supply of electric current for light and power within Kapaa and Waipouli in the district of Kawaihau on the island and county of Kauai, by including within said franchise the entire district of Kawaihau, island of Kauai," passed by the Legislature of the Territory of Hawaii and approved by the Governor of the Territory of Hawaii on May 12, 1939, be hereby approved.

SEC. 2. This act shall be in force and effect from and after its passage.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

REFUGEE CHILDREN

The Clerk called the bill (H. R. 10213) to permit American vessels to assist in the evacuation from the war zones of certain refugee children.

The SPEAKER. Is there objection?

Mr. WOLCOTT. I reserve the right to object.

Mr. THORKELSON. Mr. Speaker, I object.

Mr. WOLCOTT. Mr. Speaker, I reserve the right to object to propound a parliamentary inquiry. I have been informed that a rule has been granted for the consideration of this bill. I inquire now whether a rule has been granted?

The SPEAKER. The Chair is advised by the Clerk that there is a rule providing for its consideration.

Mr. WOLCOTT. I ask unanimous consent that the bill be passed over without prejudice.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I reserve the right to object.

Mr. THORKELSON. Mr. Speaker, I object to this bill.

The SPEAKER. Is there objection to the request that the bill be passed over without prejudice? [After a pause.] The Chair hears none, and it is so ordered.

THE NATIONAL GUARD

The Clerk called the bill (S. 3619) relating to changes in the administration of the National Guard of the United States bearing on Federal recognition, pay, allotment of funds, drill, training, etc.

Mr. COSTELLO. Mr. Speaker, I make the point of order that the bill is not eligible for consideration at this time.

The SPEAKER. The Chair sustains the point of order.

EXTENSION OF REMARKS

Mr. KEOGH. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill H. R. 10061, relative to the Revised Statutes of the United States Code.

The SPEAKER. Is there objection?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

PERMITTING AMERICAN VESSELS TO ASSIST IN EVACUATION OF REFUGEE CHILDREN

Mr. BLOOM. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLOOM. I would like to ask what action was taken on Calendar No. 893, H. R. 10213, the child-refugee bill; whether it was objected to or whether it was passed over?

The SPEAKER. It was passed over without prejudice, the Chair is informed.

Mr. BLOOM. Mr. Speaker, I believe the gentleman from Montana [Mr. THORKELSON] objected to it.

The SPEAKER. The gentleman from Michigan made the request that the bill be passed over without prejudice.

Mr. BLOOM. But the gentleman objected to it at the time, because if that had not been the case I would have objected to it going over without prejudice. I thought the objection that the gentleman from Montana made, was the objection that was acted upon, because the gentleman objected several times. I would like to have the RECORD show that the gentleman objected to it.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I demand the regular order.

Mr. BLOOM. The regular order is to get the RECORD right.

Mr. SCHAFER of Wisconsin. Well, the gentleman is out of order.

Mr. BLOOM. I am not out of order. If I am, the Speaker is the one to pass on that.

The SPEAKER. The gentleman from New York has the floor. In answer to the statement made by the gentleman from New York, the Chair is quite clear in his recollection, and the RECORD will sustain it. When this bill was called the Chair asked about objection to its consideration. The gentleman from Michigan [Mr. WOLCOTT] submitted a request, which the Chair entertained, that the bill be passed over without prejudice. That was the pending parliamentary situation at the time. While that question was pending, the gentleman from Montana [Mr. THORKELSON] objected, but there was still pending the formal request of the gentleman from Michigan that the bill be passed over without prejudice. The Chair submitted, and there was no objection to his request that the bill be passed over without prejudice.

Mr. BLOOM. Mr. Speaker, if I may be permitted to state, the gentleman from Montana objected, because I was watching it very carefully. The gentleman objected first and then the gentleman from Michigan made his request.

The SPEAKER. The gentleman from Montana did state that he objected to the bill. The Chair presumes the RECORD will show that. But that was not at the time the pending parliamentary proposition.

Mr. BLOOM. Mr. Speaker, I ask unanimous consent to return to the bill H. R. 10213, because I would object to the gentleman's request to have it go over without prejudice. If any Member desires to object to the bill, he can do so.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. BLOOM] to return to the bill H. R. 10213 for consideration?

There was no objection.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. THORKELSON. Mr. Speaker, I object.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. BLOOM. Mr. Speaker, I object to that request.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, the reason why I made my request that the bill go over without prejudice was because a rule had been granted for the consideration of this bill. The Chair will recall I propounded a parliamentary inquiry to confirm the information which I had that a rule had been granted. I understand that a rule had been granted this morning. I have no objection to the bill, but I think, in view of the situation which has developed, we should give more consideration to the bill on the floor, and for the reason that a rule has been granted, in which we will all have an opportunity to discuss the bill, I object to the consideration of the bill at this time. I will reserve that objection in order to yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. SCHAFER of Wisconsin. In view of the fact that this bill will permit one adult to be brought over in American ships for each refugee child, do you not believe we ought to have a quorum if we are going to consider this bill at this time?

Mr. WOLCOTT. I do not care to pass upon the merits of the bill or the manner in which the House shall consider it, as long as it is considered under the rule which has been granted, and I am assured by the Chair and by the rule that adequate consideration will be given to the bill. If there are objections to it they will be stated. I do not object to the bill.

Mr. BLOOM. Will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. BLOOM. I agree there is an opportunity to bring it up under a rule, but this is very urgent. Rules have been laid over for months, and this is a very urgent matter.

Mr. WOLCOTT. This rule has not laid over for months. It was only filed this morning.

Mr. BLOOM. I know, but I have a rule that has been laid over for 2 or 3 months.

Mr. WOLCOTT. But that is not in connection with this matter.

Mr. BLOOM. This is a very urgent matter, and I do not see why it cannot be brought up now. I cannot see how anyone can object to this bill.

Mr. WOLCOTT. It must be very evident to the gentleman that we cannot pass this bill by unanimous consent today.

Mr. BLOOM. Let us try and see if we cannot. If anyone wants to object to the bill, if anyone wants to object to bringing these refugee children over here, all right, let them go on record.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I demand the regular order.

Mr. WOLCOTT. I have asked that this bill go over without prejudice. I will withdraw my objection to the bill.

The SPEAKER. The regular order has been demanded. The regular order is: Is there objection to the present consideration of the bill?

Mr. THORKELSON. Mr. Speaker, I object to the bill.

Mr. CRAWFORD. Mr. Speaker, I object to the consideration of the bill at the present time.

The SPEAKER. The gentleman from Michigan [Mr. CRAWFORD] objects.

INTERIOR DEPARTMENT—SPECIAL AGENTS

Mr. DEROUEN. Mr. Speaker, I ask unanimous consent to return to Calendar No. 865, S. 2627, to empower and authorize special agents and such other employees of the Division of Investigations, Department of the Interior, as are designated by the Secretary of the Interior for that purpose, to administer oaths in the performance of their official duties.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. TABER. Mr. Speaker, I object.

BRIDGE ACROSS THE STRAITS OF MACKINAC

Mr. BRADLEY of Michigan. Mr. Speaker, I ask unanimous consent to return to Calendar No. 775, S. 1379, granting the consent of Congress to the Mackinac Straits Bridge Authority to construct maintain, and operate a toll bridge or series of bridges, causeways, and approaches thereto, across the Straits of Mackinac at or near a point between St. Ignace, Mich., and the Lower Peninsula of Michigan.

Mr. DONDERO. Reserving the right to object, Mr. Speaker, and I shall not object if ample time is given to the discussion of this measure——

The SPEAKER. The bill, if considered, will be considered under the 5-minute rule, and the Chair feels that adequate discussion may be had under the rule.

Mr. DONDERO. I am satisfied this could not be presented in 5 minutes.

The SPEAKER. The gentleman might get an extension of his 5 minutes.

Mr. DONDERO. Mr. Speaker, I think an extension of remarks would be futile because it would not be presented to the House.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DONDERO. Mr. Speaker, I ask unanimous consent that there may be 20 minutes of general debate on this bill, to be divided between both sides.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Mackinac Straits Bridge Authority, created by Public Act No. 35 of the 1934 extra session of the Michigan State Legislature, to construct, maintain, and operate a bridge, or series of bridges, causeways, and approaches thereto, across the Straits of Mackinac, at a point suitable to the interests of navigation, at or near a point between St. Ignace, Mich., and the Lower Peninsula of Michigan, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters,'" approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge or series of bridges, causeways, and approaches thereto, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge or series of bridges, causeways, and approaches thereto, under economical management and to provide a sinking fund sufficient to amortize the cost of the bridge or series of bridges, causeways, and approaches thereto, including at a rate not to exceed 5 percent per annum interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 30 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge or series of bridges, causeways, and approaches thereto, shall thereafter be maintained and operated free of tolls or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge or series of bridges, causeways, and approaches thereto, under economical management. An accurate record of the costs of the bridge or series of bridges, causeways, and approaches thereto, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The Chair wishes to know who desires to be recognized on the bill?

Mr. DONDERO. The gentleman from Michigan [Mr. BRADLEY].

The SPEAKER. This is a rather unusual parliamentary situation. Ten minutes a side has been allowed for general debate but no one has been indicated to control the time on the other side. The Chair is of the opinion that the gentleman from Michigan [Mr. RABAUT] desires recognition and should have a portion of the time, and will be recognized for 5 minutes.

The gentleman from Michigan [Mr. BRADLEY] is recognized for 5 minutes.

Mr. BRADLEY of Michigan. Mr. Speaker, the State of Michigan is peculiarly divided into two peninsulas, Upper and Lower, the Lower Peninsula, in the main, running north and south and the Upper Peninsula running east and west. These two peninsulas are divided by a narrow part of the Great Lakes known as the Straits of Mackinac, which connects Lake Michigan with Lake Huron. The Straits of Mackinac, while unusually deep in the center, nevertheless run into comparatively shallow water on the northerly side, and in which area there are several dangerous reefs which are a constant menace to navigation.

The economic life of the Upper Peninsula of Michigan was formerly dependent upon vast areas of standing timber, huge deposits of iron ore and great quantities of copper located far underground. All three of these economic resources have been dissipated over the years.

The Lower Peninsula likewise was formerly largely dependent upon timber. Within recent years limestone has been a source of considerable income.

However, Mr. Speaker, both the northern end of the Lower Peninsula and the entire Upper Peninsula have now become primarily dependent upon the resort industry for their economic livelihood. To appreciate the importance of the tourist and resort business we must recall that our State income from that source was but $17,000,000 back in 1922, but this industry has been expanding very rapidly in direct proportion to the construction of a new vastly extended system of modern highways throughout the region. As a matter of fact, the tourist and resort industry is now the second largest industry in the State of Michigan and it has been reliably estimated that this industry brings into the State annually some $400,000,000 of income, the major portion of which accrues to this northern area of the State by reason of its ideal climate.

It is our bread and butter. Its very livelihood is dependent upon this system of highway transportation.

This system of highways of necessity terminates on both sides of the Straits of Mackinac and, consequently, we find our economic livelihood seriously hindered by this comparatively narrow body of water, which is only some 4 miles in width.

Since 1923 this highway traffic has been served more or less satisfactorily by a system of ferries owned and operated by the Michigan State Highway Department. It has been recognized for a number of years, by students of the subject, that eventually the ferry system would of necessity become entirely inadequate to properly serve this tremendous industry.

Students of the subject have realized that sooner or later this traffic can be handled only on a year-round basis with safety and dependability through the construction of a bridge or a tunnel.

A tunnel crossing of the Straits is not recommended by competent engineers on account of excessive cost, prohibitive grades, the great depth of water in the center of the channel, the limited capacity, and the continuing high operating and maintenance costs.

The purpose of this bill which we are considering, Mr. Speaker, S. 1379, as amended, is simply the granting of authority to the State of Michigan to bridge the Straits of Mackinac. It calls for no financial outlay on the part of the Federal Government; and if this House votes unfavorably on this measure, it is simply denying to the people of the State of Michigan the right to join the two peninsulas by a permanent bridge structure.

Now, Mr. Speaker, over the past few years there have been objections raised to this structure on the grounds that it was impossible, and even considered by some fantastic, from an engineering standpoint. It was considered that the cost might be tremendously excessive. It was considered to be economically unsound.

Back in 1934, by an act of the Michigan State Legislature, there was created the Mackinac Straits Bridge Authority to go into this matter from every angle. This is a bipartisan board of three members appointed by the Governor for a term of 6 years. The present board, operating in conjunction with experts of the Michigan State Highway Department, Michigan Department of Conservation, the United States Coast and Geodetic Survey, and employing the engineering firm of Modjeski & Masters, of Harrisburg, Pa., in conjunction with Mr. Leon S. Moisseiff, consulting engineer of New York City, have just recently completed exhaustive engineering studies of this project. The findings are incorporated in a report which has just been made public within the past few days.

This report recommends—

> The construction of a three-lane highway bridge, consisting of two long suspension spans over the deep waters of the Straits with the necessary approaches at each end. The construction cost of the bridge project, ready for traffic, is estimated at $23,375,000, to which should be added the cost of the causeway, toll plaza, and connecting highway, which become a part of the bridge project when the bridge replaces the ferries, estimated at $965,000, and the cost of interest during construction, estimated at $2,400,000, making a total cost of the project of $26,740,000.
>
> If the bridge is completed, ready for traffic, by the spring of 1947, and the tolls on the bridge are the equivalent of the present ferry tolls, we estimate that the gross revenue from tolls for the first year of bridge operation will be not less than $925,000. The annual maintenance and operating costs should not exceed $160,000.
>
> In our opinion, it is both feasible and practicable to safely construct the recommended structure, which will serve as a useful means of joining the two major peninsulas comprising the State of Michigan.

The consulting engineers further recommended immediate construction of a causeway approximately one mile in length southward from the St. Ignace shore, from the end of which the ferries can be operated until a permanent crossing is built, thus increasing the present ferry capacity about 50 percent without greatly increasing the investment in ferry properties, this causeway to become an approach to the recommended crossing. The cost of this causeway is estimated at approximately $825,000, the buildings and toll plaza at approximately $40,000, the connecting highway at approximately $100,000, the temporary ferry dock at approximately $250,000, making a total cost of the project $1,215,000. Of these latter charges, only the temporary ferry dock will not be used after the bridge is open to traffic, which, if started tomorrow, cannot be completed until early in 1947.

Now, Mr. Speaker, I have mentioned that the ferries will soon prove totally inadequate to serve the 2 peninsulas. The State of Michigan now owns and operates 5 ferries, 3 of which carry approximately 60 cars each. The 2 larger ferries, which are reconditioned car ferries, have a capacity of approximately 100 cars each. In addition to that, the State has a charter arrangement for the operation of 2 additional car ferries with about the same capacity. These latter ferries operate throughout the winter months and are designed as ice crushers. The Straits of Mackinac are frozen over about three months each winter and during that time these ferries attempt to keep two channels open between the two peninsulas. At times, due to shifting winds disturbing the ice, that ice has been known to be forced downward to the bottom of the lake, near the docks, and to be pushed up sometimes as high as 50 feet, making it absolutely impossible for these ferries to get to their docks with the result that the peninsulas have often been isolated without any service for days on end. On such occasions, traffic and mail service, of course, are stopped completely and at such times we find that it takes mail 4 days to cover this airline distance of some 4 miles by reason of the fact that it has to go via Detroit and Chicago. The traveling public is, of course, tremendously inconvenienced and there have been occasions when sick and injured have been stranded in ambulances on the ferries for several days at a time. Traveling men from lower Michigan have been forced to leave their cars in the Upper Peninsula and return by train via Chicago.

Any ferry service can be adequate only when and if it is sufficiently equipped to take care of the peak loads. Out of the approximately 300,000 cars which crossed on the ferries last year, it is safe to say that three-fourths of this traffic crossed the Straits during the months of July and August, over the various holidays, and during the hunting season. At such times, despite the fact that all 7 boats are pressed into service, without any attempt at maintaining a definite schedule, but simply loading and unloading as rapidly as possible, it is not infrequent that cars are delayed for hours at either end of the line; and in fact just last Saturday afternoon, I saw a double line-up of cars over a mile long awaiting transportation across the Straits.

Mr. WOLCOTT. Mr. Speaker, will the gentleman yield?

Mr. BRADLEY of Michigan. I yield.

Mr. WOLCOTT. As I understand, this bill is merely an authorization for the Federal Government, because it has control over navigable waters, to the State of Michigan to construct this bridge, and I understand further that no cost on the part of the Federal Government is involved. Am I right?

Mr. BRADLEY of Michigan. The gentleman is correct. This is simply an authorization measure that we are considering. The people of the State of Michigan cannot build a bridge across these Straits unless Congress gives its consent and gives the State authority so to do.

Now, Mr. Speaker, I know there are some people who say, and they are entirely justified in saying, that many of our tourists enjoy this little boat trip of approximately one hour across this 9½-mile route, which is the present course of the ferries as shown on this map. But I say also that their joy and anticipated pleasure of the boat trip is considerably dimmed by any such periods of exasperating waiting.

Now, this chart here [indicating], Mr. Speaker, clearly shows the source from which this traffic originates. It proves beyond all question of doubt that this proposed bridge and these ferries will and are serving people from all over these United States. For instance, in the year 1937 we find 32 cars came from Hawaii; from western Canada, 1,677; northeast Canada, 2,322; Illinois, over 14,000; Indiana, 8,600; Ohio,

20,000; and New York State, over 2,000; and so it goes, Mr. Speaker, with cars coming from all over the United States.

It has been contended by some of the opponents to this measure that this bridge represents a local demand to handle local traffic. This chart [indicating] completely offsets that argument because this shows the contributions of the counties of Michigan to the Mackinac Straits ferry traffic, and from this we notice that Wayne County leads with some 58,000 cars; Oakland, 7,371; Genesee, 11,694; Saginaw, 6,216; Bay, 4,213; and going over to the other side of the State we see that Kent County, in which Grand Rapids is located, contributed 8,858 cars; Ingham, 8,229; Muskegon, 2,862; and Kalamazoo, 3,050. All this, Mr. Speaker, as opposed, for instance to my own county, Presque Isle, in the northern part of the Lower Peninsula, with 793 cars. Now, let us go into the Upper Peninsula: Chippewa sends 10,500 over the Straits; Luce, 2,400; Houghton, 2,361; Delta, 2,362; and so we see, Mr. Speaker, this chart graphically represents that the demand for this bridge should and does come from the automobile traffic of the entire State of Michigan, as well as of the entire United States.

Mr. Speaker, before I close this argument, I want to refer to the subjects of safety and national defense. It is a well-recognized fact that 86 percent of the iron ore in the United States comes from the huge deposits in the Lake Superior region. All of this tonnage must, of necessity, go through the locks at Sault Ste. Marie. As a matter of interest, it is well to recall that in the 7½ months annual navigation season more tonnage passes through the Soo Locks than through the Panama, Suez, Kiel, and Welland Canals. A great portion of this tonnage, Mr. Speaker, as well as a great deal of the limestone tonnage, of equal importance in the manufacture of iron and steel, passes through the Straits of Mackinac. Navigating the Straits is made difficult by reason of currents which at times reach a velocity of 11 miles per hour. Oftentime in periods of storm and poor visibility, or in periods of fog, this current is sufficiently strong so that the navigators, fearful of the reefs and shoals existent in the Straits, as previously mentioned, hesitate to check the speed of their steamers to a point at which steerage way is endangered; and, consequently, you can well imagine the hazard existent in bad weather when this fleet of seven ferries has to constantly operate directly across the path of this great fleet of lake freighters. It will be far safer from a navigating viewpoint for the masters of these freighters to travel through a 4,600-foot fixed span in bad weather than it is for them to dodge this fleet of ferries. This is particularly true when one appreciates that if the summer traffic follows its present trend it must be necessary to double or treble the present fleet within a comparatively few years. It is, of course, contemplated by the design engineers that the proposed bridge will not only have mounted on the center towers suitable aerial beacons as a warning to not only sea-borne but aerial traffic as well, and will have in the center of the center span a suitable radio beacon to guide the steamers through the span in all kinds of weather. So I say that it will be far safer to navigate the Straits through two fixed anchorages, 4,600 feet apart, than it will be with 10 to 15 moving ferries operating at slow speeds on a course subject to change by currents in periods of bad weather.

Last year two of the ferries came together in a collision in a fog, and, fortunately, no one was injured; but if ever one of these ferries is rammed by a freighter in these Straits, we may expect a public outcry caused by unnecessarily sacrificed human lives such as has been seldom raised in this country.

We hope that it shall never be necessary to move any large complement of troops and equipment to the Sault to protect those locks, which I have previously stated are so vital to the flow of ore to the great steel mills of this Nation; but if that should ever be necessary, this bridge will, of course, perform yeoman service.

It has been stated, Mr. Speaker, by some of the opponents to this measure that the bridge is not economically sound. I will agree it is possible this bridge may operate at a loss for a few years. I want to make this observation, however: Competent bridge experts testify that when a bridge supplants ferry traffic there is usually an increase of some 26 percent in traffic. It will be argued, of course, that the Detroit River Ambassador Bridge has been a financial "white elephant." There are grave mitigating circumstances in that instance. In the first place, that bridge was built while we had prohibition in this country and there was a tremendous intercity travel from Detroit to Windsor. Shortly before the bridge was completed prohibition was repealed, with a tremendous natural decrease in traffic. In addition to that, a tunnel was built under the Detroit River much more centrally located and the ferries across the Detroit River continued to operate. All of which considerably operated to the detriment of the success of the Ambassador Bridge.

Offsetting that, however, we have the example of the Bluewater Bridge at Port Huron. This bridge was opened in October 1938. It was planned to amortize the bonds over a 20-year period. The traffic over this bridge in its first year of operation was so satisfactory that had it continued it would have been possible to completely pay out this bridge in 12 years. The European war caused some drop in the traffic, and since July 1 of this year, when we put through rigid immigration laws and restrictions operating on that bridge, the traffic has dropped off 80 percent. But the fact that I am stressing is this, that the Bluewater Bridge operating primarily on tourist travel more than substantiates the 26-percent increase to be expected when a bridge supplants ferry traffic.

Therefore, Mr. Speaker, if the State of Michigan receives an annual revenue from the tourist industry of around $400,000,000, half of which at least can reasonably be expected to go into the northern counties of our State, and if this bridge will serve to increase this revenue by only 10 percent, then certainly it takes no Solomon to determine that this bridge is more than a good investment and a sound investment for the people of the State of Michigan.

Mr. Speaker, in view of the fact that this bill is simply an authorization measure carrying no appropriations whatsoever, I sincerely hope that the House will not seriously object to the passage of this legislation, which has already passed the Senate.

Mr. ALEXANDER. Will the gentleman yield?

Mr. BRADLEY of Michigan. I yield to the gentleman from Minnesota.

Mr. ALEXANDER. What is the method to be used for the passage of boats under and through the bridge?

Mr. BRADLEY of Michigan. I will take just a minute to explain the bridge proper as shown on this picture [indicating]. Starting at St. Ignace, in the northern peninsula, it is proposed to build a causeway approximately 1 mile long—to be exact, 5,470 feet—toward the end of which it is proposed to build a temporary ferry dock, which will reduce the distance of crossing the Straits to a little over 3 miles. I have previously told you that the ferries now travel over 9 miles. Due to the time necessarily consumed in loading and unloading the ferries, this will reduce the total crossing time to approximately 50 percent, or, in other words, will have the effect of an immediate doubling of the capacity of the present ferry system. Then continuing toward Mackinaw City we have a ramp approach of 3,486 feet before we get into the suspension bridge part of the structure. The initial suspension span to the first tower is 1,600 feet, and then we have the main span, which is 4,600 feet between towers, which, incidentally, will be the longest single span in the world. As I have told you previously, the two main towers—these two here [indicating]—will have aerial light beacons on top to warn steamers as well as aircraft; and in the center of the long span it is proposed to install a radio beam, which will guide steamers through this gap. The plans call for this center span to be 150 feet above the mean lake elevation. Incidentally the water at this point is 280 feet deep. It is 90 feet deep on the north side of this span and 125 feet deep on the southerly side of the span. Then we continue 1,600 feet to the next main tower, then 1,050 feet, and then this next subordinate suspension is 2,950 feet between towers, with a water depth of between 25 and 75

feet, which will take care of the smaller craft. And then we have a span of 1,050 feet approaching the Mackinaw City shore and a 684-foot approach to the beach.

I will say to the gentleman from Minnesota that the captains of lake freighters have told me that they would far rather navigate under this bridge, equipped as it will be with up-to-date aids to navigation—meaning sufficient lights, radio beacons, and so forth—than they would through a continuous moving stream of automobile ferries laden with human life.

Mr. Speaker, this bill simply grants the permission of this Congress to the State of Michigan to join its two peninsulas by a bridge. It has the approval of the War Department, and the Department of Agriculture, and comes to the floor of this House with the unanimous recommendation of the House Committee on Interstate and Foreign Commerce. Mr. Speaker, if this House should defeat this measure, I feel that it might be construed as seriously encroaching on State's rights, that it would be setting itself up, as it were, as some superbody deciding whether or not the State of Michigan had the right to join itself by a permanent structure.

Mr. Speaker, the people of the State of Michigan have said that they want this bridge, that they recognize its engineering feasibility and its economic desirability. The State of Michigan without this legislation can never start this bridge, nor can it even secure the formal approval of the War Department to its designs of any structure that they propose. Therefore, I sincerely hope and expect that this House will accord to the great State of Michigan the privilege of connecting that heretofore comparatively segregated, and in the wintertime almost completely isolated portion, of the Upper Peninsula with the Lower Peninsula through the means of an adequate permanent structure by which neither ice, wind, fog, nor any stress of weather may delay our life-giving and life-sustaining highway traffic. [Applause.]

The SPEAKER. Does any other Member desire to speak in opposition to the bill with the exception of the gentleman from Michigan [Mr. DONDERO]?

Mr. DONDERO. Mr. Speaker, the gentleman from Michigan [Mr. CRAWFORD] wants to speak in opposition.

The SPEAKER. The Chair recognizes the gentleman from Michigan [Mr. DONDERO] for 5 minutes.

Mr. DONDERO. Mr. Speaker, for 8 years I have stood on the floor of this House opposing the pending proposal, S. 1379), to grant to the State of Michigan the right to construct, maintain, and operate a toll bridge across the Straits of Mackinac, and I have opposed it mainly on the ground that there is no economic justification for the passage of the bill; secondly, that no great necessity as yet exists for a bridge being built across the Straits of Mackinac.

According to the estimate which has been submitted by competent engineers this project involves an expenditure of $27,000,000, and other estimates on this proposal have run as high as $50,000,000. While I concede that this bill does not cost the Federal Government one dollar, and that it simply grants consent to the State of Michigan to build a bridge, it throws this matter into the laps of the taxpayers of my State.

The State of Michigan, through its highway department, has constructed steel and concrete docks at Mackinaw City on the south side of the Straits of Mackinac and at St. Ignace on the north side of the Straits; and through its highway department operates, at the present time, five ships or ferries on a very frequent and regular service and at a moderate cost to the people using them.

The five ferries now operating across the Straits of Mackinac provide a very efficient and a very delightful service of about 45-minute intervals. The service is adequate with the exception of occasional holidays, the Fourth of July, Labor Day, and during the hunting season, when there is some congestion. The total investment of the State of Michigan in docks and ships is about $3,000,000.

If the permission sought by this bill is granted, my State will be compelled to pass upon the subject whether or not it should build a bridge costing $27,000,000, accepting the lowest estimate, while the total income from the ferry service today is about $500,000 annually. What does it mean? If the proposed bond issue is to be amortized in 30 years, as the bill provides, and figuring interest as low as 4 percent, there must be an annual income of $2,000,000 to warrant or justify this undertaking. With an annual income of only $500,000, where is the balance of $1,500,000 to come from? It will need to come from the pockets of the taxpayers of the State of Michigan. According to the report filed by the Mackinac Straits Bridge Authority of Michigan for June 1940, the estimated income in 1960, 20 years from now, shows there would still be a deficit of more than $1,000,000 a year from the revenues of the bridge in order to maintain it, pay the interest on the bonds, and amortize the principal.

The present administration rejected this project as one not meeting the qualifications of projects on which public money was to be expended, and when this administration rejects a project on which public money is to be spent, it means but one thing, that it is repugnant and offensive to the most calloused conscience.

Certainly it is easy to say that this bill costs the Federal Government nothing. But we have some big-bridge history in Michigan that is sad and tragic. We built the Ambassador Bridge across the Detroit River from Detroit, Mich., to Windsor, Ontario, a bridge that is less than a mile long. It cost $17,000,000 and began operation in 1933. Do you know what the record is of that bridge?

Not one dollar of interest has yet been paid on the bond issues, and to date the accumulated unpaid interest on that venture is two-thirds of the original cost of the bridge, or about $12.000,000. I am informed the bonds have depreciated in value from 100 cents on the dollar to 6 cents, and it is quite probable that thousands of innocent people will lose their entire investment in this unsound proposal. It was undoubtedly urged by painting the same glowing picture of future income, predictions, and hopes of earnings that is urged for this proposal.

Do you want to lay in the laps of the people of Michigan another bridge proposal that will have a record similar to the Ambassador Bridge in Detroit? That is what you will be doing if you vote for this bill, and this Congress will become a party to this unsound proposal.

For the reasons given, I am opposed to it.

Mr. Speaker, the Straits of Mackinac is one of the finest bodies of water in this world. It is one of the most beautiful and enchanting regions in all America. God has been generous to that great North country up there, and now man thinks he can improve on its beauty with concrete and steel. If you have ever been across the Straits of Mackinac, you know exactly what I am talking about. We have an efficient service, and until such time as there can be some economic justification shown for this bill it ought to be deferred until some future time; then pass on it and give the State of Michigan a chance to do something about it.

Mr. BRADLEY of Michigan. Will the gentleman yield?

Mr. DONDERO. I yield to the gentleman from Michigan.

Mr. BRADLEY of Michigan. Speaking about the economic justification for the bridge, the gentleman realizes, does he not, that the tourist business in Michigan represents approximately $400,000,000 a year income and that the far greater proportion of that is in the upper half of Michigan?

Mr. DONDERO. Let me say to my good friend the gentleman from Michigan that the tourist trade at the Straits of Mackinac is increasing every year, not because there is or is not a bridge there but because there is a splendid and efficient State ferry operated by our highway department. The bridge has nothing to do with it. I predict that if this bill is laid aside the tourist trade will still continue to go to the Straits of Mackinac, because God put more there than man can put there for man's enjoyment.

Mr. BRADLEY of Michigan. Does the gentleman not know that within the next few years they will have to double or perhaps treble the number of ferries crossing the straits?

Mr. DONDERO. Possibly so; but at the present time the State of Michigan has less than $3,000,000 invested in the

concrete and steel piers and docks and in the five ships especially designed and built to take care of that need. Anybody who has ever passed over those waters knows it is one of the most delightful links in the journey of the traveler. [Applause.]

[Here the gavel fell.]

Mr. CRAWFORD rose.

The SPEAKER. Does the gentleman from Michigan [Mr. CRAWFORD] desire to oppose the bill?

Mr. CRAWFORD. I do, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman for 3 minutes.

Mr. CRAWFORD. Mr. Speaker, we have a defense program on at the present time. It seems to me that if skilled mechanics and material are drafted for the building of a project of this kind, when its economic necessity cannot be justified, it is something for us to think about.

In the second place, when this project came to my attention first, some 6 years ago, I was then informed that it was proposed to issue income bonds, that those bonds were to carry the seal of the great State of Michigan, that they were to be signed by the treasurer of the State of Michigan, and that they were to be placed in the hands of the public, many of whom would have undoubtedly assumed that they were State bonds backed by the faith and the credit of the State of Michigan. Of course, I objected to that kind of what I call "bucket shop" bond selling.

At the present time it is impossible to obtain reliable information as to what kind of a bond will be issued for the purpose of financing the construction of the bridge. I am informed by one of the officials of the Highway Department of Michigan that one course to follow would be to dip into the gas revenues of the State in order to make up the bridge-operating deficit, which will probably run anywhere from $500,000 to $1,000,000 a year, as reported by the gentleman from Michigan [Mr. DONDERO]. So for various reasons along the line I am briefly touching on here today, I have requested from time to time that the bill be passed over without prejudice, awaiting developments, and today I shall vote against the bill. [Applause.]

[Here the gavel fell.]

The SPEAKER. The Chair recognizes the gentleman from Michigan [Mr. RABAUT].

Mr. RABAUT. Mr. Speaker, this bill involves no bonds at all. This bill simply asks permission of the War Department to give the State of Michigan the right to consider by its legislative body whether or not it wishes to go into the proposition of erecting a bridge across the Straits of Mackinac.

The tourist trade of Michigan is second only to the automobile business itself. Michigan is a progressive State. Michigan is anxious to keep its tourist trade and is anxious even to enlarge upon the facilities which it extends to its tourist trade. This tourist trade extends into the fall and winter months, when there is a great deal of hunting in the northern part of Michigan. People come to Michigan from all over the United States. Its shores are kissed by the waters of the Great Lakes, the greatest body of fresh water in the world.

For these reasons we have felt that it is only proper that this bill should be considered by the House. Incidentally, it has been objected to consistently, as gentlemen have admitted here, for the past 6 or 8 years. It was originally introduced by Senator BROWN when he came to Congress 8 years ago.

Some reference was made to the Ambassador Bridge. The Ambassador Bridge was a private enterprise. No sooner was the Ambassador Bridge erected across the Detroit River between Detroit and Windsor than somebody started to build a tunnel under the river. The tunnel is so much more convenient than the bridge that the tunnel stole the traffic and the show, and the bridge has had little traffic. It is a loss to those who privately invested in it.

This is to be a State-owned bridge if it is ever erected, and the matter is going to be considered by a legislature, which in Michigan is usually a Republican legislature. I am quite surprised, of course, that the bill has received this objection from that side of this House.

This bill will not cost the Federal Government a cent; not a cent. The tourist trade, as has been rightfully said by my colleague the gentleman from Michigan [Mr. BRADLEY], amounts to in excess of $400,000,000 a year. Everyone knows what it is to cross by boat waters that at certain times of the year are disturbed and turbulent when the weather is rough. This bridge is to avoid that. The last time I went up there, when I went up to the convention, I got soaked standing near the rail—externally so. [Laughter.]

I make an appeal to this House to pass this bill, to give authority to the War Department to approve this proposition. There are causeways to be built, approaches to this bridge. The bridge is to be something slightly in excess of 3 miles in length. The distance across, and I believe my colleague will bear me out, is about 5 miles. This fill-in is to be made by the State Highway Department. One more point: This bridge will in no way interfere with navigation. Its elevation will be at least 150 feet above the water.

For all these reasons, we submit this proposition to the judgment of this body.

Mr. BRADLEY of Michigan. Mr. Speaker, will the gentleman yield?

Mr. RABAUT. I yield to the gentleman from Michigan.

Mr. BRADLEY of Michigan. The causeway the gentleman referred to is proposed to be built so that we can cut the ferry distance to about a third, cut it down to about 3 miles, which will materially increase the present ferry capacity.

Mr. DONDERO. Mr. Speaker, will the gentleman yield?

Mr. RABAUT. I yield to my distinguished friend from Michigan.

Mr. DONDERO. The gentleman spoke of the Detroit tunnel. Is it not a fact that the Detroit tunnel is in the hands of a receiver?

Mr. RABAUT. I do not know.

Mr. DONDERO. I understand that is the case.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. RABAUT. I yield.

Mr. HOFFMAN. Is it not a fact that often during the summer months and in the fall there is a line of cars from a mile to a mile and a half long waiting to cross on the ferry, although they have three or four boats?

Mr. RABAUT. The gentleman is absolutely right, and we also have a great deal of trouble in breaking the ice up there at certain times of the year in order to cross.

Mr. LESINSKI. Mr. Speaker, will the gentleman yield?

Mr. RABAUT. I yield to my colleague from Michigan.

Mr. LESINSKI. With respect to the statement of the gentleman from Michigan [Mr. DONDERO] regarding the Ambassador Bridge, I understand the actual cost of the bridge was about $6,000,000, although the bondholders paid $17,000,000, and somebody got the rest of it.

[Here the gavel fell.]

Mr. HOLMES. Mr. Speaker, as I understand, there are 2 minutes remaining, and as a member of the subcommittee on bridges of the Committee on Interstate and Foreign Commerce I would like recognition.

The SPEAKER. The Chair recognizes the gentleman from Massachusetts for 2 minutes.

Mr. HOLMES. Mr. Speaker, since our former colleague, the Senator from Michigan [Mr. BROWN] first introduced this measure some 6 years ago, I have had the pleasure of serving on the subcommittee which considered the measure. We have held extensive hearings for citizens of Michigan who wanted this legislation. Our committee, during all these years, have approached this subject from the viewpoint that the jurisdiction of Congress in respect of this matter lies entirely in granting consent to the State of Michigan itself. The Congress assumes no liability in the matter, but if its own legislature decides that they want to build this bridge, then under the terms of this measure they have congressional consent.

After all these years and after careful consideration of the matter, our committee has unanimously approved this proposed legislation. We have the approval of the War Department and the approval of the Department of Agriculture, the two Departments that are concerned in the matter, with respect to whether this bridge is going to obstruct in any way navigation through the Straits of Mackinac. We find now that that situation would not be disturbed.

I may say to the House that our subcommittee and the full Committee on Interstate and Foreign Commerce unanimously recommend the approval of this legislation, and I certainly hope the Congress will act favorably upon it and give the State of Michigan the right to build the bridge if it so desires.

Mr. DONDERO. Mr. Speaker, will the gentleman yield?

Mr. HOLMES. I will be very pleased to yield to the gentleman.

Mr. DONDERO. Does the gentleman know that this administration has rejected a proposal to lend money to build this bridge?

Mr. HOLMES. That is immaterial and has no bearing at all on the question of the consent of Congress in the matter.

Mr. RABAUT. Mr. Speaker, will the gentleman yield?

Mr. HOLMES. I yield.

Mr. RABAUT. We are not asking the administration for any money to build this bridge.

Mr. HOLMES. Not at all.

Mr. DONDERO. Money was asked from W. P. A.

Mr. HOLMES. This bill does not deal with loans or grants. It does not prohibit the State of Michigan from asking for aid, if it so desires, but, fundamentally, the only question here is whether you will grant to the State of Michigan the right to build a bridge connecting two portions of that State or not. That is the congressional function that is involved here, and I say that Congress should grant that right to the State and then let the State decide what it wants to do when it comes to actually building the bridge. [Applause.]

[Here the gavel fell.]

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

On page 1, strike out all of lines 4 and 5, and the word "Legislature" in line 6, and insert "State of Michigan."

Page 2, line 17, after the word "and", insert the word "reasonable."

Page 2, line 23, after the word "tolls", strike out the remainder of line 23, and all of lines 24 and 25, and down to and including the word "management" in line 2 on page 3.

Amend the title.

The committee amendments were agreed to.

Mr. DONDERO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DONDERO. Under the rule under which we are now proceeding, would it be proper to ask for a division on the passage of the bill?

The SPEAKER. Absolutely; it is always in order to ask for a division on a vote.

The bill was ordered to be read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. DONDERO. Mr. Speaker, on the passage of the bill I ask for a division.

The House divided; and the Speaker reported that there were—ayes 98, noes 4.

So the bill was passed.

A motion to reconsider was laid on the table.

The title was amended so as to read: "A bill granting the consent of Congress to the State of Michigan to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches thereto, across the Straits of Mackinac at or near a point between St. Ignace, Mich., and the Lower Peninsula of Michigan."

RECREATION FACILITIES WITHIN CHOPAWAMSIC PROJECT

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2493) to provide for the operation of the recreational facilities within the Chopawamsic recreational demonstration project, near Dumfries, Va., by the Secretary of the Interior through the National Park Service, and for other purposes, and pass the same.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk reported the title of the bill.

The SPEAKER. Is there objection to the consideration of the Senate bill?

Mr. MICHENER. Mr. Speaker, I reserve the right to object. I understand that this bill passed the House and that a similar bill passed the Senate, but that they did not meet on the way.

Mr. SMITH of Virginia. That is correct.

Mr. MICHENER. And the purpose is to pass the Senate bill at this time.

Mr. SMITH of Virginia. That is correct.

The SPEAKER. Is there objection?

Mr. SCHAFER of Wisconsin. Mr. Speaker, this bill, I notice, provides that the Secretary of the Interior shall operate this park in the State of Virginia. How much will it cost our almost bankrupt Treasury?

Mr. SMITH of Virginia. It will not cost anything. This is to be operated at a profit.

Mr. SCHAFER of Wisconsin. I am very glad to hear that.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter the lands comprising the Chopawamsic recreational demonstration project transferred to the Secretary of the Interior by Executive Order No. 7496, dated November 14, 1936, shall be administered by the Secretary of the Interior through the National Park Service as part of the park system of the National Capital and its environs.

SEC. 2. The Director of the National Park Service, under the direction of the Secretary of the Interior, is authorized—

(a) To prescribe and collect fees and charges for such recreational and other facilities, conveniences, and services as may be furnished by the National Park Service for the accommodation of the public within the said area.

(b) To enter into a contract or contracts with any reliable person, organization, or corporation, without advertising and without securing competitive bids for the operation or performance of any such recreational or other facilities, conveniences, and services within the said area.

All revenues collected by the National Park Service, pursuant to the authority of this section, shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts.

SEC. 3. The director of the National Park Service, under the direction of the Secretary of the Interior, is authorized to exercise and perform with respect to the said area all the powers and duties that are conferred and imposed upon him by law in relation to the construction, maintenance, care, custody, policing, upkeep, and repair of the public buildings and parks in the District of Columbia.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BRIDGE ACROSS MISSISSIPPI RIVER, MEMPHIS, TENN.

Mr. LEA. Mr. Speaker, I call up the bill (S. 3929) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Memphis, Tenn., and ask unanimous consent that the House further insist upon its amendment and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Chair appointed the following conferees: Mr. CHAPMAN, Mr. KELLY, and Mr. HOLMES.

INTERVENTION OF STATES IN CERTAIN LAWSUITS

Mr. SUMNERS of Texas. Mr. Speaker, I submit the following report from the Committee on the Judiciary on the bill H. R. 7737, which I send to the desk and ask to have read.

The Clerk read as follows:

An act (H. R. 7737) entitled "An act to amend the Judicial Code by adding a new section thereto, designated as section 266a, to provide for intervention by States in certain cases involving the validity of the exercise of any power by the United States, or any agency thereof, or any officer or employee thereof, and for other purposes"

Your Committee on the Judiciary, to which was referred the bill (H. R. 7737) entitled "An act to amend the Judicial Code by adding

a new section thereto, designated as section 266a, to provide for intervention by States in certain cases involving the validity of the exercise of any power by the United States, or any agency thereof, or any officer or employee thereof, and for other purposes, together with the objections of the President thereto, having reconsidered said bill and the objections of the President thereto, report the same back to the House with the unanimous recommendation that said bill do pass, the objections of the President to the contrary notwithstanding.

The bill gives the States the same character of right to intervene and protect the validity of their own statutes and customary powers when that validity is involved as was given the Federal Government by an act of 1937 in cases questioning the constitutionality of acts of Congress. The section provides notice to the States by the Federal courts where a question arises involving conflict of powers or exercise thereof between State and Federal instrumentalities. The bill as written makes the notice mandatory, but does not impose the burden of binding the State as a party in such a case unless the State actually does intervene and appear.

There are a great number of cases which have been decided adversely to the existence of State powers or in favor of the exercise of Federal powers in conflict therewith, to which the States have not been parties, and which have been conducted by private corporations or individuals free from State participation. The purpose and effect of this bill is to permit the States, through their attorneys general, to become actual parties where their interests are involved and to present evidence and argument in behalf of the State. Under the present law the State, through its attorney general, is permitted to file a brief amicus curiae. We do not regard this as adequate protection to the interests of the States. They ought to have the right to appear as a party litigant.

It is one of the outstanding developments of the constitutional law of this country, relating to the respective jurisdiction of the States and Federal Government, that in nearly all of the important cases establishing precedents involving these questions that the States have not been parties to the litigation.

When we consider the tremendous expansion in the activities of Federal bureaus, commissions, and administrative agencies which has occurred in the past few years, it seems to this committee that it is exceedingly important and vital that the interests of the States should be protected by giving them adequate opportunity to defend their jurisdiction and rights against undesirable encroachments.

It will be observed that the provisions of this bill make permissive the intervention by the attorney general of any State and are in no sense mandatory.

The SPEAKER. The question is, Will the House on reconsideration pass the bill, the objections of the President to the contrary notwithstanding? The gentleman from Texas is recognized for 1 hour.

Mr. SUMNERS of Texas. Mr. Speaker, this report, as the House appreciates, has to do with veto messages. The Committee on the Judiciary will present another report.

Mr. HANCOCK. Mr. Speaker, if the gentleman will permit, since the entire House is to vote on this bill, I think we ought to hear the objections of the committee and I make the point of order that there is no quorum present.

Mr. SUMNERS of Texas. Mr. Speaker, I appreciate the gentleman doing that, because I was about to make that point myself. In view of the fact that there are two veto messages to be considered, we hope that the hour will not be required, but, as stated by the gentleman from New York, in view of the fact that the Members of the House will have to vote on the veto messages, I very much regret the necessity of making the point of order that there is no quorum present.

The SPEAKER. Obviously there is no quorum present.

Mr. SUMNERS of Texas. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll and the following Members failed to answer to their names:

[Roll No. 174]

Allen, Pa.	Case, S. Dak.	Drewry	Jacobsen
Andresen, August	Celler	Duncan	Jarrett
Andrews	Chapman	Durham	Jennings
Arends	Chiperfield	Englebright	Johnson, Lyndon
Barton, N. Y.	Clark	Evans	Kerr
Bates, Ky.	Clason	Fernandez	Kilburn
Bates, Mass.	Cluett	Fitzpatrick	Kirwan
Bender	Cooley	Flannery	McArdle
Blackney	Courtney	Folger	McDowell
Bolton	Creal	Gamble	McGranery
Bradley, Pa.	Culkin	Garrett	McLean
Brewster	Cullen	Gifford	McLeod
Buckley, N. Y.	Darden, Va.	Hall, Leonard W.	Magnuson
Burgin	Darrow	Halleck	Mahon
Byrne, N. Y.	Dies	Hare	Marcantonio
Caldwell	Dingell	Harter, Ohio	Merritt
Camp	Ditter	Hook	Mitchell
Cannon, Fla.	Douglas	Hope	Monkiewicz
Mouton	Rees, Kans.	Seger	Terry
Norton	Richards	Shannon	Thomas, N. J.
O'Leary	Rockefeller	Sheridan	Vincent, Ky.
Oliver	Romjue	Smith, Ill.	Vreeland
O'Neal	Sacks	Smith, Maine	Welch
Osmers	Sandager	Spence	White, Idaho
O'Toole	Schaefer, Ill.	Starnes, Ala.	White, Ohio
Powers	Schwert	Sullivan	
Reece, Tenn.	Scrugham	Sweeney	

The SPEAKER. Three hundred and twenty-five Members have answered to their names. A quorum is present.

By unanimous consent, further proceedings under the call were dispensed with.

The SPEAKER. The gentleman from Texas [Mr. SUMNERS] is recognized for 1 hour.

Mr. SUMNERS of Texas. Mr. Speaker, I yield 10 minutes to the gentleman from Virginia [Mr. SATTERFIELD].

Mr. SATTERFIELD. Mr. Speaker, it is one of the outstanding and remarkable developments of the constitutional law of this country relating to the respective jurisdiction of the States and Federal Government that in nearly all of the important cases establishing precedents involving this question the States of the Union have not been parties to that litigation.

I wonder if you would let me say that once again, because that is the crux of this bill. That is the heart of this bill.

It is a remarkable development of the constitutional law of our country relating to the respective jurisdiction of the States and Federal Government that in nearly all of the important cases establishing precedents involving this question the States have not been parties to that litigation.

I think when we come to consider the great expansion in the activities of Federal bureaus and of commissions and of administrative agencies throughout the country which has occurred in the past several years, it would seem to me, and I also bespeak the unanimous opinion of the Committee on the Judiciary of the House, that it is exceedingly important and vital that the interests of the several States should be protected by giving the States adequate opportunity to defend their jurisdiction and their rights against encroachment.

The bill gives the States the same right to intervene and to protect the validity of their own statutes and governmental powers when that validity is involved, as was given the Federal Government by an act passed by the Congress in 1937. That enactment dealt only with cases questioning the constitutionality of the acts of Congress. It concerned itself only with legislative enactments. The pending measure provides notice to the State by the Federal courts, where a question arises involving conflict of powers or the exercise thereof, between State and Federal instrumentalities. The bill as written makes the notice mandatory to the attorneys general, but does not impose the burden of binding the State as a party in such case, unless the State actually does intervene and appears.

There are a great number of cases which have been decided adversely to the existence of State powers, or in favor of the exercise of Federal powers in conflict therewith, to which the States have not been parties, and which have been conducted by private corporations or individuals, free from State participation.

The purpose, as succinctly and concisely as I can state it, of this bill is to permit the States through their attorneys general to become actual parties where their interests are involved, and to present evidence and arguments in behalf of the State. Under the present law a State, through its attorney general, may appear as a friend of the court. In other words, he may file a brief, amicus curiae; but that is not adequate. The States should be permitted to appear as a party litigant if the rights of the State and the power of the State is involved in that litigation in a Federal court within that State.

I have made quite an exhaustive study of the decisions on this point. I am not going to burden you with the reading of abstracts of decisions which I have here, but may I call your attention to just two so that you may get an idea of just how lack of State representation works.

Pennsylvania R. R. Co. v. *Illinois Brick Co.* (297 U. S. 447 (1936)): In this case the brick company sued the railroad to recover reparation awarded by the Illinois Commerce Commission on the ground of an excessive charge for intrastate transportation; the charge in question was authorized by the Interstate Commerce Commission. The case was argued by attorneys for the two corporations. Justice Butler, giving the opinion of the Court, held that the State commission had no authority to treat as excessive a charge authorized by the Interstate Commerce Commission. The decision cites section 13 (4) and section 15a (2) of the Interstate Commerce Act as authority for the regulation of the rate in question by the Interstate Commerce Commission.

Steward Machine Co. v. *Davis* (301 U. S. 548 (1937)): In this case the question involved was the validity of provisions of the Social Security Act imposing taxes on employers of eight or more, with a 90-percent exemption for amounts paid to the State and by it deposited in the Treasury of the United States. The case was argued by various attorneys, including two amici curiae, but no State was represented. Justice Cardozo, giving the opinion of the Court, held that the provisions in question did not constitute an improper interference with the rights of the States. Justices McReynolds, Sutherland, Van Devanter, and Butler dissented, on the ground that the provisions constituted a Federal encroachment on the province of the States.

In these cases the attorney general had no chance to appear. It matters not what the decision of the court was, I submit to you in all fairness and earnestness, that these States were entitled, through their representative, the attorney general, to at least appear and, if they wished to do so, make their States actual parties. This bill would permit them so to do, and for what purpose? For no higher purpose than the private litigants enjoyed in that suit, for the purpose of adducing testimony, for the purpose of submitting argument, for the purpose of making up, if you please, that record in order that when and if it ever reached the Supreme Court of the United States it would be a complete record. For the State it would reflect the same wishes and hopes entertained by private litigants, and at the same time it would have given the State in which that issue had arisen, against whose powers the issue may militate, the same right to argue and testify and attempt to persuade the Supreme Court to reach a decision which the attorney general of that respective State thinks is meet and proper.

Mr. VORYS of Ohio. Will the gentleman yield?

Mr. SATTERFIELD. Yes; I yield for a question.

Mr. VORYS of Ohio. In the Pennsylvania case which the gentleman cites, had there been any attempt by any State to become a party under the established rules and procedure?

Mr. SATTERFIELD. I could not answer the gentleman on that point, but I would like to say—and I think I make a fair observation—that litigation of this sort is appearing so frequently in the courts, and particularly now, that there is no method by which notice could be given the attorneys general; and this bill provides such a method, that the attorney general of the particular State involved might have a chance not only to be apprised of the issues involved but to decide whether he wishes to become an active party to the case.

Mr. VORYS of Ohio. Would it be required that notice be given to each State under this bill?

Mr. SATTERFIELD. No; only to the State in which the issue arises.

Mr. HANCOCK. Mr. Speaker, will the gentleman yield?

Mr. SATTERFIELD. I yield.

Mr. HANCOCK. The fact is that all the Governors and attorneys general who have expressed any opinion at all have given this bill their wholehearted support, is that not correct?

Mr. SATTERFIELD. I thank the gentleman for his question. I have compiled from letters from attorneys general, a list. I will hurriedly run through the names of some of the States. Favorable letters have been received from the attorneys general of the States of Georgia, Pennsylvania, New York, Nebraska, Utah, North Carolina, Connecticut, Alabama, Missouri, Massachusetts, Vermont, Indiana, Tennessee, Kansas, and several others. I have not the file before me but others have written and wired to their Representatives here commending the pending legislation.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. SATTERFIELD. I yield.

Mr. COCHRAN. The third paragraph of the President's veto message, found on page 2, called attention to the fact that the district courts of the United States now have discretion to permit notification, and so forth, and called attention to the rules of civil procedure.

Mr. SATTERFIELD. Yes.

Mr. COCHRAN. It called attention to United States Code, title 28, section 723 C, which further says that the Supreme Court permits the filing of briefs as a friend of the Court. If they have all those rights now, what is the need of the legislation?

Mr. SATTERFIELD. I am glad the gentleman asked that question, because the answer to that observation of the President is that such action by the United States courts is discretionary. This bill asks for the right on behalf of States to have the attorney general appear in cases developing those issues.

Mr. COCHRAN. Does the discretion deny the right of a State to intervene?

Mr. SATTERFIELD. I may say to the gentleman from Missouri that frequently the right ends with the filing of a brief amicus curiae.

Mr. KELLER. Mr. Speaker, will the gentleman yield?

Mr. SATTERFIELD. I yield.

Mr. KELLER. Do not the attorneys general of the various States have meetings at various times?

Mr. SATTERFIELD. Yes.

Mr. KELLER. Has this question ever been brought up at those meetings?

Mr. SATTERFIELD. I think I can say without fear of contradiction, to the gentleman from Illinois, that while I cannot point to any collective official approval, the fact is that the attorneys general of the country are in favor of this bill.

Mr. KELLER. Why have they not taken action if they favor it?

Mr. SATTERFIELD. They have. I have a file filled with letters from attorneys general throughout the country.

Mr. KELLER. But no action has been taken by their association, as I understand it. So far as I know, it has not.

Mr. SATTERFIELD. I would not be able to answer that.

Mr. KELLER. Does it not occur to the gentleman that unless the attorneys general of the various States are sufficiently interested in the matter to have considered it in their association that this Congress ought to be extremely careful how it considers a bill of this kind?

Mr. SATTERFIELD. My answer to that is that they are interested in it as evidenced by the letters I have in my files. This legislation is needed from every point of view. Certainly the House ought to be very careful in its consideration.

Mr. KELLER. Does not the gentleman admit that the best judges of the question are the people most interested?

Mr. SATTERFIELD. I have just told the gentleman that the attorneys general have been writing and wiring to their Representatives. I dare say that four-fifths of the States have wired their Congressmen and Senators in the matter.

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Speaker, I yield 5 additional minutes to the gentleman from Virginia.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 5 additional minutes.

Mr. SUMNERS of Texas. Mr. Speaker, will the gentleman yield?

Mr. SATTERFIELD. I yield.

Mr. SUMNERS of Texas. I believe the gentleman from Illinois was not attentive at the time the gentleman from Virginia was reading the list of the attorneys general who have endorsed the bill.

Mr. KELLER. Yes; I understood that. I know pretty well the telegrams, and so on, that have come in, because I have

heard the contents of them a number of times both here and outside; but it has occurred to me always that unless the attorneys general of their own accord, from their own association, should take action in the matter this body ought not itself to take action independently.

Mr. SUMNERS of Texas. Mr. Speaker, will the gentleman yield further?

Mr. SATTERFIELD. I yield.

Mr. SUMNERS of Texas. May I suggest to my distinguished friend that the converse of that consideration appears in this particular situation. As I understand it, most of the attorneys general have asked for this legislation. It would seem to me that if the men who represent the States want the bill then the Congress ought to listen to their demand.

Mr. KELLER. The rule just quoted by the gentleman from Missouri gives them that very right.

Mr. SATTERFIELD. I doubt that.

Mr. SUMNERS of Texas. He will not say so.

Mr. COCHRAN. I do not know.

Mr. SUMNERS of Texas. I ask my distinguished friend from Illinois if he does not believe that the attorneys general ought to have the right to intervene and defend their State when a right of their State is involved?

Mr. KELLER. I know that there is no body of men who are more capable and able of asking for what they want than are the attorneys general.

Mr. SUMNERS of Texas. They are asking for it now. Will the gentleman give it to them?

Mr. KELLER. They have not asked for it as I think they ought to.

Mr. SATTERFIELD. The gentleman from Illinois [Mr. KELLER] objects because they have not asked for this collectively, but they have asked for it individually.

Mr. HEALEY. Will the gentleman yield?

Mr. SATTERFIELD. I yield to the gentleman from Massachusetts.

Mr. HEALEY. May I say to the gentleman that during the pendency of this bill the attorney general of my State wrote to me and said he had examined the bill and that the State officials were very much in favor of the bill.

Mr. NORRELL. Will the gentleman yield?

Mr. SATTERFIELD. I yield to the gentleman from Arkansas.

Mr. NORRELL. The point I am interested in is how the attorney general of a particular State will have notice of the pendency of any suit in which the State may be interested.

Mr. SATTERFIELD. The judge notifies him under the provisions of this bill.

Mr. COCHRAN. Will the gentleman yield?

Mr. SATTERFIELD. I yield to the gentleman from Missouri.

Mr. COCHRAN. What comment has the gentleman to make in reference to the fear of the President that if such authority is granted, private litigants will prevail in some way on the attorney general, bring pressure to bear upon the attorney general to intervene—naturally not interested so much in the State as in their own behalf?

Mr. SATTERFIELD. I make this answer to the gentleman from Missouri in reference to that, and I respectfully do so because it indirectly involves also an answer to the President. In my part of the country it is exceedingly difficult to get the attorney general into a case unless he should be there, and I do not think many of them will be involved in trifling litigation.

Mr. LEWIS of Colorado. Will the gentleman yield?

Mr. SATTERFIELD. I yield to the gentleman from Colorado.

Mr. LEWIS of Colorado. Will not the gentleman say, as a lawyer, that being permitted to file a brief amicus curiae is a very poor remedy compared with intervening as a matter of right?

Mr. SATTERFIELD. I say that in this instance it is thoroughly inadequate, a very courteous matter on the part of the court to be permitted to file a brief, but it has little efficacy when it comes to presenting your case on the part of whomsoever you represent.

Mr. LEWIS of Colorado. If the State becomes a party, the State will have a right to present evidence?

Mr. SATTERFIELD. That is right.

Mr. LEWIS of Colorado. And the attorney general or other legal counsel for the State will have the right to cooperate in the conduct of the case?

Mr. SATTERFIELD. And argue it.

Mr. LEWIS of Colorado. Whereas when an amicus curiae brief is filed it may or may not be given much attention. There may or may not be afforded opportunity for oral or other argument in addition to the filing of a brief.

Mr. SATTERFIELD. That is true.

Mr. LEWIS of Colorado. This is an extremely important matter to those States west of the one hundredth meridian. The system of water rights there prevailing is not thoroughly understood in other parts of the country. Many do not understand and a few are bitterly hostile to the appropriation doctrine of water rights under which the so-called irrigated-land States were settled and have flourished. Some Federal officials seem to have the notion that we of the West should return to the riparian doctrine, which is wholly unsuitable to our conditions. Some officials appear to be seeking to gain Federal control over the waters in our States which long ago, by acts of Congress and repeated decisions of the United States Supreme Court, have been recognized as being in the control of the respective States of the West. We in the West, at least all those from the West to whom I have spoken, feel that the enactment of this bill is a vital matter.

Mr. SATTERFIELD. I thank the gentleman; and I should like to add that if the Federal Government should come into your State and claim that a certain part of your waters were navigable that had hitherto been understood not to be, you would have a right under this bill to have your attorney general appear in court and present evidence on behalf of the contention of your State and to argue the matter on its behalf.

Mr. LEWIS of Colorado. I may say in reply to the gentleman that assertions by the Federal Government in regard to our water rights have come from the Federal Government, and we desire in the future to appear in the courts and to present our case.

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Speaker, I yield the gentleman such time as he may desire to conclude.

Mr. SATTERFIELD. Mr. Speaker, when hearings were had on this bill before a subcommittee of the Committee on the Judiciary, a representative of the Attorney General of the United States was present and he had this to say about the bill. I particularly invite the attention of my distinguished friend the gentleman from Illinois [Mr. KELLER].

The representative of the Attorney General's office said this:

> I do not see why the States should not have the same right to intervene to protect the constitutionality of its own statutes as the Federal Government is given by the act of 1937 to intervene to protect the constitutionality of an act of Congress.

He further said:

> I am not intimating that there is any objection at all in permitting the State to intervene.

Mr. Speaker, I think this bill is a just one; it is a reasonable one; and it means a great deal to our country to see to it that if private litigants have a voice the States have no less. [Applause.]

Mr. SUMNERS of Texas. Mr. Speaker, I have no disposition to detain the House any longer than is necessary to give the Members in attendance an understanding of this bill. The gentleman from Virginia [Mr. SATTERFIELD], who has just addressed the House, I think very clearly explained the bill. It merely gives to the States or to their chief law officer, the opportunity to appear in the Federal courts when the interests of the States are involved.

The Committee on the Judiciary took the matter under consideration and without any dissent at all this bill was

unanimously agreed to. There was no reason that suggested itself to a single member of the committee on either side of the House why the States of this country should not be privileged as a matter of right to litigate their questions of interest in those lawsuits in this country where their interests are involved. If there is any other Member who would like to have time, I will be glad to yield.

Mr. HOBBS. Mr. Speaker, I would like some time.

Mr. SUMNERS of Texas. Mr. Speaker, I yield to the gentleman from Alabama [Mr. HOBBS] such time as he may desire.

Mr. HOBBS. Mr. Speaker, at the request of the author of the bill, I will speak for the passage of this bill, the veto notwithstanding. I want to be intensely practical, and I would like the attention of those who are seriously considering the question at issue.

The President in his veto message gives two reasons why this bill, in his opinion, should not become law: One is that the district courts of the United States now have discretion to permit intervention by a State in any action in which the State's claim or defense has a question of law or of fact in common with such action—Rules of Civil Procedure, rule 24, following United States Code, title 28, section 723c—that the various administrative tribunals permit intervention by States upon a showing of interest in their proceedings; and that the Supreme Court permits the filing of briefs by States as amici curiae as a matter of right—Revised Rules of the Supreme Court, rule 27, paragraph 9.

The veto message says:

> In my opinion those provisions are adequate.

The second reason given is that this bill does not provide for intervention by the States in cases involving the constitutionality of State statutes affecting the public interest.

The message suggests that the passage of this bill would impose more responsibility and work on the courts, and that it might hamper the judicial determination of the validity of the powers of the United States or their exercise by the proposed broader powers of intervention by the States, but the two reasons stated above seem to be the main objections that caused the veto.

I wish very briefly to address myself to each of them.

In the first place, there is a great deal of difference between permissive intrusion, as a matter of grace, and the exercise of a right. For grace you beg. A right is yours without supplication. In one case you are a guest in the house of your enemy; in the other, you are there as a joint owner, a tenant in common. In one case you must ask a favor; in the other you are asking no favor and receiving none. By mandate of the law you have the right to appear, and you can do so without supplication or apology.

As to his second point I am equally emphatic. The reason this bill does not permit a State to intervene when its own statutes are attacked as unconstitutional is that in any such event the State is immediately apprised of that attack and, possibly, the right to appear amicus curiae, by permission of the court, may be ample, because no court would deny to a State, one of whose own statutes was attacked as unconstitutional, the right to appear.

This is the reason for this bill, as I see it. The States, according to our fundamental law, are sovereign. They have all powers which they have not surrendered or delegated to the Federal Government.

The Federal Government is a government of delegated powers only. Therefore, this bill seeks to safeguard the States in their broad expanse of sovereignty beyond any assertion thereof by statute. Here the States have been undisputed monarchs. Into this realm the Federal power may not come without plain permission of the States. When, therefore, the Federal power therein intrudes it is manifestly fair that the States have notice and the right to resist the intrusion. If the exercise of Federal power be not unwarranted, the courts will so hold. But the right to challenge in the courts any new assertion of Federal authority in this area should not be left to chance nor to the grace of any tribunal; it should be fixed by the law of the land.

Federal power may be asserted and exercised in California; Maine may be affected thereby, but may never know until her rights have been, by the California case, at least partially foreclosed.

There may be a creek in Michigan, a mere trickle. The Federal Government, by virtue of a decision of the Army engineers—and I have the highest regard for them and their deliverances—may claim that because that creek is capable of being made navigable it is a navigable stream.

Immediately the rights of Michigan with respect of jurisdiction and control over that creek are gone, unless that State is apprised of such adverse claim and defeats it. And a case in Michigan might become a potent precedent controlling the decision of a similar case in Florida, or some other State.

When a State statute is challenged on the ground of unconstitutionality the State will know about that and will probably be permitted to come in and defend; but in cases involving far more than a statute, attacking those great, outstanding, sovereign rights that are the test of your statehood, and which are infinitely more valuable than the upholding of some statute of your State, your State may not know of the threat until it is too late. This bill requires notice and gives to every State affected the right to be heard.

Why is there objection to making that the law? Surely the great Government created by the sovereign States of the American Union has no desire to take advantage of the States that gave it its very existence, and all of its powers.

Verily, the United States Government is and must ever remain above any thought of doing anything surreptitiously or seeking to deny any State the right of resort to the courts of the United States to determine questions of sovereignty. Can the Federal Government doubt the integrity of its own courts? Does the Government of the United States desire to take anything without vindicable right?

Mr. KEEFE and Mr. MAY rose.

Mr. HOBBS. The gentleman from Michigan rose first; inasmuch as I referred to his State, I shall be happy to yield to him first, and then I shall be equally glad to yield to the recently overwhelmingly renominated gentleman from Kentucky.

Mr. KEEFE. I may say to the gentleman that while I am not from Michigan, I am from a State contiguous to it.

Mr. HOBBS. Wisconsin; I beg the gentleman's pardon.

Mr. KEEFE. I wanted to say, as a contribution to the argument the gentleman has just made in response to the President's objection that this law does not provide for intervention by the States in cases involving the constitutionality of State statutes, that in the State of Wisconsin whenever in any case in any court the constitutionality of a law is involved, notice must be given to the Attorney General, and the right of intervention on the part of the State in that case, no matter what it is, is given to the State so that it may appear and defend, so that if in an isolated case in my State a question of the constitutionality of a statute were to arise, the State would be a party to that action by virtue of the laws of the State of Wisconsin.

In the event that proceeding were certioraried into the Federal courts and ultimately came into the Federal courts, the State itself would be a party all the way through by virtue of the rights given under the laws of the State of Wisconsin. I feel that this law is in line with the steps of proper protection of the rights of the States, and there ought to be no objection on the part of any Member of Congress to it.

Mr. HOBBS. I thank the gentleman for that contribution. I may state that I believe that is the law in practically every State in the Union; but even in those cases not covered by the local State law because originating in a Federal court, still there would be a permissive right to intervene granted where a State statute is involved. But those great cases involving inherent sovereignty far transcend in importance the life or death of one statute.

I am now happy to yield to the distinguished gentleman who is so graciously occupying the chair of our Committee no Military Affairs.

Mr. MAY. In my State we cannot even read a deposition taken against the interest of a party involving his individual rights and property rights without notice to that party. As I understand, unless this bill is enacted, a State may lose a constitutional right unless the attorney general is notified and is enabled to intervene where he may intervene.

Mr. HANCOCK. Mr. Speaker, will the gentleman yield?

Mr. HOBBS. I am always happy to yield to the distinguished gentleman from New York.

Mr. HANCOCK. Is not the opposition to this bill really based on the fact that it puts a brake on the centralization of power in the Federal Government?

Mr. HOBBS. If the gentleman will pardon me, I should like not to pass upon motives. I accept this veto at face value. I think the present great President of the United States has repeatedly shown himself sympathetic with the States. There never has been a man who has spoken more eloquently in defense of States' rights than the present occupant of the White House. [Applause.] I believe wholeheartedly that he means to be fair to the States. But, as Horace said, upon occasion even Homer hath been known to nod. This bill stands upon its own merit. It needs no defense and no defender. It ought to become law, notwithstanding the veto.

Mr. COX and Mr. WALTER rose.

Mr. HOBBS. It gives me pleasure to yield to the distinguished gentleman from Georgia.

Mr. COX. Does the gentleman know of sufficient opposition in this House to this fair and reasonable proposal to justify delaying the opportunity for Members to express themselves?

Mr. HOBBS. No, sir; I know of none.

Mr. WALTER. Mr. Speaker, will the gentleman yield?

Mr. HOBBS. I am glad to yield to the distinguished gentleman from Pennsylvania.

Mr. WALTER. I would like to call attention to the fact that at the time the hearings were conducted I asked the representative of the Attorney General this question:

> If I understand the Attorney General's position correctly, he would not be opposed to this bill if section II were out of it?
> Mr. HOLTZOFF. That is right.

The section II then referred to was taken out of the bill.

Mr. HOBBS. Mr. Speaker, just this one word in conclusion: This bill was amended in our committee to meet the views of every department of the Government so far as we knew them, and we beg of you, in the name of justice, in the name of statehood, in the name of that theory of States' rights which has been proclaimed in every lawbook in which there appears a Supreme Court decision on the subject, to proceed to pass this bill, and thereby give to the States the rights therein provided without further delay or argument.

Mr. GWYNNE. Mr. Speaker, will the gentleman yield?

Mr. HOBBS. I am happy to yield to the distinguished gentleman from Iowa.

Mr. GWYNNE. As a matter of actual practice, has it not been demonstrated many times that the right of the States to intervene in these cases, under existing law and under existing court rules, is not protected and that this legislation is very much needed to protect the rights of the States in that respect?

Mr. HOBBS. I will say to the gentleman in answer to that question, that so far as my own personal experience goes, and I have been practicing in the courts for many years, I have no knowledge of any abuse of judicial discretion with regard to intervention. I cannot recall a denial of an application to appear amicus curiae when there was a showing made of a real interest to be so represented. But that militates not one whit against the necessity for this bill to become law.

Mr. WALTER. Mr. Speaker, will the gentleman yield?

Mr. HOBBS. Again I am happy to yield to my esteemed colleague from Pennsylvania.

Mr. WALTER. It has been suggested that the States might get into frivolous matters. May I call the gentleman's attention to the fact that the same responsibility with respect to costs is imposed on the States as is imposed on other litigants?

Mr. HOBBS. I thank the gentleman; what he says is perfectly true.

Mr. KELLER. Mr. Speaker, I ask unanimous consent that the President's veto message on this subject may be read by the Clerk:

The SPEAKER pro tempore (Mr. COOPER). Is there objection to the request of the gentleman from Illinois?

There being no objection, the Clerk read the veto message, as follows:

To the House of Representatives:

I return herewith, without my approval, a bill entitled "An act to amend the Judicial Code by adding a new section thereto, designated as section 266a, to provide for intervention by States in certain cases involving the validity of the exercise of any power by the United States, or any agency thereof, or any officer or employee thereof, and for other purposes."

This bill would enable any State to intervene in and become a party to any suit or proceeding in any court of the United States, as a matter of right, whenever the validity of any Federal action is questioned, if (1) the determination of such question should involve any conflict with the exercise of any governmental power of such State, or (2) such Federal action would impair or abridge any governmental power asserted by or exercised by such State or any agency, officer, or employee thereof. In addition, it would impose on the courts of the United States, in every suit and proceeding now pending or hereafter instituted in which the validity of Federal action is questioned, the burden of ascertaining whether the determination of the question involves any conflict with the governmental power of any State and whether such Federal action would impair or abridge any governmental power asserted by or exercised by any State or any of its agencies, officers, or employees.

It was said (H. Rept. No. 1760, 76th Cong., 3d sess.) that this bill would give the States the same right to intervene to protect the constitutionality of their statutes as is given to the United States to intervene to protect the constitutionality of acts of Congress by the act of August 24, 1937 (ch. 754, sec. 1, 50 Stat. 751; U. S. C., title 28, sec. 401). However, the bill before me does not complement the 1937 act. It does not provide for intervention by the States in cases involving the constitutionality of State statutes affecting the public interest. On the contrary, it invites the States to intervene as a matter of right to attack the exercise of any Federal power impairing or abridging any governmental power asserted or exercised by the States or by any of their agencies, officers, or employees.

I find no justification for such broad powers of intervention by the States; particularly since the right of intervention given to the United States is limited to cases in which the constitutionality of an act of Congress affecting the public interest is questioned.

The district courts of the United States now have discretion to permit intervention by a State in any action in which the State's claim or defense has a question of law or of fact in common with such action (Rules of Civil Procedure, rule 24, following U. S. C., title 28, sec. 723c). The various administrative tribunals permit intervention by States upon a showing of interest in their proceedings. The Supreme Court permits the filing of briefs by States as amici curiae as a matter of right (Revised Rules of the Supreme Court, rule 27, par. 9). In my opinion, those provisions are adequate. No evidence has been presented of the inability of any State to defend the constitutionality of any of its statutes. The proposed statute would, however, subject a State's attorney general to pressure to intervene in any case where a private litigant is opposing Federal action, on the ground that such action invades States' rights. Such exploitation of the authority of State officials for the interests of private litigants should not be encouraged.

I fear that the judicial determination of the validity of the powers of the United States or their exercise would be hampered by the proposed broader powers of intervention by the States—powers of intervention not limited to cases in which the constitutionality of State statutes is questioned.

I am therefore compelled to veto the bill.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *June 10, 1940.*

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent that the telegram which I send to the clerk's desk may be read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There being no objection, the clerk read the telegram, as follows:

RUTLAND, VT., *June 14, 1940—12:39 p. m.*

Hon. HATTON SUMNERS,
Chairman, House Judiciary Committee, Washington, D. C.:

Enactment of Satterfield bill is meritorious and essential to the preservation of our dual system of government. The States should be given the opportunity to present evidence and argument in all cases where the constitutionality of a State law is attacked. Only under such procedure can the courts be intelligently informed and the States be protected against usurpation of powers strictly within their sphere of government.

LAWRENCE C. JONES,
President, National Association of Attorneys General.

Mr. SUMNERS of Texas. Mr. Speaker, if there is no further information desired by the Members of the House with reference to this bill, in view of the complete explanation that has been made of it, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding. Under the Constitution the vote must be taken by the yeas and nays.

The Clerk will call the roll.

The question was taken; and there were—yeas 254, nays 46, not voting 131, as follows:

[Roll No. 175]

YEAS—254

Alexander	D'Alesandro	Healey	Ludlow
Allen, Ill.	Davis	Hendricks	Lynch
Andersen, H. Carl	Dirksen	Hennings	McCormack
Anderson, Calif.	Disney	Hess	McGehee
Anderson, Mo.	Dondero	Hill	McGregor
Angell	Doughton	Hinshaw	McLaughlin
Arends	Doxey	Hobbs	McMillan, Clara
Austin	Dworshak	Hoffman	McMillan, John L.
Barnes	Eaton	Holmes	Maas
Beam	Elliott	Horton	Mansfield
Beckworth	Ellis	Houston	Marshall
Bland	Elston	Hull	Martin, Iowa
Boehne	Engel	Hunter	Martin, Mass.
Bolles	Englebright	Izac	Mason
Boren	Fenton	Jarman	Massingale
Boykin	Ferguson	Jeffries	May
Bradley, Mich.	Fish	Jenkins, Ohio	Michener
Brown, Ga.	Flaherty	Jenks, N. H.	Miller
Brown, Ohio	Flannagan	Jensen	Mills, Ark.
Bryson	Ford, Leland M.	Johns	Monroney
Buck	Ford, Miss.	Johnson, Ill.	Moser
Bulwinkle	Gartner	Johnson, Ind.	Mott
Burch	Gathings	Johnson, LutherA.	Mundt
Burdick	Gearhart	Johnson, Okla.	Murdock, Utah
Byrns, Tenn.	Gehrmann	Johnson, W. Va.	Murray
Carlson	Gerlach	Jones, Ohio	Nichols
Carter	Gibbs	Jonkman	Norrell
Cartwright	Gilchrist	Kean	O'Brien
Case, S. Dak.	Gillie	Keefe	Pace
Chiperfield	Goodwin	Kefauver	Patman
Church	Gore	Kelly	Patrick
Claypool	Gossett	Kennedy, Md.	Patton
Clevenger	Graham	Kilday	Pearson
Coffee, Nebr.	Grant, Ala.	Kinzer	Peterson, Fla.
Coffee, Wash.	Grant, Ind.	Kitchens	Peterson, Ga.
Cole, Md.	Green	Kleberg	Pittenger
Cole, N. Y.	Gross	Kocialkowski	Plumley
Collins	Guyer, Kans.	Kramer	Poage
Colmer	Gwynne	Kunkel	Polk
Connery	Hall, Edwin A.	Lambertson	Rabaut
Cooper	Hall, Leonard W.	Landis	Randolph
Corbett	Halleck	Lanham	Rankin
Costello	Hancock	Lea	Reed, Ill.
Cox	Harness	Leavy	Reed, N. Y.
Cravens	Harrington	LeCompte	Rees, Kans.
Crawford	Harter, N. Y.	Lemke	Rich
Crowther	Hartley	Lewis, Colo.	Robertson
Cummings	Havenner	Lewis, Ohio	Robinson, Utah
Curtis	Hawks	Luce	Robsion, Ky.
Rodgers, Pa.	Smith, Wash.	Tarver	Weaver
Rogers, Mass.	Smith, W. Va.	Taylor	West
Rogers, Okla.	Snyder	Thill	Wheat
Routzohn	South	Thorkelson	Whelchel
Rutherford	Sparkman	Tibbott	Wigglesworth
Ryan	Springer	Tinkham	Williams, Del.
Satterfield	Steagall	Tolan	Winter
Schafer, Wis.	Stearns, N. H.	Treadway	Wolcott
Schiffler	Stefan	Van Zandt	Wolfenden, Pa.
Seccombe	Sumner, Ill.	Vinson, Ga.	Wolverton, N. J.
Secrest	Sumners, Tex.	Voorhis, Calif.	Woodruff, Mich.
Short	Sutphin	Vorys, Ohio	Woodrum, Va.
Simpson	Sweet	Wadsworth	Youngdahl
Smith, Conn.	Taber	Walter	
Smith, Va.	Talle	Ward	

NAYS—46

Allen, La.	Edmiston	Maciejewski	Schuetz
Arnold	Faddis	Maloney	Schulte
Bloom	Ford, Thomas F.	Martin, Ill.	Sheppard
Boland	Fulmer	Mills, La.	Tenerowicz
Brooks	Geyer, Calif.	Nelson	Thomas, Tex.
Byron	Griffith	O'Connor	Thomason
Casey, Mass.	Kee	O'Day	Wallgren
Cochran	Keller	Parsons	Whittington
Crowe	Keogh	Pfeifer	Wood
Delaney	Larrabee	Pierce	Zimmerman
Dunn	Lesinski	Ramspeck	
Eberharter	McKeough	Sabath	

NOT VOTING—131

Allen, Pa.	Cullen	Jennings	Richards
Andresen, A. H.	Darden, Va.	Johnson, Lyndon	Risk
Andrews	Darrow	Jones, Tex.	Rockefeller
Ball	Dempsey	Kennedy, Martin	Romjue
Barden, N. C.	DeRouen	Kennedy, Michael	Sacks
Barry	Dickstein	Kerr	Sandager
Barton, N. Y.	Dies	Kilburn	Sasscer
Bates, Ky.	Dingell	Kirwan	Schaefer, Ill.
Bates, Mass.	Ditter	Knutson	Schwert
Bell	Douglas	McAndrews	Scrugham
Bender	Drewry	McArdle	Seger
Blackney	Duncan	McDowell	Shafer, Mich.
Bolton	Durham	McGranery	Shanley
Bradley, Pa.	Edelstein	McLean	Shannon
Brewster	Evans	McLeod	Sheridan
Buckler, Minn.	Fay	Magnuson	Smith, Ill.
Buckley, N. Y.	Fernandez	Mahon	Smith, Maine
Burgin	Fitzpatrick	Marcantonio	Smith, Ohio
Byrne, N. Y.	Flannery	Merritt	Somers, N. Y.
Caldwell	Folger	Mitchell	Spence
Camp	Fries	Monkiewicz	Starnes, Ala.
Cannon, Fla.	Gamble	Mouton	Sullivan
Cannon, Mo.	Garrett	Murdock, Ariz.	Sweeney
Celler	Gavagan	Myers	Terry
Chapman	Gifford	Norton	Thomas, N. J.
Clark	Gregory	O'Leary	Vincent, Ky.
Clason	Hare	Oliver	Vreeland
Cluett	Hart	O'Neal	Warren
Cooley	Harter, Ohio	Osmers	Welch
Courtney	Hook	O'Toole	White, Idaho
Creal	Hope	Powers	White, Ohio
Crosser	Jacobsen	Rayburn	Williams, Mo.
Culkin	Jarrett	Reece, Tenn.	

So, two thirds having voted in favor thereof, the bill was passed, the objections of the President to the contrary notwithstanding.

The Clerk announced the following pairs:

On this vote:

Mr. McDowell and Mr. Ball (to override) with Mr. Schwert (to sustain).

Mr. Thomas of New Jersey and Mr. Osmers (to override) with Mr. Cullen (to sustain).

Mr. Culkin and Mr. Jennings (to override) with Mr. Hook (to sustain).

Mr. Kilburn and Mr. Reece of Tennessee (to override) with Mr. Buckley of New York (to sustain).

Mr. Cannon of Florida and Mr. Cluett (to override) with Mr. Evans (to sustain).

Mr. Monkiewicz and Mr. Blackney (to override) with Mr. O'Leary (to sustain).

Mr. Magnuson and Mr. Vreeland (to override) with Mr. Byrne of New York (to sustain).

Mr. Murdock of Arizona and Mr. Ditter (to override) with Mr. Sullivan (to sustain).

General pairs:

Mr. Barden of North Carolina with Mr. Clason.
Mr. Darden of Virginia with Mr. Sandager.
Mr. Folger with Mr. Hope.
Mr. Gavagan with Mr. Risk.
Mr. Burgin with Mr. Brewster.
Mr. Hare with Mr. McLean.
Mr. Celler with Mr. Gifford.
Mr. McAndrews with Mrs. Smith of Maine.
Mr. Drewry with Mrs. Bolton.
Mr. Camp with Mr. August H. Andresen.
Mr. Kerr with Mr. Shafer of Michigan.
Mr. Scrugham with Mr. Bates of Massachusetts.
Mr. Chapman with Mr. Knutson.

Mr. Starnes of Alabama with Mr. Bender.
Mr. Dies with Mr. Welch.
Mr. Richards with Mr. Barton of New York.
Mr. Cooley with Mr. Gamble.
Mr. Terry with Mr. Andrews.
Mr. Kirwan with Mr. Oliver.
Mr. Clark with Mr. Darrow.
Mr. Hart with Mr Seger.
Mr. Gregory with Mr. Douglas.
Mr. Durham with Mr. McLeod.
Mr. Duncan with Mr. Jarrett.
Mr. Courtney with Mr. White of Ohio.
Mr. Creal with Mr. Powers.
Mr. Mahon with Mr. Rockefeller.
Mr. Schaefer of Illinois with Mr. Smith of Ohio.

The result of the vote was announced as above recorded.

ELECTION TO A COMMITTEE

Mr. MARTIN of Massachusetts. Mr. Speaker, I offer the following resolution which I send to the desk.

The Clerk read as follows:

House Resolution 563

Resolved, That Charles Hawks, Jr., of Wisconsin be, and he is hereby elected to the Committee on Mines and Mining.

The resolution was agreed to.

EXTENSION OF REMARKS

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent inasmuch as I objected to the consideration of the bill, H. R. 10213, this morning, that I be permitted to include the bill with my remarks in the Appendix of the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

REPEALING CERTAIN ACTS OF CONGRESS, POCKET VETOED—VETO MESSAGE

Mr. SUMNERS of Texas. Mr. Speaker, I submit the following privileged report which I send to the desk and ask to have read.

The Clerk read as follows:

An act (H. R. 3233) entitled "An act to repeal certain acts of Congress (pocket vetoed)."

Your Committee on the Judiciary, to which was referred the bill (H. R. 3233) entitled "An act to repeal certain acts of Congress (pocket vetoed)," together with the objections of the President thereto, having reconsidered said bill and the objections of the President thereto, report the same back to the House with the recommendation that said bill do pass, the objections of the President to the contrary notwithstanding.

Mr. SUMNERS of Texas. Mr. Speaker, if I may have the attention of Members of the House I will be able to explain this resolution in a very short time. The resolution proposes to do just one thing. I believe there is a good deal of confusion about the scope of the resolution. The bill proposes the repeal of all pocket-vetoed bills. It proposes to do this in order to get those pocket-vetoed bills out of the picture, so that if the Supreme Court continues in the direction in which the members of the Committee on the Judiciary believe it is going and should hold that pocket-vetoed power not to be a constitutional power, not existing, the House bill would prevent some 600 bills that everybody has considered dead in this country from having any chance to become alive and confuse the country.

During our history these pocket-vetoed bills have accumulated. I assume that the Members of the House are familiar with what is meant by a pocket-vetoed bill. In the beginning, when we were following the precedent of the English practice, it was considered with us that all bills that were not completed at the end of each session were dead. As a result all bills were introduced at the beginning of each session. Under the British Constitution the Parliament was called into existence by a summons of the king, and was terminated by being prorogued by the king; but with us, we come into existence by the summons of the constitution and continue to operate as a vital agency of the Government until the expiration of 2 years. A good deal of confusion arose during those early years—29 years I believe—and it was not until 1848 that we had completely established the present practice of considering everything to remain vital and in status quo between the sessions.

As you know, when you come back here at the beginning of the second session, for instance, nobody could tell by looking in on the situation on the first day that you had been in recess or adjournment for more than 1 day. In other words, nothing happened during the interim. That we all know. We have straightened out everything except this pocket-veto matter.

The question of the constitutionality of this pocket-veto matter came before the Supreme Court 12 or 15 years ago. I want to explain the reason why we should do this. In that decision the Supreme Court held that there could be no return by the President, except to the House of origin when it was in formal session. That was the clear-cut decision by the Supreme Court in the first determination. A representative of the Committee on the Judiciary appeared as friend of the court in that case and insisted that there could be constructive delivery by the President to the House of origin when that House was not in session. The Court held against the position of the Committee on the Judiciary in that determination. A few years ago, in 1936 I believe it was, the Wright case came before the Supreme Court, bringing that question again to the Court. In that case there had been constructive delivery. The messenger from the White House arrived at the Senate when the Senate was in recess. The Senate being in recess, being the last day on which he could make the return, the return of delivery by the messenger of the President was made to the Secretary of the Senate. When the matter was presented to the Supreme Court, the Court held that that was a good return. In other words, they abandoned in part the position taken in the first determination, that there could be no constructive delivery.

The Supreme Court, in passing upon these questions, has held that there are two important things that are to be determined and that dominate. One is that the President shall have 10 days, Sunday excepted, in which to examine the legislation, formulate his objections, and make his return to the house of origin. Second, that the house of origin shall have the opportunity, speedily, to consider the President's objections. The practice of the pocket veto violates that arrangement, because it does make possible for the President, in effect, to kill an act of Congress without stating his reasons, and prevents the Congress speedily to consider the President's objections. As you all know, these pocket vetoed bills have to be reintroduced; you have to go through the whole procedure again; whereas if constructive delivery was permitted the house of origin could immediately, upon its convening, after the receipt of this message by the agents of the House, reconsider the bill and act upon it. We know that all of our bills are vital. They do not die. They are turned over to the Clerk of the House, and when we come back here we take them up.

I am not arguing the merits of the question of the pocket veto. I am stating the reasons why the Committee on the Judiciary unanimously reported this matter. That committee is not a partisan body. When we considered the decisions and attitude of the Supreme Court, we realized that there was sufficient probability that when the Supreme Court again considered that matter, properly presented, it might hold the pocket veto power not to be an existent power, and that if the Supreme Court did hold that, then there was danger of bringing back into the body of the country, the body of the law, and the whole situation, these possibly five or six hundred bills that everybody has considered as being dead.

Now, what do we propose to do? Just one thing. We propose to pass a bill which will make those bills certainly dead; make it impossible for those bills to be determined to be alive by reason of a change in the determination of the Supreme Court with regard to the pocket-veto power.

With all respect, I do not see how anybody can vote to leave this country open to the possible confusion of having five or six hundred bills suddenly brought to life some morning, when we can, by this act, remove the possibility of that confusion absolutely. That is all this bill proposes to do. It is something we ought to do. The Committee on the Judiciary is your agent. We went into this thing. We talked it over

among ourselves, and not a member of the Committee on the Judiciary could discover any reason why we ought not to do it. The bill came to the House, and it was unanimously agreed to by the House. It went to the Senate, and the Senate Judiciary Committee unanimously agreed to a favorable report. It went to the Senate, and so far as I know, it was unanimously adopted by the Senate. I do not understand the reasons for this veto, but I am certain that in some sort of way there is confusion about the effect of this bill.

Mr. LUTHER A. JOHNSON. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. LUTHER A. JOHNSON. As I understand the gentleman, to illustrate the point, if a bill passed 10 years ago, we will say, and there was a pocket veto, should the matter be brought into court and the court reverse its previous holdings and hold that a pocket veto was not effective, that bill might be revived and become a law, even though it had been regarded as dead during these 10 years.

Mr. SUMNERS of Texas. Yes; and there are between 500 and 600 bills that might thus rise to plague us.

Mr. LUTHER A. JOHNSON. This bill is to preserve the status quo and let the situation stand as everybody understands it now is.

Mr. SUMNERS of Texas. That is right. The purpose of this bill is to go as far as we can to make it certain that those bills will not come back if the Supreme Court should hold against the pocket-veto rule.

Mr. HEALEY. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. HEALEY. Will the gentleman state when and how this practice of the pocket veto originated?

Mr. SUMNERS of Texas. Yes; the practice of the pocket veto originated during those first 28 years when there was not anything else to be done according to the British precedents which we were then following. It had been held and practiced and believed in this country during those 28 years that all bills not finished died with the adjournment of a session of Congress. There was not anything else to be done about it under that construction but pocket veto the bills which had not been acted on by the President and had not been in his possession the 10 days.

Mr. HEALEY. Just one further question: Does the gentleman believe that the passage of this legislation, the President's veto notwithstanding, will have the effect of discouraging the practice of pocket vetoing bills in the future?

Mr. SUMNERS of Texas. I do not want to involve the issue, but I do not hesitate to say to the gentleman that the plan of the Constitution is that the President shall state his reasons for vetoing any bill Congress enacts. Personally I hope the day will come in this country when that practice will be observed. That, however, is not directly involved in this case.

Mr. ROBSION of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. ROBSION of Kentucky. There is no purpose so far as this bill is concerned, if the bill is accepted by the House and the Senate, to do away with the President's power to veto, if he has such power.

Mr. SUMNERS of Texas. That is right. Let me emphasize that a little. It does not at all interfere with the President's power, and even should the Supreme Court hold, as we believe it is going to hold sooner or later, that the pocket-veto power does not exist, it would not interfere with the President's power of veto.

Mr. ROBSION of Kentucky. One further question, if the gentleman will permit, about those 600 bills to which he refers affected by the pocket veto: The only purpose of this bill, as I understand it, is rather a nunc pro tunc action of the House, the effect being the same as if it had acted individually on each one of those bills pocket-vetoed and upheld the President.

Mr. SUMNERS of Texas. We are doing our best to see to it that these killed bills stay dead. How can I state it any more clearly? Let me repeat it.

Mr. ROBSION of Kentucky. And not let it go any further.

Mr. SUMNERS of Texas. Not a bit. Let me repeat: What we are trying to do by this legislation is to see that these dead bills stay dead, that is all.

Mr. PLUMLEY. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. PLUMLEY. In other words, if I understand it, this is equivalent to a final decree in the settlement of an estate. The patient is dead, buried, and the monument has been erected. Requiescat in pace.

Mr. SUMNERS of Texas. The only thing about it is we feel we have got to hit him on the head once more to keep him dead, that is all. He is supposed to be dead and it is to the best interests of the country that he stays dead, but we feel we have got to crack him one on the head to be sure that he stays dead. That is what this bill proposes to do. If any of you do not agree with this theory, if you want to permit these 600 bills to come back and disturb the community and bring about a state of uncertainty, then you are not in agreement with the position of the Committee on the Judiciary.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. MICHENER. As a matter of fact, the passage of this bill is academic unless the Supreme Court should change its present ruling. If the Supreme Court does change its present ruling then this law would prevent those dead bills being vitalized by a Supreme Court decision.

Mr. SUMNERS of Texas. I thank my colleague for that very clear statement. We are going as far as we can toward accomplishing that.

Mr. LEWIS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. LEWIS of Colorado. As a matter of fact has the present President ever exercised the pocket-veto power? Has he not in all cases presented a message? That is my recollection.

Mr. SUMNERS of Texas. I do not recall, but I know he has not used the pocket veto frequently. Whether or not he has exercised the pocket veto at all I do not know.

Mr. BOREN. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. BOREN. Does not this bill apply also to all future legislation affected by the pocket-veto procedure? Does not this bill abolish the pocket veto in the future at least in its practical effect?

Mr. SUMNERS of Texas. No; it does not. Just as my colleague, the gentleman from Michigan, explained, it goes as far as the Congress can go to prevent these pocket-vetoed bills from rising out of their grave to plague the country. Now, I cannot beat that statement.

Mr. BOREN. May I ask one further question: How can you determine which is the last session of Congress to which he is required to present a veto in writing within 10 days? Is this for a recess between the first and second sessions? If they call a special session after the regular session, what is the situation? It seems to me that the President's argument is worth considering.

Mr. SUMNERS of Texas. I cannot tell what may be done in the future. All we can deal with is what we have dealt with. The Committee on the Judiciary has gone as far as it can to protect the country against the possible confusion of these bills being regarded as vital.

Mr. RANKIN. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Mississippi.

Mr. RANKIN. As I understand it, the gentleman from Texas does not have any doubt about the right of the President to pocket-veto a bill at the end of a Congress—that is, at the end of the entire term.

With reference to bringing these dead laws to life, let me call attention to an instance clearly in point. About 1922 or 1923, possibly in 1920, the Congress passed a child-labor law for the District of Columbia. In 1923, or about that

time, the Supreme Court of the United States held that law to be unconstitutional. About a year or two ago, the present Supreme Court passed on the same proposition and held it was constitutional. That revived that law. As I understand, that is the very situation the gentleman from Texas is trying to prevent; that is, a change in the opinion of the majority of the members of the Supreme Court. If they were to hold that the President did not have the right to pocket-veto a bill at the end of a session of Congress that was not the termination of the life of the Congress, then it would bring back to life all these laws that have been pocket-vetoed except these ones that were so vetoed after the final adjournment of the last session of a Congress.

Mr. SUMNERS of Texas. I thank the gentleman. The Committee on the Judiciary is trying to render a good service to the House and to the country. Personally, I know of no reason that suggests itself to me why the bill ought to be opposed, except a confusion, possibly, as to the purposes of the bill.

Mr. JENKINS of Ohio. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Ohio.

Mr. JENKINS of Ohio. The Committee on the Judiciary is to be congratulated on its foresight in doing this job. I am not clear about this, and let me ask this question, Has the Congress the constitutional right, can we pass a law that would be constitutional, which would in the future pass on this situation if it might arise?

Mr. SUMNERS of Texas. No; we could not do that.

Mr. KELLER. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Illinois.

Mr. KELLER. May I ask if the gentleman from Mississippi is correct in his position? Is that what you are driving at, that is, seeking to prevent the Supreme Court from reversing itself on the same law?

Mr. SUMNERS of Texas. You cannot prevent it from reversing itself, of course, but you can prevent, we hope, by this legislation, bills that have been considered dead being revitalized by a different decision of the Supreme Court. We believe that the Court will eventually hold that there may be constructive delivery of objected-to bills at any time during the life of the Congress.

Mr. LEAVY. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Washington.

Mr. LEAVY. There is no Member of this House who has a higher regard and greater respect for the Committee on the Judiciary, of which the gentleman from Texas [Mr. SUMNERS] is chairman, than I, but for 150 years we have gone along in the belief and on the theory that the pocket veto is valid. Twice the Supreme Court has passed on phases of that question, and in each instance they have so held. What reason does the gentleman have for believing that the present Supreme Court, as now constituted, would depart from the course of conduct that has run the life of the Nation and the precedent that has twice existed? It seems to me this legislation is a reflection upon the highest court of our land and that we seek to tie the hands of the Court and to express a lack of confidence in that Court.

Mr. SUMNERS of Texas. The gentleman has used some very fine language and I appreciate it tremendously. If my friend will examine the two pocket-veto decisions by the Supreme Court he will find that in the first decision the Court held that delivery in every instance by the President has to be to the House in formal session at that time. The last decision by the Supreme Court held that that is not so; there can be a delivery by the President, constructive delivery, and in that particular case then under consideration the delivery was made to the Secretary of the Senate when the Senate was not in session.

In view of that decision and in view of the pronouncement of the Court itself in those two decisions, one of which upheld the right of the President at the expiration of the Congress to sign bills, I believe this bill should be passed and remove all uncertainty as to the status of these pocket-vetoed bills. The gentleman from Washington [Mr. LEAVY] is a good lawyer, and I will leave it to him. Let him read those two decisions and I believe he will come to the conclusion that the Court is headed as directly as it can move toward the thought that there can be constructive delivery at any time prior to the expiration of the Congress. Our bills are vital as long as the session of the Congress lasts. There seems to us no reason why the President should not make that delivery to the Clerk of the House or to the Secretary of the Senate.

I may say that the Committee on the Judiciary has gone into it very thoroughly and every single one of the 25 members is convinced, considering the direction in which the Supreme Court seems to be moving, that we do not have the right to sit here and take a chance on those five or six hundred bills being revived when by the passage of this act we go at least as far as we can go toward preventing that possibility of confusion. That is all we are doing by this bill. We are not reflecting on the Court or the President. We are not reflecting on anybody. We are just using good common sense and a little foresight. The Senate committee agrees with us.

Mr. O'CONNOR. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Montana.

Mr. O'CONNOR. I note in the language used by the President that he states as follows:

> The result of the interpretation which it is proposed by this legislation to place upon the pocket-veto power would be to render that authority practically nugatory and to effect by indirection an amendment to the Constitution.

I should like to have the gentleman's view upon that paragraph in the President's message.

Mr. SUMNERS of Texas. I will tell the gentleman what I think about it, although I sort of hesitate to speak about it. The President is a busy man. He cannot go into the details of preparing all these messages. I think somebody prepared the draft of that message who was confused as to the effect of the bill. That bill does not at all affect the constitutional power of the President, of course. How could it? I submit to the gentleman, who is a good lawyer. How could we by any act of this Congress affect the constitutional power of the President?

Mr. O'CONNOR. I am not saying what I think. I have a very high regard for the gentleman's capacity to read statutes and the Constitution.

Mr. SUMNERS of Texas. You have to do it.

Mr. HANCOCK. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from New York.

Mr. HANCOCK. This bill sustains and confirms all pocket vetoes heretofore made. Does the gentleman believe it will be necessary to pass similar bills in the future whenever bills receive pocket vetoes?

Mr. SUMNERS of Texas. Yes; but I do not believe there are going to be so many more of them.

Mr. KELLER. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Illinois.

Mr. KELLER. I am going to ask that the veto message itself be read.

The SPEAKER pro tempore. Does the gentleman from Texas yield for that purpose?

Mr. SUMNERS of Texas. Yes; Mr. Speaker.

The SPEAKER pro tempore. Without objection, the Clerk will read the veto message.

Mr. KEEFE. Mr. Speaker, I object. We have all got copies of the message and have read it.

Mr. KELLER. I am going to take time so I can read it, although I would rather the Clerk would read it. He can do a better job than I can.

Mr. SUMNERS of Texas. I appreciate the interest and attention you have given me. Your Committee on the Judiciary has done the best job it could to straighten out the situation.

Give me a copy of the veto message and I will read it. I had better read it.

Mr. KEEFE. Does the gentleman want it read?

Mr. SUMNERS of Texas. Yes.

Mr. KEEFE. Mr. Speaker, in view of the attitude of the chairman of the committee, I ask unanimous consent to withdraw my objection, if it is necessary to have this message read. I had assumed that every Member of Congress had read this message. They have had an opportunity to read it.

The SPEAKER pro tempore. Without objection, the Clerk will read the veto message.

There was no objection.

The Clerk read the veto message as follows:

To the House of Representatives:

I am returning herewith, without my approval, the bill (H. R. 3233) entitled "To repeal certain acts of Congress (pocket-vetoed)."

I am constrained to pursue this course in view of the fact that an approval of the bill may have far-reaching implications in that it is based on an interpretation of the constitutional pocket-veto power of the President, which is much narrower than that which has been placed upon it by continuous usage for over a century, and which has met the express sanction of the Supreme Court. The acceptance of such new construction of the pocket-veto power would make a serious inroad on the pertinent constitutional provision. In fact, it would render the authority of the President to pocket-veto bills almost nugatory.

Article I, section 7, paragraph 2, of the Constitution provides that every bill that has passed the House of Representatives and the Senate shall be presented to the President; that if he approves he shall sign it, but if not he shall return it with his objections to that House in which it shall have originated. It further provides that if any bill shall not be returned by the President within 10 days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

The failure of the President to act on a bill presented to him less than 10 days before adjournment of the Congress, thereby precluding such bill from becoming a law, has been denominated as a pocket veto. This authority has been frequently exercised at the end of various sessions of the Congress, without distinguishing whether or not such sessions were final sessions. It was first invoked over a century ago by President Madison, at the end of the first session of the Twelfth Congress.

I am informed that the total number of bills that have encountered a pocket veto aggregates over 600, of which almost half occurred following a sine die adjournment of a session as distinguished from a sine die adjournment of a Congress. A few years ago the Supreme Court in the so-called Pocket Veto case sustained the authority of the President to pocket-veto bills at the end of any session of the Congress. More recently, it has indicated that the President may return a bill with a veto message while the House in which the bill originated is in recess, clearly restricting its decision, however, to a recess occurring during a session of the Congress.

The bill under consideration proposes to repeal all bills that have been pocket-vetoed after any adjournment of a session of the Congress other than the final session of a Congress. Manifestly, such legislation would have far-reaching implications, because it would assume that all such bills became law and that the President has no authority to exercise a pocket veto at any time except after a final adjournment of a Congress. The result would be to place a limitation on the pocket-veto power which, in the light of long and continuous usage and the decisions of the Supreme Court, was not contemplated by the founding fathers.

Moreover, under the twentieth amendment, unlike the situation that previously existed, it is impossible to determine at the time of the adjournment of the second regular session of a Congress whether or not it is the final adjournment of the Congress.

The result of the interpretation which it is proposed by this legislation to place upon the pocket-veto power would be to render that authority practically nugatory and to effect by indirection an amendment to the Constitution.

If the bill under consideration were limited to the comparatively small number of bills that have been pocket-vetoed from time to time while the originating House was in a short recess during a session of the Congress, an entirely different question would be presented.

In its present form, however, the bill has far-reaching and undesirably implications which impel me to withhold my approval.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *June 11, 1940.*

Mr. SUMNERS of Texas. With regard to the language you have just heard, I do not mean to criticize that message, but I make the statement that all of you will recognize that that would probably be a pertinent argument before the Supreme Court if the question pending before the Court were what it would do with reference to the next decision on this question; but to say that an act of the House and of the Senate getting these bills out of the way could have any effect on the constitutional powers of the President—well, I do not understand that myself.

Mr. BOREN. Mr. Speaker, will the gentleman yield for one more question?

Mr. SUMNERS of Texas. Yes.

Mr. BOREN. Is it not a fact that this bill nullifies any possibility for a pocket veto except on the final adjournment of Congress?

Mr. SUMNERS of Texas. No; we cannot nullify that.

Mr. BOREN. What need is there for passing this legislation in anticipation of a decision? Why can we not pass such legislation after the Court has made a decision?

Mr. SUMNERS of Texas. We have passed it after we have had about 600 pocket vetoes.

Mr. BOREN. Yes; but has there been any such decision up to date that has put such veto bills into law? Why legislate in anticipation of possible Court decisions? Time enough after such decisions. In my opinion, this bill abolishes for once and all times the pocket veto, and we should not do this without more mature deliberation. This is the issue; the bill cleverly evades a direct attack.

Mr. SUMNERS of Texas. A few by the last decision. We are dealing with them, but we want to anticipate the possibility of the confusion that might arise if the mass of these bills should become vitalized.

Mr. MURDOCK of Utah. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Utah.

Mr. MURDOCK of Utah. Inasmuch as I am a member of the Judiciary Committee of the House of which the distinguished gentleman from Texas is chairman, and inasmuch as I voted to favorably report H. R. 3233, it is with reluctance at this time that I make these observations. These questions have arisen in my own mind and I feel that they are of sufficient consequence to call to the attention of the distinguished chairman of the Judiciary Committee and other members here today.

If I have understood the gentleman, he takes the position that he anticipates that a decision of the Supreme Court in the future may vitalize more than 600 bills passed by the Congress and pocket-vetoed by the Presidents. In his typical and inimitable style he says in substance, "What we have all considered dead, we want to pass this bill to be sure they remain dead." In other words, anticipating a possible decision of the Supreme Court vitalizing bills which we have considered dead, it is argued that we should by this bill bring them to life in order to repeal them as of the date of their enactment. It seems that by this very bill, what we anticipate as a possible decision of the Supreme Court we,

by legislation today, make a reality. You cannot repeal a nullity, you cannot repeal something that never had existence. So in order for us to repeal pocket-vetoed bills we must first give them validity. We must, by congressional action, which we do in this bill, bring them into actual existence. After doing this we say that such bills "are hereby repealed as of the date of the enactment."

By the language of the bill, therefore, we first vitalize these pocket-vetoed bills; we bring them into actual existence, which existence must date from their enactment, then repeal them as of the date of enactment. So far so good. Our action would seem harmless at first blush, but suppose that rights might have accrued under these pocket-veto bills which we bring into existence today by our action. Can we, by this bill, repeal such accrued rights so simply and easily as this bill attempts to do?

It might be said, and of course it will be said, that my position is far-fetched, that the rights that I speak of are wholly imaginary; but as a lawyer, it has been my experience and my observation that many law suits are started on imaginary rights. But before the litigation ends, such rights, to the dismay of litigants, have become very substantial. For more than 125 years we have gotten along fairly well under the pocket-veto procedure. I submit, is it worth while, in anticipation of what the Supreme Court might do, for us to arrive at the hurdle before the Court, and do the job which they might possibly do?

Notwithstanding the fact that it is exceedingly disagreeable for me after having voted for this bill when it was before us originally, and after listening to the typically able argument of our distinguished chairman to vote to sustain the President's veto, but I now feel that I must so vote.

Mr. SUMNERS of Texas. It is rather difficult to answer my colleague, who has been all through these proceedings when we were arriving at conclusions. I thought it was understood in the committee that we did not know, and could not know, and nobody can know, what the Court is going to decide when it gets to this question again. We are trying to go as far as we can in order to avoid these bills becoming vital if the Court should hold against the pocket-veto power. The gentleman understands the difficulties that are involved in trying to have retroactive legislation. We have discussed that and, candidly, we do not know what can be done about it. All I can say to the gentleman is that we threshed that out thoroughly in the committee, and I thought he was present. I thought we arrived at the conclusion that the best thing to do was to pass this bill, and we passed it unanimously, and it passed the House unanimously, and it was reported by the Senate committee unanimously and passed the Senate unanimously.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore [Mr. COOPER]. The question is, will the House, on reconsideration, agree to pass the bill, the objections of the President to the contrary notwithstanding.

The Clerk will call the roll.

The question was taken; and there were—yeas 185, nays 105, not voting 141, as follows:

[Roll No. 176]

YEAS—185

Alexander	Claypool	Elliott	Grant, Ind.
Allen, Ill.	Clevenger	Elston	Gross
Andersen, H. Carl	Coffee, Nebr.	Engel	Guyer, Kans.
Angell	Cole, N. Y.	Englebright	Gwynne
Arends	Collins	Fenton	Hall, Edwin A.
Austin	Colmer	Fish	Hall, Leonard W.
Barnes	Corbett	Ford, Leland M.	Halleck
Bland	Costello	Ford, Miss.	Hancock
Boehne	Cox	Gathings	Harness
Bolles	Cravens	Gearhart	Harrington
Bradley, Mich.	Crawford	Gehrmann	Harter, N. Y.
Brown, Ohio	Crowther	Gerlach	Hartley
Buck	Curtis	Gibbs	Hawks
Carlson	Dirksen	Gilchrist	Healey
Carter	Disney	Gillie	Hendricks
Cartwright	Dondero	Goodwin	Hess
Case, S. Dak.	Doxey	Gossett	Hinshaw
Chiperfield	Dworshak	Graham	Hobbs
Church	Eaton	Grant, Ala.	Hoffman
Holmes	McGregor	Randolph	Sumners, Tex.
Horton	McLaughlin	Rankin	Sutphin
Hull	McMillan, Clara	Reed, Ill.	Sweet
Jenkins, Ohio	McMillan, John L.	Reed, N. Y.	Taber
Jenks, N. H.	Maas	Rees, Kans.	Talle
Jensen	Mansfield	Rich	Thill
Johns	Marshall	Robinson, Utah	Thorkelson
Johnson, Ill.	Martin, Iowa	Robsion, Ky.	Tibbott
Johnson, Ind.	Martin, Mass.	Rodgers, Pa.	Tinkham
Johnson, Luther A.	Mason	Rogers, Mass.	Tolan
Johnson, Okla.	Massingale	Rogers, Okla.	Treadway
Jones, Ohio	Michener	Routzohn	Van Zandt
Jonkman	Miller	Rutherford	Vinson, Ga.
Kean	Monroney	Satterfield	Vorys, Ohio
Keefe	Moser	Schafer, Wis.	Wadsworth
Kefauver	Mott	Schiffler	Walter
Kilday	Mundt	Seccombe	Weaver
Kinzer	Murdock, Ariz.	Secrest	West
Kleberg	Murray	Shafer, Mich.	Wheat
Lambertson	O'Brien	Short	Wigglesworth
Landis	Pace	Smith, Ohio	Williams, Del.
Lanham	Patrick	Smith, Va.	Winter
LeCompte	Patton	Sparkman	Wolcott
Lemke	Peterson, Fla.	Springer	Woodruff, Mich.
Lewis, Colo.	Peterson, Ga.	Steagall	Youngdahl
Lewis, Ohio	Pittenger	Stearns, N. H.	
Luce	Plumley	Stefan	
McGehee	Polk	Sumner, Ill.	

NAYS—105

Allen, La.	Edmiston	Kitchens	Robertson
Arnold	Ellis	Kocialkowski	Sabath
Beam	Faddis	Kramer	Sasscer
Beckworth	Ferguson	Larrabee	Schuetz
Bloom	Flaherty	Leavy	Schulte
Boland	Flannagan	Lesinski	Sheppard
Boren	Ford, Thomas F.	Ludlow	Smith, Conn.
Brooks	Fulmer	Lynch	Smith, Wash.
Brown, Ga.	Geyer, Calif.	McCormack	Smith, W. Va.
Bryson	Gore	McKeough	South
Buckler, Minn.	Green	Maloney	Tarver
Bulwinkle	Griffith	May	Taylor
Burdick	Harter, Ohio	Mills, Ark.	Tenerowicz
Byrns, Tenn.	Havenner	Mills, La.	Thomas, Tex.
Casey, Mass.	Hennings	Mouton	Thomason
Celler	Hill	Murdock, Utah	Voorhis, Calif.
Cochran	Houston	Nelson	Wallgren
Coffee, Wash.	Hunter	Norrell	Ward
Cole, Md.	Izac	O'Connor	Whelchel
Connery	Jarman	O'Day	Whittington
Cooper	Johnson, W. Va.	Parsons	Wolverton, N. J.
Crosser	Jones, Tex.	Patman	Wood
Crowe	Kee	Pearson	Woodrum, Va.
D'Alesandro	Keller	Pierce	Zimmerman
Davis	Kelly	Poage	
Dunn	Kennedy, Md.	Rabaut	
Eberharter	Keogh	Ramspeck	

NOT VOTING—141

Allen, Pa.	Cummings	Jennings	Richards
Anderson, Calif.	Darden, Va.	Johnson, Lyndon	Risk
Anderson, Mo.	Darrow	Kennedy, Martin	Rockefeller
Andresen, A. H.	Delaney	Kennedy, Michael	Romjue
Andrews	Dempsey	Kerr	Ryan
Ball	DeRouen	Kilburn	Sacks
Barden, N. C.	Dickstein	Kirwan	Sandager
Barry	Dies	Knutson	Schaefer, Ill.
Barton, N. Y.	Dingell	Kunkel	Schwert
Bates, Ky.	Ditter	Lea	Scrugham
Bates, Mass.	Doughton	McAndrews	Seger
Bell	Douglas	McArdle	Shanley
Bender	Drewry	McDowell	Shannon
Blackney	Duncan	McGranery	Sheridan
Bolton	Durham	McLean	Simpson
Boykin	Edelstein	McLeod	Smith, Ill.
Bradley, Pa.	Evans	Maciejewski	Smith, Maine
Brewster	Fay	Magnuson	Snyder
Buckley, N. Y.	Fernandez	Mahon	Somers, N. Y.
Burch	Fitzpatrick	Marcantonio	Spence
Burgin	Flannery	Martin, Ill.	Starnes, Ala.
Byrne, N. Y.	Folger	Merritt	Sullivan
Byron	Fries	Mitchell	Sweeney
Caldwell	Gamble	Monkiewicz	Terry
Camp	Garrett	Myers	Thomas, N. J.
Cannon, Fla.	Gartner	Nichols	Vincent, Ky.
Cannon, Mo.	Gavagan	Norton	Vreeland
Chapman	Gifford	O'Leary	Warren
Clark	Gregory	Oliver	Welch
Clason	Hare	O'Neal	White, Idaho
Cluett	Hart	Osmers	White, Ohio
Cooley	Hook	O'Toole	Williams, Mo.
Courtney	Hope	Pfeifer	Wolfenden, Pa.
Creal	Jacobsen	Powers	
Culkin	Jarrett	Rayburn	
Cullen	Jeffries	Reece, Tenn.	

So, two-thirds not having voted in favor thereof, the bill was rejected.

The Clerk announced the following additional pairs:

On this vote:

Mr. McDowell and Mr. Ball (to override) with Mr. Schwert (to sustain).

Mr. Wolfenden of Pennsylvania and Mr. Osmers (to override) with Mr. Cullen (to sustain).

Mr. Culkin and Mr. Jennings (to override) with Mr. Hook (to sustain).
Mr. Kilburn and Mr. Reece of Tennessee (to override) with Mr. Buckley of New York (to sustain).
Mr. Kunkel and Mr. Vreeland (to override) with Mr. Magnuson (to sustain).
Mr. Cannon of Florida and Mr. Cluett (to override) with Mr. Evans (to sustain).
Mr. Monkiewicz and Mr. Blackney (to override) with Mr. O'Leary (to sustain).
Mr. Ditter and Mr. McLeod (to override) with Mr. Sullivan (to sustain).
Mr. Bolton and Mr. Bender (to override) with Mr. Byrne of New York (to sustain).
Mr. Gartner and Mr. Jeffries (to override) with Mr. Pfeifer (to sustain).
Mr. Thomas of New Jersey and Mr. Simpson (to override) with Mr. Delaney (to sustain).
Mr. Powers and Mr. August H. Andresen (to override) with Mr. Courtney (to sustain).

General pairs:

Mr. Barden of North Carolina with Mr. Clason.
Mr. Hart with Mr. Seger.
Mr. Burgin with Mr. Brewster.
Mr. Folger with Mr. Hope.
Mr. Scrugham with Mr. Bates of Massachusetts.
Mr. Kirwan with Mr. Oliver.
Mr. Clark with Mr. Darrow.
Mr. Hare with Mr. McLean.
Mr. Richards with Mr. Barton of New York.
Mr. Chapman with Mr. Knutson.
Mr. McAndrews with Mrs. Smith of Maine.
Mr. Burch with Mr. Anderson of California.
Mr. Doughton with Mr. Gifford.
Mr. Dies with Mr. Welch.
Mr. Terry with Mr. Andrews.
Mr. Gregory with Mr. Douglas.
Mr. Mahon with Mr. Rockefeller.
Mr. Cooley with Mr. Gamble.
Mr. Darden of Virginia with Mr. Sandager.
Mr. Gavagan with Mr. Risk.
Mr. Duncan with Mr. Jarrett.
Mr. Kerr with Mr. White of Ohio.
Mr. Warren with Mr. Marcantonio.

Mr. NORRELL changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

JURISDICTION OF UNITED STATES DISTRICT COURT, HAWAII, OVER MIDWAY ISLANDS AND OTHERS

Mr. MURDOCK of Utah. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Concurrent Resolution 53, to extend the jurisdiction of the United States District Court, Territory of Hawaii, over the Midway Islands, Wake Island, Johnston Island, Sand Island, Kingman Reef, Kure Island, Baker Island, Howland Island, and Jarvis Island, and for other purposes, and pass the same.

The SPEAKER. The gentleman from Utah asks unanimous consent for the present consideration of Senate Concurrent Resolution 53, which the Clerk will report.

The Clerk read as follows:

Senate Concurrent Resolution 53

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate be, and he is hereby, authorized and directed, in the enrollment of the bill (S. 1114) to extend the jurisdiction of the United States District Court, Territory of Hawaii, over the Midway Islands, Wake Island, Johnston Island, Sand Island, Kingman Reef, Kure Island, Baker Island, Howland Island, Jarvis Island, Canton Island, Enderbury Island, and for other purposes, to make the following changes, namely: On page 1, lines 7 and 8, of the engrossed bill, after "Howland Island", insert "and."

Amend the title so as to read: "An act to extend the jurisdiction of the United States District Court, Territory of Hawaii, over the Midway Islands, Wake Island, Johnston Island, Sand Island, Kingman Reef, Kure Island, Baker Island, Howland Island, and Jarvis Island, and for other purposes."

The SPEAKER. Is there objection?

Mr. RICH. Mr. Speaker, I reserve the right to object. What does this bill do.

Mr. KING. Mr. Speaker, the House passed a bill the other day with a minor amendment, and there was a small grammatical imperfection in it and this concurrent resolution merely authorizes the Clerk to correct the title and insert the conjunction "and" in the aforesaid bill.

Mr. MICHENER. There is nothing to the bill except the word "and"?

Mr. KING. That is all.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the concurrent resolution.

The resolution was agreed to and a motion to reconsider laid on the table.

EXTENSION OF REMARKS

Mr. MURDOCK of Utah. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill just voted upon and ask that those remarks, which will be just a paragraph, be inserted following the remarks of the gentleman from Texas [Mr. SUMNERS], immediately preceding the vote upon the veto message.

The SPEAKER. Is there objection?

Mr. MICHENER. Mr. Speaker, I reserve the right to object. As I understand it, the gentleman wants to insert his remarks in the RECORD in a place other than where they were made in debate? That would be an unusual thing.

Mr. MURDOCK of Utah. The only thing I have in mind is this. I very briefly commented on the bill while the distinguished gentleman from Texas, chairman of the Committee on the Judiciary, had the floor. In order to clarify my own remarks, I am now asking to revise and extend them by inserting a brief paragraph immediately following the remarks of the gentleman from Texas.

Mr. MICHENER. Why cannot the gentleman extend his remarks at the point where he made them, with the consent of the gentleman from Texas? We do not want to establish a precedent here of permitting a man to come in after debate is over and insert an answer that was not actually made on the floor.

Mr. MURDOCK of Utah. Mr. Speaker, I think the gentleman from Michigan is correct, and I amend my request to conform to his objection.

The SPEAKER. Is there objection to the amended request?

There was no objection.

COVERAGE OF CERTAIN PERSONS EMPLOYED IN COAL-MINING OPERATIONS

Mr. CROSSER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4070) to provide for more uniform coverage of certain persons employed in coal-mining operations, with respect to insurance benefits provided for by certain Federal acts, and for other purposes.

The SPEAKER. Is there objection?

Mr. MICHENER. Mr. Speaker, I reserve the right to object. What is the bill about?

Mr. CROSSER. Mr. Speaker, this is a bill from the Senate corresponding exactly with one reported unanimously by the House committee, taking out from under the effect of the railroad-retirement law, the unemployment-insurance law, and the Railroad Labor Act, miners who are employed by the railroad. Every one concerned is entirely satisfied, the miners, the railroads, and the railroad labor organizations.

Mr. MICHENER. Is this the situation, that the House committee reported a bill favorably. Was it unanimously reported?

Mr. CROSSER. Yes; I am right about that, am I not?

Mr. KELLER. Yes.

Mr. CROSSER. I am sure it was unanimous.

Mr. MICHENER. The Committee on Interstate and Foreign Commerce reported this bill unanimously?

Mr. CROSSER. That is correct.

Mr. MICHENER. It is now on the calendar and the Senate has passed a similar bill?

Mr. CROSSER. Identically the same.

Mr. MICHENER. Now you want to pass the Senate bill unanimously, without consideration in the House?

Mr. CROSSER. Yes.

Mr. MICHENER. That would be a rather unusual precedent, if it is an important bill at all.

Mr. CROSSER. It is a bill that is purely technical in its nature.

Mr. JENKINS of Ohio. Mr. Speaker, reserving the right to object, as I understand, this applies to miners who are employed in mines owned by railroads?

Mr. CROSSER. That is all.

Mr. JENKINS of Ohio. What kind of protection will they have if they are employees of railroads?

Mr. CROSSER. They want to come under the social security.

Mr. JENKINS of Ohio. You say they want to come under it?

Mr. CROSSER. Yes.

Mr. JENKINS of Ohio. The gentleman tells us that those representing the miners are satisfied?

Mr. CROSSER. Mr. Lewis' organization was represented before our committee, and they are the ones who asked for the legislation.

Mr. JENKINS of Ohio. How about the miners themselves?

Mr. CROSSER. I understand the miners themselves wanted it. There was some man in Columbus who wrote me asking me to bring the matter up before the House.

Mr. MICHENER. But how about the other people, other than the miners?

Mr. CROSSER. Well, I think the railroad brotherhoods are agreeable to it. I know they are.

Mr. MICHENER. It does seem that a bill of this type should not be called up after we have presumably finished the legislative program of the day and many Members have gone.

Mr. CROSSER. There was no controversy before the committee about it at all. Everybody who was at all interested was thoroughly satisfied.

Mr. MICHENER. Of course, I do not know anything about it.

Mr. CROSSER. The gentleman from New Jersey [Mr. WOLVERTON] assured me it was all right.

Mr. MICHENER. Does this take a new class of people into the social security?

Mr. CROSSER. No. We simply take these different groups from under the operation of the railroad retirement law, the unemployment insurance law, and so on, and let them go with their own group, the miners. That is all.

Mr. MICHENER. Some members of the committee who are present do not know anything about this bill. In view of that situation, I wonder if the gentleman will not withhold his request for tonight?

Mr. CROSSER. The gentleman from New Jersey [Mr. WOLVERTON] is here. I yield to him to answer the gentleman.

Mr. MICHENER. It is very unusual to bring a bill up in this manner for consideration. If it is an important matter it certainly should not be brought up in this way, at this late hour, but, as I understand, the Committee on Interstate and Foreign Commerce is for the bill.

Mr. WOLVERTON. That is true.

Mr. MICHENER. There is no opposition to it?

Mr. WOLVERTON. No.

Mr. MICHENER. Does the gentleman think it is a bill of such minor importance that it should be passed here without consideration?

Mr. WOLVERTON. I am of the opinion, in view of the unanimous favorable opinion of the committee, that it would be perfectly proper for the House to do so.

Mr. MICHENER. Was it on the Consent Calendar?

Mr. WOLVERTON. I do not know.

Mr. CROSSER. I do not think so.

Mr. MICHENER. If it was objected to, of course it should not be passed in this manner.

Mr. JENKINS of Ohio. Will the gentleman yield to me?

Mr. CROSSER. I yield.

Mr. JENKINS of Ohio. It has been some time since the Railroad Retirement Act was passed, 2 or 3 years, and rights have inured to different people. As I understand it, if a miner, worked in what we call a captive mine, a mine belonging to a railroad company, he would have had his status established—his right to participate in the railroad retirement fund. Now, if he has done that and has established a legal status, what effect will that have? I presume the gentleman has considered all that?

Mr. CROSSER. Yes. I do not know of any trouble about that. The Chairman of the Retirement Board says it is entirely satisfactory.

Mr. MICHENER. Mr. Speaker, the hour is late. Few Members are on the floor. Many understood that no further legislation would come up today. The House will be in session tomorrow. If the bill is all right, it can be called up tomorrow. I am constrained to object for the present.

Mr. KELLER. Will the gentleman yield to me for a moment?

Mr. CROSSER. I yield to the gentleman.

Mr. KELLER. I happen to have one of these mines in my district, and I know intimately the facts about it. Certain railroads own three or four large mines in the country under separate company names, but the railroads own them. All the miners are placed under social security by law. There never was any question about this until about a year ago when a railroad retirement lawyer raised the question about it and suspended the operation in favor of the miners being under the social-security law. So the miners, after waiting for some time, came down here, and I took the matter up with the Social Security Board, with the lawyers and with the Railroad Retirement Board, and they worked the thing out so that the miners go exactly where they belong, under the social security. To illustrate——

Mr. MICHENER. Now, just a moment. The gentleman has demonstrated that there is considerable to this bill, if only from a technical standpoint. I am probably in favor of it. I am not objecting to the bill, but I ask that the gentleman withdraw his request to pass it unanimously at this time.

Mr. WOLVERTON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. CROSSER. I yield.

Mr. WOLVERTON of New Jersey. I would like to say to the gentleman from Michigan [Mr. MICHENER] that when this bill was presented to the committee it was given very careful consideration as to the effect it would have upon those who come within the provision of the bill.

Mr. MICHENER. By a subcommittee or by the full committee?

Mr. CROSSER. By the full committee.

Mr. WOLVERTON of New Jersey. We heard the parties affected and they were favorable to what is attempted to be done by this bill. We received the approval of all who would be affected by it. I do not know what further could be done than has already been done by the committee.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield,

Mr. MICHENER. I yield.

Mr. SCHAFER of Wisconsin. Was this bill approved by a unanimous vote of the committee reporting the bill?

Mr. CROSSER. Yes.

Mr. WOLVERTON of New Jersey. It was reported unanimously by our committee. When I say "unanimously," I could not say that every member was present.

Mr. SCHAFER of Wisconsin. No; I mean by those members who were present.

Mr. WOLVERTON of New Jersey. That is right.

Mr. SCHAFER of Wisconsin. And it has been approved by the Social Security Board?

Mr. WOLVERTON of New Jersey. As well as by everybody affected.

Mr. SCHAFER of Wisconsin. And it has been approved by the Railroad Retirement Board?

Mr. WOLVERTON of New Jersey. Yes.

Mr. SCHAFER of Wisconsin. And the railroads that are affected?

Mr. SHORT. And the bill has passed the Senate.

Mr. CROSSER. The bill passed the Senate unanimously.

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield?

Mr. CROSSER. I yield.

Mr. CRAWFORD. Evidently there is confusion. I understood the gentleman from Ohio to say that this provided for the transfer of certain minors who were eligible for benefits under the Railroad Retirement Act.

Mr. CROSSER. The gentleman misunderstood me.

Mr. CRAWFORD. That it placed them under the Social Security Act?

Mr. KELLER. That is where they belong under the law.

Mr. CRAWFORD. Is this in substance an amendment to the Social Security Act which takes in a group of people not heretofore covered by that act?

Mr. KELLER. No.

Mr. CROSSER. No; it simply clarifies existing language. There is question as to whether or not these people employed by the railroads would come under the same ruling as railroad workers, it being developed that they are not railroad workers. It clarifies the law; that is all.

Mr. MICHENER. I must object, Mr. Speaker; there is too much confusion in the minds of some of the Members and too few Members here.

The SPEAKER. The gentleman from Michigan stated that this is an unusual way to bring up a bill of this sort. The Chair was advised that this bill came from the committee with a unanimous report. To have a bill brought in by the committee having jurisdiction when there is a unanimous report and considered in this way is not unusual, and the Chair recognizes gentlemen under those circumstances to ask unanimous consent for the consideration of bills. The Chair understands the gentleman from Michigan objects.

Mr. WOLVERTON of New Jersey. Mr. Speaker, will the gentleman withhold his objection?

Mr. MICHENER. Yes; I will withhold it.

Mr. WOLVERTON of New Jersey. Mr. Speaker, there is not any confusion that I know of in the mind of anybody who has made any study whatsoever of this bill. This is a unanimous action of the Committee on Interstate and Foreign Commerce after every precaution was taken to make certain and sure that it affected no one adversely, that it had no other effect than to clarify an uncertainty in existing law, and that it has the absolute approval of everyone who was to be affected by the change.

Mr. MICHENER. Mr. Speaker, further reserving the right to object, the rules of procedure of the House provide for the reference of bills to committees, and the committee must arrive at a conclusion. This committee has arrived at a conclusion. The rules further provide that the House, after consideration, shall arrive at a conclusion. The gentleman goes on the premise, however, that if a committee or a subcommittee has arrived at a conclusion, that should settle the matter; that it is immaterial whether the rest of the House knows anything about it or not.

Other Members of the House, as suggested by the inquiries of the gentleman from Michigan [Mr. CRAWFORD], do not understand what the bill is. Not understanding it, they are opposed to it. If that is true, we should let the matter stand over until tomorrow, when all the Members will be here. I did not mean to say that the Speaker had done an improper thing in recognizing the gentleman from Ohio [Mr. CROSSER] for a unanimous-consent request.

The SPEAKER. The Chair understands the gentleman from Michigan to object.

Mr. MICHENER. Yes.

The SPEAKER. Objection is heard.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. STARNES of Alabama (at the request of Mr. SPARKMAN), for 2 weeks, on account of official business—inspecting national defense.

To Mr. JACOBSEN (at the request of Mr. LECOMPTE), for August 5 and 6, on account of important business.

To Mr. MAHON (at the request of Mr. THOMASON), for 1 week, on account of important official business in connection with inspection of Army posts by Committee on Appropriations, of which he is a member.

To Mr. CHAPMAN, indefinitely, on account of illness.

To Mr. SCRUGHAM, for 10 days, on account of official business.

To Mr. ROMJUE (at the request of Mr. NELSON), indefinitely, on account of important business.

To Mr. TERRY, for 1 week, on account of official business requiring his absence.

EXTENSION OF REMARKS

Mr. FERGUSON. Mr. Speaker, I ask unanimous consent that my colleague from Oklahoma [Mr. NICHOLS] may have permission to extend his own remarks in the RECORD and to include therein a short newspaper article.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma [Mr. FERGUSON]?

There was no objection.

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a list of the Federal expenditures made in Sedgwick County, Kans.

The SPEAKER. Is there objection to the request of the gentleman from Kansas [Mr. HOUSTON]?

There was no objection.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a radio address by the Secretary of the Navy, Mr. Knox, one by The Assistant Secretary of War, Mr. Patterson, and one by Gen. John J. Pershing.

The SPEAKER. Is there objection to the request of the gentleman from Colorado [Mr. TAYLOR]?

There was no objection.

Mr. SHAFER of Michigan. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. SHAFER]?

There was no objection.

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include some brief extracts from newspaper editorials.

The SPEAKER. Is there objection to the request of the gentleman from Washington [Mr. COFFEE]?

There was no objection.

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address I delivered before the Vermont Legislature.

The SPEAKER. Is there objection to the request of the gentleman from Vermont [Mr. PLUMLEY]?

There was no objection.

Mr. SHORT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a recent editorial from the Daily Olympian.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. SHORT]?

There was no objection.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein two letters.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska [Mr. CURTIS]?

There was no objection.

Mr. BRADLEY of Michigan. Mr. Speaker, I ask unanimous consent that the Members who spoke on the bill S. 1379 may be permitted to revise and extend their own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. BRADLEY]?

There was no objection.

Mr. JOHNSON of Illinois. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a brief editorial.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. JOHNSON]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. MURRAY. Mr. Speaker, I ask unanimous consent that on tomorrow after the regular order of business and

after the disposition of special orders on the Speaker's desk I may be permitted to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin [Mr. MURRAY]?

There was no objection.

EXTENSION OF REMARKS

Mr. LAMBERTSON. Mr. Speaker, I would like to amend the extension I requested earlier in the day by the additional inclusion of a letter.

The SPEAKER. Is there objection to the request of the gentleman from Kansas [Mr. LAMBERTSON]?

There was no objection.

Mr. YOUNGDAHL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an editorial from the Minneapolis Times-Tribune.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota [Mr. YOUNGDAHL]?

There was no objection.

The SPEAKER. Under a previous special order, the gentleman from California [Mr. VOORHIS] is recognized for 25 minutes.

CONSCRIPTION, A VOLUNTARY SYSTEM, YOUTH, AND NATIONAL DEFENSE

Mr. VOORHIS of California. Mr. Speaker, the thing that every Member of the House is concerned with and thinking about is the question in reference to the so-called conscription or compulsory military-service bill. I am not going, this afternoon, to make a dogmatic speech on one side of that question, though I know what I would do if I had to vote today. I want all the time I can get and all the information I can get on this terribly important matter. Furthermore, it seems to me that with the events in the world moving as swiftly as they are it is impossible and perhaps wrong for any of us to fail to leave ourselves free to do that which is necessary at any given time from the standpoint of the welfare and need of the Nation. But there are one or two things concerning this matter on which I am quite clear in my own mind and which I think need to be said at the present time.

First, Mr. Speaker, I see no reason why at this very moment, tomorrow, or as soon as it can possibly be done there should not be legislation passed to raise the pay of the Army and to reduce the enlistment period to 1 year. I do not see why that cannot be done at once. I do not see why it should not be done anyway no matter what is going to happen to the other bill. I am of the opinion that it is of great importance to democracy that we try with all our hearts and souls to use the fundamental democratic method to meet this problem before we resort to peacetime conscription, which after all is going to be a long departure from the way that America has worked out her problems for a long, long time. In the opinion of many people who ought to know, this plan would bring volunteers into the Army as fast or faster than modern weapons for training or even camp facilities could be provided.

All of us are willing to do whatever is necessary to be done for national defense. But we want to do the thing that is best for national defense. We also want to preserve with all our strength those things which we seek to defend by means of the national-defense acts.

BASIC SAFEGUARDS

There are three principles which, at the very least, must be observed in any legislation of this character which may be passed. The first is that the size to which the Army is to be increased should be definitely set forth by the Congress in the legislation. As soon as we give that power up, it seems to me we have given up something of very great importance. The second is that legislation of this character—I mean a conscription bill—should never be passed in peacetime except under the greatest emergency and after all else fails; therefore it should be designed to meet that emergency and should not be a matter of permanent law. If it is to be a matter of permanent law, we ought to debate it for all day and all night for weeks, because it is that important as a turning point in America. The third point is that definite provision should be made so that after these men have had their year's training they cannot be called to active duty without action on the part of the Congress. I do not think I need to elaborate on the dangers of failing to insist on this. On those points I feel quite certain.

Mr. PITTENGER. Mr. Speaker, will the gentleman yield?

Mr. VOORHIS of California. I yield to the gentleman from Minnesota.

Mr. PITTENGER. Does the gentleman know of any reason why opportunity for military training should not now be given to the boys in the C. C. C. camps who desire to take it, and why our National Guard armories should not now be used for young men in their own home towns for military training, without the necessity of taking them to the Army forts and other places?

Mr. VOORHIS of California. I believe that a program of military training might well be worked out along lines of that kind. I presume the objection that will be made by certain people would be that it would take time to do it.

Mr. RAYBURN. Mr. Speaker, will the gentleman yield?

Mr. VOORHIS of California. Certainly, I yield to the gentleman from Texas, the distinguished majority leader.

Mr. RAYBURN. Is not one of the great objections to giving military training in the C. C. C. camps that you certainly would create the impression, which would be a true one—since the boys from the poorer homes in the country are the ones who are in the C. C. C. camps, and nobody else—that you are going to the C. C. C. camps to get your army of your first line, and would be taking the boys from the poorest homes in the country?

Mr. VOORHIS of California. I thank the gentleman, and I believe he is right about it.

Mr. PATRICK. Mr. Speaker, will the gentleman yield?

Mr. VOORHIS of California. I yield to the gentleman from Alabama.

Mr. PATRICK. I would like to ask the gentleman if he has acquainted himself, and I feel sure he has, with the percentage of those who present themselves for enlistment and yet cannot be received?

Mr. VOORHIS of California. I am not sure of it. I do not know what the percentage is. Does the gentleman know?

Mr. PATRICK. I have read in an editorial in the Washington Post, I believe it was, that only 32 percent of those who present themselves pass muster. I may say that I am committed to the bill because I feel that it is the only solution, so I am a little biased on the subject, but I should like to ask the gentleman if he has studied the question, and I should like to hear him develop this point this evening if he will take the time to do it, if he does not believe that our present system of draft has a weakness in it in that it gets only those who are willing to volunteer, often, for example, such people as the so-called Okies, and does not include many who really ought to be in it and who ought to be given a part, whether or not "mama raised her boy to be a soldier." They ought to be prepared to do the things that are going to have to be done since we are expanding our armament to prepare to go forward with that program. I did not mean to take that much time, incidentally.

Mr. PITTENGER. Mr. Speaker, will the gentleman yield for just one more comment?

Mr. VOORHIS of California. What am I supposed to do about this question?

Mr. PITTENGER. That was a speech.

Mr. PATRICK. No; it was a question. I am through.

Mr. VOORHIS of California. Does the gentleman want me to comment on that?

Mr. PATRICK. I should like to get the gentleman's comment on whether we do not actually need that from this moment.

Mr. VOORHIS of California. Need what?

Mr. PATRICK. A draft to expand the selection and give it more general application to those who go into the service.

Mr. VOORHIS of California. I said in the beginning of my speech that I did not propose at this time to discuss this whole question, and I do not. My judgment is that we do not need

conscription if we vigorously try to make a voluntary system work, and I am certainly for trying that first, for the adoption of military conscription at a time when we are not at war and as a matter of national policy may be fraught with the most serious consequences. It should be a last resort if it is done. I am not sure at this moment whether or not we do need that. I recognize the fact that it has been people from the ranks of the unemployed to a great extent who have volunteered in recent years, and I think it is a very significant fact at this moment, when we are beginning to be interested in the Army, that that should be true. I should like to call it to the attention of a lot of people who have been very critical of the unemployed and said that they were unwilling to work, ought to look harder for a job, or do this, that, or the other. But we now find that it is they who have in large numbers volunteered for the Army. I think we should give them credit for that. Answering more directly the gentleman's question, I think there are values to be lost both ways. I believe this burden ought to be shared equally by all groups, but if the pay is raised, and if further opportunities for special training and promotion are offered, I believe you will get volunteers from all groups, and I think that when you depart from the method of an appeal to your people to do the thing that is important to be done for their country and resort to the method of compulsion, something has been lost. Maybe you have to do it. If you do, I think you have lost something very valuable.

Mr. PITTENGER rose.

Mr. VOORHIS of California. I have several things here that I very much want to get into this speech. I wonder if I may be permitted to proceed.

EQUALITY OF SACRIFICE

We have spoken many times about equality of sacrifice. I think it is most important that we scrupulously should observe that. As long as the American people believe that the sacrifices they are asked to make are paralleled by equivalent sacrifices on the part of others, they will not complain. To date, as far as I know, there has been no complaint from the little fellows on whom the principal burden of additional taxes recently voted largely falls. This is in spite of the fact that we have not as yet taken action to pass legislation which would effectively take the profit out of war, if it should come, or to levy against inheritances and idle accumulations, as I believe we should. The excuse for a bill to conscript men ought certainly to be one of required equivalent sacrifices from all elements in the national-defense picture.

Some time ago I was informed that a number of manufacturers had told the National Defense Council that unless they were allowed a 12-percent profit over and above—not cost—but contract price, they would not be able to cooperate in the defense program. I was at that time inclined to doubt that that was true. However, in the $5,000,000,000 appropriation bill which we recently passed, there was a provision, as we now know, raising the profits on aircraft contracts to 12 percent, although only a few weeks previously Congress had reduced the limit to 8 percent. I assume this was done because it was found that it was necessary to do that in order to get these contracts accepted. I also find that the Bureau of Internal Revenue has ruled that whenever a new plant is constructed on leased land, the entire cost of the plant can be amortized over a 5-year period, which practically means that a deduction for income-tax purposes equal to 20 percent of the total cost of the new plant can be made each year.

Mr. KELLER. Where does the gentleman get that?

Mr. VOORHIS of California. I have gotten it from a number of different sources, I will say to the gentleman.

Mr. KELLER. I would like to get it.

Mr. VOORHIS of California. What happens, I wonder, under these circumstances, to the effectiveness of the proposed tax measures which we are told will be accompanied by a complete removal of all limitations of any sort on profits?

I am not saying that adequate defense is not worth almost anything that we may have to do to get it. But I am saying that against this sort of background the people are going to wonder what the essential difference is between the announced necessity for conscripting men on the ground that they have not volunteered and the apparent willingness on the part of government to give to industry almost anything it asks with no thought whatsoever about the equal justification for drafting the services of plants on precisely the same ground that it is proposed to conscript men.

If the voluntary system can be said to have failed in inducing men to enlist in the Army at $21 a month and possibly to give their lives for their country, then it certainly can be said to have so far failed in securing cooperation from industry at a cost that is fair to the American people.

So I think that this thing should work at least in the manner of even-handed justice, and if men are to be drafted on the ground that an emergency exists then industry and finance should also be drafted for the same reason, and on the same basis.

ABOUT YOUTH

In the last few years we have had a number of people out of work. Approximately 4,000,000 of those people have been the youth of America. I have had them come to me; I have had them write to me and the one thing they wanted most was a job, a chance to help to build constructively their Nation's life. It seems to me that any program that is adopted in this period has got to be not simply a reaching out on the part of the Nation for the services which it has a right to ask from all of us, but that it must also be a program which takes into account the fundamental needs of the young people of America and regards them as what they truly are, the greatest resource this Nation has any place.

So I want to make a proposal this afternoon, and I hope I have the time, as it will not take me very long.

The ideal of the Nation asking a year of my life, your life, or anybody else's life to be given in its constructive service seems to me a very good ideal. I think we might find a way to do that, but I am certain we must work out that way with the utmost care and with a thought not only to the Nation's needs, but the needs of these young people as well.

The American Youth Commission, of which Mr. Owen D. Young is chairman, had the following to say in its book of recommendations entitled "Youth, Defense, and the National Welfare":

> One of the saddest aspects of the present situation is the number of people who are giving highly vocal support to conscription for the purpose of defending democracy, but whose attitude toward social reform is one only of contempt. These are the people who have not yet learned that democracy will not be aided, and that the salvation of this country will not be advanced by the conscription of life that is underprivileged and unhopeful. This country can only be defended enthusiastically by people who expect just treatment from it.

May I say as an aside that we can take a lesson from the example of the French people. With their Maginot Line, the greatest fortification in all the world, the thing, apparently, that was lacking in addition to modern weapons for the Army was a spirit among the people, a spirit that you cannot buy, a spirit that you cannot compel, a spirit that you can only appeal to and cultivate and build up through the knowledge and the belief of the people that those who are in position of responsibility in their Government seek nothing so much as their welfare and justice to them. Dictators were successful in European countries not because those nations lacked armed forces but mainly because their internal economic situation had become static. I believe it is altogether possible to strike a blow against this danger, to offer to youth the forms of opportunity which it by nature craves, and also that would fulfill the defense needs of the Nation. I believe we can have a program which would be based upon the sincere desire of our people to see a better America, a program which will capture the imagination of youth, one which would gain widespread popular support, one which will build morale.

I agree that we have emphasized far too much all through American history the opportunity which this country afforded to people to take from it for themselves. I agree that we have neglected making emphasis on what all of us can give to the Nation. The basic principle of service to the Nation is fundamental to our life. To put that principle into prac-

tice it is necessary that care be taken to include one vital factor, that of the spirit and the morale of the people who perform the service. Millions of Americans have for years been urging and asking for just one thing, namely, an opportunity to work, and millions of these have been among our young people. To offer them now simply a bald program of military conscription would seem to me a great mistake. I think we can do much better than that. Suppose we set up a Government service office in every city in the land and send out word that there are tasks to be done—tasks in training one's self in aviation, mastering specialized mechanics, preserving the public health, conserving the resources of the Nation, and service in the armed forces of the Nation. I challenge you to offer to the youth of America a real opportunity to enroll for a year for one of these types of work—and who will say that one is more important than another—and I predict that if this were done the youth of America would storm those places to enroll their names. I am convinced that our people are not afraid of service or unwilling to make sacrifices for America, but I am just as firmly convinced that they want to know that they are making a sacrifice for objectives and ideals that represent all that is best and finest in our American way of life. I think we should set to work on legislation that would provide for the enrollment of our young men when they reach the age of 18, or possibly 19, for 1 year of constructive service to the Nation.

We should provide, as far as possible, for the use of existing facilities and reduce to a minimum the administrative machinery needed to carry out the program of universal service to the Nation by our young men, and there should be certainly opportunity for older men to volunteer for such service. Registrants should have the opportunity of giving their year's service at any period most satisfactory to them from their eighteenth to their twenty-fourth year. Thus life plans need not be too seriously interrupted, and there would also be a choice of the type of service to be performed, within the limit set up by legislation of the maximum number that could be cared for in each field affected. There would be opportunity to enroll in the Civilian Conservation Corps, to work with the Public Health Service in rural communities or in underprivileged areas in urban centers, to enlist in the Coast Guard, and to work and take training under the National Youth Administration, to take training for aviation either as pilot or mechanic and in the vitally important task of soil conservation and work of that sort. I expect there are other types of work I have not mentioned. Then finally they could enlist in the armed forces of the United States. The pay would, of course, have to be small, because the fundamental idea would be service to the Nation. I would pay to the other groups somewhat less than I would give to those enlisting in the armed forces, because after all they would be the ones who might be asked to give the most. I believe under the program of this kind the Army would get the men it needs. Not only would that be true, but it would be true also that men would be learning other things as vital to national defense as military training. It would be true that the idea of universal service to the Nation would be combined with the opportunity of young people for development. Also it would teach patriotism. There would have to be a top limit set for the number that could enroll for each type of work, of course, and there would have to be discipline and no malingering in any service group, just as has been true, for example, in the C. C. C. All would give their year's service on an equal basis.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. VOORHIS of California. I yield.

Mr. SCHAFER of Wisconsin. Under the gentleman's proposed voluntary service I think there is a great deal of merit because we would have a finer spirit in the service. Would you not also include a provision so that these multimillionaire warmongers who are advocating compulsory military service can divest themselves of some of their millions voluntarily and give their wealth to help pay for the cost of this defense program, particularly in view of the almost bankrupt condition of our Federal Treasury?

Mr. VOORHIS of California. I think that has to go along with it. I hope the new tax bill will take care of that angle of it.

Mr. SCHAFER of Wisconsin. If we have compulsory military service, as provided in the Col. Adolph Ochs Adler New Deal bill, to draft people up to the age of 65, why should the Members of Congress be exempt? Why should they not be included specifically, so that all Members of Congress up to 65 years of age can serve in Uncle Sam's Army for $21 a month immediately after the enactment of the bill for which they vote?

Mr. VOORHIS of California. I do not think the Members of Congress should be exempt. I think that is wrong. I certainly would support or offer an amendment myself to take such an exemption out of the bill.

Mr. SCHAFER of Wisconsin. If we have compulsory military service to draft manpower to do the fighting, in view of the almost bankrupt condition of our Federal Treasury, should we not draft wealth in order to pay for the cost of preparation for war and future wars?

Mr. VOORHIS of California. Certainly. That has been the whole burden of my speech this afternoon. I would point out to the gentleman that that is the main point I have been trying to make, and I hope I have. I am going to be deeply interested in the tax bill that will come in. I think it is most important, from the standpoint of the spirit of the people that I have been talking about, that it should be a genuine measure.

Mr. CONNERY. Mr. Speaker, will the gentleman yield?

Mr. VOORHIS of California. Yes; I yield.

Mr. CONNERY. In view of the gentleman's reference a short time back in his speech—and it is a very good speech, incidentally—to the fact that Congress has seen fit to increase the percentage with reference to the profits to 12½ percent, evidently as an incentive in producing strategic war supplies, does the gentleman feel that if the Congress saw fit to raise the pay of the armed forces of the United States, and possibly reduce the present enlistment period from 3 years to 1 year, that such a move might make it unnecessary to enter upon the conscription plan?

Mr. VOORHIS of California. At the beginning of my speech this afternoon, I said exactly that. I said I believed that such legislation should be passed immediately, and that certainly before we go to something else, the most earnest effort should be made to make that successful.

In conclusion, I would like to say in connection with this proposal that this program of national service would be directed, from the standpoint of general policy, by a national advisory commission of 7 to 15 outstanding men and women representing not only the Army and Navy, but the important educational, religious, cultural, labor, and industrial groups in the Nation. It would be their responsibility to see that the idealism of youth was directed toward the problem of a better America. They would have a weighty responsibility, but I am certain, gentlemen, that in this great land men and women of the caliber we would want to direct such a program would willingly make real sacrifices to participate in it because of the real opportunities for national service and international good will it offers.

May I summarize by saying that as we view this problem of national defense, as we view this problem of the critical period in our country's history, perhaps the greatest one of all, there are certain things we have to bear in mind. The first and fundamental one is the spirit and morale of the American people——

The SPEAKER pro tempore (Mr. GORE). The time of the gentleman has expired.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended 5 minutes.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the gentleman's time be extended 5 minutes, but the Chair understands that under

a previous order of the House the gentleman from Illinois [Mr. KELLER] has a special order. Does the gentleman from Illinois yield for the unanimous consent request of the gentleman?

Mr. KELLER. I yield whatever time the gentleman needs.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. HEALEY. Mr. Speaker, will the gentleman yield?

Mr. VOORHIS of California. I yield.

Mr. HEALEY. I have listened with a great deal of interest to the remarks of the gentleman, and as usual the gentleman is facing the problems that are presented to him by his office with the sincerity that has attached to all his efforts and work as a Member of Congress.

Mr. VOORHIS of California. I thank the gentleman.

Mr. HEALEY. I was wondering if, in the plan that was submitted by the gentleman, there would not be a great attempt on the part of those who would ordinarily be subject to military service, who by reason of physical fitness and that sort of thing would naturally be subject to military service, to try to get some of the other types of work which the gentleman has mentioned, rather than to submit to military service?

Mr. VOORHIS of California. You understand under this plan everyone would give a year. Everyone would give 1 year. I am inclined to believe that under those circumstances, particularly with an increase in Army pay and if a little more credit were given to the boy who did enlist in the Army, than has been given to him, and a little more effort made to show that he was doing something patriotic and not something as a last resort because he could not get a job, you would get as many men as would be needed for training in the Army.

The second thing I started to say in the closing remarks I attempted to make a moment ago was that you must bear in mind if you desire a balanced program that true national defense implies that you will have people trained to do the kind of jobs that your Nation needs to have done. It implies further that you must have people able to fly airplanes, that you must have people able to service airplanes, that you must have people able to take care of the sort of thing that has come into the picture so much in connection with the wars that have been fought in Europe, and that you must meanwhile conserve all the resources of your Nation—both human, natural, and industrial.

A third thing I believe to be important is that we must do those things necessary for defense, but as we do those things we must remember that we tread a narrow path between defense on the one hand and the keeping intact of the fundamentals of American life upon the other. Let it never be said that this Congress when it was asked to do—and readily did—so much for national defense, permitted the taking away of the fundamental rights of the American people or permitted an encroachment upon the well-being of the common man on the part of those more powerful than he. These are the things we must watch out for. It will, I am afraid, be a hard task in the months that lie ahead. But the future of our country depends on our doing it.

Miss SUMNER of Illinois. Mr. Speaker, will the gentleman yield?

Mr. VOORHIS of California. I have finished, but I yield.

Miss SUMNER of Illinois. Does not the gentleman realize that there have always been fundamental rights in this country, one of which is not to have one's property taken without due process of law except in time of war? One right enjoyed by the individual is to be employed, to engage in business, a right that cannot be infringed unless the country actually is in a state of war.

I believe that any such plan as the gentleman proposes is virtually the same as what they have in Germany. Indeed, many of our German citizens came here to escape from such a system.

Mr. VOORHIS of California. I hope the gentlewoman understands the proposal I have made. I am afraid she does not, or else does not understand what was the policy and situation in Germany. If she understood she would realize immediately that what I propose could not be related to or compared with the German system. What I propose has one very definite purpose—to develop conditions which would prevent opportunities for the establishment in this country of the German system. The proposal I made is a proposal in lieu of a bald draft bill. It would, I am convinced, meet the needs of our Nation; it would also meet the needs of our young people. No doubt it can be worked out much better than I have done it in this brief speech. It would be under the direction of groups of citizens in the different communities. It is true the idea would be for everybody to give 1 year of constructive service to his country, during which time there would be opportunity to build his health and his strength. And so far as taking anyone's property without due process is concerned, my only point was that I believe people are at least as important as property and that the two should be treated alike.

Miss SUMNER of Illinois. Why not do it by the system of private enterprise? As we go down the street here we see numerous advertisements of the F. H. A., the U. S. H. A., the A. A. A., the W. P. A., and every department of Government. All you see for the Army or the Navy are the same old signs that have been there since 1920. Why not advertise these departments at least as much as the other departments not nearly so necessary at present?

Mr. VOORHIS of California. I can answer that by saying that people engage in free enterprise because it is profitable. The work of soil conservation, or of the Army, or of training for aviation, or of public health, or of any of the other things I have suggested is not profitable. It is public service.

In the second place, I may say to the gentlewoman from Illinois that any time private enterprise will provide jobs for these unemployed, I shall be very happy and our task here will be far easier. I have proposed over and over measures which I believe would help industry to do that. The essential thing is for it to have a market for its goods.

Miss SUMNER of Illinois. I am saying that you should appeal to their sense of profit. Tell them that as enlisted soldiers they will receive a decent wage. Appeal to people who have no jobs at all. Tell them how the Government will take care of their wives and their children and will furnish them with insurance, hospitalization, and other inducements. Tell them we do not intend to go into a war, but all we want is an army that will protect us and be so strong that no one will attack us. That, therefore, they shall be reasonably safe. That is the whole purpose of the proposed Army. That is a point those who are for conscription in peacetime are overlooking.

[Here the gavel fell.]

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Illinois [Mr. KELLER] is recognized for 1 hour.

NATIONAL DEFENSE

Mr. KELLER. Mr. Speaker, idealistic as is the gentleman from California [Mr. VOORHIS], a gentleman with many of whose ideas I so heartily agree, I feel he has made a mistake in judgment with regard to the Maginot line when he stated that it was the morale of the French Army which caused its defeat. That is an entire mistake. The truth of the matter is it was the German tanks with cannon in front, and machine guns on the sides, and devices to throw flames 100 feet—thousands of them, not a few thousand of them—that defeated the French Army. Flesh and blood could not stand up against such monsters, that is all. The French Army was the finest army in the world armed in an old-fashioned, out-moded way. It could not resist those tanks; and it is that phase of this whole matter that I wish to discuss. I want to point out from a rather wide experience and observation along this line, the things we are really facing at the present moment, to make a practical matter out of this preparedness business. It is an inquisitive study of the whole question, including a comparison of the question of conscription and volunteering.

I am glad the President of the United States, in view of the full information he had, has awakened the American people to the very real dangers which beset us. If he had not presented the matter to us in the powerful and dramatic way which he did, I doubt whether we would yet understand, appreciate, or be at all upon the road to preparedness as we are. I am glad he was willing to take the criticism leveled at him on the charge of "intemperate language." It was the only way of awakening us to the preparedness necessary to keep us out of war.

No one deplores war more than I do. No one can sympathize more deeply with the men who must carry on war, and still more deeply do I sympathize with the women and children who suffer most from war. But careful reading of history has impressed upon me indelibly the service which armies have rendered to these same women and children against the attackers of countries and the destroyers of the development of civilization of many peoples throughout all times.

An instructive book could well be written on the service which armies have rendered to women and children of the world, the men of the world, and the civilization of the world. The theory that all war is wrong on both sides has been thoroughly exploded. There is the aggressor and the defender: The invaders of the countries of men and the defenders of those countries. The deniers of liberty, the destroyers of liberty, and the defenders of it have been thoroughly exemplified in our own country.

From the beginning of time men have made war on each other. At each new development of means of attack, the other side has been required either to nullify the effect of the improvement by copying it, or to provide means of defense against the improvement.

After hand to hand combat, the first arm was a club. Then rocks. Then stone battle-axes. A sharper cutting edge was attained by using bronze, then iron, then steel in making javelins, daggers, and swords. Finally, bows and arrows increased the range. The use of like weapons and shields was the defense against these weapons.

Horses were then used to ride down the foot soldiers of an opposing army who were not fleet enough of foot to get out of the way. In the Orient the elephant was used to break the opposing army and it was the striking power of the elephant army that brought victory over a long period. The cry of "The elephants are coming" warned of defeat and flight until some genius discovered a means of stampeding the elephants. The chariots with scythes won many a battle in the Near East till a method of stampeding the horses drawing them was discovered. Each time some new arm was made effective it brought victory to the side that invented it and used it.

The organization of armies steadily improved. The Greek phalanx especially taught the world that mass formation with swords, javelins, battle-axes, and shields could overcome any army not so equipped and handled. The idea of mass movement of armies was used by Genghis Khan to the astonishment of the armed forces of the world of his time.

Finally, in the Middle Ages, personal armament was brought to such a point that the protection of the individual wearing it was practically perfect against the swords, battle-axes, and spears of the time. Machiavelli, in his history of Florence, cites a battle between two professional armies equipped with armor which raged all day without a single man being killed.

But the use of firearms rendered the heavy armor useless. It was a new striking force which brought to the armies of the world new victories. The clumsiness of the armor served only to hamper the soldier in his attempt to escape the firearms.

The development of small cannon preceded that of the musket. Because of the difficulty of transporting them they were put on wheels. The advantage of rapid movement of armies brought the light arms, the musket, and rifle. Napoleon found ready for use when he came into command an improved musket and a new mobile cannon more effective than any previous one. And by refusing to fight in accordance with the accepted traditional rules of war he beat all of the opposing armies of Europe. He used the surprise attack on the unexpecting and therefore the unprepared armies of his opponents. Half the striking power of any army depends on this question of speed.

The development of the arms and equipment during the World War had permitted the stabilization of lines because all the armies engaged in that war finally had practically the same arms, the same equipment, the same organization, nearly equal numbers of effectives on each side, and the same ideas of using them. So the World War was a military stalemate.

So we have passing before us the foot soldier, the cavalry, the chariot, the camel, the elephant, the pack mule, the wagon, the flatboat, the steamboats, the railroad, and the automobile in the endless unraveling of time which extended tremendously the opportunity to use the inventions in arms.

But around the arms available for war have invariably circled the changes in borders of states, in dynasties, in the living conditions of people, in the destruction or defense of homes, in the retention or loss of liberties. Governments have been forced to depend upon arms, armament, and armies for their existence; or, lacking these, they have faded from the pictures of history. So it has been, so it is, so it will be, so long as the law of force exists in the hearts of even the few who shall have direction of any large part of mankind. Therefore, the rest, the lovers of peace and justice, must be the able and willing defenders of humanity if democratic government is to continue to bless mankind. Any lack of courage, any lack of willingness to go forward, any hesitancy to meet and defend against aggressor nations will only encourage attack, and lead others to rise to destroy democratic governments—to rob and enslave peoples.

We are living in an age in which every invention for attacking peace-loving peoples are available to any aggressor government as well as to the people who invented them. There are few secrets retained by any nation. But there is no country, or combination of countries, with better or greater resources than our own for meeting and surpassing any and all arms, equipment, and armament available to any possible adversary.

Aggressor governments understand only one thing—force. No individual bully ever attacks anyone whom he is not sure he can beat up. No aggressor government ever attacks another country unless it feels sure of success. Properly prepared, we can be sure no attack will be made. That is our only—but our sufficient—guarantee of peace. Let us, therefore, not hesitate to prepare to the fullest extent.

We are facing a condition which possibly only once in history has confronted the countries which aspire to liberty. Within 4 months of actual warfare six free countries with a total population of more than 110,000,000 people have been blotted out. This is exclusive of the millions of colonists of the governments that have been crushed whose liberties are also lost. Five of these six countries, with 70,000,000 of these people, had committed no slightest offense, and had remained strictly neutral, and had every assurance against any possible aggression up to the very day they were invaded.

The Napoleonic wars were by no means comparable to this terrific onslaught. He led only one strong nation against which all the rest combined. This present holocaust has the full cooperation of two great nations in Europe directly denouncing democracy and seeking to destroy it, and the passive cooperation of the populous and powerful Russian people; in the Orient a cooperative totalitarian government, taking every advantage of the difficulties of the defeated European countries and using the same threatening tactics which characterize its totalitarian associates in Europe, and the same heartless destruction of peoples—of peoples in their case of older and better civilization than their own, but who committed the offense of loving peace too much.

There is only one case in history at all comparable to the present combination of totalitarian governments of this present ominous day. This is the great outpouring of a prolific people of a country of the enormous population of hundreds of millions of souls. They continued to send forth in the footsteps of their great leader—the increase in that population flowing resistlessly westward year after year along the old trade routes of Asia to the very shores of the Mediterranean. Each successive wave of recruits made more than invincible the great hordes of Genghis Khan.

The story of his endless victories, of the terror of his armies, did not apply alone to the countries through which he passed and whose armies he destroyed, but countries far and near, from the very terror which his armies inspired, rushed to him to make peace in advance by surrendering to him and begging to be made a part of his empire—just as southeast Europe is rushing to Hitler to prevent destruction today.

I call attention to this story of Genghis Khan not only because of the similarity of the terror of his armies and Hitler's armies but more to call attention to the then world-wide results of the invasions and destructions of governments and peoples of the century which followed them. The student will find in the succeeding period most impressive suggestions of what we may reasonably expect from the victories already achieved by Hitler's armies, socially, economically, and spiritually. And if his victories should be extended, as in all probability they may be, the effects for years to come on every so-called civilized country far and near will compel the most careful consideration by every people everywhere, for all will be affected very certainly and very directly, including our own America, even though we never participate in any war activities, which we shall not do if we prepare against attack as we are now setting out to do.

It now becomes necessary to inquire carefully into what has actually happened—what means were employed to bring it about—how these means were provided, why one side had all the implements of victory and the other none worth speaking of. Therein we should seek intelligently our own instructions. But if we are to profit by this investigation, it must be entered into without prejudice, without sentiment, but with our minds set on obtaining the bald facts alone.

Let us see for a moment just what was the condition which immediately preceded the present chaos in Europe. For years, Britain had had as thoroughly a businessman's government as any nation can have. The businessman's government looked out for British investments abroad—in Spain, in Italy, in Russia, in Germany—in every country on earth where profits were available. British manufacturers sold large amounts of the war munitions to whomever would buy them including Germany, that were intended by the Germans to be used against the British Government. The whole Chamberlain policy of appeasement was the policy to protect profits, because profits is the ultimate and dominant object of all business, and the guiding star of all super-businessmen.

The profits from foreign investments have for long periods been little less the interest of French investors.

The French Army was undoubtedly the best army in the world. It conceived and built the Maginot Line, pronounced it impregnable and went to sleep behind it. But depending on the sanctity of governments, they left exposed the Heel of Achilles, the Sedan sector, even though it was through that very region which France had been invaded in 1870 and 1914. And, against the arms, armament and equipment available at the end of the World War, the Maginot Line might have been impregnable.

The Germans built their west wall which was impregnable against the splendid French Army with its 1918 equipment. But, behind that wall an idea had been born—a new idea as old as time. It accepted the fact that unprotected flesh and blood cannot withstand steel and ball and flame.

At the end of the World War, Germany had no army. At the beginning of his influence, Hitler had no army. He called upon the machinists of Germany.

He took the three American inventions, the submarine, the tank, and the airplane. He did not build a few of them for experimental purposes. He took what had already been done. The Bohemians had built the best tanks up to that time. He built not a few tanks, but thousands of tanks. He provided motorcycles for soldiers, machine guns on wheels were built for two men. To these tanks he adapted always larger and larger cannon. In the largest he added flame throwers and antiaircraft guns. He built tanks that weighed a hundred tons.

He built not three or four thousands of planes as other countries were thinking about, but built probably not less than 20,000 planes.

This was not done in a day, but throughout the past 6 years. He made no new inventions. He did not build as good airplanes as we built nor as the English, for that matter. But, where the English built one he built five. He did not have time or opportunity to develop the individual fighting capacity of the pilots, as did the English, but he made his men quickly able to fly an airplane and obey the commander of the squadron.

A few were well-trained fighters and these were used as the commanders. But the whole idea was from the beginning to overwhelm with striking force any army that should lie before these mechanized forces.

The men in the newer tanks were protected against outside attack to a remarkable degree. He did not desire or did not think it necessary, apparently, to protect all of his soldiers as he might have done, and as we must do in coming wars.

The wars of the hereafter, into which America may be forced, will be war in which every individual in the Army will be protected to the fullest extent against the attacking forces.

Hitler still used the German idea of mass attacks. But, his mass attacks were with tanks and airplanes coordinated to a remarkable degree.

It was simply out of the question for the French Army with their old equipment to withstand such attacks as he delivered with such tremendous speed and power. In 6 weeks he literally ran over the little Dutch Army and the large Belgian Army, with their British and French help, and whipped and took full charge of the north half of France. He compelled France to accept what appears to be nothing less than national surrender.

If our American officers will look out with wide-open eyes at what has really happened to the great French Army, surely they ought to be able to see how pitifully weak our own Regular Army is at the present time and how much weaker still is our National Guard with the .30 caliber rifles.

The one tank division which we now have, weakly equipped as it is, is a better striking force than all of the rest of the present Army put together.

And let me here call attention to the fact that so far as we have tank equipment that it is due much more to a Member of Congress, the Honorable ROSS COLLINS, of Mississippi, than to any Army officer or all Army officers put together.

I am not underestimating when I say that if every man in the Regular Army with a .30 caliber rifle were put out on the fighting line against a half dozen tanks equipped as the German tanks were, they would be defeated in short order.

We have to understand that the importance of the different divisions as originally established and that especially of the Infantry, is a thing of the past. In the Civil War and even in the World War, the Infantry was the backbone of the Army. I heard my father, a Civil War veteran, say "Artillery to make the noise, cavalry to make the show, and infantry to do the fighting." That was true in the Civil War, that was partly true in the World War, but it is absolutely not true today. Infantrymen with .30 caliber rifles are useless today except only to mop up an already defeated enemy and to hold conquered territory.

The personnel of armies and navies have never been noted for their inventions of new equipment. It has been the task of the officers of all armed forces to learn to use the inventions which have been placed in their hands.

Of course, the professional soldiers of the world ought to have seen that new equipment and improved equipment might

again change the methods of attack and defense, and thereby endanger every line that depended on the old and outmoded armament. But the professional mind did not perceive any such simple conviction though the history of the development of arms and armament pointed the way clearly to that conclusion and gave the warning to an observing mind.

The professional mind poured into an academic groove and held there through years of discipline has little enough encouragement to strike out along new lines and must not be blamed too much. That is not the province of the professional mind as we know it. The new departures along all lines have come from minds that have been left free to think, often without the knowledge of what had been done before. The great and growing exception to this rule lies in the appreciation of the laws of science, resulting in the scientific research which fortunately is one of the great achievements of our generation.

The man who has not had thorough personal experience in operating tanks under all the conditions which their use in warfare may entail has little call to direct an army whose principal striking force lies in those fighting machines. No theoretical student of Army practices should presume to command tanks and airplanes until he learns by his own experience how to use them.

Our Army as at present equipped is totally inadequate. But if the 252,000 men now in the Regular Army were equipped with tanks, and armored busses for transporting men to scenes of action, with fighting airplanes guarding them overhead as they can be, they would be superior to any million men as at present armed and equipped.

The speed of the "blitzkrieg" of Hitler with the terrific speed and awful driving force paralyzed the armies made up of 6,000,000 men—thoroughly drilled, thoroughly equipped in the old way. If the General Staff of the American Army does not awaken completely and entirely to what Hitler's machinists accomplished, we shall fail in our preparedness program, or the Congress will be compelled to turn that question over to men who know machinery.

An army with striking power is quite as effective in defense as it is in attack. Our Army is to be the defending army. We must take full advantage of what innovations Hitler has certainly made. We must look out for and accept new inventions that will put us far in advance of any other army if we are to fulfill our entire mission in this preparedness question.

Let us not make the mistake of centering our discussion on preparedness around the question of whether we shall provide the personnel for the necessary Army and Navy through voluntary enlistment or through conscription. If voluntary enlistment cannot be made to provide the men required, then evidently conscription must be resorted to. But no man's arbitrary opinion on this subject must be accepted as final. No officer of the Army, no champion of conscription has shown that we cannot provide all the men we need without conscription.

No one should contend that every means of inducing voluntary enlistment has been considered. On the contrary, no move has been made to offer reasonable inducement for men to enter into training in this time of peace. And that is exactly the question we are facing—to prepare for national defense under peacetime conditions. That is an entirely different matter from preparing for imminent war, though the preparation must not be less effective. In fact, it can be much more so.

The country is at peace. But everybody accepts the belief that there is only one certain way of keeping out of war—that is to so thoroughly prepare against attack as to serve notice on any nations which otherwise might consider it to their interest to make war upon us that defeat would be their reward. Our preparedness must be of such kind and extent as to make defeat for any attacker certain. Therein lies our security. We must see that clearly.

I want again to call attention to our other obsolete idea that the Atlantic Ocean is of great defensive value to the United States. On November 12, 1939, in speaking for the repeal of the embargo on arms, I said this:

> Any man of intelligence who has read the news reports of the many appearances of oceangoing submarines along our shores ought to see that the 3,000 miles of trackless waters between America and Europe might well be a hiding place for the enemies of our country instead of her defense against them.

That is still true, and we must not forget that fact.

We should not rush headlong into any plan of accomplishing this preparedness. Our present requirements are to provide a highly intelligent, thoroughly trained Army to man with the greatest efficiency the airplane and tank army, which has shown its overmastering superiority over the armies of the past. The men who are to make up the personnel of this army must be selected from the very start from among the younger men of the best natural aptitude along all mechanical lines. There is one very simple and very certain way of making this selection. We should only pursue the best plan. The best plan depends on the fairest and most democratic way available of inducing men to do the necessary work for preparedness.

If we can provide the men necessary for preparedness through voluntary enlistments, then conscription should not be considered at all. That ought to be clear. The American people do not want conscription unless this is absolutely necessary.

There is no reason why we may not provide for 1-year enlistments. If that is done, great numbers of young men will undoubtedly volunteer who will not enlist for 3 years. Three years is longer than any grown man can afford to take out of his life unless national necessity compels it.

One year's actual service will make a good soldier out of the great majority of American men. And that is what we are looking for—good soldiers. It would be much better to train 300,000 volunteer soldiers in 3 separate years and class them as reservists than to train 400,000 conscripts for any length of time.

Why not call especially on the young auto mechanics to supply especially the men to drive and service the tanks, to pilot and ground-service the planes. There are thousands upon thousands of young men from 18 years up whose interest in machinery has induced them to seek work in the auto shops and as helpers and apprentices in machine shops, mills, and factories.

The man whose natural trend and interest is toward work with machinery and who has already worked with machinery is already far along toward the very service we are seeking. He will be a better man with tanks and planes in 1 year than the man without mechanical trend and experience in 2 years. If he is assured of promotion according to his achievements he will make the sort of tank man or plane man that the fellow without that trend and that experience seldom, if ever, will make. These young fellows who naturally take to machinery are the very ones we want, and who will want this experience. They will enlist without conscription.

There are likewise men whose mathematical tendency makes gunners of them in the easiest and most natural way. Distances, directions, speed of shells is perfectly easy to them. They could pick off an enemy airplane with an antiaircraft gun the first shot. These talents are beyond estimation. None of them should be lost. Then they should be paid a fair consideration for their time. There are 44,000,000 employables in the United States. If the country needs 1,000,000 men, the other 43,000,000 should be quite willing to chip in and put the 1,000,000 on economic equality with themselves.

If we train 300,000 a year for 3 years, that will give us 900,000 men at the end of 3 years. Out of that trained reserve army a sufficient number will naturally take to the service and remain with it to provide every specialist which the service will require.

With 50 divisions of equipment and a skeleton force for each division, the full complement could join the division out of the reservists on very short notice. Fifty divisions properly disposed within supporting distance of one another could certainly meet and repel any invasion that could occur.

The Regular Army will have its full quota of 375,000 before January 1. And these new recruits are reported to be made up of two-thirds high school and college men out of which many specialists will develop along every line required.

And now I come to consider more directly whether we can supply 300,000 a year from volunteers. First, it is necessary to see what has been actually happening along this line:

A letter from Adjutant General Adams, dated July 11, 1940, appearing on page 9533 of the CONGRESSIONAL RECORD shows that the Regular Army has been overstrength continuously since June 30, 1939, and that every quota released to the recruiting service has been filled promptly on time or ahead of time; and from September 1 to June 30 the monthly average was approximately 20,000, with the exception of February, March, April, and May, during which months, due to overstrength, no new enlistments could be accepted and only reenlistments and replacements were permitted.

Enlistments for the year totaled 158,875, and the enlistments in June 1940 were 22,947. These, mark you, were 3-year enlistments. On July 11, 1940, no request had been released to recruiting service to enlist the last 95,000 men needed to bring the Army up to the 375,000 as authorized.

If 158,000 men volunteer in 8 months for a full 3 years' service, I challenge the judgment of any man who presumes to say we will not more than double that number for 1-year enlistments. Many of my colleagues in this body have discussed this whole matter with me, and the figures offered by the Gallup poll in favor of conscription are not only discounted, but the large number of opinions expressed as against conscription average 95 against conscriptoin, 2 for it, and 3 not definitely committing themselves. This shows definitely which way the wind blows. The American people are overwhelmingly against conscription, and the Congress has no right to go contrary to their overwhelming opinion.

Men and more men! The fact is that the present Regular Army of 252,000 men, properly equipped with the same equipment that has brought the tremendous victories to the German armies would be far superior in striking force to a million trained and equipped as is the present Regular American Army. I find nothing in the hearings to indicate that our Army officers plan any great departure from what we now have, but only the idea to get a lot of new men and train them and equip them just like our present soldiers in the Regular Army—in the good, old-fashioned, obsolete way.

The National Guard of 250,000 men, given the arms, equipment, and the training that the present Germans have, would together provide us with 50 divisions of armored troops, with the men invulnerable to all the .30 caliber rifles in the world. The Chief of Stak seems to stress the necessity of getting officers to train the new men. To train them in what? In using our .30 caliber rifles? Nonsense! Individual soldiers with rifles and unprotected are only good for one thing, and that is to mop up on an enemy already defeated by tanks and planes and to police the conquered territory. That is all; and we are not getting ready for that service. The difficulty to be overcome is to get our own Army officers to see that the whole preparedness program is a question of developing and supplying not only as good but better tanks and better planes than has brought such astounding victory to Hitler's army. If the Regular Army men do not understand and plan clearly for the best possible mechanized Army, our whole preparedness program will be a flat failure. It is fighting machines we want, with great striking power—not great numbers of men with .30 caliber rifles to fool people with.

Warfare hereafter will be a war of machinery and chemistry—ever increasingly so. The nation which makes the most effective engines of war and handles them to the best advantage will exercise the restraining hand over other nations or strike terror to the government which should desire to attack it. It is within our power to hold that position in the world. It would go far toward guaranteeing peace in the world if we should assure ourselves of that position. To do this, the commanders of that army must be thoroughly trained in mechanical arts. I therefore suggest that we construct at West Point a thoroughly first-class mechanical and chemical institute in which the cadets shall be trained in the designing, manufacturing for purposes of instruction, for experience in operation, and upkeep of tanks, airplanes, and chemical devices so that the future commanders may know at first hand what engines of war of various kinds can do and what they cannot do. Without that personal experience no man can do all that can be done in commanding a highly mechanized army. It will be good for our West Pointers to get a little grease under their fingernails; to learn the smell of gasoline; to know why Diesel oil makes the wheels go round; to get the feel of the overalls which was once so familiar to most of them.

There are enterprising men in the Army, plenty of them, who would not have slept through 6 years of preparations of tanks and planes by Hitler. Plenty of them who even with permission to speak out would long ago have prepared and laid before Congress a program for mechanization of our Army. Quite unfortunately our Army, and apparently every other army, is so organized as to prevent men of outstanding ability and enterprise from coming naturally to the front as they should be encouraged to do.

Our Army several years ago had a farseeing genius who pointed out what the airplane was to do. He did it at first within the rules. No attention was paid to him. Then he courageously and patriotically criticized the Army heads for their lack of vision. That brought demotion, an order of silence. Then he scored the ignorance of the Army heads—then the Army heads kicked him out of the Army. Their action indicated that obedience to ignorance was more important that dynamic ideas for the glory of the Army, and protection of the American Nation. Some of the men who participated in that expulsion are still high up in the Army, and the question in my mind is: Have the Army officers who saw no good in his suggestions seen the actual result of Hitler's use of the airplane just as Billie Mitchell saw years ago it could and would be used? The French General Staff committed the same blunder in 1934. When Captain De Gaulle published his book on Mechanized Warfare they paid no attention to it. The Germans saw the book, picked it up, and followed it ardently in developing and using his mechanized army ideas—with what results the world knows. Captain De Gaulle sent a long memorandum to General Gamelin last January pleading for more, bigger, better, and faster and better-armored tanks. He got a rebuke from the dormant General Gamelin for his pains. His enterprise would have saved France if it had been heeded.

What does it take to wake men to facts which they had rejected, and how wide awake are these officers at present? I suggest all of this, not to hurt any man in the Army, but rather to encourage awakening an enterprise and approach to some method of discovering the best men in the Army for promotion, because upon army leadership depends the success of every army.

I have nothing against line promotion, but I insist it must not be so rigid as to prevent the promotion of the abler men in the Army. We need them in the Army, and I repeat there are plenty of them. I could point out a few of them myself.

I understand why some of the Regular Army officers may favor conscription. It is so perfectly simple and easy to reach out and take the number they want. But your duty and mine, my colleagues, goes much farther than that. We must first decide that that method is necessary; whether it is in keeping with the oldest and best traditions of our country—whether it cannot be done in another way much more acceptable to the American people—whether voluntary enlistment would not much less disturb the economy of the country; whether voluntary enlistment may not provide at least temporarily the very thing we most need and must certainly have—a sufficient reserve army to meet all emergencies hereafter. We must not fail in this regard as I shall later point out.

We are promulgating this whole enormous preparedness program to make democracy secure on the Western Continent. We must therefore apply the rule of democracy—that is—to

do this as the people want it done; and they surely do not want conscription in peacetime, if men can be had otherwise, and they certainly can, as I have pointed out.

The whole discussion over conscription is one of opinion. Only by trying out voluntary enlistments under a 1-year term can anyone say with any certainty whether voluntary service can meet the requirements or not. With all due respect to our Chief of Staff, the guess of General Marshall on that subject is no better than any intelligent Congressman who knows the sentiment of their districts, as most of them do.

This preparedness program must be a preparedness in the best interest of all the American people—not to the special advantage of any group. The objects must be purely national objects—those objects in behalf of which the American people have always been willing to fight and die, when necessary. It must guarantee liberty and equality; it must look constantly to better living conditions; to the realization of the aspirations of the spirit of America; it must anticipate all those blessings for which men have dreamed and dared throughout the ages; it must give expression to them as a guide and assurance to those unfortunate peoples who seem doomed again to go through revolution and bloodshed to attain what we so long ago established and have for so long maintained in America. [Applause.]

AN AMERICAN SCHOOL ARMY

Our Regular Army officers have never been able to provide for a reserve army of any importance. Yet they cannot fail to know that that is the only kind of an army of sufficient number to make America safe that even this rich country can afford. I do not criticize our Army officers nor charge this failure to them. It is, in fact, the failure of the peace-loving American people themselves to fully comprehend the dangers that beset our great rich country. We have been content to live under the saying of a famous foreigner:

The Lord protects drunk men, fools, and the United States.

We have been going along happily all these years until some great emergency arises. Then we wake up, rub our eyes, and set about meeting an emergency that need not exist and go on for years paying the huge bills for what a little foresight and a small amount of money would have prevented. Primarily America must learn the necessity we are under of planning ahead, and by that means prevent the necessity for emergency legislation along any and every line by preventing the emergency itself. We can and we must do that.

There was absolutely no excuse for the emergency created by the terrible panic of 1929, because we could have prevented that panic. If we had done so we could have prevented the loss to the American people of no less than $300,000,000,000. If we had been prepared as we certainly should have been with proper army and navy in 1914, it is very generally admitted we would not have gone into the World War in 1917. The emergency resulting from that wretched unpreparedness has already cost us $57,000,000,000 and will ultimately cost us seventy-five billion, and an unestimatable amount of human suffering. The present emergency that it is absolutely necessary to meet to certainly keep us out of war this time, before it is over will cost us another $20,000,000,000. And it will be cheap at that if we awaken to the terrible unnecessary costs which every emergency compels us to make.

It is in the hope that this House and the country at large may be ready and willing to seriously consider and seek a remedy for the continuous military unpreparedness which has so greatly endangered us and cost us so dearly, that I am calling this matter to your attention. To give this subject the study and consideration it deserves is the paramount duty of this body and the American people whom we represent.

On Friday, November 3, 1939, with the unanimous consent of this body, I inserted in the CONGRESSIONAL RECORD, a bill to establish and maintain the American school army, and to organize and equip the American reserve army. I wrote that bill in the early part of 1916, at the request of Senator Chamberlain, of Oregon, then the chairman of the Senate Military Affairs Committee. It was the result of a series of articles from my pen which appeared in Harper's Weekly between November 20, 1915, and May 13, 1916. All those articles including President Wilson's commendation of the idea is in the CONGRESSIONAL RECORD of November 3, 1939.

At my own expense I had the copy of the original bill, all the articles, comments, and resolutions printed in the CONGRESSIONAL RECORD, reproduced in a small pamphlet and sent to all the Members of Congress, and to 5,000 military men, educators, and thinkers in the country. I regretted my financial inability to go further in that publication. I have rewritten and reintroduced the bill above referred to, H. R. 10105. I am calling for a hearing on the bill by the Committee on Military Affairs of the House that its technical failings may be remedied, and the idea may be presented in its most practical form.

The basis of the bill is this: After making war under many conditions and over many years in many European armies, it was discovered that a man who had become a thoroughly trained, well-seasoned soldier, never lost that disipline and even after many years out of army life on being recalled to service he did in a few days' time enter fully into his former ability as a fighting man. The cost of maintaining large numbers of men constantly in service—that is in what we now know as a Regular Army—was so great as to be impossible. So the reserve army was developed over other many years in various and finally in all European countries except Great Britain.

By trying many ways and lengths of time it was found that it required 2 years of actual army training to prepare men for the best soldiers under European army conditions.

I had excellent opportunity during my Heidelberg days to observe the German Army in the making. During that period and for all the years since I have probably given more thought to the study of a reserve army for America than to any one subject outside of the very necessary thought of making a living.

The idea of the American school army is to permit boys from 15 to 18 years to volunteer into the American school army for a 3-year period. Upon graduation these then grown men are to remain—what every man in America is all his life anyway—a Reservist subject to call. The 3 years in the school army is devoted about 2 hours daily to military development and the rest of the time to study along any course the cadet may desire, with provision for giving scholastic credits for entry into college or university after graduation. Each cadet must work with his hands along mechanical lines to fit him for industry after graduation. And this will be largely attained through his military training with the mechanized army equipment of the future. The actual schooling is to last 9 months in each year. Then for 3 months, including a short furlough home, these school Army cadets are to assemble in large Army units for such field maneuvers as would perfect them in soldiering for actual warfare which would never come, as soon as we have 2,000,000 of them educated and trained as soldiers to defend their country and as citizens to serve it in industry, in making homes, and living the full American life. There are many other advantages in this system of training which time prevents my here setting out.

And last but not least, we can educate, train, equip, and have always available 2,000,000 of the best Reservists in the world for one-tenth the cost we are paying for these emergency preparations. If we had started this American school army immediately following the World War we would now have 2,000,000 highly trained soldiers and would not have a tremor of fear for the present nor the future safety of our country. It is not only worth our thought, but is encumbent upon us to adopt this or some better plan for a reserve army.

The SPEAKER pro tempore. Under a previous special order of the House, the gentleman from North Dakota [Mr. BURDICK] is recognized for 15 minutes.

WHAT HAS BECOME OF OUR TWO-PARTY SYSTEM?

Mr. BURDICK. Mr. Speaker, before the Republican Convention at Philadelphia on the floor of this House I predicted the nomination of Willkie and the end of the Republican Party. At least the first prediction came true, and I have

every reason to believe that the second prediction will be fulfilled. Being a nonpartisan, I have been able to notice the disintegration of both parties. I have as much confidence in one as the other. In other words I would not trust either of them. Until the voters of the Nation can go to the polls and vote their convictions instead of following party lines, we will not be able to operate this democracy efficiently.

What is the situation with regard to the two great parties in the United States? The Republican Party was so near its final demise in 1932 that it could not be revived. The Republican leaders tried hard to revive it in 1936 and scored the amazing triumph of securing only 2 States out of 48. After that it continued to sink lower and lower and there seemed no power available to bring back a spark of life that would win in 1940 even as much as it won in 1936. A transfusion was ordered; it was apparently necessary; so the convention at Philadelphia injected a good, live blood stream from Tammany Hall of New York. This blood transfusion was recommended by the leaders of the large corporate interests of the United States. Willkie, a Tammany Democrat, was nominated as the leader of the Republican Party. The party is no longer Republican but more Democratic in its complexion than anything else. Thus the Republican Party is still a name, but its real life is inspired by Wendel Willkie, Al Smith, Raskob, and other outstanding Democrats of 1932.

The Republican membership can take it as it is or take nothing. No great damage will be done in any event, for the party was as dead as a mackerel before this transfusion, and if it can survive at all and make any noticeable score in the fall election it will be all to the good.

Turning now to the Democratic Party, we can all remember that it was ushered in like a whirlwind in 1932, led by Franklin D. Roosevelt. The victory was due more to the personality and driving ability of Franklin D. Roosevelt than it was to the efficiency of the Democratic machine. Before the administration got started the President found there was not sufficient material in the Democratic ranks to fill the high places of Government. The Democrats could well administer the post offices, take the census, and fill the lower grades of public service, but the President had to perform a transfusion on the first day of his term of office. He transfused by naming a Republican Secretary of the Interior and another Republican as Secretary of Agriculture. The Democratic Party went ahead with noticeable vigor and in 1936 made an almost clean sweep of the election. After that the party began to sink gradually because of a lack of material in its own ranks to fill the offices of Government.

The President understood the nature of the malady and called for another transfusion, this time a double one. He named a Republican Secretary of War and named a Republican Secretary of the Navy. While the party is still called the Democratic Party, it is more Republican than anything else. The Democratic voters can take this Republican-operated Democratic Party as it is or they can take the Democratic-operated Republican Party. Any way a voter turns he can have what he wants and at the same time fail to get it.

The general mass of the voters should not and probably will not wail very audibly if neither the Republican nor Democratic Party, as such, ever again appear on the political horizon, for neither has kept faith with the people. It will be a hard blow to such stanch Democrats as Vice President GARNER to witness the Republicanization of the grand old Democratic Party, but he can at least take consolation in the fact that such stanch Republicans as the gentleman from New York [Mr. TABER] will have to witness the Democratization of the grand old Republican Party, and he will probably experience a deeper sorrow when he realizes it was Tammany Hall that robbed him of the lifelong membership in the Republican Party.

In the coming campaign the issues are as confused and interlaced as much as party lines have been obliterated. The Republican-Democratic Party believes in trade agreements that rob our farmers of a market; the Democratic-Republican Party believes in the same thing; the Republican-Democratic Party believes in being unneutral and in assisting England in any way we can short of war; the Democratic-Republican Party believes in the same thing, only more so. Neither is willing to take the stand that we should keep out of Europe and mind our own business. Each party believes in a draft of our citizens while there is no war in sight, and cannot be from the very nature of things. Each party is willing to bleed the people white in taxes to support millions of men in arms, when most everyone knows that our next war, if we have one, will be fought with scientific devices and not by men armed with guns.

The names of these parties are so similar and their views so similar that the two cross-breeds should hold another convention and select a candidate for President by acclamation. It would save the expense of an election, and the result would be the same.

North Dakota went into this blood-transfusion business in a half-hearted way, four delegates voting for the Democratic candidate and four for the Republican candidate. If the delegates were undecided then in their views, they probably will be when the election takes place, and, candidly, I do not knew whether the voters in North Dakota will go Democratic-Republican or Republican-Democratic. If either side will bring up just one single issue of importance upon which they differ, we may brighten up and have a campaign. As it stands now, the people of the United States do not know whether they are going to get straight republicanism, straight democratism, or a mixture of both, or nothing of either. Anyway, I am running for office myself, and hence will have to take my medicine this time—out of which bottle I do not know. There are the bottles—Democratic-Republican and Republican-Democratic. The ingredients are the same; the effects will be the same; but no cure in either. I presume the thing I will do finally is to reach for the cleanest-looking bottle.

The strongest defense we can build in this country is unity of action. Labor has its place; capital has its place in our scheme of government. Private enterprise and Government activities should cooperate, not only in peacetimes but in wartimes; it is essential.

It is well for those directing large capital interests to remember that throughout the world capitalism is on trial. In many countries it has already been condemned and executed. This result came naturally from the fact that capitalism took too much from the people and left the people too little. There capitalism forgot to serve the people but exploited them. Capitalism in the United States has exploited the people, through special legislation and through the purchase of natural resources, which never should have been sold to private interests. In a time like the present capitalism should remember the fate of this institution in other lands, and so arrange their business here as to make capitalism and democracy work together.

Just the moment enough of our citizens cannot bear the tolls taken by capitalism a revolt will occur in this country, as well as in any country; when that time comes, the revolt will sweep all before it—the good and the bad—and in the end individual liberty will be lost in the madness of destruction.

This country should remain liberal, but the times point to the destruction of liberal views and the replacement by ultraconservative views. Should the process be carried far enough, the result will be disunion. Disunion means defeat. France is an immediate example. Three years ago France was a liberal nation, but the movement set in to oust all liberals and supplant them with ultraconservatives. This process went ahead unabated until liberals were arrested, cast into prison, and free speech was crushed. France was in a state of disunion before the Germans set foot on French soil. The advance of the German Army was easy when the only resistance was a disunionized France.

If we can in the United States make capitalism work to the benefit of all citizens in the Union, and bring to the people service instead of exploitation, then capitalism and democracy will survive. Should capitalism, in its arrogance of

wealth and power, attempt to force the people to maintain the Government, that will fail. The people of the United States are too familiar with the Declaration of Independence to permit the power of wealth to enslave them.

Since we now have a new realinement of parties in the United States, we are in position to do independent thinking, and our purpose and aim as a body of citizens should be to bend every effort to make our democracy work out to the best interest of all, and our second aim should be to take away from any person, or corporation, or other artificial person, any special privilege that permits him to deny the right to life, liberty, and the pursuit of happiness to the humblest citizen in the Union.

When democracy begins to work in that fashion, we shall be united and then do not need to fear any power or combination of powers on this earth.

So, whether we vote Democratic-Republican or Republican-Democratic, we can all be united on maintaining this democracy. [Applause.]

PERMISSION TO ADDRESS THE HOUSE

Mr. PATRICK. Mr. Speaker, I ask unanimous consent that on Thursday next, after disposition of matters on the Speaker's table and at the conclusion of any special orders heretofore entered I may be allowed to address the House for 25 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama [Mr. PATRICK]?

There was no objection.

EXTENSION OF REMARKS

Mr. SABATH. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the Record and to include a short editorial.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois Mr. [SABATH]?

There was no objection.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2644. An act to set aside certain land in the State of Oregon for park or summer camp purposes; to the Committee on Public Lands.

S. 2691. An act to designate the week of October 9 to October 16 each year as National American-Scandinavian Educational Week; to the Committee on the Judiciary.

S. 3163. An act to provide for a national cemetery in the vicinity of Portland, Oreg.; to the Committee on Military Affairs.

ENROLLED BILLS AND A JOINT RESOLUTION SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 719. An act for the relief of Francis G. McDougall;

H. R. 2278. An act for the relief of Carl Hurt;

H. R. 2490. An act for the relief of Fulton Combs;

H. R. 3992. An act for the relief of Frank Spears;

H. R. 5116. An act for the relief of Thomas Miralia and Betty Miralia;

H. R. 5254. An act for the relief of the captain and crew of the fishing boat *Unione No. 1*;

H. R. 5309. An act for the relief of Robert L. Taylor;

H. R. 5562. An act for the relief of Clyde E. Malle;

H. R. 6365. An act to correct the military records of DeRosey C. Cabell, McFarland Cockrill, James N. Caperton, Junius H. Houghton, Otto F. Lange, Paul B. Parker, James deB. Walbach, and Victor W. B. Ales;

H. R. 6740. An act for the relief of the estate of J. L. Fretwell;

H. R. 6823. An act for the relief of Wilson A. Kramer;

H. R. 7416. An act for the relief of Theodore R. King;

H. R. 7668. An act for the relief of Elizabeth Buxton Hospital;

H. R. 7679. An act for the relief of J. E. Dambach;

H. R. 7851. An act for the relief of certain disbursing officers of the Division of Disbursement, Treasury Department;

H. R. 7957. An act for the relief of Willie Perry;

H. R. 8028. An act for the relief of Zoe Hoyt Wagner and Io F. Hoyt;

H. R. 8091. An act for the relief of May C. Taylor;

H. R. 8217. An act for the relief of Thomas R. Fox;

H. R. 8246. An act for the relief of Clyde Caietti, a minor;

H. R. 8318. An act for the relief of the Charles H. Amos Handle Co.;

H. R. 8459. An act for the relief of Edna S. Gardiner;

H. R. 8504. An act for the relief of Dr. A. C. Wade;

H. R. 8666. An act for the relief of certain claimants on account of loss by fire for which the United States was adjudged liable;

H. R. 8774. An act for the relief of the widow of Donald D. Elliott;

H. R. 8946. An act for the relief of Rufus K. Sanderlin;

H. R. 9130. An act for the relief of Fred Shelton;

H. R. 9520. An act for the relief of Edward F. Higgins, postmaster, Great Neck, N. Y.;

H. R. 9571. An act to authorize the incorporated town of Sitka, Alaska, to purchase and enlarge certain public utilities and for such purpose to issue bonds in the sum of $200,000 in excess of present statutory debt limit;

H. R. 9828. An act to extend the times for commencing and completing the construction of bridges across the Monongahela River in Allegheny County, Pa.;

H. R. 10014. An act to amend the Transportation Act, 1920, as amended;

H. R. 10034. An act for the relief of certain disbursing officers of the Treasury Deepartment, the Department of the Interior, and the Army; and

H. J. Res. 472. Joint resolution to prohibit the sale or disposal of the United States customhouse for the city of Detroit.

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 3998. An act to increase the credit resources of Commodity Credit Corporation.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 58 minutes p. m.) the House adjourned until tomorrow, Tuesday, August 6, 1940, at 12 o'clock noon.

COMMITTEE HEARING

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(Wednesday, August 7, 1940)

There will be a meeting of the Committee on Immigration and Naturalization at 10:30 a. m. Wednesday, August 7, 1940, in room 445, Old House Office Building, for the consideration of refugee bills H. R. 10083, H. R. 8502, H. R. 8497, H. R. 10150, House Joint Resolution 580, and House Joint Resolution 581.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1863. A communication from the President of the United States, transmitting a supplemental estimate of appropriation, amounting to $1,100,000, for the fiscal year ending June 30, 1941, to remain available until expended, for the War Department, for payment of the share of the United States of the cost of alteration of bridges over navigable waters of the United States under the provisions of the act of June 21, 1940 (Public, No. 647, 76th Cong.) (H. Doc. No. 891); to the Committee on Appropriations and ordered to be printed.

1864. A communication from the President of the United States, transmitting two supplemental estimates of appropriations for the Department of State, for the fiscal year 1941, amounting to $305,500 (H. Doc. No. 892); to the Committee on Appropriations and ordered to be printed.

1865. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Treasury Department for the fiscal year 1941, amounting to $11,215,000 (H. Doc. No. 893); to the Committee on Appropriations and ordered to be printed.

1866. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of the Interior for the fiscal year 1941 in the amount of $33,000 (H. Doc. 894); to the Committee on Appropriations and ordered to be printed.

1867. A letter from the Administrator, Federal Works Agency, transmitting a draft of a proposed bill for the relief of J. L. Summers, deceased, former disbursing clerk, Division of Disbursements, Treasury Department; to the Committee on Claims.

1868. A letter from the Secretary of War, transmitting a draft of a proposed bill to authorize the sale, under the provisions of the act of March 12, 1926 (44 Stat. 203), of surplus War Department real property; to the Committee on Military Affairs.

1869. A communication from the President of the United States, transmitting a deficiency estimate of appropriation for the Department of the Interior for the fiscal year 1940, amounting to $3,000 (H. Doc. No. 895); to the Committee on Appropriations and ordered to be printed.

1870. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Federal Works Agency for the fiscal year 1941 in the amount of $322,000 (H. Doc. No. 896); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. COLMER: Committee on Rules. House Resolution 562. Resolution for the consideration of H. R. 10213, a bill to permit American vessels to assist in the evacuation from the war zones of certain refugee children; without amendment (Rept. No. 2815). Referred to the House Calendar.

Mr. McCORMACK: Committee on Ways and Means. H. R. 10181. A bill to amend the Tariff Act of 1930, as amended by section 34 (c) of the Customs Administrative Act of 1938 (U. S. C., 1934 edition, Supp. IV, title 19, sec. 1001, par. 1529 (a)); without amendment (Rept. No. 2816). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEROUEN: Committee on the Public Lands. H. R. 7346. A bill to vest absolute in the city of Dearborn the title to lot 19 of the Detroit Arsenal grounds subdivision, Wayne County, Mich.; without amendment (Rept. No. 2817). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROBINSON of Utah: Committee on the Public Lands. H. R. 8818. A bill validating certain conveyances heretofore made by Central Pacific Railway Co., a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain portions of right-of-way in the city of Tracy, in the county of San Joaquin, State of California, and in the town of Elk Grove, in the county of Sacramento, State of California, acquired by Central Pacific Railway Co. under the act of Congress approved July 1, 1862 (12 Stat. L. 489), as amended by the act of Congress approved July 2, 1864 (13 Stat. L. 356); without amendment (Rept. No. 2818). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROBINSON of Utah: Committee on the Public Lands. S. 3975. An act granting to certain claimants the preference right to purchase certain public lands in the State of Florida; without amendment (Rept. No. 2819). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEROUEN: Committee on the Public Lands. H. R. 9173. A bill for the protection of the water supply of the town of Petersburg, Alaska; with amendment (Rept. No. 2820). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEROUEN: Committee on the Public Lands. H. R. 10124. A bill to provide for a grant to the Richmond, Fredericksburg & Potomac Railroad Co. of a right-of-way across certain land owned by the United States; without amendment (Rept. No. 2821). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROBINSON of Utah: Committee on the Public Lands. H. R. 10176. A bill authorizing the Secretary of the Interior to issue patents for lands held under color of title; without amendment (Rept. No. 2822). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEROUEN: Committee on the Public Lands. H. R. 9942. A bill authorizing the Secretary of the Interior to issue to Henry W. Shurlds and Kate Shurlds White a patent to certain lands in the State of Mississippi; without amendment (Rept. No. 2823). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEROUEN: Committee on the Public Lands. H. R. 9943. A bill authorizing the Secretary of the Interior to issue to Ruth Gainey Branscome a patent to certain lands in the State of Mississippi; without amendment (Rept. No. 2824). Referred to the Committee of the Whole House on the state of the Union.

Mr. SUMNERS of Texas: Committee on the Judiciary. H. R. 7737. A bill to amend the Judicial Code by adding a new section thereto, designated as section 266a, to provide for intervention by States and direct appeals to the Supreme Court of the United States in certain cases involving the constitutional validity of the exercise of any power by the United States, or any agency thereof, or any officer or employee thereof, and for other purposes; without amendment (Rept. No. 2825). Referred to the Committee of the Whole House.

Mr. SUMNERS of Texas: Committee on the Judiciary. H. R. 3233. An act to repeal certain acts of Congress (pocket vetoed); without amendment (Rept. No. 2826). Referred to the Committee of the Whole House.

Mr. BLAND: Committee on Merchant Marine and Fisheries. H. R. 10246. A bill to further amend the act of July 30, 1937, authorizing the conveyance of a portion of the Stony Point Light Station Reservation to the Palisades Interstate Park Commission; without amendment (Rept. No. 2827). Referred to the Committee of the Whole House on the state of the Union.

Mr. SUMNERS of Texas: Committee on the Judiciary. House Joint Resolution 257. Joint resolution proposing an amendment to the Constitution of the United States providing for national representation for the people of the District of Columbia; with amendment (Rept. No. 2828). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FAY:

H. R. 10287. A bill to increase the number of cadets at the United States Military Academy, to provide for graduation of the class of 1941 in February 1941, and to authorize an increase in the number of students from Latin-American republics at the United States Military and Naval Academies; to the Committee on Military Affairs.

H. R. 10288. A bill to increase the number of midshipmen at the United States Naval Academy; to the Committee on Naval Affairs.

By Mr. SABATH:

H. R. 10289. A bill to define "fifth column" activities and sabotage and to provide penalties and punishment therefor; to the Committee on the Judiciary.

By Mr. SECREST:

H. R. 10290. A bill to provide for a 1-year enlistment period for the Army, Navy, and Marine Corps, and to increase the minimum pay of enlisted men in the Army, Navy, Marine Corps, and Coast Guard; to the Committee on Military Affairs.

By Mr. VINSON of Georgia:

H. R. 10291. A bill to authorize the Secretary of the Navy to proceed with the construction of housing projects, and for other purposes; to the Committee on Naval Affairs.

H. R. 10292. A bill to increase the number of midshipmen at the United States Naval Academy; to the Committee on Naval Affairs.

By Mr. COLMER:

H. R. 10293. A bill authorizing the Secretary of the Treasury to convey a portion of the Lighthouse Reservation, Biloxi, Miss., to the city of Biloxi; to the Committee on Merchant Marine and Fisheries.

By Mr. SACKS:

H. R. 10294. A bill to give protection to home mortgagors who are required to render military or naval service during any national emergency; to the committee on banking and currency.

By Mr. MAAS:

H. R. 10295. A bill to amend the act of June 23, 1938, (52 Stat. 944); to the Committee on Naval Affairs.

By Mr. O'CONNOR:

H. R. 10296. A bill to repeal the act of June 20, 1936 (49 Stat. 1543); to the Committee on Indian Affairs.

By Mr. KEE:

H. R. 10297. A bill to legalize the construction by the Big Creek Bridge Co., Consolidated, of a bridge across the Tug Fork of the Big Sandy River at Nolan, W. Va.; to the Committee on Interstate and Foreign Commerce.

By Mr. VOORHIS of California:

H. J. Res. 589. Joint resolution to promote equality of treatment for agriculture and industry; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BELL:

H. R. 10298. A bill for the relief of William Thomas Moriarty; to the Committee on Military Affairs.

By Mr. BLOOM:

H. R. 10299. A bill for the relief of Mendel Hoffmann and his wife, Rosa Hoffmann; to the Committee on Immigration and Naturalization.

By Mr. BOEHNE:

H. R. 10300. A bill granting a pension to Emma Schmitt; to the Committee on Invalid Pensions.

By Mr. BUCKLER of Minnesota:

H. R. 10301. A bill granting a pension to Marion L. Sargent; to the Committee on Invalid Pensions.

By Mr. CROWTHER:

H. R. 10302. A bill granting a pension to Viola May Richardson; to the Committee on Pensions.

By Mr. DREWRY:

H. R. 10303. A bill for the relief of Virginia Bowen, Willie W. Hudson, and John L. Walker; to the Committee on Claims.

By Mr. GERLACH:

H. R. 10304. A bill authorizing the naturalization of Louis Labout, Jr; to the Committee on Immigration and Naturalization.

By Mr. HILL:

H. R. 10305. A bill authorizing the Secretary of the Interior to accept the final homestead proof submitted by Henry Martin Coffman; to the Committee on the Public Lands.

By Mr. O'CONNOR:

H. R. 10306. A bill declaring certain members of the Crow Tribe of Indians to be members of the competent class of members of such tribe; to the Committee on Indian Affairs.

By Mr. SMITH of West Virginia:

H. R. 10307. A bill for the relief of Kanawha Valley Coal Co.; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9097. By Mr. BOLLES: Petition of sundry citizens of Janesville, Wis., protesting against the United States entering any foreign war; to the Committee on Foreign Affairs.

9098. By Mr. HOOK: Petition of the Democratic County Committee for Gogebic County, Mich., favoring a 6-hour day for private industry with shorter hours, if necessary, in order to place all employables in private industry; to the Committee on Labor.

9099. By Mr. LUTHER A. JOHNSON: Petition of H. F. Mace, chairman, Mexia Chamber of Commerce Airport Committee of Mexia, Tex., favoring House bill 10067, civil-airport assistance bill; to the Committee on Interstate and Foreign Commerce.

9100. Also, petition of Hon. J. L. Gammon and S. T. Brewer, of Waxahachie, Tex., concerning Senate bills 3920 and 3925 and House bills 9706 and 10082; to the Committee on Interstate and Foreign Commerce.

9101. By Mr. MICHAEL J. KENNEDY: Petition of railway labor executives, relative to the bill to amend the Railroad Unemployment Insurance Act; to the Committee on Interstate and Foreign Commerce.

9102. Also, petition of Fur Floor and Shipping Clerks' Union, opposing Burke-Wadsworth compulsory military training bill; to the Committee on Military Affairs.

9103. Also, petition of the National League for American Citizenship, Inc., urging that everything short of war be done to aid Britain, particularly the sale to Britain of over-age but recently reconditioned destroyers; to the Committee on Foreign Affairs.

9104. Also, petition of the Association of Ex-Members of Squadron A, New York City, that the principle of universal compulsory military training be adopted and, in time of war, universal selective service, as the only measures that will suffice for the protection of the United States; to the Committee on Military Affairs.

9105. Also, petition of Bakery and Confectionery Workers International Union, Local No. 1—900 members affiliated with the American Federation of Labor—opposing any and all kinds of measures providing universal military conscription in times of peace; to the Committee on Military Affairs.

9106. Also, petition of the United Federal Workers of America on behalf of the window cleaners employed in the custodial service of the New York post office and urging that the laws governing compensation to window cleaners suffering injury or death while engaged at their work be amended so as to provide the awarding of compensation for injury or death regardless of the circumstances causing such an accident; to the Committee on Claims.

9107. Also, petition opposing the Burke-Wadsworth conscription bill as unfair to those who will be called away from their normal pursuits and jobs to train for the wage of $21 per month; to the Committee on Military Affairs.

9108. Also, petition of the New York Credit Men's Association, opposing liberalizing payments under the unemployment insurance laws until there can be sufficient experience under recently enacted legislation to determine upon safety of benefits provided under the present acts; to the Committee on Ways and Means.

9109. By Mr. LYNCH: Petition of the Greater New York Industrial Union Council, New York, N. Y., with respect to the protection of labor's rights in the program for national defense; to the Committee on Labor.

9110. By the SPEAKER: Petition of the official board of the Church of Christ, Woodbine, Iowa, petitioning consideration of their resolution with reference to the national defense program; to the Committee on Military Affairs.

9111. Also, petition of Washington Peace Mobilization, Washington, D. C., petitioning consideration of their resolution with reference to the national defense program; to the Committee on Military Affairs.

9112. Also, petition of the International Lions Club of Blount County, Maryville, Tenn., petitioning consideration of their resolution with reference to the national-defense program; to the Committee on Military Affairs.

9113. Also, petition of the Michigan district of the American Lutheran Church, Saginaw, Mich., petitioning consideration of their resolution with reference to war and foreign affairs; to the Committee on Foreign Affairs.

9114. Also, petition of Otto Melle, of Northwest Highway, Park Ridge, Ill., petitioning consideration of their resolution

with reference to war and foreign affairs; to the Committee on Foreign Affairs.

9115. Also, petition of William A. McAllister Post, No. 1608, Veterans of Foreign Wars, Miami, Fla., petitioning consideration of their resolution with reference to awarding of contracts; also the sale of supplies to any foreign power of material necessary for the proper equipping or maintenance of the armed forces of the United States; to the Committee on the Judiciary.

9116. Also, petition of Nehemiah Chapter, No. 5, and Isaiah Chapter, No. 5, by Salathiel Fraser, petitioning consideration of their resolution with reference to the people's program; to the Committee on Ways and Means.

SENATE

TUESDAY, AUGUST 6, 1940

(Legislative day of Monday, August 5, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

O God, who hast made of one blood all nations of men: Mercifully receive the prayers that we offer for our anxious and troubled world. Send Thy light into our darkness, and guide the nations as one family into the way of peace; and to those who by their counsels lead the peoples of the earth, grant a right judgment, that so through them and us Thy will may be done. Through Jesus Christ, our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Monday, August 5, 1940, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	Lee	Russell
Andrews	Downey	Lodge	Schwartz
Ashurst	Frazier	Lucas	Schwellenbach
Austin	George	Lundeen	Sheppard
Bankhead	Gerry	McCarran	Slattery
Barbour	Gibson	McKellar	Smathers
Barkley	Gillette	McNary	Taft
Bilbo	Green	Maloney	Thomas, Idaho
Bone	Gurney	Mead	Thomas, Okla.
Brown	Hale	Miller	Thomas, Utah
Bulow	Harrison	Minton	Tobey
Burke	Hatch	Murray	Townsend
Byrd	Hayden	Neely	Vandenberg
Byrnes	Herring	Norris	Van Nuys
Capper	Hill	Nye	Wagner
Caraway	Holman	O'Mahoney	Walsh
Chandler	Holt	Overton	Wheeler
Chavez	Hughes	Pepper	White
Clark, Idaho	Johnson, Calif.	Pittman	Wiley
Connally	Johnson, Colo.	Radcliffe	
Danaher	King	Reed	
Davis	La Follette	Reynolds	

Mr. MINTON. I announce that the Senator from North Carolina [Mr. BAILEY], the senior Senator from Missouri [Mr. CLARK], the Senator from Louisiana [Mr. ELLENDER], the Senator from Virginia [Mr. GLASS], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from South Carolina [Mr. SMITH], the Senator from Tennessee [Mr. STEWART], the junior Senator from Missouri [Mr. TRUMAN], and the Senator from Maryland [Mr. TYDINGS] are unavoidably detained from the Senate.

The PRESIDENT pro tempore. Eighty-five Senators have answered to their names. A quorum is present.

INTERVENTION BY STATES IN SUITS OR PROCEEDINGS IN UNITED STATES COURTS

The PRESIDENT pro tempore laid before the Senate a message from the House of Representatives, which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES,
August 5, 1940.

The House of Representatives having proceeded to reconsider the bill (H. R. 7737) to amend the Judicial Code by adding a new section thereto, designated as section 266a, to provide for intervention by States in certain cases involving the validity of the exercise of any power by the United States, or any agency thereof, or any officer or employee thereof, and for other purposes, returned by the President of the United States with his objections to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

Mr. CHANDLER. Mr. President, I move that the House message, together with the veto message of the President of the United States to the House of Representatives dated June 10, 1940, with the accompanying House bill 7737, be referred to the Committee on the Judiciary.

The motion was agreed to.

FINANCIAL AND OTHER DATA PERTAINING TO CERTAIN GOVERNMENTAL AGENCIES AND CORPORATIONS

The PRESIDENT pro tempore laid before the Senate a letter from the Acting Secretary of the Treasury, acknowledging the receipt of Senate Resolution 292 (submitted by Mr. BYRD and agreed to July 29, 1940), directing the Secretary of the Treasury to transmit to the Senate certain financial statements for the fiscal year ended June 30, 1940, of each of the agencies and corporations enumerated in Senate Resolution 150, Seventy-sixth Congress, first session, together with a copy of the last annual report of each of such agencies and corporations, and stating that the report called for would be transmitted to the Senate shortly after the beginning of the next regular session in January, which was ordered to lie on the table.

REPORTS OF COMMITTEES

Mr. JOHNSON of Colorado, as a member of the Committee on Military Affairs, submitted minority views on the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service, which were ordered to be printed in connection with Report No. 2002.

Mr. PITTMAN, from the Special Committee on Conservation of Wildlife Resources, to which was referred the bill (S. 2576) to authorize the expenditure of the receipts from migratory-bird and wildlife refuges or other areas or projects operated or controlled by the Bureau of Biological Survey, United States Department of the Interior, for the protection of such refuges, areas, or projects and the wildlife thereon, and for other purposes, reported it with amendments and submitted a report (No. 2003) thereon.

Mr. WALSH, from the Committee on Naval Affairs, to which was referred the bill (S. 4196) establishing overtime rates for compensation for employees of the field services of the Navy Department and the Coast Guard, and for other purposes, reported it without amendment and submitted a report (No. 2004) thereon.

Mr. WAGNER, from the Committee on Banking and Currency, to which was referred the bill (S. 4204) to provide for increasing the lending authority of the Export-Import Bank of Washington, and for other purposes, reported it with an amendment and submitted a report (No. 2005) thereon.

Mr. TAFT, as a member of the Committee on Banking and Currency, submitted the views of the minority on Senate bill 4204, supra, which were ordered to be printed in connection with Report No. 2005.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BURKE:

S. 4241. A bill authorizing the naturalization of Walter Wolfgang Vogl; to the Committee on Immigration.

By Mr. SLATTERY:

S. 4242. A bill for the relief of John Skura; to the Committee on Military Affairs.

By Mr. WALSH:

S. 4243. A bill to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the

claims of Allen Pope, his heirs or personal representatives, against the United States; to the Committee on Claims.

S. 4244. A bill to amend the World War Veterans' Act, 1924, as amended, to permit granting of insurance to certain officers in the active service of the Army, Navy, Marine Corps, and Coast Guard upon application within a period of 6 months after publication of premium rates; to the Committee on Finance.

S. 4245. A bill to authorize the Secretary of the Navy to establish certain naval hospitals;

S. 4246. A bill to provide for the appointment of certain persons as commissioned or warrant officers in the Naval Reserve, and for other purposes; and

S. 4247. A bill to repeal the first proviso to the appropriations for "Miscellaneous Expenses," as contained in Title I of the Naval Appropriation Act for the fiscal year ending June 30, 1941 (Public, No. 588, 75th Cong., 3d sess.); to the Committee on Naval Affairs.

By Mr. McNARY:

S. 4248. A bill for the relief of Thomas D. Durand; to the Committee on Military Affairs.

SELECTIVE COMPULSORY MILITARY TRAINING—AMENDMENT

Mr. BARBOUR submitted an amendment intended to be proposed by him to the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service, which was ordered to lie on the table and to be printed.

SUPPLEMENTAL APPROPRIATIONS FOR THE NATIONAL DEFENSE—AMENDMENT

Mr. ANDREWS submitted an amendment intended to be proposed by him to the bill (H. R. 10263) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 18, line 21, after the figures "$55,000", to insert a semicolon and the following: "For buildings and facilities on site No. 3 field, $1,500,000; for mat on Spencer Field, $300,000."

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed the bill (S. 1379) granting the consent of Congress to the Mackinac Straits Bridge Authority to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches thereto, across the Straits of Mackinac at or near a point between St. Ignace, Mich., and the Lower Peninsula of Michigan, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 53), as follows:

Resolved by the Senate (the House of Representatives concurring), That the secretary of the Senate be, and he is hereby, authorized and directed, in the enrollment of the bill (S. 1114) to extend the jurisdiction of the United States District Court, Territory of Hawaii, over the Midway Islands, Wake Island, Johnston Island, Sand Island, Kingman Reef, Kure Island, Baker Island, Howland Island, Jarvis Island, Canton Island, Enderbury Island, and for other purposes, to make the following changes, namely: On page 1, lines 7 and 8, of the engrossed bill, after "Howland Island", insert "and."

Amend the title so as to read: "An act to extend the jurisdiction of the United States District Court, Territory of Hawaii, over the Midway Islands, Wake Island, Johnston Island, Sand Island, Kingman Reef, Kure Island, Baker Island, Howland Island, and Jarvis Island, and for other purposes."

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 8181. An act to grant retirement benefits to Chinese, Japanese, and Hindu interpreters in the United States Immigration and Naturalization Service;

H. R. 8448. An act to provide for the extension of certain oil- and gas-prospecting permits:

H. R. 9041. An act to provide that assistant or deputy heads of certain bureaus in the Department of the Interior shall be appointed under the civil-service laws, and for other purposes;

H. R. 9122. An act to provide a mixed civil and criminal term of 2 weeks at Raleigh of the United States District Court for the Eastern District of North Carolina;

H. R. 9123. An act to approve Act No. 65 of the Session Laws of 1939 of the Territory of Hawaii, entitled "An act to amend Act 29 of the Session Laws of Hawaii, 1929, granting to J. K. Lota and associates a franchise for electric light, current, and power in Hanalei, Kauai, by including Moloaa within such franchise";

H. R. 9124. An act to approve Act No. 214 of the Session Laws of 1939 of the Territory of Hawaii, entitled "An act to amend Act 105 of the Session Laws of Hawaii, 1921, granting franchise for the manufacture, maintenance, distribution, and supply of electric current for light and power within Kapaa and Waipouli in the district of Kawaihau on the island and county of Kauai, by including within said franchise the entire district of Kawaihau, island of Kauai";

H. R. 9688. An act to provide for the advancement on the retired list of any officer of the Navy or Marine Corps retired pursuant to the provisions of section 13 or 15 (e) of the act of June 23, 1938;

H. R. 9952. An act authorizing the Indiana State Toll Bridge Commission to construct, maintain, and operate a toll bridge across the Wabash River at or near Mount Vernon, Posey County, Ind.;

H. R. 10061. An act to consolidate certain exceptions to section 3709 of the Revised Statutes and to improve the United States Code; and

H. J. Res. 467. Joint resolution to exempt from the tax on admissions amounts paid for admission tickets sold by authority of the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President-elect in January 1941.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the President pro tempore:

S. 3998. An act to increase the credit resources of Commodity Credit Corporation;

H. R. 719. An act for the relief of Francis G. McDougall;

H. R. 2278. An act for the relief of Carl Hurt;

H. R. 2490. An act for the relief of Fulton Combs;

H. R. 3992. An act for the relief of Frank Spears;

H. R. 5116. An act for the relief of Thomas Miralia and Betty Miralia;

H. R. 5254. An act for the relief of the captain and crew of the fishing boat *Unione No. 1;*

H. R. 5309. An act for the relief of Robert L. Taylor;

H. R. 5562. An act for the relief of Clyde E. Malle;

H. R. 6365. An act to correct the military records of DeRosey C. Cabell, McFarland Cockrill, James N. Caperton, Junius H. Houghton, Otto F. Lange, Paul B. Parker, James deB. Walbach, and Victor W. B. Ales;

H. R. 6740. An act for the relief of the estate of J. L. Fretwell;

H. R. 6823. An act for the relief of Wilson A. Kramer;

H. R. 7416. An act for the relief of Theodore R. King;

H. R. 7668. An act for the relief of Elizabeth Buxton Hospital;

H. R. 7679. An act for the relief of J. E. Dambach;

H. R. 7851. An act for the relief of certain disbursing officers of the Division of Disbursement, Treasury Department;

H. R. 7957. An act for the relief of Willie Perry;

H. R. 8028. An act for the relief of Zoe Hoyt Wagner and Io F. Hoyt;

H. R. 8091. An act for the relief of May C. Taylor;

H. R. 8217. An act for the relief of Thomas R. Fox;

H. R. 8246. An act for the relief of Clyde Caietti, a minor;

H. R. 8318. An act for the relief of the Charles H. Amos Handle Co.;

H. R. 8459. An act for the relief of Edna S. Gardiner;

H. R. 8504. An act for the relief of Dr. A. C. Wade;

H. R. 8666. An act for the relief of certain claimants on account of loss by fire for which the United States was adjudged liable;

H. R. 8774. An act for the relief of the widow of Donald D. Elliott;

H. R. 8946. An act for the relief of Rufus K. Sanderlin;

H. R. 9130. An act for the relief of Fred Shelton;

H. R. 9520. An act for the relief of Edward F. Higgins, postmaster, Great Neck, N. Y.;

H. R. 9571. An act to authorize the incorporated town of Sitka, Alaska, to purchase and enlarge certain public utilities and for such purpose to issue bonds in the sum of $200,000 in excess of present statutory debt limit;

H. R. 9828. An act to extend the times for commencing and completing the construction of bridges across the Monongahela River in Allegheny County, Pa.;

H. R. 10014. An act to amend the Transportation Act, 1920, as amended;

H. R. 10034. An act for the relief of certain disbursing officers of the Treasury Department, the Department of the Interior, and the Army; and

H. J. Res. 472. Joint resolution to prohibit the sale or disposal of the United States customhouse for the city of Detroit.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred as indicated below:

H. R. 8448. An act to provide for the extension of certain oil- and gas-prospecting permits; to the Committee on Public Lands and Surveys.

H. R. 8181. An act to grant retirement benefits to Chinese, Japanese, and Hindu interpreters in the United States Immigration and Naturalization Service; and

H. R. 9041. An act to provide that assistant or deputy heads of certain bureaus in the Department of the Interior shall be appointed under the civil-service laws, and for other purposes; to the Committee on Civil Service.

H. R. 9122. An act to provide a mixed civil and criminal term of 2 weeks at Raleigh of the United States District Court for the Eastern District of North Carolina; to the Committee on the Judiciary.

H. R. 9123. An act to approve Act No. 65 of the Session Laws of 1939 of the Territory of Hawaii entitled "An act to amend Act 29 of the Session Laws of Hawaii, 1929, granting to J. K. Lota and associates a franchise for electric light, current, and power in Hanalei, Kauai, by including Moloaa within such franchise"; and

H. R. 9124. An act to approve Act No. 214 of the Session Laws of 1939 of the Territory of Hawaii entitled "An act to amend Act 105 of the Session Laws of Hawaii, 1921, granting franchise for the manufacture, maintenance, distribution, and supply of electric current for light and power within Kapaa and Waipouli, in the district of Kawaihau, on the island and county of Kauai, by including within said franchise the entire district of Kawaihau, island of Kauai"; to the Committee on Territories and Insular Affairs.

H. R. 9688. An act to provide for the advancement on the retired list of any officer of the Navy or Marine Corps retired pursuant to the provisions of section 13 or 15 (e) of the act of June 23, 1938; to the Committee on Naval Affairs.

H. R. 9952. An act authorizing the Indiana State Toll Bridge Commission to construct, maintain, and operate a toll bridge across the Wabash River at or near Mount Vernon, Posey County, Ind.; to the Committee on Commerce.

H. R. 10061. An act to consolidate certain exceptions to section 3709 of the Revised Statutes and to improve the United States Code; to the Committee on Expenditures in the Executive Departments.

H. J. Res. 467. Joint resolution to exempt from the tax on admissions amounts paid for admission tickets sold by authority of the Committee on Inaugural Ceremonies on the occassion of the inauguration of the President-elect in January 1941; to the Committee on Finance.

ADDRESS BY SENATOR LUCAS IN ANSWER TO COLONEL LINDBERGH

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an address by Senator LUCAS on August 5, 1940, in answer to Colonel Lindbergh, which appears in the Appendix.]

DRAFT OF CAPITAL IN TIME OF WAR—ARTICLE BY MRS. ROOSEVELT

[Mr. LEE asked and obtained leave to have printed in the RECORD an article entitled "My Day" by Mrs. Eleanor Roosevelt, published in the Washington Daily News of today, which appears in the Appendix.]

ADDRESS BY COLONEL LINDBERGH AT CHICAGO

[Mr. LUNDEEN asked and obtained leave to have printed in the RECORD an address delivered by Colonel Lindbergh at Chicago on Sunday, August 4, which appears in the Appendix.]

ADDRESS BY FRED BRENCKMAN ON PRESERVING OUR AMERICAN HERITAGE

[Mr. BYRD asked and obtained leave to have printed in the RECORD a radio address delivered by Mr. Fred Brenckman, Washington representative of the National Grange, on the subject Preserving Our American Heritage, which appears in the Appendix.]

EDITORIAL FROM TIMES-HERALD ON SENDING DESTROYERS TO GREAT BRITAIN

[Mr. LUNDEEN asked and obtained leave to have printed in the RECORD an editorial from the Washington Times-Herald of today under the heading "Fifty Destroyers to Britain," and also the law prohibiting the sale of American ships to belligerent governments, which appear in the Appendix.]

IMPROVEMENT IN ECONOMIC CONDITIONS

[Mr. SCHWELLENBACH asked and obtained leave to have printed in the RECORD part of an article from the Washington Evening Star and part of a letter from the National City Bank of New York, relative to improved economic conditions in the United States, which appear in the Appendix.]

RELATIONS WITH JAPAN—ARTICLE FROM WASHINGTON TIMES-HERALD

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article from the Washington Times-Herald of August 5, 1940, entitled "We Have No Excuse for War With Japan," which appears in the Appendix.]

SOUTH AMERICA DOUBTS UNITED STATES POWER IN CRISIS—ARTICLE FROM WASHINGTON DAILY NEWS

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article from the Washington Daily News of August 5, 1940, by William Philip Simms, entitled "South America Doubts United States Power in Crisis," which appears in the Appendix.]

CAMPAIGN CONTRIBUTIONS

Mr. HATCH. Mr. President, according to the morning newspapers, Mr. Henry P. Fletcher, general counsel of the Republican National Committee, issues another amazing and astonishing statement in the light of the views he expressed in the legal opinion rendered by him to his committee concerning campaign contributions and which I put into the RECORD yesterday. Today's newspapers quote Mr. Fletcher as saying:

> The Republican committee has no intention of evading or skirting the law's provisions, but, on the contrary, we are leaning backward to observe its spirit and letter.

I shall not comment on Mr. Fletcher's remarks about the Attorney General and the President of the United States. Just now let us confine ourselves to the amazing legal opinion construing the so-called Hatch Acts and the equally astonishing statement of today. But here let me say that the same course I shall today lay out for the Republican Party I also lay out for the Democratic Party. There must not be one sauce for the goose and another for the gander. Republicans and Democrats alike joined in the passage of these laws. Good faith and integrity on the part of both parties require equal obedience and adherence to the measures for which they are equally responsible.

It is not my intention to cover today the ground I went over yesterday. It is not my intention to criticize or to condemn Mr. Fletcher today. I only repeat that in my opinion the strictly legalistic and technical construction of the law as given by the general counsel for the Republican National

Committee points the way definitely and certainly as to how a law enacted by the Congress of the United States may be evaded and avoided. He explains in detail and with great pains how the Bankhead amendment limiting individual contributions to $5,000 can be made absolutely meaningless and have its every purpose, principle, and intent utterly destroyed. His opinion on the $3,000,000 limitation likewise completely nullifies and destroys that limitation and makes it a thing of no value whatsoever.

In this connection, perhaps the most flagrant statement in the entire opinion is one which was read by me on yesterday but which I desire to reread today. I now quote from Mr. Fletcher's opinion:

> The existing Republican National Finance Committee may continue to function, giving advice and counsel, and will be in constant touch with State and local committees. It should not do solicitations for State and local committees or have detailed knowledge of their subscriptions.

Will Senators listen again to this rather amazing statement? Mr. Fletcher has already said that the national committee should not make solicitations, and then he adds, "or have detailed knowledge of their subscriptions." The chairman of the national committee is advising his committee that they must not have "detailed knowledge" of subscriptions to local and State committees.

Why is Mr. Fletcher so meticulously careful to say in his opinion that the national committee should not have "detailed knowledge" of subscriptions to local committees? There is a very definite reason for that statement in his opinion. It comes from the language of the act itself. I want to read it to Senators, and see whether Mr. Fletcher's statement today that his committee obeys the spirit and letter of the law is a correct statement; for this is what the act says. I read from section 21, the section relating to the $3,000,000 limitation upon both contributions and expenditures:

> For the purposes of this section, any contributions received and any expenditures made on behalf of any political committee—

That is, every political committee. It includes every local, State, and other committee named by Mr. Fletcher in his opinion yesterday. Every contribution or expenditure made by those committees—

> made on behalf of any political committee with the knowledge and consent of the chairman or treasurer of such committee shall be deemed to be received or made by such committee—

The national committee itself. The law says that if the national committee has knowledge of or consents to the receipt of contributions or the making of expenditures by the local committees, then those, ipso facto, become expenditures and contributions by the national committee and are within the $3,000,000 limitation; and that is the reason why Mr. Fletcher points out so carefully that the national committee must not have detailed knowledge.

Is that honesty? Is that integrity? Is that adhering to the spirit and the letter of the law, when he sends out word over the Nation, "Go ahead and collect contributions. Go ahead and make expenditures. We give you our consent to do that; but do not do it with our knowledge, or they become our contributions and our expenditures."

No wonder Mr. Fletcher advises that the national committee should not have "detailed knowledge of such contributions or expenditures"; and such advice and such interpretation Mr. Fletcher today says is leaning over backward to obey both the spirit and the letter of the law. Quite true, I think; the general counsel of the Republican Party did lean over, and leaned over so far that he fell with a crash, the sound of which I hope will resound throughout the Nation, and that never again will any party or public official advise how to evade and avoid the plain mandates of the law.

In the entire opinion, which I read yesterday, there was not a single line or word to indicate any conception of or respect for the principle that was sought to be written into the law. On the contrary, the whole opinion destroys every purpose of the act insofar as the limitations are concerned.

This open and flagrant disregard for law strikes at something far more serious than the campaign contributions themselves. We live in a day when governments are tottering and falling all over the world. In the totalitarian states respect for law and obedience to mandates of parliamentary bodies is unimportant, for in such states the word of the dictator or head of government is the law. He is not concerned with constructions or interpretations, but his word is final, and it is enforced with bayonets, concentration camps, and purges if necessary. In a democracy it is not so. Democracies rest upon respect for and obedience to the laws of the land. When that is gone democracy itself is gone.

We have had too much disrespect for law in America. We have had too much disrespect for our parliamentary bodies and the things they seek to do. There has been too much evasion of laws of every kind. The antitrust laws have been notoriously and openly violated for years and years in this country; and the very character of legal mind which devised the way to avoid the limitation on political campaign contributions likewise devised the ways to avoid the antitrust and other laws.

But it is not of these things that I want to talk today. I rose for a very definite purpose—to present to Mr. Fletcher and his committee a definite challenge. Today he says the Republican Party leans over backward and does not seek to avoid either the spirit or letter of the law; that it wants to adhere to it. I shall take him at his word, as I take Mr. Willkie at his word in his published statement of yesterday. I shall impute no evil motives to either one. My challenge is that no contributions for the national campaign be accepted by any local or State committee.

Let all contributions be made to, and all expenditures be made by, the national committee. That is the letter, that is the spirit of the law, and then they would come clearly within the $3,000,000 limitation. That was what Congress sought to do.

What I have said about the Republican Party I also say about the Democratic Party. The same challenge I give to the Republicans I likewise give to the Democrats. The same plan I submit for the Republicans I demand of my own party. Let there be no evasion; $3,000,000 is ample for either party to spend. For once in the history of this country, in the troubled times in which we live, let both major political parties render straightforward, honest, patriotic service. Let the law be obeyed.

Mr. President, it is not my purpose to stop with suggesting a plan as to how the law may be obeyed. It is my purpose to go further than that.

The provisions of the law which has just been enacted, and which relate to the making of political contributions, are not my handiwork. I did not draft them, but I am heartily in accord with everything sought to be done by those sections of the act. As I pointed out on yesterday, however, the provision relating to the $5,000 contribution is not in the form in which it was drawn by the Senator from Alabama [Mr. BANKHEAD]. An exemption was added to that section which, since reading Mr. Fletcher's opinion, seems to go much further than I thought it did. Mr. Fletcher may be wrong in his interpretation, but the matter ought to be clarified. The apparent loophole pointed out by Mr. Fletcher as to avoiding the $3,000,000 limitation should be plugged by law, and that should be done immediately.

The convention-book prohibition which Mr. Fletcher refers to in his article appearing in today's newspaper should likewise be made stronger in the law. Perhaps he did not know there is a section in the act which strikes at that evil and seeks to prevent it. That section was not written by me, but was written in the House of Representatives. I was glad to move to concur in the House amendment. While it prohibits buying such books, along with other things, no penalties are inflicted against the seller. That should be corrected.

On yesterday afternoon I had a conference with Attorney General Jackson about these matters. We both agreed that uncertainties in the act should be cleared up as quickly as

possible. I have on my desk at this time a letter from the Attorney General pointing out some of the uncertainties and suggesting proper amendments. Those amendments are now being drawn. Just as soon as the bill is prepared I shall introduce it and ask that it be referred to the Committee on Privileges and Elections, and I shall ask the chairman of that committee to call a meeting immediately, so that we may write into the law stronger provisions than now exist and erect barriers against any attempted evasions.

I shall now read the letter of the Attorney General. He says:

MY DEAR SENATOR HATCH: I call your attention to the opinion of Henry P. Fletcher, counsel for the Republican National Committee, published in the press of Sunday last, setting forth a comprehensive plan for an avoidance of the limitations placed by your act upon campaign contributions and expenditures.

Briefly, his plan is that, by first subdividing the activities of the party and then subdividing contributions to correspond with the organizational subdivisions, practically all limitation is avoided. It is his view that separate contributions are permitted for each candidate on a single party ticket, and separate contributions for each local committee, and separate contributions for clubs or special committees formed separately from the national committee.

I will say to Senators who are interested, there follows a very interesting observation the Attorney General makes about the plan set up by Mr. Fletcher in his opinion of yesterday. The Attorney General states:

Therefore he contends that by reorganizing a political party, so that, like a holding company, it will have many affiliates and subsidiaries, it can compel the courts to recognize each as a separate entity even if under a common control and working for a common purpose.

That is a very fitting and apt illustration of the plan evolved by Mr. Fletcher. The Attorney General continues:

Unfortunately there are no court opinions available to guide interpretation; and while I am confident that the Fletcher opinion is contrary to the spirit of the act, we cannot overlook the possibility that it might be accepted by courts, since they are obliged to construe a penal statute liberally in favor of the accused.

I do not need to point out to you that if the Fletcher plan is to stand, the hope of checking the power of money over American elections by means of the Hatch Act limitations is gone.

I agree thoroughly with that statement by the Attorney General; if that construction is followed any hope of avoiding the evils in elections, as contemplated by the act, is entirely gone.

The Attorney General continues:

I am in sympathy with every effort to curb the use of money in politics, and am unwilling to approve any plan which defeats the spirit of the act. But uncertainty as to meaning is always a serious obstacle to successful enforcement.

Since Congress is still in session there is time to take up these evasion plans announced by Mr. Fletcher and to outlaw each of them in explicit language.

Another difficulty exists in connection with the provisions forbidding the sale of campaign books, advertising space, etc. While the act provides penalties for those who buy books or advertising, we find no penalty for those who sell them. It is the sellers who systematically plan such devices and bring pressure on buyers to subscribe. If we are to be successful in going before juries to punish those who buy, we must also be authorized to include in the proceedings those who sell.

With that thought I am in hearty agreement and in hearty accord. The Attorney General continues:

Those in the Department who are now engaged in preparing a circular of instructions to United States Attorneys for the enforcement of this act insofar as it is enforceable by us will be glad to give you or any committee any assistance if you see fit to meet these situations by amendment.

As to that I have already seen fit to act, and have asked the Attorney General to work on the amendments, and that is now being done. The letter concludes:

Meanwhile, if the act is to stand as at present, the Department of Justice will of course make every effort to enforce those provisions that fall within its jurisdiction.

Sincerely yours,

ROBERT H. JACKSON,
Attorney General.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. NORRIS. There is a very beautiful principle enunciated in the letter, with which we would all agree, but there is, I think, a practical difficulty in providing by law for the punishment of those who sell books and advertising space as well as those who buy. I think that as a practical proposition, if we are to prosecute those who sell, it would happen very often that we would be dependent upon the evidence of those who bought, and, on the contrary, if we were going to prosecute those who bought, we in many cases would be confronted with the fact that we could not obtain a conviction unless we had the evidence of those who sold.

Mr. HATCH. I quite agree with the practical suggestion of the Senator from Nebraska.

Mr. NORRIS. The danger is that in trying to be inclusive we will make it impossible for the prosecution to obtain the evidence to convict any one.

Mr. HATCH. That is a very practical suggestion which will have to be considered, of course.

Mr. NORRIS. Will the Senator let me add one further thought?

Mr. HATCH. I am very glad to yield.

Mr. NORRIS. It is well known, of course, especially well known by lawyers, that a man cannot be compelled to testify if his evidence would tend to incriminate him. That is what I was thinking of when I offered my suggestion.

Mr. HATCH. I understand the Senator's point, and I think it is a very practical suggestion which must be considered.

Mr. President, whether or not we are successful in adopting the amendments I have suggested, let that be no excuse for violating or evading the law. Let the law be obeyed exactly as Mr. Fletcher today says the Republican Party desires to obey it. Let both the spirit and the letter, and also the purpose of the law as it was intended, be adhered to with the devotion, fidelity, and respect which all laws should receive.

The plan I have submitted is simple, it is easy to follow. There need be no splitting of hairs or strained construction or circuitous routes. It is a straightforward plan of obedience to law. It is a definite and positive challenge. Will the Republican Party accept that challenge? I wonder.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. BYRNES. The statement of the Senator from New Mexico with reference to the interpretation placed upon the Hatch law by the counsel of the Republican Party, and his fear that certainly the spirit of the law is to be evaded by the Republican Party receiving enormous contributions and having such contributions given to State, county, or local committees, is more than a mere suspicion. I wish to have read by the clerk a letter I have today written to the chairman of the Senate committee charged with the investigation of campaign contributions, because I believe it will show the wisdom of what has just been said by the Senator from New Mexico. I ask that the letter be read.

The PRESIDENT pro tempore. Without objection, the clerk will read.

The legislative clerk read as follows:

UNITED STATES SENATE,
COMMITTEE ON APPROPRIATIONS,
August 5, 1940.

Hon. GUY M. GILLETTE,
Chairman of Committee to Investigate Compaign Expenditures, Washington, D. C.

DEAR SENATOR: I request that you investigate what appears to be an effort on the part of some corporations to force employees to contribute to the campaign fund of the Republican Party.

The S. S. Kresge Co., through its vice president and treasurer, Carl B. Tuttle, has distributed to its employees a letter, reading as follows:

"JULY 5, 1940.

"FELLOW EMPLOYEES: I hope you will consider this neither a 'touch' nor a command, but a privilege you may still enjoy as a free American citizen.

"We believe every man who has had steady employment during these past 7½ years, and who has seen the national debt mount from $22,500,000,000 to $50,000,000,000, admitted, and probably much more, will want to take definite action, both in a financial and active manner, to help in the election this fall of Wendell Willkie. The stage is set for a complete upset of the dictatorial administration of Roosevelt, and unless we remove him, in my opinion, we shall need a receiver rather than a President.

"To finance a national campaign of this magnitude requires a very great amount of money, and Mr. Willkie will not be in a position to demand a week's salary from everyone on the Government pay roll, or dole—so it's up to folks like you and me to foot the bill.

"There is also a big job to be done in getting the right men in Congress—for without a sufficient number of sound-thinking Representatives and Senators, a President is severely handicapped. Witness the Hoover administration.

"I have the backing of our officers in this undertaking, and fully anticipate their cooperation. You know corporate contributions are illegal, and we obey the laws. As a starter I will head the list with $1,000 and double if necessary.

"What is it worth to you?

"C. B. TUTTLE.

"CBT:LS.

"Make all checks or money orders payable to C. B. Tuttle, trustee."

One employee who received this letter states:

"Enclosed is a letter sent to me by my employer (S. S. Kresge Co., Detroit), signed by C. B. Tuttle, who is an officer of the company.

"I do not approve of this method of sandbagging voters who are an employee of a company. There should be a means of stopping this kind of thing.

"This company does not appreciate what the present administration has done for them. This method of pushing will not be accepted by a few in this company, but on the other hand it is a deciding factor for a great number. Let us stop this."

Upon inquiry I was advised that the letter was sent to all employees in the administration building in Detroit, or more than 600 persons, and it is assumed has been or will be distributed to the approximately 40,000 employees in the more than 700 stores of this corporation. The letters were not sent through the mail, but were distributed by company messengers in envelopes usually used to send communications to store managers. The name of the employee does not appear on the letter, but does appear on the envelope. I have one of the envelopes which I will be glad to show you. I would ask that the name be held in confidence, because I fear the employee would lose his job if his name were disclosed.

When the vice president and treasurer asks, "What is it worth to you?" the employees know that it is worth their jobs to refuse to contribute. They believe their chances of promotion depend upon the amount they pay Tuttle.

Your committee is directed to investigate and make recommendations as to legislation. While this is the only corporation as to which I have proof, I fear others are resorting to similar methods. I therefore suggest that you investigate and consider recommending legislation at this time. If the contribution forced from the employee reduces his wages below the standard of the wage and hour law, does it constitute violation of the law?

While Mr. Willkie is piously professing that he wishes to restrict contributions, his corporation friends are coercing their employees. Ordinarily giving publicity to action of this kind would result in the public forcing an abandonment of such coercion, but this corporation advertises extensively and some newspapers may not publish the story.

C. B. Tuttle, the man who makes this demand upon employees for contributions, received from S. S. Kresge Co. as vice president and treasurer in 1939 a salary of $89,250. The employees of this company receive small salaries. They should by law be given some protection against such efforts to take from them part of the little compensation they receive. We have by law prohibited anyone from collecting campaign contributions from relief employees. We have sought to protect other Government employees by prohibiting solicitation of employees on the property of the Government, and by those holding positions of authority. We should not permit the S. S. Kresge Co., or any other corporation, to force money from poorly paid employees to help elect the president of the Commonwealth Southern Utilities Corporation, or any other man, President of the United States. In the words of the wage earner who received the letter, "Let us stop this."

Respectfully yours,

JAMES F. BYRNES.

Mr. BARKLEY. Mr. President, will the Senator yield to me to ask a question of the Senator from South Carolina?

Mr. HATCH. I yield to the Senator from Kentucky.

Mr. BARKLEY. I note that that letter signed by Mr. Tuttle, addressed to the employees of the S. S. Kresge Co., is signed as "Trustee." Does the letter indicate that he is trustee of the S. S. Kresge Co., or of the Republican Party?

Mr. BYRNES. Mr. President, I do not know what the word "trustee" means. I wanted to call this letter to the attention of the Senate committee charged with the investigation of campaign expenditures, and I wanted to do it now, while we are still in session. If Members of the Senate will note the language of the letter of the vice president and treasurer of this great corporation——

Mr. MINTON. Mr. President, will the Senator yield to me at this point to comment on the question asked by the Senator from Kentucky?

Mr. HATCH. I yield to the Senator from Indiana.

Mr. MINTON. I wished to interrupt the Senator from South Carolina simply to make a remark on the meaning of the word "trustee." I think the explanation is that if the employees trust Mr. Tuttle to receive and hold this money which they are asked to contribute to Willkie's campaign fund they can also trust Mr. Tuttle to keep them in their jobs.

Mr. BYRNES. Yes. I wish to bring to the serious attention of the Senate, first, a few of the statements contained in this letter. In the closing paragraph this official says:

You know corporate contributions are illegal, and we obey the laws.

The word "corporate" is underscored in the letter. That means simply this: By law we prohibit the corporation from going down into the treasury and taking the money, the profits of the company, and contributing it. When we do that, who are we saving? We are saving the stockholder, the man who has money to invest. But this official says: "We will obey the law." He did not intend to do it, but he points out, "We are prohibited from making corporate contributions," and then proceeds to call on poorly paid men and women throughout the Nation to take from their little wages and contribute to the election of a President.

There are 40,000 employees in this company. Mr. Tuttle says, "I shall start with $1,000, and I will double that amount if necessary." "What is it worth to you?" he asks the little girl behind the counter in any one of the company's stores throughout the Nation. She knows what that means. She knows that if she does not contribute it is worth her job. If on the average they get $20 from each of the 40,000 employees, there would be contributed $800,000 from one corporation alone. And yet the high priest of the party says, piously, "We must not raise more than two and one-half million dollars."

Should one corporation be permitted to collect one-third of that amount? Oh, the Senator from New Mexico is correct. No matter what party it is, it is all right for it to win an election, but it is not right for it to buy an election. If this early in the campaign, in August, one corporation can demand of its employees, "What is it worth to you? Come across," every employee knows that if he does not come across he is likely to lose his job. If he does come across, his chances of promotion are dependent upon the amount of his contribution. If we cannot prevent corporate contributions, we can give serious consideration at this time to some plan to prevent a corporation from levying in this way upon its employees.

How will that contribution be listed? Will the individual names of the employees be listed? To whom will this one-half million dollars or more in contributions taken from the poorly paid employees of this great department-store chain be contributed? To the national committee? To the State committee? Can they under the interpretation of the counsel of the party distribute it around? If other corporations follow that practice, we will have an election the like of which has never before been seen in this country, when men at the head of great corporations, using their power, will seek to accumulate a fund, to be used, I am fearful, not for proper purposes.

Mr. TOBEY. Mr. President, will the Senator from New Mexico yield to me?

Mr. HATCH. Yes; I yield to the Senator from New Hampshire.

Mr. TOBEY. I wish to say to the distinguished Senator from South Carolina that I, as a Republican, share his feelings as to the enormity of pressure being put upon employees of any sort in any attempt to secure campaign contributions for any candidate of any party. It is reprehensible, and every right-thinking American will denounce it. But I also recall to him—and it may be that in his earlier days he was perhaps more familiar with it than he is in his later days—a passage from Holy Writ admonishing, "He that is without sin among you, let him first cast a stone."

Mr. President, my mind goes back to a time only 2 or 3 years ago when on the floor of this Chamber and throughout the country there were revelations of what occurred in the 1936 and 1938 campaigns in many States, including my own

State of New Hampshire, of pressure being put, not upon employees of a corporation like the Kresge Co., but upon the poor, humble W. P. A. workers, to "Come across and aid this New Deal campaign or lose your job."

Let us be minded wholly of the principle and not its application to any individual party.

Mr. HATCH. I wish to answer the Senator from New Hampshire on that point. The Senator from New Mexico introduced a bill prohibiting the evil which the Senator from New Hampshire is talking about. The Congress passed that bill, and the very evil the Senator today denounces is a violation of law.

Will the Senator from New Hampshire introduce a bill today striking at the evil the Senator from South Carolina has just pointed out? Will he support such a measure?

Mr. TOBEY. You bet your life I will. I should like nothing better. I hate this evil just as much as does the Senator from New Mexico.

But I come back to my original thesis, that the Democratic Party is just as guilty as the Republican Party in connection with the damnable, corrupt situation that existed 2 and 4 years ago, when demands for contributions were made on the poor humble W. P. A. workers. It stands of record, sir, that that was done despite the law.

Mr. BYRNES. Mr. President, will the Senator from New Mexico yield?

Mr. HATCH. I yield.

Mr. BYRNES. As the Senator from New Hampshire first directed his question to me, I wish to make a statement because I share the views he expressed about the W. P. A. workers. I was chairman of the Committee on Unemployment, of which the Senator from New Mexico was a member. I recommended in the report I submitted to the Senate that the Congress enact a law prohibiting not only the soliciting of contributions from W. P. A. workers but prohibiting any man in authority from attempting to use influence of any kind upon them. That was even before the passage of the Hatch law. In the Appropriations Committee 18 months ago, the paragraph of our report which was drafted by the Senator from New Mexico and myself was incorporated in the relief law. It represented my views then; it represents them now. In this letter I call attention to what we did. Having prevented or done all that we could to prevent such an abuse, we should not now permit a corporation to use its power to take money from poorly paid employees and turn it in to a campaign fund to elect a President, whether or not the individual employee is in favor of the particular party. Such action is coercion, to as great an extent as anything ever complained of against a W. P. A. worker. We corrected the W. P. A. situation. I want the Congress to do what it now can do to stop the head of this corporation and every other like-minded man charged with the management of a corporation from abusing his power to bleed poor people in order to provide campaign funds.

Mr. HATCH. Mr. President, one further observation, and then I wish to surrender the floor, because the Senator from Iowa [Mr. GILLETTE] desires to speak.

I am very happy to have provoked this discussion today. I am very happy to have heard the observations about the use of money in campaigns. I hope that both the Republican Party and the Democratic Party will respond to the challenge I issued on the floor of the Senate, and will make all contributions for the national campaign to, and all expenditures by, the national committee, staying clearly within the $3,000,000 limitation. Then there will be no evasion. There will be no need for assessments against workers in the 5-and-10-cent stores of the country, and the election will go exactly as it would go if more money were raised.

Mr. LUCAS. Mr. President, will the Senator yield for a question?

Mr. HATCH. I yield.

Mr. LUCAS. In quoting from the Attorney General a few moments ago some reference was made to a holding company.

Mr. HATCH. Yes.

Mr. LUCAS. There was so much confusion on the other side of the Chamber that I did not quite understand the significance of the statement. I should like to have the Senator repeat it.

Mr. HATCH. The Attorney General drew a comparison. He was referring to the plan outlined in the statement which Mr. Fletcher issued on Sunday, in which Mr. Fletcher advised the creation of a small local committee in each community in the United States, with the national committee at the top. The Attorney General said that such a plan would be very similar to the holding company evil, with the big company at the top and all the affiliates and subsidiaries beneath. I thought the illustration was very apt.

Mr. LUCAS. In view of that observation, I call the attention of the Senator from Indiana [Mr. MINTON] to what he said yesterday. In the light of the last explanation made about subsidiaries and holding companies, all finally finding their way to the top, which consists of one huge company, I am not so certain that the Senator from Indiana will not want to change his statement made on yesterday that Mr. Willkie's right hand does not know what his left hand doeth.

Mr. GILLETTE obtained the floor.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. GILLETTE. Surely.

Mr. WILEY. Mr. President, the country is expecting us to look after the business of preparedness. I am sorry that so much talk about purity in one party and corruption in another has been interjected. It seems to me that the remarks from the Republican side were very appropriate. I refer to the statement of the Senator from New Hampshire [Mr. TOBEY]. Those who live in glass houses ought not to throw stones.

When the general of the Democratic Party, the Senator from South Carolina [Mr. BYRNES] gets the jitters so badly, as is apparent here today, then Mr. Willkie's statement of 3 or 4 weeks ago, that the Democrats have the jitters, is being borne out by what has been said here today. We all believe in purity in politics, but the country does not want to make the Senate a show house as to who is the purest. Neither party has "clean skirts."

We have a job to attend to here. We must keep our heads. There is no need of trying to divert the attention of the people from the real issues, which will be before the people in this campaign.

I feel that the criticism made in relation to one feature of Mr. Fletcher's statement is absolutely unfair. It is true he said that the practice in the past has been that funds have been cleared through the national committees of the Democratic and Republican Parties and then apportioned back to the States. Most of such funds—80 percent in my own State—have not been used for the election of a President or Vice President. They have been used in the campaigns of State candidates, Senators, and Representatives. Hence it seems to me that the idea of trying to project before the people at this time something which will take their minds off the real issue, which is preparedness, is not only impolitic, but absolutely unwise.

I should like to read an article which was handed to me. It is entitled, "Hoover's Mistakes."

Mr. GILLETTE. Mr. President, I hope the Senator will not ask me to yield further for carrying on this controversy.

Mr. WILEY. Will the Senator allow me to have the article printed at the conclusion of my remarks?

Mr. GILLETTE. Certainly.

Mr. WILEY. I shall not read it. I ask that it be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOOVER'S MISTAKES

[From Wallace (Idaho) Miner]

An inspired piece from one of the New Deal propagandists says that "Hoover was a complete failure." So he was. He failed in a lot of things. He failed to draw out his salary of $75,000 a year while he was President, turning it all back into the Treasury. He failed to have his sons organize insurance-company firms to write insurance on Government enterprises. He built a Rapidan resort for fishing and recreation at his own expense and gave it to the Government. None of his sons went racing through the

divorce courts to the disillusionment of the public. He never bundled up a lot of governmental documents to sell as a book to the faithful at a huge profit to himself, and he never sold himself into political slavery to a labor organization for a $500,000 campaign fund. He gathered a marvelous collection of war stuff and built a museum for it, but failed to ask Congress to pay the bill—he paid it himself.

He did not preach and promote class hatred and he did not try to pack the Supreme Court. He did not plow up every third row of cotton and he did not promise the American people one thing while at the very same moment doing everything to accomplish the directly opposite result.

He did not ask Congress to assess the taxpayers a billion dollars every time someone shot off a firecracker in Europe and he did not go on fishing trips on Government warships accompanied by a fleet of destroyers. Neither did he kill off all the farmers' little pigs or encourage the importation of Argentine beef. In fact there were a lot of foolish things that Hoover didn't do that some other people have done. There are a lot of constructive things he could have done if he had not had the opposition of a Democratic Congress but anyway he did not leave the American people $45,000,000,000 in debt.

Mrs. Hoover never made speeches or raced hither and yon on unimportant matters. She never wrote silly drivel on her everyday life and sold it to the newspapers and she never sold soap over the radio. Her only public appearance was as an honorary member of the Girl Scouts of America. She never invited Communist youth to the White House as her guests. The Hoover family seems to have made a failure of about everything that goes nowadays.

Mr. DAVIS. Mr. President, will the Senator yield?

Mr. GILLETTE. Does the Senator wish me to yield to him to discuss the matter which has been discussed? For what purpose does the Senator ask me to yield?

Mr. DAVIS. Yesterday on the floor of the Senate my colleague [Mr. GUFFEY] made a statement which I should like to correct, if I may. However, I shall be very glad to wait until the Senator shall have concluded his remarks.

Mr. GILLETTE. I wish the Senator would do so, if he will be so kind.

Mr. President, I sought recognition for the purpose of discussing the pending business before the Senate. A short time ago the able Senator from South Carolina [Mr. BYRNES] very courteously and considerately called my attention to a letter which he had addressed to me as chairman of the special Committee to Investigate Campaign Expenditures, and asked my permission to have it read at this time. I was very glad to accede to that request. I have not yet received the letter in the course of mail delivery; and when I do, of course, I shall bring it to the attention of the committee. I do not care to comment on it at this time. Neither do I think it is proper for me as chairman of the committee to comment on any matter laid before the committee until such time as the committee, in its quasi judicial or real judicial capacity, has considered the complaints laid before it. We appreciate having the matter called to our attention. Speaking for the committee, I will say that, being a bipartisan committee, we have not acted on any matter laid before us except by the unanimous action of the committee. There has never been any question of the united anxiety of the committee to do everything possible within the purview of the authority conferred upon it to investigate things which subvert and destroy the sanctity of the American electorate.

We have been talking in the Congress about preserving democracy. The surest way to destroy democracy is to destroy the agency or tool through which the people can express themselves fairly and honestly, along the lines suggested by the Senator from New Mexico. Speaking for the committee, within the limits of the authority conferred upon us we will consider any matter which is laid before us for which there is a substantial basis, and will do one of the three things with which we are charged: Report to the Senate remedial legislation suggested; turn over to the Department of Justice evidence of violations of statutes on the statute books; or publish, in the general welfare, information which the electorate ought to possess.

At this time I wish to thank the Senator from South Carolina for bringing the matter to our attention. I am glad it was presented on the floor of the Senate, and I pledge the heartiest and most earnest consideration of every member of my committee.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. GILLETTE. I shall be glad to yield.

Mr. DANAHER. As I understood the Senator from Iowa, he said in his remarks that he had not yet received from the Senator from South Carolina the letter which was read at the desk.

Mr. GILLETTE. I have not. As I stated, the Senator from South Carolina very courteously and considerately came to me and asked my permission to have the letter read prior to its receipt, saying that he had dispatched it to me.

Mr. DANAHER. Had the Senator from Iowa seen the letter?

Mr. GILLETTE. I have not seen it at any time. I heard it read.

Mr. DANAHER. Mr. President, will the Senator further yield?

Mr. GILLETTE. I yield.

Mr. DANAHER. I sent to the desk for the letter, and I discover that the letter, which is dated August 5, on a copy of the letterhead of the United States Senate Committee on Appropriations, has already been mimeographed. Let me suggest to the Senator from Iowa that in the course of his inquiry into a letter purporting to have been written by someone named Tuttle, he should also find out why a letter which the Senator from Iowa has not yet received, although it is directed to him, has already been mimeographed for multiple distribution. Let me say to the Senator from Iowa that it nowhere appears that the letter purporting to have been written by Mr. Tuttle was written at the instance of or in behalf of the Republican Party in any way. For all that appears, Mr. Tuttle is somebody who has been a lifelong Democrat, and who has decided this year to take a walk, as many other famous Democrats are doing.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. GILLETTE. Let me answer the Senator from Connecticut before I yield further.

Let me say to the distinguished occupant of the chair and the Members of the Senate that until the letter has been mailed and delivered to me, it is the property of the sender, as the Senator well knows; and if he wishes to mimeograph it, make a poster out of it, or do anything whatever with it, it is his property, and I have nothing to say about it.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. GILLETTE. I yield.

Mr. BYRNES. Certainly there is nothing mysterious about this. The letter was written and mimeographed yesterday afternoon and mailed to the Senator. This morning, when the Senator from New Mexico rose and discussed the subject, I walked around to the Senator from Iowa, having a copy of the letter in my hand, and told him I desired to refer to it, although he had not yet received it, and I asked permission to do so. What the Senator from Connecticut objects to is the distribution of that letter. I do not blame him. [Laughter.]

Mr. DANAHER. Mr. President, will the Senator yield to me?

Mr. GILLETTE. I should prefer not to yield any further for a lengthening of this controversy. There will be plenty of time to discuss this matter, I am sure, to the heart's content of those who are in the Chamber and those who are not in the Chamber.

Mr. DANAHER. Let me say to the Senator from Iowa I simply desire to ask a question of the Senator from South Carolina, if I may.

Mr. GILLETTE. Very well; I yield.

Mr. DANAHER. I thank the Senator from Iowa.

Let me ask the Senator from South Carolina if it is his practice to cause letters addressed to other Senators to be mimeographed before they are delivered to the addressee?

Mr. MINTON. Mr. President, will the Senator yield?

Mr. GILLETTE. I yield to the Senator from Indiana.

Mr. MINTON. The Senator from Connecticut suggested that Mr. Tuttle may be a Democrat who has taken a walk. I do not know anything about Mr. Tuttle; perhaps the Senator from Connecticut does; but if not a Democrat, he ought to be. He makes a salary of $89,000 a year with the

Kresge Co., of which he is vice president. The Kresge Co. in 1933 owed the banks $24,000,000. Now they do not owe the banks a cent. They are among the best money makers we have had in this country during the last 7 or 8 years. So if Mr. Tuttle is not a Democrat, he ought to be one.

Mr. GILLETTE. Mr. President, I refuse to yield any further on the matter which has been under discussion. I wish to speak as briefly as possible on the pending joint resolution which is before the Senate and on the training of the National Guard under the so-called National Guard training bill.

The PRESIDENT pro tempore. The Senator from Iowa declines to yield further.

ACTIVE SERVICE OF NATIONAL GUARD, RESERVE AND RETIRED PERSONNEL

The Senate resumed the consideration of the joint resolution (S. J. Res. 286) to strengthen the common defense and to authorize the President to order members and units of reserve components and retired personnel of the Regular Army into active military service.

Mr. GILLETTE. I had hoped, Mr. President, that I could support this measure. I have had a number of years as a trainee in the guard and a number of years as a trainer of the guard. I have had a somewhat interesting, though a very minor part, in securing for the guard Federal recognition and assistance in its training. I wish to speak on this measure from the standpoint of a member of the guard.

I had assumed, from the public discussion and from newspaper articles, that, in the interest of national defense, there was in preparation a measure looking to the proper training of the guard along lines not possible under present conditions, by which they could be perfected in the use of implements of war of modern development and design. I have been willing to go as far as anyone, and still am, in the support of any measure that is designed for the defense of the United States. I was ready to go along with any measure properly drawn for the training of the guard over and above that which is permitted by the present statute. But, Mr. President, I desire to call particular attention to the measure which is before the Senate. There is not one word in it, from start to finish, from top to bottom, from the first word to the last word, from Genesis to Revelation, that deals with the training of the guard. Let me read the title of the joint resolution. It is as follows:

To strengthen the common defense and to authorize the President to order members and units of reserve components and retired personnel of the Regular Army into active military service.

I now read from the joint resolution itself:

Resolved, etc., That during the period ending June 30, 1942—

A little less than 2 years—

the President be, and is hereby, authorized to order into the active military service of the United States for a period of 12 consecutive months, any or all members and units of any or all reserve components of the Army of the United States, and retired personnel of the Regular Army, with or without their consent, to such extent and in such manner as he may deem necessary for the strengthening of the national defense.

Then the joint resolution limits their service to the Western Hemisphere and the Philippine Islands. That is the joint resolution. It is not a measure to enlarge facilities for training the guard; it is not a measure to make available to them as trainees implements whereby they can perfect themselves in the development of military methods and military tactics, but it is a measure designed for the purpose of inducting them into active service anywhere in the Western Hemisphere or the Philippine Islands. That is the measure which is before us. Why is it necessary?

I had a colloquy yesterday with the distinguished Senator from Vermont [Mr. AUSTIN]. Not due to his lack in any way but to my own obtuseness, or the confusion in the Chamber, I was unable to get an answer from him to the direct question I then asked. I desire, Mr. President, to start with the situation as it exists in the United States of America so far as calling our citizens into active service is concerned.

The militia of the United States are citizens between certain ages capable of performing military service. That is the militia of the United States. It consists of all citizens of that type, and is divided into the unorganized militia, the organized militia, and certain naval units.

The National Guard of the States and Territories are organizations composed of these militiamen, members of the unorganized militia, who voluntarily have enlisted in specific organizations for a specific purpose with a specific limitation. That is the National Guard of the Nation.

There is a third category, the National Guard of the United States. That organization is set up under a specific act of the Congress and under orders and policies and regulations laid down under that authority which makes it a separate entity, although its component parts or the men enlisted in it may belong to both of them.

The organized militia of the United States, the National Guard, can be called into the Federal service in only three specific situations, namely, to execute the laws of the United States when the Executive is unable to administer them with the forces at his command, to suppress insurrections, and to repel invasions. So there are three specific conditions under which the President of the United States, by authority of law, can call the National Guard into the service of the United States. For how long? He has to, in the call, specify the time for which he calls them into service. It cannot be for longer than their enlistment period.

There is one exception, that when an emergency continues he may, on his own motion, extend the call for 6 months. But there is a safeguard for the enlisted man who has voluntarily made himself a part of that organization, for he cannot be called out under that authority excepting when the contingencies mentioned exist, when the President has specified in his call the purpose for which they are called, and the definite limit of time, with the one exception noted.

I wish to call attention to the fact—

That the Army of the United States shall consist of the Regular Army, the National Guard of the United States, the National Guard while in the service of the United States—

To which I have just referred—

the Officers' Reserve Corps, the Organized Reserves, and the enlisted Reserve Corps.

The organized peace establishment, including the Regular Army, the National Guard—

To which I have just referred—

and the Organized Reserves shall include all of those divisions and other military organizations necessary to form the basis for a complete and immediate mobilization for the national defense in the event of a national emergency declared by Congress.

The law provides how the National Guard of the United States may be called into the Federal service.

When Congress shall have declared a national emergency and shall have authorized the use of the armed land forces of the United States for any purpose requiring the use of troops in excess of those of the Regular Army, the President may, under such regulations * * * order into the active military service of the United States to serve therein for the period of the war or emergency, unless sooner relieved, any or all units * * * of the National Guard of the United States.

Those are the circumstances under which the National Guard of the United States can be ordered into service. When Congress has found and declared that an emergency exists, then the President may order the National Guard of the United States into the service. For what time? For the period of the emergency or the duration of the war. That is the limitation; that is the situation that exists today; that is the grant of power under which the Federal authorities can order into active service the organized or unorganized militia of the United States, and is the only situation under which they can do it.

But what does the pending joint resolution attempt to do? It attempts to destroy that and permit the President, without the declaration of an emergency, without any limitation except a 2-year time limitation, to take the members of the National Guard of the United States and order them to the Philippines, to Rio de Janeiro, to Buenos Aires, to Trinidad, to San Salvador, to Jamaica, order them anywhere within the Western Hemisphere or the Philippine Islands, for that period.

How about the enlistment time, when there is a specific limitation in the present law which says the members of the National Guard cannot be ordered into any of these services for a longer time than their enlistment period? There we are definitely clothing the President with authority to order them into the service for 12 months.

I want to speak for the enlisted man. Every Member of this body who has had any experience with the National Guard, either as an enlisted man or as an officer—and I have had both—knows the sacrifice that is made. Everyone knows what these citizen soldiers do to try to place themselves in a condition of reasonable training so that they may be of assistance when the need arises. I have gone into the homes of these boys when I was captain of a National Guard company and urged their enlistment; I have appealed to them as a patriotic duty to enlist and get this training so that they would be at least partially prepared and in the event that the Regular forces were not sufficient they could be called into the service. Every one of those boys took the oath under section 111, which provides that they enlist for 3 years. They agreed to abide by the rules which require training 48 days in a year. They agreed to the requirement which provides that they shall go to a camp or to a training assembly for not to exceed 15 days in a year, and they agreed that during the period of their enlistment they may be called into the Federal service as the law provides. The law provides that if they are members of the National Guard of the United States, when Congress declares an emergency, they may be called into active service for the period of the emergency.

What are we going to do with these patriotic young men? Consider, for instance, a young professional man employed in a factory, with a family, who has yielded to the patriotic impulse and enlisted as a member of his local National Guard, ready to report for drill, ready to take the training, ready, if need be, under the laws of the United States under which he enlisted, to be ordered into the Federal service; and then we in this body destroy the sanctity of his contract of enlistment.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. GILLETTE. Surely.

Mr. JOHNSON of Colorado. The enlisted men and officers of the National Guard may resign through the Governor of the State and his adjutant general; and the War Department itself advocates that all men having domestic responsibilities shall resign from the guard before this measure goes into effect. If they do not want to be called into the Federal service, they will have an opportunity to get out of the National Guard prior to the enactment of this measure. They have all been put on notice, because this joint resolution is before the country, and they know about it.

Mr. GILLETTE. When were they put on notice?

Mr. JOHNSON of Colorado. They are on notice right now.

Mr. GILLETTE. They are on notice now, when this measure is pending before the United States Senate; but what man knew it when he signed his enlistment?

Mr. JOHNSON of Colorado. They may resign now if they want to do so.

Mr. GILLETTE. Was the Senator from Colorado ever in the National Guard when it was called into the Federal service?

Mr. JOHNSON of Colorado. I have been at the head of the National Guard as its chief in the State of Colorado and as Governor for 4 years. I do not claim to know all about the National Guard, but I know something about the National Guard.

Mr. GILLETTE. Was the Senator a member of the National Guard when it was inducted into the Federal service?

Mr. JOHNSON of Colorado. I was not.

Mr. GILLETTE. Does the Senator think there is any man with a spark of manhood inside his chest and in his veins who, in the face of a call to service as a member of the guard, would hand in his resignation?

I happened to be a member of the guard when they were called into service in the Spanish-American War. I happened to be a member of the guard when they were called into service in the World War. There was not one so contemptible as to resign. There was not one who would refuse the call.

Mr. JOHNSON of Colorado. Of course, in time of war there is not one who would refuse; but this is not time of war. They know that. They know that they are going into training; and the Chief of Staff of the War Department is urging any man with domestic responsibilities, any man with financial responsibilities, to get out of the guard, so that unattached boys may come in and take their places. The officials of the War Department do not want such men in the service, and they are frankly telling them so; and the men now have an opportunity to resign from the National Guard if they want to resign. Of course, if there were a war that would be a different matter, and what the Senator states would be entirely true.

Mr. GILLETTE. There is no war now?

Mr. JOHNSON of Colorado. No; there is not any war now.

Mr. GILLETTE. Is there any emergency now?

Mr. JOHNSON of Colorado. No; to my mind there is not any emergency at all.

Mr. GILLETTE. None whatever?

Mr. JOHNSON of Colorado. Not a bit; not a particle. I do not think any emergency is facing the United States.

Mr. GILLETTE. Does the Senator feel that if this proposed legislation should be passed by the Congress of the United States, any member of the National Guard of the United States would refuse an order into the service issued under this measure?

Mr. JOHNSON of Colorado. Of course, every man would have to decide his own problem for himself. I do not know that I understand the Senator's question; but I do not see why any member of the National Guard who does not want to take a year's training should not resign.

Mr. GILLETTE. I see every reason, Mr. President. When a man has identified himself with the organized militia in his own community for month after month and year after year, reported for drill and worn the uniform, and then the time comes when he is called into the service by this legislation or any other, he will go, and we are penalizing him. We are penalizing the man who yielded to his patriotic impulse and signed an enlistment blank in which he agreed to report for active service if called under the law which existed at that time when we place him beside his neighbor who refused to go in, and we say, "We want you to go into the active service of the United States. The Congress has just passed a law authorizing the President to call you into active service and send you to the Philippine Islands for 12 months, or to Montivideo for 12 months, because we need you there." I do not know what for, any more than the Senator from Colorado knows; but we are clothing the President of the United States with that power.

Furthermore, the law now provides that if the organized militia is called into the Federal service, the President shall, as best he can, allocate and distribute the need for the men among the States and Territories in proportion to their population. I asked the Senator from Vermont yesterday whether, under this joint resolution, there is anything to prevent the President from ordering any or all of these units into service in the Western Hemisphere or the Philippine Islands.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER (Mr. CHANDLER in the chair). Does the Senator from Iowa yield to the Senator from Arizona?

Mr. GILLETTE. I yield.

Mr. ASHURST. The Senator from Iowa is a very able lawyer, and I wish some light. The Senator mentioned the Western Hemisphere. He will observe that the joint resolution, on page 2, provides:

> That the members and units of the Reserve components of the Army of the United States ordered into active Federal service under this authority shall not be employed beyond the limits of the Western Hemisphere.

I inquire if any authority, particularly international law, has declared what territory is within the Western Hemisphere and what is not. I happened lately to be in the company of some well-informed men, and I have always made it a point to associate with men from whom I may learn something. That is one of the reasons why I desire to remain in the Senate. One of these men was a historian; one was a geographer; one was a lawyer of some international note. They were discussing the Western Hemisphere. I said nothing, as it was part of my policy at that time not to expose my ignorance; but not one of them could say what was within the Western Hemisphere.

Mr. GILLETTE. I hope the Senator was not unfair to that assembly in that he failed to contribute his own opinion.

Mr. ASHURST. I asked them, seriatim, "What is the Western Hemisphere?" They disagreed with one another. If there be anyone here who knows what is the Western Hemisphere, I shall be glad to be advised.

Mr. CONNALLY. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Texas?

Mr. GILLETTE. Certainly.

Mr. CONNALLY. I do not propose to try to give the Senator from Arizona any information, because he already has so much more than I have; but, on that point, I heard an argument the other day as to what was the Western Hemisphere. One very striking and cogent statement was that the Western Hemisphere is 180 degrees of the earth's surface—there being, of course, 360 degrees in all—and that the Western Hemisphere comprises all the territory beginning at a point slightly west of Greenwich and coming out over on the other side of the earth, and that within that area is contained a portion of Siberia, a portion of Russia, because it comes out near the United States.

I do not know whether or not that statement is correct; but the application we are using here is that it is these two continents of ours—North and South America—and the contiguous islands. I mean, that is the popular conception of the Western Hemisphere.

Mr. ASHURST. Mr. President, I believe the able Senator from Texas, who is not only a member of the Senate Committee on the Judiciary but a member of the Senate Committee on Foreign Relations as well, has stated what is generally believed to be in the eye and the mind of the citizen who refers to the Western Hemisphere, to wit, that the Western Hemisphere is supposed properly to embrace the two continents of the New World and includes such islands as are in the waters of the New World. I have heard it argued that Ireland is a part of the Western Hemisphere; I have heard it argued that the Philippine Islands are a part of the Western Hemisphere; and, while I do not seek to be hypercritical, because excellent work has been done on the pending measure, I believe it would be a contribution looking toward clarifying international law—certainly it would aid Congress—if some proper authority would declare in advance of critical events just what is the Western Hemisphere. After incidents occur it is sometimes difficult to define terms. I heard a great man deliver a noted speech more than 36 years ago, and I shall try to recite a part of it. In that speech, inter alia, he said:

> Events are numberless and mighty. No man can tell which wire runs around the world. The nation today basking in the sunlight of peace and contentment may yet be on some deadly circuit and tomorrow writhing in the toils of war.

That is not my rhetoric, Mr. President. I wish it were. After an incident occurs we probably would not make the same calm, objective decision as to what is the Western Hemisphere that we would have made anterior to the event; hence it seems to me that, in view of the language which has been used, it would certainly be appropriate, it would be timely, and it might save us a great deal of trouble hereafter, if we could have some authority define and declare now what is the Western Hemisphere. I thank the Senator from Iowa.

Mr. CONNALLY. Mr. President, will the Senator from Iowa yield further?

Mr. GILLETTE. I yield.

Mr. CONNALLY. If the question of the Senator from Arizona is merely an academic question—to determine what is the Western Hemisphere—that is one thing, but for the purpose of the joint resolution we can certainly delimit its activities specifically and remove all doubt as to where we expect these troops not to be sent. The language of the joint resolution could be so amended as to make it perfectly clear.

Mr. ASHURST. I should be willing to leave it to the judgment of the chairman of the Committee on Military Affairs, the senior Senator from Texas [Mr. SHEPPARD], and I appreciate the suggestion of the junior Senator from Texas [Mr. CONNALLY]. We have the power and we have the right to say what we think is the Western Hemisphere. Such declaration might not be binding upon all, but it would be a legislative expression of opinion which would give the country some degree of security and some information as to what we intended.

I realize that in diplomacy and in war fixed principles soon evaporate and disappear. A man in diplomacy sometimes follows oblique lines and is like a man on roller skates—he goes partly where he would like to go and partly where the skates take him. [Laughter.] It might be that many diplomats would object to delimiting the boundaries of the Western Hemisphere, but it seems to me it should be done.

Mr. ADAMS. Mr. President, I wish to direct an inquiry to the distinguished and learned Senator from Arizona. He said that Congress could define the Western Hemisphere. The Senator would not think we could make the hemisphere less than half the sphere, I am sure. In other words, we are confronted with the fact that we have to have 180 degrees or abandon the term. The trouble is that we have taken in too much territory when we proceeded to use the term "Western Hemisphere."

Mr. ASHURST. Of course, the able Senator from Colorado is speaking as a purist in language when he makes that suggestion. I think he made an accurate statement.

Mr. WHITE. Mr. President, will the Senator from Iowa yield?

Mr. GILLETTE. I yield.

Mr. WHITE. I wish to call the attention of the Senator from Arizona to the language of the so-called draft bill, the compulsory military training bill. There is a provision in it that the spirit of the law must control the letter. I wonder, if we wrote that language into the pending joint resolution, whether our whole problem would not be solved, and if we would not have a definition of the Western Hemisphere.

Mr. ASHURST. Mr. President, if the Senator from Iowa will permit me to reply——

Mr. GILLETTE. I yield.

Mr. ASHURST. The scholarly Senator from Maine [Mr. WHITE]—and I do not use the word "scholarly" with respect to him merely as a polite designation, for he is one of the scholars in public life—stated yesterday that the language to which he has referred was unusual in a statute, where it is declared in its construction or interpretation that the spirit must control and not the letter. I am willing at all times that the spirit and the letter of the law should control, but it is rather new and startling legislation to say that the spirit but not the letter must control, and I thank the Senator for directing attention to the matter.

Mr. GILLETTE. Mr. President, I am sure the Senator from Arizona need offer no apology for interrupting the discussion to bring to the attention of the Senate the matter which he has just mentioned. So far as I know—and I heard the matter discussed rather thoroughly in the Committee on Foreign Relations—there has been no legal definition or adjudication of what constitutes the Western Hemisphere. There is no question that we could have a northern and southern hemisphere, divided by the Equator, but a hemisphere, as the Senator thinks of it and as I think of it, is 90 degrees on either side of where we are standing at the time.

I think the Senator has made a very definite suggestion. It would be well to embody in the joint resolution a provision that the term "Western Hemisphere" as used in this measure shall be limited thus and so. That would be very proper.

The language used—that the soldiers may not be sent beyond the Western Hemisphere, excepting into the possessions of the United States, including the Philippine Islands—was to reach the situation as to Territories under the sovereignty of the United States which are not contained within what we usually, in common parlance, consider the Western Hemisphere, such as a portion of the Samoan Islands, Guam, and the Midway Islands, which are possessions of the United States, but under the provisions of the joint resolution the National Guard of the United States called into service could be sent to the Territories of the United States, including the Philippine Islands.

Mr. President, I shall not take much more time of the Senate. As I stated, I had hoped to be able to support the joint resolution, but I cannot support it. I am sure a large majority of the Members of the Senate will support it and it will be passed, but if 95 Members of the Senate should support the measure, I would still take the position which I now take—that when we have carefully announced and set out in the statutes of the United States the conditions and the limitations under which we can call these young men into the public service, with the time fixed, for in every instance as to the unorganized militia, the Organized Militia, the National Guard, and the National Guard of the United States there is a fixed and definite provision as to enlistment, we should not put on the statute books a law under which the President will have the right in his discretion, as he sees fit, to call all or any of them, and not merely to call them but to order them, into active service, not for training necessarily but for service in the Philippines for 12 months, or for such purpose as he deems in the interest of the national defense. In behalf of the members of the National Guard, and true to my obligation as a Senator of the United States, and having in my heart and in my thought the greatest sympathy with every effort to place our country in position of defense, I cannot, without protest, see a crime of this kind perpetrated. I say that in all fairness and in courtesy to the distinguished Senator from Texas, the chairman of the Committee on Military Affairs, and those who have worked with him. I know how earnestly sioned officers of the guard in Kansas, who would be subject late a safeguarding proposal, but to me it is not a safeguarding measure; to me it means destruction, and I cannot support it.

Mr. REED. Mr. President, will the Senator yield?

Mr. GILLETTE. I yield.

Mr. REED. I share the feelings expressed by the Senator from Iowa as to the conditions under which the National Guard was created. As a matter of fact, under our practice, the National Guard man regarded himself as subject to call locally or within his State.

I had in mind to offer to the joint resolution an amendment similar to that which has been printed, and which lies on the table, offered by the Senator from New Jersey [Mr. BARBOUR]. But let me say to the Senator from Iowa that I took the precaution, as far as Kansas was concerned, to write to National Guard men and to telegraph to some of my friends to make inquiry among the enlisted personnel of the National Guard. Then I took the further precaution of asking the Associated Press to carry a statement from me in all the Kansas daily newspapers, which they did, asking the enlisted personnel, including the noncommissioned officers, to express any views and any objections they had regarding the pending joint resolution, which would call them into the national service.

I shall leave the question of whether or not we are repealing or amending or changing the Constitution to distinguished lawyers, and also leave to them the question of what the President can do under the pending measure, if it shall be enacted. But I thought the Senator from Iowa, whom we all esteem for his integrity and his earnestness, might be interested in knowing that notwithstanding the unusual effort I made to develop any objection on the part of the enlisted personnel of the guard in Kansas I have not received a single complaint from the enlisted personnel or the noncommissioned officers of the guard in Kansas, who would be subject to call under the proposed law. Therefore, while holding the same view as that expressed by the Senator from Iowa, I expect to vote for the measure.

Mr. ADAMS. Mr. President, will the Senator from Iowa yield to me?

Mr. GILLETTE. I yield to the Senator from Colorado.

Mr. ADAMS. Perhaps I am putting on record my ignorance, but I have been unable to see the accepted distinction which seems to be made by the Senator from Iowa and other military authorities when they say that there may be in the same company, or the same regiment, at one time, the National Guard of the State and the National Guard of the United States. I concede that the Senator must be right, but I really am unable to see it.

The Constitution does not use the term "National Guard." I know that the statutes of the United States make the distinction. I am aware of that. But the Constitution of the United States speaks of "the militia." It is within the power of the Federal Government to call out the militia through the action of Congress, under certain specified conditions, for the purpose of executing the laws of the union, suppressing insurrection, and repelling invasion. I am wondering if it is possible for the Congress to specify some other occasion when it can call out the militia, other than those provided for by the Constitution.

"The militia" is a very definite term. It is a State organization. I do not believe it can be said that part of the militia is Federal and part of it is State. Yet the term "militia" is the basic term with which we must deal.

We have developed the term "National Guard," and now apparently the statutes, and the military authorities of this body, at least, are dividing it into two parts, saying that the State National Guard can be called out only in accordance with the provision of the Constitution, but that the National Guard of the United States may be called out upon some other ground.

Officers of the militia are State officials. The militia is to be officered by the States. The Constitution specifically reserves to the State the power to appoint the officers of the militia. The officers of the National Guard, whether it is in the class that may be called National Guard of the United States, or of the State, are appointed by the State.

I say that because I have not been able to get clearly in mind the dual characterization of the guard, with its inevitable conflict of authority. I know that the Senator from Iowa has a different view, but I do not want the record to continue with the thought that there is no difference of opinion in respect to this matter. I feel that the doctrine of the Constitution as to the militia must be the doctrine as to the National Guard, and that the two terms should mean the same thing.

Mr. GILLETTE. Mr. President, I can readily see the logic of the position taken by the Senator from Colorado, but under the statutes now on the books a distinction has been drawn. The militia, of course, is defined as all male citizens of the United States of certain age, capable of performing military duty. When the National Guard is spoken of as in the statute, it is the National Guard of the States and Territories. Under the constitutional authority it can be called out for the specific purpose the Senator has outlined, and only that. At the time of calling it out the purpose for which it is called must be set forth. And there is a limitation upon the time it may be called into service.

Mr. ADAMS. May I interrupt the Senator?

Mr. GILLETTE. Yes.

Mr. ADAMS. If we have a National Guard of the United States, it is subject to the Commander in Chief of the Armies of the United States, the President?

Mr. GILLETTE. Yes.

Mr. ADAMS. Just as every other Army of the United States?

Mr. GILLETTE. No; with certain definite statutory limitations.

Mr. ADAMS. If I may ask the Senator a further question, can Congress—and I am inclined to think it can—say to the

President of the United States, the Commander in Chief, that he may not make an order as to where the Regular Army may be sent without concurrence of the Congress?

Mr. GILLETTE. I think so.

Mr. ADAMS. I am inclined to think that is correct.

Mr. GILLETTE. Yes; that is correct.

Mr. ADAMS. But without the limitation of the statute, once it is assumed that there exists a National Guard of the United States the President would have absolute command over it, and could direct where it be sent, unless there were statutory limitations upon his authority as Commander in Chief of the United States.

Mr. GILLETTE. Yes; and there is a statutory limitation.

Mr. ADAMS. I wish to ask the Senator from Iowa, who is a great lawyer, a great farmer, and a great legislator——

Mr. GILLETTE. I disavow two of those qualifications, but may admit that I am a farmer.

Mr. ADAMS. Does the Senator think that the President of the United States in peace times has the power to order a soldier of the United States to go upon foreign soil?

Mr. GILLETTE. No; he has not unless Congress has declared an emergency to exist. That is the reason for the legislation which is now before us.

Mr. ADAMS. If the President has the authority to order a division of the United States Army to go upon foreign soil, the provision of the Constitution which retains in the Congress the power to declare war is of no avail. In other words, that is an act of war.

Mr. GILLETTE. Absolutely.

Mr. ADAMS. It seems to me it is a fair interpretation to say that the President, in his command of the Army, is limited to the jurisdiction of the United States, over which he presides, and that any act beyond that is an act of war, which is reserved for the authority of the Congress.

Mr. GILLETTE. Mr. President, I think the Senator from Colorado is wholly correct. As I have repeatedly stated, my objection to this proposed legislation is that it goes over and beyond the statutory provisions under which these men enlisted and the conditions under which they can be ordered into the service. When an emergency has been declared the National Guard of the United States can be ordered out for the duration of the emergency, but we are clothing the President with power to order it to go to Central America, to South America, anywhere in the Western Hemisphere, to the Philippines, or to our other possessions, for 12 months, without the declaration of the existence of an emergency. All may be called from one State, if he sees fit, or the call may be distributed among the States, as he sees fit.

Mr. President, I thank the Senate for its courtesy.

Mr. CONNALLY. Mr. President, before the Senator takes his seat I wish to ask him a question. Will the Senator yield?

Mr. GILLETTE. I yield.

Mr. CONNALLY. I was interested in the Senator's discussion about the limitations contained in the measure on the authority of the President. What is the Senator's view as to the constitutional provision which makes the President commander in chief? Can we impinge upon that authority in any way, and direct him where the National Guard may be sent? I should like to have the attention of the Senator from Colorado also. I am searching for the truth, and I know these two eminent Senators can give us the truth. I should like to get them to cooperate.

Mr. ADAMS. I am sure the Senator has gone to the right source when he asks for information from the Senator from Iowa.

Mr. CONNALLY. I was going to ask the views of the Senator from Iowa and the Senator from Colorado as to the ability and power of Congress to limit the authority and right of the President as Commander in Chief under the Constitution. Did I understand both Senators to agree a while ago that Congress could limit that power?

Mr. ADAMS. I was inclined to think that the provision of the Constitution giving to Congress the power to make rules for the Government and regulation of the land and naval forces of the country goes that far.

Mr. CONNALLY. I hope the Senator is correct, and yet I am rather fearful that under the broad authority to command armies the President could send an army raised by Congress and equipped and supplied by Congress, anywhere he wanted to.

Mr. GILLETTE. In defiance of the right of Congress to declare war?

Mr. CONNALLY. Yes. I do not think it depends on a declaration of war. I think the President, as Commander in Chief of the Army, could bring on a situation, if he wanted to, by sending troops to some foreign country under circumstances that would put us in such a posture that we would almost have to declare war. I think the power is that broad. I do not enjoy entertaining that view, but it seems to me that is probably a sound constitutional view.

I wanted to ask the Senator one other question. I heard him talking about calling out troops under terms and conditions that were different from the terms and conditions in effect when the men enlisted. Does the Senator mean that we cannot change the law at all?

Mr. GILLETTE. No, indeed.

Mr. CONNALLY. That every enlisted man has to be consulted about what the law was when he enlisted, before he is called out?

Mr. GILLETTE. No. I mean that we ought not to change the law. I mean that when we call on citizens of the United States, members of the unorganized militia, and ask them to give themselves and their time to the service of the country in the Organized Militia, and they sign enlistment blanks in which they agree to serve under the conditions then existing, that we should hesitate long and carefully, I will say to the Senator, before we compel them to serve under other and different conditions from those under which their neighbors, who have not seen fit to lend themselves to that service serve.

Mr. CONNALLY. Does not his enlistment blank say that he enlists under the Constitution and laws of the United States?

Mr. GILLETTE. Certainly.

Mr. CONNALLY. What is the use of having a National Guard if we cannot call it out when we need it? We pay members of the National Guard the year around to drill and train. We give them equipment, and send them to camp 2 weeks in the summertime. If the Federal Government cannot call out the National Guard when it needs it and when there is an emergency, I do not see any use in maintaining it. That is the way I look at the matter; and I speak as one who used to be a National Guard man.

Mr. GILLETTE. The Constitution fixes certain limitations under which the National Guard may be called out, and the statutes fix other limitations under which they may be called out. We are seeking to change the law, and to permit these men to be called for service outside the Western Hemisphere under conditions which do not now exist, without the limitation as to enlistment period, and without the limitation as to the duration of the emergency, but with a specific, practically 2-year limitation.

WENDELL L. WILLKIE

Mr. DAVIS. Mr. President, yesterday on the floor of the Senate my colleague the Senator from Pennsylvania [Mr. GUFFEY] called the attention of the Senate to the alleged change in the name of Wendell L. Willkie, the Republican candidate for President. The June issue of Town and Country magazine carried a front-page story stating that the family name was originally Willckes.

This morning I received a telegram from G. V. Newcomer, M. D., secretary of the health board, and Calvin Sizelove, city clerk of records, of the city of Elwood, Ind., informing me that there is no official record of a church christening of Wendell Willkie, and no official history of his father or grandfather.

My colleague will grant that many persons have dropped either their first or their middle names. Woodrow Wilson was originally Thomas Woodrow Wilson. Calvin Coolidge was really John Calvin Coolidge. Abraham, the Biblical patriarch, was originally called Abram. The Apostle Paul

was at one time called Saul. These gentlemen do not seem to have lost their standing with their public on that account. I cannot believe that the change of a letter in the Willkie family name will long serve to trouble my colleague. Indeed, I should not hold it against my colleague if it should be discovered that his own family name might possibly at one time have been McGuffy. In fact, my own family name was Davies, and the "e" was dropped when my father became a naturalized citizen.

I knew Herman F. Willkie, the father of Wendell Lewis Willkie. The name on the door of his law office at Elwood, Ind., was Willkie. What does it matter whether it is Willkus or Wilke or Willkie? The use of the umlaut over the "u" in German would make it sound similar to "e." Hence, "Wilckes" or "Wilkus" would then sound like "Willkie."

There is nothing dishonorable about a man changing his name. Thousands of foreign-born citizens have changed or modified their names to meet with practical American usage. Wendell Willkie had nothing to do with the change in the spelling of the family name. The change was made even before his father's time. Wendell Willkie is now known as he has always been known by those who have known him from his earliest days.

My colleague speaks as though any man who changes his name, his religion, or his party politics is arbitrarily to be condemned. Does my colleague wish to set himself with those who seek to resist change? I cannot believe that he does, for he has so strongly advocated the leader of his own party, who has introduced more changes in government than have come in the administration of any other President. My colleague has taken an outstanding part in advocating a change in government such as never before has been contemplated when he seeks to overthrow the American tradition which opposes a third term for the President of the United States. Surely my colleague cannot consider himself hostile to change. I should suppose it might be agreeable to him to congratulate the Willkie family, who have sought to make changes in keeping with growing points of view. Or is it possible that my colleague is frightened at the thought that the Republican Party now has a leader who is determined to make certain changes, not the least of which is a new President in the White House?

Surely my colleague will not deny that Wendell Willkie took a valiant stand in the World War, that he served overseas as an artillery officer, and that he has always been found in the front ranks of those who want to protect the American way of life.

Mr. President, I ask unanimous consent to have printed in the RECORD as a part of my remarks a telegram I have received from G. V. Newcomer, M. D., secretary of the Health Board of Elwood, Ind., together with a statement concerning Mr. Willkie found in the June issue of Town and Country magazine.

There being no objection, the telegram and article were ordered to be printed in the RECORD, as follows:

ELWOOD, IND., *August 6, 1940.*

Senator JAMES A. DAVIS,
Washington, D. C.:

The record of vital statistics of Elwood, Ind., show that Wendell Lewis Willkie was born March 18, 1892. His parents were Methodists, and Wendell was received into full membership September 18, 1901, but no record of church christening. His father was born in Aschlersleben, Germany, 1857; came to America when 3 years of age. No history of grandfather.

G. V. NEWCOMER, M. D.,
Secretary, Health Board.
CALVIN SIZELOVE,
City Clerk of Records.

HAS HE A LOOK IN?

Fourth of 6 children of a German émigré couple, the Willckes, Wendell Lewis Willkie was born 48 years ago in Ellwood, Ind. His mother and father were both lawyers, his Aunt Jennie was a doctor, his maternal grandfather a Presbyterian minister; his only child, Philip, was voted most likely to succeed by Princeton 1940. From public school he went to Culver, Oberlin, Indiana's University and Law School. He worked as a bread-wagon driver, a harvester, a steel-mill hand, a Puerto Rican sugar-field laborer, and a history teacher. Radical young Willkie defended pickets, argued to abolish inherited wealth, supported La Follette, crusaded against the Klan. Enlisting the day the war was declared, he served in France, and afterward defended without charge soldiers court-martialed for minor offenses. In 1933 his outstanding success as a Middle West corporation lawyer brought him the presidency of Commonwealth & Southern, at $75,000 a year. He is a member of the Century Association, a Town Hall trustee, and president of the Economic Club. His favorite sports are golf (he rarely breaks 100) and bass fishing. He has 1,000 pigs on his 5 Indiana farms. He dictates numerous magazine articles and any speeches which are not extemporaneous. He has held his own in debate with Felix Frankfurter. He has refused to drive a car since he absent-mindedly left the road to follow a trolley track. One year he saw every show in New York. Occasionally he drops in 21 or El Morocco. He loves early Flemish painting and actually enjoyed his success as a radio guest on "Information, Please." Disarmingly ingratiating, he is listed in the directory under different spellings so that people can find him easily.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Calloway, one of its reading clerks, announced that the House had passed without amendment the bill (S. 4106) to authorize the construction of certain facilities in Marjorie Park, Davis Island, Tampa, Fla., and for other purposes.

ENROLLED BILLS SIGNED

A message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 1114. An act to extend the jurisdiction of the United States District Court, Territory of Hawaii, over the Midway Islands, Wake Island, Johnson Island, Sand Island, Kingman Reef, Kure Island, Baker Island, Howland Island, and Jarvis Island, and for other purposes; and

S. 2493. An act to provide for the operation of the recreational facilities within the Chopawamsic recreational demonstration project, near Dumfries, Va., by the Secretary of the Interior through the National Park Service, and for other purposes.

SELECTIVE SERVICE COMPULSORY MILITARY TRAINING

Mr. VANDENBERG. Mr. President, I wish to refer briefly to a news release of last Friday from the Military Training Camps Association, at 28 West Forty-fourth Street, New York City. This release reports "a remarkable shift in public opinion concerning the nearness of war and the necessity for selective compulsory military training as disclosed by an analysis of editorials in midwestern newspapers."

The percentage of favorable comment from the entire country is reported to be 90.5 percent, and for the Middle West 87.5 percent. Thereupon occurs this sentence:

Excerpts from some of the Midwest editorials, assembled State by State, are as follows:

This clearly invites the assumption that the newspapers thus quoted are in favor of the Burke-Wadsworth bill. I assume they are counted in the favorable percentages; but the quotations themselves are partial and isolated excerpts which, taken by themselves, might seem to lean to the idea of compulsory training. Although they do not specifically say so, they invite a totally erroneous conclusion regarding the actual editorial attitude of those newspapers. The net result—wittingly or otherwise—is calculated to be completely misleading and is a type of propaganda which I wish to make thoroughly clear to the Senate.

Let us test this propaganda from the Military Training Camps Association on the basis of the Michigan exhibits presented in the news release. The release quotes 10 newspapers and, of course, adroitly quotes them accurately so far as the verbatim excerpts are concerned; but when the propaganda obviously intends to invite the conclusion that these 10 newspapers contribute to the so-called favorable comment, which we are told accumulates to 90.5 percent for the entire country, I report the facts as follows:

I asked the newspapers specifically by telegraph where they stand upon this issue, all of them, mark you, having been suggestively enrolled by the original authors of the conscript bill in favor of the conscript bill itself. Ten of them reported

naval forces of the country goes that far.

patriarch, was originally called Abram. The Apostle Paul

favorably. One, the Detroit News, supports the pending proposal. One, the Port Huron Times-Herald, supports the bill with reservations. One, the Ann Arbor News, supports the principle but asks for further congressional study. The other seven are opposed in whole, or in substantial part, to the measure which they are presumably enrolled in favor of in this propaganda.

Among the seven is the Detroit Free Press, which did not need to be polled, because its editorial position has been outspoken. The other newspapers may speak for themselves in their own telegrams, which I ask to have printed in the RECORD at this point.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

BATTLE CREEK, MICH., *August 5, 1940.*

Senator A. H. VANDENBERG,
Senate Office Building:

We do not favor Burke-Wadsworth conscription bill. Are mailing copy editorial comment of Sunday, August 4.

A. L. MILLER,
Publisher, Enquirer and News.

HOUGHTON, MICH., *August 5, 1940.*

Senator A. H. VANDENBERG:

Our answer is "No" to bill in its present form. Believe with you that we should try voluntary enlistment first.

JOHN W. RICE,
President, Daily Gazette.

DOWAGIAC, MICH., *August 5, 1940.*

Senator ARTHUR H. VANDENBERG:

No grounds for conclusion we favor Burke bill. Have urged more study and consideration, including exhaustion other means enlistment. Critical Army preparedness handle expansion; lack equipment, housing this time. Favor conscription in emergency, which we do not believe at hand.

DOWAGIAC DAILY NEWS,
HARRY H. WHITELEY.

BAY CITY, MICH., *August 5, 1940.*

ARTHUR H. VANDENBERG,
United States Senate:

Although we feel some form of compulsory service may become necessary, we have opposed passage of Burke-Wadsworth bill in the all-inclusive style as given to Senate Military Committee. In criticizing Stimson's recent statement in editorial we are publishing today we conclude with the obvious wish of certain people at Washington to rush a poorly conceived and unreasonable plan through and frighten the country into accepting it without question or examination is endangering entire Army program.

THE BAY CITY TIMES.

GRAND RAPIDS, MICH., *August 5, 1940.*

Senator ARTHUR H. VANDENBERG,
Senate Office Building:

The Grand Rapids Press never has endorsed Burke-Wadsworth conscription bill. We have maintained open mind on subject of conscription generally, but have favored thorough trial of voluntary-enlistment plan first. We seek exhaustive debate and discussion of conscription proposal and demand clear demonstration of its need. Even if conscription is deemed necessary, believe it should be sharply modified from form of Burke-Wadsworth draft. Seriously doubt materials available for useful training of huge draft Army. Can't see how anyone could construe our attitude as favoring passage of pending bill, or even as proconscription.

THE GRAND RAPIDS PRESS.

JACKSON, MICH., *August 5, 1940.*

Hon. A. H. VANDENBERG,
Senate Office Building:

Citizen Patriot opposes Burke-Wadsworth bill. Said in editorial August 4, quoting American Legion statement: "The Legion perceives that the 'pack' which is now 'off in full cry for the establishment of compulsory military training' is the same group which is clamoring to take our people into the war and ultimately to fight in Europe, regardless of protestations to the contrary." Editorial today—August 5—says, "ARTHUR H. VANDENBERG is demonstrating again the courage which, combined with broad understanding and high intelligence, makes him an outstanding Member of the United States Senate.

"Leading the opposition to an unnecessary and unwise war hysteria, Michigan's senior Senator opposes a pell-mell rush into Nation-wide military conscription in peacetime."

CARL M. SAUNDERS.

Mr. VANDENBERG. Mr. President, many earnest, distinguished, wholly conscientious, and deeply patriotic citizens are associated with the Military Training Camps Association, with headquarters in New York. I do not impugn their motives. They believe in immediate conscription, and they are entitled to full faith and credit for their views. I understand that the basis of the conscript bill is their handiwork. But I protest this propaganda effort to make the country believe that editorial opinion asks for the enactment of the Burke-Wadsworth bill, at least so far as my section of the country is concerned. If the Michigan exhibit is any criterion, and if the attitude of these particularly quoted newspapers is indicative of the basis of the association's poll of Nation-wide editorial opinion, then the association's press release grievously misleads those whom it purports to instruct. It becomes increasingly evident that Congress and the country are sadly in need of real facts in respect to the conscription issue.

Mr. HOLT obtained the floor.

Mr. WHEELER. Mr. President, will the Senator yield while I send to the desk and have read a copy of a letter sent out by five of the railroad brotherhoods, and signed by A. Johnston, Grand Chief Engineer, Brotherhood of Locomotive Engineers; D. B. Robertson, president, Brotherhood of Locomotive Firemen and Enginemen; J. A. Phillips, president, Order of Railway Conductors of America; A. F. Whitney, president, Brotherhood of Railroad Trainmen; and T. C. Cashen, president, Switchmen's Union of North America?

The PRESIDING OFFICER. Does the Senator from West Virginia yield for that purpose?

Mr. HOLT. I yield.

The PRESIDING OFFICER. Without objection, the letter will be read.

The Chief Clerk read as follows:

[Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Enginemen, Order of Railway Conductors of America, Brotherhood of Railroad Trainmen, Switchmen's Union of North America]

CLEVELAND, OHIO, *August 1, 1940.*

The Honorable MORRIS SHEPPARD,
Chairman, Senate Military Affairs Committee, Senate Office Building, Washington, D. C.

The Honorable ANDREW J. MAY,
Chairman, House Military Affairs Committee, House Office Building, Washington, D. C.

DEAR SIRS: The undersigned chief executives of the organizations representing engineers, firemen, conductors, trainmen, and yardmen employed on the railroads of the United States have this day given consideration to the provisions of the proposed compulsory peacetime draft or conscription bill which contemplates the inducting into the military and naval service of the United States in the immediate future some hundreds of thousands of citizens of this country for a period of training.

We refer to the Burke-Wadsworth bill now before Congress for consideration and feel that you should be made acquainted with our views, which we are confident reflect the views of the membership of these organizations employed on American railroads.

We are in general agreement with the prevailing sentiment in the United States that every support should be given to adequate measures necessary to the protection of our democratic institutions against attack from the force of dictatorship, both within and without our country. However, grave doubt exists in many quarters with respect to the wisdom of enacting a peacetime conscription bill when it is believed other adequate measures are available. Such proposal borders closely on the principle of dictatorship, and we hold the view that regimenting our people is un-American and unnecessary.

Patriotism is not the monopoly of those who are feverishly urging this conscription bill. We may rightly assume that all citizens are patriotic and if given the opportunity and impressed with the necessity for their doing so, they will volunteer their services in defense of our country.

At present there is a vast army of unemployed, thousands of whom would be desirous of enlisting in the military and naval service if given an opportunity to do so, but they are so circumscribed by technical military and naval physical requirements that many of them are precluded from voluntary enlistment. Consideration should be given to assisting them in removing minor physical defects so that they may be acceptable as volunteers.

Compulsory military service in time of peace is the very antithesis of freedom. It involves an infringement on the very principles of democracy which it is invoked to defend. It imposes upon the individual a mandate to give service which he may not be in position to render without serious sacrifices on the part of himself or his family, or both, and this at a time when there are thousands of other individuals who would be glad to avail themselves of the opportunity to serve if such opportunity were not denied by the restrictive rules observed by the recruiting service.

The youth of our country who are inducted into the military and naval services under the principle of conscription and who are made to serve will quite naturally acquire the viewpoint that forceful

means should be adopted in all the affairs of life as an avenue to achieve desired ends.

While you are giving thought to the Burke-Wadsworth bill let not the hysteria of the moment sweep you into supporting such a drastic and ill-advised change in the American way of life. Democracy means that the state exists to serve the individual. The program at present contemplated will cause hundreds of thousands of our youth to become "war minded" and will, if carried out, establish the fabric of a giant war machine, which experience teaches us cannot and will not be permitted to rust in peace. "War games" inevitably lead to war. The voluntary-enlistment principle confines and restricts the dissemination of "war mindedness" to actual necessities through the longer term of service and, above all, preserves the principle of democracy in its strictest sense.

These organizations are wholeheartedly in accord with the establishment and maintenance of an adequate national defense, and their membership will not be found wanting in any support of such proper measures, but we are convinced that under present conditions the regimenting of our people according to the contemplated military pattern is unnecessary and is an infringement upon the civil liberties which they may reasonably expect to enjoy.

We trust that your committee will not favorably report the Burke-Wadsworth military conscription bill.

Respectfully yours,

A. JOHNSTON,
Grand Chief Engineer, Brotherhood of Locomotive Engineers.

J. A. PHILLIPS,
President, Order of Railway Conductors of America.

D. B. ROBERTSON,
President, Brotherhood of Locomotive Firemen and Enginemen.

A. F. WHITNEY,
President, Brotherhood of Railroad Trainmen.

T. C. CASHEN,
President, Switchmen's Union of North America.

Mr. HOLT. Mr. President, I want the people of the United States to have the facts. Some time ago I presented the background of the Committee to Defend America by Aiding the Allies. They have now changed that name. I told the Senate where that committee started, who was its president, and its background. This afternoon I intend to tell the Senate the background of and who is behind the conscription drive in America. The conscription drive was started at the Harvard Club in New York City. Perhaps the name should not be pronounced as I pronounce it, but in the way its members and perhaps some newspaper columnists pronounce it—the Hahva'd Club. It was at the Harvard Club on the 22d day of May that these patriots met to start the conscription drive. Some of these are the same individuals who have been talking about regimentation in America. Oh, they despise regimentation; they delivered speeches over the radio; they appeared before congressional committees and said "Do not pass this law against business because it is regimentation"; but they were the prime movers in the conscription drive not only to regiment America but literally to regiment American boys.

Who are those brave patriots who put this bill across in the meeting on the 22d day of May? I ask that at the conclusion of my remarks the list in full be printed, but I desire to comment on some of those individuals at this time.

The PRESIDING OFFICER. Without objection, the list will be printed at the conclusion of the remarks of the Senator from West Virginia.

(See exhibit A.)

Mr. HOLT. Who do we find was there at that time? We find Mr. Grenville Clark, of the proletarian law firm of Root, Clark, Buckner & Ballantine, who have so loyally fought regimentation in America.

Grenville Clark is a good lawyer; there is no doubt about that; but America has an obligation in peace as in time of war; the country has to raise taxes in peace as in war. Now, let us see what Mr. Clark's record is as a citizen relative to the raising of taxes to maintain an army. Let us look at the record. Let me quote from the Washington Evening Star of the 1st day of July 1937. I may add that Mr. Grenville Clark was the man who actually wrote the original bill which has been reported by the Committee on Military Affairs. I read:

(By the Associated Press, July 1, 1937)

Congressional tax investigators received testimony today that Mrs. Grenville Clark, of New York, had saved $90,000 in taxes in 1 year through the use of 16 trusts.

Paul W. Bruton, Internal Revenue Bureau attorney, identified her as the wife of a member of the law firm of Root, Clark, Buckner & Ballantine.

Bruton also testified Martin F. Tiernan, who apparently lives at Essex Falls, N. J., and Charles F. Wallace, of Westfield, N. J., had accomplished "a total reduction in their income taxes of $611,328" in 1935 and 1936 by the use of multiple trusts for the benefit of minor children.

The article continues:

CHILDREN DECLARED BENEFICIARIES

The Clark trusts were established, Bruton said, by both Mr. and Mrs. Clark, and operated so that during the 1936 tax year each of their three children was the sole beneficiary of five separate trusts, and also was one of the ultimate beneficiaries of another insurance trust.

Mr. Clark and the Fiduciary Trust Co. are the trustees of each trust, the youthful-appearing lawyer asserted.

I may interpolate that practically all the directors of the Fiduciary Trust Co. are in the drive for the conscription bill. The article proceeds:

Referring to 1936 tax returns, Bruton said 16 individual returns were filed by the trustees, showing separate trust incomes aggregating $170,236, on which taxes totaled $10,930.

He said an individual exemption had been claimed for each trust, and that the splitting of income among the 16 trusts resulted in a drastic reduction of surtaxes.

"Had one trust been created," he added, "the trustees would have paid $77,311, or $66,381.23 more than they did. Had no trusts been created and the trust income included in that of Mrs. Clark, the total taxes collected would have been approximately $90,000 more than have been paid."

That is from the Associated Press. Reading from the record of the Congressional Committee on Tax Evasion and Avoidance, we find a reference of the Treasury officials to Mr. Grenville Clark, who loves his country so much that he wants to regiment the boys to protect it. Let me quote from that:

Had one trust been created, the trustees would have paid $77,311.30, or $66,381.23 more than they did. Had no trusts been created and the trust income included in that of Mrs. Clark, the total taxes collected would have been approximately $90,000 more than have been paid.

Finally, and I think this is important:

If one trust had been created for each child, approximately $24,300 more taxes would have been collected from the trustees.

I could go ahead and read further from that record, but now just turn to 1940. What would happen, if this conscription bill passes; if an American boy, in order to avoid his duty of serving in the forces of the Army, should use the same type of evasion that Mr. Clark used in avoiding his taxes in 1935? That boy would be in the penitentiary.

While these patriots are perfectly willing for the boys to have no exemption, how are we going to finance these boys if the people do not pay their just and rightful share of taxes? That is the man who actually penned the conscription bill that is now before us. Such patriotism!

Of course, I could go ahead and discuss Mr. Clark at some length, but it is not necessary to do so. He is one of the individuals behind the conscription bill.

Who else was there? Gen. John F. O'Ryan. Let me read to you what General O'Ryan said before the last war as to why we should draft boys and have them ready for war. This is the exact language of General O'Ryan then, and I want to read it to the Senate:

The first thing that must be done is to destroy all initiative, and that with the training fits men to be soldiers. * * *

The recruit does not know how to carry out orders. His mental state differs from that of the trained soldier who obeys mechanically. We must get our men so that they are machines.

We have to have our men trained so that the influence of fear is overpowered by the peril of an uncompromising military system often backed up by a pistol in the hands of an officer.

I want to repeat the words of General O'Ryan as to the need of conscription. This is what he says:

We have to have our men trained so that the influence of fear is overpowered by the peril of an uncomprising military system often backed up by a pistol in the hands of an officer.

Then he continues:

The recruits have got to put their heads into the military noose. They have got to be jacked up. They have got to be bawled out.

General O'Ryan, as most of you know, has already advocated the entrance of the United States into this war. He is in favor of the United States going over there now. He is for conscription, and was present at the Harvard Club when this committee was set up.

Who else was there? Let us go down through the list of some of them.

Lewis W. Douglas was there. I shall not say about him what the President did. I shall just pass him over.

Who else was there? Henry L. Stimson, the Secretary of War, who is carrying out in the Cabinet the wishes of those who want us to go to war. No matter how much he proclaims otherwise to the public, Henry L. Stimson would be for war today if he felt he could get a declaration of war through Congress. Henry L. Stimson has been present at all these meetings to push America a little closer to the precipice. Henry L. Stimson was present at the meeting, as he was at the meeting that set-up the infamous Clark-Eichelberger-William Allen White committee. Was that why he was appointed to the Cabinet, because they knew his record so well?

Who else was present at this meeting to draft American boys? Robert P. Patterson, who is now Assistant Secretary of War. He was present. No wonder Mr. Stimson wants him as his assistant in the Department of War.

Who else was present at that meeting? I was speaking a moment ago of Lewis Douglas. I do not want to bring politics into this matter. I want to be fair. Whom else do we find? Elihu Root, Jr. He was present at that meeting to set up this conscription drive. He is also a member of the firm of Root, Clark, Buckner, and Ballentine, and has many other interests that I could name to you, but I do not want to delay the Senate.

Who else was present at that meeting? Julius Ochs Adler, general manager of the New York Times, and a man who holds stock in corporations located in countries now at war. Mr. Adler wants the American boy to protect his investments.

Now let us see who else was there. We find that Mr. K. P. Budd was there. That may not mean anything to you; but who is Mr. K. P. Budd? He is a director of the North British and Mercantile Insurance Co., with headquarters in London.

Let us look at the others that we have in the list. We find Mr. J. B. Taylor, Jr., who has money invested in aircraft, and a director of aviation corporations.

Let us see who else was there. We find Mr. F. M. Weld. Who is Mr. Weld? I will tell you who he is. He is a director of the Baldwin Locomotive Works, which is making millions out of this war.

Now let us go down the list of these individuals, and see what their patriotism is, that they want American boys to be regimented. What else does Mr. Weld do? He is in the oil business, in the Pilgrim Exploration Co., and other enterprises that I could mention to you.

Whom else do we find present at that meeting? Brig. Gen. Benedict Crowell, who was Assistant Secretary of War and Director of Munitions during the World War. You recall that—the Director of Munitions during the World War—do you not? He was also present at the Harvard Club to set up this conscription drive to get American boys in the Army. Other individuals were present whose names I could place in the RECORD, together with a list of the interests with which they were identified.

They met on the 22d day of May and established this drive for conscription. On the 23d day of May they went back to the same club and there passed resolutions for "aid to the Allies short of war." I have been advised that their statements there were as bellicose as if we were in war at that time.

Now, let us see what else they did. They know where to get money. What did this committee do? On the 3d day of June they met again. They met to raise money. It is hard to tell how much they raised, but they said they were going to raise one-quarter of a million dollars. What for? Why should men in business have to raise a quarter of a million dollars to drive a conscription bill through the Congress of the United States? Why, I ask again, should businessmen raise a quarter of a million dollars to drive conscription through the United States Congress? If conscription was a good thing for this country, would not our Army and Navy ask for it without pressure? Would we not vote for it without propaganda to drive us into line? That quarter of a million dollars was to pay for the type of propaganda spoken of just a moment ago by the Senator from Michigan. A quarter of a million dollars was raised at that one time. Think of that—men raising a quarter of a million dollars to conscript boys in America. Such patriotism.

Who else was present? And what financial enterprises do we find that these individuals are engaged in? Here are some of their financial holdings: We find that some of them have foreign investments—very decided, strong, large foreign investments. We find that some of them are directors of abrasive companies, directors of rubber companies, directors of chemical companies, directors of wire companies; and wire is very important in war. It is very usual to see a boy, one of these conscripted boys, hanging over a barbed wire, with his stomach torn open by a bomb. So we need wire in war.

Whom else do we find? We find directors of iron-ore mines and iron furnaces, directors of oil companies, directors of British insurance companies, of aircraft companies, of the Baldwin Locomotive Co., of machine tools, of phosphates, of air brakes; and in that list you will find such a group of patriots as this country has never seen.

No; conscription did not come from labor, as shown by the letter read to the Senate at the request of the Senator from Montana [Mr. WHEELER]. Conscription did not come from the railroad brotherhoods, the C. I. O., the American Federation of Labor, the Grange, or the poor people, if I may use that word.

It came from those individuals who have interests to protect in this war, and, if necessary, to protect them they will sacrifice American boys on the battlefields of any continent to protect them as they did before. I intend to discuss the matter later, either this week or next week, but some of the individuals who are behind this drive for conscription, and helped finance it, are the same individuals who were anxious to push America into the World War before 1917.

Let me say this afternoon, whether my colleagues agree with me or disagree with me, I have never made a statement on the floor of the Senate if I did not have information and facts with which to back it up. It will be found that these patriots are willing to conscript boys, but when you start talking about drafting wealth, what does the New York Times say? It says that we should go slowly on excess-profits taxes, that we should go slowly on drafting wealth, but full speed ahead on drafting boys. Yes; slow up on drafting wealth but full speed ahead on drafting boys. Conscript 100 percent of their wealth.

When you start talking about drafting wealth, that is regimentation and communism, but when you talk about taking boys, taking them away to their possible death, that is not regimentation to them, that is democracy. Democracy! Look at these individuals behind it. We find these individuals like Henry Stimson, Julius O. Adler, Lewis Douglas, John F. O'Ryan, Karl H. Behr, Elihu Root, Jr., and Grenville Clark, back of moves to push America closer to the precipice of war. They say we are not in the war. I am tired of these people talking in denial about us taking steps toward war, but we are gradually going down that road, and sooner or later we are going to get close to the precipice and then it means war itself.

They are the same individuals who are advocating today an act of war in the sale of destroyers. I gave the names of some of the individuals who helped finance the advertising campaign before the recent conventions. We found international bankers of Kuhn, Loeb & Co. I received a telegram from Mr. Thomas, of Lehman Bros., this morning, who helped finance the advertising toward our involvement in war, asking me to go along and support the sending of destroyers to England. Director of Kuhn, Loeb & Co., director of Lehman

Bros., director of J. Pierpont Morgan & Co., director of the Guaranty Trust Co., and others have been named. Every single, solitary large international banking house in New York is represented on one of these committees, either financially or otherwise, except one.

The call for conscription did not come from the farms of America—and the farms of America are just as patriotic as any other place in America. If the farmers felt we were in need of this, they would be for it. It did not come from Main Street of America. Give me a boy on Main Street, and I will show you a boy who will fight just as much as the boy who is reared on Wall Street. The call for conscription came from this international crowd which tried to get us into the League of Nations, which tried to get us into the World Court, and have gradually tried to push us into involvement in international affairs abroad. I intend to discuss that longer at a later time. I intend to let the people of America have the facts, and let them know who is writing these bills and who is pushing them.

At times we see in the London newspapers what will happen in the United States. Then a few weeks later we find the story in New York City; then next we find a bill introduced in the Congress of the United States. It is almost uncanny to study the predictions which have come out of the magazines of London as to what America was going to do. I intend to read those to the Senate, and show what they said was going to be done. No greater prophet ever lived in history than the prophets of the London magazines, who have told what America is going to do as to involvement in this war—and those papers are not written for America; they are written for the English public, and the individuals do not get the facts.

Such papers as the New York Times, controlled by Mr. Adler, who has been howling regimentation, never say a word in behalf of anything to which they are opposed, but try to mislead the people, as they tried to create the impression last week that conscription was already through. Individuals have said to me, "I intended to write you a letter, but I heard Mr. Kaltenborn on the radio, and he said conscription was through, that there was no need to write." That is part of the program to put America to sleep, so that the people will think there is no opposition. But so long as Americanism is present in Congress, there will be opposition to this alien doctrine of conscription, and the conscription program, which did not come from America, but came from foreign shores, and was incubated in the banks and law firms of New York City on Wall Street.

[Manifestations of applause in the galleries.]

The PRESIDING OFFICER (Mr. RUSSELL in the Chair). The Chair must admonish the occupants of the galleries that they are present as guests of the Senate, and if continued demonstrations occur, the galleries will be cleared. The occupants of the galleries must observe the rules. It is a rule of the Senate that there must be no demonstrations in the galleries.

EXHIBIT A

Some of those present were: Julius Ochs Adler, Gasper G. Bacon, Edward Bowditch, Dr. A. L. Boyce, Kenneth P. Budd, Philip A. Carroll, Grenville Clark, Henry H. Curran, J. Lloyd Derby, Dr. Richard Derby, William J. Donovan, Lewis W. Douglas, Duncan G. Harris, Robert H. Jamison, DeLancey K. Jay, Allen L. Lindley, Philip J. McCook, George C. McMurtry, John McAuley Palmer, Robert P. Patterson, Henry L. Stimson, Archibald B. Roosevelt, Elihu Root, Jr., John F. O'Ryan, Archibald G. Thacher, Jonathan M. Wainwright, Francis M. Weld, Cornelius W. Wickersham, George Wrenn, and Wom R. Wyles.

Mr. MINTON. Mr. President, I hold no brief for the men just excoriated by the Senator from West Virginia [Mr. HOLT]. So far as I know, they are high-class, patriotic gentlemen, although they might belong to the Harvard Club. I think the men who gathered on the occasion referred to by the Senator from West Virginia to draft the conscription bill were sincere, honest, patriotic men. It may be true that they come from the upper crust, so to speak, and God knows I hold no brief for them.

The Senator from West Virginia has been putting into a certain category everyone who happens to stand for the legislation that is pending and that which will shortly be pending before the Congress of the United States. The Senator will stand and brand them, and all the rest of us who happen to believe in the legislation in which they believe, as belonging in the same category. Perhaps the Senator is right, but I get a little weary at being lectured about patriotism by the Senator from West Virginia. He has told the Senate who was at this meeting where patriots met to consider defense measures for this country. I will tell the Senate who was not there. There were not any Holts there, because the Holt family does not teach that kind of doctrine. When I was over in France in 1917 and 1918, the father of the Senator from West Virginia was preaching that people should not raise any food to send to me and my comrades who were fighting for this country in France. The father of the Senator from West Virginia sent his son, who was eligible for service, to hide away in South America to avoid the draft. Talk to me about patriotism. That is the kind of patriotism that is represented by the Senator from West Virginia. So I get a little impatient with that kind of patriotism.

I get a little impatient at being lectured from a slacker family about what I consider to be my patriotic duty in the crisis which faces my beloved country at this time.

Mr. President, I am not speaking for the men of the Harvard Club, but I am speaking for the men who went out with me in 1917 and 1918, who had the courage to go upon the battlefields of France to fight for our country, and die for it, if need be, and the father of the Senator from West Virginia was preaching to the people not to send me food.

Mr. HOLT. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. HOLT. I merely wish to say that as soon as the Senator concludes I will answer his malicious lie. [Laughter and applause in the galleries.]

Mr. MINTON. That is the evidence that was given before a committee——

The PRESIDING OFFICER. The Senator from Indiana will suspend.

Mr. MINTON. I suspend.

The PRESIDING OFFICER. The Chair will give those in the galleries who are visiting the Senate one more opportunity to observe the common courtesy guests owe their host. If the occupants of the galleries do not observe the rules by refraining from demonstrations of approval or disapproval, the Chair will see that the galleries are cleared. In the meantime the Chair charges the doorkeepers and those in charge of the galleries to observe and see if it is possible to note those indulging in applause, and escort them from the galleries, in order that those persons who are willing to abide by the rules and conduct themselves properly may not be penalized. The Senator from Indiana may proceed.

Mr. MINTON. Mr. President, I quoted the documents of the United States Senate for the evidence that I am giving. It was testified to, and evidence was produced before a committee here in the United States Senate, as I understand, in which the charges were made against the father of the Senator from West Virginia that I have uttered here on the floor of the Senate.

So, Mr. President, I, for one, am supporting this legislation because I believe it is my patriotic duty to do so. I do not want to have to conscript boys. It is no pleasure for me to do so. But we do not have any choice in the matter. There is a man across the sea who marches today before the greatest military force the world has ever known, and he crushes out, one by one, the democracies of the world and marches on and on to new victory. It is his philosophy that it is the duty of himself and his kind to crush out democracy in the world and to set up the rule of his own people over the rest of us. I stand in fear of that dreadful doctrine. I want to see America preserved. I want to see America go along happily down the road as she has in the years that have gone by. I do not want to see the will of a foreign conqueror imposed upon the free people of America.

I believe that this threat is here. I believe that we are confronted with a frightful crisis. We do not have to send

our men to fight over there, or to fight anywhere, except in defense of America; but I say that the exigencies of this occasion demand that we should get our manpower ready to fight and defend America if it should ever unhappily be challenged.

I say, Mr. President, that I do not want to conscript boys. I would not conscript boys if I did not feel that it was necessary. Why did you conscript them in wartime? Only because you thought it was necessary. If you are going to conscript them now, you are going to conscript them only because you think it is necessary.

Are we in an emergency or are we not? If we were not in an emergency which demanded this preparation, why did we unanimously vote these billions of dollars to buy ships and airplanes and tanks and other equipment? They do not man themselves. The United States Senate voted unanimously billions of dollars for all this equipment. How are we going to operate it if we do not man it?

The Army tells us that the volunteer system will not get the men in the quantities and at the time they need them for their training purposes. The Army and the Navy have the responsibility for using these weapons for the defense of our country. These men who have that responsibility come in and tell us time and again that if we are going to use these weapons, then we must have the men to use them. Are we to say to the staffs of the Army and the Navy charged with the responsibility of using these engines of death upon the battlefield, of defending America if the time should ever come when that is necessary, that they shall not have these men to train them and get them ready, if that unhappy day should ever come?

Mr. President, there are some of us who have faced this unhappy circumstance with heavy hearts. As I looked into the face of my little boy, who was 6 months old before ever I laid eyes on him—he was born while I was over in France—I uttered a silent prayer that God forbid that ever he would have to go into another war. He is 21 years old today, and he had the courage to go out on his own and offer his services to his country by enlisting in the Reserve Corps, and he is but a schoolboy yet.

I have another boy who is 15 years old. I love those youngsters as any father loves his son, and I do not want them to go to war. I do not want any mother's son to go to war. But if war should unhappily come, and the crisis should come in this country, I would be ashamed of my sons, much as I love them, if they turned their backs like slackers upon their country in the hour of its need.

Mr. President, I feel keenly about this matter. If the time comes that Congress shall vote for another war, and it becomes my duty to do it, I will stand up and do it like a man, but God forbid that ever I have to do it. But if that unhappy time comes I will walk out of my door, and take my boys' hands in mine, and we will go down to the recruiting station together and do our duty as American citizens.

Mr. HOLT. Mr. President, I do not know what caused the Senator from Indiana to get in the spirit that he has gotten into. I notice he has been going back and forth out of that door. But I want to say this, that if the shoe fits the Senator from Indiana he can wear it. If ever the administration wants filth to be thrown they get the Senator from Indiana to throw it.

Mr. MINTON. And when Hitler wants it thrown you throw it.

Mr. HOLT. No, no, not at all. I want to say this, that there never has been a time in recent history when the administration wanted some dirty, filthy, low job done, that they could not get the Senator from Indiana to do it.

Mr. BARKLEY. Mr. President, I make the point of order——

Mr. HOLT. Oh, I do not blame the Senator from Kentucky at all——

Mr. BARKLEY. It is a matter of indifference to me whether the Senator from West Virginia blames me or not, but the Senate has rules which require the observance at least of decorum in debate here among Senators, and I suggest to the Chair that the language used by the Senator from West Virginia is not in keeping with the rules of the Senate.

Mr. HOLT. Mr. President, I want the Senate to know——

The PRESIDING OFFICER. The Senator from Kentucky has made a point of order.

Mr. HOLT. I want to talk on that point of order.

The PRESIDING OFFICER. The Senator from Kentucky, under the rule, has the right to make a point of order.

Mr. BARKLEY. I suggest that the Senator from West Virginia impugns the motives of the Senator from Indiana. He said in effect that the Senator from Indiana can be obtained by the administration, or some other agency, to deal in low, dirty, contemptible debate here, and to reflect upon Senators. If that is not a violation of the rule which prohibits the impugning of motives of Senators, I should like to have the rule read.

The PRESIDING OFFICER. The clerk will read for the information of the Senate paragraph 4 of rule XIX.

The CHIEF CLERK. Rule XIX, paragraph 4:

> If any Senator, in speaking or otherwise, transgress the rules of the Senate, the Presiding Officer shall, or any Senator may, call him to order; and when a Senator shall be called to order he shall sit down, and not proceed without leave of the Senate, which, if granted, shall be upon motion that he be allowed to proceed in order, which motion shall be determined without debate.

Mr. BARKLEY. Under that rule the Chair, or any Senator, may call the Senate's attention to the language of a Senator. I have no desire to prevent the Senator from West Virginia or any other Senator proceeding in debate, but I do question the propriety of language such as the Senator from West Virginia has used toward the Senator from Indiana, and I ask the Chair to decide whether it is a violation of the rule of the Senate against impugning the motives of another Senator.

The PRESIDING OFFICER. That would place the Chair in the position of passing upon the language used by the Senator from West Virginia. The Senator from Kentucky in rising to make the point of order is wholly within his rights, and under rule XIX it would be in order for the Senate, upon motion, to allow the Senator from West Virginia to proceed in order.

Mr. BARKLEY. I think, under the rule, it is no more the duty of a Senator than of the Chair to call a Senator to order when he violates the rule, but I am willing to assume responsibility for calling attention to the language of the Senator from West Virginia. When a Senator is called to order he shall sit down, and not proceed without leave of the Senate. I am willing to make the motion, and do make the motion, that he be allowed to proceed in order.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kentucky that the Senator from West Virginia proceed in order. [Putting the question.] The ayes have it, and the Senator from West Virginia is recognized to proceed in order.

Mr. HOLT. Mr. President, the Senator from Indiana has attacked my father. My father is dead. He cannot protect himself. My father was a patriot, and enlisted in the Civil War when he was 13 years of age; and yet the Senator from Indiana stands up and impugns his motives. My father will be long remembered as a man who stood courageously for the things in which he believed. Yes, my father was against the World War; and thousands of American boys would be alive today if my father's course had been upheld by the American people. Yes; my father was against war, because he had seen it. He had seen boys of his own age, 14 and 15 years of age, killed on the battlefield, and he did not want any more boys to be killed.

Likewise, I say that America gained nothing from her entrance into the World War. My father was against it, but he was against it openly. The Senator from Indiana says that my distinguished father—and pray God that I may be as much of a man as my father was—opposed sending food to the soldiers abroad. While my father was against the war, he never opposed raising food to send to the soldiers abroad.

Where did such testimony come from? It came from the words of a man who was superintendent of schools in my town, and who was later appointed by the President to smack at me. What did that man do? When I was a child 12 years old in school, what did this man who attacked my father before the committee do? He came before the students of my own school, before me, a child 12 years old, with no defense at all, and said "Old Doc Holt"—my father was a physician, and a good one—"ought to be lined up against a wall and shot until his blood stained the wall." He made that statement before the student group, and before me, 12 years of age. The testimony is based on that type of statement, brought about by war hysteria. Yes; my father was against the war, and he was right.

The story about my brother not being in the Army is another malicious misstatement of fact. My brother did not seek to evade the draft, as the Senator from Indiana has tried to intimate. Mr. President, I shall ask that there be placed in the RECORD—I shall send home immediately for it—a letter from the War Department praising my brother for his work in construction of military camps. He served at Camp Sherman. He served at Camp Upton, and he served at other camps in America. It is typical of the Senator from Indiana to rise in the Senate, where my brother has no protection, and deliberately try to smear me.

Mr. President, I expected just such an attack. Whenever a man stands up and fights this crowd, he is smeared. I have had this experience before. I ask that I be permitted to place in the RECORD the military record of the Holts. There has been a Holt in every war in American history. Holts were in the Revolutionary War, and fought to make America independent from England. The Senator from Indiana does not think we are free today. He still thinks we are a colony.

The PRESIDING OFFICER. Without objection, the matter referred to by the Senator from West Virginia will be printed in the RECORD.

Mr. HOLT. It is impossible to list, on the spur of the moment, all of my direct relatives who have served in the Army and Navy. They served in the Indian wars, Revolutionary War, War of 1812, Civil War, and the World War.

Here are my grandparents and uncles who have served in the Army and Navy:

Joseph Davis, lieutenant in Revolutionary War.
Joseph Davis (son of above mentioned), surgeon in Revolutionary War.
Reuben Davis, ensign in the War of 1812.
Jacob Pritchard, major of militia.
William Henry Harrison Dew, surgeon in Confederate Army.
Samuel Dew, served in Confederate Army. Killed in action at Frederick, Md.
William Dew, served as captain from Virginia in Revolutionary War.
John Holt, served in militia during Whisky Rebellion.
William Holt, died in Union Army during Civil War.
John Holt, served in Union Army during Civil War.
Dr. James McCauley, surgeon in United States Navy.
Jonathan Cobun (Fort Cobun named for him), served in Indian wars.
James Cobun, served in Indian wars.
Robert Edwards, Revolutionary War captain.
Thomas Highland, captain.
Gen. William Holt, quartermaster general under Gen. George Washington in Revolutionary War.
Dr. M. S. Holt (father) enlisted in Union Army in Civil War.
Mathew S. Holt, Jr. (brother) served in construction division, United States Army, World War.
Other information as to age of some who were not able to serve in Army or Navy:
My father was but 13 years of age but enlisted.
My grandfather Dew was but 15 years of age at the start of Civil War.
Another grandfather Dew was but 7 years of age when Revolutionary War began but later enlisted in militia upon becoming of age.
No uncles or grandparents were of military age for service in Spanish-American War.

Mr. HOLT. Mr. President, I should like to have the RECORD show these things once and for all.

My fine mother was also against war, because she did not want boys killed; and she was right. My fine mother was knocked down by stones thrown by brave, hysterical patriots. Yes; I know something of war hysteria, because my father was honest and brave enough to stand up and face it. Twice afterward he was elected mayor of my home city by having his name written in on the ballot. He received more votes than both other candidates combined. My father is dead. I hate to say that. But his memory goes on, in protest against needless bloodshed. I am not ashamed of my father's record, and I am not ashamed of my brother's record. I am not ashamed of the Holts. I wish to say to the Senator from Indiana that if he had a spark of manhood about him he would look up these facts and apologize in the United States Senate; but he dare not do so.

The Holts fought in the wars, and many of them died in the wars. The record which I shall present to the Senate will show that. My father was against the World War, and I am against this war, because I know that the same path which we took in 1916 and 1917 is being taken in 1939 and 1940.

The Senator from Indiana said that when Hitler wanted to smear he had me do it. That reminds me of the same sort of abuse which was heaped upon that great American, the elder Senator La Follette from Wisconsin, and the Senator from Nebraska [Mr. NORRIS]. I can find almost the identical words in the CONGRESSIONAL RECORD.

I have accepted nothing from anybody. My duty is not to any other country but to America. I believe in national defense, but I do not want the boys of my home city sacrificed on the battlefield in order to provide wealth for a few. The Holt family has never been a slacker family; but, thank God, they have enough "guts" to say what they believe, even though they be alone in saying it. I shall do so here, even though I be alone. I shall fight for things that are right.

Mr. President, the statement of the Senator from Indiana is uncalled for. Nothing was said in my statement which included the Senator from Indiana, but he seemed to want to include himself. The shoe seemed to fit him, and he put it on and went to town with it.

I am not ashamed of the Holts. I am for America. Thank God, we can still talk, and I intend to do so.

ACTIVE SERVICE OF NATIONAL GUARD, RESERVE, AND RETIRED PERSONNEL

The Senate resumed the consideration of the joint resolution (S. J. Res. 286) to strengthen the common defense and to authorize the President to order members and units of Reserve components and retired personnel of the Regular Army into active military service.

Mr. AUSTIN. Mr. President, several distinguished lawyers who are Members of the Senate have questioned the constitutionality of the pending measure. I raised the same question in the early stages of the measure; but the result of my own research and of the help I have had from others who have specialized in the matter of legislation for national defense is that I am persuaded that the Congress possesses the power which is undertaken to be exercised, first, under and by virtue of inherent sovereignty, and, second, under the express authorities which are laid down in article I, section 8, of the Constitution.

The most general power is that to provide for the common defense. Probably no power which Congress possesses is superior to the power to provide for the common defense. But the Constitution is more specific than that. It vests in the Congress another sovereign power, namely, the power to raise and support armies. There are numerous additional powers which bolster this general and this specific power.

It was by virtue of these powers that Congress heretofore, in 1916 and again in 1933, undertook to include in the Military Establishment of the United States Reserve components. The democratic theory of our Government is that we shall have a relatively small standing Army and that we shall have a relatively large reservoir of trained citizens qualified physically and mentally to answer a call to arms in the common defense. Congress has adhered to that policy in setting up the law under which we work today.

I believe it was the distinguished Senator from Iowa [Mr. GILLETTE] who called attention to the power to call out and the power to order into the Federal service the National Guard and other Reserve components of the Military Establishment. I need not review the fact that the Military Establishment consists not only of the standing Army but also of the Reserve components, which include the National Guard of the United States, and the National Guard when called into the service of the United States, which are two different organizations, the Organized Reserve, and the militia when organized.

Mr. CONNALLY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Texas?

Mr. AUSTIN. I yield.

Mr. CONNALLY. Let me ask the Senator from Vermont whether the constitutional authorization giving Congress the power to raise and support armies is not based on something even more fundamental, if there could be anything more fundamental, and that is the power of the Government to preserve itself?

Mr. AUSTIN. Exactly. There is not a more necessary power for a government to have than the power to raise and support armies for the common defense. Section 111 of the National Defense Act, which is found at page 160, 48 Statutes, is an exercise of that power applied to the very same thing the Congress is asked to apply it to today. Is there any question in the mind of Senators that section 111, which enables the President to order into active service the Reserve components of the Army on two conditions is a constitutional and valid piece of legislation? Does any Senator question the validity of that act of Congress which provides, in effect, that the President may order into active service the National Guard of the United States on two conditions, namely, that, first, Congress shall have declared an emergency to exist, and, secondly, that Congress shall have declared that the standing Army is not adequate for the emergency? When once it is admitted that that is a valid exercise of this great power to provide for the common defense and raise and support armies, then the necessary step has been taken to come to the conclusion to which I shall ask the Senate to come.

What is the nature of the pending joint resolution? Is it any different in character than the National Defense Act of 1933? No; it is of identical character; it is exactly the same thing; and it deals with the same subject. It has for its objective that lofty purpose of providing for the national defense by raising and supporting armies. How does the pending joint resolution differ from the existing law, which is, of course, nothing but a statute, and no one here now questions its validity from a constitutional point of view, and I doubt if anyone ever will question it. The joint resolution we are considering changes the power of the President to some extent. Under the existing law it is necessary for the Congress to make certain declarations of fact, namely, that an emergency exists, and that the standing Army is not adequate to take care of it, whereas the joint resolution which we are considering, in effect, repeals that provision, and, in effect, makes it inapplicable to the situation. If the Congress sees fit to pass the joint resolution, then it will not be necessary for the Congress to declare an emergency to exist and that the standing Army is inadequate to meet it. Under the joint resolution, which will have exactly the same validity and exactly the same force as the act of 1933, the President during the brief period ending June 30, 1942, will be authorized to order into active service for limited periods of time the Reserve components of the Army without any preliminary finding by Congress of an emergency or the lack or inadequacy of the standing Army. That is all there is to it; it is as simple as it can be.

Mr. President, if anybody questions my own thought on this matter, which they well might do, I would call attention to the thought of another, namely, a district judge of the United States whose decision stands as the law today. It is the decision of a great and dignified court which has never been reversed, so far as I can find, and has never been modified, so far as I can find, and the reasoning which I have attempted to use in arriving at the conclusion I have is similar to that employed by this judge in his opinion to which I shall ask the indulgence of the Senate to refer. I shall not undertake to read the entire opinion, and use so much of the valuable time of the Senate as that would require, but I will read certain paragraphs in order that Senators may know the process of the judge's thought not on this measure, of course, not even on the act of 1933, but on the same principle, for it was upon the Conscription Act of 1917 that this decision was rendered.

A man by the name of Stephens was indicted for failure to register under the act of May 18, 1917. He demurred to the indictment, and the court overruled his demurrer, saying, among other things—and I read from page 960 of Two Hundred and Forty-fifth Federal Reporter:

> The power of Congress to raise armies, like the power to declare war, is unconditional, unqualified, and absolute; and Congress is the exclusive judge of the necessity for the exercise of the power and of the means and manner prescribed by it for its exercise. The constitutional provisions relating to the militia manifestly apply to State militia in contradistinction to militia of the United States. Otherwse it would be difficult to understand the provision "reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress." Further, the clause providing for "calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions" is predicated upon the organization of the militia, without which the ends intended could not be attained.

Note in passing that these are the grounds urged now in questioning the validity of this proposal. I resume the reading:

> The provisions of the Constitution relating to the militia having application only to the organized State militia, it does not follow, from the lack of power in Congress to send such militia to fight in a foreign country, that Congress has not power to organize the militia of the United States and send it to any part of the globe deemed best for the conduct of military operations. There is no necessary or logical connection between the two propositions.

Mr. President, I shall not weary the Senate by reading further, but I ask unanimous consent that from this point forward until the mark I have made on the following page be inserted in the RECORD in connection with my remarks.

The PRESIDING OFFICER (Mr. MILLER in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

> The militia of the United States, as defined in the act of June 3, 1916, is sufficiently inclusive to embrace most, if not all, of the individuals composing the militia, organized or unorganized, of the several States. But should they by conscription be drafted into an army destined for foreign parts they would necessarily lose the character of organized State militia, and the implied constitutional inhibition against calling out the organized State militia except to "execute the laws of the Union, suppress insurrections, and repel invasions" would cease to apply. The power of Congress to declare war and raise armies is absolute and paramount, and must be recognized, even if the exercise of the power interferes with the organization of the State militia in such manner as to leave no subject to which the inhibition can apply. That power infinitely transcends, in importance, the retention of organization of State militia with the result that it can be used for no useful purpose, except the accomplishment of the three specified objects within or substantially within the national domain.
>
> War was formally declared by the United States against Germany April 6, 1917. The joint resolution containing the declaration sets forth:
>
> "That the state of war between the United States and the Imperial German Government which has thus been thrust upon the United States is hereby formally declared; and that the President be, and he is hereby, authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Imperial German Government; and to bring the conflict to a successful termination all of the resources of the country are hereby pledged by the Congress of the United States."
>
> Under these circumstances, the position taken on the part of the defendant that, although an able-bodied American citizen of proper age, he has not given his consent and, therefore, cannot be compelled to serve his country in a foreign field, or submit to registration, cannot be maintained. That the exercise of the constitutional power to raise armies should be dependent upon the consent of the proposed soldiers is a startling proposition which this court is not prepared to accept. In *Angelus* v. *Sullivan* (246 Fed. 54, — C. C. A. —) the Circuit Court of Appeals for the Second Circuit said with respect to the act in question:
>
> "This Court has no doubt as to the constitutionality of the act of Congress. The Constitution, Article I, paragraph 8, expressly provides that the Congress shall have power to raise and support

armies, and to provide and maintain a navy, and to make rules for the government and regulation of the land and naval forces. The purpose of the Conscription Act is to raise an army, and the right to raise it does not involve the exercise of an implied power but of one expressly granted. How can the courts deny to Congress a right which the Constitution in plain and distinct terms confers upon it? The Constitution in conferring the power upon Congress has not prescribed the mode in which the power shall be exercised. The power is conferred fully, completely, and unconditionally. It is for the Congress to determine the means by which the army shall be raised. It is left to its judgment whether it shall be raised by calling for volunteers, or whether it shall be raised by conscription. At the time the Constitution was adopted conscription was not an unknown mode of raising armies, but had been resorted to by governments throughout the world. * * * If it had been intended that Congress should not have the power to raise anything but a volunteer army the grant of power would have been restricted and not made unconditional."

I am satisfied that Congress under the power to declare war, to raise armies, and do all things necessary and proper for the execution of that power, has full constitutional authority by conscription to organize the militia of the United States for foreign warfare, and, as incident to the exercise of that authority, to provide for and enforce the registration of those liable to serve. Further, it does not appear that the army the Government is engaged in raising may not be used to "execute the laws of the Union, suppress insurrections, and repel invasions," as well as to serve abroad; and it is not denied that for the former purposes the militia of the United States may be compelled to register and render military service.

Mr. AUSTIN. Mr. President, I do not adopt the language of that decision, but I do agree with the principle which is so well stated there; and I am persuaded that the Congress has complete authority to enact this joint resolution in the interest of the common defense and for the purpose of providing an army.

Now, Mr. President, if it is in order to do so, I should like to offer an amendment to the amendment which is now pending.

The PRESIDING OFFICER. Let the clerk state the committee amendment.

The LEGISLATIVE CLERK. On page 2, after line 17, it is proposed to insert the following:

SEC. 3. (a) Any person so ordered into the active military service of the United States who, in the judgment of those in authority over him, satisfactorily completes the period of service required under this joint resolution shall be entitled to a certificate to that effect upon the completion of such period of service, which shall include a record of any special proficiency or merit attained.

(b) In the case of any person who by reason of being ordered into such active military service is required to leave a position, other than a temporary position, in the employ of any employer and who (1) receives such certificate of satisfactory service, (2) is still qualified to perform the duties of such position, and (3) makes application for reemployment within 40 days after he is relieved from such service—

(A) if such position was in the employ of the United States Government, its Territories or possessions, or the District of Columbia, such person shall be restored to such position or to a position of like status and pay;

(B) if such position was in the employ of a private employer, such employer shall restore such person to such position or to a position of like status and pay unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so;

(C) if such position was in the employ of any State or political subdivision thereof, it is hereby declared to be the sense of the Congress that such person should be restored to such position or to a position of like status and pay.

(c) Any person who is restored to a position in accordance with the provisions of paragraphs (A) or (B) of subsection (b) shall be so restored without loss of seniority, insurance participation or benefits, or other benefits, and such person shall not be discharged from such position without cause within 1 year after such restoration.

(d) The failure or refusal of any private employer to comply with the provisions of paragraph (B) of subsection (b) or with the provisions of subsection (c) shall be an unfair labor practice within the meaning of and for all the purposes of the National Labor Relations Act.

(e) In any case in which no remedy is available under the National Labor Relations Act to require compliance by any private employer with the provisions of this section, the district court of the United States for the district in which such employer maintains a place of business shall have power, upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the benefits of such provisions, to specifically require such employer to comply with such provisions. The court shall order a speedy hearing in any such case and shall advance it on the calendar.

The PRESIDING OFFICER. The Senator from Vermont offers an amendment to the committee amendment, which will be stated.

The LEGISLATIVE CLERK. On page 2, line 18, after the word "Any", it is proposed to insert "member of any reserve component of the land or naval forces who is on active duty, and any"; and on page 2, line 25, it is proposed to strike out the words "any person who" and insert in lieu thereof "any such person who has left a position or."

The PRESIDING OFFICER. Is it the desire of the Senator from Vermont to have the two amendments considered together?

Mr. AUSTIN. I should like to have that done, because they constitute one amendment in fact, although they happen to occur at two places in the committee amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Vermont to the amendment reported by the committee.

Mr. HILL. Mr. President, I am not sure that I understood the Senator's amendment.

The PRESIDING OFFICER. For the information of the Senate, the clerk will again state the amendment.

Mr. HILL. I am not asking that it be restated. I do not know that even a reading of the language would tell us exactly the scope of the amendment. Will the Senator explain his amendment?

Mr. AUSTIN. I will explain the effect of it.

If agreed to, this amendment would accord to members of the reserve components who have offered their service to the country, or who have been taken into active duty with their consent, the same status that is accorded to conscripts by the amendment. If this amendment should not be agreed to, the conscript or enrollee under the conscription provision and under the order would have a status not granted to the men who volunteer their services or who are now already in extended active service with their consent. Of course, it is an equitable thing to do, and from the point of view of patriotism it is a worthy thing to do.

This amendment relates to the employment—that is, the jobs—from which the enrollee or conscript or person ordered is taken, and makes as good provision as the committee thought could be made and was practicable for assuring the return of these boys to the jobs which they are called upon to leave when they go into the service of their country under this joint resolution.

This is exactly the same amendment which was offered by me in committee yesterday, I believe, and accepted as a part of the corresponding labor provision of the conscription bill. So far as I know, there is no difference at all except in a matter of text which I cannot remember. It seems to me there was a slight change, but it is not seriously material. In other words, it is the aim of the amendment to treat alike all those who serve their country in both the land and the naval forces of the country.

Mr. HOLMAN. Mr. President, the Senator is speaking for the committee, is he not?

Mr. AUSTIN. No; I have not any right to speak for the committee.

Mr. HOLMAN. I thought we authorized the Senator to do so.

Mr. AUSTIN. I have not any right to speak for the committee. Our very able chairman may have something to say about this amendment.

Mr. SHEPPARD. Mr. President, so far as I am concerned, if the Senator will permit me, the amendment is entirely satisfactory to me.

Mr. DANAHER. Mr. President, will the Senator answer a question, please? When he refers to reserve components, as he just did, does he not mean the National Guard, the Reserve, and the retired personnel who are referred to seriatim in lines 8 and 9 on page 2?

Mr. AUSTIN. Yes; but that is not in detail. That is intended to indicate, I believe, the National Guard of the United States, the National Guard while in the service of the United States, the Officers' Reserve Corps, the Organized Reserves, and the Enlisted Reserve Corps.

Mr. DANAHER. So the Senator's use of the term "reserve component" actually is broader than the language appearing on page 2 at line 8?

Mr. AUSTIN. I do not think it should be so construed. I think the joint resolution, where it uses the word "reserve," should be construed to include all reserve components.

Mr. DANAHER. I simply wish to make sure that the Senator's amendment does reach all the personnel referred to in section 1 of the joint resolution.

Mr. AUSTIN. That is my intention, and I think the language does cover it all.

Mr. DANAHER. I thank the Senator.

Mr. AUSTIN subsequently said: Mr. President, I shall detain the Senate only a moment. I ask unanimous consent to have placed in the body of the RECORD, following my remarks made today, excerpts from the opinions of the Supreme Court in two cases.

The first is the selective draft law cases, which appear in two hundred and forty-five United States Reports, at page 366. I wish to have printed in the RECORD only those parts which are marked. Some of them are in the argument, at pages 371 and following, and the others are in the opinion by Mr. Chief Justice White, on pages 375 and following.

The other case is in the same volume, at page 481, and is entitled, "Ruthenberg et al. Against United States."

Both these cases, of course, are on draft laws, but they deal with the same principle, among other principles, which is involved in the question raised about the pending joint resolution.

Mr. President, I hope before we adjourn we may have a vote upon the pending amendment, for I understand there is not a single opponent.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Vermont?

Mr. LUNDEEN. Mr. President, I shall have no objection if I may be permitted to insert at the conclusion of the able Senator's remarks some excerpts from the speech of Daniel Webster against conscription.

The PRESIDING OFFICER. Let us first dispose of the request of the Senator from Vermont. Is there objection?

Mr. REYNOLDS. Mr. President——

The PRESIDING OFFICER. Does the Senator desire to object?

Mr. REYNOLDS. No.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the excerpts may be printed in the RECORD.

The excerpts are as follows:

SELECTIVE DRAFT LAW CASES

[From the Argument for the United States]

There is not, as asserted, any common-law right of a soldier not to be sent out of the country.

* * * * * * *

The act infringes no provision of the Constitution concerning the militia. The fact that a citizen is a militiaman does not exempt him from service in the National Army. The militia and the National Army are separate institutions, created for separate purposes; and the power of Congress over the former (art. I, sec. 8, clauses 15, 16) is not in limitation but in extension of the power to raise armies (clause 12). The law infringes no reserved right of the States over the militia. If there be a conflict between the State and Federal powers in this respect, the latter must prevail (*Ex parte Coupland* (26 Tex. 386, 396, 402); *Burroughs* v. *Peyton* (16 Gratt. 470, 475, 483–485); *Jeffers* v. *Fair* (33 Ga. 347, 351, 353); *Ex parte Tate* (39 Ala. 254, 288); *Ex parte Bolling* (id., 609); *Barber* v. *Irwin* (34 Ga. 27, 37); *Simmons* v. *Miller* (40 Miss. 19, 26); *Kneedler* v. *Lane*, supra). Otherwise the power of Congress to raise armies must be nullified. But there is no conflict in fact. The National Government has never impaired the right of the States to keep up the militia. The present law draws into the National Army but a small portion of the militia as a whole, and the withdrawal from possible call for local service is only temporary (act of June 15, 1917, sec. 4, 40 Stat. 217). The right of the States to organize and train militia remaining has been recognized and safeguarded (act of June 14, 1917; 40 Stat. 181; National Defense Act of June 3, 1916, sec. 61, 39 Stat. 198). The restrictions of the militia clause are inapplicable. The draft is not based on liability to perform militia duty, but on liability of citizens to render national military service. When Congress has made provision for calling the militia in the past, the words have been addressed to the militia expressly (citing numerous Federal acts). The opposing briefs are in conflict as to whether this act calls the militia. The National Defense Act of 1916, in designating all able-bodied male citizens between the ages of 18 and 45 as militiamen, does not call them to militia service, and clearly does not intend to relinquish the power to call citizens into the National Army. The Draft Act does not call the National Guard in its organized form, but operates upon the individuals, for reorganization in national units. Thus, to select the trained members of the National Guard from the body of citizenship is not arbitrary, but reasonable and prudent. However, even if plaintiffs in error were called as militiamen, they would not be entitled to relief in the courts (*Martin* v. *Mott*, supra; *Luther* v. *Borden*, 7 How. 1, 44).

[From the Opinion of the Court]

The act proposed to raise a national Army, first, by increasing the regular force to its maximum strength and there maintaining it; second, by incorporating into such Army the members of the National Guard and National Guard Reserve already in the service of the United States (act of Congress of June 3, 1916, c. 134, 39 Stat. 211) and maintaining their organizations to their full strength.

* * * * * * *

The proclamation of the President calling the persons designated within the ages described in the statute was made, and the plaintiffs in error, who were in the class and under the statute were obliged to present themselves for registration and subject themselves to the law, failed to do so and were prosecuted under the statute for the penalties for which it provided.

* * * * * * *

But the proposition simply denies to Congress the power to raise armies which the Constitution gives. That power by the very terms of the Constitution, being delegated, is supreme (article VI). In truth the contention simply assails the wisdom of the framers of the Constitution in conferring authority on Congress and in not retaining it as it was under the Confederation in the several States.

* * * * * * *

It may not be doubted that the very conception of a just government and its duty to the citizen includes the reciprocal obligation of the citizen to render military service in case of need and the right to compel it.

* * * * * * *

When the Constitution came to be formed it may not be disputed that one of the recognized necessities for its adoption was the want of power in Congress to raise an army and the dependence upon the States for their quotas. In supplying the power it was manifestly intended to give it all and leave none to the States, since besides the delegation to Congress of authority to raise armies the Constitution prohibited the States, without the consent of Congress, from keeping troops in time of peace or engaging in war. Article I, § 10.

* * * * * * *

There was left therefore under the sway of the States undelegated the control of the militia to the extent that such control was not taken away by the exercise by Congress of its power to raise armies. This did not diminish the military power or curb the full potentiality of the right to exert it but left an area of authority requiring to be provided for (the militia area) unless and until by the exertion of the military power of Congress that area had been circumscribed or totally disappeared. This, therefore, is what was dealt with by the militia provision. It diminished the occasion for the exertion by Congress of its military power beyond the strict necessities for its exercise by giving the power to Congress to direct the organization and training of the militia (evidently to prepare such militia in the event of the exercise of the Army power) although leaving the carrying out of such command to the States. It further conduced to the same result by delegating to Congress the right to call on occasions which were specified for the militia force, thus again obviating the necessity for exercising the Army power to the extent of being ready for every conceivable contingency. This purpose is made manifest by the provision preserving the organization of the militia so far as formed when called for such special purposes although subjecting the militia when so called to the paramount authority of the United States (*Tarble's case*, 13 Wallace, 397, 408). But because under the express regulations the power was given to call for specified purposes without exerting the Army power, it cannot follow that the latter power when exerted was not complete to the extent of its exertion and dominant. Because the power of Congress to raise armies was not required to be exerted to its full limit but only as in the discretion of Congress it was deemed the public interest required, furnishes no ground for supposing that the complete power was lost by its partial exertion. Because, moreover, the power granted to Congress to raise armies in its potentiality was susceptible of narrowing the area over which the militia clause operated, affords no ground for confounding the two areas which were distinct and separate to the end of confusing both the powers and thus weakening or destroying both.

RUTHENBERG ET AL. VS. UNITED STATES

As every contention made in this case concerning the unconstitutionality of the selective draft law was urged in *Arver* v. *United States* (Selective draft law cases), ante, 366, and held to be without merit, that subject may be put out of view. The remaining assignments of error are to say the least highly technical, and require only the briefest notice.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request made by the Senator from Minnesota?

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

DANIEL WEBSTER ON UNCONSTITUTIONALITY OF CONSCRIPTION

Congress having, by the Constitution, a power to raise armies, the Secretary contends that no restraint is to be imposed on the exercise of this power, except such as is expressly stated in the written letter of the instrument. In other words, that Congress may execute its powers, by any means it chooses, unless such means are particularly prohibited. But the general nature and object of the Constitution impose as rigid a restriction on the means of exercising power as could be done by the most explicit injunctions. It is the first principle applicable to such a case, that no construction shall be admitted which impairs the general nature and character of the instrument. A free constitution of government is to be construed upon free principles, and every branch of its provisions is to receive such an interpretation as is full of its general spirit. No means are to be taken by implication which would strike us absurdly if expressed. And what would have been more absurd than for this Constitution to have said that to secure the great blessings of liberty it gave to government an uncontrolled power of military conscription? Yet such is the absurdity which it is made to exhibit, under the commentary of the Secretary of War.

But it is said that it might happen that an army could not be raised by voluntary enlistment, in which case the power to raise armies would be granted in vain, unless they might be raised by compulsion. If this reasoning could prove anything, it would equally show that whenever the legitimate power of the Constitution should be so badly administered as to cease to answer the great ends intended by them such new powers may be assumed or usurped as any existing administration may deem expedient. This is the result of his own reasoning, to which the Secretary does not profess to go. But it is a true result. For if it is to be assumed that all powers were granted which might by possibility become necessary, and that government itself is the judge of this possible necessity, then the powers of government are precisely what it chooses they should be. Apply the same reasoning to any other power granted to Congress and test its accuracy by the result. Congress has power to borrow money. How is it to exercise this power? Is it confined to voluntary loans? There is no express limitation to that effect, and, in the language of the Secretary, it might happen—indeed, it has happened—that persons could not be found willing to lend. Money might be borrowed then in any other mode. In other words, Congress might resort to a forced loan. It might take the money of any man by force and give him in exchange exchequer notes or certificates of stock. Would this be quite constitutional, sir? It is entirely within the reasoning of the Secretary, and it is a result of his argument, outraging the rights of individuals in a far less degree than the practical consequences which he himself draws from it. A compulsory loan is not to be compared in point of enormity with a compulsory military service.

If the Secretary of War has proved the right of Congress to enact a law enforcing a draft of men out of the militia into the Regular Army, he will at any time be able to prove quite as clearly that Congress has power to create a dictator. The arguments which have helped him in one case will equally aid him in the other, the same reason of a supposed or possible state necessity which is urged now may be repeated therein with equal pertinency and effect.

Sir, in granting Congress the power to raise armies the people have granted all the means which are ordinary and usual and which are consistent with the liberties and security of the people themselves, and they have granted no others. To talk about the unlimited power of the Government over the means to execute its authority, is to hold a language which is true only in regard to despotism. The tyranny of arbitrary governments consists as much in its means as in its ends, and it would be a ridiculous and absurd Constitution which should be less cautious to guard against abuses in the one case than in the other. All the means and instruments which a free government exercises, as well as the ends and objects which it pursues, are to partake of its own essential character and to be conformed to its genuine spirit. A free government with arbitrary means to administer it is a contradiction; a free government without adequate provision for personal security is an absurdity; a free government with an uncontrolled power of military conscription is a solecism, at once the most ridiculous and abominable that ever entered into the head of man.

Mr. WHEELER. Mr. President, the statement was made on the floor of the Senate on yesterday—at least, I read it in one of the newspapers—that Colonel Lindbergh was one of the "fifth columnists," or something of that kind, because of certain statements which he made in a speech in the city of Chicago.

I have just received a statement which was published by William Allen White in 1938 in the Emporia Gazette. I do not think anybody will say that William Allen White is a "fifth columnist." I have known Mr. White for a good many years. He is now the head of the movement that has placed advertisements in the newspapers saying, "Stop Hitler Now." I think it is extremely unfortunate if persons who disagree with one another, either in the Senate or outside of the Senate, are immediately accused of being "fifth columnists" or something of the kind.

The conscription bill which is now pending will lead to honest differences of opinion between persons who are equally patriotic. I happen to be one of those who disagree with conscription in peacetime; and when I take that stand I am taking the same stand that has been taken by the people of this country for 150 years.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. CONNALLY. I do not care to argue with the Senator. The Senator says he is against conscription in peacetime.

Mr. WHEELER. Exactly.

Mr. CONNALLY. He would be for it in wartime?

Mr. WHEELER. If it should be necessary; yes.

Mr. CONNALLY. The Senator would be for it in wartime but he is against it in peacetime?

Mr. WHEELER. That is correct.

Mr. CONNALLY. Is there any difference between calling out troops when the danger is so emergent that it is necessary to have them right now, and calling them out a little earlier for the same purpose, to train them and equip them so that the danger will not be so great? I cannot comprehend the reasoning of the Senator as to its being sound to call them out in time of war but unsound to call them out in time of peace.

Mr. WHEELER. I think there is a vast difference. In the first place, I am not finding fault with anybody who disagrees with me on this question.

Mr. CONNALLY. I am not quarreling with the Senator.

Mr. WHEELER. I understand that. I am not finding fault with Senators who believe Mr. Hitler is going to come over and take the United States tomorrow, or that he is going to take Mexico, or that he is going to take South America. I do not believe it, and I do not think there is any warrant for that fear. Nevertheless, there are men who honestly believe that. I do not think there is anything of that kind to fear. Some Senators and some other persons believe that a grave danger of invasion faces us, and that if England should happen to be defeated we would be immediately attacked. I do not subscribe to that view.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. CONNALLY. Let me say to the Senator from Montana that I do not base my views on the imminent danger of any particular contingency of that kind occurring; but I think the national interest requires that even as to a remote possibility we ought to be prepared, so that it would not occur either as to Hitler or Japan or England or any other possible enemy. I think it is the duty of the National Government, and those of us who have a small part in running it, so to arm and equip and train the military land and naval forces that it will not be a question of whether some master wills to come over here or wills not to do so, but it will be a question that he dare not come; he dare not will it.

Mr. WHEELER. I subscribe to the Senator's views with reference to that. I feel that we should be prepared to meet any eventuality. But when we come to conscription in peacetime, in my humble judgment, we are acting contrary to every principle we have heretofore followed in this country. If we can and do conscript the lives of people in peacetime, then, of course, we should also conscript the wealth of the country. When we conscript lives and conscript wealth, then we are well on our way to the type of totalitarian governments from which we seek to protect ourselves.

There are men in this country, and possibly men in the Senate, who feel that in order to protect this country, not only from the military standpoint but from the economic standpoint, it is necessary to temporarily set up some form of dictatorship in order to compete with totalitarian governments. I do not subscribe to that view. I have never known of a dictator in the world who ever got his dictatorship, however temporary it was to be, who ever gave it up. That is not the history of people who get that kind of power, and it is not going to be so in this country, if we ever come to

that. But the Senator and I do not disagree in the view that we should have a defense program carried out in a business-like, calm, cool way to meet any eventuality. We do disagree, I understand, on the question of conscription.

But I did not rise to get into an argument at this time with reference to that particular feature. I did rise to say that I think it is extremely unfortunate if we are to lather the people into hysteria. As the Senator from Connecticut said yesterday, in offering his proposed substitute, the most important thing in connection with national defense is to have national unity, and we are not going to have national unity if we are to make hysterical statements and accuse everyone who does not agree with us of being a "fifth columnist," and if we are going to see "fifth columnists" in every corner. It is not going to do any good to call people of the type of Colonel Lindbergh "fifth columnists." I never met Colonel Lindbergh except on one occasion, and then only for a brief, passing moment, so I do not know much about him personally, but I cannot conceive that he is guided by any other motive than that of patriotism.

If Colonel Lindbergh is a "fifth columnist" because of what he said in Chicago, then William Allen White, because of what he said in 1938, is likewise a "fifth columnist." Lindbergh did not go any further in his statement, as I read it, than William Allen White went in 1938. Let me read from Mr. White's statement:

> Nineteen years ago this winter, the writer of these lines was in Paris. He was reporting for a syndicate of American newspapers with a combined circulation of something like 2,000,000, the doings of the peace conference which drew up the Treaty of Versailles. It was a terrible treaty. It penalized Germany beyond human endurance. It humiliated her, and it imposed a financial burden upon the vanquished that was out of all reason. That treaty was merely a declaration of the next war. The readers of the Gazette may remember that the editor, in his syndicated articles, which were printed herein, protested against the iniquity of the treaty, not chiefly as a moral wrong, but as a chunk of dynamite which would blow peace out of the world and bring inevitable war.
>
> CONSEQUENCES INEVITABLE
>
> It was not his own wisdom that guided the typewriter in those days. A large minority of onlookers at the treaty making—reporters, minority statesmen, and businessmen—were shocked and alarmed. Being practical men they were more alarmed than shocked, possibly, at the catastrophic consequences looming up inevitably ahead of that treaty. The consequences are here now. The trouble started 10 years ago when the economic world began to blow up, and the economic phases of the treaty were abandoned. If these punitive treaty provisions had not been written we should have had no depression, no world panic. If the political phases of the treaty had not been written we should have today, no Hitler, no threat of war beclouding the world.
>
> With all the evils of this calamitous crime before the eyes of the men who made that treaty, why did they do it? Three men, primarily, were responsible. Each reflected a greed of his own home group.

He included in that Clemenceau, Lloyd George, and Woodrow Wilson. I do not agree with what he said about Mr. Wilson.

Mr. CONNALLY. Mr. President, will the Senator explain what Mr. White said about President Wilson?

Mr. WHEELER. Yes.

Mr. CONNALLY. He spoke of greed. What did we get out of the war?

Mr. WHEELER. We got nothing.

Mr. CONNALLY. We did not get a dollar, did not get an inch of territory, did not get a new subject, or a new citizen. If Mr. White said anything like that, he permitted his partisanship and hatred of Wilson to cause him to make a statement that was not true, and I regret it, because I like Mr. White.

Mr. WHEELER. I agree with the Senator wholeheartedly in that statement. Mr. White said:

> Each reflected a greed of his own home group: Clemenceau, Lloyd George, and Woodrow Wilson. Clemenceau and the French, including their central European allies, wanted the German colonies and wanted Germany bound and chained. Lloyd George and his group wanted colonies and wanted Germany to pay England for the British cost of the war. Woodrow Wilson, representing America, wanted no colonies, demanded from Germany no punitive reparations. He wanted the League of Nations. But, alas, with a folly that was as stupendous as his vision of the League of Nations was noble, Woodrow Wilson tied that noble vision to the vengeful treaty. And so it was that the League of Nations—his high vision—crumbled because of his greed for the power of his pet project. It was a day of vengeance and greed. But evil carries its own punishment. So "vengeance is mine, saith the Lord; I will repay." Human vengeance is the most expensive of all the lusts of man. It is a greed in itself, and greed always eats its own vitals in the end.
>
> ONLY ONE SOLUTION
>
> Hitler is the personification in reverse. What can save the world? More greeds? No. They will only aggravate the trouble. The hardest thing in the world to do today will be to turn the right way, to the only solution that is possible, the only thing that will save this civilization which we call Christendom, in the main, the white man's civilization from the Caspian Sea westward to Honolulu. The saving grace that will rescue civilization is a humble and a contrite heart; that is "the way and the truth and the life." The Allies still have their opportunity. They have tried force when Germany surrendered. Force has failed. They can turn to reason if they have the wisdom to do so. But now the appeal to arms will be futile. For no one ever won any war, and no one will win this new war when it starts. The present economic, political, and moral order will fall under the impact of another war. If we are to save our democratic civilization, we should get it into our democratic heads and hearts as practical men that we have only one Saviour; one real, practical, common-sense Redeemer. And that is the philosophy, the precepts, and the guiding morals of Jesus of Nazareth. Not to the leaders, not to the statesmen, not to the businessmen with their self-interest should the democracies of the world turn today. But on their marrow bones they should pray for the wisdom and the strength of the humble, for the guidance of the great mind that preached the great Sermon on the Mount: "Do unto others as ye would have them do unto you"—the second Sinai of man.

This was William Allen White speaking. While I differ with him with reference to his views respecting selling our ships to Great Britain, and on other matters, I believe that he is one of the great men of our day.

I certainly think it is deplorable that during the debates in the Senate there should be bitterness and strife and men should accuse one another or call others names. That will not lead to unity in our Nation.

If someone would rise today and use the same language which Mr. White used, and say that it was the Versailles Treaty which brought about the conditions which exist in this country, immediately someone would say, "You are an appeaser, you are an isolationist, you are a 'fifth columnist,' you are in the pay of Germany." In my judgment, Mr. White is stating the simple facts and the simple truth. That does not change our obligation and it does not affect the necessity for adequate defense to meet any eventuality.

Mr. LEE. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. LEE. If the Senator claims that the Versailles Treaty was the justification for Germany's invasion of Belgium and France this time, what was the justification for their invasion some 20 years ago, when there was no Versailles Treaty?

Mr. WHEELER. I do not intend to go into the intricacies of European power politics. Every side and every country in Europe has done a great many things which have been wrong. I hold no brief for the Germans of 1916 and I certainly hold no brief for Mr. Hitler. I think that many of the things he has done are deplorable and despicable. But I do say on the floor of the Senate that two or three things could have happened when the Versailles Treaty was under consideration. A reasonable peace could have been made. I will say that one of the highest authorities in this country, a man whom we all respect, who attended the Versailles peace conference with Woodrow Wilson, told me not later than the first of this year that he pleaded with representatives of England and France to make a peace treaty which would not bring on another war. He said he pointed out to them at that time that the treaty they proposed to impose would only bring on war, but they accused him of being pro-German and pro-Russian. He was ridiculed and called names because he took the position he did.

The time to have stopped Hitler—and this does not excuse him for anything he has done—the time to have stopped Hitler, in my judgment, was when he went into the Ruhr, and if England and France had stopped Hitler at that time he would never have gotten any place today.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. PEPPER. I wish to ask the Senator this question: Were there not many people in those countries who, when

some persons counseled that Hitler be stopped, said, "No; that means war"? And they went on to say, "He has the right to rearm Germany. He has the right to go into the Ruhr. That is his territory and we are not going to interfere."

Mr. WHEELER. Of course, the Senator from Florida knows very much more about what was in the minds of the people of England and of France than I do, and I am not prepared to say what was in their minds, but I do say that my understanding of the matter is that France wanted to stop Hitler, but Great Britain did not.

Mr. PEPPER. Mr. President, will the Senator yield further?

Mr. WHEELER. Yes.

Mr. PEPPER. I will ask the Senator from Montana if that has not been the situation with respect to each progressive step that Hitler has taken? When he entered into the Ruhr and when he took the Rhineland, that question presented itself, and finally, as the Senator from Montana said—and I think the Senator is correct—France, suspecting that there would come a time when they would find they had waited too long, protested, but Great Britain said, "Perhaps we had better let him go along. Perhaps he means what he says. If we will just let him have that, perhaps he will stop." But he did not stop, but took the next step, and finally came the situation with respect to Czechoslovakia. The Senator from Montana knows all about the history of the taking of Czechoslovakia. Some people said then, "If we are ever going to stop Hitler, we had better do so now while the foundries of Czechoslovakia are in operation, while the great Skoda munitions factory is in operation, and Czechoslovakia has a great fine army." But some person suggested, "We cannot fight over that issue." And so it was every time an issue presented itself—that no effort was made to stop him until finally France and Britain became convinced—at least, I assume they became convinced—that Hitler was not trying to repair the damage done by the Versailles Treaty; that he was not trying to right wrongs; but that he was really trying to conquer territory.

The Senator will remember that Mr. Chamberlain, in his speech after he returned from Munich, said:

> If I were convinced that Hitler was trying to dominate the world by force, I would go to war. I think at Berchtesgaden he was not trying to do that. I think at Berchtesgaden he was trying to right the wrongs done by the Versailles Treaty.

Mr. WHEELER. I think what Chamberlain said was true. I think Hitler wanted to right the wrongs done by the Versailles Treaty. Of course, the Senator from Florida will recall that Sir John Simon, when he was Chancellor of the Exchequer, made a speech in the House of Commons in which he said, "We have to rearm Germany in order to bring peace in Europe." And not only that, but you know and I know that as a matter of fact some of the leading industrialists and financiers in England helped to finance Mr. Hitler. They loaned tremendous amounts of money, something like $2,000,000,000 on short-term credits, and something like $1,000,000,000 in long-term loans. Then it will be recalled that when France wanted to stop Hitler, England refused, and France started calling her loans, and when France started calling in her loans, the British lord, who is the head of the great newspaper syndicate, made a statement in Canada, in his home town, in which he said, "We had to scrape the barrel in order to keep the banks of England from going under" by reason of the calling of the loans which had been made.

I am not anti-British by any manner of means, and I hope and pray that England will hold out, and that Mr. Hitler will be brought to terms. But I also want to keep out of wra, and I want to do nothing which is going to take this country into the war or lead us down the road to war.

The Senator from Florida and I differ, as I said, upon the matter, because from his conversation and his speeches I am quite sure that he feels that we ought to go to the war now in order to stop Hitler.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. PEPPER. No. I made clear my position—if anybody should be interested in what I say—in a speech I made at Harvard University the other day, which was placed in the RECORD. I did go so far as to say that we should give notice to all men that we will resist, insofar as it affects our own security and defense, the conquest of Great Britain. I would not send a single soldier, or airman, or sailor to the continent of Europe. I would not want any part in trying to push Hitler back on any part of the continent of Europe. But I do believe very conscientiously that our security and safety would be interfered with if the British Government—not the British Empire, because I do not care about any element of it—if the British Government ceased to be a first-class power, and if the British Navy were destroyed or seriously impaired, and I would resist that event happening by such force as might be necessary to prevent it, starting off in the first place with letting them have what things they could use themselves for their defense, but if it came to be an eventual question, as I think the Senate is going to have to face it, as to whether we will do anything to aid in the defense of Great Britain as a part of our own security, or let it collapse, I would decide in the affirmative, and I consider myself acting solely in the defense of America in doing it.

Mr. WHEELER. Mr. President, let me say to the Senator from Florida that I do not disagree with him. I should hate to see the British Government—not the British Empire, because I do not know enough about it to pass upon that matter—but I would hate to see the British Government collapse. However, I am not willing to go as far as the Senator from Florida is—that is for the United States to go into war in order to keep that from happening.

From the statement which the Senator from Florida has made I cannot come to any other conclusion than that the Senator would take the position that we should declare war if we felt and saw that the British Government would collapse.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. PEPPER. I am afraid I have not always been clear, so that the Senator would understand the distinction I make.

Mr. WHEELER. That is probably my fault.

Mr. PEPPER. No. In no case would I declare war. Declaring war has not a thing in the world to do with it. I have not had the slightest notion of declaring war. I mean by that, that I would simply interpose, along with the defenses that were being interposed by the British people against the attack of the Germans, such force as might be necessary to keep that country from collapsing and being conquered. I would not declare war.

Mr. WHEELER. No; the Senator would simply go to war.

Mr. PEPPER. I would let them have some destroyers, I would let them have some airplanes, and some cruisers, as little as might be necessary, and possible to spare, but I would allow them these instrumentalities, which would be for defense—for their defense and for our defense—to be interposed between their Government and the attack of Hitler and the Germans, but I would not declare war.

Mr. WHEELER. But you would go to war if you took steps which amount to war. I appreciate the fact that today many nations do not declare war; they simply go to war. However, I cannot subscribe to the idea of simply doing everything that has always been considered an act of war. We have always taken the high position in the United States that a treaty meant something, and we have always taken the position in the United States of America that international law meant something. We have talked about it on the floor of the Senate. Candidates for President and Presidents of the United States have talked about it. The Democratic platform has gone on record since 1900 with reference to matters of that kind. I say that we cannot maintain our position before the world if we do the very same things that we have accused countries of doing and for which we have denounced them. That is where the Senator from Florida and I differ with respect to this matter.

Mr. President, I rose not to discuss that particular matter at this time, but I rose because of the statement that the

Senator from Florida made. I know that if anybody rises now and says that the Versailles Treaty was responsible for the rise of Hitler, he will be accused of being a "fifth columnist," not alone by fanatics but by many honest and sincere people.

So I rose to call attention to what the man who is leading the propaganda in this country at the present time said about it, and I do not think that even the Senator from Florida would accuse William Allen White of being a "fifth columnist" because of the statement he made. As I say, I have no brief for Colonel Lindbergh or for anybody else; but I plead with Members of the Senate, during these days when we are all more or less worn out, for the sake of the country itself not to rise and accuse everyone who disagrees with them of having some ulterior motive and charge them with being a "fifth columnist." I think that such action belittles and besmirches the Senate of the United States as a body. God knows, in the minds of some unthinking people, the Senate of the United States has sunk to a low level. I do not agree with them; but if we follow such a course during this period many persons will say that because of the actions of one or two thoughtless men we ought to have a dictatorship.

If we go back to what was taking place in Italy before Mr. Mussolini came along—and I was there—and if we go back to Germany before Mr. Hitler came in, and see what was going on there, we can appreciate that dictatorships were possible because those countries were torn asunder with bitterness, hatred, and name-calling. Every liberal who rose to protest against something that was happening was immediately called a Bolshevist or a Communist.

Mr. LEE. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. LEE. If Goebbels, the chief of propaganda, had written the speech which Colonel Lindbergh delivered, does the Senator from Montana think he could have done any better job for Hitler than Lindbergh did?

Mr. WHEELER. I do not think that is a fair question, and I do not think it is a proper thing of which to accuse Mr. Lindbergh. I have heard part of the speech quoted here, but I have not read the entire speech. I do not think the Senator ought to make such a statement. It might just as well be said that William Allen White is a "fifth columnist" because Goebbels could not have written a better statement than William Allen White's statement in 1938.

Mr. LEE. Was not that before Hitler had bathed Europe with the blood of innocent people?

Mr. WHEELER. I do not think so. Almost from the time he came into power Hitler started the persecution of racial and religious groups in his own country. I hate nazi-ism and despise Hitler because of the racial and religious persecutions which he started in Germany. I am opposed to the whispering campaigns which are now going on in this country aimed at stirring up racial and religious hysteria. In my humble judgment, Hitler's program of Nazi Kultur has harmed not only his own country but the entire world. I do not want such things to happen in the United States. However, this is still a free country. We are not at war; and certainly we are entitled to free speech in the United States.

Mr. LEE. That is true.

Mr. WHEELER. It ill becomes any Member of the Senate or the House of Representatives to accuse Mr. Lindbergh of being a "fifth columnist," or of being in the same class as the propaganda minister, Goebbels. I do not know Mr. Lindbergh, and I have not read any of Mr. Goebbels' material.

Mr. LEE. Mr. President, will the Senator further yield?

Mr. WHEELER. I yield.

Mr. LEE. Of course, it is possible for a person to be a "fifth columnist" innocently. There are many unconscious carriers of disease germs, but the victim of those disease germs is the victim just the same. A person may be perfectly sincere, but if the effect and result of his activities is to soften America, as other countries were softened before they were destroyed, the effect on this country is the same.

Mr. WHEELER. With reference to softening America, let me say to the Senator, that I do not know of anyone who has been accused of trying to soften America economically any more than has the Senator from Oklahoma. He should be one of the last to talk about softening America, because if there has been one Member of the Senate who has been accused of softening America and trying to do things which would destroy the United States, it has been the Senator from Oklahoma.

Mr. LEE. I should like to have the Senator be more specific in his charges.

Mr. WHEELER. Every Member of Congress, including myself, who has voted for a great many of the New Deal legislative measures, has been accused of trying to soften the American people. The Senator from Oklahoma, as he well knows, has been one of the most ardent New Dealers in the Senate, and has wanted to go even further than the President of the United States with reference to some social legislation. For that reason I cannot be specific, but I have seen editorials written about the Senator.

Mr. LEE. Because I wanted to prevent war profits, if that is what the Senator means.

Mr. WHEELER. Yes; that is one thing.

Mr. LEE. The Senator has agreed with me.

Mr. WHEELER. Exactly. I am not criticizing the Senator for the stand he has taken. I say that he is correct. If we are to conscript the manpower of this country, we must, in justice, conscript capital property.

Mr. LEE. We should. Did not England do so when she became tough?

Mr. WHEELER. Yes. I am only pointing out the charges that have been leveled at the Senator.

Mr. LEE. That is not softening. That is getting tough.

Mr. WHEELER. That is not what Dorothy Thompson and some of the other columnists would say about it.

Mr. BONE. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. BONE. I think the Senator from Wisconsin [Mr. WILEY] said yesterday that the period through which we are passing is so utterly confusing as to be bewildering. A few days ago I read something which supports the thesis of the Senator from Wisconsin. I saw a statement attributed to a Wall Street publication which said that the per unit cost of the material we are buying in preparation for national defense is so high, and that prices are rising in such an astounding fashion that the boondoggling of P. W. A. would look like small change in comparison. About that time I ran across another definition from a publicist in America who does a beautiful job. This publicist defined a "fifth columnist." I should like Senators to know what one of the definitions is. He says that a "fifth columnist" is anyone who criticizes the cost of the program. So Senators now have notice served on them that if any Senator has the temerity to rise and object to the cost, he will be classified as a "fifth columnist." I will admit that that is a fantastic theory, but it is given wide currency.

I now make bold to call the attention of the Senator from Montana and other Senators to some comment in yesterday's RECORD. I refer to a colloquy between the Senator from Montana [Mr. WHEELER], the distinguished Senator from Indiana [Mr. MINTON]—who I assume speaks the views of the administration—and the able Senator from Oklahoma [Mr. THOMAS]. It had to do with the purchasing power of the dollar. The Senator from Oklahoma, who is an authority on the subject, said that today the dollar would purchase twice as much as it purchased in 1920. The Senator from Indiana repeated that statement, and said that the purchasing power of the American dollar today is twice what it was in 1920.

As a member of the Naval Affairs Committee of this body I beg to call attention to the fact that in 1920 we were engaged in building the battleship *West Virginia*, a vessel of approximately 35,000 tons. She cost $26,800,000, at a time when the dollar was buying what it then bought. Today that same type of vessel would cost not less than $70,000,000, at a time

when the purchasing power of the American dollar is twice what it was when we were building the *West Virginia*. If Senators can figure that all out, and add to the computation what is going to happen to the American taxpayer with that fantastic whirlwind of finance, I wish they would enlighten me. I know that the "fifth columnist" who wrote for the Wall Street Journal—or whatever the Wall Street publication was which suggested that all this financial operation would make the boondoggling of P. W. A. look like petty change—probably was mistaken. He did not know that he was a "fifth columnist," but he slipped very easily and gracefully into that category.

This situation merely illustrates how the silly season has come upon us. Distinguished and able Members of the Senate sit around and listen seriously to such talk. A Member of Congress is a "fifth columnist" if he presumes, when he is voting for tax bills, to question whether or not the taxpayers will receive value of 100 cents on the dollar. Able Senators have stated within the past 2 hours that the American dollar today will buy twice what it bought in 1920, and yet we are paying three times as much for battleships as we did at that time. I wish some able Senator could figure it all out. I think the American people are entitled to the answer, and I wish some able Senator would give us the answer.

Mr. WHEELER. In 1920, when we passed the bill providing pay of $21 a month for the enlisted men of the Army, the wages of almost all other classes of workingmen in the United States were on a much higher level than they are today. But the workingmen of this country, through organization, have been able to raise their wages in some instances almost double in the last few years. Nothing, however, has been done to raise the level of pay of the men in the lower grades of the Army.

In connection with the proposal to conscript men, let me call attention to the difference in the way the men themselves are being treated and the way business is being treated. We are proposing to conscript men and say to them, "You have got to serve in the Army." But when it comes to business, it is a different matter. To get business to volunteer and to cooperate with the Government, we are permitting business to say to us "Stop prosecutions under the Sherman antitrust law." Some cases will not be prosecuted under the Sherman antitrust law in order to secure cooperation from business on national-defense items. Then, in addition, to get cooperation from business, the Government is asked to lessen restrictions of the labor acts. And some sections of business are saying, "If you want any help from us, you have got to let us make greater profits." Eight- and ten-percent profit on an order is not enough when business is working for its own Government during an emergency.

On the one hand we are making concessions to business in order to get them to volunteer but we are not giving the boys of America an opportunity to volunteer. We are saying to them, "You have got to come in and take your medicine and you have got to take it at $21 a month." We do not offer them any inducement whatever to volunteer.

In a democracy two things always have been held sacred and inviolate—one the right to vote and the other the right to life. We are not even waiting for war to conscript men. We are saying, "We are going to take away your right to liberty in peacetime; we are not going to give you a chance to volunteer first, but we are clamping down on you and sending you into the ranks."

I did not hear the address of the Senator from West Virginia [Mr. HOLT] with reference to some of those who are back of the conscription proposal, but I venture the assertion that if it were suggested that their wealth be conscripted they would rise in holy horror and loud protest and say they would not go along with the Government; yet they are willing, nay anxious, to conscript the lives of the boys of the country.

So, in conclusion—and I had not intended to take so long—let me say that I hope we will not start what was started in the World War. This is an example of the sort of rumor and hysteria I deplore. A young man in my home State was reported to have told the story that Belgian children, with their arms off or their legs off, were being exhibited across the country and were going through certain towns in Montana. The young man denied he had ever heard the story, and when he denied it some hysterical people accused him of being pro-German, beat him, and then chased him out of town. That kind of thing is starting in this country, and I hope that the Members of the Senate will not, during the months to come, by their voices and actions, further fan the flames of hysteria. Already anyone who gets up and expresses an opinion contrary to the opinion of someone else is denounced by some, by implication, at least, as being an appeaser—I do not know what is meant by that—or a "fifth columnist."

After all, we are not at war with Hitler. Some think we should be, but we are not. Regardless of how much I may disagree with Colonel Lindbergh and what he may say, he has a right, under the Constitution of the United States, to express his opinion just as any Member of the United States Senate has; and when he does express his opinion it ill becomes Members of the Senate of the United States to denounce him as a "fifth columnist." The same men who denounced him would dislike to be accused of being in the pay of Great Britain because they have taken a favorable attitude toward that country and said they wished to do everything they could for the British Government. If there is any plan of propaganda in the United States it is on the part of the British——

Mr. LEE. Mr. President——

Mr. WHEELER. They have the greatest propaganda organization, and they indulge in propaganda openly and frankly. When their agents come here, they are entertained. I know, as other Senators know, that one of their agents who was here and was entertained by high officials was the man who started the propaganda that we should sell or give to Great Britain 50 of our destroyers.

Mr. LEE. Mr. President, will the Senator yield?

Mr. WHEELER. I will yield to the Senator in a few moments. Suppose some agent of Germany came here and said we ought to sell 50 destroyers to Germany. He would be run out of town or hanged or something of that kind, because it would be said "he is seeking to destroy our Government."

So, I repeat, we are not at war, and under the Constitution we still have a guaranty of free speech. I do not know how long it will last, because when I see this hysteria growing I wonder how long we will be permitted to speak our minds even upon the floor of the Senate and disagree with anything that anybody else says. Even if we say that we do not want to get into the war, we may be denounced as "fifth columnists" or as appeasers or isolationists.

Mr. LEE. Mr. President——

Mr. WHEELER. I will yield in a moment.

I called attention to the fact that the President of the United States, in his Chautauqua speech a few years ago, said, when he and others were being accused of being isolationists:

> We are not isolationists except insofar as we want to isolate this country against war.

But today, only 2 years later, if one wants to isolate this country against war and keep it out of war, he is immediately denounced by every British propagandist in the United States.

There are British propagandists in the United States; there are men in this country who want to see us get into this war, and there are men who are doing everything in their power to try to get us into the war. When I say that, I do not refer to anybody in the Government of the United States.

Mr. LEE. Mr. President, will the Senator yield?

Mr. WHEELER. I yield to the Senator from Oklahoma.

Mr. LEE. Does the Senator feel that it is any more a violation of ethics for one on one side to abuse somebody who is preaching a doctrine which he thinks is sympathetic to Germany and to accuse him of being a "fifth columnist" than for one on the other side to accuse the other fellow, who states his opinion, of leading this country to war or being a warmonger or preaching a doctrine that will involve us in war,

and accusing those who hold that opinion, because it disagrees with his, of spreading war hysteria?

Mr. WHEELER. Let me say to the Senator that I think both are bad.

Mr. LEE. In his first speech following the President's statement when the President told the people of this country that he thought there was a serious situation, did not Colonel Lindbergh then follow with a talk about war hysteria and warmongering?

Mr. WHEELER. I do not think he accused the President of it, though, perhaps, he did.

Mr. LEE. But we are all able to put two and two together.

Mr. WHEELER. I did not read his speech, but if he did say that I would say that Colonel Lindbergh was wrong if he accused the President of the United States of warmongering. I have said, and I say it upon good authority and not second-hand information, that there are people in the United States of America today who would like to see our country get into the war tomorrow, and I say that those people are dangerous.

Mr. LEE. Will the Senator deny that there are people in this country also who are friendly to Germany and would like to see Germany overrun the world? Does the Senator deny that?

Mr. WHEELER. If there are in the Senator's acquaintance any such people he is a good deal more familiar with them than I am.

Mr. LEE. I do not understand why the Senator should make such a statement as that.

Mr. WHEELER. Then, let me say to the Senator, if there is anybody of that kind in the United States of America I have not met him.

Mr. LEE. We must not forget that all the countries which have fallen have been betrayed from within.

Mr. WHEELER. Let me say to the Senator, I went through the World War as United States district attorney and at that time everybody was seeing pro-Germans under every sagebush. With all the great German population in many of our States it is surprising how little subversive activity there was on the part of anybody excepting some half-crazy persons.

While there may be some such person, I cannot conceive of anybody in the United States wanting to see Mr. Hitler control the European Hemisphere, and particularly I cannot conceive of anybody in the United States wanting Hitler—no working man, no farmer——

Mr. LEE. What is the German-American Bund for?

Mr. WHEELER. Wait a minute. I cannot conceive of any American workingman or businessman or anybody else in the United States wanting to see Mr. Hitler come over and take over this Government, or set-up in this country the kind of government that he has over there. I cannot believe that there is any such person; and I should have to be shown specific, direct evidence, and evidence that would be beyond question of a doubt in my mind, before I would believe it of any American citizen.

Mr. LEE. Does not the Senator believe the German-American Bund would like to have that done?

Mr. WHEELER. I cannot believe it; no. I cannot believe it. Perhaps there are some such persons. I have heard about the German-American Bund. I do not happen to know anybody who belongs to the German-American Bund.

Mr. LEE. I do not, either.

Mr. WHEELER. I do not think anybody in my State belongs to it.

Mr. LEE. There are many things which I believe but which I never saw and do not know. I never saw George Washington, but I think he was the first President of the United States. [Laughter.]

Mr. WHEELER. I am surprised that the Senator admits it. [Laughter.]

Mr. LUCAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Illinois?

Mr. WHEELER. I do.

Mr. LUCAS. I should like to ask the able Senator from Montana, in view of the line of argument which has been made, whether or not he agrees that it would make any difference to our future security whether Germany won the war or England won the war.

Mr. WHEELER. I think it would, quite frankly. I think it would make a difference to our security. I should much prefer, and think it would mean much more to our safety, if England won the war than if Germany won it.

Mr. LUCAS. In other words, then, the Senator admits in his last statement that the safety of America, from the standpoint of our future, is in a better position if England continues to exist as a country than if she is overrun by Hitler and the Nazi Government of Germany?

Mr. WHEELER. Let me say to the Senator that that is my judgment. I have not any facts upon which to base it. That is perhaps my prejudice because of the fact that every drop of blood in my veins is English, and my prejudices in the last war and in this war were and are in favor of Great Britain. I have not any facts upon which to base my judgment in that respect, but I believe that is true.

Mr. LUCAS. I want to say frankly to the Senator that I have no particular affection for England. I hold no brief for England in connection with this world situation, but I do have a selfish desire to see England win because of America. If England can be maintained as she is, in my humble opinion, and the British Empire kept more or less intact and the English Government continue to go along as she has been doing for the past 100 years, it strikes me that the people of America will be in a much better position from the standpoint of the perpetuity of a free and untrammelled government as we have understood it than if Mr. Hitler and his legions conquer that island.

Mr. WHEELER. There has never been any dispute upon that question between the Senator and myself.

Mr. LUCAS. Not at all; that is correct.

Mr. WHEELER. I believe that to be true, although, as I said, if somebody should ask me for some concrete fact I should have to give it as a conclusion on my part. I am anxious to see this country build up its defenses against any eventuality, and I thoroughly believe that if we build up our defenses in an orderly, sane, safe, businesslike way, Hitler will not attempt to come over here, but I am not going to be carried away with all this buncombe and propaganda to the effect that if Hitler wins over there he will come over to the United States and attack us tomorrow or the next day; and without knowing anything about it, I am not willing to believe that any of the South American countries are going to go over and become part and parcel of Mr. Hitler.

Mr. LUCAS. In reply to the Senator, let me say that I am not going to be carried away in these debates by hysteria. I hope I shall always keep my feet on the floor of the Senate while I am here.

Mr. WHEELER. I am for the Senator. If free and open conventions are held in his State, I am confident he will be here.

Mr. LUCAS. That is problematical, but, referring to the argument which the Senator made a moment ago in reading the article of William Allen White about the Versailles Treaty, no one can consistently say that the Versailles Treaty was not a hard-driven bargain against Germany.

There is not any doubt about that, and anyone who will read the treaty must admit it. I maintain, however, that the Senate of the United States cannot assess the blame of the past. It is our duty as legislators to look world problems squarely in the face and legislate here in order to do what we think is best for our own people at this particular time.

Mr. WHEELER. I agree with the Senator; but I did not read this letter for that purpose. I read the letter because William Allen White said, at least in part, substantially what Mr. Lindbergh said. When Mr. Lindbergh said it, it was immediately claimed that he is a "fifth columnist." I say that any body who makes that statement is not a "fifth columnist" by any manner of means; and we should not start out by so designating every citizen of the United States who

happens to disagree with our views. We should not start out by saying that such a man is a "fifth columnist" and denounce everybody who has the temerity to speak his mind, no matter how wrong he may be. We should not denounce him and say, "You are this," or "You are that." We have had too much of it, and those of us who went through the last war ought to try in every possible way to keep down this hysteria. I deplore organizations, columnists, and other individuals who are seeking to stir up hysteria for any purpose whatsoever.

Mr. LUCAS. I am very happy to know that the Senator from Montana is in accord with my views as to the safety of America in the future if England should be successful in the war, because on Sunday, when Colonel Lindbergh made his speech, and if the Senator will read it very carefully——

Mr. WHEELER. I have not read it.

Mr. LUCAS. He will find that Colonel Lindbergh said that it does not make any difference who wins the war over there, whether it is England or Germany; that we shall be able thereafter to have one strong government here in the Western Hemisphere and one strong government over in Europe, and between the two of us, with treaties, we shall be able to control the world and get along.

Mr. WHEELER. I certainly would not subscribe to that view.

Mr. LUCAS. I do not subscribe to that doctrine, and so stated in an address which I made over the radio, because there is only one reason why the Senate has sat here day after day and appropriated billions upon billions of dollars, both Democrats and Republicans alike, with unanimity of thought and action and purpose and it is not to stop England. It is not to stop Poland, or Czechoslovakia, or France, or any other country than Germany. There is just one reason when we get down to uttering cold, solid truths, and that is to keep the totalitarian germ of Nazi Germany from spreading to the shores of America. That is the only reason on which we can base the votes that we have cast here. That is the basic reason for the justification of spending billions upon billions of the taxpayers' money.

Otherwise, whom do we fear? We cannot say that we fear England. We have lived by the side of England for 100 years and more without any trouble. We do not fear Canada on the north. There is not a fortress there. There is not a gun along the line. We have no trouble with Mexico to the south. There are no fortresses there.

Mr. WHEELER. No, but wait a minute; wait a minute.

Mr. LUCAS. There is no Maginot line there.

Mr. WHEELER. If we listen to some people, they will tell us that we have to fear Mexico.

Mr. LUCAS. Well, all right; assuming that we do have to fear Mexico. Let me go back to my argument about England. We do not fear Mexico very much, but perhaps we may have to do so.

Mr. WHEELER. I do not think we shall.

Mr. LUCAS. But so far as England is concerned certainly she is not the one because of whom we are appropriating these billions upon billions of the taxpayers' money for munitions and implements of war. There is only one reason why we are doing it, and that is because of Adolf Hitler and the Nazi Government. He may never attempt to come here. He may never attempt to invade us, and I hope he will not, but there is an honest fear that he will upon the part of a number of patriotic people, and if we read his book it will be found that he tells the world that his Storm Troopers will ultimately be here. The impossible in Europe has become the possible during the past few months. My activities in the United States Senate during the last few months have all been predicated upon keeping autocracy out of this country.

Mr. WHEELER. The Senator did not do differently than I did.

Mr. LUCAS. No; that is true, and I congratulate the Senator on that, but I wanted to mention that point because he is defending the Colonel here today and that is perfectly all right. In my speech of yesterday I said that every individual has a right to say whatever he wants under our Bill of Rights.

Mr. WHEELER. Let me correct the Senator. I am not defending Colonel Lindbergh. I am saying that when we are not at war, when we are at peace, I want to see free speech in this country preserved. I think it is a very bad mistake for people to rise and say that Colonel Lindbergh is a "fifth columnist," or is pro-German, or is in the pay of the German Government, just as it is unfair to say, when a man rises and makes a pro-English speech, and takes the words out of some Englishman's mouth and uses them in his speech, that that man is in the pay of Great Britain.

Mr. LUCAS. What the Senator wants is what we should have, and what we will never get because free speech gives every individual the right to say just about what he wants to say, and certainly the United States Senate is the supreme forum for it all, as it should be. Unity of thought and unity of action and judgment and purpose is a most desirable objective in a great emergency like the one now confronting us, but it is difficult to obtain, because of the different views honestly entertained by Members of the United States Senate.

Mr. WHEELER. Of course, we cannot get absolute unity of opinion in the United States, and we should not expect it, but as Members of the United States Senate, as men to whom a great many people look to because of our position, when we make statements indicating that this man is a "fifth columnist" and that man is a "fifth columnist," or that someone is in the pay of some other country, we are not only doing an injury to the country, but in my judgment we are injuring ourselves individually and collectively.

Mr. LUCAS. I do not disagree with the Senator from Montana in that statement.

Mr. WILEY. Mr. President——

The PRESIDING OFFICER (Mr. BROWN in the chair). Does the Senator from Montana yield to the Senator from Wisconsin?

Mr. WHEELER. I yield.

Mr. WILEY. I have listened several days to what has been said in the debate on the pending measure, but there are just two ideas I wish to hit, and to hit hard.

First, it has gone out over the country that the United States Senate is hysterical. The mere fact that several Members of the body blow off steam is no indication that the Senate is hysterical. There are 96 of us here, and I do not know of one whose mind is not clicking. But we are all human, and when someone sticks a pin into another he naturally resents it. But that is not serious.

I wish to say to the country, and to say emphatically, that the Senate of the United States is not hysterical, it is not losing its balance, it is not going to pieces, it is keeping its head, and it is thinking straight. No one need worry about the Senate muddling this country into war. There is no such thought on the part of any Senator.

One other thing, Mr. President. On the other side of the aisle there have come two suggestions in the last two or three days, one that business is not cooperating in this emergency. I wish to hit that, and to hit it hard. One suggestion came from the Senator from Oklahoma just a few days ago when he indicated that business was not cooperating.

Mr. WHEELER. I was about to close my remarks, and then the Senator can take all the time he desires.

Mr. WILEY. It will take me only a moment.

Mr. WHEELER. If it will take only a moment, very well; but I am practically through. If the Senator wishes to ask me a question, I will yield; but I did not want to yield for a speech, because I wish to conclude.

Mr. WILEY. I merely wanted to comment on the statement I have just made.

Mr. WHEELER. Very well.

Mr. WILEY. A statement was made that the businessmen in this country were not willing to cooperate. I wish to say that that is not correct. In other words, assume a businessman with an institution with a capital of $5,000,000, which is making money and is engaged in manufacturing. The

Government comes to that man and wants him to take on a war contract which will mean an enlargement of the plant and an expansion perhaps entailing the expenditure of ten or fifteen million dollars. This businessman will not have such a large amount of money available, and, besides, it is necessary that he give consideration to his business. Business has gone ahead and has said, "If the Government will insure this ten or fifteen million dollars, which we have not got, we will be taken care of, so that if the emergency ceases tomorrow we can go ahead and carry on our business without having an indebtedness of ten or fifteen million dollars. Then we will go ahead."

I think in that respect there has been too much reference to failure to have unity in the country. I thank the Senator very much.

Mr. WHEELER. I was about to say that when the Government takes a boy and puts him into the Army and sends him off it not only takes his capital but it takes everything he has, possibly including his life. I have not much sympathy with people who say, "You have to act so that we can make some more money," and then say, "Conscript the youth of the country and not only take their capital but perhaps take their arms, their legs, or their lives." Who is there that is going to make up that capital to those boys?

Mr. LEE. Mr. President, will the Senator yield?

Mr. WHEELER. I shall yield the floor, unless the Senator has a question to ask.

Mr. LEE. I should like to read a paragraph in answer to the Senator from Wisconsin.

Mr. WHEELER. Let me turn this colloquy over to the Senator from Oklahoma and the Senator from Wisconsin.

Mr. THOMAS of Oklahoma obtained the floor.

Mr. BONE. Mr. President, will the Senator from Oklahoma yield?

Mr. THOMAS of Oklahoma. Mr. President, I have been waiting all day for the opportunity to make a brief statement, and I shall occupy the time of the Senate now to make it.

Yesterday the question of the relative value of the dollar of today and 20 years ago, or in 1920, was raised. I made the statement yesterday that the dollar at present has twice the buying power the dollar had in 1920. Today that statement is questioned. Reference has been made to the cost of a battleship in 1920 and the cost of a battleship today.

Mr. BONE. I suggest to the Senator from Oklahoma that I am not questioning his statement; I am merely questioning the propriety and the wisdom of the United States paying three times as much for battleships with a dollar with twice the purchasing power. I am basing that conclusion on the assumption that the Senator's figures are correct. I am not prepared to challenge them, and I want him to understand that I do not.

Mr. THOMAS of Oklahoma. Since my statement has been inferentially challenged, at least, I desire to make the record a little more complete. I make the flat statement now that the American dollar today buys approximately twice as much as the American dollar bought in 1920.

On June 20, 1920, cotton was selling for 42.46 cents a pound. Today cotton is selling for 9.39 cents a pound. In other words, cotton was more than four times as valuable twenty years ago, in terms of money, as it is today. That means, in relation to cotton, the dollar today has four times the purchasing power it had 20 years ago.

On June 20, 1920, corn was selling for $1.90 a bushel. Yesterday corn sold for 59¾ cents a bushel. So again, as measured in corn, the dollar is worth more than three times what it was worth in 1920.

On June 20, 1920, wheat was selling for $3.07 cash in Chicago, and $2.91 cash in Kansas City. Yesterday wheat was selling for 74⅞ cents a bushel on the Chicago Board of Trade. So, as measured in terms of wheat, the dollar today buys more than twice as much of farm products as it did 20 years ago, in 1920.

Mr. BONE. Mr. President, will the Senator be generous and yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. BONE. Again I wish to repeat that I am not challenging the accuracy of the Senator's conclusion. I want him to understand that.

Mr. THOMAS of Oklahoma. Yes, Mr. President, but the illustration given a little while ago could be construed as rather ridiculing the statement I made yesterday, when I stated that the dollar was worth twice as much today in terms of property as it was worth 20 years ago.

Mr. BONE. I cannot understand how the Senator from Oklahoma can draw that conclusion. What I am objecting to is what we are paying for battleships today. I am not objecting to the Senator's thesis.

Mr. THOMAS of Oklahoma. I wish to complete the record. In 1920 the Republican platform was adopted in Chicago. I was not present, but I have a copy of that document in my hand, and I desire to read from such Republican platform to sustain the position I am now taking. I read the plank under the title "The high cost of living." The Republicans in 1920 condemned the Democratic Party as being responsible for the high cost of living. Is there anyone now condemning anyone else for the high cost of living? Is there any political party now demanding that the high cost of living be reduced? This is what the Republicans declared in 1920:

> The prime cause of the "high cost of living" has been first and foremost a 50-percent depreciation in the purchasing power of the dollar, due to a gross expansion of our currency and credit.

That meant that the dollar in 1920 had only 50 percent of the purchasing power this particular party thought it should have. It meant that the dollar was worth 50 cents, in the opinion of the Republican Party in Chicago in 1920. The statement I made yesterday was that the dollar was worth some 65 cents in 1920 in terms of commodities and property.

I did not rise to dwell on this question further than to reassert my position, which cannot be assailed.

Mr. BONE. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. BONE. My point in rising in the first place was to ask the Senator fairly about the price level of those materials which went into the construction of war munitions in the year 1920. I had in mind iron and steel and textiles, but primarily iron and steel, which go into the construction of battleships, together with electrical equipment. The Senator has misconstrued my attitude entirely. I desire to know if he can advise us whether or not iron and steel and other materials which went into the construction of warships in 1920 had the same relative prices other commodities he has described had, because then we would have some index figure so that we could determine whether or not we were being fairly treated now. I merely took the declaration of the Senator from Oklahoma, which was referred to by the Senator from Indiana [Mr. MINTON] that the dollar today would buy twice as much as would have been the case 20 years ago.

If it will buy twice as much, the next question is, will it buy twice as much of such fundamental commodities as iron and steel, and if it will, I submit to my brethren of the Senate that this Government is then paying three times as much for a battleship now as it cost to build a battleship in 1920. If there is anything unfair in this comparison, someone should rise and rebuke me. This statement ought not to stand unchallenged in the CONGRESSIONAL RECORD. I am assuming that the Senator from Oklahoma knows what he is talking about. I have always listened to him with interest, and he knows what he is talking about. When he referred to commodity prices, he referred to 784 commodities, and I want to ask him if they included iron and steel, which go into battleships.

Mr. THOMAS of Oklahoma. They did.

Mr. BONE. That being the case, the Members of the Senate—unless someone challenges the Senator from Oklahoma and proves that he is wrong—have the job of discovering why we are paying three times as much as we did in this era of high prices, which were denounced by Republicans.

Mr. THOMAS of Oklahoma. Mr. President, I am not prepared to go into the cost of battleships and the things which

go to make up a battleship. I will have to leave that to someone else to discuss.

I rose to refer to a meeting of some 100 citizens from some 9 States in the Central West, held in Kansas City about 10 days ago. These citizens were high-ranking officials of the several chambers of commerce of cities of the States of Missouri, Nebraska, Iowa, Kansas, Arkansas, Minnesota, North Dakota, South Dakota, and Oklahoma. These 100 citizens assembled in Kansas City and held what the newspapers termed a "revolt congress." After much discussion, so I am advised, in this "revolt congress" held in Kansas City, the question arose as to whether or not the States mentioned were securing their fair share of the "pork" or "bacon" that is to be the result of this expansion program. It seemed to be the impression among these citizens from these 9 States that the States were not sharing in the factories, in the munitions plants, in the arsenals, in the airports, and the other component parts of a military program. So the question finally arose as to what could be done about it. Two suggestions were made. One was that they should send a committee of 100 of their citizens to Washington and advise the administration that this great section of the United States is being seriously neglected. But that was not considered to be feasible. They said that was merely a sort of usual, standard resolution of a chamber of commerce. So the motion was made that they hold a second "revolt congress" in Kansas City on August 30 of this year. That motion prevailed. So a second "revolt congress," consisting of the Representatives of the 9 States mentioned, is now called to be held in Kansas City on the 30th day of August.

The second motion made was that the Senators and the Representatives from these nine States be commanded to attend that "congress" in Kansas City—not to be invited, but to be commanded to attend the congress. And if any Representative or Senator running for reelection, or nominated in the first instance, refuses to agree to attend, then his opponent shall be invited to attend.

Mr. President, the clear inference is that the Representatives and Senators must either get "bacon" for their constituents or get out, because the newspaper reports are very clear that if the Representatives and Senators do not proceed forthwith to get airports, airfields, arsenals, and manufacturing establishments, immediately, they are going to be defeated in November, and their opponents will be elected to take their places.

I desire to call attention now to the headlines appearing above this news story. This conference, held a few days ago, elected as its president a gentleman by the name of Mr. Richard W. Robbins, and they chose to call their conference the Midwest Defense Conference, with headquarters at Hotel Muehlebach, in Kansas City, Mo.

The headlines appearing in the Kansas City Times of Saturday, July 27, 1940, are as follows:

A Midwest call.
Congressmen from 9 States summoned to Kansas City August 30.
For a share in defense.
"Revolt Congress" is planned by chambers of commerce in area.
Protest is against program "robbing us of manpower and industry."
Pressure to bring men.

I read now the first paragraph from this very lengthy news article.

A militant conference of middle western business leaders yesterday called a "revolt congress" for August 30 in Kansas City to which will be summoned congressional representatives in a 9-State area to meet the emergency arising from the present trend of the national-defense program.

The unprecedented move was agreed upon at the Midwest Chambers of Commerce conference as necessary to halt the continued industrial development of established manufacturing centers at the expense of the Middle West. Every Senator and Representative in Congress from every State in the area will be called to the 1-day conference to be told—

Not advised—

to be told that the Middle West is in "revolt" against a program that "is robbing us of our manpower, our industry, and our resources."

Farther down in this news story, when the question was up for consideration as to whether or not they would come to Washington or whether they would have Washington come to them, this statement appears:

Sending a delegation to Washington is a routine chamber formula.

Mr. President, I do not care to read further from the news article because it is not necessary. I do desire at this point to ask permission to incorporate in the RECORD as a part of my remarks my letter to the chairman of this conference in answer to his invitation to attend the conference. Suffice it to say that I respectfully declined to attend the conference.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AUGUST 2, 1940.

Mr. RICHARD W. ROBBINS,
Chairman, Midwest Defense Conference,
Hotel Muehlebach, Kansas City, Mo.

MY DEAR MR. ROBBINS: I acknowledge receipt of your favor of July 30, containing news items from the Kansas City papers. I have read the stories with interest, and note that a "revolt congress" has been called to meet in Kansas City on August 30, and that such congress demands the presence of the Senators and Representatives from the States of Missouri, Nebraska, Iowa, Kansas, Arkansas, Minnesota, North Dakota, South Dakota, and Oklahoma. Also, I note that the political opponents of the Congressmen and Senators are likewise commanded to attend.

From the press reports I note the charge that the States mentioned have "poor representation" in the Congress, and also the veiled threat that the Congressmen and Senators must either "get bacon or get out." If the local press reported the proceedings correctly then it is clear that a revolution is under way, and that the war will break out very shortly. Whether or not the press reported correctly the temper and proceedings of the conference, the demands of the delegates attending must be considered.

This reply is my own, and I do not presume to speak for any Member of the Congress save myself.

I happen to know the Senators and most of the Representatives from the States mentioned, and am certain that no group of States has more able and energetic Representatives in the Congress than those representing the complaining States. My statement is intended to cover Senators and Representatives of both political parties, without differentiation.

Under the Constitution the Congress makes policies and appropriates funds to carry such policies into effect; thereafter, the executive branch is authorized to administer and execute the laws, and to use the funds appropriated to carry out the policies of the Congress.

In the prosecution of the national-defense program the Congress has not acted in any partisan sense and the program is being supported by members of all parties, and it is certain that to date the program has not, in any sense, been considered either as a "pork barrel" proposition or as a "log rolling" contest.

The news stories sent me indicate very clearly that your conference demanded that the vast areas of level ground in that State (Kansas) be used for air training and underground-munitions storehouses; that one of the three N. Y. A. aviation training schools be located in Kansas; that the Chillicothe gunstock and iron-casting plants be reopened; that the Springfield, Mo., machine shops be converted into the production of light tanks and gun carriages; that the Frisco Railroad shop located at Springfield and the large supply of skilled labor be utilized in the war-expansion program; that the Midwest should get a break, and should the Congressman and Senators fail to secure air bases, arsenals, powder plants, manufacturing plants. and other military institutions for their districts and States, then the penalty will be certain defeat in November.

Risking the charge of "passing the buck," let me outline the plan relative to national defense under which we operate here in Washington.

The United States maintains two great military institutions—one located at Annapolis for the training of Navy officers, and the other located at West Point for the training of Army officers. In the conduct of these schools the brightest boys of the country are selected for intensive training. After 4 years these youngsters are graduated and sent out for active service. The more capable and energetic of these graduates are promoted and from time to time are given special courses of instruction. We have the several special post-graduate schools such as the School of Fire located at Fort Sill, the Cavalry School located at Fort Riley, and the special school for officers located at Fort Leavenworth, and other schools for special training are located at other points in the United States.

After these promising officers have gone through the several post-graduate schools there is still another school available to those who demonstrate special fitness for the military service. This school is located here in Washington and is known as the Army War College.

When our Army and Navy officers have been thus trained scientifically and practically in the field and on the ocean, they are presumed to be experts in the affairs of the Army and Navy. However, many of our most efficient officers and experts have

secured their preliminary training at schools other than those mentioned, but all have had the advantages of our special schools and the experience acquired in either actual war or long service in their respective branches of the Service. It is upon this group of specially trained men that we rely for the plans and advice in the development and management of our military and naval establishments.

So far as I know the members of the Senate and House have not lobbied with the general staff of the War Department or the high ranking officials of the Navy Department, in trying to secure the location and establishment of depots, air bases, forts, and military manufacturing institutions within their districts and States. Without exception, however, the Members of the House and Senate have placed before the respective departments all information available relative to the advantages of the several districts and States for military activities. Also, the Members of Congress have arranged conferences to the end that all citizens and committees desiring to confer with the respective heads of the Government have had such opportunities made available to them.

I am sure that I voice the opinion entertained generally that our military establishments should be so expanded and developed as to afford the maximum of protection for our people, our property, and our Government. If those in responsible positions are not locating our military institutions at the proper points, then our country will surely suffer, because these men are not politicians, in fact, very few of them even vote, and their whole duty and responsibility is to see to it that our military establishments are developed, maintained, and managed in the best possible manner.

You will note that the present expansion program provides for the location of our military defense works along the borders of the United States. As a matter of necessity, the naval bases and yards must be located on our coast lines, and as a matter of protection the airplane bases must be located within reasonable distances of the coast and boundary lines of our country.

It occurs to me that the location of our military factories for the production of military supplies should be located away from the coast and boundary lines, which would mean in the interior of the country. However, you must know that the Government owns no airplane factories and, aside from our arsenals located at Boston and Springfield, Mass., and at Schenectady and Troy, N. Y., and the military plant located at Rock Island, Ill., practically all other military manufacturing institutions are privately owned and operated; hence the Government cannot be criticized because of the fact our airplane factories are, as a rule, located along the Pacific coast in the West and on or near the Atlantic coast in the East. I am advised that some of these great airplane-manufacturing concerns, realizing the mistake they made in the beginning, are establishing plants and branch factories in the interior so as to be more immune from enemy attack than they are at present.

If we should be attacked from abroad, the enemy would have to enter the United States either from the Pacific or the Atlantic coasts or from Canada on the north or Mexico on the south; hence, there seems to exist the best of reasons for establishing our major air bases not on but near the coast and boundary lines of our Nation.

During the latter part of 1939 I made a 22,000-mile trip, inspecting our Military Establishments, and after this study I came to the conclusion that it was entirely proper for the several air bases to be located near the coast and boundary lines, but that the manufacturing plants should be located away from the coast and boundary lines. However, inasmuch as we are not establishing manufacturing plants, there is little, if anything, we can do regarding the location of the major portion of our military manufacturing institutions.

Before closing let me remind you that the President has requested the services of a number of the outstanding industrialists and technical experts to advise and assist in carrying out our defense program, and these gentlemen have quit their private activities and are devoting their entire time, without remuneration, to the interests of their Government and country.

I am taking the liberty of calling the attention of our high-ranking officials here in Washington to the action taken by the Kansas City conference. It may be that the conference already held and the second conference coming on August 30 may have the effect of calling the attention of the Government to the advisability of the location and establishment of new military manufacturing institutions away from the coast and boundary lines, which would mean back in the interior. If this policy is deemed advisable and should be adopted, then the States located in the interior would automatically receive consideration for the location of such establishments.

This communication is not a criticism of the citizens who called and held the recent Kansas City conference, but rather an explanation of how things military are done here in Washington.

Inasmuch as I was elected by the citizens of Oklahoma to serve them in the Congress, and inasmuch as the Congress is now in session, I regret that I shall not be able to attend the second Kansas City meeting. However, should the meeting be held, and should it take any action by resolutions, or otherwise, I shall be glad to give due consideration to the wishes of the conference.

Respectfully submitted.

ELMER THOMAS,
United States Senator, Oklahoma.

Mr. BARKLEY obtained the floor.

Mr. MINTON. Mr. President, will the Senator yield to me?

Mr. BARKLEY. I was about to attempt to have an agreement reached to limit debate on the measure under consideration, but I yield to the Senator from Indiana.

Mr. MINTON. Mr. President, I ask unanimous consent that the matter that I shall now refer to may appear immediately following my previous remarks in the RECORD.

Mr. HOLT. I should like to know what the request is.

The PRESIDING OFFICER. Is there objection?

Mr. HOLT. I object temporarily until I know what the request is.

Mr. MINTON. I am going to put in the RECORD excerpts from newspapers in West Virginia in support of statements I made here in reference to the Senator from West Virginia.

The PRESIDING OFFICER. Is there objection?

Mr. HOLT. Under the circumstances, Mr. President, as it can be seen that I will have no chance to reply today, I shall object. I will say to the Senator from Indiana that if he waits until tomorrow, when I can reply on the floor of the Senate, I have no objection to the Senator putting the matter to which he refers in the RECORD, but I do object now, near the end of today's session, to putting it in the RECORD, when I have no chance to reply.

The PRESIDING OFFICER. Objection is heard.

Mr. MINTON. I will read it then.

Mr. BARKLEY. Mr. President, I should like to make a request for an agreement to limit debate.

Mr. MINTON. Mr. President, I wish to get this matter in the RECORD today. I hope the Senator from Kentucky will yield to me.

Mr. BARKLEY. I have no objection to yielding to the Senator. I simply want to try to get an agreement to limit debate on the measure under consideration.

Mr. MINTON. I shall take only a minute.

Mr. BARKLEY. I yield to the Senator from Indiana.

Mr. MINTON. I have made certain statements with reference to the Senator from West Virginia today which he said were not true. The basis of my statements was the records of the Congress of the United States, page 552 of the Senate committee hearings, 1938, on the nomination of F. Roy Yoke to be collector of internal revenue for the district of West Virginia, and the speech of the senior Senator from West Virginia [Mr. NEELY] contained in the CONGRESSIONAL RECORD of January 11, 1938, at page 322 and following.

I hold in my hand a photostatic copy of the Clarksburg Exponent, published in Clarksburg, W. Va., of date Thursday, April 12, 1917. I read from the first page of this newspaper as follows:

HOLT, OF WESTON, SPURNS UNITED STATES FLAG AS SOCIALISTS CHEER HIM

ST. LOUIS, April 11.—In a dramatic appeal to the gathering not to assist the United States in the war with Germany, Dr. M. S. Holt, of Weston, W. Va., today addressed the meeting of Socialists in convention at the Planters Hotel and was loudly cheered when he stated that he would not let his boy fight for the Stars and Stripes.

"I sent my boy to South America so that he would not have to go to war," declared Holt. His declaration brought the audience to its feet and he was given round after round of applause.

The same Clarksburg Exponent, on April 18, 1917, contained an editorial in which it quoted a letter from Dr. M. S. Holt, which was published in the Clarksburg Telegram.

This is Dr. Holt's letter:

My son in the last week left America at his own volition and by desire of his mother. Why? He left to go to a country where they had peace. My son went to South America, started within the last week. He may go to Brazil, but I want him to go to a country that is at peace. I did not raise my boy for cannon fodder. Millions of mothers over this country today are looking forward to see what is going to be the result of this convention. I left my wife with tearful eyes on account of her sons, one approaching the age and the other at the age when he could be conscripted. He is in technical school, studying to be a chemical engineer. Now, gentlemen, Prussianism drove the best men out of Prussia, and drove them to America. Are we going to adopt Prussianism here, and drive our best men to some other country? That is the question.

It is on the basis of publications of that kind that I made my statement.

Mr. HOLT. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I yield.

Mr. HOLT. Of course, those present can tell what is wrong with the Senator from Indiana. The people of Indiana should know what is wrong with him.

Mr. MINTON. The people of West Virginia found out what was wrong with the Senator from West Virginia.

Mr. HOLT. Mr. President, I will not yield to the Senator from Indiana for any purpose.

Mr. MINTON. The people of West Virginia answered that question for him.

Mr. HOLT. That is true. They did; but I did not have to buy my seat in the United States Senate, as the Senator from Indiana hopes to buy his seat from the State of Indiana this year.

The whole truth of the matter is——

Mr. MINTON. Mr. President——

Mr. HOLT. Mr. President, I ask to be protected.

Mr. BARKLEY. I have the floor.

Mr. HOLT. I feel that I should have a right to reply.

Mr. BARKLEY. I have yielded to the Senator.

Mr. HOLT. I thank the Senator from Kentucky.

The Senator from Indiana is not in shape to be on the floor.

Mr. MINTON. What does the Senator mean by that statement?

Mr. BARKLEY. Mr. President——

Mr. MINTON. Mr. President——

Mr. BARKLEY. If the Senator wishes to reply to the article read by the Senator from Indiana——

Mr. MINTON. I want the Senator from West Virginia to say what he means by his last statement.

Mr. BARKLEY. I do not think remarks such as the Senator from West Virginia has made are proper.

Mr. HOLT. Mr. President, I wish to speak in my own time tomorrow.

Mr. MINTON. I should like to have the Senator from West Virginia say what he means by saying that I am not in shape to be on the floor.

Mr. HOLT. Mr. President, will the Senator from Kentucky yield to allow me to make a statement?

Mr. MINTON. I want him to make it.

Mr. HOLT. Mr. President, I ask to be protected.

Mr. BARKLEY. I have already yielded to the Senator.

Mr. HOLT. I realize that; but I think the Chair should force the Senator from Indiana to be a gentleman.

Mr. BARKLEY. Mr. President——

Mr. HOLT. I wish to make a statement.

Mr. BARKLEY. I wish the Senator would curb his tongue a little, if I am to continue to yield to him. I know the propensity of all of us at times to make remarks which are not exactly proper, but I hope the Senator from West Virginia will observe the proprieties. I will say the same thing to my friend from Indiana.

Mr. MINTON. I shall endeavor to do so.

Mr. HOLT. Mr. President——

Mr. BARKLEY. Both Senators must do so if I am further to yield.

Mr. HOLT. Mr. President, I wish to speak in my own time tomorrow, to prove that the statement and the article were denied by my father and proved to be untrue; but, of course, like lice, they continue to be carried by rats.

That is all I care to say at this time.

Mr. MINTON. That statement is typical of the foul-mouthed Senator from West Virginia.

Mr. BARKLEY. Mr. President, I decline further to yield.

I rose to undertake to secure unanimous consent for a limitation of debate during the further consideration of the joint resolution. We have had 2 days of debate, presumably on the pending measure; but, as a matter of fact, most of it has gone far afield. It has been interesting and instructive. I am not criticizing any Senator or objecting to it, but it seems to me that the time has now arrived when we ought to confine our discussion to the pending measure. Another bill is expected to come up Thursday, upon which much of the debate which has been carried on in connection with the pending measure would be more appropriate than it has been in connection with the measure under consideration.

Obviously, we cannot conclude consideration of the joint resolution today. I am hoping that we can do so tomorrow. To that end, I ask unanimous consent that during the further consideration of the joint resolution no Senator shall speak more than once or longer than 20 minutes on the joint resolution or any amendment thereto, which means that any Senator may speak for 40 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. McNARY. I have no objection.

The PRESIDING OFFICER. The Chair hears none, and it is so ordered.

Mr. REYNOLDS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. REYNOLDS. Do I correctly understand that the Members of this body are limited to 20 minutes on the joint resolution itself?

Mr. BARKLEY. Twenty minutes on the joint resolution and 20 minutes on any amendment.

Mr. REYNOLDS. On each and every amendment which is offered?

Mr. BARKLEY. That is true.

Mr. JOHNSON of California. Mr. President, I should like to ask what matter is to be taken up now.

Mr. AUSTIN. The amendment which I offered to the committee amendment, beginning on page 2, line 18.

The PRESIDING OFFICER. Let the Chair state the parliamentary situation. The question is on agreeing to the amendment offered by the Senator from Vermont [Mr. AUSTIN] to the committee amendment, on page 2, line 18.

Mr. BARKLEY. Mr. President, inasmuch as the Senator from Texas [Mr. SHEPPARD] has accepted the amendment to the amendment, may we not dispose of it now?

Mr. WALSH. Mr. President, the Senator's amendment provides that a member of any reserve component of the land or naval forces who is in active duty shall be permitted to file a certificate, and so forth. I suggest to the Senator from Vermont that the words "or who may be assigned to active duty" be added, so that those who may be assigned to active duty from day to day may be protected, as are the Reserves on active duty.

Mr. AUSTIN. Mr. President, I have no objection to that modification, if I correctly understand it.

The PRESIDING OFFICER. Will the Senator please state the place where he proposes to modify the amendment?

Mr. WALSH. In line 3 of the Senator's amendment, after the word "duty", there should be inserted the words "or who may be assigned to active duty." The Senator's amendment takes care of only those who are now on active duty. My suggestion would take care of those who may be assigned to active duty, and who may do everything which is required in order to file the certificate mentioned.

Mr. AUSTIN. Let me observe that I understand the joint resolution to be drafted in such a way that those words are not necessary, because the language of the joint resolution on page 1, line 9, is "with or without their consent." However, I am perfectly willing to accept the suggestion. It is a mere redundancy, but I think it may reassure the Senator from Massachusetts.

Mr. WALSH. It is suggested to me by the naval authorities.

Mr. AUSTIN. I talked to the young gentleman representing the Naval Reserve about it, and pointed out the language in the original text of the joint resolution. However, I am perfectly willing to accept the modification.

The PRESIDING OFFICER. Does the Senator modify his amendment as suggested by the Senator from Massachusetts?

Mr. AUSTIN. I so modify the amendment.

The PRESIDING OFFICER. Without objection, the amendment to the amendment——

Mr. CONNALLY. Mr. President, is not the language usually "called to active service"?

Mr. AUSTIN. No; in this case they are ordered.

Mr. CONNALLY. The Senator used the word "assigned."

Mr. AUSTIN. I know nothing about that particular word, except that the Reserve officers may be assigned. They are

not necessarily ordered. They are assigned, with or without their consent.

Mr. CONNALLY. Well, they are in the Reserve, and they are called to active duty.

Mr. AUSTIN. Yes; the language of the joint resolution on page 1 is "order":

> The President * * * is hereby authorized to order * * * with or without their consent.

However, I will not quibble about the language of the amendment or the substance of it. I am willing to take it as proposed by the Senator from Massachusetts.

The PRESIDING OFFICER. Without objection, the modified amendment offered by the Senator from Vermont to the committee amendment is agreed to.

The question now is on agreeing to the committee amendment as amended.

The amendment, as amended, was agreed to.

Mr. DANAHER. Mr. President, I now offer the amendment which I previously sent to the desk, and ask that it be stated. I do not ask for action on it tonight.

The PRESIDING OFFICER. The amendment offered by the Senator from Connecticut will be stated.

The LEGISLATIVE CLERK. On page 4, after line 17, it is proposed to add a new subsection, to read:

> (f) Any person now subject to the provisions of section 1 may resign his status within 20 days after the approval of this act.

Mr. ADAMS. Mr. President, a parliamentary inquiry: Is the amendment of the Senator from Connecticut the pending amendment, or is it merely submitted to lie on the table? If it is lying on the table, I desire to offer an amendment.

The PRESIDING OFFICER. It is the pending amendment.

STATEMENT BY AMBASSADOR CUDAHY AS TO BEHAVIOR OF GERMAN SOLDIERS IN BELGIUM

Mr. REYNOLDS. Mr. President, I have just read in the afternoon Washington Daily News the most amazing statement that I have seen in any newspaper in the United States since the war began. I sincerely hope I shall not be called "pro-Nazi" or "fifth columnist" by reason of calling this amazing statement to the attention of the members of this body. I was really appalled by it.

I desire to read the statement. Perhaps our representative to Belgium should be investigated. It says:

NAZI TROOPS BEHAVING BETTER THAN AMERICANS

> LONDON, August 6.—United States Ambassador to Belgium John Cudahy today paid tribute to behavior of the German army of occupation in Belgium, after prefacing his remarks by saying: "You may think I'm pro-German."
>
> "The German troops are behaving better than American soldiers," he said.

Then the article continues about his interest in feeding the starving people in that country.

I say that I was amazed at this statement, because I have read so many articles about the Germans bayoneting and murdering little children and all that sort of stuff that we heard during the last war, prior to our entrance into it, that I wanted to bring this article to the attention of this body and ask that it be published in the Appendix of the RECORD. I do not understand what the Ambassador means when he says "The German troops are behaving better than American soldiers."

Mr. BARKLEY. Mr. President, to what American soldiers does Mr. Cudahy refer?

Mr. REYNOLDS. I have no idea. I do not understand.

Mr. BARKLEY. There are no American soldiers in Belgium.

Mr. REYNOLDS. Certainly not.

Mr. BARKLEY. Where are the American soldiers who are not behaving as well as the Germans?

Mr. REYNOLDS. That is what I cannot understand. I say there are no soldiers on the face of the earth who are as well behaved as American soldiers. I wonder what is the matter with the article. I am sure there is nothing the matter with the Ambassador. He is a gentleman of very high intelligence. It must be a typographical error.

Mr. BARKLEY. Does not the Senator feel that before the article is printed and given congressional circulation he ought to ascertain what American soldiers are referred to?

Mr. REYNOLDS. I think possibly there ought to be a congressional investigation, Mr. President. [Laughter.]

Mr. BARKLEY. I do not suggest that.

Mr. REYNOLDS. And in view of the Senator's suggestion that there should be a congressional investigation, I am going to withhold the article for the present.

Mr. BARKLEY. I made no such suggestion, unless the Senator interprets my suggestion that he make an investigation as the suggestion of a congressional investigation.

Mr. REYNOLDS. I shall withhold the article.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF A COMMITTEE

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDING OFFICER (Mr. BROWN in the Chair). If there be no further reports of committees, the clerk will state the nominations on the calendar.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. BARKLEY. I ask that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

That concludes the calendar.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 8 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, August 7, 1940, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 6 (legislative day of August 5), 1940

POSTMASTERS

ARIZONA

Charles L. Kinsey, Chloride.

KENTUCKY

Effie Lee Bailey, New Castle.

MICHIGAN

Evert Van Den Berg, Central Lake.
Olaf Christensen, Grass Lake.
Arvid J. Johnson, Mancelona.
William F. Murphy, St. Joseph.
Walter F. Kelly, Turner.

NORTH DAKOTA

James F. Ford, Reeder.

OKLAHOMA

Mary H. West, Ada.
Grace A. Phillips, Maud.
Harold Cartwright, Muskogee.

UTAH

Gerald W. French, Greenriver.

WISCONSIN

William E. Drossart, Casco.
Leslie E. Sawyer, College Camp.
Hollis A. Parkin, Coloma.
Leora M. Ginsbach, Elmwood.
John J. Brogan, Jr., Green Bay.
Andrew J. Clark, Milltown.
Arthur F. Boles, Nekoosa.

HOUSE OF REPRESENTATIVES

TUESDAY, AUGUST 6, 1940

The House met at 12 o'clock noon.

Rev. Bernard Braskamp, D. D., pastor of Gunton Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

All-wise and ever-blessed God, by whose life we live and by whose spirit we have understanding, may the blessings of Divine wisdom and strength be richly bestowed upon all who share in the responsibilities of government. How futile all our thinking and how vain all our efforts unless we have that wisdom and strength which cometh from above.

We pray that the spirit of the Great Master of men, His holiness of life and His heroism of faith may become regnant in our minds and hearts. May we give ourselves in complete surrender to His spirit, desiring what Thou willest and willing to do what Thou dost command.

Grant that, as a nation whose God is the Lord, we may not be afraid of that which is high, believing that no aspirations and hopes implanted in the human soul are too high or too holy to be fulfilled by Thy wisdom and power. May we then earnestly covet and courageously seek the true, the beautiful, and the good for ourselves and all men everywhere.

In the name of the Christ, our Saviour, we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 1114. An act to extend the jurisdiction of the United States District Court, Territory of Hawaii, over the Midway Islands, Wake Island, Johnston Island, Sand Island, Kingman Reef, Kure Island, Baker Island, Howland Island, Jarvis Island, Canton Island, Enderbury Island, and for other purposes.

PRIVATE CALENDAR

Mr. RAYBURN. Mr. Speaker, this is Private Calendar day. I understand that those who handle the calendar are not ready. I therefore ask unanimous consent that the business on the Private Calendar be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXTENSION OF REMARKS

Mr. SECREST. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a radio address I delivered last night.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. JONKMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein two editorials from the Grand Rapids Herald.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. THILL. Mr. Speaker, on yesterday I received unanimous consent to extend my own remarks in the RECORD and include therein a speech by Daniel Webster. I have received a communication from the Public Printer in which he says it will take approximately three pages. I therefore ask unanimous consent to place those remarks in the RECORD despite the fact they exceed the limitation.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. DWORSHAK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address delivered by Commissioner John C. Page of the Bureau of Reclamation before the Seventieth Annual Convention of the American Society of Civil Engineers, at Denver on July 24.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a discussion of the Monroe Doctrine by William R. Castle. This article will take approximately three and three-fourths pages, which is in excess of the limitation.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. BENDER asked and was given permission to extend his own remarks in the RECORD.

PERMISSION TO ADDRESS THE HOUSE

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LELAND M. FORD. Mr. Speaker, I have in my hand a copy of the Washington Post of this morning. I see there a quotation of a reference by Attorney General Jackson to the "fifth column" as groups of disloyal citizens, disloyal workmen who are prepared to sabotage industrial plants. I am also interested in his further remarks before the State officials to the effect that the law should be enforced. I am again going to ask Mr. Jackson why he does not conform to his own oath of office and prosecute Harry Bridges for perjury, because he has in his possession four documents by Mr. Bridges giving different dates, which are perjurious on their face. If Mr. Jackson can advise the whole country—and I believe he is sound in his advice—to enforce the law, why does he not do it himself? I was gratified to see this Bureau transferred to him from Secretary Perkins, who had really abused her office by not enforcing the law, so I am asking Mr. Jackson why he does not enforce the law.

EXTENSION OF REMARKS

Mr. EDELSTEIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address delivered by Hon. Nicholas Atlas, assistant district attorney of New York County, on June 28, 1940, over station WHOM.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BOYKIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address by President Woodrow Wilson delivered on April 2, 1917.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. JARMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein three short resolutions of the Department of Alabama of the American Legion.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BUCKLER of Minnesota. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a letter I received from a Townsend organization.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

GOVERNMENT EXPENDITURES

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, every day there comes to my desk the United States Treasury statement, and when I see the

Treasury statement of August 1, which is just 30 days after the beginning of a new fiscal year, I notice it reveals the fact that you have gone into the red over one-half a billion dollars—$502,347,308.39 in 30 days. That is terrible, you are becoming worse off every minute. You evidently do not realize what you are doing or else you do not care, which?

Now, what is the situation for the coming year of 1941? Do you men know that we have appropriated or authorized about $20,000,000,000 at this session, which began January 1? That is horrible to conceive. Dreadful to anticipate. It will mean a financial wreck to our Nation.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield for a question.

Mr. COCHRAN. Will not the gentleman tell the House whether or not he voted for the bills appropriating the money that he is now complaining about.

Mr. RICH. I did not approve very many bills except national defense.

Mr. COCHRAN. That is the big item.

Mr. RICH. I do not yield any further, Mr. Speaker. My record of voting will exonerate me from waste and extravagance. I am for national defense, and that is not the waste I refer to. I am for stopping this squandering, New Deal waste and extravagance in Government which is just what all the New Deal Members of Congress have been doing. They have been squandering the funds of the taxpayers, and they ought to be ashamed of themselves. [Applause.]

[Here the gavel fell.]

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COCHRAN. Mr. Speaker, the gentleman from Pennsylvania [Mr. RICH] rises every day and reads the Treasury statement. He complains about the amount of money that is being spent and about the deficit, but still, on roll calls, he votes for the billions of dollars carried in the appropriation bills that cause the deficit. It looks to me as though the gentleman should be consistent.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. When I have finished my statement.

Mr. RICH. That is not so.

Mr. COCHRAN. As I said, it looks to me as though the gentleman should be consistent.

Mr. RICH. And the record shows it is not so.

Mr. COCHRAN. The gentleman should either stop voting for the appropriations or stop complaining. [Laughter and applause.]

WIRE TAPPING AND "FIFTH COLUMN" ACTIVITIES

Mr. MASON. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MASON. Mr. Speaker, I am puzzled these days and greatly puzzled. I do not know whether the world is turning upside down or whether black is becoming white. Democrats are turning Republicans, Republicans are turning Democrat, and I am wondering. [Laughter and applause.]

Now, Mr. Speaker, it seems to me that the condition we are in is rather peculiar because the gentleman from New York [Mr. CELLER], who was responsible for doing away with wire tapping some 20 years ago, now has a bill before us for wire tapping and the dean of the House, Mr. SABATH, who has always opposed the Dies committee, now has introduced a bill that is more drastic on the curbing of "fifth column" activities than even the Dies committee would propose, and so I am wondering what is happening. [Laughter and applause.]

COL. CHARLES A. LINDBERGH

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. PITTENGER. Mr. Speaker, according to newspaper reports, someone yesterday referred to Col. Charles A. Lindbergh as chief of the "fifth column" in the United States. Such hysteria is contemptible. Regardless of whether or not we agree with Colonel Lindbergh's policies on foreign affairs or on domestic problems, any fair-minded person will admit that he is a sincere and patriotic American citizen. When we reach a point where we can refer to a man who disagrees with us as a "fifth columnist" and let that sort of accusation go unchallenged, affairs are in a rather serious condition.

If I understand it correctly, the phrase "fifth column" originated in Spain and had particular reference to people who were disloyal or not in sympathy with the existing Government in that country, and the designation is attributed to General Franco.

In the United States, following the exposé of disloyal and communistic forces within our own Government, the words "fifth columnists" became popular as designating people who were opposed to our form of government.

A reference to Colonel Lindbergh in this character is ridiculous and ought to have the scorn and disapproval of everyone who believes in fair play. Disagree with a man if you will, but grant him the right to have his views without attempting to ruin his character, just as you have a right to your views and to protection against dastardly attacks upon your motives and your good name.

I repeat that Col. Charles A. Lindbergh is an outstanding American citizen and during the past years has rendered a real contribution to our American life and ways of living.

I have taken this occasion to comment on what took place yesterday, because Colonel Lindbergh was born in Minnesota and the people of that State are proud of him. [Applause.]

EXTENSION OF REMARKS

Mr. KNUTSON. Mr. Speaker, a few days ago there appeared an editorial in the Wyoming Tribune entitled "The Third Term" as something that is not done in America, and it contains a statement by the Right Reverend Hugh L. McMenamin, rector of the Cathedral of the Immaculate Conception of Denver, which is the finest statement on the subject I have yet seen. I ask unanimous consent to extend my remarks in the RECORD and include that statement.

The SPEAKER. Is there objection?

Mr. RANKIN. Mr. Speaker, I reserve the right to object. Did I understand the gentleman to say that is in reference to a third term?

Mr. KNUTSON. Yes.

Mr. RANKIN. The distinguished gentleman who recently drafted the Republican Party and became its candidate for President, Mr. Wendell Willkie, announced yesterday that he would not ask for a third term, so the gentleman may feel relieved on that proposition.

Mr. KNUTSON. I am very glad to be assured by the gentleman from Mississippi.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

EXPENDITURE OF PUBLIC MONEYS

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, the gentleman from Missouri [Mr. COCHRAN] says that we are inconsistent because we voted for some of these bills and then complain about the way the money is spent.

Mr. COCHRAN. Oh, no; that is not what I said.

Mr. HOFFMAN. When the President comes here and says they are going to bomb Omaha in 10 or 15 minutes, and then asks for money to prevent it, if we voted against the bill we would be accused of being unpatriotic. Why should we be criticized if we vote money for national defense and relief and then, when it is used to buy a third term, we kick about it? What is there inconsistent about that? Why doesn't the administration use the money for the purpose for which it is appropriated?

Mr. COCHRAN. It will be so used.

Mr. HOFFMAN. Oh, no; the administration is already laying plans to purchase a third term to establish a dictatorship. [Applause.]

The SPEAKER. The time of the gentleman from Michigan has expired.

WENDELL L. WILLKIE'S "CANDY STICK" GOVERNMENT

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. RANKIN. Mr. Speaker, yesterday a certain former utility magnate, Mr. Wendell Willkie, who, as I said, recently drafted the Republican Party and became its candidate for the Presidency, made a statement in Iowa about what he called "candy stick" government. He said that this same kind of "candy stick" government had wrecked France.

The intimation was that the people who benefit from this administration have been given "sticks of candy." I wonder if he took the time or the trouble to tell the people of Iowa that the Power Trust he formerly represented, if he does not represent it now, was robbing the people of Iowa of $14,000,000 a year in overcharges for electric lights and power. I wonder if he told them who got that stick of candy.

I wonder if he took the time to tell them that a few years ago the stock of the Commonwealth and Southern, of which he was the president, was $30 a share, but after being sufficiently watered and expanded with inflated valuations, after all of the waste and extravagance, it is now down to $1.25 a share. I wonder if he told them who got that stick of candy.

I want Mr. Willkie to discuss that super-candy-stick government, the utilities fascisti, with which he has been so long identified, and whose influence brought about his nomination at Philadelphia. I want him to discuss that stick of candy which this supergovernment wrings from the helpless consumers of electric energy throughout the country, amounting to approximately $1,000,000,000 a year, and for which they get nothing in return.

That is the kind of "candy stick" that is wrecking this country from within. It would take about twice the wheat crop of the whole United States to pay these overcharges for electricity this year—this superstick of candy these power interests are enjoying at the expense of the unprotected consumers of electric lights and power.

The State of Iowa makes only about 10,000,000 bushels of wheat a year, which at the present price would bring about $7,000,000. Yet the people of that State are overcharged twice that amount, or $14,000,000 a year for their electricity.

I wish Mr. Willkie would tell the people of Iowa what gets that stick of candy. [Applause.]

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. SCHAFER of Wisconsin. Mr. Speaker, since the gentleman from Mississippi [Mr. RANKIN] has discussed the power question in his minute, I ask him to take another minute and explain the facts with reference to the testimony of Robert E. Healy, former chief counsel of the Federal Trade Commission, and now a New Deal member of the Securities and Exchange Commission, who testified during the Senate stock-market investigation hearings that the American utility investors were robbed of more than a billion dollars under the Cities Service Co. manipulations of Henry L. Doherty. The same Henry L. Doherty whom your New Deal "fuehrer" selected to have charge of his birthday-ball fund collecting rackets. [Applause.]

Mr. KNUTSON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Minnesota rise?

Mr. KNUTSON. To propound a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KNUTSON. Has the chief meter reader of the Democratic Party asked permission to revise and extend his remarks in the RECORD?

The SPEAKER. The Chair does not understand the gentleman from Minnesota.

Mr. KNUTSON. I say, has the chief meter reader of the Democratic Party asked permission to revise and extend his remarks?

The SPEAKER. The gentleman from Minnesota has been here too long not to understand that that is not a parliamentary inquiry. [Laughter.]

Mr. RANKIN. Oh, no, Mr. Speaker; the gentleman will never understand the power question. [Laughter.]

The SPEAKER. The Chair recognizes the gentleman from Georgia [Mr. COX].

WIRE TAPPING

Mr. COX. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution, House Resolution 537.

The Clerk read as follows:

House Resolution 537

Resolved, That immediately upon adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for consideration of House Joint Resolution 571, a joint resolution to authorize the Federal Bureau of Investigation of the Department of Justice to conduct investigations in the interests of national defense, and for that purpose to permit wire tapping in certain cases. That after general debate, which shall be confined to the joint resolution and shall continue not to exceed 1 hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the joint resolution shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the joint resolution for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendment thereto to final passage without intervening motion except one motion to recommit.

Mr. COX. Mr. Speaker, I yield 30 minutes to the gentleman from Michigan [Mr. MICHENER], to be in turn yielded by him as he sees fit. I now yield 5 minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker, my beloved Republican colleague from Illinois [Mr. MASON], who addressed the House a few minutes ago, says he cannot understand the changing conditions; and conditions are changing. Well, I agree with him. The gentleman stated that some Democrats are changing to be Republicans and some Republicans are changing to be Democrats.

Mr. MASON. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I yield to my colleague.

Mr. MASON. In all seriousness, I want to say that I am puzzled, because the gentleman from Illinois did vote against the continuation of the Dies committee, which had for its purpose the very same thing, that is, the curbing of un-American activities, which your bill now has. I am wondering.

Mr. SABATH. I will explain that thoroughly. In my colleague, who is a member of the Dies committee, I have the utmost confidence and always did, notwithstanding he is a Member coming from the other side. [Laughter.] He is honorable; he is honest; he is fair.

Mr. MASON. Then your opposition was not to the committee or the purposes for which the committee was formed?

Mr. SABATH. No, no.

Mr. MASON. But just to the chairman of the committee and his personal actions?

Mr. SABATH. That is right.

The gentleman is right in the last part of his statement where he says that many Republicans are changing and joining the Democratic ranks and will in the real interest of the country vote the Democratic ticket; but in classifying the few former Democrats who have advertised that they are going to oppose President Roosevelt's reelection and have joined the Republican Party he is not accurate, because those gentlemen, so-called former Democrats to whom he has alluded, like Al Smith, Jim Reed, Louie Douglas, John W. Hanes, John Rascob, and others, are all "ex's" and nearly all

of them were openly or secretly opposed to President Roosevelt in 1932 and 1936 and have been antagonistic to his policies and to the New Deal generally and continuously. Most of these gentlemen who came into great wealth, many times by the efforts of others, have no interest in progressive legislation in the interest of the masses. This is well known to the American people who recognize the great and helpful strides that have been made by President Roosevelt and his administration in the interest of social and business progress and who also appreciate and approve his extraordinary success in keeping the country from becoming involved in the European struggle.

Mr. Speaker, our good people also appreciate and approve our great President's work in effecting a safe and sane program of national defense. All who are well informed remember that in 1933 our Army and Navy were at low ebb, after 12 years of Republican misrule, and therefore they recognize the great strides and achievements of the President in building up the Army and creating the strongest Navy the world has ever known. Also, those who are well informed must credit the President with building up the air force which is, though not numerically as strong as other air forces, relatively the equal of the best.

Referring to the second part of the gentleman's statement in which he says that he cannot quite grasp my attitude, and he should, because he is a very intelligent gentleman, I will say, yes, I have introduced a strong bill which I believe is timely in the hope of stopping the subversive and un-American activities of the fifth columners. The gentleman says he cannot understand why I should introduce such a bill in view of the fact that I voted against the proposed granting of an additional $100,000 to the Dies committee. I say that I feel satisfied that I can satisfactorily explain to my fair-minded colleague what impelled me to oppose Mr. DIES' activities. In voting I did but follow, if I am not mistaken, a majority of Mr. DIES' own committee, who complained, and rightly so, that Mr. DIES had made unsupported allegations in interviews and speeches, all the time promising to prove them, but never doing so.

Although Mr. DIES' committee did investigate some of the Nazi practices, he did not do so painstakingly and thoroughly, and he did not follow reliable information that came to him from many sections of the country relative to the undependability of his informants, but, rather, he continuously, relentlessly, and, as it seemed to me, deliberately but without justification assailed and attacked worthy persons and stressed to an unwarranted degree the so-called communistic doings.

Please understand, Mr. Speaker and gentlemen, that I have no more respect or sympathy for the repulsive Communists than I have for the despicable Nazis, but I came to the conclusion, based upon reliable information furnished me, that for some unknown reason Mr. DIES permitted himself to be used, wittingly or unwittingly, in an attempt to improperly identify every progressive or new dealer as a Communist, and in many statements he charged outstanding men and women in private life, as well as many in high Government positions, with being connected with communism; but when demand was made upon him by members of his own committee to give the names of some of those he charged with being Communists, he was unable to do so. Consequently, I came to the conclusion that his efforts were aimed solely at weakening worthy progressive and New Deal policies and practices, and weakening labor organizations, and at the same time simply gloss over the real subversive and un-American activities of the Nazis and the Fascists. It is to be regretted that Mr. DIES has, to some extent, succeeded in what I believe to be improper conduct of his committee. If he had thoroughly exposed the real subversive activities, I am satisfied there would have been no need for my bill or any other action on the part of the Government or the States.

I am confident that the vast majority of the American people know and feel that the outstanding danger to our country comes from the Nazi source, which somehow or other seems to have, unfortunately, endorsement and even the cooperation of the Ku Klux Klan, as is shown by an article from today's Times-Herald, Washington, D. C., which reads as follows:

KLAN HAILS BUND; CITES "UNJUST STIGMA"

NEW YORK, August 6.—The Ku Klux Klan extended the hand of friendship yesterday to Fritz Kuhn's life work—the German-American Bund. Of the Nazi Hitler heilers, whose erstwhile "fuehrer" now reposes in Dannemora Prison, a Klan statement in the weekly Deutscher Weckruff and Beobachter said: "Our hearts and sympathies are extended to our fellow-Americans of German extraction to whom the stigma of enemy alien has been unjustly attached."

Is not that amazing? Must it not be condemned by every real, not professional, patriotic American?

In this connection, Mr. Speaker, I think back to the machinations of the Silver Shirts and the Christian Front organizations who also have been cooperating with and are part and parcel of the Ku Klux Klan; and I wonder whether the leaders of these organizations might not be responsible for Mr. DIES' failure to proceed against the real "fifth columners" that are fed and inspired by Hitler-Nazi money here as well as in many Central and South American Republics.

But this is extremely hard for me actually to believe because Mr. DIES has assured me many times, with emphasis, of his uncompromising oppositive to and earnest fights against misled Ku Klux Klan activities.

I think I have made clear why I have opposed the Dies committee on un-American activities. I have not opposed proper purposes and plans of that committee, but I have opposed the manner in which this committee has functioned, its practical policies and procedures; the unjustifiable publicity traducing many worthy outstanding men and women by charging them with being Communists, under Mr. DIES' leadership.

I concede that my bill, H. R. 10289, is drastic, but I do not think anything is too drastic when it comes to protecting and safeguarding our beloved Nation in the existing emergency.

If there is any provision in the bill that would in any way seem to tend to deprive good American citizens or noncitizens of their constitutional rights in any degree, I wish to assure gentlemen of the House that I am willing to eliminate any such provision that might deprive any citizen or noncitizen of his right of free speech, freedom of peaceful assembly, and worship according to the dictates of one's conscience; but I do feel that we are faced with potentially real dangers, which I hope may not materialize. I learned, though, many years ago that a stitch in time saves nine.

I feel that emergency conditions demand that we adequately safeguard our democratic form of government, the American way of living, and the future of our beloved country, and that all those in our midst, whether native-born or naturalized citizens, should be given unmistakably to understand that conditions do not justify any degree of disloyalty and it cannot and must not be tolerated.

We know the methods of the "fifth columners" in Austria, Czechoslovakia, Poland, and all other countries that have been ruthlessly deprived of their independence; and, unfortunately, there are some unbelievers in this country.

As for the foreign-born and those of foreign parentage, I have the utmost confidence that a vast majority of them will demonstrate their loyalty and patriotism, but we cannot any longer ignore the actual fact that we have in this country, as the result of a limited infiltration in the last 20 years, many Nazi sympathizers, many of whom, as I am informed, are here for the purpose of creating racial and religious discord. To those as to all others I will say that America, though not perfect, is the greatest and the best country in the world. [Applause.] If some of these misguided gentlemen are dissatisfied here and wish to give aid and comfort to our national enemies, whether foreign or domestic, they are not entitled to any consideration and should be dealt with summarily and should pick up their acquired belongings, leave the country of great opportunity that guarantees freedom and liberty, and return to the country or countries they prefer.

Those who came here after the late war and have a misconception of our form of government and American ways, let God speed them on their way whence they came.

I hope that I have in my blunt but sincere manner made my position clear, and I assure you that I have no desire to unduly injure or visit upon anybody by my bill a hardship.

Mr. Speaker and gentlemen of the House, no doubt you have already heard the false charges that have been and are being circulated by these newcomers that the Germans here are being persecuted and discriminated against. This is not a fact. But may I ask, how long would an American citizen be permitted to remain in Germany if he should assail, conspire, and disseminate false or even true publicity against Hitler and, if in Italy, against Mussolini? Surely, any such American citizen, if not immediately deported, would in most instances be severely punished and thrown into a concentration camp.

The hundreds of letters that I originally received against the neutrality bill, and the hundreds of letters that I received from German organizations opposing aid to the Allies, letters and resolutions that I have received against national-defense legislation, and the disclosures of the activities of German consuls here and in South America, satisfy me that many of the German newcomers are here simply to create intolerance and to weaken our governmental structure. The general opposition in some groups to every utterance and action of President Roosevelt convinces me that there are hundreds of German agents in our midst who have infiltrated into this country, as I have stated, since Hitler began his program, as given in Mein Kampf. Only those who are part and parcel of this propaganda are finding fault with our defense program. They, with some misled Americans imbued with Hitlerism, are, to my mind, the real danger to our country. [Applause.]

[Here the gavel fell.]

Mr. MICHENER. Mr. Speaker, may I call the attention of the House to the title of this joint resolution? It is "To authorize the Federal Bureau of Investigation of the Department of Justice to conduct investigations in the interest of national defense, and for that purpose to permit wire tapping in certain cases." That is all there is to this resolution. It is not a political matter; it is not a partisan matter; it is a matter of national defense.

This was a live question in prohibition days. During prohibition Members like the gentleman from Wisconsin [Mr. SCHAFER], the gentleman from New York [Mr. CELLER]—the author of this bill—and the chairman of the Committee on Rules, the gentleman from Illinois [Mr. SABATH] bitterly opposed wire tapping, because it was used in enforcing the prohibition law.

The purpose of this resolution is to loosen up, if I may use the term, so far as wire tapping on the part of the Government is concerned, but only when, in the opinion of the Attorney General of the United States, it is necessary to detect sabotage, "fifth column" activities, and matters of that kind; in short, in relation to the national defense.

For my part, I am going to vote for the rule and the resolution. That is all that is involved here. It is just a question of whether or not the Congress wants to loosen up and allow wire tapping to the extent that our legally constituted officers of the Department of Justice engaged in Federal investigations may tap wires, if and when in their judgment it is necessary for the best interests and the national defense of the country. It is a simple resolution and I hope it passes.

Mr. Speaker, how much time have I used?

The SPEAKER. The gentleman has used 3 minutes.

Mr. MICHENER. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER of Wisconsin. Mr. Speaker, during the long, hard fight to repeal the eighteenth amendment and the prohibition laws, as the record reveals, I took a very active part with our present colleagues, the gentleman from New York [Mr. CELLER] and the gentleman from Illinois [Mr. SABATH] in favor of such repeal and was actively opposed to wire tapping. They both opposed wire tapping by prohibition agents during that fight.

Do you Members of Congress realize that 28 States of the Union today, at this very hour, have laws on their statute books which make it a misdemeanor or a felony to tap telephone or telegraph wires? I respectfully submit this for consideration to those of you who talk in favor of States' rights and who wish to maintain the separate functions of the Federal and the State Governments. Now, let us look at the facts a moment.

I hold in my hand the decision of the Supreme Court in the case of *Olmstead* v. *The United States* (277 U. S. 438), which I, the gentleman from New York [Mr. CELLER], and the gentleman from Illinois [Mr. SABATH], talked much about during the prohibition-repeal fight. This is the wire-tapping case, coming down from the West, which was decided by a 5-to-4 decision of the United States Supreme Court on the question of the constitutionality of wire tapping. Today, with reference to the wire-tapping section of this bill—I am not opposed to the other section—I want to take my position as I took it then with the gentleman from Illinois, Brother SABATH, and the gentleman from New York, Brother CELLER, squarely behind the eminent Justice Brandeis, who delivered the notable, truly American dissenting opinion in that case of Olmstead against the United States. What did Justice Brandeis say in that opinion? From the opinion of Justice Brandeis in the case of *Olmstead* v. *The United States* (277 U. S. 438), I quote:

> If the Government becomes a lawbreaker it breeds contempt for law; it invites every man to become a law unto himself, it invites anarchy.

That is the statement of Justice Brandeis. Now, let us see what else the distinguished Justice said in that opinion from which I now quote, as follows:

> Applying to the fourth and fifth amendments the established rule of construction, the defendants' objections to the evidence obtained by wire-tapping must, in my opinion, be sustained. It is, of course, immaterial where the physical connection with the telephone wires leading into the defendants' premises was made. And it is also immaterial that the intrusion was in aid of law enforcement. Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficent. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding

Mr. Speaker, Justice Brandeis had this to say in that same opinion:

> Decency, security, and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justifies the means—to declare that the Government may commit crimes in order to secure the conviction of a private criminal—would bring terrible retribution. Against that pernicious doctrine this Court should resolutely set its face.

I call upon my Democratic colleagues to adhere to the fundamental enunciation of American democracy as expounded by that notable democratic jurist, Mr. Justice Brandeis, of the United States Supreme Court, and to follow Justice Brandeis not the gentleman from New York, Judge CELLAR, and the gentleman from Illinois, Judge SABATH, who followed Justice Brandeis with me during the long, hard fight against prohibition tyranny. Now let us turn to something else.

Mr. Speaker, I now read from a letter written to me by Mr. Hoover, who heads the Federal Bureau of Investigation today. Mr. Hoover had this to say on January 13, 1931, when he was also Director of the F. B. I.:

> You are advised that section 14 of the Manual of Rules and Regulations of the Bureau of Investigation of the Department of Justice, as issued under date of June 17, 1930, reads as follows: "Wire tapping, entrapment, or the use of any illegal or unethical tactics in procuring information will not be tolerated by the Bureau."
>
> I might state, for your information, that this provision has appeared in the manual of rules and regulations since March 1, 1923.

Mr. Speaker, that is Mr. Hoover, who, we are now told, is now asking for the enactment of this bill to authorize and permit wire tapping.

Mr. MICHENER. Mr. Speaker, will the gentleman yield at that point?

Mr. SCHAFER of Wisconsin. I yield to our very able and distinguished colleague.

Mr. MICHENER. Unquestionably that is the regulation. All Mr. Hoover and the Department of Justice are asking in the interest of national defense is permission to modify that regulation to the extent mentioned in this resolution.

Mr. SCHAFER of Wisconsin. Yes; we have been and will be asked to enact a great many laws and make many appropriations in the name of national defense. When Stalin established his secret wire-tapping Ogpu it was claimed to operate in the interest of national defense. When Hitler established his eavesdropping, window-peeping, wire-tapping Gestapo to interfere with the rights and liberties of the people he said that it was in the interest of national defense.

Now it is proposed to establish a New Deal wire-tapping Gestapo or Ogpu in the United States, in violation of the fourth and fifth amendments to the Constitution, in the name of national defense.

I do not propose to support this proposal which is part of the New Deal program to establish a dictatorship in the United States. A wire-tapper destroys the sanctity of the home and invades the person and his house secretly and without warning, and subjects the privacies of life and the homes of our people to public scrutiny in violation of the fourth and fifth amendments to the Constitution, which I now include in my remarks.

CONSTITUTION OF THE UNITED STATES

AMENDMENT IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

AMENDMENT V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

I hold in my hand the hearings held on the Department of Justice appropriation bill for 1931 and I quote Mr. Hoover, the Director of the F. B. I., from page 63, as follows:

Mr. TINKHAM. Is any of your appropriation spent for wire-tapping?

Mr. HOOVER. No, sir. We have a very definite rule in the Bureau that any employee engaging in wire-tapping will be dismissed from the service of the Bureau.

Mr. TINKHAM I am very much pleased that that is so.

Mr. HOOVER. While it may not be illegal, I think it is unethical, and it is not permitted under the regulations by the Attorney General.

Mr. Speaker, I rest my case on the testimony of Mr. Hoover and Justice Brandeis.

Mr. MICHENER. Why, the very purpose of this resolution is to make it legal in the present emergency.

Mr. SCHAFER of Wisconsin. Mr. Speaker, under section 2 of the pending bill every telephone in the United States could be tapped in the name of national defense. I fought against the pernicious, sneaking, snooping, eavesdropping, window-peeping telephone tapping for many years, and I do not intend to lay down on the job today, even though the proposed authority to tap telephone wires is clothed in the robes of national defense. In these days in the interest of national defense it is essential more than ever to uphold and defend the Constitution of the United States and maintain inviolate its provisions.

I also hold in my hand the Senate hearings on the confirmation of the nomination of Mr. Burlew as Assistant Secretary of the Interior. This hearing reveals that the great self-styled liberal Secretary of the Interior, Mr. Harold Ickes, and his supersleuth, Mr. Glavis, who was in charge of a horde of Department of Interior gum-shoe artists, arranged for the wholesale tapping of telephones in violation of the law of the land.

Mr. Glavis testified that he conferred with Mr. Ickes and Mr. Ickes, that great liberal, whose only liberality is in spending other people's money, authorized and ordered that unlawful wire tapping. Mr. Glavis testified in these hearings that he and Harold Ickes made arrangements to tap the telephone wires in the Interior Department in violation of existing law. I call upon all my colleagues to arouse from indifference and lethargy. Do not wake up some fine day and find all your rights and liberties taken away as they have been taken by dictators in many foreign lands. If this bill is enacted, it will permit the agents of the Department of Justice to tap every telephone in every office and home in the United States in the name of national defense.

Mr. HOFFMAN. Will the gentleman yield?

Mr. SCHAFER of Wisconsin. I yield to the gentleman from Michigan.

Mr. HOFFMAN. The gentleman does not believe that every home in America commits crime and carries on activities against the Government?

Mr. SCHAFER of Wisconsin. Before the gentleman came here, we had these whisky-snooper Federal prohibition agents who tapped the telephones of many people's homes, whether they were violating the law of the land or were not.

Mr. MICHENER. Does the gentleman realize that this law cannot be put into effect until the Attorney General gives specific permission to make this type of investigation?

Mr. SCHAFER of Wisconsin. Oh, I realize that, but if the Attorney General is not different from some of those who serve in the New Deal Cabinet with him, such as Mr. Ickes, who in violation of the criminal law had a horde of wire tappers operating in the Nation's Capital, we cannot expect much protection from a New Deal Attorney General.

Mr. Speaker, I rest my case on the testimony of Justice Brandeis and Mr. Edgar Hoover's testimony in 1931, and I sincerely hope you gentlemen will not be fooled and led astray because of the national defense window dressing on this bill. [Applause.]

[Here the gavel fell.]

Mr. COX. Mr. Speaker, this resolution seems to have been reported in my name; therefore I will endeavor to briefly explain the bill to you.

At the outset may I say that I have no particular interest in the proposal. It simply does that which the gentleman from Michigan [Mr. MICHENER] says it does. It modifies or changes the law against wire tapping and puts activities of this character within the discretion of the Attorney General.

I regret that the Dies Committee had to come in for a raking over. So far as I am concerned, I think that committee has done a splendid job. I think the country as a whole believes that the committee has done a good job. I hope that additional money will be provided so that the committee may carry on the work it has been doing.

To my friend the gentleman from Wisconsin [Mr. SCHAFER] may I say that it just happens that consistency is no longer necessarily a virtue. I do not like wire tapping and I do not believe that there is any Member of this House who likes it, but the Committee on the Judiciary which gave considerable study to this proposal made a finding favorable to the adoption of the bill. Representatives of that committee came before the Rules Committee, and, as I recall, the disclosure was made that there was no opposition to the bill within the Committee on the Judiciary. The gentleman from New York [Mr. CELLER], on behalf of the Judiciary Committee, has presented a very clear and understandable report on this bill. In the second paragraph the gentleman from New York [Mr. CELLER] says that—

This bill would confer on the Federal Bureau of Investigation of the Department of Justice authority to conduct investigations, subject to the direction of the Attorney General, to ascertain, prevent, and frustrate any interference, or attempt, or plans to interfere with the national defense by sabotage, treason, seditious conspiracy, espionage, violations of the neutrality law, or in any other manner.

The third paragraph of this report reads as follows:

Section 2 of the bill would provide that the provisions of section 605 of the Communications Act of 1934, which has been construed as barring the admissibility of evidence obtained by the use of wire tapping, shall not be applicable to investigations authorized by the act. This provision of the instant bill, however, is safeguarded by a restriction that it can be utilized only in cases in which the Attorney General finds probable cause to believe that one of the offenses defined in the act has been, is being, or is about to be committed; and by a further restriction that evidence so obtained may be used for no other purpose, and may be introduced in evidence only in connection with a prosecution for an offense defined in the act and then only after a production of the Attorney General's certificate containing the foregoing finding.

I think it fair for us to credit the Attorney General with a disinclination to bring about a total disregard of the act which is by this bill sought to be amended. The Attorney General, in his letter to the gentleman from New York [Mr. CELLER], replied to a request that he make an expression of his opinion on the resolution, and in that letter stated as follows:

In a statement made by me to the press on March 15, 1940, the following observations are found on this general subject:

"In a limited class of cases, such as kidnaping, extortion, and racketeering, where the telephone is the usual means of conveying threats and information, it is the opinion of the present Attorney General, as it was of Attorney General Mitchell, that wire tapping should be authorized under some appropriate safeguard. Under the existing state of the law and decisions, this cannot be done unless Congress sees fit to modify the existing statutes."

I wonder if there is anyone in this House who really takes serious issue with the Attorney General in the statement I have just read. It seems to me, as it seems to the gentleman from Michigan, the gentleman representing the minority on the Committee on Rules, that there can be no serious objection to the passage of the bill. Certainly there should be no objection whatever to the consideration of the bill. The Attorney General is a great lawyer and may be depended upon to exercise a sound discretion. He favors the bill because it will make for better law enforcement. [Applause.]

Mr. MICHENER. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN. Mr. Speaker, no one can successfully accuse me of being unduly sympathetic toward the Attorney General or any other member of the New Deal administration, nor can anyone successfully charge that I believe in the granting of additional powers to any member of that official family. I have, of course, the highest respect for the ability of the gentleman from Wisconsin [Mr. SCHAFER], who never fails, who is always alert to speak in behalf of our constitutional form of government, a gentleman whose ability, patriotism, alertness, and industry have caused us all to listen when he takes the floor. But I wonder sometimes if he does not in his zeal to safeguard our constitutional liberties go a little too far. As he talked here this morning it seemed as though he were like the minister who closed his eyes in prayer while a fellow in the back seat was stealing the church furniture.

The Communists and the professional criminals and racketeers in the United States are always crawling behind the Constitution when the hand of the law reaches out and gets hold of them.

We all believe in the Constitution. It is regrettable that a former Attorney General, one Frank Murphy, and the President of the United States, Franklin Roosevelt, did not have more regard for its provisions when the sit-down strikers drove men from their jobs and took possession of private property in Michigan, when armed invaders brought civil strife to that State.

There is another group which believes in the Constitution only now and then—when the jail doors seem swinging open. They are not entitled to too much consideration. By that I do not mean that one charged with crime, even though he be an alien, a known Communist, attempting to overthrow this Government by force, should not have due process of law, as guaranteed by the Constitution. But I do say that we should not reserve all of our tenderness for the malefactor, nor should we give the Constitution a strained construction to protect enemies of our Government.

This bill today does not take away, as I understand it, anyone's constitutional rights. It is merely an amendment to a law which Congress has passed and which will enable the Department of Justice, when it brings to the bar of justice men charged with crime, to use evidence which it has obtained in a certain way.

No one would contend that an officer should not sit outside a building and eavesdrop—and no one likes eavesdropping—while criminals are engaged in perfecting a conspiracy.

No one should be compelled to give evidence against himself, but criminals who use public utilities should not be permitted to use those utilities for the furtherance of their criminal schemes.

Certainly, Congress has the right to limit the use of public utilities to lawful purposes and it is my understanding that the purpose of this amendment is to prevent the use of a public utility, the communications system, by criminals engaged in criminal acts.

If a bank robber, attempting to enter a bank, touches off the electric alarm, no one would criticize the officer who comes running with drawn gun.

If one who would destroy our Government uses a telephone or a telegraph wire installed only for lawful business, should he be protected in his criminal use?

We have appropriated billions of dollars. We have been twitted about voting for those appropriations this morning by some on the majority side, as you recall. We are going to be asked to conscript men, to take them from their homes. Just why, I ask the gentleman from Wisconsin, and I ask it in all sincerity and kindliness, should we refuse to let the courts use evidence, even if it does come from wire tapping, if it would convict these professional criminals or the "reds" who are trying to overthrow our Government by force and through treason? Why protect criminals?

Why take a provision of the Constitution and use it as a shield for those engaged in criminal enterprises, rather than as a sword for the protection of the honest citizen?

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. I believe everybody should have the full protection of the Constitution. If the gentleman will read Justice Brandeis' opinion in the 5-to-4 decision in the wire-tapping case of Olmstead against United States, from which I have quoted, he will appreciate the necessity for safeguarding those constitutional rights. This bill is not limited to spies, to alien agents, to Communists and Nazis or any criminal class of people. Under this bill every telephone in the United States can be tapped in the name of national defense. I do not desire to help build up a New Deal Gestapo or Ogpu secret, unconstitutional espionage system in the United States.

Mr. HOFFMAN. Oh, no.

The Department of Justice does not care anything about us or our activities or our communications unless we engage in acts or a conspiracy to overthrow our Government or to violate some Federal law.

Mr. SCHAFER of Wisconsin. Mussolini, Stalin, and Hitler all started with and perfected their secret espionage system. This wire-tapping bill and the New Deal third-term "blitzkrieg" is a part of the New Deal program to Stalinize the United States. It is in violation of the fourth and fifth amendments to the Constitution as Justice Brandeis stated and that is why I am opposed to it.

Mr. HOFFMAN. I would rather have a domestic dictator than a foreign one, if the domestic dictator will protect us from the enemies within as well as from those without. We have had a dictator for the last 7 years. The New Dealers have forced one upon us, but, thank God, this country does not need one; I do not believe it wants one and it is my hope and prayer that we get rid of the present one at the next election in November. In any event, this bill, as I understand, applies only to those people who are carrying on treasonable activities against the United States. It looks to me as though

the gentleman is taking under his wing here all those who are professional criminals. Why not give this power to the Attorney General to use the evidence he obtains—we have given him power before, or at least he assumes it—and to Mr. Hoover, in whom we have confidence, so that they can do some effective work against those who would overthrow our Government. I say to my Republican brethren here, we can repeal it next session. We will be in power then. If they do not use it right, we will take it back.

And no doubt Willkie will appoint Thomas E. Dewey, the racketeer's nemesis, as our next Attorney General. If he does, it may be that, instead of the Federal Housing Authority being busy on new buildings to house low-income groups; instead of erecting needless public buildings, the then Democratic minority may be asked to assist us in appropriating money for jails to take care of the ex-new dealers who have trifled with Federal funds; who have violated the Hatch Act; who have used relief money for political purposes. [Applause.]

Mr. COX. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the joint resolution (H. J. Res. 571) to authorize the Federal Bureau of Investigation of the Department of Justice to conduct investigations in the interests of national defense, and for that purpose to permit wire tapping in certain cases.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 571, with Mr. ROBINSON of Utah in the Chair.

The Clerk read the title of the joint resolution.

The first reading of the joint resolution was dispensed with.

Mr. CELLER. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, you have before you the bill that has been under discussion for some little time. It is a very simple bill. It received the unanimous consent of all the members of the Judiciary Committee. It authorizes the Federal Bureau of Investigation to conduct certain investigations only in the interest of national defense, and for that purpose permits wire tapping.

If you will take your bill, you will find that the wire tapping to be conducted by the Federal Bureau of Investigation of the Department of Justice is to be used only when authorized by the Attorney General to prevent or frustrate any interference or attempts or plans to interfere with national defense in the following manner:

(1) By sabotage, treason, or seditious conspiracy, espionage, or violations of neutrality laws.

Now, what is sabotage?

Mr. EBERHARTER. Mr. Chairman, will the gentleman yield?

Mr. CELLER. Yes; I yield to the gentleman.

Mr. EBERHARTER. The gentleman did not finish that paragraph after "violations of neutrality laws."

Mr. CELLER. "Or in any other manner."

Mr. EBERHARTER. That, I think, is a most important part—"in any other manner." Can the gentleman explain to me just what that might cover?

Mr. CELLER. Yes. Those words "or in any other manner" are limited under judicial construction, as is always the case with general language of that character, to the specific language that precedes, so that if there are some variations or shadings of sabotage, treason, seditious conspiracy, espionage, or violations of neutrality laws, they may come under the provisions of the act, but there cannot be any abrupt changes from these specific provisions which precede the general language "or in any other manner." Those general words are frequently used in criminal statutes; and, incidentally, I may say to the gentleman that this bill was prepared by the Department of Justice and submitted to us with that explanation. Also examine my report on the bill and you will find the similar explanation.

Mr. EBERHARTER. I understand the Department prepared this bill, and, naturally, the Department is anxious to have its powers as broad as Congress will make them.

Mr. CELLER. No; I will say to the gentleman——

Mr. EBERHARTER. Under the explanation given by the gentleman, are not those five words redundant or are they not unnecessary—"or in any other manner"?

Mr. CELLER. No; there may be some variations from sabotage which may border on some other criminal statute, and unless you have that language you would have a statute which would be insufficient for the purposes of the Department of Justice.

Now, what is meant by sabotage? Sabotage is, in a way, the deliberate stoppage of work or slowing down by labor of defense work by the destruction of machinery. The word has a very interesting history. The word "sabot" in French means wooden shoe, and occasions arose where French employees were dissatisfied and they would throw a shoe, a "sabot," into the machinery to destroy the machinery or have it intermeshed in some way as to render the machinery ineffective. That type of sabotage has been used frequently to interfere with our national defense by destroying the machinery that makes armaments and arms.

Treason is defined in our Constitution. It is warring against the United States in the method defined in the Constitution.

Seditious conspiracy, as defined in the United States Code, title XVIII, section 6, is the overthrowing of the Government by force and violence.

Espionage is the obtaining of confidential or secret information relating to national defense and disclosing same to a foreign power or an enemy, like the disclosure, for example, of secret plans of our Army or our Navy. Disclosure of the newly invented bomb sight to a foreign power would be espionage.

Now, it is only in those cases, specifically enumerated, that the F. B. I. shall have the right to indulge in wire tapping, and, to make assurance doubly sure, that there would be no abuses of the privilege, the committee very carefully inserted section 2, which throws additional safeguards around this entire process. Firstly, there must be probable cause to believe there has been a violation of the specific laws enumerated in section 1, to wit, sabotage, treason, seditious conspiracy, espionage, or the violation of neutrality laws. In other words, Mr. Hoover, of the F. B. I., must have cause to believe there are such violations.

Secondly, he makes his report to the Attorney General, and the Attorney General must give a certificate. He must specifically certify as to the need of wire tapping; otherwise wires cannot be tapped.

Thirdly, the information cannot be used except in such an investigation and on trial after indictment or information; and there are dire penalties. I wish to say to the Members, under the old act of 1934, in the event of violations, and those penalties would be directed against Mr. Hoover or any of his agents if he does not follow carefully the arrangements made for him and laid down for him in this intended statute.

And, lastly, the evidence that is secured is not admissible in any court proceeding unless accompanying that evidence is a statement certified by the Attorney General that the tapping of wires was necessary for national defense. With these safeguards, I cannot conceive how there can be abuses.

Mr. ROBSION of Kentucky. And it can only be done upon indictment.

Mr. CELLER. Of course. There must likewise be an indictment.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. CELLER. Yes.

Mr. SCHAFER of Wisconsin. Under the law of the State of New York tapping telephone wires is a criminal offense, with a penalty, and I quote, "not to exceed 2 years

imprisonment." The gentleman comes from the State of New York. Does he maintain that under this bill this Congress can grant authority to any Federal agency to willfully violate the law of the State of New York which provides a penalty of 2 years in the penitentiary for a violation of it?

Mr. CELLER. I am very glad that the gentleman has asked that question because the gentleman is not conversant with the law in the State of New York. Last year we had a constitutional convention in the State of New York and our constitution was revised and changed, and in respect to wire tapping it reads as follows (sec. 12, par. 2, adopted Nov. 8, 1938):

> The right of the people to be secure against unreasonable interception of telephone and telegraph communications shall not be violated, and ex parte orders or warrants shall issue only upon oath or affirmation that there is reasonable ground to believe that evidence of crime may be thus obtained, and identifying the particular means of communication, and particularly describing the person or persons whose communications are to be intercepted, and the purpose thereof.

In other words, under the Constitution of the State of New York, wire tapping is now permitted in the State of New York for the interception and frustration of any kind of crime, no matter what it may be. All that we ask in the pending bill is the right to have wire tapping in the interest of national defense, in the specific cases mentioned; so that we have this anomalous situation: A New York City detective, or a detective upstate in New York can tap wires by getting an ex parte order from the court, whereas the F. B. I. agent in New York cannot do a darn thing relative to tracking down those Nazi agents, these Communists, and these other agents of foreign powers. That is an anomalous situation which we are trying to avoid by this bill.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CELLER. Mr. Chairman, I shall take 5 minutes more.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. CELLER. Yes.

Mr. ROBSION of Kentucky. So that the bill before us more nearly safeguards the rights of the people from wire tapping than does the constitution of New York.

Mr. CELLER. I thoroughly agree with the gentleman.

Mr. GWYNNE. Mr. Chairman, will the gentleman yield?

Mr. CELLER. Yes.

Mr. GWYNNE. Further answering the inquiry of the gentleman from Wisconsin [Mr. SCHAFER], is it not the truth that in the Olmstead case, where the court held that evidence obtained by wire tapping was admissible and did not violate the fourth amendment, that the statute of Oregon where the case arose, prohibited wire tapping?

Mr. CELLER. That is true.

Mr. DICKSTEIN. Mr. Chairman, will the gentleman yield?

Mr. CELLER. Yes.

Mr. DICKSTEIN. The gentleman is basing his argument upon the theory that it is an emergency, and this is for the self-preservation of the Government. When does that end, and when does it start? When the emergency ends, does this continue as a permanent law?

Mr. CELLER. We certainly are in an emergency now.

Mr. DICKSTEIN. That is right.

Mr. CELLER. We are in perilous times. The emergency would have to end when some declaration is made concerning it by the Congress.

Mr. DICKSTEIN. If the emergency is ended tomorrow, does this end the statute?

Mr. CELLER. No. Then Congress would have to take suitable action, and I presume it would, and if the emergency is ended I am sure that we can trust Congress to take action which would repeal or make some changes in this particular act.

Certainly we should not continue ourselves in the position that we are now in, where foreign spies—and the country is loaded with them—are actually guaranteed the use of a public utility, the telephone and the telegraph, without interference, without any surveillance. That is the situation.

We are asked to put an additional safeguard upon wire tapping, namely, that there should be an order of a court. The minute you go with a motion before a court and say you want to run down this particular spy or this particular bund, these particular Mussolini agents, you then proclaim to the whole world what you are doing, and you frustrate the very attempt to run these men down, because you give them notice. Suppose you arrange to have it done ex parte, without notice, by submitting some sort of a petition to a Federal judge. But the court's secretary or aide would find out. You know "three men can keep a secret if two men die." And secrecy is the essence of the remedy.

We have very strange conditions existing in this country. For example, Maine, New Hampshire, Delaware, Vermont, Utah, Wyoming, Idaho, and Kansas each have but one Federal judge. Suppose that judge is ill. Suppose he is on vacation. Suppose he is in a distant part of the State, how are you going to get adequately, for all proper purposes, an ex parte order? The State of Montana has two judges. Note the great distance between the eastern and western termini in that State. You could not get to a judge in time. Therefore you destroy the very purpose of the statute by putting in that kind of a safeguard.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. WALTER. Was there any objection interposed at the time of the hearings to this measure?

Mr. CELLER. There were some objections made by one individual, namely, the attorney for the C. I. O.

Mr. WALTER. Mr. Lee Pressman?

Mr. CELLER. Mr. Lee Pressman.

Mr. WALTER. What objection could Mr. Pressman possibly have to a measure of this sort? What activities is he engaged in that he is afraid might be unearthed?

Mr. CELLER. I think the question is very well put. I have great respect for Mr. Pressman, but in this particular he may be enthusiastically misguided. Even if labor or any other class of persons indulge in espionage or sabotage or treason, they certainly ought to be met with a remedy of this character. Certainly labor should have no fears as to this bill. I cannot conceive of any adequate or proper answer to the arguments made here today.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. CELLER. I yield.

Mr. ROBSION of Kentucky. Mr. Pressman was objecting to the resolution before the committee wrote in section 2, with its protection.

Mr. CELLER. Yes. I am glad the gentleman reminded me of that.

Mr. ROBSION of Kentucky. As written in its present form, I do not recall that Mr. Pressman expressed any opposition to it.

Mr. CELLER. I do not think that is exactly the case. He wanted safeguards and appreciated section 2, but I think he wished additional safeguards, as he put it, for labor.

Mr. ROBSION of Kentucky. I think we ought to have section 2 in there to protect people.

Mr. CELLER. It was because of Mr. Pressman's statement that we thought it might be well to put in those safeguards.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. CELLER. Mr. Chairman, I yield myself 1 more minute.

Mr. ZIMMERMAN. Will the gentleman yield?

Mr. CELLER. I yield.

Mr. ZIMMERMAN. Does this law go any further than the ordinary law providing issuance of search warrants under certain circumstances for the apprehension of certain criminals?

Mr. CELLER. No; it does not.

Mr. ZIMMERMAN. No greater requirement in this law than in that?

Mr. CELLER. That is right.

Mr. ZIMMERMAN. In dealing with these particular subjects the committee feels, and I think rightly, that we ought to do just what this bill provides.

Mr. CELLER. Correct.

Mr. ZIMMERMAN. We are not violating constitutional rights any more than we are in the issuance of a search warrant under certain circumstances.

Mr. CELLER. I will say the Supreme Court (*Olmstead* v. *U. S.*, 277 U. S. 438) has determined that wire tapping is not a violation of the Constitution. After all, wire tapping is a sort of elongated form of eavesdropping. That is all it is.

Mr. HANCOCK. Will the gentleman yield?

Mr. CELLER. I yield.

Mr. HANCOCK. Mr. Pressman expressed his opposition to this bill in this statement, and it is a weak ground, it seems to me. He said:

> The innocent would be the ones to suffer. Certainly the spy, the one who is actually interfering with national defense or engaged in sabotage or espionage, when he knows that you can tap his wire is not going to engage in telephone conversation.

That is his opposition to the bill, but you and I know that if we are going to detect a ring of spies we have to pursue the methods used by the spies.

Mr. CELLER. Correct. Furthermore, Mr. Hoover told me personally that he is stumped; that these spies are in great numbers in the United States at this very moment, doing their foul and damnable work, undermining our morale, and interfering with our national defense. He says he cannot apprehend them and cannot get the proper evidence against them to convict them without wire tapping he needs. He urges, in his patriotic endeavor to do his duty, the passage of this act.

The Supreme Court in *Olmstead* v. *United States* (277 U. S. 438), held in 1928 that the tapping of telephone and telegraph wires by law-enforcement officers was not violative of the provisions of the fourth amendment relating to searches and seizures, in view of the fact that it did not involve a physical invasion of anyone's premises. It was deemed, in a way, merely a form of eavesdropping.

Section 605 of the Communications Act of 1934 (48 Stat. 1103) prohibited any person not authorized by the sender to intercept or divulge or publish any radio, telegraph, or telephone communication. This provision was recently construed by the Supreme Court as barring the introduction in evidence in court of any evidence obtained by tapping wires, *Nardone* v. *United States* (302 U. S. 379); *Nardone* v. *United States* (308 U. S. 338); *Weiss* v. *United States* (308 U. S. 321). Section 2 of the instant bill would relax the bar of the statute in respect to investigations for national-defense purposes indicated in the act. Such relaxation, however, is safeguarded by restrictions that would be effective in preventing possible abuses.

The Federal Bureau of Investigation of the Department of Justice has used wire tapping prior to the date of its prohibition only on infrequent occasions and solely in connection with the investigations of grave crimes, such as kidnaping and extortion. In fact we are informed most of these crimes could not have been solved without the right to tap wires.

The committee would hesitate to allow wires or short-wave messages to be tapped in times of normalcy. We are, however, in a national emergency. Some sacrifices must be made. Some rights may have to be yielded. Just as in a period of war, the writ of habeas corpus may be abrogated and certain inalienable rights temporarily suspended, so in times of danger and peril—although short of war—inroads must necessarily be made upon those rights, if our democracy is to be preserved.

We recognize that abuses can easily accompany the privilege of wire tapping, but we have the earnest assurance of the Attorney General and his immediate subordinates that the utmost care and caution will be exercised, and that there will be no abuses of this privilege. Especially do we call attention to the fact there must be no infringement of the rights of labor under the National Labor Relations Act and other similar statutes.

Assuredly, criminals and other persons inimical to the existence of our democratic government must be tracked down, and every reasonable means at the command of the Government should be exercised to that end. The usual, if not necessary method of communication used by the culprits and traitors aimed at by this bill are the telephone, the telegraph, and the radio short wave.

The so-called "fifth column" activities in a number of European countries make us pause and think. Our democracy must be implemented with means to protect itself against those who would overthrow it by force and violence, or by cooperation with a totalitarian government. To enable the chief Federal law enforcement agency to maintain surveillance of means of communications for that purpose, under the safeguards contained in the bill, is a proper precaution and at the same time would not unduly infringe on individual liberty. [Applause.]

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I have no requests for time on this side.

The CHAIRMAN. The Clerk will read the resolution.

The Clerk read as follows:

> *Resolved, etc.*, That the Federal Bureau of Investigation of the Department of Justice be authorized and directed to conduct investigations, subject to the direction of the Attorney General, to ascertain, prevent, and frustrate any interference or attempts or plans to interfere with the national defense by sabotage, treason, seditious conspiracy (as defined in U. S. C., title 18, sec. 6), espionage, violations of neutrality laws, or in any other manner.
>
> SEC. 2. The provisions of section 605 of the act of June 19, 1934 (48 Stat. 1103), shall not apply to investigations authorized by the provisions of this joint resolution, if the Attorney General finds that there is probable cause to believe that any violation of law described in section 1 hereof is taking place, has taken place, or may take place, and so certifies in writing.
>
> The information so obtained shall not be used for any other purpose than such investigation and shall not be admissible in evidence except in connection with a prosecution for an offense indicated in section 1 hereof, and then only on the production of said certificate in open court.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. SCHAFER of Wisconsin: On page 2 strike out all of section 2.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I know that this bill will be passed, as many bills have been passed in the name of national defense. I am not afraid to stand alone, or practically alone, in opposition to it. When I first came to Congress in 1923 and during my 10 years' service prior to being washed out temporarily in the New Deal tidal wave of 1932, we could only find about 23 Members of Congress who would introduce or support a 2¾ percent beer bill and oppose wire tapping. During those 10 years I listened to the gentleman from New York [Mr. CELLER], and the gentleman from Illinois [Mr. SABATH], orate eloquently on the floor of the House in opposition to the unconstitutional wire tapping; sneaking and snooping of the Federal prohibition agents. I am certainly surprised to see their change of position on a great fundamental constitutional principle today. During that 10 years they repeatedly quoted the decision of Justice Brandeis, an exceptionally fine declaration of the American conception of constitutional democracy, delivered in the wire-tapping case of Olmstead against the United States.

I stand today just where I stood in opposition to wire-tapping tyranny under prohibition. I do not intend to run to cover under a wave of propaganda and become part and parcel of a move to sovietize and Stalinize the United States and have a dictatorship established in our country under a third-term "blitzkrieg." I do not intend to assist in having a Gestapo or Ogpu secret police on the Federal pay roll violating the laws of more than 25 States of the Union, whose statutes make wire tapping a misdemeanor or a felony. The gentleman indicates that his State of New York has changed its law with reference to wire tapping, but during the long fight to prohibit wire tapping in prohibition cases the State of New York had a law on its statute books provid-

ing a 2-year penalty for wire tapping. The gentleman on the floor of the House then spoke very affectionately about that law. But even if New York has changed its law, there are more than 25 States of the Union which make it a misdemeanor or a felony to tap telephone or telegraph wires within the State. Notwithstanding those State laws, however, enacted under the Constitution of the United States, are we going to put our stamp of approval on a bill which will authorize one of Uncle Sam's gum-shoe artists to go out into those very States and violate the criminal anti-wire-tapping laws thereof? You can do that if you choose; I do not propose to do so. I propose to follow the Justice Brandeis conception of American constitutional democracy today, as I have in the past, with reference to wire tapping. I am firmly convinced that when this Stalinistic legislative monstrosity gets to the Supreme Court that the present members of that body will follow the views of Justice Brandeis and declare it unconstitutional.

Mr. KELLER. Mr. Chairman, will the gentleman yield for a question?

Mr. SCHAFER of Wisconsin. I yield.

Mr. KELLER. I understood the gentleman to say that the most despicable thing in the world was snooping.

Mr. SCHAFER of Wisconsin. One of the most despicable things is tapping telephones in violation of a citizen's constitutional rights. Tapping telephones, window peeping, and closet eavesdropping are in the same class.

Mr. KELLER. Is it not still more despicable to conspire over the wires to overthrow the Government or interfere with its vital functions?

Mr. SCHAFER of Wisconsin. I do not say that it is not despicable to conspire to do treasonable acts. We live in a constitutional democracy under a Constitution which guarantees to the people certain sacred rights, liberties, and protections. According to my interpretation and Justice Brandeis' interpretation of the Constitution, which I previously quoted, the Constitution protects the people from wire tappers and gives the Congress no authority to authorize and permit wire tapping.

Mr. Chairman, a wire tapper destroys the sanctity of the home and invades the person and his house secretly and without warning and violates the fourth and fifth amendments to the Constitution of the United States. [Applause.]

Mr. ROBSION of Kentucky. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I regret to find myself in disagreement with my good friend, the gentleman from Wisconsin.

The pending amendment proposes to strike out section 2, the only section written into the bill to protect the innocent. If this resolution should be adopted without section 2 we would deprive the innocent of the protection they are entitled to.

What does section 2 provide? That there can be no wire tapping unless and until the Attorney General of the United States finds there is probable cause to believe that some violation described in section 1 of the bill is taking place, has taken place, or about to take place, and so certifies in writing. Mr. Pressman was concerned about protecting the innocent and section 2 was written into the bill by the committee to meet that very situation.

Mr. JONKMAN. Mr. Chairman, will the gentleman yield?

Mr. ROBSION of Kentucky. I yield.

Mr. JONKMAN. Will the gentleman tell me whether or not it is true that wire tapping can be promiscuous under all circumstances except information so obtained cannot be used unless the Attorney General says that such a condition obtains?

Mr. ROBSION of Kentucky. No; it cannot be promiscuous. The Attorney General must certify that sabotage, treason, seditious conspiracy, or espionage, or violation of the neutrality laws—one of these five things has been done, is being done, or about to be done.

Mr. JONKMAN. Does the gentleman mean to say that in every case in which wires are tapped there must be this certification by the Attorney General?

Mr. ROBSION of Kentucky. Absolutely, and it goes even further than that. It says that the information so obtained shall not be used for any other purpose than the investigation of these matters that strike at the very root of national defense, that they shall not be admissible in evidence except in connection with prosecution for an offense indicated in section 1 of the bill, and then only on the production of such certificate of the Attorney General in court.

My good friend from Wisconsin denounces wire tapping, and insists that it would invade the rights of our people. The Committee on the Judiciary very carefully protected the people of this country against improper or promiscuous wire tapping, yet my friend from Wisconsin offers an amendment to take out of the bill the only language in it that affords the innocent that protection.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield? I know that he wants to keep the record straight.

Mr. ROBSION of Kentucky. I yield.

Mr. SCHAFER of Wisconsin. My amendment removes the entire permissive wire-tapping provision from this bill, and the prohibition against wire tapping which is now on the statute books applies if the bill as amended by my amendment is enacted into law. I have been opposing wire tapping for many years. I believe that Justice Brandeis was positively correct in the position which he took in the wire-tapping case of Olmstead against the United States, from which I have quoted today.

Mr. ROBSION of Kentucky. Mr. Chairman, we must reach this great group of enemy aliens, and some of our own people, who engage in these treasonable and other acts to destroy our Government and who are using our telephone and telegraph lines in order to overthrow this Government, destroy our factories and shops, and cripple our national defense. These enemies use the telephone and telegraph to plot against our Nation and carry out their diabolical schemes. This bill only gives the Department of Justice the right to meet these criminal enemies on their own ground and bring them to justice.

Mr. MURDOCK of Arizona. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have listened with great interest to the debate on this amendment and on the bill itself. I am not a lawyer; therefore I cannot approach it from the standpoint of legal training. However, I take a back seat to no one in regard to my respect for and loyalty to the Constitution of the United States. I am in favor of this bill and opposed to the amendment offered by the gentleman from Wisconsin [Mr. SCHAFER], which would emasculate the bill.

Some time ago I had occasion to make a study of the Constitution of the United States, a document which was framed in the closing days of the eighteenth century, and the Constitution of the latest State which has come into this Union. Arizona is the youngest member of the family. I find there is great similarity between the bills of rights in those two documents, but the more than a century intervening between the writing of the Bill of Rights of the Federal Government and that of my own State has caused many additions to be made in that of the State of Arizona. We call ours the declaration of rights. For instance, I find that certain things, undreamed of by the founders of this Republic, had come into being between 1787 and 1910 and the men who drafted the Constitution of Arizona found that they must be dealt with with the same wisdom if we can summon it, as the founding fathers dealt with the problems of human liberty and rights back in 1787. They safeguarded against evils then existing.

I recall once upon a time two religious leaders getting into a violent dispute as to whether the use of tobacco was proper on the part of Christians. One man declared that it must be all right because it was not forbidden by the Ten Commandments or in the Bible.

The other reminded him, of course, that the use of tobacco was unknown when the sacred literature was prepared.

There are safeguards against certain evils found in the newer Constitution not found in our ancient supreme law for obvious reasons. I may say in regard to wire tapping that if there is nothing in the Constitution of the United States mentioning it specifically, we can explain the omission easily on the ground that such was unknown to the men who wrote the fundamental law of our land. Principles remain, even if names change, and new names and acts are added through the years.

We have had to revise our Bill of Rights. It may be proclaimed that "the right to bear arms shall never be infringed," but we cannot take that too literally and permit gangsters to run our streets with sawed-off shotguns and that sort of thing. In other words, we must safeguard constitutional principles in the sense of justice under modern, changed conditions as living has become more complex. In this high-powered, scientific age, crime has outrun law. For that reason, this bill is a safe, sane modification of the fundamental law of the land. I would make a distinction between those constitutional principles which are eternal verities, or those "ancient landmarks, which we must not remove," and some of the temporary provisions found in the Constitution of the United States. The Bill of Rights must not be used as a shield for evildoers.

I want to give our citizens full protection and even aliens all the safeguards which our treaty regulations provide for them and which the Constitution of our country and the laws of humanity make necessary for them, but the defense of our country comes first in times like these. We must not let criminals, high or low, alien or domestic, have a free hand. Even though it were not in this time of war emergency, I would still favor giving the Department of Justice the right which this bill does give it. I have great confidence both in the effectiveness and justice of our Federal Bureau of Investigation.

For the reasons set forth above, I ask that this nullifying amendment be voted down and that the bill be passed.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. SCHAFER].

The amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROBINSON of Utah, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the joint resolution (R. J. Res. 571) to authorize the Federal Bureau of Investigation of the Department of Justice to conduct investigations in the interests of national defense, and for that purpose to permit wire tapping in certain cases, pursuant to House Resolution 537, he reported the same back to the House.

The SPEAKER. Under the rule, the previous question is ordered. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

The joint resolution was passed.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to revise and extend the remarks which I made today in the Committee of the Whole, and to include therein excerpts from decisions of notable jurists and a few excerpts from the Constitution of the United States.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin [Mr. SCHAFER]?

There was no objection.

Mr. SABATH. Mr. Speaker, I also ask unanimous consent to revise and extend my own remarks in the RECORD and to include therein two reports on the financial condition of our country.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. SABATH]?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted, as follows:

To Mr. SHEPPARD, for 10 days, on account of official business.

To Mr. MARCANTONIO, for yesterday and today, on account of illness.

To Mr. CLARK, for 3 days, on account of illness.

EXTENSION OF REMARKS

Mr. WHELCHEL, asked and was given permission to extend his own remarks in the RECORD.

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and include therein a short clipping.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

ORDER OF BUSINESS

Mr. RAYBURN. Mr. Speaker, I was entirely mistaken in telling a great many Members that the so-called lawyer's fee bill would come up this afternoon. I had in my pocket a list given me by the Clerk of the Committee on Rules which stated that a rule had been granted on this bill, but I find that is not true; so I do not believe there is any other business for today.

The SPEAKER. Under a previous special order of the House, the gentleman from New York [Mr. DICKSTEIN] is recognized for 20 minutes.

SUBVERSIVE ACTIVITIES

Mr. DICKSTEIN. Mr. Speaker, the President has issued a call to all States and Congress to join him in fighting the destructive activities of saboteurs and in uncovering the men and organizations that are responsible for "fifth column" activities in this country. This order is commendable. For, in spite of the fact that we have a congressional committee which is supposed to investigate subversive, un-American activities, groups guilty of such activities have grown immensely in membershp and power in the last few years.

Since 1933 I have tried to awaken this country and Congress in particular to the danger the penetration of such subversive groups constitutes to our political and social way of living as a free people. But apparently little attention was paid to my plea, and it was only after great difficulty that I was able to bring about the creation of a committee to investigate some of the charges I had brought against well-functioning, foreign-subsidized, subversive groups in this country. The work of the committee, which was ably guided by its chairman, the gentleman from Massachusetts, Congressman JOHN W. MCCORMACK, was terminated before its task was finished because certain influential groups in the country and certain Members of this body did not want such an investigation to be carried on. For several years the Committee on Immigration and Naturalization, of which I have the honor to be chairman, has been pleading with Congress and the Rules Committee to grant them the power of subpena so that they could investigate further some information which had been brought to their attention which in their opinion would disclose the activities of groups working against the interests of this country. There were a number of witnesses who had important information to give but who refused to appear before the committee unless immunity was granted them. Even though the committee unanimously passed a resolution asking for this power they were unable to get it because certain members of the all-powerful Rules Committee did not wish them to go on with this investigation.

Since 1933, when I returned from a trip to Germany, where I was able to observe the propaganda methods used by the Nazi authorities, I have been warning the country that Hitler agents, by creating race hatred and intolerance, will try to array Americans against their fellow Americans, thus weakening our people from within. The present antialien hysteria

which is responsible for most of the antialien legislation introduced in both Houses of Congress is one of the direct outgrowths of the dissemination of distrust among our people. Instead of attacking peace-loving, law-abiding aliens, we should use all methods at our command to unmask the men and organizations, whether they be directed from within or from without, who seek to undermine our democratic form of government and who seek to force upon our people the alien ideologies of foreign dictators. This, in my opinion, is one one the greatest emergencies ever faced by our country. There are a number of domestic groups which, by hiding behind protestations of American patriotism, try to do the work which foreign groups which could be detected might not be able to do as successfully. While they use their meetings and gatherings for spreading the gospel of foreign dictators, while their speakers try to incite their followers to acts of violence against their fellow citizens who still believe in the principles of democracy, they have the effrontery to claim protection under our Constitution, which Constitution they insult with every word they utter.

Much has been stated, Mr. Speaker, about this problem, both on the floor of the Congress and in the press, but very little has been accomplished in eradicating this evil. No doubt you have heard the charges made by a number of Members of the House, as well as the Senate, about the operations of so-called "fifth columnists." But has anything actually been done or been recommended to the Congress to put a stop to these subversive activities? In my opinion, nothing constructive has been done. This is an emergency, a serious emergency. I know the President is in full sympathy with a program designed to rid our country of spies and saboteurs. I know the great Attorney General is doing his job honestly and faithfully, and I know we can rely upon J. Edgar Hoover, in the Department of Justice, to do a real job. However, we do not have the proper laws to enable these men to act in such an emergency. I recommend strongly that this Congress provide them with laws to meet the situation.

No. 1. We must immediately destroy and do away with the so-called Nazi camps in this country, and they total about 30 or 31 in number. In these camps they practice, teach, and breed hate and intolerance. They use these camps for drilling and training of potential "fifth columnists." These camps have no place in this country because they are foreign to our principles, foreign to our form of government, and destructive instead of helpful to the Government. In times like this I think we ought to make it a punishable crime to wear foreign uniforms and foreign military emblems or to parade on our highways in celebrating the victories of a foreign dictator. You simply have to make up your mind to face the problem realistically.

On July 21, 1939, I introduced a bill (H. R. 6940) to prohibit the wearing of certain foreign uniforms, and for other purposes. This bill was referred to the Committee on Military Affairs. I have definite proof and evidence to present to that committee showing that Nazi uniforms are being brought into this country and certain American citizens of German blood are compelled to wear them when they attend the conferences at these so-called Nazi camps.

After many months of appealing to the Committee on Military Affairs, I found that I could not get any action at all. They were not in sympathy with that kind of legislation. I requested some action and I received a letter from the clerk of that committee. This is what he had to say:

> The chairman has requested me to acknowledge receipt of your letter of July 6 in the interest of H. R. 6940, to prohibit the wearing of certain foreign uniforms, and for other purposes, and to advise you that all bills of this nature were tabled by the full committee.

I then wrote another letter to the chairman, which letter was dated January 17, 1940, and received a reply on January 27 advising me that the matter will be called to the committee's attention. I never heard from them again.

In other words, one cannot even get a hearing before a committee to present evidence of the sabotage and conspiracy existing in the United States by means of which these uniforms were being brought in here and Americans were being compelled to pay $18 for them and to wear them at Nazi camps in this country. This great committee did not even find it necessary to give a colleague a hearing. They tabled this bill and, as they say, other bills without even going into the facts of the matter. This is the kind of cooperation one gets in trying to purge subversive activities.

Let me call your attention to something else. In the last 6 or 8 months, ever since this war began, there have been brought into this country certain moving-picture films from Nazi Germany and Fascist Italy. There has not been one educational film among them. Every film that has been brought in here has portrayed the greatness of the Nazi-Fascist Governments. Every one of these films that has been brought in here has been shown in certain sections of my city, as well as other cities that I could name, and I wish the Members of the Congress could go there and see the difference in reaction when they show a picture dealing with our country and when they show a picture depicting the greatness of the Fuehrer, Mr. Hitler, and Mr. Mussolini. The crowd just goes wild whenever anything about Germany and Italy is shown. I say to you that pictures of this type which incite the masses of our people in these times when we are trying to clean house of "fifth columnists" should be more carefully censored because they are not doing the country any good. I think we have been very lax in allowing these pictures to come in because they are not educational. They do not show anything but glorification of war, destruction, and the killing of human beings by the dictators. Every one of these pictures is along the same lines, namely, the justification of force for the glory of the Fuehrer. By the way, if you do not have the price, you can see these pictures for nothing because admittance is free. It must cost a lot of money to prepare these pictures. I wonder who is paying for it? Here is an article, taken from the New York World-Telegram of August 5, which describes the reaction of the audience in one of the German theaters:

[From the New York World-Telegram of August 5, 1940]

YORKVILLE, COOL TO ROOSEVELT, APPLAUDS HITLER IN WAR FILM—EIGHTY-SIXTH STREET AUDIENCE MOVED BY SIGHT OF THE SWASTIKA FLYING OVER FRANCE

(By Allan Keller)

The blond girl in the glassed-in booth said the newsreel would start at 1:40 p. m. Said it in perfect English without a trace of accent. Outside the sun shone brightly on restaurant and delicatessen windows. It might have been Grand Rapids or Dallas or Salt Lake City, but it was Eighty-sixth Street, Yorkville's main drag.

Inside the Eighty-sixth Street Garden a German screen romance, with English subtitles and German dialogue drew to a close and the lights went up. Perhaps 400 men and women, in shirt sleeves, house dresses, and other unpretentious costumes shifted about in their seats. Then the American newsreel started.

SILENCE GREETS ROOSEVELT

Lead item on the reel was a view of President Roosevelt's visit to the Navy Yard at Portsmouth, Va., and scenes of shell manufacture in the United States Arsenal at Frankford, Pa. The audience was silent. Silent with the oppressive heaviness that greets a speaker when he says the wrong thing.

There was a horse race at Santa Anita, a glimpse of the tennis matches at Southampton, and a fashion parade. The audience sat immobile. Only Lew Lehr's antics brought a ripple of laughter which died out before it really started.

Then came the piece de resistance—the German newsreel released by U. F. A. It started with a bit of pageantry in Sweden and a scene or two of a boat trip in Denmark. There was a trotting race at a track outside Berlin and the audience stirred as if some of them recognized the scene.

APPLAUD WAR SCENES

As the first wind of a storm sets the trees to stirring before the heavier blasts tear at the forests, so this scene of the trotting horses came before shots of Nazi field artillery and of dive bombers over the little villages of Picardy. The audience became restless, and when a French plane was knocked from the sky to plunge earthward in a plume of black smoke the first applause came from the newsreel watchers.

Well-paced and well-timed was the German newsreel. Starting slowly it moved ahead with increasing tempo and seemed to pave the way for the appearance of Adolf Hitler, on his way to the railway car in Compiegne Forest, where the French formally sued for peace.

GREET HITLER

Hitler's picture on the screen evoked fresh outbursts of applause. The Fuehrer grimaced in his pretty way as an officer handed him a regimental book to autograph, and the Yorkville audience was

radiantly happy. He studied campaign maps with the bulbous Goering and with von Reichenau, and the handclapping echoed and reechoed in the theater.

Swiftly then the newsreel moved through scenes of Nazi soldiers at hand grenade practice, showing them tossing the "potato mashers" over the brink of a hill; of swift torpedo boats ferrying soldiers across a river in Belgium, and of rubber boats like those that helped spell ruin in the polders of Holland. Messerschmitts darted in and out of the clouds, and machine gunners rattled their belts of death through the light weapons. This was the meat of the picture, and the audience loved it.

There was a shot of the French battle monument at Verdun but a Swastika banner unrolled down its face, and the graven words were blotted out. This brought more applause.

NO GRUESOME SCENES

Here were no battle scenes, no mangled bodies to make women think of relatives facing death and no shots of the shattered homes in Hamburg, Essen or Dortmund. It was war—but the war of generals behind the lines, in field headquarters and on the sleek battlewagons in the North Sea.

A glimpse of the Cathedral in Strasbourg, Alsace, and the words of the announcer in German pointing out that this had once been a German city brought forth renewed clapping.

So, finally the newsreel drew to its end with scenes of long rows of Nazi banners flapping in the breeze and of church bells ringing from a dozen towers. From the sound track came the music of the German anthem, Deutschland Uber Alles.

Mr. STEFAN. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. STEFAN. What particular picture is the gentleman referring to? Will the gentleman explain that for our own enlightenment?

Mr. DICKSTEIN. Well, I cannot give you the name of any particular picture, but in the last months there have been at least 10 of them brought in under the heading "The Fuehrer Conquers" or "The Leader Will Conquer." They portray these war scenes and show these death pictures to the public and the masses in justification of Hitler's aggression, and as I said a moment ago, you do not have to have the price if you want to go in and see the pictures.

Mr. STEFAN. Mr. Speaker, will the gentleman yield further?

Mr. DICKSTEIN. Yes.

Mr. STEFAN. I came in just a little late and I beg the gentleman's pardon for that, but did the gentleman refer at all to the picture that we looked at in the old House Office Building some nights ago? Is that now being released for public consumption?

Mr. DICKSTEIN. I think so, but I am not talking about that particular picture. I am talking about pictures that are brought directly from Germany and Fascist Italy for the sole purpose of inciting the people and of impressing them with the power and leadership of a destructive group of people who are, as they state, going to conquer the world.

Mr. STEFAN. The gentleman is referring to the pictures that have been released, apparently, through the regular picture organizations?

Mr. DICKSTEIN. No; I do not believe that they were released by American companies. They were made on the battlefields of Europe where the war is on and are definitely biased in their approach.

Mr. STEFAN. How are they released in this country?

Mr. DICKSTEIN. Frankly, I do not know and I think that we ought to look into the matter.

Mr. STEFAN. The gentleman misses my question. Who is releasing these pictures commercially for the general public to see?

Mr. DICKSTEIN. They have their Nazi saboteurs——

Mr. STEFAN. But they are not in the regular moving-picture houses?

Mr. DICKSTEIN. Yes; they bring them into the regular moving-picture houses and give them to the operators in certain areas to present, and it does not cost them anything. This is done just to create sympathy for their cause, and we ought to stop it.

Mr. STEFAN. If the gentleman will yield further, I understand the picture we looked at the other night in the old House Office Building was brought in here by M-G-M. Is that correct?

Mr. DICKSTEIN. I did not see the picture the gentleman is referring to.

Mr. STEFAN. You refer to other pictures? They must be released through some exhibitors.

Mr. DICKSTEIN. Not necessarily; they may be brought in from Germany through diplomatic channels, and in some way they find their way into certain sections and into certain moving-picture houses. Of course, some of them might have been released by some exhibitors.

Mr. THILL. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. THILL. I believe this propaganda should be condemned bitterly, and I think also that not only the German propaganda films but the Fascist propaganda films and also the British films should be kept out. There was a picture called The Lion Has Wings, which was nothing but pure British propaganda. Does not the gentleman feel that that should be done away with likewise?

Mr. DICKSTEIN. If we consider this an emergency, it seems to me that we should do away with a lot of things that do not belong here. These are not educational pictures for the benefit of our population. They are war pictures, prepared especially for home consumption and for the United States. In fact, a few weeks ago the police had to go in to rescue one single American who stood up and resented the showing of such biased pictures. The audience finally threw him out. This illustrates the nature and the tension of the crowd.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes more.

The SPEAKER pro tempore. Is there objection?

Mr. FISH. Mr. Speaker, I have no objection to the gentleman proceeding for 2 minutes. Is the gentleman asking for any more than that?

Mr. DICKSTEIN. I am asking for 5 minutes.

Mr. FISH. I object to 5 minutes.

The SPEAKER pro tempore. Without objection, the gentleman from New York is recognized for 2 additional minutes.

There was no objection.

Mr. DICKSTEIN. We should withdraw the privilege of second- and third-class mail from people and organizations that use the United States mails to distribute their vicious propaganda material which seeks to destroy the very foundations of our form of government. If this should not be possible, I would suggest that such organizations be forced to state the contents of their publications on the cover of the envelopes so as to show the Government and the people that these publications are published for propaganda purposes. Misrepresentation of contents should be prosecuted, because the people who preach and practice un-Americanism ought to be registered with the State Department to show that they are in that business, and that they are sending out this particular kind of propaganda.

Mr. STEFAN. Oh, they are registered now.

Mr. DICKSTEIN. They are not registered at all. The only registration the State Department has is the one the McCormack committee recommended, and that is the registration of foreign agents. I am talking about domestic and foreign persons that use the second-class mail, not for business purposes but for the purpose of distributing anti-Semitic and un-American propaganda in this country.

Mr. STEFAN. I believe if the gentleman will visit the State Department he will find that they are doing a very good work in that respect.

Mr. DICKSTEIN. I am not criticizing the efficiency of the State Department but the inefficiency of our postal laws. The law ought to be amended.

Mr. STEFAN. I agree with the gentleman that that is not safeguarded, and it ought to be; but the State Department has done a great work.

Mr. DICKSTEIN. I went before the Committee on the Post Office and Post Roads and presented a plan that I thought was a good plan, and I got no action whatever.

Mr. STEFAN. Has the gentleman discussed it with the State Department?

Mr. DICKSTEIN. No; I have not. I think this is a legislative problem which should be handled by Congress. Congress and the people of this country must act and act before it will be too late. Americans must forget their political differences and unite in the fight to preserve their heritage of freedom of thought and freedom of action.

The SPEAKER pro tempore. The time of the gentleman from New York has again expired.

WHY FINANCE INCREASED AGRICULTURAL PRODUCTION WHILE WE ALREADY FINANCE DECREASED AGRICULTURAL PRODUCTION?

Mr. MURRAY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD and to include my statement at this point in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MURRAY. Mr. Speaker, the following tables show the amount of money expended and the acreage put under irrigation since the beginning of these federally financed projects:

CHART No. 1.—*Department of the Interior, Bureau of Reclamation, expenditure by fiscal years (construction cost)*

Fiscal year:	
1920	$3,570,755
1921	6,244,200
1922	6,247,205
1923	7,991,039
1924	8,565,850
1925	7,610,030
1926	6,354,147
1927	5,159,026
1928	6,966,449
1929	7,898,305
1930	8,611,397
1931	13,037,306
1932	26,806,669
1933	25,207,007
1934	26,904,121
1935	43,828,646
1936	40,522,311
1937	57,742,182
1938	59,821,895
1939	72,218,668
1940	90,000,000
Yearly average appropriation before the New Deal	8,853,000
Yearly average appropriation under the New Deal	52,030,000

We appropriate millions not only to control production but also millions to buy up surpluses, millions for export bounties, and continue to appropriate additional millions to increase the agricultural production of our country. While $3,000,000,000 has been paid as a subsidy to agriculture the past 7 years, the farmers have $6,000,000,000 as their share of the increased public debt to be repaid by them with interest added.

CHART No. 2.—*Reclamation table—Cumulative crop values, 1906–39*

Year	Federal irrigation projects[1]				Warren Act lands				Entire area			
	Irrigated acreage	Net area in cultivation (acreage)	Total crop value		Irrigated acreage	Net area in cultivation (acreage)	Total crop value		Irrigated acreage	Net area in cultivation (acreage)	Total crop value	
			For year—	Cumulative total			For year—	Cumulative total			For year—	Cumulative total
1906	22,300	[2] 20,100	$244,900						22,300	[2] 20,100	$244,900	
1907	187,628	[2] 169,000	4,760,460	$5,005,360					187,628	[2] 169,000	4,760,460	$5,005,360
1908	289,549	[2] 260,500	7,635,888	12,641,248					289,549	[2] 260,500	7,635,888	12,641,248
1909	410,628	[2] 369,500	11,920,663	24,561,911					410,628	[2] 369,500	11,920,663	24,561,911
1910	471,423	413,000	12,944,639	37,506,550					471,423	413,000	12,944,639	37,506,550
1911	562,311	470,100	13,086,441	50,592,991					562,311	470,100	13,086,441	50,592,991
1912	614,477	540,000	16,007,134	66,600,125					614,477	540,000	16,007,134	66,600,125
1913	694,142	637,227	15,676,409	82,276,534					694,142	637,227	15,676,409	82,276,534
1914	761,271	703,424	16,475,517	98,752,051					761,271	703,424	16,475,517	98,752,051
1915	810,649	760,035	18,164,452	116,916,503					810,649	760,035	18,164,452	116,916,503
1916	922,821	858,291	32,815,972	149,732,475					922,821	858,291	32,815,972	149,732,475
1917	1,026,663	966,784	56,462,313	206,194,788					1,026,663	966,784	56,462,313	206,194,788
1918	1,119,566	1,051,193	66,821,396	273,016,184	[2] 501,100	[2] 481,600	$35,000,000		[2] 1,620,666	1,532,793	101,821,396	308,016,184
1919	1,187,255	1,113,469	88,974,137	361,990,321	916,313	880,613	64,368,468	$99,368,468	2,103,568	1,994,082	153,342,605	461,358,789
1920	1,223,480	1,153,820	66,171,650	428,161,971	981,940	950,890	47,836,750	147,205,218	2,205,420	2,104,710	114,008,400	575,367,189
1921	1,227,500	1,157,900	49,620,300	477,782,271	1,001,250	969,550	45,288,630	192,493,848	2,228,750	2,127,450	94,908,930	670,276,119
1922	1,202,130	1,169,100	50,360,850	528,143,121	983,290	951,270	33,240,840	225,734,688	2,185,420	2,120,370	83,601,690	753,877,809
1923	1,213,700	1,179,870	65,046,300	593,189,421	1,051,380	993,040	37,557,860	263,292,548	2,265,080	2,172,910	102,604,160	856,481,969
1924	1,290,890	1,216,610	66,488,560	659,677,981	930,670	889,460	43,237,470	306,530,018	2,221,560	2,106,070	109,726,030	966,207,999
1925	1,320,300	1,242,750	77,608,880	737,286,861	1,019,170	951,250	53,655,850	360,185,868	2,339,470	2,194,000	131,264,730	1,097,472,729
1926	1,411,020	1,328,810	60,369,620	797,656,481	1,097,190	949,590	49,750,040	409,935,908	2,508,210	2,278,400	110,119,660	1,207,592,389
1927	1,378,990	1,326,810	70,985,450	868,641,931	1,148,115	1,072,486	61,160,010	471,095,918	2,527,105	2,399,296	132,145,460	1,339,737,849
1928	1,442,080	1,385,560	80,238,800	948,880,731	1,235,020	1,192,030	62,495,320	533,591,238	2,677,100	2,577,590	142,734,120	1,482,471,969
1929	1,483,900	1,420,070	87,559,670	1,036,440,401	1,234,230	1,192,990	72,720,490	606,311,728	2,718,130	2,613,060	160,280,160	1,642,752,129
1930	1,504,810	1,467,097	64,418,940	1,100,859,341	1,286,046	1,254,493	54,654,550	660,966,278	2,790,856	2,721,590	119,073,490	1,761,825,619
1931	1,522,718	1,462,565	40,121,089	1,140,980,430	1,293,889	1,251,830	33,406,340	694,372,618	2,816,607	2,714,395	73,527,429	1,835,353,048
1932	1,555,144	1,506,320	31,165,752	1,172,146,182	1,214,461	1,196,400	18,627,219	712,999,837	2,769,605	2,702,720	49,792,971	1,885,146,019
1933	1,589,770	1,529,903	48,138,576	1,220,284,758	1,239,017	1,199,113	35,425,870	748,425,707	2,828,787	2,729,016	83,564,446	1,968,710,465
1934	1,552,124	1,464,405	59,628,327	1,279,913,085	1,285,081	1,229,594	40,160,676	788,586,383	2,837,205	2,693,999	99,789,003	2,068,499,468
1935	1,640,936	1,604,166	63,601,663	1,343,514,748	1,294,680	1,256,970	43,179,631	831,766,014	2,935,616	2,861,136	106,781,294	2,175,280,762
1936	1,702,192	1,629,174	78,902,818	1,422,417,566	1,335,995	1,272,745	57,599,662	889,365,676	3,038,187	2,901,919	136,502,480	2,311,783,242
1937	1,725,463	1,700,969	72,893,649	1,495,311,215	1,389,338	1,333,800	45,764,623	935,130,299	3,114,801	3,034,769	118,658,272	2,430,441,514
1938	1,777,584	1,764,363	67,859,804	1,563,171,019	1,329,115	1,276,332	45,603,656	980,733,955	3,106,699	3,040,695	113,463,460	2,543,904,974
1939	1,922,868	1,903,269	73,769,654	1,636,940,673	1,218,108	1,174,803	40,313,140	1,021,047,095	3,140,976	3,078,072	114,082,794	2,657,987,768

[1] Includes projects constructed by the United States and those for which supplemental water is furnished from storage works built by United States.
[2] Estimated.

It should be borne in mind that the 3,078,072 acres under irrigation represent less than 1 percent of the 241,000,000 acres of cropland harvested each year in the United States. It should also be recorded in this connection that the $119,000,000—last 5-year average—of the total crop value from irrigated land represents over 2 percent of the national value of farm crops average of $5,691,000,000—average of 1935–39 without the subsidy payments which will have to be repaid, with interest, by the farmers of this country.

In all fairness, it must be plainly stated that these funds are supposed to be recovered by the Federal Treasury, although large losses have been entailed by the Federal Government during these years.

I am not questioning the wisdom of appropriating funds for the purpose of putting lands under irrigation. I am not speaking for irrigation or against irrigation as a system of crop production. In fact, having lived in an area that has suffered from droughts and is still suffering the effects of the droughts of the past 10 years, I am personally sympathetic to the benefits to be obtained by this method of farming.

The question I wish to discuss is, Why should these huge appropriations have been made during the past 7 years, when everyone is crying about a surplus of agricultural products?

The foregoing tables bring up the following questions:

First. Why should we appropriate $500,000,000 a year under the guise of soil conservation, which is really crop control, in an effort to raise agricultural prices when we appropriated six times more per annum for putting new lands under irrigation during the past 8 years than we did before the New Deal?

Second. Is not the present soil-conservation program really misleading? Is it not true the most fertile farm in America can be ruined and be depleted in its fertility and still have the owner get New Deal checks for conserving the fertility?

Third. Is it not time that someone take time out and study up a little on soils and soil chemistry, enough to know what elements of fertility should be conserved? Or is the main purpose to conserve the New Deal?

Fourth. If anyone is sincerely interested in conserving the fertility of the soil of this Nation, would it not be well to go slow on putting more land under irrigation and leave this land for future generations? At least, would it not sound reasonable to leave this land in its natural state until the time the Government did not have to take money out of the Federal Treasury to control the crop production of land already under cultivation?

Fifth. Should not these appropriations be curtailed until the Federal Government did not have to pay an export bounty of 25 cents per bushel on wheat and $7.50 a bale on cotton in order to get rid of it?

Sixth. With millions of bushels of wheat and corn on hand and millions of bales of cotton in storage with loans in excess of the market price, would it not be using a little common horse sense to curtail these appropriations which put large acreages of really productive land under irrigation?

Seventh. Why should we appropriate money from the Federal Treasury for a little over a third of the crops in an effort to give them somewhere near parity when at the same time we appropriate millions to put more land under heavy production, as we have done in the irrigated acres? Although this is my first term in Congress, I am happy to think that I have at least been able to equalize and reduce the interest burden of the farmers of this country to an extent that represents a saving of tens of thousands of dollars each year to the farmers of my district and an annual saving of millions of dollars to the farmers of the Nation.

Eighth. Is not this just one more of the cross-purposes of the New Deal? Does not the New Deal philosophy call for funds to control a situation, more funds to stimulate the situation, and then more and more funds to control the situation they have themselves stimulated or caused?

EXTENSION OF REMARKS

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in three different particulars and to include therein a list of the Federal expenditures and loans made in three different countries in my district from March 4, 1933, until June 30, 1939.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on three subjects.

The SPEAKER pro tempore. Is there objection?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. MILLER. Mr. Speaker, I ask unanimous consent that on tomorrow, after disposition of business on the Speaker's table and any other special orders that have been entered, I may be permitted to address the House for 20 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Under special order of the House heretofore entered the gentleman from New York [Mr. FISH] is recognized for 30 minutes.

NATIONAL DEFENSE AND CONSCRIPTION

Mr. FISH. Mr. Speaker, I have asked for this time this afternoon because I expect to be absent for several weeks attending the war maneuvers in the northern part of New York as a colonel in the Reserve Corps and as umpire in these war games. I may be a lone voice crying in the wilderness, but, nevertheless, I desire to take this opportunity to make some comments on the pending draft or conscription bill and to urge Congress to exhaust every possibility of the American volunteer system before resorting to the European war or conscription system.

The question of national defense is one of the greatest issues before the country at the present time, second only to the major issue of keeping America out of foreign wars. Not many years ago in this country the very word "conscript" would raise a shudder in the minds of free Americans. Back in 1900 the Democratic Party in its national platform had this to say about militarism and conscription:

MILITARISM OPPOSED

We oppose militarism. It means conquest abroad and intimidation and oppression at home. It means the strong arm which has ever been fatal to free institutions. It is what millions of our citizens have fled from in Europe. It will impose upon our peace-loving people * * * an unnecessary burden of taxation and will be a constant menace to their liberties. * * * This Republic has no place for a vast military service and conscription.

THE NATIONAL GUARD

In time of danger the volunteer soldier is his country's best defender. The National Guard of the United States should ever be cherished in the patriotic hearts of a free people. Such organizations are ever an element of strength and safety. For the first time in our history * * * there has been a wholesale departure from our time-honored and approved system of volunteer organization. We denounce it as un-American, undemocratic, and unrepublican, and as a subversion of the ancient and fixed principles of a free people.

The people in this country came over here to enjoy their civil rights and liberties and to get away from militarism and autocracy. In the World War we who fought on the battlefields of France were told that we were fighting against both autocracy and militarism. It would be a sad travesty if now, after 22 years, we should import identically the same European military and war system of conscription which has been largely responsible for the continuous wars between Germany, France, and Italy.

These extracts regarding militarism and conscription from the Democratic platform of 1900 are just as true and sound today as 40 years ago. I submit to both Democrats and Republicans alike that abhorrence of conscription in America is exactly the same today as it was at the beginning of the century. I believe every Member of Congress is in favor of adequate national defense, a Navy second to none, a Navy that is the largest in the world or maybe twice as large as any other in the world; a huge air force of approximately 20,000 or 25,000 planes, and a large Regular Army and a large National Guard combined between 800,000 and 1,000,000. That ought to give us absolute national defense, total national defense against any one enemy or against all possible enemies combined.

Mr. DICKSTEIN. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield.

Mr. DICKSTEIN. Now you have made a very fine statement and I agree with you, but who is going to take care of these armaments—the ships and the planes? We have got the planes and we have got the ships and we have got everything ready to go. Who is going to take care of it?

Mr. FISH. Well, we are having no trouble, I will say to the gentleman, in manning our Navy. Every quota has been filled and all the volunteers asked for have been forthcoming and our Navy now has all the men it needs. Although we have few airplanes—we have perhaps some on order—we only have about four or five thousand airplanes on hand, 50,000 young Americans have already volunteered—selected young Americans, who must have 2 years college training even to volunteer, have already volunteered, so we have no difficulty there in manning our air force now or in the future, no matter how large we, the Congress, may decree that it should be. When it comes to the Army—and the reason I am speaking today, as I said, is because I am leaving tomorrow to act as an umpire at the Army war games in northern New York. I realize that many Members of Congress are politically on the spot in regard to the conscription bill. I see no reason for those in close districts, if they do not want to, to take any sides on this controversial question of conscription at the present time.

I am very glad to, because with me it is a fundamental American issue that transcends all party lines. I am opposed

to conscription in peacetime unless it is found to be absolutely necessary, after exhausting every effort to secure volunteers. In such an event I would vote for conscription. I do not believe, however, that the conscription bill will come before the House for two, or possibly three weeks, or maybe more. It will be debated in the other body for two or three weeks. It will not be an issue before the House before that time and we will not have to go on record. In the meanwhile I am making my plea after considerable investigation to give the volunteer system a chance.

I submit that if the Congress—and after all it is our duty and no one else's, we have the power and the duty to legislate—if the Congress should reduce the term of enlistment in the Regular Army and the National Guard from 3 years to 1, at the same time increase the pay from $21 to $30 a month, I honestly and sincerely believe we would obtain 400,000 or more volunteers by the 1st of October.

Mr. DICKSTEIN. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield.

Mr. DICKSTEIN. Would the gentleman fix a time limit within which they should volunteer?

Mr. FISH. I certainly would. The gentleman has asked a very pertinent question, and it is the main question involved in the issue I am discussing. One of the columnists, Mr. Jay Franklin—whether that is his name is another matter, I think it is an alias—has this to say in the Star of August 3, under the heading of his column, We the people:

FISH and WHEELER oppose conscription, but suppose they are wrong again?

That is the heading. He refers primarily, I suppose, to our fight on the neutrality bill which, I want to point out to the House, with its cash-and-carry provision has done what most of us wanted, it has kept us out of foreign wars, and we are not ashamed of that fight. But he says suppose we are wrong? And what he is trying to argue is that unless we put through the conscription bill immediately we will endanger our national defense. That is not true, we are not asking for any delay but to try out the volunteer system. If we are attacked by some foreign foe—and I do not believe we will be for a long time—I would be willing to admit that we would be wrong if his premise were correct, but his premise is totally wrong. We are not in any way trying to prevent an identical increase in our Army or National Guard by October 1. We want to give the young manhood of America, whom we think as patriotic as they ever were, the opportunity to volunteer. During the World War approximately 1,000,000 volunteered, if I remember the figure correctly.

We want to give them the chance to volunteer and we want to ask the Congress to reduce the period of enlistment from 3 years to 1 and to increase the pay from $21 to $30 a month. When this is done we say we shall have no difficulty in securing 400,000 volunteers by the 1st of October. Failing that—I would like to see it written into law—failing that the so-called draft bill would go into effect and we could select 400,000 by conscription. I am making my argument on what I consider to be sound common sense and reason, we would have identically the same national defense, identically the same number of enlisted men that we would under the draft bill, and we would do it by the volunteer system. Failing to secure these volunteers I would vote for a partial conscription bill providing for 400,000 draftees the 1st of October, or the difference between the volunteers and that number.

Mr. DICKSTEIN. Mr. Speaker, will the gentleman yield for a question?

Mr. FISH. I yield.

Mr. DICKSTEIN. The gentleman would write that into law?

Mr. FISH. Yes. I claim the War Department has filled even under the 3-year enlistments every quota it has asked for. The Eastern newspapers and interventionists have built up a myth by propaganda that the volunteer system has been tried and has failed.

Mr. DICKSTEIN. And if the gentleman found we could not get the proper quota by voluntary enlistment under his conditions he would be willing to support the conscription bill?

Mr. FISH. Yes. I would write that into law. I would, of course, certainly want to give them 30 days' time to enlist. Assuming the bill was passed in September, I would want to give them 30 days in which to volunteer.

Mr. DICKSTEIN. The gentleman would write that into law?

Mr. FISH. Yes; I would write that into the law.

Mr. FERGUSON. Mr. Speaker, would the gentleman yield?

Mr. FISH. I yield.

Mr. FERGUSON. Is the gentleman in favor of granting the President power to call out the National Guard and the Reserves at this time?

Mr. FISH. If the Regular Army General Staff informs Congress it is absolutely necessary—and they claim it is—in order to train these 400,000 volunteers which I am asking for, or 400,000 draftees if the draft becomes absolutely necessary for national defense, we should give it careful consideration. I must admit, however, that I think it is a terrific hardship on the members of the National Guard. I think it is an unfortunate position to put them in, because it means they will lose their jobs, and no matter how we legislate we cannot expect they will get them back. I admit to the gentleman, therefore, that if I were here when the bill comes up, and it probably will come up while I am away at camp, but if I were here I would vote for it most reluctantly, because I think it is a very unfair proposal.

Mr. DICKSTEIN. But the gentleman would vote for it?

Mr. FISH. Yes.

Mr. FERGUSON. Mr. Speaker, will the gentleman yield further?

Mr. FISH. Yes.

Mr. FERGUSON. Does not the gentleman consider, and I know he does, that the National Guard and the Reserve officers are defense forces? They are our front-line force. If we vote to put them into the active service when they are the second-line defense force, how can we justify not raising the Regular Army to a sufficient number so that the National Guard can go back to its normal position?

Mr. FISH. I do not think we can, and should raise 400,000 volunteers. I think it is a shame that we have to call out the National Guard to train other troops. If they could call them out for 3 or 6 months at the most to train these 400,000 volunteers or draftees and get them started, that might be sufficient. I would like to see the National Guard bill amended so that they would only be called out to the 1st of April. That is when the next 400,000 men will be called under the pending draft bill. I do not understand why the Regular Army officers and the Reserve officers cannot train the newly enlisted men.

I do not want to discuss the National Guard bill. I would vote for it most reluctantly, although I think it is fundamentally unfair; but if we have to have it to train the volunteers in this emergency or the draftees, I suppose we have got to vote for that bill. I have no other alternative. The way to train these men is to have officers and noncommissioned officers who are already trained to do it. I suppose the Army General Staff is correct, but it is most unfortunate to have to call out the National Guard for 1 year.

Mr. FERGUSON. Is it not most unfair to call out the National Guard and Reserve officers, then not vote conscription to augment those forces?

Mr. FISH. But you do not have to do that, because we can get all the volunteers we need if my suggestions are enacted into law. I propose to vote for conscription if I have to do so, but I say you can get all the volunteers you want for a 1-year enlistment, and particularly if the pay is increased to $30 a month. You can get 400,000 in no time. If I am wrong, no harm is done. We have given the volunteer system a chance. If that fails, then I will vote for conscription with a good conscience.

Mr. Speaker, what I want to do is amend the conscription bill, possibly also amend the guard bill when it comes up,

reducing the term of service from 3 years to 1 year and increasing the pay from $21 to $30 a month. We can then go to the youth of America and ask them to volunteer. I am absolutely sincere in my belief and conviction that we would get 400,000 by the 1st of October, or in a month's time. Then we would not need the conscript system and Congress would be spared imposing the Hitler or European military or war system upon America. Militarism, conscription, autocracy, and dictatorship are one and inseparable, and all are dangerous to free institutions and a menace to our American way of life. A new Congress will be elected in November, which will come back here in January. Under the pending draft bill 400,000 more are to be called on the 1st of April. The volunteer system having worked, let us assume, we have the 400,000. The new Congress, looking the facts in the face from the standpoint of national defense in January, can pass any legislation that is needed for the best interests of the country, whether it be the draft system or the volunteer system. Everybody in this House knows that the situation abroad will change within the next 6 months. No one can foresee what may happen. It may be total war or it may be total peace within the next 6 months. If you follow the program I propose and give the volunteer system a chance to work, we can then face the additional and new facts and world situation when we meet next January and in the meanwhile we will not have one less soldier in our armed forces.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. Under the pending compulsory military service bill, men up to 65 years of age are included in the draft. Why should not your proposed volunteer system include men up to 65 years of age so that our colleagues, who are under 65 years of age and who favor compulsory military service, as well as Mr. Franklin and these other fellows who are in favor of compulsory military service, can be among the first contingent to enlist and serve in Uncle Sam's Army for $21 a month? Then, also, in view of the fact that the real danger to our country is from within, due to the threat of bankruptcy of the Federal Treasury, why should not your bill also provide for voluntary contributions to pay for the cost of national preparedness and fighting any future war, so that the multimillionaire war propagandists, war mongers, and war interventionists can practice what they preach and give their wealth to save the Nation? [Applause.]

Mr. FISH. May I say to the gentleman from Wisconsin that in the first place the Senate has already amended the bill and reduced the age limit from 65 to 31. That amendment has been accepted in the committee. Personally, I think 31 is too high. It might as well be reduced to 25, because, after all, if we are preparing to fight everyone who has served in any war knows that it is the youth that fights battles. We could get plenty of men between 21 and 25, but inasmuch as they have amended it and made it 31, that takes care of the situation.

Mr. SCHAFER of Wisconsin. The gentleman would not prohibit these warmonger fellows, like this man who calls himself Franklin and others like him, from having the golden opportunity of enlisting and serving Uncle Sam at $21 a month. The gentleman would not want to prohibit the multimillionaire war mongers, interventionists, and internationalists who say, "Help the Allies," and take sides in wars of foreign nations and establish compulsory military service in the United States, from having an opportunity of divesting themselves of their millions to help preserve America in view of the almost bankrupt condition of the Federal Treasury?

Mr. FISH. May I say that some of my rich friends in New York are going to wake up with a shudder one of these days? The people up in New York who advocate conscription are not the wage earners and are not the farmers. They are very largely the men of wealth and the interventionists, and if I have to vote for a conscription bill, and I do not think we will have to do that if we give the volunteer system a chance, but if it fails and I have to vote for a conscription bill, then I will also vote for conscription of wealth and industry in the United States. [Applause.] It is not the man or woman on the farm who is advocating conscription, it is not the wage earner, the American Federation of Labor, the church elements such as the Methodist Church, the Baptist Church, or the Catholic Church, or the Gold Star Mothers, or the National Legion of Mothers of America. It is the men of wealth and the militarists.

If we are going to have a draft system, I will say to the gentleman from Wisconsin, it is going to be a draft system that will be equal for everybody and everything. We will draft the soldier and we will likewise conscript wealth and industry. That is what the American Legion asked for 20 years ago and it is time that the Congress of the United States acted favorably upon it in event of war. If we are to force peacetime conscription upon the American people, then we must also in all fairness conscript wealth and industry and take the profits out of war and peacetime preparedness. National Commander Raymond J. Kelly, of the American Legion, is also opposed to peacetime conscription except as a last resort.

Commander Kelly said at Indianapolis on August 1:

> We are not at war, although everything that is being done seems to be based on the theory that we are or that we will be any moment.

In place of conscription, the Legion commander proposed to call for a million volunteers for a year's training.

> I believe the response—

He said—

> would be tremendous.

Mr. SCHAFER of Wisconsin. But when we register our men and conscript human beings to prepare them and send them to war to be cannon fodder, then we should register all of the wealth in the United States. When the first class is conscripted to do the fighting, the wealth of the first class who have registered their wealth should be conscripted to do the paying. We can be reasonable and give them a $50,000 exemption, but if these millionaire war propagandists, interventionists, and warmongers who want to conscript human beings oppose wealth conscription but favor life conscription, they should have all of their worldly wealth taken to pay for preparing for and fighting future wars. They then can be put on W. P. A. with a nice, new, shiny shovel with Uncle Sam's name on it. From the beginning of the world many men have placed worldly wealth above human life. When it is certain that wealth will be conscripted to pay when human life is being conscripted to fight, we will have very little war propaganda and very few war-minded people in the land.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. I assume the gentleman would approve of increasing the pay of the men who volunteer their services from $21 a month to $30 a month, that the gentleman would also approve of allowing these men to take out Government war-risk insurance, that he would approve of allotments for their families while they are in the service, and also that we should make every effort not to have mortgages on their homes foreclosed.

Mr. FISH. The gentlewoman from Massachusetts is obviously a mind reader. I approve of everything she said. What she said was simply this, that we should treat the veterans at this time just the same as we treated the veterans back in 1917, paying them $30 a month and giving them a chance to deduct out of their pay for insurance purposes, and so forth. I do not understand why we should hesitate to increase the soldiers' pay from $21 to $30, particularly when we talk of conscripting them. When we talk of taking them out of their jobs and permitting other wage earners at the same time to make $5, $10, and $15 a day in the shipyards and in the munitions works, then we would not be overgenerous in increasing the pay of our soldiers $9 a month, or 30 cents a day.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Kentucky.

Mr. MAY. I agree very heartily with the gentleman's statement that the burdens of war should rest upon all alike and that there should be equality in the administration of any military bill we pass but, in view of the fact that it is known that modern wars are fought largely with mechanized equipment and that a very small percentage of the troops who are engaged in any campaign are equipped with rifles as infantry, does not the gentleman believe that if we spread the number and increased the margin for selection not alone among youth from 21 to 31 years of age but among men from 21 to 45 or from 21 to 50 or 60, we would have a wider field from which to gather, and we could impose the burdens more uniformly and justly?

Mr. FISH. I am sorry to say to the gentleman that I disagree totally. I believe we may as well realize the fact that war is fought by youth and not by middle-aged or old men. The average age of the soldier in the last war was something like 22, and it will be so in any future war. I assume we are not arming only for the sake of arming, we are arming only for the purpose of defense, for the purpose of preparedness against war.

Mr. MAY. Does the gentleman mean to say that a man between 31 and 45 could not drive an armored car or sit in a tank and use a gun?

Mr. FISH. I am perfectly willing to say that if we need men of 31 and upward we will call for them when we need them, and every other nation has done the same thing. England right now is only beginning to call men of 31 and 32. No matter how desperate their situation is, it is a matter of record and it is a matter of sound common sense because young men will always have to do the actual fighting.

I say to the Members of this House, Republicans and Democrats alike, that this certainly is one issue that is not partisan, this question of conscription, and also the question of keeping out of war. These two questions are above and beyond all partisanship. They are great American issues. When we depart from the volunteer system into what I believe is an utterly undemocratic and un-American system of conscription, we ought to make haste very slowly and make it on nonpartisan lines.

Look at some of the nations in the war, South Africa, Canada, and Australia. They have not yet had the draft. Canada is talking about some temporary kind of draft under which they cannot send their men overseas. The British Dominions have not even had the draft yet, but here we are, not in war, and with nobody thinking of attacking us, considering bringing over this European monstrosity—this European conscript system that breeds war—to America and wiping out our volunteer system under which our free institutions and republican form of government has prospered and been preserved.

Miss SUMNER of Illinois and Mr. PATRICK rose.

Mr. FISH. I yield to the gentlewoman from Illinois.

Miss SUMNER of Illinois. I am glad the gentleman is pointing out what to me is the crux of the whole matter, that we have a peace problem, not a war problem. If we expect to get into the war, then, of course, we would believe in conscription and drafting everybody. We hear from all authorities, however, that Hitler could not attack us in 18 months, our ships and munitions will not be ready in 18 months, and it seems that the whole thing will not be ready until 18 months have passed. Our purpose is to have an army large enough and strong enough so that we will not get into war at any time in the future. What good, then, is a conscripted army that is going to be free in a year? It seems to me very obvious that what we need is a peacetime standing army, and for that we should be ready to pay whatever is necessary in salary and other inducements.

Mr. FISH. I quite agree with the gentlewoman from Illinois that we should do everything we can to build up our Regular Army and the volunteer system.

That is the duty of the Congress of the United States, and if we give these young Americans the chance, I am absolutely convinced we will get the 400,000 asked for. Failing that, let us write it into a bill and provide for the draft.

I am making these remarks now because in the next 2 or 3 weeks this body will also be considering framing a proper military defense bill. It will be under discussion in the Senate next week, and there is one way out, the American way, based upon the volunteer system. I would not stand here and oppose conscription unless I was not absolutely convinced that conscription is the road to dictatorship, totalitarianism, and war, just the way it is and has been in Europe. It destroys all peace elements, it creates war psychology, it makes the people believe that war is natural, that war is inevitable, and why not now. It is the one thing in the world America should keep away from if we possibly can do so, and have adequate national defense. The lady from Illinois [Miss SUMNER] is correct. Whom are we to fight? Hitler is hesitating to go 20 miles across the channel, and we have a Navy, thanks to Congress, that is seven times greater than the German Navy, and anybody to attack us would have to have a navy three times as large as ours, and any military man would tell you that no nation could land 50,000 men, because of lack of transports, even if we had no navy. With an army of 800,000 or a million we could wipe out that 50,000 in no time, or long before the transports can go back for more. But because we are in the midst of war hysteria, of fear of war, and a "blitzkrieg" of propaganda throughout the United States, a conscription bill is being rushed in and is apt to be rushed through and placed upon the statute books for 5 years, which is the beginning of militarism and dictatorship and the end of democracy as we have known it in America.

To my mind the most dangerous single thing that can happen to America today is to follow in the footsteps of the European militarists and dictators by insisting on conscription in peacetime and creating a huge war machine that will devour our free institutions and, perhaps, even destroy our representative form of government and the Congress itself. A very much needed defense in America today is a defense against foreign propaganda and propaganda machines working overtime to involve us in war against the will of 95 percent of the American people. Without regard to partisanship, no matter who is President, give him this huge military and autocratic power, and what will happen? France went into the war, and now they say that their leaders had no legal right to declare war, and those leaders are being tried. Put conscription into effect in America, and leaving out, for sake of argument, personalities and without referring to President Roosevelt or the next man, a Republican, who may be elected in November, I submit a military-minded interventionist President who wants to involve us in war has under conscription and these huge armies at his command the power to do so and he will not even have to ask Congress to declare war, and if he does and we do not declare war, Members of Congress may be ousted at the point of a bayonet, which is exactly what has happened under military dictators many times before with respect to parliamentary bodies in European nations. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent, in connection with the statement I made on the floor, to extend my remarks by including a letter of January 17, one of January 27 to the Military Affairs Committee, and one letter of July 25, from the Military Affairs Committee, and a short statement appearing in the New York World-Telegram dealing with the question I have discussed.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

SPECIAL ORDER

The SPEAKER. Under the special order of the House heretofore made, the gentleman from Indiana [Mr. LUDLOW] is entitled to recognition.

Mr. PATMAN. Mr. Speaker, will the gentleman yield for a unanimous-consent request?

Mr. LUDLOW. I yield.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein a radio program

over the Columbia Broadcasting System's full network of August 2, 1940, in which I discussed the subject Safeguarding Democracy With Roosevelt.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WOODRUFF of Michigan. Mr. Speaker, will the gentleman yield for a unanimous-consent request?

Mr. LUDLOW. I yield.

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HARTER of New York. Mr. Speaker, will the gentleman yield to me for a unanimous-consent request?

Mr. LUDLOW. I yield, Mr. Speaker.

Mr. HARTER of New York. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial from the Buffalo Evening News of yesterday.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

A FRATERNAL ORDER THAT STANDS FOURSQUARE FOR THE COMMON MAN

Mr. LUDLOW. Mr. Speaker, in a few days the grand aerie of the Fraternal Order of Eagles will meet in a very notable annual session at Chicago, and I deem it not improper that I should embrace this occasion to pay my humble tribute to this order and to cite its splendid record as an instrumentality of service.

I am proud to be a member of this order, and I regret that my duties here have prevented my acceptance of an invitation to address the grand aerie at its coming session. I am always happy to be invited to address the Eagles, whether it be my own aerie at Indianapolis, the State aerie, or the grand aerie, for if there is one place where I always feel at home it is in a meeting of the Fraternal Order of Eagles.

Our order does not boast the so-called aristocracy of the earth. You will not find in it any scions of the ultra rich, any millionaire play boys, any ornamental sprigs of the social "400," any glittering tinsel of the human variety, but you will find in it a world of as good, honest folks as ever graced God's footstool. There is, thanks to the Giver of all good things, another kind of aristocracy, unlike the kind of which I have spoken—an aristrocracy in which the precious spirit of camaraderie blooms and flowers; an aristocracy of goodness; an aristocracy of kindness; an aristocracy of helpfulness; an aristocracy of humaneness, which says, "We pass through the vale of tears only once and let us help others all we can while we are here." That is real aristocracy. That kind of aristocracy represents the highest of human values. It is the aristocracy of the human spirit. It is not the kind of aristocracy that ignores and isolates and spurns contact with the ordinary form and mold of man, but it is the aristocracy of comradeship, forever drawing God's children into its encircling folds.

At its table is always spread a feast of love, and whosoever will may come. That is the kind of aristocracy you will find in the Fraternal Order of Eagles. It has often occurred to me that the good samaritan, who helped the sorely injured wayfarer out of the ditch and comforted him and took him to a place where his wounds could be treated, and then left money for his care, gave the first demonstration of the splendid altruism which in these modern times is exemplified in its finest flower and fruition in the Fraternal Order of Eagles.

I was made of common clay and I have never got over it. All through my life there have been not infrequent occasions when those who live in the lap of luxury and bask in the meridian blaze of social glamor, wealth, and favoritism have looked at me askance and have made me feel the aloofness which they have forced upon me, but I never have been, and am not now, ashamed of my humble upbringing, for though my father and mother were working folks, whose lives were devoted to hard and unremitting physical toil, no better people ever lived on this earth. God bless their memory!

Holding the democratic philosophy of life that I do, I like to think that I just naturally fit into the picture of the Fraternal Order of Eagles. On the wall of my office in Washington is a motto which I have tried to live up to in a sort of stumbling way throughout the years. It reads as follows:

> We can do nothing better; we can do nothing finer; we can do nothing grander than to help our fellow mortals over the rough places of life.

It seems to me that motto might well have a place over the door of every Eagles' lodge in America, for helpfulness in the consecrated spirit of service to our fellow mortals is the very sum and essence of the Eagles' creed.

This eagerness to serve, this out-reaching and groping for opportunities to be helpful to those who need assistance in the battles of life has made the Fraternal Order of Eagles one of the greatest humanitarian orders in the world, if not the greatest. I have no criticism of the many fraternal orders that serve good purposes and help to make life more bearable, but there is something about the Fraternal Order of Eagles that is different and distinctive, something not to be found in any other order. Other orders promote friendly associations and foster fellowship, and provide sick and death payments, which are of immeasurable value to those who most need these benefits, but the Fraternal Order of Eagles goes farther than that. It reaches out and tries to help in solving the distressing and difficult problems of human relief, and its record in that direction stands out like a great rock of safety above a turbulent sea.

Let us take a look at its magnificent history. Because of the space limitation which I am compelled to observe today it must necessarily be a very brief and fleeting glimpse which will not even begin to reveal the complete lovely picture of the Eagles' record of service to humanity.

No longer ago than 1921 no State, no county, no city in America had anything to offer the worthy aged dependents except the poorhouse, over whose dark and forbidding portals were emblazoned the burning words of shame, "Only paupers are received here." The Fraternal Order of Eagles conceived the noble idea of making the evening of life serene and secure for our old people who are poor through no fault of their own, without requiring them to move from their homes and firesides which are so sacredly entwined in their memories and affections.

In August 1921 at the Newark Grand Aerie, the representatives of half a million Eagles pledged all the resources of our fraternity to the fulfillment of this great humanitarian conception; and three past grand worthy presidents—William J. Brennen, Michael O. Burns, and Frank E. Hering—wrote the first old-age pension bill that became a law and withstood the tests of the courts. Today 48 States—all of the States in the Union—are paying pensions to the aged poor.

The Fraternal Order of Eagles wrote on the statute books of the State of Missouri the first mothers' pension law under the leadership of Edward Everett Porterfield of Kansas City, a great Eagle. Today practically all of the 48 States are giving aid to widowed mothers who have no other means of support. What a blessing that has been to many a mother whose heart ached under her crushing load of poverty and responsibility for her children, and what a blessing it will be to many a mother in the long years to come. The Fraternal Order of Eagles originated workmen's compensation and sponsored a militant campaign in all of the States to protect workers against industrial accidents which in the preceding years had blighted many a life and ruined many a home. Since the first workmen's compensation law was written by an Eagle, the late Mayor Daniel W. Hoan of Milwaukee, the Eagles' campaign to protect the workingmen of our country has proceeded so successfully that today 47 States are protecting the toilers from the hazards of their jobs.

On December 1, 1930, I first introduced in the Congress of the United States the Eagles' stabilization of employment

bill, another noble conception of our order which embraces what many economists think is a perfect mechanism to iron out the humps and depressions of our industrial maladjustments to the end that steady employment may be furnished to our millions of workers at a saving wage. I have reintroduced the bill in every Congress since, and it has grown greatly in national favor the better it is understood. After a masterful presentation of its merits by Past Grand Worthy President Frank E. Hering, the congressional subcommittee to which it was referred reported it unanimously and enthusiastically with a favorable recommendation. While it has never reached the stage of final enactment, we have seen some of its vital provisions copied and paraphrased in New Deal legislation, which is a glowing testimonial of its worth.

It has been a subject of discussion among economists, not only of America, but of the entire world, for it embodies a principle of world-wide interest. I am more convinced than ever that what the country needs is the identical, original Eagles' stabilization bill. If I am reelected, I shall reintroduce it on the opening day of the next Congress, and if God gives me health and strength I shall never cease to battle for it. [Applause.]

I have spoken of a few of the major achievements of our order, but my meed of praise would be incomplete if I did not make reference to the attention which the Fraternal Order of Eagles always pays to the fine and sentimental things of life, and at the head of that catalogue of its interests and attentions I would place its sponsorship of Mother's Day. It is characteristic of this great order that in its busy efforts to make the world a better place for men and women to live in it should pause reverently to give to mother the niche that belongs to her. All of us love our mothers if they are living, and if they have passed from the earth to Heaven, as my mother has, our hearts reach across the mystic barriers of terrestrial space to tell them that we still love them.

In sponsoring a day annually when our thoughts and affections will center on our mothers and what we owe to them, the Fraternal Order of Eagles struck a chord that touches every human heart.

I wish I had more time to pay adequate tribute to the social and humanitarian achievements of the Fraternal Order of Eagles based on the immutable record, but it is sufficient to say that it has a program that is as broad as humanity itself; a program that not only applies to present conditions but that is elastic enough for expansion to meet future human needs as those needs develop. I could not close this part of my speech more appropriately, I think, than by citing the tribute paid to our order by President Franklin D. Roosevelt, one of our fellow Eagles. I quote the President:

> I have long observed with satisfaction the sponsorship by the F. O. E. of social-justice legislation, both in the States and in the Nation. The records for more than a quarter of a century bear witness to the campaigns of education conducted, the literature distributed, and the addresses delivered by your socially minded order. These efforts have borne, and are bearing, gratifying results. Our countrymen owe the Eagles good will for their unselfish services.

The President's tribute to our beloved order is well merited, for it is based on truth and justice.

The Fraternal Order of Eagles is one of the most democratic of all of our institutions. It can be said of it, more than of any other organization I know of, that its beneficent activities reach out to the flotsam and the jetsam. There are none too poor and humble to be touched by its uplifting hand. It recognizes the eternal truth that a hickory shirt or a calico dress may cover a heart as pure and true as any that beats beneath purple and fine linen; that virtue dwells as often in humble cottages and byways as in palaces. Times and conditions change and in the eternal sweep of years social trends take on many varied and fleeting forms, but the helping hand of the Fraternal Order of Eagles will always be needed in this world and my prayer is that it will go on and on, doing good forever. [Applause.]

Mr. SMITH of Washington. Mr. Speaker, will the gentleman yield?

Mr. LUDLOW. Mr. Speaker, I yield to the gentleman from Washington, who is a very eminent member of the Order of Eagles.

Mr. SMITH of Washington. Mr. Speaker, I rise to compliment the distinguished gentleman from Indiana on the interesting and eloquent tribute that he has paid to the Fraternal Order of Eagles, which is undoubtedly the greatest humanitarian organization in the United States, and probably in the world. The distinguished gentleman from Indiana referred a few moments ago to President Roosevelt and his membership in our fraternity. President Roosevelt is a life member of the Buffalo, N. Y., Aerie, and has participated very actively in the affairs of Eagledom for many years in New York State. It has been my privilege, as the gentleman indicated, to belong to our fraternity for many years. I have been a member of the Hoquiam, Wash., Aerie for approximately 25 years and served some years ago on the Washington Eagles state committee on old-age pensions. The order now has a membership of 600,000, and I know that the distinguished gentleman from Indiana will agree with me when I say that there probably is no greater force for social progress, for righteousness, for Americanism, and for true patriotism in our country than the Fraternal Order of Eagles. There is no organization which can point to such a record of constructive achievement, as our colleague has outlined, and I compliment the gentleman also on his sponsorship of the Ludlow Eagle stabilization employment bill, H. R. 4. I have often conferred with the gentleman in regard to it, and I believe the time is coming very soon, and becoming most propitious, when we will be able to obtain favorable action on the bill before Congress. It provides a formula to balance production with consumption in industry and agriculture; encourage capital; and provides a solution for the problem of unemployment in this country; and give labor steady jobs at a saving wage.

Mr. LUDLOW. I thank the gentleman for his contribution.

Mr. HARTER of Ohio. Mr. Speaker, will the gentleman yield?

Mr. LUDLOW. Mr. Speaker, I am glad to yield to my friend from Ohio, who is also a very distinguished member of the Fraternal Order of Eagles.

Mr. HARTER of Ohio. Mr. Speaker, I wish to commend the distinguished gentleman from Indiana upon the fine and deserved tribute he has paid to one of the truly great fraternal organizations of this country. There is little one could add to his eulogy of this outstanding humanitarian fraternity. Those of us who have been members of the Fraternal Order of Eagles for many years past are familiar with its objectives, its principles, and its many acts of charity and human kindness in the hundreds of communities in the United States where it has local aeries. The order has led the fight for adequate old-age pensions and has been instrumental in securing the enactment of beneficial social legislation in many of the States of the Union. This order is a continuing influence for human rights and human progress in all of the localities where it is established.

I have taken this occasion, Mr. Speaker, in these few words to praise the efforts of the gentleman from Indiana and to add my brief tribute to this great body of patriotic Americans, the Fraternal Order of Eagles.

Mr. LUDLOW. Mr. Speaker, I thank the gentleman for his splendid tribute.

Mr. HARTER of New York. Mr. Speaker, will the gentleman yield?

Mr. LUDLOW. Yes; I yield to the gentleman from New York, who also is an outstanding member of our order.

Mr. HARTER of New York. Mr. Speaker, I rise to add my words of praise to the remarks the gentleman has made today. It so happens that I have been a member of the Eagles for a number of years. I cannot place the words in the splendid manner the gentleman from Indiana has, but I commend everything that he has said.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. LUDLOW. Yes. The Fraternal Order of Eagles is very strong in the State of Minnesota, and the distinguished

gentleman who is addressing me is one of the very best friends of the order.

Mr. ALEXANDER. In my district in Minnesota we have an Eagles lodge which has 3,200 members at the present time, which speaks pretty well for the standing of that organization in that particular section. In my experience over the years of my life I have joined most of the fraternal organizations at one time or another and held office in them. I have never seen any organization which excels the Eagles in the work which they are doing, the ideals which they express at their meetings, and in the general caliber of the things for which they stand.

Mr. LUDLOW. I thank the gentleman for that kind tribute. [Applause.]

Mr. Speaker, I yield back the balance of my time.

MARJORIE PARK, DAVIS ISLAND, TAMPA, FLA.

Mr. PETERSON of Florida. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 4106) to authorize the construction of certain facilities in Marjorie Park, Davis Island, Tampa, Fla., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. MICHENER. Mr. Speaker, reserving the right to object, as I understand this bill passed the House——

Mr. PETERSON of Florida. A similar bill.

Mr. MICHENER. A similar bill passed the House?

Mr. PETERSON of Florida. Yes.

Mr. MICHENER. And went to the Senate and then the Senate passed a similar bill?

Mr. PETERSON of Florida. That is correct.

Mr. MICHENER. But the Senate did not substitute the House bill for the Senate bill; and the purpose of this action is to pass the Senate bill in the House, or substitute the Senate bill for the House bill?

Mr. PETERSON of Florida. That is right.

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, do I understand that at the time the Senate passed its bill the House bill, which had passed the House, was then pending in the Senate?

Mr. PETERSON of Florida. Yes; the House bill had passed the House and was pending in the Senate, but inadvertently they passed the Senate bill and did not substitute the House bill.

Mr. SCHAFER of Wisconsin. Are you sure it was an inadvertence, or that the real reason was that a Senator wanted to get credit for the passage of his own bill?

Mr. PETERSON of Florida. I do not know the reason. I presume it was an inadvertence; but, anyway, the Senate bill was passed.

Mr. SCHAFER of Wisconsin. In view of the gentleman's interest in the bill and to protect the integrity of the House, I shall not at this time object to that kind of maneuvering in the Senate, in order that the gentleman from Florida can pass the legislation which he sponsored and had the House pass. The RECORD indicates that the gentleman from Florida [Mr. PETERSON] should receive the credit for the enactment of this legislation.

The SPEAKER. Is there objection?

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Federal Works Administrator be and he is hereby, authorized to accept on behalf of the United States of America, without cost, title to a tract of land in Marjorie Park, Davis Island, Tampa, Fla., suitable for use for the site of a United States quarantine station.

SEC. 2. There is hereby authorized to be appropriated the sum of $76,000 to be expended by the Federal Works Administrator for the construction and installation of such buildings, utilities, and appurtenances thereto on the tract of land herein authorized to be acquired to replace the existing United States quarantine station adjoining MacDill Field, Fla.

SEC. 3. Upon completion of the construction above authorized, the Federal Works Administrator is hereby authorized and directed to transfer to the control and jurisdiction of the Secretary of War as an addition to MacDill Field, Fla., or for use for other military purposes, the land and improvements now comprising the United States quarantine station adjoining MacDill Field, Fla.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to extend my remarks and insert a letter from some constituents regarding conscription and other national problems.

The SPEAKER. Is there objection?

There was no objection.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my remarks and include therein a short article from a Washington paper.

The SPEAKER. Is there objection?

There was no objection.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 1114. An act to extend the jurisdiction of the United States District Court, Territory of Hawaii, over the Midway Islands, Wake Island, Johnston Island, Sand Island, Kingman Reef, Kure Island, Baker Island, Howland Island, and Jarvis Island, and for other purposes; and

S. 2493. An act to provide for the operation of the recreational facilities within the Chopawamsic recreational demonstration project, near Dumfries, Va., by the Secretary of the Interior through the National Park Service, and for other purposes.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H. R. 719. An act for the relief of Francis G. McDougall;

H. R. 2278. An act for the relief of Carl Hurt;

H. R. 2490. An act for the relief of Fulton Combs;

H. R. 3992. An act for the relief of Frank Spears;

H. R. 5116. An act for the relief of Thomas Miralia and Betty Miralia;

H. R. 5254. An act for the relief of the captain and crew of the fishing boat *Unione No. 1;*

H. R. 5309. An act for the relief of Robert L. Taylor;

H. R. 5562. An act for the relief of Clyde E. Malle;

H. R. 6365. An act to correct the military records of DeRosey C. Cabell, McFarland Cockrill, James N. Caperton, Junius H. Houghton, Otto F. Lange, Paul B. Parker, James de. Walbach, and Victor W. B. Wales;

H. R. 6740. An act for the relief of the estate of J. L. Fretwell;

H. R. 6823. An act for the relief of Wilson A. Kramer;

H. R. 7416. An act for the relief of Theodore R. King;

H. R. 7668. An act for the relief of Elizabeth Buxton Hospital;

H. R. 7679. An act for the relief of J. E. Dambach;

H. R. 7851. An act for the relief of certain disbursing officers of the Division of Disbursement, Treasury Department;

H. R. 7957. An act for the relief of Willie Perry;

H. R. 8028. An act for the relief of Zoe Hoyt Wagner;

H. R. 8091. An act for the relief of May C. Taylor;

H. R. 8217. An act for the relief of Thomas R. Fox;

H. R. 8246. An act for the relief of Clyde Caietti, a minor;

H. R. 8318. An act for the relief of the Charles H. Amos Handle Co.;

H. R. 8459. An act for the relief of Edna S. Gardiner;

H. R. 8504. An act for the relief of Dr. A. C. Wade;

H. R. 8666. An act for the relief of certain claimants on account of loss by fire for which the United States was adjudged liable;

H. R. 8774. An act for the relief of the widow of Donald D. Elliott;

H. R. 8946. An act for the relief of Rufus K. Sanderlin;

H. R. 9130. An act for the relief of Fred Shelton;

H. R. 9520. An act for the relief of Edward F. Higgins, postmaster, Great Neck, N. Y.;

H. R. 9571. An act to authorize the incorporated town of Sitka, Alaska, to purchase and enlarge certain public utilities and for such purpose to issue bonds in the sum of $200,000 in excess of present statutory debt limit;

H. R. 9828. An act to extend the times for commencing and completing the construction of bridges across the Monongahela River in Allegheny County, Pa.;

H. R. 10014. An act to amend the Transportation Act, 1920. as amended;

H. R. 10034. An act for the relief of certain disbursing officers of the Treasury Department, the Department of the Interior, and the Army; and

H. J. Res. 472. Joint resolution to prohibit the sale or disposal of the United States Customhouse for the city of Detroit.

ADJOURNMENT

Mr. COCHRAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 56 minutes p. m.) the House adjourned until tomorrow, Wednesday, August 7, 1940, at 12 o'clock noon.

COMMITTEE HEARING

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(Wednesday, August 7, 1940)

There will be a meeting of the Committee on Immigration and Naturalization at 10:30 a. m. Wednesday, August 7, 1940, in room 445 House Office Building, for the consideration of refugee bills H. R. 10083, H. R. 8502, H. R. 8497, H. R. 10150, House Joint Resolution 580, and House Joint Resolution 581.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. KELLER: Committee on the Library. H. R. 10004. A bill to provide for the transfer of the duplicates of certain books in the Library of Congress to the Beaufort Library of Beaufort, S. C.; without amendment (Rept. No. 2829). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9282) granting a pension to Alfred A. Abel; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 3634) for the relief of Samuel H. Mills; Committee on World War Veterans' Legislation discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FLANNAGAN:

H. R. 10308. A bill to change the base period in case of tobacco from August 1919 to July 1929 to August 1934 to July 1939; to the Committee on Agriculture.

By Mr. WHELCHEL:

H. J. Res. 590. Joint resolution granting the President of the United States powers to prepare national-defense program; to the Committee on Military Affairs.

By Mr. FLANNERY:

H. Res. 564. Resolution creating a special committee to study the anthracite emergency program; to the Committee on rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLOOM:

H. R. 10309. A bill for the relief of Clara Larsen; to the Committee on Immigration and Naturalization.

H. R. 10310. A bill for the relief of Eva Hoffman; to the Committee on Immigration and Naturalization.

By Mr. EDELSTEIN:

H. R. 10311. A bill for the relief of Ernst Gottlieb, his wife Margot, and daughter Mary; to the Committee on Immigration and Naturalization.

By Mr. GAMBLE:

H. R. 10312 (by request). A bill for the relief of Adolph Schultz; to the Committee on Military Affairs.

By Mr. KRAMER:

H. R. 10313. A bill for the relief of Kurt Frings; to the Committee on Immigration and Naturalization.

By Mr. LANDIS:

H. R. 10314. A bill for the relief of James L. Kackley; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9117. By Mr. MICHAEL J. KENNEDY: Petition of the New York League of Women Voters, favoring House Joint Resolution 257, giving the residents of the District of Columbia the right to vote for the President and Vice President and the same rights as other citizens in respect to access to the courts, as well as the possibility of full control over District affairs; to the Committee on the District of Columbia.

9118. Also, petition of the Amalgamated Machine and Instrument Local No. 475, representing 3,000 workers in this industry, requesting the President's council of national defense to insure the rights of labor, by granting Government contracts only to such concerns as have dealt fairly with labor under the terms of the National Labor Relations Act; to the Committee on Military Affairs.

9119. By Mr. LUDLOW: Petitions submitted by Ruth Millholland, secretary of Citizens for Peace and Defense, and signed by persons living in Indiana, New Jersey, Pennsylvania, New York, Ohio, Iowa, and Kentucky, setting forth principles of peace, democracy, and defense; to the Committee on Military Affairs.

9120. By Mr. MERRITT: Resolution of the Southern New York Volunteer Firemen's Association, pledging its undying support to the President of the United States and the Congress in their program of national-defense preparedness; to the Committee on Military affairs.

SENATE

WEDNESDAY, AUGUST 7, 1940

(Legislative day of Monday, August 5, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

Almighty God, who art the Father of all men upon the earth: Most heartily we pray that Thou wilt deliver Thy children from cruelties of war, and lead the nations into the way of a just peace. Help us to put away all bitterness and misunderstanding, that we and all the brethren of the Son of Man may draw together as one comity of peoples, and dwell ever more in the fellowship of that Prince of Peace, who liveth and reigneth with Thee in the unity of the Holy Spirit, world without end. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Tuesday, August 6, 1940, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed a joint resolution (H. J. Res. 571) to authorize the Federal Bureau of Investigation of the Department of Justice to conduct investigations in the interests of national defense, and for that purpose to permit wire tapping in certain cases, in which it requested the concurrence of the Senate.

The message also announced that the House having proceeded to reconsider the bill (H. R. 3233) to repeal certain acts of Congress (pocket-vetoed), returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was—

Resolved, That the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 4106) to authorize the construction of certain facilities in Marjorie Park, Davis Island, Tampa, Fla., and for other purposes, and it was signed by the President pro tempore.

CALL OF THE ROLL

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Downey	Lodge	Schwartz
Andrews	Frazier	Lucas	Schwellenbach
Ashurst	George	Lundeen	Sheppard
Austin	Gerry	McCarran	Shipstead
Barbour	Gibson	McKellar	Slattery
Barkley	Gillette	McNary	Smathers
Bilbo	Green	Maloney	Stewart
Bone	Gurney	Mead	Taft
Brown	Hale	Miller	Thomas, Idaho
Bulow	Harrison	Minton	Thomas, Okla.
Burke	Hatch	Murray	Thomas, Utah
Byrd	Hayden	Neely	Tobey
Byrnes	Herring	Norris	Townsend
Capper	Hill	Nye	Vandenberg
Caraway	Holman	O'Mahoney	Van Nuys
Chandler	Holt	Overton	Wagner
Chavez	Hughes	Pepper	Walsh
Clark, Idaho	Johnson, Calif.	Pittman	Wheeler
Connally	Johnson, Colo.	Radcliffe	White
Danaher	King	Reed	Wiley
Davis	La Follette	Reynolds	
Donahey	Lee	Russell	

Mr. MINTON. I announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senators from Missouri [Mr. CLARK and Mr. TRUMAN], the Senator from Louisiana [Mr. ELLENDER], the Senator from Virginia [Mr. GLASS], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from South Carolina [Mr. SMITH], and the Senator from Maryland [Mr. TYDINGS] are necessarily absent from the Senate.

The PRESIDENT pro tempore. Eighty-five Senators have answered to their names. A quorum is present.

ACTIVE DUTY FOR RETIRED OFFICERS OF COAST GUARD

The PRESIDENT pro tempore laid before the Senate a letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to authorize the Secretary of the Treasury to order retired commissioned and warrant officers of the Coast Guard to active duty during time of national emergency, and for other purposes, which, with the accompanying paper, was referred to the Committee on Commerce.

DISPOSITION OF EXECUTIVE PAPERS

The PRESIDENT pro tempore laid before the Senate 10 letters from the Archivist of the United States, transmitting, pursuant to law, lists of papers and documents on the files of the Departments of the Navy, the Interior, Commerce (2), and Labor (2); Federal Security Agency, Social Security Board; and Federal Works Agency, Public Buildings Administration, and Work Projects Administration (2), which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition, which, with the accompanying papers, were referred to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The PRESIDENT pro tempore appointed Mr. BARKLEY and Mr. TOBEY members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate the petition of Father Divine and sundry other citizens of the United States, praying that the Americas be united for peace, and also praying for the enactment of pending legislation to prevent and punish the crime of lynching, which was referred to the Committee on Foreign Relations.

He also laid before the Senate a telegram in the nature of a memorial from Ed Henrickson, on behalf of the membership of the National Maritime Union, Chicago (Ill.) Branch, remonstrating against the enactment of compulsory military-training legislation, which was ordered to lie on the table.

He also laid before the Senate a telegram in the nature of a memorial from sundry citizens of San Francisco, Calif., remonstrating against the enactment of compulsory military-training legislation, which was ordered to lie on the table.

He also laid before the Senate a resolution of the Christian Citizenship Conference held under the auspices of the National Reform Association at Winona Lake, Ind., favoring setting aside a day for prayer and repentance for the Nation, which was ordered to lie on the table.

REPORTS ON DISPOSITION OF EXECUTIVE PAPERS

Mr. BARKLEY, from the Joint Select Committee on the Disposition of Executive Papers, to which were referred, for examination and recommendation, nine lists of records transmitted to the Senate by the Archivist of the United States, which appeared to have no permanent value or historical interest, submitted reports thereon pursuant to law.

ENROLLED BILL PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on August 6, 1940, that committee presented to the President of the United States the enrolled bill (S. 3998) to increase the credit resources of Commodity Credit Corporation.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CLARK of Idaho:

S. 4249. A bill for the relief of the widows of the late George A. Meffan and John Glenn; to the Committee on Claims.

By Mr. REYNOLDS:

S. 4250. A bill conferring jurisdiction upon the United States District Court for the Western District of North Carolina to hear, determine, and render judgments upon the claims against the United States of I. M. Cook, J. J. Allen, and the Radiator Specialty Co.; to the Committee on Claims.

By Mr. NYE:

S. 4251. A bill for the relief of Rudolph Mundt; to the Committee on Claims.

By Mr. BRIDGES:

S. J. Res. 289. Joint resolution proposing an amendment to the Constitution of the United States relative to terms of the President of the United States; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 571) to authorize the Federal Bureau of Investigation of the Department of Justice to conduct investigations in the interests of national defense, and for that purpose to permit wire tapping in certain cases, was read twice by its title and referred to the Committee on Interstate Commerce.

SELECTIVE COMPULSORY MILITARY TRAINING AND SERVICE—AMENDMENTS

Mr. DOWNEY and Mr. GURNEY each submitted amendments intended to be proposed by them, respectively, to the bill (S. 4164) to protect the integrity and institutions of the

United States through a system of selective compulsory military training and service, which were ordered to lie on the table and to be printed.

STATEMENTS BY GRENVILLE CLARK AND JULIUS OCHS ADLER

Mr. BURKE. Mr. President, I ask unanimous consent to have printed in the RECORD statements by Mr. Grenville Clark and Col. Julius Ochs Adler in reply to certain allegations made to the Senate on yesterday by the junior Senator from West Virginia [Mr. HOLT].

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

[From the New York Times of August 7, 1940]

BACKERS OF COMPULSORY SELECTIVE SERVICE REPLY TO ATTACKS MADE BY SENATOR HOLT

DUBLIN, N. H., August 6.—Grenville Clark, chairman of the National Emergency Committee of the Military Training Camps Association of the United States, issued the following statement tonight:

"The personal attacks by Senator HOLT in the Senate today on members of the Military Training Camps Association who sponsored the original selective-service bill are to be expected in view of the source from which they come. The integrity and character of those concerned rests on many years of private and public life in their communities.

"The origin of the pending bill, the names of those who worked on it, and their reasons for so doing were openly and fully stated at the first session of the hearings in the Senate Military Affairs Committee. This body of men has no need to meet irresponsible and false charges, but can stand on their records and the patriotic character of their motives.

"I myself have felt fairly honored that this group of men which includes two holders of the Congressional Medal of Honor and five holders of the Distinguished Service Cross invited me to be their chairman.

"Every demagogic effort, every device of false rumor and misstatement, every intrigue of the agents of Hitler, may now be expected to try to defeat this bill. But it will pass, because the time has come for all Americans to stand up and be counted and to decide whether America is to follow the judgment of Roosevelt and Pershing and Stimson and Marshall, or of Senator HOLT and his like."

STATEMENT BY COLONEL ADLER

Col. Julius Ochs Adler, civilian aide to the Secretary of War, made the following reply last night to Senator HOLT's attack:

"Senator HOLT's statement concerning those present at the Harvard Club meeting favoring compulsory military service, embodied in the Burke-Wadsworth bill, contained nothing that was not publicly known. There was a meeting of the Second Corps Area Military Training Camps held at the Harvard Club on May 22, and the list of those present, as well as the resolutions adopted, were given to the press and published in the New York Times and other newspapers, and were carried by the press associations.

"The Military Training Camps Association is recognized by the War Department. The governing body consists of 9 civilian aides to the Secretary of War and 48 civilian State aides of the Secretary of War. It represents thousands of World War officers who were trained at Plattsburg and similar camps.

"Almost the first words of the constitution of the association state that the association believes in universal military conscription as the proper means for defense of the Nation. This has been in its constitution since the association was founded in 1920. As corps-area head for the second Corps Area, I naturally was present at the meeting, held under the auspices of the Second Corps Area.

"With respect to charges made that I favored the bill for selective service in order to protect my foreign investments in countries now at war, I have this to say:

"I have no investments of any kind whatsoever in any corporation other than The New York Times Co. and The Times Printing Co., the latter publishing The Chattanooga Times, in Tennessee, and in Government bonds.

"As I have publicly stated heretofore, having served as an officer overseas during the World War and having continued as a Reserve officer since that time to date, I believe that the only way adequately to prepare this country for defense is a selective-service bill that will permit a sufficient number of men to be trained before a war emergency arises. The volunteer system, throughout the entire history of this Nation, has never worked.

"If these views are unpatriotic, then Senator HOLT must similarly find fault with Gen. George Marshall, Chief of Staff of the Army; General Pershing; President Conant, of Harvard University; President Dodds, of Princeton, and many other distinguished and competent soldiers and citizens who hold similar views."

ADDRESS BY JEANNETTE RANKIN

[Mr. LUNDEEN asked and obtained leave to have printed in the RECORD a radio address delivered by Miss Jeannette Rankin, which appears in the Appendix.]

PRAYER OFFERED BY GEORGE WASHINGTON

[Mr. WILEY asked and obtained leave to have printed in the RECORD a prayer offered by George Washington, which appears in the Appendix.]

"FIFTH COLUMNISTS" AND TROJAN HORSES—EDITORIAL FROM CHICAGO DAILY CALUMET

[Mr. SLATTERY asked and obtained leave to have printed in the RECORD an editorial from the Chicago Daily Calumet of June 8, 1940, under the heading "Mr. Dies in South Shore," which appears in the Appendix.]

THE HABANA CONFERENCE—STATEMENT BY SECRETARY HULL

[Mr. PEPPER asked and obtained leave to have printed in the RECORD a statement by Secretary Hull regarding the Habana Conference, which appears in the Appendix.]

JUDAISM AND AMERICANISM—ARTICLE BY HON. HENRY A. WALLACE

[Mr. PEPPER asked and obtained leave to have printed in the RECORD an article from the Menorah Journal of July–September 1940 by Hon. Henry A. Wallace entitled "Judaism and Americanism," which appears in the Appendix.]

REPORT BY COMMITTEE ON ECONOMIC DEFENSE

[Mr. PEPPER asked and obtained leave to have printed in the RECORD a report by the Committee on Economic Defense published by the American Council on Public Affairs, which appears in the Appendix.]

WHY FRANCE FELL

[Mr. BRIDGES asked and obtained leave to have printed in the RECORD an editorial published in the Carroll County Independent, Center Ossipee, N. H., July 12, 1940, entitled "Why France Fell," which appears in the Appendix.]

ATTITUDE OF GOVERNOR HOEY TOWARD COMMUNIST PARTY

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article dated Raleigh, N. C., August 5, dealing with Governor Hoey's attitude toward the Communist Party, which appears in the Appendix.]

TELEGRAM FROM SENATOR REYNOLDS TO GOVERNOR HOEY

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD a telegram sent by him to Gov. Clyde R. Hoey, of North Carolina, on August 6, 1940, which appears in the Appendix.]

DEFENSE PLANS OF THE UNITED STATES—ARTICLE BY WILLIAM PHILIP SIMMS

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article by William Philip Simms entitled "Defense Plans of United States Questioned by Latins," published in the Washington Daily News of Tuesday, August 6, 1940, which appears in the Appendix.]

PROPOSED SALE OF DESTROYERS TO ENGLAND

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article entitled "One Man's Opinion," by Hugh S. Johnson, published in the Washington Daily News of Tuesday, August 6, 1940, dealing with the proposal to sell 50 destroyers to England, which appears in the Appendix.]

EXPROPRIATION OF PRIVATE MANUFACTURING PLANTS

Mr. DANAHER obtained the floor.

Mr. BARBOUR. Mr. President, will the Senator from Connecticut yield?

Mr. DANAHER. I yield.

Mr. BARBOUR. Mr. President, I send to the desk and ask to have read a short but very important and interesting editorial which appeared in yesterday's Newark Evening News.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the clerk will read as requested.

The legislative clerk read as follows:

ONE WOMAN'S ALERTNESS

Old Demosthenes voiced the idea first in an attack upon the menace to Greece of Philip of Macedon, and thence through the ages has developed a conviction that eternal vigilance is the price of liberty. That conviction has just found a new exemplar in a Verona housewife, Mrs. S. B. Cruden, of 42 Oakridge Road. She could scarcely believe her eyes in reading in the National Defense Act of last June that the Congress had bestowed on the Secretary

of the Navy, with the President's approval, the right in peacetime to take over private manufacturing plants in the interest of defense, and to fix compensation therefor. Did the Congress know what it had done? She sat herself down and wrote to Representative KEAN, of the twelfth district, to find out, and thereby started something.

This power to take over private industry had been in the bill at the beginning, but had been stricken out by both House and Senate. Then in conference it had been slipped in again without authority by some friend of the administration. All unwittingly, without access to printed copies of the conference report, both Houses passed the compromise bill and the President signed it. Mrs. Cruden's letter to Representative KEAN was on July 28, and 3 days later the House voted repeal of the "joker." Senator BARBOUR will engineer the plan for its repeal in the Senate.

This episode is a refreshing instance of democracy at work in a dictator-ridden world. Only a free press could have conveyed to Mrs. Cruden the knowledge of what her Government was about. And only where freedom of speech is guaranteed would an individual voter dare to question it.

Mr. BARBOUR. Mr. President, I am not going to encroach too greatly on the time of my learned and generous friend from Connecticut [Mr. DANAHER], because of the unanimous-consent agreement now in force which limits his time to hold the floor, but I desire to point out that the broad, far-reaching power to take over private manufacturing plants referred to in the editorial just read was first suggested to the Congress and the country in a communication by the then Secretary of the Navy, Mr. Edison. Later on he said, both in speeches, and, I think in statements which he sent either to the committee or to the Congress, that he thought this particular grant of power to the President was a mistake, and I, as a member of the Naval Affairs Committee, thought the episode was closed. It was not until just recently that I heard, from one of my colleagues in the House of Representatives and others, that it was not a closed episode at all but was a very live one; that, as a matter of fact, these broad powers which were not in either the Senate bill or the House bill were somehow included in the final bill as signed by the President.

The action which the House has taken is recited in the editorial which has been read, and I feel that the Senate must of course be of exactly the same mind as is the House. I have had this editorial read so that the Senate may know what happened, and so that nothing may be done to prevent the repeal of this mysterious provision referred to, which certainly I myself felt would in no way be associated with the naval development program, which, as a matter of fact, I was confident was not in the bill when it passed the Senate, and which I am advised by most competent authority was not in the bill that passed the House.

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Nebraska?

Mr. DANAHER. I do.

Mr. NORRIS. I should like to make a comment on the editorial which the Senator has had read and has been talking about.

I know nothing about the matter except what I have heard of the editorial which has just been read by the clerk; but, on the face of the editorial, it seems to me that there is probably an error. If the editorial is correct, then the particular bill—I do not even know what it is—went through a conference committee which put into the bill something that was not in the House bill and was not in the Senate bill.

That is a violation of the rules of both the Senate and the House, and if the statement in the editorial is correct the conference report would have been subject to a point of order in either House. So it appears, if that is what happened, that everybody in both the Senate and the House has permitted something to be done in a conference report which is a violation of the rules of both the House and the Senate.

If the Senator will investigate, I think he will find that the editorial is wrong. It does not seem to me possible that that kind of a thing could happen. When it is claimed that it is necessary to go to a newspaper to get the facts of a matter of this kind, it seems to me we ought to know certainly that the newspaper is stating the matter accurately, and that the newspaper itself has not, unintentionally perhaps, related something that actually did not happen when it says that it did.

Mr. BARBOUR. Mr. President, if the Senator from Connecticut will yield to me for a moment further, I am, of course, not surprised at the astonishment expressed by the distinguished Senator from Nebraska. I was as much surprised as he was when I first heard about this strange episode.

The facts in the case are—and this can be easily verified by the distinguished Senator from Nebraska or anyone else—that the House itself has already taken action to correct this action on the part of the conferees or someone else following the passage of the bill by both Houses. That fact is also mentioned in the editorial. It was, as a matter of fact, that action on the part of the House which awakened my interest and surprise. The House has taken action, and took it on the very premises and because of the very reasons given in the editorial. That is the reason why I am saying now that the Senate must be on its guard and on notice not to become a part of whatever it was that was done, but instead to correct the error which has been made. Certainly, as far as my knowledge is concerned, as I have said before, this proposition was certainly not voted in the bill in either the Naval Affairs Committee or the Senate when the bill came to the floor.

I remember the first instance perfectly clearly. I remember Mr. Edison's statement on the subject. I remember his later saying that this suggestion or proposal was a mistake—"a mistake," I am quite sure, were his own words. I think, too, that he said when he came before our committee—but I am not absolutely sure about this—that his thoughts in this particular connection had been misinterpreted, or something of that kind; but, anyway, there is no doubt whatever in my mind that no such powers as originally suggested by the Secretary of the Navy to be given to the President in peacetime over the acquisition of private plants and many other things were included in any bill, either here or in the House. The House had exactly the same feelings, because it has taken action on the subject to correct the situation.

Mr. NORRIS. What has the House done?

Mr. BARBOUR. I think the House has entered a repealer.

Mr. NORRIS. What is the repealer?

Mr. BARBOUR. It is to repeal that part of the act which was added apparently in conference, as I understand.

Mr. NORRIS. It is a new bill to repeal a law?

Mr. BARBOUR. No; I should not think so. I know, however, the House has taken appropriate action, and exactly what this action is can be easily ascertained.

Mr. NORRIS. That action does not mean that the conferees absolutely violated the rules of both Houses, but it means that someone has introduced a bill which repeals a provision that is now law. It may be all right. I do not know.

Mr. BARBOUR. Mr. President, I do not want to delay the Senator from Connecticut [Mr. DANAHER] any longer. I am trying to make clear that in my considered judgment that provision was put in the bill somehow, at some time, and, I presume, by some conferee, without authority of either House. I saw in the newspaper a statement made by one of the Representatives who was a conferee to the effect that he was amazed when he learned later that that provision was in the bill when it went to the President for signature.

I am making no accusations, but I am merely endeavoring, vigorously, promptly, and at once, to put the Senate on notice. I am going to find out more about just what corrective action has been taken by the House. I trust the Senator from Nebraska, who has shown characteristic interest in the matter, will do the same thing. I feel that something was done which should not have been done, and which has now been detected.

Mr. NORRIS. If the editorial is correct, that certainly is true.

Mr. NYE. Mr. President, will the Senator from Connecticut yield to me?

Mr. DANAHER. I yield to the Senator from North Dakota.

Mr. NYE. I should like to contribute what I have found in the proceedings of the House of Representatives upon this subject.

A Representative from Illinois, Mr. CHURCH, on July 31, speaking on the floor of the House in connection with the

repealer, stated what had occurred and then asked the question, "How did it happen?" And then he proceeds to answer:

The bill as reported by our committee—

That is, the Committee on Naval Affairs of the House—

did not contain such language.

That was the language authorizing the Secretary of the Navy and the President to commandeer industries if they saw fit.

It did not confer such powers on the Secretary of the Navy and the President. If you examine H. R. 9822, as reported to the House and subsequently passed by the House, you will not discover any such terms as is now embodied in section 8 (b) of the act of June 28.

The Senate Committee on Naval Affairs amended that section. But if you examine the bill as reported by the Senate committee and as passed by the Senate, you will not find the language in question.

Obviously these far-reaching terms were inserted while the bill was in conference. The record shows that on June 21 the Senate asked for a conference. On June 22 the House and Senate agreed to a conference; and, Mr. Chairman, on the same day the conference committee made its report to the House and Senate. On the same day the House and Senate agreed to the conference report.

The conference committee report was not printed. When the House agreed to the report it relied on the explanation made by the chairman of the Committee on Naval Affairs. But nowhere in his explanation of the report will be found any mention of this very important provision inserted in the bill. I am confident he did not realize the potentialities of this new matter in the report. Somehow, by some means, in the haste of the conference committee to bring the bill back to the House and the Senate, the Navy Department advisers had the words put in the bill.

When my Committee on Naval Affairs met today I insisted upon an executive session so that I might bring this matter to the attention of the committee for the first time. That any such language was embodied in the bill as finally enacted was news to the committee. Our committee would never accept any such provision.

And let me add, Mr. President, that nowhere in this colloquy in the House was there any dispute concerning the allegations of the gentleman from Illinois.

Mr. BARBOUR. Mr. President——

Mr. DANAHER. I yield to the Senator from New Jersey.

Mr. BARBOUR. I appreciate very much the valuable contribution just made by the distinguished Senator from North Dakota.

In answer to the question which the distinguished Senator from Nebraska was good enough to ask me as to what the House has done to correct the situation in which we now find ourselves, I am glad to be able to now read from the record that in House bill 10263, making supplementary appropriations for the national defense for the fiscal year ending June 30, 1941, and other purposes, on page 26, line 15, appears the following:

The first proviso in section 8 (b) of the act approved June 28, 1940 (Public, No. 671), is hereby repealed.

SELECTIVE SERVICE COMPULSORY MILITARY TRAINING

Mr. WALSH. Mr. President——

Mr. DANAHER. I yield to the Senator from Massachusetts.

Mr. WALSH. I received this morning a brief telegram from a distinguished clergyman of the Middle West, with the request that the information it contains be transmitted to Congress. I ask that it be read at the desk. It will take but a minute.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the telegram will be read.

The legislative clerk read the telegram, as follows:

DUBUQUE, IOWA, *August 6, 1940.*

Senator DAVID I. WALSH,
Senate Office Building, Washington, D. C.:

Catholic bishops of my province and overwhelming majority of Catholic people in Midwest are vigorously opposed to compulsory peacetime draft legislation. Urge as a substitute that voluntary system be intensified and given thorough trial. Please transmit these views to your colleagues in the Senate and House of Representatives.

FRANCIS J. BECKMAN,
Archbishop of Dubuque.

ACTIVE SERVICE OF NATIONAL GUARD, RESERVE, AND RETIRED PERSONNEL

The Senate resumed the consideration of the joint resolution (S. J. Res. 286) to strengthen the common defense and to authorize the President to order members and units of reserve components and retired personnel of the Regular Army into active military service.

The PRESIDENT pro tempore. The pending question is on the amendment offered by the Senator from Connecticut [Mr. DANAHER], which will be stated.

The CHIEF CLERK. On page 4, after line 17, it is proposed to add a new subsection, to read:

(f) Any person now subject to the provisions of section 1 may resign his status within 20 days after the approval of this joint resolution.

Mr. DANAHER. Mr. President, I have offered as an amendment, which is now the pending business, the proposal that we add a new subsection to be known as subsection (f), on page 4 of the joint resolution, the amendment reading as follows:

Any person now subject to the provisions of section 1 may resign his status within 20 days after the approval of this joint resolution.

It would seem that in the light of the discussion to which we have just listened there well might be more considered attention given to some of the objectives sought by the legislation evoked by the national-defense program of which the pending joint resolution is a part. Section 1 of the joint resolution definitely provides that the President is hereby authorized, not to call into service, not to train, but "to order into the active military service of the United States for a period of 12 consecutive months any or all members and units of any or all reserve components of the Army of the United States, and retired personnel of the Regular Army, with or without their consent."

Mr. President, the situation which confronts us when we consider that language necessarily takes us back to an examination of the National Defense Act of June 3, 1916, as amended. Reading from the monograph prepared for the use of the Committee on Military Affairs of the Senate, at page 118, in section 111, we find these words:

When Congress shall have declared a national emergency and shall have authorized the use of armed land forces of the United States for any purpose requiring the use of troops in excess of those of the Regular Army, the President may * * * order into the active military service of the United States, to serve therein for the period of the war or emergency * * * any or all units and members of the National Guard of the United States.

Mr. President, the measure before us has commonly been referred to, both on the floor and in the public prints, as a joint resolution to call out the National Guard. The distinguished senior Senator from Vermont [Mr. AUSTIN], a member of the Committee on Military Affairs, yesterday pointed out, in response to my question, as appears in the RECORD at page 9927, that the components referred to are the National Guard of the United States, the National Guard while in the service of the United States, the Officers' Reserve Corps, the Organized Reserves, and the Enlisted Reserve Corps.

Hundreds of thousands of men are affected by this measure. They may be ordered out for service at any point in the Western Hemisphere, from Iceland and Greenland, or the Aleutian Islands in Alaska, all the way to the tip of South America. They can be sent, and doubtless will be sent, to any of the territories and insular possessions of the United States.

Mr. President, there is no provision in the joint resolution for what is to happen to the economic welfare of 116,000 members of the Officers' Reserve Corps, merely to take one unit. Contemplate, if you will, some young professional man and an acquaintance of mine as to whom the facts are appropriate may serve for purposes of illustration, who for 15 years has annually undertaken the training required for the Officers' Reserve Corps. Late in life, comparatively speaking, he married. He bought a home. He mortgaged the home under the Federal Housing Administration plan, which was the only way in which he could acquire a home. That plan requires that he amortize the payments of interest and principal monthly. Of course, there are included payments for taxes and insurance, in addition.

Mr. President, that young man has been spending the intervening years in developing a law practice, dependent solely upon his personal efforts for its success. If he is called out

and ordered to some point on the bleak coast of Greenland, there to render active military service in the Army of the United States, in defense of the Western Hemisphere, he will have a year to think over exactly what sacrifice he is making and exactly what the Congress is failing even to consider as to the plight of himself and his family. Of course the case of this young professional man can be multiplied by thousands. The plight of yet others in the National Guard may equally be worthy of consideration.

Mr. President, those who are members of these component reserves willingly, and gladly, and voluntarily assumed their respective roles in the respective services referred to, but they did it at a time when they knew as a matter of law that they were not to be ordered into the active military service of the United States unless the Congress "shall have declared a national emergency and shall have authorized the use of armed land forces of the United States" throughout the period of the emergency.

The inequity of ordering these men into service without giving them an opportunity to protect themselves, and their status and the status of their families becomes apparent with the mere statement and outline and exposition of the situation. We find that the committee has undertaken, on page 3 of the joint resolution, to require that under certain circumstances some employees, members of the forces called into service, are to be rehired at the end of the year of service. We find in subsection (A) of section 3 that if the employee was engaged in the service of the United States he shall be restored to his position, or to a like position of like status. We find, however, yet another classification referred to, that if the person was in the employ of a private employer, "such employer shall restore such person to such position, or to a position of like status and pay, unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so."

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. DANAHER. I yield.

Mr. NORRIS. I have read the language referring to a private employer, and I should like to have the Senator's opinion in regard to it. Does the Senator think that that would have any legal effect? Why is it in the joint resolution?

Mr. DANAHER. In answer to the Senator from Nebraska, I think that the language constitutes a delusion and a snare, that it will lead men to think that if they left their private employment the Congress would have the power and would take steps to protect them; and I deny that the Congress has any such power.

Mr. NORRIS. That seems perfectly apparent to me. I did not realize, however, until the Senator so forcefully called our attention to it, that it might mislead someone. I thought it was really harmless. But I can see, as the Senator has stated, that it might mislead some who may have the idea that Congress has jurisdiction in that kind of a case.

Mr. DANAHER. Let me thank the Senator from Nebraska, and proceed to point out that there has not been developed on the floor of the Senate the thought which underlies these particular paragraphs.

Last night a vote was called for on the committee amendment, and without objection the vote was taken, and there was no reason why it should not have been taken; but when the joint resolution was being explained by the chairman of the Committee on Military Affairs a few days ago, I asked about this matter, for he undertook, in the course of his explanation, to interpolate in the language the words "in interstate commerce," from which those of us who were listening to him might have drawn the conclusion that it was claimed that the Congress had power to order some private employer somewhere to restore, under a contractual status, an employee who was ordered into the military service, on the theory that the employer was engaged in interstate commerce.

When I called to the attention of the Senator from Texas the fact that that language was not in the joint resolution, the Senator from Utah [Mr. THOMAS] undertook to explain to us that it had been omitted in the committee; that the Senator from Texas inadvertently had interpolated the language; that actually the committee apparently was proceeding on the theory that the Congress had the authority so to legislate, on the ground that since the Congress, under the Constitution, has power over the raising of armies, it also has power to follow collateral and derivative exigencies, apparently, in all phases of the employment of the personnel of the Army.

I asked whether the Senators who had expressed the opposing views had reconciled their views, and, so far as I know, they have done so, in that the language still stands, and the words "interstate commerce" have not been restored to the joint resolution.

Mr. SHEPPARD. Mr. President, will the Senator yield to me?

Mr. DANAHER. I yield to the Senator from Texas.

Mr. SHEPPARD. Let me say to the Senator that the measure, as it was first formed, contained the words "in interstate commerce," and I do not recall when I made my opening address on the joint resolution that later those words were omitted by the committee and that the form now referred to by the Senator from Connecticut was adopted by the committee.

Mr. DANAHER. Let me ask the Senator from Texas a question while he is on his feet. The measure in the form in which it now is on our desks, omitting that language, proceeds on the theory, does it not, that the Congress may legislate with reference to future employment and the restoration of employees to their employment on the theory that the Congress has power under the Constitution to control the raising of armies and all collateral incidents?

Mr. SHEPPARD. That is my understanding.

Mr. DANAHER. And that is the basis, is it not, on which this measure now proceeds?

Mr. SHEPPARD. It is on that basis on which it proceeds in connection with this particular provision.

Mr. DANAHER. Mr. President, it is perfectly apparent, even if we grant that Congress has such power, that it does not apply to the individual businessman; it does not apply to the professional man; it certainly does not apply to the man who has no employment at the present time and who would be denied the opportunity to seek to restore himself with reference to it.

But, Mr. President, in order further apparently to lead people to think that Congress has that power to protect them, on page 4 of the measure we undertake to say that an employer who refuses to restore such an employee to his previous employment is guilty of an unfair labor practice within the meaning of the National Labor Relations Act, a matter which I took up with the Senator from New York [Mr. WAGNER] in brief conference, pointing out that in my humble opinion that actually is a definite diversion of the whole purpose of the National Labor Relations Act, which may lead to incalculable harm in that particular.

In any event, if the employer shall not restore the employee, the Congress now says that a district court shall order a speedy hearing on motion of an employee who is not taken back in his employment, and shall advance the case on the calendar, as though we have any power to control the orderly disposition of the judicial process, and to say in what order a court shall determine the cases before it.

Moreover, Mr. President, we undertake to confer jurisdiction on the Federal court, upon the filing of a motion, a petition, or other appropriate pleading by the person entitled to the benefits of the provisions, specifically to require the employer to comply with such provisions.

Mr. President, I submit that the first test of any such attempted conferring of jurisdiction will meet with complete denial by the courts of any such jurisdiction.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. DANAHER. I yield.

Mr. CONNALLY. Does the Senator contend that Congress cannot regulate the jurisdiction of inferior courts?

Mr. DANAHER. I mean to say that the Congress of the United States, under the provisions of the pending joint resolution, has no power whatever to prescribe the order in which a court shall hear petitions.

Mr. CONNALLY. I know, but a minute ago the Senator was contending, as I understood him, that Congress could not regulate the jurisdiction of inferior courts.

Mr. DANAHER. I am not covering the whole wide field of jurisprudence. I am talking about the pending joint resolution, and talking about the language which I think fails of its purpose.

Mr. CONNALLY. I do not know whether or not the language is sufficient, but Congress certainly has the power to confer on courts under its jurisdiction the power to hear these cases. If the language is not in proper form, I am sure the Senator from Connecticut can draft proper language and will be prepared to submit it to the committee. But under the authority given Congress to create inferior courts, Congress has the power to regulate and control, or entirely abolish their jurisdiction if it sees fit to do so.

Mr. DANAHER. Let me ask the Senator from Texas if he claims that the Congress has the right to prescribe the order in which any court on which it confers jurisdiction shall hear cases?

Mr. CONNALLY. The Senator from Texas did not say that.

Mr. DANAHER. Well, does the Senator say it now?

Mr. CONNALLY. Of course, Congress may not undertake to say how a court shall decide a case, but under the provision of the Constitution the Congress has the power to say that certain cases shall be advanced, as we have done in many instances, and shall have a preferential status for hearing. Congress may not tell a court how to decide a case, but the Congress has the power to say that the district court shall give preferential consideration to certain character of cases under its broad powers. Yes; I say that.

Mr. THOMAS of Utah. Mr. President, will the Senator yield for a moment?

Mr. DANAHER. I yield to the Senator from Utah.

Mr. THOMAS of Utah. I am in complete sympathy with the amendment which the Senator from Connecticut has offered. However, I am completely out of harmony with what the Senator is saying in regard to the matter contained in section 3, the amendment, which has to do with an attempt on the part of Congress to protect the interests of those men who are ordered into service, especially those who are ordered into service for 1 year's training. I am sure the Senator from Connecticut does not wish to leave the impression that the Congress of the United States should not take any action, or possibly cannot, within the law, to see that the men who are ordered to this training are restored to their proper places in industry. I am sure the Senator from Connecticut does not wish to leave such an impression.

Mr. DANAHER. The Senator from Utah correctly understands my attitude in that respect.

Mr. THOMAS of Utah. The problem of how to do it, of course, faced the committee. We know that the President's war powers are great. We know also, from various decisions, that the war powers of the President and of the Congress are great. We have assumed that those powers can be extended to peacetime training. We do not have much to support us, so far as decisions are concerned, because I think this is the first time in the history of our country when an attempt has been made to extend such powers to peacetime. But the committee decided to put into this measure every protection which it thought it could, and which it thought was possibly justified, and therefore there is, if the Senator will permit the use of the expression, a sort of tying up of various things to protect persons affected by the measure, and the bringing in of the provisions of the unfair labor practices act, so that an employer may not take advantage of the fact that the Government has called upon certain of his employees to come into the Government service for a year, and not take them back.

I think if the Senator favors the spirit of this measure, which I am sure he does, he can offer an amendment to the amendment which will add more protection to those persons than the amendment already gives.

The PRESIDENT pro tempore. The time of the Senator from Connecticut on the amendment has expired.

Mr. DANAHER. Of course, I have further time on the joint resolution.

Mr. President, I should like not to yield further to the Senator from Utah, in view of the shortness of my speaking time, but I thank the Senator from Utah for his courtesy and for his cooperation in this matter.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. DANAHER. No; not just now. Let me develop my thought.

Mr. CONNALLY. The Senator——

Mr. DANAHER. I know what the Senator wants, and I will come back to it.

Mr. President, let me point out that the moment this measure becomes law and the moment the component reserves are ordered into Federal service—not called out, as under existing law, but ordered into active military service—the commissioning of the officers will follow the order, and there will be no opportunity whatever under existing law for any officer to resign. The Federal statutes are absolutely barren of an opportunity for any officer to resign except upon the acceptance of his superior, who is, in fact, the President of the United States as Commander in Chief of the Army. There is no statutory authority whatever under which these men will be able to protect themselves if, in their own judgment, the economic welfare of their families and their dependents, and their influence and status in their respective communities, may be injured by a year's service in the active military branch of the United States Army.

Mr. President, it seems to me when we are confronted with the inequitable situation thus arising, that the very least we can do is to give these men—116,000 in the Officers' Reserve Corps, approximately 228,000 in the National Guard, and I do not know how many thousands on the retired list—the opportunity of assaying and judging their own situation. If, on the same voluntary basis on which they previously aspired to and assumed the status which they today hold in the respective services, they equally voluntarily wish to go forward and remain amenable to the law, then it should be on their option, and in that spirit there would be legally justifiable action so far as they individually are concerned.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. DANAHER. I yield.

Mr. LODGE. May not a Reserve officer resign at the present time if he so desires?

Mr. DANAHER. Under the law, he may not. He has no right whatever to resign. He may tender his resignation, but its acceptance depends solely and entirely upon the whim and will of the Commander in Chief of the forces.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. DANAHER. I yield.

Mr. NORRIS. Does the Senator contend—and I am asking for information—that at any time prior to the call of the President, a member of the National Guard may not resign to the Governor of his State?

Mr. DANAHER. At the present moment he may.

Mr. NORRIS. As I understand, the passage of the joint resolution would not change that situation. At the present time a member of the National Guard may resign to his own Governor?

Mr. DANAHER. That is correct.

Mr. NORRIS. He does not have to take up the matter with any Federal officer?

Mr. DANAHER. That is correct at this moment, under existing law.

Mr. NORRIS. Until the National Guard is called out by the President, would not any member of the National Guard have the right to resign to his own Governor?

Mr. DANAHER. No; for the reason explained so carefully yesterday by the Senator from Vermont [Mr. AUSTIN], supported by the decisions which he read into the RECORD, to the effect that immediately upon the order of the President he becomes a member of the National Guard of the United States.

Mr. NORRIS. I have admitted that. Why may not National Guard members resign prior to the order of the President?

Mr. DANAHER. Under existing law National Guard officers may resign to the Governors of their respective States. Officers in the Officers' Reserve Corps may not.

Mr. NORRIS. The passage of the joint resolution by Congress would not take away the right of a National Guard officer to resign to the Governor of his State.

Mr. DANAHER. Let me say to the Senator from Nebraska that the burden of the argument of the Senator from Vermont was to the effect that the Senator's question should be answered in the affirmative.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. DANAHER. I yield.

Mr. BARKLEY. Under the language of the joint resolution, the President is authorized from time to time, during the period until 1942, to call out any or all of the National Guard.

Mr. DANAHER. That is correct; with all other components.

Mr. BARKLEY. I understand; but suppose that under the provisions of the joint resolution he should order into training on the 1st of September the National Guard of Kentucky. Until the 1st of September any member of that organization might still resign to his Governor. But suppose the President should not order into service the National Guard from Connecticut, New Hampshire, or Maine until the 1st of January; it is still true that until the 1st of January, when he is ordered into training, a member of the National Guard might still resign to the Governor of his State. Is not that true?

Mr. DANAHER. That is what the Senator from Kentucky contends, and that is the implication of what the Senator from Nebraska says. However, I do not understand that to be the conclusion of the Senator from Vermont.

Mr. BARKLEY. The joint resolution does not change the status of any National Guard organization until the President has actually ordered it into training. It is subject to order at any time, but until the President actually exercises his authority its status is not changed.

Mr. DANAHER. I think the Senator is missing the point. I now see fully what he is getting at. The Committee on Military Affairs, or the Judge Advocate General's Department, has put in line 9, on page 1, the words "with or without their consent."

Mr. BARKLEY. That language pertains to the President's order calling them into service.

Mr. DANAHER. No; I think the Senator from Kentucky had better read section 18 of the act of June 15, 1933, appearing in Fortieth Statutes, page 160, where he will find that the question of the consent of the individual is dealt with. In order to avoid the effect and protection of that very statute, those who drafted the joint resolution put in line 9, on page 1, the words "with or without their consent."

Mr. President, I have a very few minutes left. Let me briefly, in conclusion, submit that the joint resolution on its face does not give adequate protection to hundreds of thousands of men who, under circumstances of fairness and equity, ought to decide whether or not their individual status will presently justify their being answerable to the order into active military service. In the second place, in my judgment, the joint resolution as drawn does not, as a matter of law, protect those who are employees of employers named in section 3, subparagraph (b), clause (B).

I believe further, Mr. President, that as to the hundreds of thousands of men who are on the retired list and who are officers in the Officers' Reserve Corps, and for whom no provision for resignation at present exists, there should be an opportunity within a reasonable time—which I have arbitrarily set at 20 days in the amendment which is pending—to decide whether or not they wish to continue answerable to the call for active military service anywhere in the Western Hemisphere. Remember, this is not training. This is active military service.

On those premises, Mr. President, I draw the conclusion that fairly and equitably, since we are suspending the protection we previously gave those men, if the Congress should declare a national emergency we should give them the opportunity and the option, at their choice, of resignation. If thereafter they choose to continue, they will have made their choice, and at their option may go forward and serve if and when called.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Connecticut [Mr. DANAHER].

Mr. HILL. Mr. President, I wish to call the attention of the Senate to some of the testimony before the Senate Committee on Military Affairs with reference to the question whether or not the National Guard ought to be called out, and more particularly to the question whether or not, under the terms of the joint resolution, we should call out men who do not wish to be called out, and who therefore perhaps should not be called out.

The committee had before it two witnesses who spoke for the National Guard. One was General Williams, Chief of the National Guard Bureau. Previous to his appointment to that office he had been adjutant general of the National Guard of the State of Missouri. He is today a National Guard officer temporarily on duty in Washington as Chief of the National Guard Bureau. The other witness was Gen. Milton A. Reckord, who is today adjutant general of the State of Maryland, and who is the chairman of the legislative committee of the National Guard Association. For many years—certainly during the 15 or 16 years I have been in Congress—General Reckord has held that position and has really been what we might term the Washington representative of the National Guard Association, which association is composed of the officers and men who constitute the National Guard of the United States.

General Williams, in testifying before the committee, said this:

> Ninety-eight percent of them—

Speaking, of course, for the National Guard officers and men—

> I would say, are anxious to get into the service and get the training which they feel they should have in view of the present condition of world affairs.

General Reckord said:

> The National Guard as an institution—that is, the National Guard of the United States—and the Adjutant General Association have gone on record officially in favor of some such legislation as this. * * * We want the guard to be ordered to duty for not less than a year, because we believe, as well as others, that the guard does need intensive training, and the sooner we can get to it the better it will be.

For the past 2 years the National Guard Bureau in Washington has been putting forth its best efforts to get out of the National Guard men who, because of dependents or for some other good reason, perhaps would be put to too great a sacrifice if called into the Federal service; and during the past few weeks the National Guard Bureau has been putting on a drive, so to speak, in an effort to get such men out of the National Guard. The National Guard Bureau, as an agency of the Federal Government, may not discharge them, because, as has been so well brought out, until they actually go into the Federal service they are under the control of their respective States and State Governors, and they may be discharged only by State authority. However, as General Williams says:

> Our letters of instructions to the States, which were sent out a few weeks ago, advised that all enlisted men from the first three grades, from the grade of sergeant on down, if they claimed dependents, that the States were authorized and urged to replace them. We couldn't tell them to, because under the law in time

of peace it is a State function, and the discharge of men in the guard is a State function, and the appointment of officers is a State function. So we urged them to get rid of them.

That is, the National Guard Bureau in Washington has urged the States and the National Guard authorities in the States to get rid of any men who might be put to too great a sacrifice, or who might present cases in which it would not be wise to call the men into service. General Williams testified that for 2 years they had been trying to do this; that some 2 years ago when they made a survey of the situation they found that perhaps about 8 percent of the men in the National Guard ought to be replaced for one good reason or another, and that, due to the efforts that had been made, he would estimate today that 8 percent had been reduced to only about 3 percent. So, according to the testimony of General Williams, some 97 percent of the National Guard today are ready for this Federal service, and the National Guard Bureau is endeavoring to eliminate the 3 percent that, because of dependency or some other good reason, ought not perhaps to be called into the service.

Let me say that I cannot subscribe to the doctrine that these men ought not to be called into the service because it may be they were not told that perhaps at a particular date there would arise the particular situation which now confronts the Nation and they would be called into the service. Every man knows when he enlists in the National Guard that he is enlisting with the idea that his service will be available to his State and to the Federal Government when and if his services are needed.

Mr. DANAHER. Mr. President, will the Senator yield there?

Mr. HILL. The man who joins the National Guard joins it with the very idea in mind that he may be called into the service under some such condition as confronts the country today. I now yield to the Senator from Connecticut.

Mr. DANAHER. I thank the Senator. Is not the effect to be given to the Senator's present argument that, insofar as the National Guard is concerned, they are entitled to resign if they choose? In point of fact, the National Guard have been trying to get those who ought to resign to do so. Therefore, if this amendment were to be adopted, it would not apply to the National Guard, anyway.

Mr. HILL. But the Senator's amendment is entirely different from that.

Mr. DANAHER. Let me ask the Senator a further question. Is it not a fact that everything he has said so far in nowise applies to the Officers' Reserve Corps or to the other components?

Mr. HILL. I will get to that in a moment.

Mr. DANAHER. Very well.

Mr. HILL. Of course, the difference between what the Senator's amendment would do and what I have said we are proposing to do is that the Senator's amendment would permit any man in the National Guard to resign within 20 days without any good cause, without any good reason for resigning. The amendment of the Senator would permit any one of the 242,000 men in the National Guard today to resign and walk out without a single man being left in the National Guard.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. HILL. Let me say a word or two further, and then I will yield. All these years the Federal Government has been spending hundreds of millions of dollars clothing the National Guard, equipping the National Guard, training the National Guard, preparing the National Guard, having officers of the Regular Army assigned to duty with the National Guard so that they may obtain proper training and proper instruction. As the Senator from Connecticut must know, most of the officers of the National Guard draw each year from the Federal Treasury approximately $500. We pay them that money to encourage them to be in the National Guard, so that we may have the National Guard fit and available for service when a condition confronts the country such as confronts it today. It is absurd and ridiculous to stand on this floor and imply that perhaps by calling out the National Guard we are doing something that nobody had previously contemplated.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. HILL. Yes; I yield.

Mr. DANAHER. Will the Senator not have regard to the fact that the Senator from Kentucky and the Senator from Nebraska have already pointed out that all the members of the National Guard can tender their commissions to the Governors of the States who appointed them? Is not that a fact?

Mr. HILL. They can tender their commissions, but whether or not the tender of the commissions would be accepted would depend upon the State authority. I would not say that the National Guard of the United States, the enlisted men, noncommissioned officers, and commissioned officers, may all walk out today if they see fit to do so. The truth is the National Guard men have a term of enlistment. Enlisted personnel go in for a 3-year period, the original enlistment, and then they have a subsequent enlistment for the duration of a year's time.

Mr. DANAHER. Mr. President, will the Senator yield further?

Mr. HILL. Yes; I yield.

Mr. DANAHER. Then, is it not a fact, in the light of the explanation of the Senator, that all these National Guard men, according to his very argument, are bound, and there is no opportunity now for them to decide, if this joint resolution shall be enacted into law, whether they will or will not answer to a year's active military service. Is not that so?

Mr. HILL. No; I would say that for any good reason, any good cause, such as dependency or being engaged in some business or occupation which is more important to the national defense than that they should have this National Guard training or some other good cause, they can get out, but I do not say that after they have enlisted for a 3-year period they can all walk up and say, "We are quitting today." No, I do not say that, and when they are drawing their pay each month from the Federal Government, as each and every one of them, from the lowest private up to the highest officer does, they take that pay knowing that the Government is paying them under a responsibility on their part. If the Government needs them the Government can call them.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. HILL. I will be glad to yield, but the Senator knows there is a limit on the time for debate.

Mr. DANAHER. Very well, I will not interrupt the Senator further.

Mr. HILL. The Senator asked about the Reserves. The Reserve officers hold commissions as officers in the Reserve of the Army of the United States. There can be but one reason for having that Reserve, there can be but one reason, Mr. President, for issuing Reserve commissions and spending the money to train these men, and that reason is that they may be available when the Government needs them. Remember the Reserve officer has nothing to do with the States, he has no connection with the National Guard or the militia of the States, he is a Reserve officer of the Army of the United States, a Reserve officer of the Army of the Federal Government and the very purpose of commissioning him, the very purpose of training him, providing schools for him to go to and sending him to summer encampments is that he may be ready when the Federal Government needs him to be called into service.

Mr. GILLETTE. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. GILLETTE. I do not want to encroach on the Senator's time, but I am sure the Senator does not desire to be understood as saying that the National Guard men enlisted with any idea or thought or conception that they could be ordered into the service under the conditions proposed by the pending joint resolution, for instance, to serve in South America without the declaration of an emergency?

Mr. HILL. I would say that when a man takes the oath, becomes a member of the National Guard of the United States, and takes his pay from the Federal Government

each month, he knows that he is subject to be called by the Federal Government whenever there is such a condition in this country that the Congress feels that it is its duty to pass a law to authorize the President to call that guard into service.

Mr. GILLETTE. When Congress declares that an emergency exists.

Mr. HILL. That is just what we are doing; we are passing this legislation now authorizing the President to call the guard into service.

So far as the Committee on Military Affairs is concerned—I think I am accurate, and if I am in error I wish the chairman of the committee to correct me—there has been no indication from any National Guard man, or any National Guard organization, or any Reserve officer or Reserve Officers' Association except that each of them and all of them are not only ready to answer this call but that, viewing the situation in the world as it is today, they feel that they should be called, so that they may receive the training which they feel to be so necessary. By the passage of the pending joint resolution, we are doing the very thing the Congress had in mind should be done and would be done in the light of such a situation when the Congress passed the National Defense Act of 1920, when we set up the Army of the United States, composed of the Regular Army, the National Guard of the United States, and the other reserve components. That, as I have said, is the reason why we, representatives of the Federal Government, have gone into the Federal Treasury and taken out hundreds of millions of dollars to clothe and equip and prepare these men, in order that they might be ready for just such a situation as confronts us today; and it is absurd, to my mind, even to think about an amendment such as that suggested by the Senator from Connecticut that will permit any man in the National Guard, no matter what his reason might be, no matter what his whim might be, to quit now after he has received this pay, this training, and this preparation from the Federal Government.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Connecticut [Mr. DANAHER].

Mr. DANAHER. On the amendment I ask for the "yeas" and "nays."

Mr. SHEPPARD. Mr. President, I trust that the amendment of the Senator from Connecticut will be rejected. Every man called under this joint resolution, if it shall be enacted, can be discharged for good cause at any time. To give this proposed authority for wholesale discharges, regardless of any reason, would be demoralizing to the machinery for discharges already set up, and it seems to me would be a reflection on the legislation.

SEVERAL SENATORS. Vote!

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Connecticut [Mr. DANAHER], on which he has demanded the yeas and nays. Is the demand seconded?

Mr. DANAHER. I suggest the absence of a quorum.

Mr. NORRIS. Mr. President, will the Senator withhold that suggestion? I desire to make a remark.

The PRESIDENT pro tempore. Does the Senator from Connecticut withhold his suggestion?

Mr. DANAHER. I gladly withhold it, and am happy to yield to the Senator from Nebraska.

Mr. NORRIS. Mr. President, I believe some of our troubles are imaginary. As I understand—and I expect to vote for this proposed legislation with that understanding and that belief—the real objective to be attained by this measure is the training of several hundred thousand men, many of whom are already partially trained. My idea is that that is what will come out of this joint resolution—the training, or the completion of the training, of several hundred thousand men, who will then be in shape to enter the service of their country if, by any possible contingency, it should become involved in any war in which their services are needed.

My understanding is—and I should like to be corrected if I am in error—that up to the time the President calls out the National Guard, any member of the National Guard, private or officer, may resign, regardless of what the Federal Government wants him to do. He may resign to the Governor of his State. I think that will take care of most of the cases of men who ought not to be called into active service. I should feel favorable to any amendment which provided for the exemption, upon proper showing, of men who are called into the service. I do not think, however, it ought to be absolutely left to the man himself.

The other day I received a letter from the commanding officer of a National Guard unit. I thought it was a very beautiful letter. He said in the letter that it was the unanimous opinion of the members of his unit—I think there were 75 or 80 men in the unit—that they should be called into training by the President of the United States. He wanted this joint resolution passed; but he said:

> There are some of our members—
>
> It was in a town of about five or six thousand persons—
>
> for whom a call to immediate service would mean a great hardship, and they ought to be exempted. There are very few of them.

He said there would not be to exceed 10 or a dozen such men in his company; and he said:

> We are talking the matter over now with those men and with their comrades, and are taking steps to get them out of the National Guard prior to any call the President may issue.

In addition to that, he said:

> There are quite a number of young men who are not members of the guard who want to be members of it, and would be if they knew they were to be called into active training under the joint resolution which is now pending before Congress.

So he thought the membership of the guard would be increased.

It seems to me that a man such as the one the Senator has described, having a dependent as he has, ought to be exempted. I am laboring under the impression that as a matter of practical application of this measure he will be exempted, and that he may get out of the guard at any time before the President issues his call.

I think the members of the National Guard are anxious to have this joint resolution enacted. They want the training. They are not thinking of going to war. They are thinking in terms of preparation, in terms of the training they will receive in the 12 months. They are anxious to get it, regardless of whether there comes a greater emergency than now exists or whether there does not; and I believe most of these difficulties will iron themselves out.

I desire to ask a question of the Senator from Texas [Mr. SHEPPARD], the chairman of the committee. He has just said there will be ample opportunity for those who have cause to get out of the service to do so if a call is made.

Mr. SHEPPARD. The Senator is correct.

Mr. NORRIS. That is correct under the law?

Mr. SHEPPARD. It is.

Mr. NORRIS. Assuming that to be true, I do not see any necessity for the amendment of the Senator from Connecticut.

Now, Mr. President, I desire to ask a parliamentary question. What is the amendment in the joint resolution now pending to which the amendment of the Senator from Connecticut applies?

The PRESIDENT pro tempore. The clerk will restate the amendment for the information of the Senator from Nebraska.

The LEGISLATIVE CLERK. On page 4, after line 17, it is proposed to add a new subsection to read, as follows:

> (f) Any person now subject to the provisions of section 1 may resign his status within 20 days after the approval of this joint resolution.

Mr. NORRIS. Mr. President, let me ask another question. Has the amendment commencing on line 8 of page 3 and ending on line 11 of page 3 been agreed to?

The PRESIDENT pro tempore. It has been agreed to, as amended.

Mr. NORRIS. And was section (B) also agreed to?

The PRESIDENT pro tempore. Section (B) was also agreed to.

Mr. NORRIS. Mr. President, it has seemed to me all the time that section (B)—I do not know that it is very material—has not any place in the joint resolution. I think everybody agrees that if a man is called to military service, and he has a job, he ought to get that job back when and if he gets out of the military service; but when a man is employed by a private person or a private corporation, I very much doubt whether Congress has the authority to say that he shall be taken back. I very much doubt whether it would be fair, even if we could do so, for us to say to a private corporation or a private individual that within a given time it or he must take back Mr. A and give him a certain kind of job. It depends entirely upon local circumstances. It may not be possible for the employer to do that. It may be an absolute impossibility. If he is a patriotic citizen he will try to do that if he can.

Mr. SHEPPARD. That idea is embodied in the amendment itself.

Mr. NORRIS. The amendment says "unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so"; but it seems to me that makes the language useless as a matter of law, because I think that condition exists anyway. It is not any more than a notice that a man will be taken back if possible. If the employer is a patriotic citizen, he will do that anyway.

Mr. SHEPPARD. The committee was endeavoring to do what it could on this subject. It realized that this is a new field of operation, but it was trying to do everything it could to safeguard the employment of the man who is called into active service.

Mr. NORRIS. I doubt very much if the language has any legal effect, which provides that if an employer refuses to take back a man, and complaint is made, it becomes a violation of the Labor Relations Act.

Mr. SHEPPARD. That may be true. Nevertheless, we are making the effort.

Mr. NORRIS. I understand; but while the effort undoubtedly has a noble purpose, and every patriotic citizen wants to see the objective accomplished, I am afraid, as the Senator from Connecticut has suggested, that a layman who might enlist in the guard and get into the service in that way, realizing that this language that we are putting into the law is in it, would think that it had legal effect, and later on would find to his disappointment that the language had no legal effect whatever. I would rather see it out, but I do not know that it will do any great damage if it stays in.

Mr. SHEPPARD. Mr. President, we made the same amendment to the military-training bill.

Mr. LUCAS. Mr. President, I have no doubt in my own mind as to the proper interpretation of the joint resolution as it is written at the present time. However, in view of the amendment which has been offered by the Senator from Connecticut, and in view of the position he takes with respect to a proper construction of the joint resolution as now written, I thought it apropos that I should say a word or two because of my position with the National Guard in Illinois, realizing that in the next few months to come several questions may be asked by guard members with respect to this very important question.

Mr. HILL. Mr. President, as I understand, the Senator is judge advocate general of the National Guard of Illinois.

Mr. LUCAS. That is correct.

Mr. HILL. In other words, any question of law which came before the Illinois National Guard would be passed on by the Senator from Illinois?

Mr. LUCAS. The Senator is correct about that.

The Senator from Nebraska, the Senator from Alabama, and the Senator from Texas are all agreed that no individual would be prohibited from resigning from the National Guard prior to the time when he was ordered out by the Commander in Chief of the Army, who is the President of the United States.

Mr. TAFT. Mr. President——

Mr. LUCAS. I believe that is the proper interpretation of the act. If the Senator will permit me to finish the point——

Mr. TAFT. I desired to ask whether that did not require the consent of the Governor of the State, and if the Governor refused to agree, then the resignation would not have effect.

Mr. LUCAS. I shall touch on that in a moment, if the Senator will permit me.

In view of the argument made by the Senator from Connecticut—and I respect his ability and his judgment as a lawyer on questions of importance—I thought it the better part of wisdom to rise at this moment for the purpose of asking the Senator from Vermont [Mr. AUSTIN], who I consider one of the able lawyers in this body, to give his opinion upon this question, because, as I understood a few moments ago, while the Senator from Vermont was absent from the Chamber the Senator from Connecticut said, in substance, that he understood the Senator from Vermont to say yesterday, in his constitutional argument on the measure before the Senate, that once this measure became the law, from that time on it would be impossible for any man in the National Guard of the United States to resign. That seems to be the controversy here, and the Senator from Connecticut was relying upon the Senator from Vermont, and I should be delighted to have the Senator from Vermont express his opinion upon that question before we vote upon the amendment.

Mr. DANAHER rose.

Mr. LUCAS. Did I correctly state to the Senator from Vermont what the Senator from Connecticut said yesterday?

Mr. DANAHER. Will the Senator yield to me for a moment?

Mr. LUCAS. I yield.

Mr. DANAHER. Let me correct the Senator only in this particular, that at no time did the Senator from Vermont, so far as I know, discuss the matter of resignation. What he did discuss was the distinction between the National Guard of the United States and the National Guard of a State, and I was relying upon the explanation of the Senator from Vermont, with which explanation I concurred, as to when a member of the National Guard of a State becomes a member of the National Guard of the United States. That is the point I sought to make.

Mr. LUCAS. I do not disagree with the Senator from Connecticut or the Senator from Vermont upon that question; but there is a tremendous distinction between what the Senator from Connecticut says now and what I understand he relied upon as having been stated by the Senator from Vermont yesterday. If I may, I still should like to have a statement from the Senator from Vermont upon that legal question.

Mr. AUSTIN. Mr. President, the Senator from Connecticut is correct in stating that I did not discuss the question of resignation at all. As he has said, I did discuss the distinction between the status of a person while he is in the National Guard of a State and that of the same person when he becomes a member of the National Guard of the United States. I think there is a difference in his rights with respect to resignation; that is, while he is still a member of the National Guard, he may resign, with the consent of the State, but the moment he becomes a member of the National Guard of the United States, he comes under the jurisdiction of the Federal Government, and the question whether, being a member of the Military Establishment of the United States, he may resign, depends upon the facts. I know I have sometimes participated in getting young men out of the Army or Navy, when mothers have applied to me, because circumstances had changed since the boys enlisted, or for some other reason. For example, in one case a boy who had enlisted in the Navy was continually seasick, and I was able to get

him out of the Navy. There was good cause shown, and the exercise of discretion permitted his getting out for cause.

Mr. LUCAS. Does the Senator say now that in the event this joint resolution shall be enacted as it is written, an individual who is now in the service, we will say, in the National Guard of the State of Illinois, immediately becomes subject to the jurisdiction of the Federal Government, and under no circumstances can offer his resignation to the Governor of his State?

Mr. AUSTIN. No; I have not made that claim. Let me make it clear, if I have given that impression, that I did not mean that. The enactment of this measure would merely enlarge the power of the President.

Mr. LUCAS. I agree with that.

Mr. AUSTIN. That is all it would do. It would not result in calling out the National Guard or any other Reserve component of the Army. The joint resolution itself does not operate in that way. It merely adds to the power of the President of the United States temporarily. The joint resolution is limited to the period ending in June 1942, and it is only during that period that it increases the authority of the President. If he exercises the authority, and a National Guard man passes from the service of his State into the service of the Federal Government, thereupon his status changes.

Mr. LUCAS. That is correct. The President of the United States has to exercise the power delegated to him under the proposed act, before the present status of the guardsmen changes.

Mr. AUSTIN. That is true.

Mr. DANAHER. Mr. President, will the Senator from Illinois yield to me?

The PRESIDING OFFICER (Mr. CHANDLER in the chair). Does the Senator from Illinois yield to the Senator from Connecticut?

Mr. LUCAS. I yield.

Mr. AUSTIN. If the Senator from Connecticut will wait a moment, I should like to finish my answer with reference to existing law. I refer to section 111, about which we are speaking. I read from that section:

> All persons so ordered into the active military service of the United States shall from the date of such order stand relieved from duty in the National Guard of their respective States.

That marks the time of change, does it not?

Mr. LUCAS. That is correct. I thank the Senator from Vermont for his explanation and statement. I now yield to the Senator from Connecticut.

Mr. DANAHER. I thank the Senator from Illinois. My question is to be directed to the Senator from Vermont. I am correct in saying, am I not, that there is no statutory authorization for resignation by a member of the National Guard of the United States, or of the Officers' Reserve Corps, or of the inactive officers?

Mr. AUSTIN. I have never seen one.

Mr. DANAHER. One other question: There is this additional power, under the pending joint resolution, to the power already referred to by the Senator from Vermont, as I understand, that is, that whereas the existing law requires that the Congress declare a national emergency before the National Guard of a State can be ordered into active Federal service, if we enact the joint resolution the President by a mere order could order into active service any or all members of any or all reserve components of the Army.

Mr. AUSTIN. I so understand.

Mr. DANAHER. I thank the Senator.

Mr. LUCAS. Mr. President, I shall not detain the Senate very long, but it seems that I should make a few more remarks in connection with the argument upon the pending amendment.

There are a great number of men in the National Guard throughout the United States who do not understand what the Congress of the United States is doing at this moment. For instance, in the State of Illinois the National Guard are proceeding on the theory that the moment they finish a 3 weeks' training tour in Camp Sparta, Wis., they will probably be called out immediately as a component part of the Army of the United States and then sent on to Texas for another year's training.

In fact, certain officers of the Illinois National Guard have already flown to Texas to look over a camp where they expect to train. But in running through the report made by the Committee on Military Affairs I find that General Marshall, in his testimony before the committee, suggested to the committee that under the authority of the measure now before us there will be brought into the active military service of the United States only certain units of the National Guard, and I note that most all of these units are Coast Artillery outfits. I fully understand the significance of that move.

In the State of Illinois we have approximately 10,000 men in the National Guard, and from conversations I have had with the officers of the guard I know that they are expecting to be called out immediately following the training now in progress. Yet, according to the testimony of General Marshall, the only part of the Illinois National Guard which will be called out in the first instance is the Two Hundred and Second Coast Artillery, which is composed of some 300 men. There is a possibility that none of the other men of the guard will be called out, as I view the situation. So it does seem to me that such may be an additional argument why the amendment of the Senator from Connecticut should not be agreed to, because there is the possibility that many of the men in the National Guard of Illinois, for instance, will never be called out at all during this emergency.

Of course, there is a possibility that all 10,000 of them will be called out in due course of time, but in the first instance some 300 men in the Two Hundred and Second Coast Artillery group are to be called. When the next 300 or the next 1,000 are to be called no one knows. That will depend upon circumstances and conditions as they arise in the future. I hope I am right about this, but, if I am not, I want members of the Military Affairs Committee to inform me, because it becomes very important throughout the country to stabilize the mental condition of these men with respect to what they may or may not be compelled to do. Senators can readily see that if an entire National Guard in one State is expected to be called out, and in the first instance General Marshall calls for only some 300 of them, and sends them, as is suggested in this report, to Camp Logan, Ill., for training, they should know about that.

So, Mr. President, under the circumstances I cannot by the widest stretch of the imagination conceive how it can be said that simply because we pass this measure, with every man in the Illinois National Guard not knowing whether he is going to be called out at all, he would immediately become subject to the Federal jurisdiction to the point where he could under no circumstances tender his resignation to the Governor of his respective State. I maintain that until the order is issued by the Commander in Chief he still has the same rights he has at the present time under the State laws and regulations with respect to resigning.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. CONNALLY. Under the present law a man does not have an absolute right to resign.

Mr. LUCAS. He has the right to tender his resignation to the Governor, and the Governor may either accept it or reject it.

Mr. CONNALLY. But an enlisted man cannot resign?

Mr. LUCAS. I am talking about the National Guard.

Mr. CONNALLY. Yes. If a man enlists for 3 years the Governor is under no obligation to accept his resignation.

Mr. LUCAS. I do not know what the practice has been in other States, I will say to the Senator from Texas, but the turn-over in the National Guard of Illinois annually has been around 20 or 25 percent. In other words, they have in no cases enforced the strict and rigid rules.

Mr. CONNALLY. The Governor may accept the resignation if he wants to, but there is no obligation on him to accept the resignation of an enlisted man who signs up for a period of 3 years or 5 years.

Mr. LUCAS. The Senator is correct. However, I am making the distinction between the statute of the State controlling resignations and the proposition under the pending measure.

Mr. THOMAS of Utah rose.

Mr. LUCAS. Does the Senator from Utah desire to ask a question?

Mr. THOMAS of Utah. I was going to make a few remarks in my own time.

Mr. LUCAS. I yield the floor.

Mr. THOMAS of Utah. Mr. President, I made the statement during the remarks of the Senator from Connecticut [Mr. DANAHER] that I favored his amendment with respect to resignation, and in spite of all that has been said, I still favor his amendment, and I hope it will be incorporated in the measure. I think that if we would all get the spirit of these measures as they have been planned, and understand how they actually would work, many of these misgivings and many of these questions would not arise.

For example, there are in the United States Army today about 15,000 officers. In the National Guard there are about a like number—14,000 or 15,000. In the Officers' Reserve Corps there are 120,000. That makes available, if all were to be called into the service of the United States, 149,000 commissioned officers.

Figuring on a basis of 20 men to an officer, if all the officers are called into service and we build all the components up on the ratio of 20 men to an officer, if we use all these officers we shall have an army of 2,900,000 men. Thinking of the training part of this measure, I am of the opinion that there will never be in training an army of that size, and there should not be. It is not necessary or proper.

We should also remember that among the approximately 120,000 Reserve officers, many have gained through age and through study, seniority standing. Many of them would not be available for training today. This holds true all the way down through the Reserves, the National Guard, and all connected with this contemplated call for training. If when we are thinking about this measure and the other one, we emphasize the word "selective," instead of the idea of "universal," we will catch the spirit of the measure.

The Army of the United States wants to do things in an orderly way. It is interesting to note that as soon as it was reported in the newspapers that the National Guard might be called into the Federal service for training, the Governors of the respective States became exercised for fear they might be left without military units within their States. They wanted provision made for the organization of a home guard, or something, to take the place of the National Guard.

If we reflect on the experiences we have actually heretofore had, we will realize that there is no necessity for this uncertainty. There is not going to be a turning of our whole country inside out, or the gathering together of great numbers of men. It all will be extremely orderly. If the selective service idea works, we shall find that its spirit will underlie every one of the actions contemplated by the Army, and that there will be no disorderly process.

For example, notice has been given of the branches and types of service that will be called on for training first. This does not contemplate the whole National Guard. It is the desire to train those components which are most needed, and which should be built up.

Let us confine ourselves for a minute to the National Guard and see what happens with respect to it. The National Guard organization, as I said the other day, is at best a skeleton organization, both as to officers and men—more so as to men than as to officers. The moment the guard becomes a part of the Army of the United States its status is changed. It will be built up. Its skeleton form will no longer exist. Today, in each of the units of the National Guard of the United States, which should carry 200 men under complete and full organization, probably there are not more than 60 or 70 men. Each unit is merely a skeleton.

Of those 60 or 70 men there always will be found in any National Guard organization which has been in existence for a number of years a number of unavailables; that is, men who would not be called for this sort of work but who have stayed in the guard out of loyalty to the organization. Some are in the guard because they like the training once a year. It gives them the best vacation they can get. They may be fathers of families, and under the selective draft theory they would not be available for this kind of training without great hardship. There are thousands of others who would want to be available for this training, and the selective-service law takes into consideration the fact that the guard will build itself greatly by getting men who want to be available.

We now come down to the way in which the amendment of the Senator from Connecticut will actually work—and that is why I support the amendment. The amendment will make it possible for the men who are uncertain and who are worried, to become very certain about their status. One hundred and twenty thousand Reserve officers will not be called into training. Yet each one is uncertain because of newspaper reports about this measure and about what is happening. Each one is making an inventory of his own affairs, and it is very much better for the Army which calls him that he should do so.

Senators may imagine that there will be a rush of resignations whenever the call for duty threatens; but most men who have had any military service at all or who have been connected with any military service long for the time of active duty; they welcome this call for a year's training, and they all want it if they can possibly get it. Others who are not subject to the call would also like it.

There will be no scarcity of officer material in the United States for this training. The training will be selective, and the man who goes will realize that he is being honored among his fellows. There will be no resignations in the face of duty; but the right to resign should be put into the law because of the temporary character of the training which is implied, so that adjustments may be made in an orderly way, and so that the man who makes adjustments will realize that he is doing what he is doing as a matter of right and because his rights are recognized by the Government of the United States.

If a great emergency should occur; if we should need the 149,000 men who are now on the list as officers; if we should need an army of 3,000,000 men, which would be required to absorb that officer personnel, then we should have an emergency indeed, and nobody would resign. Everyone knows that no one would resign. American citizens do not resign in the face of a call to duty, and no Reserve officer whom I have ever known would ever think of resigning in the face of a call to duty. No National Guard member who has ever been recognized by the Federal Government, who has ever received a commission, or has ever passed an examination and who understands what it means, would resign in the face of duty.

This training is selective. It is entirely a privilege, not an obligation, not a risk. It is entirely a privilege, and should be thought of as a privilege. The Army of the United States is extending something to the National Guard and to the Reserves which every American Army officer has desired to have since he had shoulder straps put upon him. Under those circumstances, if we understand the spirit of the thing, and if we remember that General Marshall himself said that the spirit of the selective draft idea would govern the actions of his Department, we can see that by this simple amendment we can remove many of the uncertainties in the minds of scores and scores of officers who want to have their own activities and their own welfare considered.

Mr. LUCAS. Mr. President, will the Senator yield for a question?

Mr. THOMAS of Utah. I am glad to yield.

Mr. LUCAS. The Senator is a member of the Military Affairs Committee; is he not?

Mr. THOMAS of Utah. I am.

Mr. LUCAS. Was this question discussed with General Marshall when he appeared before the committee?

Mr. THOMAS of Utah. The resignation question?

Mr. LUCAS. Yes.

Mr. THOMAS of Utah. Not that I know of. The resignation question probably had no place in our discussion. It is something which has been brought up on the floor.

Mr. LUCAS. Did the committee take up the question at all during the hearings, and discuss it with anyone?

Mr. THOMAS of Utah. Not while I was present. I think the chairman of the committee will bear me out in that statement.

Mr. SHEPPARD. The committee did not deal with the matter.

Mr. THOMAS of Utah. The amendment was offered on the floor. It has been considered only on the floor, and I am offering my remarks in what I think is harmony with the two great acts we have before us.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. AUSTIN. Let me ask the Senator whether or not he recalls what General Marshall, General Williams, and General Reckord had to say on the matter? I do not know whether or not General Marshall made such a statement, but certainly General Reckord and General Williams pointed out to the committee the policy of the Government to encourage resignations, stating that within the past month opportunity had been tendered to officers of the National Guard to hand in their resignations. I believe the same opportunity was extended to other components of the Reserve. I ask the Senator what his recollection is on that subject?

Mr. THOMAS of Utah. I am sure that they all expressed the same spirit which we have been discussing. Take the case of a man who is not an officer, and who earns $100 a month, and is the father of five or six children. Under the draft act his service would be deferred, but under the National Guard call there would be no opportunity for deferring his service. We asked General Marshall point blank if the spirit of the draft act would be used in calling the guard, and he said it certainly would be used. I know from actual practice that it would be. Let me add that these men all expressed the idea that the National Guard would welcome the call for a year's training and service. I think there is no doubt of it.

Mr. BARKLEY. Mr. President, will the Senator yield for a question?

Mr. THOMAS of Utah. I am glad to yield.

Mr. BARKLEY. Under the terms of the selective-draft bill as it is presented, and under any well-thought-out selective-draft system, any person who comes within certain categories may claim exemption.

He may waive the exemption, but the Government of the United States, or the agencies set up by the law, have some voice in determining whether or not the service of any individual shall be deferred, or whether or not he shall be exempted. However, the language of the amendment does not seem to give the Government of the United States, or even the Governor of a State, any voice in the matter. It gives the members of these components, for a period of 20 days, the right to resign. It might be interpreted as a command to the Governor of a State to accept the resignation of any member of the National Guard, regardless of his situation, and also a command to the President of the United States to accept the resignation of any Reserve officer. It seems to me, therefore, that there is a difference between a selective-service provision, in which the Government and its agencies are authorized to make some decision as to whether or not any individual is exempt or whether or not his service should be deferred, and the language of the amendment, which it seems to me gives him the unconditional right to resign. He may resign within 20 days, and the resignation must be accepted. Has the Senator given any thought to that difference?

Mr. THOMAS of Utah. No; I have not given any thought to it, but I have thought of a resignation following the ordinary course which resignations follow in the military branches.

Mr. BARKLEY. Anyone may resign anything, but the resignation does not always have to be accepted.

Mr. THOMAS of Utah. No.

Mr. BARKLEY. I think that the members of the National Guard who have not been called into service may still exercise their right to resign to the State Governor.

Mr. THOMAS of Utah. Certainly.

Mr. BARKLEY. Then, of course, it is up to the Governor or the State authorities under State law to determine whether or not the resignation shall be accepted.

Mr. THOMAS of Utah. Under the theory of resignation, I accept the principle of mutuality. The person who accepts the resignation must be desirous of accepting it.

Mr. BARKLEY. An amendment of this sort is not required to give any man in the National Guard the right to tender his resignation.

Mr. THOMAS of Utah. Certainly not.

Mr. BARKLEY. He may tender his resignation, but, it seems to me, that the language of the amendment gives him the right not merely to tender his resignation but to resign and have his resignation accepted.

I am not uneasy about any great exodus from the National Guard as the result of such an amendment as this, but I think I am correct in my theory that until the President exercises his authority to order any National Guard contingent into service or into training, the members of such contingent have the same rights which they now have.

Mr. THOMAS of Utah. I think so.

Mr. BARKLEY. I believe I am correct in that contention.

Mr. THOMAS of Utah. I think there is no doubt about it.

Mr. BARKLEY. Then I do not see any need for an amendment which might be regarded as an inducement to tender an earlier resignation, simply because there is a 20-day limit, whereas members of the National Guard may resign, subject to the refusal of the State authority to accept the resignation, at any time before they are called into the Federal service by order of the President.

Mr. THOMAS of Utah. I think that all the Senator says holds completely for the National Guard officers; but I doubt very much whether it holds completely for members of the Reserve.

Mr. BARKLEY. The resignation of a National Guard officer or private may be accepted only by the Governor of the State, whereas in the case of Reserve officers, who have been in the United States Army but who are now in the Reserve Corps, their resignations must be accepted by the President.

Mr. THOMAS of Utah. Yes.

Mr. BARKLEY. The only difference is in the person who must accept the resignation.

Mr. THOMAS of Utah. That is true; and it is because of the latter class that the amendment becomes rather essential, because we have 120,000 of such persons in varying circumstances. In addition, because the joint resolution is all-embracing, calling up all the Reserve components, it reaches even into the retired personnel of the Army.

The PRESIDING OFFICER. The time of the Senator from Utah on the amendment has expired.

Mr. THOMAS of Utah. I shall take time on the joint resolution.

The PRESIDING OFFICER. The Senator has 20 minutes on the joint resolution.

Mr. THOMAS of Utah. If we read carefully, we see that we are putting into the law a provision for doing something which has not ordinarily been done before. We are changing the status of the retired officers of the United States Army, not directly, but by implication, and we ought to be a little thoughtful about it.

Mr. President, I have said as much as I intended to say in support of the amendment of the Senator from Connecticut, but before I take my seat I should like to make a statement attempting to reinforce in a way, the remarks which have been made in regard to the committee amendment designated as section 3, and to show the reason why we adopted that amendment. In order that I may not merely

talk theory, but may turn to cases, I shall read this part of my remarks on the power of Congress to require private employers, whether or not engaged in interstate commerce, to reemploy men called from their employment under the proposed conscription statute.

The Constitution of the United States confers upon Congress the express power "to raise and support armies" (art. I, sec. 8, clause 12). This power is plenary and exclusive. Thus in *Tarble's case* (80 U. S. (13 Wall.) 408) the Supreme Court of the United States said, in refusing to enforce a writ of habeas corpus for the discharge of an enlisted soldier in the United States Army:

> Among the powers assigned to the National Government is the power "to raise and support armies," and the power "to provide for the Government and regulation of the land and naval forces." The execution of these powers falls within the lines of its duties; and its control over the subject is plenary and exclusive. It can determine without question from any State authority, how the armies shall be raised, whether by voluntary enlistment or forced draft, the age at which the soldier shall be received, and the period for which he shall be taken, the compensation he shall be allowed, and the service to which he shall be assigned.

And in *United States* v. *Williams* (302 U. S. 46) the Supreme Court stated:

> In virtue of its power to raise and support armies, to provide and maintain a Navy, and to make rules for the government of land and naval forces, the Congress may require military service of adults and minors alike. The power of the United States may be exerted to supersede parents' control and their right to have the services of minor sons who are wanted and fit for military service. And the Congress may * * * authorize them to enlist or draft them on such terms as it may deem expedient and just.

The Constitution likewise provides that Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers," including the power to raise and support armies (art. I, sec. 8, clause 18). In interpreting the scope of the implied powers granted under this clause, the Supreme Court said in the old case of *McCulloch* v. *Maryland* (17 U. S. 159, 206 (4 Wheat.) 316, 421):

> Let the end be legitimate, let it be within the scope of the Constitution, and all the means which are appropriate, which are plainly adequate to that end, and which are not prohibited but consist with the letter and spirit of the Constitution, are constitutional. (See also *Knox* v. *Lee* (19 U. S. (12 Wall.) 457, 533, 543).)

In *Ashwander* v. *Tennessee Valley Authority* (297 U. S. 288), which is a recent case, the Supreme Court held that Congress in the exercise of its national defense and commerce powers—and, incidentally we left out the words "in interstate commerce" in the draft of the joint resolution which is now before the Senate, despite the fact that those words were included originally—had authority to construct Wilson Dam on the Tennessee River for the production of electric power. The statute authorizing the construction of Wilson Dam was a part of the National Defense Act of June 3, 1916, before the United States entered the war. The Court stated:

> We take judicial notice of the international situation at the time the act of 1916—
>
> And we were not in war in 1916.
>
> was passed, and it cannot be successfully disputed that the Wilson Dam and its auxiliary plants are, and were intended to be, adapted to the purposes of national defense * * * the maintenance of said properties in operating condition and the assurance of an abundant supply of electrical energy in the event of war, constitute national defense assets.
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> * * * * * * *
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> The Wilson Dam and its power plant must be taken to have been constructed in the exercise of the constitutional functions of the Federal Government.

In *United States* v. *Gettysburg Electric R. Co.* (160 U. S. 668) the Supreme Court upheld the validity of acts of Congress authorizing condemnation of land for monuments, and so forth, on the battlefield of Gettysburg as germane and appropriate to the exercise of the power to declare war and to create and equip armies and navies. In this decision the Court declared:

> The Government has the constitutional power to condemn the land for the proposed use. It is, of course, not necessary that the power of condemnation for such purpose be expressly given by the Constitution. It results from the powers that are given, and it is implied because of its necessity, or because it is appropriate in exercising those powers. Congress has power to declare war and to create and equip armies and navies. It has the great power of taxation to be exercised for the common defense and general welfare. Having such powers, it has such other and implied ones as are necessary and appropriate for the purpose of carrying the powers expressly given into effect. Any act of Congress which plainly and directly tends to enhance the respect and love of the citizen for the institutions of his country and to quicken and strengthen his motives to defend them, and which is germane to and intimately connected with and appropriate to the exercise of some one or all of the powers granted by Congress, must be valid.

The question, then, is simply whether the requirement that private employers restore to their jobs men who have been called to military duty is properly calculated to aid in the raising and supporting of an army. Of this there can be no doubt. The knowledge upon the part of men drafted for the service that their jobs will be open upon completion of their military duty is without doubt a highly important factor in sustaining and improving morale during their period of service. Likewise the imposition of such a requirement upon employers would play a significant part in lessening economic maladjustments which inevitably accompany the conscription of an army. By reason of these considerations, as well as others of a similar nature, it is plain that a provision to assure the restoration of employment after military service is necessary and proper in exercise of the power to raise and support armies, and is therefore valid under the Constitution.

Mr. President, in drafting this part of the joint resolution it seemed necessary for us to do some studying, because we were going into an entirely new field. I think, therefore, in spite of all that has been said here, the question of the constitutionality of these provisions about guaranteeing the jobs of the men who are called into the service, that which I have said is definitely in order.

I think also, Mr. President, that it should be said that if the Congress of the United States were not interested in making secure the lives of citizens of the United States in every particular, even during time of emergency and during time of training for an emergency, the Congress would be thoughtless about the welfare of the citizens of the United States.

Mr. BARKLEY. Mr. President, I shall only take a few moments of the Senate's time to discuss the amendment of the Senator from Connecticut [Mr. DANAHER].

The pending joint resolution authorizes the President to call into service or order into service certain component parts of the Reserve Army of the United States, including the National Guard. Until the President orders them into service, it is my view that the status of these organizations is not changed; they are still organizations organized under the laws of the States, subject to certain laws which make them a part of the potential Army of the United States; that until and unless the President calls them into service or orders them out, there is no difference whatever in their relationship to the Government of the United States and to the respective States under which they are organized.

The language of the joint resolution provides that the President may call them from time to time. It contemplates that he does not have to call all of them at once. He may call the National Guard of my State in October or September; he may call the National Guard of Utah in January, or at any future date prior to the date fixed in the joint resolution, 1942. He may never call any of them; there may be some of them that will never be called, although I assume that they will all be called, though the President is not required to do it. Therefore, until and unless they have been ordered into the Federal service for training or for the purposes contemplated in the joint resolution, they are under the control of the State authority which authorizes their formation.

They may still resign. Their resignation must be accepted by the Governor, or it may be in some States by the adjutant general of the State, though I think in most of the States, if not all, it is in the hands of the Governor to decide. In determining whether to accept particular resignations, the

Governor has the right to take into consideration all the facts pertaining to the particular individual. The same thing is true of the Reserve officers of the United States, whose resignations may be sent to the President of the United States. He may or may not accept them. In my judgment, this amendment would grant within 20 days after the passage of the joint resolution a discharge to every man affected by it on his own motion or his own volition, because if they have the right to resign, and tender their resignation to the Governor or the President, as the case may be, the President still has the right to determine whether the circumstances justify the acceptance of the resignation. What object would there be in putting in this measure a provision for a 20-day period during which any man may resign? That means he may get out. The effect of it, it seems to me, is to grant by law, within the 20-day period, an absolute discharge to anybody on his own request.

Mr. THOMAS of Utah. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Utah?

Mr. BARKLEY. I yield.

Mr. THOMAS of Utah. Taking into consideration the condition of the Army, the Reserve, and the National Guard, the great numbers in those organizations, and the spirit behind what we did when we passed the Army promotion bill, would not the Army welcome such resignations?

Mr. BARKLEY. I am not certain about that. I do not know whether they would or not. It might depend on the character and number of them. I do not think the Army would welcome a situation in which they had no voice in determining whether or not a resignation should be accepted, and I think that is what this amendment does.

Mr. THOMAS of Utah. I do not know about the wording of the amendment; but, as I said to the Senator before, I assumed that the word "resignation" meant a sort of mutuality; that the officer to whom the resignation was handed would be in a position to advise, would be in a position to accept, or would be in a position to reject.

Mr. BARKLEY. The language of the amendment says:

> Any person now subject to the provisions of section 1 may resign

That does not mean simply to tender his resignation with the power of somebody to reject it. It means that he may resign as a matter of right; that is, he may get out within 20 days on his own application. That is the way I interpret the language. Certainly it is a rather strange situation that we are willing to say to anybody in the National Guard or in the Reserve Corps of the United States, "All you have to do within 20 days is to say you want to quit and get out, and you are out."

Mr. CONNALLY. Mr. President, is that the amendment of the Senator from Connecticut?

Mr. BARKLEY. That is the one I am talking about.

Mr. CONNALLY. That may be done at any time after this measure passes?

Mr. BARKLEY. Within 20 days he may resign. That is an unqualified right. He may resign.

Mr. CONNALLY. That is just going back to the volunteer system. We might as well not have any draft, then.

Mr. BARKLEY. That is true; that is the effect of it.

Mr. President, having said that, I do not wish to take any further time; but I wish to have read two paragraphs of a letter which I received this morning from Capt. Philip R. Ross, of the One Hundred and Thirty-eighth Field Artillery, Battery C, which is a part of the National Guard of the State of Kentucky, which, in my judgment, represents the attitude of the National Guard of my State and the State of the Senator who now happens to be presiding over the Senate (Mr. CHANDLER in the chair) with respect to this bill and the bill which is to come up later. In this connection I wish to state that my colleague, who is now presiding over the Senate, advises me that he has received a similar letter from Gen. Ellerbe Carter, who has had long experience with the National Guard of Kentucky, and has had wide experience in military affairs during most of his adult life.

The PRESIDING OFFICER. Without objection, the letter will be read.

The Chief Clerk read as follows:

BATTERY C, ONE HUNDRED AND
THIRTY-EIGHTH FIELD ARTILLERY,
JEFFERSON COUNTY ARMORY,
Louisville, Ky., July 30, 1940.

Hon. ALBEN W. BARKLEY,
Washington, D.C.

HONORABLE SIR: I hold a commission as captain in the Kentucky National Guard, commanding the organization shown on this letterhead. I have a pretty good job in civil life. But I want to state that I am in favor of the compulsory service bill and that I consider such a step necessary. I also favor induction of the National Guard into Federal service, because I know how badly we need intensive training. I respectfully urge you, as the senior Senator from Kentucky, to relay this letter to Senator CHANDLER and the several Representatives from Kentucky in the House.

While I cannot speak for my brother officers, I do know that the general opinion here is overwhelmingly in favor of both bills mentioned in the preceding paragraph. We feel that inasmuch as the Federal Government has invested thousands of dollars in us, and we have been accepting Federal pay during the years of peacetime duty, we may expect to be called into Federal service in times of emergency and will gladly respond.

* * * * * * *

Respectfully,

PHILIP R. ROSS,
Captain, One Hundred and Thirty-eighth Field Artillery.

Mr. CONNALLY. Mr. President, a little earlier in the day I had a colloquy with the Senator from Connecticut [Mr. DANAHER] with respect to the authority of the Congress to affect the jurisdiction of the inferior Federal courts. I call the attention of the Senator from Connecticut to the wartime Draft Act of 1917, section 5, in which is found the following language:

> *Provided*, That in the call of the docket—

This refers to proceedings in the Federal courts—

> precedence shall be given, in courts trying the same, to the trial of criminal proceedings under this act.

I cite that merely as a precedent showing that we have heretofore done what the Senator says we cannot now do.

QUESTION OF PERSONAL PRIVILEGE

Mr. HOLT. Mr. President, I rise to a question of personal privilege.

I ask any fair-minded individual to read the RECORD of yesterday and see if there was the slightest excuse for the malicious, uncalled-for, and untrue attack made by the Senator from Indiana.

I spoke about the group who were pushing the conscription bill. At no time was any reference made to the Senator from Indiana, but he seemed to feel that he desired to be included with those mentioned. I did not include him in the list. He included himself.

Furthermore, he did not answer the charges made, but immediately entered into a venomous attack upon my fine father, who cannot answer him because he is not now living. My father was an excellent man. He was a patriot. Gentlemen who disagreed with him respected him, and I emphasize the word "gentlemen." I leave it to the Senate if they would not have considered me an unworthy son of a great father if I did not rise to defend him when he was attacked and dead. Were my father living, he would have been able to answer the Senator from Indiana. Yes; even though he would have been 90 years of age, he probably would have met the Senator from Indiana personally, and would have answered him in the manner in which he should be answered. He knew no fear. My father recognized a coward when he saw one. He fought, but never hit below the belt.

My father, as I said yesterday, did oppose the entrance of the United States into the World War. He felt that we should not have been involved in that terrible conflict. He was honest enough to say so, and did it openly. My father's position has been upheld by time. He does not have to have the support of those who want to keep the war alive for their political gain. He would not want men to praise him who hoped to profit out of their war service. I hope my brother, who was also attacked and could not reply here, will personally answer the Senator as he should be answered when he comes to Washington. Let us see who will be brave.

I shall not discuss references to me. I am able to take care of myself. I shall not take the time of the Senate to answer the Senator from Indiana as I would like to do. However, my dead father has been cowardly attacked. I shall meet that challenge.

In passing, I ask the Senate to read the RECORD and note how the Senator from Kentucky [Mr. BARKLEY] sat silently during the attack on me by the Senator from Indiana. He did not invoke the rule; but when I rose to answer, immediately the Senator from Kentucky became incensed and tried to stop my reply. It was within the rule for the Senator from Indiana viciously to attack me and my family, according to the Senator, but a violation of the rule for me to reply. I do not care to dwell on that phase, however, except to call attention to the matter.

Let us see the statements of the Senator from Indiana.

The Senator from Indiana said—and I quote him:

He has told the Senate who was at this meeting where patriots met to consider defense measures for this country. I will tell the Senate who was not there. There were not any Holts there, because the Holt family does not teach that kind of doctrine.

No; the Holts do not teach that professional patriots should stay at home and reap millions out of war. Twenty-odd thousand millionaires were created in that war. My father protested against that. No; the Holts do not teach that free speech should be destroyed and that mob rule should be substituted. My father was attacked by such a group, most of whom apologized as time proved my father right. No; the Holts do not teach that men should be allowed to raid the Treasury under the name of patriotism. No; the Holts do not believe in boys being killed on the battlefield while favorites sit in swivel chairs in Washington, far removed from the scene of action. No; the Holts are not professional pay-roll patriots.

Then the Senator from Indiana made this statement, and I quote him:

When I was over in France in 1917 and 1918 the father of the Senator from West Virginia was preaching that people should not raise any food to send me and my comrades who were fighting for this country in France.

So said the Senator from Indiana. This is a malicious misstatement of fact. My father at no time took such a position, and not a scintilla of evidence can be presented to substantiate the charge. My father wanted to feed the soldiers. I have heard him say, "Nothing is too good for the soldiers who are fighting, but nothing is too bad for those who caused them to be sent to their slaughter needlessly." That was my father's position. He was for the soldiers, but against those who forced the soldiers to be killed in the war.

The Senator from Indiana also said:

The father of the Senator from West Virginia sent his son who was eligible for service to hide away in South America to avoid the draft.

What are the facts? My father never sent any son of his to South America to avoid the draft. I do not believe the son in question was ever in South America in his entire life, certainly not to my knowledge. He went to Mexico, but not to avoid the draft. Correspondence will prove that he was offered a position there in 1916; months before the draft was inaugurated. He was in Mexico before the Draft Act was passed, but returned to this country, and registered in that draft. He asked no exemptions. He did not wait until August of 1917 to get married. He served in the Construction Division of the United States Army.

For the CONGRESSIONAL RECORD, I read a statement received by my brother from Brigadier General Marshall who was then in the Construction Division of the United States Army:

WAR DEPARTMENT,
OFFICE OF CONSTRUCTION DIVISION OF ARMY,
Washington, D. C., November 15, 1919.

MATHEW S. HOLT, Jr.:

On your retirement today from service in Construction Division of the Army, I desire to express my appreciation of the creditable assistance rendered by you in helping win the war.

Let me continue with the letter from Brigadier General Marshall:

The spirit of loyalty, cooperation, and the intelligent effort which characterized your service in Construction Division is one of the instruments by which the successful prosecution of its great work has been made possible.

I congratulate you on the part you have taken in the Nation's record of accomplishment, and extend to you my cordial and sincere good wishes.

R. C. MARSHALL, Jr.,
Brigadier General, United States Army.

I doubt whether the Senator from Indiana can present such a letter, unless he writes it himself. This was a document sent to a man now charged with not being in the service. He asked no exemption before the draft board. He served up until November 15, 1919, a year after the war was over.

Later the Senator tried to slip into the RECORD this attack from the Clarksburg Exponent. I quote from the RECORD:

Holt of Weston spurns United States flag as Socialists cheer him.

The only possible truth back of that is that my father was a Socialist. He was a Socialist, and made no denial of it.

My father never spurned the flag. He has said many times that it is a tragedy when men take the flag and wrap themselves in that flag in order to cover up crime. He said it was a disgrace that the flag was used to make American boys sacrifice their lives to defend foreign investments. He said it was a disgrace when people refused to sing the entire Star-Spangled Banner, omitting the third verse, because they feared they would step on the feelings of England. My father loved the American flag, but he did object to its being misused. He believed it to be a symbol of liberty, meaning free speech and free press; of courage, meaning the sacrifices of his ancestors who had fought to make this land independent. I refer Members of the Senate to the CONGRESSIONAL RECORD, to the Holts and members of my family who have served in war.

My father believed in the flag being an emblem of honor, not of selfishness. My father believed in the flag as a symbol of right, not oppression. My father believed in the flag as belonging to all, not just to the professional patriots. My father despised professional patriots. He exposed those who served in the Army and used that service for selfish, personal, political gain afterwards. He said that he always noted that the soldiers who proclaimed to the world of their service in war were those who expected to be given special favors over their comrades. The record of the Senator from Indiana on this use of his service can be checked. My father felt men should serve because they believed in the cause, not in the hope of getting political positions as a result of such service. He never felt that a brave man fought in war hoping for the reward of a seat in the United States Senate.

Why was not the Senator from Indiana fair and honorable enough to put in the reply of the other Clarksburg paper to this untrue story in one Clarksburg paper? For the RECORD, I read it:

Dr. M. S. Holt, of Weston, who has been given considerable unenviable notoriety following a report that in a speech at a Socialists' meeting in St. Louis, he has denounced the United States flag and declared that he had sent his son to South America rather than let him fight for his country, has returned home. He denies in toto the remarks accredited to him and he has sent for stenographic reports of his speech to prove to his townsmen that he made no such remarks.

At the time the report became public here the Telegram gave it no credence, and because of that fact there were expressions here and there to the effect that the Telegram had turned Socialist.

Some newspapers seized upon the occasion of the report to wrap themselves in the American flag and make a mountain out of a molehill instead of heeding the advice of the head of the Government to keep down all possible internal ugliness of word and bad feeling.

So said the Clarksburg Telegram. The Senator from Indiana had that, but did not use it.

A stenographic report of that speech proves that my father did not make the statement attributed to him by the Exponent or by the Senator from Indiana. I recall

distinctly the incident, and recall my father procuring the stenographic report, which disproved what was charged.

But let us see the attitude of the paper quoted by the Senator from Indiana. He would naturally quote from a paper filled with such viciousness. I have here an editorial from that paper about my father:

> Any man who would utter such sentiments against the Nation that protects him when it is at war with a foreign foe should be strung up by the thumbs and attended to with a baseball bat.

So said the Exponent. Is not that Americanism? That was the type of democracy advocated by the Exponent in attacking my distinguished father.

Nazi-ism? Just think of this viciousness in America, and to think that the Senator from Indiana upholds it. The World War produced such hysteria where the freedom of men was attacked, where few men dared speak. The hysteria today is following the same pattern. For my expression of causes, I mean causes I believe to be right. The Senator from Indiana would advocate just such methods today in the name of democracy. The editorial referred to by the Senator from Indiana may be his gospel of Americanism. If some individuals have their way now we will find the same methods being advocated and pursued by those who follow such individuals as the Senator. I believe men have the right to express their views on national affairs. I may disagree with some of them, but I would not advocate beating or killing them by way of answer. Americanism still lives.

The Senator from Indiana read a letter purportedly written by my father. My family has no knowledge of this letter. I have no knowledge of it. Probably it is just as viciously untrue as the other statements of the Senator from Indiana.

My father was vindicated by the people of my home city. He was elected mayor thereafter. For 67 years he practiced as a physician there. No night was too dark for him to rise from his bed and minister to those who needed him. No distance was too long for him to travel if he could be of service. My father a slacker? Why, my friends, he never dodged a thing in his life, regardless of the obstacle. He lost many battles, but he fought. He never left a fight when right was at stake.

My father a slacker? Why, my friends, he would not know the word. He served without fear, expecting no favor. My father had more red blood in his little finger than some of those who attack him have in their bodies. He never misrepresented a dead man who could not reply. Let me read a tribute paid to my father by a citizen of my home city, by a man who disagreed with my father on the war, by a man who was active in all activities during that conflict. These are the words of Judge Robert Bland, a respected citizen of Weston, W. Va. He said about my father:

> He was a fighter. He was a soldier for any cause he espoused and he never backed anything that he did not believe in truly and honestly. I have known him to stand up and champion some view that he entertained and perhaps he was all alone but he fought and he fought like a soldier and never gave up. No man could say that Dr. Holt was a coward. He could stand criticism. He had the courage to stand up and maintain a position. There was a man who never hesitated, no matter under what circumstances, to stand up for those he deemed to be oppressed. He was a fighter and never, never quit. He was a fighter unto the end.

So said Judge Bland, who disagreed with my father about war, and about many things.

I may add—my father may be considered to have been a slacker in the eyes of a man who never knew him—a slacker in the eyes of a professional patriot, who wraps his service around him for a seat in the Senate—but he was a fighter in the eyes of a man who knew him well. My father may have been considered a slacker in the eyes of professional patriots, but he was a fighter in the eyes of a true American.

I am proud of my father, I want to say to the Senator from Indiana. I am proud of his courage and his patriotism and his honor. I am proud to be his son. Was he a slacker? No, he was a patriot. May the day never come when men attack my father's name that I shall not arise and defend him as he rests defenseless in his grave.

Mr. MINTON. Mr. President, I shall not violate the proprieties of the Senate. I know the rules of the Senate. They were enacted for a high purpose. I know that parliamentary language would not permit me to express my contempt for the Senator from West Virginia.

Mr. President, I suppose the Senator's father was a brave man. I have no doubt about it. I had no purpose to say that he was not. My sole purpose was to point out what his doctrine and teachings were, and to suggest that his doctrine and teachings were different from those which were inculcated in me. I have never said the Senator's father was a slacker. I said that his father did teach a slacker doctrine. I repeat it. I only wanted the country to know that when the Senator from West Virginia speaks, he is not speaking the kind of patriotism I have understood; he is not speaking the kind of patriotism I learned at my revered father's knee; and, without indulging in personal references, I dare say that my humble family has played its part as honorably and as well as has the family of the Senator from West Virginia.

My father was a "war baby" who never saw his soldier father who was killed in the Civil War. I learned the kind of patriotism at my father's knee—he is also dead—that taught me that when my country was in danger and needed men they should shoulder arms for their country; that it was my duty to do so; and in May 1917 I went, before there was a draft law.

The Senator referred sneeringly to my marrying in August of 1917, as if that was done in any way to keep me out of service. I had already registered, and I was in the Army when I registered. So the Senator cannot accuse me of using my marriage or anything else to avoid service.

I say I do not know about the doctrines preached by the Senator's father in West Virginia in the days of 1917 and 1918, except what was printed in the contemporary press of that time. It is somewhat late for the Senator to deny the statements which were published broadcast in the public press of that time. Mr. President, if the Senator's father did not make that speech in St. Louis, and he had a stenographic report of it, why did he not publish it in the Telegram that was so favorable to him in West Virginia?

The Senator from West Virginia says he does not know about the letter which I read into the RECORD yesterday; that the family does not know about it, and he denounces the Exponent for publication of the letter. But he praises the Telegram for its attitude toward his father. However, the letter I read into the RECORD yesterday was published in the Telegram, and it was reprinted in the Clarksburg Exponent on April 18, 1917. The letter was also published in the Clarksburg Telegram, and this is what it said:

> My son in the last week left America at his own volition and by desire of his mother. Why? He left to go to a country where they had peace. My son went to South America, started within the last week. He may go to Brazil, but I want him to go to a country that is at peace. I did not raise my boy for cannon fodder.

Mr. President, that was a publication in a newspaper of which the Senator approved. I do not know whether that is true, but it was published in those newspapers in those days, and there was no denial of it in any publication at that time. I am unwilling to accept the statement of the Senator from West Virginia that it is not true.

If his father did not make that speech in St. Louis and he had a stenographic copy to the contrary, why did he not publish it? There is no publication which contains that speech.

Mr. President, the Senator quoted from a fine judge in West Virginia about his father. I have no fault to find with that. I dare say his father was a brave man. It takes courage to stand up in times of stress and express your opinion, whatever it may be, especially if it is a minority opinion, and I dare say that Dr. Holt's opinion was a minority opinion. I received three telephone calls from West Virginia last night assuring me that it was and that those who called could furnish me with affidavits by the armful that the things I said were true.

The Senator quotes a fine judge in West Virginia as to what was thought about his father. I quote another fine

judge from West Virginia, who is now on the Supreme Court of West Virginia, as I understand, and that is Judge Haymond Maxwell. This is what he said:

I heartily commend my Weston friends for their emphatic denunciation of the disreputable and disloyal conduct and utterances of M. S. Holt.

Mr. President, the Senator said these documentary bits of evidence are all false. If they are false, that ought to have been made of record at the time they were published, and it is a little late now to expect me at least to accept the Senator's denial.

As I said before, I had no other purpose than to draw the distinction between the doctrine on which the Senator from West Virginia was raised and the doctrine to which I adhere. My father never wrote to the newspapers or made speeches to the Socialists saying that he did not raise his boy to be a soldier.

The Senator says his father was a Socialist. Such men are called Communists today.

Mr. President, it is simply because I do not believe in such doctrines but do believe in the doctrine of defending this country when it is in distress that I thought it was worth while to call attention to the fact that the doctrine of pariotism of the Senator from West Virginia does not jibe with mine.

I do not know whether or not his brother went away to avoid the draft. That is what everyone in West Virginia says. He did go away, according to Dr. Holt's letter, to avoid serving in the armed forces of his own country. He came back, and he went into service. I do not know what kind of service—perhaps construction engineering. That is all right. I shall not reflect upon him for that; but everybody in West Virginia with whom I have talked or from whom I have heard says he went away, as his father said he did, to avoid service in the armed forces of this country.

Mr. President, that is not my idea of patriotism. I understood it to be the doctrine of slackerism, and I said so. That is all I intended to say. I simply wanted to draw a distinction between the kind of patriotism upon which I was raised and the kind which the Senator from West Virginia embraces.

Mr. HOLT. Mr. President, I shall not take much of the time of the Senate. I do not need to do so. Anyone who heard the Senator from Indiana knows that his statement answers itself. I attacked no member of his family. I have too much courage to do that. I attacked no member of his family because I hope that I am a gentleman. I did not attack his father, his wife, or anyone else in his family. I wish I could say what I think of the Senator from Indiana, who speaks of my father being a slacker when he volunteered in the United States Army at 13 years of age. A slacker? Slacker doctrine?

The Senator from Indiana asks why I did not reply when the statement was made in the newspaper. I was 12 years of age at that time. My father did reply at that time, and the Exponent did not publish his reply.

The Senator says that he was called four times last night from West Virginia. I do not doubt it. We have some of that type of people in West Virginia. We have many, many fine people in West Virginia, and we also have a group which is very low. It is foreign to my knowledge. I do not know who called him, but no respectable citizen did.

The Senator says my father was a Socialist. He was an open socialist. He did not hide his socialism behind some political philosophy, as the Senator from Indiana tries to do. That is an insult to socialism. Oh, yes; my father was an open socialist. He advocated socialism in the name of socialism.

The Senator says that everyone in West Virginia with whom he had talked has said such things about my father. I do not doubt that. I know the class of people to whom he talked. He quoted Judge Maxwell. He did not tell the Senate that Judge Maxwell wrote that statement in the hysteria of the World War, and later apologized to my father near the State capitol in Charleston, in my presence. Among my father's letters, which I wish I had with me, will be found a written apology from Judge Maxwell for his statement. He said that he had written it in the hysteria of war, and that he was sorry for it.

One can find almost anything for which he looks. The Senator from Indiana may search the gutters of West Virginia—and we have them—and come out with many things which he cannot find elsewhere. Of course, the Senator from Indiana would naturally search there, feeling at home.

I wish to say nothing further in defense of my father. He needs no defense. The people of Weston who knew him have given him all the defense he needs. He did not preach the doctrine of slackerism, but he preached patriotism, not with the expectation of a seat in the United States Senate.

My father enlisted in the Army at 13 years of age. At no time in his political campaign did he wrap the flag around him in the hope people would send him to the United States Senate.

There are two different types of patriotism—professional patriotism and honest patriotism. My father was an honest patriot.

Mr. LEE. Mr. President, sometimes in the heat of anger people say things which they do not mean. In order to keep the RECORD straight, I wish to answer a charge which was made by implication yesterday. On page 9924 the Senator from West Virginia [Mr. HOLT] made the statement:

Mr. HOLT. Mr. President, I do not know what caused the Senator from Indiana to get in the spirit that he has gotten into. I notice he has been going back and forth out of that door.

On page 9939 the Senator from West Virginia said:

Mr. HOLT. I thank the Senator from Kentucky.
The Senator from Indiana is not in shape to be on the floor.

By inference this statement might raise a suspicion in somebody's mind. The Senator from Indiana asked the Senator from West Virginia what he meant by that statement, but the Senator from West Virginia did not explain. The inference, however, might cause some to think that the Senator from West Virginia had charged by inference that the Senator from Indiana was drinking. Therefore, for fear some might put that interpretation upon the statement of the Senator from West Virginia I wish to say that I was sitting by the Senator from Indiana talking with him and that there was no indication whatever that he had been drinking. In fact, I have served here with the Senator from Indiana for nearly 4 years, and I have never seen him with even the slightest evidence of liquor on his breath.

Statements of the kind made by the Senator from West Virginia in the heat of debate might result in an unfair interpretation if left unchallenged in the RECORD. Therefore, I make this statement in behalf of my good friend the Senator from Indiana [Mr. MINTON], whose conduct as a gentleman, whose statesmanlike service and whose patriotism cannot justly be challenged. I wish to make the RECORD clear on that point.

Mr. HOLT. Mr. President, I am glad the Senator from Oklahoma has become an expert on halitosis, and I urge him to join the Listerine Co. [Laughter.]

ACTIVE SERVICE OF NATIONAL GUARD, RESERVE, AND RETIRED PERSONNEL

The Senate resumed the consideration of the joint resolution (S. J. Res. 286) to strengthen the common defense and to authorize the President to order members and units of Reserve components and retired personnel of the Regular Army into active military service.

Mr. BARKLEY. Mr. President, yesterday the Senate adopted a unanimous-consent agreement that no Senator should speak more than once or longer than 20 minutes on the joint resolution or any amendment. I hope the unanimous-consent agreement will be observed by Senators, and if not, that it will be enforced by the Chair.

The PRESIDING OFFICER. The Chair is of the opinion that a Senator speaking on a question of personal privilege would automatically be entitled to speak for a longer time.

The question is on agreeing to the amendment offered by the Senator from Connecticut [Mr. DANAHER]. The Senator from Connecticut requests the yeas and nays.

The yeas and nays were ordered.

Mr. GEORGE. Mr. President, I shall support the amendment offered by the Senator from Connecticut, because as I understand the law—with all due apologies to the chairman of the Military Affairs Committee [Mr. SHEPPARD]—a National Guard man may not of his own volition retire from the National Guard after he has enlisted, and during his period of enlistment.

Mr. SHEPPARD. Mr. President, did the Senator understand me to make such a statement?

Mr. GEORGE. I did.

Mr. SHEPPARD. I did not make such a statement.

Mr. GEORGE. I so understood the Senator, and I think the Senate so understood him.

Mr. SHEPPARD. I did not intend to make any such statement.

Mr. GEORGE. I am very glad the Senator did not, because I think that question is the crux of the whole case. I did not mean any reflection whatever upon the Senator from Texas, for he knows that I greatly admire and love him, but I did understand him to say that a member of the National Guard might now voluntarily resign.

Mr. SHEPPARD. What I meant to say was that for good cause given he could resign or be discharged.

Mr. GEORGE. I am glad the Senator has said that, and that I think, Mr. President, is the whole case. I shall not speak so much about the other components of the Army that are brought in under the pending joint resolution. I am not so much concerned with them, although the same question, of course, arises with regard to all other members and units in all the Reserve components of the Army of the United States as that which arises in the case of the National Guard.

As a matter of fact, the National Guard man may enlist for 3 years; as a matter of fact, he cannot resign unless his resignation be accepted for cause, as the distinguished chairman of the committee now advises the Senate. As a matter of fact, he cannot quit the service; as a matter of fact, he has not any choice about it, even before the enactment of this joint resolution, if it shall be enacted, unless the reason for his action is submitted to the Governor of his State and the Governor approves the grounds upon which he asks for his discharge. Those grounds are well known. There may not be great rigidity in the office of the Governors of the several States in passing upon such applications, but the members of the National Guard have not the option to resign.

Mr. President, I think the members of the National Guard will not resign. I thoroughly agree with the distinguished Senator from Utah [Mr. THOMAS] in his very able and scholarly statement upon this subject today. Of course, the American soldier, the National Guard man, who is purely a volunteer and has all the elements of the volunteer soldier who has made American arms illustrious in our whole history, is not going to resign in the face of danger or in the face of a threat to the peace and security of his country. That is true. I do not think for a moment that the members of the National Guard will avail themselves of this opportunity to resign unless they have reasonable cause to resign.

But, Mr. President, if the Senate is mindful of the circumstances under which we are proceeding and of the very extraordinary step that we are now taking, it must know that members of the National Guard who went up to their respective county seats or to their State capitals and volunteered as guardsmen thought they were volunteering to defend their country. They never dreamed that, aside from a state of war which would be declared not by the Army's Chief of Staff, not by the General Staff, not by the President of the United States, but by the Congress of the United States for whom they were privileged to vote, they could be sent outside their respective States.

They became members of the National Guard upon that undoubted understanding of the law of the land; they became members of the National Guard with that unquestioned understanding; they became National Guard men because they wanted to protect the interests of their respective States.

We are all familiar with the fact that by a circuitous method the National Guard is now given the dual character of an organized State militia and of a national organization. I do not care to discuss that, but the National Guard in every State was organized, was continued, and the latest enlistments were made, upon the definite understanding and the law that they were members of a State militia. They might be called, it is true, into the service of the country in time of war, but who has the right to declare it? Only the Congress of the United States may rightfully declare it. But I warn this country now that we may become participants in a war without a declaration of war. The joint resolution now before the Senate provides, in express terms, that the National Guard may be called into active military service, not for training; the very suggestion that they are called for training is hypocrisy of the plainest character and type. They are to be called for active military service. Is there a Member of the Senate who does not recall that in the days of President Polk the Army of the United States was sent outside the United States, clearly beyond the boundaries of Texas, and in a position of advanced danger? When that Army was assailed, the cry arose all over the Nation, "We are, for all intents and purposes, in war; we must defend ourselves." Then it was that a statesman stood on the floor of the Senate, John C. Calhoun, of South Carolina, and in a memorable speech, then unassailed and yet unassailable, declared that if we must make war upon Mexico it was not necessary that we make war upon the American Constitution in the same breath.

The pending joint resolution provides that the National Guard, enrolled for the enforcement primarily of the law and for the preservation of the peace within the States, with no thought that it would be called as a part of the armed forces of the United States save in war, may now be sent—where, Mr. President? Under the plain language of the measure, to any part of the Western Hemisphere but not outside the Western Hemisphere—God save the mark! Not outside the Western Hemisphere? It may be sent to the possessions of the United States and to the Philippine Islands in the very doorway of a conflagration which has arisen in the east. Can we not give them the opportunity to step out of the guard if they want to? That is all the pending amendment provides. It does not leave it optional to any Governor, and I am happy that it does not do so. It does not leave it optional to any Governor who may be under great obligations to Washington.

The hour has come when men should speak plainly. The amendment leaves it to the discretion of nobody; the amendment is perfectly plain; and Senators should want to go on record; they should want to face the issue. It is a plain amendment. It provides that the members of the National Guard and other Reserve components of the Army may not be called into the Federal service under existing law save in war; and by that is meant a declared war by the Congress of the United States.

Senators will remember that there was another occasion when the armed forces of this Nation, under a great man who loved peace—though he finally led the country, or else the country led him, into the Great War—were sent into a Mexican port, where the lurid flame of American cannon was seen. But the great President Woodrow Wilson lost no time in asking for a ratification of the things he had done in sending the armed forces into the Mexican port, and the Congress ratified his action.

What are we asked to do? We are asked to lift the National Guard of our States into the Army of the United States—for training? No; for active service anywhere in the Western Hemisphere, in Mexico, in Brazil, in the Argentine, anywhere in the Western Hemisphere, in Canada, any-

where, and anywhere outside of the Western Hemisphere if it is still within the territory of the United States.

What does a party declaration mean when it says "We are against war; we will not send American men to fight in the battles of any other nation beyond the seas," when here, before the ink is dry upon that platform, we are asked to send the guard, without opportunity of its members to give assent—men who have enlisted in their local communities largely for the protection of local interests, the old idea of the militia—into the Army of the United States, and anywhere in the Western Hemisphere?

Senators may vote for such a measure if they wish to, but they will answer questions when they go home. All America has not lost its common sense. Men and women in humble walks of life still have some sanity left. They will ask questions that we cannot answer if we vote against this amendment. All this amendment does is to say, "Now, since we are doing this extraordinary thing, you have a right to resign if you wish to do so, and neither your Government nor anybody else can prevent you from offering your resignation." The President of the United States cannot say to the man who has an honorable record of service and has been retired that he shall be brought back into the active service, even in peacetime, if this amendment becomes a part of the joint resolution. It is a very simple proposition. Why should we not adopt it?

You and I know that there are many men in the National Guard, there are many men in the Reserves, there are many men in all the component units who are uncertain about the course they should pursue even in their personal and their business relationships. They do not know. If we pass this measure as it stands, they have no option of making it final and settling it. They may be called; they may not be called. As the distinguished Senator from Utah [Mr. THOMAS] has so ably pointed out, they must sit there; they must wait there. They cannot arrange their personal affairs; they cannot outline their business program and follow it up consistently. "We do not know whether or not we will be called. If we were certain we would be called, we would be glad to serve, but we may not be called." When it is positively certain that not all of them will be called, not half of them will be called, I dare say not 10 percent of them will be called, why not say to them, "If you want to settle that uncertainty, you may do so. You came into the service under other conditions. You are not obligated to remain in the service when conditions have so vastly changed. There is no reflection upon you if you want to make certain your course, your business relationships; if you want to act intelligently in laying out your farm for another year, or in following and pursuing your ordinary vocation for another year." Why not say to them, "You may step out of this organization if you want to do so"?

Not many of them will do it, but those who are under an imperative necessity probably will. At least, it will give all of them the opportunity, and those who remain will occupy the status of volunteers: They will occupy the position that the American soldier always wants to occupy, a position he himself has chosen and taken in obedience to the demands or the necessities or the needs of his country, not under a measure like this.

Mr. President, that is all this amendment is. It simply takes the situation as it exists, and offers to those who are now in the National Guard—or in other components of the Army—the opportunity within 20 days of saying to the Government, "I elect to resign from this organization." If they are within the draft age, and we subsequently pass a draft act, they will be caught, anyway; but that is not the consideration which will appeal to them. They will not resign unless there is a reason for resigning; but if there is a reason for resigning the Senate ought to be willing to say, "You may do it without the slightest stain or reflection upon your character, without the slightest question regarding your patriotism and your desire to serve your country."

Mr. President, it seems to me that this simple amendment assumes a tremendous degree of importance when it is considered that Congress is now doing almost blindly the most extraordinary thing that was ever seriously contemplated in the whole history of this Nation; to wit, covering the militia, the home guard, the State forces, into the National Army, not for the purpose of training—I have heard that statement made so often that I can hardly respectfully repeat it—but for the purpose of making them a part of the national-defense forces and sending them anywhere, so long as they are kept in the Western Hemisphere or in the possessions of the United States or in the Philippine Islands, sending them into a position of advanced danger. Who cares? Is it your responsibility as a Member of the Congress, or is it General Marshall's responsibility as the Chief of Staff? Is it your responsibility and mine as Members of the Senate, or is it the responsibility of some officer of the United States Army, or of the executive branch of the Government, if you please? Their duties are different. They are not similar to ours. The Congress of the United States, and the Congress alone, has the power to declare war, has the power to do this extraordinary thing, has the power to create a condition from which there can be no retreat, and from which we must steadily advance to war as America advanced to war during the Presidency of Polk, when American soldiers were sent outside of the United States.

The strange doctrine has arisen in this country that we must send our soldiers outside to take up a defensive position for the United States. Mr. President, there is no logic or reason in that position.

The PRESIDING OFFICER. The time of the Senator from Georgia on the amendment has expired.

Mr. GEORGE. I will take just a minute or so on the joint resolution.

I do not care who lays down the premise that we must advance to some point outside of the United States to take up a defensive position for this Nation. I know the military experts may say that the best defense is an offense, and that if we go out soon enough to stop the other fellow he cannot ever get to us. That is the doctrine of militarism, that is the doctrine of tyranny, that is the doctrine of dictatorships. That is not the doctrine of democracy; it is not now, it never has been.

The doctrine of a free people is that we will defend our own land against invasion; that we will listen to the siren voice and song of no military leadership which tells us that the best way to defend our country is to go over on the Rhine, or to take up a defensive position just outside of London, or anywhere else in the British Empire. That is the doctrine of militarism. That is not the doctrine of a free people. That is not the basis on which we have acted.

When those who framed the American Constitution talked about the militia to be used to enforce the laws of the Nation, to repel invasion, to suppress insurrection, they meant invasion of America. Once commit yourselves to the doctrine that you will meet the invader somewhere outside of the Nation and you have subscribed to the doctrine that you will meet the invader anywhere, anywhere the Army may lead or anywhere some ambitious man in power may choose to draw the battle line. That is not the doctrine of America. That is not the doctrine of a free people.

Mr. President, we have a free Constitution. It is written in the simplest language possible. It is written in understandable language. It is as plain as the nose upon the face of the average man, and anyone can follow it if he desires. The Constitution was written for a free people, was written to preserve the liberties of the individual, was written to protect us against the insidious wiles which spring out of the doctrines which always have been invoked by arbitrary governments, of whatever form. They have proceeded to interpret the character of a free people by invoking the doctrine of those enslaved to arbitrary government. Every member of the guard enlisted, if not with an actual knowledge which he could defend in a town meeting, at least with a consciousness in his American soul that he was enlisting primarily and exclusively for the defense of his home, his State, unless his

country—that is to say, his Congress, for whom he is yet privileged to vote—should declare that a state of war existed between our Nation and some other nation and the President should call him into the military service of the Nation.

I do not in the slightest reflect on the patriotism of a single member of the National Guard, from Maine to Florida, from the Atlantic to the Pacific, but hundreds and thousands of them, as a solemn duty to home and to children and to wives, may properly exercise that right and that privilege, and I want to give it to them without making them the obedient servants of the Governor of some State who may say, "I am surprised that you have handed me your resignation. You should withdraw it. You should apologize for ever having thought of resigning."

The whole purport of the amendment is that those who have come into service under the conditions which I have enumerated may voluntarily, if they wish, exercise their privilege of resigning within 20 days, and no one can say nay to them. I do not see why the Senate should not be willing to vote to that end.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut [Mr. DANAHER]. On that amendment the "yeas" and "nays" have been ordered.

Mr. ADAMS. Mr. President, the major premise of the argument of the Senator from Georgia [Mr. GEORGE] is entirely in accord with my views, but I do not reach the same conclusion. The reserve forces of the United States and the National Guard were established for the purpose of providing protection to the United States and to the States, under the conditions provided in the Constitution. If we are to permit the members of the guard and the members of the Reserve to resign whenever there is a threat to call them out, we are leaning upon a very weak support.

The argument for the amendment is that the Senate of the United States and the Congress propose to disregard the Constitution and call out the militia and the Reserves under conditions which are not authorized by the Constitution. It seems to me that the thing for the Senate to do is to comply with the Constitution, and not be forced to say to the members of the guard or the Reserve, "We are going to exact of you a service which you did not contemplate when you entered the service." It seems to me we should not pass a measure which goes beyond the Constitution. Then there would be no occasion to say to the members of the guard, "You are going to be called out into a service you did not contemplate; therefore we will permit you to withdraw from the service." We would put a member of the guard in an embarrassing position if we were to say to him, "You can resign if you do not want to go." He has a perfect moral right to resign, but he will not resign, and we are doing an injustice to the members of the guard if we trespass upon the contract which they have made.

The Constitution of the United States very plainly provides the circumstances and conditions under which the members of the guard may be called into service. They may be called into service by the Congress to execute the laws of the Union, to suppress insurrection, or to repel invasion. Under the proposed law we are not planning to call them out to enforce the laws, to suppress insurrection, or to repel invasion. As was pointed out by the able Senator from Georgia, we are seeking to call the guard to the colors for foreign service. We propose to say to them, "You shall become a part of the Army of the United States, subject to the direction and control of the Commander in Chief. If he sees fit to send you to Jamaica, an English colony, he can do so. If he wishes to send you to Martinique, a French colony, he may do so. If he wishes to send you to Patagonia, he may do so." And that is based upon what? Upon the uncertain term "Western Hemisphere."

A distinguished Senator stated yesterday that I was a purist because of my attempt to hold the term hemisphere to what it plainly means, one-half of the globe. That is what hemisphere means, and Western Hemisphere means the western half, from wherever one may begin. I say that once we take 180 degrees from any point, we take half the globe. If it is desired to include Iceland, as some do, a part of Africa is included, and New Zealand and thousands of islands in the South Seas, as well as a part of Siberia. To any of those places, under this measure as it stands, the National Guard can be sent.

There is at the desk an amendment, which I expect to call up following action on the pending amendment, which will restrict the use of the American Reserves to the continental United States and its possessions and territories. I do not believe that the Congress wishes to abdicate the power vested in it to make and declare war. If we vest in the Commander in Chief of the Armies of the United States the power to send the armed forces of the United States into foreign territory, we are vesting in him the power to declare war—nothing less than that. If the armed forces are sent into foreign territory, that is the equivalent of war, either for or against the country into whose territory they are sent.

It seems to me that the Congress should retain its authority, and consequently, largely because of the reasons presented by the Senator from Georgia as to the unconstitutional character of the authority sought to be granted, I am unwilling to assume that the Congress will exact of the soldier an obligation which he did not undertake.

Mr. SHEPPARD. Mr. President, I wish to say that the Senator from Georgia has made a very novel argument. He tells us in effect that he realizes the amendment will be a dead letter—that in all probability no National Guardsman will resign. Yet as an expression of disgust with this resolution he wants us to adopt the amendment. At least that is the way his argument impresses me.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. SHEPPARD. I yield.

Mr. BARKLEY. It ought to be stated and understood that the amendment offered by the Senator from Connecticut does not simply apply to members of the National Guard. It applies to every Reserve officer in the United States. It applies to every boy who has graduated at Kelly Field, in Texas, in the Air Corps, and who is now on the Reserve. Under this amendment he can resign in 20 days, and the President is obliged to accept his resignation. As I said awhile ago, the amendment will compel a discharge to be granted within 20 days to everyone who wants it in the National Guard and the Reserve Corps or any of the branches of our military service.

Mr. SHEPPARD. That is very true, Mr. President.

Mr. HILL. Mr. President, will the Senator yield?

Mr. SHEPPARD. I yield.

Mr. HILL. Of course, it would defeat or make possible the defeat of the purpose the Congress has had in mind ever since 1920, in line with which it has appropriated millions and hundreds of millions of dollars to train and prepare and to equip the National Guard, and to train and prepare the officers of the Reserve. Is that not true?

Mr. SHEPPARD. It is.

Mr. HILL. The very reason for spending millions of dollars to develop the Officers' Reserve Corps, is that these men may be available to the country if the country needs their service. Is that not true?

Mr. SHEPPARD. Quite true. Let no Senator imagine for a moment that we are attempting to deal with the militia of the States as such. We are dealing with bodies of militia who are made members of the Army of the United States by law of Congress.

Mr. HILL. Mr. President, will the Senator yield?

Mr. SHEPPARD. I yield.

Mr. HILL. I wanted to bring out this point for the information of the Senate, that there will not be one single man subject to order under this measure, who has not taken a separate oath, an oath separate from any oath that he has taken as a member of the National Guard of a State, this separate oath being an oath of allegiance and loyalty to the Federal Government, recognizing that he is subject to call for service by the Federal Government.

Mr. SHEPPARD. The Senator is correct, Mr. President. And the President of the United States, in his message requesting this proposed legislation, said:

The National Guard of the United States, an integral and vital part of the Army, comprises a body of men who have voluntarily assumed an obligation to serve the Nation in any crisis.

I wish to read a law enacted by Congress in June 1916:

The Militia of the United States—

Permit me to interject that this law creates the Militia of the United States—

The Militia of the United States shall consist of all able-bodied male citizens of the United States and all other able-bodied males who have or shall have declared their intention to become citizens of the United States, who shall be more than 18 years of age and, except as hereinafter provided, not more than 45 years of age, and said militia shall be divided into three classes, the National Guard, the Naval Militia, and the Unorganized Militia.

Since that time the clause "the naval militia" has been stricken.

Then, Mr. President, in another section of that National Defense Act of 1916 it is provided:

That the Army of the United States shall consist of the Regular Army, the National Guard of the United States, the National Guard while in the service of the United States, the Officers' Reserve Corps, the Organized Reserves, and the Enlisted Reserve Corps.

Thus the National Guard is made a vital part of the Army of the United States and is subject to the same duties and responsibilities as the Regular Army of the United States, and the National Guard man welcomes that conception of the law. The National Guard man wants no limitation placed upon his services. He wants to stand by the side of the soldier in the Regular Army on a basis of equality and respond to any call of duty that may be imposed upon the soldier of the Regular Army.

Again, Mr. President, the authority in clause 15, article 8, of the Constitution, to provide for calling forth the militia to execute the laws of the United States, suppress insurrections and repel invasions is not the only authority in connection with this matter in the Constitution. In the next clause, clause 16, article 8, of the Constitution, Congress is given power—

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers—

And so forth. Every National Guard man who takes the oath takes it with the understanding that he is a part of the Regular Army and subject to the same obligations that may be imposed upon the Regular Army.

Mr. REYNOLDS. Mr. President, I ask particularly the attention of the Senator from Connecticut [Mr. DANAHER], whose amendment is under discussion. I understand that the senior Senator from Colorado [Mr. ADAMS] is shortly to offer an amendment to the pending measure, under the terms of which National Guard men may be sent only to the islands in the Caribbean and to our own Territories and insular possessions. If the amendment which the Senator from Colorado expects to offer were to be accepted, would not the Senator from Connecticut consider withdrawing his amendment?

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield.

Mr. DANAHER. If I understand the Senator from North Carolina to be propounding a question, certainly the answer to it is "No."

Mr. REYNOLDS. I thought, perhaps, in view of the fact that the amendment to be offered by the Senator from Colorado would permit, under the measure, authority only to the extent of sending National Guard men to our Territories and insular possessions——

Mr. DANAHER. Will the Senator from North Carolina yield further?

Mr. REYNOLDS. Certainly.

Mr. DANAHER. There is a question of principle involved, let me say to the Senator from North Carolina, and if the Senator will refer to page 1 of the measure he will discover in line 9 that those who constitute the component Reserves are to be called out with or without their consent, when it was the understanding at the time they enlisted or accepted assignment under existing law that they were not to be called out unless the Congress of the United States declared an emergency to exist.

If the Senator from North Carolina will examine the act of June 4, 1920, he will find that—

The President is hereby authorized to order annually, with their consent, the officers of the Reserve Corps into annual training.

He will find with reference to the National Guard that the act provides specifically that, with their consent, the National Guard officers may be ordered into training. But in this case not only are these officers not being ordered into training at all but they are being ordered against their consent into the active military service of the United States, as the Senator from Colorado has pointed out, anywhere from Tierra del Fuego to the North Pole.

Mr. REYNOLDS. I thought that perhaps the Senator likewise was taking into consideration the fact that many, no doubt, would object to being sent outside our Territories and our insular possessions.

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield.

Mr. ADAMS. I wish to ask the judgment of the Senator as to whether or not the amendment which I propose to present ought to be offered in its logical order ahead of the amendment of the Senator from Connecticut. The Senator from Connecticut has two major objections, one of which, the extraterritorial use of our troops, would be covered by my amendment. The other is the authorization to call out the troops when there is no insurrection or invasion. If the Senate, in its august wisdom, should decline to limit the calling out of troops as provided by my amendment, I should vote for the Senator's amendment; but I cannot vote for it in the uncertainty as to what the Senate may do.

Mr. REYNOLDS. I wonder if the Senator from Connecticut will consider deferring consideration of his amendment until after we have passed upon the amendment which is to be offered by the senior Senator from Colorado.

Mr. DANAHER. I will say to the Senator from North Carolina that at this time I will not agree to defer the position of the pending amendment. Had this particular request been propounded 24 hours ago, I most certainly would have been glad to yield its position. The fact remains that if the view of the Senator from Colorado, as advanced by him in his previous arguments, should prevail, as a matter of conviction and principle he necessarily would vote against the bill whether or not his amendment should prevail. That is not the point at issue with me. I feel that the pending amendment has been so thoroughly argued in its present order that it should not be displaced.

Mr. REYNOLDS. Mr. President, I am entirely in favor of sending men out of this country; I am 100 percent in favor of sending men to foreign lands; I insist that we send men from this country to foreign countries; but the men of whom I speak are aliens who are now here. [Manifestations of applause in the galleries.]

The PRESIDING OFFICER (Mr. MEAD in the chair). The Chair admonishes the occupants of the galleries that the rules of the Senate forbid demonstrations on their part. Such demonstrations are a violation of the rules of the Senate and may cause the Chair to order the galleries to be cleared. The Chair asks the occupants of the galleries, as guests of the Senate, to remain in order.

The Senator from North Carolina may proceed.

Mr. REYNOLDS. Mr. President, I have in mind particularly one Harry Bridges. We are spending money hand over fist. We have authorized and appropriated approximately $18,000,000,000. We are contemplating conscripting 2,000,000 men for the purpose of preparing to resist Hitler or anyone else who might have the nerve to come over here and attempt to lick us. We have billions of dollars to spend.

However, Mr. President, the appalling thing to me is that with all our wealth and all our money we cannot lick one man. That one man is Harry Bridges. He has licked us. I am ashamed to make that statement to the American people, but, unfortunately, it is true. He is one of the worst enemies this Government ever had. The American people, led by the American Legion, the Veterans of Foreign Wars, and other organizations, have been trying for years to get rid of that enemy within our midst; but despite the influence of the American Legion, the Veterans of Foreign Wars, the Disabled Veterans of the World War, and every other patriotic organization in the country, and despite our wealth, Harry Bridges has licked us. He is still here. However, the American people are insisting that he get out.

In that connection, I think that the enemies within are much more imminently dangerous and destructive than the enemies without, in fear of whom we have authorized and appropriated billions of dollars. We are daily talking about Hitler coming over here. Who is afraid of Hitler? None of us is. It is true that some persons are afraid of him, which circumstance is attributable to the fact that the American people are hysterical; but I repeat that if Hitler cannot get across the little ditch between the British Isles and continental Europe, he would have a hell of a time crossing 3,000 miles of ocean and coming over here. All we hear about is preparation against somebody who may attack us. We never hear anything about the enemy who is already here, who is raising hell with the foundations of this Government, who is organizing against us, and who eventually will destroy us—and it will not be long.

I shall endeavor to concentrate all my thoughts and most of my time, as I have for the past 8 years in this body, on the destruction of the enemies of our Government who are here. I shall not waste my time and utilize my energy in hating the people of other parts of the world, because they do not care whether we hate them or not.

I think it is time for us to begin to think about the United States. I think it is time for us to begin to think about the 130,000,000 or 135,000,000 people in this country—our friends, our neighbors, American citizens—and let the other people of the world take care of themselves. We hate every nation upon the face of the earth except Great Britain, and Great Britain hates us, so we are in a pretty bad way.

Mr. President, the American people have reached the point where they are demanding that we give some time and attention to them. I am sorry to say that things have reached the point that if a man says something or tries to do something in behalf of his own people and his own country, many persons say that he is pro-Hitler, pro-Japanese, or pro something else. A man cannot be pro-American and be anything else. Things have reached the point that if a preacher rises in his pulpit and sheds tears and prays to God above that we take care of our own little orphans and feed our own starving little children in the United States, some "pro" fellow will say, "That fool evidently does not want us to bring over here all the children from England, Ireland, Scotland, Belgium, and other places."

Mr. President, I wish that my words could reach the ears of every person in America. I wish to say that first I am for the starving children in my State of North Carolina and in the other States of the Union. My sympathies are first with the orphans in my State—and there are thousands of them—for whom we are seeking homes. My heart beats first for the orphans, the unfortunate little boys and girls in every State in the Union whose fathers and mothers are dead. My sympathies are with them first. My sympathies are first with the American people; and, so far as I am concerned, I shall devote all my thought, time, attention, and energy to the interests of the 133,000,000 people in the United States. After we shall have provided for our own orphans and our own homeless, hungry, and starving children; after we shall have provided jobs for our own unemployed; and after we shall have put our own house in order, then those who care to do so may devote their time and attention to the interests of the people of other parts of the world.

Mr. President, the American Legion is interested in getting rid of Harry Bridges, one of millions of aliens in this country.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. CONNALLY in the chair). Does the Senator from North Carolina yield to the Senator from Utah?

Mr. REYNOLDS. I am glad to yield.

Mr. KING. First, let me say to the Senator that I think upon reflection he may desire to modify one of the observations which he made a moment ago, and I hope he will forgive me for making the suggestion. I do not believe that the American people hate all the nations of the world. I do not think the American people, by and large, hate any nation. We may feel a great amount of exasperation and anger at some of the tyrants and ruthless dictators in other lands; but, speaking generally, I think the American people are sufficiently animated by the spirit of Christianity to love the world, although regretting evils which exist. The American people regret tyranny wherever it exists, but they do not feel any hatred. I know that we do not have any hatred for Holland, Belgium, Denmark, and other democratic nations, or for China, which is today under the iron heel of a despotic nation. Twenty million Chinese have been killed; 50,000,000 have lost their homes. We feel profound sympathy for them and for the distressed and oppressed generally.

Mr. REYNOLDS. That is true. We feel profound sympathy for everybody on God's earth except the people here in the United States.

Mr. KING. I do not agree with the Senator as to that.

Mr. REYNOLDS. And I cannot agree with the Senator. I say that we are devoting our time and attention to the people of the world while we ought to be thinking about the people of the United States. We are all upset about children all over the world, while in our own country there are orphans, poverty, hunger, and unemployed. I say we ought to devote our time and energies and concentrate them upon conditions here at home.

Mr. KING. Mr. President, will the Senator yield?

Mr. REYNOLDS. Certainly.

Mr. KING. I do not think the American people need any defense. I think the most chivalrous, charitable people in the world are the American people.

Mr. REYNOLDS. I do, too, but I want charity to begin at home.

Mr. KING. I think charity is beginning at home. We are spending, perhaps not enough, but millions and tens of millions of dollars annually for the amelioration of the condition of the American people. Perhaps we should spend more, but I am sure that the many charitable organizations in the State of North Carolina and in all the other States call for admiration and commendation. I know—and I speak, I think, for millions of American people—that they are sympathetic with the downtrodden and oppressed. They are sympathetic with those who are underprivileged in the United States.

Mr. REYNOLDS. But we ought to put our sympathies into action.

The PRESIDING OFFICER. The time of the Senator from North Carolina on the amendment has expired.

Mr. REYNOLDS. I will take time on the joint resolution.

Mr. KING. I hope the Senator will pardon me.

Mr. REYNOLDS. Certainly; I am very much obliged to the Senator for his statement.

The PRESIDING OFFICER. Does the Senator from North Carolina yield further to the Senator from Utah?

Mr. REYNOLDS. I yield, if the Senator from Utah so desires.

Mr. KING. I do want to defend the American people from any imputation that they entertain hatred for other nations or other peoples.

Mr. REYNOLDS. When the Senator rose I thought he was going to talk about Harry Bridges, because I know the Senator is chairman of the subcommittee that has been designated to consider the bill passed by the other House.

Mr. KING. I thought the Senator would not object to my calling attention to one of his observations which I thought was too sweeping.

Mr. REYNOLDS. Not at all; I am grateful to the Senator.

Mr. KING. Now let me say to the Senator that the committee, of which I am only a member, intends to meet this afternoon to make such disposition as the committee feels proper of the so-called Harry Bridges case. It would have met this morning but for the fact that one Senator was compelled to be in another committee. Upon a number of previous occasions efforts have been made to have a committee meeting, but prior engagements of members of the committee prevented.

Mr. REYNOLDS. I am extremely glad to learn that at last we are going to get some action on that case. I know, as a matter of fact, the Senator has inconvenienced himself to come back here from Utah, where he is engaged in a campaign, to look after this, with other important governmental matters, and I am sure the people of his State and the people of the Nation appreciate his action; at least, I hope they do.

I desire to take a little time about this very important matter. I have before me a letter from Col. John Thomas Taylor, director, national legislative committee of the American Legion. I have conferred with Colonel Taylor innumerable times in regard to the all-important matter of deporting this alien enemy, Bridges. A day or two ago I received from him a letter. It is dated Washington, D. C., July 30, sent to me by special delivery, and reads:

THE AMERICAN LEGION,
NATIONAL LEGISLATIVE COMMITTEE,
Washington, D. C., July 30, 1940.

Hon. ROBERT REYNOLDS,
United States Senate, Washington, D. C.

DEAR BOB: I am forwarding to you herewith pages clipped from The Saturday Evening Post, issue of July 27, 1940, which carry an article entitled "Madame Secretary," by Benjamin Stolberg, a writer on labor subjects. This article is particularly interesting in a number of phases, and especially that part under the subhead "The Bridges Case." It seems to me this material ought to be very helpful in getting the Bridges bill reported to the Senate.

For instance, Stolberg makes the statement that Bridges' denial that Bridges is a Communist "is a piece of incredible gall." Could not Stolberg be called as a witness by the Senate committee or subcommittee to give whatever information he has on this subject?

Then, there is Stolberg's statement that Harry Lundeberg, secretary of the Sailors' Union of the Pacific, "knows Bridges' record in the Communist Party in great detail." Could not Lundeberg be called as a witness?

I was also interested to read Stolberg's charge that he had asked the Secretary of Labor why a "certain person of undoubted integrity, who had originally inducted Bridges into the Communist Party" was not called as a witness in the Landis hearing. The Secretary of Labor asserted such "certain person" was "being paid by such and such an organization." It seems to me that regardless of who might be paying such a valuable witness, such witness could supply authentic information if he "had originally inducted Bridges into the Communist Party."

Other matters in the article which interested me are, (1) that Dr. Louis Bloch, a member of the United States Maritime Labor Board, is one of Bridges' closest friends"; (2) that "one of the leading fellow travelers in Washington is Merle D. Vincent, director of hearings in the Wage and Hour Division," and that "this gentleman is president of the Washington Committee for Democratic Action, which is the direct successor of the League for Peace and Democracy, where Mr. Vincent also has been active"; and (3) and that there is a Communist cell on every boat.

I hope you can make effective use of the enclosed.

Sincerely,

JOHN THOMAS TAYLOR,
Director, National Legislative Committee.

I am very greatful to Col. John Thomas Taylor for having provided me that information and brought to my attention the article in the Saturday Evening Post.

In connection therewith, I desire to bring to the attention of the able chairman of the subcommittee of the Committee on Immigration of the Senate at the same time a letter which I have today received from Representative LELAND M. FORD, of the First District of California, after which I shall read excerpts from The Saturday Evening Post article. Mr. FORD provided me today, by hand, with a copy of a letter directed to the very able chairman of the Immigration Committee of the Senate [Mr. RUSSELL], who gave immediate attention to the Bridges matter when it was referred to his committee, by appointing a subcommittee to consider it. The letter written by Mr. FORD is as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., August 2, 1940.

Hon. RICHARD B. RUSSELL,
Chairman, Committee on Immigration,
United States Senate.

MY DEAR MR. CHAIRMAN: I understand that the bill providing for the deportation of Harry R. Bridges, now pending before your committee, has been referred to a subcommittee for investigation and report to the full committee.

As you will perhaps recall, I introduced the original bill providing for the deportation of undesirable aliens, and particularly one Harry R. Bridges, whose case was very thoroughly heard before the Immigration and Naturalization Committee of the House on May 8 and 14.

I respectfully request that when the House bill is heard before the Senate Committee on Immigration I be permitted to testify before your committee, as I have in my possession very valuable evidence and data which I should like to present to the Senate Committee.

Thanking you for an immediate response and designation of the date and hour on which I may appear before your committee, I remain

Sincerely yours,

L. M. FORD.

Mr. FORD, although a Representative in Congress from California, is a native of the State of Virginia. He has devoted a great deal of time to this matter in which the American Legion has taken a lead and in which the American people are thoroughly interested. I send to the desk now a copy of House bill 8310 relative to the deportation of undesirable aliens which was introduced by Mr. FORD of California in the House of Representatives on February 5, 1940.

The PRESIDING OFFICER. Does the Senator from North Carolina ask that it be printed or has he read all that he cares to?

Mr. REYNOLDS. I have read the letter in full and I should like to have the bill introduced by Mr. FORD of California printed in the RECORD in order that he may have full credit for his fine work in this particular matter.

The PRESIDING OFFICER. The Senator from North Carolina requests to print certain matter in the RECORD. Is there objection? The Chair hears none, and it is so ordered.

The bill referred to is as follows:

Be it enacted, etc., That any alien shall be deported in the manner hereinafter provided by law who, while in the United States, is, or has been, by his words or acts, sympathetic with, or is, or has been, associated with, or affiliated with, or seeks or has sought the support, or who has used or uses the support of Communists in the United States or elsewhere, whether communistic individuals or communistic organizations, either of domestic or of foreign origin in whole or in part, in the interference with the good order and happiness of any local community, or with the established democratic economic or domestic relations within this Republic, or who has used or uses such communistic individuals or communistic organizations for compelling the adoption of his views, aims, or purposes regarding such domestic or economic relations, or who has heretofore admitted any of the foregoing acts.

Mr. REYNOLDS. Mr. President, I desire now to read from the Saturday Evening Post, issue of June 27, 1940, which was referred to by Colonel Taylor, of the American Legion, who asked me to bring it to the attention of this body. Again I thank him for having brought to my attention the Bridges case.

Miss Perkins is especially proud of the work of the Immigration and Naturalization Service while it was under her jurisdiction.

I might digress there to recall to the Members of this body that during her supervisorship of that Service of the Government she permitted 700 alien criminals to leave this country and then to return to the country, for the reason that that was the only way they could possibly get in under her interpretation of the seventh proviso. But since that time this division has been transferred from the Department of Labor to the Department of Justice.

She feels that under her administration it has dealt with aliens as humanely as the law permits.

I will admit that, certainly.

And that is true. She never used far-fetched technicalities to break up families in deportation cases, and political refugees were never deported to their homeland.

It was very rarely that any of them were ever deported because I remember at one time I investigated more than 3,000 such cases in the Department of Labor.

In cases where deportation was mandatory, the refugee was permitted to choose the country to which he preferred to go. It is a pity that this humanitarian picture has been marred by Miss Perkins' attitude in the deportation cases against Harry Bridges and Joseph Zack, two dramatic public examples of her incapacity to realize the scope and influence of Stalinist "fifth column" activities.

Bridges is the head of the west coast longshoremen and an important C. I. O leader. He is an Australian who has never become a citizen. A great many persons, including Members of Congress, demanded his deportation for alleged Communist activities.

Bridges has consistently denied that he is a member of the Communist Party or even a "fellow traveler." The denial is a piece of incredible gall, for Bridges is known in the labor movment as the leading Communist trade-unionist in the United States, and there is ample evidence to prove it.

Bridges is the key man in all the maritime unions, East and West, and on the Gulf, which are outside the A. F. of L. They are controlled by the Communist Party, lock, stock, and barrel. Recently the Communist Party, or rather the Ogpu, has set up the so-called "Cuban plan," which provides for a Communist cell on every boat. By this arrangement, letters, messages—"directives" of all sorts—can be smuggled to any port, and Ogpu agents stowed away. This network extends throughout the Caribbean and reaches into South America. During the last half year Harry Bridges has spent practically all his time in the East, helping to organize and reorganize powerhouses and warehouses. These are of military importance.

Here is a man working night and day against our Government, which we are trying to preserve; and with all of our wealth and with all of our power we cannot deport him, and the American people want to know why.

Various former members of maritime unions who have broken with the Communists have testified before the Dies Committee and have written books and pamphlets which clarify completely the role of Harry Bridges in the Communist Party. Harry Lundeberg, secretary of the Sailors' Union of the Pacific, knows Bridges' record in the Communist Party in great detail and has constantly published it in the West Coast Sailor.

In short, the idea that Harry Bridges is not a Communist makes as much sense as the idea that Herbert Hoover is not a Republican, or that Norman Thomas is not a Socialist. Miss Perkins has known Bridges' record for some time, for about 2 years ago I myself told her in considerable detail about his activities up to then, all of which she could easily have checked.

Giving in to congressional pressure, she finally allowed a warrant to be issued for the arrest of Harry R. Bridges on March 2, 1938.

She finally allowed that.

She appointed as the trial examiner Dean James M. Landis, of the Harvard Law School. Hearings were opened on July 10, 1939.

Right here I want to digress to inquire why those deportation proceedings were not referred to the Federal judge on the west coast who had been trying deportation proceedings of that sort theretofore. The answer is because Madam Perkins, of the Department of Labor, knew that if Bridges was tried before a Federal judge he would be deported, and so the officials did not send the matter before that Federal judge. They sent it before Dean Landis, believing that he would "whitewash" him, I assert.

They continued for almost 11 weeks. The testimony covers 7,724 pages. Finally, after months of labor, Dean Landis found that "the evidence * * * establishes neither that Harry Bridges is a member of or affiliated with the Communist Party of the United States of America."

Dean Landis may or may not be right in his conclusion from the evidence submitted. The important thing is that the whole so-called trial before Dean Landis was a political whitewash. It was accomplished by a very simple device. The prosecution called as its own witnesses people whose veracity was open to serious doubt on the basis of previous criminal or otherwise unsavory records. Not a single reputable person who has been in the Communist Party with Harry Bridges was subpenaed to testify. No documentary evidence from various Communist publications or from the labor press or other sources, which would have given the picture of the real Bridges case, was presented.

To be sure, several reputable ex-Communists were interviewed by a Department of Labor investigator. None were subpenaed. They were not eager to testify before what they considered an obvious whitewash, partly because they were afraid that they might be framed by the Communist Party. And apparently they were not far wrong. For when I asked Miss Perkins why a certain person of undoubted integrity, who had originally inducted Bridges into the Communist Party, had not been subpenaed to testify, she replied: "Why, don't you know that that person was being paid by such and such an organization?" And she named a Fascist outfit on the west coast. The idea was preposterous. In other words, Miss Perkins unquestioningly accepted the picture handed along to the Department by the professional Stalinist character assassins.

Mr. CHANDLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Kentucky?

Mr. REYNOLDS. Certainly. I am always delighted to yield to the Senator from Kentucky.

Mr. CHANDLER. I want to ask my friend from North Carolina how long the Bridges deportation bill has been in the Committee on Immigration?

Mr. REYNOLDS. Does the Senator mean in the Congress of the United States?

Mr. CHANDLER. No; in the Senate—since it came from the House, after it passed there.

Mr. REYNOLDS. I imagine it has been here about 30 days; but several bills on the subject have been introduced.

Mr. CHANDLER. No; the question I ask is, How long since the passage of the bill in the House has it been in the committee of the Senate?

Mr. REYNOLDS. I think approximately 30 days.

Mr. CHANDLER. Is the Senator a member of that committee?

Mr. REYNOLDS. No; I am not.

Mr. CHANDLER. Does he consider that the bill has been before the committee an unreasonable time?

Mr. REYNOLDS. Oh, no; I do not.

Mr. CHANDLER. As a practical proposition, if I were the Senator from North Carolina, and thought the bill had been before the committee an unreasonable time, I would give notice that on a day certain I would move to discharge the committee from the further consideration of the bill.

Mr. REYNOLDS. I am very grateful to the Senator.

Mr. CHANDLER. I wish to make a practical suggestion, so that we can get a vote not only on this but on other important matters. I think we are wasting a good deal of time on nonessential matters when we should be devoting our time to preparing more adequately for the defense of the country; and we have also expressed a wish to prepare adequately for any eventuality. I do not mean that the Senator from North Carolina is wasting time.

Mr. REYNOLDS. Of course, the Senator from Kentucky realizes, as I do, that we have enemies right here among us who are trying to undermine us, and if we are not careful they are going to undermine us and destroy us before those across the ocean get to us.

Mr. CHANDLER. I want to remind my good friend from North Carolina that there was one man in England who for years warned the people of England that they were in danger. There is not anybody in the country today who does not know that the children of England are in danger of being bombed and machine-gunned. I cannot answer the question as to whether or not the children of America will ever be in such danger, but we cannot afford to speculate on it. Therefore, it is important that as speedily as possible we remove enemies such as Harry Bridges, if he is one—and I share the view of the Senator that he is an enemy of the people of the United States of America—and that we immediately prepare adequate defenses here and on the islands outside to meet any eventuality, so that we will not have wasted our time and subjected the children and people of America to the same danger that is confronting those in Britain at this hour.

Mr. REYNOLDS. I thank the Senator immensely for his fine pro-American contribution.

The PRESIDING OFFICER. The time of the Senator from North Carolina on the joint resolution has expired.

Mr. REYNOLDS. Mr. President, will the Senate extend to me the courtesy of permitting the remainder of this article to be printed in the RECORD from the point where I discontinued reading it?

The PRESIDING OFFICER. The Senator from North Carolina asks unanimous consent to have printed in the

RECORD the remainder of the article, part of which he has read. Is there objection? The Chair hears none.

The remainder of the article is as follows:

Nobody believes that Gerard D. Reilly, the Solicitor of the Department, or Thomas B. Shoemaker, his assistant, who represented the Government, is either a Communist or a fellow traveler. They merely fell into line. What happened was that some important new dealers, who were Communist fellow tourists, got into the picture and got Miss Perkins to accept it. Among these new dealers was Dr. Louis Bloch, a member of the United States Maritime Labor Board, who is one of Bridges' closest friends, and who has been following the party line for years.

Harry Bridges has not been deported for a very simple reason. Until very recently he has been considered by the New Deal highbrows as one of the great "progressive" leaders of American labor. And Miss Perkins dreaded the thought that she might not seem as "liberal" as the next one. She could not, and she did not dare, rise above the parlor-red New Deal atmosphere which hung over Washington. And what is even more important, she did not dare to offend John L. Lewis and the C. I. O.

After the Landis report Miss Perkins officially canceled the deportation proceedings against Bridges. But she has never lifted the deportation warrant against a man named Joseph Zack, who is out on $500 bail. The Zack case is no less fascinating than the Bridges case. Zack at one time was a member of the Central Committee of the Communist Party and a Comintern agent in Colombia, South America. In 1934, he broke with the party.

Zack is the illegitimate child of Czechoslovakian parents. He claims that he was born in Scranton, Pa., in 1893 and that soon after his birth his mother took him to Czechoslovakia, where he spend his childhood and early yourth. He was one of the founders of the American Communist Party, and in 1923 he was arrested at its famous secret meeting in the Michigan woods. A deportation warrant was issued against him. But later the deportation proceedings were dropped, on the ground that he was a native citizen.

Not long after Zack broke with the Communist Party, two party members reported him to the State Department as having used a false passport on a trip to the Soviet Union. They said that he was an alien, born in Czechoslovakia. Zack presented a notarized statement from his mother, since dead, that he was born in Scranton. The city of Scranton issued to him a birth certificate. The Czechoslovakian consul stated that he would refuse to supply him with a passport, because Prague denied that he was a Czech citizen. It may not be irrelevant to add that as a reaction to his former Stalinist activities, Mr. Zack is today a rabid believer in democracy, a very usual rebound. Yet the Department of Labor has never lifted the deportation warrant against him. He has no friends at court.

On June 14, 1940, the Immigration and Naturalization Service was transferred to the Department of Justice.

Miss Perkins is not a Communist, nor even remotely a Communist sympathizer. She is as true a Democrat in her convictions as I have ever known. But she represents the classic type of soft-minded liberal whom the Stalinists behind the scenes know how to exploit for their own purposes. Completely lacking in political astuteness, she is incapable of recognizing the protean forms and devious nihilism of totalitarian technique or, for that matter, of any oblique strategy.

In the case of Miss Perkins this soft liberalism is complicated by her political fears. The reason she insists, quite unconsciously, upon a sharp distinction between her public and her private life is that the public Miss Perkins and the real Miss Perkins are in permanent conflict.

In the good politician, like Jim Farley, the private person and the public figure are at one. But in the case of Frances Perkins her real self is forever worried about what Mme. Secretary may say or do or even think. With such a sense of insecurity, she obviously cannot ride the winds of doctrine and storms of politics which beat about her ears. No wonder she thinks of the original Perkins homestead as "the only place where I can hide."

Mr. NEELY. Mr. President—

In that elder day, to be a Roman was greater than [to be] a king.

In more modern times, to be a United States Senator was greater than to be either a Roman or a king. But thoughtful persons who read the record of yesterday's proceedings in this Chamber will probably wail with Byron:

Ancient of days! * * * where,
Where are thy men of might? thy grand in soul?
Gone—glimmering through the dream of things that were:
First in the race that led to Glory's goal,
They won, and pass'd away—is this the whole?
A schoolboy's tale, the wonder of an hour!
The warrior's weapon and the sophist's stole
Are sought in vain, and o'er each mouldering tower,
Dim with the mist of years, gray flits the shade of power.

The newspaper-reading public today probably believes dignity rests as lightly upon the shoulders of a United States Senator as it rests upon the shoulders of a circus clown.

The Senate has lost more of its good reputation during the last 2 days than it ever lost in any other entire session during the 16 years that I have had the honor of being a Member of this body.

Manifestly the rules which forbid the imputing of unworthy motives to Senators have been shamefully violated and flagrantly ignored. I deplore the degrading of Senate debate to the low level on which it has raged during the last 30 hours.

I disclaim any intention of criticizing any particular Senator. But, as the chairman of the Committee on Rules, I am charged with some duty to help preserve proper decorum on the floor and promote orderly conduct of the business of what has long been called and should in fact forever be the greatest legislative body in the world.

With malice toward none and such charity for every other Member as I desire for myself, I now give notice, in the most unoffensive but most unequivocal language at my command, that I shall, in the future, make a point of order against any violation of the rule which is designed to prevent Senate debate from becoming as unseemly as a barroom brawl.

Henceforth let us scrupulously endeavor to regain at least a part of the priceless asset we have just lost. Let us so conduct ourselves that the public will respect the United States Senate; so that United States Senators can respect themselves.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut [Mr. DANAHER], upon which the yeas and nays have already been ordered.

Mr. BARKLEY. I suggest the absence of a quorum. I do not desire to make the point of no quorum if there is anyone else who desires to speak on the amendment.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. DANAHER. I rose to suggest the absence of a quorum.

Mr. BARKLEY. Then the suggestion is unanimous.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Downey	Lodge	Schwartz
Andrews	Frazier	Lucas	Schwellenbach
Ashurst	George	Lundeen	Sheppard
Austin	Gerry	McCarran	Shipstead
Bailey	Gibson	McKellar	Slattery
Bankhead	Gillette	McNary	Smathers
Barbour	Green	Maloney	Stewart
Barkley	Gurney	Mead	Taft
Bilbo	Hale	Miller	Thomas, Idaho
Brown	Harrison	Minton	Thomas, Okla.
Bulow	Hatch	Murray	Thomas, Utah
Burke	Hayden	Neely	Tobey
Byrd	Herring	Norris	Townsend
Byrnes	Hill	Nye	Vandenberg
Capper	Holman	O'Mahoney	Van Nuys
Caraway	Holt	Overton	Wagner
Chandler	Hughes	Pepper	Walsh
Chavez	Johnson, Calif.	Pittman	Wheeler
Connally	Johnson, Colo.	Radcliffe	White
Danaher	King	Reed	Wiley
Davis	La Follette	Reynolds	
Donahey	Lee	Russell	

The PRESIDING OFFICER. Eighty-six Senators having answered to their names, a quorum is present.

The question is on agreeing to the amendment offered by the Senator from Connecticut [Mr. DANAHER], which will be stated.

The CHIEF CLERK. On page 4, after line 17, it is proposed to add a new subsection, to read:

(f) Any person now subject to the provisions of section 1 may resign his status within 20 days after the approval of this joint resolution.

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHIPSTEAD (when his name was called). I have a pair with the senior Senator from Virginia [Mr. GLASS]. I

am not informed as to how he would vote if present. If permitted to vote, I should vote "yea."

The roll call was concluded.

Mr. MINTON. I desire to announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Washington [Mr. BONE], the Senator from Idaho [Mr. CLARK], the Senator from Missouri [Mr. CLARK], the Senator from Louisiana [Mr. ELLENDER], the Senator from Virginia [Mr. GLASS], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from South Carolina [Mr. SMITH], the Senator from Missouri [Mr. TRUMAN], and the Senator from Maryland [Mr. TYDINGS], are unavoidably detained from the Senate.

Mr. HILL. My colleague the senior Senator from Alabama [Mr. BANKHEAD], is absent on important public business.

Mr. FRAZIER. On this question I have a pair with the senior Senator from Maryland [Mr. TYDINGS]. If he were present he would vote "nay." If I were permitted to vote, I should vote "yea."

The result was announced—yeas 36, nays 47, as follows:

YEAS—36

Andrews	Donahey	McNary	Thomas, Idaho
Austin	Downey	Maloney	Thomas, Utah
Barbour	George	Murray	Tobey
Bilbo	Gillette	Nye	Townsend
Brown	Holt	Pittman	Vandenberg
Bulow	Johnson, Calif.	Reed	Van Nuys
Capper	King	Reynolds	Walsh
Danaher	Lundeen	Schwellenbach	Wheeler
Davis	McCarran	Taft	Wiley

NAYS—47

Adams	Gibson	La Follette	Pepper
Ashurst	Green	Lee	Radcliffe
Barkley	Gurney	Lodge	Russell
Bridges	Hale	Lucas	Schwartz
Burke	Harrison	McKellar	Sheppard
Byrd	Hatch	Mead	Slattery
Byrnes	Hayden	Miller	Smathers
Caraway	Herring	Minton	Stewart
Chandler	Hill	Neely	Thomas, Okla.
Chavez	Holman	Norris	Wagner
Connally	Hughes	O'Mahoney	White
Gerry	Johnson, Colo.	Overton	

NOT VOTING—13

Bailey	Clark, Mo.	Glass	Smith
Bankhead	Ellender	Guffey	Truman
Bone	Frazier	Shipstead	Tydings
Clark, Idaho			

So Mr. DANAHER's amendment was rejected.

Mr. ADAMS. Mr. President, there is on the desk an amendment which I now offer and ask to have stated.

The PRESIDING OFFICER (Mr. MILLER in the chair). The amendment will be stated.

The LEGISLATIVE CLERK. On page 2, line 5, it is proposed to strike out the remainder of section 1 beginning with words "the Western Hemisphere" and insert in lieu thereof the following: "continental United States and Territories and possessions of the United States."

Mr. ADAMS. Mr. President, the amendment is very simple. My explanation will be very short. As the measure stands, section 1 in substance authorizes—while it is put in a negative form—the sending of those who are to be brought into the national service to any point within the Western Hemisphere. The amendment which I have offered proposes to limit the service of the men who come into the Federal service under this legislation to service in continental United States and the Territories and possessions of the United States. In other words, the service of a National Guard man who enlisted as a National Guard man, primarily as a State soldier, and of the Reserve officer who entered the service as a United States soldier, shall be limited to service upon lands under the flag of the United States; that is, that the Congress should not authorize the Executive of the United States or any Army officer to send National Guard men into any country which is not under the jurisdiction of the United States. It seems to me that unless we wish to abdicate the power and authority of the Congress to declare war, we must make this limitation. If the President of the United States, or the Chief of Staff, or some commanding officer can transport an armed force onto foreign soil, that very act may be an act of war.

The Constitution gives the power to declare war to the Congress. We should not delegate to any official to do that which is the equivalent of an act of war. Certainly it ought not to be our intention to bring the militia of the several States into the Federal service and send them to Patagonia, or New Zealand, or Greenland, or Bermuda.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. LODGE. I should like to put a hypothetical case to the Senator from Colorado. Suppose some foreign government were to establish temporarily air bases in Newfoundland, New Brunswick, or Nova Scotia, at a time when Congress was not in session, and from that point proceeded to bomb Boston and New York and other cities in the northeastern corner of the United States? Mind you, I do not think that is likely, but I think we must prepare for the worst. In such a case would not the amendment of the Senator from Colorado seriously embarrass the protection of the people in the area affected?

Mr. ADAMS. It depends on the Senator's view of the Constitution, and whether the Senator believes that war should not be declared except by Congress. Congress can be assembled within 2 or 3 days at the outside in case of an emergency, and if it sees fit to declare war it can declare war. On the other hand, if Congress as a body did not wish to declare war, we should not leave in the hands of the Executive the power to make war. In other words, the whole problem is as to the purpose of the Congress. Do we wish to put into the hands of a single man the right to involve the United States in war?

Mr. LODGE. Does not the Executive now have the right to send the Navy and the Marines to Nova Scotia, or Newfoundland, or New Brunswick, if he wants to?

Mr. ADAMS. The Navy goes on the high seas, and it goes into harbors, but the question of sending an armed force upon land under the flag of another nation is a very different one.

Mr. LODGE. But if we send Marines we send them under the flag, and that is just as much a warlike act.

Mr. ADAMS. There are some of those who do not enthuse very much about sending the Marines to other countries.

Mr. LODGE. I do not enthuse about sending the Marines to other countries either, but the point I am trying to make is that the Executive, if he wants to get us into war, can do so.

Mr. ADAMS. Mr. President, a very simple question is presented. We are providing for calling out the Reserves. The Reserves are made up in the main of the militia of the several States, the militia being primarily the home guard of the States, organized under State law. It is now proposed to take them from the command of the Governors. Their officers are appointed by State authority. Their training under the Constitution is under State authority, subject to the discipline prescribed by Congress. If Senators desire to go beyond that and say to the President, or to the Chief of Staff, "You may take the National Guard of the State and send it to any place in the Western Hemisphere," they should vote against my amendment. If they want to place some limitation, so that the home guard shall only be used under the American flag, Senators should sustain the amendment.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. BARKLEY. If the Senator's amendment should be adopted, and the Congress later, under any circumstances which might seem justifiable, were to declare war, would it not be necessary, in connection with any legislation authorizing the armed forces of the United States to be used in the prosecution of the war, to repeal the provision which the Senator seeks to insert in the pending measure, before the President could use these component forces for the purpose of offense or defense outside continental United States?

Mr. ADAMS. Yes, in one sense; and yet when Congress declares war, Congress by that very act places the war power into the hands of the President—a power that he does not have until the Congress acts, a power that he should not have until the Congress acts.

Mr. BARKLEY. Is it not true that every man who has joined the National Guard since 1916, when the National Defense Act was passed, has done so knowing that he has joined an organization which is a part of the Army of the United States?

Mr. ADAMS. I think not.

Mr. BARKLEY. It is true in a general sense, though perhaps not technically that he joined an organization with notice that it may be called into service by the Government of the United States, and is it not designated in the law as a part of the armed forces?

Mr. ADAMS. Not in the paramount law. The paramount law, which governs all of us, is the Constitution of the United States, and we cannot modify that by passing statutes. That is apparently what was attempted to be done

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. GEORGE. The National Guard does not become a part of the armed forces of the United States until it is called into active service, and it cannot be called into active service until a war is declared by the Congress, or unless the Congress declares some other extraordinary emergency to exist.

The first question asked by the Senator from Kentucky was, "If the amendment offered by the distinguished Senator from Colorado should be adopted, and subsequently the Congress should declare war, would we not be obliged to repeal the amendment of the Senator from Colorado?" It seems to me that the answer is so obviously "No" that it ought not to trouble anyone, because if war were declared by the Congress, of course every arm of the Army and Navy would enter the war, and be subject to go wherever the exigencies made it necessary for those in command to send it and direct it. So that if this amendment should be adopted, and subsequently war should be declared, of course nothing whatever would have to be done with respect to the amendment which the Senator from Colorado is now offering.

With respect to the contention about every man enlisting in the National Guard knowing that he might be called into the Federal service, in point of law and in point of fact the statement is entirely without any foundation, because, on the contrary, he enlisted with the positive knowledge that, under the law, he would not be called into service unless war were declared by Congress. The act itself so declares—except when an extraordinary emergency is declared by the Congress.

Mr. ADAMS. The only power the Congress has under the Constitution is to call the militia out to execute the laws of the Union, to suppress insurrections, or repel invasions, no one of which occasions exists.

Mr. GEORGE. I was not willing to have the statement which has been made remain unchallenged in the RECORD. I can well sympathize with the great impatience of the Chief of Staff of the Army, who says that the Congress of the United States is the bottleneck which is holding up the defense program. The Senate of the United States has a responsibility. If it wishes to delegate it to somebody else, all well and good; but, so far as I am concerned as a Member of the Senate, I do not share that sentiment or that spirit. I think the Senate should do its duty. So far as concerns the contention that the members of the National Guard enlisted with the understanding that they might be sent out of the country under a measure such as this, I dare say that no Member of the Senate ever so understood until the joint resolution was proposed.

Mr. ADAMS. I will say to the Senator that I do not think Congress may delegate the authority; and if it could delegate it, I do not think it ought to delegate it.

Mr. GEORGE. The Senator is mistaken about that. Congress seems to be in that humor.

Mr. ADAMS. The Senator does not mean to say——

Mr. GEORGE. Within the past 30 to 60 days I have seen the Senate of the United States refuse to allow the boys in the C. C. C. camps to have voluntary military training; and today I see the same Senate proposing to send the National Guard anywhere in the Western Hemisphere, without giving the men the opportunity of saying, "We now elect, under the law, to say whether or not we shall remain as members of the National Guard."

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. ADAMS. I yield to the Senator from Louisiana.

Mr. OVERTON. The Constitution vests in Congress the authority to raise armies. In the exercise of that authority the Congress of the United States may, by legislation, proceed to raise armies in any manner it sees fit. There is no limit on the authority of the Congress of the United States to raise armies. It may draft into the service men between the ages of 21 and 31, as contemplated in the selective-service bill which has been reported, or it may muster into service all the National Guard. It may muster into service all the lawyers in the United States. It may muster into service only women, if it so desires. There is absolutely no abridgment on the authority of the Congress of the United States to raise armies in any manner in which it desires to do so, either in peacetime or in time of war.

Mr. ADAMS. There is, however, a limitation on the power of Congress to call the militia of the States into service.

Mr. OVERTON. As a militia.

Mr. ADAMS. Yes.

Mr. OVERTON. That is true.

Mr. ADAMS. That is what we are dealing with. We are now dealing with the question of calling into the service the State militia; and there is a specific provision as to how it may be done. There is a limitation as to conditions, a specification as to its training, and a specification as to how the officers shall be appointed. I grant that Congress has full power to form armies; but Congress does not have full and unlimited power over the State militia. Congress may act only in accordance with the Constitution.

Mr. OVERTON. The Congress, by the pending joint resolution, is seeking to call out the militia, not as a militia. It is drafting the military force of the United States, known as the militia; and certain component parts of the Organized Reserves constitute a part of the active military force of the United States. Congress may do so without being guilty of any unjust discrimination. It may draft, muster into the service, and designate as part of the Army the militia and the Organized Reserves.

Mr. ADAMS. Without any compliance with the Constitution?

Mr. OVERTON. Under its authority to raise armies.

Mr. ADAMS. Of course, the Senator and I are going down different paths.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. ADAMS. I yield to the Senator from Michigan.

Mr. VANDENBERG. I wish to observe that according to the only atlas available to me, the term "Western Hemisphere" includes not only New Zealand, to which the Senator from Colorado has referred, but also includes all of Polynesia and also a portion of Siberia.

Mr. ADAMS. And a portion of Africa, if we wish to be liberal.

Mr. VANDENBERG. Yes. I am wondering whether or not it was the intention to extend the operations of the National Guard that far?

Mr. ADAMS. I will say to the Senator from Michigan—and this is the last thing I shall have to say—that I cannot comprehend the Congress of the United States being willing to entrust to anybody the power to send outside the domain presided over by the Congress and the President boys who enlisted in the National Guard from patriotic motives, motives of State loyalty and State protection.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. HATCH. I ask the Senator to yield to me because I seek information. Does any restriction such as the Senator from Colorado now proposes with respect to the men in the National Guard apply to members of the Regular Army, the Navy, or the Marine Corps?

Mr. ADAMS. I know of no such provision in the law. We are drafting a new law in reference to carrying these particular men into service, and we are putting into the law as it stands authority to take them anywhere in the Western Hemisphere. I think it is fairly open to implication that in peacetime the Regular Army may not be sent out of the jurisdiction of the United States.

Mr. HATCH. The Senator says there is no provision in the law prohibiting that course of conduct.

Mr. ADAMS. The Senator has many times decided on the bench that the Federal Government is a Government of granted powers, and that the grant must be found within the Constitution.

The PRESIDING OFFICER. The time of the Senator from Colorado on the amendment has expired.

Mr. ADAMS. I shall take time on the joint resolution.

Mr. HATCH. If the Senator will further yield, the point I wish to make is this: The Senator from Colorado has based his argument, at least in part, upon the point that the President might send this group of men anywhere in the Western Hemisphere, and that to protect against that situation, as I understand the Senator's argument, we should write the proposed restriction into the joint resolution. If he is correct about that, I derive no comfort from the amendment, because a President who would send National Guard troops into Siberia, Africa, or South America would not hesitate to send the Regular Army and all the naval forces. I point out that argument merely to show the Senator that if that is the fear, his amendment will not accomplish anything.

Mr. ADAMS. Will the Senator be good enough to suggest a limitation which would be perfectly clear? I shall be very glad to include the Regular Army.

Mr. NORRIS and Mr. GILLETTE addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield, and if so, to whom?

Mr. ADAMS. I yield to the Senator from Nebraska.

Mr. NORRIS. I did not hear the reading of the amendment. Does the Senator's amendment begin to strike out, in line 5, with the words "Western Hemisphere"?

Mr. ADAMS. Yes. The words "Western Hemisphere" are taken out. The provision would then read:

> That the members and units of the Reserve components of the Army of the United States ordered into active Federal service under this authority shall not be employed beyond the limits of continental United States and Territories and possessions of the United States.

Mr. NORRIS. I thank the Senator.

Mr. GILLETTE. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. GILLETTE. As I indicated yesterday, I am strongly in favor of the Senator's proposal and its purpose. However, I wonder if the Senator has explored this contingency: The present law permits the President of the United States, when Congress shall have declared an emergency to exist, to order into the service the National Guard of the United States, without any limitation. The amendment which the Senator proposes authorizes the President, until 1942, without such declaration of emergency, under the provisions of the joint resolution to order the National Guard into the active service, limiting it to certain territory. The joint resolution provides, in section 4, that—

> All laws and parts of laws in conflict herewith are hereby suspended to the extent that they may be in conflict with any provision hereof.

My question is, Has the Senator explored the possible effect on the present law of the adoption of his amendment? Would it suspend the present law, which, if Congress should declare an emergency during the 2 years, would permit the employment of the National Guard in territory other than that to which he proposes to limit it?

Mr. ADAMS. I will say to the Senator that I have not made any thorough exploration. I was trying to improve the particular measure pending before us, which not only leaves the matter wide open and unrestrained, but suggests that the troops may be used anywhere in the Western Hemisphere, and to confine the use of the forces drawn into service under the provisions of the joint resolution within the jurisdiction of the United States.

Mr. BROWN and Mr. DANAHER addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield, and if so, to whom?

Mr. ADAMS. I yield to the Senator from Michigan.

Mr. BROWN. I note that the Senator, in phrasing his amendment, includes a portion of the language in lines 6 and 7 on page 2, "Territories and possessions of the United States," but does not include the phrase "including the Philippine Islands." Does the Senator intend, by his amendment, to exclude the Philippine Islands?

Mr. ADAMS. The Senator will realize that the reason why the Philippine Islands are referred to is because the limitation was that they should not be employed beyond the Western Hemisphere except in the possessions of the United States and in the Philippine Islands. In other words, it was an expansion beyond the Western Hemisphere of the power to use the troops. I submit to my friend the question whether or not the term "possessions" includes the Philippine Islands.

Mr. BROWN. There seems to be some doubt about that in the minds of the authors of the measure; but I think it would be very unfortunate if the Congress of the United States should enact legislation which would appear to exclude the Philippine Islands from the protection of any armed forces we have.

Mr. ADAMS. Of course, I think the term "possessions" includes the Philippine Islands. They are subject to the jurisdiction of Congress.

Mr. BROWN. I am willing to vote for the Senator's amendment if he includes in it the term "including the Philippine Islands," and I do not see what harm that can do.

Mr. ADAMS. My understanding is that the term "possessions" includes the Philippine Islands.

Mr. BROWN. Would not the Senator be willing to add those words to his amendment, so as to have no doubt about it?

Mr. ADAMS. I would be perfectly willing to do so.

Mr. BROWN. Will the Senator ask that the amendment be modified in that way, to clear up the matter?

Mr. ADAMS. I will.

The PRESIDING OFFICER. The Senator modifies his amendment by including the words "the Philippine Islands."

Mr. BARKLEY. Mr. President, if the Senator will yield at that point, I will state that it is my understanding that the joint resolution as written by the committee used the language "the possessions of the United States, including the Philippine Islands," because there had been an interpretation that the Philippine Islands were technically not a possession of the United States. I agree with the Senator that they certainly ought to be included.

Mr. BROWN. I understand that they are included now—"including the Philippine Islands."

Mr. DANAHER. Mr. President, in reply to the question propounded by the Senator from Iowa [Mr. GILLETTE] to the Senator from Colorado, may I not invite his attention to section 4 of the pending joint resolution, and will he not there find the answer to the question? Let me call to the Senator's attention the fact that it specifically says that—

> All laws and parts of law in conflict herewith are hereby suspended to the extent that they may be in conflict with any provision hereof.

Mr. PEPPER obtained the floor.

Mr. BONE. Mr. President, will the Senator yield to me?

Mr. PEPPER. I yield to the Senator from Washington.

Mr. BONE. In view of the discussion we have been indulging in about extraterritorial operations of our armed forces, I should like to ask the Senator from Texas [Mr. SHEPPARD] if he can answer this question:

What authority existed in the statutes at that time—I am not familiar with the statutory history of that period—for the use of the United States Fleet in an attack on Vera Cruz,

Mexico? What authority resided in the Executive to order the fleet to attack a city of a neighboring country?

I seek information on that subject because I think it is vitally important. If there was statutory authority for it, was it specific, or was it merely the authority that resides in the President as Commander in Chief of the Army and Navy?

I hope some Senator can enlighten me, because I think it is important that we know now, as this discussion proceeds, what authority the President has to order our armed forces to go as far as was done at that time. There was no declaration of war, and if the President has such authority it seems to me that if it is broad enough to permit him to order an attack upon a Mexican city and have it shelled, then by the same token he would have authority to order the American Fleet to shell Hamburg, Germany, or to go into the estuary of the Thames and shell London.

I may be wholly in error about the matter, but I should like to have an exposition of that authority now, for the benefit of myself and others who are interested.

Mr. CONNALLY. Mr. President——

Mr. PEPPER. Mr. President, would not the Senator from Texas like to go fully into that matter? If so, will he let me say a word or two, and then yield the floor to him?

Mr. CONNALLY. I beg the Senator's pardon. I thought the Senator from Washington had the floor.

Mr. BONE. No; I asked the question with the permission of the Senator from Florida.

Mr. CONNALLY. The Senator from Washington called on the Senator from Texas to answer the question. I assume he referred to my colleague Mr. SHEPPARD.

Mr. BONE. Yes; I did.

Mr. CONNALLY. He is temporarily absent from the Chamber. I do not want a judgment by default, so I want to answer the Senator.

Mr. BONE. I was not aware that the senior Senator from Texas was not in the Chamber until after I started to speak.

Mr. PEPPER. Mr. President, I merely want to say a few words. I have good reason to believe—and Senators can verify it—that when our representatives went to Habana recently, to the conference there in which they participated, they saw very clearly the results of propaganda which had been spread in the countries to the south of us in the statement which was presented by representatives of other countries that the United States of America was not able to or capable of defending the Western Hemisphere; that we did not have the necessary Army, that we did not have the necessary Navy, that we were in a state of terrible disorganization, that the sentiment in this country was divided, and that the first argument our representatives had to meet was that the United States was merely putting up a bluff and doing a lot of talking, but was not capable of defending the Western Hemisphere.

I submit to Senators, What could be more injurious to our relationships with those countries now immediately after we have had a successful conference with them and there has been unity and they have agreed to the United States Government in certain cases acting as trustee for the whole hemisphere in the protection of certain territory, than for us in the Senate to pass a measure giving notice to the world that not a single member of our real Reserve Army, when called into active service, could be sent to the defense of any one of those countries if it were attacked? I sincerely submit to Senators that it is contrary to our national interest. It would create lack of confidence in our policy on the part of those countries if we were to adopt such an amendment.

Mr. HILL. Mr. President, will the Senator yield?

Mr. PEPPER. I yield to the Senator from Alabama.

Mr. HILL. Taking Panama as an illustration, my understanding is that there is a strip of territory in Panama which the United States owns and which, of course, we must defend, which it is our obligation to defend. A large part of that strip is only 10 miles wide. If we should put this amendment on the joint resolution, no matter how imperative the necessity might be demanding that one of our soldiers cross that strip and go beyond the 10-mile limit, of course, he could not go beyond the 10-mile limit. Is not that correct?

Mr. PEPPER. That is correct.

Mr. HILL. As the Senator says, we are calling this Reserve into the Army of the United States. I do not know what is in the minds of other Senators, but I do know that on the 17th day of June, about 2 months ago, the Senate passed Senate Joint Resolution 271. That was a joint resolution approving nonrecognition of the transfer of any geographic region in the Western Hemisphere from one non-American power to another non-American power. This is what the Senate adopted; this is what the Senate said to the world:

> Whereas many unexpected devlopments are daily arising from the present grave international situation; and
>
> Whereas such developments are affecting states which have possessions in the Western Hemisphere; and
>
> Whereas an endeavor to transfer such possessions or any of them from their present owners to any other non-American state would endanger the peace and security not only of this country but of the other American republics.

Then the joint resolution goes on and states that it is—

> *Resolved, etc.*, (1) That the United States would not recognize any transfer, and would not acquiesce in any attempt to transfer any geographic region of the Western Hemisphere from one non-American power to another non-American power.

And yet we are calling out this Reserve of ours which we built up through the years, which the people of the United States have gone into their pockets to pay for. We have spent hundreds of millions of dollars on the Reserve. We are now calling it out, and yet while on June 17 we said that we would not recognize any such transfer, today we say to the world, "Oh, well, we passed that joint resolution, but, so far as the great Reserve of the Army is concerned, we would not think of letting anybody use any part of that Reserve to enforce the very declaration that we uttered." Is not that the position in which we find ourselves?

Mr. ADAMS. May I ask the Senator a question?

Mr. HILL. Certainly.

Mr. ADAMS. The Senator then would go to the extent that if there should be a transfer of coral islands containing 10 acres we should make war?

Mr. HILL. No; the Senator does not go to that extent. The Senator knows, because he is a man of good, common, sound sense, that other people have good, common, sound sense, too, and that no one in the Government would do any such foolish thing as that.

Mr. ADAMS. I hope the Senator is right.

Mr. SCHWARTZ. Mr. President, if the amendment of the Senator should be agreed to, would it not be true that we could not send one member of the Reserve components to uphold the Monroe Doctrine anywhere?

Mr. PEPPER. That is just the point. I hear sentiments expressed on the floor of the Senate which leave me in some doubt as to whether or not we have a Monroe Doctrine. It is time we made up our minds whether we mean to defend the Monroe Doctrine or whether we do not. If we do not, now is a good time to let the world know we do not, and if we do, it is a dangerous time to leave any doubt about it in the mind of anyone in the world.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER (Mr. STEWART in the chair). Does the Senator from Florida yield to the Senator from Massachusetts?

Mr. PEPPER. I yield.

Mr. LODGE. Is it not correct that under the terms of the proposed amendment National Guard men from Florida, or Alabama, or Georgia, or South Carolina, could not go to Cuba in the event of a bombardment, or in the event an attack should be launched in Cuba?

Mr. PEPPER. Of course.

Mr. LODGE. But they would have to go, as they properly should, to repel an invasion on the west coast, for instance. And National Guard men from New England would not be able to fight in defense of their homes in the event of a threat from Canada, but they, too, would have to repel an invasion in some other part of the country?

Mr. PEPPER. The Senator is completely correct about that.

Mr. ADAMS. Will the Senator yield?

Mr. PEPPER. I yield.

Mr. ADAMS. When the Senator says "completely correct," I want to add a little qualification. What I am trying to do is to maintain in the Congress of the United States the right and the power to say whether or not the forces shall go to Cuba, and not delegate that power to a single man. It is not that we would not go to defend the declaration we are talking about, if it were made by the Congress, but it should be for the Congress to say how far we would go in carrying it out and defending it.

Mr. BONE. Mr. President, will the Senator from Florida yield?

Mr. PEPPER. I yield.

Mr. BONE. I am wondering whether the point raised by the Senator from Florida does not involve the matter discussed by the Senator from Georgia [Mr. GEORGE] a moment ago. If the Monroe Doctrine were violated and outraged, we probably would assume that that would be an act of war against the United States; that is, I assume that reflects the attiude of mind of the Congress of the United States. If it were an act of war, and war were declared, that would eliminate the thing the Senator from Florida suggests, because the armed forces of the United States, regardless of the categories under which they might fall, regardless of their character as State militia, or National Guard men, or Regulars, or Marines, would all automatically go.

Mr. O'MAHONEY. Mr. President, I make the point of order that it is impossible to hear what is going on in the Chamber. When the Chair calls for order, for about 2 seconds quiet is maintained, and then it is impossible to hear more than a yard from the speaker.

The PRESIDING OFFICER. The point of order is well taken, and the Senate will be in order.

Mr. BONE. Resuming, it was my idea—and, frankly, in reaching the conclusion, I agree with the suggestion of the senior Senator from Georgia—that if there were a war—and war might arise out of a violation of the Monroe Doctrine—then the fear expressed by the Senator from Florida would not be valid, because, obviously, then all the segments of the national defense would automatically be called into service and would serve. I think perhaps we have the matter in reverse, because the assumption is we would be fighting without a declaration of war. Certainly if the Monroe Doctrine were involved to a point where we would declare war, the fear expressed by the Senator from Florida would not be valid, because all the soldiers of every category would be in the service. It seems to me that is the conclusion expressed by the Senator from Georgia.

Mr. ASHURST. Mr. President, will the Senator from Florida yield?

Mr. PEPPER. I yield.

Mr. ASHURST. The able Senator from Florida a moment ago suggested that he ofttimes wondered if we had a Monroe Doctrine. Likewise, I ofttimes wonder if a clear perception of the Monroe Doctrine is in the minds of statesmen. The Monroe Doctrine is a two-way street. The Monroe Doctrine declares that we will not permit European powers to intermeddle with affairs of the New World. It also declares that the United States, while not permitting European powers to intermeddle in cis-Atlantic affairs, will not in any way intermeddle in European affairs. That declaration is one of the important parts of the Monroe Doctrine, although in the minds of some historians, some scholars, and even in the minds of some statesmen, that vitally important part of the Monroe Doctrine seems to have fallen into obsolescence; but it is, nevertheless, one of the essential principles of the Monroe Doctrine.

We should remember that the obligation or proposal to enforce the Monroe Doctrine in the New World carries also an obligation that we will not in any way intermeddle with the concerns of European countries, which means that we are not to send armies to foreign countries if we are to observe the Monroe Doctrine.

Mr. PEPPER. Mr. President, I appreciate the inquiry by the ever-able and eloquent Senator from Arizona.

There is a course of action, of course, which might be regarded by some as aggression and which could not possibly arise under this measure, because it is not contemplated by anyone that the militia or any other armed forces, certainly the forces involved in the joint resolution, would be sent beyond the Western Hemisphere, or the possessions of the United States, or the Philippines. So, of course, we would not be violating even the Senator's concept of the limitations of the Monroe Doctrine under this particular joint resolution.

Mr. ASHURST. The Senator has but 20 minutes, and it is not my disposition to impose upon his good nature by asking him to yield, but it seems to me we would save a vast deal of trouble in the future by defining what the term "Western Hemisphere" includes, or else adopt the amendment offered by the Senator from Colorado.

It will be remembered that by the act of Congress of February 28, 1795, during the administration of General Washington, there was delegated to the President the power to call forth the militia, and the act was held constitutional by two decisions of the Supreme Court. Under the act the power to determine when the exigency requiring calling forth the militia was held to be exclusively in the President, and it was held that his determination upon that point was conclusive. So said the Supreme Court.

In view of the fact that the Presidential power and authority is conclusive on this subject, it seems to me that judgment and foresight would require the Congress to declare what is the Western Hemisphere, or adopt the amendment offered by the Senator from Colorado, in order to save ourselves trouble in the future. I thank the Senator for yielding.

Mr. PEPPER. The Senator from Arizona always makes an able contribution to any subject to which he addresses himself.

It seems to me there can be only three questions involved. The first is whether or not the joint resolution as reported by the committee is constitutional. That is a legal question, which I assume the committee of the Senate explored before it reported the measure. They had access to the Attorney General; they had access to the decisions of the Supreme Court of the United States. They could have had able legal advice put at their disposal on this subject, and I assume, I believe fairly, that the committee determined that the joint resolution was constitutional. Therefore I do not propose to go into a debate of the constitutional question in the limited time available.

Mr. ASHURST. Mr. President, will the Senator yield again?

Mr. PEPPER. I yield.

Mr. ASHURST. I apologize for interrupting further, but there is a way in which, by the insertion of a few words, the constitutionality, if it be in doubt—and I do not think it is—could be settled by declaring that there exists a reason, namely, to repel invasion, to enforce the laws, or to suppress rebellion. If that language were inserted there could be no doubt, even in the mind of a wayfarer, as to the constitutionality of the joint resolution.

The PRESIDING OFFICER. The time of the Senator from Florida on the amendment has expired.

Mr. PEPPER. I will take my time on the joint resolution.

The second question is, If this discretion devolves upon the President, if it should be vested in him, whether at this particular time, as a matter of policy, we ought to create the Army of the United States, and have it a mobile and available force, or whether we should simply halfway put this Reserve unit at the disposal of the proper authorities—even the Congress of the United States? In other words, it is a question of whether or not we are to have an Army to defend the United States and the Western Hemisphere that is subject to immediate command of competent authority, that is equipped and ready to go wherever its legal course may require it to go.

If we are to impose conditions precedent upon that, and show a sort of half-hearted determination to have a real,

mobile, vital army, it seems to me it will endanger the military security of our country.

The third question is the psychological effect the adoption of the amendment will have upon the Western Hemisphere and those nations which are trying brazenly to get a foothold in the Western Hemisphere.

As I said a moment ago, I have considerable authority to cause me to make the statement that our representatives at the Habana Conference had to meet the argument, I venture to suggest, that we did not have a force large enough to defend our own country, let alone the Western Hemisphere, and fun was made of our Army, and even our naval force, and it was even intimated that the United States, as always, was trying to get the rest of the countries of the Western Hemisphere to fight its wars, and that we were trying to fool these people into defending us. That was the kind of propaganda which, I venture to say, was disseminated in the countries to the south of us, and which our representatives had to meet.

If the pending amendment is adopted the newspapers tomorrow morning and the telegraph and cable lines tonight will send the message to South America that the Senate of the United States, which they think of as dealing primarily with foreign affairs, has taken action which they construe as turning our back on the declaration of June, which the able Senator from Alabama [Mr. HILL] reported to the Senate, and for which many Senators spoke so ably on the Senate floor, and which our delegation, together with the delegations of the other countries of the Americas, so vigorously defended in the fine sentiments expressed by them a few days ago. I venture to say that the adoption of this amendment would be contrary to the policy of our country, and dangerous to the security of our hemisphere.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. JOHNSON of Colorado. The Senator complains about the restriction that the amendment will place upon the United States. Is not the whole proviso on page 2, beginning in line 2 and including line 7, a restriction in itself? As I understand the argument made by the Senator from New Mexico [Mr. HATCH] a moment ago, under the Constitution the President could send the Regular Army any place in the Eastern Hemisphere or Western Hemisphere.

Mr. HATCH. Mr. President, I wish to correct that impression. I do not think the President has the constitutional right to do that. I said there was no statute prohibiting it.

Mr. JOHNSON of Colorado. The Senator said he did not get much comfort out of the restriction.

Mr. HATCH. Not a bit.

Mr. JOHNSON of Colorado. Then why not strike out everything beginning with line 2 down to and including line 7, and get away from the declaration that is so objectionable to some Senators?

Mr. PEPPER. I think the committee acted in a forthright and candid way with the Senate by putting that language in, and not leaving it to Executive interpretation hereafter as to whether or not the President had that power. I think the committee—and I compliment them for it—wanted to let the world know that our military forces were available not only to defend this country but to defend this continent, and that is, of course, what we mean primarily by the term "Western Hemisphere."

Mr. CONNALLY. Mr. President, I shall detain the Senate only briefly. It seems to me that in discussing this measure, and the authority of the President, the Commander in Chief, it might be well for us occasionally to advert to the Constitution. What does the Constitution provide as to the power of Congress? Section 8, article I, provides that Congress shall have the power to do what? To raise and support armies. That does not mean to raise a piece of an army. It means to raise and support armies.

That does not mean simply to make an army on paper. It means to raise a real army. If an army is needed, we have the power to raise it.

Congress further has the right—

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers.

Under that grant of constitutional power we could draft all the firemen in the United States. We could provide that every man who belongs to a fire company shall be automatically drafted into the Army of the United States. Who is there to say no? It is a power as broad and sweeping as the English language can make it.

What other authority has the Congress?

To make rules for the Government and regulation of the land and naval forces.

Congress has that power. There is no limitation to it. Furthermore, we have the authority—

To provide for calling forth the militia to execute the laws of the Union, to suppress insurrections, and repel invasions.

Some Senators seem to think that that is a limitation. That does not refer to the organized National Guard or the Regular Army. That refers to the great body of the citizenship. When we speak of militia we mean every able-bodied man within the United States who is subject to military duty. Of course, we have that authority.

We find further this language:

To provide for organizing, arming, and disciplining the militia, and for governing such part of them—

We do not have to call them all. We can call any of them we want to call—

And for governing such part of them as may be employed in the service of the United States.

Senators say that we must not draft them in time of peace; that we must wait until the war begins; that we must wait until we are defeated, and then call out the National Guard. The Constitution provides, however, that we have authority to call out the Guard and arm them and discipline them before war begins. Is there any limitation in the Constitution upon our right to raise and support armies in time of war only? We must have an army in time of peace as well as in time of war, and the authority to raise and support armies exists in the Congress in time of peace the same as it does in time of war.

Every article of the Constitution means the same thing in time of peace that it means in time of war. Every guaranty that that instrument carries goes to the citizen in time of war as well as it does in time of peace.

Let us see what authority the President has. It must be remembered that when the Constitution was written, while its authors were trying to get away from European concepts of power, there was in their minds the British conception of the executive who controlled foreign affairs and of the executive who controlled the army. We had just come out of 8 years under the Articles of Confederation. When the Congress tried to handle our foreign affairs, through a committee, we know what a chaotic state of affairs existed. We had just come out of 8 years under the Articles of Confederation, during which the Congress had undertaken to maintain our military affairs. The States had refused to make their contributions of militia and of money. All those things were in the minds of the framers of the Constitution, and they determined to set up a strong central executive.

Senators may not like that; rather, they may wish that the President did not have as much power as he has. I am not speaking of the present President or any future President. I am speaking of the Presidency. It is an office which today perhaps carries with it more constitutional power than any reigning authority on earth. I am not speaking about the military masters that overthrow civilan authority and disregard constitutions, but I say that the Presidency has today more power than any constitutional authority on earth. He has more authority than the King of England has. The King of England is more or less of a decoration. He is a sort of painted king on a painted throne. He sits on the throne, but he has no real authority.

the Monroe Doctrine.

show a sort of half-hearted determination to have a real,

Let us see what the drafters of the Constitution said they would do for our Executive. They wanted to repose the central executive power somewhere. What does the Constitution say? Article II, section 1, says:

The executive power shall be vested in a President of the United States of America.

It does not say a little of the executive power; it does not say some of the executive power; it does not say three-quarters of the executive power. It says:

The executive power shall be vested in a President of the United States of America.

That executive power applies to the Army and Navy as well as to civilians. The Senate could not be the Commander in Chief of an army. Imagine the House of Representatives commanding an army! [Laughter.] Congress cannot command armies; it cannot direct navies. Somebody must do it, however. The makers of the Constitution said, "This is an executive function, and we will put it in the President of the United States." The people of the United States are supposed to be wise enough to pick the right man for President. They are supposed to select a man in whom they have confidence, a man who has a lofty conception of his obligation and his duties under the Constitution; and he is vested with these lofty functions. I have read the provision with respect to the general executive power.

Section 2 of Article II says:

The President shall be Commander in Chief of the Army and Navy of the United States—

What President? The President of the United States—not the president of the city council, not the president of the Democratic Party or the Republican Party, but the President of the United States.

Is that all? No.

and of the militia of the several States.

Senators say that National Guard men are State officers, and that we must allow the National Guard to be run by the States. Of course, they are State National Guard men, but what does the Constitution say?

The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States.

The President is Commander in Chief of them; and as Commander in Chief he may send them anywhere he wishes in the United States. The amendment of the Senator from Colorado is simply a limitation upon the power of the President. It grants him no new authority. Whatever authority the President has as Commander in Chief of the Army and Navy he derives from the Constitution of the United States, and not from an act of Congress.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. HATCH. Will the Senator discuss the effect of the committee proviso on page 2?

Mr. CONNALLY. The effect of that proviso is that it is the will of Congress that these troops be not employed anywhere except in the territories mentioned in the joint resolution.

Mr. HATCH. It was argued that it is an implied vesting of power in the President to send the troops to any point within the Western Hemisphere.

Mr. CONNALLY. I shall undertake to dissipate that conception.

Mr. BONE. Mr. President, will the Senator yield?

Mr. CONNALLY. Let me finish the answer on this point, and then I shall be glad to yield.

According to my view, the language in the joint resolution itself is a limitation. It says that the troops we are now drafting may not be sent anywhere except to the places mentioned. It does not give any added authority. Whatever authority the President has, he has already.

Mr. HATCH. Mr. President, will the Senator further yield?

Mr. CONNALLY. I yield.

Mr. HATCH. Without this provision in the joint resolution, would the President have authority to send these particular troops to any point in the Western Hemisphere?

Mr. CONNALLY. I think he would.

Mr. HATCH. The Senator contends that he already has that authority?

Mr. CONNALLY. He has it under the Constitution. Nothing we say about it can add anything to his authority.

Mr. BONE. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. BONE. In view of that contemplation of the constitutional prerogative of the President, is it possible for Congress, by statute, to circumscribe the President's right?

Mr. CONNALLY. Only by the control of the purse. We may refuse to appropriate. That is the reason for the provision that no appropriation for an army shall be made for a longer period than 2 years. The purpose of that provision is to give Congress a check over the Executive in the establishment of a great military machine.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield to the Senator from Georgia.

Mr. GEORGE. I wish to submit this thought to the Senator: While the President is Commander in Chief of the Army and Navy of the United States, he has no extraterritorial jurisdiction. He has jurisdiction upon the high seas; that is, all our ships are entitled to traverse the high seas; but the President has no extraterritorial jurisdiction in any other country. I grant that it always has been the case that the power has been exercised, when necessary, to send the Army and Navy to protect the life or property of an American citizen in a foreign land, but that is the only sound basis on which such authority can rest. It is true, whether we all approve it or not—I heard a great many Democrats condemning it at the time, some of whom were very vociferous in their condemnation——

Mr. CONNALLY. On the floor of the Senate or in the cloakroom? [Laughter.]

Mr. GEORGE. Both. It is true that under the present Secretary of War—I believe he was then Secretary of State—we sent some marines to one of the South American countries to supervise an election. However, that authority rested upon the altogether tenable doctrine, let us say, that if that country did not have an orderly election it might have a revolution, and the property of Americans invested in that country might be endangered and perhaps violated and destroyed. However, the President of the United States may not send our Army on active duty—I do not say he may not let them visit wherever he wants them to visit—into the heart of Brazil, or into the heart of England, or into darkest Russia, or into any other nation in the world, without violating the law of nations.

Mr. CONNALLY. The Senator was appealing to our own law. He was not appealing to the law of nations a while ago when he said that the President had no extraterritorial authority. Let me ask the Senator from Georgia where is there anything in the Constitution or laws which says that the President may not do so?

Mr. GEORGE. There is nothing except the fact that the Constitution is a constitution for a free people which respects the rights of all other nations. Where is there anything in the Constitution which says that the President has the right to do so? The Senator's question reminds me very much of the question which was propounded to me many years ago, when an old gentleman came into my office and said, "I want you to search the lawbooks and show me where it is stated that a one-legged man has any right to make a will." [Laughter.] Of course, there is nothing in the Constitution giving the President the express right.

Mr. CONNALLY. Let me say, in answer to the Senator's one-legged illustration, that we would have a one-legged Army if, in time of war, the Commander in Chief could not send the Army anywhere our national interests required it to go.

Mr. GEORGE. Is the Senator talking about time of war?

Mr. CONNALLY. I am talking about any time when our interests are at stake. Let me ask the Senator from Georgia a question.

Mr. GEORGE. No; I want to make it clear that if we are in war, then, of course, the war machine is in the hands of the President, and may be sent anywhere where it is deemed advisable to use military force, but not in peacetime.

Mr. CONNALLY. Not in peacetime?

Mr. GEORGE. Not in peacetime. We have no right to send our Army, let us say, into Russia in peacetime, unless Russia assents to it, and I dare say nobody would ever think we had that right, except, as it always has been held—and I think it is sound doctrine—that the President may send the Army and Navy, the armed forces of the United States, anywhere to protect the life and property of the American citizen.

Mr. CONNALLY. That is exactly the point the Senator from Texas is undertaking to make; not that he advocates the President sending the Army and the Navy around on an expedition to butt in anywhere, but that is one of the discretions which, under the Constitution, are vested in the President of the United States as Commander in Chief of the Army and Navy.

Mr. GEORGE. No; Mr. President.

Mr. CONNALLY. It is up to his decision, and not ours.

Mr. GEORGE. I do not think the Senator from Texas wants to take that broad ground.

Mr. CONNALLY. The Senator from Texas has already taken it.

Mr. GEORGE. I am sorry, then, and I think the Senator had better draw himself in a little. In war that may be done, yes; but not in peacetime, because to send an army on active duty into a peaceful country would be an act of war.

Mr. CONNALLY. Certainly it would, and the Senator from Texas is not advocating that course. The Senator from Texas is talking about the power which is given the President of the United States. The President of the United States is Commander in Chief of the Army and the Navy during the day and during the night, during peacetime and during wartime. There is no limitation on his authority as Commander in Chief.

Mr. GEORGE. And he may do as he pleases with it?

Mr. CONNALLY. He may embezzle the power, yes; but it is up to his conscience and his responsibility to tell the Army where it should go.

Mr. GEORGE. No; the Senator now is saying that the President does not have to embezzle the power; that he has it, and has it rightfully.

Mr. CONNALLY. I say he has the power, just as the Senator from Georgia has the power, to do wrong; but the Senator from Georgia is not going to do wrong, because he knows better.

Mr. GEORGE. Not if I can help it; but the President has not any power except what the Constitution gives him.

Mr. CONNALLY. Exactly.

Mr. GEORGE. He has not any power in peace or in war that is not drawn from the Constitution, and he cannot send the Army on active duty into a peaceful country without committing an act of war.

Mr. CONNALLY. I agree with the Senator. I am not saying that he ought to do it, but I say that under the Constitution he has the authority and the power to do it if he sees fit.

Mr. GEORGE. If the Senator from Texas says the President has the power to do it, but it is an embezzlement of power, then I grant that that is true.

Mr. CONNALLY. I grant that anybody who has a power and misuses it is an embezzler of power; and if any President of the United States should send the Army into a peaceful country and invade it, of course he would be doing wrong.

Mr. GEORGE. If it is a usurped power, it is not a granted power. If the power to send the Army into another country is merely usurped, it is not a granted power under the Constitution. The Constitution does not contemplate that we shall send our Army into any other country except on a declaration of war by the Congress. I have already said that there are exceptions, and those exceptions are properly exercised, I think.

Mr. CONNALLY. I think there is no real quarrel between the Senator from Georgia and myself.

Mr. McKELLAR. Mr. President——

Mr. CONNALLY. Let me say just one thing to the Senator from Georgia, and then I will yield to the Senator from Tennessee.

Mr. GEORGE. I do not want to take the Senator's time.

Mr. CONNALLY. That is all right. It is the Senate's time; it is not mine.

The Senator from Georgia says we cannot take action in times of peace, but we have to wait until Congress meets and declares war before the President can send a single soldier into any other country with which we are at peace. Let us suppose that Congress were in adjournment, and we were all at home, and next week Japan—I will not use Hitler's name; I see him in my dreams, and it startles me, but I am not going to use his name in this connection—suppose Japan next week should land an army in the Republic of Panama, not on our territory, not on our soil, not attacking us, but should land an armed force in the Republic of Panama near the Panama Canal; is there any man in the Senate who would not say that the President of the United States, under his solemn obligation to the people of the United States, ought to send, and that he would be derelict in his duty if he did not send, the Navy and the armed forces, if necessary, into Panama to see that the Japanese force stayed in Panama and never crossed the line into the Panama Canal? Yet Panama is a peaceful country. We are not making war on Panama. We are defending the rights and the sovereignty and the power of the people of the United States. I submit that under the Constitution the President would have the authority to do that very thing, and if he did not do it I think he would be derelict in his duty.

I now yield to the Senator from Tennessee [Mr. McKELLAR].

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The time of the Senator from Texas has expired.

Mr. GEORGE. Mr. President, let me say that the Senator has well illustrated my own argument.

Mr. CONNALLY. I yield to the Senator from Georgia.

The PRESIDING OFFICER. The time of the Senator from Texas has expired.

Mr. CONNALLY. I will take my time on the joint resolution, and a little on the next bill that is coming up. [Laughter.]

Mr. GEORGE. I will take the floor. In the case the Senator has supposed, the President would be defending not merely the property and rights of the United States but the very territory of the United States.

Mr. CONNALLY. That is what I am talking about in connection with this whole measure. I do not want to send any army over to the Fiji Islands.

Mr. McNARY. Mr. President, I thought the Senator's time had expired; and I was about to suggest to the able leader that we recess at this time until tomorrow.

Mr. CONNALLY. I shall be very glad to have a recess, if I may conclude in the morning.

Mr. McKELLAR. Mr. President——

Mr. CONNALLY. Before we recess, however, I shall yield to the Senator from Tennessee.

Mr. McKELLAR. I am much obliged to the Senator.

As I understand the argument of the Senator from Texas, it is that when the United States calls the militia into the service of the United States, the President of the United States under the Constitution has the right to do with the militia just as he has the right to do with any other part of the United States Army.

Mr. CONNALLY. Exactly.

Mr. LODGE. Mr. President, will the Senator yield to me for an observation?

Mr. CONNALLY. I yield.

Mr. LODGE. Is it not also true that under section 10 of Article I of the Constitution, by implication certainly, if not

directly, a single State has the right to go to war in its own defense?

Mr. CONNALLY. To repel invasion.

Mr. LODGE. Or in case of "imminent danger."

Mr. CONNALLY. I think that is true. I have not looked at the Constitution lately, but I have a very vivid recollection of its provisions.

Mr. LODGE. "Such imminent danger as will not admit of delay."

The PRESIDING OFFICER. Does the Senator from Texas yield the floor?

Mr. CONNALLY. I yield the floor, with notice that I will appeal to the Chair in the morning to recognize me.

Mr. BARKLEY. Mr. President, I am afraid that, under the unanimous-consent agreement, that could not be done without unanimous consent.

Mr. CONNALLY. I have not used up my time yet.

Mr. BARKLEY. There is no trouble about it; but the Senator will recall that under the unanimous-consent agreement no Senator may speak more than once or longer than 20 minutes on any amendment or the joint resolution. I want the Senator from Texas to go on tomorrow, but his action in doing so might be interpreted as making two speeches on the joint resolution.

Mr. CONNALLY. If anybody objects, I will subside.

Mr. BARKLEY. I ask unanimous consent that if we recess until tomorrow the Senator from Texas may resume during the remainder of the 20 minutes that he would have on the joint resolution.

The PRESIDING OFFICER. Is there objection? None is heard.

Mr. BARKLEY. Mr. President, I had hoped that we might vote on the pending amendment today, but it is obvious that we cannot do so.

The other day it was announced and generally understood that we would take up the military-training bill tomorrow, assuming that this measure would be out of the way. It is obvious that the joint resolution will have to go over until tomorrow. I am wondering if we cannot enter into an agreement to vote on the joint resolution and all amendments thereto at some hour tomorrow, suggesting 3 o'clock.

Mr. McNARY. Mr. President, that would have been possible an hour ago; but now that we have dragged out the debate for another hour I think the Senator should make the time 4 o'clock tomorrow.

Mr. BARKLEY. I ask unanimous consent, and I ask that the requirement for a roll-call be waived——

Mr. ADAMS. Mr. President——

Mr. BARKLEY. I ask unanimous consent that not later than 4 o'clock p. m. tomorrow the Senate proceed to vote without further debate on the pending joint resolution and all amendments thereto.

The PRESIDING OFFICER. Is there objection?

Mr. ADAMS. Mr. President, I have said numbers of times that I thought the rules of the Senate ought to be observed. This particular rule that the Senate has seen fit to waive on some occasions is a rule adopted for the protection of the Senate. I do not think the Senate ought to waive that rule, which gives to Senators notice of the final vote on an important measure.

Mr. BARKLEY. I appreciate that, and it will not take long to make the call. I now make the point of no quorum.

Mr. McNARY. Mr. President——

Mr. BARKLEY. Just a moment. Let me make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the parliamentary inquiry.

Mr. BARKLEY. Immediately after the usual roll call tomorrow to ascertain the presence of a quorum—which will not be made for the purpose of making this unanimous-consent request—will it be in order, without another roll call, for me to make this request?

The PRESIDING OFFICER. The Chair would think that that would be in order, without objection. If there should be no objection, the Chair would so rule.

Mr. BARKLEY. I wonder if we could obtain a further agreement on a limitation of debate on amendments and the joint resolution.

Mr. McNARY. Mr. President, I think the matter is in good shape and that if after the roll call tomorrow the able leader will propose his unanimous-consent agreement for a vote at 4 o'clock there probably will not be any objection. I may say, as to a further limitation of debate, that I personally have no objection.

Mr. BARKLEY. I will not propose a further limitation at this time.

CLAIMS OF MISSISSIPPI CHOCTAWS

Mr. BILBO. Mr. President, I shall have to be away from the Senate for the next 20 days, because the election will take place in my State on the 27th of this month. I am very much interested in Senate bill 3524, conferring jurisdiction on the Court of Claims to hear and determine the claims of the Choctaw Indians of the State of Mississippi, and I ask unanimous consent to have that bill now considered. There is no objection to the bill. It has been unanimously reported by the committee, and I am particularly interested in having it passed at this time.

The PRESIDING OFFICER. Is there objection?

Mr. McCARRAN. Mr. President, there is a bill on the calendar which has to do with all matters of this kind. There is another bill pending in one of the committees—I think in the Committee on Indian Affairs—which has to do with this very matter, and it involves language which the Department of Justice has rather insisted on as being a part of any bill having to do with Indian claims.

I may say to the able Senator at this time that the matter of Indian claims has been very carefully considered by the Committee on the Judiciary, the Committee on Indian Affairs, and the Committee on Public Lands and Surveys, as well, and it is one which requires some reformatory legislation. The Department of Justice has suggested language which, to my mind, would be very salutary in matters of this kind.

The PRESIDING OFFICER. Is there objection?

Mr. McCARRAN. I am sorry to have to object, as I do not believe this is a matter which should be brought up in this manner.

Mr. BILBO. Mr. President, I am sure that the Senator from Nevada will withdraw his objection when he has had opportunity to read the measure.

The PRESIDING OFFICER. Does the Senator from Nevada withdraw his objection?

Mr. ADAMS. Mr. President, I wish to make an inquiry about the bill. I should like to know what the provisions are in reference to the allowance of interest.

Mr. BILBO. That is set out in the bill.

Mr. ADAMS. In what way?

Mr. BILBO. By naming the parties.

Mr. ADAMS. I mean as to the interest on the claims. My reason for making the inquiry—and the Senator from Oklahoma agrees—is that there has been a very serious abuse in the allowance of interest on such claims. In the matter of ordinary claims against the Government interest is allowed for only 6 years. On Indian claims interest has been claimed clear back for 75 or 100 years, and the Department of Justice has suggested limiting interest to a 6-year period. There are Indian claims now pending before the Court of Claims aggregating $600,000 on which there is a demand for interest in the amount of $1,400,000,000.

Mr. BILBO. There is no such provision in my bill. The matter is all to be turned over to the Court of Claims.

Mr. ADAMS. But the Court of Claims will be compelled, under the law, unless there is a limitation in the act, to allow interest from the beginning of the claims, which might amount to 400 or 500 percent. That is why I was asking the Senator whether there was any limitation in the bill.

Mr. BILBO. It is my information that there is a limitation in the bill.

Mr. ADAMS. Could it go over until tomorrow morning?

Mr. BILBO. No; I am compelled to leave this evening.

Mr. ADAMS. I shall object unless I can see the provision, and see that the Government is protected in that item. If the Senator will get a copy of the bill, it will not take long.

Mr. BILBO subsequently said: Mr. President, I have examined the bill hurriedly, and in order that it may be passed, I move that it be amended by limiting the interest to 6 years.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 3524) conferring jurisdiction on the Court of Claims to hear and determine the claims of the Choctaw Indians of the State of Mississippi, which was read, as follows:

Be it enacted, etc., That the Court of Claims be, and it is hereby, given jurisdiction to hear and determine the claims, legal or equitable, of the Choctaw Indians of the State of Mississippi against the United States for losses claimed to have been caused by the failure of the United States, its officers, agents, or representatives, to comply with, perform, and execute the provisions of treaties, agreements, or statutes of the United States relating to the reservations, lands, funds, and citizenship rights of said Indians, in regard to the following matters:

(a) The claims of the Choctaw Indians of Mississippi and of other reservees arising under the treaty of September 27, 1830, known as the Treaty of Dancing Rabbit Creek (7 Stat. L. 333), for compensation for the failure to grant to them the lands to which they were entitled under said treaty, and for the value of scrip or indemnity for the same to which said Indians and reservees were entitled under the acts of Congress approved August 23, 1842 (5 Stat. L. 513), and March 3, 1845 (5 Stat. L. 777), including interest at 5 percent per annum for a period not to exceed 6 years.

(b) The claims of said Choctaw Indians of Mississippi for compensation for the loss of their interest, vested or contingent, in the assets or property of the Choctaw Nation to which they were entitled under the provisions of the several treaties and agreements between the United States and the Choctaw Nation and statutes of the United States relating thereto (1) by representation to said Indians that the United States would provide for their removal; (2) by advising against their accepting the aid of private persons to effect their removal; (3) by the failure to give reasonable notice or aid in their removal; (4) by the disapproval of a roll of identification containing the names of a large number of said Choctaws, which roll had been held without action by the Secretary of the Interior for a long period of time and was disapproved without consideration of its merits by said Secretary upon representation to him by the Commissioner of Indian Affairs that if approved the time for removal of those identified would extend beyond the date fixed for the final closing of the rolls of citizenship of the Choctaw Nation; or (5) by the action of the United States in allotting lands and distributing the property of the Choctaw Nation in disregard of the provisions of the treaty between the United States and the Choctaw Nation of April 28, 1866, with respect to the citizenship rights of the Choctaws of Mississippi: *Provided*, That if the said court shall find that the said Choctaws of Mississippi had a vested or contingent property right of which they were deprived by any of the foregoing causes, each person whose rights were lost thereby shall be entitled to an award of the average value of the interest so lost by him, including his proportionate share in the funds and proceeds of the property of said nation as distributed to the enrolled members thereof, and the average value as of the time of loss of the individual allotments made to citizens of the Choctaw Nation: *Provided, however*, That the jurisdiction conferred by this act shall not extend to or embrace any claim or claims of any nature against the Choctaw Nation of Indians in Oklahoma, but solely to claims against the United States asserted by those Indians hereby authorized to sue, and no sum or sums recovered in any action hereby authorized or sums appropriated in payment or settlement thereof shall ever be the subject of a charge against or claim for reimbursement out of any of the property or funds of the said Choctaw Nation of Indians in Oklahoma, directly or indirectly, or as a set-off or counterclaim against any claim or demand of said nation against the United States now or hereafter asserted, whether said claim or demand be of a legal or equitable nature, or for a gratuity.

SEC. 2. That this action shall be brought in said Court of Claims as a class action by a representative number of said Choctaws of Mississippi in their own behalf and in behalf of others similarly situated, and the petition or petitions filed under the provisions of this act may be executed and verified by J. A. Riddell as the representative of said petitioners and of all those in whose behalf said petition or petitions are filed and signed by William E. Richardson and Thomas E. Rhodes as attorneys for said Indians, and said representative and said attorneys are hereby authorized to prosecute said claims to the final conclusion of any action brought hereunder.

SEC. 3. That any petition or petitions filed in the said Court of Claims under the provisions of this act shall be submitted to said court within 2 years from the date of this act, and said cause or causes shall thereupon be proceeded with in accordance with the law and practice of said court, and any claims not so presented within the said period of 2 years shall be thereafter forever barred.

SEC. 4. That the hearing and adjudication of said claims shall be governed by equitable principles and shall fairly and finally determine the merits of the claims of said Indians and the obligations of the United States to them in administering the affairs of Indians subject to the guardianship and authority of the United States, in accordance with the customary action and precedents in the conduct of the estates of incompetent Indians, if the court shall find that said Mississippi Choctaw Indians were in fact as a group incompetent to manage their own affairs.

SEC. 5. That the amount of any judgment rendered in said cause when appropriated shall be set aside as a special fund to be paid or disbursed to the persons legally entitled to receive the same only upon such terms and conditions as Congress may by its subsequent legislation direct: *Provided, however*, That in entering its final judgment in said cause the Court of Claims shall hear and determine the amount, not to exceed 10 percent of the amount of any final award, which on a quantum meruit basis it shall find to be a reasonable compensation for the respective services and expenses of J. A. Riddell as the representative and of William E. Richardson and Thomas E. Rhodes as attorneys for said Indians as a class, heretofore rendered, or which may hereafter be rendered in the suit authorized by the provisions of this act, and shall as a part of said judgment award so much thereof as may be necessary to pay said compensation and reimbursement upon the basis herein directed to such person or persons, respectively, as the said court may find entitled thereto.

SEC. 6. That said court shall have further jurisdiction to hear and determine any counterclaims or counterdemands on the part of the United States against the said Choctaw Indians of Mississippi upon the said basis of equity and justice as directed in respect to the adjudication of all matters under the authority of this act.

SEC. 7. That either party aggrieved by any final decision of the said Court of Claims in said cause shall have the right to appeal such final decision to the Supreme Court of the United States as provided by law in respect to appeals from the Court of Claims to said Supreme Court: *Provided*, That on the question of the validity of the claim or claims of said Choctaw Indians against the United States, or any counterclaims or demands of the United States against said Indians, the appellate jurisdiction of said Supreme Court of the United States is hereby expressly extended to the hearing and determination of an appeal by or on behalf of said Choctaw Indians or the United States.

SEC. 8. That for the purpose of this act the term "Choctaws of the State of Mississippi" shall include only reservees under the treaty of September 27, 1830, and their descendants; those persons who on July 1, 1902, were residents in the States of Mississippi, Alabama, and Louisiana, having not less than one-eighth Choctaw Indian blood, and their descendants, and such persons as were thereafter identified on any approved roll of Mississippi Choctaws and their descendants, and shall not include any persons who were enrolled on the final citizenship rolls of the Choctaw Nation in Oklahoma.

Mr. ADAMS. I suggest that the amendment be inserted in line 12, on page 2, after the words "per annum," to add the words "for a period not to exceed 6 years."

Mr. BILBO. I accept that amendment.

The PRESIDING OFFICER. It will be necessary to strike out some words in line 12. The amendment will be stated.

The CHIEF CLERK. It is proposed, on page 2, line 12, after the words "per annum," to strike out the words "as provided in the latter act" and to insert "for a period not to exceed 6 years."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JULIUS O. ADLER

Mr. LUCAS. Mr. President, yesterday the junior Senator from West Virginia [Mr. HOLT] made some uncomplimentary remarks about various individuals who live in New York City, one of them being Julius O. Adler, who is vice president and general manager of the New York Times. I shall not take time to discuss the remarks of the Senator, the RECORD speaks for itself, but I do wish to put into the RECORD a general order of the War Department bestowing on Mr. Adler the Distinguished Service Cross for gallantry while serving with the Army in France during the World War. The citation reads:

[Citation from Decorations United States Army, 1862 to 1926, Published by the War Department, Office of the Adjutant General, 1927]

DISTINGUISHED SERVICE CROSS

Adler, Julius O. At St. Juvin, France, Oct. 14, 1918. R. New York, New York. B. Chattanooga, Tenn. G. O., No. 44, W. D., 1919. Major, Three Hundred and Sixth Infantry, Seventy-seventh Division.

"Accompanied by another officer, Major Adler was supervising the work of clearing the enemy from St. Juvin when they suddenly came upon a party of the enemy numbering 150. Firing on the enemy with his pistol, Major Adler ran toward the party, calling on them to surrender. His bravery and good marksmanship resulted in the capture of 50 Germans, and the remainder fled."

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

Mr. MILLER, from the Committee on the Judiciary, reported favorably the nomination of Robert L. Russell, of Georgia, to be United States district judge for the northern district of Georgia, to fill a new position.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). If there be no further reports of committees, the clerk will state the nominations on the calendar.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask unanimous consent that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed.

That completes the Executive Calendar.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock p. m.) the Senate took a recess until tomorrow, Thursday, August 8, 1940, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 7 (legislative day of August 5, 1940)

POSTMASTERS

CONNECTICUT

Daniel P. Hurley, Terryville.

MAINE

Lula E. Crockett, North Haven.

MASSACHUSETTS

Dorothy Durant, Becket.
Thomas J. Brown, Hopkinton.
Maurice P. Murphy, Hull.
John D. Anthony, Orleans.
Edward C. Moroney, Shrewsbury.

MONTANA

Frances B. Burchard, Bigfork.

OHIO

James B. Preston, Nelsonville.

HOUSE OF REPRESENTATIVES

WEDNESDAY, AUGUST 7, 1940

The House met at 12 o'clock noon.

Rev. Bernard Braskamp, D. D., pastor of Gunton Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

Almighty God, whose strength is invincible and whose resources are inexhaustible, hitherto Thou hast blessed us, for by Thy mercies we have been spared and by Thy power we are sustained.

May we enter upon each day unafraid for we know that we cannot drift beyond Thy love and care. Amid all the confusion and fluctuating shadows of a troubled world, may we go about our daily duties with confidence in the Eternal God, who is too wise to err and too kind to withhold from us that which is needful.

Bless the lonely of soul with Thy fellowship and the wounded of heart with Thy healing. Reveal Thy mercy unto all who are in dire plight of faith by reason of bitter sorrow and disappointment. Lift the light of Thy countenance upon all from whom the sun is veiled by the pale cast of fear and foreboding.

Unto the Christ we ascribe all praise and thanksgiving. Amen.

The Journal of the proceedings of yesterday was read and approved.

CONSCRIPTION IN PEACETIME

Mr. DONDERO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. DONDERO. Mr. Speaker, we in this body are soon to be confronted with a question which perhaps will be one of the greatest questions ever to confront the American people and the American Congress. That question is whether or not we shall surrender individual liberty and freedom as we have known it in this country, and in its place establish a despotism never before known in this Nation in time of peace.

It is interesting to note that during the Civil War in this country, out of 2,690,000 men enrolled in the Union Army, only 255,000 were secured by the draft. The issue then was the preservation of the Union. In the World War, during the first 3 weeks of voluntary enlistments in the Eastern States having a population of 18,000,000, when men were asked to fight on foreign soil only 3,594 volunteered.

It seems to me a question which proposes to extend the strong arm of the Government into every home in the United States ought to be approached with the greatest caution on the part of the American Congress. We are taking a long step to bring to the United States a policy that has dominated Europe for more than 1,000 years. Let us beware before we substitute force for patriotism. [Applause.]

[Here the gavel fell.]

COOPERATING WITH THE PRESIDENT

Mr. O'BRIEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. O'BRIEN. Mr. Speaker, I am in receipt of a very unusual telegram. For the first time in the history of the county of Monroe in the State of New York, the Republicans have asked me to cooperate with the President wholeheartedly. Recently—to be exact, on the 18th day of July—the President in a radio address stated that he had spent many sleepless nights pondering over the troubles of this country and that he planned and wished to retire to private life in January 1941. To help him realize this hope, the Republicans of my district want me to cooperate with him to see that this request is granted that he does retire to private life in January 1941. [Laughter.]

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. O'BRIEN. I yield.

Mr. RANKIN. Does the gentleman include all three of his constituents when he says "all"?

Mr. O'BRIEN. I thank my friend from Mississippi for the very generous contribution he has made, because my distinguished friend forgets I have more voters in my district than he has in his whole State. I also extend an invitation to those Democrats who feel like helping the President realize his ambition to retire in January 1941 to join us in our effort. [Laughter and applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. O'BRIEN. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks and to include therein a speech given by J. Edgar Hoover on August 7.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EUROPEAN FOOD RELIEF

Mr. MARTIN J. KENNEDY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MARTIN J. KENNEDY. Mr. Speaker, at this time I should like to direct the attention of the membership to a resolution I have just introduced. This resolution provides that a European Food Distribution Commission be appointed by the President for the purpose of aiding a great number of people subject to starvation in Europe who are in no way responsible for the present war.

The statement attributed to Ambassador John Cudahy, which was published in this morning's paper, lends importance to my proposal.

Let us adopt my resolution and, by so doing, we will again assume world leadership on behalf of helpless people. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address by Ambassador Josephus Daniels, who presided at the Bryan breakfast at the Chicago convention, Wednesday morning, July 17, 1940.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina [Mr. DOUGHTON]?

There was no objection.

CALENDAR WEDNESDAY

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that business in order for today, Calendar Wednesday, may be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. RAYBURN]?

There was no objection.

CONGRESSIONAL COURTESY

Mr. DIRKSEN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. DIRKSEN]?

There was no objection.

Mr. DIRKSEN. Mr. Speaker, I doubt whether in my service of 8 years I quite entertained such a distressed spirit as I did this morning on reading the CONGRESSIONAL RECORD and the morning newspapers. For Members of a congressional body to characterize themselves as was done in the CONGRESSIONAL RECORD in the manner indicated this morning is a frightful reflection on the Congress. In addition, there appeared on the front page of the papers this morning the account of a closed meeting of a House committee in which Members reflected on the patriotism of each other. Have we become so wanting in tolerance, have we become so devoid in forbearance, that this Congress cannot set a good example for the American people as we discuss highly controversial measures and proposals? If so, it is going to have a definite effect and impact on the thinking of the people of the country as this thing appears on the front pages of the papers from one ocean to the other. The time has come for us to be a little more forbearing, tolerant, and discriminating in our remarks and attitudes one toward another. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. THILL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a short newspaper article.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin [Mr. THILL]?

There was no objection.

THE THIRD TERM

Mr. JENKINS of Ohio. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. JENKINS]?

There was no objection.

Mr. JENKINS of Ohio. Mr. Speaker, a most significant thing happened last Sunday. The Cincinnati Enquirer for probably 100 years has been one of the outstanding Democratic papers of the Nation. On last Sunday on its front page appeared an editorial of great significance, which reads as follows:

CREDO NO. 1

I am an American.

I believe in American institutions. I believe in American ideals, in American standards of living and morals, and, above all else, in the blessed heritage of liberty bequeathed by the founders of this free Nation.

Whether I call myself a Democrat or a Republican is inconsequential. I am not a New Dealer. No one holding my beliefs can give aid, comfort, or support to a leadership that is destroying the sound principles of representative government enunciated by Thomas Jefferson and applied by Abraham Lincoln.

I am for preservation of the Republic as a republic, and not for its conversion into a socialistic state with totalitarian power in Washington. I am opposed to a regimentation of the manpower of this country. I don't believe that prosperity can be established by application of the doctrine of scarcity. I don't believe that this Nation can spend itself into financial health and strength. I don't believe in the incitation of class hatred, nor do I believe that character and courage can be built by destroying the initiative and independence of the individual.

I am for a government of laws created by intelligent, untrammeled, clear-thinking, patriotic legislative bodies; a government of laws interpreted and applied by a free judiciary, uninfluenced by political considerations or pressure, and, finally, I am for a government in which the Chief Executive does not assume to exercise all three governmental functions. I am not a New Dealer.

Mr. SABATH. Will the gentleman yield?

Mr. JENKINS of Ohio. I yield to the gentleman from Illinois.

Mr. SABATH. By whom is that written?

Mr. JENKINS of Ohio. It was written by the editor of the Cincinnati Enquirer.

[Here the gavel fell.]

PERMISSION TO ADDRESS THE HOUSE

Mr. BENDER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. BENDER]?

There was no objection.

THE PRESIDENT AND ADJOURNMENT OF CONGRESS

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. RICH]?

There was no objection.

Mr. RICH. Mr. Speaker, I note in the Post of June 7 that President Roosevelt at that time informed Democratic leaders it was imperative that Congress adjourn by June 22. It states:

Mr. Roosevelt advised his chieftains that he would send a message to Congress on the adjournment date, in which he will say that all necessary legislation to meet the present war threat had been enacted.

Previous to the time that statement was made by the President, Congress appropriated about $5,000,000,000 for the Army and Navy in preparation for war. Since the time he said Congress should adjourn he has asked the Congress to appropriate $5,000,000,000 additional money, making $10,000,000,000 in all. Now, tell me, in the name of the American people, what is this great war hysteria about? Who is going to war on the United States? Who said we are going to have a war? There is considerable talk about the conscription bill, but it seems to me that if we would do less talking about war and forget about it, we will never get into war, and I hope that we will have no conscription and no war. If we want more men for our Army and Navy, why not make it financially as attractive as the C. C. C. boys, who get $30 a month, at least, or $40 a month for 1 year's service, and we will probably get all the boys to join our Army we need? It is certainly worth a trial at least before we conscript. By offering proper inducement, those who want to serve will have the opportunity and we will not have to demand those who do not care to serve for a year to go against their will. Are we to become a militaristic nation? Are we going to create a great army

and navy in peacetime? Who is going to attack us? Certainly not Canada. Certainly not Mexico. Then who? Why all this war hysteria? Who wants war? I do not.

[Here the gavel fell.]

PERMISSION TO ADDRESS THE HOUSE

Mr. MILLER. Mr. Speaker, on yesterday I was granted 20 minutes to address the House today. I now ask unanimous consent that I may have an additional 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

EXTENSION OF REMARKS

Mr. WIGGLESWORTH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the W. P. A. and to include certain extracts from newspapers and letters received in this connection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. GEYER of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a letter I have received and an editorial, and also to address the House at this time for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GEYER of California. Mr. Speaker, I am today placing on the Speaker's desk a petition to discharge the committee from further consideration of the Geyer anti-poll-tax bill.

When we are talking these days about reaching down into these 8 Southern States and taking those young men and putting them into uniform, let us first give them a little democracy for which they can fight. There are three and a half million colored people without the vote and 7,000,000 white people without the vote in those Southern States. I hope my colleagues on my right will do something to clean this thing up that exists in our own democratic one-party States.

[Here the gavel fell.]

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, of all the stupid attacks I have ever heard made, the one coming from the gentleman from California [Mr. GEYER] on the people of the Southern States is about the limit. It comes with poor grace from a man representing the district in which Harry Bridges, the Communist trouble-maker lives, and especially one who voted against the deportation of Harry Bridges, to be continuously arising in the House and maligning the people of other States about their election laws, or the way they conduct their internal affairs, and about which he knows absolutely nothing.

If the gentleman from California [Mr. GEYER] wants to do some cleaning up, as he calls it, let him begin in his own district, and get rid of Communists, such as Harry Bridges, and stop his silly, false, malicious, and insidious attacks on the people of the Southern States.

The bill to which he refers will never become a law, as all well-informed Members of the House know. But I am getting tired of having a few Members arise on this floor and make these misleading statements without regard to the facts or the feelings of the rest of the membership.

They are constantly telling the country that only a few thousand voters go to the polls in Mississippi, or in other Southern States, and then pointing out the number of their Representatives in the House, to try to leave the impression that only a few people are permitted to participate in selecting their Members of Congress or other officials.

Now, as a matter of fact, in those States where there is only one party, as is the case in Mississippi, and practically all the other Southern States, our battles are settled in the primaries and there is no opposing ticket in the general election. Therefore, the vote in the general election is very light. These facts are well known to all the Members of the House with the exception of the gentleman from California [Mr. GEYER], and the probable exception of the gentleman from Wisconsin [Mr. SCHAFER].

Even in those districts where a Republican candidate does run, in the general election, in those States, he invariably does not attract enough attention to bring any appreciable number of voters to the polls. The last time a Republican put his name on the ticket in the district I represent he polled 391 votes to my 19,208.

I seriously doubt that if the stentorian gentleman from Wisconsin [Mr. SCHAFER] were to move down into that country, run for Congress, and stump one of those southern districts from one end to the other he would get 250 votes in the general election, even if every man, woman, and child in the district were permitted to go to the polls and vote, without paying a poll tax. And I doubt if the gentleman from California [Mr. GEYER] who would evidently have to run on the Democratic ticket if he ran at all, would get 10 votes to the county, if those people learned of his record in the Bridges case.

It is about time to stop this nonsense of trying to mislead the American people, or the Members of Congress, on this proposition.

[Here the gavel fell.]

Mr. PATRICK. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. PATRICK. Mr. Speaker and fellow Members, it is becoming pretty well aired about now that Mr. Willkie asked to meet "the champ" and, of course, that is putting the Presidency of the United States somewhat on the basis of a prize fight, but let it go at that. He got his wish when the Democratic Party nominated the "champ."

The greatest subject before the people today and the one in which they are most keenly interested, perhaps, is that of the selective draft, and, after the manner of a champ, the President immediately announced how he stands on that question, but the man who wanted to meet "the champ" is still on his bicycle. He has not decided whether to lead with a right or a left. I think he is trying to determine that from the voice in the gallery, the voice heard in Philadelphia, that said, "We want Willkie," that he may determine by it which side that gallery is on. You see when the gong starts the fight starts and the fight has started. Round one is already on or, perhaps, round two. Of course, Mr. Willkie has come out, I understand, and has said that the Democratic farm program is O. K., so we just wonder whether he will lead with a right or a left on the draft issue, or whether he actually meets "the champ" or merely bicycles away from him.

[Here the gavel fell.]

LEAVE OF ABSENCE

Mr. BLOOM. Mr. Speaker, I ask unanimous consent that the gentleman from West Virginia [Mr. KEE] may have leave of absence for 5 days on account of official duties.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

HARRY BRIDGES

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LELAND M. FORD. Mr. Speaker, I believe that was a well-directed remark upon the part of the gentleman from Mississippi [Mr. RANKIN] that gentlemen should confine their efforts to their own districts. Unfortunately some Members endeavor to confine their efforts to my district and tell my

district what to do with respect to the motion-picture industry bill, which was fortunately defeated. The gentleman from California [Mr. GEYER] represents a district from which comes Mr. Harry Bridges, or at least a lot of his activity is expended in his district, and is directed there by Mr. Bridges. I used to be supervisor, and my district included Wilmington, San Pedro, and Long Beach, and I know some of the activities in that section. I think if the gentleman from California [Mr. GEYER] would direct some of his activity to trying to get Harry Bridges out of this country, his efforts would be well directed. [Applause.]

The SPEAKER. The time of the gentleman from California has expired.

MR. WENDELL WILLKIE

Mr. SABATH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute, and ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. SABATH. Mr. Speaker, and gentlemen on the left, I hear gentlemen on the left every day announcing that this man and some other man will oppose President Roosevelt's election. The gentlemen to whom they refer are usually some ex-Congressmen or ex-Senators or some ex-officeholders who have been repudiated by their people. They are generals who have no army behind them. The people of America, the masses of sensible people who have no special interest in mind except the interest of the country, are at heart with Mr. Roosevelt, and they will again elect him President of the United States, because they appreciate his great work and the service which he has rendered to our country. [Applause.]

SOUTHERN REPRESENTATION

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. SCHAFER of Wisconsin. Mr. Speaker, the gentleman from Mississippi [Mr. RANKIN], the electricity expert, made a plea a few moments ago in favor of State rights. With reference to his demanding that the Federal bureaucracy here in Washington regulate the electric utilities in the State of Mississippi, and the other States in the Union, I suggest that he practice what he preaches today about State rights. I sincerely hope that the Geyer poll-tax legislation will be enacted. In the State of Mississippi, because of the Mississippi poll tax, seven Members of Congress in the last election received a total of 32,000 votes—less than one-half of the votes cast for each Congressman in most of the congressional districts north of the Mason and Dixon's line. Let us enforce the fourteenth amendment to the Constitution and reduce representation in the Southern States in compliance with the fourteenth amendment, so that we will have representation in Congress from the Southern New Deal States and Electoral College in conformity with the spirit and the letter of the Constitution of the United States. [Applause.]

MR. WENDELL WILLKIE

Mr. GROSS. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. GROSS. Mr. Speaker, in reply to the gentleman from Illinois [Mr. SABATH], so far as his reference to the men who are supporting Mr. Willkie is concerned, may I say that those few men out of the New Deal Cabinet who forced the nomination of the President for a third term, or assisted him, have never demonstrated their vote-getting ability. Not one man who was back of that proposition or acted with him in any way has ever come out and been elected to office. Not one of them would have the courage to expose himself to the electorate. They have been pulled out of the bushes some place and appointed to office by the President, regardless of ability or influence, and when it comes down to votes for the President that crowd has never demonstrated any ability to collect votes, and they will not demonstrate any such ability next fall. There was one gentleman among them. That was Jim Farley, who could commandeer votes, but he walked out on them.

May I say to the gentleman from Illinois that there were a few good men coming up during the last few years, but the President did like Charley McCarthy—he "mowed them down" and Wallace "plowed them under."

UNIFORM COVERAGE IN FEDERAL INSURANCE BENEFITS

Mr. CROSSER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4070) to provide for uniform coverage of certain persons employed in coal-mining operations with respect to insurance benefits provided for by certain Federal acts, and for other purposes, and for its present consideration.

The SPEAKER. The gentleman from Ohio asks unanimous consent to take from the Speaker's table the bill S. 4070 and consider the same. The Clerk will report the title of the bill.

The Clerk reported the title of the bill.

The SPEAKER. Is there objection?

Mr. MICHENER. Mr. Speaker, I reserve the right to object. This is the bill that was called up the other day, which I asked to have go over.

Mr. CROSSER. That is correct.

Mr. MICHENER. I have conferred with the minority members of the committee, and have no objection at this time.

Mr. BOLLES. Mr. Speaker, I object.

The SPEAKER. The gentleman from Wisconsin objects to the request of the gentleman from Ohio?

Mr. BOLLES. I do.

Mr. CROSSER. But I understood that the gentleman had no objection.

Mr. BOLLES. Mr. Speaker, I object.

Mr. CROSSER. Mr. Speaker, will the gentleman reserve his right to object?

Mr. BOLLES. I want further examination of this bill. I want discussion of this bill. I am opposing this bill, and I object to its present consideration.

The SPEAKER. The gentleman from Wisconsin objects to the unanimous-consent request.

PERMITTING AMERICAN VESSELS TO ASSIST IN EVACUATION OF REFUGEE CHILDREN

Mr. COLMER. Mr. Speaker, I call up House Resolution 562 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

House Resolution 562

Resolved, That immediately upon adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for consideration of H. R. 10213, a bill to permit American vessels to assist in the evacuation from the war zones of certain refugee children. That after general debate, which shall be confined to the bill and shall continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion, except one motion to recommit.

Mr. COLMER. Mr. Speaker, I yield 30 minutes to the gentleman from New York [Mr. FISH], to be in turn yielded by him as he sees fit.

I now yield myself 4 minutes.

Mr. Speaker, this is a rule on the so-called refugee children bill which is sponsored by the gentleman from Missouri [Mr. HENNINGS]. This is an open rule on a very important subject. I do not have anything to say, I am sure, that would throw any light on the subject, but I think it is a matter of utmost importance and deep gravity, and should receive the careful attention of this House.

In just a few words, this bill seeks to amend the present neutrality law to permit American ships to go into combat zones, from which they are now prohibited, to bring from those zones and the foreign countries involved, certain refugee children who would otherwise be permitted to come into this country.

The bill in no sense amends the present immigration law. It merely amends the neutrality law to permit American ships to go into those zones for the sole purpose of bringing those children out of those zones.

Mr. DONDERO. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield.

Mr. DONDERO. Will this entail any financial obligation upon the Government of the United States?

Mr. COLMER. None that I understand. I would not be positive about that.

Mr. LUTHER A. JOHNSON. Will the gentleman yield?

Mr. COLMER. I yield to the gentleman from Texas, a member of the Foreign Affairs Committee, who is an authority on that question.

Mr. LUTHER A. JOHNSON. In response to the question asked by the gentleman from Michigan [Mr. DONDERO], whether or not this would entail any financial expense, the answer is emphatically no; that it does not authorize or direct. It simply modifies the neutrality law so that these ships may go in, but there is no expense to the Government and with no assumption on the part of the Government at all.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. COLMER. I yield.

Mr. ROBSION of Kentucky. I would like to inquire what refugees will be brought in under this bill?

Mr. COLMER. The children of any nation could be brought in; that is, any of the belligerent nations, who would otherwise be admissible.

Mr. ROBSION of Kentucky. How are we to determine that they are refugees?

Mr. COLMER. That is a matter that is to be worked out by the authorities.

Mr. BLOOM. Will the gentleman yield?

Mr. COLMER. I yield to the chairman of the committee.

Mr. BLOOM. I will say to the gentleman that will be explained afterward when we take up the bill for debate, but there are organizations in England which are determining the children who should be classed as refugees. There is no special classification, either rich or poor. Anyone that these societies can find a place for in this country will be determined as refugees. It has no classification with regard to nationalities. Any refugee child in England today or in any part of the war-stricken countries may be determined as a refugee.

Mr. ROBSION of Kentucky. Will this be limited to refugee children of the Allies?

Mr. COLMER. Most certainly not.

[Here the gavel fell.]

Mr. COLMER. Mr. Speaker, I yield myself 3 additional minutes.

Mr. ROBSION of Kentucky. I would like to find out about how many children are supposed to be involved in this?

Mr. COLMER. I cannot answer that question. I doubt if anybody else could.

Mr. ROBSION of Kentucky. Then if poor children are brought here, what arrangements will be made to take care of them?

Mr. COLMER. If the gentleman will defer that question until the matter is taken up later, I am sure that will all be explained.

Mr. BLOOM. We will be glad to answer all those questions later in the debate.

Mr. COLMER. As I said at the outset, this is a most serious matter. It is an amendment of the present neutrality law. I think the present neutrality law has prevented this country from becoming involved in this war up to this time, because we have kept our ships out of those zones. I do not think there is any question but what this country would be involved in this war today if it had not been for that provision of the neutrality bill. Now, this is a deviation and one which should certainly be fully and seriously considered by the Congress.

It is a question of whether, in our desire to be of assistance to humanity, we should make this departure from the present law. Personally I doubt if this legislation, if enacted by Congress, will amount to a great deal. I say that for two reasons: First, the legislation requires that the safe conduct of these vessels be guaranteed by all of the belligerent nations. I doubt that that will happen. Suppose, for instance, application is made to Germany for safe conduct for one of these vessels for these refugee children, and Germany simply does nothing about it. In her business of prosecuting the war she does not answer that request. Then it would be nugatory. The ship could not go there and therefore I doubt, from that standpoint, if it would be practical.

Then the other question involved, it seems to me, is whether the English people, whom of course this bill in its final analysis is aimed to assist, would be willing for their children, in this bitter sea warfare, to embark upon a vessel under those hazardous conditions.

You can readily see what would happen if an American vessel with, say, 2,000 or 2,500 small, innocent English children were sunk in passage. What a furor would be raised in this country. We would be upon the verge of war.

Mr. Speaker, this is a humane effort on the part of a great humane government to save the lives of possibly untold thousands of innocent, helpless, little children. While I have some misgivings about its practical operation and am appreciative of its serious implications, I shall support the resolution and the legislation.

What I have tried to say is that I think this House ought to give serious consideration to this legislation, and when the sponsor of the bill and those familiar with it who have given great study to it address you on the subject I hope you will give them the attention they deserve and to the subject the serious thought it merits.

Mr. Speaker, I reserve the balance of my time.

PERMISSION TO ADDRESS THE HOUSE

Mr. WIGGLESWORTH. Mr. Speaker, I ask unanimous consent that at the conclusion of business and other special orders today I may address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMITTING AMERICAN VESSELS TO ASSIST IN EVACUATION OF REFUGEE CHILDREN

Mr. FISH. Mr. Speaker, I yield myself 10 minutes.

The SPEAKER. The gentleman from New York is recognized for 10 minutes.

Mr. FISH. Mr. Speaker, this is a fair and open rule, and there should be no objection to the rule or to the consideration of this important piece of legislation. This is a humanitarian proposal, nothing more or nothing less. We, in the United States, should be grateful and thankful every day in the week that we are able to keep out of the European War, and we propose to try to keep out of foreign wars now and hereafter. But we have a certain moral and humanitarian duty and obligation to those stricken European nations suffering as a result of the horrors of modern warfare.

This proposal merely enables Americans who want to, to provide the money to send mercy ships over to bring back refugee children from the war-stricken countries of Europe. It also provides that before they may do so all belligerent nations must give their approval and consent, in order to guarantee the safety of these ships. In other words, Great Britain, Italy, and Germany must consent to having these American ships go into the war zone to bring back refugee children. It is not a matter of compulsion, we cannot force Germany, England, or Italy to give their consent, but I am inclined to believe that all of these countries, if properly asked, will gladly give their consent to a humanitarian proposal of this kind. I think it will have the support of most of the American people, certainly of all the church elements

in the country, for it is a step toward providing shelter and safety to the youth of Europe, and at this moment particularly of England.

No one in this Congress knows when total war will break out in England. No one knows whether it will break out this week or next month, but when it does English cities may be wiped out by airplane bombs and hundreds of thousands of helpless and innocent children wounded or killed.

Mr. LUTHER A. JOHNSON. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield.

Mr. LUTHER A. JOHNSON. Some question has been raised, and several Members have asked me, with reference to the effect the passage of this resolution might have on increasing the number of immigrants to come into this country.

Mr. FISH. This does not interfere at all with our immigration laws. Most of these children will come into the country under temporary visas of 6 months' duration.

If the war is over in 6 months, they will go back home. If the war should continue for a year, I assume the visas would be extended another 6 months. If anyone wants to come in from England under the American quota, the quota is far from exhausted; and if these children want to come in permanently, they can come in until the quota is exhausted. But, according to the British Government as announced by its Ambassador, Lord Lothian, not more than 50,000 English children have applied for admission into this country. I doubt very much whether private capital will be able to provide sufficient ships to bring over as many as 50,000. The Congress of the United States should not in any way put any monkey wrenches into the machinery of this idealistic measure, or in any way delay the immediate consideration of this humanitarian proposel to enable those who have the money to provide the means to bring these young war victims out of the danger zones. This, in a nutshell, is the proposition, and it is not only humanitarian but it is idealistic, generous, and the American way.

Mr. BEAM. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield.

Mr. BEAM. I am sympathetic with what the gentleman says, but I am interested to know if the children from other countries, for instance, Poland, Belgium, and so forth, are to be beneficiaries of this legislation.

Mr. FISH. I am glad the gentleman asked that question. This bill does not apply to England alone; it applies to all war-stricken countries equally. It could apply to China, to Poland, Denmark, Norway, Holland, Belgium, and France, or to any other country that may be invaded. I do not believe I would support the measure if it applied to any one particular nation.

Mr. BEAM. I am glad to hear the gentleman state that because we are interested in all these children.

Mr. FISH. As soon as I get through discussing this phase of the bill I want to go a little further and make some remarks regarding the appalling famine situation arising in western Europe. I could not support this bill if an amendment were adopted to do away with the proviso which requires the consent and approval of all belligerent nations. I think it would be extremely dangerous to strike that out and to permit these mercy ships to go into the war zones without any guaranty. It would be too dangerous for the children themselves and too dangerous for the United States of America, because it might involve us in war.

Mr. MASON. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Illinois.

Mr. MASON. Then the picture painted by the gentleman from Missisippi of a ship with 2,500 children on it being sunk could not possibly happen if we live up to that clause and that protection?

Mr. FISH. I would advise the House to vote down the bill if that clause is stricken out.

Mr. MASON. I will, too.

Mr. FISH. As long as I am in the Congress of the United States I will do nothing that will jeopardize the peace of America or do anything to involve us in war.

Mr. MASON. That is the one clause in the bill that protects us from becoming involved in the war.

Mr. KELLER. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Illinois.

Mr. KELLER. Does the gentleman not believe that if we make it clear this will also include German children and Italian children, in case they also become refugees, it would clarify the situation?

Mr. FISH. The language is perfectly clear. It does apply to Germans, to the French, Dutch, and Belgians, and to all refugee children equally.

Mr. BLOOM. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from New York.

Mr. BLOOM. I may say to the gentleman this bill does not mention any nation or any of the belligerent countries. It is an open bill and applies to any country that is named in the proclamation issued by the President. If you are going to name Germany, then you will have to name all of the countries. This applies to all countries now.

Mr. FISH. The gentleman wanted to have the issue clarified for the House so that it will be definitely understood. As the bill is written all countries are provided for.

Mr. BLOOM. It says so in the bill.

Mr. KELLER. I did not ask whether we should mention Germany or any other nation in the bill. What has occurred to me is simply this: If we pass the bill, and I hope we will, I want it made clear that when we ask for these rights to go in there and have our ships respected, we can say to Germany and Italy, "Your refugee children will also be included in this," and I think under those circumstances we will receive the kind of consideration we should.

Mr. FISH. The gentleman is correct. If we had specified Great Britain, for instance, all these other nations would object, and they would have a right to object, but we have specified no nation. This is a humane proposition. We are trying to do our bit in America to fight man's inhumanity against man.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. I am sympathetic with the object sought to be attained by the bill. In view of some of the pictures we have seen of these refugee children coming from abroad with their governesses and their nurses, may I ask if the adults in charge of the children should not be limited to American citizen adult personnel?

Mr. FISH. Permit me to read in answer to the gentleman an extract from a letter from the British Ambassador, Lord Lothian, to me under the date of July 30, 1940:

> Applications to the Children's Overseas Reception Board for evacuation to the United States already exceeds 32,000, of which 10,000 are for located homes. It is estimated that the applications would reach a figure of 50,000. The great majority of these children are from homes other than those of rich parents. Ninety-eight percent of the applications are in respect to children from grant-aided schools.

This shows that 98 percent of the English children will come from poor parents.

Mr. SCHAFER of Wisconsin. How about this adult personnel? Under the present language you can bring in just as many adult nurses and tutors as you can children. There is no provision preventing that.

Mr. FISH. This bill in no way changes the immigration laws. Those nurses might be able to get a temporary visa or if they wanted to they could get permanent visas because the quota is far from exhausted.

[Here the gavel fell.]

Mr. FISH. Mr. Speaker, I yield myself 5 additional minutes.

Mr. ALLEN of Illinois. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Illinois.

Mr. ALLEN of Illinois. There has been some discussion here about the children of Belgium, Poland, Norway, and Sweden. Is it not a fact that under present conditions Great Britain is sending boats over here, bringing their children over here, and has access to this country, while the boats of Norway, Poland, Belgium, and Sweden have difficulty coming

over here? Under this bill it would permit them all to come over?

Mr. FISH. There is no discrimination in the bill. It would permit all refugee children to come over. May I say that the reason why the British Government does not send them over in their own ships is contained in Lord Lothian's letter, part of which reads as follows:

His Majesty's Government has decided that it cannot assume the responsibility for sending children to the North American continent in British ships unless they are convoyed. As there is a lack of convoyed British ships at present the Board is unable itself to take the responsibility for sending children to the United States.

The ships that we send over there will not be convoyed, under the terms of this bill, and under the provisions of the bill the American flag must be flown at all times, spotlighted at night, and painted on both sides of the ship, like the Red Cross ships under a previous act of the Congress.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. As a matter of fact, will there be any refugee children come except from Great Britain?

Mr. FISH. I rather think that at the moment the children in the greatest danger are the British children. I think for the next few months—and I hope this bill will be passed within the next few days. The children to come here will probably be British children in order to get them out of the war zone immediately and away from the dangers of airplane bombing that is expected over the big cities of England within the next 30 days.

Mr. ROBSION of Kentucky. They will not come here under the quota?

Mr. FISH. The English quota is still unexhausted, but refugee children could come from other nations on temporary visas for 6 months, which could be extended if necessary.

Mr. ROBSION of Kentucky. In other words, it is planned for all of them to come in under temporary visas.

[Here the gavel fell.]

Mr. FISH. Mr. Speaker, I yield myself 5 additional minutes.

Mr. ROBSION of Kentucky. What would happen if the war should last 5 years or 6 years or 10 years? We might extend them and extend them and then they might marry here.

Mr. FISH. If the war should last a long time these visas would be extended. Naturally, we cannot bring over a great quantity of children. I do not believe we can bring over the 50,000. I do not believe we can get enough money to send the ships over to take care of 50,000, but if the war should last these visas would be extended until the war ended, if it were 1 year or 5 years. They are all young children; and all of these children, before they come here and before they get on an American ship, have been assured that American citizens are willing to adopt them and their ability to take care of them has been investigated and approved. So we are in no way bothered financially, or in any other way, if they should remain here 1 or 2 or 3 years.

Mr. TAYLOR. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to my friend from Colorado.

Mr. TAYLOR. I may say that I am in sympathy with the spirit of this bill, but ought there not to be some limitation? If we are going to hold out to the whole world that we are going to be an asylum for all the oppressed children, ought we not to put in a limitation of 5,000,000 or 10,000,000 or 25,000,000, so we will know where we are going?

Mr. FISH. I may say to the gentleman I think it would be probably a happy and proper thing to put in a limitation of 100,000.

Mr. TAYLOR. It seems to me that is important.

Mr. FISH. I do not believe we could reach that figure, or anywhere near that figure. I do not think we can even reach the figure of 50,000; but I certainly believe, as one who is a member of the Foreign Affairs Committee, that I would vote for any such amendment limiting it to 100,000, and that would take care of what the gentleman from Kentucky [Mr. ROBSION] also has in mind.

Mr. TAYLOR. And ought there not to be a limitation on the personnel that can come along with them? Will not all the fathers and mothers and cousins and uncles and aunts want to come along with them?

Mr. FISH. I do not believe the fathers and mothers can come over.

Mr. MASON. The bill specifies "under 16 years of age."

Mr. FISH. Only nurses can come over, I understand, with the younger children.

Mr. TAYLOR. I do feel there ought to be a limitation of that kind.

Mr. FISH. This is a wide-open rule, and I am sure we all want to do the humanitarian thing and at the same time we want to protect American interests.

Mr. TAYLOR. Yes.

Mr. FISH. And I think any proper amendment like that ought to be accepted by the committee, and while I do not speak for the committee, I believe the committee will accept any such amendment.

Mr. STEFAN. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Nebraska.

Mr. STEFAN. Is this bill approved by the Department of State?

Mr. FISH. I cannot answer that question. Does any member of the Foreign Affairs Committee know whether this bill has been approved by the State Department?

Mr. BLOOM. I will say, "Yes."

Mr. FISH. That is a good guess, Sol.

Mr. BLOOM. No; it is not a good guess.

Mr. FISH. Well, I will guess the same way.

Mr. STEFAN. If the gentleman will yield further, the quota from Great Britain, as I understand, is 65,000 a year.

Mr. FISH. Yes.

Mr. STEFAN. And under the quota there can come from Great Britain 10 percent per month.

Mr. FISH. Yes.

Mr. STEFAN. Does the gentleman know how many of the British citizens have taken advantage of the quota this year under the 10 percent per month or has that 10 percent per month been changed and made flexible in order to bring over these children?

Mr. FISH. I think very few British citizens have taken advantage of it, but on the other hand I understand the quota has been changed so that if these refugee children want to come in permanently, they can come in beyond the quota allowed for each month but not beyond the total of the annual quota.

Mr. STEFAN. Then more than 10 percent British children could come in under the regular quota of 65,000?

Mr. FISH. That is right.

Mr. STEFAN. Mr. Speaker, does the gentleman also understand that last year 63,000 British people did not take advantage of the quota?

Mr. FISH. That is correct.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. FISH. Yes.

Mrs. ROGERS of Massachusetts. It is the belief of many that this legislation really is not necessary, that the President has the power under section 3 (a) of the present act to allow these ships to go over there and bring the refugee children into this country? But as the President has not acted this legislation is considered necessary, is it not, in order to expedite the matter?

Mr. FISH. This is an amendment to the neutrality law. I doubt very much whether the President has that power. If he did exercise it, it might be questioned.

Mr. DUNN. Mr. Speaker, will the gentleman yield?

Mr. FISH. Yes.

Mr. DUNN. I wonder if it is possible for us to bring every person from Europe over to this country?

Mr. FISH. No; I do not think it is, and I do not think it is desirable.

The SPEAKER. The time of the gentleman from New York has again expired.

Mr. FISH. Mr. Speaker, I will take 5 minutes more.

Mr. HARE. Does not the gentleman think there should be some limitation as to what countries these refugees should come from?

Mr. FISH. No; I do not believe in specifying any nation, but I think they should come from the war zones or the war-stricken countries.

Mr. HARE. Does not the gentleman think that making no discrimination would be a contribution to Germany and to her carrying on her warfare?

Mr. FISH. Not in any possible way. Germany has to approve this bill before it becomes operative, and I hope that she will.

Mr. HARE. She will approve it and send all of these refugees over here for us to support.

Mr. FISH. They are not sending German children out of Germany.

Mr. HARE. But they may send children out of conquered countries.

Mr. MOTT. Mr. Speaker, will the gentleman yield?

Mr. FISH. Yes.

Mr. MOTT. In respect to the suggestion that German children might come here, I think under the language of this bill it could not apply to German children, because this specifies children under 16 years of age fleeing from the war zone. No German children are fleeing from the war zone.

Mr. FISH. Mr. Speaker, I shall now digress for a moment from this bill, though not very far, and read a statement from the American Ambassador to Belgium, Mr. John Cudahy, and I hope the House will bear with me for a few minutes while I read a brief statement and give attention to it. Our Ambassador to Belgium has this to say:

> If you think Europe is a howling hell now, there are no words in the English language adequate to describe what it will be next winter unless something is done about it.

That is what he told newspapermen, and outside of this statement he had no definite suggestion except to say that he was on his way to America, where he would tell people what he had seen and thought, and his thought was:

> You cannot look at 8,000,000 starving people without doing something about it.

This bill, in my opinion, stands on its own merits and is aimed primarily to bring refugee children from the war-stricken parts of Europe over to this country, but I believe that we must eventually go much further. During the World War we fed all of Belgium. Can we, the Congress of the United States and the American people, wash our hands of the appalling famine situation in these stricken countries? Can we sit quiet and let millions of European children starve to death in France, Belgium, Holland, Denmark, Norway, and Poland?

Can we do that this winter when our granaries are glutted and bursting with food, when we have surplusage in wheat and corn and all kinds of foodstuffs, meat, and pork? Certainly that is not the American way if we can prevent this mass starvation of women and children without injuring our peace or our own food supply. We should help these suffering nations and prevent starvation not only in Belgium, but in the rest of war-ravaged Europe. I believe this is the first step, merely, bringing a limited number of refugee children over here, but that the biggest step is to prevent millions of European women and children from starving this winter. I deny that this would help Germany or the German Army. We sent 700 ships abroad to help Belgium relief in the last war, and Mr. Hoover said not one pound of those foodstuffs went to the German Army. We may be called upon to feed these starving children and women in France and Belgium, and possibly other countries, as we did from 1915 to 1920.

We can set up an American commission. We can see to it that none of this food gets into the hands of the German Army. I say to you this is the American way; this is the humane way; this is the only way that we can prevent starvation in western Europe at the present time. We have a tremendous surplus of food supplies and I hope the Congress will do the generous thing and the big thing when the time comes for proper and adequate legislation. [Applause.]

Mr. MARTIN J. KENNEDY. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield.

Mr. MARTIN J. KENNEDY. I know the gentleman will be pleased to know that a resolution I introduced today at the opening of the House provides just what he has stated.

Mr. FISH. Well, I believe that time has come and I hope the gentleman will press the resolution. I will support it in every possible way from now until it is enacted into law. [Applause.]

[Here the gavel fell.]

Mr. COLMER. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Speaker, I am going to recite something familiar to you:

> Between the dark and the daylight, when the night is beginning to lower,
> Comes the pause in the day's occupations that is known as the children's hour.

The children's hour in England, alas, is fraught with the greatest peril. Gone is the deep sense of happiness and contentment found in family life. The parents of English children are occupied day and night with the defense of their country. Added to this tremendous responsibility is the dreadful knowledge that their children will be forced to endure with them the threatened horrors of a Nazi "blitzkrieg." Parents throughout the world will admit that recognition of this factor alone must require all the courage the English can summon.

There is no time to lose.

Imagine for one moment the Heinkels, the Junkers, spitting forth their volumes of deadly fire from high altitudes, out of effective range of British antiaircraft guns below. There will be no discrimination as to children. The Nazi huftwaffe will not bother to determine between factory, school, airdrome, orphan asylums, children's homes, and oil dumps. All will be treated alike by death-pregnant Stukas. The threatened destruction of London from above focuses our attention upon the recent destruction of Rotterdam, in which 54 Dorniers, Junkers, and Heinkels killed 30,000 people and reduced the center of the city to rubble in 7½ minutes. But, instead of 54 planes, there may be 1,500 or more planes over London, Liverpool, and other thickly populated sections of England. Hitler is reported to have threatened to send over England ten to fifteen thousand death-dealing sky wolves. Before that day comes, let us hasten the passage of the bill providing for these mercy ships for children.

All that this bill does is to provide an exception to the Neutrality Act, an exception which we have already provided for other mercy ships, which we call Red Cross ships. Section 4 of the Neutrality Act says that Red Cross ships can proceed to and through combat zones under safe conduct. We have even gone so far as to take out the words "safe conduct" by a recent amendment about 3 weeks ago with reference to section 4. But I feel that safe conduct should be provided for these mercy ships for children to reduce the possibility of war involvement.

I will say that Mussolini and Hitler would not dare refuse safe conduct under those conditions. They have been condemned in the court of public opinion for many other things, but as to this, the rescue of children in this merciful fashion, I am quite sure that there will be no denial of that safe conduct as a condition precedent to the proceeding of these ships to this rescue work.

Mr. LEWIS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield.

Mr. LEWIS of Colorado. Is there any other pledge made by Hitler and Mussolini, or by either of them, that they have not broken when it suited their pleasure or their supposed advantage to break or disregard? What real assurance have you?

Mr. CELLER. You have no assurance.

Mr. LEWIS of Colorado. Do we want to invite the bringing in of refugee children in American ships depending merely

upon the assurance or pledge of safe conduct by men whose pledged word has been broken on every occasion? For my part, I am not willing to assume the responsibility of encouraging such a risk.

Mr. CELLER. I am willing to take that chance. The record must be made clear. There is some danger that those men will not keep their plighted word. They may refuse to continue that safe conduct, but I doubt whether they will do that. They would not risk condemnation in the world court of public opinion. I am sure that they will give safe conduct, and that we need not offer unnecessary alarms in that regard.

British children, and children of other nations who have sought refuge there must, in the name of humanity, be brought to safety.

I and one of my colleagues the gentleman from Missouri [Mr. HENNINGS] offered a bill amending the Neutrality Act so as to permit the sending of American ships for this purpose. A composite bill has been recommended by the Foreign Affairs Committee, and is now pending before you in the House. More than 200,000 British families have registered their children with the children's overseas reception committee in London. Funds are available for the payment of passage for these unfortunate victims of Nazi hate. Funds will be available for the poor children as well. Machinery has been set up for the selection and the sending of these children to us.

As the situation now prevails, there are no ships available in England that could be used to rescue these children from Nazi Stukas and bombers. Practically all of England's naval strength is engaged in the coastal defense of the island and in an active blockade, which is another form of defense.

To send our ships which are now lying idle is an act of sheer mercy—the *n*th degree of humanity—to save and spare these helpless children from a Nazi holocaust. We have the means—transports and funds. Dare we refuse? I think it would be a blot upon our national escutcheon which would remain forever.

In a short space of time many millions of dollars have been made available in the United States for the housing and care of these children. Organizations sponsored by highly reputable citizens have been organized to undertake the problem of the adequate attention these hapless refugees will require. Responsible groups in more than a score of States are ready and waiting to accomplish the task. Thousands of homes in America are willing to open their doors to these unfortunate children.

The United States Government is not asked to assume any risk or cost. All that is requested is that the barrier now existing will be removed, so that United States citizens will be permitted to evacuate and receive these children.

In the bill that I offered and in the bill reported favorably by the Foreign Affairs Committee of the House, no attempt is made to strike at or whittle away the provisions of the Neutrality Act. The act remains unimpaired. Simply another section is added thereto. I refer to the so-called Red Cross section, 4, of the Neutrality Act, which permits an exception to the general prohibitions contained therein, in that American Red Cross ships, proceeding under the consent and so-called safe conduct of the belligerent nations, may enter combat areas.

The bill I offered and the bill which has been reported favorably would permit the transportation by vessels of United States registry in ballast, unarmed, and not under convoy, of refugee children not over the age of 12 years fleeing from war zones, together with such officials and adult personnel in charge as are members or employees of suitable and well-recognized organizations approved and certified by the Secretary of State, if such vessel is proceeding under safe conduct granted by all of the states named in the proclamations issued by the President and provided further that each such vessel has painted prominently, distinctly, and unmistakably on each side thereof an American flag and a statement that such vessel is a refugee-child rescue ship of the United States or under United States registry, so that night or day there can be no mistake as to the identity of such vessels.

You will note that safe conduct is necessary; that is, if children are to be rescued out of England and ships are to operate from British ports, and as Italy and Germany are belligerents, consent must be first obtained from these nations that the ships may proceed to the United States with these child cargoes. This should minimize the danger of such conveyance. Furthermore, only those organizations which have been certified by the Secretary of State may arrange for transportation. This would limit this work to well-financed and reputable groups. With these ships flying the American flag and plainly marked as to their missions, Nazi bombers from above or submarines would not dare bomb or torpedo ships of this character. Such vessels unmistakably marked as are the Red Cross ships should lead to no danger or casualties. They could plainly be painted with the American flag and high letters could identify them as rescue ships.

Electric lights at night could be used to mark them as mercy ships. The Nazis would not dare fire upon them. There is no danger therefore of war involvement. There is no British war propaganda connected with my bill. The saving from slaughter is not limited to British children. Infants of all nationals, Belgian, French, Dutch, German, even Italian and Irish, may be saved from death. Furthermore, there is no limitation in the bill as to German children. The Lord only knows what course this war will take. The time may not be very far distant when German children will likewise be imperiled. This bill would permit their rescue.

Thousands of homes in America are now available for these unfortunate children. Scores of committees and organizations will supply all necessary funds. Let us start the ships on errands of mercy at once. There will be no distinction as to wealth, creed, color, or nationality.

There are a number of ships of the United States Lines, now idle, which could readily be used, including the *Washington* and the *Manhattan*. Both these ships contemplate tours along our coastal regions. They could easily be diverted in this humanitarian cause. I have just received an invitation to voyage from Virginia to New York on the new United States liner *America*. This is one of our best, fastest, and most luxurious liners built in the United States. This ship, likewise, could enter such rescue service.

The ruthless slaughter of English children must be averted. The State Department has removed the last vestige of formality in order to have English, as well as any Belgian, Dutch, or other child refugees now in England brought to this country, in order to save them from the widely advertised Nazi reign of terror. These children may now enter as immigrants or as visitors.

Furthermore, the administration, with a deep sense of the humanities involved, has made it unnecessary to require, in each individual instance, an affidavit of support from a relative or a friend of each child. The corporate form of affidavit has now been approved, so that a responsible charitable organization, such as the United States Committee for the Care of European Children, may now guarantee the support of as many children as their funds permit. Therefore, children without friends or relatives in this country shall be assured of support while they remain here.

The Nazi Heinkels will not discriminate, and children will be struck down by the thousands. Such wholesale slaughter is unthinkable. We have a paramount duty to evacuate these English children, as well as the children of any other nation, who have sought refuge in England. This should be done as quickly as possible. Thousands of Americans have offered their homes and over 500 institutions have signified their willingness to care for these unfortunates.

We must all realize the horrible effects of war upon children. We know from experience that children who have been through war are no longer children. Their emotional systems are so severely shocked that it takes years for them to recover.

Only the most thick-skinned isolationist could refuse to support a bill of this character. A Gallup poll recently showed that 6,000,000 families in the United States stood ready to shelter these young unfortunates for the duration of the war. In 1 week, 20,000 inquiries were received, and they continued to arrive at the rate of 500 per day.

Of course, absolute safety for these children, either now in Great Britain or even on the high seas is not assurable. It is a question of comparable danger. In Great Britain at the present time danger hangs over the head of every child every time a Nazi bomber approaches. In American ships which have been properly identified, both night and day, sailing a well-known course given in advance to the Germans, the danger should be negligible. Even Adolf Hitler, with all his ferocity, would not dare sink a shipload of children, even if he could stupidly believe there would be a military or naval advantage gained thereby. The conclusion, even to that scoundrel, must be that the sinking of such a ship would be likely to infuriate a nation. It may be that securing so-called safe conduct from Germany and Italy may be difficult, but, easy or arduous, the attempt must be made. Italy and Germany would be eternally damned if they refuse.

Frankly, I am one of those who believe ships should be sent whether safe conduct is given or refused. Again I say Hitler or Mussolini would not dare strike at these ships carrying helpless children. Frankly, public opinion in the country wants these ships to go on this errand of mercy, regardless. As a matter of fact, when difficulty was experienced in securing safe conduct for Red Cross ships, we immediately amended the Neutrality Act so that Red Cross ships are permitted to go on their missions of rescue and salvation without safe conduct.

Curiously enough, when hearings were held before the House Foreign Affairs Committee, the chairman, the gentleman from New York, Congressman BLOOM, read a report that our Ambassador to Great Britain, the Honorable Joseph P. Kennedy, opposed the sending of United States vessels for these child evacuees. The chairman espoused the alleged objection of Ambassador Kennedy. Fortunately, there was present at the hearing Mr. Marshall Field, chairman of the United States Committee for the Care of European Children, and he promptly stated that such report of such objection by Kennedy was an utter misrepresentation and untrue. He gave as his authority for that statement no less a personage than the Honorable Sumner Welles, Under Secretary of State. At the hearings, questions were raised concerning Prime Minister Churchill's statement in the House of Commons a week or so ago. Efforts were made thereby to discourage the passage of this measure of child rescue. In that regard, I read from an editorial appearing in the New York Times:

Mr. Churchill characterized plans for the wholesale evacuation of British children as most undesirable. He believed that such plans, put forward in Great Britain and requiring the use of British ships and convoys, reflected a state of panic detrimental to the interests of national defense.

But he added that an American movement to take the children out of danger would immediately engage the most earnest consideration of His Majesty's Government. There can be no other conclusion than that the British Government is willing to let us evacuate in American ships those children whose parents wish them to go, though it is reluctant to risk them on British ships, unable to detach warships to give them adequate protection, and probably hesitant to push the plan, on its own initiative, because such action might be regarded as defeatism.

It is not for us to advise the British Government. What we can do is to offer such facilities as the Government and people of Great Britain are ready to use. The safest way—indeed, the only reasonably safe way—of getting refugee children out of Great Britain is to take them on American ships, lighted at night and beflagged by day so as to make a mistake as to their identity impossible.

Furthermore, it has been stated that no amendment to the Neutrality Act is necessary that the so-called mercy ships may proceed to a belligerent nation to evacuate refugee children. I have examined carefully the Neutrality Act and come to no such conclusion. It is argued in some quarters that the Neutrality Act gives the President the right to define a combat area and that it would be unlawful "except under such rules and regulations as he may prescribe, for any citizens of the United States or any American vessel to proceed into or through any such combat area."

But this means that the President can issue a general regulation to permit an American vessel into or through the combat zone and do anything consistent with the rules and regulations promulgated by the President. It is argued that the President could issue such a rule and refugee children could be evacuated.

In the first place, Congress never intended such a tremendous burden to be placed upon the President. Suppose the President were disinclined to issue such a rule or regulation. Congress never intended placing the matter squarely upon the President. Congress, therefore, should assume this burden itself. The President has not acted up to this juncture. If he clearly had such a power or thought he had such a power, we may infer from his inaction that he lacks the power. He, therefore, puts action squarely up to Congress. In passing the Neutrality Act, Congress did not contemplate the evacuation of children. Scan the debates and you will find no mention thereof. Only a few weeks ago, we amended the Neutrality Act and again, by inference, reaffirmed these conclusions. In any event, there should be no doubt as to who has the authority. We should cut the Gordian knot of doubt right now. The bill now before the House and a similar bill now before the Senate should be passed expeditiously. Failure to pass this act would be a confession of our inability to rescue these innocents. It would be an inexcusable failure. [Applause.]

[Here the gavel fell.]

Mr. FISH. Mr. Speaker, I yield 5 minutes, the balance of my time, to the gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Speaker, the purpose of this bill is most laudable. We must realize, however, that its enactment is fraught with many implications. This is the first amendment to our neutrality law, which would change the principle of that law.

Mr. LUTHER A. JOHNSON. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I only have 5 minutes. The gentleman is a member of the committee and will have plenty of time. He possibly refers to the Red Cross ships. The Red Cross is an institution and I do not consider this bill in the same class. If I vote for this bill, I am not voting without some appreciation of what I am doing. We cannot settle a question like this by reciting poetry from the Well of the House. We should not settle this question that might put us into war on the basis of sympathy alone. Every instinct within us impels us to vote for anything that would help the children of these stricken lands. If this bill becomes law, we are authorizing a mercy ship, so-called, to go into belligerent waters under the American flag, provided it has been promised safe conduct by the several belligerent nations. Now, assume that all these nations should grant consent, assume that they should all keep their word, assume that the mercy ship should be blown up or destroyed by a floating mine—a pure accident. England has lost ships, Belgium has lost ships, Germany has lost ships during this conflict by virtue of the exploding of their own mines—not intentional, of course, but accidents.

Now this floating-mine danger lurks in the path of every ship plying the waters near and about these belligerent countries. What would happen if one of these mercy ships, laden with its cargo of precious refugee English children, should be sunk or destroyed, even by one of these floating mines? It is not difficult to imagine what would happen in the United States. The news would be broadcast over the radio and through the press. Our people would be not only shocked, grieved, and depressed but they would be belligerent at once. It would be no easy task to convince an already hysterical, wrought-up, and exasperated people that the explosion was not brought about through German treachery.

I think we are all agreed that there is an overwhelming sentiment in America favorable to the Allies or England at this time. This is because of the ruthless Hitler way of doing things. I do not want this country to get into this European war, yet I realize that there are many in the land who at this good hour feel that duty requires our immediate entry. On the other hand, there are many who do not want to enter

the war but whose feelings would be so aroused, if one of these mercy ships should be so destroyed, that it would be almost impossible to keep this country out of the conflict. It does not take any stretch of the imagination to visualize just such a condition and therefore sound reasoning must suggest the inherent dangers in a bill of this kind. The neutrality law has kept our ships out of belligerent waters, and as a result we have avoided incidents which lead to war.

The gentleman from New York [Mr. FISH] made a splendid speech. He told how we ought to take care of these children and said we ought to keep all the peoples of Europe from starving this year. That is fine idealism and sentiment. That is not the question before us today, however. As suggested by the gentleman from New York, this is the opening wedge; this is the first step; and just so surely as we are here it follows naturally that this legislation is the forerunner of similar legislation which, if carried far enough, will inevitably get us into the conflict unless we are almighty careful. Now is the time to stop and to look and to listen. Let us not be controlled entirely by what we would like to do.

All children coming on these mercy ships will come under the immigration quota law. There is no way of guessing the number involved. That will depend entirely upon the generosity of American citizens who provide homes for these children, plus the generosity and activity of these refugee children organizations that arrange the details in connection with bringing the children to this country. We must not forget that in time this legislation may bring large numbers of children to our shores and, after the war is over in Europe, we may be confronted with another problem. Of course, the same sentiment that prompts us in bringing the children to our country now will prevent us from returning them to the land from whence they came, unless conditions over yonder are as good as they are in this country at that time. I am not finding any fault about this, but am simply pointing out what will happen. We all realize that this is the situation.

Now, this bill is before us today because of the activity of those refugee organizations interested at this time in children residing in England. While we all want to help those children, we must not forget that the children in Norway, Holland, Sweden, France, and other over-run countries, parts of which are now being bombed, also appeal to the sympathy of our people. We should like to give aid and succor to all of them but, being realists, we know that this cannot happen. At the most, we can give but little assistance in this, the hour of peril for the children of Europe. It is very difficult to vote against a bill of this kind, and there will be few, if any, votes against it in the House. Nevertheless, the Congress is approaching the time when sentiment cannot possibly control and when we must use our minds as well as yield to our sympathetic impulses. It is not pleasant to address the House in this vein, and, believe me, I would not be doing so if I did not feel that it was a duty. It is so easy to have one's motives misconstrued in these days. While this bill will undoubtedly become a law, I am doubtful of its efficacy so far as actual results are concerned. At least it is a humanitarian, sentimental gesture in keeping with our American ideals. If it does become law and is put into operation, then the most we can do is to hope that none of the things I have suggested might happen to these mercy ships will happen. [Applause.]

[Here the gavel fell.]

Mr. COLMER. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. KELLER].

Mr. KELLER. Mr. Speaker, I simply want to call the attention of the House to the provision on page 2 requiring an American flag to be painted on each side of the ship. In my opinion this is not sufficient. I feel it is quite as necessary that an American flag or some equally plain identifying mark be painted on the superstructure of the ship to be clearly visible from the air. I propose to offer an amendment providing that this further identifying mark be added to the flags on the sides. I think this should be done in order that airplanes flying over such a ship may see clearly what ship it is.

When I returned from Sweden on the *Kungsholm*, even so early in the war as that, they had a great Swedish flag painted on the superstructure of the ship so there could be no mistake. This ought to be done in the case of these refugee ships, and unless someone else desires to offer the amendment I suggest, I shall certainly do so.

Mr. COLMER. Mr. Speaker, I yield the balance of my time to the gentleman from Missouri [Mr. HENNINGS].

The SPEAKER. The gentleman from Missouri is recognized for 15 minutes.

Mr. HENNINGS. Mr. Speaker, if the Members will bear with me for the short time allotted to me I should like to make a statement undertaking in as simple terms as I am capable to point out that this bill is a simple measure and does not involve many of the complex aspects which have been raised by some of the questions presented here by the membership.

This measure is an amendment to the Neutrality Act of 1939. It is an amendment which undertakes to provide that certain very simple things be done: Namely, that section 4 of this act shall not prohibit the transportation by vessels in ballast unarmed and not under convoy, of refugee children under 16 years of age fleeing war zones, together with such necessary adult personnel in charge as may be approved by the Secretary of State.

In undertaking to answer some of the arguments raised here this afternoon I certainly do not want to impugn either the courage, the patriotism, or the good faith of any Member of this body. If those gentlemen who seriously urge with some reason, perhaps, that a measure of this kind might project the American people into war because of the attack on and the sinking of one of these vessels bearing its precious burden of children, I would say that in many ways the beginning of the break-down in democracy is the failure of those undertaking to speak for the people to trust democracy. Are we going to say that we, the Congress, are so parsimonious, so timorous that when given an opportunity by a simple change in a law to meet a cruel emergency which I am satisfied was not contemplated when the law was enacted, are we to say that because of the possibility of some disaster overtaking these children on the high seas that we prefer to have them bombed and gunned to death like rats in the alleys of London or Birmingham because of a remote chance of disaster on the high seas, even under the safe conduct of the belligerents? Are we to say that the American people who have already spoken upon this measure are not to be trusted? That if because of some tragedy or unforeseen circumstances one of these ships were to meet disaster the people would immediately and by that cause alone be impelled to enter the European conflict?

Mr. Speaker, I believe you do discredit to the good sense and to the temper of the American people. It has been suggested this amendment will result in there being a number of British adult persons brought over to the United States. It has also been suggested that there may be a great strain placed upon the Government budget or upon the relief rolls because of these helpless children being brought to our shores. This measure specifically provides that the adult personnel to accompany the children on the vessels shall be under the direction and supervision of the Secretary of State. I may say to the House that into my own office within the past 3 weeks there have presented themselves a dozen American women who are willing to volunteer their services to go aboard these boats. I may also say that the Seamen's Union of America has volunteered to man one of these ships without one cent of compensation. [Applause.]

Mr. Speaker, I have a high regard for the opinion, the judgment, and good faith of the membership of this House, but if hundreds of thousands of people in this country are willing to contribute of their services, are willing to take the children into their homes—and there are many thousands of homes now on record that are willing to undertake this responsibility—is the Congress of the United States going to

stand supinely and callously by, indifferent to this public demand, when the American people want action? Are we going to say that because of some fancied or possibly real, but, I think, remote, danger of our being carried into the war they should not be permitted to do this? I do not think so.

Mr. TARVER. Will the gentleman yield?

Mr. HENNINGS. I yield to the gentleman from Georgia.

Mr. TARVER. The gentleman speaks of hundreds of thousands of homes. Does the gentleman contemplate that more than the immigration quota from any country shall be admitted under the provisions of his bill?

Mr. HENNINGS. I do not believe the gentleman was present when the question was presented earlier in the debate.

Mr. TARVER. Perhaps I was not.

Mr. HENNINGS. This does not so contemplate.

Mr. DICKSTEIN. May I say this has nothing to do with the quota law. These children are brought in here temporarily and after the emergency returned to their homes.

Mr. HENNINGS. The Attorney General has passed upon this matter.

Mr. TARVER. I am sorry I did not hear the other discussion. The gentleman says they are to be brought here temporarily.

Mr. HENNINGS. They are to be brought here under visitors' visas.

Mr. TARVER. They may come here under circumstances under which they can never be returned. Does the gentleman contemplate bringing in here hundreds of thousands of children, perhaps a million or more children, from the war zone into this country?

Mr. HENNINGS. The gentleman's question is well taken, and I will undertake to answer it.

This contemplates no change whatever in the immigration laws. These children come in under visitors' permits or visas. Assuming, as has been suggested, that a hundred thousand do come in, the plan of the committee, of which Marshall Field 3d is now chairman, for the care of refugee European children is as follows: It has on file and on record the names of thousands of people in this country who have made a showing as to their stability and their ability to maintain these children at their own expense, and they have been found upon investigation by this committee to be competent to take these children into their homes, not for adoption but as visitors. They must post a bond and they must go through the necessary requirements. No change is being made in any of our immigration or naturalization laws or processes. Does that answer the gentleman's question?

Mr. TARVER. Only partially, because it seems to me that the gentleman's plan might result in many hundreds of thousands of children being brought here who could never be returned. Notwithstanding the law might contemplate their return, physical circumstances might make their return impossible.

Mr. HENNINGS. Does the gentleman realize that the child-welfare agencies' reports show that in this country there are something like four times as many homes wanting children as there are children available for adoption?

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. HENNINGS. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. The gentleman intimated that these children would not come within the immigration quota but under the visitor section of the immigration law. If that be so, I am wondering how they are going to come here because only 2 weeks ago I called the State Department in an attempt to bring over here for a visit my mother-in-law's sister, who now resides in England. The State Department informed me that visitors' visas will not be issued because a showing cannot be made that at the expiration of the date of the visitor's visa they will be able to return to the country from which they came. I told them that I saw in the headlines of the paper a few days ago where Baron Rothschild and his wife came to the United States on a visitor's passport with a satchel containing a million dollars' worth of jewels. The State Department then "passed the buck" and said that the Rothschilds must have been issued visitors' passports by an American consul.

If the State Department correctly informed me only a week ago that they would not issue a visitor's visa to an English citizen to come over here under a visitor's passport because they could not make a showing that when the passport expires they can return to England, how can they, under that interpretation, issue a visitor's passport or visa to the children covered in this bill?

Mr. HENNINGS. I may say to the gentleman that I would not undertake as an expert to interpret the rulings of the Department of State or the Bureau of Immigration, but I do know that these children, before they can be received, must have the proper clearance. Of course, you realize it is a technical matter to some extent in England, as well as the assurances made over here to the proper authorities that they will not become public charges and will not under any circumstances form a part of those people now on the relief rolls.

Mr. SCHAFER of Wisconsin. With reference to the public-charge matter, from newspaper accounts in my city and in other cities, we find that the only guaranty they will not become a public charge is the putting up of a $50 bond, while an American-born citizen World War veteran, whom I have in mind, who has been trying to get his wife over from Italy to take care of his five children, cannot bring her over here because he cannot show sufficient income that she will not become a public charge. He is required to prove that he has an income of around $2,000 a year and post a $1,000 bond that she will not become a public charge.

Mr. KITCHENS. Mr. Speaker, will the gentleman yield?

Mr. HENNINGS. I yield.

Mr. KITCHENS. Does not the gentleman feel that this bill is an absolutely futile gesture, for the reason that Germany claims that England is trying to starve her children and Germany would never in this world consent for any children or women to be moved out of England, because those women and children and the women and children of other peaceful countries have been the special objects of attack and murder by Germany and some other countries?

Mr. HENNINGS. I may say to the gentleman that I do not. There are many competent and authorized groups, for example, the Society of Friends, the Quakers, who have been successful in obtaining some assurances and understandings with the German Government in other relief instances. Those of us who are interested in the passage of this resolution feel this will not be a futile gesture, but if it should unfortunately come to pass that it is a futile gesture, let us make the gesture by removing the barrier which now exists.

Mr. O'CONNOR. Mr. Speaker, will the gentleman yield?

Mr. HENNINGS. I yield to the gentleman from Montana.

Mr. O'CONNOR. Just how are these refugee children to be selected and what is a refugee child as contemplated by the bill?

Mr. HENNINGS. I may say to the gentleman that I have no detailed knowledge of the manner in which they are to be selected, but I will say that that is being done entirely in England.

Mr. O'CONNOR. Let us assume that we have hundreds of thousands of children—this bill is not limited to English children——

Mr. HENNINGS. That is true.

Mr. O'CONNOR. The bill is a blanket form of bill, and any child from any country may apply to come under the provisions of this law, if enacted.

Mr. HENNINGS. That is right.

Mr. O'CONNOR. What I am trying to get at is by what means are we to determine who has a right to come and who has not?

The SPEAKER. The time of the gentleman from Missouri has expired. All time has expired.

Mr. COLMER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Mr. BLOOM. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10213) to permit American vessels to assist in the evacuation from the war zones of certain refugee children.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield for a unanimous-consent request?

Mr. BLOOM. I yield.

Mrs. ROGERS of Massachusetts. Mr. Speaker, the courteous gentleman from Missouri [Mr. HENNINGS], the author of this measure, has done an enormous amount of work on this measure and in this morning's Post there was an editorial speaking of him and praising his bill. Two other newspapers have spoken of our able colleague as a great humanitarian.

I ask unanimous consent that that editorial may be inserted as a part of my remarks at this point.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

The matter referred to is as follows:

[From the Washington Post of Aug. 7, 1940]

SAVE THE CHILDREN

The Hennings bill authorizing the use of American ships to transport child refugees from the European war zones will come up for debate today in the House under a special arrangement by the Rules Committee. Little opposition to passage of the bill is anticipated, and indeed it is difficult to understand why there should be any opposition at all.

There is probably no other question relating to Europe on which American sentiment is so nearly unanimous as on the justice and propriety of saving as many young children as possible from the horrors and perils of total war.

Many isolationists in Congress have promised to support the Hennings bill. They can do so with logic and consistency, since the broad question of neutrality is in nowise involved. However, American ships are now forbidden under the Neutrality Act to enter waters which have been defined by the President as part of the combat area. The Hennings bill would not repeal this provision; it would merely exempt ships in ballast, unarmed and without convoy, sent for the express purpose of removing war refugees under 16 years of age.

This exemption would become operative only if such ships were guaranteed safe conduct by all the belligerents. Representatives of those war-relief agencies to whom the task of organizing and supervising the transportation of refugees would logically fall are confident that such guaranties will be given by the Germans. It is, therefore, imperative that the Hennings bill be passed promptly so that the evacuations can get under way before it is too late.

Immediate plans contemplate only the transportation of British children who have been registered for evacuation by their parents. But the Hennings bill would also legalize the transportation in American ships of child war refugees from the continent, whence rumors come daily of an even more terrible scourge than war itself. It is hoped that the Germans, now faced with the possibility of famine and plague in the occupied territories, will consent to such evacuations and also that the British will permit the rescue ships to pass through their blockade.

Surely, all who continue to set value on human life and on the mitigation of human suffering, or even upon the preservation of the human species, will want this bill enacted without further delay.

The SPEAKER. The question is on the motion of the gentleman from New York [Mr. BLOOM].

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10213) to permit American vessels to assist in the evacuation from the war zones of certain refugee children, with Mr. MCGRANERY in the chair.

The Clerk read the title of the bill.

The first reading of the bill was dispensed with.

Mr. BLOOM. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. HENNINGS]. The gentleman is making a good speech and I want him to continue in the same vein. [Applause.]

Mr. HENNINGS. Mr. Chairman, in the time allotted me today, and before proceeding to discuss the subject matter at hand, I want to take opportunity to commend the chairman of the Committee on Foreign Affairs, the gentleman from New York [Mr. BLOOM], for the expedition which has characterized the progress of this important emergency measure, enabling the membership to have it presented for consideration a little over 2 weeks following the day of its introduction in the House. I would be remiss were I not also, on behalf of the many Members who have expressed to me and to others their interest in this proposed amendment to the Neutrality Act, to say here that the distinguished ranking minority member of the Foreign Affairs Committee, the gentleman from New York [Mr. FISH], has also, in his capacity as a member of the Foreign Affairs Committee, as well as ranking minority member of the Committee on Rules, assisted in every possible manner. These gentlemen, as well as the members of the Committee on Foreign Affairs and the Committee on Rules, have realized that this measure is one in which party politics should have no part, and that the all-important humane policy involved transcends narrow partisanship and is consonant with our humane and democratic ideals as a nation.

Last November, supported by an overwhelming majority of public opinion, the Congress passed the Neutrality Act of 1939. Its primary purpose was, insofar as it is humanly possible, to prevent the entrance of the United States into this or any other war. I believe we all understand that any legislation which seeks to establish rules governing the conduct of the United States in the face of unpredictable events must be flexible. It must, of necessity, repose judgment and discretion in the officers of our Government whose duty it is to enforce such laws and to take into account changing conditions and circumstances.

We here in Congress enacted the Neutrality Act of 1939, which law is now in force. This act made articulate the firm resolve of the people of the United States to remain at peace. To avoid at all costs, save that of our national honor and safety, any involvement in European or Asiatic wars. I know that you, as Members of Congress, are thoroughly familiar with our Neutrality Act, and I do not propose to go into a detailed discussion of it now. I want to attempt to explain, as clearly as I can, just what change in this law we are undertaking to propose by offering this amendment to section 4 of the act. Now, I want also to tell you why I believe this amendment should be enacted into law and to give you the reasons for my firm conviction that if this is done the United States will be able to continue to serve humanity in its highest capacity, as the one great nation in the world which has always been a haven of refuge for the weak and oppressed of all peoples, regardless of their nationality and political or religious beliefs. This is an expression in highest terms of our right as a nation to exist.

We all know that our people want to be permitted, through voluntary action, to give temporary homes to thousands of helpless children who are today confined in the temporary fortress of Great Britain. We all know that our people want to shelter them and care for them under peaceful American skies, and at the same time to do this legally, with all possible assurance of safety to these children and with no risk of our becoming involved in war.

At the present time no American citizen, no matter how much he may wish to do so, may send for a child from the British Isles. This is because there is contained in our Neutrality Act a provision which gives the President authority to define what is known as combat areas, and forbids any American citizen or ship to proceed into or through any such combat areas. Of course, the waters surrounding Great Britain have been declared by the President to be such a combat area under the authority given him. We have now embraced in the act an exception to this provision relating to combat areas, permitting Red Cross ships, under assurances of safe conduct, to take Red Cross workers, doctors, medical supplies, food, and clothing into the war zone for the relief of human suffering. This section now needs immediate amendment to permit also the bringing of children from places of danger into the United States. I do not think there is any difference between the relief of civilian suffering and the saving of children's lives as a matter of human principle. Our Neutrality Act was never intended to prevent such measures of mercy.

There has been some discussion about this business of permitting our own ships to go abroad to bring these children

back, and the question has been raised as to why England cannot herself do this. The fact of the matter is that British ships are not available, nor are British war vessels available to convoy them. Since the closing of the Mediterranean and the collapse of France, it is estimated that England, in order to sustain lives on the British Isles and to maintain their defense, now requires three ships to do the work done by one before. England is using every available ship, including pleasure craft, in her back-to-the-wall fight for life. Even if British ships were available, they would of necessity fly the British flag and, whether under convoy or not, would be subject to attack and possible destruction.

The permissive amendment proposed in H. R. 10213 is simple and easily understood. It provides that to do this job the section of the Neutrality Act forbidding entrance of American ships into danger zones be liberalized, as was done in the case of the Red Cross ships, and that American vessels unarmed and not under convoy be permitted to enter into such zones for the purpose of transporting, from any countries, refugee children under 16 years of age who are fleeing from war zones, provided such vessel is proceeding under safe conduct granted by all of the states now classed as belligerents.

This does not mean that the Government of the United States, on its own responsibility or at cost to the taxpayers of this country, proposes to send our ships to England or any other place. It does mean that generous and charitably disposed individuals and groups may, upon their own initiative, charter American vessels for this purpose. It does not mean that we are going to change or alter our immigration laws. It does mean that these children are to be allowed to enter this country as visitors under visitors' permits and not as immigrants under the immigration quotas.

This proposed amendment provides further that these American ships are to have painted distinctly and unmistakably on each side an American flag and the statement that such vessel is a refugee children's ship of the United States, and they are to be fully lighted by night so that there can be no mistake as to their identity.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. HENNINGS. I yield.

Mr. CELLER. In answer to the question propounded to the gentleman a moment ago as to how these children were to be selected, I wish to state, and I am sure the gentleman will agree with me, there is a committee known as the Children's Overseas Reception Bureau in London, presided over by Geoffrey Shakespeare, who is a member of the Cabinet. This bureau determines who shall come, and with the bureau there has already been registered 200,000 British families who have children to be evacuated.

Mr. HENNINGS. Exactly.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield for just a question?

Mr. HENNINGS. I will be glad to yield to my colleague.

Mr. O'CONNOR. Following the suggestion that the gentleman from New York [Mr. CELLER] has made that the selection is to be made by authorities in some other country, does not the gentleman feel that those who are going to be our guests should be determined by our own authorities instead of giving that authority to some other country?

Mr. HENNINGS. In answer to the gentleman, I may say that we have not any legally constituted authority that would undertake to go over to England and select children to come over here.

Mr. O'CONNOR. But we do have the right to say who shall come.

Mr. HENNINGS. We have to trust the British people and their duly organized committees and agencies. I think that is immaterial anyway.

Mr. O'CONNOR. We do have the right to say who shall come here and who shall not.

Mr. HENNINGS. Naturally.

Mr. Chairman, if the membership will indulge me for a few moments, I shall make a brief statement of the purposes of the bill. There are many things about this measure, because it is an important measure involving policy which should be cleared up. I am sure that the advocates of the bill, and its proponents, do not want the House to pass a bill simply upon humanitarian grounds, without a clear concept of its purpose and its terms, and the far-reaching effect of any of its provisions.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. HENNINGS. Yes.

Mr. TABER. My understanding is that it is suggested that these youngsters be brought in here under visitors' visas, with the idea that they are going back. Has the gentleman figured, or has the House or the Congress figured, on whether we are doing these children a good turn or a bad turn in bringing them here, when after a certain period of time—a year or so—they are expected to go back, when we do not know whether they can go back or not.

Mr. HENNINGS. I might say to the gentleman that in undertaking to answer his question I think we are certainly doing them a good turn by bringing them here, if we are going to save them from the wrath of German stukas. Moreover, we are not undertaking to bring them here unless their mothers and fathers and those responsible for them want them to come.

In the third place, we are not going to undertake to bring them here unless public-spirited citizens in the United States, in every State, not just the State of New York, undertake to pay the passage of these children, and to take care of them after they arrive. The decision rests with the English and with the mothers and fathers of the children. I think the Congress of the United States might yield to the mothers and fathers of these children the simple concession that they know what is best for their own children.

Mr. TABER. Will the gentleman yield for another question?

Mr. HENNINGS. Yes.

Mr. TABER. My understanding is that the authorities of this country feel that few families can be trusted with that kind of responsibility toward children of no kin to them, and that rules and regulations and inspections must be set up under the authority of the Labor Department.

Mr. HENNINGS. And I may say that my information is directly contrary to the gentleman's.

Mr. TABER. I would say to the gentleman that my information is correct.

Mr. HENNINGS. I cannot yield further. I should be glad to go into that later.

Mr. WALTER. Mr. Chairman, will the gentleman yield for a question?

Mr. HENNINGS. For a short question.

Mr. WALTER. Has any assurance been given the Government that the safe passage of these boats will be guaranteed?

Mr. HENNINGS. That is one of the terms of the bill.

Mr. WALTER. I understand that, but I am wondering whether or not any assurance has been given that these nations will look favorably on this legislation.

Mr. HENNINGS. I do not think the Congress of the United States has been in the habit generally, in passing legislation, to consider whether foreign nations will view it favorably or unfavorably. I do know that the British Parliament, if we are to judge its temper by the expressions of the members of that body, are hoping that these children will be given some means by which they can escape what may be and probably is in store for many of them.

Mr. BARNES. Mr. Chairman, will the gentleman yield?

Mr. HENNINGS. I yield.

Mr. BARNES. Are these children coming in under visitors' visas or under the quota?

Mr. HENNINGS. I am glad to say to the gentleman they are coming in under visitors' visas. I did not understand whether the gentleman heard the previous discussion of the bill.

Mr. BARTON of New York. Mr. Chairman, will the gentleman yield?

Mr. HENNINGS. I yield.

Mr. BARTON of New York. Is it the gentleman's judgment as a lawyer and constitutional authority that the President has this power whether we pass this bill or not?

Mr. HENNINGS. I happen to be a lawyer, but I do not pose as a constitutional authority. There seems to be grave doubt as to whether the President has or has not, under the act at the present time.

Mr. LUTHER A. JOHNSON. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLOOM. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. LUTHER A. JOHNSON. Will the gentleman yield?

Mr. HENNINGS. I yield.

Mr. LUTHER A. JOHNSON. The gentleman from Missouri has just disclaimed the fact that he was a constitutional authority. I want to say as one who has served with him upon the Foreign Affairs Committee that the gentleman from Missouri is not only a lawyer, but a splendid lawyer. Furthermore, I want to take this opportunity to express my deep regret that the gentleman from Missouri, the author of this bill, is voluntarily retiring from the House at the expiration of this term. I want to say that his retirement is a distinct loss to the Foreign Affairs Committee and the Nation and to the Congress of the United States. [Applause.]

Mr. VORYS of Ohio. Will the gentleman yield?

Mr. HENNINGS. I yield.

Mr. VORYS of Ohio. I simply want to take a moment to second the motion of my colleague from Texas.

Mr. HENNINGS. I thank the gentleman.

Mr. BARTON of New York. Will the gentleman yield to me to concur in that statement most heartily, as a fellow member of the Foreign Affairs Committee?

Mr. HENNINGS. I thank the gentleman from New York.

Mr. BARTON of New York. I would like to ask the ranking majority member whether in his opinion the President has the power to send these ships, whether this legislation is enacted or not?

Mr. LUTHER A. JOHNSON. I do not know. I doubt whether he has. Some take the position that he might have, but I think it is doubtful, and I think that as long as the neutrality law is concerned the President should not exercise the authority unless the Congress gave him the right to exercise it. I think the neutrality law should be rigidly enforced. I think that the mandate should come from the Congress and that the President should not stretch the neutrality law, but that its interpretation should be placed by Congress. That is the reason why I think this act should be passed.

Mr. BLOOM. Mr. Chairman, will the gentleman yield?

Mr. HENNINGS. I yield.

Mr. BLOOM. I just wanted to say in answer to the gentleman from New York [Mr. BARTON] that the President's statement made the other day answers that statement conclusively.

Mr. BARTON of New York. Will the gentleman yield?

Mr. HENNINGS. I yield to the gentleman.

Mr. BARTON of New York. I sometimes get a little behind in my reading of the President's statements. I wonder if the gentleman could tell us what that statement was?

Mr. BLOOM. I shall be pleased to read that statement when the time comes. I have it here.

Mr. HENNINGS. Mr. Chairman, the permissive amendment proposed in H. R. 10213 is simple and easily understood. It provides that to do this job the section of the Neutrality Act forbidding the entrance of American ships into danger zones be liberalized, as was done in the case of the Red Cross ships, and that American vessels unarmed and not under convoy be permitted to enter into such zones for the purpose of transporting from any countries refugee children under 16 years of age who are fleeing from war zones.

This does not mean that the Government of the United States on its own responsibility or at cost to the taxpayers of this country proposes to send our ships to England or to any other place. It does mean that generous and charitably disposed individuals and groups may, upon their own initiative, charter American vessels for this purpose. It does not mean that we are going to change or alter our immigration laws. It does mean that these children are to be allowed to enter this country under visitors' permits.

The proposed amendment provides further that these American ships are to have painted distinctly and unmistakably on each side an American flag and the statement that such vessel is a refugee children's ship of the United States. They are to be fully lighted by night so that there can be no mistake as to their identity.

[Here the gavel fell.]

Mr. BLOOM. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. HENNINGS. Mr. Chairman, I think the time so generously given me by the chairman of our committee has been probably better used in undertaking to answer questions which have occurred to the membership than by availing myself of the opportunity to discuss the humane phases of this bill, knowing as I do that every Member of the House is possessed of just as much humanity, good will, and desire to do the right thing as I or any other. I could enlarge at some length upon that phase of the subject.

Mr. CRAWFORD. Will the gentleman yield?

Mr. HENNINGS. I yield.

Mr. CRAWFORD. The language on page 1, line 9, "under 16 years of age, together with such necessary adult personnel in charge as may be approved by the Secretary of State." When these adults come in with these children, what is the machinery for having them returned to their European home at some later time?

Mr. HENNINGS. In answer to the gentleman, I will say that a number of Americans have already offered their services to go on these boats.

Mr. CRAWFORD. And come back with the children?

Mr. HENNINGS. Yes. The seamen's union has offered to man one of these boats without pay. As to the others, they would come in under visitors' permits. Not being a member of the Committee on Immigration and Naturalization, I do not care to undertake to interpret it, but I would say that some could still come in under the quota and remain in this country.

Mr. CRAWFORD. Does the gentleman understand that this language in any way authorizes the Secretary of State administering this particular language to deviate from the immigration laws under which he must operate?

Mr. HENNINGS. I do not, I may say to the gentleman; and I will say further that the Attorney General has so interpreted it.

Mr. CHIPERFIELD. Does the gentleman's bill have the approval of the State Department?

Mr. HENNINGS. That question has been asked before. I am not in position to answer whether it has or not. I think this is essentially the responsibility of the Congress.

Mr. CHIPERFIELD. It has not expressed any opposition to it.

Mr. HENNINGS. It has not expressed any opposition to it, I can tell the gentleman that.

Mr. EATON. Mr. Chairman, will the gentleman yield?

Mr. HENNINGS. I yield.

Mr. EATON. I have here a release from the Department of State dated July 14, 1940, which begins as follows:

> The Department of State and the Department of Justice today announced the adoption of simplified procedure which will make possible the admission of refugee children from the war zone in whatever numbers shipping facilities and private assurances of support will permit.

Mr. HENNINGS. The gentleman is correct. I thank him for his contribution.

Mr. EATON. It is signed by Mr. O'Shaunessy and approved by Mr. Schofield and by Francis Biddle, Acting Attorney General, and it is headed "Department of State."

Mr. HENNINGS. I thank the gentleman for his contribution.

Mr. Chairman, the American people have shown in an overwhelming variety of ways that they want not a few, but large

numbers of British children brought here for the duration of the war. Nearly every large city in the country has a group who are offering their homes to these children. These offers are coming from homes of every kind. A surprisingly large number come from homes where the family income is barely enough to sustain the household itself. Some offers are coming from homes where the taking of a child will entail personal sacrifice by the members of the family. This is an evidence of the great spirit and heart of the American people. People who are willing to make not just an heroic gesture and to furnish lip service, but who are willing to give up their own comforts and luxuries to give expression to a fine human instinct. The Gallup poll shows that nearly 5,000,000 such homes are eager and willing to care for these children.

In any discussion of this subject, however, I think three things must be borne in mind. First, this is not a movement for rich English children. It is for children—rich and poor alike. The selection of British children for evacuation lies in the hands of the British Government whose policy as expressed in Parliament, provides for absolute impartiality in dealing with the question, without regard to influence or position. That is one thing to remember.

The second thing to remember is that while American citizens are sending for the children in the British Isles, the responsibility for their safety lies primarily in the hands of the British Government which is responsible to the English mothers of these children. The third thing to remember is that all American ships chartered for the purpose of going to the British Isles, or to any other country, should the theater of war change, and bringing the children, must do so under the terms of this amendment, under rules and regulations prescribed by our own Department of State. There can be no haphazard evacuation of the British children.

If you pass this amendment, you simply remove the barrier now existing, in a strict construction of the Neutrality Act, preventing the passage of American ships through combat areas. It is, so to speak, simply and solely an act to enable our own passenger ships, privately chartered and now idle for the most part, to be used in this humanitarian endeavor.

Certainly you, the framers of the Neutrality Act, did not foresee the cruel emergency which now condemns young children to face the terrors of siege without hope of escape. Moreover, these ships are to go over in ballast, carrying no cargo of any kind. The cash-and-carry clause of our neutrality law was intended to avert our possible involvement in war through the sending of an American ship alleged to be carrying contraband. Certainly, children are not, under any construction of the word "contraband."

A few hundred children—children of the rich and of the poor, of soldiers and peers, sailors, seamen, and factory workers, are beginning to arrive. Behind them are 200,000 more who could be loaded immediately on shipboard if there were ships to carry them.

With America aiding, real evacuation is not an impossible task. The greatest need is ships, and this modification of our law will permit some of the many vessels now in our ports to be used.

To do this, I am sure, would involve no breach whatever of real neutrality.

We must not delay—signs multiply that the long-heralded "battle of Britain" is soon to start. The increased tempo of bomb raids is already taking the toll of lives of British children. This is all but a prelude. Whether England repels the thrust or not, the slaughter of innocents will be appalling.

If we have left a particle of our vaunted humanity, of our traditional disregard for the consequences of a charitable deed bravely done, of our time-honored concern for the welfare of innocent victims of political persecution, this House will not hesitate to act, and act now.

This is a move, not to aid England, but of Christian deliverance.

Let us by our act today enable our public-spirited citizens who are willing to give shelter to a few thousand helpless children now caught in the path of a terrible wave of death and destruction not of their own doing.

In this heartbreaking world, millions of Americans are wondering what they can do to uphold the banner of freedom, democracy, and humanity.

This is something that we can do. We can hold the children of British democracy while their father fights for his life. Every child of intelligent British parents who survives in the safety of America may yet become a power in the reestablishment of the democratic ideal around the earth. The world of tomorrow will stand in desperate need of those who have been brought up in a tradition of tolerance and fair play. These British youngsters have in them the breath of better things. They are worth preserving.

The response of our people to the dictates of conscience and humanity has always been characteristic of the best that is in us in times of emergency. Is this not an opportunity for the expression of the best that is in us? [Applause.]

Mr. BLOOM. Mr. Chairman, I yield 5 minutes to the gentlewoman from New York [Mrs. O'DAY].

Mrs. O'DAY. Mr. Chairman, in urging my colleagues to pass the Hennings bill I feel I am voicing the plea of the majority of women and men in these United States, for since the Committee for Mercy Ships for Children was first organized—and that was only 3 weeks ago—it has been flooded with letters and telegrams from all sections of the country thousands and thousands of them, offering help, money, and homes to the children.

The homes will be supplied and supervised by the United States Committee for the Care of European Children under Marshal Field, in cooperation with Miss Katherine Lenroot and the Children's Bureau. With the Women's Committee for Mercy Ships lies the responsibility of securing American ships in which to transport the 32,000 children whose parents have signified willingness to suffer this temporary separation from them.

Lorld Lothian has said 98 percent of these children are from "free-grant schools," which correspond with our public schools. It is only by means of American funds and ships that they will be able to reach the haven of these United States.

And this haven must be gained. It is unthinkable that little children should be left to suffer and perish should that threatened annihilation overtake their country, when we have ships and money with which to rescue them and fail to do so.

One can realize the anguish of parents who must weigh the relative danger of the perils of an ocean crossing in these fearful times of war and the perils of invasion by a ruthless enemy. If they are willing to trust these most precious of cargoes to our ships and to our care, surely we have the courage to assume any risks that may accrue to our country.

Time is the very essence of safety. The bill should be passed at once. To fail to do so will be a crime against all humanity. [Applause.]

Mr. EATON. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS of Ohio. Mr. Chairman, I am afraid it is very unfortunate that this bill has been permitted to come before us today for consideration. There seems to be a feeling that it is not necessary. There is danger that we allow our sympathies to run away with our judgments. I am going to vote for the bill, for it is a gesture in the right direction.

Another reason I have for saying that this bill should not come before us for consideration today is because the membership of the Committee on Foreign Affairs—I have talked with several of them—none of them seem to have a very strong conviction that this bill ought to be brought before us. No one from the Committee on Immigration and Naturalization has spoken.

Mrs. O'DAY. Mr. Chairman, if the gentleman will yield, I would remind him that I am a member of the Committee on Immigration and Naturalization.

Mr. JENKINS of Ohio. I beg the gentlewoman's pardon; she is a member of that committee, and I have great respect for her judgment in these matters. But I was about to say that to my mind this bill is not necessary either from the

standpoint of the Committee on Foreign Affairs or the Committee on Immigration and Naturalization, because the President can do now exactly what it is proposed to do by this bill. There is no question about it.

Mr. CELLER. Mr. Chairman, will the gentleman yield? I am sure he wants to have that point cleared up.

Mr. JENKINS of Ohio. Yes; I am glad to yield to my good friend from New York.

Mr. CELLER. If we were so sure, why did we amend section 4 of the Neutrality Act with reference to Red Cross ships? If the President had the authority to send Red Cross ships without convoy, why did we feel it necessary to adopt an amendment permitting them to go? And would not the same argument apply in this case? If the President already had this power, why would we introduce this bill?

Mr. JENKINS of Ohio. I do not want to agree with what the gentleman says, but I respect his opinion. The authority given the President is very wide. This is the very section that gives him the authority, and especially does it give him authority with reference to humane matters, and there is no limitation.

Mr. CELLER. Why did we amend the Red Cross provision in that regard?

Mr. VORYS of Ohio. Will the gentleman yield?

Mr. JENKINS of Ohio. I yield to the gentleman from Ohio, a distinguished member of the Foreign Affairs Committee.

Mr. VORYS of Ohio. Will not the gentleman agree that the reason that the Red Cross amendment and this one were brought here is twofold—first, the administration does not want the country to know what broad powers were granted under section 3, and, second, they want to have ratification by the Congress before they act?

Mr. JENKINS of Ohio. I am glad for the contribution from both of these gentlemen. They are brilliant lawyers, and their arguments indicate I am right.

Mr. SMITH of Ohio. Will the gentleman yield?

Mr. JENKINS of Ohio. I yield to the gentleman from Ohio.

Mr. SMITH of Ohio. Is not the real purpose back of this to throw the responsibility onto the Congress if anything should happen to the children? It would throw the responsibility on the Congress. Is that not the real purpose back of the bill?

Mr. JENKINS of Ohio. I hope the gentleman heard the remarks of the gentleman from Michigan [Mr. MICHENER]. He explained that matter very clearly, absolutely, and satisfactorily, and supported the viewpoint of the gentleman from Ohio. The gentleman from Michigan [Mr. MICHENER] gave a very clear exposition of the proposition, and I will not go further into it. In the few minutes I have left I should like the attention of the author of the bill in order to bring a matter before him. Regardless of whether we pass the bill or not, none of these children can come to this country unless they comply with the immigration laws.

Mr. HENNINGS. The gentleman is correct.

Mr. JENKINS of Ohio. That is the position of the gentleman. There is no question but that there is going to be some misunderstanding about this. For instance, it has been the law of this country for years that the entry of immigrants should be controlled by law. And it was brought out here today that when a certain individual called up and wanted a relative to come in that he was advised that a $1,000 bond would be required. They are not admitted, because the exigencies or the circumstances are such that they cannot assure the authorities that they will return or that they can return. Another person says that the State Department has been permitting these people to come in under a $50 bond. Let us not have a misunderstanding about this. Now, will the gentleman permit an amendment to be offered as follows: After the words "Secretary of State" insert the words "subject to the provisions of the immigration laws"? If he will permit that, I am sure it will satisfy a good many Members.

Mr. HENNINGS. I may say to the gentleman I do not think such an amendment is necessary. It probably is not germane. We have assumed that the immigration laws operate. I have no objection to it, although it is surplusage.

Mr. JENKINS of Ohio. I cannot agree with the gentleman.

[Here the gavel fell.]

Mr. EATON. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. JENKINS of Ohio. Mr. Chairman, if he does not deem it necessary to offer it, perhaps I shall offer it.

Mr. HENNINGS. I am unable to offer it. I may say that the Committee on Foreign Affairs and the Committee on Rules considered this bill as written. I think the gentleman's suggestion is unnecessary. We know the immigration laws operate regardless of anything we may do in this bill, and I think the gentleman's amendment is surplusage.

Mr. JENKINS of Ohio. I cannot agree with the gentleman.

Mr. HENNINGS. I do not want to create any confusion about this bill, because it is an amendment to the Neutrality Act, having no relation whatsoever to our immigration laws.

Mr. JENKINS of Ohio. Then can the gentleman answer this question: Why is it that the Secretary of State has taken these refugee children and put them in a separate category? At one time they were going to come in under visas. Now they are coming in as visitors. The law provides an unlimited number of these visitors may come in, but they must all come in alike. Why is it that the Secretary of State compels the giving of a thousand-dollar bond in certain cases while these children can come in by giving only a $50 bond, which is so small that it amounts to no bond whatever?

The gentleman should not stand here and make the principal part of his argument to the effect that this does not obviate and does not set aside any immigration laws and still he is not willing to close the door and say there shall not be any ambiguity about the matter. Let us be fair. Let us permit the children to come in but let us put it up to the Secretary of State to protect the immigration laws. I am willing to trust the Secretary of State, but let us give him to understand that all must come in alike and that they must come in under the terms of the immigration law about which the gentleman has protested so loudly and which he says they must comply with. That ought to be fair. [Applause.]

Mr. Chairman, I expect to offer such an amendment.

[Here the gavel fell.]

Mr. EATON. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. VORYS].

Mr. VORYS of Ohio. Mr. Chairman, this bill is unnecessary, it is fraught with danger, yet I am going to vote for it. It is unnecessary because clearly sections 2 and 3 of the Neutrality Act do not need any amendment in order to permit this.

Section 2 merely says that it shall be unlawful for an American vessel to carry any passengers or articles or materials to any State named in such proclamation.

Section 3 provides that after the President has designated combat areas it shall be unlawful, except under such rules and regulations as may be prescribed, for any citizen of the United States or any American vessel to proceed in or through such combat areas.

The President therefore has full power to prescribe, by rules and regulations, for the bringing back of refugee children. The reasons, I submit, why we have approval of this bill by the administration are two: First, that the administration does not want the country to know the broad implications and the broad powers conferred upon the President under the combat-areas provision; and, second, the administration wishes the approval of Congress before any such unprecedented and unusual and unexpected step is taken. I welcome the attitude of the administration on this second point in being willing to share its responsibility for the conduct of foreign affairs with the Congress, and that is one reason why I intend to vote for this bill.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. VORYS of Ohio. I yield.

Mr. SCHAFER of Wisconsin. Did not the President exercise that authority a number of weeks ago when he sent the American-flag ship *Manhattan* and another flag ship to Ireland and to Italy through the war zone to bring back American citizens? The gentleman remembers that the Associated Press stated that the President sent an American-flag ship to Italy to bring back American citizens from the war zone and that ship left a thousand or more American citizens in the war zone while they brought back 892 alien refugees.

Mr. VORYS of Ohio. I think the gentleman is mistaken in those two instances, because Ireland is still neutral, and Italy was neutral and not a belligerent at the time the ship was sent, although the ship, in all probability, had to traverse war zones, or certainly danger zones, in going to and from the places to which it was sent.

Mr. SCHAFER of Wisconsin. The gentleman is a member of the Foreign Affairs Committee, is he not?

Mr. VORYS of Ohio. Yes.

Mr. SCHAFER of Wisconsin. Has the Dominion of Canada or Australia or the other large and wealthy portions of the British Empire made arrangements to bring some of the British refugee children to their lands and to take care of them?

Mr. VORYS of Ohio. I understand they have, although I am willing to be corrected on that.

Mr. VAN ZANDT. Mr. Chairman, will the gentleman yield?

Mr. VORYS of Ohio. I yield to the gentleman.

Mr. VAN ZANDT. The gentleman is a member of the Foreign Affairs Committee. Have any overtures been made to Germany or Italy for the safe passage of these ships?

Mr. VORYS of Ohio. Not directly by our Government that I know of.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. VORYS of Ohio. I yield to the gentleman from Michigan.

Mr. CRAWFORD. The gentleman being a member of the Foreign Affairs Committee, I want to ask him this question: If the President has had the power heretofore to bring children from the war areas to the United States under suspension of the rules, or whatever law may govern the situation, why was not that benefit given to the French and the Belgians and the citizens of the other so-called Low Countries?

Mr. VORYS of Ohio. I think the reason, probably, was that the developments were so rapid that there was not time to have such a migration organized.

Mr. CRAWFORD. Does this bill apply only to British children?

Mr. VORYS of Ohio. This bill is occasioned by the present plight of British children as publicized in this country by the British committee, but it applies——

[Here the gavel fell.]

Mr. EATON. Mr. Chairman, I yield the gentleman 5 more minutes.

Mr. VORYS of Ohio. This bill, however, applies with equal force to any other nation. It does not specify any country, although it was the situation of the English children which was the occasion for its being introduced and considered.

Mr. CRAWFORD. So, theoretically, it does apply to all countries, but, practically, only to England at the moment?

Mr. VORYS of Ohio. For the moment; yes.

Mr. JONES of Ohio. Mr. Chairman, will the gentleman yield?

Mr. VORYS of Ohio. I yield to my colleague from Ohio.

Mr. JONES of Ohio. Has the President endorsed this bill?

Mr. VORYS of Ohio. Not that I know of.

Mr. JONES of Ohio. Is it not reasonable to assume, then, that the President, having charge of foreign affairs and possessing information that this Congress does not have, we may assume he would consider it dangerous for our ships to travel in this zone; in other words, having the power and not exercising it, can we not assume he considers it too dangerous for him to make that decision?

Mr. VORYS of Ohio. That is a possible assumption, but I believe that the safeguards contained in this bill will be sufficient, although as has already been pointed out, this bill is fraught with great possibilities for international involvement.

Here is the reason I am going to vote for the bill. This is a typical, American, idealistic, sentimental, humanitarian gesture. In a world filled with war and hatred, I am glad to see our nation, even at some risk, take steps that are in the direction of peace and friendship.

Now, what will happen if this bill passes? We will put Germany on the spot just as the bill we passed for $50,000,000 for Red Cross relief, a bill that was originally sponsored by the distinguished ranking minority member of the Foreign Affairs Committee [Mr. FISH]. That bill has put England on the spot. We will now find out whether the starvation and the bombing of women and children are a necessary part of the conflict that is going on over there.

I cannot conceive that either of the belligerents would grant a safe conduct under circumstances that would not be beneficial to it, unless the other belligerent would turn around and grant a similar safe conduct under circumstances which would be beneficial to that belligerent. Therefore we are going to smoke out the fundamental humanitarian intentions of the belligerents by this bill and by the prior one that we passed. That will be a good thing. It will also be a good thing that we announce to the world once more that America is a humanitarian, a kindly and friendly nation toward little children and toward people in distress. We may have advantage taken of our generosity. We will attempt to prevent it, but it seems to me that in such times it is worth while even though this law is not needed to make this possible, even though this law is fraught with certain dangers for us to take this step.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. VORYS of Ohio. Yes.

Mr. CRAWFORD. Do I understand the gentleman to say something like this, that Germany, for instance, is not likely to give her consent to such transfer of refugee children unless England in turn gives her consent that we may send ships to Germany, in the event starvation becomes imminent there, as a result of the British blockade, so that German refugee children may be brought to the United States?

Mr. VORYS of Ohio. That is one possibility. The other is that Germany may refuse safe conduct to these ships which bring away English refugee children unless and until England gives safe conduct to have ships go to Belgium and to France, and we in turn would not send those food ships unless we had additional guaranties from Germany that the food supplies would go to refugees who need them.

Mr. CRAWFORD. And if we do send food ships to Germany under such an agreement we run contrary to our parallel action in helping England enforce the embargo against Germany and the axis, for instance. In other words, we run contrary to our proposed hemisphere agreement, which is now before us asking for half a million dollars.

Mr. VORYS of Ohio. We have to do some thinking on this proposition that it is just as brutal to starve little children as it is to bomb them any place in the world, and we have to think through the implications that go with that thought.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. EATON. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. BENDER].

Mr. BENDER. Mr. Chairman, I am in favor of this bill, and I am for it because I believe that it is in keeping with our Christian American traditions. I cannot for the life of me become aroused about the implications made here of the dangers with which this bill is fraught in the possibility of one of our ships being mined when bringing some of these

children over here. We have appropriated billions of dollars for defense, and we are going to appropriate more money for defense. We have allotted money to be sent over to these belligerent nations for the Red Cross to take care of the suffering over there, and we have shipped airplanes and other implements of warfare to some of the belligerents with which men, women, and children, and all of the people in other countries, will be slain. Certainly it is in keeping with American ideals in giving aid and in assisting people throughout the world who are in danger. In voting for this bill we serve notice on the world that this country is not interested in anything except good will, and in promoting good will among men. I do not believe we want the rest of the world to get the impression that we are a Shylock, and I do not want our people to get that view. This is not going to cost the American Government any money. It is not going to cost us anything.

It merely gives our people, who will take over these individual cases, the opportunity to spend their money in doing good for the people in greatest need. I cannot join with some of my colleagues in their view or in their fear that if something happens to one of these ships it might involve us in war. If the intemperate statements of the President of the United States are not sufficient to involve us in war, if our activity on behalf of some of the belligerents and our opposition to other belligerents will not involve us in war, certainly bringing in these children from all these countries will not. [Applause.]

I understand this bill not only applies to British children but it applies to the children of every one of these nations.

Mr. BLOOM. Will the gentleman yield?

Mr. BENDER. I yield to the distinguished gentleman.

Mr. BLOOM. It does not refer to any particular children. It says "refugee children of all war-torn countries."

Mr. BENDER. I understand that.

Mr. BLOOM. It does not mention any particular class of children at all.

Mr. BENDER. That is what the bill provides and that is what the sponsors of the bill say.

Mr. SMITH of Ohio. Will the gentleman yield?

Mr. BENDER. I yield to my good friend.

Mr. SMITH of Ohio. The gentleman has made the statement that this will cost this country nothing. Is it not a fact that Katharine Lenroot of the Labor Department appeared before the Appropriations Committee this morning and asked for $124,000 to administer this movement?

Mr. BENDER. The gentleman makes the point that Katharine Lenroot of the Labor Department has asked for $124,000. On the basis of our appropriation of $69,000,000 for a dam at T. V. A. and on the basis of our appropriation of billions for defense and our appropriation for ships to send to some of the belligerents, that is almost nothing. What is a mere $124,000 as compared with billions of dollars we appropriated last week? In fact, that bill went through this House like a cat goes through a dog show. [Laughter.]

[Here the gavel fell.]

Mr. EATON. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. BENDER. We passed that bill in a few minutes' time without a record vote, with less than 100 Members on the floor. Here we are spending 2 hours, plus 1 hour on the rule, discussing a bill which the gentleman from Ohio [Mr. SMITH] says will cost $124,000.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. BENDER. I yield to the gentleman from Michigan.

Mr. CRAWFORD. I want to ask this question with reference to cost. It is my understanding that when refugees want to leave England and come to the United States they have to pay something like three or four times the travel cost or tariff on the American ship sent over in this manner, that they have to pay on a British ship coming this way. Is the situation such that England does not have the ships on which to send these people, so that we have to send our ships, or is it necessary for us to send ships in order to have space to accommodate the passengers?

Mr. BENDER. I am not an expert on that. I yield to the distinguished chairman of the committee to answer the question.

Mr. BLOOM. In other words, these ships are going over there entirely for this purpose. It is the safety of the thing that counts. That is all we are concerned with. If the British ships go over, they will have to be convoyed, and it is impossible for them to do that at the present time. These ships go over in ballast and come back only with the children and their guardians.

Mr. CRAWFORD. Is it intended that they will pay the full tariff?

Mr. BLOOM. We do not know anything about the tariff they will charge, but I assure the gentleman it is not a money-making proposition. These organizations and different societies are composed of women of the highest standing in the community. They are very charitable women. They are only trying to do a humanitarian act. I do not think anyone has ever questioned the fact that they will do it as cheaply as they possibly can, but without one cent of cost to this country.

Mr. VAN ZANDT. Will the gentleman yield?

Mr. BENDER. I yield to my good friend from Pennsylvania.

Mr. VAN ZANDT. The gentleman was mentioning the possible cost. If we have to take the word of this fellow Hitler guaranteeing safe passage, and if we know him, he may break his promise, and if a ship is sunk, carrying all these children, you can imagine our country going right into war. Then it will be the cost of war.

Mr. BENDER. If we are doing this on the word of Hitler, I would not take Hitler's word on a stack of Bibles any more than I would the word of most of these international statesmen.

Mr. VAN ZANDT. You must have a guaranty from Mussolini and Hitler before you have safe passage.

Mr. BENDER. I understand that.

Mr. FISH. Will the gentleman yield?

Mr. BENDER. I yield.

Mr. FISH. I think that is a fair question, but in the name of common sense and reason everybody must know that Hitler is not looking to take us on, at least at the present time. He does not want war with the United States, and he is not going to sink one of these ships, because he knows it may involve his country in war.

Mr. BENDER. I thank the gentleman. [Applause.]

[Here the gavel fell.]

Mr. BLOOM. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. LUTHER A. JOHNSON], ranking member of the Committee on Foreign Affairs.

Mr. LUTHER A. JOHNSON. Mr. Chairman, I am for this bill without apology. I have heard several speeches made today where Members criticized the bill and then wound up by saying they were going to vote for it. I am for the bill because I believe that the bill is right. I believe the bill is just. I believe it is in the interest of humanity and I do not believe that it compromises our rights as a neutral, or affects our neutrality. It treats refugee children of all countries alike, and provides our ships shall not go into danger zones unless in advance they are granted safe conduct by all of the belligerents.

I think I know something about the neutrality legislation on the statute books and the previous laws we have written. This bill was not brought in without a hearing by the Foreign Affairs Committee. Exhaustive hearings were held at two different sessions of the committee. At the conclusion of the hearings the committee unanimously reported it out. I think it is one of the few bills in recent years that have come from our committee with an entirely unanimous vote. In order to be sure that the vote was unanimous—there was no demand for a roll call—at my suggestion I asked the chairman to have a raising of the hands of those present. I wanted to know whether it was unanimous or not. There

was a full attendance. Not all the members were there, but considerably more than a majority, and both parties were represented. Every member present raised his hand.

Mr. CURTIS. Will the gentleman yield?

Mr. LUTHER A. JOHNSON. I yield.

Mr. CURTIS. I notice this bill provides that such vessel is proceeding under safe conduct granted by all of the states named in the proclamation issued under the authority of section 1 (a) of the Neutrality Act. Does that include Russia?

Mr. LUTHER A. JOHNSON. That includes every country that has been named as a belligerent in the neutrality proclamation.

Mr. CURTIS. Has Russia been named?

Mr. LUTHER A. JOHNSON. I cannot say. I am not sure whether Russia has been named as a belligerent, or not. It may have been so named when they attacked Finland. For the moment I do not recall.

We could not in this bill affect any governments except those nations that had been named as belligerents, because we are simply amending the neutrality law as applied to nations that have been denounced as belligerents in the neutrality proclamations, and we have got to conform to that.

Mr. CURTIS. When was the last proclamation issued?

Mr. LUTHER A. JOHNSON. I cannot answer the gentleman as to the date of the last neutrality proclamation. The gentleman can find that out from the State Department.

Mr. CURTIS. Does the gentleman know whether or not Italy is included in that group?

Mr. LUTHER A. JOHNSON. Yes; I distinctly recall that Italy has been designated as a belligerent in one of the President's neutrality proclamations.

Mr. VAN ZANDT. Mr. Chairman, will the gentleman yield?

Mr. LUTHER A. JOHNSON. I yield.

Mr. VAN ZANDT. I am sure my friend read in the newspapers recently where Great Britain sent word to the world that she would not permit relief to be sent into the countries that are now dominated by Germany. Would not this bill be far-reaching if we amended it to tell Great Britain that we would not take her children into the United States unless she permitted the United States to send foodstuffs to children who are starving in the countries dominated by Germany?

Mr. LUTHER A. JOHNSON. In reply to the gentleman's question I may say that the bill is not designed to affect the rights of one belligerent against another, it is not designed to determine whether a belligerent is acting rightly or wrongly; it is simply designed to amend the neutrality law so that these mercy ships can go to save the lives of children in war-stricken countries. Now I would like to proceed in explanation of the bill.

Mr. DONDERO. Before the gentleman does that will he not yield for a question?

Mr. LUTHER A. JOHNSON. I yield.

Mr. DONDERO. This bill has a tremendous human appeal. The thought has occurred to me that if one of the belligerent powers should refuse consent to guarantee the safe passage of these ships, the responsibility for the safety of these children shifts from the United States to that nation which refuses to give its guaranty of safe passage.

Mr. LUTHER A. JOHNSON. The gentleman is right. If the bill becomes a law, our ships will not go into danger zones unless all warring nations agree to grant safe conduct to such ships which go to evacuate these refugee children. If a nation refuses to grant such safe conduct, the responsibility is theirs, not ours, but in the passage of this bill we will at least have made an effort to save the lives of some of these innocent children who are about to be slaughtered.

Let me for a moment discuss the question raised by my good friend, and a member of the committee, the gentleman from Ohio [Mr. VORYS], with reference to whether or not the President now has this power and whether or not legislation is required. He is a good lawyer and entitled to his opinion, but I differ with the gentleman.

Earlier in the debate the gentleman from New York [Mr. BARTON] asked my opinion on this question, to which I replied in my opinion the President did not have the power to modify the danger-zone provisions of the neutrality law so as to permit mercy ships to go in to rescue refugee children. I have since carefully studied the law and am positive he does not have such power.

[Here the gavel fell.]

Mr. BLOOM. Mr. Chairman, I yield 2 additional minutes to the gentleman from Texas.

Mr. LUTHER A. JOHNSON. Cannot the gentleman let me have more time?

Mr. BLOOM. Demands for time are such that I cannot spare more.

Mr. EATON. Mr. Chairman, it gives me great pleasure to yield 1 minute to the gentleman from Texas if he needs it.

Mr. LUTHER A. JOHNSON. I thank the gentleman from New Jersey. I shall try to answer the gentleman from Ohio [Mr. VORYS] in 3 minutes, but that does not allow me much time. The gentleman bases his opinion that the President now has such power upon the ground that section 3, subdivision (c) states that the President may from time to time modify or extend any proclamation issued under authority of this section. Is that the section the gentleman contends gives the President this power?

Mr. VORYS of Ohio. If the gentleman will yield briefly, I base it on section 3 (a) containing the exception: "Except under such rules and regulations as may be prescribed."

Mr. LUTHER A. JOHNSON. I call attention, however, to the fact that the section on combat areas is all predicated upon one question and one question only, and that is with reference to protection of citizens of the United States. Combat areas are defined and prescribed for one purpose and one purpose only: That the President shall find that the protection of the citizens of the United States so requires. You hang every authority he has under the act upon that power. That is the keystone of the provision. These refugee children are not citizens of the United States and the power now sought to be imputed to him under the neutrality law is not with reference to the protection of citizens of the United States but citizens of other countries, and it is obvious he could not so expand the law. I call attention further to the well-known rule of interpretation and construction: That when certain exceptions are specified wherein power can be exercised that in itself is an inhibition against further exceptions not named therein. So the act provides "excepting the American Red Cross" in section 4 of the provisions. Since the law itself specifies an exception with reference to the Red Cross under the well-known rule of interpretation that in itself is an inhibition precluding other exceptions, and particularly so with reference to citizens of other countries within the combat zone.

Mr. MILLER. Mr. Chairman, will the gentleman yield briefly?

Mr. LUTHER A. JOHNSON. I am sorry, I cannot yield; I have only 2 minutes and perhaps that has expired.

Let me conclude with this thought: There are a great many hobgoblins conjured up in the brains of certain Members. They are afraid we are going to have a flood of foreigners descend upon us. They are afraid it is going to get us into war. This bill does not affect the immigration and naturalization laws. It will not bring in a single person or individual who is not now permitted to come in under the immigration and naturalization laws. It will not be effective unless all governments consent in advance thereto. I have no sympathy with the plea that because all children cannot be saved, none should be saved.

This bill should be passed, I believe, because it is purely a humanitarian measure to save the lives of innocent children, and its passage means that America stands for the preservation and the salvation of human life. [Applause.]

[Here the gavel fell.]

Mr. EATON. Mr. Chairman, I yield myself one-half minute to say that I have just received a petition from nearly 100 of the citizens of my district urging that the Congress pass immediately the pending legislation.

Mr. Chairman, it now gives me great pleasure to yield 5 minutes to the distinguished gentleman from Michigan [Mr. CRAWFORD].

Mr. CRAWFORD. Mr. Chairman, on page 9873 of the CONGRESSIONAL RECORD, dated August 5, 1940, there appears this language:

Mr. CRAWFORD. Mr. Speaker, I object to the consideration of the bill at the present time.

That had reference to the bill now being considered. I objected to the consideration of the bill when it was on the Consent Calendar last Monday because I felt its provisions should be discussed on the floor of the House before being approved. I make no apology whatsoever for my objection made at that time.

Mr. Chairman, the bill is far reaching. It does tear your emotions to pieces, and, of course, the bill will not be voted down. It seems to me that the wisest thing the British people could possibly do would be to keep these children under the British flag, in Canada or Australia, or in some other possession of the British Empire, surrounded by British institutions, British atmosphere, and British culture. But it is not for us to say what they shall do with their children after the bill is approved. If they come here, we shall, no doubt, do with them the best we can. If they do not come here, then that relieves us of any responsibility. But if they come, we will certainly have the responsibility of a guest in our home. That we cannot avoid. The responsibility will be with us 24 hours a day so long as those children are within the continental United States or its territories.

Mr. Chairman, I simply wanted to make this very brief statement in the RECORD to clear my position on the bill.

I yield back the balance of my time.

Mr. EATON. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky [Mr. ROBSION].

Mr. ROBSION of Kentucky. Mr. Chairman, I yield to no man in my sympathy for the children of Europe who are the victims of the war now going on. I doubt if anyone in the House here has a monopoly on the milk of human kindness. We should not permit our emotions to keep us from looking into the provisions of the measure before us. The report on this bill is very incomplete, and the House has very little information before it as to what this measure means. The bill on its face would permit all of the children under 16 years of age in Italy, Germany, Holland, Belgium, France, Norway, and Great Britain to be brought to this country in American ships.

While some of the proponents urge that only a handful would come, yet as a matter of fact it would permit millions to come. There is no limitation whatsoever in the bill as to numbers or as to nationalities. It is said that the bill does not amend our immigration laws. I insist that it does. One of the proponents said we could bring in children from China under this bill. Under our immigration laws Chinese nationals have no right to come to this country as temporary or permanent immigrants. As a matter of fact, in my opinion, the proponents of this bill are thinking alone of the refugee children of Great Britain. We have no information before as to the need of bringing these children into the United States. There is nothing said about their financial condition or whether in the end they would become charges on the people of the United States. If we are about to take a long, big step amending the immigration laws of this country, we ought to know it. If we permit 50,000 or 100,000 to come in under this bill in contravention of our present immigration laws, as the war progresses will we, under its terms, admit tens of thousands or perhaps a million others?

Mr. BLOOM. Will the gentleman yield?

Mr. ROBSION of Kentucky. I will have to have a little more time.

Mr. BLOOM. I will yield the gentleman a minute if he will permit me to make this observation.

Mr. ROBSION of Kentucky. I yield to the gentleman.

Mr. BLOOM. May I say to the gentleman that this in no way amends, alters, or does anything in the way of taking away from our present immigration laws. You could do the same thing if this were peacetime. You could do the same that we are asking in this resolution if it were not for the fact we want to be secure so far as the safety of these children is concerned. That is all. We are not amending the law.

Mr. ROBSION of Kentucky. If that be true, then the President of the United States and the immigration authorities could act without any action on the part of the Congress.

Mr. BLOOM. Perhaps they could, but the idea of being secure and having the safety of these children secure by getting permission from all of the countries named in the President's proclamation is the whole crux of this resolution.

Mr. ROBSION of Kentucky. Of course, we know, and the gentleman and the House know, that there will be no refugees from Germany, nor from Italy. We are going to take sides with Great Britain. No other ship can go to these warring nations and bring children unless Germany, Italy, England, France, and other warring nations agree. I think it is an idle gesture because the chances are that Germany and Italy having no refugees will not agree to this proposition. We are simply making a gesture here that does not mean anything.

Mr. VAN ZANDT. Will the gentleman yield?

Mr. ROBSION of Kentucky. I yield to the gentleman from Pennsylvania.

Mr. VAN ZANDT. The gentleman mentioned a moment ago certain immigration barriers. The several organizations sponsoring this bill we are now considering likewise appeared before the Immigration and Naturalization Committee of the House advocating a change in the immigration laws.

Mr. ROBSION of Kentucky. Absolutely. This is just an entering wedge. You bring in 50,000 or 100,000 under this procedure and you will have a stronger appeal later on, perhaps, to let in another 100,000, then still another 100,000, and whatever the good intentions of the people are who take care of them now, who can look forward to a year from now or to 5 years from now so far as the conditions are concerned?

[Here the gavel fell.]

Mr. BLOOM. Mr. Chairman, I yield to the gentleman 1 additional minute.

Mr. EATON. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. HINSHAW. Will the gentleman yield?

Mr. ROBSION of Kentucky. I yield to the gentleman from California.

Mr. HINSHAW. I believe we all share the great humanitarian spirit demonstrated in this bill, but the proponents seem to indicate that we are proposing to take care of a large percentage of these children. I wonder if the gentleman can estimate the percentage of children of Great Britain that will be cared for under the provisions of this bill and the great humanitarian efforts of our people. Let us not fool ourselves on that point. Would it not be something like only one-fourth or one-half of 1 percent of all of the children exposed to shot and shell in England?

Mr. ROBSION of Kentucky. That is the point. It has never been made clear to me why we should reach out and take care of one-half of 1 percent of the refugee children of Great Britain and neglect the other 99½ percent or ignore Belgium, France, Holland, and all. It is not merely a question of taking care of a few thousand refugee children of Great Britain. That is not the only issue here. There are other questions.

All sorts of propaganda have been and are now being used in this country in order to get us into war on the side of Great Britain. Is it the purpose in bringing these British children here and scattering them over the United States to create another great source of propaganda to involve us in the European war?

Our present neutrality laws that were urged upon the Congress by the President and his administration forbid American ships to enter the waters of these warring nations. This bill amends our neutrality laws to permit American ships to go into these waters to bring refugee children to the United States to be cared for by American families who are willing

to take the children, provided each and all these warring nations agree that this be done. In other words, Italy and Germany must agree that these ships may enter the harbors of Great Britain, France, Belgium, Holland, and so forth, and no nation will molest the ships or the children.

Now it is generally understood that Germany and Italy have no refugee children. Is it reasonable to suppose that Germany and Italy will agree for the United States to take care of the refugee children of Great Britain and thereby shift this burden of food and clothing for the children to the United States?

And no one yet has told us what refugee children are. Are they children of families driven out of Germany, Italy, Poland, and other countries into Great Britain, or are they the children of British subjects? It is urged that these children be brought from Great Britain to escape the dangers of war. I assume that there are at least 10,000,000 children under 16 years of age living in Great Britain. Why bring a handful, as some say, to escape the dangers of war and leave the 10,000,000 other children behind if they are the children of British subjects? It has never yet been answered how many are to come, what is their nationality, or why should some come and 99½ percent remain behind. Is the whole thing propaganda, or will they come in great numbers, and what arrangements will there be to protect these children, this year and for a year or 5 years if the war should continue that long? How and when are they to return to their own country? We have been unable to get answers to these questions.

My own personal opinion is that the purpose of this movement is war propaganda. We notice in the press pictures day by day of certain socially prominent American families taking some children of socially prominent persons in Great Britain. Will the children of the working class and common people of Great Britain have an equal chance to escape the horrors of war.

It is provided in this bill that American ships must be used; and why?

Mr. BLOOM rose.

Mr. ROBSION of Kentucky. I know why.

Mr. BLOOM. I thought you were asking me.

Mr. ROBSION of Kentucky. Can I not look at the gentleman without causing him to rise from his seat? [Laughter.]

Great Britain is using her ships to carry munitions of war and war supplies. She needs ships and this is a plan to have America furnish the ships to go into the war zones and bring her refugee children here to the United States.

Mr. HINSHAW. Are not those British ships returning empty from British ports to the United States?

Mr. ROBSION of Kentucky. The ships are returning empty.

Mr. BLOOM. If I give the gentleman a minute, will not the gentleman let me answer?

Mr. ROBSION of Kentucky. Of course, the gentleman as usual has the answer, but it is not always convincing to me and a lot of others. But I am going to let the gentleman give his answer.

Mr. BLOOM. I will just say to the gentleman that England is certainly not bringing any war materials in ships here, and let me say also that if we brought these children over here in her own ships they would have to be convoyed and if they were convoyed they would be doubly subject to attack.

Mr. ROBSION of Kentucky. Yes; and that is what I have in mind with respect to our American ships. Our Navy depends upon its merchant marine and this is just simply a plan to use the American merchant marine to augment the British Navy and the British merchant marine.

You are going to have the American flag painted on the sides of these ships. You are going to British harbors because that is where you are going to get your refugees, if you get any. Now, something is liable to happen to one of those ships. The papers today carry the report that one of these child refugee ships was sunk or lost somewhere. Now, you let one of these American ships over there in the war zone get sunk with a lot of children on the ship, and we know at once that there will be a great flare-up of denunciation, intense hatred and feeling toward Germany which would inflame the American people and push us closer and closer to this war precipice on which we are standing today. Why should the United States take that chance? Some people here want to take care of them, you say. Why, you have millions of children here in America today in worse shape than those you seek to bring here. Why not let your humanitarian spirit run riot a little while and take care of these little, hungry, deserted orphans and the starving and naked children here in America, because in reading that old Book of Books you will find that it points out "He that provideth not for his own household has denied the faith and is worse than an infidel." This could get us into that war.

I am opposed to the intervention of this Nation in the European-Asiatic-African war. If we become involved in that war, with $50,000,000,000 of direct and indirect debts and obligations of this Government today, it will mean the complete bankruptcy of this country, a complete overturn of our economic, social, and political life, a tremendous lowering of our standard of living, and it would mean a great loss of life of the flower of the young manhood of this country, it would mean hundreds of thousands of widows and orphans, and worst of all, in the end we would likely lose our own freedom and liberty.

It is our first duty as the chosen representatives of the American people to protect our own country and the rights and interests of our own children and people. I am unwilling to take any step that will likely lead this country into war.

I wonder what plan would be used to select the handful of British children, leaving millions of other British children as well as millions of children in France, Belgium, Holland, Poland, and Norway behind? The children in those countries have suffered and will suffer because of the ravages of this war, but Great Britain, believing it is to her own interest, has adopted a blockade, the purpose of which is to starve her enemies into submission. It is not for me to criticize this policy of Great Britain, but by reason of this policy, according to reports, an innumerable host of children and adults will perish because of the lack of the necessities of life. Great Britain thinks this policy is necessary to protect her national life and her people and weaken Germany.

It is my understanding that President Roosevelt and his administration do not favor sending food to the needy people in the countries conquered by Germany because it would nullify the blockade policy of Great Britain and help Germany. This policy is not dictated by humanity—it is one of the cruel necessities of war.

The European nations have not been able through the centuries to solve their disputes. We found through bitter and costly experience in the last World War that we could not settle their age-old quarrels for them. My first and deepest concern is to save this country from the horrors of another World War.

Great Britain has many dominions—Canada, Australia, South Africa, and others. What refugees, if any, have these dominions received from the British Empire?

We have already suffered much from this war. I hope that it will not break down our immigration laws, with our ten to twelve million unemployed industrial workers and with 20,000,000 people demanding some form of relief in our own country. No cause could appeal to us more strongly than to aid distressed innocent children who are not responsible for the war. We should insist, however, in knowing something about this whole matter. Will this break down our immigration laws, is it propaganda, and will it likely involve us in the European war?

This is an unusual and extraordinary proceeding for this country. I know of no other neutral country in the world that has taken a similar course.

Mr. BLOOM. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. ROBSION of Kentucky. I shall insist on adopting amendments that will set up safeguards for our country. I am unwilling to throw down the bars of our immigration laws or to take steps that will likely involve our country in war

by sending our ships into these war zones. We remember the *Maine*. It was in Cuban waters in the war between Cuba and Spain. The *Maine* was blown up. Many persons insist that some daring Cubans blew up the *Maine* in order to get the United States into that war on the side of Cuba. The seas are full of floating mines and submarines. Within the last 2 months German submarines, by mistake, destroyed a British transport which was carrying hundreds of German prisoners to Canada. Another submarine blew up a ship that was carrying French soldiers who had surrendered back to France. They thought the sea was clear and they had safe conduct. I again pose the question, What if one of these American ships loaded with refugee children should be accidentally torpedoed or blown up by these magnetic mines or some daring persons, anxious to create sentiment against Germany, should intentionally torpedo or blow up the ship? It would be blamed on Germany or Italy, and our people would be swept into a war frenzy, and we might find ourselves involved in that war overnight. In that event our own children and our own country would be scourged by war.

May I again urge in the consideration of this measure, as one of our colleagues said today, to stop, look, and listen, and, above all things, to do some deep thinking.

Mr. BLOOM. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. IZAC], a very prominent member of the Foreign Affairs Committee.

Mr. IZAC. Mr. Chairman, I do not believe there is any danger of our having trouble with the immigration laws as the gentleman from Kentucky [Mr. ROBSION] seems to visualize. The British quota is 65,000 a year, and they have about 50,000 yet for this year. They could take over all the little children under that quota without having a visitor's visa or permit. However, this does not apply merely to British children. You may remember when Norway was invaded, that several Norwegian families migrated to England. Likewise, thousands of Holland and Belgian and French children went to England. This would permit the evacuation of those children as well as British children if this legislation becomes law. And also of children from all the warring nations.

Many of our people do not like the idea of our taking foreign children when there is distress and suffering in this country, but I really believe that where there are families who want to adopt these children, or at least have them as visitors for 6 months or a year, it certainly is a humanitarian thing to do to permit them to come over here and have these families take them, especially as it applies to British children. They speak the same language as we do, and therefore it is not such a terrible thing to take them away from their families, and give them this little vacation.

Mr. KEEFE. Mr. Chairman, will the gentleman yield?

Mr. IZAC. Yes.

Mr. KEEFE. Do I understand that this movement is to be done at the expense of the organizations that are fostering this movement?

Mr. IZAC. That is correct. The only thing that we are attempting to do by this legislation is to make it possible for our ships or any neutral ships to go into the combat zones.

Mr. KEEFE. Does the gentleman understand from his knowledge of this bill and the hearings before his committee that no expense is contemplated to the United States Government if this bill becomes law?

Mr. IZAC. That is absolutely correct.

Mr. KEEFE. Is the gentleman aware of the fact that Miss Lenroot, of the Children's Bureau, appeared before the deficiency committee yesterday morning and asked them for an appropriation to provide funds to inspect the homes into which these children are to go, and that she made the statement, substantially, so I am advised, that it is the contention of that department that these people who are showing such an interest now in these children would lose that interest in 3 or 4 months, and that it would be necessary for the Children's Bureau to make constant inspection of those children at public expense in order to see that they are properly taken care of?

Mr. IZAC. I say to my friend that that is exactly what occurs when any immigrants come in here. In many instances the Children's Bureau has to go and inspect where these immigrant children are and eventually some of them land in orphanages. But we are not going to bring any of these children here until they have been passed on by the organizations interested, and I am sure, from the caliber of the people interested in this thing, that you do not have anything to fear on that score. When men like Bishop Buddy, of San Diego, and the greatest churchmen in the country, Protestant, Catholic, Jewish, all feel the same way about it, that at least, as humanitarians, we should offer this asylum for these people at a time when they are under actual bombardment. Just visualize if you will our navy yard down here and the settlements surrounding it on all sides. Suppose it were bombed. Suppose bombs were dropped on that yard as an objective; they would not always fall in that little enclosure. Some would fall on the homes of these poor people in the neighborhood. The same thing is happening today in the thickly populated war zones of Europe. If we can get any of those children over here, I say it is a wonderful thing to do, and I believe we should try to do more than what they are planning on at the present time, but I do not see how it is humanly possible with the limited shipping that we have and the limited time apparently prior to the launching of the Hitler "blitzkrieg."

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. BLOOM. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. MARTIN J. KENNEDY].

Mr. MARTIN J. KENNEDY. Mr. Chairman, at this time I wish to congratulate the two Members who worked so hard and faithfully on this bill, the gentleman from New York [Mr. CELLER] and the gentleman from Missouri [Mr. HENNINGS]. I also congratulate the committee of American men and women who are devoting themselves to the problem of bringing the children from the war zones abroad to homes in this country.

Last year at this time I was walking around the streets of London. Everywhere one looked you could see large posters with the question: "Have you gas masks for the children? Be sure to obtain them at once for all of your children."

On the second Sunday of August I was attending Mass in the Roman Catholic cathedral in London and heard the beloved Cardinal Hinsley address his flock. It was with a heavy heart and a sob in his voice that the cardinal urged the congregation to cooperate with the Government's plan to evacuate the children from the city. As we listened to the appeal of the cardinal, I could not help to notice the tragedy written upon the faces of the parents as they looked down at their little children. Needless to say, there was not a dry eye in that whole cathedral. Throughout England that same scene was being enacted in all of the churches.

The parents were asked to bring their children to the local schoolhouse with a limited supply of food and clothing. The school authorities would then transfer them to a rural area. The parents were told not to go to the railway stations because it was thought the parting at the friendly schoolhouse would be less difficult for the child and parent.

When I left the cathedral on that Sunday morning I was sad. At my side was my own son, who would be leaving shortly to return to our own beloved and peaceful country. In contrast to his situation I visioned those helpless English children being separated from their parents.

In spite of the impending danger, many of the parents had served notice on the authorities that under no circumstances would they permit their children to be evacuated.

A year has rapidly passed since that eventful day in the cathedral in London, and we all know what has transpired abroad in that time. Today many European countries are confronted with the same nightmare, only to a greater degree. England, Germany, France, Belgium, and all of the other countries do not know what will happen from day to day. When I speak of "those countries," I am only thinking of the minor children in "those countries." I am not thinking of the rulers or the military machines. It is the plight of the children that we are attempting to alleviate by this bill. I do not know of any other act of mercy that the people of our

country could perform that would serve humanity to a greater degree than the passage of this legislation.

One of the gentlemen who spoke expressed great fear at the number of children that might gain admission to the United States with the passage of this bill. Personally, I would rather see thousands of helpless children brought into this country than to permit one child to die as a result of the war.

We may have to give up some of our luxuries to aid these unfortunate youngsters, but, after all, we have a brotherhood with the children of the world which requires sacrifices. Let us take this opportunity to perform a genuine service to humanity.

Our action here today will reflect the sentiment and spirit of a great people. The humanity that we have always displayed to the world will again be displayed in the passage of this measure.

The Members of Congress who vote for this bill will be making a contribution to world peace and happiness that we cannot appreciate at the moment.

I am anxious to have the RECORD show that we are going to welcome the children of all nations; that it is not for the benefit of any one country. It would be well for the chancelors of Europe to know that what we are now doing is not to favor one particular nation or to punish another, but only to show our affection for all children. [Applause.]

[Here the gavel fell.]

Mr. EATON. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, the duties of a member of the Ways and Means Committee are so exacting and so confining in time that I have found it rather necessary to limit my appearance on the floor to matters directly concerning that important committee. But today I cannot help joining in the humanitarian plea that is going up in this House to care for these refugee children.

I was in my district about the time this bill was introduced and I told the press at that time that so far as I was concerned I believed in cutting every bit of red tape possible in order to accomplish the purposes provided for in the bill.

I recall being in London the same day to which the gentleman who just preceded me referred, as attending the Roman Catholic cathedral. I walked through Hyde Park and even then, before war had been declared, preparations were being made to care for the women and children by digging tunnels under that great park. As we traveled across England we saw tunnels and holes being dug, bombproof places being dug in back yards of homes to protect the families of people who lived in the adjoining houses.

What more could we do for the sake of humanity than to care for these children, or such part as can be brought to this country? The gentleman from Kentucky referred to the fact that some wealthy children could be brought here and cared for. That may be true, and I suppose it is true, because with financial connections you can make contacts with your friends either here or abroad, and bring a few here under those conditions. But because there happens to be a few dollars back of a child is no indication that the other child, without that fortunate backing, is not as much entitled to humanitarian consideration as the child of the wealthy. This bill applies to all children—not the type that can come here and be cared for with maids and governesses and so on, as has been referred to, but it applies to the children of all the people. It is in their behalf that we should make that appeal here today.

Mr. FISH. Will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from New York.

Mr. FISH. In the letter which the British Ambassador, Lord Lothian, wrote to me and to the chairman of the committee it shows that 98 percent of the children from England will be from poor parents.

Mr. TREADWAY. That is the advantage of this legislation, that will appeal to the care of the poor children and not the ones to whom one or two gentlemen referred, as I have said before, children of wealthy parents.

We still have therefore a greater burden to cover under the protection of our American flag these children who can be brought here and cared for in the homes of Americans, whatever the financial status of their families may be.

Let me add just this one thought, that it is very unfortunate any red tape should be put in the way of a great humanitarian movement such as this being carried on all over the country. Let us appreciate the fact that our fellow citizens want to carry out this desire and are willing to step forward and assume the responsibility; but it is up to us as legislators to cut that red tape and see that that purpose can be accomplished by the people. Many groups are ready to assume the responsibility of the care of these children. I have at least two instances in my home town where responsible persons desire to care for the refugee children.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. I yield.

Mr. DONDERO. If we make a mistake in the passage of this bill it will be on the side of mercy.

Mr. TREADWAY. It will be on the right side. To believe that everything we do is done right or must be done right is not human. We are simply human beings. We do not want to make mistakes, but in this instance if we do make a mistake it will be in the cause of humanity, so I am willing to take the chance of making a mistake.

Mr. MURDOCK of Arizona. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. I yield.

Mr. MURDOCK of Arizona. A moment ago it was stated that there are American children not being properly cared for, that charity should begin at home and for that reason we should spend our resources in taking care of these underprivileged American children. I recognize the force of that observation and sympathize with it, for I am deeply interested in taking care of American children. However, I ask the gentleman if he does not feel that our opening our hearts and homes for taking care of these refugee children may not generate in us a desire, even in the hearts of these same people, to take care of our own needy children?

Mr. TREADWAY. I believe so. Most certainly we want to take care of our own suffering children, but I believe the experience of taking care of these refugee children will furnish the inspiration for us to go on with our own.

[Here the gavel fell.]

Mr. EATON. Mr. Chairman, I yield 1 additional minute to the gentleman from Massachusetts.

Mr. MURRAY. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. I yield.

Mr. MURRAY. Last year I brought to the attention of the House the fact that we had 2,240 foundling homes in the United States and about 242,000 children in those homes. Does not the gentleman believe we should help them? At that time I made a plea for the Surplus Commodity Credit Corporation to distribute food to them on a nonsectarian basis. They told me the law allowed them to do it. What has the gentleman to say about such a situation?

Mr. TREADWAY. The gentleman is speaking on a different subject entirely from what we are discussing at this time, and personally I do not care to be drawn into that sort of discussion on this bill. Here is a bill that appeals to our humanitarian instincts, the effort to bring these children over here from war-stricken Europe and find homes for them, and that is what these organizations are anxious to do. This legislation is deserving of our wholehearted support. [Applause.]

[Here the gavel fell.]

Mr. EATON. Mr. Chairman, I yield 3 minutes to the gentlewoman from Massachusetts [Mrs. ROGERS].

Mrs. ROGERS of Massachusetts. Mr. Chairman, clearly it seems to me the President at the present time has the power to bring these children in, but the bill is before us and was reported unanimously from our committee. It is a humanitarian measure. It seems little enough for us to do. I do not think it is a sound argument against allowing these children to come in to cite the fact that we have many in our own country who are not cared for. I only wish all children

in this country were adequately cared for. Perhaps this very measure will make the people more conscious of their obligation and more willing to take care of them if we extend this aid to some of the poor little terrified refugee children of Europe.

The bill, I am sure, will go through, and I believe it will go through without a single dissenting voice, if I know the membership of the House.

My hope now is that God may grant them safe passage. I wish also He might give us the wisdom to make them feel not like refugees but to make them know they are welcome little visitors in our homes, and that we may treat them wisely and well. [Applause.]

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentlewoman from Massachusetts yields back 1 minute.

Mr. BLOOM. Mr. Chairman, I yield 4 minutes to the gentleman from Oklahoma [Mr. FERGUSON].

Mr. FERGUSON. Mr. Chairman, this bill is before the House of Representatives today because England for the first time in 900 years is going to be invaded. The people who sponsored this legislation realize, and the Congress must realize it too, that we are trying to move the children out of England that they may escape death and destruction at the hands of the invading nations. And that invasion is almost sure to come to pass.

I am reminded today, when we hear so much Christian spirit expressed, of the crusades that occurred a little after the invasion of England, the Children's Crusade, when little children were led in an army attempting to recapture Jerusalem from the Mohammedans. Those children, of course, were starved, slaughtered, and enslaved. As we debate this measure today, I have wondered how many of us consider how much like that Children's Crusade our forces in the United States are. We have voted $10,000,000,000 for defense, but as I hear Member after Member express his opinion on conscription, I think our motto is going to be "Billions for defense but not one man to carry the arms." We are soon to have before us the National Guard bill, placing the National Guard and the Reserves in the Army. When this bill is passed, we will have raised our standing force to 318,000 men; that is after the National Guard and Reserves are put into service. Yet there are Members who say it is not yet time to vote conscription. I am in favor of calling the National Guard and Reserves for training. But if it is necessary—and it is—to call out the National Guard and Reserves, take them away from their jobs and families, certainly it is fair to conscript the necessary, qualified, and economically best able men of the country to bolster our Regular Army to an adequate defense force. They want to see the insignia on the invading boats or airplanes. They want to see whether they are bearing the Nazi, Fascist, or some other foreign emblem on the wings of the attacking vessel before they start preparation to repel such an invasion.

I want to read a quotation from the speech made by the gentleman from New York [Mr. FISH] yesterday, as follows:

> I realize that many Members of Congress are politically on the spot in regard to the conscription bill. I see no reason for those in close districts, if they do not want to, to take any side on this controversial question of conscription at the present time.

I hope and pray that no Member of this House in close districts will play politics with our national defense and let the political future of Members delay consideration of the vitally necessary conscription bill. [Applause.]

[Here the gavel fell.]

Mr. BLOOM. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. DICKSTEIN].

Mr. DICKSTEIN. Mr. Chairman, I hope that the thoughts of the Members will be carried out and that not only English children but the children of Poland, Belgium, and other parts of the world, who have had to run away from these dictators, may be given the same opportunity to come over here. In connection with red tape in the immigration laws, the Committee on Immigration of the House has been holding hearings in connection with the State Department and the Department of Justice to try to cut this red tape in order that you and I may do something real for the unfortunate children of those countries.

Many questions have been raised by a number of Members of the House as to who is going to select these children and as to how we are going to pass on this selection. The fact of the matter is that whatever measure my committee may bring out to bring about their relief will have nothing to do with the present neutrality law. The bill we are passing here today does not repeal or have anything to do with the present immigration law. Under the present immigration law each immigrant, whether he comes in here under a permanent visa or a temporary visa must comply with the existing provisions, namely, those having to do with an examination by a health officer and qualifications with reference to mental and physical ability. All of the requirements must be observed before that person, whether it be a child or an adult on a visitor's or a permanent visa is allowed to enter this country.

This bill, in my opinion, only deals with the cutting of red tape in the neutrality law, and I think you are doing a wise thing in cutting it fast. I hope and trust that my committee will work as fast to cut such red tape as we think ought to be cut in order to give equal opportunity to all refugee children, no matter where they are within the confines of this world.

We were informed only this morning that the Nazi Government is bringing to bear a lot of pressure on other countries not yet in the destructive area and that some English, Polish, Belgian, and Finnish children are within those areas, and that they must be taken out at the earliest possible moment. I appeal to the Members of Congress, let us get together and pass this bill at the earliest possible moment, and if there is any red tape dealing with our immigration laws, my committee is now considering legislation to remedy that phase of the problem, too.

[Here the gavel fell.]

Mr. EATON. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, I have been interested in the evacuation of these children from England and elsewhere for some time, and on July 22 of this year I offered the bill, H. R. 10214, which was practically at the same time the gentleman from Missouri [Mr. HENNINGS] offered his bill. I may say that the gentleman from Missouri [Mr. HENNINGS] and myself exercised the utmost care in the drafting of the bill. We consulted the Bill Drafting Commission and advised them to draft a bill so that there would be no discrimination so far as creed or nationality is concerned. I say beyond any peradventure of doubt that this bill is not necessarily for the protection only of British children. It covers children all over Europe, and I would be just as anxious to aid German children as I would be to aid Belgium, French, or British children.

A very significant statement has recently been made by a very distinguished columnist, Raymond Clapper, in the Scripps-Howard newspapers recently. He propounds a question that Hitler might sink one of these ships and answers that question:

> First—
>
> Said Clapper—
>
> Hitler is no fool. He is not dragging us into this war right now if he can help it. Second, I am authoritatively informed that the British Government has good reason to believe that if the United States made official request of the German Government, and provided the guaranties that Hitler would naturally expect against misuse of the occasion, a pledge of safe conduct would be forthcoming from the German Government.
>
> Why not try it?

I repeat, Why not try it? Why not try to rescue these children from the charnel houses that Hitler will make presently in Great Britain?

A statement has been made that the President already has the authority to send these ships across the sea on this rescue work. I doubt the President has such authority. I have examined with experts both in and out of the State Department most carefully, various sections of the neutrality law. Section 3, which has been referred to as being the authority for the President to do this thing, to my mind,

gives him no such authority. Section 3 simply provides that the President shall, by proclamation, define combat areas, and thereafter it shall be unlawful, except under such rules and regulations as he may prescribe, for any citizen of the United States or any vessel to proceed into or through any such combat area.

In the first place, it is rather a dreadful burden to place on any one man as to sending those ships abroad. It is cruel to place it on a man even as enlightened and as brilliant as is the President of the United States. He has not acted. If he clearly had the power I am sure, judging from his humanitarianism, that he would have acted. The mere fact he has not acted is tantamount to the fact that he has no such authority. Scan the debates on the neutrality law, go over the issues carefully, and you will not find the word child even mentioned. It was never within the realm of contemplation at the time of the passage of this act that we would have the right or that anyone would have the right to send these ships abroad.

Furthermore, we specifically made an exception when we devised section 4 with reference to Red Cross ships. We said with reference to Red Cross ships that they would have to get safe conduct before they could proceed; yet they could proceed regardless of the prohibition contained in other provisions of the act.

If the power to send ships across rested in the President's discretion—Red Cross or otherwise—why did we put in the exception as embodied in section 4. Section 4 would be needless if the contention now made concerning the President's power were sound.

Recently we amended section 4 and thus reaffirmed that the President had no such authority.

Let me read to you portions of a letter sent by the Secretary of State, Cordell Hull, to the Congress, under date of June 17, 1940, wherein he has asked an amendment to section 4 concerning Red Cross ships:

> The Red Cross has dispatched to Europe the ship *McKeesport*, which it chartered for the purpose of carrying Red Cross supplies to France. The supplies were to be landed in Bordeaux. Under the neutrality law it was necessary to obtain safe conduct from the belligerent governments. This safe conduct was not forthcoming from all the necessary governments, and consequently the vessel was dispatched to Bilbao, Spain, with the expectation that its cargo might be landed there and transported into France. There seem to be practical difficulties as far as that procedure is concerned, and the question now arises as to whether the vessel ought not be diverted from its course to one of the belligerent ports where the need is paramount.
>
> This raises the question of the general applicability of the neutrality law to Red Cross shipments and has put the matter in the forefront of the Department's thought. After consultation with Mr. Norman Davis of the Red Cross, we have come to the conclusion that it would be infinitely better if the Neutrality Act were amended to permit Red Cross ships on voyages of mercy to proceed simply after notification to belligerents that the specific vessel will go to a named port, it now being demonstrated that it is impracticable to operate under the present provisions of the law.

In other words, the Secretary of State called for an amendment to section 4 so as to send the Red Cross ship *McKeesport* from Bilbao, Spain, to France. The boat was originally to go to Bordeaux, but Bordeaux was about to be bombarded and the course of the ship was changed so that it might proceed to Marseilles. However, the ship could not go to Marseilles because of section 4. Therefore, we had to further amend section 4, which we did by passing House Joint Resolution 573, wherein we struck out of section 4 the words "proceeding under safe conduct granted by states named in any proclamations issued under the authority of section 1 (a)." In other words, the Red Cross ship, the S. S. *McKeesport*, then proceeded to Marseilles without safe conduct.

We passed the bill because Secretary of State Cordell Hull had stated in the aforesaid letter of June 17 the following:

> If you feel that you can support this measure, I should be very glad if you would introduce it and expedite its passage to whatever extent possible, because it seems desirable in view of the unsettled situation in Europe to divert the *McKeesport*, which is now at sea, from its present run, to Bordeaux or some other belligerent port as conditions render advisable or expedient and where there is very great need for the cargo.

Thus, by amending section 4, we again affirmed the conclusion that the President could not act without some authority from Congress. If the President had the power to send any ship, mercy ship, or Red Cross ship, why would we have put into the Neutrality Act section 4, in the first place, and in the second place, why would we have amended section 4 with regard to the Red Cross ships? This matter should be taken from the realm of doubt. The President should not be asked to act where there is such doubt, especially with the lives of thousands of helpless children at stake. We should cut the Gordian knot of doubt by definite action. There is no time to lose. Get these children out of this blazing hell, which is what Hitler will soon make of Great Britain.

I am very happy at this juncture to insert some correspondence which I have received concerning this bill:

MERCY SHIPS FOR CHILDREN,
New York City, July 31.

Congressman EMANUEL CELLER,
New York.

MY DEAR CONGRESSMAN CELLER: I was disappointed not to find you in when I called at your office before leaving Washington. Your secretary informed me that you had not returned from New York.

As I wrote you, I am very happy to enclose to you herewith a statement, which, telling a little of our women's organization and our sympathy with the cause of child rescue, may be incorporated, we believe, into your remarks. However, if you choose to quote my ideas in your own words or to quote only excerpts, be assured I shall wholly understand, and am only pleased you asked for our statement of feeling in this matter.

You may be sure we shall all be listening with full sympathy at the time you speak tomorrow, and we add our earnest wishes for your great success in putting this plan before the public.

Kindly inform us here if you think of anything at all which your committee could do to further this great cause.

Yours very sincerely,

SUSAN N. PULSIFER,
Co-Chairman.

STATEMENT OF "MERCY SHIP FOR CHILDREN" COMMITTEE

JULY 31, 1940.

One of the interesting and significant aspects about this campaign to free our ships for European children is the fact that the group in America most vigorously and fearlessly campaigning for the change in the Neutrality Act is a committee of women in New York; but do not mistake us; this is no local New York committee, but one with representatives from many other States on its executive committee of fifty or so, and backing up the executive measures and the crusading spirit of these fifty or so women at their national headquarters in New York are many clubs and organizations all over the country and thousands of individual women.

It is interesting and yet really not at all strange that the most aggressive group pushing for this measure should be made up of very average women and mothers; for these ladies have, naturally, been the first to see and feel and express the feeling of the women of America that something must be done about the imperiled or persecuted children of Europe. When you come to think of it, it is just this—the unprotectability of women and children in present-day warfare never really envisaged even a year ago, when the Neutrality Law was passed, that now 10 months after, leads to the considered change in the bill. Modern warfare has turned the defenseless children in every country where war maintains into the status of fleeing refugees, though they remained in their own dooryards and gardens, the English children may soon be fleeing from gun fire over their heads. And where are they to flee to? Canada, far more sparsely settled than our United States, has already undertaken to harbor 10,000 of these children; it is impossible for her to absorb them all. There are 200,000 children now ready to embark . . . but the English boats cannot wait upon their desires. England has her hands full fighting to maintain her very life. She has appealed to us on the children's behalf. Shall her plea go unanswered?

There are many different plans and hopes and procedures for this child-rescue work now being discussed. It is natural, and even right, that the thought that our boats may be soon set free for this mercy work, should arouse the hopes and dreams of help for the children in charitable American hearts. But here the women reply, most practically, too, it seems to me: "Leave these questions till later; bend every effort now to removing the disability in our shipping in the interest of this mercy work. When this is done, and we have the ships, let us help persecuted European childhood wherever it is possible, practicable, and comparatively safe to do so. But now, with the present outlook it is the children of all nationalities living in England who wish to come, are ready to come, whose parents wish them to come—and whom it is practicable for us to fetch, given the ships. Later, when the outlook changes, let us hope we can relieve conditions for still other unhappy children."

We are proud of our American ships, especially the beautiful new *America*. And what is a more suitable and prouder mission for our American boats than to carry out a mercy errand of our great American democracy; designated in the terms of our Declaration of Independence and our American Constitution as "asylum."

COMMITTEE TO DEFEND AMERICA BY AIDING THE ALLIES,
New York, July 30, 1940.

Hon. EMANUEL CELLER,
1450 Broadway, New York, N. Y.

MY DEAR CONGRESSMAN: At the request of Mr. Duncan of this office, I take pleasure in enclosing a brief statement that you may wish to consider for inclusion in your WEAF radio speech Friday evening, August 2.

We are most grateful for your cooperation and wish you every success in speeding the passage of the child-refugee measure.

Sincerely yours,

WILLIAM C. BANTA, Jr.,
Publicity Department.

STATEMENT FOR USE OF HON. EMANUEL CELLER

Aside from the humane aspects of this measure to permit American vessels to rescue child refugees, it has important military significance as well. We recall how the presence of thousands of refugees in the camps of the Belgian Army affected its defensive tactics and was a factor that led up to the surrender of this little country. It would be most deplorable if the defense of Britain should fail because of refugees becoming a hindrance to British troop movements and otherwise being an unfortunate impediment to tactical maneuvers of the defending forces. For this reason alone, the United States can and should let nothing stand in the way of removing child refugees from the war zone.

To this end, American public opinion has already been outspoken. Since the middle of May it has been voiced through the Committee to Defend America by Aiding the Allies, of which William Allen White is national chairman, in seeking the moral and material aid that may legally be given to maintain England as our first line of defense. The committee, organized through nearly 600 community units from Maine to California, has already made known its stand through petitions to the President and to their elected representatives, in which upward of 3,000,000 Americans have joined in signing. Many thousands of others have personally telegraphed or written to Washington their sentiments in behalf of the measure.

This is the way of a democracy, in which the people tell the Government what to do. In a dictatorship, the government tells the people what to do. I urge you, therefore, to exercise your rights as a citizen in a democracy. If you have not already done so, act now to inform your President and elected representatives, by letter or telegram, that you desire the passage of the child-refugee measure.

FOSTER PARENTS' PLAN FOR WAR CHILDREN, INC.,
New York, N. Y., July 30, 1940.

Mr. EMANUEL CELLER,
1450 Broadway, New York City, N. Y.

DEAR MR. CELLER: Grateful thanks for your letter of July 27. We enclose herewith a brochure which will tell you in detail about the work we are doing in England.

It is our earnest prayer that just as many children be brought to safe shores as possible and without loss of time. For the past 4 years we have been caring for children in countries at war. First in Spain, then in France, and now in England.

We have come to know sadly enough the horrible effect of war upon children. Far more horrible than the physical danger is the mental effect, not only of air raids but "the waiting for air raids," after the first has been experienced.

Our files are made up of photos and histories of thousands of children who have been through war. They are no longer children but strained, worried little old men and women. Far too often appears the notation "this child has been so badly shocked it may take years for a recovery." It is because of this experience we plead for England's children to be saved.

The colonies established by the Foster Parents' Plan for War Children will act as a collecting center for those children, we hope, will embark for safe shores. The main function of the colonies, however, is to house, feed, and extend loving care to those children of all nationalities in England who will not find a safe haven. They, too, must be helped. Colonies are situated in what are considered to be "safe areas" in England.

With earnest hope that your broadcast will bring some quick, merciful action.

Sincerely yours,

EDNA BLUE,
Chairman.

Mr. BLOOM. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. VOORHIS].

Mr. VOORHIS of California. The American people are like all other people in the world, a strange people. We have the idea that the farther away we go with our kind acts the more significance there is to them. We have had the idea for years that it was going to destroy the character of our own citizens if we provided public-works jobs for them, but that it was not going to have any such effect on people far away in other countries if we provided them direct relief. I do not know why this is. I do not understand it. We have even given away buying power to foreign countries over and over in our history, literally given it away, and it has stimulated our economic order when we did it, but at home we do not seem to understand the tremendous importance of enabling our own people to consume their own production.

Some people have said that we ought to take care of our own children first. They are right; we ought to. But I have spent most of my life doing exactly that, and I know that the thing that causes people to take care of needy children is something in their hearts that prompts them to do that. And the question we must ask ourselves is whether or not the failure of this bill would cause one single, solitary American child that is not now cared for to be cared for. I am sure that will not be the result. On the contrary, the impulses in people's hearts that cause them to do good to people are not limited by any boundaries, and if some people are willing to assume a burden and do a good thing in this connection, both they and others may learn for this experience and example to give the care our own children need. So by passing this measure I believe you might be making it more, not less, likely for needy American children to be taken care of.

These kids did not have anything to do with this war. It was not of their making. Yet I believe they are the ones who suffer most. Those few who are brought here will come only because some persons in this country have guaranteed to care for them. Every one of them will therefore create an additional demand for the things we produce here.

And now I want to make another point that I am sure is very important and tremendously misunderstood. There are a lot of people who have the idea that it would solve the unemployment problem if we had fewer people around. That is silly. I come from the city of San Dimas, Calif., a fine little community which has a population of about 3,000. I am sure it is not going to improve business in San Dimas if we have less people there, and every one of the Members of the House knows that the same thing is true in his own community. The solution of the unemployment problem is not fewer people but more buying power in the hands of American consumers, so they will be able to buy the products that the American farms and industries can so easily produce. That is the only road to the solution of the unemployment problem.

[Here the gavel fell.]

Mr. BLOOM. Mr. Chairman, I yield the gentleman from California 1 additional minute.

Mr. VOORHIS of California. That is the only basis for the solution of the unemployment problem and it is a thing I have been pleading for in this House as long as I have been here. This measure has no effect on that problem.

The other great question here is what might happen to one of these ships and what might happen to us if harm befell one of them. On this point, of course, the main thing is that none of these ships can go unless all belligerents first grant safe conduct. I do not believe any government would be foolish enough to touch one of these ships. I do believe that we ought to make up our minds here and now that, so far as we are concerned, we are going to keep our heads under all circumstances.

[Here the gavel fell.]

Mr. EATON. Mr. Chairman, before we proceed to casting a unanimous vote for this bill, I yield the balance of my time to the distinguished minority leader on the Committee on Foreign Affairs, the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I ask unanimous consent to speak out of order during the time allotted to me.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FISH. Mr. Chairman, a few moments ago the gentleman from Oklahoma [Mr. FERGUSON] made a statement in which he inferred that those of us who are supporting this bill do so because we realize that England is about to be bombed, and we want to do the humane and humanitarian

thing and get some of the English children out of that country before the English cities are bombed. He also intimates that we should realize our danger from Germany and vote for the conscription bill.

Let me say a few words as this is the last time that I shall be here to speak for several weeks, due to attending Army maneuvers, and try to make my views clear. I honestly believe that the whole conscription plan, and I am not impugning the motives of anybody back of it, and I say this with all the sincerity I am able to muster, in absolute good faith, is dishonest and fraudulent, and I propose to prove it. It is based on a dishonest, false, and fraudulent premise, and that is that the volunteer system has failed. Every single quota asked for by the Army General Staff to fill up the Regular Army has been met on time.

This conscription idea and proposal has been built up by the eastern press and a handful of sincere and influential business and professional men in New York City. It has not only deceived the American people, but it has also deceived Members of Congress. They have been led to believe that the volunteer system has broken down and failed and that the Army cannot get sufficient volunteers to fill the quotas as prescribed by the Congress. This is not the truth. Therefore I say to you that this conscription bill that is being forced on Congress, is an attempt to push and railroad it through and is dishonest and unnecessary because it is based upon a fraudulent premise.

Mr. FERGUSON rose.

Mr. FISH. I cannot yield. I do not in any way impugn the motives of any Member of this House who favors the conscription system, or the motives of those on the outside who have forced this on the Congress and the public, but I do denounce those in Congress and outside of Congress who attempt to draw a picture and impugn the motives of Members of Congress and other Americans who still believe in the volunteer system, because it is the traditional American way. I do impugn the motives of anyone who resorts to personal abuse and attacks on those who are opposing the conscription bill as "fifth columnists." I ask whether the commander of the American Legion, Raymond Kelly, who is for the volunteer system as against conscription except in the last resort, is a "fifth columnist." I ask whether the Catholic Church that is opposed to conscription is a "fifth columnist," and whether the Methodist and Baptist Churches are "fifth columnists," whether the Gold and Silver Star Mothers, and the National Legion of American Mothers are "fifth columnists," and whether the American Federation of Labor and railroad brotherhoods are "fifth columnists." I will not vote for conscription until the volunteer system has failed because I honestly believe that conscription imports from Europe their ancient war system, that it will create a psychology of war here, and develop a militarism and autocracy in America, and that it is the road to dictatorship and war. I hope this issue will be fought out to the very bitter end to give the volunteer system a chance, because I am convinced that conscription in the United States is the road to dictatorship, autocracy, militarism, and war. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BLOOM. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. RABAUT].

Mr. RABAUT. Mr. Chairman, when the gentle Nazarene walked the earth, He said:

> Suffer the little children to come unto Me, for of such is the kingdom of heaven.

It is a grand thing this afternoon to see the Congress of the United States in its present frame of mind, extending to the stricken children of all nations of the war-torn world the hospitality of these United States. I can imagine the world recognizing the smile of approval playing upon the face of Uncle Sam. I can imagine the warmth in the heart of Columbia, the general mother of this Nation. I can imagine the plaque on the wall of the American home—"Charity forgives a multitude of sins." Today perhaps we are paving the way for a greater appreciation for our own children in this country, where at times silent sanction has been given to the birth-control advocates who would slay the Nation from within. The story told by our school system demonstrates the truth of this statement. We have vacancies in the lower grades today that we never had before. Perhaps realizing the plight of these youngsters, a greater appreciation will come from our children for their own parents, coupled with an appreciation of their own country, in this great spirit of charity manifested today in this body of Congress. [Applause.]

[Here the gavel fell.]

Mr. BLOOM. Mr. Chairman, I take great pleasure in yielding 2 minutes to the gentlewoman from New Jersey [Mrs. NORTON].

Mrs. NORTON. Mr. Chairman, I have unfortunately been away the past few weeks recuperating from an illness, and although I realize that my vote will not be necessary to have this very well thought out piece of legislation passed by the House, nevertheless, because I am heartily in favor of the provisions of the bill, I made some effort to be here today to support it. Regardless of whether or not the President has the power to bring these helpless children to our shores, I believe the Congress should go on record as approving a bill that may mean life or death to thousands of helpless children who have had nothing to do with the horrible conditions prevailing in Europe today. I believe that this country, in its charity, can well provide for the children that will be brought here should it become necessary to do so. I am sure that God will help those who are willing to accept the responsibility of securing homes for His unfortunate little ones and that He will guide them safely to our beloved America.

So, my colleagues, it is with my heartfelt sympathy for the children of Europe that I want to go on record today as approving this great humanitarian piece of legislation. [Applause.]

[Here the gavel fell.]

Mr. BLOOM. Mr. Chairman, I yield the balance of the time to myself.

The CHAIRMAN. The gentleman is recognized for 3 minutes.

Mr. BLOOM. Mr. Chairman, I think that about everything that could be said on this legislation has already been said. I would like to clear up just a couple of points. One is with reference to what the President said in his press interview on July 27. The President said:

> The use of American ships to evacuate children from Great Britain, France, and Belgium depends largely upon the validity of assurance of safe conduct for those vessels.

The President wanted to be sure of safe conduct for the children.

There is one point I would like to bring out with regard to refugees in England. You all know when the refugees started to move from one of the different countries to the other they had the opportunity to go into another country. From Poland, from Holland, from Belgium, from Denmark, or any of the countries, they could get out. But you must remember that the refugees who are now in England, who have come there from all of the other countries, if they are forced to flee, have no place to go. Where are they going to go? There is no place for them to go at all, because they are on the island and they are just trapped. They are trapped the same as millions of citizens of France today are trapped on the borderline between the occupied and the unoccupied area.

I would like to say as emphatically as I can that this in no way amends or affects the present immigration law. The immigration law is not changed in this bill and it is not affected in any way.

As far as refugees from other countries are concerned, consent must be received from all of the belligerent countries named in the President's proclamation, whoever they may be or however many there are. All of the consents must be given before any of our ships will be permitted to go over there

citizens if we provided public-works jobs for them, but that it bombed, and we want to do the humane and humanitarian

in ballast to bring those refugee children to this country. That is the only safe way they can be taken out of England. There is no other way that can be devised to take them out.

As far as the State Department is concerned, I would like to say that your Committee on Foreign Affairs received this bill on Tuesday. We called a meeting on Wednesday. We had hearings on Thursday and an executive session on Friday and reported the bill out. So, under those circumstances, it was impossible to receive proper communications from the State Department. But your chairman did call up the State Department to find if there was any objection to this bill. The State Department said they had no objection at all to this bill in its present form.

Mr. EDELSTEIN. Will the gentleman yield?

Mr. BLOOM. I yield.

Mr. EDELSTEIN. It is my intention to vote for and support this bill.

[Here the gavel fell.]

The CHAIRMAN. All time has expired. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That section 4, as amended, of the Neutrality Act of 1939 is amended by inserting "(a)" after "Sec. 4." and by adding at the end thereof the following new subsection:

"(b) The provisions of section 2 (a) and 3 shall not prohibit the transportation by vessels, in ballast, unarmed, and not under convoy, of refugee children, under 16 years of age, fleeing from war zones, together with such necessary adult personnel in charge as may be approved by the Secretary of State, if such vessel is proceeding under safe conduct granted by all of the states named in the proclamations issued under the authority of section 1."

With the following committee amendment:

Page 2, at the end of the bill, change the period to a comma and insert "(a), and if such vessel has painted prominently, distinctly, and unmistakably on each side thereof an American flag and a statement that such vessel is a refugee-child rescue ship of the United States or under United States registry, so that night or day there can be no mistake as to the identity of such vessels."

Mr. FISH. Mr. Chairman, I offer an amendment, on page 1, line 9, to strike out the word "fleeing." I would like to ask the chairman of the committee and the author of the bill to consider that amendment, my idea being that it is superfluous and a very unhappy term and might well be stricken out, if they have no objection.

Mr. BLOOM. Mr. Chairman, I have no objection to the amendment.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from New York [Mr. FISH] is agreed to.

There was no objection.

Mr. JENKINS of Ohio. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JENKINS of Ohio. Has the committee amendment been adopted yet?

The CHAIRMAN. No. The committee amendment is still pending and is open to amendment.

Mr. JENKINS of Ohio. I have an amendment to offer to the body of the bill. I think the committee amendment should be acted upon first.

The CHAIRMAN. That is true. It can be offered after the committee amendment has been disposed of. Are there amendments to the committee amendments?

Mr. KELLER. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. KELLER to the committee amendment: On page 2, line 3, after the word "painted", insert the words "on a large scale", and in line 4, after the word "thereof", insert "and upon the superstructure thereof plainly visible from the air."

The CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes.

Mr. KELLER. Mr. Chairman, I shall not take 5 minutes.

Mr. Chairman, I call the attention of the House to the necessity for this only because of a personal experience I had. On the day war was announced I left Sweden for home on a Swedish steamer. Even that early in the conflict the Swedish Government had ordered painted, not only on the sides of that ship but on the top as well in plain view from the air, very large Swedish flags. They were lighted at night so that submarines approaching from either side of the ship or airplanes from overhead could see very plainly what was what.

The bill as it stands does not provide for the airplane flying over the ship. An airplane flying toward the ship would have no way of knowing what was painted on the sides. The flag should be painted on the superstructure as well.

Mr. BLOOM. Mr. Chairman, will the gentleman yield?

Mr. KELLER. I yield.

Mr. BLOOM. There is no objection to the amendment.

Mr. KELLER. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. JENKINS of Ohio. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JENKINS of Ohio: On page 1, line 11, after the words "Secretary of State", insert "subject to the provisions of the immigration laws."

Mr. JENKINS of Ohio. Mr. Chairman, this is the amendment I spoke about when I discussed this matter a short time ago.

I think we all agree we have had some very beautiful speeches here this afternoon on the subject of humanity and sympathy, and with all of these I agree most thoroughly. This is a very practical amendment. Every man who has spoken—and many of them were experts from the Committee on Foreign Affairs and the Committee on Immigration—has been very careful to stress to you this one fact, that this bill would not in any way change the immigration laws.

Mr. BLOOM. Mr. Chairman, will the gentleman yield?

Mr. JENKINS of Ohio. I yield.

Mr. BLOOM. The committee has no objection to the amendment.

Mr. JENKINS of Ohio. I am glad that the chairman of the Foreign Affairs Committee has agreed to my amendment. With this assurance I am sure that the amendment will pass.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The amendment was agreed to.

Mr. SMITH of Ohio. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Ohio: On page 2, add the following as a new section:

"SEC. 2. That before refugee children shall be admitted to the United States under the provisions of this act any citizen of the United States offering to give a child or children domicile and subsistence shall give bond in such amount as may be prescribed by the Secretary of State that such child or children will not become a public charge, and such bond shall also cover the cost of returning such child or children to the country of emigration if and when such return becomes necessary."

Mr. BLOOM. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from New York reserves a point of order against the amendment.

The gentleman from Ohio is recognized for 5 minutes.

Mr. SMITH of Ohio. Mr. Chairman, it has been stated here on the floor that there would be no cost to the American taxpayer in this program. There is nothing in the bill to prevent such cost. If there are people in this country who wish to take these children into their homes and care for them, I do not see what objection there could possibly be to providing in this law that they shall be made financially responsible for the care of these children. That is all this amendment provides.

The gentleman from New York has made a point of order against the amendment. I am not sufficiently familiar with the rules of parliamentary procedure to argue the point.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Ohio. I yield.

Mr. CRAWFORD. At the present time, if you want to bring some relative or friend here from Europe under the quota system, you must give satisfactory evidence to the Department of State that the relative will not become a public charge. In some instances it is necessary to have the bank with which the applicant does business certify that the citizen is financially responsible to meet future obligations.

As I understand this amendment it does no more than to guarantee to the United States that these people will not become public charges dependent upon the Federal Treasury. That is the sum and substance of the amendment.

Mr. SMITH of Ohio. That is right.

Mr. KLEBERG. Will the gentleman yield?

Mr. SMITH of Ohio. I yield to the gentleman from Texas.

Mr. KLEBERG. I would like to make the comment that if, as stated, this bill does no violence to the present immigration laws, then the provision referred to by my colleague the gentleman from Michigan [Mr. CRAWFORD] makes the gentleman's amendment unnecessary.

Mr. SMITH of Ohio. The amendment may be unnecessary. I am not saying it is absolutely necessary, but it will do no harm. It will provide by statute exactly that which the proponents of the bill are claiming will be done; that is, that there will be no cost to the taxpayers of the United States. Therefore I am asking that you support the amendment. I think it is fair. I do not think there is anything unfair about it and I cannot see how anyone can possibly object to it since the argument has been made that the people who take these children intend to bear all the cost.

[Here the gavel fell.]

Mr. LUTHER A. JOHNSON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment ought to be voted down. We cannot in this legislation provide regulations with reference to the admission of these children. If you start in with one regulation, you will insert another regulation. This is a matter controlled by the immigration laws, and under the immigration laws all these matters are safeguarded. The amendment which the committee accepted provides that they shall be admitted under the immigration laws, which is a sufficient guaranty that the laws will be followed in the admission of these children and that they will not become public charges.

It would be unwise to undertake to provide by legislation the rules and regulations under which they will be admitted when we have expressly said by the Jenkins amendment that the immigration laws shall apply. We may come into conflict with the immigration laws by adopting some such provision, when the immigration laws already control.

Mr. SCHULTE. Will the gentleman yield?

Mr. LUTHER A. JOHNSON. I yield to the gentleman from Indiana.

Mr. SCHULTE. May I say to the gentleman as a member of the Committee on Immigration that there will be a bill presented to this House very shortly dealing with this particular subject. The amendment offered by the gentleman from Ohio [Mr. SMITH] is absolutely unnecessary.

Mr. LUTHER A. JOHNSON. Entirely so. It is a matter of legislation relating to immigration with which this bill does not deal. This bill with the amendment that has been accepted already provides that children shall be admitted under the immigration laws. We should not therefore undertake to amend the immigration laws here.

Mr. EATON. Will the gentleman yield?

Mr. LUTHER A. JOHNSON. I yield to the gentleman from New Jersey.

Mr. EATON. Under the present ruling of the immigration authorities, these children will go to these homes exactly as any other visitor from abroad is taken in and those who take the children will have to provide evidence, sometimes to the extent of being compelled to turn over their income tax returns to the authorities to demonstrate their ability.

Mr. LUTHER A. JOHNSON. Absolutely. Our immigration laws are very strict in that regard and everything is safeguarded. We should not undertake to legislate here with reference to the immigration question.

Mr. Chairman, I hope the amendment will be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. SMITH].

The amendment was rejected.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. SCHAFER of Wisconsin: On page 1, line 10, after the word "necessary", insert "American citizen."

Mr. BLOOM. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. Does the gentleman wish to be heard now?

Mr. BLOOM. No.

Mr. SCHAFER of Wisconsin. Mr. Chairman, the amendment is in order under the rules of the House. Perhaps the point of order objection is because my amendment lets the cat out of the bag, and that the major purpose of this bill is to bring in adult refugees. This amendment is a perfecting one to insure evacuation to the United States of child refugees and not adult refugees. Without my amendment one or more adults could be brought here for every child. The child's care would be guaranteed, but the adult's would not. We now have more than 10,000,000 unemployed people in the United States, including nurses, teachers, and tutors. I and many others are sick and tired of reading in the headlines of the press where this duke's child and that earl's child and this duchess' child is coming over here as a war refugee with a tutor and 2 or 3 nursemaids in the name of evacuating refugee children and providing homes for them during the war emergency.

Mr. LUTHER A. JOHNSON. Will the gentleman yield?

Mr. SCHAFER of Wisconsin. I yield to the gentleman from Texas.

Mr. LUTHER A. JOHNSON. Does the gentleman think his amendment is necessary in view of the acceptance of the Jenkins amendment? After we put in the bill that these children shall come in under the immigration laws, which means that there will be no further increase in the number to come in, would not the gentleman's amendment be superfluous? Cannot the gentleman visualize also that some little child coming over here would have to have a nurse to come with it? Is it not a fact that the gentleman's amendment is unjustified?

Mr. SCHAFER of Wisconsin. Under the language of the bill, without my amendment, there could be brought in one or more custodians or attendants for each child which is brought to the United States under this bill. This bill is sponsored in the name of a child war-refugee bill and should not be used as a vehicle for the purpose of sending American-flag ships into the war zone to transport alien emigrants and visitors to the United States.

Mr. LUTHER A. JOHNSON. No.

Mr. SCHAFER of Wisconsin. Many of the children who have been coming in here as war refugees, according to the press, are children of the dukes, the duchesses, and the wealthy who have arrived with one or more adult attendants. If the proponents of the bill really mean what they say they mean that they sponsor this bill as a child war refugee bill, then they will support my amendment and make it possible to bring over children under 16 years of age and not adults like Baron Rothschild, and his wife, who came over here by clipper plane with a million dollars' worth of jewels in a bag. I have a battle-scarred American war veteran in my district who cannot bring his wife over here from Italy to take care of his five children because he could not make a showing that she would not become a public charge. Uncle Sam requires him to prove that he has an annual income

of more than $2,000, and also requires him to post a $1,000 bond.

Mr. EATON. Mr. Chairman, will the gentleman yield for a question?

Mr. SCHAFER of Wisconsin. I yield.

Mr. EATON. Would the gentleman inform the House as to the basis of his attitude indicating that he is allergic to nursemaids? [Laughter.]

Mr. SCHAFER of Wisconsin. I do not intend to have a facetious inquiry by my distinguished Republican colleague throw any of the Members off of the right track. We have plenty of unemployed nursemaids in the United States without bringing in alien nursemaids in the name of providing a temporary haven for war refugee children. The gentleman is in favor of bringing in children under 16 years of age, and I hope he will support my amendment and let us bring in children to be taken into the homes of American citizens who will care for them and guarantee that they will not become a public charge. Let us not bring in two or three nursemaids and tutors and valets for the child of the wealthy, the child of the dukes and the earls and the wealthy like the Rothschilds, who came over here with a million dollars' worth of jewels in a bag.

With my amendment incorporated I shall be glad to support and vote for the bill. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. SCHAFER of Wisconsin) there were—ayes 73, noes 51.

Mr. BLOOM. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. BLOOM and Mr. SCHAFER of Wisconsin.

The Committee again divided; and the tellers reported that there were—ayes 91, noes 64.

So the amendment was agreed to.

Mr. TABER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TABER: Page 2, after previous amendments, insert "*Provided*, That if any such child shall be brought into the United States and any person who sponsors such child and agrees to see that such child shall not become a public charge, shall be liable for the care and support of such child in the same manner as for the care and support of his or her own child in the State of his or her residence, and that the statutes providing for such care and support shall be enforced against such sponsor."

Mr. TABER. Mr. Chairman, this bill has been heralded as a great humanitarian measure. No one more than I would like to do something for the youngsters over across the water who are in distress, but my understanding of the situation—and I think I speak with absolute assurance and absolute authority—is that the officials of the United States Government do not feel that these youngsters can be brought in here and turned over to private people to look after unless the United States authorities provide a method of fixing standards for their care and inspectors to see that the people who take them take proper care of them and live up to those standards, and on top of that they want a lot of money to do that.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. MICHENER. The gentleman is making a very serious statement. Will the gentleman repeat the statement? It seems impossible.

Mr. TABER. I understand that the authorities of our own Government feel with reference to the children that it is proposed to bring in that we must have a lot of money to set up standards under which these children would have to be cared for and inspectors to enforce those standards, and that they do not feel that the families that would agree to take them could be trusted to do so and go along through with it because they feel that after their enthusiasm had worn off, in a few months they would begin to neglect them. I do not want to see, incidentally, the people of this country taking over a burden of this kind without realizing what they are doing and knowing just how they are doing it.

I have offered this amendment so that anyone who takes a child under these circumstances will be responsible for that child in the same manner that a parent would be responsible. This country cannot afford to bring these children in here unless we provide safeguards for them. We cannot do this by some bureau having an investigation and establishing standards. We must make them live up to the standards already provided.

Mr. HENNINGS. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman.

Mr. HENNINGS. I would like to know upon what responsible authority the gentleman makes that statement.

Mr. TABER. I cannot tell the name of the party, but it came directly and straight from a department before a regular committee of this House.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman.

Mr. MAY. I wonder if the gentleman's amendment would not be really beneficial to the children who are coming over here, inasmuch as they are coming into a strange country and should not be subjected to the hazard of being placed into the hands of some irresponsible person. An amendment which would require the person who gets custody of them to take care of them ought to be adopted as a part of this legislation.

Mr. TABER. Yes; and they should not be left to the vagaries of United States bureaucrats.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. O'CONNOR. As I understand the gentleman's amendment, it creates a continuing obligation on the part of anyone who takes a child to take care of that child as long as the child is in the United States. The gentleman's amendment will not only be a protection to the child but also a protection to the public in not having at some future time to care for the child when the glamor is worn off.

Mr. TABER. That is right; and unless we do that we would have to provide institutions to put them in.

Mr. O'CONNOR. I am in favor of the gentleman's amendment and will vote for it.

Mr. TABER. I hope it will be adopted.

Mr. BLOOM. Mr. Chairman, at the outset, when the first amendments were offered to this bill, I stated that any amendment that could be or would be offered which would strengthen the bill would be accepted by the committee. The bill itself is very clear. We have stayed here for hours trying to pass a bill to help the refugee children of the war stricken countries. What you have done now is to destroy the bill. It is impossible for this bill to become properly operative according to the amendment offered by the gentleman from Wisconsin [Mr. SCHAFER] and just adopted in the Committee. The amendment offered by the gentleman from New York [Mr. TABER] is at the present time already in the existing law. Either you want to pass a bill to permit American vessels to assist in the evacuation from war zones of refugee children or you do not. I have heard 99 percent of the speakers on the floor today say that they are in favor of it. All are in favor of it. Why should we at the last moment destroy it by offering certain amendments that would naturally destroy its effectiveness? You cannot bring anyone into this country unless you give proper guaranties that they will not become public charges. This is protected in any event. In the first place the British Government has something to say as to what children they will allow to be brought over here.

Mr. LUTHER A. JOHNSON. Mr. Chairman, will the gentleman yield?

Mr. BLOOM. Yes.

Mr. LUTHER A. JOHNSON. Is it not true also that what was said in opposition to the previous amendment, that you should not by this amendment undertake to amend our immigration laws, is applicable to this? That is a matter that should be taken up when the immigration law is considered. Is not this an attempt to amend the immigration laws in an indirect manner which should be done directly.

Mr. BLOOM. Yes; and Mr. Chairman, your committee wants to be fair in this matter. If you want to destroy it, vote in this amendment, and let the people understand how this Congress feels with reference to this matter. I want to do the right thing, and I do not want to pass a fake bill. I do not want to pass a bill that means nothing. I have heard something about gestures. It is about time that we stop making gestures and do something real, and not laugh while we are doing it.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. BLOOM. The gentleman refused to yield to me and I am sorry I cannot yield. I was very much surprised when the gentleman refused to yield to the chairman of the committee.

Mr. THORKELSON. Mr. Chairman, will the gentleman yield to me?

Mr. BLOOM. I am sorry I cannot. This amendment should not prevail at this time. Let us be fair with these children and not take an advantage of this kind to do something that will destroy the purpose of this bill. I hope the amendment will not prevail.

Mr. HENNINGS. Mr. Chairman, I move to strike out the last word. Without undertaking to reflect upon the good spirit and intent of any of the Members I say that in adopting the last amendment offered by the gentleman from Wisconsin [Mr. SCHAFER], and in seriously considering the adoption of this amendment, as the chairman of our committee has said and well said, we are undertaking by that act to say that you do not want this bill. We who have studied this in committee have made an honest effort, in clear, simple language to embrace everything that is necessary, providing at the same time every proper safeguard. We have asked that you repose some confidence in the Secretary of State, in relying upon his good faith, and the use of his sound discretion in the proper administration of this amendment to the Neutrality Act, whether or not it relates to the immigration law.

Mr. KEEFE. Mr. Chairman, will the gentleman yield?

Mr. HENNINGS. Not at this time. I have not the time. I am sympathetic with the desire of Members of the House to safeguard this measure in every possible way, but I do say, please let us not be swept off our feet in our desire to enact amendments which we think may be safeguards, but which are in effect emasculation and possible destruction of the intent of the bill. I do not believe the House wants to do that, but I appeal to you to consider the amendments carefully before you undertake to support them. I yield now to the gentleman from Wisconsin.

Mr. KEEFE. Will the gentleman yield?

Mr. HENNINGS. I yield.

Mr. KEEFE. The chairman of the committee and the gentleman have indicated that there is something in this bill which authorizes the Secretary of State to make restrictions and rules and regulations.

Mr. HENNINGS. Yes.

Mr. KEEFE. I have read this bill very carefully and I wish the gentleman would point out to me just where you find authority for that statement.

Mr. HENNINGS. I will point it out very clearly. It is in line 10, "together with such necessary adult personnel in charge, as may be approved by the Secretary of State."

Mr. KEEFE. But that only applies to the regulation as to personnel.

Mr. HENNINGS. I do not yield further. I do not have the time.

Mr. KEEFE. That only applies to personnel; that is all.

[Here the gavel fell.]

Mr. SCHULTE. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I am very much opposed to the amendment that was offered by our good friend, the gentleman from New York [Mr. TABER], in view of the fact that the Committee on Immigration and Naturalization is holding hearings at the present time on this refugee problem. We are hearing witnesses from all over the country relative to this matter.

There was a bill just introduced by myself that was reported out by a subcommittee of the Committee on Immigration and Naturalization, and I want to read it to you.

I want my good friend, the gentleman from New York [Mr. TABER], to listen to this:

A bill to provide a temporary haven from the dangers of war for European children under the age of 16

Be it enacted, etc., That for a period not to exceed 2 years from the date of the enactment of this act, or for such shorter period as the President may prescribe, children under 16 years of age who are citizens or residents of any country in Europe and who, in the opinion of the United States consul before whom they appear for visas, are seeking to enter the United States to be safe from the dangers or the effects of war, may be issued visas as temporary visitors and temporarily admitted to the United States, notwithstanding that (1) they are under 16 years of age, unaccompanied by or not coming to one or both of their parents; (2) their tickets or passage is paid for with the money of another, or they are assisted by others to come; or (3) their tickets or passage is paid for by any corporation, association, society, municipality, or foreign government, either directly or indirectly: *Provided, however,* That in all cases assurances have been given which satisfy the Attorney General that such children will be properly cared for and will not become public charges.

Such children shall be exempt from the payment of head tax and visa fees.

Such children may be admitted for a period of 2 years subject, however, to the power of the Attorney General to shorten or extend the period of admission upon a finding that such action would be in accordance with the purposes of this act.

SEC. 2. The Attorney General is authorized to prescribe and promulgate rules and regulations for the enforcement of this act, except that all such rules and regulations, insofar as they relate to the performance of functions by consular officers, shall be prescribed by the Secretary of State upon recommendation of the Attorney General.

Each and every one of us who profess to be sympathetic to the cause of bringing children into the United States from Europe and to help those children who are victims of the war, this is your chance, if you are not fooling. I agree with many of the Members here, but this is the time when we can show that we are a charitable people, with our hearts in sympathy with those who are victims of that terrible tragedy across the sea. Little do we realize what the children of Poland, Czechoslovakia, Belgium, Holland, France, and the Netherlands have endured in this European crisis, children wandering through the streets aimlessly, not knowing the whereabouts of their parents or whether they have survived the war. Being the peace-loving Nation that we are, and always ready to do all we can to help others, it is only the humanitarian thing for us to do to bring these small life victims to our shelter for the duration of the European war.

Under our present law not one child can come into this United States unless there is a guaranty by the person accepting the child to harbor it and to take care of it, that they are absolutely responsible for it at all times.

Mr. BLOOM. Will the gentleman yield?

Mr. SCHULTE. I yield.

Mr. BLOOM. Does not that law apply to this resolution that is under consideration today?

Mr. SCHULTE. Of course. It is on the statute books today. There is no need to rewrite immigration legislation at this particular time and in this bill.

My bill will be taken up for consideration in a few days and reported out. We want to go along and help these refugee children. There is a crying demand that something be done, certainly. We want to bring these children here. There are any number of applications on file today. Witnesses who have appeared before our committee have testified that there are applications now on file in the amount of 15,000 to 20,000 from families here in this country who are anxious to care for these refugee children through the duration of the war. Let us not throw anything in the way that will take these little tots out of the danger zone and bring them over here during the length of time that this war is on. [Applause.]

[Here the gavel fell.]

Mr. MASSINGALE. Mr. Chairman, I would like to be advised as to the number of the last word that was stricken out.

The CHAIRMAN. The gentleman is recognized for 5 minutes. [Laughter.]

Mr. MASSINGALE. Mr. Chairman, I do not have anything of value to add to this debate. I did seek recognition for a minute or two just to give my views on this matter, but I could not get it.

This question is chock full of both pathos and tragedy, and yet in the midst of it here we are in this House making it a matter of considerable levity about these unfortunate children. I do not care where they come from—whether from England or Germany or France or from what country—but we ought not to have the proceedings of this deliberative body ruined by any horseplay of the kind we have just had here over whether or not it is going to cost a little money. Now, it is not going to cost any money. Surely there is no danger of tainting or polluting the stream of red blood in America to take these children, who are now under the very heels of the dictators and whose lives are either being crushed out or will be crushed out almost any night. Bringing them here is at least an act of mercy and the precautions that have been taken to get them out of the battlefields and away from almost certain death from bursting shells and deadly gas and burning flames is worthy the undertaking of any free peoples. The fact that we cannot bring all of them is no reason why we should not bring as many as we can. I believe that God will smile down upon America for doing the best that she can do to rescue them from the perilous places in which they find themselves without any fault of their own.

It is a serious matter. It is a fine thing that we are so constituted, we Americans, that we can pass from the sublime to the ridiculous without worry and in a hurry. We often do that. Here we have been engaged for 2 or 3 months in bickerings and disputes about preparedness, spending billions of dollars, if you please, to purchase war materials and then we are about to embark upon another phase of that work in determining whether we shall just buy that stuff to have or whether we expect to train men to use it. And then it is a splendid retreat—to me at least—to see the House able to get control of itself and march from the sordid fields of politics and war up to a matter so sublime as this matter concerning the welfare of little children.

I do not care so far as I am concerned where these children come from. I do not know how you view it but I feel that it is a mighty small contribution for the people of the greatest country on earth to make in this welter of blood and confusion that is engrossing the world to offer to take care of a few of these children; and I am not particularly concerned where they come from. I wish we could take care of every one of them.

I dislike to see men who I know have learning—and I know, of course, that all of us have or are supposed to have some of it—but when a man says he is unwilling to extend his helping hand to a child who is under the crushing iron heel of the great murderer of Europe because perhaps there is some other child who has not yet been rescued—we ought not to have that sort of attitude, that sort of spirit.

I think the best thing that could happen in these proceedings today is to have a lot of the levity engaged in deleted from the RECORD. Let us view this thing intelligently. [Applause.]

[Here the gavel fell.]

Mr. REES of Kansas. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. BLOOM. Mr. Chairman, will the gentleman yield?

Mr. REES of Kansas. I yield.

Mr. BLOOM. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto, and all debate to this section close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. REES of Kansas. Mr. Chairman, the intention of the amendment offered by the gentleman from New York [Mr. TABER] is to provide as far as possible that those who take charge of these refugee children accord them the same care, protection, and opportunity as they provide for their own. Most of them will do it, of course. But it is a good thing to put in the law. As I understand it, the British law does not permit the adoption of their children. I don't know about other European countries. I think if these children are to be taken into American homes, we should see to it, as far as we can, that they have whatever protection that may be afforded them. I know as well as you, these children are going to be taken with the very best of intentions, but it will do no harm to require the same responsibility as would be expected if they were the parents, and the children be afforded the same opportunities. I agree with those who have expressed their deepest sympathy for these unfortunate children. Thousands without homes, many of them separated from their parents, whom they will not see again. Children who lack food and shelter and no place to go. Then we have those children whose parents want their children to escape the terror of bombs and machine-gun fire that may overwhelm them at any time. They are innocent victims of a dreadful situation for which they are in nowise responsible.

Mr. Chairman, it may be possible that some of the enthusiasm on the part of some of our people will not run so high in a year or two or three from now. So I feel that any guaranties that may be fairly provided for these helpless children after they reach the United States will be extremely helpful and important. Mr. Chairman, it has been suggested that this amendment should be placed in the immigration law. Perhaps it should. Personally, I see no objection to placing it right here in this bill. I think it is fair and should be supported. I expect to support the measure that is before us. I really believe this amendment will strengthen the measure, and add a little more help to these children who are going to need all the protection that may be afforded them. I think this amendment will help them. I trust you will support it. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and, on a division (demanded by Mr. TABER) there were—ayes 89, noes 68.

So the amendment was agreed to.

Mr. JOHNS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHNS: Page 1, line 8, after the word "children", insert "not exceeding 75,000 in number."

Mr. JOHNS. Mr. Chairman, may I be heard on the amendment?

The CHAIRMAN. Under the order of the Committee all debate on this section has expired.

The question is on the amendment offered by the gentleman from Wisconsin.

The amendment was rejected.

The CHAIRMAN. Under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MCGRANERY, Chairman of the Committee of the Whole House on the state of the Union reported that that Committee, having had under consideration the bill (H. R. 10213) to permit American vessels to assist in the evacuation from the war zones of certain refugee children, under the provisions of House Resolution 562, he reported the same back to the House with sundry amendments.

The SPEAKER. Under the rule, the previous question is ordered on the bill and amendments to final passage.

Is a separate vote demanded on any amendment?

Mr. BLOOM. Mr. Speaker, I demand a separate vote on the so-called Schafer amendment.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The SPEAKER. The Clerk will report the Schafer amendment.

The Clerk read as follows:

On page 1, line 10, after the word "necessary", insert the words "American citizen."

Mr. BLOOM. Mr. Speaker, is it possible, now that the Clerk has reported the Schafer amendment, to have the reso-

lution read as it would be with the adoption of the Schafer amendment; in other words, to give an idea of how it would read with the Schafer amendment?

The SPEAKER. Without objection, the Clerk will read the resolution as affected by the Schafer amendment, if adopted.

There was no objection.

The Clerk read as follows:

(b) The provisions of sections 2 (a) and 3 shall not prohibit the transportation by vessels, in ballast, unarmed, and not under convoy, of refugee children, under 16 years of age, fleeing from war zones, together with such necessary American citizen adult personnel, etc.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the Chair being in doubt, the House divided; and there were—ayes 108, noes 78.

Mr. BLOOM. Mr. Speaker, I object to the vote on the ground there is not a quorum present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and thirty-one Members are present, a quorum.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MORE UNIFORM COVERAGE OF CERTAIN PERSONS EMPLOYED IN COAL-MINING OPERATIONS

Mr. CROSSER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 4070) to provide for more uniform coverage of certain persons employed in coal-mining operations with respect to insurance benefits provided by certain Federal acts, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. CROSSER]?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 1 (a) of the Railroad Retirement Act of 1937, section 1 (a) of the Carriers Taxing Act of 1937, section 1532 (a) of the Internal Revenue Code, and section 1 (a) of the Railroad Unemployment Insurance Act are amended, effective in the case of each such act as of the date of its enactment, by adding at the end of each such section the following new sentence: "The term 'employer' shall not include any company by reason of its being engaged in the mining of coal, the supplying of coal to an employer where delivery is not beyond the mine tipple, and the operation of equipment or facilities therefor, or in any of such activities."

SEC. 2. Section 1 (a) of the Railroad Retirement Act of 1935 and paragraph first of section 1 of the Railway Labor Act, as amended, are amended, effective in the case of each such act as of the date of its enactment, by adding at the end of each such section and paragraph the following new sentence: "The term 'carrier' shall not include any company by reason of its being engaged in the mining of coal; the supplying of coal to a carrier where delivery is not beyond the mine tipple, and the operation of equipment or facilities therefor, or in any of such activities."

SEC. 3. Section 1 (b) of the Railroad Retirement Act of 1937, section 1 (b) of the Carriers Taxing Act of 1937, section 1532 (b) of the Internal Revenue Code, the first paragraph of section 1 (d) of the Railroad Unemployment Insurance Act, section 1 (b) of the Railroad Retirement Act of 1935, and paragraph fifth of section 1 of the Railway Labor Act, as amended, are amended, in the case of each such act as of the date of its enactment, by adding at the end of each such section and paragraph the following new paragraph:

"The term 'employee' shall not include any individual while such individual is engaged in the physical operations consisting of the mining of coal, the preparation of coal, the handling (other than movement by rail with standard railroad locomotives) of coal not beyond the mine tipple, or the loading of coal at the tipple."

SEC. 4. (a) The laws hereby expressly amended, the Social Security Act, approved August 14, 1935, and all amendments thereto, shall operate as if each amendment herein contained had been enacted as a part of the law it amends, at the time of the original enactment of such law.

(b) No person (as defined in the Carriers Taxing Act of 1937) shall be entitled, by reason of the provisions of this act, to a refund of, or relief from liability for, any income or excise taxes paid or accrued, pursuant to the provisions of the Carriers Taxing Act of 1937 or subchapter B of chapter 9 of the Internal Revenue Code, prior to the date of the enactment of this act by reason of employment in the service of any carrier by railroad subject to part I of the Interstate Commerce Act, but any individual who has been employed in such service of any carrier by railroad subject to part I of the Interstate Commerce Act as is excluded by the amendments made by this act from coverage under the Carriers Taxing Act of 1937 and subchapter B of chapter 9 of the Internal Revenue Code, and who has paid income taxes under the provisions of such act or subchapter, and any carrier by railroad subject to part I of the Interstate Commerce Act which has paid excise taxes under the provisions of the Carriers' Taxing Act of 1937 or subchapter B of chapter 9 of the Internal Revenue Code, may, upon making proper application therefor to the Bureau of Internal Revenue, have the amount of taxes so paid applied in reduction of such tax liability with respect to employment, as may, by reason of the amendments made by this act, accrue against them under the provisions of title VIII of the Social Security Act or the Federal Insurance Contributions Act (subchapter A of chapter 9 of the Internal Revenue Code).

(c) Nothing contained in this act shall operate (1) to affect any annuity, pension, or death benefit granted under the Railroad Retirement Act of 1935 or the Railroad Retirement Act of 1937, prior to the date of enactment of this act, or (2) to include any of the services on the basis of which any such annuity or pension was granted, as employment within the meaning of section 210 (b) of the Social Security Act or section 209 (b) of such act, as amended. In any case in which a death benefit alone has been granted, the amount of such death benefit attributable to services, coverage of which is affected by this act, shall be deemed to have been paid to the deceased under section 204 of the Social Security Act in effect prior to January 1, 1940, and deductions shall be made from any insurance benefit or benefits payable under the Social Security Act, as amended, with respect to wages paid to an individual for such services until such deductions total the amount of such death benefit attributable to such services.

(d) Nothing contained in this act shall operate to affect the benefit rights of any individual under the Railroad Unemployment Insurance Act for any day of unemployment (as defined in section 1 (k) of such act) occurring prior to the date of enactment of this act.

SEC. 5. Any application for payment filed with the Railroad Retirement Board prior to, or within 60 days after, the enactment of this act shall, under such regulations as the Social Security Board may prescribe, be deemed to be an application filed with the Social Security Board by such individual or by any person claiming any payment with respect to the wages of such individual, under any provision of section 202 of the Social Security Act, as amended.

SEC. 6. Nothing contained in this act, nor the action of Congress in adopting it, shall be taken or considered as affecting the question of what carriers, companies, or individuals, other than those in this act specifically provided for, are included in or excluded from the provisions of the various laws to which this act is an amendment.

SEC. 7. (a) Notwithstanding the provisions of section 1605 (b) of the Internal Revenue Code, no interest shall, during the period February 1, 1940, to the eighty-ninth day after the date of enactment of this act, inclusive, accrue by reason of delinquency in the payment of the tax imposed by section 1600 with respect to services affected by this act performed during the period July 1, 1939 to December 31, 1939, inclusive, with respect to which services amounts have been paid as contributions under the Railroad Unemployment Insurance Act prior to the date of enactment of this act.

(b) Notwithstanding the provisions of section 1601 (a) (3) of the Internal Revenue Code the credit allowable under section 1601 (a) against the tax imposed by section 1600 for the calendar year 1939 shall not be disallowed or reduced by reason of the payment into a State unemployment fund after January 31, 1940, of contributions with respect to services affected by this act performed during the period July 1, 1939, to December 31, 1939, inclusive, with respect to which services amounts have been paid as contributions under the Railroad Unemployment Insurance Act prior to the date of enactment of this act: *Provided*, That this subsection shall be applicable only if the contributions with respect to such services are paid into the State unemployment fund before the ninetieth day after the date of enactment of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENT TO INTERSTATE COMMERCE ACT

Mr. LEA of California submitted a conference report and statement on the bill (S. 2009) to amend the Interstate Commerce Act, as amended, by extending its application to additional types of carriers and transportation and modifying certain provisions thereof, and for other purposes.

PERMISSION TO ADDRESS THE HOUSE

Mr. LEA. Mr. Speaker, I ask unanimous consent to proceed for 30 seconds.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. LEA]?

Mr. MICHENER. Mr. Speaker, reserving the right to object, will the gentleman take time enough to tell us when he expects to call up the conference report on this bill?

Mr. LEA. Monday morning; and I may say copies of the bill as agreed to in conference is available in the House at this time.

EXTENSION OF REMARKS

Mr. THOMASON. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD by including at this point in the RECORD a statement by The Adjutant General of the Army covering voluntary enlistments for the period beginning the 1st of January this year.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. THOMASON].

There was no objection.

The statement referred to follows:

The following table shows enlistments for the months of January through June 1940 by State or residence, as tabulated from enlistment records received through August 3, 1940:

Number of enlistments

Alabama	2,168
Arizona	314
Arkansas	1,071
California	2,847
Colorado	978
Connecticut	636
Delaware	108
District of Columbia	184
Florida	1,129
Georgia	2,823
Idaho	338
Illinois	2,784
Indiana	1,470
Iowa	726
Kansas	1,022
Kentucky	3,053
Louisiana	1,086
Maine	582
Maryland	704
Massachusetts	1,974
Michigan	1,254
Minnesota	671
Mississippi	1,157
Missouri	1,266
Montana	294
Nebraska	680
Nevada	45
New Hampshire	255
New Jersey	1,434
New Mexico	301
New York	5,471
North Carolina	3,442
North Dakota	215
Ohio	1,956
Oklahoma	2,261
Oregon	801
Pennsylvania	7,411
Rhode Island	351
South Carolina	1,763
South Dakota	313
Tennessee	2,620
Texas	6,648
Utah	254
Vermont	240
Virginia	2,169
Washington	1,034
West Virginia	1,618
Wisconsin	1,169
Wyoming	256
Hawaii	74
Panama Canal Zone	22
Philippines	29
Puerto Rico	188
United States Army posts	898
Alaska	22
Total	74,579

E. S. ADAMS,
Major General, The Adjutant General.

Mr. THOMASON. In the month of June the total enlistments were 23,444. The enlistments for July are not quite complete. The record shows 31,958, but the War Department advises there may be about 2,000 not yet tabulated and recorded.

It should also be borne in mind that reenlistments for the first 6 months of this year were 20,538. The reenlistments for the month of June were 3,518 and 2,947 for the month of July. The losses, however, during these 2 months were approximately 15,991, which would leave a net gain in the Regular Army during those 2 months of 39,411.

EXTENSION OF REMARKS

Mr. BLOOM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. BLOOM]?

There was no objection.

Mr. TENEROWICZ asked and was given permission to extend his own remarks in the RECORD.

Mr. FULMER asked and was given permission to extend his own remarks in the RECORD.

Mr. ELLIS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a report of the Committee on Interstate Trade Barriers and Unemployment.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas [Mr. ELLIS]?

There was no objection.

Mr. MURRAY asked and was given permission to extend his own remarks in the RECORD.

Mr. SPRINGER asked and was given permission to revise and extend his own remarks in the RECORD.

PERMISSION TO ADDRESS THE HOUSE

Mr. JENKINS of Ohio. Mr. Speaker, I ask unanimous consent that on tomorrow, at the conclusion of any previous special order, I may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

EXTENSION OF REMARKS

Mr. MICHENER and Mr. HORTON asked and were given permission to revise and extend their own remarks in the RECORD.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include excerpts from H. R. 7604 and S. 3876.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. McKEOUGH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an article written by Mr. Vanderpoel, the financial editor of the Chicago American, indicating the earnings of industrial corporations for the first half of 1940 as 11.4 percent net.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. KEFAUVER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a short editorial from the Chattanooga Times of August 6.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER. Under the special order heretofore made, the gentleman from Connecticut [Mr. MILLER] is recognized for 40 minutes.

NATIONAL DEFENSE

Mr. MILLER. Mr. Speaker, the hour is late, and I do not intend to take the 40 minutes that have been granted me. I have asked for this time to discuss certain phases of our national-defense problem in an effort to stimulate thinking, and not because I think I know all the answers. Like other Members of the House, I have lain awake nights and thought of these problems that the Congress now faces.

As I see it, there is nothing more important at the present time than that we have national unity in connection with providing for the strengthening of our national defense. Before we can have the desired national unity, the Congress and the country must be given all possible, relevant information; not, of course, military secrets. If anything, we have been too free in that direction in the years past. We have got to instill confidence. People must have reason to believe that the various national-defense bills enacted mean just what they appear to mean on the surface, that a bill providing a year's training for the National Guard must mean

just that, and nothing more; that a bill providing for the expansion of essential industries must mean just that, and nothing more, and it must not be a vehicle that allows the Government to go into competitive, private business.

We had an example here in the House just recently of how important items can be injected into a bill almost without the knowledge of a majority of the Members of the House. I am referring to a provision inserted in a bill recently passed that would have allowed the Secretary of the Navy, at his discretion, to actually take over and operate any plant that he might declare to be necessary for the national defense. No one seems to know how that got into the bill. It appeared certainly in the first printed copy, after the bill had been passed and signed by the President, and then the gentleman from Georgia [Mr. VINSON] offered an amendment to another bill suggesting that we strike that out. The conferees themselves say that it was not there when they considered it and, certainly, the chairman of the Naval Affairs Committee made no reference to that important provision when he explained the conference report. The chairman of the Naval Affairs Committee showed a mighty fine spirit by coming into the House at the first opportunity and suggesting that that provision be removed.

We have appropriated billions of dollars for planes, battleships, arms, and munitions of all kinds, but the possession of this equipment alone is not going to solve our problems. We will soon be called upon to consider an elaborate bill for compulsory universal military training, and I intend to explain a little later why the Burke-Wadsworth bill is not what the people generally think it is. While we have considered more or less grandiose ideas, I am wondering if we have not been overlooking some of the helpful little things that might have been done in the past 3 months or that we might speedily do now that would be very helpful.

Three months have elapsed since the President's message on May 16. I am wondering just what we have done in that period to strengthen and improve the efficiency of our National Guard. The National Guard today is not up to its authorized peacetime strength. The guard should be up to its peacetime strength of 330,000. Instead of that we have authorized funds for only 280,000 and the guard has 263,000 actually enrolled at the present time. They have little or no equipment. In my own State of Connecticut we recently created an antiaircraft regiment out of a former cavalry outfit. A week ago they returned from 3 weeks' encampment. They had practically no equipment for training. The War Department did not have the equipment to send to them. They borrowed one piece of equipment from Massachusetts and another from Rhode Island, and did the best they could with the limited equipment they had. Many of those men left responsible positions in essential industries to devote 3 weeks to training, and somewhere along the line we fell down; we did not give them equipment with which to train.

I think the most important thing this Congress could do immediately to speed up the procurement program would be, as soon as possible—and I believe it could be done almost by unanimous consent—pass a concurrent resolution that would provide for the amortization of funds invested in plant expansion. We should follow that by immediately suspending the provisions of the Vinson-Trammell Act. The need of such action is borne out by testimony before the Appropriations Committee by both Admiral Towers of the Navy and General Brett of the Army, who testified that the failure of Congress to take such action is holding back our procurement program.

The uncertainty of what Congress will do in this respect has certainly interfered with negotiating contracts. I do not think we can rightfully blame industry. They are not asking, as I understand it, that we at once pass an excess-profits tax. I have been told that if we can take up the resolution for this amortization plan and repeal the Vinson-Trammell Act, that they are ready to go ahead. They know as well as we do that there is going to be an excess-profits tax, and that there should be an excess profits tax law passed. They cannot be passed overnight. It is safe to say that it will take a month for the House and the Senate to pass an excess-profits tax, and we cannot afford to wait a month before these essential contracts are awarded.

Under some of the legislation passed by this Congress we have actually penalized the two most important industries that will contribute most to the success of our national-defense program. They are the aircraft and shipbuilding industries. The President vehemently denied newspaper stories that the placing of contracts for aircraft and other defense material was being delayed by legislation passed in June, lowering the profit limitation on aircraft contracts from 12 to 8 percent and by the vague talk of an excess-profits levy.

I think the Members would be interested if I read into the RECORD a part of the testimony of Admiral John A. Towers, Chief, Bureau of Aeronautics, before the House Committee on Appropriations. He said:

> It is a fact that at the present time we are having great difficulty in placing contracts with the manufacturers. There was a law passed recently which greatly reduced the profit limitation on aircraft contracts. It was very materially reduced.
>
> Most of the aircraft manufacturers and all of the aircraft-engine manufacturers do a great deal of subcontracting, and their contracts are placed, for instance, with a firm which forges crankshafts. That is the business of that firm. They will take a subcontract from an aircraft-engine manufacturer, and that probably represents a small percentage of their total business.
>
> This law limits the subcontractors to the same profit, and their new profit when they are working on a limitation of 8 percent gross profit is very small. They are not anxious to get the business, and they can fill up their plants, so they say, with business from other sources, including munition manufacturers, which are not subject to the same profit limitations. That, coupled with the uncertainty about amortization of expanded plants and equipment, makes it very difficult to place those contracts.

Admiral Towers said he could cite a specific case in which a contract for 300 planes was awarded by the Navy "to a very large company, a very reputable company."

Subsequently legislation was passed cutting the profit limitation from 12 to 8 percent. The manufacturer called Admiral Towers that the various subcontractors who had previously agreed to do a part of the work were no longer interested in those contracts so the manufacturer just could not see how he could take the contract. The admiral declared that—

> That is a firm which has probably made the best record in aircraft production and has shown the most reasonable prices of any firm in this country in the last few years.

Gen. George H. Brett, Chief of the Matériel Division, Office of Chief of Air Corps, War Department, was even more emphatic in insisting that profit limitations and legislative uncertainties were making it impossible for the Army to buy airplanes. Said the general, in testifying:

> We had $279,000,000 appropriated for the purchase of airplanes available the first part of June, and on the 15th of June our contracts were all ready to be signed, under the proposed law which would permit us to negotiate contracts. Those contracts were held awaiting passage of the law, which was not signed until July 2. On June 29, however, there was a modification of the Vinson-Trammell Act which threw all of our contracts into the wastebasket, and we had to start all over again and negotiate those contracts.
>
> The negotiations had to be conducted on an entirely new basis. In the meantime we went to the Treasury and we are getting a decision with regard to taxes on expansion. We are getting a decision with regard to what can be considered costs under the Vinson-Trammell profit limitation. But now another objection has been made because there has been an announcement to the effect that the Vinson-Trammell Act is likely to be repealed and that there will be a tax on profits.
>
> Today I am doing my best to have the contracts signed. The industry will not sign contracts because they do not know what the effect will be if they repeal the Vinson-Trammell Act. Therefore, we are now again in a quandary over it. I am ready to buy approximately 4,000 airplanes, and that is the situation.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. MILLER. Yes.

Mr. McCORMACK. I did not hear all of my friend's remarks, but I happen to know something about the matter which the gentleman is talking. I am a member of the subcommittee on taxation. Is the gentleman offering any criticism of any committee of the House or any official of the Government because of the present predicament?

Mr. MILLER. I do not know whether it would be called a criticism. I was making a suggestion. I said the procurement program was lagging. I said there were two things that Congress could do to lessen such lagging. Apparently all are agreed that a 5-year amortization plan will be adopted. I am told that the Treasury has agreed to that program. Apparently it has the support of the administration right down the line. If that is true, we could pass that almost overnight. The Vinson-Trammel Act, apparently, is also going to be suspended. My suggestion was that those two items of the so-called three-point program now before your committee be adopted speedily and that your committee take whatever time is necessary to consider and adopt the excess profits tax bill, which I said should be passed.

Mr. McCORMACK. Well, that is very nice. I thoroughly agree that business should not be criticized, but is the gentleman aware that as far as any Member of Congress is concerned, the fact that the excess-profits tax was connected up with national defense, and the fact that these contracts were being held up pending the passage of legislation, was only known within the past week?

Mr. MILLER. To whom? I have just quoted Admiral Towers and General Britt testifying before the House Appropriations Committee weeks ago on this subject. They both say our failure to act is holding up their program.

Mr. McCORMACK. Is the gentleman aware that 3 weeks or so ago a statement was made by Mr. Knudsen and some Members of the House and Senate as to what legislation would undoubtedly pass with reference to amortization and the suspension of the Vinson-Trammell Act? The Vinson-Trammell Act should not be repealed, but it should be suspended during the operation of the excess-profits tax. That statement was made in the hope that it would induce contractors to sign, but 3 weeks later Mr. Knudsen reported that, while he had hoped it, his hopes had materialized only to a very limited extent.

Mr. MILLER. I can assure the gentleman that they will not materialize simply because Representatives of the House say they will pass it.

Mr. McCORMACK. I am not criticizing. I think the gentleman's position is fair. My purpose is to correct any erroneous views honestly entertained by the gentleman. If we were in war our manufacturers would do anything. At the present time I am not criticizing them, but, on the other hand, I want to say to my friend that no criticism, expressed or implied, should be made of any Member of Congress, because since that matter has been known the subcommittee of which I am a member has been working morning and afternoon. We completed our report last night and the report is being drafted to be made to the full committee, upon which public hearings will be held on Tuesday. For whatever value my opinion may be worth, while I appreciate the suggestion of my friend from Connecticut, it is absolutely essential for interested business to know what the excess-profits tax will be, and that the tax law be passed, in addition to the amortization and the suspension of the Vinson-Trammell Act.

Mr. MILLER. The gentleman's opinion is worth a great deal to the House, as the gentleman well knows. But the question of excess-profits tax is not the chief concern of the manufacturers of aircraft, aircraft engines, and guns. They are willing to go ahead. I have talked to representatives of some of the largest units. They are not only willing but glad to go ahead if you suspend the Vinson-Trammell Act and adopt the 5-year amortization plan. They are willing for you to take your own sweet time on the excess-profits tax.

Mr. McCORMACK. I am glad to receive that information, because it is not the type of information that I, as a member of the subcommittee, have received. The information I have received is that the businessmen would like to see the law, would like to see what it is going to be, and I do not blame them. But, on the other hand, the information is with reference not only to the amortization and the suspension of the Vinson-Trammell Act but the excess-profits tax. Furthermore, why should we as Members of Congress give accelerated depreciation, a very good amortization plan, without completing the whole program and passing the excess-profits tax bill? In any event, hearings will be completed on Monday or Tuesday of next week, in all probability, and I am hopeful that the bill will pass the House before the latter part of next week, in which event I am confident, it being linked up with national defense, that the Senate would not take much time in which to pass the bill.

Mr. MILLER. I predicted before the gentleman came in that it will take a month from this day before that bill is passed and signed by the President. I think it would be a mistake to hold up the first two provisions because of the latter. The matter of excess-profits tax is not of concern to them for this reason. They know it is going to be passed, and whether they make 2 percent or 4 percent or 12 percent, everything above a normal profit will be taken away from them, and it should be. But the provisions of the Vinson-Trammell Act and the amortization plan are decidedly different in their effect on the negotiation of contracts.

Mr. McCORMACK. That is not the information that I and other members of the subcommittee on taxation have received. The information we have received from responsible sources——

Mr. MILLER. From representatives of some of the major industries?

Mr. McCORMACK. I assume that members of the Advisory Committee on National Defense are in a position to know, and the information we have received—only the other day Mr. Knudsen appeared before the subcommittee, the day before yesterday, and with the full subcommittee there, my friend the gentleman from Massachusetts [Mr. TREADWAY], making a statement for the Republican members, the gentleman from Tennessee, Chairman COOPER, making a statement with Mr. Knudsen there, that the subcommittee was going to recommend the suspension of the Vinson-Trammel Act during the operation of the excess profits; was going to recommend a 5-year amortization plan; that if the emergency was over at the end of 3 years we would allow them to have 33⅓-percent amortization instead of 20 percent over 5 years. That statement was made. The gentleman from Tennessee, Chairman COOPER, also said that he could speak for the Senator from Mississippi [Mr. HARRISON], and that he joined with him in his statement. The chairman of the full committee, Mr. DOUGHTON, also made a statement, all in the hope that businessmen would make these contracts before we actually passed the law. It was a hope. We have even gone to that extent. I do not know how much further we can go. Certainly the excess-profits tax ought to be passed with the other two important elements.

Mr. MILLER. I see no connection between the other two and as the gentleman has indicated everybody who has studied this problem feels that the first two points should be taken care of, and I do not know of any objection to taking care of them. Certainly you have heard Mr. Knudsen, but you should get the viewpoint of the people involved in these matters, you should invite into the committee representatives of the industry concerned. I realize they are in conference with Mr. Knudsen, but if there is any difference of opinion, if there is any belief, and there is in certain industries that the first two points of that three-point program if you want to call it that, are being held for consideration of the third as leverage to get the third point through just the way the administration wants to get it through——

Mr. McCORMACK. The gentleman is too fair to make a statement that I know is without foundation. In fact, the information we have is that the businessmen want to see the entire law passed before they enter into the contracts.

Mr. MILLER. Just a minute. My only suggestion is to get that information from the manufacturers and not from representatives of the Government.

Mr. McCORMACK. They are going to have that opportunity. We are holding public hearings starting Friday. Mr. Knudsen came into the executive session of the subcommittee as the Chairman of the Advisory Board. All we have had

before us have been officials, the same as any other committee in executive session considering a preliminary, ex parte matter, to be the basis of public hearings by the whole committee. Certainly the impression should not go out that businessmen were not invited, because they had no place in there. They will have an opportunity to be heard Friday at the public hearings. Mr. Knudsen appeared in his official capacity as Chairman of the Advisory Committee.

Mr. MILLER. I cannot yield further. There is no use proceeding further along that line. I have not criticized anyone. I have simply made a suggestion. I did not say that industry was denied the opportunity of appearing before your committee. I say they should be given an opportunity to appear and state their views.

Mr. McCORMACK. And they will be given that opportunity Friday. The hearings so far have simply been exploratory.

Mr. MILLER. Exploratory or not, the suggestion was that the representatives of the industries concerned should be heard; that your committee, either as individuals or as a committee, should hear representatives of the industry.

Mr. McCORMACK. They will be given that opportunity Friday.

Mr. MILLER. They will appear undoubtedly.

Mr. McCORMACK. I hope when they do appear they will not appear through paid representatives. The committee likes to see the men in the industry, not their paid representatives. It is all right to have representatives appear, but businessmen interested in any pending legislation should also appear. They make a bad business mistake in not doing so, as well as failing in their civic duty.

Mr. CRAWFORD. Mr. Speaker, would the gentleman care to yield?

Mr. MILLER. I yield.

Mr. CRAWFORD. I am very much in sympathy with the thought that we should dispose of these two proposals before we go into the excess-tax formula. While one or two members of the Ways and Means Committee are here now, I want to serve notice on the committee in this informal manner that I want to be heard by that committee on the excess-tax feature.

I am inclined to agree with the gentleman from Connecticut that it will be 30 days, and maybe longer, before we get the whole three propositions through. We are going to have to discuss the question of what constitutes excess profits. We have got to go into the question of the business cycle. We have got to go into the question of new industries that have been developed entirely within the last 4, 5, or 6 years, starting from scratch and working up to maybe $1,500 a year profits and then on to $300,000 or $400,000 a year. They will now find themselves presented with a 40-percent tax on 6, 8, or 10 percent of the invested capital. So I am inclined to believe that we will not get through this thing in a month. There will be further executive sessions of the Ways and Means Committee, and then it will be considered thoroughly on the floor of the House and the Senate. It will linger along for 30 days and maybe longer.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. MILLER. I yield.

Mr. McCORMACK. I hope it will not take that long, but I am glad to hear my friend say that he wants to appear before the committee, because some of us supposed-to-be-radical Democrats, as we are called by some businessmen, need the assistance of some of you Republican Members to restrain the so-called conservative Republicans from imposing confiscatory rates. The only evidence I have seen of confiscatory rates in the discussions we have had in the committee is when the Republicans suggest them. We have great difficulty in keeping the Republicans from imposing higher rates.

Mr. JENKINS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. MILLER. I yield.

Mr. JENKINS of Ohio. The gentleman from Massachusetts has made a contribution without any invitation. Let me say in reply that the country never has been afraid of the Republicans. The country is afraid of the President now, and that is the reason the country wants to keep Congress here. The country never has been afraid of the Republicans.

Mr. McKEOUGH. Will the gentleman yield?

Mr. MILLER. I yield to the gentleman from Illinois.

Mr. McKEOUGH. As I understand the gentleman's suggestion, he hopes that both the amortization plan and the Vinson-Trammell feature will be suspended prior to the time Congress considers the excess-profits tax?

Mr. MILLER. I do hope that the Vinson-Trammell Act will be repealed and a fair amortization plan adopted at once without waiting for tax legislation recapturing excess profits.

Mr. McKEOUGH. I further take it from his contribution that it has been indicated to the gentleman that some very vital individual in the defense plan of the industrial fabric has made that recommendation to him. On the premise that if the Congress were to enact the amortization plan coupled with the suspension of the Vinson-Trammell Act requirements, industry would proceed without any further delay to accept from the advisory council and the Procurement Division of the Army and Navy the necessary contracts with which to lay down the finished article for defense?

Mr. MILLER. That is my recommendation.

Mr. McKEOUGH. I thought I understood the gentleman correctly. I would like the gentleman to yield for another observation. In the event that the gentleman can make known to those who have reported that statement to him that the subcommittee jointly speaking for the Senate, as evidenced by Senator HARRISON'S approval and the full committee as evidenced by the gentleman from Massachusetts [Mr. TREADWAY] agreeing with the subcommittee chairman, the gentleman from Tennessee [Mr. COOPER] that those two factors are to be covered in the manner that the gentleman from Massachusetts [Mr. McCORMACK] has indicated, I wonder if the gentleman can ask those who made the objection to him if there is any further reason for delay in accepting the contracts that are necessary for the defense program of this country?

Mr. MILLER. I do not have to ask anybody that. Supposing a contract was entered into as of today, with the laws just as they are today.

Mr. McKEOUGH. I am speaking about these changes.

Mr. MILLER. The gentleman says he can assure industry that the changes will be made.

Mr. McKEOUGH. Yes.

Mr. MILLER. That assurance is not worth anything to them, because when they take the contract, today or tomorrow, are they going to operate under the Vinson-Trammell Act or are they going to operate outside of it?

Mr. McKEOUGH. If the gentleman does not know, industry knows whatever this excess-profits tax may be, and whatever action is taken on the suspension of the Vinson-Trammell Act and the amortization plan will obviously apply either from the first of this year or from the declaration of an emergency by the President.

Mr. MILLER. There is nobody can assure industry that.

Mr. McKEOUGH. Assuming they can, does the gentleman want to convey to Congress, speaking for some section of industry——

Mr. MILLER. I am speaking for myself as a Member of the House.

Mr. McKEOUGH. The gentleman is relaying it from a section of industry.

Mr. MILLER. I have not indicated any such thing.

Mr. McKEOUGH. I misunderstood the gentleman.

Mr. MILLER. I am representing the constituents of my district.

Mr. McKEOUGH. That includes some engaged in the war-defense program?

Mr. MILLER. We have two or three working on it up there.

Mr. McKEOUGH. The gentleman does not want to indicate to the Congress that there is any feature of industry in the United States, assuming that industry as a whole accepts the presence of an existing emergency, would quibble about what the excess profits might be when the Congress is considering drafting human beings to go to war?

Mr. MILLER. The gentleman is putting words in my mouth. I have said as plainly as I can that industry knows that there is going to be an excess-profits tax and that any unreasonable profit will be taken away from them. The question of amortization and the question of suspending the Vinson-Trammell Act are decidedly different. There is nobody in this Government who can assure them just what will be done until such laws are passed by the Congress.

Mr. McKEOUGH. Assuming it is passed tomorrow, they will not proceed until it is passed; is that the demand of industry?

Mr. MILLER. The gentleman has heard the testimony before his committee.

Mr. McKEOUGH. No; I have not heard a single businessman make that contribution.

Mr. MILLER. Is the gentleman on the subcommittee?

Mr. McKEOUGH. I am not on it.

Mr. CRAWFORD. Will the gentleman yield?

Mr. MILLER. Briefly.

Mr. CRAWFORD. There is no way on earth that responsible management can proceed until the question is answered which the gentleman is proposing. It is not a question of loyalty, patriotism, or anything else. It is a question of balance sheets, operating statements, and responsibility to stockholders.

Mr. MILLER. I think we all understand that.

Mr. CRAWFORD. That is in line with the capitalistic system.

Mr. MILLER. I said at the outset that the bringing about of national unity did not mean there could not be constructive criticism.

The next matter I wish to refer to perhaps could be termed criticism, and I hope constructive criticism. I think we all agree that we want all possible speed in connection with national-defense preparation, all the speed we can have and still have safety, and I want to point out a situation that apparently exists, and I am depending on information that I believe is reliable. I have been told that last month—and I will insert the dates in the RECORD—14 contracts were sent over from the Navy Department, all completed, everything ready to start the work except they were lacking the signature of the President, and that these 14 contracts stayed in the White House for 11 days. Now, if that is so and we are embarking on an extensive program, I think it is something we might well look into to find out and determine why it is necessary for the contracts of the War and Navy Departments, in the first place, to have the signature of the President, and if so, why they should be held up for 11 days.

Mr. McKEOUGH. Mr. Speaker, will the gentleman yield?

Mr. MILLER. I yield, briefly.

Mr. McKEOUGH. Did the gentleman make inquiry at the White House to find out whether or not that was the situation by contacting and making inquiry formally or otherwise?

Mr. MILLER. I made inquiry that satisfies myself that that is true. I have no contacts with the White House, as the gentleman well knows.

Mr. McKEOUGH. I do not know why not. The gentleman is a Member of the Congress. Will the gentleman state for the purposes of the RECORD, in view of the very serious charge he has made, the source of his information so that the matter may be investigated?

Mr. MILLER. I indicated the source as being very reliable, and the facts can be ascertained very readily as to whether the contracts lay there 11 days or not.

Mr. McKEOUGH. I would like the gentleman, for the benefit of myself and any other Member who may be interested, to indicate how I might inquire into that, as I am very much interested.

Mr. MILLER. You can inquire whether there were 14 contracts signed on the 12th day of July that had been in the President's office or in the White House for 11 days prior to that time that were sent over by the Navy Department.

Mr. McKEOUGH. And were unsigned?

Mr. MILLER. I do not know whether they were unsigned or not, but they remained there for 11 days.

Mr. McKEOUGH. The gentleman does not know whether they were signed or otherwise?

Mr. MILLER. That is immaterial. There was a delay there of 11 days, and they were of course signed by the President before he returned them to the Navy Department.

Mr. McKEOUGH. The gentleman is just making the statement for the purpose of declaring that the President is delaying the program—is that the purpose of your implication?

Mr. MILLER. If that is the way you want to interpret it—the program was delayed for 11 days.

Mr. McKEOUGH. And your statement is that the President of the United States, the Commander in Chief of the Army and the Navy, is maliciously delaying the program——

Mr. MILLER. I cannot yield further, if you are going to use the word "maliciously."

Mr. McKEOUGH. The gentleman is implying——

Mr. MILLER. I am not implying anything.

Mr. McKEOUGH. What was the purpose, then, of offering that suggestion?

Mr. MILLER. So that somebody with more influence than I have will try to work out some plan so the President will not have to sign every single contract in this entire program.

Mr. McKEOUGH. Has the gentleman introduced a bill or resolution to bring that about?

Mr. MILLER. A resolution is not necessary, and I decline to yield further after the word "malicious" has been brought into this discussion.

For the remaining 5 or 10 minutes I want to make a few observations on the Burke-Wadsworth bill. I stated at the outset of this discussion that I thought the Burke-Wadsworth bill was more than the general public understood it to be; that is, it is more than a conscription training program. I am not ducking or hedging on this proposal. I want to do whatever is necessary to meet the emergency, but I want to do it in the way that will affect our national economy the least and make sure, insofar as possible, that every citizen carries his share of the load but no more and no less.

The Burke-Wadsworth bill attempts to solve two separate problems in one piece of legislation. It attempts to provide the manpower which is needed right now to bring our Regular Army up to the strength desired by General Marshall, and it also intends to provide a training program for young men, who will be trained at some time in the near future when we may need them. I believe that the President of the United States should, insofar as possible, take the people of this country into his confidence. He should tell them just what his policy is to be, and whether or not he proposed to respond to every request for military assistance that may come from the South American republics. In other words, he should tell them as much as he can about the emergency he discusses so frequently. Is his information such that he believes we are in imminent danger of military attack from some European or Asiatic source? Does he think that the attack will be made against South America, and that we will be called upon to assist our South American neighbors? These questions are being asked by the young men of the country who are thinking about the possibility of being asked to give 1 year of their life to the service of the Government.

Our first big job, assuming that the present emergency is even one half as acute as many believe it is, is to acquire an adequately equipped and strong initial protective force. Apparently, from the testimony of General Marshall and others, this protective force should, at the present time, consist of 375,000 men. We have increased the Regular Army

from 165,000 to 263,000 during the past few months. This force, with the addition of various National Guard units, Reserve officers, and Regular Army Reserves, will exceed the 375,000 men which General Marshall feels we need at this time. Let us see just what we have in the way of manpower for an initial protective force. We have a Regular Army of 263,000 men, a National Guard of 242,000 men, we have 116,000 members of the Officers' Reserve Corps, we have 38,000 in the Regular Army Reserve, and approximately 3,700 retired officers subject to call for active duty. This gives us a total of more than 556,000 officers and men. Of this huge force, however, only 165,000 men have had any great amount of training. Therefore, our first problem is to bring the balance of the 556,000 men up to the highest point of efficiency in the shortest possible time.

It seems to me that if we disturb the training program of this group by calling into the service 400,000 recruits by October 1, we will interfere with the efficient training of this protective force, which we definitely need. I think it is fair to assume that if 400,000 recruits were brought into the service, we would have to take about 25 percent of our so-called protective force away from its various units to be used as instructors for the new force.

Apparently, under the provisions of the Burke-Wadsworth bill, the 400,000 trainees called into service for 1 year's training would be assigned to various Regular Army and National Guard organizations. They would become an integral part of the organization to which they had been assigned and, for example, in case of trouble in South America, they would be expected to go along with this organization with which they had been trained. After we have the proposed initial protective force at its highest point of efficiency, then it will be time enough to embark on a training program to give us the needed further Reserve. I believe that that can be worked out by largely expanding the Citizens Military Training Camps. It is almost unbelievable that, although this emergency was called to the attention of Congress on May 16, nothing has been done during this summer to expand the citizens' military training camps.

Mr. KELLER. Mr. Speaker, will the gentleman yield?

Mr. MILLER. Yes.

Mr. KELLER. Is it not possible to get this idea, that we limit the service to 1 year, that we raise the pay to $30 as in the Navy and C. C. C. and try out the volunteer service before we enact the other? I would like to see that considered and I would like to have the gentleman's judgment on that.

Mr. MILLER. I say to the gentleman that I do not believe the volunteer system can raise 400,000 men in the 2 months, nor am I convinced that it is necessary to raise that number of men in that period of time. I would not hesitate for a minute to adopt some form of selective service if the men who are called for a year's training under a form of selective service are assured that they will not be used as part of an offensive army and that they will not be shipped outside of the continental limits of the United States without their consent, until Congress declared an actual state of war to exist. If we are going to call 400,000 into the military service specifically for training purposes, they should be called under the provisions of a selective service act, as that is the only fair way, to my mind, to select such a large number of men.

Great Britain is now convinced of that because of her experience during the early years of the World War. In 1914 thousands of Britain's finest young men rushed to the colors in response to a call for volunteers. Many of them were killed in the early months of the war and by 1916 Great Britain was feeling a very definite shortage of officers and noncommissioned officers' material.

In any rapid expansion of the Army and Navy I believe we should and will have to turn to a selective service act—call it conscription, if you will.

Mr. KELLER. Do I get from your present expression the same idea that I had, that is, the Regular Army has its hands full and then some to take these 116,000 young officers and train them and at the same time train the National Guard, without calling in anybody else?

Mr. MILLER. I certainly agree with that.

Mr. VORYS of Ohio. Will the gentleman yield?

Mr. MILLER. I yield.

Mr. VORYS of Ohio. I want the gentleman's comment on this: The gentleman has pointed out how industry is refusing to volunteer for the national defense unless and until terms are made satisfactory to them——

Mr. MILLER. Until they are made clear, I may say, rather than satisfactory.

Mr. VORYS of Ohio. Well, industry is simply refusing to volunteer at present, and we all know that these many contracts are all ready, but that they will not be signed because industry will not volunteer. We are told that men will not volunteer for our services in the armed forces. We say to industry, "Well, gentlemen, we will give you every assurance that the ticket will be written in a way that will be so pleasing that you will volunteer."

We say to the manpower, "If you won't volunteer we are going to draft you." As I understand it, we are saying both of these things in the name of democracy. I would like to have the gentleman comment on the differences between industry or capital in a democracy and manpower.

Mr. MILLER. For the purpose of this argument, there is no difference.

Mr. HEALEY. Mr. Speaker, will the gentleman yield?

Mr. MILLER. I yield.

Mr. HEALEY. Is it not a fact that the limitation on profits in the Vinson-Trammell bill is 10 percent on naval ships and 12 percent on airplanes?

Mr. MILLER. Yes; gross.

Mr. HEALEY. Does the gentleman think that limitation is proving to be a serious obstacle in the way of business going forward and accepting these contracts?

Mr. MILLER. I do not want to go back over it, but before the gentleman came in I read the testimony of Admiral Towers and referred to the testimony of General Brett, pointing out that it was the subcontractors who come under this Vinson-Trammell Act, who are not willing to accept these contracts, and therefore they cannot get the castings and the parts they need.

Mr. HEALEY. And they allege that because of that condition it causes a serious deterrent to the going forward with the defense program?

Mr. MILLER. No. I think I pointed out it was not the question of profits, because that industry and every other knows that they will not be allowed to make any excessive profits. As the gentleman knows, there is a lot more to the Vinson-Trammell Act than the matter of profits.

The SPEAKER pro tempore. The time of the gentleman from Connecticut has expired.

Mr. MILLER. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HOUSTON. Will the gentleman yield?

Mr. MILLER. I yield.

Mr. HOUSTON. Does the gentleman know at this point just exactly what the final provisions of the Burke-Wadsworth bill will be?

Mr. MILLER. No; I just said that I could not say I would vote for it, because nobody knows yet what it will contain when it finally reaches this House.

Mr. HOUSTON. Is there anybody who can honestly say he is for or against the bill until he knows what is in the bill?

Mr. MILLER. I do not see how he can.

I want to close with the thought that I expressed at the very beginning, that the thing most essential now is to have the confidence of the people, and that everything we pass through this Congress be explained to them. If a bill is passed and word is sent out that this is a bill to give a year's training for the National Guard, let it be that and nothing more. The resolution in the other body and which the country understands is a bill to give the National Guard a

year's training, is a whole lot more than that. A simple reading of the bill will convince any Member of the House that it is more than that.

Mr. HOUSTON. I recall the Army Chief of Staff or someone in high authority stating that the 375,000 authorized men were coming in and would be enlisted by December 1. How long would it take to get the equipment they are talking about for a big Navy and all this mechanized equipment? It would take a great deal longer than that, would it not?

Mr. MILLER. As a matter of fact, we have well in excess of the 375,000 men now and they do have the equipment.

Mr. HOUSTON. Then why not wait until December 1, and if they have fallen down on the volunteer system, then we can invoke this conscription.

Mr. MILLER. That is all right for the needed protective force.

Mr. SECCOMBE. Will the gentleman yield?

Mr. MILLER. I yield.

Mr. SECCOMBE. The gentleman will agree that there were some 50,000 enlisted in a short period of time recently. I think that proved that if the average young man is given an opportunity to enlist, and knows that, according to the President's promise, he will not be sent to foreign soil, there would be a general volunteer enlistment, with the thought in mind to protect American shores.

The gentleman will agree, however, that the enlistment today is in the aviation service, and we have now far exceeded the planes we have to train the men.

Mr. MILLER. The number of men enlisting far exceed the number of planes with which to train them.

Mr. SECCOMBE. That is in aviation.

Mr. MILLER. Yes.

Mr. SMITH of Ohio. The gentleman is well informed on the subject on which he is speaking. Could he tell the House the number of voluntary enlistments up to the time of the draft in 1917?

Mr. MILLER. I do not know the exact number, but I heard it said recently that approximately a million men enlisted before the draft.

Mr. HOUSTON. Mr. Speaker, will the gentleman yield further?

Mr. MILLER. I yield.

Mr. HOUSTON. Does not the gentleman believe we should give the voluntary-enlistment boys a chance to enlist before we put conscription into effect?

Mr. MILLER. I do. Enactment of the Burke-Wadsworth bill would not prevent further enlistments. And I think, further, that the Congress must determine very soon just what we are building up this army for. I think we should have that explained to us first. Is the force going to be used to police every republic of South America? If so, we shall need an army 20 times the size we have in mind. If it is to be purely a protective, defensive force, then the original testimony of General Marshall that the protective force should be about 375,000 men should be the answer, unless there is information of threats that we as Members of Congress do not know about.

Mr. HOUSTON. We do not expect the State Department to turn all their information over to us, but we should make sure there is justification for it.

Mr. MILLER. I think the one thing the young men of the country want to know is the nature of the defense. I went home 2 weeks ago to take part in a discussion on this subject, and that was the thought these young fellows expressed, particularly after the meeting was over: "Where is the threat coming from? Do you think war is imminent?" And I could not honestly tell them that I thought war was imminent. Then they said, "If war is not imminent, why must we have conscription?" This thing is going to develop into a guessing game as to whether or not war is imminent. The question of whether a patriotic young man will enlist is going to be a guessing game; he is going to sit back and try to guess whether war is imminent. We as a Congress should be in position to give them that information. [Applause.]

[Here the gavel fell.]

SPECIAL ORDERS

The SPEAKER pro tempore. Under previous order of the House the gentleman from Massachusetts [Mr. WIGGLESWORTH] is recognized for 10 minutes.

Mr. WIGGLESWORTH. Mr. Speaker, I have asked for this opportunity because of two instances which have recently been brought to my attention of what, on their face, appear to be further examples of inefficiency and waste on the part of the Works Progress Administration and because I have been asked to bring these instances to the attention of the Congress and the country.

The first instance is in Massachusetts in connection with a project near New Bedford, which apparently contemplates the conversion of some 5 miles of fire lanes in thickly wooded territory under the jurisdiction of the New Bedford water department into macadam roads upon which there can be no conceivable travel, the construction of which will necessitate further clearing and plowing of earth to provide material for extinguishing fires at a rate of about $14,000 per mile. The project appears to have been started without proper sponsorship.

Under leave to extend my remarks, I include at this point the following article appearing on August 3, 1940, in the New Bedford Standard Times:

STATE W. P. A. INVESTIGATES NEW BEDFORD ROAD JOB

BOSTON, August 3.—Charges that Federal and city funds are being wasted on the New Bedford watershed road improvement project are being investigated upon complaint of Howard C. Mandell, chief engineer of the New Bedford Water Department, State W. P. A. Administrator Denis Delaney said today.

Mr. Mandell also charged in his letter to Mr. Delaney that "there appears to be a vital omission in the legal authorization of the project."

Although project specifications show the New Bedford Planning Board approved the watershed-roads project, Chairman Joseph Eccleston, of the planning board, states in a letter accompanying the Mandell complaint that the planning board never "approved, considered, or discussed" the work as far as the chairman knows.

FIRE LANES EXPLAINED

Mr. Mandell limits his charge of wasted funds to that section of watershed-road improvements which intends to pave 25,200 lineal feet of fire lanes.

"The purpose of these fire lanes was twofold," Mr. Mandell's letter to Mr. Delaney states. "First, to provide a fire stop so that fires originating beside the public highway would not readily spread to the forested areas; and second, to provide handy reservoirs of soft earth with which to fight fires once started.

"The fire lanes are about 20 feet wide, located on water-works property beside and parallel to public highways, and are inaccessible to the public by reason of natural barriers, fences, and locked gates.

"How can anyone justify the expenditure of $14,000 per mile for roads upon which there can conceivably be no travel whatever and which, by occupying present areas of plowed ground, will necessitate the clearing and plowing of new adjacent strips of earth to provide material for the extinguishment of fires?"

CHAIRMAN DENIES APPROVAL

Mr. Eccleston's letter stated:

"This is to inform you that as chairman and presiding officer of the New Bedford Planning Board I have no knowledge that the board has ever approved, considered, or discussed a certain W. P. A. project known as Mass. 20406, covering the construction of certain roads on lands under the jurisdiction of the New Bedford waterworks. The planning board has no jurisdiction whatever over the watershed."

Mr. Mandell's letter explained that he had been assigned by Edward T. Hodson, sponsor's representative, to supervise the fire lane paving project. This project had been discussed with him and Stephen H. Taylor, former superintendent of the water department, before the project was prepared, Mr. Mandell wrote, and paving the fire lanes was then pronounced by them as "unnecessary, unjustifiable, and unwise."

Project specifications show that paving the 25,200 feet of fire lanes would cost New Bedford $31,321 and the Federal Government $38,805, a total of $70,126. Of the city share, $9,860 would be spent for bus hire to transport workers and $8,635 for trucks to haul materials, a total of $18,495 for trucks and busses.

Justification for the fire-lane paving, as given in the project specifications, is "jumbled," Mr. Mandell's letter charges.

This justification reads:

"The city of New Bedford, in order to obtain clear title to certain properties at the watershed, had to grant life leases to property owners, some of whom are still residing there. Use of these properties by the owners increases the fire hazards, especially during the spring thaws which result in deep ruts in the roads which are the only means of access to large areas of the watershed bordering city-owned ponds.

"They must be kept open to permit the waterworks apparatus and watershed patrol to reach these vital sections. Should a fire start at one of these leased properties, severe damage would certainly result to city-owned property."

CITY OFFICIALS DECLINE TO COMMENT

Gilbert J. Francis, W. P. A. coordinator, Commissioner Edward T. Hodson of the Department of Public Works, and James F. McKenna, secretary to Mayor Carney, declined to comment on the complaint brought by Mr. Mandell, and all disclaimed any knowledge that an investigation was under way today.

I hold in my hand a letter received in this connection from Mr. Howard C. Mandell, chief engineer of the New Bedford water department, from which I quote in part as follows:

The patent absurdity of that part of the project which contemplates the replacement of about 5 miles of plowed fire lanes with broken stretches of macadam road which start nowhere and end similarly and are not open to the public is proof positive of the incompetence and ineptitude of the local administrator's office.

* * * This project was proposed by the local administrator in spite of the strongest possible condemnation by qualified and experienced officials of the waterworks and without the sponsorship or approval of the water board in which is vested all legal jurisdiction. The arbitrary assumption by others of power to make changes in the property which vitally oppose the long-term policies of the water board, without even consulting the board, is an unwarranted violation of the authority duly invested in the board by State legislation and city ordinances.

The fact that this improperly authorized infantile fantasy passed the presumptive examinations of the W. P. A. to the point of receiving Presidential approval must be accepted as strong evidence that such examinations are valueless, and that anything goes.

It is generally considered good policy, from the local point of view, to secure as much Federal money as possible with the least expenditure of local money, the former being blindly accepted as manna from Heaven. The fire lane proposal, however, does not conform with the accepted policy, because the local contribution is almost as large as the Federal share. The explanation of this seeming paradox lies in the fact that the larger part of the city funds is to be expended for the hire of private trucks and busses under patronage. This item was given more consideration in the preparation and submission of the project than any humanitarian or utilitarian objectives.

The State W. P. A. examiners probably accepted this proposal at face value because the unusually large proportion of sponsor's funds was deemed to indicate an exceptionally desirable project. The examination must have been of the most cursory nature.

* * * I am disturbed by the possibility that our local case is but a typical example of the national exploitation of W. P. A.

* * * It is my suggestion that, whether * * * this particular project (is halted) or not, the abuses of the system be forcefully called to the attention of the general public by press releases and appropriate action from your office.

The facts, if substantiated, speak for themselves and are, of course, in line with many similar situations which have been brought to light in other parts of the country.

The second instance, Mr. Speaker, is in Los Angeles and is covered in three newspaper stories appearing recently in Los Angeles Times.

The first article, alleging wholesale destruction and consignment to the Imperial Boulevard dump of vast quantities of W. P. A. clothing and equipment, I include under leave to extend my remarks at this point:

W. P. A. WASTE DISCOVERED—SLASHED BOOTS, SLICKERS, AND OTHER SUPPLIES FOUND ON DUMP PILE

Evidence of wholesale destruction of vast quantities of clothing and equipment bearing labels of the W. P. A.—most of which was in good condition—was discovered last night by the Times at an Imperial Boulevard dump.

Hundreds of rubber boots which had been slashed with a knife or ax, together with heavy garbage cans, buckets, chopped-up sections of nearly new rubber hose have been delivered there by trucks to be dumped and ultimately burned.

The deliveries have been made during the last 2 weeks, according to E. P. Shoemaker, owner of the dumping grounds.

Dozens of buckets, galvanized iron garbage cans, and smaller metal containers—each rendered useless by holes driven through by a pick—were disposed of. Each bears the small metal tag identifying it as W. P. A. property.

In some cases the items were so new and had seen so little actual service that the original manufacturer's paper label was still in evidence.

There were hip boots on which the sole tread was virtually unused and yellow slickers from which the original gloss had not been worn.

On the back of each of the raincoats was blocked in large letters, "W. P. A."

But deft strokes of a sharp knife or razor blade, it was observed, had cut them into a condition of utter uselessness.

The bottoms of 15 26-inch-high iron cans which, it was apparent, had seen but little wear, were punched with pick holes. Shoemaker said that the wholesale value of each when new approximated $2.

NEW PICK HANDLES DUMPED

The owner said that 2 weeks ago the truck delivered 300 pick handles to a large pile of refuse which was to be burned later in the afternoon. Shoemaker asserted that he had salvaged several dozen which were apparently brand new.

It is understood that the loads are sent from a supply warehouse of the Government agency.

The second article, entitled "W. P. A. Officials Explain 'Junking' as Easier Way. Cheaper to Buy New Materials Than Repair Old, Their Excuse for Dumping," contains the following statements, among others:

E. P. Shoemaker, owner of the dump, who has made a business of salvaging for many years, kept two men busy yesterday soldering the large pick-driven holes in nearly a score of buckets which had been tossed away. * * *

Workmen or employees of the W. P. A. are not permitted to carry boots or raincoats home, it was asserted, under Government regulation. Shoemaker, on the other hand, is given free rein to repair and sell what he may.

* * * Shoemaker said that 2 years ago 2 barrelfuls of pick handles, some of which had never been used, were delivered to his dump to be "burned immediately." Each handle, Shoemaker said, bore the W. P. A. stamp, and instead of burning them, as the driver of a Government truck had instructed him to do, he saved them, giving some away, selling others.

I include the article at this point.

W. P. A. OFFICIALS EXPLAIN "JUNKING" AS EASIER WAY—CHEAPER TO BUY NEW MATERIALS THAN REPAIR OLD, THEIR EXCUSE FOR DUMPING

The discovery by the Times of the "junking" of slightly used clothing and supplies by the W. P. A. because "it's easier to buy new materials than make repairs," yesterday brought forth the following revelations from spokesmen of the Government agency:

1. "When," said Herbert C. Legg, southern California administrator, "the W. P. A. uses buckets to carry paste or powdery scenery paint, their usefulness is immediately nullified and they are discarded. The W. P. A. never washes out the remains in the bottom so that they can be used again."

TORN RAINCOATS

2. "When a raincoat is found to have a slight rent," said R. P. Franck, State property custodian, "we feel it is easier and more economical to buy new ones than to attempt to make repairs." His assistant, T. W. Aungst, added that the W. P. A. would be unable to make such repairs, because the W. P. A. has no facilities for such things.

3. If a workman's hip-high heavy rubber boots are discovered to have a small crack in the material, the W. P. A. immediately sends for a new pair for him, for the W. P. A. never lets its workmen get their feet wet.

CANS USED ONCE

4. The W. P. A. uses large heavy galvanized iron garbage cans on many of its jobs as latrines. But when the cans, which were found on an Imperial Boulevard dump Monday night, together with hundreds of other items, have been used on one project, regardless of their time of service, they are immediately classified as "junk," according to Aungst, and disposed of as quickly as possible. "Some folks might put drinking water in them."

5. If sections of new rubber hose were discovered on this dump, says Legg, "some politician must have planted them there."

LEGG SATISFIED

Legg said yesterday that he was satisfied with the explanation of the matter as brought him early yesterday by a half dozen assistants of various capacities. Legg further satisfied himself that there was "absolutely nothing salvable at the dump" by making an early morning visit there.

"I have just visited the dump," he said in an official statement, "and examined such materials as bore the W. P. A. stamp. All the stuff there is beyond economical repair. As to salvage, no junk dealer would bid anything for it."

However, E. P. Shoemaker, owner of the dump, who has made a business of salvaging for many years, kept two men busy yesterday soldering the large pick-driven holes in nearly a score of buckets which had been tossed away.

AX AND PICK MARKS

Each bucket and galvanized iron container is carefully given the mark of the pick, and raincoats and rubber boots are slashed with an ax, said Franck, to emphasize their classification by the W. P. A. officially as junk.

Workmen or employees of the W. P. A. are not permitted to carry such boots or raincoats home, it was asserted, under Government regulation.

Shoemaker, on the other hand, is given free rein to repair and sell what he may, Franck said.

BEFORE BOARD

Legg said that at the conclusion of a project, all materials are brought before a three-man survey board consisting of a representative each from the supply, operations, and finance divisions

of the agency. They pass on whether the materials are to be consigned to the junk heap, the warehouse, or if bids are taken on them for salvage.

Much of the vast quantity of goods discovered Monday night on the dump, which had been labeled "junk" by this three-man commission, appeared to be in virtually new condition, Shoemaker said.

NEW PICK HANDLES

Shoemaker said that 2 years ago two barrels full of pickhandles, some of which had never been used, were delivered to his dump to be "burned immediately."

Each handle, Shoemaker said, bore the W. P. A. stamp, and instead of burning them, as the driver of a Government truck had instructed him to do, he saved them, giving some away, selling others.

The third article, entitled "Yes, Yes, Mr. Legg, But—" includes the following editorial comment:

It is very apparent that these costly Government materials were purposely rendered useless. However, why worry about it? It's only taxpayer's money. The W. P. A. has never bothered about such minor considerations.

I include the article at this point:

YES, YES, MR. LEGG, BUT—

Herbert C. Legg, W. P. A. Administrator for this district, denies that any usable or salvageable materials were thrown on a dump on Imperial Boulevard. He inspected the slashed rubber coats, the cut-up fire hose, the razored boots, and the big galvanized garbage cans full of pick holes, and said they were useless.

No doubt they are; but how did they get that way? It is a point on which Mr. Legg throws no light. These holes and slashes do not indicate ordinary wear and tear; quite the contrary. Some of the cans are so new they still have the paper labels on them. Mr. Legg's ideas of economical salvage differ from those of the Salvation Army, Goodwill Industries, and similar organizations, to all appearances.

The garbage cans, he said, had been rendered insanitary. Any galvanized-iron container, no matter what it has been used for, can be completely and thoroughly sterilized in a short time by simple methods. Hosing out and exposure to the sun do the trick if no other sterilizing agents are handy. It is very apparent that these costly Government materials were purposely rendered useless.

However, why worry about it? It's only taxpayers' money The W. P. A. has never bothered about such minor considerations.

I, of course, have no personal knowledge, Mr. Speaker, of the facts alleged in either instance. They have been brought to my attention by persons whose testimony should be reliable. They appear to evidence continuing inefficiency and waste, serving to deprive those in need of funds appropriated by Congress for their relief.

I trust that the W. P. A. will investigate both matters thoroughly and deal with them as they deserve to be dealt with.

EXTENSION OF REMARKS

Mr. SECCOMBE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a newspaper article by Gen. Hugh S. Johnson.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and to include therein an editorial from the Hot Springs (S. Dak.) Evening Star entitled "The Indispensable Man."

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a brief summary of the Federal expenditures in my State from March 1, 1933, to January 1, 1940, and a table showing the internal-revenue collections in my State during the same period.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. TINKHAM. Mr. Speaker, with unanimous consent I desire to have inserted in the RECORD a statement from the Economist, of London.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 4106. An act to authorize the construction of certain facilities in Marjorie Park, Davis Island, Tampa, Fla., and for other purposes.

ADJOURNMENT

Mr. LEWIS of Colorado. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 36 minutes p. m.) the House adjourned until tomorrow, Thursday, August 8, 1940, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. LANHAM: Committee on Public Buildings and Grounds. H. R. 10267. A bill to authorize the Administrator of Veterans' Affairs to grant an easement in a small strip of land at Veterans' Administration facility, Los Angeles, Calif., to the county of Los Angeles, Calif., for sidewalk purposes; without amendment (Rept. No. 2830). Referred to the Committee of the Whole House on the state of the Union.

Mr. BLAND: Committee on Merchant Marine and Fisheries. H. R. 10205. A bill to amend section 4 (f) of the Communications Act of 1934, as amended, to provide for extra compensation for overtime of inspectors in charge and radio inspectors of the Field Division of the Engineering Department of the Federal Communications Commission; without amendment (Rept. No. 2831). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEE: Committee of conference on the disagreeing votes of the two Houses. S. 2009. An act known as the Transportation Act; without amendment (Rept. No. 2832). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND:

H. R. 10315. A bill to authorize the United States Maritime Commission to furnish suitable vessels for the benefit of certain State nautical schools, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. BRADLEY of Michigan:

H. R. 10316. A bill to amend certain laws so as to define the duties of shipping commissioners, to define the authority of the master in the selection of the crew, to provide suitable space under the jurisdiction of the shipping commissioners where seamen may congregate, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FLANNAGAN:

H. R. 10317. A bill to change the base period in case of Burley and flue-cured tobacco from the period August 1919 to July 1929 to the period August 1934 to July 1939; to the Committee on Agriculture.

By Mr. SMITH of Connecticut:

H. R. 10318. A bill to amend section 61 of the National Defense Act of June 3, 1916, by adding a proviso which will permit States to organize military units not a part of the National Guard, and for other purposes; to the Committee on Military Affairs.

By Mr. COOLEY:

H. R. 10319. A bill to amend the act entitled "An act to facilitate the execution of arrangements for the exchange of surplus agricultural commodities produced in the United States for reserve stocks of strategic and critical materials produced abroad," approved August 11, 1939; to the Committee on Banking and Currency.

By Mr. FAY:

H. R. 10320. A bill to authorize admission of flying cadets from Latin American republics to the school for flying cadets, San Antonio, Tex.; to the Committee on Military Affairs.

By Mr. MAY:

H. R. 10321. A bill to authorize the sale, under the provisions of the act of March 12, 1926 (44 Stat. 203), of surplus War Department real property; to the Committee on Military Affairs.

By Mr. RANDOLPH:

H. R. 10322. A bill to amend further the District of Columbia Unemployment Compensation Act; to the Committee on the District of Columbia.

By Mr. SCHULTE:

H. R. 10323. A bill to provide a temporary haven from the dangers or effects of war for European children under the age of 16; to the Committee on Immigration and Naturalization.

By Mr. COSTELLO:

H. J. Res. 591. Joint resolution providing for the celebration of National Aviation Day, August 19; to the Committee on the Judiciary.

By Mr. MARTIN J. KENNEDY:

H. Res. 565. Resolution for the appointment of a European Food Distribution Commission; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARRY:

H. R. 10324. A bill for the relief of Kazys Motuzas; to the Committee on Immigration and naturalization.

By Mr. CLAYPOOL:

H. R. 10325. A bill for the relief of the Coppel Coal Co.; to the Committee on Claims.

By Mr. MACIEJEWSKI:

H. R. 10326. A bill for the relief of Dr. Frantisek Blonek and Erna Blonek; to the Committee on Immigration and Naturalization.

By Mr. MAGNUSON:

H. R. 10327. A bill for the relief of Raymond J. McMahon; to the Committee on Naval Affairs.

By Mr. MOSER:

H. R. 10328. A bill for the relief of Harry E. Williams; to the Committee on Claims.

By Mr. PLUMLEY:

H. R. 10329. A bill for the relief of Herbert Zucker, Emma Zucker, Hanni Zucker, Dorrit Claire Zucker, and Martha Hirsch; to the Committee on Immigration and Naturalization.

By Mr. WOLCOTT:

H. R. 10330. A bill for the relief of Lillian Ethel Flexen and children Beatrice Mabel Flexen, Elizabeth Amy Flexen, and Edward Oscar Flexen; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9121. By Mr. CARTER: Resolution of the Oakland City Council, Oakland, Calif., offering the facilities of the park department, recreation department, port department, and board of education to the Federal Government for home-defense training projects; to the Committee on Military Affairs.

9122. Also, resolution of the Martinez Chamber of Commerce, Martinez, Calif., urging immediate development of an adequate national defense; to the Committee on Military Affairs.

9123. Also, resolution of the Oakland City Council, Oakland, Calif., endorsing application of Transcontinental & Western Air Lines, Inc., for transcontinental line between Oakland and New York via Los Angeles; to the Committee on Interstate and Foreign Commerce.

9124. By Mr. MONKIEWICZ: Resolution adopted at a mass meeting held under the auspices of American citizens of Lithuanian origin and extraction of the city of New Britain and adjacent towns, Connecticut, protesting against the Communist invasion of the Republic of Lithuania, and favoring withdrawal of the recognition of the Soviet Union of Russia; to the Committee on Foreign Affairs.

SENATE

THURSDAY, AUGUST 8, 1940

(Legislative day of Monday, August 5, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

O God, who knowest us to be set in the midst of so many and such great dangers that, by reason of the frailty of our nature, we cannot always stand upright: Grant to us such strength and protection as may support us in all dangers and carry us through all temptations. Through Jesus Christ, our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Wednesday, August 7, 1940, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the bill (S. 4070) to provide for more uniform coverage of certain persons employed in coal-mining operations with respect to insurance benefits provided for by certain Federal acts, and for other purposes.

The message also announced that the House had passed a bill (H. R. 10213) to permit American vessels to assist in the evacuation from the war zones of certain refugee children, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS

Mr. BARKLEY (for Mr. TYDINGS) presented memorials of sundry citizens of the State of Maryland, remonstrating against the enactment of compulsory military-training legislation, which were ordered to lie on the table.

Mr. VANDENBERG presented memorials numerously signed by sundry citizens of the State of Michigan, remonstrating against the enactment of compulsory military-training legislation, which were ordered to lie on the table.

Mr. REYNOLDS. Mr. President, I present for appropriate reference a petition which is being circulated by Mr. G. Allison Phelps, an author and radio commentator, of Hollywood, Calif., and ask that it be published in the RECORD under the head of "Petitions and memorials."

There being no objection, the petition was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

[Defend America by preserving America's laws, principles, and products, and by aiding Americans—A petition of patriotic American citizens]

AMERICA FOR AMERICANS

Our forefathers fought, and thousands died, to win independence from European bigotry, intolerance, and oppression, and to establish the United States of America as an independent Republic, the affairs of which would be of, by, and for a free people. Since then the United States never has been dependent upon the rise or fall of any foreign power, and it is not now.

However, there are those in America who are afflicted with the European complex, whose patriotism has been demoralized by the clever propaganda of the agents of foreign nations, and who are showing excessive partiality for some foreign nations and excessive hatred of others, attitudes against which George Washington, the Father of our Country, warned us. These demoralized people are

assisting foreign agents and alien propagandists in an attempt to destroy our independence and our peace by forcing us to interweave our destiny with the destinies of Old World, crumbling, European empires, whose leaders endeavor continuously to involve this independent democracy in their—quote from George Washington—"frequent controversies, the causes of which are essentially foreign to our concerns."

If we are to preserve our American freedom, independence, and peace in our New World, we must not make the mistake again of becoming involved in another of Europe's outbursts of mass murder and destruction in the Old World. We must take care of our own unemployed, destitute, afflicted men and women, and of our own underprivileged and undernourished boys and girls. We must remain free of the toils of European intrigue, deception, treachery, and dishonesty, and uncontaminated by Europe's royalist class distinctions and racial and religious hatreds.

Therefore in order that we may remain at peace with each and all of the nations of the world, in order that America may be preserved as an independent nation, and our force, energy, and intellect be concentrated in America to further the interests of America and to create prosperity for the people of America, the undersigned citizens of the United States request the President and the Congress of the United States—

1. To keep in the possession of our Army and Navy all materials of war as our major forces of defense are developed to a point of impregnability, that such forces shall not be weakened even to the slightest degree.

2. To expand our industrial facilities immediately in order to rapidly produce airplanes, ships, tanks, guns, etc., to be used entirely for American national defense.

3. To use only American citizens in American industry, and to exclude all aliens from jobs needed by our millions of unemployed American citizens.

4. To suspend no immigration quotas, to tighten our immigration laws, and to see that they are strictly enforced, in order to protect the United States from further invasions of foreign refugees of all ages, races, and classes from all foreign lands.

5. To distribute any surplus food supplies America may have at the present time, or in the future, among America's unemployed, destitute citizens for the benefit of America's undernourished men, women, and children.

6. To refuse to repeal at the solicitation of European agents and propagandists, or foreign sympathizers, our law which prohibits Americans from volunteering in the armies of foreign powers.

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on August 7, 1940, that committee presented to the President of the United States the following enrolled bills:

S. 1114. An act to extend the jurisdiction of the United States District Court, Territory of Hawaii, over the Midway Islands, Wake Island, Johnston Island, Sand Island, Kingman Reef, Kure Island, Baker Island, Howland Island, and Jarvis Island, and for other purposes; and

S. 2493. An act to provide for the operation of the recreational facilities within the Chopawamsic recreational demonstration project, near Dumfries, Va., by the Secretary of the Interior through the National Park Service, and for other purposes.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. VANDENBERG:

S. 4252. A bill to amend the antitrust act approved July 2, 1890, and the act supplemental thereto approved October 15, 1914; to the Committee on the Judiciary.

By Mr. BURKE:

S. 4253. A bill for the relief of J. L. Summers, deceased, former disbursing clerk, Division of Disbursement, Treasury Department; to the Committee on Claims.

By Mr. WALSH:

S. 4254. A bill authorizing postgraduate instruction for civilian employees of the Naval Establishment; to the Committee on Naval Affairs.

By Mr. SHIPSTEAD:

S. 4255. A bill to modify the project for extension of the 9-foot channel in the Mississippi River above St. Anthony Falls, Minneapolis, Minn.; to the Committee on Commerce.

HOUSE BILL REFERRED

The bill (H. R. 10213) to permit American vessels to assist in the evacuation from the war zones of certain refugee children, was read twice by its title and referred to the Committee on Foreign Relations.

RETIREMENT FOR CHIEF OF MILITIA BUREAU OR NATIONAL GUARD BUREAU—AMENDMENT

Mr. ANDREWS submitted an amendment intended to be proposed by him to the bill (S. 3495) to provide for the retirement of any officer of the National Guard who has served as Chief of the Militia Bureau or Chief of the National Guard Bureau, which was referred to the Committee on Military Affairs and ordered to be printed.

SELECTIVE COMPULSORY MILITARY SERVICE—AMENDMENTS

Mr. WALSH submitted amendments intended to be proposed by him to the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service, which were ordered to lie on the table and to be printed.

He also submitted amendments intended to be proposed by him to the so-called Maloney amendment in the nature of a substitute to Senate bill 4164, supra, which were ordered to lie on the table and to be printed.

SUPPLEMENTAL APPROPRIATIONS FOR THE NATIONAL DEFENSE—AMENDMENT

Mr. WAGNER submitted an amendment intended to be proposed by him to the bill (H. R. 10263) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes, which was referred to the Committee on Appropriations and ordered to be printed in the RECORD, as follows:

On page 27 following section 301, to insert the following:

"SEC. 301A. To the President for allocation solely to projects approved by him, to be developed or assisted pursuant to the provisions of Federal laws by any appropriate departments or agencies of the United States now or hereafter authorized by Congress to develop or assist such projects, to assure the availability of dwellings solely for persons engaged in national-defense activities in localities where the President determines that there is an acute shortage of housing which impedes the national-defense program and that the necessary housing would not otherwise be provided when needed, $300,000,000, to be immediately and continuously available until expended."

ARTICLE BY SENATOR THOMAS OF UTAH ON THE FUTILITY OF WAR

[Mr. LEE asked and obtained leave to have printed in the RECORD an article published in the July number of the China Monthly entitled "Nations Do Not Fulfill Their Destiny in War," written by Senator THOMAS of Utah, which appears in the Appendix.]

CONSCRIPTION OF WEALTH—STATEMENT OF PHILIP MURRAY

[Mr. LEE asked and obtained leave to have printed in the RECORD a newspaper item under the heading "Conscript wealth, Murray demands," which appears in the Appendix.]

TRIBUTE TO THE LATE COL. RICHARD RUTLEDGE

[Mr. JOHNSON of Colorado asked and obtained leave to have printed in the RECORD an article by Carl Jacobson, of Denver, Colo., paying tribute to the late Col. Richard Rutledge, which appears in the Appendix.]

TRANSPORTATION OF CHILD REFUGEES

[Mr. JOHNSON of Colorado asked and obtained leave to have printed in the RECORD an article by Boake Carter relative to the transportation of refugee children to America, which appears in the Appendix.]

NEWSPAPER CLIPPINGS REFERRING TO HON. JAMES A. FARLEY

[Mr. BYRD (for Mr. GLASS) asked and obtained leave to have printed in the RECORD newspaper clippings making reference to Hon. James A. Farley, Postmaster General of the United States, which appear in the Appendix.]

INVASION OF THE SOUTH BY WENDELL L. WILLKIE

[Mr. BRIDGES asked and obtained leave to have printed in the RECORD an article by George Rothwell Brown regarding Wendell Willkie's decision to invade Dixie, which appears in the Appendix.]

ARTICLE BY ROBERT M. HARRISS ON MONEY AND AGRICULTURE

[Mr. THOMAS of Oklahoma asked and obtained leave to have printed in the RECORD an article dealing with the relationship of money to agriculture and agricultural interests by Robert M. Harriss, published in the Journal of Commerce and

Commercial, New York, July 31, 1940, which appears in the Appendix.]

ARTICLES ON REFUGEE CHILDREN AND CONDITIONS IN BELGIUM

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD two articles from the Washington Times-Herald of today, one relative to the evacuation of English children and the other to conditions in Belgium, and also extracts from a book entitled "America for Americans" by G. Allison Phelps, which appear in the Appendix.]

ADVOCACY OF AND ENLISTMENT IN WAR—EDITORIAL FROM AVE MARIA

[Mr. HOLT asked and obtained leave to have printed in the RECORD an editorial from the Ave Maria relative to advocacy of and enlistment in war, which appears in the Appendix.]

ACTIVE SERVICE OF NATIONAL GUARD, RESERVE, AND RETIRED PERSONNEL

The Senate resumed the consideration of the joint resolution (S. J. Res. 286) to strengthen the common defense and to authorize the President to order members and units of Reserve components and retired personnel of the Regular Army into active military service.

Mr. BARKLEY. I desire now to submit a unanimous-consent request prior to the calling of the roll, as required under the rule. I ask unanimous consent that at not later than 4 o'clock p. m. today the Senate proceed to vote on the pending joint resolution and all amendments thereto, and I make the point of no quorum under the rule so that Members may be called into the Chamber.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Downey	Lee	Schwartz
Andrews	Frazier	Lodge	Schwellenbach
Ashurst	George	Lucas	Sheppard
Austin	Gerry	Lundeen	Shipstead
Barbour	Gibson	McCarran	Slattery
Barkley	Gillette	McKellar	Smathers
Bone	Green	McNary	Stewart
Bridges	Guffey	Maloney	Taft
Brown	Gurney	Mead	Thomas, Idaho
Bulow	Hale	Miller	Thomas, Okla.
Burke	Harrison	Minton	Thomas, Utah
Byrd	Hatch	Murray	Tobey
Byrnes	Hayden	Norris	Townsend
Capper	Herring	Nye	Vandenberg
Chandler	Hill	O'Mahoney	Van Nuys
Chavez	Holman	Overton	Wagner
Clark, Idaho	Holt	Pepper	Walsh
Clark, Mo.	Hughes	Pittman	Wheeler
Connally	Johnson, Calif.	Radcliffe	White
Danaher	Johnson, Colo.	Reed	Wiley
Davis	King	Reynolds	
Donahey	La Follette	Russell	

Mr. MINTON. I announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Mississippi [Mr. BILBO], the Senator from Arkansas [Mrs. CARAWAY], the Senator from Louisiana [Mr. ELLENDER], the Senator from Virginia [Mr. GLASS], the Senator from West Virginia [Mr. NEELY], the Senator from South Carolina [Mr. SMITH], the Senator from Missouri [Mr. TRUMAN], and the Senator from Maryland [Mr. TYDINGS] are necessarily absent from the Senate.

The PRESIDENT pro tempore. Eighty-six Senators have answered to their names. A quorum is present.

Mr. BARKLEY. I renew my request for unanimous consent that at not later than 4 o'clock p. m. today the Senate proceed to vote on the pending joint resolution and all amendments thereto without further debate.

The PRESIDENT pro tempore. The Senate has heard the request of the Senator from Kentucky made prior to the calling of the roll. Is there objection?

Mr. McNARY. Mr. President, as I stated last evening, under the modification now presented I will have no objection.

Mr. LODGE. Mr. President, may I inquire whether under the limitation now proposed one Senator could hold the floor from now until 4 o'clock?

Mr. BARKLEY. There is a 20-minute limitation on debate on the joint resolution and each amendment thereto. No Senator can speak longer than 40 minutes and no Senator who has spoken on the joint resolution can speak for longer than 20 minutes.

Mr. LODGE. I desire about 5 minutes on the joint resolution.

Mr. BARKLEY. I am sure the Senator will have no difficulty in securing the time he desires.

Mr. BARBOUR. Mr. President, I do not want to object to the unanimous-consent request, but I desire to point out that under the proposed agreement the entire time could be taken up by one single Member.

Mr. BARKLEY. Theoretically, that might be true, but practically I think the Senator need have no fear on that score. I think we will probably reach a vote on the pending amendment after another speech or two. Then, until 4 o'clock, other amendments may be offered and discussed.

Mr. BARBOUR. As I have said, I do not want or, in fact, intend to interpose an objection; but I certainly do want to point out that there are a number of amendments to be offered; and if we are going to continue at the same rate of progress, or rather lack of progress, that has been evidenced during the last day or two, it is easy to conceive that two or three amendments might take the whole afternoon, and remaining amendments would go by the board without any chance of explanation or adoption.

Mr. BARKLEY. I will say to the Senator that I hope the matters which have retarded our progress will soon be gotten out of the way.

Mr. OVERTON. Mr. President, may I make a suggestion?

Mr. BARKLEY. I yield.

Mr. OVERTON. I apprehend that, due to the fact that so much time has been taken in the discussion of one or two amendments—and I think there have been only two amendments disposed of outside of the committee amendments—it might be better to ask unanimous consent that there be a shorter time limit on the discussion of amendments than to request that a vote be taken at a certain hour. Otherwise a good many amendments may be offered without opportunity for explanation.

Mr. BARKLEY. Of course, that is a risk we always take when we try to fix a time for a final vote on a measure; but during the next 4 hours, while I do not know how many amendments will be offered, I do not think there will be any difficulty about the Senator having an opportunity to discuss his amendment. If he thought the time was running short, he might have it read for the information of the Senate and discuss it, even though the Senate had under consideration another amendment, so that it might be understood when voted upon.

Mr. OVERTON. May I suggest to the Senator from Kentucky that he ask unanimous consent that no Senator be allowed to speak more than 10 minutes on any amendment?

Mr. BARKLEY. I would rather not have the two requests come together. If I can get an agreement to the request I have made, I will say to the Senator that should it develop that there may be a lack of time, I will make a request for a further limitation of debate on amendments and on the joint resolution.

Mr. HATCH. Mr. President——

Mr. BARKLEY. I yield to the Senator from New Mexico.

Mr. HATCH. I desire to make a statement, and ask the majority floor leader what the situation would be in a certain contingency.

Yesterday the Danaher amendment was defeated. I voted against that amendment. During this morning some circumstances have come to my knowledge which may compel me to make a motion to reconsider the vote on that amendment, which was defeated. Under the proposal of the Senator from Kentucky, would I be precluded from making such a motion?

Mr. BARKLEY. No; there is no preclusion of making a motion, but when the hour of 4 o'clock arrives, under the unanimous-consent request I have made, all amendments and motions will be voted upon without further debate.

Mr. HATCH. I have no objection to the time limit, but I want the word "motion" specifically included, so that if I determine that I want to move to reconsider the Danaher amendment, I shall have the opportunity to do so.

Mr. BARKLEY. I will say to the Senator that there is no question that he would have that right anyway, but I am willing to modify my request by proposing that at 4 o'clock p. m., under the request I have made, the Senate proceed to vote without further debate on the joint resolution and all amendments and motions pertaining thereto.

Mr. McNARY. Mr. President, I thought the proposal was not later than 4 o'clock p. m.

Mr. BARKLEY. Not later than 4 o'clock p. m., that is true.

Mr. McNARY. So it is not 4 o'clock, it is whenever debate subsides?

Mr. BARKLEY. That is true.

Mr. HATCH. Mr. President, there is another possible situation that might develop, and which I want to have made clear. Suppose I should move to reconsider the amendment to which I have referred, and the motion should be carried, and the hour of 4 o'clock should arrive. Then a vote could not be had on the amendment, could it?

Mr. BARKLEY. Oh, yes. If the motion should be carried, and the vote by which the amendment was rejected should be reconsidered, of course, the amendment would come back before the Senate, and would be voted on at 4 o'clock, with other amendments.

The PRESIDENT pro tempore. Is there objection to the modified request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

Mr. CONNALLY. Mr. President——

The PRESIDENT pro tempore. The Senator from Texas.

Mr. CONNALLY. I should like to inquire what time I have.

The PRESIDENT pro tempore. The Chair is informed that the Senator has 17 minutes.

Mr. CONNALLY. I thank the Chair.

Mr. President, when the Senate recessed last evening I was endeavoring to reply to the contention of the Senator from Georgia [Mr. GEORGE] about the power of the President as Commander in Chief of the Army and the Navy. My contention is that, under the language of the Constitution giving the President power as Commander in Chief, that power resides in the President in time of peace as well as in time of war. I do not contend that the President has, we will say, the moral right to send an army of the United States into a peaceful country and conquer it without any declaration of war by Congress, but I do contend that, as Commander in Chief of the Army and Navy, the President, and the President alone, has power to direct the movements of the Army as to where it shall go, both in peace and in war.

Mr. GEORGE. Mr. President, I may say to the Senator that I do not think there is any real difference of viewpoint between his position and mine. Of course, the President, as Commander in Chief of the Army and Navy, has the power. Of course, however, that would not warrant an abuse of the power.

Mr. CONNALLY. Oh, no.

Mr. GEORGE. That was the only point I was making so far as peacetime operations are concerned.

Mr. CONNALLY. I had gotten the idea that the Senator from Georgia was contending that the President had no right to send the Army outside the territorial limits of the United States unless the Congress made a specific declaration of war.

In that connection I remind the Senator from Georgia that in 1918, I believe, the President of the United States sent an army to Siberia, into Russian territory. We were not at war with Russia. We had made no declaration of hostility against Russia. She was allied with us at the beginning of the war; and yet, because of the military situation, the President of the United States sent a division of troops into Siberia, and they occupied Vladivostok for a considerable period. They were in command of Major General Graves, of the United States Army. They remained there for more than a year, as I now recall, well into 1919.

The President of the United States, as Commander in Chief of the Army, also sent an army to the European side of Russia, at Archangel, and they prosecuted a campaign. Many of our men were killed in that campaign. I remember that one boy from my own district was killed in the Archangel expedition. We were not at war with Russia. There was no declaration of war; but the President of the United States, as Commander in Chief of the Army, sent those forces to those points; and, so far as I recall, there was no outburst in Congress and no declaration challenging the power and authority of the President of the United States.

I recall that in 1916, I believe, when Villa invaded New Mexico or Arizona, the President of the United States sent General Pershing and an army into Mexico without a declaration of war, on the theory, of course, that they had a right to continue the pursuit of invaders and marauders until they apprehended them, no matter where that apprehension might take place.

Mr. HATCH. Mr. President——

Mr. CONNALLY. I yield to the Senator from New Mexico.

Mr. HATCH. I merely wish to suggest that that was on the theory that Villa did not represent the Government of Mexico, but was a mere outlaw.

Mr. CONNALLY. The result would have been the same if he had represented the Government of Mexico. If the Government of Mexico sends an army and attacks the United States, we have a right to chase it back.

Mr. HATCH. Does not the Senator make a distinction between pursuing an outlaw across the border and sending an army to attack the established form of government of a country?

Mr. CONNALLY. I certainly do; but, at the same time, in pursuing that outlaw we went into the territory of a neighboring nation without a declaration of war, and a number of persons in Mexico protested against it; but the President, as Commander in Chief, sent the Army there because he had a right to say where the Army should go.

I am not approving what happened in all these cases; but I am saying that under the Constitution of the United States the President is Commander in Chief of the Army, not part of the time, but all the time; not of a part of the Army, but of all of the Army. He has the power. If we do not want a President to abuse that power, we ought not to elect a President who will abuse it.

Mr. President, I shall not weary the Senate with constitutional quotations and court decisions; but I hold in my hand a copy of the Federalist. Therein, in an article by Mr. Hamilton, he clearly points out the authority which is given to the President of the United States as Commander in Chief.

He differentiates between the power vested in the President and that vested in the British monarch. He shows that under the British Constitution the King may declare war. Of course, under our Constitution the President may not declare war.

I readily agree that the President of the United States, as Commander in Chief of the Army, if he should so desire, by invading another country or by sending the Navy to another country and making a demonstration, could put the United States in such a position that we could not well recede from a state of war; but that is simply one of the incidents of power. Any power may be abused. Congress may pass a fool law, but that does not mean that Congress should be divested of the power to pass laws. I think we could convict the Congress in any court in the land of having passed fool laws, but that is no reason why we should take away from Congress the power to enact laws.

Let me say a further word, and then I shall conclude.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. JOHNSON of Colorado. I do not want to trespass on the Senator's time if his time is limited.

Mr. CONNALLY. It is limited.

Mr. JOHNSON of Colorado. I should like to ask the Senator if, in his opinion, under the proviso on page 2 of the joint resolution providing that the members and units of the Reserve components of the Army of the United States ordered into active Federal service shall not be employed beyond the limits of the Western Hemisphere, and so forth,

the President is given any power over the National Guard when it is ordered into active Federal service that he does not have over the Regular Army of the United States.

Mr. CONNALLY. I do not think so.

Mr. JOHNSON of Colorado. No additional power whatsoever?

Mr. CONNALLY. I think not. Under the constitutional provision, when the National Guard is called into the Federal service, the President becomes the commander in chief of the guard to the same extent that he is already the Commander in Chief of the Regular Army and Navy.

Mr. JOHNSON of Colorado. Then, if that whole proviso were stricken from the joint resolution and nothing at all were said about it, the President would have the same power under the Constitution that he would have under this proviso, except as to its limitations to the Western Hemisphere, and so forth?

Mr. CONNALLY. I should say so. The Senator refers, no doubt, to the proviso on page 2:

Provided, That the members and units of the Reserve components of the Army of the United States ordered into active Federal service under this authority shall not be employed beyond the limits of the Western Hemisphere.

That is a limitation upon the authority of the President, and if it were all stricken out the President would still have the same power he now has under the Constitution to order these troops anywhere he desired to send them.

The Senator from Georgia yesterday charged that President Polk had sent an army clearly beyond the limits of the United States. I know the Senator made the statement in good faith, but I wish to say to him that he is in error. The two battles of Palo Alto and Resaca de la Palma occurred on the north side of the Rio Grande. There was a contention by the Mexican Government that the true boundary between Mexico and Texas was the Nueces River, but Texas always contended that the boundary was the Rio Grande, and undertook to enforce its claim with arms.

In 1842 two Mexican armies invaded Texas and in each instance captured a city. They captured the city of San Antonio, but as soon as the Texas army was rallied the Mexicans retreated beyond the Rio Grande. So when President Polk sent the army of General Taylor to the vicinity of the Rio Grande, near Brownsville, Tex., he was occupying territory which Texas claimed and had always claimed as her territory. Of course, when Texas joined the Union she contended that her boundary extended to the Rio Grande. Therefore President Polk was not violating any alien territory when he sent the Army to that point.

Of course, it might be charged that President Polk might have known that as a result of his sending the Army to that vicinity inevitably there would be a clash with the Mexican Army. The Mexican Army crossed the Rio Grande and attacked Taylor north of the Rio Grande at these two points—Palo Alto and Resaca de la Palma. I have been on those battlefields—subsequent to the battles, of course, and in time of peace. [Laughter.] I know the location of the battlefields, and I know that they are north of the Rio Grande, so that there was nothing improper in President Polk's ordering Taylor's army to that vicinity in that particular instance.

The President of the United States, as Commander in Chief, has also on numerous occasions sent marines to Central and South America. The marines occupied Haiti for a period of years. I do not approve of the general doctrine of policing Central and South America, but the President of the United States, as Commander in Chief of the Army and Navy, did send marines to Haiti. The senior Senator from Utah [Mr. KING] knows about it because the commander of the United States marines, General Russell, would not let him land in Haiti. He declined to let the Senator from Utah go to Haiti. [Laughter.] General Russell denied it, but the Senator from Utah averred that he was denied access to Haiti on one occasion. I think General Russell did the Senator a favor in not letting him go to Haiti, but still that is what he did. [Laughter.]

The President of the United States, as Commander in Chief of the Army and Navy, has also sent marines to Nicaragua on several occasions. During the Boxer Rebellion in China, in 1900, the President of the United States, as Commander in Chief of the Army and Navy, sent an expedition to China. We were not at war with China, and never declared war, but the President had a right to send the armed forces wherever the interests of the United States and of American citizens were involved.

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. ADAMS. The limitation to which the Senator refers would prevent the President from sending the guard to China.

Mr. CONNALLY. That is correct.

Mr. ADAMS. Would the Senator like to have the limitation removed so that the whole globe would be subject to this jurisdiction of the President?

Mr. CONNALLY. What is that?

Mr. ADAMS. The Senator's argument would suggest that we remove this limitation so that the President would be permitted to send troops to China or anywhere else.

Mr. CONNALLY. As I understand the Senator's motion, we could not send troops to Venezuela.

Mr. ADAMS. That is correct as to the National Guard.

Mr. CONNALLY. Congress some time ago by a solemn declaration restated the Monroe Doctrine and told the world that we would not permit the transfer of any territory in the Western Hemisphere from one non-American power to another. That is the law. We have declared it by a solemn statute. The President of the United States is given a solemn injunction to see that the laws of the United States are enforced, and one way to enforce them is by giving him an army and a navy. Suppose some European power, or some Asiatic power, should next year or next month send an army to a South American country and conquer it. Would the Senator from Colorado be in favor of our remaining quiet, and doing nothing about it?

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. ADAMS. I am not sure as to the accuracy of the learned and able Senator's terminology when he says that the resolution which was adopted as to the Monroe Doctrine is the law. I do not believe that the Congress of the United States can pass a law providing that one foreign nation may not transfer the title to its property to another.

Mr. CONNALLY. We can if we have a stick big enough.

Mr. ADAMS. It would not be the law.

Mr. CONNALLY. It would be the law of might, and that is what is now ruling the world.

Mr. ADAMS. The Senator would not want to make war upon any nation which violated any portion of this very elaborate declaration which was passed by the Congress, but was not signed by the President, and therefore is not the law.

Mr. CONNALLY. It has not been signed? The act has not been signed yet? I do not know whether or not it has been signed; but I will say to the Senator that whether it has been signed or not, I think so much of the Monroe Doctrine that if a European power should undertake to conquer any country in South or Central America I would be in favor of sending the Army and Navy down there and putting them out; if that answers the question. That is the attitude of the Senator from Texas.

What did we do with regard to Mexico in 1867? We had been involved in a terrible and tragic War between the States. Napoleon III had sent his Emperor Maximilian to Mexico, and he had conquered the country and was on the throne. But in 1867, when we had, temporarily, at least, settled our own troubles at home, the President of the United States served notice on Napoleon III that he would have to get out of Mexico, and old Napoleon III took his army and went back to Europe, and left Maximilian as the victim, to suffer death as a punishment for his inordinate ambition. That is what we did in Mexico. What right had we to do it except our right under the Monroe Doctrine?

I wish to say to the Senator from Georgia, whom I have always very greatly admired, and who is a learned lawyer, that when his father and my father were bivouacked yonder at Appomattox, and upon the other battlefields of the South, there emerged from those battlefields a nation. There cannot be 48 States any longer, each State running its own army and its own navy. There emerged from the battlefields of the War between the States a nation, and the Army and Navy of the United States have been created to serve the Nation, and they are to be commanded by the Nation. Under the power to raise armies the Congress of the United States has plenary authority to raise an army or a navy by any means it may see fit to employ. Of course, it should always employ methods of impartiality and fairness, but we can draft armies in time of peace as well as in time of war.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. CHAVEZ. I agree fully with the statement of the Senator from Texas with reference to the Monroe Doctrine. I think he has the right conception of it. I think it was the Monroe Doctrine which made this Government threaten to send an army into Mexico to get the French out of that country. The only complaint the South American or Latin-American countries have as to the Monroe Doctrine is that, notwithstanding the fact that the Monroe Doctrine was in existence, the United States did not do a thing at the time England took over British Honduras, and at the time England took over the Falkland Islands, while the Monroe Doctrine was in existence. I think the Senator's conception of the Monroe Doctrine is correct.

Mr. CONNALLY. I thank the Senator for his interruption. His charge may be true, but it was not true as to the conduct of the United States in the case of Venezuela and her boundary dispute with England. Mr. Olney, the Secretary of State, and President Cleveland, thrilled the world by the restatement of the Monroe Doctrine. President Cleveland indicated to Great Britain very clearly that if they insisted upon sending their navy and armed forces to Venezuela they would meet the armed forces of the United States of America.

The PRESIDENT pro tempore. The time of the Senator from Texas has expired.

DEATH OF REPRESENTATIVE GIBBS, OF GEORGIA

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, communicated to the Senate the intelligence of the death of Hon. W. BEN GIBBS, late a Representative from the State of Georgia, and transmitted the resolutions of the House thereon.

The message announced that the Speaker had appointed Mr. BROWN of Georgia, Mr. PETERSON of Georgia, Mr. PACE, and Mr. CAMP a committee of the House to be joined with such Members of the Senate as may be appointed to attend the funeral of the deceased Representative.

Mr. GEORGE. Mr. President, I ask that the resolutions of the House be laid before the Senate.

The PRESIDENT pro tempore laid before the Senate the resolutions of the House of Representatives, which were read, as follows:

IN THE HOUSE OF REPRESENTATIVES,
August 8, 1940.

Resolved, That the House has heard with profound sorrow of the death of Hon. W. BEN GIBBS, a Representative from the State of Georgia.

Resolved, That a committee of four Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

Mr. GEORGE. Mr. President, on behalf of my colleague [Mr. RUSSELL] and myself, I offer the resolutions which I send to the desk.

The PRESIDENT pro tempore. The resolutions will be read.

The resolutions (S. Res. 294) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. W. BEN GIBBS, late a Representatives from the State of Georgia.

Resolved, That a committee of two Senators be appointed by the President pro tempore to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased Representative the Senate, at the conclusion of its business today, take a recess until 12 o'clock m. tomorrow.

Under the second resolving clause, the President pro tempore appointed the Senators from Georgia (Mr. GEORGE and Mr. RUSSELL) the committee to join the committee on the part of the House to attend the funeral of the deceased Representative.

ACTIVE SERVICE OF NATIONAL GUARD, RESERVE, AND RETIRED PERSONNEL

The Senate resumed the consideration of the joint resolution (S. J. Res. 286) to strengthen the common defense and to authorize the President to order members and units of Reserve components and retired personnel of the Regular Army into active military service.

Mr. BARKLEY. Mr. President, I wish to make a few brief observations concerning the pending amendment.

I agree fully with the Senator from Texas in his interpretation of the authority of the President in regard to control of the movements of our armed forces. The Senator from Texas yesterday referred to that provision of the Constitution which authorizes Congress—

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States—

And so forth. What is the militia?

The militia of the United States shall consist of all able-bodied male citizens of the United States and all other able-bodied males who have or shall have declared their intention to become citizens of the United States, who shall be more than 18 years of age and, except as hereinafter provided, not more than 45 years of age; and said militia shall be divided into three classes, the National Guard, the Naval Militia, and the unorganized militia.

So every able-bodied man between 18 and 45 who is a citizen of the United States, or who has declared his intention to become a citizen, is a part of the militia of the United States, and under the law that militia is divided into the National Guard, the Naval Militia, and the unorganized militia. The unorganized militia means all other able-bodied males between 18 and 45 who are not members of the National Guard or the Naval Militia.

What does the Army of the United States consist of? Under the law—

The Army of the United States shall consist of the Regular Army, the National Guard of the United States, the National Guard while in the service of the United States, the Officers' Reserve Corps, the Organized Reserves, and the Enlisted Reserve Corps.

The measure with which we are dealing, which is now pending, and upon which we shall have a vote this afternoon, does not deal merely with the National Guard. It deals with all the component parts of the Reserve Army of the United States.

The National Guard happens to consist of 230,000 or 240,000 men, but the Reserve Corps consists of 116,000, I believe. They are not members of the National Guard. They are men who have served in the Army of the United States and have been discharged, and are now members of the Reserve Corps, subject to be called.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CONNALLY. They are really now in the service of the United States. They are in a reserve status.

Mr. BARKLEY. That is true.

Mr. CONNALLY. They are not National Guard men, of course. They are now in the service of the United States.

Mr. BARKLEY. The Senator from Texas is correct about that. So that the amendment now pending, offered by the Senator from Colorado [Mr. ADAMS] not only prohibits the President from sending the National Guard out of continental United States or its possessions, but prevents him from sending any of this reserve army, which has served in the United States Army and is now in the Reserve Corps, outside continental United States or the possessions of the United States, which might include Puerto Rico and the Panama Canal and Hawaii, and under the amendment which I think the Senator accepted, the Philippine Islands.

Mr. President, however much we may be inclined in the Senate to deal in a technical way with the subject of national defense and our program to defend the interests of the United States, I do not believe the American people are looking on this problem in any technical sense. They want the interests of the United States defended. They want to have defended not only continental United States, not only the territory between Canada and the Gulf of Mexico, not only the territory between the two oceans, but they want every vital interest of the United States of America defended wherever that interest may lie. I do not think they interpret that attitude to mean that we have to wait until an aggressor gets on our front porch. It might be all right for us not to defend ourselves until somebody comes into continental United States or into the Panama Canal Zone or lands an army in Hawaii or Puerto Rico, but I do not believe that is the construction the American people have of our duty as a nation.

I might be in my home in a certain square and say that so long as there is a thief or a robber or a murderer in my neighbor's house I owe no duty to help protect my community against such an aggressor. I may conclude that it is proper for me to wait until he enters my yard and gets on my front porch, and then I might go into the living room and lock the front door, hoping that he would not get in, and do nothing further so long as he would stay on the front porch. Of course, I might even go back to the kitchen before I would be willing to defend my home. But the American people, whenever they have been in a conflict with any nation, have never been willing to sit around and wait until the enemy lands in their country. They not only have been willing but they have demanded that our Army and our Navy search out an enemy wherever he might be found anywhere in the world.

According to that theory, Admiral Dewey attacked the Spanish Navy at Manila. The consequences of that great battle may have been in some respects unfortunate, depending entirely upon the viewpoint of individuals with respect to the propriety and wisdom of our taking over the Philippine Islands. That is an academic question now and may be settled in a few years by the independence of the islands, but according to the theory which is advocated by some of our colleagues and friends, Admiral Dewey should have kept the fleet in the harbor of San Francisco, or New York, or New Orleans, and if the Spanish Fleet came by the Golden Gate, then it would have been all right to shoot after we could see the whites of the enemy's eyes.

The Senator from Texas [Mr. CONNALLY] has referred with illumination to the use of our Army in Russia and in Mexico, and the naval forces at Vera Cruz. I do not see how the adoption of the pending amendment can be held as consistent with the duty of our Government to protect the interests of the United States, by which I mean, to protect the interests of the Western Hemisphere. The original Monroe Doctrine was not promulgated on any theory except that of any European nation obtaining a foothold in the Western Hemisphere which would endanger the safety of the United States, not necessarily by an invading army, but by an invading theory of government. It was to keep out not only armies and conquerors and enemies, but political theories of government, that Monroe declared the Monroe Doctrine. Of course, at that time it applied particularly to European nations, because the South American dependencies of European nations had either declared their independence or were in process of obtaining their independence. But the Monroe Doctrine would be just as applicable if any Asiatic nation were seeking to obtain a foothold in the Western Hemisphere. A few years ago there was a great furor in this country, because it was thought that Japan was about to land or send immigrants or a contingent of her population over to southern California and establish a base in Mexico in order that she might take off from that base and in some way attack California or the western coast of the United States.

Every man who has enlisted in the National Guard in any State since 1916, enlisted with the knowledge that that organization was a part of the Army of the United States, so declared by law, and when he enlisted he took upon himself all the obligations that might be incumbent upon such enlistment.

I think we underestimate the National Guard of this country; I think we underestimate their fiber and their spirit if we assume that they are not willing to go wherever any other soldier of the United States may be called on to go in order to defend the interests of the country. I certainly have heard from no National Guard man who desired to shirk any responsibility that may be incumbent upon him as such.

We in the Senate on the 17th of June, by unanimous vote, declared it to be the policy of this Government that we would not permit the transfer of any territory in the Western Hemisphere now owned by one European nation, to another European nation or other foreign nation. I do not wish to restrict it by using the word "European." I think the joint resolution which we adopted declared our opposition to the transfer of any territory in the Western Hemisphere now owned by a non-American government to another non-American government, no matter where it might be. That joint resolution was adopted by unanimous vote of the United States Senate. Seventy-six members of this body voted for it, and not a single Senator voted against it.

Mr. GILLETTE. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. GILLETTE. The Senator a moment ago made the statement that every man who enlisted in the National Guard by present law became automatically a member of the Army of the United States. The Senator does not mean that, does he?

Mr. BARKLEY. Well, yes; under the definition of the United States Army, of course, subject to being called into service. I mean that he enlisted knowing that he was entering an organization that might be called into the service of the Government of the United States.

Mr. GILLETTE. Under certain conditions.

Mr. BARKLEY. Of course, under certain conditions, yes. I did not mean to mislead the Senate, but what I meant was that every man who joined the National Guard knew at the time he joined that he was subject to call into the service of the United States, and would become an integral part of the United States Army.

Mr. HILL. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. HILL. The resolution referred to by the Senator from Kentucky went even further than the Senator suggested, in that it disapproved any transfer of any possession from any present owner to a non-American owner, which, of course, means a transfer from any American owner or any non-American owner to any non-American owner.

Mr. BARKLEY. That is correct. In other words, the resolution was intended to serve notice on the world that we propose to integrate the territory of the Western Hemisphere as sacred to the Americas, and that we propose to insulate it against any transfer of territory in the Western Hemisphere to any foreign country which does not now own it.

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. ADAMS. The Senator used the phrase that the resolution provided that the United States would not permit such transfer. Is the Senator accurate in his use of terms?

Mr. BARKLEY. I am not quoting from the resolution.

Mr. ADAMS. It seems to me we said we would not recognize such a transfer. That is quite a different thing from not permitting it.

Mr. BARKLEY. How are we to recognize or fail to recognize such a transfer? Was the resolution unanimously adopted merely to be regarded as though it had been passed by a sewing circle, or by a Rotary Club, or by a chamber of commerce, or was it a solemn declaration of the Congress of the United States?

Mr. ADAMS. It was a solemn declaration, but not a declaration that the United States would make war in any instance in which the policy was not complied with, any more than was the original Monroe Doctrine, in substance, a declaration of war.

Mr. BARKLEY. No; of course, it was not a declaration of war, any more than was the original Monroe Doctrine; but I recall no instance since Monroe uttered that doctrine in which the United States would not have been willing to go to war in order to prevent its violation. I recall particularly that when I was a boy Great Britain was undertaking to bring pressure upon Venezuela for the collection of a debt.

Mr. ADAMS. Was it as far back as that? [Laughter.]

Mr. BARKLEY. Yes; as far back as that. I am sure the Senator cannot remember it, but I do. [Laughter.] Grover Cleveland went out of office in 1897, and I was born several months before that transaction occurred. [Laughter.]

Mr. ADAMS. What a wonderful memory [Laughter.]

Mr. BARKLEY. I recall Grover Cleveland's message, and his warning to Great Britain that any effort to use the power of Great Britain even to collect a debt against Venezuela would be regarded as a violation of the Monroe Doctrine, and that the United States Government would resist it.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CLARK of Missouri. The Venezuelan dispute was not with regard to collecting a debt. It was a dispute with regard to the boundary between British Guiana and Venezuela.

Mr. BARKLEY. Yes.

Mr. CLARK of Missouri. Certainly President Cleveland, or Secretary Olney, who wrote the message—said in it some things which none of us would be willing to reiterate at this time. In that message he said flatly that the United States is sovereign in the Western Hemisphere, which is contrary to the good-neighbor policy now being pursued by the United States.

Mr. BARKLEY. A boundary dispute was involved; but, as I recall, there was also the matter of an indebtedness. My recollection may be faulty, but the point is the same.

The Senator from Colorado [Mr. ADAMS] has called attention to the language of the joint resolution which has been passed by Congress. The joint resolution says that the United States will not recognize any such transfer and will not acquiesce in any attempt to transfer any geographic region in the Western Hemisphere. If we are not to acquiesce in any such transfer, how are we to refuse to acquiesce? We certainly cannot refuse to acquiesce merely by remaining at home, sitting on our front porch, and doing nothing to repel the efforts of any foreign nation to take possession of American territory which comes under the purview of the joint resolution. I do not believe Congress meant for our own country or for the world to interpret the joint resolution which we adopted in any such fashion. Certainly I do not believe—and there is nothing in the debates which sustains any such contention—that when we unanimously adopted the joint resolution we had anything else in mind except active resistance to any program which might violate the spirit of the joint resolution.

We do not know what may happen in the world. I very seriously doubt if mankind has ever before faced a situation such as the one which confronts it today. We have read about the Napoleonic wars and about the well-nigh successful effort of Napoleon to obtain control of Europe; but I do not believe that even the control of Europe by Napoleon carried with it the menace to civilization and to America which the present situation in Europe carries to our theory of government and to our safety and the safety of our institutions.

The PRESIDENT pro tempore. The time of the Senator on the amendment has expired.

Mr. BARKLEY. Mr. President, I did not intend to take time on the joint resolution in connection with this amendment, but I shall take a few minutes, even though I thereby deny myself the right to speak further on the joint resolution from now until the time of the vote.

Mr. President, no one can predict the future for as much as a week ahead. We all have our sympathies, and we have our antipathies. We are all hoping and praying that the process and theory of democracy may not be driven from the earth; but it may be that democracy's last stand will be made in the Western Hemisphere.

Are we willing by our action here to say to the American people and to the world—and I think we must keep in mind the effect of our action here upon others throughout the world—that although we believe in democracy and in our theory of government and that any encroachment upon our neighbors who believe in the same theory is in effect an encroachment upon us, we are not willing to send our Army out of the United States, or out of Puerto Rico, or the Canal Zone, or Hawaii, or the Philippines, in order to justify our faith in the democratic theory? It is proposed not only that we shall not send the National Guard but that we shall not send the Reserve force, which has already served in the United States Army, not as a part of the National Guard but as a part of the Regular Army. We are not willing to send them across the Canadian border, where for 150 years not even a rifle has been mounted to protect us against our neighbor or our neighbor against us. We are not willing to send our armed forces across the line to protect ourselves by protecting our neighbor. We are not willing to send them to Mexico.

In Habana a week or two ago Secretary of State Hull accomplished a stupendous victory in bringing about a further consolidation of the 21 republics of the Western Hemisphere, at which conference the American nations were organized into an agreement to cooperate not only in carrying out the joint resolution which we adopted by unanimous vote but in assuming a joint responsibility in the administration of such territories as may come within that category and a joint responsibility in the preservation of the Western Hemisphere. It is proposed that in pursuance of that agreement we shall not send any of the men involved in this legislation into any of those countries, either with or without their consent, without an act of Congress repealing the law as it will stand if the amendment now pending shall be agreed to.

Mr. President, in view of all these things, in view of the obligations we have willingly assumed, and which the American people are willing to carry out without regard to any sacrifice they may be called upon to make, it seems to me it would be extremely unwise to adopt this amendment on our own account; and it seems to me it would be folly by its adoption to serve notice on the rest of the world that all our pious resolutions in behalf of liberty, democracy, and American solidarity are of no more effect than if they had been adopted by a quilting league.

Mr. ADAMS. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. CHANDLER in the chair). Does the Senator from Kentucky yield to the Senator from Colorado?

Mr. BARKLEY. I yield.

Mr. ADAMS. I think the Senator ought to qualify that statement somewhat. The only purpose of the amendment is to retain that power in the Congress, and let the Congress carry out its resolutions, rather than turn the matter over to the uncontrolled discretion of the Executive. The amendment which is now pending would not prevent the United States from performing in a constitutional way whatever obligations it may have.

Mr. BARKLEY. Let us take the Senator's observation at its face value, which I do. I take all his statements at their

face value, because the Senator knows that for no other Member of this body have I greater respect and affection than I have for the Senator from Colorado. I know that it is sometimes hard for me to follow him, and frequently impossible, but I always respect his sincerity and I think that situation is mutual, by the way.

Mr. ADAMS. The Senator is correct.

Mr. BARKLEY. I always respect his sincerity and his ability, and I always try to look into any suggestion he makes with meticulous care lest I might be wrong in my opposition to it. But let us suppose that Congress were not in session—and I realize that under modern transportation the President can get us here in a few days—and that an enemy army should land in Mexico or in Canada or in Bermuda or Martinique or in some other territory close by the United States, and it was necessary for us to oppose that invasion "pronto," as they say in the West, would the Senator think we ought to wait for the President to call Congress back in session?

Mr. ADAMS. It is merely a question whether the Senator believes in the fundamentals of the American Constitution. The Constitution may be wrong, but the Constitution places the determination of that question in the Congress.

Mr. BARKLEY. Oh, yes; Congress has power to declare war, but if some other nation makes war upon us, the President of the United States is not necessarily required to wait until Congress adopts a formal declaration of war before he can defend the institutions and the territory of the United States.

Mr. ADAMS. That is correct.

Mr. BARKLEY. That is true; the Senator agrees to it.

Mr. ADAMS. I will say to the Senator that at the proper place I should be quite willing to insert the words "they shall not be employed in time of peace." That is, I think, the distinction which should be drawn, and I have in mind, if the amendment should be adopted, to add those words.

Mr. BARKLEY. I do not think that would help it any.

Mr. ADAMS. I know the Senator does not.

Mr. BARKLEY. I am frank about that, but I do not think it would; we might as well say that the Army shall not be employed in time of peril.

Mr. REYNOLDS. Mr. President——

Mr. BARKLEY. I yield to the Senator from North Carolina.

Mr. REYNOLDS. I merely wish to ask the Senator does he mean to say that any nation in the world could land an army in Mexico overnight and we would not know anything about it?

Mr. BARKLEY. No; I am not saying that.

Mr. REYNOLDS. Before an army started from Europe we would know of it 3 months in advance.

Mr. BARKLEY. What would we do about it under the authority of this amendment?

Mr. REYNOLDS. Congress could be called in session.

Mr. BARKLEY. Under the authority of this amendment, if we could not send our Army to repel such an invasion, we ought not to send our Navy.

Mr. REYNOLDS. We can give the President authority to dispatch men there.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER (Mr. CHANDLER in the chair). Does the Senator from Kentucky yield to the Senator from Nevada?

Mr. BARKLEY. I yield.

Mr. PITTMAN. I desire to give the National Guard and other components of the Army when covered into the Army absolute liberty under the direction of the President. I find, however, that I cannot do that unless I have some assurance that there will be exemptions in the case of the present National Guard. The Senator from Connecticut [Mr. DANAHER] yesterday offered an amendment providing that within 20 days any member of the guard might resign. I voted for that amendment. It was defeated by a few votes. I think that amendment should apply solely to men who have dependents, a wife or a child or children, and who must rely solely upon their wages or salary to support their dependents. There is no doubt, as the Senator from Texas said, it is the intention to weed out those who have dependents. If that is the case, why not let these men have assurance that they will be weeded out? The Governor of my State would probably accept the resignation of a member of the National Guard who had a wife and child or children dependent upon him and who had no means of supporting himself except his wages or his salary. But why not give some assurance to the man in that class who joined the National Guard probably under the theory that it was a home-defense unit, no matter what the law might be?

I shall vote against the amendment of the Senator from Colorado on the theory that the amendment I propose to offer, which is the same as the one as the Senator from Connecticut offered except it is limited to persons in the class who have dependents upon them, a wife or a child or children, and who have to rely upon their wages and salaries to support their dependents, will sufficiently safeguard the situation. If that amendment subsequently shall not be adopted, I shall move to reconsider the vote by which the amendment of the Senator from Colorado was rejected, if it shall be rejected.

Mr. BARKLEY. Mr. President, I do not desire to enter into a discussion of the Danaher amendment, which was debated at considerable length yesterday, except to say that I do not believe we can justify putting the National Guard on a different basis from everybody else in the United States who is subject to call to the military service. Assuming that we pass the military-training bill, every man who is called up will not himself be authorized to determine whether he is exempted or excused, but the Government of the United States will have some voice in determining that question. Based upon the fact that any officer or enlisted man in the National Guard can now tender his resignation and claim that his circumstances justify his dismissal, just so any draftee may under the military-training bill, after such draftee shall be drawn into the service, make similar application to the President of the United States. My objection to the Danaher amendment and to any similar amendment is that it leaves it entirely to the soldier himself to decide whether he shall be relieved of service.

Mr. PITTMAN. Is that true?

Mr. BARKLEY. Yes; it is true under the language of the amendment.

Mr. PITTMAN. Is it true with the qualification that the soldier himself must have a dependent wife or dependent child or children, and that he has no means of support except his wage or salary?

Mr. BARKLEY. That is a fact that ought to be taken into consideration, but under the Danaher amendment it is simply provided that he may resign.

Mr. PITTMAN. I understand that, but the War Department will determine for the President as to whether those facts exist, and if they do not exist the Department will not grant the request.

Mr. BARKLEY. Mr. President, if another amendment along that line is offered, we can discuss it at the time. I do not desire to take any more time of the Senate, but I hope the amendment now pending, offered by the Senator from Colorado [Mr. ADAMS], will be rejected.

Mr. OVERTON. Mr. President, it is not my purpose to discuss the pending Adams amendment, except to observe that I shall cast my vote against it.

Under the unanimous-consent rule which was adopted earlier today, providing that a vote shall be had upon the joint resolution and all amendments and motions thereto at 4 o'clock this afternoon, I apprehend that I shall not have an opportunity to explain an amendment which I propose to offer to the pending joint resolution. So I shall take advantage of this opportunity to make a brief explanation of it.

On August 1, I sent to the desk to be printed in the RECORD an amendment to the pending joint resolution. The amendment applies the benefits of the Soldiers and Sailors' Civil Relief Act, approved March 18, 1918, "to all National Guard,

Reserve, and retired personnel ordered into the active military service under the authority of this joint resolution," and so long as they shall continue "in such service and for 60 days thereafter."

There are certain provisions of the Soldiers' and Sailors' Relief Act, which, in my humble judgment, are not applicable to the present situation, and, therefore, under the terms of the amendment they are excluded.

Mr. President, the situation which will confront the National Guard and other personnel of the Reserves who will be drafted into service under the joint resolution is practically the same as that which confronted the men who were drafted into the military service in the World War. They will be men who will be called from their usual vocations; they will be drafted into the military service; they will not be able properly to defend themselves in civil actions which may be instituted against them. They will be men who have incurred obligations which under the incomes they derive from their vocations or from their present employment they could readily and promptly meet, but which, under the stipend which will be paid them as component parts of the United States Army, they will be unable to meet. So the Congress of the United States in 1918, when it had enacted the selective draft, provided for the relief of men thus mustered into the service. That act, which by this amendment I seek to make a part of the pending joint resolution, leaves a large discretion in all the courts of the United States, both Federal and State, courts of record and courts that are not of record, to grant relief to defendants who are in the military service in suits that are instituted against them.

The court has authority to abate proceedings. The act requires that no judgment by default shall be rendered against one in the military service unless an attorney has been appointed to represent him; and that, if a judgment is rendered against him, then the court may require the plaintiff to furnish bond in such amount as will indemnify the soldier when he returns home in the event that he suffers any loss by reason of the rendition of the judgment. It also authorizes the court rendering judgment to vacate the judgment when the soldier makes a showing to the court that he had a meritorious defense of which he had been deprived.

Specifically, in reference to rental contracts, the act provides that no one in the military service may be evicted under a rental contract when the rent is under $50 a month, and that the court, on application of the person in the military service or anyone in his behalf, may grant a stay of proceedings for a certain time.

Mr. BONE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Washington?

Mr. OVERTON. I do.

Mr. BONE. I think most of us are familiar with the provisions that were adopted during the World War for the protection of men in the service. I should like to ask the Senator if the suggestion he now intends to make in the form of an amendment is substantially that which was in existence during the World War.

Mr. OVERTON. It is substantially the same, with two exceptions. I have not included within my amendment the provision in reference to taxes and the provision in reference to insurance, because I do not think they are altogether applicable to the present situation.

Mr. BONE. I do not recall what provision for taxes existed during the World War. Perhaps some other Member of the Senate will recall. I do not know whether we would have a right to forbid a State, or a political subdivision of a State, from assessing and collecting taxes. It might be that the authority of Congress would extend that far. I do recall, however, that we abated suits very completely; and as this measure has been under discussion I have wondered what we were going to do to protect the men who are called into the service. Obviously, many of them have commitments of some sort, and their families are going to lose their income, and some protection will have to be given them along the lines indicated by the Senator from Louisiana, or else they will be in serious trouble. Many of them have no idea how long they will be in the field.

Mr. OVERTON. I thank the Senator for his contribution. Take the case of furniture, automobiles, or other articles bought on installment. If one who is drafted is an employee in some industry or under other private employment making $150, $200, or $250 a month, he can very well meet the obligation he has incurred; but when the strong arm of the Government reaches out and drafts him into the military service and pays him $21 a month he then becomes financially unable, by our own act, to meet such an obligation, and he is entitled to relief.

This act also, as the Senator doubtless knows, provides that when one who is in the military service is otherwise financially able to meet his obligations, he can be required to respond to them, and judgment may be rendered against him; but in other cases involving purchases on installments, both of real estate as a home, or otherwise, and the acquisition of personal property, the court has authority to do several things. For instance, it may require the creditor to return all installments that have been previously paid, or it may continue the proceedings, or it may take such other action as the court deems proper and necessary in order to protect the rights of the absentee soldier in the service of his country.

I do not think there will be any objection on the part of any Member of the Senate to this amendment. I called the attention of the able Senator from Texas [Mr. SHEPPARD], who is in charge of this joint resolution, to the amendment I have proposed to offer, and I understood him to say he would have no objection to the amendment; on the contrary, he thought some action of that kind should be taken.

Mr. SHEPPARD. Mr. President, I understand that similar action was taken during the World War.

Mr. OVERTON. Similar action was taken during the World War.

Mr. SHEPPARD. So far as I am personally concerned, I have no objection.

Mr. OVERTON. In conclusion, I desire to say that I do not contend that this is a perfect amendment. I think the legislation of 1918 could probably be perfected so as more adequately or more properly to meet the present situation.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. OVERTON. I will yield in a moment. I took up the matter with the War Department, and it stated that it had in contemplation drafting a separate bill which it thought would meet the problem. I do not understand that the War Department has any objection at all to this amendment, or that any other Department of the Government has; but the bill which the War Department is contemplating will take some time to prepare, and in the meantime I think this amendment ought to be adopted. When that bill is introduced it may be used as a substitute for this amendment.

I yield to the Senator from Georgia.

Mr. GEORGE. I merely wish to interrupt the Senator to say that it will be necessary for me to leave the chamber, and I shall not be present to vote on this amendment, or perhaps on any of the amendments pending to the joint resolution; but I very much hope this amendment will be adopted, and desire to record myself as affirmatively favoring it. I think the Senator is wise in inserting the amendment in this particular joint resolution, notwithstanding the fact that there may be some subsequent general legislation that will cover it.

Mr. OVERTON. I thank the Senator from Georgia for his cooperation and his statement in support of the amendment.

In conclusion, I desire to say that if the legislation now being prepared by the War Department is not ready when the compulsory military training bill is brought up, I propose to offer to that bill an amendment similar to the one I am now proposing to this measure.

Mr. LODGE. Mr. President, during the course of this discussion some doubt has been raised as to just what is meant by the expression "Western Hemisphere." I should like to advise about that matter with the senior Senator from Texas [Mr. SHEPPARD], the chairman of the Military Affairs Com-

mittee, and ask him to correct me if I am in error when I give my understanding of what is meant by that phrase.

As I understand the phrase, it does not include Europe or Africa. It does not include New Zealand or Siberia. It does include all of the American continents, and the waters and islands thereto appertaining.

Mr. SHEPPARD. The Senator is correct.

Mr. LODGE. The question of whether or not Iceland is a part of the Western Hemisphere is not decided one way or the other.

Mr. President, as I have repeatedly stated on the floor of the Senate, it is my judgment that the area which we should defend, and which we must defend, and the defense of which is essential to the existence of this Nation, is what I have called the base area embracing North America, Central America, the coasts and islands of the Caribbean, the Panama Canal Zone, and the area necessary to the defense of the Canal. In other words, I do not think the extreme southern end of South America is essential to the defense of the United States, and if I were to prescribe the formula I would not include it; nor do I think we are capable of defending the Philippine Islands. I very much doubt whether, even under the most happy and peaceful conditions in Europe, we could defend the Philippine Islands against an oriental aggressor. It would take several years merely to construct the shipping which would be necessary to maintain a fleet at the end of such a long line of communication.

I recognize that we are obligated to defend the Philippines until they shall have acquired their independence, and that that, of course, is the reason why that language is included in the joint resolution; but I want the RECORD to show my lack of faith in our ability to do that, together with my conviction that a foreign policy which is not accurately geared to a nation's military policy is a snare and a delusion. One of the things which did France so much harm was that their military policy contemplated simply the defense of their own country, whereas their foreign policy undertook to underwrite Czechoslovakia and Poland and a number of other countries; and, in my opinion, when the day comes when we are no longer responsible for the defense of the Philippines, it will be a very happy day for the United States.

I merely make these observations because I am, on the whole, favorably impressed with the language which the committee put into the joint resolution. To my mind what we should have in this measure, as in the next one to come before us, is a flat declaration that we will not send any troops to Europe. In my opinion, that is the most important thing of all. If the language which is in the joint resolution does not suit every Member of the Senate down to the last detail, that is only natural, and I can perfectly well understand the reluctance of the Senator from Texas to make any changes in language which has been agreed to by the committee. I think it is a splendid thing to have language in the joint resolution which will specifically prohibit, as I understand the language definitely does, the sending of any soldiers to Europe, because in my opinion that is one of the greatest dangers we face.

Mr. President, for the purpose of the RECORD, I wish to take up a matter which is not related to the pending measure, but which is of some interest to Massachusetts, and which has a very real relationship to national defense. I refer to the proposal to abandon the Old Colony Railroad, which serves a group of industrial communities south of Boston, and which, it may properly be said, is the lifeblood of many of those communities and on which 10,000 people depend as commuters alone.

It is interesting to point out that the abandonment of this railroad undoubtedly will have an adverse effect on the national-defense program. The Fore River Shipbuilding Co., at Quincy, Mass., which at present is engaged in the construction of a great many warships of various types, employs 7,900 people and has a pay roll averaging a million dollars a month. I am advised that the superintendent of this plant testified that if this rail service were discontinued their operations would be so adversely affected within 30 days as to make continuance uneconomical, and perhaps, as a practical matter, impossible.

At this point it may be well also to mention the fact that Capt. Louis P. Davis, Inspector of Ordnance, in charge of the Naval Ammunition Depot at Hingham, Mass., also took part in the hearing, representing the commandant of the First Naval District. He testified that the proposed abandonment would seriously affect the efficiency of the Naval Ammunition Depot at Hingham, and thereby adversely affect national defense. He referred to the Hingham Depot as the only naval ammunition depot on the New England coast, and emphasized that rail connections were necessary to permit the proper handling of gunpowder, shells, cartridge cases, cartridge tanks, fuzes, and other supplies.

I may say that the present status of the abandonment proceedings is that the hearings have been closed and briefs filed, and parties in interest are now awaiting the examiner's report.

Mr. HILL. Mr. President, during the debate on the pending amendment my mind has constantly gone back to the months of last year, to January 1939, and the winter and spring of that year, when the Chief Executive of this Nation and the State Department of our Government were both doing everything they could to get the Senate and the Congress to pass a joint resolution providing for the repeal of the arms embargo. We recall how through those months the Chief Executive and the State Department urged upon the Senate and the Congress the enactment of the joint resolution for the repeal of the arms embargo. We recall how the State Department advised members of this body that in its opinion if the Congress would pass the joint resolution providing for the repeal of the arms embargo such action by the Congress might even prevent the outbreak of war in Europe.

We recall how, in spite of the pleas and the entreaties on the part of the Chief Executive and the State Department, on July 11 last year the Senate Committee on Foreign Relations, by a vote of 12 to 11, refused to report favorably to the Senate the joint resolution for the repeal of the arms embargo.

We recall how in September war broke out in Europe, and Congress was called into special session, and in October we passed the joint resolution providing for the repeal of the arms embargo. But we did not pass that joint resolution until after the war had broken out in Europe and it was too late to help avert the tragedy.

As we consider the war in Europe, all of the misery, all of the heartaches, all of the sorrow and the suffering, all of the devastation and destruction, all of the tragedy it has wrought, some of us cannot but feel that the Senate and the Congress made a grievious mistake when they turned a deaf ear to the pleas of the Chief Executive and the Secretary of State and refused to pass the joint resolution before the outbreak of the war.

I am fearful that if the amendment of the Senator from Colorado [Mr. ADAMS] shall be adopted and shall become a part of the pending measure, the hour may come when Members of the Senate will have cause to feel that the adoption of the amendment was a fearful mistake. In fact, I believe that it is entirely possible that the adoption of the amendment might bring results more far reaching, might bring results which would more adversely and far more dangerously affect our country than did even the outbreak of the war in Europe. So I rise, Mr. President, to utter my protest against the adoption of the amendment.

As has been stated by different Senators in the debate, on the 17th day of June last the Senate passed Senate Joint Resolution 271, in which the Senate, speaking for the American people, declared to the world that the Senate recognized that many unexpected developments were arising daily from the present grave international situation, and that such developments were affecting States in the Western Hemisphere, and might even endanger the peace and security of our country. The resolution further declared

that the United States would never recognize or acquiesce in any violation of the Monroe Doctrine.

Armed with this resolution, armed with this expression of the Senate of the United States, our Secretary of State, Mr. Cordell Hull, went to the Habana Conference, and there he won what has been acclaimed generally throughout the Nation as a great triumph. There he accomplished one of the most outstanding and signal accomplishments ever achieved by any American statesman in all the history of our country, because in that conference Cordell Hull, as our Secretary of State, got the other republics of this hemisphere to agree not only to accept and recognize the Monroe Doctrine, but to assume their responsibility and play their part in the enforcement and defense of the Monroe Doctrine.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. AUSTIN. I am impressed with the very interesting and able address of the Senator, and I presume he may intend to speak of what seems to me appropriate at this time; that is, that the House of Representatives also passed House Joint Resolution 556, which restated the Monroe Doctrine in a similar way to that adopted by the Senate. So that really both Houses of the Congress of the United States have announced a sort of restatement of the Monroe Doctrine, although they have not concurred.

Mr. HILL. I thank the Senator for his contribution. The RECORD shows that both Houses of Congress spoke on the subject, that both Houses reaffirmed their belief in and their allegiance to the Monroe Doctrine, proclaimed to the world that we would not recognize or acquiesce in any action contrary to the Monroe Doctrine.

Mr. Hull, our Secretary of State, returned a few days ago from his great work at Habana, and on Monday, before leaving the city for a few days to take a much needed and greatly deserved rest, he issued a statement. Although the statement was issued to the country, I cannot but feel that when Mr. Hull issued the statement he had directly in mind the Senate and the Congress of the United States, and the question which confronts the Senate this day.

Mr. Hull stated:

> The vast forces of lawlessness, conquest, and destruction are still moving across the earth like a savage and dangerous animal at large. By their very nature, those forces will not stop unless and until they recognize that there exists unbreakable resistance.

At Habana—

Says Mr. Hull—

> we forged new instrumentalities of continental defense. These will be of vast importance to our Nation and to every American nation. But there are other and immense tasks still before us.

Then Mr. Hull goes on to say:

> I would greatly prefer to say that we are safe in this country and in this hemisphere from outside danger. But I am firmly convinced that what is taking place today in many areas of the earth is a relentless attempt to transform the civilized world as we have known it into a world in which lawlessness, violence, and force will reign supreme, as they did a thousand years ago. The people of this country cannot recognize too soon this fact and its overwhelming significance for our national safety and for the maintenance of our national institutions.
>
> The one and only sure way for our Nation to avoid being drawn into serious trouble or actual war by the wild and destructive forces now abroad elsewhere in the world and to command respect for its rights and interests abroad is for our people to become thoroughly conscious of the possibilities of danger, to make up their minds that we must continue to arm, and to arm to such an extent that the forces of conquest and ruin will not dare make an attack on us or on any part of this hemisphere. * * * In the face of terrific problems and conditions—

Says Mr. Hull—

> and until the present serious threats and dangers have disappeared, we cannot pursue complacently the course of our customary normal life.
>
> I feel constrained—

He closes—

> thus to offer my views in the light of what is already a dangerously widespread movement for world conquest and for the destruction of most of the worth-while things which civilization has given the human race.

Mr. President, we must recognize Mr. Hull, as Secretary of State, has sources of information which are not available to us which, by their very nature, cannot be made public. He has his official reports from the representatives of the State Department in every country and in every quarter of the globe. These representatives—trained, educated, experienced men—are constantly sending their reports on conditions in the countries in which they now reside, and on world conditions as they learn those conditions. Secretary Hull has at his command all the while, due to these reports, a present-day picture of the situation in each country of the world. He says to us that the danger is so great, that the peril is so great—

> That we must continue to arm, and to arm to such an extent that the forces of conquest and ruin will not dare make an attack on us or on any part of this hemisphere.

Yet we sit here today considering the proposition that we will call out the great Reserve forces of the Army of the United States, and then say to those Reserve forces, "You shall go so far, and no further, in the defense of our country. We will limit you, we will circumscribe you, and we will hamstring you when we call you out, and we will say that only within certain limitations can you function, only within certain limitations can you defend the country."

Not only do we hamstring and seriously hamper the effectiveness of the Reserves that we propose to call out, but we also hamstring and hamper the effectiveness of our Regular Army, because when these Reserves are called out they will be brought into the same organizations with our Regular troops. There will no longer be a Reserve component, a National Guard component, and a Regular Army component. Efficiency and effectiveness demand that they must all be brought together in one great organization, one great army of the United States.

Let me say that whatever we may think of the Germans, however much we may hate everything that Nazi Germany stands for today, the world has been forced to stand in admiration, not because of the many tanks or airplanes that Germany has produced, not because of the large numbers of men she has called to the colors, but because of the marvelous coordination and the marvelous efficiency of her Army. Above all else, the victories that the German Army has won have been due to this marvelous coordination, and efficiency of that Army moving forward as one united, powerful, striking machine. Yet we are going to constitute the Army of the United States, and it is proposed that we say to some of the units, "You can go thus far," and to other units, "You cannot go that far. You can only go part of the way."

The Reserve officers, the Reserves of the enlisted personnel of the Army, are Reserves of the Regular Army, and when they come in they will come in to serve with that Army and as a part of that Army.

Yesterday, I called attention to the fact that the strip of land which we own in Panama is only about 10 miles wide. If anything should occur on either side of that 10-mile strip which in any way threatens our country or its interests, the President of the United States as the Commander in Chief of the Army, could send any part of the Regular Army, or the whole Regular Army, across that 10-mile strip to meet the threat. But if there are Reserve officers with that Regular Army, if there are any Reserve components with that Regular Army, and if we shall adopt the amendment which is now pending, then, before any soldier can move out to meet the threat, to stop the danger, we must first stop and reorganize our Army so as to be sure to cull out and leave at home those who might be in that Army who have come from the Reserve components.

So, Mr. President, if we must adopt this amendment, if the joint resolution cannot be passed except by writing this amendment into it, I seriously doubt whether or not we will do very much for the national defense by calling out these Reserve components.

The PRESIDING OFFICER. The time of the Senator from Alabama has expired.

Mr. HILL. Then I shall take 20 minutes on the bill.

The PRESIDING OFFICER. The Senator has taken his time on the bill.

Mr. HILL. No; I have taken 20 minutes on the amendment, I will say to the Chair.

The PRESIDING OFFICER. The Chair is informed that the Senator's time has expired in both respects.

Mr. HILL. Surely the Senator has not been speaking for 40 minutes.

The PRESIDING OFFICER. The Chair will say that he is now informed that the Senator has 20 minutes left on the bill.

Mr. HILL. The Senator from Alabama would like to submit an inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HILL. The Senator understood that he had 20 minutes on the amendment and that he had 20 minutes on the bill.

The PRESIDING OFFICER. The Senator is correct, but the Chair had been informed that the Senator had already used 20 minutes.

Mr. HILL. The Senator used 20 minutes yesterday, but he used those 20 minutes discussing the Danaher amendment.

The PRESIDING OFFICER. The Chair is informed that he is in error. The Senator has 20 minutes on the bill. The Senator from Alabama may proceed.

Mr. HILL. The Senator from Alabama thanks the Chair.

Mr. President, I am thinking of what will be the effect on our neighbors in Central and South America, and on the dictator nations in Europe, if the pending amendment is written into the joint resolution. When I think of our neighbors in South America, my mind turns to an article which appeared in the Washington Daily News of August 5 last, captioned "South America doubts United States power in crisis."

I do not have time to read the excerpts from that article which I should like to read. The article is written by Mr. William Philip Simms, one of the most intelligent, one of the most observant, and, I dare say, one of the most patriotic correspondents we have in America, a man who has won an international reputation by the articles he has sent back to us from Europe on the European war. Mr. Simms captions the article with these words:

South America doubts United States power in crisis.

The opening sentences of the article are:

American history hangs in the balance. The way the balance will swing depends upon whether Hitler crushes England or comes to grief against the white cliffs of Dover.

Mr. Simms then goes on to tell of a very recent trip of some 15,000 miles which took him south of the Caribbean Sea, almost to Cape Horn. In the article he tells of dangers and dangerous conditions which he himself found in South America. Then he closes with a significant conversation which took place between him and an Argentinian. This Argentinian had said:

If Germany wins, she will dominate Europe. There will be no balance of power and probably no British Fleet to stand between us—

Meaning the Western Hemisphere, the Americas—

and whatever unscrupulous nations might wish to expand in our direction. With nothing to fear from a down-and-out England and France—or from Russia, whose chief desire of the moment is to see the United States and Japan in a war so she can gobble up the pieces—what's to keep Hitler from crossing the Atlantic?

Mr. Simms' answer was that Uncle Sam's Navy might keep him from crossing. Then the Argentinian said:

And leave Hawaii, the Philippines, your rubber and tin routes to the East Indies, and the Pacific approaches to Panama Canal unguarded? Have you any guaranty that Japan won't strike the moment you mix with Germany in the Atlantic?

The dictators have a way of striking without warning. That is one of the lessons of the past year.

The "blitzkrieg," the hurricane of death, the storm of destruction overnight without warning, which comes from the dictator nations.

Mr. Simms closes his article with these significant words:

It may surprise you—

That is, it may surprise us in the United States—

and hurt your pride to hear this, but South Americans seem to doubt our ability to cope with the totalitarian world now aborning. * * * They are waiting to see which way the cat is going to jump.

Of course, the South Americans were told before the Habana Conference—and they are no doubt being told by their "fifth columnists" and by the representatives of foreign governments in South America today—that the whole purpose and object of the United States in its efforts at the Habana Conference was to have the South American republics committed to fight for the protection and security of the United States. If we adopt the pending amendment, they will be taunted with the statement that the Congress of the United States suggested the Habana compact, proclaiming allegiance to the Monroe Doctrine, and then proceeded to write into the law a limitation prohibiting the great reserve components of the Army of the United States from protecting or defending the Monroe Doctrine.

What would be the effect of such a situation on the South American people? We declare that we are for the Monroe Doctrine, and after we persuade the other nations to join us in that declaration and in a mutual covenant to defend and support it we say that we will not allow a large part of our Army and trained forces to be used to defend that doctrine.

What would be the effect of the pending amendment so far as the dictator nations of Europe are concerned? We can imagine the smirking smile which will come to the faces of some of the dictators when they read—which I hope to heaven they will never do—that this amendment has been put in the joint resolution. What will they say? "It is the same old story of the democracies. They have not the will or the purpose to defend themselves. The Congress of the United States is doing the same thing that all the parliamentary bodies of the democracies of Europe did before they went to their deaths and their people went to slavery at our hands. They are dawdling. They are delaying. They are bungling. They have not the courage, the will, or the purpose to recognize the threat and to meet it, and to go forward in a way as to build their arms and to insure their defense."

The failure of the democracies of Europe lay in the fact that the people and the representatives of those people in their parliamentary bodies failed to recognize the magnitude of the task which lay before them. Those people were too short of vision to combine their strength while they were free people, that they might continue to be free.

This is the challenge, Mr. President, which the pending amendment presents to the Senate today. Shall we go forward with high resolution and determination and build our defenses as we should if we are to meet the threat? We cannot prepare half-heartedly. We cannot prepare delicately. The only way we can prepare is with all our heart, all our mind, and all our soul. Surely the best, if not the only, guaranty we have of peace for our country is to build our arms so strong that, as Secretary Hull suggests, no nation will dare to attack us.

I said in the beginning that I feared that if this amendment were adopted the hour would come when we should rue its adoption as much and possibly far more than we rue the fact that the Senate did not pass the resolution for the repeal of the arms embargo when the President and the Secretary of State were begging us and urging us to pass it. I can think of nothing at this time which might be more inviting of distress and danger for our country than the adoption of this amendment. I hope it will be voted down and that by its rejection the Senate will again serve notice on all the world that we propose to defend the Monroe Doctrine, and that we intend to go forward as speedily and effectively as possible in preparing to defend that doctrine.

Mr. GILLETTE. Mr. President, I sat in my seat and listened with much pleasure and profit to the able presentation made by the Senator from Alabama [Mr. HILL]. I am in

accord with almost every word he said; but I am not in accord with some of his conclusions.

Having stated my attitude toward this proposed legislation day before yesterday, at this time I should not intrude and impose my voice on the Senate were it not for the fact that statements have been made in the debate which I feel should not be left unchallenged, and which, I am sorry to say, in my humble opinion, show some misconception as to the proposal before us in its purpose and import.

I do not presume, nor have I the temerity, to attempt to argue with the able constitutional lawyers of the Senate the constitutional questions which have presented themselves here; but, Mr. President, while I cannot build a road, while I cannot discuss civil engineering or construction engineering I can see the road when it is built, and I think I can see the road on which this proposed legislation is taking us. So I do not want this debate to close without the RECORD showing the problems and the questions that are before us to be determined by the vote of the Senate at 4 o'clock this afternoon, so far as the action of this body is concerned.

I desire to start where the able junior Senator from Texas [Mr. CONNALLY] started yesterday. I will not stop, however, where he stopped. I desire to start with the Constitution of the United States and the powers that it confers upon the Congress with reference to the national defense. I will do so as briefly as possible. I am aware that I shall cover ground that has been covered before, but, in order to point to the conclusion which I have reached, I must refer to it again.

The Constitution of the United States clothes the Congress with the power to provide for the common defense, to declare war, to raise and support armies, to provide and maintain a navy, to make rules for the government and regulation of the land and naval forces, to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions. It also clothes Congress with the power—

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

The junior Senator from Texas turned to the provision of the Constitution which clothes the President with the power of being Commander in Chief.

The President shall be Commander in Chief of the Army and Navy of the United States—

Does it stop there? No—

and of the militia of the several States, when called into the actual service of the United States.

He becomes Commander in Chief of the militia when they are called into the actual service of the United States.

The able majority leader this morning, in his prefatory remarks called attention to a provision of law which, under authority conferred by the Constitution, the Congress has enacted.

The Army of the United States—

That is the first thing—

The Army of the United States shall consist of the Regular Army—

It formerly read this way:

The Regular Army, the National Guard while in the service of the United States, the Officers' Reserve Corps, and the Organized Reserves.

But in 1920 the words "National Guard of the United States" were added. Those components constitute the Army of the United States. For peacetime purposes the Army of the United States is composed of—

The Regular Army, the National Guard, the Organized Reserves * * * necessary to form the basis for a complete and immediate mobilization for the national defense in the event of a national emergency declared by Congress.

The Regular Army of the United States can be called into service by the President of the United States for foreign service. The militia of the United States, which, of course, is divided, as has been said over and over again, into the unorganized militia, composed of men between certain ages and with certain other qualifications, the Organized Militia and the National Guard of the United States. Often they comprise the same component units, but not necessarily so. Congress has drawn the distinction.

The question was raised before the Supreme Court at the time of the draft: Does not the limitation placed in the Constitution, which gives the power to Congress to provide for calling out the militia only in the three specified instances, preclude and prevent the enactment of a conscription law which will call them into the foreign service in time of war? The United States district court in Delaware discussed the matter very fully in the case of *United States* v. *Stephens* (245 Fed. Reporter), and this is a brief statement:

Congress under the power given by the Constitution (art. I, sec. 8) to declare war, raise armies, and do all things necessary and proper for execution of that power, can by conscription organize the militia of the United States, as defined by the National Defense Act, June 3, 1916, for foreign warfare, as done by the Selective Draft Act of May 18, 1917; and the power given by such section of the Constitution to provide for calling forth the militia to execute the laws of the Union in the three instances specified in the Constitution relate only to the Organized State Militia as such.

In discussing that question, in its opinion, the Court said:

The power of Congress to raise armies, like the power to declare war, is unconditional, unqualified, and absolute, and Congress is the exclusive judge of the necessity for the exercise of the power and of the means and manner prescribed by it for its exercise. The constitutional provisions relating to the militia manifestly apply to State militia in contradistinction to the militia of the United States.

Let me go back to an earlier statement in the opinion where the Court said:

It is not denied, but conceded, that the Regular Army as constituting part of the permanent Military Establishment of the United States may be compelled to render military service abroad.

The Court said there is no question of that.

The provisions of the Constitution relating to the militia having application only to the Organized State Militia, it does not follow—

Listen to this—

it does not follow, from the lack of power in Congress to send such militia—

That is, the Organized State Militia—

to fight in a foreign country, that Congress has not the power to organize the militia of the United States and send it to any part of the globe deemed best for the conduct of military operations.

The Congress in the Defense Act made another provision. They redefined what the militia is, and provided—

That whenever the United States is invaded or in danger of invasion from any foreign nation, or of rebellion—

Repeating the language, of course, of the Constitution—

against the authority of the Government of the United States, or the President is unable with the regular forces at his command to execute the laws of the Union, it shall be lawful for the President to call forth such number of the militia of the State or of the States or Territories or of the District of Columbia as he may deem necessary to repel such invasion, suppress such rebellion, or to enable him to execute such laws.

And so forth.

I quote further:

That whenever the President calls forth the Organized Militia of any State, Territory, or of the District of Columbia * * * he may specify in his call the period for which such service is required, and the militia so called shall continue to serve during the term so specified, either within or without the United States.

That is, when the call is made under the constitutional powers amplified and reasserted by the Congress, the President has the power, for the specific purposes mentioned, to order the militia into the service—and the distinction was drawn by the eminent Senator from Vermont earlier in this debate.

The Supreme Court, in a decision in Thirty-third United States, said:

Whenever the United States is invaded or in danger of invasion by any foreign nation or rebellion against the authority of the United States, and the President is unable, with the regular forces, to execute the laws of the United States, we are all of the opinion—

The Court said—

we are all of the opinion that the authority to decide whether the exigency as arisen belongs exclusively to the President and that his decision is conclusive on any other person.

With the constitutional provision reasserted in the statute, when those conditions arise and we have, following our constitutional duty, said under what conditions that call can be exercised, and it is left to the discretion of the President, then we cannot question it. He has the right for those purposes to call them in, as the statute says, within or without the jurisdiction of the United States; and he can use the Regular Army, he can use the Marine Corps, he can use the Navy for national defense. But we are dealing in this particular case with another element entirely.

We added to the statute a separate category, the National Guard of the United States; we specified what constituted the National Guard of the United States; and we provided by statutory enactment the conditions under which they may be ordered into the service. This is outside of the call of the militia under the constitutional provision. This is outside of the right of the President as Commander in Chief of the Army and Navy. It is a statutory provision under which we definitely lay down the conditions under which the National Guard of the United States may be ordered into the service of the United States.

What are those conditions? When shall they be called? When Congress shall have declared a national emergency to exist, and shall have authorized the use of troops over and above the Regular Army. That is when they may be called.

Where shall they be called to serve? They may be ordered into the military service of the United States "to serve therein." How long? For the period of the war or emergency.

In the case of the unorganized militia, which the President under the decision of the Supreme Court may now organize into an army, and in the case of the Organized State Militia which he may call out, he states the time for which they are called. No man may be compelled to serve for longer than the term of his enlistment, excepting that when he is called out under that authority of the Constitution, when the President has called out the State militia, he may extend the time 6 months. Under this provision for ordering out the National Guard of the United States—not calling it out under the constitutional provision, but ordering it out under the statute in which we lay down the conditions under which it may be ordered out, when we say an emergency exists, to serve the United States therein for the period of emergency—what about these men who are enlisted for a year and have another 30 days to run, if this joint resolution is passed? Under the law, even if this joint resolution is passed, could they be ordered to serve for 12 months, in the face of the provision which limits their service definitely to the expiration of their enlistment?

But, leaving that aside, we are asked by some not to take such a position that our action will have an unfortunate psychological effect on South America or Central America or anywhere else in the world, because the power exists under the Constitution and the statutes to order out certain parts of our defense forces and use them as the President sees fit, and under that constitutional authority he is the sole judge as to the use of certain troops, the marines, the Regular Army, the Organized Militia of the States. The point with me, and the one I have tried to present here, is that I want first to preserve, as the Senator from Colorado I am sure wants to preserve and I am sure every Senator wants to preserve in the Congress of the United States, where the Constitution has placed it, and where the present statutes place it, the right to declare an emergency.

As a side light on that subject, may I refer to the history of this legislation? Let me give one excerpt.

The President sent to Congress a message from which I will quote. Gen. George C. Marshall, Chief of Staff, on July 30, 1940, declared it to be "urgently necessary that at least a portion of the National Guard be ordered to active duty and recruited up to full strength and seasoned and trained as rapidly as possible"; and the Constitution placed that training in the hands of the States under the discipline laid down by the Congress. On July 29, 1940, the President sent up the following communication:

I am therefore transmitting herewith legislation that, if enacted, will enable me to order the National Guard of the United States to active service for such period of intensive training as may be necessary to raise its efficiency to a point comparable with that of our small Regular Establishment.

On May 31, 1940, the President sent to Congress a message in which he urged—

That before adjournment this Congress grant me the authority to call into active service such portion of the National Guard as may be deemed necessary to maintain our position of neutrality and to safeguard the national defense.

Following that message, on June 3, Representative MAY, chairman of the House Committee on Military Affairs, introduced House Joint Resolution 555. In its original form, it provided:

That if, at any time prior to the convening of the Seventy-seventh Congress, the present Congress is not in session and, in the opinion of the President, a national emergency arises requiring the use of troops in excess of those of the Regular Army, the President be, and is hereby, authorized to use any or all reserve components of the Army of the United States and retired personnel of the Regular Army to such extent and in such manner as he may deem necessary for the proper observance, safeguarding, and enforcement of the neutrality of the United States, and for the strengthening of the national defense.

By that joint resolution it was proposed if during a time when the Congress was not in session a certain contingency should develop, that the President should be clothed with certain power; but that has been entirely dropped. As I said the other day, there is not one word in the pending measure, from start to finish, relative to training. We are repealing the provisions to which I have referred, and are clothing the President, without any further action on the part of the Congress, with the right to order these men into the active military service of the United States, and, as the measure now stands, anywhere in the Western Hemisphere or the possessions of the United States, including the Philippine Islands.

What for? For training? Oh, no; not for training. For active military service to such extent, with or without their consent—and that meets the decision of the Supreme Court—and in such manner as the President may deem necessary, for the strengthening of the national defense.

Nothing is said about training. Any man who has had anything to do with National Guard service knows that these units can be trained under the provision the Constitution has imposed on the States, according to the discipline which the Congress is authorized to prescribe. But, aside from the question of policy or advisability, there are differences of opinion as to that. I can understand such differences of opinion, but I cannot understand the proposed unfairness to these men. Every one of them signed an enlistment blank, and if I wanted to impose on the Senate I would read the oath they take. Under the conditions prescribed by law they were ready and are ready to go into the Federal service, to be ordered in when the Congress of the United States declares an emergency and declares that it is necessary to use additional troops. Under the limitations laid down, they are ready to go in; but those men sacrifice themselves. They sacrifice their business, they sacrifice their social conveniences in the local communities, and they give freely of themselves, month in and month out, in this service. Now, by this proposed legislation, even if it were wise and justified as a matter of policy, we are imposing on these men duties and obligations which do not pertain to their neighbors next door who have taken no steps along this line.

The PRESIDING OFFICER. The Senator's time on the amendment has expired.

Mr. GILLETTE. I shall not even use my time on the joint resolution, except to close, Mr. President.

As I have said, I am covering the same ground that has been already covered here; but to me this proposal is manifestly unfair. To me there is not a shadow of justification for it. My colleagues argue speciously and with sophistry that we must not create such a situation as will be notification to the world that we are not ready to back up the superb work of Secretary Hull and his assistants, in connection with the other representatives of the pan-American republics, at Habana. Nothing can be further from the case. Nothing can be more unfair than that. My colleagues, I say that, while I know they intend no unfairness, nothing can be more unfair than that. We are ready to go. We are ready to take any step that is necessary to maintain that declaration of principle; and I, for one, urged it. I visited the State Department and urged, with my poor power, such steps as have been taken, and we are ready to back them up; but those who advocate this proposal are doing two things. They are proposing that we abdicate our power and confer on the President of the United States full power to go far beyond the present law, and order these men anywhere he sees fit, within the limitations of the joint resolution, not for training but for such purposes as he sees fit. Perhaps other Senators want to do it. If so, very well. I do not. But, over and beyond that, those who favor such action are imposing on a group of the most patriotic and finest young men the country affords, both in the National Guard of the United States and in the Reserve Corps, obligations which they are not imposing on the other citizens of the United States.

It is all very well to say, "We have adopted a policy under which we are urging these men to leave the service." They have no inherent right to leave until their resignations are accepted; and, as I said the other day in answer to an inquiry from the distinguished Senator from Colorado, the American boy does not live who is worthy the name of American manhood who will sign his name to an enlistment blank and aline himself with a local organization and go into training under the rules laid down, and, when the time comes that there is a call in the face of possible danger, hand in his resignation. He will not do it. American manhood is made of finer stuff.

Because of these two considerations, Mr. President, I find myself unable to support the proposal. I shall support the amendment offered, and I hope it will be adopted; but whether it is adopted or not, I shall vote against the pending joint resolution.

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. GILLETTE. I yield.

Mr. ADAMS. I want to make an observation and see whether or not the Senator concurs. As I understand, the Senator is standing firmly on the provisions of our Federal Constitution.

Mr. GILLETTE. Absolutely.

Mr. ADAMS. That Constitution was drafted by men who were students of history, students of government, who were cognizant of the things which had happened in turbulent times, in critical times, and who sought to put into the hands of the Congress the war power. They did not mean to make a distinction, to say that Congress should merely have the power to declare war, while the Executive had the power to make war. They, representing the people, representing the boys who would have to fight any war, meant, did they not, to put into the hands of Congress the power to decide whether or not war should be made?

Mr. GILLETTE. The Senator is absolutely correct; and in addition to taking that position, they wrote it into the Constitution of the United States, and it has been so interpreted by the courts.

Mr. AUSTIN. Mr. President, I hold a different opinion from that of the distinguished Senator from Iowa [Mr. GILLETTE] and that of the author of the amendment, the Senator from Colorado [Mr. ADAMS], in the first place, about the contract into which every member of these reserve components has entered and about the question of equity. The charge was made a moment ago of unfairness to these men, and a similar charge was made yesterday by the author of the amendment in the following language—I read from page 9991 of the CONGRESSIONAL RECORD:

> I will say to the Senator from Michigan—and this is the last thing I shall have to say—that I cannot comprehend the Congress of the United States being willing to entrust to anybody the power to send outside the domain presided over by the Congress and the President boys who enlisted in the National Guard from patriotic motives, motives of State loyalty.

Later on he said:

> We are drafting a new law in reference to carrying these particular men into service, and we are putting into the law as it stands authority to take them anywhere in the Western Hemisphere. I think it is fairly open to implication that in peacetime the Regular Army may not be sent out of the jurisdiction of the United States.

Mr. President, let the contract be considered. Here is the oath of the National Guard man of the United States. I read from page 95 of the pamphlet entitled "The National Defense Act:"

> I do hereby acknowledge to have voluntarily enlisted this _____ day of _____, 19__, as a soldier in the National Guard of the United States and of the State of _____, for the period of 3 (or 1) year__, under the conditions prescribed by law, unless sooner discharged by proper authority. And I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the State of _____, and that I will serve them honestly and faithfully against all their enemies whomsoever, and that I will obey the orders of the President of the United States and of the Governor of the State of _____, and of the officers appointed over me according to law and the rules and Articles of War.

Mr. President, I have before me at least one decision of a district court of the United States, one decision of a circuit court of appeals of the United States, and one decision of the Supreme Court of the United States, dealing with the relationship of the member of the National Guard of the United States to his country under that contract. In effect it is held that he is a part of the Army of the United States, and, as such, enjoys the same rights and is under the same obligations as every other man in the Army of the United States, whether he is a member of the standing Army, whether he is a member of the Organized Reserves, or whether he is a member of the National Guard of the United States. Every one of them, under the law, until this joint resolution shall be enacted, is bound by his contract and his oath to the same degree and to the same obligation to serve on foreign soil if ordered to do so.

What the amendment as it stands, and before it shall be amended, does is to place a limitation upon that obligation. The joint resolution does not do what the distinguished author of the pending amendment says, that is, "We are putting into the law as it stands authority to take them anywhere in the Western Hemisphere."

It is exactly the opposite of that. Under the law they can be taken anywhere in the Western Hemisphere unless discrimination in their favor is made by this joint resolution. The joint resolution would create a new status which does not exist under the law for members of the National Guard of the United States and other reserve components of the Army of the United States. They would be protected against being sent everywhere else in the world where every other member of the Army of the United States can be sent. So far as I am acquainted with National Guard members—and I think I have quite a close personal acquaintance with many of them—they are not asking for this discrimination, and they will not like it if it is forced upon them.

Mr. BARKLEY. Mr. President, the Senator referred to the joint resolution. He means the amendment now pending, if adopted, would do that?

Mr. AUSTIN. The amendment now pending if adopted would do that, and the joint resolution now pending does discriminate, for as to that part of the Army of the United States it is a limitation, and provides that the members shall not do something. It is not an extension of authority.

Mr. LEE. Mr. President, would not the Senator prefer, then, to have that limitation removed from the committee's joint resolution?

Mr. AUSTIN. I would.

Mr. LEE. So would I. I agree with what the Senator says.

Mr. AUSTIN. Mr. President, I do not wish to detain the Senate long, but I desire to call attention to a short extract from each of the three decisions to which I have referred, showing that the enlistment of every one of these members of the National Guard of the United States contemplates service on foreign soil. By their oaths they undertake to perform according to the law of the United States, and the decision I have in my hand was a part of the law of the United States to which they obligated themselves.

The first case to which I refer was decided November 13, 1917, in the United States District Court of the District of Delaware, United States against Stephens, reported in 245 Federal Reporter 956. I shall read a part from page 959, as follows:

It is not denied, but conceded, that the Regular Army as constituting part of the permanent Military Establishment of the United States may be compelled to render military service abroad. But it is asserted that this obligation results from the fact that the soldiers of the Regular Army in their contract of enlistment consent to such service, and that without such consent they could not constitutionally be sent abroad to take part in the war. In other words, it is contended that, however exigent the demand for military operations on a large scale in Europe, however inadequate the Regular Army to conduct those operations, the Government is powerless in this dire struggle between democracy and a powerful autocracy practicing the atrocities of barbarism and threatening the freedom of the world to compel anyone not belonging to the permanent military forces of the Nation, to fight for this country in the only place where, perchance, his efforts may be of avail. Were such the case, the American Nation would present a pitiable spectacle of emasculated sovereignty. But I regard the contention as utterly unsound. The fundamental right of self-preservation forbids any construction of the Constitution so limiting powers of Congress essential to continued national existence.

I omit part of the page and come down to this——

Mr. WILEY. What judge rendered that opinion?

Mr. AUSTIN. It was rendered by Judge Bradford. I continue to read:

The provisions of the Constitution relating to the militia having application only to the organized State militia, it does not follow, from the lack of power in Congress to send such militia to fight in a foreign country, that Congress has not power to organize the militia of the United States and send it to any part of the globe deemed best for the conduct of military operation. There is no necessary or logical connection between the two propositions. The militia of the United States, as defined in the act of June 3, 1916, is sufficiently inclusive to embrace most, if not all, of the individuals composing the militia, organized or unorganized, of the several States. But should they, by conscription, be drafted into an army destined for foreign parts they would necessarily lose the character of organized State militia, and the implied constitutional inhibition against calling out the organized State militia except to "execute the laws of the Union, suppress insurrection, and repel invasion" would cease to apply.

There is more, and I ask unanimous consent to have the remainder of the paragraph and another paragraph inserted in the RECORD at this point.

The PRESIDING OFFICER (Mr. BROWN in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

The power of Congress to declare war and raise armies is absolute and paramount, and must be recognized, even if the exercise of the power interferes with the organization of the State militia in such manner as to leave no subject to which the inhibition can apply. That power infinitely transcends, in importance, the retention of organization of State militia with the result that it can be used for no useful purpose, except the accomplishment of the three specified objects within or substantially within the national domain.

* * * * * * *

I am satisfied that Congress under the power to declare war, to raise armies, and do all things necessary and proper for the execution of that power, has full constitutional authority by conscription to organize the militia of the United States for foreign warfare, and, as incident to the exercise of that authority, to provide for and enforce the registration of those liable to service. Further, it does not appear that the army the Government is engaged in raising may not be used to "execute the laws of the Union, suppress insurrections, and repel invasions," as well as to serve abroad; and it is not denied that for the former purposes the militia of the United States may be compelled to register and render military service.

Mr. AUSTIN. That is a part of the contract of every man who took that oath to his country.

Here is another part of it. This is in a decision of the Circuit Court of Appeals of the First Circuit, Aldrich delivering the opinion of the court. There was a dissenting opinion by Putnam. The title of the case is Sweetser against Emerson. It is reported in Two Hundred and Thirty-sixth Federal Reports, page 161. I am reading now from page 166:

Under the theory of ample Federal constitutional power through Congress to organize, reorganize, and discipline the organized militia of the States, and upon the theory of adequate means of segregation under the provisions of the National Defense Act of June 3, 1916, through military orders, there are no obvious reasons for not merging those who voluntarily elect to enter upon the broader and longer service into units of the National Guard for service both within and beyond the national boundaries; and under the same theory we see no reason why those who elect not to enter upon the broader and longer service, but must serve the term for which they enlisted, may not be lawfully merged into designated military units for service in the narrower field contemplated by the original enlistment within the boundaries, and for the purpose of protecting the national borders from invasions and of suppressing insurrection.

Mr. President, there are several other paragraphs dealing with service abroad by the National Guard of the United States. I ask unanimous consent to have them inserted in the RECORD at this point without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

There is no occasion to go much into the history of the earlier discussions as to what constitute the primary militia, as distinct from the organized militia, or much into the earlier controversies as to the power of the President to use the organized State militia as a Federal military force, because, as stated by the learned judge of the district court, and indeed as conceded, unless existing obligations were dissolved by the act of Congress of 1916, the petitioner was bound under his engagement of service to respond to the call of the President and render service when needed to suppress insurrections within the national domain, or to repel invasions.

* * * * * * *

No question being made here against the idea that the organized militia and the National Guard of the States, under laws and obligations existing prior to June 3, 1916, might be invoked by the President as a military force for certain Federal purposes within the national domain, we have no occasion to refer to that aspect of Government military strength further than to refer to the power as something which had existence as a Government force, to be called out by the President through the Governors of States, and used under military orders in such fields as the prior laws and the nature of the engagement for service contemplated.

Obviously, the National Guard, as distinctively classified and standardized, is intended to be a constituent part of the broader organization known as the Army of the United States; but that being so by no means necessarily carries with it the idea that the organized militia and National Guard of the several States may not be distinctively recognized as military forces to be mobilized under constitutional military orders, regulations, and designations, and, being organized into military units for the unexpired term, may not be utilized for defending the national bounds and for suppressing insurrection within.

* * * * * * *

The act of 1916, being one for national defense, and one for more effectual provisions to that end, and Congress, upon its passage, being under the weight of well-known existing conditions of foreign menace, and in the presence of a recent invasion by an organized military body of armed men from a foreign country, the view is an impossible one that Congress intended to make it optional with the whole, or any substantial part, of the organized military force of the States, under obligation to aid the Federal Government in repelling invasion and suppressing insurrection, to march or not, at will, in furtherance of the duty which they had previously assumed, and for which they had been maintained in part by the Government making the emergency call for help.

* * * * * * *

It is our conclusion that the so-called National Defense Act of 1916 was intended to give greater efficiency and effectiveness to the Federal military force, through classification and standardization under military regulations and orders based upon existing rights and obligations, rather than one intended to operate to the end that members of the organized militia, and of the National Guard of the States, who do not see fit to voluntarily enlist for a longer term and assume the broader obligations which might require them to go beyond the national bounds, should be absolved from the duty of responding to the emergency call of the

President and the mobilization orders of the Governor in discharge of the obligations into which they had entered, and from the narrower service which they had already assumed under existing laws, that of serving a specified term within the national domain under the lawful orders of the President.

It results, therefore, that when the petitioner had elected not to enlist for the longer term and for the broader service, though not recognized as distinctively a member of the National Guard, that he was still in the service for the Federal purposes contemplated at the time he enlisted in the Massachusetts militia and took the oath to obey all laws and regulations for the government of the volunteer militia of the Commonwealth, to obey the orders of all officers, and support the Constitution of the United States.

The petitioner being in service for such Federal purposes, he was not entitled to be discharged upon habeas corpus.

Mr. AUSTIN. The Supreme Court of the United States in dealing with this subject, referred to the background of this commonplace rule and understanding and contract. At page 378 of Two Hundred and Forty-fifth United States Reports, Chief Justice White, rendering the opinion in the Selective Draft Law Cases, said this:

It may not be doubted that the very conception of a just government and its duty to the citizen includes the reciprocal obligation of the citizen to render military service in case of need and the right to compel it.

And, on the next page, he points out one of the roots of this obligation, of the principle I have just read. I read:

So also it is wholly unnecessary to explore the situation for the purpose of fixing the sources whence in England it came to be understood that the citizen or the force organized from the militia as such could not without their consent be compelled to render service in a foreign country, since there is no room to contend that such principle ever rested upon any challenge of the right of Parliament to impose compulsory duty upon the citizen to perform military duty wherever the public exigency exacted, whether at home or abroad. This is exemplified by the present English Service Act.

I ask unanimous consent that other paragraphs in this opinion, which I have marked, may be printed in the RECORD at this point.

There being no objection, the matter referred to was ordered to be printed in the RECORD as follows:

The act proposed to raise a national army, first, by increasing the regular force to its maximum strength and there maintaining it; second, by incorporating into such army the members of the National Guard and National Guard Reserve already in the service of the United States (Act of Congress of June 3, 1916, c. 134, 39 Stat. 211) and maintaining their organizations to their full strength; * * * It may not be doubted that the very conception of a just government and its duty to the citizen includes the reciprocal obligation of the citizen to render military service in case of need and the right to compel it. * * * Because the power of Congress to raise armies was not required to be exerted to its full limit but only as in the discretion of Congress it was deemed the public interest required, furnishes no ground for supposing that the complete power was lost by its partial exertion. Because, moreover, the power granted to Congress to raise armies in its potentiality was susceptible of narrowing the area over which the militia clause operated, affords no ground for confounding the two areas which were distinct and separate to the end of confusing both the powers and thus weakening or destroying both.

Mr. AUSTIN. That was the law to which every member of the National Guard of the United States subscribed. It was a part of his obligation and his contract. As I have already said in answer to a question by the Senator from Oklahoma, I should prefer not to start out at this time with a proviso that discriminates in favor of any part of the Army of the United States. I visualize this proposed legislation as a part of the great effort that we owe to society to provide for national defense, not merely to obtain temporary immunity from war at this moment, but having in view the future, Mr. President, which rational men ought not to omit to consider at this instant.

I regard this piece of legislation a necessary part of legislation which is to come and that which has been already passed with reference to setting up such a force, such a military and naval establishment in the United States, that no nation will dare to attack the United States or to attack her rights. I say, Mr. President, that when it comes to meeting, as we are meeting and will all the more meet from day to day, the world revolution which has overthrown the republics of Europe, our voice as a leader of thought in the world, our voice as the only great Nation which still holds aloft the torch of liberty, will have some sanction behind it.

Mr. CHANDLER. Mr. President, will the Senator yield to me for a question?

Mr. AUSTIN. Yes.

Mr. CHANDLER. Does not the Senator distinguish between a situation where we are called upon by the President of the United States to get the National Guard into the Federal service for the purpose of training, and another situation where we are in danger of going to war or being invaded? I have a feeling that there is enough territory possessed by the United States of America to train our soldiers of all branches of the service. I do not recall that any nation, even any of the aggressor nations, has used the territory of some other country to train its soldiers before they ever faced an emergency.

Mr. AUSTIN. Mr. President, I would answer that question in the affirmative. But let me make this reservation: I regard the situation as one of extreme peril. I do not know what moment there will be an explosion in this hemisphere which cannot help but affect our country. Are we going to paralyze the sovereignty of this country simply because we are unwilling to trust the President of the United States and Commander in Chief of the Army to exercise the authority contained in this proposed act? It is an act which gives added authority to the President over what he has by any other law. It says to him, "Now, without waiting for a declaration of an emergency by Congress, and without waiting for Congress to say to you that it knows the standing Army is inadequate for the purposes, you may go ahead and use the Reserve components of the Army of the United States, if necessary."

I do not expect he is going to send any of them into a foreign land unless there is cause for it.

The PRESIDING OFFICER. The time of the Senator from Vermont has expired.

Mr. AUSTIN. May I take some time further on the joint resolution?

The PRESIDING OFFICER. The Senator is recognized for that purpose.

Mr. AUSTIN. Of course, the President is not going to war without cause. What man would do such a thing? He is not going to send Reserve components of the Army of the United States into a foreign land unless it is necessary to do so. Some one must have authority to do so instantly, without calling into session the Congress of the United States. Who should have that authority? Under our Constitution, the officer in whom it is exclusively vested should have it. I am not for one part of the Constitution while kicking another part of it. I am for it all.

Mr. CHANDLER. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. CHANDLER. I know the Senator will agree with me when I say that if the emergency were acute, the National Guard of the United States and of the several States is now in no position to perform any service. The President would be compelled to call upon the Regular Army, the air force, and the Navy.

When the call is for training, I cannot bring myself to the position of saying that we may not train the National Guard of the United States in the United States. I want to train them as thoroughly and as speedily as possible.

Mr. AUSTIN. Mr. President, I can say "Yes" again. The Senator's statements are perfectly correct. If that were all there were to the joint resolution, we could stand together. All we need to do by the joint resolution is to authorize the President to call out the Reserve components of the Army for the purpose of training. We can do it. We have the authority to do it.

Mr. CHANDLER. That is what was asked for.

Mr. AUSTIN. But that is not what we are doing. We are doing much more than that. We are calling them out with such power in the President that they may be used in the service if necessary. That is the idea.

Mr. CHANDLER. I do not lack confidence in the President. I do not feel that the President would abuse the authority; but I am unable to bring myself to subscribe to the view held by some of my colleagues that we must necessarily be swept off our feet if any portion of the Western Hemisphere is molested. If such portions of the Western Hemisphere are molested as place in danger the rights and property of the people of the United States—that is, if they are close enough to warrant our becoming involved in trouble—then I should say, all right; but we are asked to approve a proposal to train.

Mr. AUSTIN. And more, too.

Mr. CHANDLER. I hold the view that we have enough territory in the United States and its possessions adequately to train the National Guard of the United States. Congress will remain in session. If an emergency should arise which it is beyond the power of the forces which the President has at his command to meet, I should join the Senator if there were danger; but I cannot bring myself to the position of disagreeing to the amendment offered by the Senator from Colorado, which provides for calling the National Guard for training in the United States and its possessions.

It seems to me to be a simple proposal. We are to train the National Guard in the United States and its possessions. We are not going to hunt war; we are not going to hunt trouble. I am anxious to protect the Monroe Doctrine; but, the way it has spread out, it goes too far for me. It has been extended so far that not only is it not practicable to enforce it, but it is absolutely impossible.

Mr. AUSTIN. Mr. President, I think the comment about the Monroe Doctrine is justified. We do much talking, but little acting. The Monroe Doctrine is not inflexible. It does not require the United States to intervene if one country transfers land to another country, or even if the dangerous thing which the Monroe Doctrine expressly speaks about occurs, and an attempt is made by a totalitarian power to plant its doctrines in this hemisphere. We have not promised by the Monroe Doctrine to intervene even in that case. All we have said is that such circumstances may be a cause for our intervention. We are in the attitude which America, thank God, has always maintained in her international relations, with her hands free and unfettered, free to adapt her action with reference to her neighboring nations to the known circumstances and dangers. I want to have America always free. That is why I strenuously object to tying her hands either by a permanent treaty or by a restrictive statute.

Mr. CHANDLER. Does not the Senator agree that Trinidad, for example, might well change hands, and that we might be just as well off with Trinidad in the hands of some other power than the one which now holds it? We should not become so excited as to feel that we must go to war because we are obligated generally on the theory that the Monroe Doctrine binds us to the proposition that we do not like colonization of possessions in this hemisphere, and that we will not stand for it.

Some other power, which might not be any more unfriendly than the power which now has Trinidad, might take it. If that were the case, we might let the other power have it and not say a word about it.

I think we should attend to our own business so far as we can, and keep other nations from taking possessions which are near enough to us to cause us possible trouble and harm.

Mr. AUSTIN. To answer the Senator, it would make all the difference in the world with me what the circumstances of the taking of Trinidad were. If Trinidad and other insular possessions now owned and held by countries which are friendly to the United States were to be taken by a victor who is unfriendly to us, who has already commenced the attack on us and on the Western Hemisphere, I should favor putting a stop to it. I should favor absolutely preventing it. I want to see the United States strong enough so that if Germany wins she will not try to take Trinidad or any other insular possession within striking distance of the Western Hemisphere.

Mr. CHANDLER. I agree with the Senator that if any power should, by taking Trinidad or some other possession, thereby create a danger to us, we should be strong enough to resist.

Mr. AUSTIN. Exactly.

Mr. CHANDLER. If trouble comes, then it were well that it come quickly. I agree with that; but we do much talking about how far we shall go. I am not so certain that we are always right in agreeing to go further than we would actually go unless we were placed in danger by the action.

Mr. AUSTIN. I lock hands with the Senator on that statement. Let us not commit ourselves in our foreign relations to such an extent that we cannot strike with all our might when it becomes necessary to do so.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. WHEELER. I am sure the Senator is familiar with the draft law which was passed in Canada a short time ago.

Mr. AUSTIN. No; I have never read it.

Mr. WHEELER. My information is—I am not sure about it, but I have it from a reliable source—that when Canada passed the draft law, it provided that the men should be used only in Canada for home defense. It seems to me we are going much further than did Canada.

I know the Senator is in favor of conscription. I wish to call his attention to the fact that in the last war, even when the British Empire was at war, along about 1916 or 1917, Australia actually took a vote on the question. All the newspapers in Australia were in favor of the draft law. However, the question was submitted to a referendum, and the people of Australia turned down the proposal.

Mr. AUSTIN. That is hardly in point.

Mr. WHEELER. It is certainly in point so far as Canada is concerned. Canada passed a law drafting men, and provided that they should not be sent beyond the borders of Canada.

Mr. GIBSON. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield to my colleague.

Mr. GIBSON. I ask the Senator if he does not think that when the National Guard and Reserve officers are called out they will then become a part of the Army of the United States?

Mr. AUSTIN. I do.

Mr. GIBSON. After they have become a part of the Army of the United States, can Congress in any way command them?

Mr. AUSTIN. It cannot.

Mr. GIBSON. Then, how can the Congress say to the President of the United States, "You may use part of your Army in this country and part of it overseas?" Is not that an unconstitutional infringement of the power of the Commander in Chief of our forces?

Mr. AUSTIN. That is not the way I view the joint resolution. I have looked upon it as I have looked upon the two statutes relating to calling out the militia and ordering out the militia. Congress has said, "Mr. President, you may call out the militia on condition." As I understand the joint resolution, it is proposed to say, "You may call out the militia on another and different condition." If that is a correct interpretation of it, we are not beyond our powers.

I comprehend the question asked by my colleague. It has real merit, and I admit that I have not thought it through.

Mr. GIBSON. Mr. President, will the Senator further yield?

Mr. AUSTIN. I yield.

Mr. GIBSON. It seems to me that the provision of the joint resolution limiting the service to the Western Hemisphere should not be in the joint resolution at all, because it seems to me that is an act of Congress commanding the Army, and saying that the President may not use part of the Army outside the country, or wherever he sees fit.

Mr. AUSTIN. I appreciate the observation of my colleague, and I thank him.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. BARKLEY. Reverting to the interjection of the Senator from Montana [Mr. WHEELER], I do not think the situation in Canada is apropos. I have not read the Canadian draft law, but I recall reading a few days ago that Canada is training 300,000 men for overseas duty. I do not know whether they are to be volunteers or whether they are going in under the Canadian draft law. But even if Canada had passed a law of that sort it does not in any way approximate our situation, because Canada has taken on no obligation of any sort, so far as I know, beyond her obligation to Canada and to the British Dominions, of which she is a part. Certainly she has taken on no Western Hemisphere obligation, and no obligation even to protect herself against aggression in other parts of the Americas.

I do not see the application of any Canadian law to our situation.

Mr. AUSTIN. That brings out the point I was trying to make. The cold fact is that the National Defense Act of 1916, and its subsequent amendments in 1920 and 1933, were all in effect when nearly every man who is now a member of the National Guard of the United States made his contract, and they are all a part of his contract.

Mr. BARKLEY. Absolutely. That is the position I take.

Let me ask the Senator then, referring to the colloquy with my colleague with regard to Trinidad, which, I presume, was taken merely as an example——

Mr. AUSTIN. It must have been, for there are many others.

Mr. BARKLEY. There are many other islands in that section of the world, but let us take Trinidad. It is possible, of course, that authority and jurisdiction over Trinidad might be taken over by some nation for no ulterior purpose, for its economic development, and without involving any threat against any part of the Americas; but, under the Monroe Doctrine, under our solemn resolution unanimously adopted, and the policy which we have pursued and in which we believe, would it not be our duty scrupulously to scrutinize such a transfer of authority even over Trinidad, for how can we tell, however innocently the transaction might appear at the time, whether in a year or two or in 5 years the use of that island might be devoted entirely to the establishment of an unfriendly base from which operations could be carried on against the entire Americas?

Mr. AUSTIN. Mr. President, we are on notice; we have been on notice for a long time of the aggressive, dynamic foreign policy of the totalitarian states, with world dominion as their objective, and specifically of their having entered the Western Hemisphere and organized a system of education, a system of military training, a system of depots where the exchange of commercial airplanes into military planes, could be made. We are on notice; we know all about it; and how unwise, how imprudent we would be if we did not act, and act as promptly as possible.

Mr. BARKLEY. Let me also refer to the fact that we cannot always rely on newspaper reports as being accurate, but I recently noticed in the press a dispatch to the effect that negotiations are now in progress between one of the totalitarian governments and one of its victims with reference to the transfer of the island of Martinique, which is in as dangerous position to the Americas as is Trinidad.

Mr. AUSTIN. Mr. President, I have finished.

Mr. LEE. Mr. President, I rise in opposition to the amendment of the Senator from Colorado [Mr. ADAMS]. I suppose the reason for including the provision in the joint resolution providing for the limitation of the National Guard, limiting their sphere to the Western Hemisphere, was intended as a compromise in order to quiet the fears of some that we might be planning another expeditionary force. I say I suppose that was the reason for it, but the amendment of the Senator from Colorado limiting the field in which the National Guard could be ordered to the territory of the United States is not a compromise; it is a surrender. It is a surrender of the Monroe Doctrine. In my opinion, it would deal a damaging blow to the prestige of the United States at this time. It would be an invitation to the totalitarian powers to start at once upon the establishment of military bases in South America. It would be an announcement to the world that the United States has abandoned a doctrine to which we have adhered for 150 years, a doctrine which the other nations of the world respect. But in this one amendment we would bow out and say in effect to the totalitarian powers, "The field is yours." Then the totalitarian powers would begin to move in. They would establish one base. The Nazi disease germ is like creeping paralysis. It would not be long until the continent south of the Panama Canal would be occupied by totalitarian powers. Where would that growing cancer stop? The place to stop it is before it crosses the line into the Western Hemisphere.

In 1917 the United States fought for the right of freemen to govern themselves. We still believe in that doctrine. We have, however, decided to limit the territory of our enforcement of that doctrine to the Western Hemisphere, but I am unwilling that we should retreat further, draw the line at the Mexican border, and invite the totalitarian powers to come to South America and begin there establishing their bases from which to strike at the United States.

Mr. President, we have a National Guard in the United States, and the Federal Government has spent a great amount of money on the National Guard. It is made up of the finest men to be found in the country. Today we are facing an emergency. If we are not, then, in my opinion, some Senators who do not believe we are facing an emergency convict themselves of extravagance by voting money that is unnecessary when they voted billions of dollars for national defense here without even an opposing voice, without an opposing vote. If we are not facing an emergency, there is no use for the joint resolution at all. But we are facing an emergency, and we want to give the President power to order out the National Guard.

Under the law, when the National Guard is ordered out it becomes a part of the Army of the United States. In my opinion, the amendment of the Senator from Colorado puts these men under one dispensation and the Regular Army of the United States under another.

Suppose, for example, that some of the members of the National Guard are made a part of a military organization as officers and an emergency arises because of which it is necessary for the President, as Commander in Chief of that organization, to order it to Panama; would it not be necessary, if this amendment were adopted, to remove from that organization all the men who had come into the Regular Army from the National Guard under this measure?

We would have two kinds of national armies if this amendment were adopted.

I hope the amendment will be rejected.

Mr. VANDENBERG. Mr. President, I intend to vote for the Adams amendment because it is my view that if the necessity ever arises to send the National Guard outside continental United States, it is a decision in which the Congress should specifically participate. I intend to vote for the pending joint resolution, with or without the Adams amendment, because it recognizes the traditional peacetime American method of preparing against emergencies. In other words, I shall support the joint resolution for precisely the same reason that I shall oppose peacetime conscription as a primary recourse for the first time in 150 years of American history and tradition. If and when the primary and traditional peacetime methods fail—and there is no present proof of it—then I shall join in a resort to compulsion, and I shall join when there is yet time. But it must be the last and necessary recourse, and not the first and unnecessary recourse.

Mr. President, since I am supporting the joint resolution, I desire to put into the RECORD information which seems to be essential to quiet the fears of a number of earnest citizens of the country. One of the almost constant complaints that have come to me in my mail is the fear that men who are taken into the National Army, through the National Guard or otherwise, will be deprived of their voting privilege. I think this idea is very generally held.

I have before me the George Washington Law Review for December 1939, which deals, with that subject; and for the purpose of the RECORD I want to present its conclusions upon the subject.

The Law Review says that the following general conclusions may be drawn regarding the suffrage right of the soldier and the sailor:

1. A soldier or sailor of the United States is not deprived of his right to vote by reason of his Federal employment.

There are one or two exceptions to that generalization. According to the footnotes and the text, it appears that Texas is the one State which absolutely has excluded military men from any right to the elective franchise. The Law Review reads as follows:

Texas, unlike any other State, classes soldiers, marines, and seamen with idiots, lunatics, paupers, and convicts in denying them the right to vote.

This clause in the Constitution apparently was amended in 1932 so as to allow reserves, and retired officers and enlisted men, to vote; but the footnote also says on that subject:

Members of the Texas National Guard while actively employed in the service of the United States Army, however, cannot vote.

And apparently the matter has been adjudicated in the case of *Savage* v. *Umphries* (118 S. W. 893).

There is a possible argument as to whether or not soldiers and sailors from the State of Missouri may vote. There seems to be a constitutional question which is unliquidated; but, with these two exceptions, the fundamental fact remains that a soldier or sailor of the United States is not deprived of his right to vote by reason of his Federal employment.

The second general conclusion presented is that—

His domicile is unchanged by a mere change of station of duty, even for years.

The third general conclusion is that—

He has the same right to make a change of domicile as that possessed by any other citizen.

The fourth generalization is:

If he is otherwise qualified to vote, he may exercise that right at the place of his domicile.

The fifth and final generalization is that—

If the law of his domicile permits absentee voting, he may avail himself of that right by compliance with that law.

This generalization, in turn, requires a reservation. Of course, the practical privilege of voting depends entirely upon whether the State of the voter's origin has an absentee voters' law, because except as the soldier or sailor could be released from his assignment away from his domicile to vote in person, he could vote only by absentee ballot. Therefore, returning again to the footnotes in the Law Review, it is important to note under this generalization that there are six States which do not have absentee ballot privileges; namely, the States of Indiana, Kentucky, Maryland, Mississippi, Pennsylvania, and New Jersey. Therefore in those six States the right to vote of the conscript or the National Guard man covered into the national service is more apparent than real.

This seems to be the situation regarding the right of the soldier and sailor to vote; and I have thought it important to spread the information on the RECORD in view of the very large national interest in the subject.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. ADAMS].

Mr. SHEPPARD obtained the floor.

Mr. WAGNER. I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Texas yield for that purpose?

Mr. SHEPPARD. I yield.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Austin	Bone	Bulow
Andrews	Barbour	Bridges	Burke
Ashurst	Barkley	Brown	Byrd
Byrnes	Hale	McNary	Shipstead
Capper	Harrison	Maloney	Slattery
Chandler	Hatch	Mead	Smathers
Chavez	Hayden	Miller	Stewart
Clark, Idaho	Herring	Minton	Taft
Clark, Mo.	Hill	Murray	Thomas, Idaho
Connally	Holman	Norris	Thomas, Okla.
Danaher	Holt	Nye	Thomas, Utah
Davis	Hughes	O'Mahoney	Tobey
Donahey	Johnson, Calif.	Overton	Townsend
Downey	Johnson, Colo.	Pepper	Vandenberg
Frazier	King	Pittman	Van Nuys
George	La Follette	Radcliffe	Wagner
Gerry	Lee	Reed	Walsh
Gibson	Lodge	Reynolds	Wheeler
Gillette	Lucas	Russell	White
Green	Lundeen	Schwartz	Wiley
Guffey	McCarran	Schwellenbach	
Gurney	McKellar	Sheppard	

The PRESIDING OFFICER. Eighty-six Senators having answered to their names, a quorum is present. The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. ADAMS].

Mr. SHEPPARD. Mr. President, if Congress has faith in its Army to defend the United States it should not hamper its planning and operations.

To properly defend this country of ours it is necessary for the Army, in view of what has happened in Europe, to lay plans which, if conditions warrant or demand it, might necessitate elements of the armed forces of the United States extending its power to any part of the Western Hemisphere to preclude foreign powers from gaining a foothold in the Western Hemisphere.

Time might be an essential factor in frustrating the plans of a foreign power which might attempt invasion of part of the Western Hemisphere. Even 1, 2, or 3 days' delay might throw the advantage to an enemy. Hence, it would not be safe under some circumstances to wait for the action of Congress even for 1 day.

At the Habana Conference the United States joined with other American countries for the protection of the Western Hemisphere. We should now reinforce that agreement by authorizing the National Guard to go anywhere in the Western Hemisphere with or without the Regular Army.

Thorough protection of the United States in the present day cannot be carried out without protecting the Western Hemisphere. From a military point of view the restriction contemplated by the pending amendment would seriously interfere with the plans of our armed forces for the protection of the United States. It would be folly to restrict the planning and operation of the Army of the United States, of which the National Guard of the United States is a fundamental part.

If the National Guard men are to come into the service contemplated by the joint resolution, let them come on equal terms with the Regular Army soldier by whose side they are to stand. Let us not say to them, as the amendment would say, that they come into the service presumably as soldiers under the Nation's flag but that they cannot go where the Regular soldiers go in carrying out the vital policies of the Nation. They are technically full-fledged soldiers in the Federal service, but in reality, under the amendment, they would be only halfway soldiers, so far as the real work of the Nation may be concerned. I am sure they would resent a discrimination of this kind.

The enactment of the amendment would be to say to South America that if its security and liberty should be threatened by a European power we have deliberately crippled our ability to come immediately to its assistance by the enactment of a law forbidding about half of our forces from being utilized for this purpose, from holding back invading forces until Congress could decide the matter of declaring war, perhaps after an interminable debate in the United States Senate.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. SHEPPARD. I yield.

Mr. MILLER. Assuming that the Congress passes the conscription law, will it be the policy of the War Department to fuse into the National Guard part of the men who are taken in under the Draft Act?

Mr. SHEPPARD. Only for the training year.

Mr. MILLER. The Senator means only those who go into the draft will be fused into the National Guard?

Mr. SHEPPARD. Not permanently, but only for whatever part of the training year remains.

Mr. MILLER. But is it not to be the policy of the War Department, and has it not already been announced, that they would use the National Guard as a nucleus of training?

Mr. SHEPPARD. That is very true.

Mr. MILLER. Then I am wondering what the committee meant by inserting the proviso to which the Adams amendment is directed, the proviso on page 2, lines 2 to 7. What was the purpose of inserting that proviso in the joint resolution at all?

Mr. SHEPPARD. To notify the administration and the world of our opposition against going outside the Western Hemisphere, with the exceptions included in the proviso, with either the Army or the National Guard.

Mr. MILLER. Was that the purpose of it?

Mr. SHEPPARD. That was my purpose.

Mr. MILLER. As a matter of fact, it would not have that effect if the administration desired to send them.

Mr. SHEPPARD. I do not think the President would give any consideration to sending our troops outside the Western Hemisphere with this expression of the opinion of Congress in the law.

Mr. MILLER. I see; it is to be taken as an expression of the opinion of Congress?

Mr. SHEPPARD. That is it.

Mr. REYNOLDS obtained the floor.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Arizona?

Mr. ASHURST. If the Senator wishes to address the Senate, I shall not trespass upon his time.

Mr. REYNOLDS. I am very happy to accommodate the Senator.

Mr. ASHURST. I am pleased to have the opinion of the able Senator from Arkansas [Mr. MILLER]. I read with interest the speech of the able Senator from Utah [Mr. THOMAS]. I listened with interest and pride to the speech just delivered by the able chairman of the Committee on Military Affairs, the Senator from Texas [Mr. SHEPPARD].

As I view the proviso on page 2, lines 2 to 7, it is nothing more than a pious wish; the expression of an earnest hope. It expresses a hope in which I share. I may be wrong, but my view is that Congress may declare war, raise and support armies, but the President commands the Army. The President is the Commander in Chief of the Army and Navy of the United States and may send the Army wherever he chooses.

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. ASHURST. I always yield to the able Senator from Colorado.

Mr. ADAMS. I should like to have the Senator tell me whether he thinks the Constitution gives Congress the right to impose limitations. Congress is given the power not only to raise armies, but "to make rules for the government and regulation of the land and naval forces." I should like to know whether or not that does not enable the Congress to say to the President, the Commander in Chief, "There are these limitations."

Mr. ASHURST. I could wish that the able Senator from Colorado had addressed his question to some Senator more learned on constitutional questions than am I; but to answer the able Senator to the best of my ability, I repeat, I doubt very much whether under the Constitution we may limit the evolutions of the Army. The Army may be sent wherever the President chooses.

Congress declares war, but the President conducts the war. Therefore we ought now to be put on notice that when we vote for the pending measure, even though the amendment of the able Senator from Colorado [Mr. ADAMS] should prevail, or with the proviso which the committee, I believe, wisely incorporated, the President nevertheless would have the power to send the Army wherever he chose. In the face of this solemn declaration by Congress, expressed in respectful and proper language, to the effect that Congress is of opinion that United States troops, our Army, these men here referred to, should not be sent beyond the boundaries of the Western Hemisphere, I am quite certain that no President would, except in most extreme emergencies, transcend this expression of Congress.

I am under no illusions; I know it is not binding on anyone. I repeat it is an expression of opinion or desire and has no effect in law. While it is but an expression of opinion, it is a wise and a timely expression, that we want no troops, no American soldiers, sent to Europe.

The fault I find with the proviso is that it says that these troops shall not be sent beyond the limits of the Western Hemisphere, and I will say, for the third time, we should define the expression "Western Hemisphere" if we are to use such phrase. Forsooth, able Senators say that it is difficult to define the Western Hemisphere. That is all the more reason why Congress should define "Western Hemisphere."

If the Senator from North Carolina will further indulge me——

Mr. REYNOLDS. I am glad to yield.

Mr. ASHURST. I am not an expert on the Monroe Doctrine. In front of me is the able Senator from Nevada [Mr. PATMAN], chairman of the Senate Committee on Foreign Relations, who is an expert on our foreign relations, who knows a vast deal more about the Monroe Doctrine than do I. But I think it is a part of my duty to my constituents and to the country that I say what I shall say about the Monroe Doctrine.

I repeat, the Monroe Doctrine works both ways. It is a two-way street. Too long have statesmen been oblivious to the fact that there are two essential parts to the Monroe Doctrine. One part is that we will not permit European powers to intermeddle with what we call cis-Atlantic affairs. The other essential part of the doctrine is that we shall not interfere in European affairs. Therefore, Mr. President, if under any contingency, if in any circumstance, the troops we are discussing or any other of our troops should be sent to a European country, we would violate that doctrine, of which we have so frequently and so stridently spoken.

It does not require a trained lawyer, it does not require a person skilled in logical analysis to perceive that when we send troops into Europe, if we do, we violate the Monroe Doctrine.

Another essential feature of the Monroe Doctrine, and one that we sometimes forget is—and it is so expressed in the doctrine—that as to European affairs we recognize or consider rather the de facto government. Under that doctrine the United States does not spin out the tangled, fine, and oblique threads and declare what is the legitimate, the de jure government in Europe. If we intend to observe the Monroe Doctrine we consider the de facto government.

I thank the Senator from North Carolina.

Mr. REYNOLDS. Mr. President, I wish to make a motion to strike from the measure the words "including the Philippine Islands." I am under the impression that I would be entitled to have a vote upon my motion before a vote is taken upon the amendment proposed by the Senator from Colorado.

The PRESIDING OFFICER. The Parliamentarian advises the Chair that the motion made by the Senator from North Carolina is not in order at this time. The Senator from Colorado having accepted that amendment to his amendment, it would be in order to move to strike the language, to which the Senator from North Carolina refers, from the Adams amendment, but not from the joint resolution itself.

Mr. REYNOLDS. I make the motion that the language be stricken from the Adams amendment, and in that situation I am still under the impression that I am entitled to a vote on that question, prior to the vote being taken on the Adams amendment.

The PRESIDING OFFICER. The Chair wishes to state the parliamentary situation a little further. The Chair takes it the Senator desires to make a few remarks on the matter?

Mr. REYNOLDS. Yes; I do.

The PRESIDING OFFICER. The Chair is informed that if the Senator now offers his motion, it would take the Senator from North Carolina from his feet, and the Chair suggests that the Senator proceed with his remarks for the remainder of his time, and then make the motion.

Mr. REYNOLDS. I thank the Presiding Officer.

Mr. President, do I understand that there is an agreement to the effect that, regardless of any circumstances, the Senate is to vote on the joint resolution itself at 4 o'clock?

The PRESIDING OFFICER. Yes.

Mr. REYNOLDS. That being the case, I should like to avail myself of my 20 minutes.

The PRESIDING OFFICER. The Senator has consumed—or rather the Senator from Arizona [Mr. ASHURST] has consumed—a considerable part of the time of the Senator from North Carolina.

Mr. REYNOLDS. I shall take my remaining 20 minutes in speaking on my motion.

The PRESIDING OFFICER. The Senator has 6 minutes remaining. The Chair feels under compulsion to recognize another Senator at the conclusion of that time. The time the Senator had was 20 minutes.

Mr. REYNOLDS. Of course, first, I wanted to accommodate my friend the Senator from Arizona. In the second place, I was very happy indeed to have the opportunity of yielding to him, for this morning I made inquiry as to whether or not I would be entitled to 40 minutes if I made a motion to strike from the amendment of the Senator from Colorado the words I have mentioned, and I was advised by someone who, I take it, is informed on parliamentary subjects, that in that case I would be entitled to 40 minutes.

The PRESIDING OFFICER. The present occupant of the chair feels that he ought to follow as nearly as possible the request of Senators to speak in order. The present occupant of the chair recognizes the Senator from North Carolina under that arrangement. He feels that, in fairness to other Senators, he should not recognize the Senator from North Carolina the second time, and it would be necessary for the Chair to do that under the circumstances now. That would eliminate other Senators from consideration.

Mr. REYNOLDS. Desiring to weigh this matter in the scales of justice, so far as the matter of time is concerned, I should say that certainly I believe I should have more than 6 minutes, in view of the fact that, laboring under the impression that I would have 40 minutes, I yielded gladly to the Senator from Arizona.

The PRESIDING OFFICER. The present occupant of the chair feels that the fact that the Senator from North Carolina yielded to the Senator from Arizona should not prevent other Senators from speaking who have requested time to speak.

Mr. REYNOLDS. I was under the impression that I had 40 minutes.

Mr. President, in view of the fact that the Chair holds that I shall have but about 3 minutes now, I wish to make a motion to strike from the amendment of the Senator from Colorado the concluding words "including the Philippine Islands." The purpose of the joint resolution is what? It is the purpose of the joint resolution to strengthen our national defense. I say that our national defense cannot be strengthened by sending soldiers 8,000 miles away from the United States, and for that reason I make the motion to strike from the amendment of the Senator from Colorado the words "including the Philippine Islands."

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. It is proposed to strike from the amendment proposed by the Senator from Colorado the words, "including the Philippine Islands."

Mr. BARBOUR. Mr. President——

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey.

Mr. BARBOUR. I wish to address myself, if I may, to my amendment, which was merely read several days ago. Because of the parliamentary situation, I have had no opportunity in the meantime to explain it. I now call up and send the amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 2, after line 16, it is proposed to insert the following:

(b) The President shall, under such regulations as he may prescribe, defer training and service in the land and naval forces of the United States of those members of the National Guard whose employment in industry, agriculture, or other occupations or employment or whose work in engineering, chemistry, physics, medicine, or dentistry are found to be necessary to the maintenance of the national health, safety, or interest. The determination of each deferment of training and service shall be made with regard to the status of the individual and shall not be made by deferring the training and service of individuals by occupational groups without regard to the status of the individual therein. The President is also directed under such regulations as he may prescribe to defer the training and service in the land and naval forces of those members of the National Guard in a status with respect to persons dependent upon them for support which renders their deferment advisable: *Provided*, That no deferment for any reason shall be approved except on application therefor by an individual member of the National Guard, in his own interest, and no deferment from service shall continue after the cause therefor ceases to exist. The President shall utilize the services of the National Guard Bureau of the War Department in the administration of this subsection (b), and the decisions of the Chief of the National Guard Bureau shall be final as to all applications for deferment of members of the National Guard.

Mr. BARBOUR. Mr. President, I shall consume as little time as I possibly can, out of consideration for other Senators, because the hour of 4 o'clock, when we must vote, is near at hand. I do not think there is the slightest doubt in the minds of most Senators, I do not think there is any doubt in the minds of most people, nor do I think there is any doubt in the minds of nearly all the members of the National Guard, as to the necessity and propriety of calling out the guard under present world conditions. It is perfectly obvious, however, from the lengthy and laborious discussion that we have heard for many hours now on this subject, that there is a tremendous difference of opinion among Senators under what circumstances the National Guard should be called out for training in the Federal service.

By the same token, one of those circumstances and conditions undoubtedly is what exemptions, if any, those who find themselves unexpectedly thrust into this unusual position and these circumstances should be granted.

In light particularly of the rejection by the Senate of the amendment of the Senator from Connecticut [Mr. DANAHER], which gave members of the National Guard at least some time in which to determine what course they must pursue, because of dependents or other considerations, and in light of the fact that, as yet, we do not know whether or not the amendment offered by the senior Senator from Colorado will be adopted, it seems to me that we should certainly have at least these limitations in this measure, because while undoubtedly a certain number of members of the guard have been given an opportunity by State officers and officials to retire, and some of them have retired, yet many have not been given a chance to do so. As a matter of fact, as of today the matter of any exemptions at all in the National Guard is a very narrow one. The recent order to adjutant generals of the States permits the discharge of enlisted men only when their pay is less than approximately $70 a month. National Guard officers, however, cannot be discharged because they have dependents, although the War Department I admit will probably let them resign if they are in key positions in essential industries.

Mr. President, I am not trying to obstruct the passage of this proposed legislation. I simply feel that the approach and method of calling the guard into the Federal service is totally different than it was in 1917, when as a member of the National Guard I went to the Mexican border, and because of the very obvious difference of opinion among so many Senators as to what the obligations of the guardsmen will be, I feel that my amendment should be adopted.

Mr. DAVIS obtained the floor.

Mr. PITTMAN. Mr. President, will the Senator yield to me?

Mr. DAVIS. I yield.

Mr. PITTMAN. I see how difficult it is to get consideration of amendments. There is an amendment pending here known as the Adams amendment, which is undisposed of. The amendment just offered by the Senator from New Jersey is not in order by virtue of the fact that the Adams amendment is pending.

I wish to offer an amendment which I think will be unanimously accepted. If there is to be any debate upon it, there is no use in presenting it. I offer the following amendment, to be added as subsection (f) in section 3:

Any member of the National Guard may resign his status within 20 days after ordered into the active military service of the United States if at such time he has dependent upon him a wife or child, or both, and has no means with which to support such dependent or dependents except the wages or salary he can earn.

I ask unanimous consent that the Senate vote on that amendment now.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada?

Mr. BARKLEY. There is no trouble about voting on the amendment. The unanimous-consent agreement does not preclude the offering of amendments after 4 o'clock. While they may not be debated, they may be read and offered and voted upon.

Mr. PITTMAN. If there be no objection, I ask a vote on the amendment.

Mr. BARKLEY. It is a little irregular to set aside a pending amendment and vote on another amendment when it may be voted upon later.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. ASHURST. The Senator from Kentucky is quite correct; but the nature of the amendment of the Senator from Nevada is such that it may determine how some Senators may subsequently vote. It would be a most convenient and happy circumstance if we could vote on the amendment of the Senator from Nevada first. It will not affect me.

Mr. BARKLEY. I have no objection, except that it is irregular, and the amendment may be voted on later. If the Senator wants a vote upon it now, I shall not object.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada? The Chair hears none. The question is on agreeing to the amendment offered by the Senator from Nevada.

Mr. SHEPPARD. Mr. President, so far as I am concerned, the amendment is acceptable.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The question now is on agreeing to the amendment offered by the Senator from North Carolina [Mr. REYNOLDS] to the amendment offered by the Senator from Colorado [Mr. ADAMS]. The Senator from North Carolina has requested the yeas and nays on the amendment to the amendment.

Mr. SHIPSTEAD. Mr. President, may the amendment, as proposed to be amended, be stated?

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. It is proposed to strike from the amendment the words "including the Philippine Islands."

The PRESIDING OFFICER. Is there a sufficient demand for the yeas and nays?

The yeas and nays were not ordered.

Mr. SHEPPARD. Mr. President, it occurs to me that it would be most unfortunate to adopt an amendment of this nature at this time so long as the Philippines are under our jurisdiction. It would be giving notice to them and to the world that we have practically abandoned and lost interest in them.

Mr. BARKLEY. Mr. President, I wish to call attention to what seems to me to have been a very sound observation earlier in the day by the Senator from Michigan [Mr. BROWN], who now occupies the chair.

It seems to me it would be most unfortunate for the Senate to take action which might be construed in the rest of the world as notice that although the Philippine Islands are still under our jurisdiction and will so continue until and unless they shall be finally freed, we do not propose to do anything in case they are attacked by some other nation. For that reason—while I hope we may never have to send any soldiers to the Philippine Islands, and it is doubtful that we ever shall—certainly we do not want to notify the world that, regardless of what happens, we are unwilling to discharge our obligation so long as the Philippines are under our jurisdiction.

I hope the amendment to the amendment will be rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Carolina [Mr. REYNOLDS] to the amendment offered by the Senator from Colorado.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is on agreeing to the amendment offered by the Senator from Colorado [Mr. ADAMS].

Mr. ADAMS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FRAZIER (when his name was called). On this question I have a pair with the senior Senator from Maryland [Mr. TYDINGS]. I understand that if he were present and voting he would vote as I shall vote. I vote "yea."

Mr. SHIPSTEAD (when his name was called). I have a pair with the senior Senator from Virginia [Mr. GLASS]. I am informed that if present and voting he would vote "nay." If I were at liberty to vote I should vote "yea." I withhold my vote.

Mr. TAFT (when his name was called). On this question I have a pair with the junior Senator from Mississippi [Mr. BILBO]. Not knowing how he would vote, I withhold my vote.

The roll call was concluded.

Mr. MILLER. My colleague [Mrs. CARAWAY] is necessarily detained from the Senate. I understand that if she were present she would vote "nay."

Mr. HILL. My colleague [Mr. BANKHEAD] is absent on important public business. I am informed that if he were present he would vote "yea."

Mr. MINTON. I announce the following pairs on this question:

The Senator from Georgia [Mr. GEORGE], who would vote "yea," with the Senator from New Jersey [Mr. SMATHERS], who would vote "nay"; and

The Senator from Iowa [Mr. HERRING], who would vote "yea", with the Senator from Georgia [Mr. RUSSELL], who would vote "nay."

The Senator from Texas [Mr. CONNALLY] is absent on official business. If present, he would vote "nay."

The Senators from Georgia [Mr. GEORGE and Mr. RUSSELL] are members of the committee to attend the funeral of the late Representative GIBBS, and are therefore necessarily absent.

The following Senators are necessarily absent:

The Senator from North Carolina [Mr. BAILEY], the Senator from Mississippi [Mr. BILBO], the Senator from Arkansas [Mrs. CARAWAY], the Senator from Louisiana [Mr. ELLENDER], the Senator from Virginia [Mr. GLASS], the Senator from Iowa [Mr. HERRING], the Senator from New York [Mr. MEAD], the Senator from West Virginia [Mr. NEELY], the Senator from New Jersey [Mr. SMATHERS], the Senator from South Carolina [Mr. SMITH], the Senator from Missouri [Mr. TRUMAN], the Senator from Maryland [Mr. TYDINGS], and the Senator from Indiana [Mr. VAN NUYS].

The result was announced—yeas 38, nays 39, as follows:

YEAS—38

Adams	Capper	Frazier	McCarran
Andrews	Chandler	Gillette	McNary
Barbour	Clark, Idaho	Holt	Maloney
Bone	Clark, Mo.	Johnson, Calif.	Murray
Brown	Danaher	Johnson, Colo.	Norris
Bulow	Donahey	La Follette	Nye
Byrd	Downey	Lundeen	Reed

Reynolds	Thomas, Idaho	Vandenberg	Wheeler
Slattery	Tobey	Walsh	White
Stewart	Townsend		

NAYS—39

Ashurst	Green	King	Pittman
Austin	Guffey	Lee	Radcliffe
Barkley	Gurney	Lodge	Schwartz
Bridges	Hale	Lucas	Schwellenbach
Burke	Harrison	McKellar	Sheppard
Byrnes	Hatch	Miller	Thomas, Okla.
Chavez	Hayden	Minton	Thomas, Utah
Davis	Hill	O'Mahoney	Wagner
Gerry	Holman	Overton	Wiley
Gibson	Hughes	Pepper	

NOT VOTING—19

Bailey	Ellender	Neely	Taft
Bankhead	George	Russell	Truman
Bilbo	Glass	Shipstead	Tydings
Caraway	Herring	Smathers	Van Nuys
Connally	Mead	Smith	

So Mr. ADAMS' amendment was rejected.

Mr. BARKLEY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. CLARK of Missouri. I suggest the absence of a quorum.

Mr. BARKLEY. Mr. President, in view of the fact that, under the order, the Senate is compelled to vote now finally upon the joint resolution, I do not insist upon the motion to reconsider.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. CLARK of Missouri. Very well.

The PRESIDING OFFICER. The clerk will state the next amendment.

Mr. OVERTON. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. Before the amendment is stated, the Chair will state that there will be no opportunity to discuss amendments now offered. Therefore, the Chair requests both the Senate and the occupants of the galleries to preserve the best of order, so that Senators may understand the amendments as they are read. The clerk will state the amendment offered by the Senator from Louisiana.

The CHIEF CLERK. On page 4, after line 17, following section 3, it is proposed to insert the following new section:

SEC. 4. (a) The benefits of the Soldiers and Sailors Civil Relief Act, approved March 8, 1918, are hereby extended to all National Guard, Reserve, and retired personnel ordered into the active military service under authority of this joint resolution, so long as such personnel are in such service and for 60 days thereafter, and except as hereinafter provided, the provisions of such act shall be effective for such purposes.

(b) For the purposes of this section—

(1) the following provisions of such act of March 8, 1918, shall be inoperative: Section 100; and paragraphs (1), (2), and (5) of section 101; article 4; article 5; paragraph (2) of section 601; and section 603.

(2) the term "persons in military service," when used in such act, shall be deemed to mean persons ordered into the active military service under the authority of this joint resolution.

(3) the term "period of military service," when used in such act, when applicable with respect to any person, shall be deemed to mean the period beginning with the date on which such person is ordered into such active military service and ending with the date on which he is relieved from such service.

Mr. LUCAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois will state his parliamentary inquiry.

Mr. LUCAS. Am I to understand that under the unanimous-consent agreement which was entered into earlier today the Senate must now vote on the amendment which has just been read without further debate or any information about it at all?

The PRESIDING OFFICER. The Senator is correct in his statement. Under the unanimous-consent agreement the Senate must vote at 4 o'clock on all amendments and on the joint resolution itself without further debate.

Mr. OVERTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. OVERTON. Would it be in order for the Chair to advise the Senator from Illinois that an explanation of this amendment was made earlier this afternoon by me, as its author; that it was accepted by the Senator from Texas, who has charge of the joint resolution; and that other Senators commented on it?

The PRESIDING OFFICER. The Chair believes the Senator from Louisiana is out of order in attempting to explain the amendment.

Mr. OVERTON. A further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. OVERTON. May I ask the Senator from Texas if this amendment is acceptable to him?

Mr. SHEPPARD. It is, Mr. President.

Mr. LA FOLLETTE. Regular order.

The PRESIDING OFFICER. Both the Senator from Louisiana and the Senator from Texas are out of order.

The question is on agreeing to the amendment offered by the Senator from Louisiana [Mr. OVERTON].

The amendment was agreed to.

Mr. BARBOUR. I now call up the amendment which I have discussed.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 2, after line 16, it is proposed to insert the following:

(b) The President shall, under such regulations as he may prescribe, defer training and service in the land and naval forces of the United States of those members of the National Guard whose employment in industry, agriculture, or other occupations or employment or whose work in engineering, chemistry, physics, medicine, or dentistry are found to be necessary to the maintenance of the national health, safety, or interest. The determination of each deferment of training and service shall be made with regard to the status of the individual and shall not be made by deferring the training and service of individuals by occupational groups without regard to the status of the individual therein. The President is also directed under such regulations as he may prescribe to defer the training and service in the land and naval forces of those members of the National Guard in a status with respect to persons dependent upon them for support which renders their deferment advisable: *Provided*, That no deferment for any reason shall be approved except on application therefor by an individual member of the National Guard, in his own interest, and no deferment from service shall continue after the cause therefor ceases to exist. The President shall utilize the services of the National Guard Bureau of the War Department, in the administration of this subsection (b), and the decisions of the Chief of the National Guard Bureau shall be final as to all applications for deferment of members of the National Guard.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Jersey [Mr. BARBOUR].

The amendment was rejected.

Mr. CLARK of Missouri. Mr. President, I offer a motion to recommit with instructions.

The PRESIDING OFFICER. The motion will be stated by the clerk.

The CHIEF CLERK. Mr. CLARK of Missouri moves to recommit Senate Joint Resolution 286 to the Committee on Military Affairs with instructions to report it back forthwith with an amendment as follows:

On page 2, line 5, strike out the remainder of section 1 beginning with the words "Western Hemisphere" and insert in lieu thereof the following: "continental United States and Territories and possessions of the United States."

The PRESIDING OFFICER. The question is on the motion of the Senator from Missouri [Mr. CLARK].

Mr. CLARK of Missouri. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. FRAZIER (when his name was called). On this question I have a pair with the senior Senator from Maryland [Mr. TYDINGS]. I am informed that if he were present he would vote "nay." If I were at liberty to vote, I should vote "yea." I withhold my vote.

Mr. SHIPSTEAD (when his name was called). Making the same announcement as before, I withhold my vote. I announce that if the senior Senator from Virginia [Mr. GLASS], with whom I am paired, were present he would vote "nay." If I were at liberty to vote, I should vote "yea."

Mr. STEWART (when his name was called). This is a motion to recommit, not a motion to reconsider?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEWART. A parliamentary inquiry, if I may make it. If the motion prevails, that means that the joint resolution goes back to the committee entirely?

The PRESIDING OFFICER. The Senator is correct.

Mr. CLARK of Missouri. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK of Missouri. The motion to recommit directs the committee to report forthwith. Is it not correct that under the instruction to report forthwith the chairman of the committee is under an obligation to get up immediately and present the report in accordance with the instructions of the Senate?

The PRESIDING OFFICER. The Senator from Missouri correctly states the parliamentary situation.

Mr. STEWART. I vote "nay."

Mr. TAFT (when his name was called). On this question I have a pair with the junior Senator from Mississippi [Mr. BILBO]. I am advised that if he were present he would vote "nay." If I were at liberty to vote, I should vote "yea." I withhold my vote.

The roll call was concluded.

Mr. MINTON. I announce that the Senator from Florida [Mr. ANDREWS], the Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Mississippi [Mr. BILBO], the Senator from Arkansas [Mrs. CARAWAY], the Senator from Louisiana [Mr. ELLENDER], the Senator from Virginia [Mr. GLASS], the Senator from Iowa [Mr. HERRING], the Senator from West Virginia [Mr. NEELY], the Senator from New Jersey [Mr. SMATHERS], the Senator from South Carolina [Mr. SMITH], the Senator from Missouri [Mr. TRUMAN], the Senator from Indiana [Mr. VAN NUYS], and the Senator from Maryland [Mr. TYDINGS] are necessarily absent.

The Senator from Texas [Mr. CONNALLY] is absent on official business. If present, he would vote "nay" on this question.

The Senators from Georgia [Mr. GEORGE and Mr. RUSSELL] are absent in attendance upon the funeral of the late Representative GIBBS, of Georgia.

The result was announced—yeas 31, nays 45, as follows:

YEAS—31

Adams	Clark, Mo.	La Follette	Reynolds
Barbour	Danaher	Lundeen	Thomas, Idaho
Bone	Davis	McCarran	Tobey
Bulow	Donahey	McNary	Townsend
Byrd	Gillette	Maloney	Vandenberg
Capper	Holt	Norris	Walsh
Chandler	Johnson, Calif.	Nye	Wheeler
Clark, Idaho	Johnson, Colo.	Reed	

NAYS—45

Ashurst	Guffey	Lucas	Schwellenbach
Austin	Gurney	McKellar	Sheppard
Barkley	Hale	Mead	Slattery
Bridges	Harrison	Miller	Stewart
Brown	Hatch	Minton	Thomas, Okla.
Burke	Hayden	Murray	Thomas, Utah
Byrnes	Hill	O'Mahoney	Wagner
Chavez	Holman	Overton	White
Downey	Hughes	Pepper	Wiley
Gerry	King	Pittman	
Gibson	Lee	Radcliffe	
Green	Lodge	Schwartz	

NOT VOTING—20

Andrews	Connally	Herring	Smith
Bailey	Ellender	Neely	Taft
Bankhead	Frazier	Russell	Truman
Bilbo	George	Shipstead	Tydings
Caraway	Glass	Smathers	Van Nuys

So the motion of Mr. CLARK of Missouri to recommit with instructions was rejected.

The PRESIDING OFFICER. The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read three times, the question is, Shall it pass?

Mr. BARKLEY. I call for the yeas and nays on the passage of the joint resolution.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. OVERTON (when Mr. ELLENDER's name was called). My colleague the junior Senator from Louisiana [Mr. ELLENDER] is detained from the Senate on important business. I I am advised that if present he would vote "yea."

Mr. FRAZIER (when his name was called). On this question I have a pair with the senior Senator from Maryland [Mr. TYDINGS]. I understand that if he were present he would vote "yea." If I were at liberty to vote I should vote "nay." I withhold my vote.

Mr. BYRD (when Mr. GLASS's name was called). My colleague the senior Senator from Virginia [Mr. GLASS] is unavoidably absent. I am instructed to say that were he present he would vote "yea."

Mr. SHIPSTEAD (when his name was called). I am paired with the senior Senator from Virginia [Mr. GLASS] and therefore withhold my vote. I am informed that if the Senator from Virginia were present he would vote "yea." If at liberty to vote, I should vote "nay."

Mr. TAFT (when his name was called). On this question I am paired with the junior Senator from Mississippi [Mr. BILBO]. I am advised that if present he would vote as I am about to vote. I therefore am at liberty to vote and vote "yea."

The roll call was concluded.

Mr. MILLER. My colleague the Senator from Arkansas [Mrs. CARAWAY] is unavoidably detained. If present she would vote "yea."

Mr. HILL. My colleague the Senator from Alabama [Mr. BANKHEAD] is detained on important public business. If present and voting he would vote "yea."

Mr. MINTON. I announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Mississippi [Mr. BILBO], the Senator from Texas [Mr. CONNALLY], the Senator from Iowa [Mr. HERRING], the Senator from West Virginia [Mr. NEELY], the Senator from New Jersey [Mr. SMATHERS], the Senator from Missouri [Mr. TRUMAN], the Senator from Maryland [Mr. TYDINGS], and the Senator from Indiana [Mr. VAN NUYS] are necessarily detained from the Senate. If present all these Senators would vote "yea."

The Senators from Georgia [Mr. GEORGE and Mr. RUSSELL] are absent in attendance upon the funeral of the late Representative GIBBS. I am advised that if present and voting they would vote "yea."

The Senator from South Carolina [Mr. SMITH] is necessarily absent. He is paired with the Senator from New Jersey [Mr. SMATHERS]. If present the Senator from New Jersey would vote "yea," and the Senator from South Carolina would vote "nay."

The result was announced—yeas 71, nays 7, as follows:

YEAS—71

Adams	Downey	Lodge	Schwartz
Andrews	Gerry	Lucas	Schwellenbach
Ashurst	Gibson	McCarran	Sheppard
Austin	Green	McKellar	Slattery
Barbour	Guffey	McNary	Stewart
Barkley	Gurney	Maloney	Taft
Bone	Hale	Mead	Thomas, Idaho
Bridges	Harrison	Miller	Thomas, Okla.
Brown	Hatch	Minton	Thomas, Utah
Burke	Hayden	Murray	Tobey
Byrd	Hill	Norris	Townsend
Byrnes	Holman	O'Mahoney	Vandenberg
Capper	Hughes	Overton	Wagner
Chandler	Johnson, Calif.	Pepper	Walsh
Chavez	Johnson, Colo.	Pittman	Wheeler
Clark, Idaho	King	Radcliffe	White
Clark, Mo.	La Follette	Reed	Wiley
Davis	Lee	Reynolds	

NAYS—7

Bulow	Donahey	Holt	Nye
Danaher	Gillette	Lundeen	

NOT VOTING—18

Bailey	Ellender	Neely	Truman
Bankhead	Frazier	Russell	Tydings
Bilbo	George	Shipstead	Van Nuys
Caraway	Glass	Smathers	
Connally	Herring	Smith	

So the joint resolution (S. J. Res. 286) was passed.

SENATOR HIRAM JOHNSON

Mr. DAVIS. Mr. President, during all the years of my public life, and many years before coming to Washington, I have had the most profound admiration for that stalwart, liberal-minded statesman, the senior Senator from California, HIRAM JOHNSON. Our association together in the Senate has been a source of great inspiration to me. At all times he has been most generous, gifted in speech, devoted to the Constitution, strong for the right as he has seen the right, and loyal to the United States in a way that has made his name a lasting symbol of faithful love of country.

It was therefore with more than ordinary interest that I read the article by David Lawrence in the Evening Star of last evening, August 7. I ask unanimous consent that the article be printed in the RECORD as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star of August 7, 1940]

JOHNSON DEFENDED AS LIBERAL—ROOSEVELT REMARK UNFORTUNATE, WRITER HOLDS

(By David Lawrence)

President Roosevelt often makes impromptu remarks in his press conferences, which on further reflection he doubtless would not make, and one of these is the unfortunate comment to the effect Senator JOHNSON of California is no longer a liberal.

It so happens that Mr. JOHNSON is up for reelection and is a candidate in both the Republican and Democratic primaries on August 27. It so happens also that all the five candidates are entered in both primaries, a circumstance made possible by California's peculiar primary laws. It so happens also that Senator JOHNSON in 1934 in this way won both the Republican and the Democratic nominations and it would not be at all surprising if he repeated that performance this month.

The reason is simple: HIRAM JOHNSON is the greatest liberal in American public life today. No man can match his record. His career as Governor of California as a foe of the political machines and bosses has been followed by 23 years in the United States Senate, during which he has supported liberal legislation irrespective of which party sponsored it.

Specifically under the New Deal regime, the California Senator voted for the social-security law, the securities and exchange laws, and the Wagner labor relations law, as well as for a lot of minor measures of a progressive nature sponsored by the administration. The greatest act of liberalism, however, to the Senator's credit was his refusal to vote for a bill that would have permitted the President to pack the Supreme Court of the United States in the year 1937. It turned out that Mr. Roosevelt was able in subsequent years by means of vacancies to place five men on the Supreme Bench, but as for the Court bill itself HIRAM JOHNSON'S record is as clear-cut as any progressive could wish.

ISOLATIONIST ATTITUDE

The President may have been thinking about Mr. JOHNSON'S vigorous opposition to the court bill, because of which other Senators were designated for "purge" in the 1938 primaries by the New Dealers, or he may have been thinking about the Californian's well-known isolationist attitude.

This correspondent has never agreed with Senator JOHNSON'S views on foreign policy and has written again and again that the Johnson Act, forbidding credits to foreign countries defaulting on war debts was a mistaken piece of legislation, but differences of opinion on foreign questions are by no means determinative of whether a man is a conservative or a liberal or whether he is a friend of the common people or of the seekers after special privilege.

Senator JOHNSON has maintained his convictions and his principles against any and all overtures from pressure groups. The Senator takes his stand and fights honorably for his views. He is highly regarded by his colleagues in the Senate because of his fearlessness and his independence of spirit. It would be a drab world if everybody in Washington agreed on everything and it would hardly be a liberal government if the legislators were picked for public office through the influence of the Chief Executive, the retention of whose favor alone would then be a factor in the opportunity of a public man to win reelection.

A FIXTURE IN SENATE

Senator JOHNSON is as much a fixture in the United States Senate as anybody who has been there in the last 50 years. He can be counted on to fight against tyranny or despotism, whether it arises from the political bosses or the Government bosses. He is alert at 73—just as much if not more so than the present Secretary of War recently appointed, who is 72.

The test of a statesman is not whether he originates a lot of laws or puts into effect the bills of special groups, however benevolent their purposes. It is whether a legislator stands on guard against the influences, beneficent or otherwise, which sap the economic vitality of the Nation and the integrity of government itself.

Senator JOHNSON is one of those watchdogs of human liberty, who can be counted on to put aside the plaudits of the moment for what he believes in the long run is for the best interests of his country. My own prediction is that the people of California will repudiate the idea that Senator JOHNSON isn't liberal by renominating and reelecting him for another 6 years. There'll be neither fascism nor communism in the American Government so long as HIRAM JOHNSON can raise his powerful voice in the United States Senate.

REGULATION OF INVESTMENT COMPANIES AND ADVISERS

Mr. WAGNER. Mr. President, I move that the Senate proceed to the consideration of House bill 10065, Calendar No. 2111.

Mr. McNARY. May the title of the bill be read?

The PRESIDING OFFICER. The bill will be read by title.

The CHIEF CLERK. A bill (H. R. 10065) to provide for the registration and regulation of investment companies and investment advisers, and for other purposes.

Mr. JOHNSON of California. Mr. President, that is a debatable question, is it not?

The PRESIDING OFFICER. It is. The Senator from California is recognized.

Mr. JOHNSON of California. Mr. President, is the bill the one in relation to increasing the capital of the R. F. C.?

Mr. WAGNER. Oh, no; I told the Senator I would not bring that bill up unless I consulted with him. This is a bill which has already passed the House of Representatives by unanimous vote. It provides for the regulation of investment trusts and investment advisers.

Mr. JOHNSON of California. I am not interested in that.

Mr. WAGNER. It is not the bill to which the Senator refers.

Mr. McNARY. Was there a unanimous report by the committee?

Mr. WAGNER. Yes. This bill is the result of 4 weeks of hearings, at the conclusion of which the industry and the S. E. C. sat down together, and, after consideration for 3 weeks, agreed upon its terms and provisions. I do not know of any opposition anywhere in the investment-trust industry; and the industry today is urging the proposed legislation even more strongly than is the Securities and Exchange Commission.

Mr. VANDENBERG. Mr. President, the only question I have heard raised is from the so-called investment counsel. Does the Senator say that they also are for the bill?

Mr. WAGNER. There was originally some opposition as to some detailed provisions. The Commission conferred with the investment advisers, as it did with the investment trusts, and they have agreed on the proposed legislation, I assure the Senator.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New York.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 10065) to provide for the registration and regulation of investment companies and investment advisers, and for other purposes.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. WAGNER. Mr. President, I should like to offer an amendment which is really separate from the regulation of the investment trusts. It would liberalize the Securities Act of 1933. This, too, has been agreed upon by the National Association of Security Dealers, the Investment Bankers Association, and the S. E. C. I have been instructed by the Committee on Banking and Currency to present the amendment. It relaxes the present provision that 20 days must elapse after an application for registration has been made before the securities may be sold.

Mr. JOHNSON of California. Mr. President, we have been unable to hear on this side, and I wish to ask whether the amendment is to the 30-day clause.

Mr. WAGNER. The amendment is sought—and I think it is a very fair amendment—by the security dealers and investment bankers of the country, and by the Securities and Exchange Commission, in a joint statement, which I will offer for the RECORD. It is a very simple amendment. The present law is absolutely rigid and automatic. An issuer must wait 20 days after filing his registration statement before he can offer his securities for sale. The amendment vests discretion

in the S. E. C. so that an earlier date may be fixed in appropriate cases, subject to appropriate standards set forth in the amendment. That is all it would do.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. At the end of the bill, it is proposed to insert the following new section:

TITLE III. AMENDMENT OF SECURITIES ACT OF 1933

SEC. 301. Section 8 (a) of the Securities Act of 1933, as amended, is amended to read as follows:

"SEC. 8. (a) Except as hereinafter provided, the effective date of a registration statement shall be the twentieth day after the filing thereof or such earlier date as the Commission may determine, having due regard to the adequacy of the information respecting the issuer theretofore available to the public, to the facility with which the nature of the securities to be registered, their relationship to the capital structure of the issuer and the rights of holders thereof can be understood, and to the public interest and the protection of investors. If any amendment to any such statement is filed prior to the effective date of such statement, the registration statement shall be deemed to have been filed when such amendment was filed; except that an amendment filed with the consent of the Commission, prior to the effective date of the registration statement, or filed pursuant to an order of the Commission, shall be treated as a part of the registration statement."

The amendment was agreed to.

Mr. TAFT. Mr. President, the bill before us, which covers 178 pages, was prepared by the Securities and Exchange Commission, and it was referred to the Committee on Banking and Currency. Much opposition was expressed by members of different investment trusts, and then the bill was referred to the Investment Trust Association and the Securities and Exchange Commission, and various modifications were made by the Commission which were satisfactory to the Investment Trust Association. I do not, therefore, wish to oppose the bill. Yet I should not like to permit the bill to go through without expressing my opposition to this type of legislation.

There have been many abuses in connection with investment trusts, and I think there should be a regulation of such trusts. I believe that a simple control bill, by which they might be subjected to the same kind of investigation to which banks are subjected from time to time, and required to make an official statement, and the prohibition against three or four of the practices which are obviously in many cases already criminal, in which many of the less responsible trusts have engaged, would be sufficient.

I dislike very much the practice of giving infinite and all kinds of discretionary power to the Securities and Exchange Commission, power to tell a man how he shall conduct his business, what kind of directors he shall have, how his business generally shall be operated in detail.

Incidentally, the bill in effect is practically a provision for a Federal incorporation of investment trusts, because the provisions dealing with the kind of securities which may be issued, and the kind of corporate set-up an investment trust may have, are so detailed that, as a practical matter, we are saying to this kind of company exactly how it shall incorporate, what kind of stock it shall have, and what kind of stock it shall not have.

It seems to me the justification for the bill would extend also to a general Federal regulation, in fact, incorporation, of insurance companies, which are very much in the same position as investment trusts, although there have not been the same abuses which have occurred in that field.

For these reasons I do not like to let the bill go through without expressing my opposition to this general type of legislation. Yet I certainly admit the fact that the trusts should be regulated, and since the Investment Trust Association itself has agreed upon the bill, I do not desire to oppose it.

I may say that one of the great difficulties of the Congress in attempting to avoid the detailed regulation of business, with indefinite power in a Federal bureau, is the fact that in many cases the businessmen themselves seem to want that kind of regulation. It is so in this case, and so it has been in other cases. So it was in the case of the N. R. A. Much of the demand for that regulation came from businessmen themselves. Personally, I think in the end they will bitterly regret that they have agreed to that kind of regulation, but at the present time I do not wish to oppose the passage of this particular bill.

Mr. KING. Mr. President, will the Senator from Ohio yield for a question?

Mr. TAFT. Certainly.

Mr. KING. Let me inquire of the Senator whether, if the bill shall be enacted into law, it will oust the States of jurisdiction over investment trusts even though they confine their activities to the limits of their respective borders.

Mr. TAFT. My recollection is—and I speak with some hesitation because I have not studied the revised bill—that there is practically no distinction between interstate commerce and ordinary commerce, so far as the bill is concerned; that the bill rather assumes that the whole business is subject to Federal regulation, because much of it is interstate and therefore subject to control. Whether if an investment trust showed that its business was strictly intrastate it could escape the provisions of the law would probably be up to the courts. I think in this bill Congress is rather assuming that it has power over all investment trusts.

Mr. KING. I was interested in the observation made by the Senator that this may be a prelude, if I understood him correctly, to the Federal Government taking over insurance companies, or bringing them under the jurisdiction of some Federal agency. Does the Senator think this would be in the nature of a precedent to guide the courts or Congress in the determination of what kind of insurance companies we should have?

Mr. TAFT. I can see no difference whatever between the situation of the insurance companies and that of the investment trusts, with the exception that the investment trusts have been inadequately regulated by the States, being a new kind of institution. The States, in many cases, have not gotten around to regulating them, although in Ohio they are regulated by State control. There is also the fact that the insurance-company abuses occurred a great many years ago, and there have been no serious abuses lately, the companies having been well conducted, whereas in the investment-trust field, following the depressions of 1929, 1930, and 1932, there were many serious abuses, in many cases amounting to criminal action on the part of the investment trusts.

Mr. KING. The Senator is a member of the committee which reported the bill, is he not?

Mr. TAFT. Yes.

Mr. KING. I should like to ask the Senator whether there was any testimony before the committee in opposition to the bill, or critical of any of its provisions, so critical as to warrant amendment of the bill.

Mr. TAFT. There was much objection, but the objections were nearly all met by the bill as it was reported, so far as the ordinary investment trusts are concerned. I think I have received other objections, from companies which are not quite in the nature of investment trusts, which think they will be restricted by the bill. I have received letters and other communications. But we have had no hearing since the original hearing, and I do not believe those objections are important.

Mr. KING. Then, as I understand the Senator, the bill is merely one in harmony with the present trend of political and governmental activities, namely, to concentrate additional authority and power in the hands of the Federal Government.

Mr. TAFT. The Senator is correct, in my opinion.

Mr. WAGNER. Mr. President, I merely wish to assure the Senator, in the first place, that of course we cannot deal with matters beyond the constitutional authority of Congress, and we do not attempt to do so. The bill deals with matters affecting interstate commerce or involving the use of the mails or instrumentalities of interstate commerce. Secondly, although there was opposition to the original bill, as introduced, virtually every witness representing any part of

the industry who so testified subsequently gave testimony approving the legislation as now proposed.

Mr. BYRNES. Mr. President, the bill has nothing to do with the regulation of insurance companies.

Mr. WAGNER. Of course not.

Mr. BYRNES. The platforms of both political parties have urged supervision of insurance by the several States, but not regulation by the Federal Government.

Mr. MILLER. Mr. President, I wish to say that there is some opposition to the bill on the part of certain companies. I realize that it would be useless to oppose it on the floor of the Senate, and that is not my purpose because investment trusts should be regulated. But the bill will have the effect of deterring the growth of the investment-trust business, and in many sections of the country, mine included, it will be a distinct detriment to small companies because of the limited incomes of such companies. I think it will be necessary with a year or within 6 months to amend the law, unless the Securities and Exchange Commission, as it claims it can do under its discretionary power, shall be willing to give the small investment-trust companies an opportunity to grow and meet the competition of the huge investment trust companies.

Mr. WAGNER. Of course, if any injustice is done, we will be alert to remove it. We do not know of any.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H. R. 10065) was read the third time and passed.

The PRESIDING OFFICER. Without objection, Senate bill 4108 will be indefinitely postponed.

Mr. WAGNER. I ask unanimous consent that there be printed in the RECORD the report of the Banking and Currency Committee on Senate bill 4108; also a joint statement by the sponsors of the 20-day amendment.

There being no objection, the report and statement were ordered to be printed in the RECORD, as follows:

INVESTMENT COMPANY ACT OF 1940 AND INVESTMENT ADVISERS ACT OF 1940

MR. WAGNER, from the Committee on Banking and Currency, submitted the following report (to accompany S. 4108):

The Committee on Banking and Currency, to which was referred a bill (S. 4108) to provide for the registration and regulation of investment companies and investment advisers and for other purposes, having considered the same, reports favorably thereon, and recommends that the bill do pass.

This bill is a substitute for S. 3580, introduced March 14, 1940. The original bill was the outgrowth of an extensive study and investigation of investment trusts and investment companies conducted by the Securities and Exchange Commission pursuant to the direction of the Congress. A subcommittee held hearings on the original bill extending over a period of approximately 4 weeks. At these hearings, while the immediate need for national legislation regulating investment companies was conceded by virtually every witness who testified, representatives of the companies affected expressed considerable opposition to some features of the bill. Many of these joined in submitting to the subcommittee, at the close of the hearings, concrete proposals to regulate investment trusts and investment companies.

Almost immediately after the conclusion of the hearings, representatives of the investment companies and of the Securities and Exchange Commission advised the chairman of the subcommittee that they believed it might be possible for them to reach a common ground and to submit a joint recommendation as to the scope and provisions of the bill. The chairman encouraged them in this endeavor, and as a result of their cooperative efforts, the substitute bill, S. 4108, was drafted.

The substitute bill represents the result of intensive effort for a period of some 5 weeks by representatives of the industry and of the Commission. Not merely the principles of this bill, but also its provisions as drafted, are strongly endorsed both by the Securities and Exchange Commission and by almost every company which appeared in opposition to the bill as originally drafted. In addition, the substitute bill is endorsed by a number of companies which did not appear either in opposition to or in support of the original bill. Thus the substitute bill, as introduced and reported, has the distinction of having the virtually unanimous support of the persons for whose regulation it provides, as well as of the regulatory agency by which it is to be administered. Representatives of the industry urged upon the committee that the present international situation should not only be a deterrent to the enactment of this legislation but should rather serve as a vital reason for its immediate passage. As was stated by the representative of a substantial portion of the investment company industry at the close of the hearing:

"* * * we feel that this bill is not only a workable bill, but is a bill which is a good thing for the industry. We would like very much to see it passed, and we hope very much that it can be passed at this session. The industry would like to feel that it has regulation behind it; that is, that we may know what the regulation is to be and that we will no longer live in uncertainty as to what the future holds for us. This is the type of regulation under which the industry feels it can work and which it feels will be very beneficial to the industry. We are hopeful that if this legislation passes it will constitute a stimulus to the investment company industry's contributing to venture capital.

"* * * the critical period that we are going through now, rather than being a reason for postponing legislation, is, in our opinion, an added reason for passing this legislation. We feel that it would be helpful not only to the industry to have this legislation passed now, * * * but also * * * we feel that it is a very healthy sign that Government and industry can come together and do a constructive job of this kind."

TITLE I. INVESTMENT TRUSTS AND INVESTMENT COMPANIES

GENERAL STATEMENT

Natures and types of investment trusts and investment companies: Investment trusts and investment companies are essentially institutions which provide a medium for public investment in common stocks and other securities. They may be divided into four broad classifications: (1) Management investment companies; (2) unit investment trusts, including the so-called fixed trusts; (3) periodic or installment payment plans; and (4) companies issuing face-amount certificates.

The distinctive feature of the management investment companies is that no restrictions, or only limited restrictions, are imposed with respect to the nature, type and amounts of investment which their managements may make. These companies fall into two broad classes—the open-end, and the closed-end type. The peculiarity of open-end companies is that they issue so-called redeemable securities—that is, a security which provides that the holder may tender it to the company at any time and receive a sum of money approximating the current market value of his proportionate interest in the company's assets. Because of the exercise of this redemption feature, the assets of most open-end companies would constantly be shrinking if they did not continuously sell new securities to investors. It is because of this constant redemption and sales activity that these companies are called open-end companies. Closed-end companies are management investment companies which do not have this redemption feature. They do not distribute their securities continuously but only from time to time as they need new capital. Up to 1929 nearly all investment companies were of the closed-end type. However, the open-end companies, though a relatively recent development, have expanded rapidly.

In the fixed or unit investment trusts, management discretion is completely or almost completely eliminated. The investor is sold an undivided interest in a specified package or unit of securities, which are deposited with a trustee. The underlying securities cannot be changed, or can be eliminated only upon the happening of certain specified contingencies, such as the passing of a dividend on any security in the package for a prescribed period of time, or the reduction in the investment rating of the security by a prescribed statistical service.

The so-called installment investment or periodic payment plan is in essence a device to sell investment trust or investment company shares to the public on the installment plan. These plans have been designed to tap the savings of individuals in the lowest economic and income strata of the population, for investment in common stocks. Some plans have provided for installments as low as $5 a month, but the usual payment is $10 a month and the period of payment is generally 10 years.

The so-called face-amount certificates are in essence contracts between the corporation which issues them and the purchaser, whereby in consideration of the payment of certain specified installments the corporation agrees to pay to the purchaser at maturity a definite sum, the "face amount" of the certificate; or to pay prior to maturity a specified surrender value of the certificate.

Public participation in investment trusts and companies: Investment companies have emerged as important financial institutions only within the last 20 years. The growth of the industry has been phenomenal, particularly since 1926. During the 1920's the type of investment company which was almost exclusively organized was the closed-end management investment company. So rapid was their organization during this period that by 1929 they were being created at the rate of almost one a day.

After the market crash of 1929, the substantial losses suffered by closed-end management investment companies acted as an impediment to the further distribution of their securities, and the rise of other types of companies was accelerated. The open-end management companies, which offered the investor the opportunity to redeem his stock or security at approximately its actual value if dissatisfied with the management of the company, and the unit investment trusts, which dispensed with management entirely, rapidly increased the sales of their securities after 1930. Although face-amount certificate companies have been in existence since 1894, the greater portion of their certificates have been sold since 1929. Finally, since 1930, periodic payment plans have attracted the savings of a large number of individuals in the lower income strata of the country's population.

The American public has invested altogether almost $7,000,000,000 in investment companies of all types. This sum may be compared with the $14,000,000,000 roughly estimated as the investment in the electric-light industry. The present assets of all investment companies have a value of approximately $4,000,000,000. Investors have suffered tremendous losses on their investment in such companies.

At present the securities of such companies are owned by approximately 2,000,000 investors throughout this country. The number of security holders of investment trusts and investment companies probably exceeds that of all other industries except utility holding company systems. It is estimated that 1 out of every 10 holders of securities of all types in this country is a holder of investment trust and investment company shares or certificates. Widely promoted as institutions for the small investor, the securities of investment companies evidently appealed mostly to that type of individual. The reports of the Securities and Exchange Commission indicate that approximately one-fourth of the common-stock holders in the large management investment companies hold 10 shares or less and well over half of all such common-stock holders hold 50 shares or less. Similarly, approximately half of the preferred-stock holders in such companies hold 10 shares or less, and about 95 percent hold 100 shares or less. Stated in terms of the market values of holdings of common-stock holders, approximately one-half of common-stock holders in management investment companies hold common shares with a market value of $500 or less. The certificates and shares of unit investment trusts, periodic payment plans and face-amount certificate companies are also held predominantly by small investors.

Relationship of investment companies to the national economy: Investment trusts and investment companies are vitally associated with the national economy. They conduct their business by the use of the mails and the channels of interstate and foreign commerce. In numerous cases they conduct a substantial portion of their business in States other than those in which they are incorporated or otherwise created. Their security holders are situated in every State and in several foreign countries. A large proportion of all corporate securities sold in this country are those of investment trusts and investment companies. For example, from 1927 to 1936, inclusive, the reports of the Securities and Exchange Commission indicate that these organizations sold approximately $6,500,000,000 of their securities to the public. These sales represented approximately 22 percent of all nonrefunding sales of corporate securities during the period. Furthermore, approximately one-half of all common-stock issues registered with the Securities and Exchange Commission under the Securities Act of 1933 are those of investment companies. From the effective date of the Securities Act up to the end of 1939, approximately $2,200,000,000 of common stocks of investment trusts and companies, as compared with a total of $4,000,000,000 of common-stock offerings of all types of companies, have been registered with the Commission. Investment companies are also substantial purchasers of securities listed on national securities exchanges, and their trading may have an important effect on the price movements of securities.

The Securities and Exchange Commission's studies indicate that management investment companies individually held directly or indirectly 1 percent or more of the voting stocks of 200 noninvestment companies having total assets and resources of perhaps $30,000,000,000. The enterprises subject to the control and influence of investment companies include banks, insurance and mortgage financing companies, aviation and steamship companies, oil-producing and refining companies, chemical companies, motion-picture producing and exhibiting companies, steel and rubber companies, food and food-products companies, manufacturing companies of all types, department stores and other merchandising companies engaged in sales of their wares by mail order and the channels of interstate commerce.

Finally, a most significant function of investment companies in relation to the immediate needs of the national economy is their potential usefulness in the supply of new capital to industry, particularly to small and promotional ventures. Although in the past investment companies have furnished but comparatively little capital to industry, it is the hope of the committee, as well as of the investment company industry and of the Securities and Exchange Commission, that regulation of investment companies, as provided for in this bill, may stimulate venture capital and the financing of industry.

Study of investment companies by the Securities and Exchange Commission: The study of investment trusts and investment companies by the Securities and Exchange Commission, to which reference has previously been made, furnishes much of the background and data for this bill. The study was conducted pursuant to the authorization and direction of the Congress contained in section 30 of the Public Utility Holding Company Act of 1935.

Most of the basic data of the study was obtained from answers to questionnaires prepared by the Commission after consultations with committees of the industry. By the end of 1937 the Commission had received replies from about 700 trusts and companies of all types and from about 400 investment advisers. In addition, field studies were made of many companies. After the examinations in the field and study of the questionnaires, the Commission prepared a detailed preliminary report on each company. Each report was submitted to the company concerned for criticism and comment.

Public examinations were held on 250 companies, practically every company which had $10,000,000 or more of assets. In these public hearings the companies examined were entitled to be represented by counsel to cross-examine witnesses produced by the Commission, and to present evidence through witnesses of their own choosing. The record of these public examinations consist of 33,000 pages of testimony and 4,800 exhibits.

Based on the data thus obtained, the Commission's reports were prepared and from time to time, as they were completed, were transmitted to the Congress. The scope and subject matter of these reports are as follows:

Part 1 of the Commission's over-all report, entitled "The Nature, Classification, and Origins of Investment Trusts and Investment Companies" (H. Doc. No. 707, 75th Cong.), deals with the scope, magnitude, and conduct of the Commission's study; the nature and classification of investment companies and the origins of the investment company movement in this country.

Part 2 of the report, entitled "Statistical Survey of Investment Trusts and Investment Companies" (H. Doc. No. 70, 76th Cong.), is a detailed statistical study of the growth of the total assets of investment companies; sales and repurchases of the securities of such companies; trading in their securities; the ownership and control of such companies; the performance of large management investment companies; the investor's experience in such companies and the portfolio investments made by such companies.

Part 3 of the Commission's report, entitled "Abuses and Deficiencies in the Organization and Operation of Investment Trusts and Investment Companies" (H. Doc. No. 279, 76th Cong.), deals with the background of the industry in relation to abuses and contains detailed histories of various investment trusts and investment companies. In addition this part of the report deals with problems in connection with: (1) The sales and repurchases of the securities of investment companies; (2) shifts in control, mergers, and consolidations of investment companies; (3) capital structures of investment companies; (4) accounting practices and reports to stockholders of investment companies; and (5) the management of the assets of such companies.

In addition to its over-all report, the Commission has submitted to the Congress six supplemental reports dealing, respectively, with Fixed and Semifixed Trusts (H. Doc. No. 567, 76th Cong.), Companies Sponsoring Installment Investment Plans (H. Doc. No. 482, 76th Cong.), Commingled or Common Trust Funds Administered by Banks and Trust Companies (H. Doc. No. 380, 76th Cong.), Investment Counsel, Investment Management, Investment Supervisory, Investment Advisory Services (H. Doc. No. 477, 76th Cong.), Investment Trusts in Great Britain (H. Doc. No. 380, 76th Cong.), and Companies Issuing Face-Amount Certificates (H. Doc. No. 659, 76th Cong.).

Problems in connection with the investment company industry: The record of the study of the Securities and Exchange Commission and the testimony taken before the subcommittee show there are various problems with respect to the organization and operation of investment companies which should be remedied by legislation. That this is so is recognized by representatives of the industry. The more important of these problems will be briefly summarized.

Basically the problems flow from the very nature of the assets of investment companies. The assets of such companies invariably consist of cash and securities, assets which are completely liquid, mobile, and readily negotiable. Because of these characteristics, control of such funds offers manifold opportunities for exploitation by the unscrupulous managements of some companies. These assets can and have been easily misappropriated and diverted by such types of managements and have been employed to foster their personal interests rather than the interests of public security holders. It is obvious that in the absence of regulatory legislation, individuals who lack integrity will continue to be attracted by the opportunities for personal profit available in the control of the liquid assets of investment companies and that deficiencies which have occurred in the past will continue to occur in the future.

The wide appeal to the public which has been made by investment companies in the past has been indicated in the testimony before the committee. It is evident that companies honestly and efficiently managed can serve a most useful purpose in extending to the public an opportunity to participate financially in the economic enterprise of the country. The committee believes that this bill will provide safeguards without undue restriction, so that those who desire to put their savings to work in this manner may do so with greater confidence.

Since no specified amount of capital is required to organize investment trusts and companies, they can be and have been created and their securities have been sold to the public in many instances by irresponsible individuals. Persons convicted or enjoined by courts because of perpetration of securities frauds are able, nevertheless, to organize and operate investment companies. Brokers, security dealers, investment bankers, and commercial banks are in a position to dominate the board of directors and control the management of investment companies; and thus, when they are unscrupulous, to advance their own pecuniary interests at the expense of the investment companies and their security holders.

MANAGEMENT INVESTMENT COMPANIES

The capital structures of management investment companies have often been inordinately complex, and the rights, preferences, and dividend claims of senior securities have in many instances been inadequately safeguarded. By various devices of control, such as special voting stocks issued to distributors and managements, voting trusts, long-term management contracts, control of the proxy machinery, and pyramiding of companies, public investors are effectively denied, in many instances, any real participation in the management of their companies.

The distribution and repurchase of the securities issued by investment companies have on occasion resulted in discrimination in favor of the management or other "insiders" who have been able to acquire the securities and to have the companies repurchase them on a basis more favorable than that accorded public stockholders. In the open-end companies the method of pricing their securities, which they are continuously selling and redeeming, may lead at times to substantial dilution of the investors' equity in the companies, and in some instances has even been used by persons closely connected with the companies to realize riskless trading profits.

A major problem in the case of management companies is created by the absence of any legal requirement for adherence to any announced investment policies or purposes. Such policies have often been radically changed without the knowledge or prior consent of stockholders. Similarly, after investors have invested in companies on their faith in the reputation and standing of the existing managements, control of the public's funds has frequently been transferred without the prior knowledge or consent of stockholders to other persons who were subsequently guilty of gross mismanagement of the companies.

The representatives of the investment-trust industry were of the unanimous opinion that "self-dealing"—that is, transactions between officers, directors, and similar persons and the investment companies with which they are associated—presented opportunities for gross abuse by unscrupulous persons, through unloading of securities upon the companies, unfair purchases from the companies, the obtaining of unsecured or inadequately secured loans from the companies, etc. The industry recognized that even for the most conscientious managements, transactions between these affiliated persons and the investment companies present many difficulties. Many investment companies have voluntarily barred this type of transaction.

The small investors in certain investment companies, particularly in unit investment trusts and open-end management companies, have been subjected to switching operations from one investment company to another to their pecuniary damage. Similarly, investors have been often powerless to protect themselves against plans of reorganization which have been grossly unfair or have constituted gross abuses of trust on the part of their sponsors.

Finally, particularly with respect to those companies which have not registered their securities under the Securities Act of 1933 or the Securities Exchange Act of 1934, and only a small number has so registered its securities, the investor has been unable to obtain adequate information as to their operations. The accounting practices and financial reports to stockholders of management investment companies frequently are deficient and inadequate in many respects and ofttimes are misleading. In many cases, dividends have been declared and paid without informing the stockholders that such dividends represented not earnings but a return of capital to stockholders.

UNIT INVESTMENT TRUSTS

Certain abuses and deficiencies characterized particularly the unit investment or fixed trusts. These abuses are traceable to the fact that the most important emolument to the promoters of such trusts were the profits to be derived by the methods of pricing and selling the certificates of such trusts to the public. Inequitable pricing of shares, excessive sales loads, hidden loads, and charges have not been infrequent.

Furthermore, riskless trading profits and improper dilution of the investors' equity have not been unusual. The fixed-trust shareholder was particularly subject to switching operations. Each of these switches invariably included additional loading charges exacted from the investor. Usually the trustee of the underlying assets of trusts would also cease its active connection with the trust, frequently because the rate of compensation was insufficient to sustain its interest in the trust. The result is that no responsible party is connected with the trust with whom the investor can deal. Certificate holders are thus left without any method of realizing on their certificates and the trusts become "orphans."

PERIODIC PAYMENT PLANS

Early in 1930 a somewhat novel variety of investment scheme, called variously "installment-investment plan," "periodic-payment plan," "thrift plan," "foundation plan," etc., was conceived. These periodic-payment plans are in essence devices for selling investment trust or investment company securities on a periodic or installment-plan basis. These periodic-payment plans should be distinguished from programs sponsored by savings banks, building and loan associations, insurance companies, etc. The holder of a periodic payment-plan certificate is not entitled to be repaid a fixed sum of money or a fixed amount of income, but is entitled to receive only the asset value of his certificate. This asset value is in essence based upon the market value of the securities in the portfolio of the investment company or investment trust underlying the installment investment certificate. The amount to which the certificate holder is entitled may be less than, equal to, or more than the amount paid by the certificate holder, depending upon market prices of these portfolio securities which almost invariably consisted of common stocks. The purchaser of a periodic payment plan certificate is, therefore, speculating or investing in the stock market.

The structure of the periodic-payment plan in most instances, but not in every instance, was that of a "trust on a trust" whereby two sets of sales loads were imposed upon the investors, usually without their knowledge.

The plans which were most widely sold to the public had sales loads ranging from 17 percent to 20 percent. The Securities and Exchange Commission, in its report to the Congress on periodic-payment plans, stated that the total loading charges, including trustees' fees and secondary loading charges, were more than 30 percent of the net amount invested by certificate holders during the period studied. A serious problem is presented by the fact that these substantial sales loads have been usually deducted entirely from the payments made in the early months of the periodic payment plan contract. As a consequence, only a very small part of the purchaser's early payments were invested for his account. An investor withdrawing in the first year of the plan almost inevitably received substantially less than the amount he had paid on his certificate. During the first 6 months of most plans a withdrawing certificate holder sustained practically a total loss. At the end of the year, this loss was well over 50 percent in many plans. Lapses of certificates in the early period of the contract have been frequent. In fact, the Securities and Exchange Commission reported to the Congress that well over 85 percent of the payments made by certificate holders of periodic-payment plans was lost to them because of lapses during the first year. Approximately 40 percent of the total amount payable on periodic payment plan certificates sold in the period 1930–35 was lapsed at the end of 1935. The holders of periodic payment plan certificates were subject to a variety of switching operations resulting in profits to the sponsor and a loss to the investor by the exaction of another secondary sales load on the switches.

These periodic payment plan certificates, which were sold for as low as $5 a month, were specifically designed to make their strongest appeal to wage-earning men and women who were not in a financial position to invest or speculate in common stocks. As a result, these certificates were sold to housewives, domestic workers, laborers, nurses, stenographers, clerks, and others who had little financial experience. Inasmuch as the refinement and technique of the operation of periodic-payment plans are intricate, they were far beyond the comprehension of the class of persons to whom these certificates were sold.

In addition to the fact that persons unqualified to understand the intricacies of the plan were employed as salesmen, the committee was impressed by the evidence that salesmen often flagrantly misrepresented these plans. Fees were minimized or not disclosed. Undue emphasis was placed on the trustee and trusteeships. The trustee, whose functions were usually confined to holding title and custody of the underlying securities for the benefit of the certificate holder, was usually a large financial institution. Salesmen would show the balance sheets of these banks to prospects who would be advised that the trustee was back of and sponsored the plan. Thus, subscribers to these plans were apparently under the misapprehension that these large financial institutions actually guaranteed the so-called maturity value. Actually the trustee is in no way responsible for the operation of the plan. Further supposed similarities between the plans and savings accounts and insurance and endowment policies were indicated. A maturity value or termination value which did not represent an obligation was placed on the installment-plan certificate. Withdrawal and borrowing privileges were enlarged upon as salesmen analogized the periodic-payment plans to savings bonds. Glowing predictions of wealth and financial independence were made. Emphasis was placed upon the great corporations, the common stock of which underlaid the installment plan. Not only was there a tendency to confuse the soundness of the great corporations with the soundness of the periodic-payment plan, but many certificate holders were mislead into believing that their money was directly invested in these securities rather than in interposed investment trust shares. Emphasis on the savings, in the periodic payment plan literature was made in an effort to meet the sales resistance of a prospective purchaser to a speculative incursion into the investment field.

COMPANIES ISSUING FACE-AMOUNT INSTALLMENT CERTIFICATES

Face-amount installment certificates are, in essence, unsecured obligations to pay a specified amount to the holder at a specified future date provided the purchaser makes all the payments required by these contracts. The contracts after a certain number of prescribed payments have a cash surrender value—the holder of the contract is entitled to receive prior to maturity a specified amount if he surrenders his certificate to the issuing company.

The face amounts of these certificates are usually $2,500 or less with payments in installments over a period of 10 or 15 years, varying according to series. A typical certificate issued by these companies has a face amount of $2,500 and requires payments in installments over a period of 15 years of $1,800 or $120 per year. The strength of the appeal of these certificates to investors is indicated by the fact that at the end of 1936 such investors had contracted to invest some $700,000,000 in these companies and had already paid in about $100,000,000 on this obligation.

Many instances have been disclosed where this type of security has been sold on the basis of the comparison with savings-bank deposits and insurance policies. Although savings banks and insurance companies are subject to strict regulation as to assets and reserves, the face-amount certificate companies have operated without any such uniform type of regulation with the result that, in some cases, assets have been carried at highly fictitious values, and, in other cases, inadequate reserves have been maintained for the fixed obligations.

The Commission's study has indicated that in certain cases obligations of face-amount companies with high improvement rates have been met despite changed conditions with lower prevailing interest returns on investments, through a combination of several

factors. The lapse experience of investors was high, particularly during the first and second years when the investor had no surrender value or a surrender value substantially less than the total of the amount he had paid (although the certificates issued by some of the face-amount companies provided for reinstatement with credit for the amount paid in). The so-called stretch-out practice of depriving the investor pursuant to contract of any interest return on his entire investment during any period in which he has been in default, lowered the improvement rate so far as the company was concerned.

Furthermore, surrender values only accrued as of anniversary dates of the certificates, which was yearly. Monthly payments less than a year and interest on the last attained surrender value would not increase the surrender value above the preceding anniversary date. Payments made and interest on the entire investment between anniversary dates therefore might be sacrificed under the terms of the contract in the event of any surrender between such dates.

As a result of the various types of regulatory provisions in the many States in which face-amount companies operate, there is presently no uniform actuarial reserve system required by law.

Another serious aspect of this type of investment company relates to the problems of the investors in these certificates in the event of the bankruptcy of such a company. Not all of these companies are at present required to deposit qualified assets with any custodian for the benefit of all their certificate holders. Some State authorities do require such deposits for the protection of certificate holders residing in the particular States, and even such requirements are not on a uniform basis. In the event of bankruptcy a situation might be created where inequality of treatment might exist for certificate holders of the various States. Furthermore, the problems arising out of bankruptcy would be accentuated by the fact that the assets of these companies are located in almost every State in this country.

NECESSITY FOR LEGISLATION

The committee has been greatly impressed with the sincerity and public-spirited attitude evinced by the representatives of the industry in participating in the formulation of this legislation. The committee, in recommending this regulatory legislation, does not mean to imply that most investment trusts and investment companies at present operating in this country were guilty of unfair practices or were mismanaged. Nor does it mean to indicate that in the last decade progress has not been made by the members of the industry voluntarily to eliminate some of the major abuses and deficiencies, and to improve generally standards of practice in the light of experience. However, the record does indicate that some of the grossest abuses were perpetrated in most recent years, in fact, during the very course of the Commission's study. The conclusion is clear that the perpetrations of these misfeasances and the recurrence of these abuses cannot be completely abated nor the deficiencies eliminated without the enactment of adequate Federal legislation regulating these institutions. Virtually every representative of investment companies who appeared before the subcommittee conceded the necessity for, and in fact urged the immediate passage of, effective legislation to regulate investment companies. Practically no dissenting voice has been raised against any of the provisions of the substitute bill. In fact, this bill has received the affirmative and unequivocal approval of the industry as a whole.

The Securities Act of 1933 and the Securities Exchange Act of 1934 have been ineffective to correct abuses and deficiencies in investment companies: First, because the record before the committee is clear that publicity alone, which in general is the remedy provided by these acts, is insufficient to eliminate the abuses and deficiencies which exist in investment companies; and, second, because a large number of such companies have never come under the purview of these acts. The representatives of the industry recognized that the protection of investors against unscrupulous management and the necessity for the prevention of the recurrence of the abuses disclosed by the Commission's study and the committee hearings made indispensable the immediate enactment of adequate legislation regulating investment companies. This is also the opinion of the committee, and the Securities and Exchange Commission concurs. Representatives of the industry have stated for the committee's record that they definitely feel that this bill (S. 4108) will materially abate, if not virtually eliminate, the malpractices and deficiencies in these organizations. They have urged that this legislation will serve the most salutary purpose of protecting small investors from breaches of trust; will afford investors a regulated and supervised institution in which to invest their savings; will act as an incentive for venture and risk capital; and will supply an intelligent and articulate group of stockholders in industrial and other public corporations. The industry asserted, and the Commission and the committee believe, that this legislation will tend to prevent those abuses which have been a stigma upon and impaired the usefulness of the investment trust industry as a whole.

Representatives of the Securities and Exchange Commission and of the industry who appeared at the hearings called the attention of the committee to the serious tax problem affecting investment companies. It appears that the nature of these companies in many respects, constituting a conduit for distribution of income to the smaller investor, is such that they should not be subjected to the same type of taxation as the ordinary business corporation. This has already been recognized in respect of certain classes of open-end companies which receive special tax treatment under existing Federal tax laws. The record before the committee indicates that the tax problem is acute with respect to closed-end companies of the type classified in this bill as "diversified." If this bill is passed, the committee believes that the tax problem of these companies should receive prompt consideration.

ANALYSIS OF PROVISIONS OF TITLE I

Findings and declaration of policy: Section 1 of the bill contains the findings of the Congress with respect to investment companies and the declaration of policy of the bill.

Definitions and exemptions of investment companies: Investment companies within the purview of this bill are in general defined as companies which are engaged primarily in the business of investing, reinvesting, and trading in securities; and issuers which invest in or hold securities (other than securities of noninvestment company subsidiaries) having a value exceeding 40 percent of the value of their total assets. A third group of investment companies covered by the bill are companies which engage in the business of issuing so-called face-amount installment certificates. Provision is made generally to exclude from the bill companies primarily engaged, directly or through subsidiaries, in the operation of a business other than that of an investment company. In addition the bill specifically excludes brokers, underwriters, banks, insurance companies, common or commingled trust funds administered by a bank, bank holding company affiliates subject to the supervision of the Board of Governors of the Federal Reserve System, companies subject to the Interstate Commerce Act, and those of their wholly owned subsidiaries substantially all of whose assets consist of securities of companies which themselves are subject to the Interstate Commerce Act, small loan companies, factoring companies, companies dealing in mortgages or discount paper, holding companies subject to the Public Utility Holding Company Act of 1935, and certain other special types of companies (sec. 3). The bill makes provision for the exempting of employees' investment companies and certain other persons who are not within the intent of the proposed legislation (sec. 6).

Classification and subclassification of investment companies: Investment companies are broadly classified into three categories: management companies, unit investment trusts, and face-amount certificate companies. Management companies are divided into two types: open-end companies—companies in which the stockholder or certificate holder has a right to compel the company to redeem his shares at their asset value; and closed-end companies—companies in which the shareholders do not have such a right. Management companies, both of the open-end and closed-end type, are further subclassified upon the basis of the extent of the diversification of their investments, into diversified companies which, speaking generally, must have at least 75 percent of their assets in diversified securities and nondiversified companies which are not required so to diversify their investments (secs. 4 and 5).

Transactions by unregistered investment companies: Investment companies, unless registered as provided in the bill, are forbidden to conduct their activities through use of the mails or instrumentalities of interstate commerce. Foreign investment companies may not register as investment companies or publicly offer securities of which they are the issuer in the United States unless the Commission finds that these foreign investment companies can be effectively subjected to the same type of regulation as domestic investment companies (sec. 7).

Registration of, disclosure of investment policy, and size of investment companies: Provision is made for the registration of investment companies with the Commission. In the main, the Commission may require the information required to register securities under the Securities Act of 1933 and the Securities Exchange Act of 1934. In addition, the registration statement must state the policy of the company as to items specifically enumerated in the bill and supply information with respect to the business affiliation and experience of the officers and directors of the company. Provision is made for the simplification of the registration procedure by permitting the filing of copies of registration statements already filed under the acts now administered by the Commission. No shift in the company's fundamental policies as stated in the registration statement may be made without the approval of a majority of the company's outstanding voting securities (secs. 8 and 13).

To put a brake on the irresponsible formation of investment companies, no investment company organized hereafter may make a public offering of its securities unless it has or is assured of having at least $100,000 through private subscription. The bill does not contain any limitation with respect to maximum size of investment companies, but authorizes the Commission to study and report from time to time the effect of size of investment companies both on the national economy and on the trusts themselves (sec. 14).

Ineligibility of certain affiliated persons and underwriters: Any person who within 10 years has been convicted of a crime or is enjoined by a court in connection with a security or financial fraud is prohibited by the bill from acting as an officer or director of any investment company or in certain other capacities. The bill recognizes, however, that even such a person may rehabilitate himself, and so the Commission is authorized to exempt persons from this prohibition where it is shown that the penalty as applied to any such person would be unduly or disproportionately severe or that the conduct of such person has been such as not to make it against the public interest or protection of investors that such exception be granted (sec. 9).

Provisions relating to directors, officers, and certain affiliated persons: In the future no person shall serve as a director of an investment company unless elected by the holders of its outstanding voting securities, except that, in effect, vacancies not exceeding one-third of the board occurring between meetings of stockholders may be filled in any otherwise legal manner. However, with respect to existing strict trusts, where no provision is made for election of trustees, the bill does not require an affirmative election of trustees but provides a procedure for their removal by certificate holders (sec. 16).

The bill provides that at least 40 percent of the board of directors of an investment company shall be independent; that is, no more than 60 percent may consist of investment advisers to the company or affiliated persons of such an adviser or officers or employees of the company. Moreover, a majority of the board of directors of an investment company must be composed of persons who are not regular brokers for the company or principal underwriters of its securities, or investment bankers, or in each case persons affiliated with them. An exception is made to take care of certain types of investment companies which are closely affiliated with investment advisers and which are designed primarily to make available this medium of diversification of investment to the smaller customers of these advisers. This exception is carefully safeguarded by specific conditions. Hereafter the majority of the board of directors of an investment company may not consist of persons who are officers or directors of any one bank, except that any investment company which, on March 15, 1940, shall have had a majority of its directors consisting of such persons may continue to do so (sec. 10).

In the future, persons who are officers, directors, investment advisers, etc., or persons affiliated with such persons may not, as principal, knowingly sell to or purchase from any investment company any securities or other property or borrow from any such investment company. Provision is made for certain exceptions with respect to transactions involving the company's own security issues and for transactions exempted by the Commission (sec. 17).

In general, agency transactions are not affected by the bill, but brokerage commissions are limited in the main to standard rates with provision for special exemptions. Provision is made that those officers and employees who have access to securities or funds of investment companies may be required to be bonded. Securities of investment companies must be placed in the custody either of banks, or with stock exchange firms subject to supervision by the Commission as to methods of safekeeping (sec. 17).

Investment companies may not purchase securities underwritten by persons affiliated with the investment company, unless the investment company itself is a principal underwriter of such securities, until after the termination of the underwriting syndicate (sec. 10). Officers and directors of investment companies and certain other persons are not allowed to exculpate themselves from liability for any willful misfeasance, bad faith, gross negligence, or reckless disregard of their duties (sec. 17). The provisions of section 16 of the Securities Exchange Act of 1934 relating to transactions of officers, directors, and controlling persons which now apply to equity securities of investment companies whose securities are listed on a national securities exchange are made applicable to all securities of all registered closed-end companies (sec. 30). Gross misconduct or gross abuse of trust by directors, officers, investment advisers, principal underwriters, etc., is made a basis for injunctive proceedings in a Federal court to be instituted by the Commission (sec. 36). Larceny or embezzlement of property of investment companies is made a Federal crime (sec. 37).

Provisions with respect to certain activities of investment companies: Investment companies, generally speaking, may not trade on margin, participate in joint trading accounts, or effect short sales in portfolio securities in contravention of rules and regulations which may be prescribed. Investment companies may engage in underwriting activities if consistent with their declared investment policies (sec. 12). Upstream loans to investment companies, except by wholly owned subsidiaries, are prohibited (sec. 21).

Hereafter, an investment company or group of controlled companies may not purchase securities issued by another investment company if as a result of such acquisition such group will have more than 3 percent of the outstanding voting securities of such other investment company, or 5 percent of a specialized investment company. Investment companies, however, may increase their holdings in other investment companies of which they already hold 25 percent of the voting stock, since such holdings constitute presumptive control. A similar provision limits the acquisition by investment companies of an insurance company's stock to 10 percent, with additional exceptions relating to the organization of new insurance companies and the purchase of stock of insurance companies from other investment companies or where it is found that such acquisition is in the public interest because the financial condition of such insurance company will be improved as a result of such acquisition or any plan contemplated as a result thereof (sec. 12).

Cross and circular ownership as defined are prohibited in the future and existing cross and circular ownership must be eliminated within 5 years (sec. 20).

Although investment companies are in general prohibited from acquiring securities of persons engaged in the brokerage business or in the business of underwriting and dealing in securities, provision is made to permit investment companies, either alone or jointly with other investment companies, to purchase stock of a company engaged primarily in the business of underwriting and distributing securities and to acquire stock of a company formed to engage in the business of furnishing new capital to industry, financing promotional enterprises and similar activities (sec. 12). It is hoped that investment companies will soon jointly form such a company. It is believed it should make a material contribution to national recovery.

Distribution, repurchases, and redemptions of investment company securities: No open-end company and no closed-end company may issue any of its securities except for cash or for securities (secs. 22 and 23).

Publicly offered securities of all investment companies must be registered under the Securities Act of 1933, but provision is made to eliminate duplication in the material filed under that act and the present bill. Circular literature intended for distribution to prospective purchasers of the securities of open-end companies, unit-investment trusts, and face-amount certificate companies must be filed with the Commission (sec. 24).

Closed-end companies may not issue their common stock at a price below the current net asset value, except in connection with an offering to their security holders, conversion of a convertible security, exercise of any warrant outstanding on the date of enactment of this bill, or with consent of a majority of their stockholders. No closed-end company may repurchase any of its outstanding securities except on a securities exchange or open market upon prescribed notice to its stockholders or pursuant to tenders or under other circumstances to be prescribed to insure fair treatment of all security holders (sec. 23).

With respect to the distribution and redemption of securities issued by open-end companies, an association of securities dealers registered under section 15A of the Securities Exchange Act of 1934 is, subject to the provisions of that section, empowered to make rules to protect investors, so far as is reasonably practicable, against any dilution of their equity due to the methods of pricing, distribution, and redemption of redeemable securities and to prevent grossly excessive sales loads on such securities. The Commission, after 1 year, is empowered to make rules and regulations to deal with these subjects. In other words, the industry is given a year in which to solve this problem for itself. In addition, provision is made to prohibit the sale of redeemable securities to any person other than a dealer or principal underwriter at a price less than that at which the security is sold to the public. The bill prohibits the suspension of redemption of a redeemable security for a period more than 7 days except during certain specified emergency periods or other period fixed by the Commission. The negotiability of open-end securities may not be restricted in contravention of provisions which may be formulated (sec. 22).

Capital structure: Except for refunding of outstanding securities and securities issued in connection with reorganizations, closed-end companies in the future may not issue more than three classes of securities—one class of security representing indebtedness (including loans not publicly distributed), one class of preferred stock and one class of common stock. Securities representing indebtedness must have at the time of issue an asset coverage of at least 300 percent and preferred stock an asset coverage of at least 200 percent. Similarly no dividends or distributions may be declared or made upon the common stock unless the securities representing indebtedness and preferred stock issued in the future have an asset coverage of 300 percent and 200 percent, respectively, and dividends may not be paid on such preferred stock unless such indebtedness has an asset coverage of at least 200 percent. Voting rights are also provided for preferred stock and in certain contingencies for senior securities representing indebtedness other than loans. Temporary borrowings up to 5 percent are exempted from this provision (sec. 18).

Open-end investment companies are not permitted to issue any senior securities, except that such companies are permitted bank borrowings provided that an asset coverage of 300 percent is maintained at all times for such borrowings (sec. 18).

Dividends: In respect of dividends on existing securities, as well as securities issued in the future, investment companies are required to disclose by written statement accompanying any dividend the source of such payment when made other than from the current or accumulated net income as defined (sec. 19).

Proxies and voting trusts: Solicitations of proxies, consents, and authorizations relating to securities of investment companies registered under this bill are to be subject to the regulations to which solicitations relating to securities listed on national securities exchanges are already subject by reason of the Commission's regulations adopted under section 14 (a) of the Securities Exchange Act of 1934. To assure uniformity of interpretation and administration as between that act and the present bill, section 20 (a) of the bill has been so drafted as to follow verbatim section 14 (a) of the Securities Exchange Act, with only such slight modifications of langauge as are necessary because of the special classes of companies to which section 20 (a) applies.

Hereafter, no public offering may be made of voting trust certificates of investment companies. Existing voting trusts may continue until their expiration (sec. 20).

Investment advisory contracts and contracts for distribution of open-end company securities: After 1 year from the effective date of the act all investment advisory or management contracts must be in writing, must prescribe in detail the compensation to be paid, and must be nonassignable and terminable upon 60 days' notice. In effect, the contract has to be approved by a majority of the voting stock, may be for an initial period of 2 years, and

renewable annually thereafter by the board of directors or stockholders. Analogous provisions are incorporated with respect to contracts for the distribution of open-end company securities. Existing arrangements are permitted to continue for a period not exceeding 5 years (sec. 15).

Reorganizations of investment companies: With respect to investment company reorganizations as defined, the bill provides that the Commission, at the request of 25 percent of any class of the security holders to be affected by such reorganization, or on the request of a company which is a party to such a plan, may give an advisory opinion. The company is required to send a copy of such advisory opinion to its security holders. The Commission may institute injunction proceedings in a Federal Court to restrain the consummation of grossly unfair plans of reorganization or plans which constitute gross misconduct or gross abuse of trust (sec. 25). The functions and duties of the Securities and Exchange Commission under the Bankruptcy Act remain unchanged.

Reports and accounting: Investment companies are required to file with the Commission annual reports, including financial statements, similar to the annual reports now filed with the Commission under the Securities Exchange Act of 1934 by companies having securities listed on national securities exchanges, and less comprehensive reports on the semiannual or quarterly basis. In addition, investment companies must file with the Commission copies of reports sent to their security holders and may be required to transmit semiannually to their stockholders reports containing certain specified financial and other information. The reports to stockholders may not be misleading in any material respect in the light of the reports filed with the Commission. Under other acts administered by the Commission, lacking such a provision as this, misleading financial statements, inconsistent with those filed with the Commission, have been sent security holders in an appreciable number of instances. Annual reports to the Commission and to stockholders may be required to be certified by independent public accountants, whose certificate must be based on a reasonably comprehensive audit (sec. 30).

The Commission is authorized to require investment companies and certain of their majority-owned subsidiaries to preserve accounts, records, and documents upon which the financial statements filed with the Commission are predicated. Investment advisers, depositors, and principal underwriters of certain investment companies may likewise be required to preserve records showing their transactions with the investment companies with which they are associated. These accounts, records, and documents are subject at all times to examination by the Commission or its representatives. The Commission is authorized to provide for a reasonable degree of uniformity in the accounting policies and principles to be followed by investment companies in maintaining their accounts and records and preparing the financial statements required in their reports to the Commission and stockholders (sec. 31).

Subject to certain exceptions, the selection of independent public accountants of investment companies must be submitted for ratification or rejection to stockholders who, in addition, at any time by a majority vote may terminate their employment. The auditor's certificate must be addressed to security holders as well as the directors. The controller or other principal accounting officer of every company is to be chosen either by the board of directors of the company or by its security holders, and not merely be appointed by its executive officers. The Commission is also empowered to require accountants and auditors to keep reports and work sheets and other documents relating to investment companies (sec. 32).

Unit investment trusts: The trust indentures of unit investment trusts must designate as trustee or custodian a bank of a specified minimum size; must require that all property and funds of the trust will be held by the trustee; and that the trustee (which may not resign unless a successor trustee has been designated or the trust liquidated) be entitled to reimburse itself out of the trust property for its expenses actually incurred and fees actually earned. Except under special circumstances, the depositor or underwriter must be prohibited from deriving any fees from the trust other than the original sales load for distributing the shares. Provision must also be made to advise shareholders of portfolio changes. Finally, proceedings in court may be instituted by the Commission to liquidate so-called orphan trusts (sec. 26).

Periodic-payment plans: The bill contains additional provisions which relate specifically to companies issuing periodic payment plan certificates. These provisions fall roughly into three classes: Provisions relative to sales load; provisions regulating the incidents and denominations of the certificates, and provisions regarding custodianship. The sales load is limited to 9 percent. Recognizing the heavier initial expense, due primarily to sales commissions, the bill permits half of the sales load to be taken out during the first year of the plan; the balance is to be spread equally over the subsequent years. To prevent evasion of these restrictions on sales load by the imposition of so-called management fees, the Commission is authorized to prescribe maximum management fees. The provision relating to sales load may be modified by the Commission to meet the problems of small companies. Periodic payment plan certificates must be redeemable securities; and the initial payment under any plan must be at least $20, with each subsequent payment at least $10 (sec. 27).

Face-amount certificate companies: Companies which sell face-amount certificates are generally subject to the provisions of the bill but must comply with certain provisions which are specifically applicable to that type of company. The bill contains provisions with respect to minimum capitalization of face-amount certificate companies. All companies which in the future sell these certificates must at all times maintain reserves, which, accumulated at a rate not to exceed 3½ percent compounded annually, must provide an amount sufficient to meet at all times all the liabilities and obligations of the company to all its certificate holders. The companies must have cash or qualified investments (investments which are qualified under the Code for the District of Columbia for life insurance companies) of a value not less than the aggregate of their capital and reserve requirements. The bill makes provision to require deposit with certain qualified banks all or any part of the investments maintained by such company as certificate reserve requirements except that the company may be credited with deposits made pursuant to law or regulation with State authorities in respect to liabilities of the certificates sold to the residents of such States. The bill makes provision for the distribution of the loading charge (the maximum amount of which charge is fixed by the bill) over the life of the certificate. In essence, no more than 50 percent of the load may be taken out the first year, no more than 7 percent in each of the following 4 years, and not more than 4 percent the remaining years. The surrender value of the certificate for the first year must be equal to at least 50 percent of the gross annual payment made on the certificate and for any subsequent time must be the amount of reserve of such certificate less a prescribed surrender charge. A certificate may not contain a provision making the holder liable for any unpaid balance on the certificate and must provide for the issuance to the certificate holder upon the happening of certain contingencies of a so-called paid-up certificate.

The obligations of the company to a certificate holder, who has defaulted, are specifically enumerated in the bill (sec. 28). If a face-amount company does not maintain the minimum certificate reserve on all its outstanding face-amount certificates issued prior to the effective date of the bill then the company cannot make any distribution or pay any dividend on any senior capital security which exceeds a prescribed percentage of its earnings or which the Commission determines might impair the financial integrity of the company or its ability to meet its liabilities on the outstanding certificates. In the future, face amount certificate companies cannot issue senior capital securities in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate for the protection of investors, or if such company has such senior capital securities outstanding to make any distribution or pay any dividend in contravention of such rules and regulations as the Commission may prescribe to insure the financial integrity of the company and to prevent the impairment of the company's abilities to meet its obligations on its face-amount certificates (sec. 18). A face-amount company can acquire the securities of another face-amount company only upon certain prescribed conditions (sec. 12). The bill makes provision to obtain equality of treatment of certificate holders who are residents of various States in the event of bankruptcy of a face-amount company. The bill preserves the rights of residents in those States which require specific deposits with their State officials but makes provision for equalization of treatment of all certificate holders, by providing that residents of other States must receive an amount equal to that received by the residents of States with deposits, before the latter can share in the general assets of the bankrupt company (sec. 29).

Unlawful representations: The bill contains the usual provisions prohibiting misrepresentations and half-truths in registration statements, reports, and other documents filed with the Commission, and prohibiting the misrepresentation of the effect of registration with the Commission. In addition, the use of misleading names by registered investment companies is specifically prohibited. The latter provisions may be enforced by order of the Commission when the name is adopted after the effective date of the bill, and by a court at the suit of the Commission as to names theretofore adopted (secs. 34 (b), 35).

Administrative and enforcement machinery: The bill contains ample provisions, but appropriately circumscribed, for the enforcement of its provisions; for the carrying out of the powers and duties vested in the Commission, and for court review of the Commission's action (secs. 38 to 46, 49).

Formal provisions: The bill contains the usual provisions regarding validity of contracts, liability of controlling persons, the effect of the bill on existing law, and separability of provisions. The effective date of title I is November 1, 1940, as to all companies except face-amount certificate companies, as to which the bill does not become effective until January 1, 1941. The short title of the bill is the "Investment Company Act of 1940" (secs. 47, 48, 50 to 53).

TITLE II. INVESTMENT ADVISERS

Title II, which deals with investment advisory services, is an outgrowth of the Commission's survey of these organizations in connection with its study of investment trusts and investment companies. The subcommittee held hearings on the original provisions of title II as they were included in S. 3580. At these hearings representatives of the larger investment-adviser firms and representatives of a voluntary association of investment advisers opposed that title. However, at the conclusion of the hearings, much as in the case of the investment trusts and investment companies, representatives of the investment-adviser organizations and the Securities and Exchange Commission, at the suggestion of the chairman of the subcommittee, conferred with a view to drafting proposals which would have the support of the investment advisers and the Commission. As a result, title II of S. 4108 was prepared. This title has the affirmative support of virtually all investment advisers, both the members of the associa-

tion and those who are not members, who appeared before the committee.

GENERAL STATEMENT

Investment advisers are persons who for compensation engage in the business of advising others, either directly or through publication or writings as to the value of securities, or as to the advisability of investing in, purchasing, or selling securities or who for compensation and as part of a regular business issue or promulgate analyses or reports concerning securities.

The emergence of the investment adviser as an important occupation or profession did not occur until the World War. However, it was not until after 1929 that the investment adviser firms organized and increased rapidly. The number of investment advisers presently functioning has been difficult to ascertain. The Commission reported to the Congress that in connection with its study of these firms, it obtained replies to questionnaires from only 394 persons or firms which administer funds or give investment advice.

Similarly, it is difficult definitely to estimate the amount of funds under the influence or control of investment advisers. However, some idea of the size of the funds administered by investment advisers may be deduced from the fact that 51 firms for which information was obtainable by the Commission managed, supervised, and gave investment advice with respect to funds aggregating approximately $4,000,000,000.

The nature of the functions of investment advisers, their increasing widespread activities, their potential influence on security markets, and the dangerous potentialities of stock-market tipsters imposing upon unsophisticated investors convinces this committee that protection of investors requires the regulation of investment advisers on a national scale.

The report of the Commission to the Congress and the record before the committee is clear that the solution of the problems and abuses of investment advisory services—individuals and companies which either handle pools of liquid funds of the public or give advice with respect to security transactions—cannot be effected without Federal legislation.

Not only must the public be protected from the frauds and misrepresentations of unscrupulous tipsters and touts, but the bona fide investment counsel must be safeguarded against the stigma of the activities of these individuals. Virtually no limitations or restrictions exist with respect to the honesty and integrity of individuals who may solicit funds to be controlled, managed, and supervised. Persons who may have been convicted or enjoined by courts because of perpetration of securities fraud are able to assume the role of investment advisers. Individuals assuming to act as investment advisers at present can enter profit-sharing contracts which are nothing more than "heads I win, tails you lose" arrangements. Contracts with investment advisers which are of a personal nature may be assigned and the control of funds of investors may be transferred to others without the knowledge or consent of the client.

Title II recognizes that with respect to a certain class of investment advisers, a type of personalized relationship may exist with their clients. As a consequence, this relationship is a factor which should be considered in connection with the enforcement by the Commission of the provisions of this bill.

ANALYSIS OF PROVISIONS OF TITLE II

Findings and definitions: Sections 201 and 202 contain, respectively, the findings of the Congress with respect to investment advisers and the definitions of various terms used in title II. The term "investment adviser" is so defined as specifically to exclude banks, bank holding-company affiliates, lawyers, accountants, engineers, teachers, brokers (insofar as their advice is merely incidental to brokerage transactions for which they receive only brokerage commissions), publishers of bona fide newspapers, news magazines, or financial publications of general and regular circulation, and persons whose advice is limited to securities issued by the United States and certain instrumentalities of the United States. In addition, the Commission is authorized by rules and regulations or order to make certain further exceptions according to prescribed statutory standards.

Registration of investment advisers: Investment advisers who make use of the mails or instrumentalities of interstate commerce in connection with their investment advisory business, unless they fall within one of the specific exemptions provided in section 203 (b), are required to register by filing with the Commission an application for registration containing certain information, the character of which is specified in the bill. The administrative machinery for registration is similar to that provided in the Securities Exchange Act of 1934 for the registration of over-the-counter brokers and dealers. Registration may be denied or revoked if the registrant has within 10 years been convicted of a crime or is enjoined by a court in connection with a security or financial fraud, or if his application for registration is materially misleading. The data contained in the application for registration must be kept reasonably current by such annual and special reports as the Commission may require for that purpose (secs. 203, 204).

Investment advisory contracts: Contracts or agreements between an investment adviser and a client may not provide for compensation to the investment adviser based upon capital gains or capital appreciation. Each such contract must be nonassignable and must provide, if the investment adviser is a partnership, that the client will be notified of any change in the membership of the firm, so that he will be in a position, if he so desires, to disaffirm the contract (sec. 205).

Certain prohibited transactions: Transactions and practices which defraud or operate as a fraud or deceit upon clients or prospective clients are prohibited. Registered investment advisers are also forbidden to purchase securities from or sell securities to any client, either as principal or in connection with a brokerage business, without first advising the client of the transaction and obtaining his consent thereto (sec. 206).

Unlawful representations, administrative and enforcement machinery, and formal provisions: In these respects title II contains provisions generally comparable to those of title I (secs. 207 to 221, inclusive). Section 210, which relates to publicity, recognizes that in many instances the adviser-client relationship has a confidential basis, and provides for confidential treatment of information obtained in the administration and enforcement of the title, to the extent that such treatment is consistent with efficient enforcement.

SECURITIES AND EXCHANGE COMMISSION,
Washington, August 1, 1940.

The Honorable ROBERT F. WAGNER,
Chairman, Banking and Currency Committee, United States Senate, Washington, D. C.

DEAR SENATOR WAGNER: The Securities and Exchange Commission, in conjunction with representatives of the National Association of Securities Dealers, Inc., and the Investment Bankers Association, suggests the enclosed modification of section 8 (a) of the Securities Act of 1933, as amended, for the consideration of the Congress and respectfully urges that it may be enacted at the present session.

The Commission and the representatives of the National Association of Securities Dealers and the Investment Bankers Association wish to make it clear to the Members of the Congress that this proposal is experimental. They have already agreed to present to Congress in January their joint and several views as to modifications of this statute, based on study and conferences to be conducted in the meantime. They all, therefore, expressly wish to reserve the right to make, at that time, any further suggestions for the modification of section 8 (a) which they may believe to be desirable.

The representatives of the National Association of Securities Dealers and the Investment Bankers Association express the view that the proposed amendment should be helpful, although not a complete solution of the problem. They, therefore, intend in January to make suggestions for further changes in this section as well as in other sections of the act, but in order to make it possible to shorten the time in which securities may be registered and offered, they join in the request that this single amendment be enacted into law at the earliest possible moment during the present session of the Congress.

Sincerely yours,

ROBERT E. HEALY,
Acting Chairman Securities and Exchange Commission.
FRANCIS A. BONNER,
Chairman, National Securities Dealers Association, Inc.
E. F. CONNELY,
President, Investment Bankers Association of America.

SELECTIVE-SERVICE COMPULSORY MILITARY TRAINING

Mr. BARKLEY. Mr. President, I intend to make a motion, but in connection with that motion I wish to make a statement to the Senate.

I move that the Senate proceed to consider Senate bill 4164, Calendar No. 2110, the so-called military training bill, not with a view to taking it up this afternoon, but to make it the unfinished business, and then have it go over until tomorrow.

I wish to state that I have been asked whether it is the program to have a session Saturday. I am prepared to say to Senators that we shall not have a session this coming Saturday, but I can hold out no such assurance for any subsequent Saturdays until this program has been completed.

I wish to say that in addition to the bill which is the subject of my motion there is in the offing a tax bill which will probably be considered in the House in the next few days and sent to the Senate. There is also pending in the Committee on Appropriations the $4,800,000,000 measure which the House recently passed, and which will soon be reported by the committee.

As to one or two of these measures, if not all of them, the element of time is of extreme importance, and therefore it is very urgent that the Senate devote itself without interruption to the consideration of these measures until they are disposed of, and it may be necessary to have, and I hope Senators will prepare themselves for, Saturday sessions after the coming Saturday, but there will be no session of the Senate next Saturday.

With that statement, I move that the Senate now proceed to the consideration of Senate bill 4164.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service, which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and to insert:

Be it enacted, etc., That (a) the Congress hereby declares that it is imperative to increase and train the personnel of the armed forces of the United States.

(b) The Congress further declares that in a free society the obligations and privileges of military training and service should be shared generally in accordance with a fair and just system of selective compulsory military training and service.

(c) The Congress further declares, in accordance with our traditional military policy as expressed in the National Defense Act of 1916, as amended, that it is essential that the strength and organization of the National Guard as an integral part of the first-line defenses of this Nation be at all times maintained and assured. To this end it is the intent of the Congress that whenever the Congress shall determine that troops are needed for the national security in excess of those of the Regular Army, the National Guard of the United States, or such part thereof as may be necessary, shall be ordered to active Federal service and continued therein so long as such necessity exists.

SEC. 2. Except as provided in section 5 (a), it shall be the duty of every male citizen of the United States, and of every male alien residing in the United States, who is between the ages of 21 and 31, on the day or days fixed for registration, to present himself for and submit to registration at such time and place, and in such manner and in such age group, as shall be determined by rules and regulations prescribed hereunder.

SEC. 3. (a) Every male citizen of the United States, and every male alien residing in the United States who has declared his intention to become such a citizen, beween the ages of 21 and 31 (other than those excepted from registration under section 5 (a)), shall be liable for training and service in the land and naval forces of the United States. The President is authorized, whether or not a state of war exists, to select for training and service in the manner herein provided, and to induct into the land and naval forces of the United States, such number of men between such ages as in his judgment is required for such forces in the national interest: *Provided*, That any person between the ages of 18 and 35 shall be afforded an opportunity voluntarily to enlist and be inducted into the land or naval forces of the United States for the training and service prescribed in subsection (b), if he is acceptable to the land or naval forces for such training and service. The men inducted into the land or naval forces for such training and service shall be assigned to camps or units of such forces.

(b) Whenever the United States is not at war, each man so inducted shall serve for a training period of 12 consecutive months, unless sooner discharged: *Provided*, That if during his training period the Congress shall declare that the national interest is imperiled, he may be required to remain in service until the Congress shall declare that the national interest permits his being relieved from such service. Each such man, after completion of the service required by this subsection, shall be transferred to a Reserve component of the land or naval forces of the United States until the provisions of this act become inoperative, or until the expiration of a period of 10 years, or until he is discharged from such Reserve component, whichever event first occurs; and during the period that he is a member of such Reserve component he shall be subject to such additional training and service as may now or hereafter be prescribed by law: *Provided*, That any man who completes 12 months' training and service in the land forces in time of peace, as provided herein, who thereafter completes not less than 2 years' satisfactory service in the Regular Army or in the active National Guard, shall, upon completion of such service, be relieved from further liability to serve in the Reserve components of the Army of the United States in time of peace.

(c) The men inducted for training and service as provided for in this section shall, during the period of their training and service, receive the same pay, allowances, and other benefits as are provided by law for enlisted men of like grades and length of service of that component of the land or naval forces to which they are assigned, and after transfer to a Reserve component of the land or naval forces as provided in subsection (b) they shall receive the same benefits as are provided by law in like cases for members of such Reserve component. Men in such training and service shall have an opportunity to qualify for promotion.

SEC. 4. (a) The selection of men for the training and service provided for in section 3 (other than those who enlist voluntarily pursuant to this act) shall be made in an impartial manner, under such rules and regulations as the President may prescribe, from all the men between the ages of 21 and 31 who are liable for such training and service.

(b) Quotas of men to be furnished for such training and service shall be determined for each State, Territory, and the District of Columbia, and for subdivisions thereof, on the basis of the actual number of men in the several States, Territories, and the District of Columbia, and the subdivisions thereof, who are liable for such training and service but who are not deferred after classification, credits shall be given in fixing such quotas for residents of such subdivisions who are in the land and naval forces of the United States on the date fixed for determining such quotas; and until the actual numbers necessary for determining the quotas are known, the quotas may be based on estimates, and subsequent adjustments therein made when such actual numbers are known; all in accordance with such rules and regulations as the President may prescribe.

SEC. 5. (a) Commissioned officers, warrant officers, field clerks, pay clerks, and enlisted men of the Regular Army, the Navy, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, the federally recognized active National Guard, the Officers' Reserve Corps, the Regular Army Reserve, the Enlisted Reserve Corps, the Naval Reserve, and the Marine Corps Reserve; cadets, United States Military Academy, midshipmen, United States Naval Academy; cadets, United States Coast Guard Academy; and cadets of the advanced course, senior division, Reserve Officers' Training Corps; and diplomatic representatives, technical attachés of foreign embassies and legations, consuls general, consuls, vice consuls, and consular agents of foreign countries, residing in the United States, who are not citizens of the United States, or who have not declared their intention to become citizens of the United States, shall not be required to be registered under section 2. No exceptions from registration shall continue after the cause therefor ceases to exist: *Provided*, That any officer, warrant officer, or enlisted man of the Regular Army who is excepted from registration under section 2 and who shall have served therein satisfactorily for a period of 3 years, and any officer, warrant officer, or enlisted man of the active National Guard or a member of the Officers' Reserve Corps on the eligible list, who is excepted from such registration and who shall have served therein satisfactorily for a period of 6 years, shall be excepted from such registration and further duty in the Reserve components of the Army of the United States in time of peace: *Provided further*, That any officer, warrant officer, or enlisted man of the active National Guard who satisfactorily serves as a member of the Army of the United States, in active Federal service for the period of 1 year, who thereafter completes not less than 2 years' satisfactory service in the Regular Army or in the active National Guard, shall, upon completion of such service, be relieved from further liability to serve in the Reserve components of the Army of the United States in time of peace.

(b) The Vice President of the United States, and the officers, legislative, executive, and judicial, of the United States, and of the several States, Territories, and the District of Columbia, while holding such official positions shall be deferred from training and service in the land and naval forces of the United States.

(c) The President is authorized, under such rules and regulations as he may prescribe, to defer training and service under this act in the land and naval forces of the United States of those men whose employment in industry, agriculture, or other occupations or employment is found to be necessary to the maintenance of the national health, safety, or interest, and the President shall defer training and service under this act in the land and naval forces of the United States of regular or duly ordained ministers of religion engaged in the regular discharge of their ministerial duties. No deferment of training and service shall be made in the case of any individual except upon the basis of the status of such individual, and except in the case of regular or duly ordained ministers no such deferment shall be made of individuals by occupational groups or of groups of individuals in any plant or institution. The President is also authorized, under such rules and regulations as he may prescribe, to defer the training and service under this act in the land and naval forces of the United States (1) of those men in a status with respect to persons dependent upon them for support which renders their deferment advisable, and (2) of those men found to be physically, mentally, or morally deficient. No deferment of such training and service shall continue after the cause therefor ceases to exist.

(d) Nothing contained in this act shall be construed to require any person to be subject to combatant training or service in the land or naval forces of the United States who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form. All persons claiming such exemption from combatant training and service because of such conscientious objections shall be listed on a Register of Conscientious Objectors at the time of their classification by a local board, and the names of the persons so registered shall be at once referred by such local board to the Department of Justice for inquiry and hearing. After appropriate inquiry by the proper agency of the Department of Justice, a hearing shall be held by the Department of Justice in the case of each such person with respect to the character and good faith of his objections, and such person shall be notified of the time and place of such hearing. The Department shall, after such hearing, if the objections are found to be sustained, recommend (1) that the objector shall be assigned to noncombatant service as defined by the President, or (2) if the objector is found to be conscientiously opposed to participation in such noncombatant service, that he shall be assigned to work of national importance under civilian direction. If, after such hearing, the objections of any such person are found not to be sustained, the objector and the local board shall be immediately notified thereof, the name of the objector shall then be removed from the Register of Conscientious Objectors, and such objector shall thereafter be liable to training and service as provided by this act. If, within 5 days after the date of such findings by the Department of Justice, the objector or the local board gives notice to the other of disagreement with such findings, the local board shall immediately refer the matter for final determination to an appropriate appeal board established pursuant to section 10 (a) (2).

SEC. 6. The President shall have no authority to induct persons into the land and naval forces of the United States under this act until Congress shall hereafter appropriate funds specifically for such purpose.

SEC. 7. No bounty shall be paid to induce any person to enlist in or be inducted into the land or naval forces of the United States: *Provided*, That the clothing or enlistment allowances authorized by law shall not be regarded as bounties within the meaning of this section. No person liable to service in such forces shall be permitted or allowed to furnish a substitute for such service; no such substitute shall be received, enlisted, enrolled, or inducted into the land or naval forces of the United States; and no person liable to service in such forces shall be permitted to escape such service or be discharged therefrom prior to the expiration of his term of service by the payment of money or any other valuable thing whatsoever as consideration for his release from service in such forces or liability thereto.

SEC. 8. (a) Any member of any Reserve component of the land or naval forces who is on active duty, and any person inducted into the land or naval forces under this act who, in the judgment of those in authority over him, satisfactorily completes the service required under this act shall be entitled to a certificate to that effect upon the completion of such service, which shall include a record of any special proficiency or merit attained.

(b) In the case of any such person who has left a position or by reason of being so inducted into such forces is required to leave a position, other than a temporary position, in the employ of any employer and who (1) receives such certificate of satisfactory service, (2) is still qualified to perform the duties of such position, and (3) makes application for reemployment within 40 days after he is relieved from such service—

(A) if such position was in the employ of the United States Government, its Territories or possessions, or the District of Columbia, such person shall be restored to such position or to a position of like status and pay;

(B) if such position was in the employ of a private employer, such employer shall restore such person to such position or to a position of like status and pay unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so;

(C) if such position was in the employ of any State or political subdivision thereof, it is hereby declared to be the sense of the Congress that such person should be restored to such position or to a position of like status and pay.

(c) Any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (b) shall be so restored without loss of seniority, insurance participation or benefits, or other benefits, and such person shall not be discharged from such position without cause within 1 year after such restoration.

(d) The failure or refusal of any private employer to comply with the provisions of paragraph (B) of subsection (b) or with the provisions of subsection (c) shall be an unfair labor practice within the meaning of and for all the purposes of the National Labor Relations Act.

(e) In any case in which no remedy is available under the National Labor Relations Act to require compliance by any private employer with the provisions of this section, the district court of the United States for any district in which such employer maintains a place of business shall have power, upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the benefits of such provisions, to specifically require such employer to comply with such provisions. The court shall order a speedy hearing in any such case and shall advance it on the calendar.

(f) The Director of Selective Service herein provided for shall establish a Personnel Division with adequate facilities to render aid in the replacement in their former positions of persons who have satisfactorily completed their service under this act, and to aid such persons in finding employment elsewhere if such replacement in their former positions is impossible or unreasonable.

(g) The Chief of Finance, United States Army, is hereby designated, empowered, and directed to act as the fiscal, disbursing, and accounting agent of the Director of Selective Service in carrying out the provisions of this act.

SEC. 9. Any person charged as herein provided with the duty of carrying into effect any of the provisions of this act, or the rules or regulations made or directions given thereunder, who shall knowingly fail or neglect to perform such duty, and any person charged with such duty, or having and exercising any authority under said act, rules, regulations, or directions who shall knowingly make, or be a party to the making, of any false, improper, or incorrect registration, classification, physical or mental examination, deferment, induction, enrollment, or muster, and any person who shall make, or be a party to the making of, any false statement or certificate as to the fitness or unfitness or liability or nonliability of himself or any other person for service under the provisions of this act, or rules, regulations, or directions made pursuant thereto, or who otherwise evades registration or service in the land or naval forces or any of the requirements of this act, or who counsels, aids, or abets another to evade registration or service in the land or naval forces or any of the requirements of this act, or of said rules, regulations, or directions, or who in any manner shall knowingly fail or neglect to perform any duty required of him under or in the execution of this act, or rules or regulations made in pursuance of this act, or any person or persons who shall knowingly hinder or interfere in any way by force or violence with the administration of this act or the rules or regulations made pursuant thereto, or conspire to do so, shall, upon conviction in the district court of the United States having jurisdiction thereof, be punished by imprisonment for not more than 5 years or a fine of not more than $10,000, or by both such fine and imprisonment, or if subject to military or naval law may be tried by court martial, and, on conviction, shall suffer such punishment as a court martial may direct. In cases of persons subject to this act who fail to report for duty in the land or naval forces as ordered, military and naval courts martial shall have concurrent jurisdiction of offenses arising out of such failure. Precedence shall be given by courts to the trial of cases arising under this act.

SEC. 10. (a) The President is authorized—

(1) to prescribe the necessary rules and regulations to carry this act into effect;

(2) to create and establish a selective service system, to provide for the classification of registered men on the basis of availability for service and training and to establish local boards and such other agencies, including appeal boards and agencies of appeal, as he may deem necessary to carry the provisions of this act into effect;

(3) to appoint, by and with the advice and consent of the Senate, and fix the compensation, at a rate not in excess of $10,000 per annum, of a Director of Selective Service who shall be directly responsible to him, and to appoint and fix the compensation of such other officers, agents, and employees as he may deem necessary to carry out the provisions of this act: *Provided*, That any person so appointed whose salary is at a rate in excess of $5,000 per annum shall be appointed by and with the advice and consent of the Senate;

(4) to utilize the services, information, facilities, and personnel of the departments and agencies in the executive branch of the Government, and of the several States, Territories, possessions, and the District of Columbia, and the subdivisions thereof, in the execution of this act, and to require of each the performance of such duties as he directs in carrying out the provisions of this act;

(5) to have done such printing, binding, and blank-book work in such public or private printing establishments or binderies as he may designate, and to obtain such office equipment, as he may deem necessary to carry out the provisions of this act, with or without advertising or formal contract; and

(6) to prescribe eligibility, rules, and regulations governing the parole for service in the land or naval forces, or for any other special service established pursuant to this act, of any person convicted of a violation of any of the provisions of this act.

(b) The President is authorized, under such rules and regulations as he may prescribe, to delegate any authority vested in him under this act to such officers, agents, or persons as he may designate or appoint for such purpose.

(c) The decisions of local boards with respect to any matters within their jurisdiction shall be final except where appeals are authorized in accordance with the provisions of this act and such rules and regulations as the President may prescribe. In the administration of this act voluntary services may be accepted. Correspondence necessary in the execution of this act may be carried in official penalty envelopes.

SEC. 11. (a) Every person shall be deemed to have notice of the requirements of this act upon publication by the President of a proclamation or other public notice requiring registration.

(b) The provisions of this act shall be construed liberally to effect the purpose thereof, the spirit always controlling the letter, and any technical deficiencies therein shall be supplied by the reasonable intent of the act as a whole, in the light of national needs.

(c) If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

(d) Nothing contained in this act shall be construed to repeal, amend, or suspend the laws now in force authorizing voluntary enlistment or reenlistment in the land and naval forces of the United States, including the reserve components thereof.

SEC. 12. When used in this act—

(a) The term "between the ages of 21 and 31" shall refer to persons who have reached the twenty-first anniversary of the day of their birth and who have not reached the thirty-first anniversary of the day of their birth; and other terms designating different age groups shall be construed in a similar manner.

(b) The term "United States," when used in a geographical sense, shall be deemed to include the several States, the District of Columbia, the Territories, and the possessions of the United States, except the Philippine Islands.

SEC. 13. (a) All laws and parts of laws in conflict with the provisions of this act are hereby suspended to the extent of such conflict for the period in which this act shall be in force.

(b) All the provisions of this act shall become inoperative and cease to apply on and after May 15, 1945, unless continued in effect by the Congress, except as to offenses committed prior to such date.

SEC. 14. This act may be cited as the "Selective Training and Service Act of 1940."

CLAIM OF THEODORE R. TROENDLE, FOR THE DAWSON SPRINGS CONSTRUCTION CO.—VETO MESSAGE (S. DOC. NO. 268)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States,

which was read, and, with the accompanying bill, referred to the Committee on Claims and ordered to be printed:

To the Senate:

I return herewith, without my approval, a bill (S. 4037) to confer jurisdiction upon the United States District Court for the Western District of Kentucky to hear, determine, and render judgment upon the claim of Theodore R. Troendle, for the Dawson Springs Construction Co.

It appears that in 1920 the Dawson Springs Construction Co., of Dawson Springs, Ky., entered into a contract with the United States for the construction of eight buildings for a United States Public Health Sanatorium at Dawson Springs, Ky. One of the provisions of the agreement required the Government to furnish rough lumber for use in connection with the project. It apparently is claimed that the lumber supplied by the Government was unsuitable for the purpose for which it was intended and that the contractor was required to purchase the necessary lumber at an expense of approximately $7,100.

It is evidently the purpose of the legislation to waive the statute of limitations against this claim so that the contractor may bring suit against the Government in the District Court of the United States for the Western District of Kentucky. While I would have no objection to a bill properly limited to the ostensible purpose of the legislation and safeguarding the rights of the Government, I am constrained to disapprove the instant measure, because in its present form it is unfortunately subject to a number of serious objections.

The first proviso of the bill would permit a review by the Supreme Court on certiorari of any decision or judgment rendered in any suit filed under the authority of the act. This clause is subject to the construction that an application for a writ of certiorari may be made directly to the Supreme Court to review a judgment of the district court without an intermediate appeal to the circuit court of appeals. No reason is discernible for making such an exception from the usual procedure in this instance. It may be observed that it is not customary to include such a provision in private jurisdictional bills in which jurisdiction is conferred on a United States district court in respect to an individual claim.

Instead of proposing to confer on the court jurisdiction over the claim for alleged breach of contract, it would do so in respect to "losses or damages arising out of" the contract. Obviously the contractor may conceivably have sustained losses arising out of the contract not due to any breach on the part of the Government and for which the Government is in no wise responsible, either legally or morally. In the light of this circumstance the jurisdictional clause of the bill appears entirely too broad.

Contrary to the usual practice, the bill contains no limitation on the time within which suit may be brought.

While because of the foregoing objections I am impelled to return the bill without my approval, I also desire to call attention to two defects of the measure which should be corrected in the event that it should be passed in a revised form.

The contract out of which the claim arises was made by the United States with the Dawson Springs Construction Co. The bill would permit suit to be brought in behalf of Theodore R. Troendle for the Dawson Springs Construction Co. No explanation of Mr. Troendle's connection with the claim is vouchsafed.

The last proviso contained in the bill would prohibit the payment of attorneys' fees in an amount exceeding 10 percent of "the amount appropriated in this act," whereas, in fact, no appropriation would be made by the act, since it would merely confer jurisdiction on a specified court over the claim. While such a restriction is generally included in bills making direct appropriations for the payment of claims, in its present form it appears unsuitable to a jurisdictional measure.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *August 7, 1940.*

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. BROWN in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF A COMMITTEE

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of several postmasters.

COLLECTOR OF INTERNAL REVENUE

Mr. HARRISON. Mr. President, from the Committee on Finance, I report the nomination of Paul H. Maloney, of New Orleans, La., to be collector of internal revenue for the district of Louisiana, to fill an existing vacancy, and I ask that the nomination be confirmed at this time.

The PRESIDING OFFICER. The nomination will be stated.

The legislative clerk read the nomination of Paul H. Maloney, of New Orleans, La., to be collector of internal revenue for the district of Louisiana, to fill an existing vacancy.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. OVERTON. I ask unanimous consent that the President be immediately notified of the confirmation of the nomination of Paul H. Maloney.

The PRESIDING OFFICER. Without objection, the President will be notified.

If there be no further reports of committees, the clerk will state the nominations on the calendar.

THE JUDICIARY

The legislative clerk read the nomination of Robert L. Russell, of Georgia, to be United States district judge for the northern district of Georgia.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

RECESS

Mr. BARKLEY. Mr. President, as in legislative session I move, in accordance with the provisions of Senate Resolution 294, unanimously agreed to earlier today, and as a further mark of respect to the memory of the late Representative GIBBS, of Georgia, that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was unanimously agreed to; and (at 4 o'clock and 42 minutes p. m.) the Senate took a recess until tomorrow, Friday, August 9, 1940, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate August 8 (legislative day of August 5), 1940

UNITED STATES HOUSING AUTHORITY

William P. Seaver, of New York, to be Assistant Administrator in charge of Project Management, United States Housing Authority, Federal Works Agency.

COLLECTOR OF INTERNAL REVENUE

Paul H. Maloney of New Orleans, La., to be collector of internal revenue for the district of Louisiana, to fill an existing vacancy.

POSTMASTERS

ALABAMA

Lois M. McCurdy to be postmaster at Flomaton, Ala., in place of W. W. Whittaker, removed.

ALASKA

Alfred J. Ghezzi to be postmaster at Fairbanks, Alaska, in place of R. E. Sheldon, resigned.

ARKANSAS

Harvey H. Fuller to be postmaster at Eureka Springs, Ark., in place of H. H. Fuller. Incumbent's commission expired April 26, 1939.

CALIFORNIA

Earl D. Sherer to be postmaster at Canby, Calif. Office became Presidential July 1, 1939.

Minnie Ferretti to be postmaster at Groveland, Calif., in place of Minnie Ferretti. Incumbent's commission expired July 1, 1940.

Jasper L. Moss to be postmaster at Morgan Hill, Calif., in place of J. L. Moss. Incumbent's commission expired April 24, 1940.

Lewis F. Franklin to be postmaster at North Fork, Calif., in place of L. F. Franklin. Incumbent's commission expired July 1, 1940.

George H. German to be postmaster at Port Chicago, Calif., in place of G. H. German. Incumbent's commission expired May 22, 1940.

Cornelius D. Mangan to be postmaster at Saint Mary's College, Calif., in place of C. D. Mangan. Incumbent's commission expired April 25, 1940.

Charles E. Stonesipher to be postmaster at Whittier, Calif., in place of C. E. Stonesipher. Incumbent's commission expired June 18, 1940.

COLORADO

Mary M. Young to be postmaster at Otis, Colo., in place of R. E. Vincent, removed.

FLORIDA

Mell J. Barnett to be postmaster at Fern Park, Fla., in place of M. J. Barnett. Incumbent's commission expired August 26, 1939.

ILLINOIS

Earnest W. Zoll to be postmaster at Carlock, Ill. Office became Presidential July 1, 1939.

George N. Taylor to be postmaster at Evanston, Ill., in place of G. N. Taylor. Incumbent's commission expired June 25, 1940.

Kenneth J. Masonick to be postmaster at Lake Bluff, Ill., in place of J. A. Masonick. Incumbent's commission expired June 27, 1939.

Bernard J. Hemann to be postmaster at New Baden, Ill., in place of H. J. Hemann, deceased.

INDIANA

Orville Allen Saunders to be postmaster at Albany, Ind., in place of N. A. Booher, transferred.

Basil L. Ferguson to be postmaster at Bargersville, Ind., in place of B. L. Ferguson. Incumbent's commission expired May 15, 1939.

Pierre L. Helms to be postmaster at Centerville, Ind., in place of Pierre Helms. Incumbent's commission expired June 8, 1940.

William H. Luking to be postmaster at Connersville, Ind., in place of W. H. Luking. Incumbent's commission expired May 15, 1939.

IOWA

August Sindt to be postmaster at Lake Park, Iowa, in place of August Sindt. Incumbent's commission expired May 19, 1940.

Emmett S. Armstrong to be postmaster of Nevada, Iowa., in place of E. S. Armstrong. Incumbent's commission expired June 16, 1940.

Anna Bliem to be postmaster at Plymouth, Iowa., in place of Anna Bliem. Incumbent's commission expired July 1, 1940.

Kathryn P. Thomas to be postmaster at Red Oak, Iowa, in place of K. P. Thomas. Incumbent's commission expired May 19, 1940.

Harry F. Lewis to be postmaster at West Liberty, Iowa, in place of H. F. Lewis. Incumbent's commission expired April 3, 1940.

KANSAS

Orval D. Allis to be postmaster at Virgil, Kans., in place of J. H. Pennebaker, transferred.

KENTUCKY

Mattie W. Blackwell to be postmaster at Dixon, Ky., in place of Mattie Blackwell. Incumbent's commission expired March 10, 1940.

Lucy W. Dyer to be postmaster at Sturgis, Ky., in place of L. W. Dyer. Incumbent's commission expired March 10, 1940.

LOUISIANA

Herman E. Hebert to be postmaster at Berwick, La., in place of H. E. Hebert. Incumbent's commission expired May 8, 1940.

Ella A. McDowell to be postmaster at Hodge, La., in place of E. A. McDowell. Incumbent's commission expired May 23, 1940.

J. Clyde Arceneaux to be postmaster at Rayne, La., in place of J. C. Arceneaux. Incumbent's commission expired March 18, 1940.

Murphy A. Tannehill to be postmaster at Urania, La., in place of G. M. Tannehill, deceased.

MARYLAND

Neal A. Sibley to be postmaster at Baltimore, Md., in place of Ernest Green, retired.

Edna W. Hart to be postmaster at Sudlersville, Md., in place of M. G. Rambo, removed.

MASSACHUSETTS

Francis B. Larkin to be postmaster at Harwich, Mass., in place of A. F. Cahoon, retired.

Elizabeth A. Norris to be postmaster at Sagamore, Mass., in place of O. L. Small, retired.

Roy H. Amstein to be postmaster at Shelburne Falls, Mass., in place of C. J. Delaney, deceased.

Everett W. Bailey to be postmaster at South Lancaster, Mass., in place of J. W. Mitchell, deceased.

MICHIGAN

Stanley G. MacFarlane to be postmaster at Fairgrove, Mich., in place of G. B. McIntyre, retired.

Vern F. Beadle to be postmaster at Freeland, Mich., in place of Clara Woodruff, retired.

Gladys Hallenbeck to be postmaster at Metamora, Mich., in place of Thomas Newton. Incumbent's commission expired January 31, 1940.

MINNESOTA

Donovan Grover to be postmaster at Ashby, Minn., in place of C. C. Stubbe. Incumbent's commission expired June 8, 1940.

John Gowan to be postmaster at Barnum, Minn., in place of L. W. Rhoads. Incumbent's commission expired August 26, 1939.

Elisha L. Creech to be postmaster at Grand Marais, Minn., in place of E. L. Creech. Incumbent's commission expired June 8, 1940.

George W. Strand to be postmaster at Taylors Falls, Minn., in place of G. W. Strand. Incumbent's commission expired June 25, 1940.

MISSISSIPPI

Grady E. Hill to be postmaster at Calhoun City, Miss., in place of M. D. Wall. Incumbent's commission expired June 2, 1940.

NEBRASKA

Frank D. Conley to be postmaster at Madison, Nebr., in place of F. D. Conley. Incumbent's commission expired June 19, 1940.

NEW JERSEY

John Gilbert Stout to be postmaster at Hackettstown, N. J., in place of W. E. Bayley. Incumbent's commission expired August 26, 1939.

James McQuilken, Jr., to be postmaster at Waldwick, N. J., in place of P. F. Martin, removed.

NEW YORK

Joseph F. Murphy to be postmaster at Beacon, N. Y., in place of J. F. Murphy. Incumbent's commission expired June 20, 1940.

George John Bassakalis to be postmaster at Ghent, N. Y., in place of G. B. Ostrander. Incumbent's commission expired April 6, 1939.

Edward Devitt to be postmaster at Montgomery, N. Y., in place of William McNeal, retired.

Dorothea L. Wolfe to be postmaster at Oscawana, N. Y., in place of J. J. Lynch, retired.

John P. Hewitt to be postmaster at Phelps, N. Y., in place of J. P. Hewitt. Incumbent's commission expired April 6, 1939.

Mary P. McGayhey to be postmaster at Shelter Island Heights, N. Y., in place of M. P. Mack. To correct name.

Patrick H. McCarthy, Jr., to be postmaster at Tupper Lake, N. Y., in place of J. H. McCarthy, Jr. Incumbent's commission expired June 25, 1940.

OHIO

Fred J. Tank to be postmaster at Elmore, Ohio, in place of F. J. Tank. Incumbent's commission expired May 13, 1940.

James A. Gilmore to be postmaster at Lisbon, Ohio, in place of J. A. Gilmore. Incumbent's commission expired January 17, 1939.

OREGON

Harry W. Chenoweth to be postmaster at Sutherlin, Oreg., in place of F. O. Young, deceased.

PENNSYLVANIA

Goldie E. Carnell to be postmaster at Dott, Pa., in place of S. M. Carnell, retired.

Rachael M. Montanye to be postmaster at Huntingdon Valley, Pa., in place of C. S. Clayton, retired.

John A. J. Fischer to be postmaster at Miquon, Pa., in place of M. M. Jones. Incumbent's commission expired March 6, 1940.

Charles F. McCartney to be postmaster at Reedsville, Pa., in place of C. F. McCartney. Incumbent's commission expired January 28, 1940.

Harry B. Wallace to be postmaster at Spartansburg, Pa., in place of W. L. Blakeslee. Incumbent's commission expired March 20, 1940.

Reese S. Poffenbarger to be postmaster at West Fairview, Pa., in place of W. T. Feaser. Incumbent's commission expired July 1, 1940.

Joseph Caesar to be postmaster at Woodville, Pa., in place of M. J. Kostak, removed.

SOUTH CAROLINA

Joseph G. Holland to be postmaster at Edgefield, S. C., in place of J. G. Holland. Incumbent's commission expired February 15, 1940.

Waddy J. Hill to be postmaster at Fountain Inn., S. C., in place of W. J. Hill. Incumbent's commission expired June 25, 1940.

George K. Dominick to be postmaster at Newberry, S. C., in place of G. K. Dominick. Incumbent's commission expired April 24, 1940.

Adoniram J. Nicholson to be postmaster at Saluda, S. C., in place of A. J. Nicholson. Incumbent's commission expired January 20, 1940.

SOUTH DAKOTA

Anna E. Healy to be postmaster at Langford, S. Dak., in place of M. H. Vickers, removed.

TEXAS

Benton C. Anderson to be postmaster at Knox City, Tex., in place of J. A. Wilson. Incumbent's commission expired June 3, 1940.

Joseph D. Durham to be postmaster at Lakeview, Tex., in place of W. A. Gatlin, retired.

Neville W. Durham to be postmaster at Merkel, Tex., in place of N. W. Durham. Incumbent's commission expired June 3, 1940.

WISCONSIN

Frank S. Dhooge to be postmaster at Ashland, Wis., in place of F. S. Dhooge. Incumbent's commission expired June 1, 1940.

William Wright to be postmaster at Kewaunee, Wis., in place of William Wright. Incumbent's commission expired April 24, 1940.

Fred W. Krohn to be postmaster at Mount Hope, Wis., in place of F. W. Krohn. Incumbent's commission expired July 1, 1940.

Joseph C. Harland to be postmaster at Mukwonago, Wis., in place of J. C. Harland. Incumbent's commission expired April 24, 1940.

Exilda L. Grendahl to be postmaster at Sheldon, Wis., in place of E. L. Grendahl. Incumbent's commission expired February 4, 1940.

Samuel Dewar to be postmaster at Westfield, Wis., in place of Samuel Dewar. Incumbent's commission expired February 4, 1940.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 8 (legislative day of August 5), 1940

UNITED STATES DISTRICT JUDGE

Robert L. Russell to be United States district judge for the northern district of Georgia.

COLLECTOR OF INTERNAL REVENUE

Paul H. Maloney to be collector of internal revenue for the district of Louisiana.

POSTMASTERS

ARKANSAS

John L. Conley, Green Forest.

COLORADO

Lester William Dillow, Hugo.
Ira O. Martin, Keenesburg.
Anna C. Hanson, Strasburg.

FLORIDA

Edward N. Mitchell, Altamonte Springs.
Broder Alfred Millergren, Wewahitchka.

PENNSYLVANIA

William A. Euston, Annville.
Edna T. Brodhead, Delaware Water Gap.
Charles D. Hoffman, Fairoaks.
Viola B. Nellings, Gladwyne.
Eugene M. Burke, Karns City.
William Boyle, Linwood.
Charles R. Graham, Millmont.
Goldie M. Bower, New Oxford.
Samuel T. Hershey, Paradise.
Philip C. Fermier, Trumbauersville.
Charles R. Aiken, Wampum.
Harry F. Rieser, West Leesport.
Claude E. Minnich, Wiconisco.
Milton R. Luft, Wyomissing.

TENNESSEE

Douglas B. Hill, Collierville.
Addison Barry, Lebanon.

WASHINGTON

Rafael Pumala, Kalama.

WEST VIRGINIA

Daisy L. Lester, Elbert.
Don R. Nickell, Lewisburg.
Walker A. Pollard, Red Jacket.
Harry Kelley, Rivesville.

HOUSE OF REPRESENTATIVES

THURSDAY, AUGUST 8, 1940

The House met at 12 o'clock noon.

Rev. Bernard Braskamp, D. D., pastor of Gunton Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

Almighty God, our Father, who art the great source of life and of light for each new day, to Thy power and Thy love we bring all our needs; to Thy greatness our littleness, to Thy strength our weakness, to Thy forgiving grace our hearts to be cleansed and renewed. The duties of this day are ours; its issues are Thine. Answer our aspirations by Thy divine inspiration. May we place our trust, not in the changing tides of time, but in the mercy and the majesty of Lord God omnipotent.

O Thou who art the author and disposer of human life, from whom our spirits have come and unto whom they return, with bowed heads and uncovered hearts we come into Thy presence. We mourn the loss of a beloved Member of this Congress. We are not murmuring or complaining, but only saying, "Lord, Thy will be done," for Thou dost give and Thou dost take away, and blessed is Thy name forevermore. Whatever was beautiful in his life, in Thy sight and in our sight, abides forever. We shall miss him because his place will be empty, but we thank Thee for the glad assurance that his soul is at home with the Lord, for he was numbered among those who seek to do justly, who love mercy, and walk humbly with their God, seeking to serve his generation according to Thine own holy will. We are not saying farewell, but only good night, hoping in that blessed morn to meet with all who have gone before him.

Thou who art the support of the weary and the consolation of the sorrowing, wilt Thou put Thine arms of love about the bereaved members of the family, sustaining them by Thy grace. May they avail themselves of the eternal companionship of the Christ, that friend who sticketh closer than a brother, who is willing to abide with us all, not for an hour, but throughout life and through eternity.

Wilt Thou also so teach us to number our days that we may apply our hearts unto wisdom, and when our life's day is done, wilt Thou give us an abundant entrance into that eternal kingdom. We ask it in the name of the Christ, our Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3524. An act conferring jurisdiction on the Court of Claims to hear and determine the claims of the Choctaw Indians of the State of Mississippi.

The message also announced that the Vice President had appointed Mr. BARKLEY and Mr. TOBEY members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of executive papers in the following departments and agencies:

1. Department of Commerce.
2. Department of the Interior.
3. Department of Labor.
4. Department of the Navy.
5. Federal Security Agency.
6. Federal Works Agency.

ADJOURNMENT OVER

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The Chair will entertain Members briefly this morning for preliminary requests.

EXTENSION OF REMARKS

Mr. MARTIN J. KENNEDY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a letter that I have sent to the House Military Affairs Committee today.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

THE FARM—THE HOPE OF AMERICA

Mr. CROWE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. CROWE. Mr. Speaker, it so often occurs in the heat of campaign that real issues are obscured. Basic facts are hidden. I desire to bring to your attention some facts concerning agriculture—farming as it is in southern Indiana. My district has much fine farm land but does not have the great farms of the prairies. Our farms are for the most part one-man farms, sometimes one man and his boys or a hired man. I grew to young manhood on such a farm in Washington County, Ind. I own the farm and operate it today and have for many years. It has been in our family for at least 125 years, owned by Joshua Crowe, Sr., later Joshua Crowe, Jr., and now by myself. You can see I have the background of a farmer, particularly the small farmer. His hands may be hard from honest toil, his clothes may be coarse, his shoes hard, but his heart is right, he is sympathetic and kindly and his toil feeds the millions of the earth.

In a recent news dispatch from Des Moines, Ia., Mr. Willkie, the Republican candidate for President, was headlined as saying that if elected President, "he would not take away any of the benefits gained by agriculture during the past several years." Gains for agriculture during the past several years undoubtedly mean gains under the New Deal. If the gains to agriculture are worth keeping, why not keep the gains for labor, for banking, protection to investors, the gains in reduced rates to all utility consumers—especially the million or more now enjoying rural electrification. Why not also continue aid to the youth through the C. C. C. and the N. Y. A.; the aid, through Social Security, to the widows, orphans, the blind, crippled, and the aged. In all of these great beneficial and far-reaching programs would Mr. Willkie keep only the farm program? Would he repeal all the others? Of course he would not repeal any of them.

The farm program could not be abolished without destroying many of the others because it is a closely integrated program, many phases of which overlap the others. To keep one, we should keep all. To destroy one would probably ultimately destroy them all.

The farmers have not forgotten the dark days leading up to 1933 and they are not going to give up their program of rehabilitation. No nation throughout all history has possessed a firmer foundation for its liberties, its traditions, and institutions than has our country, which has been given it largely by the American farmer. They have always labored at a great disadvantage against protected industry. Fortunately, their common ideal has always been for freedom of the individual, freedom consistent with the proper regard for the rights and privileges of others.

This is the kind of freedom the farmers are finding in the farm program under the present administration.

The greatness of America, which has permitted great industries to spring up, long lines of railways to girdle the continent, permitted great utilities to develop, all had its

beginning in the early pioneer farm days. From the beginning of American history, the very foundation of our liberty has been found on the American farms from the very start of our earliest beginning in Virginia or Plymouth Rock, the basic social unit was established by the family on the family-owned farm. Destroy that farm and the farm family and you will destroy America. Build up that farm and that farm family and you will build up and make strong this great republic. In these troubled times more than at any time perhaps since the foundation of this Government, the family home-owned farm is today all important.

Some say the family home-owned farm must give way to modern methods of large-scale farming. This is not true. Fortunately, during the last 8 years under the very able leadership of this administration plus the leadership of the Secretary of Agriculture, Mr. Wallace, the American farmer is coming again into his own. The number of American home-owned farms is today at an all-time high. The majority of them are family owned and operated farms. Of course, the farm program will not be destroyed. No one will dare destroy this program and I have a lot of pleasure and satisfaction in having supported all of it.

While great strides have been made in machinery, science, culture, and art, nothing has or will ever take the place of the farmer. Labor-saving devices will make work easier, but the farmers' toil to a large extent goes on. Science and invention produce wonders in things only recently unthought of or unheard of, but the farmers' work goes on and on. But with all the science, nothing yet except the farmer has fed mankind. With all of our science and invention, nothing has been found to take the place of bread and bacon, potatoes and milk, all of which is produced on the farm. The farmers as a class work more hours, do more hard work than any other comparable group to be found anywhere. He took his wheat to the elevator and accepted the price offered. He asked the price of the binder or fertilizer and paid the price asked. The things he must buy at set prices cost more than his produce would bring at the fixed prices he was obliged to accept for them. This process went on for many years.

The farmer, through farm organizations, for years called on the two great parties for help. Year after year help was promised. Nothing was given him except the Farm Board preceeding 1933. During the heyday of business in the twenties the farmers were going broke. During the prosperity of the twenties, for the manufacturer, the merchant, industrialist, the banker, the lawyer, the farmer was going broke. But the two great parties were making promises to the farmer all the while. The year 1932 found the farmers all either broke or on the verge of bankruptcy. Few farmers were unmortgaged who were able to secure loans. Interest rates were high, averaging more than 6 percent. Under the old rate, the farmer with a $2,000 mortgage on his farm paid $120 per year interest. Under the present program, all farms that can qualify have been refinanced at 3½ percent interest. At this rate, on a $2,000 loan the farmer pays only $70. This item alone saves him $50 per year. Taxes were high. All farm products were low. July and August 1932, in my district I saw high-grade yellow corn selling at 8, 9, and 10 cents a bushel at the elevator. Grade-A wheat, 60 pounds to the bushel, was bringing 34 cents to 38 cents per bushel, and fine fat hogs bringing $2.50 to $2.85 per hundred pounds. All other farm products in proportion. I am sure no farmer can ever forget those lean years. Nothing but dogged determination could have saved the farmer as a whole.

Then this administration came into power March 4, 1933; the Nation had hit low. Immediate legislation to save us from total ruin was passed speedily. The farmer came in for his full share at the earliest possible moment. To give him a breathing spell, for a time a moratorium was declared on all foreclosures. In many cases where his credit has been exhausted crop loans were advanced. Corn, wheat, and cotton loans have been made on these products when placed in storage, thereby preventing ruinous low prices at harvest times. Farmer-controlled committees have been organized in every county and a cooperative spirit built up to where more than 75 percent of all farmers have joined in the program.

For more than 100 years legislation has been enacted to aid select and favored groups. Business programs have added to the costs of things the farmer must buy. Tariff, trusts, monopolies, and many other things have taken the farmers' profits. To offset this advantage a program of soil building and parity payments has been instituted. This program alone has and will continue to save many farmers from foreclosure and bankruptcy.

SOIL CONSERVATION

We have adopted a program of rebuilding and conserving the soil. Everyone, even though in city or town, as well as the country, is vitally interested in this program. A short drive in almost any rural community will show the dire distress of farmers on millions of acres of ground, gullied, eroded, much of it almost beyond repair. Marvelous work has been done to rebuild the land all over the country. The waste has been stopped in millions of gullies. The surface has been covered. The water has been retained. The water supply has been conserved, which aids in time of drought and lessens the crest of the floods. The water level is being raised in the earth through this program of soil coverage, low dams, and reforesting, all of which is a part of this great program. Would anyone try to put an end to all of this?

RURAL ELECTRIFICATION

Rural electrification is the farmers' greatest blessing in the past 50 years. At the time the R. E. A. began to function, few rural communities had electricity. Now some 25 percent of farms of America have electricity. I hope for the day, and speedily, when every farm home in America which desires electricity can have it. For the past 5 years 200,000 farm homes per year have been supplied with electricity, or a total of 1,000,000 homes. In all these homes the same labor-saving devices can be installed as in the city homes—electric radios, ranges, irons, vacuum cleaners, washing machines, and so forth; electric lights in the barn, the outbuildings, and the garage. Electricity lifts the chores of the farm and home out of the drudgery class. It has brought to the farm home the comforts and conveniences of the cities. Any commodity that has become so important and necessary as electricity must be made at the cheapest rate rather than the highest. That is what Rural Electrification has done. It has reduced the price and broadened the field of service until millions are now enjoying its blessing who could never have afforded it through the big utilities. It has brought joy to millions of people. I want it brought to millions more. Would anyone call this a failure? Would anyone attempt or offer to end this great program? No; they would not.

INTEREST RATES TO FARM OWNERS

The Farm Credit Administration covers all types of farm credit. More farmers were refinanced in 4 years of this program we established than for many years before. Refinancing was made at the lowest rate ever before made in this or any other great country. Cooperatives have been financed. Production-credit and crop-loan loans have financed immediate needs of the farmer. High interest rates have always been the curse of the farmer. They have kept him in debt. The low interest rates we have given him were not to get him in debt, but to get him out of debt. Out of debt, the farmer can sell his crops when and where he desires, free to sell when and where he chooses.

INCOME OF THE FARMER

The farmer is never overpaid for his product. He is usually underpaid. The income of the farmer is not what it should be. I have been acquainted and connected with the farm for more than a half century. During all that time I have never seen the farmer get too much for his product. He usually gets far too small an amount. The income, however, of the farmer in 1939 was more than double his income in 1932. The farm buying power in 1939 was 72 percent more than in 1932. From 1921 to 1929 they loaned $8,000,000,000 to foreign countries to stimulate foreign purchases; then in 1930 they passed the high-tariff act, which curtailed world

trade, thereby we lost our money which they had loaned and lost our world trade.

AID TO FARMER NOT A SUBSIDY

Critics contend money expended on the farmer is a subsidy. It is not a subsidy. It is an evening up at this late date with the manufacturer. Manufactured goods in the United States in 1937 was $60,000,000,000, of which more than 80 percent was protected by tariff. The average rate reduced to ad valorem basis was near 36 percent. It has been estimated this added to increased industrial prices at least $6,000,000,000—a subsidy to business. The farmer has to pay his full share of that subsidy. He is entitled to a set-off, an evening up, fair play. This is only an adjustment of the differences.

I shall continue support of this program as long as it is necessary to offset the disadvantages which the farmer has to pay.

All in all, this administration, of which I am happy to be a part, has set up machinery, has passed laws which, if continued, will bring the farmer into his own. I have supported this program. I have voted for this program. It is aiding in bringing prosperity to the people on the farm. Why should not the farmer, the landowner, the people who feed the world, have their full share of pay for their service? Does not the Good Book say—First Corinthians, ninth chapter, seventh verse: "Who planteth a vinyard and eateth not of the fruit thereof"? [Applause.]

PERMISSION TO ADDRESS THE HOUSE

Mr. EDELSTEIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. EDELSTEIN. Mr. Speaker, on August 7 the gentleman from Ohio [Mr. BENDER] rose on the floor of this House and stated that a prominent Jewish Rabbi of Cincinnati, who was formerly a Democrat, came out for Mr. Willkie.

The newspapers publish such items constantly in what seems an inspired publicity campaign, but I am surprised that such statements should be made in the House as well. The purpose and object of heralding the fact that a prominent American of Jewish faith has announced his support of one candidate or another is not merely to record that fact but also to have it imply, or create the impression, that citizens of Jewish faith, as a group, are in favor of one candidate or another. To endeavor to create a sentiment or get votes upon religious grounds is, to my mind, un-American. To endeavor to create the illusion that Americans of Jewish faith vote as Jews, in one bloc, is also un-American, unfair, and unjust.

I believe that the Jews of America, whether they vote for one side or the other, be it Mr. Willkie or Mr. Roosevelt, vote not as Jews but as Americans, and I deny that there is a Jewish vote cast as such, just as I deny the idea of a Polish vote, of a Russian vote, of an Irish vote, or of an Italian vote, or any other racial vote.

I come from a district which is composed of Jews, Italians, Russians, Poles, Ukrainians, Hungarians, Irish, and also Germans, and these people belong to many different faiths. They do not vote in racial or national groups, as Italians, Jews, Russians, Poles, Ukrainians, Hungarians, Irish, or Germans, but they vote as Americans, and only as Americans will they cast their ballots on election day, not because they are Jews, not because they are Italians, not because they are Russians, not because they are Poles, not because they are Ukrainians, not because they are Hungarians, not because they are Irish, not because they are Germans; and when their votes are counted they will declare that they believe in the principles of the New Deal and the principles of President Roosevelt. Their votes and their ideals show that they vote as Americans only, and I trust and hope that no party will ever endeavor to achieve office by attempting to claim that they have control of the votes of a particular race, creed, or color. [Applause.]

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COCHRAN. Mr. Speaker, ever since the day I entered Congress, I have supported without exception the recommendations of the War and Navy Departments, as well as bills reported by the Committees on Military and Naval Affairs, which had for their purpose an adequate national defense. Of course, I regret that for about 15 years, starting in 1920, we did practically nothing to improve our national defense. It was a fatal mistake that we scrapped the vessels that were three-fourths completed as a result of the disarmament conference during the Harding administration.

We all know during the entire period that President Hoover occupied the White House we did not lay down one naval vessel.

The situation throughout the world today requires us to prepare; and so far as I am aware, the citizens of this country stand squarely behind the President in the recommendations he has made to the Congress providing for ships as well as equipment for our Army.

In a period such as this, the Congress receives many suggestions. Among the very important suggestions that have come to us recently is the question of conscription. The President, and I think any fair-minded person in time of war or when a great emergency confronts us, will admit that conscription would be fair to all. It is the democratic way. However, I doubt the wisdom of providing for conscription at this time because I have not come to the conclusion that it is absolutely necessary, or that the Army and Navy are ready now to train a million let alone 2,000,000 men.

When the hearings were held upon the last appropriation bill for money for the Army and Navy for additional planes, equipment, and so forth, the Secretary of War, Mr. Stimson, in reply to a question as to why the National Guard as a whole would not be called out, stated it was because we did not have the necessary facilities. He mentioned that housing was absolutely essential and stated that at the outset they would only call certain units of the National Guard. He was immediately supported by Gen. George C. Marshall, Chief of Staff.

When we do not have the necessary facilities to take care of the entire National Guard, how can we be in a position to conscript a million men for service at this time? Where will you house them? What will you use to train them with?

I do not feel it should be said that we cannot secure sufficient voluntary enlistments at this period.

As an alternative for conscription, I would offer the following suggestions:

First. Determine whether the Census Bureau can supply from the last census information that would enable the compiling of the names of all eligible for service. If that cannot be furnished, then authorize the registration at once but do not extend the power to conscript at this time.

Second. Agree to provide all facilities necessary to any educational institution in the United States, private or public, for voluntary military training.

Third. Extend the same facilities to the Civilian Conservation Corps for voluntary military training.

Fourth. Provide for 1-year enlistments in the Army, Navy, and Marine Corps.

Fifth. Give the President the authority at once to call out the National Guard and the Officers Reserve Corps, as he has requested. Extend the same authority as to the Naval Reserve if it is requested.

Sixth. Require the Army, Navy, and Marine Corps to change their present policy as well as rules and regulations, relative to enlistments, so that men with minor defects such as a missing tooth or an injured toe will not be denied the right to enlist. [Applause.]

Mr. Speaker, I have presented these suggestions to the chairman of the Committee on Military Affairs.

I have received letters from hundreds of young men who have been denied the right to enlist in the Army and Navy, especially those who desire to be flying cadets. The restrictions have been such that the young men just could not meet them. Many of the boys could not meet the educational requirements, having lacked 2 years in college.

It might be it would not be advisable to require the Air Corps to reduce the period of enlistment to 1 year, but I do understand that a 2-year enlistment would enable them to properly train a man for combat service. One year would be sufficient for other branches of the service.

Mr. Speaker, it seems to me that the program I have suggested will get all the personnel we can handle at this time. If, at some future date, conscription should be necessary, then the registration would be at hand and the Army could move without delay.

The Secretary of War and the Secretary of the Navy want conscription now, and still the Secretary of War tells an official committee of this House the War Department cannot call out the entire National Guard because it is not in a position to take care of them.

When the winter months come on, where will the men be housed? Build all the equipment necessary, get the planes, the tanks, and so forth, and when we have a sufficient number, then will be the time to consider calling men for training if the situation demands.

Give the young men of this Nation a chance to get into all branches of the service and do not deprive them of a chance to enlist because they have not been to college. I have found practical men are equal to men with college education.

Only last week I had the case of a young man nearly 6 foot tall, weight 178 pounds, hard as a rock, 4 years at college and 4 years in business, but he could not get his application accepted for an opportunity to become an ensign in the Navy because he was 27 years of age, 26 being the age limit. Does not this seem foolish on the face of it? Of course, voluntary enlistment will fail if such requirements are not set aside. Those who want to enlist will be more contented than the man who is conscripted.

Mr. Speaker, a situation exists at this very time that should convince the people of this country that in case of war approximately a million men could be put in the field immediately. The mobile ground forces of approximately 750,000 men are engaged in the biggest maneuvers the Army has ever held in peacetime this month. This is not my view, but an official statement from the War Department. The Department said about 85 percent of the mobile Regular Army and the National Guard troops and Organized Reserves for the next 21 days will take part in maneuvers scattered over five areas. Naturally, it would be this group that would be called first in the event of war.

It is my firm conviction that no matter how the Army officers feel on the subject Congress will eventually demand modern mechanization of our Army. In past years the Infantry, so far as the Army was concerned, was the first line of defense. It has been demonstrated in the war abroad that the infantry is helpless in combating modern equipment, such as tanks, and so forth. If we will train our Regulars so that they will be efficient in the operation of tanks, and the Army will provide for a sufficient number of tanks out of the appropriations we have placed at their disposal, we will be making great strides in providing a proper national defense.

Aside from this, the Army should expedite its program of securing planes, training pilots to operate them, and mechanics to keep them in proper condition. Surely there is a limit to the number of men that we can use at this time, because we must confess we do not have the equipment to train a million men. Right at this moment near Ogdensburg, N. Y., wooden guns are being used to train Regulars, Reserves, and National Guard men. That demonstrates we lack equipment.

It seems to me unless the War and Navy Departments get together on equipment the President is going to be required to step in and provide for an investigation to determine what is the best for our armed forces. For instance, there is a difference of opinion at the present time as to what make of rifle is the best weapon. The Army is going ahead on a large scale purchasing the new Garand rifle, while the Marine Corps, after using this rifle for 1 year, says the old Springfield rifle, with certain improvements, is the superior weapon. This seems to me to be of sufficient importance for a thorough investigation. The Marine Corps says there will be a test early in this month of a new semiautomatic rifle submitted by the Winchester Repeating Arms Co. The Commandant of the Marine Corps, Major General Holcomb, is quoted as saying they have seen a demonstration of these rifles and it appears to the Marine Corps it is the complete answer to what they need, and it will cost about one-half the cost of the Garand rifle. The Marine Corps had one battalion equipped with the Garand rifle for 1 year and it is on the basis of their report that they have about concluded that the Winchester rifle is sufficient for their need. If this rifle, costing one-half the cost of the Garand rifle, is suitable for the Marine Corps, why should it not be suitable for the Army?

Mr. Speaker, if the plan I suggest is put into execution and fails, I will vote for conscription, but at the present time I do not feel it is necessary.

Mr. GEYER of California. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a letter and I also ask unanimous consent to address the House for 1 minute.

Mr. RAYBURN. Mr. Speaker, reserving the right to object, many of us were interested in a program that was to be taken up in the House today, but on account of the passing of one of our distinguished Members, we have decided there will be no program today, and I do hope in these 1-minute speeches there will be nothing of a political nature.

The SPEAKER. The Chair joins in that request.

Mr. SUMNERS of Texas. Mr. Speaker, reserving the right to object, I would like, if I may do so, to submit to Members of the House that even minute addresses be postponed unless they are of an emergency nature. If they can be postponed until the next session of the House, the members of the Judiciary Committee would greatly appreciate it.

Mr. RICH. Mr. Speaker, reserving the right to object, are we going to have any bills up for consideration today?

Mr. RAYBURN. We have no legislative program at all for today and the gentleman from Georgia [Mr. VINSON] has a resolution to introduce in a moment when he can get the floor.

Mr. GEYER of California. Mr. Speaker, in view of the request, I withdraw my unanimous-consent request.

Mr SUMNERS of Texas. Mr. Speaker, if I may, I wish to express the appreciation of the Committee on the Judiciary for the very great consideration the gentleman from California has shown.

EXTENSION OF REMARKS

Mr. DIRKSEN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a speech delivered over the radio.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BOLLES. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an article from the Chicago Tribune.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. GEHRMANN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a letter I received from the wife of a veteran.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BRYSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a clipping.

The SPEAKER. Is there objection?

There was no objection.

Mr. TOLAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include an editorial.

The SPEAKER. Is there objection?

There was no objection.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3524. An act conferring jurisdiction on the Court of Claims to hear and determine the claims of the Choctaw Indians of the State of Mississippi; to the Committee on Indian Affairs.

THE LATE REPRESENTATIVE W. BEN GIBBS

Mr. VINSON of Georgia. Mr. Speaker, it is with profound sorrow that I announce to the House the sudden and untimely death last night of our distinguished and beloved colleague, Hon. W. BEN GIBBS, of the Eighth Congressional District of Georgia.

Only yesterday he was here with us in the discharge of his duties, which brings to our minds the frailty and uncertainty of life.

Mr. GIBBS was serving his first term in Congress, but had, nevertheless, attracted the favorable attention of his colleagues as an outstanding Member of this body. On account of his profound legal ability he was given an assignment on the important Judiciary Committee. He was capable and efficient in the performance of his duties and his sudden death brings to a close a long period of public service.

Before coming to Congress he was solicitor of the city court of Jesup, Ga., and for 14 years was solicitor general of the Brunswick judicial circuit.

In his passing the Eighth District and the State of Georgia have lost an outstanding citizen and the Nation a faithful Representative.

Mr. Speaker, at a later and more appropriate time the House will pay proper respect to his memory.

Mr. Speaker, I offer the following resolution:

House Resolution 566

Resolved, That the House has heard with profound sorrow of the death of Hon. W. BEN GIBBS, a Representative from the State of Georgia.

Resolved, That a committee of four Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

The Speaker appointed the following funeral committee on the part of the House: Mr. BROWN of Georgia, Mr. PETERSON of Georgia, Mr. PACE, and Mr. CAMP.

The SPEAKER. The Clerk will read the concluding paragraph of the resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect the House do now adjourn.

ADJOURNMENT

The motion was agreed to; accordingly (at 12 o'clock and 15 minutes p. m.), pursuant to the order heretofore made, the House adjourned until Monday, August 12, 1940, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1871. A letter from the Secretary of the Navy, transmitting the draft of a proposed bill to provide for the extension of enlistments in the Navy; to suspend the provisions of section 1422 of the Revised Statutes in time of war or national emergency; to the Committee on Naval Affairs.

1872. A letter from the Secretary of the Navy, transmitting a draft of a proposed bill authorizing postgraduate instruction for civilian employees of the Naval Establishment; to the Committee on Naval Affairs.

1873. A letter from the Secretary of the Navy, transmitting a draft of a proposed bill providing additional pay for aides to the President of the United States, and for other purposes; to the Committee on Military Affairs.

1874. A letter from the Secretary of War, transmitting a draft of a proposed bill to remove the restriction placed upon the use of certain lands acquired in connection with the expansion of Mitchel Field, N. Y., under the authority contained in the Military Appropriation Act, 1938, approved July 1, 1937 (50 Stat. 452); to the Committee on Military Affairs.

1875. A letter from the Acting Secretary of the Treasury, transmitting the draft of a proposed bill to authorize the Secretary of the Treasury to order retired commissioned and warrant officers of the Coast Guard to active duty during time of national emergency; to the Committee on Merchant Marine and Fisheries.

1876. A letter from the Archivist of the United States, transmitting recommendation for the disposition of a list of papers by the Federal Works Agency, Public Buildings Administration; to the Committee on the Disposition of Executive Papers.

1877. A letter from the Archivist of the United States, transmitting recommendation for disposition of a list of papers by the Federal Works Agency, Work Projects Administration; to the Committee on the Disposition of Executive Papers.

1878. A letter from the Archivist of the United States, transmitting recommendation for disposition of a list of papers by the Federal Works Agency, Work Projects Administration; to the Committee on the Disposition of Executive Papers.

1879. A letter from the Archivist of the United States, transmitting recommendation for disposition of a list of papers by the Federal Security Agency, Social Security Board; to the Committee on the Disposition of Executive Papers.

1880. A letter from the Archivist of the United States, transmitting recommendation for disposition of a list of papers by the Department of Labor; to the Committee on the Disposition of Executive Papers.

1881. A letter from the Archivist of the United States, transmitting recommendation for disposition of a list of papers by the Department of Labor; to the Committee on the Disposition of Executive Papers.

1882. A letter from the Archivist of the United States, transmitting recommendation for disposition of a list of papers by the Department of Commerce; to the Committee on the Disposition of Executive Papers.

1883. A letter from the Archivist of the United States, transmitting recommendation for disposition of a list of records by the Department of Commerce; to the Committee on the Disposition of Executive Papers.

1884. A letter from the Archivist of the United States, transmitting recommendation for disposition of a list of papers by the Department of the Interior; to the Committee on the Disposition of Executive Papers.

1885. A letter from the Archivist of the United States, transmitting recommendation for disposition of a list of papers by the Navy Department; to the Committee on the Disposition of Executive Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. ELLIOTT: Joint Committee on Disposition of Executive Papers. House Report No. 2833. Report on the disposition of records in the War Department; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2834. Report on the disposition of records in the Department of the Interior in the

custody of The National Archives; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2835. Report on the disposition of records in the Federal Works Agency; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2836. Report on the disposition of records in the Federal Works Agency; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2837. Report on the disposition of records in the Federal Security Agency; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2838. Report on the disposition of records in the Federal Security Agency; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2839. Report on the disposition of records by the Railroad Retirement Board; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2840. Report on the disposition of records in the Department of the Interior; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2841. Report on the disposition of records in the Department of the Interior; without amendment. Ordered to be printed.

Mr. ELLIOTT: Joint Committee on the Disposition of Executive Papers. House Report No. 2842. Report on the disposition of records in the Federal Works Agency; without amendment. Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 rule of XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:

H. R. 10331. A bill modifying the project for the extension of the 9-foot channel in the Mississippi River above St. Anthony Falls, Minneapolis, Minn.; to the Committee on Rivers and Harbors.

By Mr. LESINSKI:

H. R. 10332. A bill to grant pension for disability or death resulting from service in the United States Coast Guard before July 2, 1930, and for other purposes; to the Committee on Invalid Pensions.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. MARTIN J. KENNEDY introduced a bill (H. R. 10333) for the relief of Thomas E. Burns, which was referred to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9125. By Mr. THOMASON: Resolution of the Earl S. Bailey Post, No. 430, American Legion of Texas, requesting that legislation be enacted to control not only foreign-controlled organizations, but any organization that might have a subversive influence in the United States; to the Committee on Foreign Affairs.

9126. Also, resolution of the Earl S. Bailey Post, No. 430, American Legion of Texas, requesting that Congress enact legislation that will curb the activities of Jehovah's Witnesses or any other organization that advocates or teaches that our organized government is a failure; and that demands its rights as to freedom of speech and freedom of the press; and freedom of worship as provided in our Constitution, but refuses to owe allegiance to the Government under which these rights are granted them; to the Committee on the Judiciary.

9127. Also, resolution of the Earl S. Bailey Post, No. 430, American Legion of Texas, endorsing a plan whereby all male citizens between the ages of 18 and 45 years and 45 and 65 years be given military training best suited to the class in which they would be a part; to the Committee on Military Affairs.

9128. Also, petition of the El Paso Junior Chamber of Commerce, endorsing immediate compulsory military training as the fairest, safest, and most scientific answer to the dangers now facing the country; to the Committee on Military Affairs.

9129. By the SPEAKER: Petition of the Italian-American World War Veterans of the United States, Inc., Department of Connecticut, petitioning consideration of their resolution with reference to the Public Housing program of the United States; to the Committee on Banking and Currency.

9130. By Mr. MARTIN J. KENNEDY: Petition of the National Woman's Christian Temperance Union, Los Angeles, Calif., urging support of the Neely bill (S. 280); to the Committee on Interstate and Foreign Commerce.

SENATE

FRIDAY, AUGUST 9, 1940

(Legislative day of Monday, August 5, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

O gracious Father, we humbly beseech Thee for the United States of America, that Thou wouldst be pleased to fill it with all truth and all peace; where it is corrupt, purify it; where it is in error, direct it; where in anything it is remiss, reform it; where it is right, establish it; where it is in want, provide for it; where it is divided, reunite it; for the sake of Him who died and rose again, and ever liveth to make intercession for us, Jesus Christ, Thy Son, our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Thursday, August 8, 1940, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Gerry	Lucas	Schwellenbach
Andrews	Gibson	Lundeen	Sheppard
Ashurst	Gillette	McCarran	Shipstead
Barbour	Green	McKellar	Slattery
Barkley	Guffey	McNary	Stewart
Bone	Gurney	Maloney	Taft
Bridges	Hale	Mead	Thomas, Idaho
Brown	Harrison	Miller	Thomas, Okla.
Bulow	Hatch	Minton	Thomas, Utah
Burke	Hayden	Murray	Tobey
Byrnes	Herring	Norris	Townsend
Capper	Hill	Nye	Truman
Chandler	Holman	O'Mahoney	Vandenberg
Chavez	Holt	Overton	Van Nuys
Clark, Idaho	Hughes	Pepper	Walsh
Clark, Mo.	Johnson, Calif.	Pittman	Wheeler
Danaher	Johnson, Colo.	Radcliffe	White
Donahey	King	Reed	Wiley
Downey	La Follette	Reynolds	
Frazier	Lodge	Schwartz	

Mr. MINTON. I announce that the senior Senator from Georgia [Mr. GEORGE] and the junior Senator from Georgia [Mr. RUSSELL] are absent from the Senate in attendance upon the funeral of the late Representative Gibbs, of Georgia.

I also announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Mississippi [Mr. BILBO], the Senator from Arkansas [Mrs. CARAWAY], the Senator from Texas [Mr. CONNALLY], the Senator from Louisiana [Mr. ELLENDER], the Senator from Virginia [Mr. GLASS], the Senator from West Virginia [Mr. NEELY], the Senator from New Jersey [Mr.

SMATHERS], the Senator from South Carolina [Mr. SMITH], and the Senator from Maryland [Mr. TYDINGS] are unavoidably detained from the Senate.

Mr. McNARY. I announce that the Senator from Vermont [Mr. AUSTIN] is necessarily absent.

The Senator from Pennsylvania [Mr. DAVIS] is absent on public business.

The PRESIDENT pro tempore. Seventy-eight Senators having answered to their names, a quorum is present.

ACTIVE SERVICE OF NATIONAL GUARD, RESERVE, AND RETIRED PERSONNEL

Mr. BARKLEY. Mr. President, I ask unanimous consent that Senate Joint Resolution 286, the National Guard bill passed yesterday, be printed as passed by the Senate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

BRIDGES ACROSS THE STRAITS OF MACKINAC, MICH.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 1379) granting the consent of Congress to the Mackinac Straits Bridge Authority to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches thereto across the Straits of Mackinac at or near a point between St. Ignace, Mich., and the Lower Peninsula of Michigan.

Mr. BROWN. I move that the Senate disagree to the amendments of the House, ask a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. BAILEY, Mr. SHEPPARD, and Mr. VANDENBERG conferees on the part of the Senate.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate a radiogram in the nature of a memorial from sundry citizens of San Francisco, Calif., remonstrating against the enactment of compulsory military-training legislation, which was ordered to lie on the table.

He also laid before the Senate a letter from R. A. Miller, of Hampton, Va., in relation to the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service, which, with the accompanying statement, was ordered to lie on the table.

Mr. REED presented memorials of 99 citizens of Marion County and members of the W. C. T. U., of Haviland, all in the State of Kansas, remonstrating against the enactment of compulsory military-training legislation, which were ordered to lie on the table.

Mr. LODGE presented a resolution adopted by delegates to the convention of the Disabled American Veterans of the World War, held at Boston, Mass., on August 4, 1940, favoring the enactment of the bill (S. 2386) conferring citizenship upon alien World War veterans, which was referred to the Committee on Immigration.

RESOLUTIONS OF ITALIAN-AMERICAN WORLD WAR VETERANS

Mr. MALONEY. Mr. President, I ask unanimous consent to present for appropriate reference and printing in the RECORD resolutions adopted by the Italian-American World War veterans at their sixth annual convention held at Torrington, Conn., in July 1940.

The PRESIDENT pro tempore. Without objection, the resolutions presented by the Senator from Connecticut will be printed in the RECORD and appropriately referred.

To the Committee on Military Affairs:

Resolution 3

To Officers and Delegates of the Connecticut State Department of the Italian-American World War Veterans in Convention Assembled at Torrington, Conn., July 12, 13, 14, 1940, Greetings:

Whereas our country has finally awakened to the repeated urging of the veterans and their leaders for a better and stronger national defense; and

Whereas the interests of our Nation demand: Therefore be it

Resolved, That we as veterans of the first World War respectfully request of our Governor of the State of Connecticut and State Council for National Defense that plans be formulated to create military-training classes in principal cities in the State of Connecticut for professional and businessmen or any persons between the age of 30 to 50. They shall signify their willingness to join these military-training classes for 1 year.

Respectfully submitted.

JOHN DESCHINO,
Commander, Florio Post, No. 4, I. A. W. W. V.
ANGELO POSSEMATO,
Proposer.
MICHAEL DIPRIMIO.
MICHAEL GIORDANO.

To the table:

Resolution 4

To Officers and Delegates of the Connecticut Department of the Italian-American World War Veterans in Convention Assembled at Torrington, Conn., July 12, 13, 14, 1940, Greetings:

Whereas there is before the Congress of the United States a bill to enact into law compulsory military training for the young men of America: Be it therefore

Resolved, That we, as veterans who can still remember the unprepared America of 1917, go on record as being heartily in favor of the enactment into law of said bill; be it further

Resolved, That a copy of this resolution be forwarded to His Excellency the President of these United States and our representatives in the House and Senate at Washington, D. C.

Respectfully submitted.

JOHN DESCHINO,
Commander, Florio Post, No. 4, I. A. W. W. V.
ANGELO POSSEMATO,
Proposer.
MICHAEL DIPRIMIO.
MICHAEL GIORDANO.

SELECTIVE-SERVICE COMPULSORY MILITARY TRAINING—AMENDMENTS

Mr. LODGE and Mr. OVERTON each submitted an amendment intended to be proposed by them, respectively, to the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service, which were ordered to lie on the table and to be printed.

COTTON AND COMMODITY LOANS—LETTER SIGNED BY NUMEROUS SENATORS AND LETTER BY EDWARD A. O'NEAL

[Mr. HARRISON asked and obtained leave to have printed in the RECORD a letter addressed to the President, signed by numerous Senators, appealing for a higher cotton loan, and also a letter from Mr. Edward A. O'Neal, president, American Farm Bureau Federation, in behalf of increased agricultural commodity loans, which appear in the Appendix.]

QUESTIONS ADDRESSED TO MEMBERS OF NATIONAL DEFENSE ADVISORY COMMISSION

[Mr. SCHWELLENBACH asked and obtained leave to have printed in the RECORD questions asked by radio commentators and answered by members of the National Defense Advisory Commission in a broadcast from Washington, D. C., on August 8, 1940, which appear in the Appendix.]

THE MYSTERY OF MONEY—ADDRESS BY E. W. MASON

[Mr. FRAZIER asked and obtained leave to have printed in the RECORD extracts from an address on The Mystery of Money, delivered by E. W. Mason, chairman of the board of control of the One Dollar an Hour Club, at Moultrie, Ga., March 19, 1940, which appears in the Appendix.]

RELATIONSHIPS WITH SOUTH AMERICA—ARTICLE BY JOSEPH ALSOP AND ROBERT KINTNER

[Mr. MALONEY asked and obtained leave to have printed in the RECORD an article on relationships with South America, written by Joseph Alsop and Robert Kintner, published in the Washington Evening Star of August 8, 1940, which appears in the Appendix.]

ARTICLE BY ERNEST K. LINDLEY ON THE VALUE OF THE C. C. C.

[Mr. MALONEY asked and obtained leave to have printed in the RECORD an article by Ernest K. Lindley, printed in the Washington Post of August 9, 1940, entitled "The Value of C. C. C.," which appears in the Appendix.]

FRIENDSHIP OF AMERICAS CEMENTED BY AIRWAYS—ARTICLE BY WILLIAM PHILIP SIMMS

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article by William Philip Simms entitled "Friendship of America Cemented by Airways," published in the Washington (D. C.) Daily News of Friday, August 9, 1940, which appears in the Appendix.]

THE HABANA PACT—ARTICLE BY WILLIAM PHILIP SIMMS

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article by William Philip Simms headed "Latins Doubt Habana Pact Will Succeed," published in the Washington (D. C.) Daily News of Thursday, August 8, 1940, which appears in the Appendix.]

CONSCRIPTION OF WEALTH

Mr. WILEY. Mr. President, the Senate of the United States calmly proceeds on its way in spite of the symptoms of fear and hysteria evidenced in numerous places in our land.

Yet Congress, at times, has a great deal to do with precipitating that fear and hysteria. In times like these, phrases or words seem to take on additional meaning to certain persons. Some persons are in the mood of looking for magic remedies.

I rise today to say just a word in relation to that seldom comprehended, much abused and much misunderstood phrase "conscription of wealth." It has been used so much of late by one of our distinguished Members when, with the fervor of an ancient prophet, he calls out, "If you conscript men you must likewise conscript wealth."

This is appealing language, but deceptive language. Conscripting wealth, the phrase would imply, is a remedy. A remedy for what?

Let us analyze the meaning of the phrase. As generally understood, conscription of wealth means virtually a capital levy. But what does a capital levy mean, and what effect would it have upon any program we were undertaking? It would result in the depletion of capital in every industrial and economic endeavor of our people. It undoubtedly would increase unemployment, lower values, and add to the mental confusion of our people.

Let us see how the capital levy would apply to a farm, an industry, a business, or a home. Suppose the levy were 20 percent, and the farm were worth $20,000. There would be a $4,000 levy on the farm. If a business institution were worth $10,000,000, and the levy were 20 percent, there would be a $2,000,000 levy. If a home were worth $20,000, the levy would be $4,000.

I do not rise today to make any particular argument on the subject. There are two things that provoked my remarks:

First, the constant reference to conscription of wealth by the junior Senator from Oklahoma [Mr. LEE].

Secondly, an article by Westbrook Pegler, appearing today in the Washington Post.

Among other things, Mr. Pegler says:

> Wealth isn't just stock certificates and sawbucks. It is the property, and when the Government conscripts the property, then eventually the Government becomes the only employer in the country, and its orders to the employees are not to be disregarded or argued, as in the free countries.

I expect to speak at length on this subject a little later in the session. I ask that Mr. Pegler's article be included in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FAIR ENOUGH—CONSCRIPT WEALTH?

(By Westbrook Pegler)

Excuse me, friends, but do I understand you to say that if men are to be conscripted for military training or war, then wealth should be conscripted, too?

Because, before I bet on that proposition, I want to take another squint at my hand.

Now, as I read the cards, I observe that men are conscripted to defend the wealth of a country because the life and freedom of the people are based on the possession of that wealth; and, of course, it sounds handsome to say that the wealth of a nation should belong equally to all the people, but if you will take a look around you will observe that freedom exists only in those countries in which the wealth, or most of it, is privately owned and shifted from one possessor to another in constant toil, trade, competition, and speculation.

I don't know why it works out that way, but it does. In Russia, Germany, and Italy the wealth belongs entirely to the state, or, in your way of speaking, to all the people, equally, and the result is that no individual, except the few bosses, has any wealth at all or any of the rights that Americans enjoy.

They can't speak out of turn; they can be shot for reading forbidden material or listening to forbidden stations on the air; they have to work where they are put as many hours as they are told to; they can't quit one job to seek another or sass the boss or strike or even mention the idea of organizing a union.

And they have to serve in armies and fight in wars, too, even with no prospect of acquiring any wealth of their own if they happen not to be killed.

When the war is over, if they live, back they go to their tasks. The farmer is staked to his farm on a short tether, and, though he may think he owns it, that is only an illusion. Let him fall behind the production figured out for him by the nation and they chase him down the road, and his family with him, and give the farm to someone else who will work harder and better and for a bare living.

Or if he just happens to be in wrong with the local boss he can be chased off down the road or slapped into a concentration camp, where the guards will beat his ears off, while the farm is given to someone who happens to be in right with the boss—perhaps the boss' cousin or the father of some dolly that the boss is playing around with.

If he is a white-collar or a hand worker in a plant, he can be hoisted out of a job in his home town and sent somewhere 'way to hell and gone in a strange part of the country because they happen to need his kind of talent there.

That is what has to happen in a country where you conscript the wealth as well as the man. It has to happen, and it does happen, because when the government of a nation takes over the wealth it becomes the owner of all the farms and factories, as well as the diamond bracelets and the stocks and bonds.

Wealth isn't just stock certificates and sawbucks. It is the property; and when the government conscripts the property, then eventually the government becomes the only employer in the country, and its orders to the employees are not to be disregarded or argued, as in the free countries.

The government's orders as the employer and the boss are not mere orders but law, and you know what happens when you disobey a law of the government, especially in time of national danger. They send for the secret police and give you a quick trial, and you go to the "clink" if they don't take a notion to shoot you.

So, on reading my hand carefully, I have to bet against your proposition that wealth should be conscripted along with men. If you are going to do that, there is no reason to conscript the men, because this country's only reason for doing that is to fight off the very thing that would happen here the minute we decided to conscript wealth.

THE UNITED AUTOMOBILE WORKERS OF TODAY

Mr. BROWN. Mr. President, the United Automobile Workers, in convention at St. Louis a few days ago, adopted a resolution condemning communistic activities on the part of anyone connected in any way with their organization, and condemning communism generally.

A very fine editorial was published in the Detroit Free Press immediately thereafter. It is only five paragraphs long, and I ask unanimous consent that it may be read at this time.

The PRESIDENT pro tempore. Without objection, the editorial will be read.

The legislative clerk read the editorial, as follows:

[From the Detroit Free Press of August 6, 1940]

THE UNITED AUTOMOBILE WORKERS OF TODAY

By all odds the most eloquent feature of the third annual motor festival in Flint was the presence in the parade of a C. I. O. float riding alongside displays by the manufacturers and applauded on every hand with enthusiasm.

That item in the pagentry symbolized an industrial harmony and good will which 3 years ago few would have dared prophesy.

It meant that in so brief a period relations between employers and employees, which were an anxiety to the whole country, have been placed on a plane of understanding because men on both sides remembered they were Americans, put aside teeth gnashing, and met together and threshed out differences on the basis of reason and intelligence.

As one consequence, the United Automobile Workers today is a civic and patriotic force in Flint, with a membership held in respect and pledged to defend and preserve the peace of the country.

In condemning communistic Russia as a brutal and predatory dictatorship with which we can have no fellowship, the convention of the United Automobile Workers in St. Louis indicates that what is true of the organization in Flint is largely true of it generally.

SELECTIVE-SERVICE COMPULSORY MILITARY TRAINING

The Senate resumed the consideration of the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

Mr. JOHNSON of California. Mr. President, inasmuch as some time has been taken up with the introduction of various communications and letters, I wish to introduce into the

RECORD the action of the American Federation of Labor in regard to the bill now before us, if it has not already been inserted. In doing so I shall read portions of a statement issued by the President of the Federation so that it may be understood.

President William Green, of the American Federation of Labor, today issued the following statement, dated August 5, 1940:

Developments which have taken place in the war situation in Europe have served to arouse feelings of apprehension among all classes of people and a consciousness of the need of the formation of a constructive, practical national-defense policy. This state of mind is reflected in the action which Congress took when it appropriated large sums of money for the construction of naval vessels, airplanes, tanks, and war materials. While public opinion showed its opposition to the involvement of our Nation in the European conflict, it responded most favorably to the need for home defense and adequate preparation against any attempt of invasion by an aggressor nation.

I will reread the last sentence, so that it may be emphasized in this body, which perhaps has forgotten the fundamental principle upon which this Nation was founded:

While public opinion showed its opposition to the involvement of our Nation in the European conflict, it responded most favorably to the need for home defense and adequate preparation against any attempt of invasion by an aggressor nation.

The American Federation of Labor has cooperated and will continue to cooperate with the Federal Government in the formation and execution of its preparedness plans.

I may remark at that point that everyone, no matter what his politics, will so cooperate—

The American Federation of Labor has cooperated and will continue to cooperate with the Federal Government in the formation and execution of its preparedness plans. We have expounded a philosophy which proclaims that loyalty to labor unions presupposes loyalty to our Government. This is both primary and basic. Labor, as represented by the American Federation of Labor, will stand immovable in its defense of our Government, of our democratic institutions, and of the blessings of liberty, freedom, and justice provided for in the Declaration of Independence and the Constitution of the United States.

Those two cutworn documents still live, Mr. President, in the hearts of some men in this country.

In pledging universal support the men and women of labor accept the assurance of our Government that social, industrial, and economic standards set up and recognized by the Government will be maintained and, in turn, they assume, in full measure, their responsibility for service of the highest order both in industry and for the Nation.

The full use of our material resources and the construction of naval vessels, airplanes, tanks, guns, and war material is but a part of national preparedness. Full realization of any goal set for the production of material to be used in the creation of an adequate national defense would avail nothing unless such achievement would be supplemented by the creation of an army large enough and strong enough to man our defenses and to resist successfully any attempt by any enemy, no matter how large or powerful it might be, to set foot upon our homeland. We are firmly of the opinion that our Government should formulate a plan designed to mobilize adequate manpower for national defense and through the President make known to Congress and the country the manpower need of the Nation. Under such circumstances it is my opinion American labor will support the organization and creation of an army large and strong enough to meet national requirements.

We do not regard the Burke-Wadsworth bill, which provides for compulsory military service, as a well-planned measure. We cannot, therefore, give it our approval and support.

If it becomes apparent that legislation providing for compulsory military service is necessary such legislation should embody provisions which would adequately protect the economic and industrial status of working men and women. The following stipulations and safeguards should be incorporated therein:

First of all, working men and women whose services may be given to our country should be assured that they will not be called upon individually or collectively to engage in a foreign war or to be sent abroad to become involved in foreign wars.

We negatived that particular averment yesterday, perhaps.

An absolute guaranty should be accorded them that their services would be used only for home defense, for the protection of the Western Hemisphere, our homes, our homeland, and our governmental institutions.

Who cannot agree with that? But some, unfortunately, in the stress of the moment and the jittery character of the emotions which afflict us, have forgotten all the precepts of the fathers of this country and all the traditions which have been handed down to us.

Secondly, the positions of workers must be protected. They should be guaranteed a return to the positions they occupy after they have served the time required for military training as may be required by law.

Thirdly, the compensation allowed, while engaged in military training, should be sufficient to provide for the maintenance of a standard of living approximating that already established for those dependent upon them.

The standard of living is fixed by the bill, for services of the nature which shall be rendered, at $30 or $21 or $31 a month. I have forgotten which.

Mr. VANDENBERG. Twenty-one dollars.

Mr. JOHNSON of California. Of course, then, the Congress of the United States has seen to it that they are to be compensated, or to receive a living wage, and a man who has gone to the rescue of his country may rest assured, with the munificent sum of $21 a month, that his loved ones will be fully cared for.

Fourthly, the cost of transportation incurred by those who are a part of the Army and Navy, from their homes to the places where their services are utilized, should be borne by the Government. This should include all industrial workers, skilled, semiskilled, and unskilled who are called upon to serve in war manufacturing industries remotely located from their homes and home communities.

I concede, of course, that that particular provision is complied with amply, fully, and generously by the payment of $21 a month to those who may be conscripted. Let some of us try to live upon that sum.

The American Federation of Labor will give support to compulsory military training service legislation when such action becomes necessary in order to defend, protect, and preserve America.

We are trying to preserve every country on this hemisphere. We are going to preserve and protect every South American country, every Central American country. Of course, we therefore protect America—perhaps.

However, in providing an adequate army for defensive purposes the American way—

What way is that, the American way? We have forgotten the word, all of us. We no longer think in terms of America. We are thinking in terms of some other nation, and we have forgotten the American way.

However, in providing an adequate army for defensive purposes the American way should be followed first. A voluntary enlistment program should be launched by the Government designed to create an army of one million and a half men. This would be putting voluntary action before compulsion.

Just think what a crime it would be to put voluntary action before compulsion. Then, after that he says:

American labor would respond to such a program wholeheartedly and enthusiastically.

I say "amen" to much that is written in this statement of William Green. I am very glad to see that he has come to take the stand he has taken, a stand which a few of us will take and will persist in, notwithstanding we have to do this thing today, and that we have to get through with this bill by 1:30, or 3 minutes after 1, or 4 minutes after 2, that we must have it rammed down our throats after the very brief period of consideration which may be given it. "Amen," say I to Mr. William Green's statement.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from California that the statement be printed in the RECORD?

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Developments which have taken place in the war situation in Europe have served to arouse feelings of apprehension among all classes of people and a consciousness of the need of the formation of a constructive, practical national defense policy. This state of mind is reflected in the action which Congress took when it appropriated large sums of money for the construction of naval vessels, airplanes, tanks, and war materials. While public opinion showed its opposition to the involvement of our Nation in the European conflict it responded most favorably to the need for home defense and adequate preparation against any attempt of invasion by an aggressor nation.

The American Federation of Labor has cooperated and will continue to cooperate with the Federal Government in the formation and execution of its preparedness plans. We have expounded a philosophy which proclaims that loyalty to labor unions presupposes loyalty to our Government. This is both primary and basic. Labor, as represented by the American Federation of Labor, will

stand immovable in its defense of our Government, of our democratic institutions and of the blessings of liberty, freedom, and justice, provided for in the Declaration of Independence and the Constitution of the United States.

In pledging universal support the men and women of labor accept the assurance of our Government that social, industrial, and economic standards set up and recognized by the Government will be maintained and, in turn, they assume, in full measure, their responsibility for service of the highest order both in industry and for the Nation.

The full use of our material resources and the construction of naval vessels, airplanes, tanks, guns, and war material is but a part of national preparedness. Full realization of any goal set for the production of material to be used in the creation of an adequate national defense would avail nothing unless such achievement would be supplemented by the creation of an army large enough and strong enough to man our defenses and to resist successfully any attempt by any enemy, no matter how large or powerful it might be, to set foot upon our homeland. We are firmly of the opinion that our Government should formulate a plan designed to mobilize adequate manpower for national defense and through the President make known to Congress and the country the manpower need of the Nation. Under such circumstances, it is my opinion American labor will support the organization and creation of an army large and strong enough to meet national requirements.

We do not regard the Burke-Wadsworth bill, which provides for compulsory military service, as a well-planned measure. We cannot, therefore, give it our approval and support.

If it becomes apparent that legislation providing for compulsory military service is necessary, such legislation should embody provisions which would adequately protect the economic and industrial status of working men and women. The following stipulations and safeguards should be incorporated therein:

First of all, working men and women whose services may be given to our country should be assured that they will not be called upon individually or collectively to engage in a foreign war or to be sent abroad to become involved in foreign wars. An absolute guaranty should be accorded them that their services would be used only for home defense, for the protection of the Western Hemisphere, our homes, our homeland, and our governmental institutions.

Secondly, the positions of workers must be protected. They should be guaranteed a return to the positions they occupy after they have served the time required for military training as may be required by law.

Thirdly, the compensation allowed, while engaged in military training, should be sufficient to provide for the maintenance of a standard of living approximating that already established for those dependent upon them.

Fourthly, the cost of transportation incurred by those who are a part of the Army and Navy, from their homes to the places where their services are utilized, should be borne by the Government. This should include all industrial workers, skilled, semi-skilled, and unskilled, who are called upon to serve in war-manufacturing industries remotely located from their homes and home communities.

The American Federation of Labor will give support to compulsory military training service legislation when such action becomes necessary in order to defend, protect, and preserve America. However, in providing an adequate army for defensive purposes the American way should be followed first. A voluntary enlistment program should be launched by the Government designed to create an army of one million and a half men. This would be putting voluntary action before compulsion. American labor would respond to such a program wholeheartedly and enthusiastically.

Mr. SHEPPARD. Mr. President, in delivering my remarks on the pending bill I wish to proceed without interruption until I conclude. At the conclusion of my remarks I shall be glad to answer any questions which may be propounded. Last Monday I yielded to all interruptions, and it required about 3½ hours to deliver a speech which, if delivered continuously, would have taken about 15 minutes, and I do not want that condition to recur.

Mr. President, the matter of our national defense is so vital, the time elements involved in the establishment of a sound defense so insistent that failure to take the necessary steps in time might result in perilous consequences.

The doctrines and aggressions of certain dictator-controlled nations become every day more menacing toward free and independent democratic countries and the bloody conflicts they have imposed on many of such countries outside the United States, and are still imposing on those they have not already conquered, in a crusade which evidently they do not propose to end until all democracy and freedom shall have been blasted from the earth, call for the immediate establishment by us of a nucleus of armed forces in air, on sea, on land, properly equipped and capable of expansion within adequate time into proportions sufficient to overcome attack on the United States or the Western Hemisphere.

This is the best assurance of the preservation of our liberties and of the liberties of the Western Hemisphere.

This is the strongest and most permanent guaranty against our involvement in any war.

Aside from the existence of present dictatorships and the existing world situation, we need a permanent defense policy to protect us against any aggression and from all war until that day shall come for which we most fervently pray when "the blast of war's great organ shall no longer shake the skies."

Here let us examine our present defense requirements. We cannot draw a line around the sea and land frontiers of continental United States, as it was attempted to do during our consideration of the bill which preceded this, and say that this alone is what we will defend.

The Panama Canal, Hawaii, Puerto Rico, and Alaska are vital links in our defense chain. These areas are often referred to as outposts. This is in error. Outposts are usually considered as warning or delaying forces to be withdrawn when they have accomplished their mission, or when they are overwhelmed, or when their position shall have become untenable.

There can be no withdrawal from Panama, Hawaii, Puerto Rico, or Alaska without vital disaster to the Nation. To permit these strategical areas to fall into the hands of any enemy would jeopardize the security of continental United States itself.

Mr. DANAHER. Mr. President, will the Senator yield to me?

Mr. SHEPPARD. I have asked not to be interrupted during the course of my remarks. I shall be glad to answer the Senator when I shall have concluded.

Mr. DANAHER. I thank the Senator. I shall be glad to defer my request until later.

Mr. SHEPPARD. I shall be glad to answer any questions I can at the close of my remarks.

Moreover, if there is one policy involving a foreign angle to which the American people subscribe, it is embodied in the doctrine that the western world belongs to the western nations.

A violation of this policy by invasion from Europe, which is prohibited by our Monroe Doctrine, would probably not occur as a sudden overt act. It could easily take the form of a step-by-step movement, or of the continuance of a peaceful penetration by foreign nationals of some of our western nations, until definite and powerful minorities would be established, with the result that hostile nations might already have secured a foothold in areas that would threaten the most important link in our national defense—the Panama Canal.

With the Panama Canal out of commission, permanently, or for a prolonged period of time, our Navy as at present constituted would be helpless as the guardian of the oceans, and our present defense system would collapse. It is to be hoped that it will never be necessary to fight to preserve the Monroe Doctrine and the freedom of the Western Hemisphere from aggression and conquest; but if we must fight, prompt action will be imperative. Inability to act promptly would in the end necessitate a long and costly war. But what is more important, the knowledge on the part of invaders that we have the ability to act promptly would be the best form of security against the necessity for action.

It is gratifying to note that along all the necessary channels of action we are taking intensive steps to bring about a proper state of national defense.

One of such steps was the passage yesterday by the Senate of the bill for the training and use of the National Guard and other Reserve components of the Army of the United States.

Another such step is the bill now before us, a bill for the training of a vast citizenship reserve in military science and practice.

This bill does not substitute the compulsory for the volunteer system of enlistment for military purposes.

It combines the compulsory with the volunteer system, because the needed number of men within the necessary time cannot be secured by the volunteer system alone.

To be specific, 400,000 men, the number needed to carry out the plan of our War Department in connection with the

first increment by the 1st of October, cannot be secured by the volunteer system alone. The situation is such that every day is vital to a proper national defense at the earliest practicable time.

The volunteer system continues to be the system of our Regular Army, because the Regular Army does not need men in the vast numbers required by the proposed training system in so short a time.

The volunteer system continues to be the system of the Navy, the Marine Corps, the Officers' Reserve Corps, the Regular Army Reserve, for the same reason.

The compulsory system is added in the present bill to the volunteer system to meet an immediate emergency in which the time element is a tragic necessity and because the volunteer system cannot obtain the necessary numbers within the time needed in the Nation's defense.

We want to start 400,000 men in training in October, 400,000 in April, and additional increments from time to time of a size demanded by what may be an increasing emergency each year or a lessening emergency until the bill ceases to operate in 1945, unless Congress should extend it.

Why should not a combination of systems be used to insure the result desired?

When the bill ceases to operate, the compulsory phase of enlistment ceases also to operate.

The volunteer system continues as the permanent peacetime policy.

Mr. President, I now desire to analyze the pending bill.

CRITICAL ANALYSIS OF S. 4164, AS AMENDED

Subsections (a) and (b) of section 1 declare the reasons for the measure and express the need for increasing and training the armed forces under a system of selective compulsory military training and service combined with the voluntary system.

Subsection (c) expresses as a statement of policy the intention that the National Guard be not relegated to a status inferior to that which it now holds, and that it be not replaced or demoted by use of the other reserve elements.

Section 2 provides for the registration of all male citizens of the United States, wherever residing, and of all male aliens residing in the United States, within the 21- to 31-year age group, under regulations prescribed in accordance with the bill.

Although large numbers of men are subject to registration and are liable for military training and service, only comparatively few of those registered will actually be selected and inducted for military training and service. The numbers to be so selected and inducted will depend upon the requirements of the War and Navy Departments. In other words, many are registered and are liable for service, but comparatively few will actually be inducted.

Under this bill about 12,000,000 men will be registered. Of this number, the number actually inducted for training during the 5 years of the bill's operation will finally be determined by Congress through its power of appropriation. It is planned to submit to Congress estimates for the induction of 400,000 trainees this fall and 400,000 next spring. Further plans have not been perfected.

Section 3 (a) creates liability for training and service in the land and naval forces on the part of male citizens, wherever residing, and male declarant aliens, within the 21- to 31-year age group, other than citizens and aliens excepted from registration.

Those who are liable for service will be classified, depending upon their degree of availability for military service; but all, regardless of their classification, will continue to be liable for military service. The classification will be made by local boards composed of civilians, who will be neighbors of the men to be classified.

It is deemed advisable to have all male aliens, though not liable for training and service, registered and classified so as to obtain information essential for the most efficient operation of the system—such as, for example, information as to the particular type of jobs they are engaged in and fitted for. In this connection, it is important to ascertain the available source of the various types of skilled workers, so as to determine in what proportion the skilled workers are available for the various armed forces and necessary industries. It is important to note that the bill does not provide for the selection and induction of men for industry or agriculture, as some opponents might have people believe. It is solely a bill for the procurement of men for military functions in the armed forces. Certain men are not primarily taken for the armed forces for the reason that they should be left at home to follow their jobs, which at the time are thought to include necessary functions for fostering defense preparedness.

Section 3 (a) also confers upon the President the power to select and induct whatever number of men he may desire, whether or not war exists, provided that the President must select and induct in accordance with the other provisions of the bill.

One of such other provisions of the bill limiting this power is section 6, which gives Congress full control over the numbers of men to be inducted. Section 6 definitely prohibits the induction of men without the appropriation by Congress of funds specifically for that purpose. This places a definite limitation on the power of the President, and affords control by Congress over the number of men to be inducted from time to time. It is inconceivable that Congress will desire to have inducted more men than will be absolutely necessary; and Congress will be the final judge, through its power of appropriation, of the number necessary.

Section 3 (a) further confers on persons subject to registration—and, in addition thereto, men between 18 and 21 and between 31 and 35—the right to enlist as trainees, as distinguished from the right to enlist in the regular forces, as provided by section 11 (d).

It is believed that voluntary enlistment permitted simultaneously with compulsory selection will not, if properly controlled, interfere with or change the ultimate democratic, impartial, and speedy results which compulsory selection would attain by itself. It is believed that a system of voluntary enlistment operating alone, and without a system of compulsory selection operating simultaneously with it, would fail to produce now, and hereafter as needed, sufficient numbers of qualified men in an impartial, efficient, speedy, and democratic manner. The experiences of past wars show that systems providing for volunteering solely, and without compulsory selection, failed to obtain sufficient numbers of qualified men in sufficient time and in a sufficiently steady, uniform stream. Volunteering did not produce a sufficient volume of men; and even the insufficient volume decreased and ended abruptly. In the war between the States, both sides were forced to adopt compulsory conscription for these reasons. The World War is an outstanding example of the need of the compulsory system of selection. The present experiences of the War and Navy Departments with respect to volunteering, enlistment, and recruiting, indicate that the voluntary system alone will not satisfactorily meet their requirements. Figures and statements presented by representatives of the War and Navy Departments at the hearings before the Senate Committee on Military Affairs confirm this view, and show that this bill, which combines the voluntary and compulsory systems, will meet such requirements impartially and efficiently. It is clear that under a voluntary system operating by itself, and without a compulsory system of selection, the armed forces would, because of the limited numbers of men volunteering, be compelled to admit into service many men having dependents, or needed in war industries, the development of necessary natural resources, or in necessary agriculture.

The bill is based on the traditional principle that every citizen owes a duty to defend the Nation. Under the terms of the bill, the burdens of military service will be borne not only by the willing and by those compelled to volunteer because of lack of funds—as is true under a volunteer system operating alone—but such burdens will be borne equally by all classes, regardless of economic means.

We must not fail to realize that in order to have benefits we must assume some burdens and discomforts. It is high time for us to check up and take stock of our moral fiber and

character. We cannot ignore the facts. They must be faced.

The last sentence of section 3 (a) requires that trainees be assigned to camps or units of the land and naval forces of the United States. This is another definite indication that trainees will be inducted solely for military functions, and will not be inducted for industrial functions.

Section 3 (b) provides for a peacetime training period of 12 consecutive months, with a provision for an extension of such period by Congress, should Congress declare the national interest to be imperiled during such 12 months, such extension to end when Congress declares that the national interest so permits. Representatives of the War Department, including General Marshall, recommended a training period of 18 months, and have definitely stated that a 12-month training period is the minimum which would be of any benefit. Congress has control over the length of any extension of the training period, for it is provided that no such extension shall continue until further declaration by the Congress.

Section 3 (b) further provides for the transfer of a trainee after completion of his training period to a trainees' reserve until the act becomes inoperative, or for 10 years or until discharge therefrom, whichever shall occur first in time; and during the time that the trainee shall be in a reserve component he will be subject to such additional training as is now or may hereafter be prescribed by law.

The last portion of section 3 (b) releases a trainee from liability to serve in the reserves in time of peace, provided he shall have had 12 months' training and service in the land forces in time of peace and at least 2 years' satisfactory service in the Regular Army or in the active National Guard. This will enable at least some of those desiring to remain in active service with the Regular Army or with the National Guard to do so, and will likewise be an inducement which will aid in maintaining the authorized strength of the Regular Army and the National Guard.

It is intended that there shall exist and be maintained a reasonably small Regular Army of approximately 375,000 men to be maintained as a permanent nucleus, capable of expansion by utilizing the National Guard and the trainees' reserve in such numbers as may be required by any emergency. The trainees will be trained in groups for periods of 1 year, after which they will be transferred to the trainees' reserve, and will be free to go home to private life and employment, subject to recall as previously stated. Within as reasonable a period of time as possible, there will be available sufficient numbers of men who have served their training period and who have been transferred to the reserves, so that there will be available for purposes of defense and protection of the Nation, should the occasion arise, a vast number of trained reserves not being maintained in the regular armed forces who can spring to arms at a moment's notice. The result will be great elasticity, which will enable rapid expansion, but which will also permit contraction, which is a very important factor overlooked by many.

Section 3 (c) provides that trainees, during their service and training, shall receive the same pay, allowances, and other benefits as are provided by law for enlisted men of like grades and length of service of that component of the land or naval forces to which they are assigned, and after transfer to a reserve component they shall receive the same benefits as are provided for by law in like cases for members of such reserve components. Trainees shall also have an opportunity to qualify for promotion.

The trainees should receive the same pay as men in the regular forces performing the same functions and with whom the trainees are working side by side. Upon being transferred to the reserve, trainees should have the same benefits and obligations as members of other reserve components.

Section 4 (a) requires the selection of men between the ages of 21 to 31, who are liable for training and service, to be made in an impartial manner. Selection in an impartial manner will so be assured for the reason that the selection will be made by local boards composed of civilians who will be neighbors of, or persons known by, the men to be selected. The decentralized administration of this bill by civilians in their respective localities and communities is all-important. Such an administration proved successful under the World War act. Centralized administration by Federal military and naval officers of the compulsory system used in the War between the States gave rise to most unfavorable criticism, brought great disfavor, and attached considerable stigma to the compulsory system. At the time of the World War, such feeling had not as yet been dispelled and was still in evidence. However, by modifying the system and providing for decentralized civilian administration, with the local boards taking the most important part, the system gained great popularity, and disfavor and stigma in connection therewith were for the most part completely and definitely removed. Of approximately 200,000 persons required to administer the World War act, only approximately 195 were officers of the armed forces, and they were merely used for purposes of necessary coordination, direction, and instruction. All the others were civilians, the vast majority of whom were operating in their local communities. The same sort of administration is contemplated under this bill.

Section 4 (b) establishes the method of determining the quotas of men selected and volunteering for training from the 21- to 31-year age group for each State, Territory, and the District of Columbia, and their respective subdivisions. Quotas are determined on the basis of the actual number of men at any specified time who are in the 21- to 31-year-age group and who are liable for training and service but who are not deferred after being classified. The words "who are liable for such training and service, but who are not deferred after classification" are a further indication that liability continues regardless of deferment.

Quotas will be based upon the number of men who are liable for military training and service, but who have not been placed in a deferred class after being classified. World War experience demonstrated the unfairness of basing quotas according to the total male population or even according to all of the men liable for military training and service, including those classified into deferred classes. The unfairness resulted from the fact that some States and localities were discovered to have either great numbers of nondeclarant aliens or others in deferred classes, whereas other States and localities had very few. In other words, it was ascertained that there was an unequal distribution of those classified in deferred classes. When such unfairness was recognized it was decided to base quotas on the number of men in the first class, or, in other words, upon the number of men liable for military service but not deferred.

A quota is that number of men which the Army and Navy Departments will need as of a certain time. For instance, if a national quota of approximately 400,000 men is fixed for October 1, 1940, a particular State's quota will be the fractional portion of that number determined by using for the numerator the total number of men in the State classified into the first class who are liable but not deferred; and for the denominator, the total number of men in the United States classified into the first class who are liable but not deferred.

Section 5 (a) excepts men in the land and naval forces, including Reserve components thereof, from registration; for, if they are already in the service, there is no need to register or classify them. Cadets of the advanced course, senior division, R. O. T. C., are also excepted from registration so as to permit them to complete the course and enter the Reserve components. If any student should drop from the course or finish the course without going into a Reserve component, he would forthwith be required to register under the provision of this act, that there shall be no exceptions from registration after the cause therefor ceases to exist. The section also excepts from registration noncitizen and nondeclarant consular representatives.

Section 5 (a) also provides that a man who is excepted from registration and who has or will have satisfactorily served 3 years in the Regular Army or for 6 years in the Officers' Reserve Corps on the eligible list, or 6 years in the active National Guard will be excepted from registration and further duty in the Reserve components of the United States in time of peace. The section also provides that a man who satisfactorily serves as a member of the National Guard of the United States in active Federal service for a period of 1 year

and who thereafter completes not less than 2 years' satisfactory service in the Regular Army or in the active National Guard shall be relieved from further liability to serve in the Reserves in time of peace. This provision supplements the last part of section 3 (b), which provides for excepting trainees from service in the Reserves but not from registration. This wording of section 5 (a) has to do with men in the Regular Army or the active National Guard and does not have to do with trainees who are covered by the last portion of section 3 (b).

The wording of section 5 (b) corresponds with the wording of the World War Act and provides for deferment from selection and induction of the Vice President of the United States; officers—legislative, executive, and judicial—of the United States, the States, Territories, and the District of Columbia, while holding office.

Section 5 (c) authorizes the President to defer selection and induction of men working and needed in industries, agriculture, or other occupations for the purpose of maintaining national health, safety, or interest.

It also authorizes the President to defer selection and induction of men with dependents and men physically, mentally, or morally deficient.

The section requires deferment of regular or duly ordained ministers of religion engaged in the regular discharge of their ministerial duties.

The section requires, except with respect to regular or duly ordained ministers, deferment on an individual basis and not on a hit-or-miss or inequitable blanket deferment basis, such as by occupational groups, without regard to the status of the particular individual therein or the necessity for his particular deferment. In other words, it is recognized that a man should not be deferred merely because he is working in a necessary war industry. Such a man should only be deferred if he cannot immediately be replaced by somebody in a deferred class or by a person not subject to the bill. The length of any such deferment must, of course, depend on the length of time required to replace such men. By prohibiting blanket occupational deferments there will be no chance unjustly to escape military training and service.

The last sentence of section 5 (c) states that the deferment shall not continue after the cause therefor ceases to exist. As an example of the operation of this provision, a man placed in a deferred class by reason of being physically deficient and whose deficiency in that respect is subsequently removed will be reclassified immediately upon the removal thereof.

Section 5 (d) provides for relieving conscientious objectors from combatant training or service. Those claiming to be conscientious objectors will be listed on a register of conscientious objectors, and thereafter will be referred to the Department of Justice for inquiry and hearing. If the Department shall find that the particular objector is, by reason of religious training and belief, conscientiously opposed to participation in war in any form, it will recommend that such objector be assigned to noncombatant service or to work of national importance. If, however, the Department shall find the particular objector not to be a conscientious objector in good faith, it shall so notify the local board, and the objector's name shall be forthwith removed from the register of conscientious objectors, and such objector shall continue to be liable for combatant training and service as provided in the bill. Either the objector or the local board may question the findings of the Department of Justice, in which event the particular case will be submitted to the Selective Service Appeal Board having jurisdiction for final determination.

Section 6 leaves with Congress full control over the numbers of persons who may be selected and inducted for military service, for it specifically prohibits selection and induction of men for military training and service until Congress shall hereafter appropriate funds specifically for such purpose. It is quite evident and elementary that Congress will enact legislation permitting selection and induction for military training only of those numbers of men whose training and service in the military forces is absolutely necessary for the defense and protection of the Nation.

Section 7 contains substantially the wording of the World War Act, and is deemed essential; for it prohibits payment of bounties to induce enlistment, and it also prohibits a man from furnishing a substitute or making payment in order to escape selection and induction. Similar prohibitions were not included in the compulsory systems established during the War between the States; and, as a consequence, great injustices were done by way of bounties and by way of substituting or buying one's way out of military service. Based upon the unfortunate experiences from such injustices, there was inserted into the World War Act a section similar to section 7.

Section 8 attempts to offer a trainee or Reserve officer on active duty as much protection with respect to reemployment and retention of employment benefits as is within reasonable bounds. It attempts to prevent loss of seniority, accrued employment benefits, including participation in insurance, pension, bonus, and other beneficial programs.

Section 8 (g) provides that the Chief of Finance, United States Army, shall act as the fiscal and disbursing and accounting agent of the director of selective service in carrying out the provisions of the act. This will avoid the expense of setting up and maintaining a separate disbursement and accounting system.

Section 9 contains the penalty provisions of the bill, which are substantially the same as those of the World War act. Experience with the World War provisions shows that they worked satisfactorily in providing the necessary protection.

Punishment by imprisonment for not more than 5 years or a fine of not more than $10,000, or by both such fine and imprisonment, is provided in the event of conviction in the district court of the United States. Provision is also made for punishment by court martial of convicted violators who are subject to military or naval law.

Section 10 (a) confers upon the President authority to carry out the provisions of the act.

Section 10 (a) (1) authorizes the President to prescribe the necessary rules and regulations to carry the act into effect.

Section 10 (a) (2) provides for the creation and establishing of a selective and volunteer service system providing for classification of registered men and for establishing local boards, appeal boards, agencies of appeal, and other agencies deemed necessary to make the provisions of the act effective.

The system contemplates the classification of men within the age group into four classes "on the basis of availability for service and training," as provided in section 10 (a) (2). The respective classes represent decreasing degrees of availability, commencing with the first class, but men in all classes continue to be available for training and service in varying degrees, and continue to be liable therefor. In other words, the men in the first class are not the only ones liable or available for training and service but they are merely more readily available than are those in the other classes whose selection and induction are deferred. The volunteer waives all classifications.

Section 10 (a) (3) fixes the salary of the director of selective service at not in excess of $10,000, and requires confirmation by the Senate of his appointment, and of the appointment of all persons under the director whose salaries are in excess of $5,000 per annum.

Section 10 (a) (4) provides authority for the use of Federal and State services, information, facilities, and personnel.

Section 10 (a) (5) authorizes printing, binding, and blank-book work, and the obtaining of office equipment.

Section 10 (a) (6) relates to paroles for violators of the act.

Section 10 (b) authorizes delegation of authority by the President. This authority is deemed necessary in order that the director of selective service may conduct the administration of this act efficiently and without unnecessary red tape and delays.

Section 10 (c) provides that decisions of local boards shall be final, except when appeals are authorized. Section 10 (c) also contains a provision for acceptance of voluntary services. This provision was added so as to be able to curtail expenses should any of the civilian personnel desire to perform their services gratuitously.

Section 10 (c) also authorizes use of official penalty envelopes for necessary correspondence.

Section 11 (a) provides that publication by the President of a proclamation or other public notice requiring registration shall constitute notice of the requirements of the act.

Section 11 (b) provides for liberal and reasonable construction of the act.

Section 11 (c) is a customary provision protecting other provisions of the act in the event any provision be held invalid.

Section 11 (d) expressly protects existing laws authorizing voluntary enlistment or reenlistment in the regular armed forces and the reserve components thereof.

Section 12 (a) provides that the words "between the ages of 21 and 31" shall refer to persons who have reached their twenty-first birthday and who have not reached their thirty-first birthday.

Section 12 (b) defines the words "United States" as including the several States, the District of Columbia, the Territories, and the possessions of the United States, except the Philippine Islands, when used geographically.

Section 13 (a) is a customary provision suspending existing laws and parts of laws in conflict with the provisions of the act.

Section 13 (b) provides that the act shall become inoperative and shall terminate on May 15, 1945, unless continued in effect by further act of Congress and except as to offenses committed prior to such date.

Section 14 provides for citing the act as the Selective Training and Service Act of 1940.

Under this bill no large Regular Army is contemplated. The induction is merely for a 1-year period, unless extended by Congress. This bill provides the means for commencing the training of men in military capacities for 1-year training periods and is part of our military policy which contemplates a Regular Army of approximately 375,000 trained men, a National Guard of approximately 250,000 trained men, and such number of trained Reserves as may be necessary to supplement the Regular Army and National Guard. In the absence of further action by Congress, trainees will go home to private lives after a 1-year training period, unless at that time they enlist in the Regular Army or the National Guard.

Mr. President, this completes my analysis of the bill, which the Senate Committee on Military Affairs has reported favorably by a vote of 13 to 3. I trust it will receive your approval.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. SHEPPARD. I yield.

Mr. VANDENBERG. In his able discussion the Senator has referred to the experience of the War and Navy Departments as condemning the efficiency of the voluntary system.

Mr. SHEPPARD. No. They do not do that, except in one respect.

Mr. VANDENBERG. What is that respect?

Mr. SHEPPARD. Where there is a time emergency, and men in especially large numbers are needed within a limited time.

Mr. VANDENBERG. If the Senator will review his very able statement he will find that he has asserted that the past experience of the War Department justifies their expectation that they cannot get adequate numbers of men in sufficient time.

Mr. SHEPPARD. They cannot get 400,000 men by October under the voluntary system alone.

Mr. VANDENBERG. What I want to know is what there is about the experience of the War and Navy Departments which leads them to believe that they cannot get sufficient numbers of men by the voluntary system.

Mr. SHEPPARD. Their actual experience.

Mr. VANDENBERG. What is their experience?

Mr. SHEPPARD. Their actual experience has been that the largest number they ever obtained under the voluntary system, exercising every expedient of which they could think, was about 30,000 in 1 month, an all-time record.

Mr. VANDENBERG. Let me ask the Senator whether it is not true that the War and Navy Departments have filled the volunteer quota they have asked for this year.

Mr. SHEPPARD. Yes; but the same time element was not involved that is involved in the present case. It is only the present situation that makes the time element important.

Mr. VANDENBERG. If they do not get their full quota, it is because they do not fix their quota big enough.

Mr. SHEPPARD. With the voluntary system for large quotas they would not get them in a limited time.

Mr. VANDENBERG. How does the Senator know that is true if it has not been tried?

Mr. SHEPPARD. I have been reliably advised as to the largest number the Army has secured in 1 month.

Mr. VANDENBERG. I can call the attention of the Senator to innumerable recruiting stations which have declined to receive recruits because the quotas have been filled.

Mr. SHEPPARD. At times that is true, but never were those quotas as large as the contemplated quotas now confronting us in connection with so short a period.

Mr. VANDENBERG. If the experience up to date is that every quota attempted has succeeded, why is it assumed that larger quotas automatically will fail?

Mr. SHEPPARD. Because the authorities feel confident that they got the largest number they could get, within certain limits, under their past experience, and Admiral Nimitz, of the Navy Department, said at the hearings on this bill that the voluntary system had not yet failed the Navy in the matter of relatively small numbers of men, but he said that as the Navy increased in numbers he would use this bill like the present one.

Mr. VANDENBERG. I wish to ask the Senator another question regarding the number needed, inasmuch as he now stresses that element.

With a Regular Army of 375,000 men and a National Guard of 250,000, which has now been made available, at least so far as Senate action is concerned, and the other Reserves, who also have been made available, we already have a potential total of 750,000. I heard Mr. Knudsen testify this morning before the Senate Committee on Finance that it will be 1942 before there will be complete equipment for an army of 750,000 men. If it takes until 1942 to equip an army of 750,000 men, and we already have potentially 750,000 men, why is it necessary to resort to extraordinary peacetime methods for additional men?

Mr. SHEPPARD. We have sufficient equipment and supplies for the training of the first increment of trainees.

Mr. VANDENBERG. If we cannot equip the Army, what is the use of having them? The equipment is just as much a limitation as the lack of personnel.

Mr. SHEPPARD. The Army has not yet reached 375,000; it is only about 260,000 now; and they are equipping the Army as rapidly as they can; but they do have the equipment and the housing for the first increment of trainees, and that will give them sufficient time to secure housing for the remaining trainees, because they are to come in as increments.

Mr. VANDENBERG. Why do they need them if the only army they can put into completely equipped functioning in 2 years is already potentially in sight?

Mr. SHEPPARD. They do not know what army they will have to put into use. It may be less than 750,000. All they have to do is to provide sufficient equipment for the number presenting themselves for training from time to time.

Mr. VANDENBERG. They know what army they cannot put into use, because they know they cannot equip one beyond 750,000 until after 1942.

Mr. SHEPPARD. By equipment, the Senator means matériel, guns, and things of that kind?

Mr. VANDENBERG. I mean to set an army of 750,000 men in effective combat motion.

Mr. SHEPPARD. The period of this bill extends to 1945.

Mr. VANDENBERG. I am probably very inept in presenting my question. I think the Senator fails to understand what I am trying to find out. I am merely seeking information. I do not understand why, if the maximum army that can be handled up to the end of 1942 is 750,000 men, and we have already 750,000 men in sight, at least, it is necessary to have additional men, and particularly why it is necessary to

invoke conscription for the first peacetime moment in 150 years in order to do that. Why do we need the additional men?

Mr. SHEPPARD. Because in peacetime we will not have 750,000 men in active service at one time, and if such an emergency should occur that we have to gather men together in larger numbers than we have the equipment or the housing to supply, we will have to do the best we can, as we did during the World War, with temporary housing, and get the equipment in any way we can. In fact, that emergency is upon us and we must go ahead and build up a reserve to meet every demand for such larger numbers, regardless of permanent equipment and permanent housing conditions.

Mr. VANDENBERG. Let me ask the Senator just one further question about another phase of the matter. What is the total civilian staff which will be necessary to administer the conscription law? I am talking about the local draft boards, and so forth. What is the total personnel involved?

Mr. SHEPPARD. I cannot give the Senator the exact figure, but I shall get it for him.

Mr. VANDENBERG. I noticed the Senator referred to 200,000 as involved in the World War effort. I assume it would be at least 200,000 now. Is that correct?

Mr. SHEPPARD. I shall secure the definite information and give it to the Senator.

Mr. VANDENBERG. Will the Senator tell me how these local draft boards are to be chosen?

Mr. SHEPPARD. They are appointed by the President on the recommendation of the State Governors. The Governors are assisted in this matter and other matters pertaining to the system by State committees composed of National Guard men, Legionnaires, Reserve officers, and other citizens.

Mr. VANDENBERG. Is there any provision in the bill governing the establishment of these local boards, I mean as to the methods by which they shall be established?

Mr. SHEPPARD. That will be done by regulation.

Mr. VANDENBERG. It is not in the bill.

Mr. SHEPPARD. It is not in the bill.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. SHEPPARD. I yield.

Mr. BARKLEY. I wish to ask the Senator a question following the interrogation of the Senator from Michigan. We have provided for a maximum Regular Army of 375,000 men. Of course, if we bring in the National Guard and the Reserve officers, and all of them come in or are called in, we get up to around 700,000. Of the 375,000 men authorized as the maximum of the Regular Army, the Senator says there are about 260,000 now in the Army who have been accepted for service.

Mr. SHEPPARD. The present enlisted strength of the Regular Army is in that neighborhood.

Mr. TAFT. I noticed a statement this morning that there were 270,000 now enlisted, today, in the Regular Army.

Mr. SHEPPARD. It may have gotten to that figure. When I last saw the figure, it was 260,000. I thank the Senator.

Mr. BARKLEY. A day or so ago, in a statement the Senator from Texas made on the National Guard bill, I think he informed the Senate that under the provisions for an increase in the Regular Army, the net increase being taken in now amounts to about 16,000 a month.

Mr. SHEPPARD. That was the case a short time ago.

Mr. ADAMS. It is something over 20,000 now.

Mr. SHEPPARD. Yes, 20,000.

Mr. BARKLEY. If it is 20,000, and there are now 260,000 or 270,000, which would leave more than a hundred thousand still to be brought into the Regular Army, at that rate it would take 4 or 5 months to fill up the increments necessary to make the Regular Army 375,000.

Mr. SHEPPARD. Perhaps more than that.

Mr. WHEELER. They are asking for forty-some thousand in August.

Mr. BARKLEY. They are taking in these additional men necessary to provide for a maximum of 375,000, as they are enlisting and are weeding out, so as to get those qualified, and I expect also the question of facilities and equipment has something to do with the number accepted.

Mr. SHEPPARD. A certain number drop out. The net gain is never what the gross enlistment is. Sometimes it is five or six thousand under, or more.

Mr. BARKLEY. Sometimes enlistments expire, so that we have to subtract the number of those who go out and do not reenlist.

Mr. ADAMS. Permit me to interrupt, because we have had some figures before the Committee on Appropriations the last few days. The net gain is a little over 20,000 a month.

Mr. SCHWARTZ. Mr. President——

The PRESIDENT pro tempore. Who has the floor?

Mr. BARKLEY. The Senator from Texas has the floor, and I have been proceeding on the theory that the Senator from Texas had the floor.

Mr. SHEPPARD. I have the floor, and I have yielded to the Senator from Kentucky; and I yield to him to yield to the Senator from Wyoming.

Mr. BARKLEY. I am glad vicariously to yield to the Senator from Wyoming.

Mr. SCHWARTZ. Just a few days ago General Marshall testified as to the enlistments in June. In June there were enlisted as volunteers 22,947. The result of that was a net gain of 16,000. In other words, the difference between 22,000 and 16,000 were those who dropped out.

Also, in connection with the question raised by the Senator from Michigan, who said there were some recruiting stations which were not taking them, the general made a statement which had reference to that. I read from the record of the hearings before the committee at page 11:

> Senator AUSTIN. Yes. I ascertained you were then only taking the replacements.
>
> General MARSHALL. Yes. In June I started the recruiting, before I got the appropriation. I gambled, very frankly. And I had to watch and see that we cut off this recruiting before I was involved in a financial dilemma, but the situation was so serious that, fortunately, congressional action and the retroactive effect of the 1941 Budget saved me from being investigated by the Congress.

Mr. WHEELER rose.

Mr. BARKLEY. Mr. President, I should like to complete my question.

Mr. WHEELER. If I may interrupt, General Marshall——

The PRESIDENT pro tempore. The rules of the Senate require that when a Senator desires to interrupt, the Chair be addressed, and that the Senator having the floor state whether he will yield or not.

Mr. WHEELER. The Senator has already said he would yield.

The PRESIDENT pro tempore. The Chair did not hear it. Very well.

Mr. WHEELER. General Marshall was speaking of the Army; but likewise, as I understand, the marines and the Navy are enlisting men. So what the Senator is giving to us is just the figures as to the Army, and not as to the whole armed forces of the United States.

Mr. BARKLEY. The Senator from Michigan has referred to the testimony of Mr. Knudsen before the Committee on Finance, which, I am sorry, I did not hear; but I had another appointment and could not go to the meeting of the Committee on Finance.

I do not know how far the suggestion he made was explored, and whether he meant to refer to 750,000 men as the 750,000 men who are made up of the Regular Army and the National Guard and these Reserves that the measure we passed yesterday will call out, or whether he was talking about 750,000 men under a selective military training system provided for in the pending bill. But it is my understanding that the plan is to call these 400,000 the 1st of October and then probably the 1st of January to call out another 400,000 men.

Mr. SHEPPARD. The 1st of April.

Mr. BARKLEY. It is proposed on the 1st of April to call out another 400,000 men, making 800,000. Those men are to be trained for a year. So it would be 1942 before the second contingent of 400,000 men are trained to become a part of any 750,000 men who may have been in the mind of

Mr. Knudsen when he testified on that subject. So with the third contingent, which would make the number 1,200,000 men in all, if a total of that many are called in the various contingents, it would be well into 1942, and probably toward the end of 1942, before the training was completed. Of course, the trainees would have to have a certain amount of equipment while they were being trained, but training does not require the same equipment per man that is required for the Regular Army, or certainly for an army which expects to engage in warfare. Is that correct?

Mr. SHEPPARD. That is correct.

Mr. McNARY. Mr. President——

Mr. SHEPPARD. I yield the floor.

Mr. McNARY. I was going to propound an inquiry. The able Senator from Texas in his address stated that the bill combines the voluntary and the compulsory system. That statement, standing by itself, did not mean a great deal to me. I should like to have the Senator amplify that statement and point out wherein that proposition can be found in the bill.

Mr. SHEPPARD. In section 3.

Mr. McNARY. How does it work? The Senator is familiar with it. How, in the bill, is the voluntary system combined with the compulsory system? I thought the philosophy of the bill was that of a compulsory system.

Mr. SHEPPARD. Not at all.

Mr. McNARY. I have not had the opportunity of hearing the witnesses nor have I obtained the information from members of the committee. For my sake alone I should like to have the Senator explain more in detail the dual aspects of this bill.

Mr. SHEPPARD. When the men are registered they are asked to indicate whether they want to volunteer, and they are allowed to do so if they desire to volunteer. Not only that, but the draft phase of the bill applies only to those between 21 and 31 years of age, whereas anyone from 18 to 35 may volunteer, according to the terms of the measure.

Mr. NORRIS. Mr. President, will the Senator yield to me to ask him a question on that point?

Mr. SHEPPARD. I yield.

Mr. NORRIS. The Senator says men are given permission to state whether they volunteer?

Mr. SHEPPARD. No; they are asked whether they do so.

Mr. NORRIS. They are asked?

Mr. SHEPPARD. Yes.

Mr. NORRIS. I thought that would be the same thing.

Mr. SHEPPARD. They are asked whether they are volunteers.

Mr. NORRIS. After they are called into the service?

Mr. SHEPPARD. No, indeed.

Mr. NORRIS. Or when they are called? When are they asked that question?

Mr. SHEPPARD. They are asked that when they are classified after registration.

Mr. NORRIS. If they volunteer, they are taken in.

Mr. SHEPPARD. Yes.

Mr. LODGE. Mr. President, will the Senator yield to me?

Mr. SHEPPARD. I yield the floor.

The PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. LODGE. Mr. President, I should like to make a brief analysis of this bill, comparing it with the bill which I have introduced on the same subject, and comparing it with the original Burke-Wadsworth bill, the language of which was quite different.

I think I have heretofore made clear my conviction that this terrible war has taught us one lesson, if it has not taught us any other, and that is that modern armies cannot be created after a war has been begun. The experience which I have had has impressed me with the fact that a soldier must be a man of many special skills. I think that is widely appreciated. We know he has to be a radioman, an electric welder, a machine gunner, an armorer, and be familiar with a whole host of special occupations. Equally important is the fact of his training and his coordination with others. In other words, we are not simply trying to develop numbers of men who are good soloists with the machine gun or with the tank, or whatever the weapon may be. We are trying to get men who understand the roles which those various weapons have to play, the lack of which was one of the things which was of such tremendous weakness, I am advised——

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. LODGE. I should like to make my statement as a connected coherent statement, and I think it would be simpler for the Senate to have it set forth in that way, and then I shall be glad to yield.

Mr. DANAHER. Will the Senator give me an idea of about how long he thinks it will take him to expound his views?

Mr. LODGE. I never make a long speech, I will say to the Senator.

Mr. DANAHER. No; but would the Senator give me an estimate of his contemplated time?

Mr. LODGE. I do not know. It all depends on the interruptions. I do not think I have spoken longer than 20 minutes on any occasion since I have been in the Senate.

Mr. DANAHER. Let me say to the Senator that whatever time the Senator takes is always well worth while. He is most instructive.

Mr. LODGE. I thank the Senator from Connecticut.

Mr DANAHER. But let me say further, Mr. President, that, while the explanation made by the Senator from Texas is in our minds, and before we undertake a comparative analysis of the original so-called Burke-Wadsworth bill and the bill which has been offered as a substitute by the Senator from Massachusetts, which, by the way, has a very great deal of merit in it, it would seem to me that we could much better understand and appreciate the Senator's analysis if we could clear up some of the points that are doubtful, perhaps, in the minds of more than merely myself, with reference to what the Senator from Texas has told us. With that thought in mind, I ask the Senator from Massachusetts if he will yield, so that I may be permitted to ask the Senator from Texas a few questions; but if the Senator from Massachusetts would prefer to add not only to the confusion that exists in my mind with reference to the bill as explained by the Senator from Texas, but also the confusion that arose originally from the Burke-Wadsworth bill, by a discussion of the substitutes that have been proffered, including the Senator's own, then all right. I, of course, thank the Senator for permitting this much leeway.

Mr. LODGE. I think I shall be able to clear up some of those doubts, I will say to the Senator from Connecticut; and, with his permission, I shall try to do so. In any event, I shall not take very long. I appreciate the point the Senator has in mind, but I will try to come to it at the proper time. I simply wanted to say that it is not solely a question of training men in special skills. It is a question of training them in coordination and working together.

One of the troubles which, I think, the British Army had during the Flanders campaign was that there was practically no coordination between the ground troops and the elements that were in the air. In the case of the German Army, the commander of a battalion of tanks could get aviation bombardment at whatever place he wanted it, with the direct-voice telephone system. They had that degree of coordination. Senators can readily see that such coordination amounts to more than the sum total of the individual skills of groups of tank soldiers or aviators; and that is one of the things training develops. In training that type of coordination or teamwork it is not essential, although it is desirable, to have all the weapons and equipment on hand.

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are worth 1,500 or 2,000 tanks, because numbers of different men can be trained in the same tanks. That is the point I wanted to bring out.

I have therefore, Mr. President, long favored some form of obligatory service, and it seemed to me that our national-defense policy, which assumed that we could declare war on a certain day and then wait 6 months to get ready for it, was not only an obsolete policy but was almost suicidal.

It may very well be that this country will not be attacked, and I hope it will not, and I am rather inclined to believe that it will not; but I have simply felt that those of us who are in a position of responsibility have got to assume the worst, and then if the worst does not happen, so much the better. People may think of us as being unduly alarmed and that we hear noises under the bed, but so far as the security of the country is concerned it seems to me that our proper duty is to assume the worst and prepare for it, and then perhaps it will not happen.

Mr. President, although I am sympathetic with and favor the idea of some obligatory service, I am likewise extremely critical of many provisions of the Burke-Wadsworth bill as it was first introduced and presented to the Senate, and I should like to list some of the features of that bill which are not in the legislation which now confronts the Senate.

First, the original bill stated in its preamble that every able-bodied man was to be placed under a system of compulsory military service. This was obviously unnecessary and impossible, inasmuch as neither the weapons nor the housing facilities exist to accommodate more than a small fraction of the able-bodied men in the country. Such a scheme would also have completely dislocated, if not destroyed, our normal civilization—something which, of course, should be resisted not only for its own sake and for the sake of preserving civil liberties but for military reasons as well.

Second, the bill called for the registration of every man between the ages of 18 and 65, a total of about 42,000,000 men. This would have caused a possible crucial delay, which could have been justified only on the ground that time was not vitally important. Together with the preamble, this provision brought up the whole picture of 1917—a picture of a huge army to be trained with considerable delay and without sufficient weapons. In 1917 this was a good method, because we had the time and Great Britain and France stood ready to provide us with weapons. However, in 1917 we were at war. In 1940, although we are now in an abnormal and perhaps perilous situation, we are at peace.

Third, the Burke-Wadsworth bill contained no limit of any kind on the total number of men to be raised. This gave the impression that a virtually unlimited grant of power was requested. Actually, of course, the appropriation bills will and must limit the size of the Army. The Army itself must set limits if it is to be able to make intelligent plans; and, of course, the Army has done so. I am told that it plans to induct into the service about 350,000 or 400,000 men in the autumn, and another similar number to take their places next year. Why the bill did not give to the people the assurance which a definite limit would convey is hard to grasp, because if the bill were limited as to the number of men to be raised, the number would figure out to about 1 man in every 3,000 of population, which is not a very high percentage. I plan later to offer an amendment on this point.

Fourth, the original bill, by taking in so much territory and asking for so many unlimited grants of power, naturally caused the suspicion to arise that social and internal changes were in contemplation which had little real value to national defense.

Fifth, it stated in the preamble that the burdens of military service would be "shared by all"—a laudable sentiment which was effectively contradicted by the language of section 5 of the bill, which stated that "not more than 87 percent nor less than 78 percent of the men selected shall be between the ages of 21 and 31."

This last provision illustrates the hard, practical fact which centuries of military history have proved—that the brunt of war falls on young men. This must inevitably be so, because, as a general rule, young men alone possess the stamina and ability to recover quickly from physical hardships, which quality is essential to a soldier. Under those circumstances it served no good purpose to foster the belief that the burdens of military service would be equally borne. They never have been.

Sixth, the bill contained a provision exempting public officials, which, while of comparatively slight importance numerically, is significant, I think, from the standpoint of morale. Not many public officials are of the requisite age to be subject to service; but should not those who are able to render military service set the example by so doing?

Seventh, the bill contained provisions for organizing home-defense units. This is something for which the War Department is not organized. It is the special province of the States, which have the knowledge of personnel and of conditions necessary to do a satisfactory job.

Eighth, the bill contained provisions for reducing the pay of soldiers to mere cigarette money, something which no one who desired to build up an army of highly selected personnel would advocate, and something which would be justified only in a mass army following an acute financial crisis.

Ninth, the bill contained no method whereby the volunteer system would have a chance to show what it could do.

Tenth, the bill took neither a long-term view nor a short-term view, being too cumbersome for an emergency and not a proper bill for a long-term military training policy. Such a bill—a long-term bill—should, of course, seek to train boys only when they reach a given age.

Eleventh, and finally, the original bill appeared to rest on the assumption that we were certain to enter a war in the near future, which war would be similar in its personnel requirements to the World War.

That, Mr. President, is my criticism of the Burke-Wadsworth bill. The bill which I introduced was frankly an emergency bill, which sought to achieve manpower in a hurry. The registration was confined to a small class of men, between the ages of 21 and 25, an age from which the best soldiers are recruited, and at which few men have made as important commitments as they make a few years later. Moreover, it is also an age which would keep men in the reserve for the longest possible period, which is a point worth considering.

Secondly, my bill sought to raise men for the Regular Army, so that it would be at all times up to a strength of 750,000. That is the figure to which the weapon program is adjusted. As I have said, inasmuch as the Regular Army already stands at 375,000, or it is planned to stand at that figure, this would have required about 400,000 to be raised by conscription, or about 1 in every 3,000 of population.

My bill was a simple defense bill. No social upheavals or any kind of major changes were possible under its terms. It envisioned a "highly selected personnel" for a larger army than we now have, but not a mass army, with its inevitable complement of men of doubtful military value. It recognized the fact that the brunt of war always falls on young men. It contained no exemption for public officials. It had no provision for home-defense units and no provision for reducing the soldiers' pay. It took a frankly short-term view, aiming to build up the Army in the promptest possible way. It rested on the assumption—which is necessarily different from the assumption of the original Burke-Wadsworth bill—that while we are in an abnormal and possibly perilous situation, we are not at war. It assumed that a sufficiently impressive show of force might keep war away from us completely. Finally, it rested on the assumption that the personnel requirements of war today are drastically different from those of the World War.

We now come to the committee bill. The committee bill has eliminated the following items, which were in the original Burke-Wadsworth bill:

The provision that "every able-bodied man" shall come under the system.

The provision for a 42,000,000 registration.

The statement that military service would be "shared by all."

Mr. Knudsen when he testified on that subject. So with the third contingent, which would make the number 1,200,000 men in all, if a total of that many are called in the various contingents, it would be well into 1942, and probably toward the end of 1942, before the training was completed. Of course, the trainees would have to have a certain amount of equipment while they were being trained, but training does not require the same equipment per man that is required for the Regular Army, or certainly for an army which expects to engage in warfare. Is that correct?

Mr. SHEPPARD. That is correct.

Mr. McNARY. Mr. President——

Mr. SHEPPARD. I yield the floor.

Mr. McNARY. I was going to propound an inquiry. The able Senator from Texas in his address stated that the bill combines the voluntary and the compulsory system. That statement, standing by itself, did not mean a great deal to me. I should like to have the Senator amplify that statement and point out wherein that proposition can be found in the bill.

Mr. SHEPPARD. In section 3.

Mr. McNARY. How does it work? The Senator is familiar with it. How, in the bill, is the voluntary system combined with the compulsory system? I thought the philosophy of the bill was that of a compulsory system.

Mr. SHEPPARD. Not at all.

Mr. McNARY. I have not had the opportunity of hearing the witnesses nor have I obtained the information from members of the committee. For my sake alone I should like to have the Senator explain more in detail the dual aspects of this bill.

Mr. SHEPPARD. When the men are registered they are asked to indicate whether they want to volunteer, and they are allowed to do so if they desire to volunteer. Not only that, but the draft phase of the bill applies only to those between 21 and 31 years of age, whereas anyone from 18 to 35 may volunteer, according to the terms of the measure.

Mr. NORRIS. Mr. President, will the Senator yield to me to ask him a question on that point?

Mr. SHEPPARD. I yield.

Mr. NORRIS. The Senator says men are given permission to state whether they volunteer?

Mr. SHEPPARD. No; they are asked whether they do so.

Mr. NORRIS. They are asked?

Mr. SHEPPARD. Yes.

Mr. NORRIS. I thought that would be the same thing.

Mr. SHEPPARD. They are asked whether they are volunteers.

Mr. NORRIS. After they are called into the service?

Mr. SHEPPARD. No, indeed.

Mr. NORRIS. Or when they are called? When are they asked that question?

Mr. SHEPPARD. They are asked that when they are classified after registration.

Mr. NORRIS. If they volunteer, they are taken in.

Mr. SHEPPARD. Yes.

Mr. LODGE. Mr. President, will the Senator yield to me?

Mr. SHEPPARD. I yield the floor.

The PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. LODGE. Mr. President, I should like to make a brief analysis of this bill, comparing it with the bill which I have introduced on the same subject, and comparing it with the original Burke-Wadsworth bill, the language of which was quite different.

I think I have heretofore made clear my conviction that this terrible war has taught us one lesson, if it has not taught us any other, and that is that modern armies cannot be created after a war has been begun. The experience which I have had has impressed me with the fact that a soldier must be a man of many special skills. I think that is widely appreciated. We know he has to be a radioman, an electric welder, a machine gunner, an armorer, and be familiar with a whole host of special occupations. Equally important is the fact of his training and his coordination with others. In other words, we are not simply trying to develop numbers of men who are good soloists with the machine gun or with the tank, or whatever the weapon may be. We are trying to get men who understand the roles which those various weapons have to play, the lack of which was one of the things which was of such tremendous weakness, I am advised——

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. LODGE. I should like to make my statement as a connected coherent statement, and I think it would be simpler for the Senate to have it set forth in that way, and then I shall be glad to yield.

Mr. DANAHER. Will the Senator give me an idea of about how long he thinks it will take him to expound his views?

Mr. LODGE. I never make a long speech, I will say to the Senator.

Mr. DANAHER. No; but would the Senator give me an estimate of his contemplated time?

Mr. LODGE. I do not know. It all depends on the interruptions. I do not think I have spoken longer than 20 minutes on any occasion since I have been in the Senate.

Mr. DANAHER. Let me say to the Senator that whatever time the Senator takes is always well worth while. He is most instructive.

Mr. LODGE. I thank the Senator from Connecticut.

Mr. DANAHER. But let me say further, Mr. President, that, while the explanation made by the Senator from Texas is in our minds, and before we undertake a comparative analysis of the original so-called Burke-Wadsworth bill and the bill which has been offered as a substitute by the Senator from Massachusetts, which, by the way, has a very great deal of merit in it, it would seem to me that we could much better understand and appreciate the Senator's analysis if we could clear up some of the points that are doubtful, perhaps, in the minds of more than merely myself, with reference to what the Senator from Texas has told us. With that thought in mind, I ask the Senator from Massachusetts if he will yield, so that I may be permitted to ask the Senator from Texas a few questions; but if the Senator from Massachusetts would prefer to add not only to the confusion that exists in my mind with reference to the bill as explained by the Senator from Texas, but also the confusion that arose originally from the Burke-Wadsworth bill, by a discussion of the substitutes that have been proffered, including the Senator's own, then all right. I, of course, thank the Senator for permitting this much leeway.

Mr. LODGE. I think I shall be able to clear up some of those doubts, I will say to the Senator from Connecticut; and, with his permission, I shall try to do so. In any event, I shall not take very long. I appreciate the point the Senator has in mind, but I will try to come to it at the proper time. I simply wanted to say that it is not solely a question of training men in special skills. It is a question of training them in coordination and working together.

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We now come to the committee bill. The committee bill has eliminated the following items, which were in the original Burke-Wadsworth bill:

The provision that "every able-bodied man" shall come under the system.

The provision for a 42,000,000 registration.

The statement that military service would be "shared by all."

The provision that young men share 78 to 87 percent of it.

The provision for home defense.

The provision for reducing soldiers' pay.

The committee bill has added the following items:

A provision to facilitate men recovering their jobs after their military service is completed.

A provision to give the volunteer system a chance to operate by—

(A) Reducing the volunteer enlistment period from 3 years to 1.

(B) Giving credit to a State or subdivision for the number of volunteers, said number to be deducted from their conscription quota.

My understanding of that provision—and I hope the Senator from Texas will correct me if I am mistaken—is that if a certain county has a quota of 5,000 men to be raised by selective service, and 5,000 men proceed to enlist voluntarily, then no men will have to be drafted from that county. Is that correct?

Mr. SHEPPARD. I think the Senator is correct.

Mr. LODGE. That is my understanding of it.

I have always been friendly to the volunteer system, but I have been reluctant to permit such a state of affairs to exist as that the volunteer system would cause a real delay in the procurement of men. The system in the bill enables the volunteer system to have a real chance to show what it can do, but it does not delay the procurement of men.

There is only one difference which I would suggest, and that is that the pay of the soldiers be increased. If we should increase the pay of the soldiers and reduce the enlistment period, I should not be at all surprised if the number of men we might have to draft would be very, very small, indeed, and in many counties there might be no occasion to draft men.

Those are the two points which the committee bill adds—the provision for the recovery of jobs and the provision for the voluntary system.

The committe bill does not touch the question of the exemption of public officials, which, of course, now that the age limit has been reduced, is not a very vital question. I frankly believe that there should be such an exemption, but, of course, with the age limits between 21 and 31 in this particular bill, that is more or less of an academic matter.

Finally the committee bill does not touch the point—and I think it is regrettable that it does not—of the failure to provide a limit to the number of men to be raised. I still cannot understand why that should not be done. The War Department will have to come before the Appropriations Committee, and a limit will be set there. The Army must have its own limit if it is to know how many cantonments to build, how much food to order, and how many pairs of shoes will be required. Why there is a reluctance to put a limit in the bill on the number of men to be raised I am sure I cannot understand, because no single change could be made in the bill which would be more of a reassurance to the American people.

It is true, of course, that the committee bill is, in my opinion, a vast improvement on its original. It is much more limited; it is much more practical; its new title, I think, better describes it, namely:

A bill to provide for the common defense by increasing the personnel of the armed forces of the United States and providing for its training.

It is immeasurably nearer to the kind of bill for which I have been striving, but I think there should be a limit in it, and at this point, Mr. President, I submit an amendment, which I ask to have lie on the table and which I shall call up at the proper time. The amendment would come in on page 15, line 18. Beginning in line 15 on that page the bill reads:

The President is authorized, whether or not a state of war exists, to select for training and service in the manner herein provided, and to induct into the land and naval forces of the United States, such number of men—

At that point my amendment would add the words "(not to exceed 800,000)."

I base the figure 800,000 on a statement on page 8 of the committee report, which reads as follows:

The War Department plans, if this bill is enacted, to induct for military training and service approximately 400,000 men this autumn and about 400,000 in April 1941.

That is the authority for the particular figure proposed by my amendment.

Of course, I think it is clear that the actual increase of strength will not be 800,000, but will be 400,000. As enlistments expire, I think wisely, the Army plans to take in additional men, so that there will be an overlapping period, and recruits will start training before the men who have had their training leave the service.

Mr. President, that concludes my remarks. I have already submitted an amendment, similar to the language in the National Guard bill, which specifically prohibits the sending of any troops under this bill to Europe and confines their service to the Western Hemisphere. I think if the Senate will adopt that amendment and also the amendment limiting the number of men who can be raised under this bill—and that is a limit which exists anyway—the bill will be much improved.

Mr. DANAHER obtained the floor.

Mr. HUGHES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Delaware?

Mr. DANAHER. I yield to the Senator from Delaware, of course.

Mr. HUGHES. I beg the Senator's pardon, and I thank him very much.

In view of the fact that I am receiving, as I presume every other Senator is receiving, a great many letters and postal cards, the writers of which seem to have the impression that the suggestion of the voluntary system has been thrown into the discard and that we are now considering drafting men to make up the Army, I wondered if the Senator from Massachusetts would emphasize in part what he has just said, that such is not the case, but that the bill does provide a plan for the voluntary system and first gives that opportunity?

Mr. LODGE. That is very definitely so. I think this matter has been unfortunately presented in the first instance and a great deal of easily avoidable alarm has been aroused. The original bill, of course, did not have anything about the voluntary system, but under the pending bill, provided we increase the pay of the soldier, I think we will then be doing all that we possibly can for the voluntary system. As this bill now stands, the voluntary system is given a complete opportunity to show what it can do and to such an extent that if 400,000 men will volunteer within the next month or so, then the draft, of course, will not apply at all.

Mr. KING. Mr. President, will the Senator from Connecticut yield?

Mr. DANAHER. I yield.

Mr. KING. I apologize to the Senator.

Mr. DANAHER. Not at all.

Mr. KING. Mr. President, I should like to have considered a bill which passed the House unanimously, came to the District of Columbia Committee, and was reported unanimously by that committee to the Senate. It is simply a codification of the fire, marine, and casualty insurance laws of the District of Columbia.

Mr. McNARY. Mr. President, if the Senator will yield, as I understand it is a codification of laws and is not the enactment of any new statutes?

Mr. KING. It is a codification of laws with respect to fire, marine, and casualty insurance. It was handled in the Senate by the Senator from Nevada [Mr. McCARRAN], who held hearings. The bill has been reported unanimously, and there is no objection to it. It is desired by the Commissioner of Insurance and by the authorities of the District of Columbia.

Mr. DANAHER. Mr. President, when I yielded to the Senator from Utah with reference to his request that he be permitted to ask for the present consideration of a bill, I did not know what the bill was. I do know that the bill to

which he refers has previously been handled by the Senator from Nevada, and there are two or three points with reference to the bill which I wish to discuss with the Senator from Nevada. I respectfully ask the Senator from Utah presently to withhold his request. I think that we can easily adjust what I had in mind by a question or two, and, if so, I will thereafter happily withdraw any objection.

Mr. KING. I withdraw my request.

Mr. DANAHER. I thank the Senator from Utah.

Mr. President, when I previously remarked about the explanation that was offered by the Senator from Texas [Mr. SHEPPARD] to the pending bill, of course, it must have become apparent that I was interested especially in the bill that is before the Senate rather than in those which are "on order." I desire to invite the attention of the Senator from Texas to one or two points in his explanation which, it seems to me, require elucidation. I refer particularly to his statement that the Congress at all times has within its control how many men are to be taken, the Senator from Texas having pointed to section 6 of the bill as the control feature, namely, the power of Congress to appropriate.

Let me, therefore, calling the Senator's attention to section 6, appearing on page 22, ask him first whether or not the bill which we passed yesterday with reference to calling reserve components has already been provided for financially in the general army appropriation bill for 1940–41.

Mr. SHEPPARD. I cannot answer that question because I do not recall the facts at this time.

Mr. VANDENBERG. Mr. President, I can answer it.

Mr. DANAHER. I will be happy to have the Senator from Michigan help me in that particular.

Mr. VANDENBERG. The question was raised this morning in the Senate Finance Committee when estimates for the next fiscal year were presented, and we were shown a prospective deficit of approximately $6,000,000,000, which does not include the cost either of the National Guard bill or the conscript bill, and we were told that there were no available estimates even as to what the cost will be in respect to those bills.

Mr. DANAHER. I thank the Senator. As a matter of fact, I did not know, Mr. President, what the facts were in that particular. I am not on the committee handling it, but I suspected that that very situation existed. So long as it exists with reference to the bill which was passed yesterday, let me ask the Senator from Texas, please, how he estimates the cost per man for those who will be taken under the present bill, Senate bill 4164?

Mr. SHEPPARD. I have made no estimate.

Mr. DANAHER. Can the Senator from Texas give us from the War Department an estimate of how much the cost per man will be?

Mr. SHEPPARD. I will get such an estimate and put it in the RECORD.

Mr. DANAHER. The Senator does not have it?

Mr. SHEPPARD. No.

Mr. DANAHER. Then the Senator would answer, I take it, that if we are to draft 400,000 men for duty as of October 1, at the present moment, as we are now undertaking to consider the bill, there is no estimate of what it will cost to take those 400,000 men and induct them into the service? Is that correct?

Mr. SHEPPARD. There is probably an estimate, but I have it not at hand.

Mr. DANAHER. Then, the Senate in considering the bill, if we were to be guided by the element of financial cost, certainly could not rely upon any existing figures either before it now or appearing in the hearings? Is that correct?

Mr. SHEPPARD. Oh, yes; the figure will be supplied in the course of debate. I do not have it at this moment.

Mr. DANAHER. The information was not brought out in the hearings before the Senate Committee on Military Affairs, I take it?

Mr. SHEPPARD. I do not recall, but I say the information will be supplied in the course of the debate. I will be glad to give it to the Senator.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. DANAHER. I gladly yield.

Mr. VANDENBERG. Further amplifying my previous statement, the Secretary of War stated this morning specifically that he knows that no such information is available in his Department at the present time.

Mr. DANAHER. I thank the Senator: Of course those are the things to which I am referring.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. DANAHER. Yes; I yield to the Senator from Louisiana.

Mr. OVERTON. It is my understanding, subject to verification, that the cost will be between $1,100 and $1,200 per man. I think that testimony was given before the Appropriations Committee.

Mr. DANAHER. That is per year, is it not?

Mr. OVERTON. Yes; per year per man. I think that was the testimony given before the Appropriations Committee the other day.

Mr. DANAHER. So we have a bill before us, as I understand, let me say to the Senator from Texas, in which no specific number is provided to be drafted; no specific limitation is placed on the total number ultimately to be drafted, but men will be called for by the Chief of Staff, and the only control that Congress will have over the matter will be through providing or failing to provide appropriations for the cost? Is that correct?

Mr. SHEPPARD. Yes. And that gives Congress complete control.

Mr. DANAHER. Mr. President, the Senator also in his explanation undertook to outline a formula on the basis of which men are to be conscripted. Inviting his attention to subparagraph (b) of section 4, appearing on page 17 of the bill we find that quotas are to be furnished "on the basis of the actual number of men in the several States, Territories, and the District of Columbia, and the subdivisions thereof, who are liable for such training and service but who are not deferred after classification."

Mr. President, let us assume a case. Take, for instance, a State such as Mississippi, where the Negro citizens outnumber the white citizens; let us assume that the white citizens are actually engaged in and the national interest requires that they continue to be engaged in occupations in furtherance of the national defense or the national interest within the meaning of the pending bill; does that mean that the quota as provided in the bill would take the total number of men between the prescribed ages, defer those who are required to be deferred and not to be subject to conscription, and then draw from the remainder the number who are to be inducted into the service?

Mr. SHEPPARD. The bill says that the number the Senator last mentioned shall be a basis for the calculation of the quota. The formula which I gave took that number as a basis and divided that number by the total number of men in the United States eligible for service; but I will say to the Senator that he will not find many citizens of Mississippi advancing any excuse for not getting into the service.

Mr. DANAHER. Mr. President, I really believe that is wholly true. I believe it is eminently true in the State of Connecticut. Let me also say to the Senator from Texas, however, that when he undertook to explain the formula he most certainly did not follow the language of the bill which is now before us; for very definitely, upon checking his statement in the RECORD, he will find that it does not follow the language of section 4, subparagraph (b).

Mr. SHEPPARD. I again call the attention of the Senator from Connecticut to the fact that the bill says that that number shall be used as a basis for the calculation.

Mr. DANAHER. When the Senator talks about "basis," I take it that he is using terms literally and is undertaking to have us understand that this measure, if it becomes a law, will be universally and equally applied throughout all the States. Is not that so?

Mr. SHEPPARD. That is true; and the formula which has been worked out in the Department applies the same basis in the same way to every State in the Union.

Mr. DANAHER. Let me say to the Senator from Texas that the language of the bill says that those conscripted are to be taken on the basis of the actual number of men. It does not say on the basis of those available for service, does it? It says the actual number of men.

Mr. SHEPPARD. Yes; on the basis of the actual number of men in class I who are available for service; that is, all those not deferred.

Mr. DANAHER. That is the Senator's explanation, that the entire thing—the numerator, as he described it—will be based on class I men who are available for service?

Mr. SHEPPARD. That is correct.

Mr. DANAHER. Without any deferments of any kind?

Mr. SHEPPARD. Without the deferments.

Mr. DANAHER. That is correct. I was restating the matter in my own language to make certain that the RECORD showed an understanding on my part of the Senator's explanation.

Mr. SHEPPARD. That is true.

Mr. DANAHER. I thank the Senator for that. I appreciate it.

Mr. President, the Senator also told us that there is an immediate emergency which creates a tragic necessity for conscription of American youth in this measure. Will the Senator tell us whether or not there was any evidence before the Senate Committee on Military Affairs of the nature of the immediate emergency?

Mr. SHEPPARD. We did not need any evidence except what is known to everybody. I think everybody in the United States knows what is going on. It is this onslaught of dictatorial powers against democracy throughout the world. [Manifestations of applause in the galleries.]

The PRESIDING OFFICER. The Chair must admonish the occupants of the galleries that they are not to indicate, by word or applause of any kind, agreement with or dissent from what is said in the Senate.

The occupants of the galleries will please preserve order; and the men in charge of the galleries will see that there is no further applause.

Mr. DANAHER. Mr. President, the Senator's sentiment, as he expressed it in his reply, I am certain is the sentiment of everyone in this body; but, Mr. President, technically and specifically, I wish to know whether the emergency is immediate, contemplating that the American Fleet will have been destroyed before anyone attempts to invade our hemisphere or to endanger our national interest.

Mr. SHEPPARD. Whether or not the fleet is destroyed, right now, Germany has announced her claim to the islands adjacent to the United States because France owned them.

Mr. TAFT. Mr. President, is the Senator from Texas correct in that statement?

Mr. SHEPPARD. Yes; Germany has announced a claim.

Mr. TAFT. Can the Senator show any statement in which Germany has claimed the island of Martinique?

Mr. SHEPPARD. I think I can.

Mr. TAFT. I think the Senator is entirely mistaken.

Mr. SHEPPARD. I think not.

Mr. HOLMAN. Mr. President——

Mr. DANAHER. I yield to the Senator from Oregon.

Mr. HOLMAN. I can assure the Senator that from authoritative military sources I have learned of the peril of invasion of Alaska from the Pacific, which would endanger the entire Pacific slope.

Mr. DANAHER. I thank the Senator from Oregon for his contribution.

Mr. President, let me ask the Senator from Texas whether or not there has been any evidence of how many men it would take to effect a beach head, a landing, in the event that the United States Navy were attempting to repel invasion.

Mr. SHEPPARD. It is not necessary to say how many men it will take. If they get a base near our country which can be upbuilt, our liberty is endangered. Does the Senator say there is not any danger?

Mr. DANAHER. Let me ask the Senator if he can point out to us any possible source of expected or threatened danger in this hemisphere.

Mr. SHEPPARD. I have just told the Senator one source of immediate danger, and that is the seizure by Germany of the islands near us, or of a foothold in South America. I devoted the first portion of my opening address to describing what I considered the emergency.

Mr. DANAHER. Without any facts; and that is what I am after.

Mr. SHEPPARD. I gave the facts.

Mr. DANAHER. Let me ask the Senator from Texas if he understands that this expected invasion will come from Germany or from Italy, or from both.

Mr. SHEPPARD. From Germany, mainly.

Mr. DANAHER. Let me ask the Senator, further, whether or not it is expected that the United States Navy will undertake to repel an attempted invasion.

Mr. SHEPPARD. As best it can. The Navy is needed now in the Pacific Ocean, where an attack is already imminent from Japan. Within the past few days Japan has made assertions, through her military department, that she is about to assert claim to the tin and the rubber in the Dutch East Indies. That might be a very serious injury to the United States if it made those materials inaccessible to us.

Mr. DANAHER. Does the Senator understand, and therefore express to us as one of the reasons for this bill, that the United States Navy must be kept in South Sea Island waters on account of that threat or that claim by Japan?

Mr. SHEPPARD. This bill does not relate to the Navy.

Mr. DANAHER. No; but it relates to facts involving our alleged imminent emergency, and I want to find out from the Senator whether or not he considers that the United States Navy is adequate for our defense.

Mr. SHEPPARD. I do not.

Mr. DANAHER. Does the Senator think our Navy will be required to be kept in the waters of the South Sea Islands?

Mr. SHEPPARD. I am afraid it will have to be kept in the Pacific.

Mr. DANAHER. Then does the Senator understand and believe that we need all the ships we have in our Navy?

Mr. SHEPPARD. We need twice as many as we have.

Mr. DANAHER. We cannot spare even 50, can we? [Manifestations of applause in the galleries].

Mr. BARKLEY. Mr. President, I do not like to complain, but the Chair has already notified the occupants of the galleries that it is against the rules of the Senate to manifest approval or disapproval of what is said on the floor. We appreciate the presence of our guests in the galleries, but the Senate has made rules for its orderly procedure. It seems to me that our guests in the galleries ought to have enough respect for the United States Senate to observe the rules we have made.

The PRESIDING OFFICER. The Chair hopes it will not be necessary to order the galleries cleared.

Mr. LUCAS. Mr. President——

Mr. DANAHER. I yield to the Senator from Illinois.

Mr. LUCAS. The Senator has been discussing with the Senator from Texas the question of invasion. I should like to ask the Senator from Connecticut, who has the floor and who is making the discussion, whether or not he believes the country is threatened with any invasion in the immediate future, or sometime in the future.

Mr. DANAHER. Let me answer the Senator from Illinois to this effect:

The Senator from Texas in his statement has told us that there is an immediate emergency which presents a tragic necessity for the enactment of this bill. Those are his words and those are his phrases. What he told us, on the basis of the information supplied to the Committee on Military Affairs, of which he is the chairman, was, that no overt act is expected; that no act of invasion is looked for; that, in fact, any possible danger to us will come through the infiltration of large numbers of persons who, through economic and other penetration, achieve a foothold in the South American repub-

lics. I think that was the sense of the Senator's comment; was it not?

Mr. SHEPPARD. It was not.

Mr. DANAHER. Then what was it, please?

Mr. SHEPPARD. I was discussing the Monroe Doctrine, and that is just another danger that confronts us—an interference with South America through this infiltration that might call on us to act in defense of that Doctrine. The other dangers I have enumerated are in addition to that.

Mr. DANAHER. Did not the Senator tell us that he did not expect an overt act by way of attack or invasion upon us?

Mr. SHEPPARD. As to the Monroe Doctrine only.

Mr. DANAHER. Then, of course, if anyone should attack any republic in the Western Hemisphere, the Senator would expect that to be construed to be a violation of the Monroe Doctrine; would he not?

Mr. SHEPPARD. I would. That would be another form of violation; but I was speaking of another line of action. I did not mean to embrace the entire situation in my discussion of that particular form of action making it necessary for us to invoke the Monroe Doctrine.

Mr. DANAHER. I see. I thank the Senator.

Mr. LUCAS. Mr. President, will the Senator yield to me?

Mr. DANAHER. Yes; I yield to the Senator from Illinois.

Mr. LUCAS. Will the Senator answer my question?

Mr. DANAHER. I sought to undertake to answer the question by having the Senator from Illinois get my understanding of the explanation submitted by the chairman of the Committee on Military Affairs.

Mr. LUCAS. I understood the Senator from Connecticut in his colloquy with the Senator from Texas to say that he thought the Senator from Texas believed there was some peril to the United States from the standpoint of an invasion. The Senator has the floor, and I should like to have the Senator's opinion as to what he thinks about the question whether or not this country is in danger of an immediate invasion by anyone—Germany, or England, or Japan, or whoever it might be—or whether or not the United States is in danger in any way whatsoever immediately, or will be in danger in the immediate future.

Mr. DANAHER. Let me say to the Senator from Illinois that I am only a Member of the Senate, and I am not advised of what are the facts.

Mr. LUCAS. That is hardly an answer.

Mr. DANAHER. Yes; it is an answer. I can point out to the Senator from Illinois that we have been passing bill after bill, and we have been loosely told that there is an immediate emergency which constitutes a tragic necessity for this and that action, but there is never submitted to us, either in the hearings or otherwise, facts as to the alleged danger, who is threatening us, from what source, or on what account.

Mr. LUCAS. Will the Senator further yield?

Mr. DANAHER. I yield.

Mr. LUCAS. The Senator will correct me if I am mistaken, but I was under the impression that the Senator from Connecticut voted for every appropriation submitted by the administration for national-defense purposes. Is not that correct?

Mr. DANAHER. That is correct.

Mr. LUCAS. Why did the Senator vote for those appropriations if he was in no fear of what was going to happen to this country in the future?

Mr. DANAHER. The Senator from Connecticut has never said that he was in no fear, or in any fear, or anything about it. Those are words of the Senator from Illinois.

Mr. LUCAS. I am trying to ascertain from the Senator what he fears from the standpoint of Europe, or Asia, or any other quarter which led to his votes upon every measure which has included appropriations of billions upon billions of dollars for adequate national defense.

Mr. DANAHER. Mr. President, I did not expect to undertake to answer that question today, but I will do so.

Let us go back for a few months, and let us remember that month after month those who had knowledge of the facts, and those who were charged with the conduct of our foreign policy, have been conducting a series of public comments, public expositions of doctrines against nations with whom we are at peace. Let me point out that it has been told to us that our Nation faces a conflagration, that the world faces a conflagration, that we must see that our house is in order. We have been told vicariously that our frontier is on the Rhine, that we must take "measures short of war" to stop aggressors, that we must undertake this, that, and the other means of protecting our welfare. At the same time, corollary to these public declarations, we find a series of steps being taken leading in exactly the opposite direction.

There is not a man in this Chamber who does not know—it was charged last fall definitely and positively as a fact—that there was only one reason for the repeal of the arms embargo in the neutrality act, and that was the desire to assist Great Britain in the present war, and that that was the only purpose of it.

Mr. LUCAS. Will the Senator yield?

Mr. DANAHER. Not yet. I will answer.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. DANAHER. Not just now. I will yield in due course.

From that time on there has been a series of acts and public declarations, every one being one more step, one new trend, all to an ultimate destination, surely, and inescapably. And now, when we have gone through life, so to speak, making enemies instead of friends, we are called upon to meet an immediate emergency which creates a tragic necessity to draw out of civilian and economic life of this country millions of American youth, who are now to be trained to operate tanks, and dive bombers, and submarines, in order to protect us against this possible danger.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. DANAHER. Not just now. I submit that when we come down to an analysis, when we undertake to get the facts as to the state of our preparedness, and we hear the President on the air tell the waiting Nation that we have 1,700 tanks on hand and on order, when he knows that we have on hand only 450, from Honolulu to Eastport; when he tells us, as Senators heard him tell us, about the state of our alleged defense, at a time when we hear that it will take until 1942 before we can put a fully equipped army of only 750,000 men in the field; and when we who have been appropriating seven or eight billion dollars in the past 6 years, thinking that, of course, we were providing for American defense, find that we have no defense, and are aware of a series of actions which will compel us apparently to defend ourselves; then the very least the Senator from Connecticut or any other right-minded Senator could do would be to vote for the defense appropriations, in a belated effort to make up what those in charge of our defense should have seen was fulfilled in the fullest measure all the time. That, Mr. President, is the answer to the Senator from Illinois. I now yield, if he has anything further to say.

Mr. LUCAS. Mr. President, I do not think I have any further questions to ask the Senator from Connecticut. His answer is so vague and uncertain, so filled with ambiguity, that I do not care to ask him further questions. The one I asked was very direct. The Senator from Connecticut was interrogating the Senator from Texas in all good faith, asking him who he thought was going to invade this country, who he thought was going to violate the Monroe Doctrine, and how soon, and when, and where, and all I did was to attempt to get an answer to the same questions from the Senator from Connecticut. If he has no belief that any nation is going to violate the Monroe Doctrine, if he has no notion that this country is in the slightest danger of being invaded, either in the immediate future or at some time in the future, if he thinks there is no danger in this world today from the standpoint of our own safety and security from any other nation anywhere in the universe, it is beyond my comprehension how he or anyone else who has the interest of the taxpayers at heart can day after day and week after week vote for the billions upon billions of dollars which have been voted.

Why have Senators and Members of the House of Representatives taken upon themselves the responsibility in these legislative bodies during the last 60 days of voting for bills for a sound and adequate national defense if there is not some

danger somewhere? I have asked several times from what source that danger threatens. Whom do we fear at the present time, if we fear anyone at all? Why is it that almost unanimously in the Senate, one after another, there have been reported and passed measures which seek to appropriate billions of dollars for the purpose of securing our homes and our land and the liberty which was given to us by the founding fathers, and was preserved through blood and tears in the long ago?

Ours is about the last democracy that is left in the world. England today stands with her back to the wall, fighting the last fight in Europe for democracy. Is it England we fear? Is that the fear which leads us to appropriate these billions of dollars? Is it Canada we fear? Is it Czechoslovakia, or Poland? Is it Holland, which was ruthlessly invaded a few weeks ago? I ask that question from the bottom of my heart. The American people want to know why we are appropriating billions upon billions of dollars if there is no one in the world we fear at the present time. Providing a sound and adequate national defense, of course, in line with and in the spirit of the National Defense Act of 1920, was something I admit we should have attended to long ago. But when the Senator from Connecticut takes to task the present administration for failure to provide a sound and adequate national defense during the last 6 or 7 years, he does an injustice to the administration and to his country.

If the Senator from Connecticut had gone out in his campaign in 1938 and had asked the people of his State to send him to the Senate on the theory that he was going to vote $5,000,000,000 by way of appropriations for an adequate national defense, the people of Connecticut would never have sent him to the Senate. The people of Illinois never would have sent the Senator from Illinois to the Senate in 1938 upon that kind of an issue, because Americans are a peace-loving people. We do not want war. We seek only to be left alone, and to lead the life we so desire under the banner of freedom, peace, righteousness, justice, and democracy. But something has happened in this old world during the last few months which has aroused the people of America as they have never been aroused before. Something has happened and that is the something which I am trying to ascertain in this argument. I have undertaken to say that there is only one thing we are appropriating these billions upon billions of dollars for, and that, Mr. President, is to keep the totalitarian germ of Europe from spreading to the free shores of America.

Yes, we left autocracy in Europe about 300 years ago, and by the ever-living God, it shall remain there, insofar as the Senator from Illinois is concerned.

There may be no danger, and the Senator from Connecticut can question the Senator from Texas and other Senators here from now until doomsday, but he will not convince very many people in America that today there is no real danger or threat in this world, so far as the future peace and security of our Nation is concerned.

I am not talking particularly now about the conscription bill either. Not at all.

Mr. DANAHER. Mr. President, I do not want to interrupt the Senator——

Mr. LUCAS. I thank the Senator from Connecticut for yielding to me. It was with some difficulty that I obtained that yielding. But he has not answered the question yet as to why he voted for the appropriation of billions upon billions of dollars if he did not think there was any danger to the homes, and to the safety, the security, the peace, the happiness and comfort of American citizens in the future.

Mr. DANAHER. I simply wish to remark that those present will say, and the RECORD will so show, that I was most happy to yield to my colleague from Illinois. I would not want any such imputation to the contrary to stand. Above all, Mr. President——

Mr. LUCAS. Mr. President, I apologize to the Senator if he thinks I was attempting in any way to say anything to the contrary.

Mr. DANAHER. I do not mean any discourtesy, but the cold written word going out over the country might be misconstrued; that is all.

Mr. LUCAS. I asked the Senator from Connecticut to yield two or three times, but he said he could not. That is perfectly all right.

Mr. BARKLEY. Mr. President, will the Senator yield to me?

Mr. DANAHER. I yield.

Mr. BARKLEY. The Senator from Connecticut said he would yield to the Senator from Illinois, but he put him in a deferred status. [Laughter in the galleries.]

Mr. DANAHER. That is it—a deferred status.

Mr. LUCAS. I thank the Senator.

The PRESIDING OFFICER (Mr. HATCH in the chair). The occupants of the galleries have been admonished two or three times. Under the rules of the Senate, no demonstration, no laughter, no applause, is permitted in the galleries. Occupants of the galleries are here as guests of the Senate. As our guests, they must obey the rules.

Mr. DANAHER. Mr. President, without reflecting in the slightest on the ruling of the Chair or the admonition by the Chair, if the Senator from Kentucky says something that is really humorous, I laugh at it also, and I do not at all blame those in the galleries.

Mr. BARKLEY. I hope the Senator has no insidious or invidious implication in saying that he laughs at what I say.

Mr. DANAHER. I often laugh with the Senator.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. DANAHER. I yield.

Mr. WHEELER. Let me say that I am one of those who voted for these billions of dollars of appropriations. I voted for them because the President of the United States said it was necessary that we should have adequate defense and because of the fact that I am not in a position to know specifically just what is needed for defense.

But I wish to say to the Senator, if he will permit me, that I did not vote for them because I was afraid that Mr. Hitler or Mr. Mussolini or the Japanese Government would come here and take over the United States of America. If I believed that, and if I believed, as the Senator from Texas said the other day he felt, that Germany was going to attack us, then I would not simply vote for these appropriations, and I would not simply vote to call out men for training or to conscript them; I would vote for a declaration of war, because if it be a fact that if England is defeated we shall be attacked by Germany, then, of course, we ought to vote for a declaration of war. Why do not those Senators who stand on the Senate floor and say they are afraid that Germany will come over here and attack us tomorrow, or the next day, or in 3 months' time, or in 6 months' time, have the courage to go to the people of the country and say, "Let us vote for a declaration of war"?

Mr. President, it is nonsense. Let me call attention to what Canada did, if the Senator from Connecticut will yield further.

Mr. DANAHER. I yield.

Mr. WHEELER. Canada passed a conscription act. Did the Canadian Government go before the people of that country and ask that they conscript men to send them overseas? Not at all. I have a copy of the act in my hand now. It provides:

> The powers conferred by the next preceding section may not be exercised for the purpose of requiring persons to serve in the military, naval, or air forces outside of Canada and the territorial waters thereof.

That act was passed since the declaration of war by Canada against Germany. Yet the Parliament of Canada, while it voted for conscription, voted not to send those called outside Canada.

As I have said, when Senators rise on the floor of the Senate and say that we are going to be attacked next, and that it is necessary for us, in order to preserve democracy in this country, to have conscription, I say that conscription is one of the first steps, and has always been so recognized, away from democracy, whether it is taken in this country or in any other country. It is a step away from democracy. It is a step toward totalitarianism. The way to preserve democracy in the United States of America is not to set up conscription, it is not to take the lives and liberties of the

people away from them. The way to preserve democracy in the United States of America is to make democracy work here, to find work for the unemployed, and to put our own house in order. If we do that we do not need to fear totalitarianism coming here and taking away the liberties of the American people.

Mr. MALONEY. Mr. President, will my colleague yield to me in order that I may ask the Senator from Montana a question?

Mr. DANAHER. Yes, indeed.

Mr. MALONEY. Does the Senator from Montana think the people of Switzerland made democracy work at home?

Mr. WHEELER. Yes; I think Switzerland has done a very good job of it.

Mr. MALONEY. Does the Senator think they have been disturbed by conditions around them?

Mr. WHEELER. I do not know what country would not be disturbed under the present conditions surrounding Switzerland. It is a small country, not much larger than the State of Connecticut, and it has Germany on one side, Italy on another, and France on yet another. But we cannot compare the United States with Switzerland.

Mr. MALONEY. Mr. President, will my colleague yield further?

Mr. DANAHER. I yield.

Mr. MALONEY. I was not trying to compare the United States with Switzerland. I was referring to the Senator's mention of democracy, and the need only for internal consideration, with a neglect of what happens outside. We cannot be unmindful of what goes on in other places.

Mr. WHEELER. Let me say to the Senator from Connecticut, in view of that question, that I was reading the other night the propaganda that was carried on during the last war in order to get us into the war. I was reading what was said by British Government representatives as to what they did in order to try to get us to carry on, and the slogans that were used for that purpose. What were they? They were the identical slogans that are being used today. What was it that was said at that time? The propaganda minister said that Germany was an autocracy, and that England was the last democracy left in Europe, and that if democracy failed there it would also fail in the United States of America.

The question of the Monroe Doctrine was also brought up in connection with this propaganda, and it was said that the German Government would violate the Monroe Doctrine and take over some of the South American countries. The same slogans were used at that time that are used now to get us into the war—to get Americans to say that this is our war.

Mr. MALONEY. Mr. President, will the Senator from Montana tell me what point he is trying to make by his statement?

Mr. WHEELER. Mr. President, I am sorry I cannot get the Senator to see the point. Perhaps it is due to my lack of clearness that I cannot make him see it. I am trying to get the Senator to see that the identical slogans which were used to try to get us into the last war are being used at the present time to get us into the present war.

Mr. MALONEY. I am not disputing that. The Senator from Montana need not make that argument to me.

Mr. WHEELER. I am not making it to the Senator from Connecticut. I am making it to the Senate of the United States. I thought there were other Senators present besides the Senator from Connecticut.

Mr. MALONEY. The Senator specifically addressed himself to me.

Mr. WHEELER. Not at all. I was looking at the Senator, but I was addressing the Senate.

Mr. MALONEY. I am very sorry. I thought the Senator from Montana asked my colleague to yield so he might reply to me and that he said he was replying to me, and then the Senator from Montana proceeded to talk about something entirely irrelevant to my question.

Mr. WHEELER. That is quite true.

Mr. MALONEY. I quite agree with the Senator from Montana that certain foreign nations would like to have us become involved in the war, and I quite agree with what he says in regard to war. I hate war as much as the Senator from Montana hates war, and he need not make that sort of an argument to me.

Mr. WHEELER. Mr. President, I was not making that argument to the Senator from Connecticut. I was making it to those Senators and to those people who have used exactly the same slogans that were used in the last war. I am addressing those who at the present time are using exactly the same slogans that were put out by the British Ministry of Propaganda before we entered the last war. It is being done at the present time by some Members of the Senate and by others.

Mr. MALONEY. Mr. President, will the Senator from Connecticut yield to me for a moment?

Mr. DANAHER. I yield.

Mr. MALONEY. I merely wish to say, so that the RECORD may be clear, that I am entirely in accord with what the Senator from Montana has just said. I am not influenced by that propaganda.

Mr. WHEELER. If I gave the impression that I was addressing my remarks to the Senator from Connecticut, I wish to remove the impression. I was not. I did not know what his views were; but I have listened, as he has, to the same arguments by some Members of the Senate on the floor of the Senate, using exactly the same slogans that were used to get us into the last war.

Mr. SCHWARTZ. Mr. President, will the Senator yield?

Mr. DANAHER. I yield.

Mr. SCHWARTZ. The Senator from Montana said that what the British said at that time was that if Germany won she would come over here and destroy the Monroe Doctrine, or go into South America. The only trouble with that argument is that Germany did not win, and we do not know whether or not she would have come over here.

Mr. WHEELER. Does the Senator think she would have come over?

Mr. SCHWARTZ. I certainly think she would have come over if she had won the war.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. DANAHER. I yield.

Mr. BARKLEY. I wish to observe that it is probably to no effective purpose now to refer to the propaganda which was used in this country prior to our entry into the last war. We may well admit that it was used to the fullest possible extent on both sides. I recall that the German Ambassador to the United States, Count von Bernstorff, became practically persona non grata because he used his official status in this country as German Ambassador for purposes of spreading propaganda. I recall that Capt. Boy Ed and Franz von Papen—Mr. von Papen being now one of the trusted lieutenants of the Fuehrer in Germany—were practically asked to get out of this country because of their activities. So we may very well agree that prior to our entry into the World War both sides were engaged in propaganda. However, certainly nobody can contend that it was English propaganda which resulted in the sinking of the ships of the American people, flying the American flag, and the destruction of American lives, which were responsible for our ultimate entry into the war.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. DANAHER. I yield to the Senator from New Mexico.

Mr. CHAVEZ. I wish to make only a brief observation. We have been talking about the Monroe Doctrine. It is not Germany which is in the Falkland Islands; it is Great Britain. It is not Germany which is in British Honduras, but Great Britain. It is not Germany which is sending one of her dukes to America, but Great Britain. If the Monroe Doctrine means anything, what has England to do in the Falkland Islands or British Honduras?

That is the only observation I wish to make.

Mr. DANAHER. I thank the Senator from New Mexico.

I wish to recur to the bill.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. DANAHER. I yield.

Mr. BARKLEY. I do not wish to take any of the Senator's time; but I think it would be in accordance with the facts to

say that the Monroe Doctrine never sought to drive out of the Western Hemisphere any European power already in it. It applied only to the acquisition of new territory by foreign countries.

Mr. CHAVEZ. That is correct; and the Falkland Islands were taken over by Great Britain after the Monroe Doctrine was announced.

Mr. BARKLEY. I do not recall the date.

Mr. CHAVEZ. British Honduras was taken from Honduras in 1853, after the Monroe Doctrine was in existence.

Mr. BARKLEY. I do not recall the date; but certainly not all the territory which Great Britain owns in America was taken over after the establishment of the Monroe Doctrine. I think the vast majority of her territory in the Western Hemisphere was owned by her before that time.

Mr. CHAVEZ. That is correct; but so far as the Falkland Islands are concerned, they were taken over after the Monroe Doctrine was announced and declared to be the policy of the United States.

Great Britain took over British Honduras in 1853, as I recall, not with a view to defending Great Britain against Germany, but with a view to defending herself against the United States. British Honduras was taken over after the Monroe Doctrine was announced.

Mr. DANAHER. Mr. President, I thank the Senator from Texas [Mr. SHEPPARD] for his patient courtesy with me. With his permission, I should like to come back to the bill for a moment.

Inviting the Senator's attention to that part of section 5 appearing on pages 20 and 21, particularly in subsections (c) and (d), I find that regular or duly ordained ministers of religion engaged in the regular discharge of their ministerial duties may receive a deferred training status.

I also discover that in subsection (d) there is provision for deferment of status with reference to conscientious objectors who are found to be such after individual hearing. They are entitled to exemption. Will the Senator from Texas please tell me whether or not students in regularly constituted theological seminaries are exempted from military service?

Mr. SHEPPARD. They are not.

Mr. DANAHER. Will the Senator state whether or not those, for instance, who have taken vows in certain orders are exempted? For example, I have in mind the Franciscan monks at the monastery in Washington, which is the mecca for many devotees who seek that particular shrine. Are such religious orders, including monks, exempt from a combatant status?

Mr. SHEPPARD. They are not.

Mr. DANAHER. Does not the Senator feel that very probably we ought to take steps to exclude the very small number—after all, the number is very small—who are regularly enrolled students in theological seminaries studying for the ministry, as well as those who have taken vows to live a life of peace, such as those in the orders to which I have referred?

Mr. SHEPPARD. I do not.

Mr. DANAHER. Was that matter gone into by the committee?

Mr. SHEPPARD. Very thoroughly. I will say, however, that any of those men may be exempted if they will show that they have conscientious objections to killing people in war.

Mr. DANAHER. What it amounts to is that if a person can establish that in fact he has conscientious scruples against war and killing people in the process of war, he may be exempt from assuming a combatant status?

Mr. SHEPPARD. Yes.

Mr. DANAHER. And I believe properly so.

Mr. SHEPPARD. Whether he is a divinity student, or a member of one of the orders to which the Senator refers, or whether he belongs to no church at all.

Mr. DANAHER. Yes.

Mr. SHEPPARD. It depends upon what the individual thinks, regardless of the organization to which he belongs.

Mr. DANAHER. If we can undertake to assay the state of mind, and it can be found favorable to the claim that he is entitled to a conscientious-objector status, I agree that it is a wholly proper provision. I should want no less than that in the bill. In fact, I want more. That is why I asked the Senator the questions.

I now invite the attention of the Senator to section 8, subsection (c), in lines 8 to 13, inclusive, on page 24. In a moment I wish to direct the Senator's attention to a question.

Mr. JOHNSON of California. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). Does the Senator from Connecticut yield to the Senator from California?

Mr. DANAHER. I yield.

Mr. JOHNSON of California. Is it not a fact that in the bill we passed in the last war, those who were attending theological seminaries and those who had taken religious orders were exempted?

Mr. SHEPPARD. I do not think so.

Mr. JOHNSON of California. Perhaps the Senator is correct. I do not question his statement, because I assume the Senator has gone into the matter.

Mr. SHEPPARD. We exempted members of churches whose creeds prohibited their members from engaging in war. Under the pending bill we do not exempt any institutions or classes as such, but operate on the individual. If he wishes to claim exemption through conscientious objection to engaging in war, we have set up a tribunal to pass upon the validity of his claim.

Mr. JOHNSON of California. I understand that. The bill exempts those who can establish the fact that they are conscientious objectors?

Mr. SHEPPARD. That is correct; except, of course, that we make a direct exemption of ministers of religion.

Mr. JOHNSON of California. Does the bill make a direct exemption of ministers of religion and not of those who are in the process of becoming ministers?

Mr. SHEPPARD. We do not exempt those in the process of becoming ministers, because many of them enroll in fake schools of religion when they see that they can evade service by pretending to study for the ministry. Many correspondence schools giving religious training spring up.

Mr. JOHNSON of California. It is not a question of correspondence schools.

Mr. SHEPPARD. We are trying to avoid giving the opportunity to those who would endeavor fraudulently, under the pretense of becoming ministers, to evade service.

Mr. JOHNSON of California. Fraud would vitiate anything; but that is not the problem. The problem is that there is a class of persons—not many in numbers, perhaps—who are attending theological schools and who may seek exemption. Does the Senator mean to tell me that those who are learning the teachings of Christ will not be exempted unless they prove that they are conscientious objectors?

Mr. SHEPPARD. Yes. A boy who dies on the battlefield for his country is carrying out the teachings of Christ as much as is the man who wants to stay at home to carry out the teachings of Christ. There is a sacramental suggestion in the blood of man shed for man, for family, for home, for country.

Mr. JOHNSON of California. There is a vast difference between the two. The bill makes a distinction. Will the Senator please look into the matter—I shall also look into it in the interim—to determine the question of whether or not we exempted such persons in the last war?

Mr. SHEPPARD. I told the Senator my impression.

Mr. JOHNSON of California. I know the Senator did.

Mr. SHEPPARD. We have no assurance that the student will ever complete his course.

Mr. JOHNSON of California. Of course we may question any man's motive, and arrive at any conclusion we wish.

Mr. SHEPPARD. I am not questioning the motive of anyone.

Mr. JOHNSON of California. Yes; the Senator is.

Mr. SHEPPARD. Something may happen to keep him from completing his course.

Mr. JOHNSON of California. That is true. He may die, or anything may happen. However, I did not understand the Senator to say positively, or with any degree of certainty, that such a provision was not included in the bill passed in the last war.

Mr. SHEPPARD. I am willing to join the Senator in an effort to find out what was the fact.

Mr. JOHNSON of California. That is what I asked.

Mr. SHEPPARD. Very well.

Mr. JOHNSON of California. If we find the fact to be as I have indicated, will the Senator consent to an amendment?

Mr. SHEPPARD. I do not think so.

Mr. JOHNSON of California. The Senator does not think so?

Mr. SHEPPARD. I do not think so.

Mr. JOHNSON of California. Then the Senator disagrees with the previous law, and disagrees with everybody else.

Mr. SHEPPARD. No; I do not; and the committee joined in the report on the bill.

Mr. JOHNSON of California. But the committee, I assume, did not study this question at all, or the chairman would have some degree of certainty regarding what was in the last bill.

Mr. SHEPPARD. The bill operates on the basis of what the particular individual believes as to war, and we do not exempt any class except ministers themselves. That is the principle on which the bill operates.

Mr. JOHNSON of California. Those to whom I refer are practically ministers, men who have come within a month of finishing their courses of study, and who have pursued their peaceful avocations during their lives thus far. Those men are entitled to receive the benefit of an exemption, are they not?

Mr. SHEPPARD. I do not think so.

Mr. JOHNSON of California. Very well, then, we will fight it out.

Mr. SHEPPARD. Yes, sir.

Mr. DANAHER. Mr. President, now let me refer the Senator from Texas to the provision on page 24, which reads:

(c) Any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (b) shall be so restored without loss of seniority, insurance participation or benefits, or other benefits, and such person shall not be discharged from such position without cause within 1 year after such restoration.

Let me ask the Senator, please, if he feels that Congress properly can superimpose upon an existing contract of employment between a substitute, if you choose, for a conscriptee and the employer a clause which will so operate as to cause the employer to rehire and to restore the conscriptee to his former position?

Mr. SHEPPARD. Frankly, I do not know. We are trying to do everything we can to help the men called into the service get back their jobs.

Mr. DANAHER. Then, let me ask if it is the understanding of the Senator that, under the clause providing that the conscriptee shall be restored without loss of insurance participation or benefits, that someone else is going to make up somehow to, let us say, the employer's reserve fund the amount of contribution which the particular employee formerly paid into that fund?

Mr. SHEPPARD. That provision refers solely to the benefits to which he was entitled up to the time he left his employment. It does not apply to the time when he was absent in the service.

Mr. DANAHER. But when the bill provides that he shall be restored without loss of insurance participation or benefits, or other benefits, is it meant by that that if a man goes out to serve his country under this conscription plan and comes back he assumes his prior status less 1 year's payment?

Mr. SHEPPARD. That is what this bill intends, as I understand. That is what the members of the committee thought should be and could be done.

Mr. DANAHER. It is not a case of someone else from some source making up those payments?

Mr. SHEPPARD. No.

Mr. DANAHER. A day or two ago we discussed the theory, or the lack of it, if you like, of the application of the National Labor Relations Act to a situation such as is contemplated here. I take it that what the Senator understood with reference to the bill affecting the National Guard and the Officers' Reserves has equal application to the language in the pending bill?

Mr. SHEPPARD. The Senator is correct.

Mr. DANAHER. I thank the Senator. I wish to thank him especially for his courtesy.

Mr. SHEPPARD. I am very glad to answer any questions, especially from the Senator from Connecticut.

Mr. BARKLEY. Mr. President, I intend to take but little of the time of the Senate now, because I propose in a few moments to move that we suspend for the present the consideration of the bill; but in view of the remarks of the Senator from Connecticut [Mr. DANAHER] in reply to the Senator from Illinois [Mr. LUCAS] a while ago when the Senator from Illinois asked him a question concerning his vote and attitude on certain appropriations, and since it seemed to me that, as a basis for the answer which he intended to give to the Senator from Illinois, the Senator from Connecticut started out on a sort of political speech by implication and insinuation to blame the administration now in power for the situation which calls forth these appropriations and other legislation, I should like to make a brief comment.

It has been my feeling all along—and I entertain that feeling now—that in the consideration of this bill we should rise above partisanship, that we should not accuse any political party of being responsible for the situation which makes defense appropriations and legislation necessary. But if that is to be the basis on which the pending measure is to be discussed, I can assure the Senator from Connecticut that we are perfectly willing to have it passed upon on that basis. We are perfectly willing to have the record of the last 7 years, both in connection with the Army and the Navy, compared with the record of the previous 12 years in order that the American people may understand, if it is desired to deal with the question on that basis, who has been responsible for most of the lack of preparation which now is so jauntily referred to by the Senator from Connecticut. I hope that during this entire discussion we may avoid any partisan rancor or any partisan reference. I hope that we may not be led into any partisan discussion, because, in my judgment, this is not a partisan question.

The American people believe by an overwhelming majority that, without regard to anybody's political affiliations, every man owes a duty to his country and to its institutions, and that duty is no less compulsive among the rank and file of the people than it is here on the floor of the Senate. The legislation which we enact affects all the people without regard to their politics or their religion.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield to the Senator from Nebraska.

Mr. NORRIS. I hope that in the discussion of this bill we may consider it on the high ground the Senator has outlined; but still, while I have no intention of diverging from that course, and while I feel bitterly opposed to this bill, I would have to admit, I think, in order to be fair, that any Senator who felt that any political party was to blame for any unfavorable condition would be justified in calling attention to it if he wanted to do so. I do not know that anybody feels that way; I hope there is no such feeling; but still the Senator must admit, I think, that it is within the right of anyone in discussing this bill, if he thinks he properly can and that he ought to do so, to blame any political party with any dereliction.

Mr. BARKLEY. I do not dispute that, with a reservation. If by the bringing in of any partisan complaint or charge or any recital, light can be shed upon the situation with reference to the measure now before us, whether one is for it or against it, and it is not done simply to seek some partisan advantage in the discussion, the Senator would be right; but I doubt the propriety of injecting partisan politics into the discussion simply for the purpose of attempting to gain political advantage.

Mr. NORRIS. If I had my way, I should like to keep everything out of partisan politics; but, of course, I do not have

my way, and I do not suppose anybody agrees with me fully in that respect.

Mr. BARKLEY. The Senator from Nebraska occupies the unique and distinguished position of being the outstanding advocate of nonpartisanship not only in the Senate but in the country with respect to vital legislation, and, while all of us cannot always rise to the high eminence which the Senator has attained, we all honor him for the convictions which he entertains and which he has done so much, I believe, to impart to the American people and to the United States Senate.

Mr. NORRIS. Now, may I ask the Senator a question?

Mr. BARKLEY. Certainly.

Mr. NORRIS. The question was suggested to me when I came into the Chamber recently and heard some of the debate between the Senator from Connecticut and the Senator from Texas in regard to restoring soldiers to the place of employment which they occupied previously in private business. I feel as deeply as anybody can the desirability of that occurring and happening, if it can be made possible. Yet I do not think we ought to deceive ourselves, and we should not do something that might, although entirely innocently, deceive the soldiers who would be in the Army and their friends by suggesting that the law would do certain things which I cannot see how any law we might pass could do.

Does the Senator believe that a provision in a statute to the effect that when any soldier leaves the service and returns to his home, the position which he occupied before he entered the service shall be restored to him, would have any legal effect whatever?

Mr. BARKLEY. I doubt very much whether it could have any legal effect, especially in those industries and occupations that have no relationship to interstate commerce. It may be possible that under the National Defense Act and under this proposed law such occupations as have to do with interstate commerce may be subject to such a provision. But even in such cases I think there are bound to be exceptions as to which it would not be possible to enforce such legislation, because within a year the entire condition may change.

Mr. NORRIS. Of course, it might entirely change. But the point I want to make—and I think it ought, at least, to be in the RECORD—if we are going to let that language stay in the bill, so that no man who enters the Army will be deceived—that, while we are anxious to restore him to the position he had before he went into the service, and while we believe it is the patriotic duty of the corporation or individual that employed him to restore him, if possible, we ought not let the idea go out to the country so that those who enlist or are drafted will enter the service under the belief that at the end of their service the positions which they formerly held will be reserved for them under the law passed by the Congress.

Mr. BARKLEY. I appreciate the Senator's frankness, and I share that desire. I think it is the desire of all of us.

I do not happen to be a member of the Military Affairs Committee, and I was not present during the hearings or the discussion in the committee on that point; but I think it is true that we all hope and wish, and so far as we can would like to provide, that when these men come back and go into civil life—as we hope all of them will do, on the ground that they may not be necessary to serve further in the Army—they may have their positions restored to them; but it would not be a frank statement to say or to hold out the hope to all of them that that can be done.

Mr. NORRIS. I should hate to have the country get the impression that if I were the employer of a large or a modest number of men in a factory, or some institution of that kind, I was going to restore to his original position, at the end of his service, every employee who enlisted or who was drafted. I should hate to put the manufacturer in such an attitude that many persons would say he was in duty bound, under the law, to restore these men to their positions. I think, as a patriotic citizen, he ought to restore them to their positions if possible; but there will be thousands and thousands of cases in which it will be absolutely impossible for the employer to do that, no matter how patriotic he is.

Mr. BARKLEY. I agree with the Senator.

Mr. NORRIS. And I should not like to put him in the attitude in the community in which he lives of being a slacker, or something of the kind.

Mr. BARKLEY. There might be numerous instances in which, in the period of the year covered by the absence of the regular employees, the condition of the company would have so changed that they could not take on additional employees. They might even have fewer regular employees at the end of the year than they had at the time the individual employees entered the service; and in cases of that sort it seems to me we could not require a company to restore the employment of men who, if there had been no military service, might have been discharged during the year because of a necessary reduction of the company's force.

While I do want to hold out the hope, and the moral obligation, and the legal obligation insofar as we can, that these men are not to lose their status when they return by reason of their service to their country, I do not think it would be fair to undertake to deceive the American people into the belief that every individual who is to be called into service can be restored to his particular job.

Mr. NORRIS. I should like to say to the Senator from Kentucky that it seems to me it is a very serious question whether the Congress of the United States ought to run the risk of deceiving our people, or any goodly share of them, into the idea that a man's position is to be held open for him. When a citizen holding a job in some manufacturing establishment gives it up for patriotic reasons, or the Government compels him by a draft to give it up and go into the service of his country, it is the saddest of all things, it seems to me, to see that man, after he has given the best years of his life to the service of his country, come back and find that, after all, he is nothing but a pauper, and there is no job for him.

If there is any way to remedy that state of affairs, I should like to do it; but it seems to me it is beyond the power of anybody, any government or any Congress, to remedy; and I am very doubtful whether we ought to put into this bill anything that might under any condition bring about a deception of some of our people on that account.

While I probably ought not to have my ideas as to what shall be in the bill considered as fully as the ideas of those who favor the proposed legislation, because I am opposed to the legislation and shall vote against it—I am bitterly opposed to the principle—yet, if we must have this bill enacted, I should like to relieve it of any such possibility. It is a possibility that may come home to our people 50 years after we shall have disappeared from the face of the earth, because the story will go from mouth to mouth that Congress deceived them when it passed the law and that men were unable to support their wives and their families because of their service in the United States Army.

That certainly would be very deplorable, and if we can possibly do so, we should prevent it rather than to try to make anybody believe that we are going to do something that we certainly cannot do, as we will realize if we think about it.

Mr. BARKLEY. I appreciate what the Senator has said. His statement, of course, as we all know, is in accord with his lifelong record of being frank and forthright with the American people and with the Senate. When we get to that point in the bill it may be possible to enter more into detail into this discussion, and determine whether the language goes too far, or what modification in the language of the bill may be desired.

Mr. SHEPPARD. Mr. President——

Mr. BARKLEY. I yield to the Senator from Texas.

Mr. SHEPPARD. Will the Senator from Kentucky permit me to read the clause of the bill under consideration?

Mr. BARKLEY. Yes; I shall be glad to have the Senator do so.

Mr. SHEPPARD. It is as follows:

> If such person was in the employ of a private employer, such employer shall restore such person to such position or to a position of like status and pay, unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so.

Mr. NORRIS. Mr. President——

Mr. BARKLEY. I yield.

Mr. NORRIS. In my opinion, that does not lead us anywhere. I have read that language, and I concede that the committee were acting in good faith in putting it in. I am afraid, however, it will do more harm than good. When we say "unless the employer's conditions have changed," we raise a question as to which there might be honest differences of opinion. The person who lost his job would say, "Your conditions have not changed." The employer would say, "They have changed. I cannot restore you now"; and, after all, if it is his factory and he is paying the salaries, we cannot leave him out of consideration in settling the controversy. To say to him, "You are compelled to restore this man," it seems to me, asks for an impossibility, and one that cannot be enforced under our laws, or the laws of any other free government.

Mr. BARKLEY. Of course, if that language creates only a moral obligation, there is no way to enforce it. If it creates a legal obligation, it can be enforced, of course, in the courts, which would naturally involve litigation; but it could be enforced.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield to the Senator from Nebraska.

Mr. BURKE. In connection with the matter now under discussion, I think every Member of the Senate who has not yet had the opportunity to do so should carefully read the testimony of Col. Lewis Sanders, particularly beginning on page 89 of the printed record. I will read merely a short excerpt from it to throw some light on this problem, coming from experience in the World War.

Colonel Sanders had this to say:

> We came back to New York City under very adverse employment conditions. A very large percentage of the employment in New York City is service employment, like the operation of elevators and other work which could be, and was, taken over by women in large groups, and they did not like to give up their jobs when the men came back, and the employers were not overenthusiastic about letting them go, because the women's wage scale was substantially lower than that of the men. However, we had 13,000 men in the Greater New York area whose employers had promised to hold their jobs open for them. With very few exceptions, those promises were made good. The few exceptions that came to my attention, I merely had to send one of my staff officers up to the employer and say, "This has been reported to us. We would like the facts, because the newspapers desire such information and we want to be sure we are not doing an injustice by giving out your name erroneously." The officers in every case came back with the job.
>
> At the end of 6 months we had placed 9,600 men in new jobs; had practically closed up our employment bureau. We reduced it to only the secretary of the clubhouse, because no other was needed. We did not have a man in the division, to the best of my recollection, at that time who had not been placed in a job. Our unemployed was exclusively at that time the comparatively small group of men who were constitutionally unable to hold a job after they got it. Our record-breaker we placed 22 times. I think he probably is still out of a job.

Mr. McKELLAR. Mr. President, on what page is that testimony?

Mr. BURKE. It is on page 90 of the record. I read further:

> Another thing. We found that men coming out of the Army had a greater economic efficiency than before they went in. I was talking to the late Richard Rice, general manager at that time of the Lynn Works of the General Electric Co., employing 14,000 men, and gave him my opinion that a man having had the benefit of Army service was about a 20-percent better man than he had been when he went in. His reply was, "You are overconservative. We have had 700 men return from the Army, and they are considerably better than that."

I wish to say only this in connection with this interruption: Personally, I have faith in the employers of the country that in an emergency they will to the fullest possible extent, and without any provision in the law—although I have no objection to this provision—go to the utmost limit in seeing that the men who give up their employment and enter the service of the country, will, when they come back, if it is humanly possible, find their jobs waiting for them.

Mr. NORRIS. Mr. President, will my colleague yield?

Mr. BURKE. The Senator from Kentucky has the floor.

Mr. BARKLEY. I yield.

Mr. NORRIS. I agree that the large percentage, indeed, almost all, of the employers of the country are patriotic; that they will restore the men to their positions if they can do so. But that is not unanimous, and it is the exception to the rule which makes it necessary to make laws, and which brings about the enactment of laws. A majority of the people are patriotic and honest, and would get along very well if we did not have any laws, but because there are a few who are exceptions, we have to pass laws to protect the great majority of the people from the few evildoers and those who will not respect law.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. NORRIS. In a moment I shall be through. The Senator from Kentucky has the floor, although he has not been talking very much, and that is an exception for him.

Mr. BARKLEY. That may be to the Senate's advantage.

Mr. NORRIS. I do not agree that the man who serves in war is a better man when he comes out at the close of the war than he was when he entered. If a man served only a short time, it might be true that the training he would receive would do him good and make him a better man physically. But I lay it down as a proposition which I do not believe can be successfully controverted, that any man in any war, especially a war of modern times, who is in active service, and goes through the trials and tribulations and suffering and agony which come to every soldier in that kind of a war, gives up some of his strength, some of his vitality, and some of his ability, so that, as a general rule, he is not quite as able as he was when he went in.

I think that was demonstrated after the Civil War. A man who has to go through the tribulations and trials and sufferings which come to every soldier gives up some of his vitality, something from his life. That does not apply to a man who is sitting on a swivel chair, it is true, but it does apply to the men who do the real work in the field. They cannot expect to serve an enlistment of 3 years in that kind of service without its affecting their health and their ability to earn and maintain themselves and their families.

Mr. LODGE. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I yield.

Mr. LODGE. In connection with what the senior Senator from Nebraska has been saying, I think it is very true that there is something very distressing and pathetic about a man who is established in a certain position having to leave it and, when he comes back, finding it is no longer open to him. For that reason I should like to submit to the Senator from Nebraska and to the Senate as a whole the taking of men when they are so young that they have not yet acquired a real job status, and thereby do them a minimum amount of harm from the standpoint of their employment, taking them at an age when the fatigue and the depletion of vitality, to which the Senator referred, would be at the minimum. That is a suggestion which I have embodied in a bill which I myself have introduced, and which I think has a great deal to commend it for the reason I have stated.

Mr. NORRIS. Mr. President, will the Senator from Kentucky yield so that I may ask the Senator from Massachusetts a question?

Mr. BARKLEY. I yield.

Mr. NORRIS. I have been laboring under the impression ever since the World War that there are branches in the military service in which young men are considered more desirable than older men. As an illustration, let us take the Air Service. I have the impression that the Air Service wants men whose judgment perhaps is not fully matured. They want reckless men, men who will take desperate chances. A man of 25 years of age would not be so apt to take that kind of a chance, perhaps, as a man of 18. Is that not a well-recognized principle in the Air Service?

Mr. LODGE. I believe so.

Mr. NORRIS. So that there would be at least some branches in the service in which the best result could be obtained by taking even the immature and those not fully developed.

Mr. LODGE. I should not be in favor of taking a boy who had not reached the age of 21, but I think that for almost all military purposes, so far as soldiers are concerned, a man

is at his best, from a military standpoint, when he is in his early twenties. I believe the average age of all the famous armies in history has been in the early twenties so far as the enlisted men were concerned.

I make this suggestion merely because very few men at 21 have been able to develop a substantial type of employment, whereas when they get to be 25 or 26 years of age they are begining to develop some real earning power.

Mr. MALONEY. Mr. President, I should like to ask the Senator from Massachusetts a question.

Mr. BARKLEY. I yield.

Mr. MALONEY. Would the Senator from Massachusetts take young men at 21 who had not completed their college courses?

Mr. LODGE. Does the Senator mean students for the ministry?

Mr. MALONEY. I mean any college student.

Mr. LODGE. I think the provision in the bill regarding the senior R. O. T. C. students is probably a wise one, but so far as the others are concerned I have not given the matter a great deal of study.

Mr. MALONEY. If the Senator has not given it study, I cannot address a further question to him, but I hope he will consider the matter very seriously, because it seems to me tremendously important that we do not take a young man out of college in his second or third or last year, when we might under any bill we pass give him a deferred status until he has completed his undergraduate college work.

Mr. LODGE. The Senator would not treat a boy in college differently from the way he treated a boy who could not afford to go to college, would he?

Mr. MALONEY. I would put him in a deferred status, if I could, in the bill, assuming it is to pass. I would give him the opportunity for military training while in college. I would subject him to all of the provisions of whatever bill we might pass immediately upon the completion of his college course, and I would limit it to 24 years of age. I have prepared an amendment which takes in theological and ecclesiastical students, and also takes in other college students. I respectfully call it to the attention of the Senator from Massachusetts.

Mr. LODGE. I thank the Senator.

Mr. BARKLEY. The question raised by the Senator from Massachusetts is a very legitimate one, as to whether after all the battles of the Republic and the defense of our country are to be imposed upon the extremely young. I realize that, because of their situation, they may be more conveniently called than men who are older, because of lack of obligations, domestic and otherwise. But if the theory of the proposed legislation is correct, as I believe it to be—and I mean by that that it is the duty of all of our people, in accordance with their ability and their obligation and responsibility, to defend the country against whatever it is necessary to defend it—that raises the question whether, if we are to emphasize the calling into service of young men 21 or 22 or 23 years of age, we do not overemphasize the release of others who are under the same if not greater obligation and responsibility to the country than the immature young man who is even just out of college or high school.

Mr. LODGE. Of course, no matter what age limit may be selected, there are always arguments against it, and the Senator has stated a criticism, and I think to some extent a valid criticism, of my suggestion. But I think to assume that the burden of war can be equally distributed over the entire population is a hallucination.

Mr. BARKLEY. I agree that we cannot distribute it.

Mr. LODGE. We cannot do that.

Mr. BARKLEY. We cannot distribute it equally among all of the people.

Mr. LODGE. We cannot do it.

Mr. BARKLEY. But we can at least spread it out over a sufficient field so that it will not unnecessarily concentrate itself on a group because of their youth.

Mr. LODGE. It can be done, but if we once start drawing lines, we shall discriminate in any event. Of course, if we had a peacetime, long view system of military training, we would have our training come each year whenever a boy reached the age of 21, and have it all confined to one year.

Mr. BARKLEY. Of course, if we had had, as we did not, such a system as that, for a long enough period of years, so that every man who is now 31 would have been trained when he was 21, many of the questions we now face would not be at our doorstep.

Mr. LODGE. That is very true.

Mr. BARKLEY. But we are beginning from scratch, as we say, to consider men who have not been trained, regardless of their age, except in certain isolated cases in which they went to military training schools, or have been members of the R. O. T. C., or other voluntary training organizations.

Mr. LODGE. That is very true; and if we were at war I think the broader we extended the field probably the better. But, after all, we are at peace, and I assume the reason we want this Army and the reason we want this defense establishment is that it will keep us at peace. I firmly believe that if we develop our Army and Navy so that they are so manifestly strong that their strength is obvious to all the world, this terrible war will not be brought to our country. That is why I am in favor of the development of our forces.

If I thought the Army was being developed because we wanted to get into a war, I would be opposed to it. I believe that we want this Army in order to keep us out of war. Of course, it is no more unfair to take men from 21 to 25 years of age than it is to take men from 21 to 31 years of age.

Mr. BARKLEY. In that connection it seems to me there is no fundamental difference, when we really think the matter through, between the training of these men or a similar number of men after we get into war and the training of them before we get in. The theory, of course, is that if we train them beforehand, and we do get into war, they will be ready for war when the war begins, whereas, if we wait till war comes before we train them, we shall have the same situation as that which existed in 1917 and 1918, when we had to wait 13½ months before the men whom we drew for the service were trained sufficiently to be sent into combat areas. Of course, that is a debatable system. I realize that honest men have different theories about it. But I went through that period in the House of Representatives. There was a great fight in the House and Senate then over the question of the selective draft, and it was adopted on the theory that it was the fairest way, after all, to raise an army, even in the midst of war, because it did not leave to the individual, however well qualified he might be to fight, to determine whether he would fight, but it left it to the people, or to their Government at least, to decide, or to have a voice in the decision.

The only difference, it seems to me, in the matter of training beforehand or afterhand, is that we hope we will never go to war. I share the hope of the Senator in that respect, and I hope that whatever we do in the matter of defense will keep us out of war, will make it unnecessary for us to go to war, will ward off any attack from whatever source it might come. But I cannot for the life of me see any fundamental difference between training men so they will be ready if war comes, and waiting until the war comes, and then train them for a period of a year or so before they will be of any benefit to the country in the way of being fighting soldiers.

Mr. LODGE. Mr. President, I wish to submit one thought, and then I shall subside. I think there is a distinction between a peacetime selective-service law and a wartime selective-service law. In a wartime selective-service law, when there is a real chance that men will lose their lives and suffer all kinds of wounds, obviously we must make the age limit just as broad as we can make it. In peacetime, when there is an excellent chance that we will not go to war and when our whole policy is directed toward staying out of war, I think it is perfectly legitimate to subject certain groups to training under a peacetime law. If we subject a man to training, that is an entirely different thing from subjecting a man to shell fire. That is the whole distinction I wish to make.

Mr. BARKLEY. Mr. President, I appreciate that distinction. There would probably be a necessity for different details in connection with the application of a draft law passed after we got into a war, compared with one passed in peacetime. But that affects only the details of its application and does not affect the fundamental principle or obligation of the people to be of service in time of emergency.

Mr. REYNOLDS. Mr. President, I wish to say that I agree with what the able Senator from Massachusetts [Mr. LODGE] has said with respect to the pending bill. I think the purpose of the bill is to keep us out of war. I think we are not contemplating the drafting of these men with the view to becoming involved in war. I have heard many of my colleagues say that the bill was for the purpose of training men so that in the future they would be in a physical condition to defend their country.

I wish to make one observation. In 1933, when our President was inaugurated, we formulated legislation providing for the establishment of what are known as the C. C. C. camps. Since that time we have had these camps, and we have trained in them approximately 1,400,000 men. If at the time we inaugurated those camps we had permitted the men who went to them to indulge in military activities to the extent at least of participating in the manual of arms, we would have today in this land about 1,400,000 men who would have had the training which we are in a sense proposing for them now.

Mr. President, I have just noted in the columns of the afternoon newspaper, the Washington News, that the cartel plan has been abandoned. I was very happy to note that. If the administration had gone ahead with that plan I think it would simply have meant that the taxpayers of the United States would have been called upon to put up anywhere from $1,500,000,000 to $2,000,000,000 annually for the purpose of buying up the surplus crops of South America, of coffee and cotton and other products of the republics to the south of us. I believed then and I believe now that if we would surround Central and South America with a wall of gold, and would take all the billions of dollars in gold bullion we have now buried in the State of our able leader, we could not eventually keep the totalitarian powers out of South America. If the American taxpayers were to put up about $2,000,000,000 a year for the next 10 years, we might during the course of that time be successful in keeping the totalitarian powers out, but eventually we would find the totalitarian powers ganging up on us; we would find that they would use some method by which they could get the surplus products of South America which they must have.

In connection with that thought, we must take into consideration the fact that the very things they produce in surplus in South America and in Central America are produced here.

So I am glad that we have decided not to waste $2,000,000,000 annually of the taxpayers' money to try to keep the totalitarian powers out of there. We should bring ourselves to a realization that the time is soon to come when we shall have to compete with the other nations of the world on the question of labor and trade.

Mr. SHEPPARD. Mr. President, earlier in the day the Senator from Michigan [Mr. VANDENBERG] asked me as to the size of the force required to administer selective service. I now have that information, as follows:

Local boards, 25,000; appeal boards, 11,500; appeal agents, 6,500; doctors, 6,500; advisory boards for registrants, 65,000, making a total of 114,500 required for the personnel of the selective-service administration.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. SHEPPARD. I yield.

Mr. BARKLEY. That means an average of practically one appeal board for every two local boards. What is the necessity of having an appeal board for every two local boards? Why could not an appeal board have jurisdiction over the territory or the work of more than two local boards?

Mr. SHEPPARD. I am unable to answer that question. I think it is because of the volume of the work. However, the Senator has asked a very proper question, and I shall look into it.

Mr. HILL. Mr. President, will the Senator yield?

Mr. SHEPPARD. I yield.

Mr. HILL. I think one object is to avoid compelling those who appeal to travel great distances.

Mr. BARKLEY. I assume that the figure of 25,000 local boards means a board in each county, or practically so. With modern means of transportation it seems to me that an appeal board might exercise jurisdiction over several counties or several boards. I think that phase of the question probably ought to be looked into, because it strikes me that the appeal boards are a little top-heavy as compared with the local boards.

Mr. SHEPPARD. Mr. President, I wish to say to my good friend the Senator from California [Mr. JOHNSON] that I have ascertained that during the World War ministry students were exempted from liability for military service. The theory of the pending bill is to operate on the individual, and not on any class of individuals, except the class of actually ordained ministers. If a divinity student can show that he is a conscientious objector to taking part in war, he will be exempted.

I wish to say to the Senator from Connecticut [Mr. DANAHER] that the War Department reported to the Senate Military Affairs Committee that the cost of the National Guard and trainees would be $800,000,000 for trainees and $350,000,000 for the National Guard during this fiscal year.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nomination of Capt. William Price Connally, Jr., Field Artillery, for appointment, by transfer, to the Judge Advocate General's Department, Regular Army.

He also, from the same committee, reported favorably the nominations of several officers for appointment to temporary rank in the Air Corps, Regular Army, under the provisions of law.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). If there be no further reports of committees, the clerk will state the nominations on the calendar.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

That concludes the calendar.

RECESS TO MONDAY

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 3 o'clock and 50 minutes p. m.) the Senate took a recess until Monday, August 12, 1940, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 9 (legislative day of August 5), 1940

POSTMASTERS

HAWAII

John I. Silva, Eleele.

MINNESOTA

Anna M. Manahan, Chatfield.
Robert B. Forrest, Lake Wilson.

SENATE

MONDAY, AUGUST 12, 1940

(Legislative day of Monday, August 5, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

Almighty and everlasting God, who art always more ready to hear than we to pray and art wont to give more than either we desire or deserve: Pour down upon us the abundance of Thy mercy, forgiving us those things whereof our conscience is afraid, and giving us those good things which we are not worthy to ask but through the merits and mediation of Jesus Christ, Thy Son, our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Friday, August 9, 1940, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Latta, one of his secretaries.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Downey	La Follette	Schwellenbach
Andrews	Ellender	Lee	Sheppard
Ashurst	Frazier	Lundeen	Shipstead
Austin	George	McCarran	Slattery
Barbour	Gerry	McKellar	Smathers
Barkley	Gibson	McNary	Stewart
Bone	Gillette	Mead	Taft
Bridges	Glass	Miller	Thomas, Idaho
Brown	Guffey	Minton	Thomas, Okla.
Bulow	Gurney	Murray	Thomas, Utah
Burke	Hale	Neely	Townsend
Byrd	Harrison	Norris	Truman
Byrnes	Hatch	Nye	Tydings
Capper	Hayden	O'Mahoney	Vandenberg
Chandler	Herring	Overton	Van Nuys
Chavez	Hill	Pepper	Wagner
Clark, Idaho	Holman	Pittman	Wheeler
Clark, Mo.	Holt	Radcliffe	White
Connally	Johnson, Calif.	Reed	Wiley
Davis	Johnson, Colo.	Reynolds	
Donahey	King	Schwartz	

Mr. MINTON. I announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Mississippi [Mr. BILBO], the Senator from Arkansas [Mrs. CARAWAY], the Senator from Georgia [Mr. RUSSELL], the Senator from Delaware [Mr. HUGHES], and the Senator from South Carolina [Mr. SMITH] are necessarily absent from the Senate.

The Senator from Rhode Island [Mr. GREEN], the Senator from Connecticut [Mr. MALONEY], and the Senator from Massachusetts [Mr. WALSH] are on a trip with the President of the United States, inspecting various naval ports in New England, and are, therefore, necessarily absent.

The Senator from Illinois [Mr. LUCAS] is in camp with the Illinois National Guard, and is, therefore, unavoidably detained.

Mr. AUSTIN. I announce that the Senator from Connecticut [Mr. DANAHER], the Senator from Massachusetts [Mr. LODGE], and the Senator from New Hampshire [Mr. TOBEY] are necessarily absent.

The PRESIDENT pro tempore. Eighty-two Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 4070) to provide for more uniform coverage of certain persons employed in coal-mining operations with respect to insurance benefits provided for by certain Federal acts, and for other purposes, and it was signed by the President pro tempore.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate a resolution of the German-American League for Culture, San Francisco, Calif., favoring definition of the preparedness program so that national defense may be construed as defense of the United States and not of any other interest or interests, which was referred to the Committee on Military Affairs.

He also laid before the Senate a resolution of the Academic and Civil Rights Council's Forum, San Francisco, Calif., protesting against the enactment of compulsory military-training legislation, which was ordered to lie on the table.

He also laid before the Senate a telegram in the nature of a memorial from John Egan, of New York City, N. Y., remonstrating against the enactment of compulsory military training legislation, which was ordered to lie on the table.

He also laid before the Senate a resolution adopted by the committee on medical preparedness of the American Medical Association, Chicago, Ill., requesting that in preparing for the conscription of personnel, provision be made for the continuation of medical education and for exemption from conscription of all medical students and interns in accredited and approved institutions, which was ordered to lie on the table.

Mr. REED presented a memorial of 161 citizens of Hesston, Kans., remonstrating against the enactment of compulsory military training legislation, which was ordered to lie on the table.

Mr. VANDENBERG presented memorials of sundry citizens of the State of Michigan, remonstrating against the enactment of compulsory military training legislation, which were ordered to lie on the table.

Mr. SHEPPARD presented a resolution of the Fort Worth, Tex., section, Society of Architects, pledging cooperation for the national defense and offering the services of its members in any necessary capacity, which was referred to the Committee on Military Affairs.

Mr. KING presented a resolution of the Hawaii Equal Rights Commission, favoring the deletion from House bill 9654, to extend for an additional year the provisions of the Sugar Act of 1937, of that portion of the so-called McCormack amendment placing a limitation of 29,616 short tons, raw value, on the amount of direct-consumption sugar from Hawaii, which was referred to the Committee on Finance.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHEPPARD:

S. 4256. A bill for the relief of Joe Shepard; and

S. 4257. A bill for the relief of John W. Young (with accompanying papers); to the Committee on Claims.

S. 4258. A bill to remove the restriction placed upon the use of certain lands acquired in connection with the expansion of Mitchel Field, N. Y.; to the Committee on Military Affairs.

By Mr. KING:

S. 4259. A bill for the relief of Albert K. Ottenheimer and his wife Nora Bendix Ottenheimer; to the Committee on Immigration.

By Mr. McNARY:

S. 4260. A bill authorizing the appointment of certain persons as second lieutenants in the Regular Army Air Corps; to the Committee on Military Affairs.

By Mr. HILL:

S. 4261. A bill to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes; to the Committee on Military Affairs.

By Mr. SHEPPARD:

S. 4262. A bill to further amend the act of July 30, 1937, authorizing the conveyance of a portion of the Stony Point Light Station Reservation to the Palisades Interstate Park Commission; to the Committee on Commerce.

DEPORTATION OF CERTAIN ALIENS

Mr. CLARK of Missouri. Mr. President, I ask unanimous consent to introduce a bill for appropriate reference. I request that the bill may be read for the information of the Senate.

There being no objection, the bill (S. 4263) providing for the deportation of certain aliens, was read the first time by its title, the second time at length, and referred to the Committee on Immigration, as follows:

Be it enacted, etc., That any alien eligible to become a citizen of the United States who has been in the United States for 5 years or more and has not, within the period of 7 years immediately preceding the enactment of this act, filed a declaration of intention to become a citizen of the United States and does not, within 6 months after the date of the enactment of this act, file such a declaration of intention shall, upon the warrant of the Attorney General, be taken into custody and deported in the manner provided in sections 19 and 20 of the Immigration Act of February 5, 1917.

SELECTIVE COMPULSORY MILITARY SERVICE—AMENDMENTS

Mr. JOHNSON of Colorado submitted amendments intended to be proposed by him to the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service, which were ordered to lie on the table and to be printed.

Mr. TAFT submitted an amendment in the nature of a substitute intended to be proposed by him to Senate bill 4164, supra, which was ordered to lie on the table and to be printed.

REVIEW OF THE HABANA CONFERENCE BY SENATOR CHAVEZ

[Mr. CHAVEZ asked and obtained leave to have printed in the RECORD a radio address delivered by him on August 11 reviewing the recent Habana Conference, which appears in the Appendix.]

LABOR AND NATIONAL DEFENSE—ARTICLE BY SENATOR WAGNER AND ARTICLE FROM THE AMERICAN FEDERATIONIST

[Mr. WAGNER asked and obtained leave to have printed in the RECORD an article entitled "Exploding a Myth," published in the American Federationist, of the issue of August 1940, and also an article by himself from the American Forum entitled "Does National Defense Require Modification of Existing Labor Laws?" which appear in the Appendix.]

SENATOR HOLT—EDITORIAL FROM THE MOUNT STERLING (KY.) GAZETTE

[Mr. HOLT asked and obtained leave to have printed in the RECORD an editorial from the Mount Sterling (Ky.) Gazette entitled "More Like Holt Needed," which appears in the Appendix.]

IRELAND'S STAND IN THE PRESENT WAR

[Mr. MURRAY asked and obtained leave to have printed in the RECORD an interview in Eire with Mr. Frank Aiken, Minister of Defense for Eire, by Dennis Johnson, with respect to the stand taken by the Irish people in the present war, which appears in the Appendix.]

AGREEMENT BETWEEN TENNESSEE VALLEY AUTHORITY AND THE TENNESSEE VALLEY TRADES AND LABOR COUNCIL

[Mr. SCHWARTZ asked and obtained leave to have printed in the RECORD a memorandum of the agreement effective August 6, 1940, between the Tennessee Valley Authority and the Tennessee Valley Trades and Labor Council, which appears in the Appendix.]

ARTICLE BY FREDERICK J. HASKIN ON CIVILIAN CONSERVATION CORPS

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD an article on the Civilian Conservation Corps by Frederick J. Haskin, and also a résumé by the New York Times, which appear in the Appendix.]

THE PERSHING BROADCAST—EDITORIAL FROM THE ST. LOUIS POST-DISPATCH

[Mr. WHEELER asked and obtained leave to have printed in the RECORD an editorial published in the St. Louis Post-Dispatch of Saturday, August 10, 1940, entitled "Who Inspired the Pershing Broadcast?" which appears in the Appendix.]

TRANSFER OF DESTROYERS

[Mr. PEPPER asked and obtained leave to have printed in the RECORD a letter addressed to the New York Times by Charles C. Burlingham, Thomas D. Thacher, George Rublee, and Dean Acheson on August 10, 1940, relative to legal aspects of the transfer of destroyers, which appears in the Appendix.

EDITORIAL FROM THE ATLANTIC CITY DAILY WORLD ON CONSCRIPTION

[Mr. SMATHERS asked and obtained leave to have printed in the RECORD an editorial from the Atlantic City Daily World on the subject of conscription, which appears in the Appendix.]

SELECTIVE COMPULSORY MILITARY SERVICE

The Senate resumed the consideration of the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

Mr. NORRIS. Mr. President, I rise for the purpose of presenting briefly what I believe to be objections to the proposed legislation now pending, objections which make such legislation untenable unless we are radically to change the future history of our country.

I feel very deeply about this proposed legislation. There is one aspect of it, one objection to it, which so far as I know, has received but scant notice. To me that objection is the most serious of any, because I think it has direct bearing upon a fundamental principle which must prevail if our democracy is to be permanent. There are other objections to this bill, serious I think, but which to me do not present the same logical cause for opposition to the measure as is presented when we think of the effect this proposed legislation will have upon the future of our country.

Compulsory military training in time of peace, Mr. President, as I see it, cannot long prevail in a democratic form of government without leading that government into the realm of dictatorship.

I desire first, Mr. President, to pay my respects to those who favor this bill. I do not question their fidelity, their patriotism, their ability, or their logic. We are living in times when all of us, whether or not we favor a large standing Army, whether or not we favor a large Navy, or a large air force, cannot be unmindful of world conditions. I confess that within the past 2 or 3 years, looking at the question, as I believe, fairly and honestly and conscientiously, I have been compelled to modify views on this question which I have held during all of my mature life.

I take it that no one in the Senate wants to engulf this country in the world catastrophe now going on in Europe. When I hear Senators, as I have heard them in the Senate, say they are in favor of compulsory military training in order to keep us out of war, having respect for their opinions, their judgment, and their honesty, I am compelled to admit, when I disagree with men of such ability, there may be some doubt as to my position, and yet to me it is as clear as the noonday sun.

I think the great objection to this legislation is the effect it will have on the history of our country in the years to come. It will bring about a radical change in the historic course we have taken since the birth of our Nation. As I see it, Mr. President, that change, if it takes place, will inevitably lead us into a realm where we will have what we are complaining about in other nations—a dictatorship. I can see no escape from it. If we are to have compulsory military training in time of peace, we shall put ourselves on a level with the dictator nations of the world. To me, it seems perfectly clear, and it is with a feeling of hesitancy and of great regret that I take the floor now to give expression to my views on the question as they pertain to the effect of this bill upon our history as a government.

In my opposition to this legislation, Mr. President, I am not thinking so much of today as I am of tomorrow. I am thinking of the children who are still unborn and of the future mothers and fathers who are now the little children of our Nation if we establish compulsory military training in time of peace. I am thinking of the little child when he first opens his eyes and gets a view of his surroundings. I am thinking of the environment in which he will have to live. I am thinking of how it will affect all our descendants to be

born in an atmosphere where the prevailing and most important thing connected with their lives is service in a conscripted army, devoting all or most of their lives to learning how to murder and to slay, even though it be called war.

I wish I could impress upon my fellow Members and upon the people of the country what I think is the important thing we ought to consider. When a little child is born in a country controlled by an army, the chief end in view for every boy will be that some day he must attain a place in a military establishment where he can learn how to fight and how to murder. He will know no other atmosphere. He will live in no other atmosphere. He has come into a world dominated by militarism. He has come into a world where the ruler eventually will care more for training his people in the arts of warfare than for training them in the arts of peace.

It never has been that way in this country. We have lived in an environment of peace all our lives, except for an occasional war. We were not always warlike. We were not always learning how to kill our fellow men, against whom we had no grudge, against whom we had no enmity, and for whom we had a fellowship of kindness and of love. Yet, surrounded by a military force that engulfs everything else with it, the children of the future will come into a world where all those attributes will be absent, and they will not see them; they will not observe them. They will grow up in a country where the eventual ambition of every boy will be to see how far he can ascend on the military ladder. The finer sensibilities of human nature will be absent. The finer sensibilities of peace and love for one's fellow man will have disappeared. They will not be there. The child will not see them as he grows up. The predominating thing in the life of the Nation and the individual will be to know how to fight and how to kill.

Will that affect human nature? I think it will. I think it will change it. It will revolutionize it. Mothers and fathers will grow up in this atmosphere, knowing nothing about the finer attributes of living in peace and harmony with their neighbors. They will think only of the exploits of generals, of battles in which millions of men are killed. They will think that is the great end of life. They will look with pride upon their little children, but will not undertake to guide their footsteps in any other direction. They will know of no other direction themselves. Everything will be military. They will learn to fight, and to die, if necessary, at the command of the ruler. That is the kind of a world into which compulsory military training brings us. The finer things of life are blotted out; they disappear. To my mind that is the greatest objection to the proposed legislation.

Mr. President, I traveled in Germany at one time, the only time I have ever been in Europe. It was in a time of peace, many years ago. I had just entered upon my service in the House of Representatives. There was not a war cloud in the sky. The world was at peace. With a small committee of the other House of Congress I went to Berlin. I went there a day or two before the great national military maneuvers took place, and, with three or four of my colleagues, I was invited to see the maneuvers. The Kaiser, learning that Members of the American Congress were there and desired to see the maneuvers, sent an official carriage for our accommodation. We drove into the country where one of the greatest armies I had ever seen was on parade. There was military marching, there was the artillery, there was the cavalry. It was a great day in Germany. Every German, from the little child just out of the cradle to the gray-haired man tottering to his approaching grave, was wildly enthusiastic about that day.

We saw the maneuvers. There was on our carriage some kind of a mark. I myself did not see it, but there was some mark on the side of it, some designation, which indicated that it was a royal carriage, and when the little boy and girl in the street, the young man and the young woman, saw that carriage, although they did not know who was in it, they took off their hats, and saluted the carriage. It had a mark of royalty on it. It was a great thing for them to salute it. It gave them a thrill. It made them proud of their country. There was an emblem of royalty, there was an emblem of dictatorship, perhaps not larger than one's hand, on the side of the carriage, which said to them, "Here is something which in some way is related to divinity itself."

The Army was greater than anything else in the country. Men and women of all classes were one in their attitude toward it, because they had grown up in that atmosphere. They never knew what it was to live in any other. Hence they were not to be blamed. Their attitude was perfectly natural. It was human nature. That was the greatest day of the year for all the citizens of that great empire.

The different provinces had their yearly military celebration. I traveled in different sections of the empire. I would be awakened in the night by the sound of the tramp, tramp, tramp upon the streets, and when I rose from my bed in the early morning I saw men in uniform plodding along. I saw the cannon; I saw the cavalry at that early hour marching to some place where military maneuvers demanded their presence. The whole country was alive with the military spirit.

Mr. President, what effect did that have upon the people? That had been going on in that country for many years. No one lived there then who knew any other life. It was always the same. Their natures were changed, were perverted.

When an officer of the Army happened to stroll along the sidewalk, with his sword dangling by his side, little children and grown-up men and women would get off the sidewalk in order that he might pass. They had no feeling of resentment. They were proud to give way to the soldier. They were glad of the opportunity to get a glimpse of him as he passed.

I rode on a train through the country. It was in September. The fall crops were being gathered. I saw mostly women in the fields. I remember a hay field we passed one day. About a dozen women were on that little farm, some with rakes, some taking the hay up and putting it in piles by hand, some with pitchforks. There was one man, and he was driving the only team in sight. He sat in the seat and drove the mowing machine. There was only one man, but there were a dozen or two dozen women. I said to the man at my side, a German with whom I had been talking for some time, "Where are the men?" The answer came, "In the Army." Yes, they were in the Army.

Those women were proud of what they were doing. They had never known any other condition, and they were willing to toil in the sun and do labor which we would do almost anything to prevent our women doing. They were willing to toil and sweat their lives away in order that their sons and their husbands might be supported in the Army and learn to be soldiers.

There was no dissatisfaction. If we, too, had always that kind of an atmosphere surrounding us, there would be none here. If we were born and reared in such an atmosphere, we might never know of the happier things of life—of the dearer things. We might not know anything about the love and affection which the lowly Nazarene said we should bear to our brethren. That would all have been forgotten and cast aside. We would be military men. One-half of the people would toil in misery and drudgery that the other half might be clothed in uniforms and learn how to handle muskets and other weapons.

Do we want that in our country? Is not that the difference between a dictatorship and a democracy? Do we want to convert our country into that kind of a place? It seems to me, although the thought may be bitter, that rather than put my country into that kind of condition I would rather see the end come and cross the river into eternity. If that is all this life means, then life, indeed, as I see it, is a failure—and that is what it means, Senators. We may not believe it, but I think that in your hearts, when you consider it, you must realize that what I say is true.

What are the dictator nations? Who are they, prowling around, tramping upon innocent people? Someone said, "Think of Holland, think of Denmark, think of Czechoslovakia." The fate that has befallen them is the reason why, it is indicated, we should pass the pending measure. There may be something in that argument when applied to Europe, but there is absolutely nothing in it when applied here. If

we were a small country, with a nation controlled by a dictator next to us, I can understand that we might feel our salvation depended upon arming ourselves to the teeth and training all our people so they would know how to fight if war came. The argument for arming may apply to Europe, but the logic that applies to Europe does not apply altogether to America. If we were a nation in Europe, surrounded by dictator powers, I should feel differently. I think it can easily be shown that a condition such as exists in Europe does not exist on this side of the ocean, and, not only that, but that there is no danger of such a situation existing here, provided we do what we have already undertaken to do—increase our Navy, increase our air force, and increase our standing Army, as we have already provided for. We have passed legislation providing for practically doubling the standing Army. We have given the President authority to call out the National Guard. I would not have been willing to do that 10 years ago, but, Mr. President, I voted for that legislation now because I am not unmindful of world conditions, and I thought it was necessary for us to take the course we have taken.

But, Mr. President, is there no limit to all this? Is there no place on God's earth for men who want to be peaceful, who want to love their fellow men, who want to live in peace and harmony? Has the world gone so far astray that there is no nook or corner in it for any except those who want to fight and kill? If that be true, then the world is not worth saving. If that be true, and we are to live only to see how big an Army and how strong a Navy we can get for the purpose of killing innocent people, or even for the purpose of defending our shores from a war-mad world ruled by dictators, then life has lost all the attributes and all the adjuncts that make it happy and that make us love our homes, our fellow men, and our children.

Mr. President, when I was in Germany and looked over its fields and saw women working in them, I asked, "Where are the men?" If compulsory military training is adopted in the United States, and conscription becomes our national policy, 50 years from now travelers in our country will see women in the fields, will see women digging potatoes, putting up the hay, picking corn, threshing wheat, because the men will be in the Army. I had rather not have a country, if that is the kind of country we must have. As I see the situation, however, there is no reason for our having such a country.

Hitler, perhaps the greatest dictator in the world, is, I believe, hated by more peace-loving people throughout the civilized world than any other man. Stalin rules great Russia. Mussolini rules Italy. Then there is also Japan. Those four nations are dictator nations. Every one of those dictators is dreaming of the time when his particular nation shall rule the world. This is a natural result of dictatorship.

Hitler dreams of that time, and so do many of his people. Stalin dreams of that time and so do many of his people. The same thing is true of Mussolini and the Italian people; it holds true with respect to Japan. Each dictator believes the country over which he rules occupies a superior place in history, is a superior product of the handiwork of God Almighty, and that his people are destined eventually to rule the world. That is what the Kaiser thought in his day. That is what Hitler thinks. That is what his people believe, and what the Kaiser's people believed, and it is perfectly natural that they should do so, because it is human nature.

When the finer sensibilities of life are blotted out, and nothing is left but a desire for guns and arms and the destruction of others, one of the things that buoys up a people and builds up their hopes is the feeling that they are destined to rule the world. Hitler dreams of the time when he can do so. So it is with the three other dictators; they dream of the time when their respective countries shall be all-powerful.

How can any one of them attain his ambition, and reach the position which he thinks his people should occupy unless he eliminates the other three? That, I believe will be the salvation of civilization. The one bright hope, it seems to me, is that these dictators, suspicious now of each other, enemies at heart right now, jealous of each other, will fight among themselves. They will have to. In his journey toward the goal to control the world, each dictator will have to cross the path of another dictator seeking likewise to control the world, and when the course of elimination commences and they fight each other there will dawn a brighter day for democracy.

So far the dictators have taken one nation after another, adding them to their domains. That they may eventually come to us, I concede. I concede they would like to conquer the United States. It goes without saying that every one of them would like to do that. But what must they do, Mr. President, before they can conquer us? They must first of all overcome our air force and our Navy. With the large expanse of sea which must be crossed, who thinks for a moment that they could land a single soldier upon American soil, unless they had first destroyed our Navy and our air force? Where are the transports now in all Europe that will bring their men across the ocean? If they know anything, they know enough not to start at the present time. To do so, it seems to me, would be perfectly foolish. I may be wrong in my judgment about that. Perhaps I ought to apologize to Senators who do not agree with my position and who favor the bill when I make the statement that it is perfectly foolish to think that an enemy could land on our shores. I will modify the statement by saying that it seems to me it is foolish to think that such an attempt will be made.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. WHEELER. My attention was called the other day to a speech made by the now Secretary of War, Mr. Stimson. He made it before our entrance into the last war. I have a copy of it in my office which I intend to call to the Senate's attention later on. In that speech, Mr. Stimson predicted, before we got into the last war, that at that particular time, if England and France should lose the war, the Germans could land—I think the figures were—three-hundred-and-ninety-odd-thousand men on the Atlantic seaboard and also 80,000 animals. He predicted that with a force of 390,000 men and 80,000 animals the United States of America could then be captured. He went on to point out that they would first come up the Potomac and take Washington; next they would take Philadelphia and New York City, and then the whole country would collapse. That is the same kind of story we are hearing at the present time. He said that with such a force of 390,000 men and 80,000 animals the Kaiser could take the United States of America.

Mr. NORRIS. Mr. President, I do not think I will have to apologize now when I say I think that idea is foolish; I think it is silly; it is preposterous. What is Hitler doing now with 22 miles of water to cross? He cannot get over to England. Where are the transports to carry his troops. I predict that before he takes England many hundreds of thousands of his soldiers will be at the bottom of the sea, even though he should finally succeed in invading England.

Mr. WHEELER. Mr. President, may I interrupt the Senator again?

Mr. NORRIS. Yes.

Mr. WHEELER. Yesterday I read in the Washington Star a statement which purports to quote a British officer:

> If an attempted "blitzkrieg" is not launched before then, observers predict it will never come, for when favorable weather returns in the spring the British are determined to seize the advantage.
>
> "We are not afraid Hitler will try to invade us," one officer commented. "We are afraid he won't."

England is 22 miles away; and yet it has been intimated on the floor of the Senate that Mr. Hitler may come over at any moment and attack the United States. The British are 22 miles away and the British officer is saying, "We are not afraid Hitler will try to invade us. We are afraid he won't."

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. BARKLEY. I do not know who the officer referred to may have been, but if he represents the British Government,

and the British are afraid that Hitler will not invade England, why are they going to such desperate lengths to keep him from invading England?

Mr. NORRIS. I think it is only fair to say—although I do not remember the exact language quoted by the Senator from Montana—that the British want him to try to invade England.

Mr. BARKLEY. That is not what the officer said. He said that the British are afraid he will not try to invade England.

Mr. NORRIS. That is an entirely different thing.

Mr. WHEELER. I beg the Senator's pardon. He did not understand the language. The officer is reported to have said, "We are not afraid Hitler will try to invade us. We are afraid he won't."

In other words, they are afraid Hitler will not try it.

Mr. BARKLEY. I misunderstood the language; but the point is still the same. Of course, there is a difference. I do not wish to interrupt the Senator to go into the possibilities of an invasion of this country; but there is one thing which I think probably makes a difference in the basis of argument and possibility. I presume that as much of the British Navy as is regarded as necessary, or as much as can be concentrated, is concentrated in the English Channel, which is 22 miles wide at the narrowest point.

So the response to any German effort to invade England is concentrated in a small area. If the conditions should resolve themselves in such a way as to afford two oceans, almost from the North Pole to the South Pole, over which any enemy might attack another country, it strikes me that it would present a different situation from that in which the defense is concentrated within a few miles, with the entire force of defense at one place, and not scattered over thousands of miles of territory or water.

Mr. NORRIS. That might be; but if an attempt such as the Senator from Montana and the Senator from Kentucky have been discussing should be made, if by reason of a large expanse of coast we would not know just where the enemy was going to land, I ask the Senator from Kentucky whether or not he thinks Hitler now has transports to carry 100,000 men or 200,000 men to any point on the Atlantic coast, and another transport system to transfer a similar number of men to the Pacific coast, or if the Senator thinks Hitler could come from Germany to either the Pacific coast or the Atlantic coast without our Navy knowing anything about it.

Mr. BARKLEY. No; I should not say that. I do not know the strength of the German transport system. I presume it is nothing compared to that of the British.

Mr. NORRIS. It is practically nothing, of course.

Mr. BARKLEY. All this is in the realm of speculation.

Mr. NORRIS. I think so.

Mr. BARKLEY. I do not think anybody knows in advance what may happen; but if we can conceive of such a situation as that England is defeated and her transport system is taken by the successful aggressor, laying aside her navy—because we see statements in the newspapers that before the British would turn over their navy to the enemy they would sink it or send it to Canada, Australia, or somewhere else—leaving the navy out of it altogether, the German people are highly skilled in the mechanical arts. They are inventive, and they have the mechanical genius which enables them to do things of a mechanical nature probably as successfully and as rapidly as any other nation in the world. Regardless of the outcome of the European war, assuming that at the moment Germany could not transport 100,000 men to the Western Hemisphere, that does not mean that in a year or two, if the Germans saw fit to undertake it, they could not, with their inventive genius, create a transport system which could transport infinitely more than 100,000 men. However, I realize that it would be the business of our Navy not only to know about it in advance, but to do everything possible to prevent it.

However, the point I was undertaking to make was that with such a wide expanse of territory and water it is easier to land on a shore or make an attack than it would be when the operations of both the aggressor and the defenders are concentrated in a small territory.

Mr. NORRIS. The Senator from Kentucky has expressed one idea which I think has much reason in it. He says that, while Hitler probably would not want to attack us right away, in 2 or 3 years he could build up a transport system. What have we provided for in the way of building up our Navy? We have gone far beyond the imagination of most men. We have laid the foundation. The Senator is correct in saying that Hitler would require 2 or 3 years to prepare to attack us. He cannot bring his Army over in rowboats. He has no transport system to fight the waves of the ocean and bring an army over here. Probably his Army would be destroyed or drowned before it could reach our shores. But if Hitler undertakes to build up a transport system, we are building up a navy. I am not trying to prevent it. I voted for it. I think we ought to do it, because that is the way we ought to meet that kind of a tyrant.

Mr. BARKLEY. Mr. President, will the Senator further yield?

Mr. NORRIS. I yield.

Mr. BARKLEY. I do not speak as an expert, of course, but merely as a result of common observation. I am sure the Senator realizes that it is possible to build up a transport system of boats to carry soldiers much more readily than to build battleships. We have appropriated enormous sums to build battleships.

Mr. NORRIS. We have a few on hand at the present time.

Mr. BARKLEY. We have a few on hand, yes; but we have not on hand as many as we had 15 years ago.

Mr. NORRIS. We are doing the best we can.

Mr. SCHWARTZ rose.

Mr. BARKLEY. For a period of 12 years not a single battleship was laid down for construction in this country. In the past 7 years 10 have been laid down, and we have appropriated for more. According to the statement of the chairman of the Committee on Military Affairs, however—and I think it is an accurate statement supported by the testimony of representatives of the Navy Department—it will be 1946 before those ships are completed and become a part of our Navy.

Mr. NORRIS. By 1946 we shall have a two-ocean Navy.

Mr. BARKLEY. Yes.

Mr. NORRIS. By 1946 we shall have a navy greater than any that has ever existed in the history of the world. It will be 1946 before Mr. Hitler will have his navy and his transport system built up sufficiently to come across the Atlantic to attack us. I think that is a conservative statement.

I now yield to the Senator from Wyoming.

Mr. SCHWARTZ. The suggestion I desired to make was made by the Senator from Kentucky.

Mr. DONAHEY. Mr. President, will the Senator yield?

Mr. NORRIS. I yield to the Senator from Ohio.

Mr. DONAHEY. Does the able Senator know any sound economic reason for Nation-wide conscription at the moment?

Mr. NORRIS. I do not. That question reminds me of what I think I ought to say in answer to the interruption of the Senator from Kentucky [Mr. BARKLEY]. Assume all those things to be true; assume that Hitler can start next week to invade the United States; assume that he can bind all the dictators, and do it within 30 days; what good would the pending bill do to prevent it? Not a bit in the world. If such a thing is going to happen, it would be absolutely useless to pass this bill and expect the working of the bill to prevent it.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. NORRIS. It is not going to be a speedy occurrence. Let us not deceive ourselves. The bill provides for compulsory military training in time of peace. If it stays on the statute books, it means that eventually we are to have in the Army every able-bodied man in the United States He is going to be trained. Every child who grows up will be trained. Not a single one will escape. We shall have an army, God knows how big, in time of peace, and the rest of us will be down in the dirt, struggling to make some money to keep that army in existence.

I now yield to the Senator from Kentucky.

Mr. BARKLEY. The distinguished Senator from Ohio [Mr. DONAHEY] asked if the Senator from Nebraska knew of any economic reason why this bill should pass. Of course, the Senator from Nebraska answered that he did not. It has not been my understanding that the bill is based upon economics.

Mr. NORRIS. Very well. Let us eliminate that factor from the question.

Mr. BARKLEY. It is not based upon economic need. It is more military than economic. Otherwise, it would not be projected.

I do not want to take the Senator's time, but he is always interesting and always fair. I like to interrupt him, because I get information, and get an honest expression of views; but I shall not do it ad libitum.

Assuming, however, the premise laid down by the Senator, that, if Hitler is coming over here to invade us, this bill cannot prevent it—granting that, for the sake of the argument—does not the Senator think that if he should do that, even though this bill would not prevent him from doing it, we ought to be as well prepared to meet him when he gets here as we possibly can be?

Mr. NORRIS. Yes; I agree to that; and I think we are.

Mr. BARKLEY. As to that there is a difference of opinion.

Mr. NORRIS. I admit that there is a difference of opinion; but, in my judgment, assuming, as I do not for a moment do, that the direst things that are prophesied by any of the advocates of this bill will happen, assuming that their prophecies will all come true, and that Hitler, Stalin, Mussolini, and Japan are coming over here next week, this bill will not help us at all. If they delay, as the Senator from Kentucky has said, they will have to do, if they have good sense, as, of course, they have, it will take them 2 or 3 years to get ready. In the meantime we have a standing Army of 375,000 men; we have a Navy, probably, as good as any navy in the world today; we have a flying force which is being enlarged. Even if we should embark on war tomorrow, we could enter upon a program of further enlarging our flying force, and increase it rapidly.

What must an enemy army do? First, it must destroy us in the air; second, it must destroy our Navy; third, it must destroy our standing Army and the National Guard, numbering, all told, about 700,000 men. I concede that it is reasonable to assume that these dictators must take some time, but how long will it be after they commence before we can train an army that will be as good as any army in the world? If we train an army today, and get it in fine shape, in 6 months from now it will have retrograded, not because we want it to do so but because that is the way of Nature. It will not be so good after a lapse of time. An army can be trained in a year's time and be made very efficient.

I should like to have such an army, if needed, called out by the selective draft. I am not opposing that method. We adopted it in the World War, and I think it worked well. I think it is fair; I think it is the fairest way to get an army. It divides the burdens up equally among all classes of people who ought to be in the Army. I am not opposing the selective-draft method of raising an army; I am opposing the idea as a permanent proposition to engraft conscription onto our civilization, thus turning the clock back a thousand years. There never will be any possibility afterward when it is finally engrafted on our system of our ever getting out of it except in the way Hitler is going to get out of it.

After such an army has been built up, and many of the young men of the country are in it, and are armed to the teeth, what will happen to the Army? What will happen to us?

What happened in Germany? What is the history of such armies? It is the same everywhere. We will put a chip on our shoulders. Do not get away from the idea that if we have a permanent draft army always standing in arms they will find a way to fight. They will do as armies of dictators have done throughout the history of the world; they will do as Stalin did in the little republics in the Baltic Sea; they will do as Hitler did in Denmark and other countries; they will do as Mussolini did in Ethiopia and Albania. If we have such an army and keep it permanently in time of peace, armed to the teeth those who compose it will know nothing else, especially if the predominant idea is a big army always able to fight. We cannot escape what nature imposes upon all people.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. NORRIS. I will yield in a moment. There will be inculcated in the minds of those soldiers and of the people at home the idea that they should not take anything from anybody, and the next thing will be to take anything they want from anybody who is not able to defend himself.

Mr. President, it seems to me that if we grant everything advocated by those who favor this bill, their argument falls to the ground. The enactment of the bill would not do any good so far as the present emergency is concerned.

I now yield to the Senator from Missouri.

Mr. CLARK of Missouri. Mr. President, is it not a fact that this scheme for universal compulsory military service in time of peace has nothing whatever to do with the so-called present emergency?

Mr. NORRIS. Nothing whatever.

Mr. CLARK of Missouri. But it is an old scheme for the purpose of engrafting a system of universal compulsory military service in time of peace in the United States.

I saw almost identically, though not precisely, the same scheme as that of the so-called Burke-Wadsworth bill, which has been written by Mr. Grenville Clark, as I understand, before I came home from France during the World War. That plan had been prepared at that time by Gen. H. B. Fiske, Assistant Chiel of Staff (G. 5) at the general headquarters. I happened to see this plan in my capacity as a General Staff officer. I was not permitted to have a copy of it; but I was required to initial the draft of the plan as soon as I had read it, and then I sent it back. At that time the Secretary of War did not know anything about any such scheme and did not until I told him about it, and when he found out about it he communicated with General Fiske at sea by wireless while he was on his way home and assigned him to his place in the Regular Army as a major for getting up such a scheme without the consent of the Secretary of War.

The very men who are now sponsoring this scheme—Grenville Clark, Secretary Stimson, Secretary Knox, Col. Julius Ochs Adler, and the whole caboodle of them—have been advocating universal compulsory military service in time of peace since before the World War.

I read a speech not long ago that Secretary Stimson made before we got into the last war advocating universal compulsory military service. The first time I ever saw Frank Knox was at the convention of the American Legion at Minneapolis in 1919, when we sat up all night in the committee on military policy, with Knox struggling against an overwhelming majority of the committee and the Legion to try to commit the Legion then to universal compulsory service in time of peace. This effort was overwhelmingly defeated, and the Legion has never advocated compulsory service in time of peace. Adler and his whole crowd have been always striving to impose such a system, not for an emergency but as a part of the permanent structure of the life of the American people.

Of course, the General Staff of the Army has always been for universal compulsory service, and we cannot blame them for that. The scheme will make colonels out of captains, brigadier generals out of majors, and major generals and lieutenant generals out of colonels. So naturally they are for this scheme. When I say that I mean no reflection on their patriotism; but the point I am trying to make is that this entire proposal at this time has nothing to do with any emergency. It is an effort to take advantage of the hysteria which is now sweeping over the country to engraft this as part of the permanent life of the American people, to let every boy, in his cradle, as the Senator from Nebraska said a few moments ago, be certain that his destiny is to grow up to be a soldier, to be regimented and subjected to the

militarism which is repugnant to every American instinct and institution.

Mr. NORRIS. Mr. President, the Senator reminds me of something I want to say and which I think probably I would have forgotten, had it not been for the interruption. It is that the Army and the Navy naturally want to get a big army and a big navy. We follow them; they are experts; they advise us; but we always have to consider the influences which have been brought to bear upon them and which surround officers of the Army and of the Navy. I do not blame them; I would do the same thing if I had gone into the Army as a young man and lived the life of the Army. I would then think that the Army was the only thing worth having in this life. That, again, is human nature. They are surrounded by influences, morning, noon, and night, which lead them in that direction, and rarely do we find, Mr. President, a high official of the Army who does not want a big army or who does not want compulsory military training in time of peace. These men are honest about it; they are conscientious; but their viewpoint is erroneous. It is not supported by the rank and file of our citizenship. It comes from professional soldiers who went to West Point when they were young and were taught that doctrine all their lives; it is a part of their lives. That circumstance always ought to be taken into consideration when we are considering their testimony. If we create this army and a portion of it is raised, there will be that much additional force trying to convince the people of the country that they ought to go all the way along this road.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. NORRIS. I yield to my colleague.

Mr. BURKE. I was interested in the suggestion of the Senator from Missouri that we could go back before the World War and trace the inception of this proposal that men who may be called upon to fight should be trained for it in time of peace. The Senator from Missouri could go back a great deal further than that—back, indeed, to 1783, and find the recommendations for a peace establishment in this country submitted to Congress by George Washington in which he outlined at great length and in much detail all the essential things which are contained in the pending bill.

Mr. CLARK of Missouri. Mr. President, if the Senator will permit me, I think the junior Senator from Nebraska [Mr. BURKE] will not dispute that the record of the almost universal decision and desire of the American people has always and ever been against the principle of compulsory military service in time of peace. The very conception is absolutely repugnant to the system upon which our Government was founded and under which we have lived since the foundation of the Republic.

Mr. NORRIS. Mr. President, during all our national life we have lived under a system which has abhorred compulsory military training in time of peace. That is a part of our nature. We have grown up under a system of that kind. It seems to me it is natural that we should prefer it to a military system which will dominate and control every avenue of our Government and every avenue of the lives of our peace-loving people. Nothing unnatural has happened. Human nature is asserting itself all the time; and here we are undertaking to change the very fundamental principle of our human liberty, upon which our Government was founded and has lived for 150 years, and make it one similar to Hitler's, Stalin's, Mussolini's, and Japan's.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. NORRIS. Yes.

Mr. WHEELER. The junior Senator from Nebraska speaks of George Washington advocating compulsory military training. He was probably one of the most popular and beloved Presidents of the United States. If he advocated it and did not "put it across," it was because the people of the United States would not stand for it; and, so far as I know, no other President has ever dared to propose it to the people of the United States.

Mr. NORRIS. Mr. President, it seems to me that in a civilized age we should be able to do some thinking for ourselves. When we can, we should follow the advice of our forefathers and especially of those who are wiser than we. That is proper. We ought to hold their opinions in reverence; but, after all, we have to act.

The responsibility for action is not on George Washington. It is on us. If Senators wish to use George Washington as a witness, that is all right. We ought to consider his evidence, if he has any; but when we come to consider the history of the United States and our people, and we have to decide a question of this kind, we should give it such weight as we think is proper, as a judge always tells a jury, and render our verdict accordingly.

Mr. BURKE. Mr. President——

Mr. NORRIS. I yield to my colleague.

Mr. BURKE. I am glad to have my colleague make that statement, because the argument made on the floor of the Senate and in the press and elsewhere against this proposal is that neither a generation ago nor at any other time in the history of the country have we had universal military training in time of peace, and therefore we must not consider it now. I am glad to know that one of the sturdy opponents of this measure says that we are living in a new day, and that we must meet our own problems in our own way.

I should like to say a further word. I recognize, as we all do, that there has been in this country almost universal opposition to what we call militarism; but I think there is very great danger that we may at this time confuse the real meaning of that term. There has been opposition to a large standing army in time of peace, and I think opposition to a large standing army would be almost as strong if it were maintained by voluntary enlistments as it would if compulsion were involved in it, though possibly not so strong. But as against a large standing army in time of peace, which is what we mean by "militarism," this country has set its face; and I think when we search down into the hearts of the people of the country today, or at any time in the past, we shall not find any very general opposition to adequate training in military matters for a sufficient number of our citizens so that they may constitute a real reserve from which a trained army may be drawn in time of need rather than to rely upon a large standing, professional army in time of peace as well as in time of war.

Mr. NORRIS. This bill means a large standing army. The bill means just that, or it is not any good. From my colleague's own standpoint we are going to train everybody. Then we are going to quit training them and send them all back home in order that we may have a citizenry all of whom are trained and from whom we can get an army at a moment's notice.

That is an impossibility. That will not occur. It cannot occur. What is proposed here means compulsory military training today, and tomorrow, and for all time in the future. It means nothing else. It cannot accomplish anything, according to my colleague's own idea, if it does not mean that. We must have this Army all the time, every day; and if we pass this bill, and its provisions are carried out, the Army will be so large that it will stagger the imagination of all of us when we realize its size. It will be with us every day. We will train a portion of our citizens for a year, and then they will go back into private life. We will train another portion of them for a year, and then they will go back into private life. We will train another portion of them for a year, and they will go back to private life. We shall have to be doing that all the time. There is no such thing as training an army today and having it well trained, and 25 years from now, if we do no more training in the meantime, expect to get adequate military service from the men we trained 25 years earlier. That will be an impossibility. In 6 months they will begin to lose a great deal of their ability as soldiers. The advocates of this bill have started something that means an eternity of militarism, nothing else. It cannot mean anything else.

Mr. BURKE. Mr. President——

Mr. NORRIS. I yield to my colleague.

Mr. BURKE. The most serious misconception in the minds of those who oppose this measure for selective train-

ing in time of peace has just been eloquently expressed by my colleague; that is, that there is anything in the bill which provides for or contemplates a large standing army.

This bill is the very antithesis of that. Under the program as already outlined, Congress willing and making the necessary appropriations, there would be selected on the first of October 400,000 men to go into training. Congress again being willing and providing the necessary money, on the first of next April another 400,000 men would be selected. The men would be trained for 1 year, and then would go back into civil life, being subject only to call for not more than 30 days' service each year to keep them in fit physical condition, and familiar with the latest military tactics. The men would not be made professional soldiers by the fact that for 1 year they were taken out of civil life and given adequate and thorough training in military matters.

Mr. NORRIS. My colleague must realize that I do not want him to take up my time by making a speech. If he has a question he wants to ask me, I shall be glad to answer it if I can.

Mr. BURKE. I was attempting to answer what has been said, but I yield the floor back to my colleague.

Mr. NORRIS. My colleague says this will not be a standing army. Then what will it be? My God! If taking 400,000 men in October and 400,000 men in April and training them for a year in military camps does not mean a standing army, I should like to know what it does mean. If we want to call it by another name, we may do so, but the condemnation of a standing army applies, regardless of what it is called, just as much as though it were called a standing army. We are going to train all the able-bodied men of the United States. We shall be doing it 50 years from now, we shall be doing it 100 years from now, if we carry out the principles of this bill. That is what Germany did, and we see the result. That is what forced conscription does everywhere in any country. It cannot be escaped. It is human nature. We cannot get away from it. Ask the mothers of this country now what they think about it.

I have not said anything about what I believe the people think in regard to this proposal, because I am opposed to it, and I would vote against it if every citizen in my State, from the cradle to old age, came forward and confronted me now and told me I had to vote for it. I would not carry out that kind of a command. I have some responsibility of my own. I would resign, I would quit the service, if they wanted someone to vote differently. I would let them get someone else.

Since what the people say about the matter has been referred to, I wish the proponents of the bill would consult the mothers of the country and ask them what they think of compulsory military service, the women, the patriotic women, who have given birth to boys and raised them to manhood and who love them as they love their own lives. Ask them what they think of compulsory military service in time of peace, if you will. I know what the answer would be. In my opinion, it would be almost unanimous that we should not have it.

Mr. President, let us not for a moment think that in voting on the bill before us we are passing on something which applies only to the present. As I have stated, if we considered everything the advocates of this measure have said in regard to an invasion by foreign countries we would inevitably conclude that the bill would not do one iota of good. It is in fact an effort to engraft upon this country a system of compulsory military training in time of peace which would mean a standing army, which would mean that the remainder of the people, as has been the case in other countries where this policy has been adopted, would have to toil, and work, and drudge, and save to pay the taxes to meet the necessary expenses which our country would have to incur in order to carry out this program.

Mr. LUNDEEN. Mr. President, will the able Senator yield?

Mr. NORRIS. I yield.

Mr. LUNDEEN. Propaganda has gone out that the people are for the bill. I have just read the Gallup poll——

Mr. NORRIS. I read it, too.

Mr. LUNDEEN. The Gallup poll states that Minnesota is 57 percent for the conscription bill and 43 percent against it. That is one of the most fraudulent polls I have ever heard of. I have never had much confidence in the poll anyway, but some folks do. Our correspondence from Minnesota shows 50 to 1, some of it 100 to 1, against this proposal. Anyone can come to my office and examine the telegrams and letters and other communications coming in great numbers. I know that the situation in Minnesota is far different from that pictured by this gentleman who gallops through all the front pages of the press.

Mr. NORRIS. Mr. President, so far as I am concerned, I shall not vote by the Gallup poll. I have no objection to the Gallup poll; I have no objection to anyone giving it all the consideration he desires, and I am not criticizing it. I do not believe the last poll is accurate. That is merely my opinion. The Gallup poll may be right and I may be wrong; but if the Gallup poll is right, or if any other similar poll is right, and the people of this country are unanimous for the bill, the people of my State will have to get someone else to carry out their mandate.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. WHEELER. It was heralded from one end of the country to the other a short time ago that the Gallup poll showed 75 percent, I believe, in favor of compulsory military training. But what was the question asked in the first Gallup poll? The question was, "Do you favor military training for the youth of the country between the ages of 18 and 21?" Of course, I might say that I was in favor of military training, but that is quite different from asking, "Do you think that the Government, in time of peace, has a right to conscript the people of this country?" As a matter of fact, if we can do that under the Constitution, then we have a perfect right to conscript wealth and property. How many of the people who are now shouting in favor of conscripting the youth would be howling if someone introduced a bill and proposed "Let the Government take over private property; not merely impose taxes, but take over the property itself"? Either Dr. Gallup himself or those who sent out the questions for the Gallup poll weighted the question which was asked.

Mr. NORRIS. As I have said, so far as the fundamental principle involved in the proposed legislation is concerned, I do not pay any attention to the Gallup poll. I am convinced that if we shall pass the bill we will put this country on a road which means ultimate destruction of democracy, and I am as honest in that belief as any I have ever entertained. I think it is demonstrated by the history of other governments; it follows from what we know of human nature, and in my opinion it would be one of the worst steps we could possibly take. It is contrary to the principles of human freedom and human liberty. It is a complete denial of all the principles underlying any democracy. It cannot stand against reason or logic. It is wrong in principle, it is injurious, and in time will be ruinous to democracy.

Mr. President, I ask unanimous consent that there be inserted in the RECORD at the conclusion of my remarks a copy of a letter I have written to a constituent on the subject.

The PRESIDING OFFICER (Mr. STEWART in the chair). Is there objection?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 23, 1940.

Rev. G. A. MOON,
Minister, Havelock Methodist Church, Lincoln, Nebr.

MY DEAR REVEREND MOON: I am in receipt of your letter in regard to the compulsory military-training bill now pending before a committee of the Senate. I am opposed to this bill and expect to vote against it.

I realize we are confronted at present with world conditions that make a logical argument in favor of the bill, so I realize the question has two sides. I am not questioning in any way the conscientiousness or good faith of those who favor the bill, but I do not believe we are confronted with conditions of such imminent danger as to justify changing the established policy of our Government on this question. During all the years of our history it has been unnecessary to do anything of this kind, and to start in now, at the enormous expense that would be entailed and when, as I see it, there is no proper justification for it, would be both unwise and illogical.

We are not surrounded, as were Switzerland, Holland, Belgium, and Denmark, nations which could be confronted almost on a moment's notice with an army of invasion. Before any nation of

Europe could prepare to invade the United States, we would have ample time to prepare and to train a large army, without its being necessary to prepare years in advance. I am speaking now of an army of military men fighting on the ground. It does not apply to the air forces or to the Navy, for instance, which would engage the enemy long before there would be any attempt to land troops on our shores. Before an invasion could be attempted, our Navy and our air force would have to be practically destroyed.

The only possibility of the success of an invading army at the present time, or even in the near future, would be if Hitler succeeded in conquering England and securing the British Navy. By uniting this with his own and with such of the French Navy as Germany might control, added to that of Italy and possibly that of Japan, an attempt might be made to land an invading army. Even that could not possibly succeed, and no sane man, in fact, would attempt it, until after both the air and naval forces of the United States had been destroyed. To begin with, we would have a standing Army of several hundred thousand troops. Our standing Army of 280,000 has recently been increased to 375,000, and that would be a nucleus for the commencement of the training of a greater Army for defense.

To compel our young men to serve in the Army in time of peace is, to me, abhorrent. I do not see the necessity or the reason for it. It is contrary to our history, and, in my opinion, the burden of it would be not only unnecessary, but its enormous annual expense would be so great our people would not sustain such a move. If we were a weak nation, surrounded as the smaller nations of Europe have been, by strong nations with great standing armies and military equipment, the case would be different. Moreover, the continuation of a policy of compulsory military training would gradually change our Nation and the attitude of our people. To a very great extent, they would be drawn gradually but inevitably from their peace-loving ways into those of a nation whose chief object would be to destroy other nations.

The military attitude, for instance, of the people of Germany, where they have had compulsory military training for many, many years, is an illustration of this fact. In that country, men and women are born into an environment of pride in a large, well-equipped, standing army, comprising practically all of the citizenry of the country. Born into such a heritage, the first thing the child sees is uniformed men. The ordinary civilian looks upon the military system as a natural condition, because he knows no other. The soldier in uniform becomes the ideal of the little child in the street. Gradually, as he grows older, he learns to get off the sidewalk when the soldier in uniform goes by.

The highest ambition of all the people would be to train a great army to kill and murder. We, however, have grown up in a different environment. We do not look upon a large standing army or the training of a great body of men as a necessity for our happiness, but if our young men are to be compelled to spend a goodly portion of every year in a military training camp, it would have an effect upon their natures, and, if such a program were carried on for 50 years, the rising generation would know no other ideal except that of military force. We do not live in such an atmosphere, and I pray God we never shall.

In addition, I believe an army of millions of men, supported by a large part of the people, in order that they may wear fine uniforms and devote their entire time, energies, ambitions, and abilities to military tactics, would mean in the end that we would get into war. It is but natural in such a case that we would disregard and eventually forget the finer instincts of humanity that make men and women peaceful and peace-loving, that cause them to love their fellow men, even those of other nations. The result would be, we would have a great class of citizens who, instead of being peaceful citizens, pursuing the ways of peace, would be armed to the teeth, ready to quarrel or fight at the drop of the hat, and continually we would be at war somewhere, with somebody. Our international troubles and difficulties would be greatly increased, if the majority of our people were armed soldiers. It is true with a nation as it is with men. We would become a bully upon the international field, not only willing to fight, but hunting for a fight. We would be continually finding fault with everybody and everything. Our Nation, figuratively speaking, would carry a chip on each shoulder all of the time.

It does not take a lifetime to train a soldier to fight. The American soldiers in the World War, it is admitted, after a training in many cases of but a few months, were able to compete in all respects with the men who had been trained for a lifetime. Compulsory military training in this country means that at all times we would have millions of men under arms. If that is not provided for in the initial bill, it will follow soon afterward. So the people who are not of military age would to a very great extent be spending all their energies and efforts to pay for the taking care of millions of other men who did nothing but prepare for war.

I believe such a law, if carried on for several years would change the very nature of most of our citizens. We would become warlike, and when we had become warlike, there would be no doubt but that we would soon be fighting with somebody.

I have been voting for great appropriations for an increased air force, an increased standing army, and a greater navy. I have voted for amounts so great that, years ago, the very thought of them would have frightened me. I have done it, because of the new methods of recent warfare, the inhuman methods, the dominant methods, the methods which control the four greatest dictator countries on earth. It has all been against my wish and my will, but, faced with these facts, I am compelled, I believe, to favor what I believe to be ample preparation for any emergency that may arise in the future. Feeling as I do and believing as I do, I cannot see my way clear to vote for compulsory military training.

With best wishes, I am

Sincerely yours,

_____.

Mr. WHEELER. Mr. President, during the course of his remarks I interrupted the Senator from Nebraska and quoted Secretary Stimson. In order to be perfectly correct, I wish to say that the quotation was from a speech entitled "The Issues of the War," by Henry L. Stimson, issued by the National Security League, 31 Pine Street, New York. While the speech is not dated, I take it from the context that it was delivered before our entry into the World War, because he was talking about what we should do. In that speech he said we should both give money and send men. But I wish to call particular attention to this statement in his speech:

There is on file in the War College at Washington a document which has a direct bearing on this subject. It contains the calculations of our General Staff showing what Germany could do in such a contingency as that. It shows that, with her merchant marine as it was in 1914, within 16 days after obtaining control of the sea, she could land upon our coast a force of 387,000 men and 81,000 animals, together with all the necessary arms and equipment for an invasion. It shows that in 30 days more that could be followed by a still larger expedition. And there has been recently published a letter of the late Admiral of our Navy—George Dewey—showing that there are very few places on our eastern coast—from Maine to Virginia—where such an expedition could not land with perfect ease.

In the path of such an invasion would lie the American Fleet. Ten years ago our fleet was larger and stronger than that of Germany. But we learn now, on the potent authority of Admiral Fiske, that even by 1914 the German Fleet had grown until it was twice as strong as our own and that during the war its construction has been progressing under pressure, while ours has been virtually standing still. We also know that the German Fleet is manned by veterans and that our fleet is today short some 40,000 men. In the face of such figures can anyone say that prompt control of the sea against us by Germany would not be a mathematical probability?

Ah, but someone says, what nonsense. Neither Germany nor any foreign nation would be foolish enough to try to conquer so large a territory as the United States. Maj. Eric Wood, of the Reserve Corps, tells how, during the autumn of 1914, he made just such a statement to an officer of the German staff in Berlin. The German looked at him and quietly replied:

"It is true that your country is very large, but its heart is very small and very vulnerable, and you must remember, my friend, that in nations, as in individuals, the body falls if the heart is struck."

Further the Secretary of War stated:

Turning to an atlas he traced a line upon it which began at the mouth of the Chesapeake, ran thence up that waterway, up the Potomac River to its upper reaches, then across country through Maryland and Pennsylvania to Harrisburg, then along the Susquehanna to near Scranton, then across to Kingston, N. Y., and by way of the Hudson, Lake George, and Lake Champlain to Canada. That makes a line not much longer than the line which the Germans hold in France today. East of it lies a territory only half as large as what Germany holds of Russia today. In that strip of territory lie the National Capital, the capitals of 11 States, our largest and richest cities, and nearly all our munition plants, besides 25,000,000 people. It embraces all the termini of our transcontinental railroads. It contains the political and commercial capitals of the country and a very large percentage of its manufactories. Should this country be invaded today, it would be the work of but a few weeks to seize that line and, once seized, it would be a far easier line to hold than the line which the Germans are now holding in France. The line in France has no natural barriers to make it defensive. The line in America has the great barriers of the Chesapeake, the Potomac, the Susquehanna, the Hudson, Lake Champlain, and Lake George. Once fortified, it could be held against our best efforts by a comparatively small force of German veterans.

The man who made that statement is now telling us what we ought to do with reference to conscription. He is the man whose word we in the Senate of the United States are now supposed to heed.

Mr. President, I submit that any man who in 1917 made a speech in which he said that 390,000 enemy soldiers together with 80,000 animals could in 16 days be transported across the Atlantic Ocean and landed on our shores, is not fit to be Secretary of War, and it seems to me that his judgment is not worthy of being followed by the Senate of the United States.

Now he again has taken a position, and he advocates a conscription bill. In 1917 he did not go so far as he does

now in connection with his advocacy of the conscription bill. He then took in compartively few of the youth of the country. At that time he said:

The Chamberlain bill proposes a training period of 6 months for the youth of this country. In that respect it follows the conclusions of the General Staff embodied in a careful report in 1912, in which it was stated that, assuming competent instructions and a proper staff organization, such a period would be sufficient to create a respectable army.

When the war hysteria seized the country there was talk first of conscripting all the men of the country and training them, but since public spirit has been aroused, it is proposed to cut down the number, and now the talk is of training men from 21 to 30 years of age, not for a 6-month period, as previously advocated by Mr. Stimson, but for 1 year. Then, as the Senator from Nebraska [Mr. NORRIS] pointed out, those men who have had training for a period of a year will go into the Reserves, and may be called back for further training from time to time during the next 15 years. So, as a matter of fact, what is proposed to be done is to set up a permanent military organization.

Mr. LEE. Mr. President, I send to the desk an amendment, which I ask to have stated. The purpose of the amendment is to raise the base pay of soldiers in accordance with the Army recommendations.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The LEGISLATIVE CLERK. At the end of the committee amendment it is proposed to insert the following new section:

SEC. —. (a) The monthly base pay of enlisted men of the Army shall be as follows: Enlisted men of the first grade, $126; enlisted men of the second grade, $84; enlisted men of the third grade, $72; enlisted men of the fourth grade, $60; enlisted men of the fifth grade, $54; enlisted men of the sixth grade, $36; enlisted men of the seventh grade, $30; except that the monthly base pay of enlisted men with less than 4 months' service during their first enlistment period and of enlisted men of the seventh grade whose inefficiency or other unfitness has been determined under regulations prescribed by the Secretary of War, shall be $21. The pay for specialists' ratings, which shall be in addition to monthly base pay, shall be as follows: First class, $30; second class, $25; third class, $20; fourth class, $15; fifth class, $6; sixth class, $3. Enlisted men of the Army shall receive, as a permanent addition to their pay, an increase of 10 percent of their base pay and pay for specialists' ratings upon completion of the first 4 years of service, and an additional increase of 5 percent of such base pay and pay for specialists' ratings for each 4 years of service thereafter, but the total of such increases shall not exceed 25 percent.

(b) The pay for specialists' rating received by an enlisted man of the Army at the time of his retirement shall be included in the computation of his retired pay.

(c) The pay of enlisted men of the sixth grade of the National Guard for each armory drill period, and for each day of participation in exercises under sections 94, 97, and 99 of the National Defense Act, shall be $1.20.

(d) No back pay or allowances shall accrue by reason of this act for any period prior to the date of its enactment.

(e) Nothing in this act shall operate to reduce the pay now being received by any retired enlisted man.

(f) The provisions of this section shall be effective during the period September 1, 1940, to May 15, 1945. During such period all laws and parts of laws insofar as the same are inconsistent herewith or in conflict with the provisions hereof are hereby suspended.

Mr. LEE. Mr. President, the amendment is in accordance with a recommendation which was made by the War Department. A hearing was had on Senate bill 2224, which was introduced by the Senator from Texas [Mr. SHEPPARD]. Capt. Ira Swift, of the War Department General Staff, and others, gave testimony in support of the measure. It was drawn by them and recommended by them.

The bill raises the pay in line with the pay of sailors.

There are three increases in the lower-pay schedules. It raises the one from $21 to $30 a month.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. LEE. Permit me to complete my statement. It raises the next one above that from $42 to $52, and the one above that from $54 to $60.

I now yield to the Senator from Missouri.

Mr. CLARK of Missouri. The increase from $21 to $30 would simply put enlisted men of the Army in the same status as those of the Navy have had for many years?

Mr. LEE. That is correct.

Mr. CLARK of Missouri. I was never able to see any rhyme or reason for enlisted men in the Navy getting more pay than those in the Army to begin with.

Mr. LEE. Nor could I.

Mr. SHEPPARD. Mr. President, I wish to say that I have had a bill pending along this line for 2 or 3 years.

Mr. LEE. The bill to which I refer is the bill introduced by the Senator from Texas.

Mr. SHEPPARD. I am very favorable to the proposal. So far as I am concerned I am in favor of it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma to the committee amendment.

Mr. VANDENBERG. Mr. President, is the Chair putting the question on the amendment just presented by the Senator from Oklahoma?

The PRESIDING OFFICER. Yes.

Mr. VANDENBERG. I think we ought to have a quorum call before that is done or else have a general discussion of the subject now.

CAMPAIGN TEXTBOOKS

Mr. HATCH. Mr. President, I seek recognition.

The PRESIDING OFFICER. Does the Senator wish to be recognized on the amendment offered by the Senator from Oklahoma?

Mr. HATCH. I desire to be recognized. I wish to speak on the amendment just offered. I think I am in hearty accord with its purpose. But certainly before an important amendment of that kind is adopted there should be a quorum call and Senators should be apprised of the nature of the amendment.

Mr. President, I did not rise, however, to speak on that amendment, nor on the bill today. I dislike to take the time of the Senate from matters of legislation under discussion, notwithstanding the fact that that is the common rule and practice of the Senate.

A week ago today I took the floor to criticize and condemn what I thought was, and what I characterized as, an open, flagrant violation, or rather evasion of the bill Congress recently passed, as well as the one it passed last year, relating to political activities. In that instance I criticized and condemned a flagrant evasion of the terms of the bill relating to campaign contributions as laid down and expressed in the opinion of Mr. Fletcher, general counsel for the Republican National Committee. I did not hesitate to say that I thought the scheme was vicious and bad, and was destructive of the principle and intent of the law. I am of the same opinion today.

But, Mr. President, over the week end there has developed another situation. In fairness I feel compelled today to take the same attitude I took 1 week ago today, except that on this occasion my criticism goes to the actions of the committee of my own party, the Democratic National Committee, with reference to the so-called convention book.

I had heard about that book for some time. I knew about the instance of the last campaign, in 1936. I had hoped that would not be repeated in this campaign. I read in the press the statements made by members of the committee as to the reasons for the publication and sale of the campaign book this year; and I say now, Mr. President, that I think what the national committee of my own party is doing today, or proposing to do, with the publication and sale of the convention book, amounts to just as much of an evasion of the law, an evasion of its principle and purpose, as the plan which Mr. Fletcher conceived, and which I denounced last week.

Every word I used in denunciation of the plan proposed by Mr. Fletcher I use today in connection with the Democratic convention book. I wish to point out, Mr. President, exactly where the vice in the sale of the convention book lies.

I think probably it is entirely correct, from the standpoint of strict legal construction, that advertising which had been contracted for and paid for before the book was published is probably not a technical violation of the act. The contracts having been made before the act became effective, and being completed transactions, a law reaching backward would

probably be in the nature of an ex post facto law. So, technically, that contention may be correct. So far as the so-called Hatch law is concerned, such advertising may not be a violation of the provisions of that particular law. However, last week I said that I did not care about the technical construction placed upon the act by Mr. Fletcher and his committee. This week I do not care about the technical construction placed upon the act by members of my own party. If it is bad in the one case, it is bad in the other. Even though the advertising in the convention may be technically legal under the so-called Hatch Act, in my opinion it clearly amounts to an evasion, if not a violation, of the Corrupt Practices Act, insofar as advertising was solicited from corporations, and corporations paid for advertising in the convention book.

I know the terms of the Corrupt Practices Act. I have it before me. I know that it relates only to contributions. Corporations are forbidden to make contributions to campaigns; and, again, technically there may be no violation of that law, because the corporation buys advertising space. But I say, as I said about Mr. Fletcher's plan, that it is an evasion of the law, because no corporation will buy advertising space in a campaign book for its value from an advertising standpoint. In my judgment, it amounts to at least an indirect contribution to the campaign fund and an evasion of the Corrupt Practices Act. So much for that.

I do not wish to talk long on this occasion. I merely wish to make clear and definite the fact that I do not apply to the Republican Party a rule which I do not also apply to the Democratic Party. However, at this time I wish to mention particularly the exact conditions of the sale or distribution of the book.

It was said that the national committee proposes to sell the book for 25 cents a copy. The proceeds of the sale naturally—it could not be otherwise—would inure to the benefit of the Democratic National Committee and the candidates on the Democratic ticket. As Attorney General Jackson pointed out, unfortunately the sale is not prohibited; but the buying is prohibited, whether the sale is made directly by the Democratic National Committee, or indirectly, through State and local committees, as is suggested in one news dispatch on my desk, wherein it is said the national committee does not propose to sell the books itself, but to send them to State and county committees and let them sell them for a price not to exceed 25 cents. Possibly, so far as the selling agency is concerned, such a transaction would be strictly legal. However, every person who bought the book would be violating a criminal statute enacted by the Congress.

The Corrupt Practices Act provides that:

> It is further declared to be a pernicious political activity, and it shall hereafter be unlawful for any person, individual, partnership, committee, association, corporation, and any other organization or group of persons, to purchase or buy any goods, commodities, advertising, or articles of any kind or description where the proceeds of such a purchase, or any portion thereof, shall directly or indirectly inure to the benefit of or for any candidate for an elective Federal office (including the offices of President of the United States and Presidential and Vice Presidential electors) or any political committee or other political organization engaged in furthering, advancing, or advocating the nomination or election of any candidate for any such office or the success of any national political party: *Provided*, That nothing in this sentence shall be construed to interfere with the usual and known business, trade, or profession of any candidate.

So I say, Mr. President, that whether a sale is made by the national committee, by a State committee, or by a local or county committee, every person who buys one of the books is violating that provision of the law. I do not think the national committee of my party or any other party wants to sponsor sales which subject the purchasers to penalties consisting of fines of as much as $5,000 or 5 years in the penitentiary.

There is but one thing to do about the convention book, Mr. President. Regardless of what the cost may be, or what effect it may have, it should be discontinued at once. Last week I said to the Republican National Committee, "Obey the spirit as well as the letter of the law." This week I say to the Democratic National Committee, "Obey the spirit as well as the letter of the law."

In that connection, Mr. President, while I shall not take time to read it, I ask unanimous consent to have printed in the RECORD at this point a very fine statement on respect for law, made many years ago by one of the greatest Americans who ever lived—Abraham Lincoln.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

> The question recurs, "How shall we fortify against?" The answer is simple. Let every American, every lover of liberty, every well-wisher to his posterity, swear by the blood of the Revolution never to violate in the least particular the laws of the country, and never to tolerate their violation by others. As the patriots of '76 did to the support of the Declaration of Independence, so to the Constitution and laws let every American pledge his life, his property, and his sacred honor—let every man remember that to violate the law is to trample on the blood of his father, and to tear the charter of his own and his children's liberty. Let reverence for the laws be breathed by every American mother to the lisping babe that prattles on her lap; let it be taught in schools, in seminaries, and in colleges; let it be written in primers, spelling books, and in almanacs; let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice. And in short, let it become the political religion of the Nation; and let the old and the young, the rich and the poor, the grave and gay, of all sexes and tongues and colors and conditions, sacrifice unceasingly upon its altars.
>
> While ever a state of feeling such as this shall universally or even very generally prevail throughout the Nation, vain will be every effort and fruitless every attempt, to subvert our national freedom. (A. Lincoln address before the Young Men's Lyceum, Springfield, Ill., January 27, 1837.)

Mr. VANDENBERG. Mr. President, before the absence of a quorum is suggested, I wish to make a brief comment on the observations just submitted by the able Senator from New Mexico [Mr. HATCH].

The Senator's observations this morning, demonstrating the ability, courage, independence, and impartiality with which he insists upon the ethics and the equity of the act which bears his name, are a simple demonstration of the reason why he holds so completely the confidence of his colleagues and of the country.

Mr. HATCH. Of course, I wish to express my thanks to the Senator from Michigan for his very kind remarks. Somebody else said that it would take courage to make this criticism today. I do not think so. After my statement of last week, I think it would have been extremely unfair not to have made the statement which I made today. It required only fairness and impartiality.

Mr. VANDENBERG. I am sure that is the estimate the Senator placed upon the obligation which he confronted. Nevertheless, there are many who, in similar circumstances, would have found a reason to be absent. I renew my compliment to the Senator from New Mexico.

SELECTIVE COMPULSORY MILITARY SERVICE

The Senate resumed the consideration of the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

Mr. VANDENBERG obtained the floor.

Mr. WHEELER. Mr. President, will the Senator yield so that I may suggest the absence of a quorum?

Mr. VANDENBERG. I yield.

Mr. WHEELER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Chandler	Glass	La Follette
Andrews	Chavez	Guffey	Lee
Ashurst	Clark, Idaho	Gurney	Lundeen
Austin	Clark, Mo.	Hale	McCarran
Barbour	Connally	Harrison	McKellar
Barkley	Davis	Hatch	McNary
Bone	Donahey	Hayden	Mead
Bridges	Downey	Herring	Miller
Brown	Ellender	Hill	Minton
Bulow	Frazier	Holman	Murray
Burke	George	Holt	Neely
Byrd	Gerry	Johnson, Calif.	Norris
Byrnes	Gibson	Johnson, Colo.	Nye
Capper	Gillette	King	O'Mahoney

Overton	Schwellenbach	Thomas, Idaho	Van Nuys
Pepper	Sheppard	Thomas, Okla.	Wagner
Pittman	Shipstead	Thomas, Utah	Wheeler
Radcliffe	Slattery	Townsend	White
Reed	Smathers	Truman	Wiley
Reynolds	Stewart	Tydings	
Schwartz	Taft	Vandenberg	

The PRESIDING OFFICER. Eighty-two Senators having responded to their names, a quorum is present.

Mr. VANDENBERG. Mr. President, I am opposed to the peacetime conscription of American youth power unless it is reasonably established that a positive national emergency can be served and saved in no other way. I am opposed to tearing up 150 years of American history and tradition, in which none but volunteers have entered the peacetime Armies and Navies of the United States, unless there is valid reason, to believe that this reliance in 1940 has become a broken reed for the first time in a century and a half.

There must have been sound reasons all down the years why our predecessors in the Congress always consistently and relentlessly shunned this thing which we are now asked to do. These reasons must have been related in some indispensable fashion to the fundamental theory that peacetime military conscription is repugnant to the spirit of democracy and the soul of Republican institutions, and that it leads in dark directions. That certainly is my view.

Those who tell me, in this so-called emergent hour, that we dare not think of this long background which is our inheritance leave me cold. The very conditions which the world confronts today—the ruthless destruction of personal liberty under a dozen flags, the rape of civil freedom to the west and to the east, the challenge in behalf of civilization which are urged in justification of this apostasy—all these really are reasons why we should be doubly jealous of the American way of life, rather than being excuses why we should hastily abandon it.

I may be supersensitive upon this score, Mr. President, but I cannot escape the deep conviction that when we inject the military regimentations of peacetime conscription into the life of this Nation we wrench from it a precious possession with which we should not lightly part.

We set a military-minded precedent—a precedent in regimenting human life and action—which invites dangerous expansion and which may permanently afflict and alter the character of our institutions. Such a revolutionary change, even though a majority may be persuaded of its need and wisdom, is not to be lightly made.

That explains the solemn feelings which move me into this debate.

Now let me hasten to say that I do not discount the bitter fact that grave menace is loose in the world today, that it deals with grim realities, and that those who collide with it need something more substantial than history and tradition or any other spiritual values with which to defend themselves. Yet spiritual values are still priceless things.

The degree of our exposure, still protected as we are by two God-given oceans, may be a matter of dispute, as it may also be related to the provocative extent of the foreign policies which we may pursue. I am one of those who most emphatically believe that war for us is not inevitable unless we ourselves needlessly make it inevitable. Yet I am also one of those who believe that we dare not lean upon any speculative immunities, nor upon any wishful thinking. Barring surrender to wholly irrational hysteria, we must prepare for the worst. Therefore, with one or two inconsequential exceptions, I have voted for every appropriation which the Army or the Navy has sought, not only in the recent months' pell mell defense legislation but also throughout the last 7 years. I have voted to authorize the President to mobilize the National Guard and all our component reserves, because that is the logical step, the historic and traditional step, according to the American way in the presence of emergency. I unequivocally accept the axiom that our expanding national-defense equipment must be matched with the paralleling expansion of our national-defense personnel, competently matched and matched in fully ample time. Thus far I have no disagreement with the proponents of a conscript army and a conscript navy when the emergency is established.

But beyond this point, Mr. President, the issue sharply rises, and with it rises the dire question whether these facts and these necessities have made it plain to us that we may no longer safely lean upon the historic and traditional American peacetime method of volunteer enlistments for the national defense, or whether the fateful time has now come, in 1940, when the American way, from 1787 to 1939, must be abandoned, and with it one of the glorious trade-marks of our democracy.

The controlling consideration is a simple one. It involves authentic answer, so far as I am concerned, to this one plain question which I submit to the Senate; the question upon which my entire discussion hangs, and upon which I think the decision ought to hang. This is the question: Has the volunteer system, under adequate trial, demonstrated that it cannot be trusted to produce the recruits required by the Army and the Navy as swiftly as may be needed fully to match and man our new facilities for the defense of America and her essential outposts?

If and when the justified answer is "Yes," I will vote for peacetime conscription. So long as the justified answer is "No," I will not vote for peacetime conscription. That is the proposition I wish to discuss. Such a position cannot be inimical to the national defense, because it proposes completely and adequately to implement the national defense in one way or the other.

Even though President Roosevelt now endorses conscription in general terms, and even though he went so far on June 18 as to suggest the idea of compulsory Government service for all young American men and women to aid the national defense, my position does not differ from the sentiment attributed to the President on the floor of the House of Representatives by Representative SABATH on August 5, who said:

> He (the President) favors a draft only if sufficient men cannot be obtained for the Army and the Navy through voluntary enlistment.

Indeed, Representative SABATH was so violently critical of the Burke-Wadsworth bill that he called it "nothing but a Republican scheme to smear the President and the administration." I really doubt if we are that cunning, that subtle, or that malevolent. The final attitudes of all concerned may be allowed to speak for themselves. I repeat that the position I define cannot be inimical to the national defense, because it proposes completely and adequately to implement the national defense either by the voluntary system, or, if it defaults, by the conscript system.

Mr. WHEELER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Montana?

Mr. VANDENBERG. Certainly.

Mr. WHEELER. Representative SABATH is the chairman of the Rules Committee of the House, is he not?

Mr. VANDENBERG. That is correct.

Mr. WHEELER. And one of the Democratic leaders who is generally recognized as a spokesman for the administration?

Mr. VANDENBERG. I assume that is so.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield to the Senator from Nebraska.

Mr. BURKE. The Senator from Michigan has asked a specific question, or stated the case for and against this bill in a very definite and proper way. If, by the time-honored method of volunteer enlistment, we cannot secure the necessary manpower for our greatly increased war machine, the Senator is willing that we should go beyond that, and, by some method of compulsion, bring men into the service.

Mr. VANDENBERG. That is correct.

Mr. BURKE. But he is not willing to take the second step until the first shall have been demonstrated as impossible of accomplishment.

Mr. VANDENBERG. That is correct.

Mr. BURKE. I rise only to call the Senator's attention to the fact that in the bill now before the Senate there is a specific provision authorizing the continuance of volunteer enlistment for all men between the ages of 18 and 35, and at the same time going ahead with the provision for the selective compulsory requirement—the draft, if you will—and in all seriousness I ask the Senator from Michigan whether he and those who share his view should not be entirely satisfied by this provision: Voluntary enlistment provided for in the bill if the requisite number of men come forward of their own free will; and those who are charged with the authority of saying what that number is say that it must be 400,000 by October 1. If that number comes forward, there will be no selection made on October 1. On April 1 of next year——

Mr. VANDENBERG. I understand the Senator's question, and I shall be glad to answer it. I do not think it is necessary to enlarge upon it indefinitely.

Mr. BURKE. If the Senator is in a hurry to complete his remarks, I will desist.

Mr. VANDENBERG. No; I do not want to be diverted unduly. The Senator has asked a perfectly fair question, and he is entitled to a perfectly frank answer. I had intended to reach that subject a little later, but I will answer the question now for the time being.

The difference between the Senator and me is this: The Senator proposes to set up the entire machine of conscription, he proposes to write the conscript principle into American practice, regardless of whether the volunteer system succeeds or not, and in advance of any determination that this infamous thing is necessary—and it is infamous if it is unnecessary. The Senator is proposing to establish a great system of draft boards across the country, 200,000 civilian bureaucrats who will be in control of the life and livelihood of every young man from 21 to 31, from the Atlantic to the Pacific and from the Lakes to the Gulf. He is proposing to erect that system of compulsory military bureaucracy in advance of a determination whether or not it is necessary to use it, under the theory of the thing which he now presents to me.

The difference between the Senator and me is simply this fundamental difference: I decline to take this step until the proof of its necessity is apparent. The Senator proposes to take it immediately, regardless of any such proof, and therefore to put the prospective volunteer under the shotgun impulse of volunteering because otherwise he may be drafted later. I think that is a very great difference between us.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. BURKE. The Senator declares that the principle of compulsory selective training or service in time of peace is infamous. Let that pass.

Mr. VANDENBERG. Let me interrupt the Senator.

Mr. BURKE. There is——

Mr. VANDENBERG. Wait a minute; let me interrupt the Senator. I said it was infamous if it was perpetuated needlessly.

Mr. BURKE. All right.

Mr. VANDENBERG. If it has to be done, it is just as honorable as any other system that could be applied.

Mr. BURKE. All right. With the qualifications stated by the Senator, this proposal to train our men in order that they may be able adequately to take their part in a national-defense system is infamous. I say, let that pass. There is one thing more infamous than such a proposal, even if we were to admit the Senator's allegation, and that would be for us to get into a position where we required manpower and had to rely upon ill-trained and improperly trained manpower.

Mr. VANDENBERG. There is not any doubt about that.

Mr. BURKE. I do not think we can properly wait to see whether, by some great ballyhoo and recruiting encouragement, with bands and white feathers and everything else, we can get the requisite number by volunteer enlistment. I think the sane, sensible, proper thing to do is to proceed right now to apply the just, democratic principle of selection.

Mr. VANDENBERG. I know the Senator does, and he believes in it profoundly and conscientiously, and I completely respect his view and his sincerity. I do not want him to put any words in my mouth. I had no meaning to attach the word "infamous" to the service itself. I say that the infamous thing would be the act of a Congress which deserts the volunteer system needlessly and goes to the conscript system. There is nothing infamous about the draft if and when it has to be applied. There is no finer or more honorable story in the history of the United States than the story of the service rendered under the draft in the World War. The Senator must not attempt to impute to me the thought that I am trying to deprecate or depreciate the high standard and quality of service under a draft law. That is the remotest thing from my mind. When I used the word "infamous" I was applying it to the congressional act which might needlessly, in the lack of proofs of its necessity, desert the voluntary system and precipitate the draft system.

Mr. BARKLEY. Mr. President, will the Senator yield at that point?

Mr. VANDENBERG. I yield.

Mr. BARKLEY. The word "infamous" is an ugly word.

Mr. VANDENBERG. Yes; I think it is; and I will withdraw it. I do not think it is infamous.

Mr. BARKLEY. And it carries with it many implications.

Mr. VANDENBERG. That is true.

Mr. BARKLEY. Does the Senator contend that in this particular instance, any more than any other in which Congress exercises its judgment, although it might be mistaken in its judgment, the fact that it does an unnecessary thing renders it infamous any more than if we should levy a tax that was unnecessary?

Mr. VANDENBERG. The Senator has not been here. He has just entered the Chamber, and he has not heard what I have said.

Mr. BARKLEY. I heard what the Senator said about "infamous."

Mr. VANDENBERG. Very well. The Senator has not heard me lay down the basis of my deep feeling that it is a terrible thing for the United States to depart from 150 years of peacetime history and tradition in respect to compulsory military service; and I feel utterly deeply about the character of the error that Congress would make if it should needlessly depart from the volunteer system. I think the word "infamous," as the Senator from Kentucky properly indicates, has connotations and implications which I did not remotely have in my mind.

I was attempting to define what I believed to be the utterly terrific nature of the responsibility which we are exercising. The last thing in the world that I would wish to inject into the debate, as I am about to say in just a few moments, would be the remotest suspicion of a complaint against the motives or the attitude of any man on either side of this question, because I think one of the serious things involved in this discussion, particularly in the country, is the growing habit of insisting that the attitude of the man who does not believe with one has some sinister purpose or reason behind it.

Mr. BARKLEY. I appreciate that, Mr. President, and I pay tribute to the Senator from Michigan for his utter sincerity. I have no doubt, and have never questioned the fact, that he has profound convictions upon this subject, and I do not intend to get into any colloquy here which could lead on either side to any questioning of motives. But the Senator realizes that in tomorrow morning's paper the headline will probably be carried that the Senator from Michigan denounced this proposal as "infamous," and to the average American citizen the word "infamous" carries with it implications and connotations which automatically, to the unthinking, those who are not able to distinguish between definitions of words, means that whatever we might do, however honest we might be, however we might be mistaken, carries with it the infamy of imputed wrong, which I think no one should impute or charge in this Chamber.

Mr. VANDENBERG. I think the Senator understands my attitude and my feeling about the matter, and as I proceed

I will make it still plainer that I think the decision involves considerations so utterly fundamental in respect to the American system and in respect to the life of the Republic that almost any word appropriately applied could scarcely do justice to my feelings about a description of the mistake Congress would make if it should pass the pending measure in its present form at the present time.

Now I shall continue. I repeat, the position I define cannot be inimical to the national defense because it proposes completely and adequately to implement the national defense either on the one hand by the voluntary system or if, as, and when the voluntary system fails, then by conscription. It simply prefers volunteers to conscripts. It simply prefers history to hysteria. It simply prefers peacetime methods in peace to wartime methods in peace. It simply prefers liberty of action to regimentation. It prefers freedom to force. It prefers democracy to dictation.

It is the same position taken by Raymond J. Kelly, national commander of the American Legion, when he says:

> The provisions of the Burke-Wadsworth bill should not be put into effect until all other avenues have been exhausted.

Then Commander Kelly pertinently adds:

> We are not at war, although everything being done seems to be based on the theory that we are, or that we will be any minute.

Mr. President, before going further with my theme I wish to turn for a moment from pursuit of the question I have posed to one or two general comments upon this whole situation. Let me respectfully say that I think it is deeply unfortunate that this and kindred issues have precipitated a tide of vast intolerance across the country. Motives and purposes are impugned wholly without reason. It is, of course, a familiar phenomenon in tense moments of great feeling, but in its climax it flames and flares in ugliest injustice.

Reading some of my mail, one could believe that any proconscriptionist is either a "fifth columnist" for King George or some incarnate devil bent upon swiftly subverting the Republic. Reading other sections of my mail, one could believe that any anticonscriptionist is either a "fifth columnist" for Hitler or a supine appeaser or a self-immolated ostrich. These things simply are not so. Patriotic men and women who deeply love their country are conscientiously devoted to the belief that the time has come to draft. I completely respect their opinions, although I completely disagree with them. Just as patriotic men and women who just as deeply love their country are conscientiously devoted to the belief that the time has not come to draft. Their opinions are entitled to the same respect.

Indeed, as I run through 50,000 earnest letters against the draft which have come to me, obviously from the troubled hearts of good men and good women who are speaking out of their anxiety and their simple convictions and their doubts and their perplexities, I am moved to observe that the commentator who dismisses them all with the contemptuous assertion they are just ignorant victims of subversive propaganda is nothing short of brutal in his cruel error.

Mr. President, I pray that we may remember this is still a land of free speech and free thought and free petition, and even though we may be writing one form of unprecedented and unwelcome compulsion into our institutions with this bill, that we still shall wish to preserve freedom of opinion and the mutual tolerance without which it cannot survive.

I wish to refer to one other thing before I return to my question. We have here a magnificent example of the value and the virtue of full and free discussion ahead of decisions upon important public problems, and the corresponding danger of impatient, impulsive legislative haste. Even the preliminary debates upon the Burke-Wadsworth bill, and the reactions of the country to these debates, have already produced a profound change in the original text. Even if we get no further, the battle already has justified itself, and a substantial victory for reason has been won. The Senate Committee on Military Affairs has already ameliorated some of the major challenges which were originally contemplated. The bill no longer demands registration of all men, virtually from the cradle to the grave, 42,000,000 of them, who would have been drawn into the shadow of impressment. Its appetite is now, relatively, greatly constrained. The bill no longer asserts that peacetime military service must be shared by all, a concept which would have changed the spiritual dedications of our people.

The bill no longer proposes to reduce the soldier's meager pay from its present pittance to a petty gratuity unworthy of America, and certainly unworthy of a Congress just about to rewrite the tax laws so as to permit wider latitude for capital.

Meanwhile, the bill now includes a new provision, which promises some degree of protection to the young man whom the peacetime draft ruthlessly yanks out of the job in which he hopes to make a career. It tries to say that he shall have his job back when his Government is finished with his services, and this compulsory draft is done. I hope it is more than a pious platitude which will be more honored in its breach than in its performance. At any rate, it is a thoroughly human thing, and it shows that the Senate Committee on Military Affairs appreciates that this peacetime conscription is shot through with economic hazard to the generation just entering upon life's stage.

The bill now also includes a provision for voluntary enlistments on a 1-year basis, preliminary to the draft, the thing which I was discussing a few moments ago in my colloquy with the able Senator from Nebraska. This, too, is a worthy concession to a noble and traditional American ideal, and it certainly is far better than no concession at all. But, unfortunately, it is what might be termed a shotgun concession, or, using the current language of one of my friends, a stiletto concession, because it virtually says to young America: "We'll draft you unless ———."

Nevertheless, in respect to all of these things I wish to make the point that the Senate Committee on Military Affairs has wholesomely tried to meet the rising storm of national objection to a peacetime draft, and it has done the best it could so long as it proposes to cling to what I believe to be its fundamental fallacy.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. VANDENBERG. I will yield in a moment. I wish to make the point that if the bill had been jammed through on the spur of a white-hot moment, as seemed to be the imminent prospect two or three weeks ago, it would have lacked the judicial tempering which a little debate and a little deliberation have already contributed to it.

I now yield to my able friend from Nebraska.

Mr. BURKE. The Senator complained somewhat of the provision in the bill for voluntary enlistment for 1 year, and the possibility of an increase in pay, on the ground, as I understand—and I do not wish to put words in the Senator's mouth which have not come from him—that that amounts to saying to the young men of the country, "We will draft you, unless ——"; and of course that is true; that is the whole purpose of it.

The question I wish to ask is: How does that differ from the proposal which the Senator advocates, which would be to hold the matter of enlistment open, with the threat or the promise, whichever way one wants to look at it, that if by January 1, or some other date, the enlistments do not come in, then the draft may be applied?

Mr. VANDENBERG. That is the same question the Senator previously asked me, and I give him the same answer. In the form in which the Senator proposes to proceed he is putting the volunteer system under the suspicion that it is likely to fail. He is anticipating failure by establishing a substitute in advance without waiting for its failure. I repeat, he is tearing up 150 years of peacetime history, and precipitating compulsory peacetime service before he knows whether or not it will be necessary. The difference between us is the fundamental one that I do not want the Congress to commit itself to a principle which I consider to be repugnant to the American way of life, unless and until it is obvious and evident that there is absolutely no other way by which we can adequately prepare.

Mr. BURKE. Mr. President, will the Senator yield further?

Mr. VANDENBERG. I yield.

Mr. BURKE. It would appear to me that the difference between the two proposals is simply whether we want efficiency or do not want it. Under the one system we say "Come forward and enlist in the number required to perfect the national defense." But meanwhile, in order to be efficient, and save time, which is of the essence of this matter, we are setting up the machinery to take care of the situation if there are not a sufficient number of enlistments.

The other view is, "Well, we will just take a chance on it. We hope that there will be a sufficient number of enlistments. We do not know, and we will take no steps now to take care of the situation if the volunteers do not come forward in sufficient number."

That, it seems to me, is the real difference between the two proposals.

Mr. VANDENBERG. The Senator's idea of efficiency and mine are different. The Senator's idea of efficiency, as now presented, is that he would establish this tremendous bureaucracy of a draft board in every county of America, perhaps 200,000 persons in all, put it in motion, finance it, prepare it for its labors, and then, if he found that he could still get volunteers, he would demobilize the draft boards, and incur all that expense with no result.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. CONNALLY. Am I to understand the Senator to say that he favors trying out the volunteer system first, and then if that does not result in getting a sufficient number of troops, use the draft method? Is that the Senator's attitude?

Mr. VANDENBERG. Oh, that is it in a short form.

Mr. CONNALLY. Would the Senator then, if he did not get them by voluntary enlistment, draft men?

Mr. VANDENBERG. I tried to make that plain.

Mr. CONNALLY. Well, why?

Mr. VANDENBERG. Does the Senator who is questioning me completely agree as to the existence of the necessity for the extension of our defense personnel?

Mr. CONNALLY. If I did not I would not have voted for all the defense measures for which I have voted.

Mr. VANDENBERG. Neither would I. The whole question is the difference as to how the expanded personnel shall be obtained, and I think I shall be able in a few moments to make my position plainer to the Senator, if I have failed thus far.

Mr. CONNALLY. If the proposed method is all wrong, if it will tear at the heart of all our institutions, then I do not see how anyone can vote for it.

Mr. VANDENBERG. Because everything is relative in life, and there are some things even worse than that; and one of them would be to be unequal to the challenge which we might confront one of these days.

Mr. CONNALLY. I always enjoy hearing the Senator from Michigan.

Let me ask him another question. We admit the necessity. We need the men. We say, "Come on boys, volunteer. We are going to have a rally tonight. We are going to have a speech. We are going to have a brass band out. We are going to have a lot of girls there with bunting and with flags and everything draped over them. We are going to persuade all you folks to volunteer and get in the Army.

"Now any of you hard-boiled fellows, though, who do not want to fight, do not have to; you need not come in. We will take these brave, heroic, willing fellows who love the country; we will put them in the front lines; they will be shot first; but as to the rest of you boys, we serve notice on you now that if you go to the brush you can stay there until all these other fellows are killed off, and then we may come and root you out."

If there is any military obligation on anybody, it is on everybody.

Mr. VANDENBERG. Mr. President, I now return to the question which I have posed as representing the crux of this controversy. It does not have anything to do with girls dressed up in bunting. It deals solely with a terrific challenge to the fundamental philosophy of American life.

This, I repeat, is the question: Has the volunteer system under adequate trial demonstrated that it cannot be trusted to produce the recruits required by the Army and the Navy as swiftly as may be needed, fully to match and man our new facilities for the defense of America and her essential ideals? I answer "No," and I now propose to examine my proofs.

The first important fact to note is that the Army and the Navy have filled every volunteer quota they have sought this year. That major fact stands out beyond controversy. Certainly it is a key fact. The Army and the Navy have filled every volunteer quota they have sought this year, It is no answer to say that the quotas have not been sufficiently large to satisfy the Army's growing appetite. That begs the question. Until larger quotas have been tried and have failed, the clear and highly creditable presumption must persist that the Army and the Navy can get what they want by the traditional, peacetime volunteer system.

Army enlistments totaled 23,442 in June, and 31,958 in July—"a peacetime record," commented the Washington Star last Saturday night. With no more stimulus than a sporadic newspaper discussion of prospective enlistment needs the July enlistments jumped nearly 50 percent over June. In both instances the Army got everything it asked from the volunteer spirit of American youth. It could have gotten much more, as I shall presently show, but, in any event, it got everything it sought.

The Navy has always gotten everything it has sought. Yet we are told that the volunteer system has "broken down." We are told that it is no longer reliable. We are told that it is a poor, decrepit thing. We are told that it must be abandoned as a peacetime recourse. We are told the record makes these things plain.

Mr. President, I must confess that the record does not make them plain to me. It seems to me that the only logic in the situation leads to an exactly contrary and completely convincing conclusion.

The Army and the Navy have filled every volunteer quota they have sought in spite of the fact that the volunteer system has not had adequate trial. There has been no remote effort to emphasize the need or the desire for recruits. Has the President issued a ringing call for volunteers? He has not. Has there been a persuasive fireside chat upon the subject? [Laughter in the galleries.] There has not. Has there been a vigorous campaign to instruct young America in its country's need for volunteers? There has not. Have volunteer enlistments on a 1-year instead of a 3-year basis been permitted? They have not. Has the Army base pay of $21 a month been raised to equal the $30 average quickly attained by naval enlistees, thus equalizing a gross and retarding discrimination? It has not.

Have the desired quotas been stepped up to the tempo required by contemplated needs? They have not.

Yet the volunteer system is now condemned as a prospective failure, although it has not failed a single contemporary demand, and we are told it must give way to the wartime draft in time of peace.

I confess that that is wholly mystifying to me. I can understand why the defense need took on new color of urgency—particularly in the minds of those who fearfully believe that our involvement in the European war sooner or later is inevitable, and who favor a foreign policy which might, however unwittingly take us nearer to this hazard.

I can understand why the defense need took on new color of urgency after the battle of Flanders in early June; I can understand how trepidation would increase, in the mind of any prudent person, after the French surrender later in June, but I cannot understand why these factors should not have immediately recommended a swift step-up in efforts to invite larger recruitment by the volunteer method, which up to that moment, and even up to now, has not failed a single contribution asked of it.

I cannot understand why the situation suddenly called for an abandonment of the volunteer process; suddenly called

for a sinister compulsion which never heretofore has been embraced until we have been well into war itself; suddenly called for general conscription, which, in my humble judgment, will not stop with the mere regimentation of men when once we launch this new peacetime element of duress into our national life; suddenly called for a national system which will set up a new bureaucracy in every county in the land, with broad powers to control the life and destiny of every young American; suddenly called for an army not only of young conscripts, but also for another army of draft-board overlords—there were more than 200,000 of them in the World War draft—and the tremendous added burden of expense involved therein. I can understand how American public opinion itself, harassed and perplexed by constant rumors of war and by our deeply sympathetic reactions to the plight of the victims of black conquest elsewhere, should swing restlessly—even impatiently—toward greater and ever greater national defense, groping, as it were, for safety. Certainly that was the subconscious process of my own mind. I think it explains the trend of the so-called Gallup poll from 61 percent against conscription last October to 66 percent in favor of it today. It explains the trend, but it does not vindicate the result, because the specific question asked by Dr. Gallup did not pose the true question at issue in this controversy.

Please understand, this is no complaint against Dr. Gallup's motive. It is merely the result of the inevitable prejudice inherent in his mechanism. Was anybody asked whether he would prefer peacetime conscription even though we could still obtain in the traditional American voluntary way all the men the Army and the Navy need? Oh, no! Was there a single word in either of the Gallup questions to remind the voters of the voluntary, as opposed to the compulsory, principle? Oh, no! True, one of his questions explored the theme of universal military training, and attempted to argue that the result automatically swept voluntary service into the discard; but, in my view, universal military training as an abstract thesis is wholly different from the present specific issue, which potentially is a war-service issue, involving implications all its own at this particular moment in our national life.

The Gallup question bearing upon the real problem of today was:

> Do you favor increasing the size of our Army and Navy by drafting men between the ages of 18 and 32 to serve in the armed forces for 1 year?

I, myself, would answer that question "Yes," under certain circumstances. I, myself, could not answer that question "No" and truthfully reflect my whole view. My answer would be "Yes," if the volunteer system showed any signs of failing. My answer would be "No" only if the volunteer system continued to operate successfully, as it has been operating, and is operating today in respect to every quota sought by the Army and Navy.

How many voters in the Gallup poll faced this same confusion? How many voted "Yes" because under the prejudicial circumstances involved, it was their only chance of supporting the general project of a bigger Army and Navy personnel? Would not the result have been even more affirmative if the question had been, "Do you favor the peacetime volunteer system of enlistments so long as the Army and Navy can fill their quotas?"

What would have happened if this had been the question, "If the volunteer system of enlistment fails, would you then favor a draft law?" I think about 95 percent would have approved.

So I come back again to my own text. In my view, the volunteer system is not receiving a fair test, either in practice or in public opinion; yet in practice it is not failing to meet a single test. No wonder Hon. Harry H. Woodring, who has just retired after 7 distinguished years as Secretary of War, in which position he certainly had more than casual opportunities to assess this problem, and in which he was intimately in touch with the inside opinions of our Army experts, bravely says:

> How any fair-minded Member of Congress could say that we have given the voluntary system of enlistment for the United States Army service a fair trial and that it has broken down, and therefore we need the compulsory service, is beyond my understanding.

That is the statement of the man who has had longer association with Army responsibility and defense responsibility under this administration during the past 8 years than has any other man except the President himself.

Let us scan a few revealing exhibits over the country. Let us look around and see how the volunteer system is breaking down.

Here is a news dispatch from my own State of Michigan:

> More than 900 Detroit and Michigan youths joined the United States armed forces in July, establishing a new peace-time recruiting record. Every branch reached or exceeded its quota, as 937 men were selected from more than 2,000 applicants.

A new peacetime recruiting period; every branch exceeding its requirements; yet, we are told that the system is breaking down. In Detroit the Marine Corps had so many applicants that a number equal to 50 percent of the July quota is waiting for August enlistments. The services could not even take care of those who wanted to volunteer; yet the volunteer system is indicted for failing to produce the men the Nation needs.

From the same State of Michigan, at Saginaw:

> At the present time 25 men are on—

What do you suppose?

> the waiting list, and will be assigned to various departments of the Army—

When?

> as soon as vacancies occur.

Down in the Carolinas, from the Charlotte Observer:

> Army enlistments for the Charlotte district broke all previous records last week when 504 men were recruited in the Carolinas.

"Broke all records." We find the same story from every corner and quarter of this land. Yet it is said that the volunteer system has broken down. It has not broken down. There must be another reason for suddenly and precipitately asking America to submit to peacetime compulsory militarism for the first time in 150 years.

Out in California—I am "sampling the Nation," as Dr. Gallup would say—the Los Angeles Evening Herald for July 31 says:

> Recruiting at the United States Army station in Los Angeles so far this month has broken all peacetime records.

Mr. President, wherever we explore the situation we seem to find the phrase, "broken all peacetime records," yet we are told that the volunteer system has broken down.

I continue:

> Navy and Marine Corps recruiting offices are crowded with applicants, and the aviation branches of all services are overenlisted and have waiting lists.

Yet we are told that the men needed cannot be obtained by relying upon the traditional volunteer system.

In Illinois, a citizen's letter in a Chicago newspaper says:

> I suggested to a young man out of a job that he join the Army. I phoned the United States Army recruiting officer for information and was told there were no vacancies. I nearly fell over in a faint. The quota full, and yet all this hullabaloo about the draft! On repeating the story to a friend I found that 27 young men in the little town of Ashley had been told there were no vacancies.

From the same State of Illinois, a letter to me dated August 7 says:

> On Tuesday, August 6, at United States Courthouse, Chicago, 23 voluntary Army recruits were turned down. Reason: Quota filled, no housing, no equipment.

Back to North Carolina. This is from the Greensboro Record:

> More rigid rules are being set for applicants. They will not be applied to applicants now on the waiting list.

My God, they cannot even take in those who are trying to get in, and yet they say the system has broken down and that it is not producing the youth power which the Nation needs.

Back to Michigan and my home city of Grand Rapids. The board of education has been trying for 3 years to obtain four additional junior units of the R. O. T. C.; but as late as last June 14 The Adjutant General of the War Department advised that there would be no extension of the R. O. T. C. for some time. Thirty such applications in the Sixth Corps Area are in a pigeonhole, where the whole volunteer system seems destined needlessly to go.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. WHEELER. The same situation exists in Montana. Many young men have wanted to go into the R. O. T. C. They have appealed to the Army people in Washington and have been unable to obtain any allotment or anything else.

Mr. VANDENBERG. Mr. President, the testimony is so universal that it could be duplicated in every quarter of every State in the Union. There is no break-down in the volunteer system, but there is a break-down in the willingness to acknowledge its success.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. BURKE. In spite of all that the Senator has quoted from different sections of the country, the records seem to indicate that for the first five and a half months of this year, until the 15th of June, the total increase in the enlisted force of the United States Army was a little less than 15,000 men, notwithstanding the fact that a very active drive was put on. Then June came, and the selective-service bill was introduced. There has been much discussion of it, conditions have become much more serious abroad, and the enlistments have very greatly increased. However, there is still a total lack of evidence that we can safely rely on the volunteer system.

Mr. VANDENBERG. Mr. President, I suppose the most authentic publication in service circles is the Army and Navy Journal. The Army and Navy Journal for last August 3 boasts in its leading front-page article of "the great and successful drive to rapidly increase the enlisted strength of the Army under a volunteer recruiting system."

How about the thousands of patriotic colored citizens of the United States who cannot get into volunteer service at all because so relatively few units are provided for them? Under date of August 5 the Secretary of War writes me regarding this question, as follows:

> A large portion of the colored men who enlist in the Army make the service a life-time career. For this reason there is a comparatively low turn-over in colored organizations and, consequently, comparatively a small number of openings for original enlistments at any one time. * * * The question of the formation of additional colored units is under study in the War Department.

Here is a great sector of our people which can scarcely chisel its volunteer way into a service which, when it has had the chance it has always sustained with great devotion. We are advised that there is a small number of openings for original enlistment and that the opening up of these volunteer opportunities is now under study. Yet we are told the volunteer system has broken down. No, Mr. President, it has not broken down, and there are no signs that it will break down. The Burke-Wadsworth bill simply proposes to abandon it arbitrarily and without justification.

It seems to me that this volunteer record ought to be a source of deep American gratification and pride; that we ought to cheer it as a spontaneous demonstration of voluntary fidelity to the American system and as a source of immeasurable national strength, rather than falsely to brand it as an outmoded, impotent reliance upon volunteer devotions which no longer exist.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. TAFT. Is the Senator aware of the fact that at the end of the 5 months referred to by the Senator from Nebraska, on June 1, the total authorized strength of the Army was only 228,000, and that quota had been filled by enlistment on the 1st of June. So the Senator's statement that the system met the demands upon it is just as true of the first 5 months of the year as it is of the months since that time?

Mr. VANDENBERG. I thank the Senator for his testimony. It is unquestionably true, as asserted by him, and as I have repeatedly stated, that no Army quota has failed this year.

Mr. President, if one of our purposes is to impress alien conquerors with the inadvisability of trifling with Uncle Sam, I submit that the lesson would be doubly significant, its impact would be far more conclusive if the telltale message went across the seas that without conscription, without regimentation, without even the threat of a forced draft, young America has fully and adequately volunteered to sustain the institutions of democracy in the Western World.

Mr. President, I wish to say again that if the choice we must make between volunteer enlistment and the forced draft was a choice between two implements equally consistent with our free institutions, the matter would be of less importance and certainly of less concern to me. But such is not the case. Peacetime military compulsion, I care not what its form or what its sugar-coating may be, is alien to American ideal; it is deeply repugnant to the consciences of millions of our people who are just as devoted to adequate national defense as is the Chief of Staff himself. If they are in the minority, which I doubt, still they number millions; indeed, I have presented one such petition bearing 1,000,000 signatures. Peacetime military compulsion has never been a part of the Army pattern. It has been reserved for hard-pressed monarchs or for imperial marshals on the march.

Peacetime military compulsion cannotes many another form of peacetime compulsion. Say what you please, something precious goes out of the American way of life and something potentially sinister enters. Look out for the next step. Our choice is not a choice between implements equally consistent with our free institutions.

Therefore, in my view, compulsion should be embraced only when the volunteer system shows at least some sign of failing to supply our needs. It has shown no such sign as yet, even though it has not had the benefit of a real drive and a fair chance. Give it the benefit and stimulus of a Presidential call; give it the opportunity for 1 year enlistments instead of 3; justly reorganize the pay scale; expand the quotas; make a real business of seeing that it works; and then, if it fails, so far as I am concerned, the test can be completed in the next hundred days; Congress will be here in session; we can pass a draft law in short order, and we will not have to follow the theory and philosophy of my distinguished friend the junior Senator from Nebraska [Mr. BURKE] that it is imperative to legislate now in anticipation of a default which is not likely to occur.

Oh, but it is said 400,000 men are wanted by October 1. Why? In terms of emergency, why? We have just voted the Commander in Chief 252,000 National Guard men and some 160,000 other component reserves. Yet we are told that only 50,000 will really be called for some time to come. The remainder will simply be "on order," like most of our equipment. Why the October quest for 400,000 conscripts when 200,000 National Guard men and 160,000 other component reserves will still be available and uncalled? Why this positively frenzied speed to upset the volunteer system? What is in the wind? The Regular Army, the National Guard, and the component reserves will shortly number a total of 750,000. Chief William S. Knudsen, of the National Defense Council, told us last Friday that equipment for a fully balanced combat army of even 750,000 men will not be available until 1942. Why 400,000 additional conscripts over and above 750,000 men by next October 1?

There is no pretense that Navy volunteers are not coming just as fast as they can possibly be assimilated. There is no pretense that the air force is not getting everything it can handle; and, so far as the defense emergency is concerned, Secretary of War Stimson spent most of his time last Friday before the Senate Finance Committee proving that the air force is the key to the whole situation and that armies are a secondary consideration. Why this sudden, precipitate Army need for men, which is the only reason given us for this equally sudden and precipitate demand for immediate conscription? It is sudden and precipitate. The best proof is that neither

the Republican convention in Philadelphia last June 24 nor the Democratic convention in Chicago last July 15 even knew anything about this need, and a draft resolution in either convention would have been howled out of the forum. They would not have dared write it in their party's platform. After all, we are not at war, although—now listen—as reproduced in the New York Herald Tribune of July 26, the "selective-service questionnaire for all American men 18 to 64 under the pending bill"—I quote the headline verbatim—contained this sentence in the instructions:

> The Nation is at war, and every registrant is thus put on notice to know his position and duty.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. VANDENBERG. I will yield in a moment. Undoubtedly by now that telltale line has been deleted, but it cannot be deleted from most of our understandings as to what drafts are for and as to why conscription laws heretofore have been written into the laws of the United States.

I trust there was no such a prophecy in that omnious line; or was there? I now yield to the Senator from Montana.

Mr. WHEELER. Mr. President, as a member of the resolutions committee of the Democratic convention at Chicago, let me say that while conscription was never mentioned a plank was offered which would tend to indicate that the person who offered it favored conscription. That plank was voted down almost unanimously by the committee. Let me say further that if it had been attempted in that committee to endorse the Burke-Wadsworth bill it would have been practically unanimously voted down, and likewise I am sure it would have been voted down by the convention itself.

Mr. VANDENBERG. Mr. President, I am sure the Senator asserts his history correctly.

I repeat we are not at war. Most of us, despite our deep-seated resentment against the new technique of European and Asiatic conquest, say we do not intend to go to war except as war comes to us.

Our aid to Britain is always presumed, according to the current phrase, to stop short of war. If we think things through, and avoid impulsive errors which would do more credit to our hearts than to our heads, I believe we can honorably and safely avoid war, particularly if we perfect an adequate defense—and I mean defense. Yet no one knows what lies ahead. We have renewed a tremendous obligation under the Monroe Doctrine, although I sincerely hope it is not construed to mean that our Armies shall garrison every foot of territory in the Western World. Our policies in the Far East, so far as any of us up here on Capitol Hill can understand them, could lure us into trouble in Asia even easier than in Europe. I am frank to say that I think we sometimes are entirely too prone to ask for trouble. But, anyway, there is no denial of the need for supreme vigilance and the swiftest practical mobilization of a balanced national defense. If this were not so, we should not have almost unanimously authorized present and prospective defense appropriations already crowding $15,000,000,000.

I accept this thesis. Furthermore, I do not propose to ask the country to risk any error of judgment of mine as to what lies ahead, because I frankly understand that what lies ahead depends in considerable measure upon decisions almost exclusively in the hands of the President, and I have no means of knowing what he contemplates. It depends, too, upon foreign factors entirely beyond the control of any of us. I do not propose to pose as a military strategist, which I am not. So, even though I am completely mystified as to why we need an additional 400,000 men in the Army this fall, unless we are planning to go to war, I will, to be on the safe side, accept even that measure of our need, although the arbitrary date of October 1 is obviously a fiction, because it would have to be extended even under the workings of the pending bill. I will even accept the figure in spite of the fact that I cannot understand it. I quarrel simply with the method sought to be pursued, and the implications it invites.

I dismiss all collateral controversy, and I come back to the one and single proposition upon which I stand: This democracy cannot afford, for the sake of the spirit of its institutions, to embrace peacetime military compulsion unless and until its legitimate and essential national defense cannot otherwise be served.

Neighboring Canada did not do so until she had been all the way into this war for more than a year, and even then there will be no such action as we are asked to take. Indeed, the Canadian parallel is not without its illuminating significance. Canada's conscription date is October 1. So, too, will ours be October 1 under the pending bill. But there the similarity abruptly ends.

Canada takes the step after 12 months as an active belligerent. We take it before we go to war, before we are threatened with war, and while we are constantly asserting that we shall keep out of war.

Canada, at war, conscripts for 30 days' active, continuous training, and then sends her sons back to their home areas for part-time supplemental instruction, so that their economic life shall not be wholly and needlessly disrupted. Canada, at war, conscripts for 30 continuous days. The United States, not at war, conscripts for 1 full year, and thus completely dislocates the economic life of those upon whom it lays its compulsory hands.

Canada, at war, confines the service of its conscripts to the home area. The United States, not at war, conscripts them for any spot or place on earth.

Evidently, some of our short-of-war ideas rival war itself; and, evidently, some of our new democracy is less democratic than that of a dominion acknowledging a king.

Perhaps Canada agrees more sympathetically than we do with the considered opinions of Hanson W. Baldwin, highly respected military expert of the New York Times, regarding the nature of our hazard. Mr. Baldwin dismisses the idea that even the powerful German war machine, if foolish enough to bring its war to this side of the ocean, could successfully prosecute it. He points out that it would take seven and a half tons of shipping per man to bring an army here, and 13 tons or more of shipping per month per man to sustain it. He suggests that these figures multiplied by fifty or one hundred thousand illustrate the vastness and the improbabilities of the problem. He says that the difficulty would be nearly as great for this potential foe even if the United States should lose control of the sea. So he concludes—and he is one of the acknowledged experts of the land—that our predominant defense need is on the sea and in the air, and he asserts that a highly skilled and integrated army of 400,000 men is our maximum land requirement, and he insists that it should be built from voluntary enlistment.

It is interesting to note, in passing, that this rather agrees with the testimony given in pre-conscription days by a high ranking officer of our own General Staff before the House Military Affairs Committee last January, when he said that if we had 480,000 properly equipped men, plus the National Guard, all the nations of Europe combined, with full control of the high seas, could not land one corps of troops on American shores. That, of course, would not take account of our broader responsibilities under the Monroe Doctrine; yet President Roosevelt himself said, as recently as last week, that it is his opinion that "the chances are 100 to 1 against American Regular troops or National Guard men ever being assigned to active service outside of the continental United States or its possessions." If his speculative figures are of any reliance whatever, then the chances of any remote need for the legislation now upon the bar of the Senate are 100 to 1.

But perhaps Mr. Baldwin, in the observations I have quoted from him, is wrong, and we must take no chances. I agree that we must take no chances. We must give ourselves the benefit of every doubt by way of vigilance. Mr. Baldwin is not wrong, however, when he warns that our conscription decision must not be lightly taken. He is not wrong when he says:

> Invocation of a compulsory service act has many arguments in its favor, but it should be clearly understood that its adoption would create a profound, lasting, and inescapable change in the economic,

social, and political life of our country and might well retard the growth of our civilization. A measure of such consequence, if enacted in time of peace, may become a permanent part of our institutions; it should not, therefore, be considered by Congress in this era of hysteria, but, if intended as a permanent measure, only in a time of calm calculation. On the other hand, if conscription is needed merely as a temporary emergency measure to last for the duration of the emergency, then the emergency ought to be defined. If the international picture is black enough to warrant conscription, then the President should declare a state of national emergency or Congress should declare a state of war.

Mr. President, I think this concludes the statement of my position. I sum it up as follows:

I am opposed to American entry into war unless war comes to us or to our outposts.

I am opposed to any foreign policies which would hasten this calamity by one needless single hour.

I favor and I support the maximum military, naval, and air facilities required for the fully adequate defense of the United States and our essential outposts.

I accept my share of our full and complete responsibility for enforcing the Monroe Doctrine in territory contiguous to us or directly related to our safety, and I accept a reciprocal partnership share in defense of the Monroe Doctrine elsewhere in the Western Hemisphere as recently sketched at the Habana Conference.

I want our appropriate defense equipment and personnel developed as swiftly as they can be, but in this process I want to save as much of precious democracy as is still possible in this still free America.

I am opposed to peacetime military compulsions because I think they tear at the vitals of the American ideal and the American way of life. I think they connote sweeping implications of menace far beyond the immediate thing itself. Therefore I believe they should neither be embraced nor approached except in the presence of clear proof that there is no other way to save ourselves. I believe that the traditional peacetime method of voluntary military service has not failed or promised to fail. I believe that it can be made to serve our every realistic peacetime need, as it has done up to this good hour.

I fully recognize the menace that roams the Old World. I hate every phase of its conquest. I want a powerful America to be able to keep this menace from the Western Hemisphere; yes, and to be able to lift a powerful voice of counsel in behalf of restored autonomies for submerged peoples when the final post-war readjustment comes.

I will not for an instant stand in the way of adequate preparedness. But, on the face of the record and on the face of peacetime experience, the voluntary military system can and does and will continue to produce adequate preparedness; it can and does and will continue fully to keep pace with our expanding equipment and material. If and when it fails—and when it even shows that it has started to commence to fail—I will promptly take the other course. Until then I shall continue to oppose compulsory peacetime military service—first because it is presently unnecessary in behalf of full defense; second, because it is a wrenching departure from the traditional American ideal of liberty for a century and a half; third, because it injects into our economy a philosophy of forced controls which should be resisted because of their direction and their further implications, as well as their immediate length; fourth, because Congress is here and can promptly supply any correction if it be required by unfolding destiny.

With reluctance I disagree in this matter with some of my cherished friends, whose opinions I deeply respect, but with profound conviction I assert my faith and take my stand.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. VANDENBERG. I have not concluded, but I yield.

Mr. CONNALLY. Did the Senator from Michigan vote for the peacetime compulsory draft of the National Guard last week?

Mr. VANDENBERG. I did.

Mr. BURKE obtained the floor.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BURKE. I yield.

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HILL in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Downey	La Follette	Schwellenbach
Andrews	Ellender	Lee	Sheppard
Ashurst	Frazier	Lundeen	Shipstead
Austin	George	McCarran	Slattery
Barbour	Gerry	McKellar	Smathers
Barkley	Gibson	McNary	Stewart
Bone	Gillette	Mead	Taft
Bridges	Glass	Miller	Thomas, Idaho
Brown	Guffey	Minton	Thomas, Okla.
Bulow	Gurney	Murray	Thomas, Utah
Burke	Hale	Neely	Townsend
Byrd	Harrison	Norris	Truman
Byrnes	Hatch	Nye	Tydings
Capper	Hayden	O'Mahoney	Vandenberg
Chandler	Herring	Overton	Van Nuys
Chavez	Hill	Pepper	Wagner
Clark, Idaho	Holman	Pittman	Wheeler
Clark, Mo.	Holt	Radcliffe	White
Connally	Johnson, Calif.	Reed	Wiley
Davis	Johnson, Colo.	Reynolds	
Donahey	King	Schwartz	

The PRESIDING OFFICER. Eighty-two Senators having answered to their names, a quorum is present.

Mr. BURKE. Mr. President, the selective training and service bill, now under consideration, is the result of the hard work and, I may say, the intelligent and clear-headed effort of the Senate Committee on Military Affairs. To all the members of that committee, and in particular to its able and farsighted chairman, the senior Senator from Texas [Mr. SHEPPARD], Congress and the country owe a debt of gratitude that will be more fully appreciated with every day that passes.

It was my privilege and honor to present the bill which formed the basis of discussion in that committee. A large number of able witnesses appeared and offered their views, both pro and con, concerning every phase of the matter. From the start it was apparent that the overwhelming majority of the members of the committee saw clearly that to safeguard the security of the United States requires the prompt enactment of a well-considered selective compulsory military training and service act. I have no doubt that the committee sentiment fairly represents that of the great majority of this body and of the entire country.

There has been reference during the day by several different speakers to the Gallup poll, which was reported yesterday in the Washington Post, among other newspapers. I am not one of those who consider the Gallup poll as the Bible and that its conclusions can be relied upon without question. I think the evidence indicates that it has heretofore been able to assay the sentiment of the country with a very considerable degree of accuracy. I have no doubt that the time will come when it will make a mistake, if it has not already done so, as all those who attempt to judge sentiment certainly do at one time or another. But up to this time it would be rather a foolish position for anyone to take that no credence at all should be placed in the Gallup poll. In fact, I think its conclusions are worthy of serious consideration. I would not have referred to this matter except that, as I have said, it has been mentioned on the floor by a number of speakers today; and since that has been done, I shall in a moment offer the last poll for insertion in the RECORD. Before doing so let me read the first paragraph. The heading is "Voters in all States favor conscription by 2 to 1, poll shows."

And then beginning the discussion by Dr. George Gallup:

If the voters of the 48 States went to the polls tomorrow to settle the question of compulsory military training in a Nation-wide refendum—

Which some now advocate—

the military-training principle would sweep to victory in every State in the Union.

That fact is revealed today in a State-by-State survey of the American Institute of Public Opinion, as Congress debates the pros and cons of the issue in Washington.

Despite America's long tradition of "no conscription in peacetime," the events of recent months have so altered United States opinion that compulsory military training would carry the country by a 2-to-1 vote.

In a country with upward of 60,000,000 eligible voters, the survey indicates approximately 40,000,000 in favor of conscription, 20,000,000 opposed.

Mr. President, at this point I ask unanimous consent that there may be inserted as part of my remarks what is called the Gallup poll survey appearing in the Washington Post of Sunday, August 11, 1940.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From the Washington Post of August 11, 1940]

THE GALLUP POLL—VOTERS IN ALL STATES FAVOR CONSCRIPTION BY 2 TO 1, POLL SHOWS

(By Dr. George Gallup, Director, American Institute of Public Opinion)

PRINCETON, N. J., August 11.—If the voters of the 48 States went to the polls tomorrow to settle the question of compulsory military training in a Nation-wide referendum, the military-training principle would sweep to victory in every State in the Union.

That fact is revealed today in a State-by-State survey of the American Institute of Public Opinion, as Congress debates the pros and cons of the issue in Washington.

Despite America's long tradition of no conscription in peacetime, the events of recent months have so altered United States opinion that compulsory military training would carry the country by a 2-to-1 vote.

In a country with upwards of 60,000,000 eligible voters, the survey indicates approximately 40,000,000 in favor of conscription, 20,000,000 opposed.

States where conscription sentiment has reached the greatest peaks are Mississippi, 87 percent; Texas, 80 percent; Georgia, 79 percent; Maine, 77 percent; and Florida, 75 percent. But even in such traditionally isolationist States as Kansas, Minnesota, and Iowa, the vote favoring conscription averages well over 50 percent. The closest division of opinion is in Indiana, where 55 percent say they favor peacetime conscription.

Just what plan for compulsory military training will finally emerge from congressional conference rooms, no one can yet say. Anticipating that the question of peacetime conscription might come before the United States, the American Institute of Public Opinion began more than 20 months ago to measure public sentiment on the issue.

Voters in every State in the Union have been asked:

"Do you think every able-bodied young man, 20 years old, should be made to serve in the Army, Navy, or air forces for 1 year?"

This is the principle of conscription most familiar in European nations. It is important to note that this proposal involves the conscription of all able-bodied youths reaching the age of 20, without exception.

In the survey just completed the national vote is:

	Percent
Favor conscription	66
Oppose conscription	34

One voter in 12 (8 percent) said he was undecided or without an opinion on the question.

ALSO FAVOR DRAFT FOR MEN 18–32

In a supplementary question, the Institute measured sentiment on one of the many proposals for selective-service training of men between the ages of 18 and 32. Voters were asked:

"Do you favor increasing the size of our Army and Navy by drafting men between the ages of 18 and 32 to serve in the armed forces for 1 year?"

The replies to this specific proposal show an even greater majority favoring conscription:

	Percent
Favor draft for 18–32 group	71
Oppose draft	29

Only 1 voter in 20 (5 percent) said he was undecided or without an opinion.

SUPPORT FROM LABOR, YOUNG PEOPLE

Not only would the conscription principle carry every 1 of the 48 States at the present time, but it would win majorities with virtually all the important political and social groups which together make up the American people, the survey shows.

Labor-union members, interviewed in the course of the Institute survey, averaged 71 percent in favor of such a policy, despite the fact that labor leaders like John L. Lewis and William Green have spoken in opposition.

Young people between the ages of 21 and 30—the age group most likely to be directly affected by conscription—averaged 62 percent in favor of it.

As analyzed separately, the vote of Republicans and Democrats, and men and women, are as follows:

	Favoring conscription	Opposing conscription
	Percent	*Percent*
Democrats	73	27
Republicans	60	40
Men voters	68	32
Women voters	63	37

EVENTS SINCE SPRING CHANGED OPINION

It was not until the German "blitzkrieg" against Holland and Belgium last May that a majority of American voters came to approve a policy of peacetime conscription for the United States, institute surveys reveal.

Over the past 20 months the trend of opinion has been as follows:

State-by-State vote on conscription

	Favoring conscription	Opposing conscription
	Percent	*Percent*
New England:		
Maine	77	23
New Hampshire	74	26
Vermont	74	26
Massachusetts	71	29
Rhode Island	72	28
Connecticut	69	31
Middle Atlantic:		
New York	68	32
New Jersey	69	31
Pennsylvania	65	35
Maryland	69	31
Delaware	62	38
West Virginia	65	35
East Central:		
Ohio	58	42
Indiana	55	45
Michigan	58	42
Illinois	64	36
West Central:		
Wisconsin	60	40
Minnesota	57	43
Iowa	58	42
Missouri	64	36
North Dakota	71	29
South Dakota	66	34
Nebraska	69	31
Kansas	56	44
South:		
Virginia	73	27
North Carolina	68	32
South Carolina	72	28
Georgia	79	21
Florida	75	25
Alabama	76	24
Mississippi	87	13
Kentucky	72	28
Tennessee	72	28
Arkansas	67	33
Louisiana	72	28
Texas	80	20
Oklahoma	72	28
West:		
Colorado	57	43
Wyoming	70	30
Montana	64	36
Idaho	73	27
Utah	57	43
Nevada	70	30
New Mexico	63	37
Arizona	71	29
California	68	32
Oregon	74	26
Washington	67	33

SUMMARY

	Favoring conscription	Opposing conscription
	Percent	*Percent*
December 1938 (after Munich)	37	63
October 1939 (after war began)	39	61
June 2, 1940 (after Battle of Flanders)	50	50
June 23 (after French surrender)	64	36
July	67	33
Today	66	34

In the last fortnight, the survey shows, opinion has leveled off somewhat, possibly as the result of criticism of compulsory military training by some Members of Congress. Nevertheless, American opinion is still approximately 2 to 1 in favor.

Even in North Dakota, home State of the isolationist, Senator GERALD P. NYE, the vote favoring conscription reaches 71 percent, and in Montana, home of Senator WHEELER, the vote averages 64 percent in favor.

SHARP CONTRAST WITH CONGRESSIONAL MAIL

The results of the institute's survey are in sharp contrast with much of the congressional mail received in the last few weeks. Reports from Washington indicate that a majority of the letter writers thus far have been against military training, and some Congressman have given great weight to such indications of sentiment. It is interesting to note, however, that the institute's surveys at the time of the lifting of the arms embargo were also in sharp contradiction to the congressional mail at that time, some of the mail running as high as 9 to 1 against selling arms to the Allies, while the polls consistently showed a majority in favor of sending arms.

Mr. BURKE. I have said, Mr. President, that I have no doubt the committee sentiment—and I am referring to the Senate Committee on Military Affairs, which, as I understand, voted this bill out 13 to 3—fairly represents that of the great majority of this body and of the entire country.

There was no partisanship in the presentation of views on the part of the witnesses who appeared, whether they were on one side or the other, nor in the action of the committee. All conducted themselves as men do when they are engaged in the performance of a patriotic duty.

I recall only one discordant note in the committee. The committee recognized it as such and paid no attention to it. Possibly I should not refer to it here, but I mention it now merely because it is a matter of record appearing in the printed report of the hearings, and perhaps should not be ignored, petty though it was and a silly performance on the part of a witness who was supposed to have some sense.

Norman Thomas opened his testimony in opposition to the bill by charging that the humble sponsor of the measure, the junior Senator from Nebraska, is pro-Hitler and that there was some deep significance in the fact that I should be the one to introduce a bill which, according to this leader of the Socialist Party grossly violates—and I quote his language—

American tradition and the American way of life.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BURKE. I yield.

Mr. HATCH. Am I to understand the junior Senator from Nebraska to state that he was accused by the witness of being pro-Hitler?

Mr. BURKE. I will read the exact language of the witness.

Mr. HATCH. I was wondering if that witness had read the remarks made by the junior Senator from Nebraska at the time we were considering the repeal of the arms embargo?

Mr. BURKE. I am very sure that the witness could not have read them, or have known anything about my attitude in the matter, other than that he had at some time seen headlines in a certain newspaper and accepted them as a full measure of my position.

Mr. HATCH. I do not desire to interrupt the Senator, but in justice to him I should like to say that I was present in the Senate the day the Senator made his statement as to his position on the repeal of the arms embargo. There was no more vigorous and forceful statement made in favor of the Allies and against the government represented by Mr. Hitler, than was made by the junior Senator from Nebraska.

Mr. BURKE. I thank the Senator from New Mexico. The testimony of the witness, to which I have referred, appears on page 255 of the printed record of the hearings, and after referring to a headline which had appeared in a New York newspaper at one time, Mr. Thomas went on to say:

It is symbolically appropriate and significant that it is a Senator holding these sentiments who is author and sponsor of the proposal for peacetime military conscription which your committee is now considering—

And so forth.

I am referring now to the statement of the witness that the sponsor of this legislation has sympathy with the Hitler regime, and to his further statement that the proposal is a violation of American traditions and the American way of life.

In both respects the distinguished Socialist leader apparently reached his conclusions after the most superficial study—in the one case, a newspaper headline, in the other, probably no more than a casual reading of the bill.

I do not need to read the next sentence I have in my remarks, because of the very helpful interruption of the Senator from New Mexico, but I will read it, anyway.

Even a cursory study of the record—not that it is a matter of any importance—would have made it clear to Mr. Thomas that I have been outspoken in condemnation of the suppression of liberty by Hitler; that I have denounced on the public platform in many sections of the country the racial and religious persecution which will make that name infamous for all time to come, and that I have supported every measure short of war by which this country could aid his intended victims.

Mr. Thomas is equally in error, Mr. President, in believing or stating that there is anything in the selective training and service bill that is un-American or in any particular violates the finest American traditions. It is that phase of the matter which I propose to discuss; but before doing so, I wish briefly to present the facts concerning the drafting of the original bill. It is a subject which has been much discussed, and I fear greatly misrepresented. I am now quoting from official records.

Acting under the authority of the National Defense Act of June 4, 1920, the Secretary of War and the Secretary of the Navy created a committee consisting of Army and Navy officers to study the question of manpower for our armed forces. In 1926 this committee was organized into the Joint Army and Navy Selective Service Committee, and additional personnel was added, including officer personnel from the Regular Army, the Navy, and the Marine Corps.

Let me observe at this point that there are some who seem to think it is a matter of discredit that the Chief of Staff and the highest commanding officers of the Army, as well as those who hold like positions in the Navy, should have anything to do with drafting a measure relating to military policy. It seems to me that second thought would convince even a schoolboy that in dealing with matters of national policy and in working out a peace program we naturally turn to those men for their opinions, not necessarily because the elected representatives of the people must follow them, but because they are entitled to great weight.

So I say that in 1926 the committee was enlarged. Specialist Reserve officers of the Army were called in who had played a prominent part in the administration of selective service during the World War, together with legal officers from the Judge Advocate General's department of the Army and the Judge Advocate General's office of the Navy.

The committee immediately set about to study the manpower draft systems employed in the North and in the South during the War between the States, our selective-service system, and the systems for securing manpower in Great Britain, France, and Germany during the World War, together with the applicable constitutional and statutory provisions. Out of this study the joint committee developed a selective-service bill.

At the same time there was at work a civilian committee representing the Military Training Camps Association. From the record I give the facts concerning that association.

The association was created in 1915 as a part of the Plattsburg training-camp movement. It became a national group, with representatives in every State in the Union. It had much to do with the functioning of the officers' training camps in 1917. After the war the Military Training Camps Association was active in support of the National Defense Act of 1920. Each year it has aided materially in recruiting young men for the Citizens' Military Training Camps. The president of the association serves automatically as the chief civilian aide to the Secretary of War.

The governing body of the association is composed of the nine corps area civilian aides to the Secretary of War. There are also State aides in every State, and county chairmen in most counties.

Mr. President, it must be clear, to every reasonable mind that this voluntary association of patriotic and able men has

been rendering to the cause of national defense a service which is of inestimable value. A few months ago, when conditions in Europe began to assume their present alarming aspect, these men, who for years have been giving much thought and effort to the question of military training of the citizen, realized that the time had come when their work must be greatly expanded. They saw that the country confronted a crisis which placed upon every citizen an obligation to prepare himself to render the fullest measure of service of which he could be made capable. So the Military Training Camps Association selected a special emergency committee. Mr. Grenville Clark, able lawyer and lifelong student of the problem of citizen training, was named as chairman. From the very beginning of this movement, 25 years ago, Mr. Clark has given unstintedly of his time and superior talents to the cause of preparedness of the manpower of this Nation.

Serving on the committee with Mr. CLARK, among others, was Gen. John McAuley Palmer, probably the most distinguished authority in the country on military policy. He was chief of operations for General Pershing in France during the World War. He was one of the able draftsmen of the National Defense Act of 1920, and served at that time as adviser to the Senate Committee on Military Affairs, of which Senator Wadsworth was then chairman.

Another member of the emergency committee was Col. William J. Donovan, who is well known to practically every Member of this body. Without doubt, Colonel Donovan has had a wider military experience than has any other civilian soldier in the United States. Only a few days ago the press reported his return from a confidential mission across the water as a representative of the Commander in Chief of our Army and Navy.

I shall not take the time to give the names of the other distinguished gentlemen who served on the committee of the Military Training Camps Association to assist in drafting a selective training and service bill.

While the bill was being drafted the program was discussed by the committee with our leading military authorities, including General Pershing; General Bullard; General Harbord; General Marshall, Chief of Staff; General Drum; General Miles; General O'Ryan; General Haskell, head of the New York National Guard; General Reckord, head of the Maryland National Guard; Col. Frederick Palmer, veteran war correspondent; and innumerable others who have ideas based upon experience and observation which the committee thought would be worth while considering in the drafting of this legislation.

The men whose names I have mentioned, the members of the committee, and the others who were consulted, are one in their firm conviction that the safety and welfare of the United States require the prompt passage of a compulsory training and service act. In the face of such unanimity on the part of those who are best advised on the subject of the requirements of our national defense, it seems to me that the average citizen, in or out of the Senate, would of necessity proceed with caution and care before opposing the principle embodied in the measure.

In matters of detail there are, of course, many conflicting views. The committee which has reported the bill under the able guidance of the senior Senator from Texas [Mr. SHEPPARD] urges its passage. The committee studied the proposal which I submitted on behalf of the Military Training Camps Association, the divergent views in many details of the report of the joint Army and Navy committee, and the testimony of a great many witnesses. They have brought forth a finished product, sound in principle, carefully studied in every provision, and deserving of most serious consideration.

Mr. President, at this time I do not care to enter into any particular discussion of details. Some have already been discussed, and others will follow as the debate proceeds. I shall be present and hope to take part in the discussion. Today it is the broad underlying principle which holds my attention. That principle is attacked in a number of ways. First, the question is asked, Is a system of compulsory selective military training and service undemocratic and un-American? I have already read what Norman Thomas had to say as a witness before the committee when he answered the question in the affirmative.

Those words come readily to the lips of those who for any reason do not want the legislation enacted. They are used by many whose devotion to democracy and the American way of life is beyond all question. They are also spoken by others whose Americanism might be subject to serious doubt.

I have in my folder a placard which I am told is being distributed from house to house throughout southern California. It is headed in big black lines, "Stop conscription! Peacetime conscription is contrary to every principle of our American form of Government."

By whom, it may be asked, is this campaign being carried on? The placard recites at the bottom of the first page that it is issued by "Los Angeles County Communist Party, Los Angeles County Young Communist League."

On the reverse side of the placard is a political advertisement headed, "We, the Communist candidates, take our stand."

The placard concludes with the admonition to hear Earl Browder, Communist candidate for President, on September 8.

Mr. President, I do not cite this in criticism of the Communist Party or the Communist candidate. Certainly those men, as American citizens, have a right to express their views for or against any measure as they see fit. However, I assert that it is not very persuasive to have a Communist shout that the selective training and service bill is undemocratic and un-American.

Certainly not all those who are opposed to this measure are Communists; no one would make so silly a contention as that; but, with equal certainty, I think it can be said that every Communist is opposed to it. As against this declaration of the Communists and of those who share their view that this bill is un-American, let us put a few witnesses on the stand, and first George Washington.

If Washington felt that the principle involved in this bill would violate the spirit of the new Republic, which he had risked everything to establish, he would have stated his position, and his words would carry authority today whether or not we felt that under the changed conditions which now exist it was possible to follow them fully. But on May 2, 1783, Washington submitted to Alexander Hamilton, by request, an article entitled "Sentiments on a peace establishment," discussing a permanent peace establishment for this country, the Revolutionary War then being at an end. Hamilton was at that time chairman of a committee of Congress on a peace establishment. This document is a complete and well-reasoned argument, as, of course, would be expected. From it I quote merely these significant words of Washington:

> It may be laid down as a primary position, and the basis of our system, that every citizen who enjoys the protection of a free government, owes not only a proportion of his property, but even of his personal services to the defense of it, and consequently that the citizens of America (with a few legal and official exceptions) from 18 to 50 years of age should be borne on the militia rolls, provided with uniform arms, and so far accustomed to the use of them, that the total strength of the country might be called forth at a short notice * * * for these purposes they ought to be duly organized into commands of the same formation. * * * They ought to be regularly mustered and trained.

I end the quotation there, although the entire document covering many pages is well worth reading. George Washington saw nothing un-American in the idea that every citizen owes a duty to prepare himself and submit to being prepared to render the fullest possible service to his country. He did not fear that if we should take the entire manpower of this country from 18 to 50 years of age, provide them with arms, organize them into troops and companies, see that they were mustered and drilled, it would make this country a militaristic nation. His argument it seems to me is just as effective today as when it was uttered.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BURKE. I yield to the Senator from Kentucky.

Mr. BARKLEY. The Senator, of course, is familiar with the repeated supplications of Washington while Commander in Chief of the Revolutionary army to the Congress to furnish him an army, and it is probably true that if Washington had had the sort of army which he asked the Continental Congress to provide for him he would have won the Revolutionary War in 2 years instead of 7 or 8.

Mr. BURKE. I have no doubt the statement made by the Senator from Kentucky is substantiated by the facts of history.

Mr. JOHNSON of Colorado. Mr. President——

Mr. BURKE. I yield to the Senator from Colorado.

Mr. JOHNSON of Colorado. I understood the Senator to say the statement of General Washington was made in 1783?

Mr. BURKE. It was made on May 2, 1783.

Mr. JOHNSON of Colorado. That was several years before the adoption of the Constitution?

Mr. BURKE. Yes; I realize that.

Mr. JOHNSON of Colorado. Does the Senator know whether George Washington ever made any such statement after the formation of the Republic?

Mr. BURKE. Yes; in 1790 there was proposed to the Congress a bill built upon this principle. I understand, although I should not want to vouch definitely for the statement, that it had the full support of the then President, but the Congress did not enact the measure. However, in the bill introduced in the Congress in 1790 I think the idea of selective compulsory training in time of peace was embodied, which gives rise to the comment made earlier in the day when this matter was mentioned that if George Washington, with all the power he possessed, with all the love and admiration of the people of the country, was not able to have such a measure written into the law the Military Affairs Committee and those who favor this measure have a very serious task on their hands. It must be remembered, however, that in 1790 this country was at peace. There were some things threatening, but we were looking forward to a long period of peace, and, so far as the Members of Congress and the citizenry of the country in general knew, there was nothing in the offing comparable to the condition which prevails in the world today, and nothing to indicate the necessity for military training such as confronts us today.

A further fact which we must consider is that in the pioneer period it was a very natural condition for the normal citizen to be familiar with the use of firearms, and, of course, to keep himself in good physical condition. Unpleasant as it may be to admit it, we must in frankness say that the Nation, as a whole, has become greatly softened. The need for rigorous discipline and military training is now on a scale and is apparent to a degree that would not have been true at all in 1783 or 1790.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield further?

Mr. BURKE. I yield.

Mr. JOHNSON of Colorado. Is it not true that at that time there was a constant danger from savage Indian tribes, and that European powers had colonies in the United States which were constantly threatening the peace and order of the country?

Mr. BURKE. There certainly was danger from hostile Indians. That was one of the things that undoubtedly accounted for the fitness in which the citizenry of the country kept themselves at all times. It was either a matter of being fit and able to defend themselves or probably not remaining very long on this earth. But there was not any world-wide disturbance. Although one was not far off, it was not apparent at that moment.

Mr. CLARK of Missouri. Mr. President——

Mr. BURKE. I yield to the Senator from Missouri.

Mr. CLARK of Missouri. Is it not a fact that during Washington's administration there was a situation similar to the situation which is now existing and has recently existed in Europe of an attempt at conquest of the world by one man?

Mr. BURKE. That was toward the end of Washington's administration.

Mr. CLARK of Missouri. Is it not a fact that there were parties in this country, one headed by Alexander Hamilton, just such a party as that new headed by Col. Julius Ochs Adler and his associates, trying to drag the United States into a war on behalf of Great Britain, and another party roaming up and down the country, with the French Ambassador at their head trying to drag the United States into the war on behalf of France? In other words, there was such a situation then that Americans were divided into parties, trying either to stay out of war or to drag the country into the war on behalf of one or the other set of belligerents?

Mr. CONNALLY. Mr. President——

Mr. BURKE. I will yield in a moment. I would say, first, in answer to the Senator from Missouri, that I do not agree at all with his statement that Col. Julius Ochs Adler or the others he mentions have done anything or have any thought in their minds of dragging us into war. They believe in preparedness of the citizens to resist aggression.

Mr. CLARK of Missouri. Does the Senator read the New York Times?

Mr. BURKE. I read it every day.

Mr. CLARK of Missouri. If he will read it any day he will see the efforts made on behalf of the newspaper controlled by Col. Ochs Adler, at least in large part, to drag the United States into war.

Mr. BURKE. Does the New York Times go any further than the President of the United States?

Mr. CLARK of Missouri. I think it does; and let me say that, so far as I am concerned, I do not agree with the President in such speeches as that made at Charlottesville, calculated to drag the United States into war.

Mr. BURKE. I differ with the Senator from Missouri in that. I agree fully with the President in reference to his foreign policy.

I now yield to the Senator from Texas.

Mr. CONNALLY. I do not want to interrupt the Senator from Nebraska, but the Senator from Missouri referred to trouble in Europe. Most of that occurred under the administration of John Adams rather than that of George Washington.

Mr. CLARK of Missouri. Mr. President——

Mr. CONNALLY. I will ask the Senator to wait for a moment, please. The Senator from Nebraska yielded to me, and I have the floor for the time being.

Mr. CLARK of Missouri. Very well.

Mr. CONNALLY. Of course, Napoleon was in France creating a good deal of disturbance, but our own difficulties mostly occurred during the administration of John Adams, after Washington had gone out of office.

Mr. CLARK of Missouri. Of course, it was during the administration of John Adams that we came to the verge of war and raised an Army for the purpose of fighting France, but during Washington's administration the French Minister was going up and down the country denouncing the President of the United States, who was George Washington, compelling Washington to demand the recall of Citizen Genêt, and it was during Washington's administration that the President of the United States was burned in effigy on one side for not getting into war on behalf of Great Britain, and burned in effigy on the other side for not getting into war on behalf of France.

Mr. BURKE. In what part of Washington's administration?

Mr. CLARK of Missouri. During his second administration.

Mr. BURKE. The period I am referring to now was in 1790 when Washington was still in his first term. It is true that before Washington's 8 years were up the world was aflame. Those who say that in an emergency it is all right for a President of the United States to continue in office indefinitely, and that we cannot draw any conclusion from the example set by Washington, overlook the fact, as the Senator from Missouri has just pointed out, that, at the end of Washington's administration, the world was in a very serious condition, and yet General Washington felt that he could safely

turn the helm of the ship of state over to another citizen, though not setting it on a different tack.

Mr. CLARK of Missouri. Mr. President, if the Senator will permit one further interruption I will not interrupt him any more.

Mr. BURKE. I am glad to yield to the Senator from Missouri.

Mr. CLARK of Missouri. The Senator will recall that immediately after Washington had retired from the Presidency in the midst of a grave crisis during the Adams administration he was authorized to raise several divisions of troops for possible use against France, of which troops General Washington was nominally the commander, although General Hamilton was the actual commander; and that was done by voluntary enlistment and not by conscription.

Mr. BURKE. Mr. President, I proceed.

The principle outlined by Washington in 1783 in his article entitled "Sentiments on a Peace Establishment" forms the solid basis upon which this bill is constructed. It affords a workable program for translating into action the obligation which rests, as Washington said, upon every citizen who enjoys the protection of this free Government to contribute of his personal service to the defense of it. Senators may take their choice of witnesses as to whether compulsory peacetime military training of the citizen is in accord with the fundamental principle of American liberty. I prefer Washington. With him, the sponsors of this legislation declare that it forms the very basis of our proper peace establishment.

I shall omit some of the other witnesses on this particular point, and come down over a long span of years to the Progressive Party in 1916. There are some Members of the Senate, and some I believe within the sound of my voice, who thought that a good deal of wisdom and patriotism, and certainly an understanding of Americanism, was represented in the Progressive Party of 1912 and 1916. Whether one agrees with much or little of the things for which the Bull Moose Party stood for, it cannot be questioned that its membership ranked as high in patriotic devotion to American ideals as any group that ever assembled in this country. The Progressive platform adopted at Chicago on June 8, 1916, contains as splendid an exposition of Americanism as can be found anywhere in our literature. My attention has never been called to any pronouncement of the Communist Party that comes within hailing distance of it. Let me read a few excerpts from that platform:

> As members of an international community we are subject to certain basic duties:
>
> To secure the rights and equal treatment of our citizens, native or naturalized, on land and sea, without regard to race, creed, or nativity.
>
> To guard the honor and uphold the just influence of our Nation.
>
> To maintain the integrity of international law.
>
> These—

The platform says—

> are the cornerstones of civilization. We must be strong to defend them.
>
> * * * * * * *

Then the platform goes on:

> Whatever our country can legitimately do to attain peace for war-stricken Europe and to aid in the procurement of equal rights without discrimination because of race or creed to all men in all lands should be done.
>
> Adequate provision for the common defense has become the task of foremost national concern.
>
> * * * * * * *

And then this final section:

> We must be ready in spirit, arms, and industry. Preparation in arms requires:

Remember, this was in 1916—

> A Navy restored to at least second rank in battle efficiency.
>
> A Regular Army of 250,000 men fully armed and trained, as a first line of land defense.

And then, and most important, this significant statement:

> A system of military training adequate to organize with promptness behind that first line of the Army and Navy a citizen soldiery supplied, armed, and controlled by the National Government.
>
> In our democracy every male citizen is charged with the duty of defending his country. This duty is not new. It has existed from the foundation of the Government. Under modern conditions it cannot be performed without military training. Service without training means slaughter and disaster. As the Nation has always recognized and exercised the right to enforce compulsory military service in time of war, so should there be universal military training for that service during times of peace.

That is the last quotation I give from that very able platform, adopted during another period when the world was in very great stress. I wish every Member of this body and every individual in the country would realize the full significance of that language used by those very able leaders of the Progressive Party, that "service without training means slaughter and disaster"—I am going to talk a little more about that later—and then their solemn declaration that—

> As the Nation has always recognized and exercised the right to enforce compulsory military service in time of war, so should there be universal military training for that service during times of peace.

Those patriotic Americans could see nothing undemocratic or un-American in universal military training for service in times of peace.

General Pershing, of course, should have been called and was called and appeared before the committee as a witness. His view, I think, will be accepted by most Americans as being rather convincing on what is or is not American. In his letter to the Senator from Texas [Mr. SHEPPARD], which appears on page 5 of the printed record of the hearings, General Pershing heartily endorses the principles embodied in this bill. So do a great host of others across the country whose devotion to Americanism cannot be questioned.

It is unnecessary to go further with the presentation of witnesses to establish that compulsory military training in time of peace is in full accord with the best American tradition. It is the only democratic way to provide an adequate national defense. It recognizes the obligation of all to serve, and adequately to train for that service. Rich and poor, all classes, races, and creeds, are treated with exact and equal justice. Instead of being contrary to the principles of American liberty and freedom, this proposal is implicit with the true spirit of Americanism.

In closing this part of my presentation, I offer a resolution adopted on June 14, shortly before this measure was filed in Congress. I offer it as typical of scores, probably hundreds, of others from all sorts of groups and organizations scattered over the country. The resolution is short:

> *Resolved*, That we, those alumni, faculty, and undergraduates of Williams College who are assembled at a meeting at Williamstown this 14th day of June 1940, believing that the result of the war now raging in Europe will affect the lives of us all and of the generations succeeding us, and further believing that the security of the United States of America is threatened by the events at this moment occurring abroad, do hereby petition Congress to enact immediately legislation providing for universal compulsory military training, and for universal service in time of war, as the only way to defend this country adequately, in time and in a manner befitting a democracy.

There is no suggestion on the part of those undergraduates, alumni, and faculty members of that great historic institution that we should wait for more weeks and more months to see if eventually the required number might volunteer, so that selective service would not be needed.

I understand that there is some question about the figures in reference to the number of enlistments during different periods. I stated, in asking the Senator from Michigan to yield not long ago, that I was informed—and I have the official statement—that during the first 5½ months of this year there was a net increase of our National Army of only 14,500, approximately. I understand that those figures are questioned, and at least their validity, or the validity of the conclusion, is open to some question because, during a part of that period, at least, the Army was not seeking any additional enlistments. But I waive all of that. Let the figures be what they are, and let us take the last figures given. As I understood the distinguished Senator from Michigan to

say, during the month of July, if I recall correctly, the volunteer enlistments exceeded 31,000, which set an all-time record, at least in peacetime, for enlistments in the Army; and that is certainly a very encouraging and creditable showing. But if we need—and as to that need there will be discussion later—400,000 men October 1, and another 400,000 the 1st of April, to put them into training, even this all-time peace record of 31,000 in 1 month would be altogether inadequate, as it would take, unless my computation is in error, 12 months at that figure to get the first 400,000.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. BURKE. I yield.

Mr. JOHNSON of Colorado. The 31,000 the Senator from Michigan referred to are simply the enlistments in the Army. To that number must be added the enlistments in the Navy, the Marine Corps, the Air Corps, and all the other branches of the armed forces. The 31,000 enlistments are in only one branch of the armed forces.

Mr. BURKE. As stated by the Senator from Michigan [Mr. VANDENBERG], there has been no difficulty in getting enlistments in the Navy. The testimony clearly indicates that they get all of the enlistments they want. In fact, in the Navy there is a waiting list; and the enlistment period in the Navy is 6 years, which may be worth consideration in weighing the validity of the argument that a reduction of the enlistment period in the Army from 3 years to 1 year would settle our difficulties.

Mr. JOHNSON of Colorado and Mr. MILLER addressed the Chair.

Mr. BURKE. I yield first to the Senator from Colorado.

Mr. JOHNSON of Colorado. I merely wanted to state that the 400,000 who will be needed on October 1 are for all the branches of the armed forces, including the Navy and the marines and other military establishments.

Mr. BURKE. That is correct. They are to go into training for all branches of the service.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. BURKE. I yield.

Mr. MILLER. It appears to me that under the theory of the bill it is not necessarily material whether or not the volunteer system has broken down or whether it is functioning properly. Section 2 of the bill merely provides for the registration of a certain class of people between the ages of 21 and 31. Then section 3—and I wish to call the Senator's special attention to it—beginning with line 15, on page 15, authorizes the President—

> Whether or not a state of war exists, to select for training and service in the manner herein provided, and to induct into the land and naval forces of the United States, such number of men between such ages as in his judgment is required for such forces in the national interest.

That does not mean that because a million men, or 2,000,000 men, or 4,000,000 men may be registered, any more will be called into the service than are necessary in the national interest. The bill further provides, in the same section, that the volunteer system may be in force.

I have great respect for those Senators who are opposing the conscription theory, but it seems to me this is not a conscription bill, but is merely a measure setting up machinery to provide an ample reservoir of manpower which may be drawn upon by the President at such times as the national interest demands. That, in my opinion, is the crux of the entire bill, for section 5 provides that no man can be called into service until an appropriation is made by the Congress to pay for his services. I submit to the Senator, who has had no small part in the preparation of the bill, that all it is proposed to do is to provide a reservoir from which the manpower may be drawn if circumstances arise which make it imperative in the national interest that the reservoir be tapped. Is that correct, or is it not?

Mr. BURKE. The Senator is entirely correct and states the matter most forcefully, embodying the very heart and essence of the bill. It retains the volunteer system, with a little different age limit, the ages being from 18 to 35.

Any young man may volunteer after the bill goes into effect. It sets up the machinery for classification, so as to get an inventory of the manpower of the country, but it will never go beyond that point if the hopes of all of us that the voluntary system will be adequate are realized. While we talk about 400,000 on October 1, that is merely what the Chief of Staff and other officers of the Army and the Navy and other recognized officials say they want, and they state that they can be prepared by October 1 with housing, clothing, arms, and other facilities to take 400,000 men. But if we pass the pending measure and set up an organization for listing the manpower of the country, before we come to applying the rule of compulsion, or the rule of selection, the Senate and the House must make an appropriation. That is specifically provided in section 6 of the bill, which reads:

> The President shall have no authority to induct persons into the land and naval forces of the United States under this act until Congress shall hereafter appropriate funds specifically for such purpose.

So if we pass the bill, when September comes, or the 1st of October, Congress can then have before it the record of enlistment during the intervening weeks, and if it is satisfied that the enlistments are speeding up and that at that time there is no necessity to make any appropriation to call a single man into the service under the selective process. Congress need not make an appropriation, but the machinery will be available. If, a few months later, the need is greater, or the enlistments fall off, and it is necessary to get men under the selective system, we will not have a long and costly delay.

Mr. MILLER. As a matter of fact, we passed the National Guard bill, and if all the National Guard units are filled and are called into training it may not be necessary, under the program, to call a single man under the pending bill for months. But if such conditions develop as to make it unwise to call all the units of the National Guard into training, and four or five hundred thousand men are required in the interest of national defense, we will still have this reservoir from which to fill the requirements.

Mr. BURKE. I understand it will be possible to call 400,000 men October 1, in addition to the National Guard. It may be inadvisable or unnecessary, but I think if the Senator had in mind the ability to provide clothing, housing, shelter, and arms, that has already been taken into consideration, as the National Guard bill was considered from the start as an integral part of the selective-service program. From the very beginning it was understood that in order to make it workable at all it was necessary to call the National Guard into active duty, and with that realization the Chief of Staff and others said they still would be able to take 400,000 men on the 1st of October. But it may be altogether unnecessary or inadvisable to do so at that time.

Mr. MILLER. They will be able to take them, provided the Congress authorizes them to do so by further appropriation.

Mr. BURKE. That is absolutely necessary.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BURKE. I yield.

Mr. TAFT. It has been frequently stated that the Government would call 400,000 men on the 1st of October under the draft law; that that was the purpose of the law. Has the Senator any figures showing that we could, under the draft law, get that number of men by that time? I have had occasion to refer to the draft law of 1917, and I find that, while the law was approved on the 20th of May, it was September before 250,000 men were inducted into the Army, and October before 400,000 were inducted. So, unless we can proceed faster than in 1917—unless there was some reason for the delay at that time—it would be December or January before we could get these men inducted under the selective draft. Has the Senator any figures on that question?

Mr. BURKE. Yes. That matter was gone into very fully before the committee. We would start very considerably further along the road than was the case in 1917, because the Joint Army and Navy Committee have already had the matter fully organized. Major Hershey testified before the com-

mittee, and his testimony will be found in the report of the hearings. They have at least made very great progress in being ready to start without any delay. Of course, it is true that if Congress finds it necessary to debate this matter at very great length, undoubtedly it will be necessary to extend the time from October 1 to October 15 or November 1, or whatever the time might be, and, I assume that is one of the things those who are inclined to indulge in long debate will have to weigh, whether they wish to run the risk of delaying the matter. Certainly we should have full discussion of the measure.

Mr. TAFT. They acted very quickly in 1917, because the registration was begun the 5th of June, which was within 2 weeks of the approval of the act, and still there was the long process of appointing draft boards. Setting up the clerical forces necessary to register the men and to determine whether they should be deferred or should not be deferred took, under the pressure of war, 4 months to accomplish. So it seems to me we have no reason to think that the proposed draft law would provide 400,000 men before the 1st of January 1941.

Mr. BURKE. I do not propose to set my judgment against that of General Marshall, General Shedd, Major Hershey, and the others who testified that if Congress passed the bill around the middle of August they would be able, in the light of experience they have had, and in view of the steps already taken, to take care of 400,000 men on October 1.

Mr. TAFT. I have understood that the need of passing the bill is that we must have 400,000 men on October 1. Not only do I think we will not get them under the proposed draft law, but, as I understand the Senator's present statement, no effort is to be made even to try to get them. For 3 or 4 months the voluntary system will be tested before they undertake the draft.

Mr. BURKE. No, indeed; the Senator misunderstood my statement entirely if he reached that conclusion. I say that in the bill as it now stands there is a provision for continuing the voluntary system. If the bill shall be passed, the Government will proceed immediately to the first step, which is the registration of all men within the specified group. The second important step will be the classification, so that we may know what our manpower is. All that will be done whether or not enlistments come in fully the first week to take care of the required number. We will know about that, anyway.

Some may say that will be a waste of money and a waste of effort. I do not think so at all. I think that if we have to apply the selective compulsory system, all those steps will be out of the way. Then the final step of drawing the numbers and calling the men in is a matter which will require only a short time. If the enlistments are not up to the proper mark, that last step will be taken by the 1st of October.

Mr. TAFT. Does not the Senator think that if the bill shall be passed all interest of the administration and the Army in the voluntary system will cease, and that the voluntary system will not have a fair trial? Does not the Senator think that, with the easy method provided, if merely by a stroke of a pen it will be possible to get 400,000 men, efforts to make the volunteer system work will lose all force?

Mr. BURKE. On the contrary, I think that exactly the opposite would result, that the very fact that Congress had applied itself in the past and worked out an effective compulsory draft measure, to go into operation on a certain day, and that registrations and classification were taking place, would of itself in a very helpful, sane way provide a tremendous impetus to voluntary enlistment, and would be much better for the country than to go out with bands and white feathers and everything else and try to stir up enlistments.

Mr. TAFT. In other words, no real effort will be made in any serious way by the administration to get volunteer enlistments. The administration will simply rely on the fact that the draft is threatened, and so enlistments will increase, as I understand the Senator's position. There will be no general appeal, no general effort, no statement by the President, no real calling attention, not to the patriotic duty, but to the advantages the Army has, if we change the limits and change the enlistment period?

Mr. BURKE. I cannot speak for the President, and say whether or not he will make a fireside chat. I hope he will not. If the bill is passed I hope there will be no organized concerted effort in the newspapers, and in the movies, or on the street corners to bring about an increase in voluntary enlistment. There is only one way to do that, and that is to create a war spirit. Those who are trying in their serious and honorable way to hold down the war spirit ought to be the enthusiastic supporters of this measure, because when we shall have passed it we can do away with all hysteria and everything else connected with putting on a recruiting drive. We will all recognize then that we shall simply have the serious task of registering those within the age limits, of enrolling them, and classifying them, and sending them into training, and we shall get away almost completely from the hysteria that otherwise must result.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BURKE. I yield.

Mr. CONNALLY. Most of the prominent opponents of the bill assert that it is perfectly sound to draft men in time of war. If it is sound to draft men to fight a war, why is it not sound to draft men to keep us out of war?

Mr. BURKE. I will answer that by saying I believe one principle is just as sound as the other, though I suppose some opponents of the measure may give a different answer.

Mr. TAFT. Mr. President, will the Senator yield for one more question?

Mr. BURKE. Yes, indeed.

Mr. TAFT. From the first part of the Senator's speech do I understand that he is in favor of the passage of the bill regardless of any war emergency simply because compulsory military training is necessary for the hardening of the youth, presumably?

Mr. BURKE. I think it would be fully justifiable on that ground, but I admit that if all the world was at peace and our minds were directed along other lines, I would not urge the passage of such a measure with any hope that it would be enacted. However, I think a good deal could be said for it even under such conditions.

Mr. BONE. Mr. President, will the Senator yield?

Mr. BURKE. I yield.

Mr. BONE. I heard the Senator's statement a moment ago about the provision of section 6 of the bill that the President may not induct anyone into the service under the bill until Congress shall have appropriated the money.

Mr. BURKE. Specifically for that purpose.

Mr. BONE. Specifically for that purpose. So that is as specific as the English language can make it. Are we to understand from that, that regardless of any other consideration, no man will be inducted into the military service of the United States under the bill until the Congress shall have actually passed an appropriation measure for that specific purpose? What will be done with funds available to be employed by the Army? Are they to remain in statu quo? And if a million or two million young men, or five million, whatever number are registered——

Mr. BURKE. Twelve million.

Mr. BONE. What will they do? Will they simply go home and remain there until Congress appropriates the money to bring them into service after they are selected?

Mr. BURKE. Under no circumstances would more than a small percentage of those who register ever be called to service. Between the age limits now contained in the bill, 21 to 30, inclusive, there are approximately 12,000,000 men who will register. The Army wants only a trained reserve of 1,200,000 men altogether, so that a very large proportion of men who register will never do anything other than register, and be classified in A–1 or D–3, or some place else, and those men will know what the likelihood of their being called is as soon as they find out how they are classified.

Mr. BONE. I am glad to get that information, but the specific point on which I sought information is this: Will it

be possible, under this legislation, if it shall be enacted, for a single man actually to be called for training, and inducted into the service, and put into a uniform, and be given training, unless the Congress shall pass the legislation making appropriation for that purpose?

Mr. BURKE. No.

Mr. BONE. So that if this legislation shall be passed, a second necessary step will have to be taken, and that is to provide the money to implement Senate bill 4164?

Mr. BURKE. Yes, that is correct, with the exception of setting up the machinery and registration organizations.

Mr. BONE. Where will that money come from?

Mr. BURKE. It will come from the general fund. That can all be done. Not a single man can be selected or inducted into the service until Congress appropriates the money for that purpose, but the rest of the work can be done.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. BURKE. I yield.

Mr. CLARK of Missouri. We have already appropriated a lump sum of $400,000,000 as a sort of lagniappe, for the President to do with as he pleases. Can he take that $400,000,000 and use it to induct men into service?

Mr. BURKE. Certainly not, because the language is as plain as the English language can be, that the money must be specifically appropriated for this purpose.

I read it again:

SEC. 6. The President shall have no authority to induct persons into the land and naval forces of the United States under this act until Congress shall hereafter appropriate funds specifically for such purpose.

There can be no argument about it.

Mr. CLARK of Missouri. Let me ask one more question. The Senator stated that very few of those to be registered will be called. How does the Senator know that? He says the Army wants only a reserve of 1,200,000. Of course, the Army's desires are on a rising scale. When they find they can get a certain number they ask for a certain number more. Originally they wanted a standing Army of 300,000; then they went up to 500,000; and then up to a million.

The Senator will well recall that in the last war it was stated at first that we would not have to send any troops overseas. When we declared war the assurance was given on every hand that the Allies did not want any men sent overseas; that they simply wanted our moral and material aid. Then as soon as we got into the war they said they needed a few token divisions to be sent over simply to show that we actually had our hearts in the war and so that the American flag could appear on the western front. We passed a draft law more or less with the understanding that only a few troops were to be sent, but as we got a little farther in the Army raised its sights a little bit more, and the necessities of the situation developed a little bit more, and the first thing we knew we had 4,000,000 men in uniform.

It seems to me that if we are to pass the bill at all we should not do it on the assumption of telling the American people that only a few men out of the 12,000,000 registered will be called. It is said that the Army wants 400,000 men, but the Senator has no assurance that by the time we shall have passed the bill the Army will not have raised its sights and will want 800,000 men.

If the Congress believes in this bill it ought to be passed, but, of course, Congress ought not to pass it under a fradulent pretense that only a few out of the 12,000,000 registered will actually be called, because no one knows how large the demand will be.

Mr. BURKE. There is no fraud or pretense whatever. What the Army wants will have nothing to do with the matter except to form the basis of the request for an appropriation by Congress. When the request comes to Congress to make an appropriation, if the Senator from Missouri is here, he will be able to say, "The Army now wants 1,500,000 men instead of 1,200,000, and I am not in favor of giving them the 300,000 additional men," and he will undoubtedly be able to keep the Army to the smaller force.

Mr. CLARK of Missouri. I doubt that very much. The Senator from Missouri will undoubtedly be here if he is alive, and the Senator from Missouri will undoubtedly oppose this tremendous expansion. But I have seen committees of the Senate and committees of the House, appropriations committees and military and naval affairs committees, often roll over and play dead, often reverse themselves. An Army officer or a naval officer may appear before a committee and say, "There is a national emergency. We have to do thus and so." Then the officer may come back the next week and say, "We did not ask for half enough last week. We asked for only $2,000,000,000 last week. We ned $4,000,000,000 more this week." And the committees have often reversed their previous action. I have seen that happen so often I have no delusions that my feeble voice will prevent it in the future.

Mr. BURKE. I think I should qualify the statement I made to this extent; that certainly under the machinery set up by the bill, if Congress was convinced that the conditions demanded it, and was willing to appropriate the money, probably 10,000,000 men could be inducted into the Army. As the bill now stands there are about 12,000,000 in this classification. We will assume that 2,000,000 will be physically, mentally, or otherwise unfit, or conscientious objectors. That would leave certainly 10,000,000 men. It would be possible, certainly under this machinery, to bring into the Army 10,000,000 men. I hope that if the future of American civilization depends upon it, Congress will make the appropriation to bring the full 10,000,000 men into the Army, and lower the 21-year age limit, and raise the 31-year age limit, to obtain whatever other millions may be needed.

But what I was saying—and it has nothing to do with that—is that the present exigencies of the country's needs seem to call now for 400,000 men for training October 1, and an additional 400,000 for training April 1 next year. That is all I can say for the present.

Mr. ADAMS. Mr. President, let me add one word of information. The Appropriations Committee has also had submitted to it a list of matériel and equipment for 4,000,000 men. That is already in the committee's hands.

Mr. BURKE. I think that was a very wise course. The Congress is not now asked to make an appropriation, but is advised as to what will be needed if we reach the point where we must take this matter more seriously than some appear to be taking it.

Mr. SCHWARTZ. Mr. President, will the Senator yield?

Mr. BURKE. I yield.

Mr. SCHWARTZ. It is unfortunate that those who oppose the bill are so quick to take the floor and say that the provisions they do not like are based upon fraud and that anyone who is in favor of the bill must either be dense or trying to put over on the Congress and the people of the United States some sort of fraudulent scheme.

It further seems to me, Mr. President, that there is some merit in the suggestion that if we are to have so many soldiers we must have authority from Congress. I am old-fashioned enough to believe that the Congress has some jurisdiction. If the Army wants something, I do not think Congress ought to sit down supinely and say, "Yes; if you generals want all this money, we will give it to you." I have noticed at times that the Appropriations Committee has not been very liberal in giving some of us what we want. That is especially true when the distinguished Senator from Colorado heads the subcommittee in the Appropriations Committee.

Mr. ADAMS. I appreciate the compliment; but in the Appropriations Committee this morning the Army representatives said to us that the House had appropriated exactly what they asked for in this modest $5,000,000,000 bill. That branch of the Government did not attempt to trim the appropriation. Some of us will try—perhaps unsuccessfully—to trim it.

Mr. SCHWARTZ. It is probably merely a coincidence when two intelligent bodies happen to agree on the amount of a necessary appropriation. [Laughter.]

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BURKE. I yield.

Mr. TAFT. I notice from the hearings that Colonel Adler advocates training 2,000,000 men a year until we have a reservoir of 20,000,000 trained men at the end of 10 years. Of course, the bill makes that possible.

Mr. BURKE. The machinery is set up to train every able-bodied man between the ages of 21 and 31 who cannot claim exemption on the ground that he is a Member of Congress, a conscientious objector, or is in one of several other classes. I assume, if we take them all, that we shall have about 10,000,000 all told, and that number would be added to at the rate of about 1,200,000 a year by those who come within the age limits. I suppose theoretically the bill provides the machinery to train them all if Congress thinks it is necessary and appropriates the money.

Mr. TAFT. Does the Senator agree with Colonel Adler that that should be done?

Mr. BURKE. I agree with General Marshall, General Shedd, and others who feel that if we have a well-trained reserve of about 1,200,000, with the Regular Army increased to the size at present authorized, under present conditions that is about as far as we should go.

Mr. TAFT. Does the Senator agree with the views of the Assistant Secretary of War, Judge Patterson, that we should today have 1,300,000 men under arms?

Mr. BURKE. I think we should have that many in training.

Mr. TAFT. Does the Senator mean that in the Regular Army and in training we should have 1,300,000 men?

Mr. BURKE. I think that as quickly as possible we should try to have between a million and a million and a half. We cannot be definite about the matter. I think the proper number is between a million and a million and a half.

Mr. TAFT. I noticed a week ago Sunday that Judge Patterson unequivocally laid down the need for the United States to have an Army of 1,300,000 men under arms. He did not say anything about training. He said we needed that number. He said we needed 850,000 for a mobile Army, 150,000 in garrisons, and 150,000 for some other purpose. He said that we should have under arms an actual Army of 1,300,000 men. I wonder if the Senator agrees with that view.

Mr. BURKE. I should be very greatly persuaded by the views of Judge Patterson, now the Assistant Secretary of War, whom I consider one of the ablest public servants who has ever come to Washington, a man with vital experience in military matters, and a far more thorough knowledge than I have. I should certainly weigh his statement with very great care. He goes a little further than I had thought was necessary; but if he is convinced that his figures are correct, I should certainly wish to examine them with great care and humility, in deference to his superior judgment in the matter.

Mr. BONE. Mr. President, will the Senator yield?

Mr. BURKE. I yield.

Mr. BONE. I wish to ask the Senator a general question. I do not wish to intrude it in the midst of the Senator's remarks and interfere with the current of his thought. I intended to ask the question after the Senator should have concluded.

Mr. BURKE. I shall be glad to have the question asked now.

Mr. BONE. I suppose that in common with a great many others who have been following the debates in Congress and in the press of the country about the proposal to register young men for service, the Senator has noticed the continued assertion that the times in which we are living call for a great sacrifice on the part of all the American people—on the part of the general public, as well as on the part of business. That necessity has been emphasized many times. In one of the local newspapers this morning there appeared an editorial to the effect that the troubled waters in which we are swimming call for a very great sacrifice—a real, and not an ostensible or outward sacrifice—on the part of every American. I wonder if the Senator agrees that that is a true statement of the condition which confronts us.

Mr. BURKE. I think the times are such that it is imperative that every citizen of this free country should realize that he owes everything he has—his life, his property, and everything else—to the cause of preserving the liberties which we cherish, and that so far as is necessary our organized society in the United States has the right to call upon him to make that sacrifice. The matter of calling upon us to go into training, under conditions which will be prescribed, in order that we may fit ourselves to render that service, involves only a minor sacrifice. If the Senator is referring to taxing profits——

Mr. BONE. I am.

Mr. BURKE. If the Senator is referring to taxing profits, or property, or anything else, I say that every citizen, so far as his life and property are concerned, must realize that if the need should arise, he must make the full contribution in whatever way is most effective. I entirely approve the principle of excess-profits taxes, drafting money, or forcing loans in time of war. The only question I shall have in my mind in approaching any specific proposal of that kind will be, "Is this the practical, feasible, and wise way to accomplish the desired results?" Whenever I reach a conclusion on that question, I shall go the whole way.

Mr. BONE. I was prompted to ask the question because I have served on one rather important committee in which the question was seriously raised by representatives of the National Defense Council that men manufacturing airplanes and warships could not be expected to be enthusiastic in the rearmament program—that they might, to use a vulgarism, pull back in the traces and not give the enthusiastic service they otherwise would give—unless there were guaranteed to them what I should call a considerable measure of profit. There was no suggestion of sacrifice. On the contrary, it was as cold, hard, and ruthless a business proposition as I have ever listened to—and I have represented businessmen all my professional life. Aside from the discussion of the necessities of the country, the whole thing revolved around whether or not they were to be guaranteed what was described as a reasonable return, which seemed to me to be quite generous in the light of the sacrifice we may have to impose on the boys who go into the Army. I am wondering if all the sacrifice about which newspaper publicists talk is to be the sacrifice of the boys.

Mr. BURKE. Certainly not.

Mr. BONE. I do not want it that way; and I am wondering how much of this talk is real and how much is unreal, amounting almost to hypocrisy. We read articles in the newspapers about the necessity for everybody sacrificing, and the necessity for the sacrifice being real and not apparent. In the next breath we are assured that we cannot have the whole procedure of preparedness carried on in a decent and effective way unless we guarantee sizeable profits to the men who are to make the instrumentalities of war. A great question is raised in my mind as to whether or not all the sacrifice is to be on the part of the boys.

I am not tilting a lance against business, but I am frankly questioning in my own mind the validity of much of the argument when the emphasis is laid on the necessity for large profits for munitions makers, and the emphasis for sacrifice is with respect to the service of the boys in the Army. If we take a young man away from a $200-, $300-, or $400-a-month job and put him in the Army at $21 a month, the sacrifice is regarded as a patriotic gesture on his part; but we cannot go out to the west coast and ask airplane manufacturers to make a comparable sacrifice.

I feel that the suggestion I am making is very logical and very legitimate, because I know that the Senator from Nebraska is aware of the history of the two major parties, both of which, with pontifical solemnity, have announced in their platforms—which we occasionally read for the amusement of ourselves and the general public—that if a sacrifice is to be made by so-called cannon fodder, then business must make identically the same sacrifice.

The Senator is aware of the wording of those platform declarations, is he not?

Mr. BURKE. I have not in mind the exact language.

Mr. BONE. They are much more emphatic than anything I could utter. They say, "In case of war"—and we are assured that this is virtually a state of war now—"we call upon the country to make a draft of property"—and they use this language, or its equivalent—"exactly as we draft men."

I do not know whether or not these parties were "kidding" the American people. I suspect, I will admit to the Senator, I have a deeply ingrained suspicion, that they were "kidding" the country, because there has not been evinced on the part of Congress in this whole program a single intention, so far as I have been able to determine, to draft property as we now propose to draft the services of young men; and I am wondering why these two great parties are now defaulting in their solemn promise to the American people.

Mr. LEE. Mr. President——

Mr. BONE. I do not know whether or not it is the part of wisdom to do it. I am simply saying that both these parties lied to the American people when they made that pledge unless they now, in the face of this crisis, have the sand and the courage and the intestinal fortitude to make good on their solemn pledges.

Perhaps a party platform is not a pledge. I do not know. After I see what conventions do, I have reached the conclusion that it is so much opera bouffe—not even grand opera; just the lower order of English music-hall comedy. But they ought not to do it; and my purpose in questioning the Senator was to ascertain whether or not he felt that in order to be square with the American people we ought to make the sacrifice of business somewhat comparable to the sacrifice of the boys who go into the service.

I have a little fellow who may have to go. The Senator may have one who may have to go. Nobody will stand here and say that my boy has a right to have an assurance of his pre-war or pre-service earnings. Those are taken from him, if he has any. But there is not a Senator on this floor who will not agree with me that in the Military Affairs Committee and the Naval Affairs Committee the one problem we are facing now is how to assure business profits, and good profits, during this whole program.

What is our answer to that sort of a picture? I want the Senator to tell me why he thinks the publicists in this country who are writing about this subject do not attempt to say to the American people that business should make a sacrifice as well as the boys. I think we ought to illuminate that subject for the American people, or else we, as a Senate, should pass a resolution asking the parties, in the name of God, to quit putting that sort of stuff in their platforms. It is a disgrace.

Mr. BURKE. I have no doubt that the phase of the matter just so eloquently discussed by the Senator from Washington will be fully presented in the committees and on the floor of the Senate when the appropriate legislation is before Congress. I will say to him only, as I said before, that I feel that his fundamental proposition is absolutely sound and proper—I do not see how anyone could dispute it—that if we call upon the manhood of this country, the young men and the older men, to go into training in order to fit themselves to render the highest measure of service of which they are capable, certainly we have the right to call upon the owners of property, business, to do their utmost also to see that the program is made successful. But that does not mean at all to me that I should espouse at once any high-sounding clatter about drafting wealth in the country, and interfering with the processes by which alone we can hope to make war succeed. I want to see the specific proposals and examine them.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. BURKE. I yield to the Senator from Missouri.

Mr. CLARK of Missouri. Does not the Senator think it is very significant and striking that in the program of legislation now before Congress the measure for conscripting the youth of the country, to be made cannon fodder if need be, immediately precedes the bill which is designed to repeal every limitation which Congress in its wisdom heretofore has imposed on excessive war profits from the manufacture of munitions, and the bill designed to permit munition manufacturers to amortize the establishments for which the Government is subsidizing them, either directly or by contract, over a period of 5 years? In other words, is it not significant that we first pass the bill to conscript the young boys of the country and send them off to the Army, and then the next week bring in a bill to remove every limitation on profits which may be made by the shipbuilders and munition makers, and suspend the tax laws in their behalf so as to permit them to amortize these excessive earnings over a period of 5 years?

Mr. BURKE. I do not like to have the Senator criticize this program, or me in connection with it, for drafting the young boys of the country for "cannon fodder," as he says. I do not like that expression, but we will let that pass.

Mr. CLARK of Missouri. Well, what is the bill for if that is not its purpose?

Mr. BURKE. The bill I introduced provided age limits from 18 to 65, and there was a great hue and cry by many of those now opposing the measure that we were covering too much territory; we were stirring up a war spirit, and so forth. So the committee, after considering the whole matter, reduced the ages to 21 to 31. I say, it does not seem to me quite fair to criticize me in that connection.

Mr. CLARK of Missouri. I certainly did not mean to be unfair to the Senator. I think making the lower limit 21 instead of 18 was a very great improvement in the Senator's bill because, as bad as I think the bill is at present, it would have been infinitely worse to draft a lot of poor boys who were not even able to go to the polls and express themselves. [Manifestations of applause in the galleries.]

The PRESIDING OFFICER (Mr. HILL in the chair). The Senator from Nebraska will suspend for a moment. The Chair will advise the guests in the galleries that it is a direct violation of the rules of the Senate for the occupants of the galleries to manifest approval or disapproval by applause or in any other way. The Chair will ask the guests to conform strictly to the rules of the Senate.

Mr. BONE. Mr. President, will the Senator yield?

Mr. BURKE. One moment; I have one more word to say to the Senator from Missouri.

If the Senator from Missouri had read the bill which I introduced, or if those in the galleries who apparently support his position had taken the trouble to read it, they would have found that there was never any provision in the bill for taking for 8 months' training, as it was originally—now a year's training—the boys between 18 and 21. The bill provided that those subject to draft were between the ages of 21 and 45, and I wish that provision were still in the bill. Then, in order to have the inventory of the manpower of the Nation complete, and to make some other provisions, we had those of the ages from 18 to 21 and from 45 to 65 put into what we called the Home Guard unit, and provided that they should all register, but that no more would be done about the young group or the old group unless Congress later thought it advisable to make appropriations and organize home-defense units in the vicinity of the homes or the educational institutions where the young people were, or in the vicinity of the homes and employment where the older group were, so that they would be merely trained. So far as the sponsors of the bill are concerned there never was any intention to draft for military service even those between 18 and 21, but there again there has been very great complaint, some of it on the floor of the Senate, some saying that wars are always fought by the very young men, and that we are making a very great mistake in not taking the younger group into this draft, but I do not think so. I think we should extend the R. O. T. C. units in our colleges and the other means of military training for the young men, but make subject to draft as the bill does, only those who have passed their twenty-first birthday.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BURKE. I yield to the Senator from Kentucky.

Mr. BARKLEY. I desire to make an observation in reply to what sounded like the insinuation of the Senator from Missouri that there was something significant about the fact that this bill is being proposed in advance of the tax bill

which proposes to make some amendment of the present law with regard to profits. There could not be any significance attached to that fact unless Senators could conjure up a conspiracy between the Military Affairs Committee of the Senate and the Ways and Means Committee of the House.

Mr. CLARK of Missouri. Mr. President, will the Senator let me interrupt him at that point?

Mr. BARKLEY. In a moment. This bill has been under consideration for weeks by the Committee on Military Affairs. The tax matter has been under consideration and under study by both the revenue-raising committees of the House and the Senate, and also the Treasury Department, ever since we passed the last tax bill, which was enacted some 6 or 8 weeks ago. It was recognized then that there would probably have to be levied what was called an excess-profits tax. I see no connection between the tax bill, which must originate in the House of Representatives, as the Senator from Missouri knows, and the pending bill, which could originate in either House.

Mr. CLARK of Missouri. Mr. President, will the Senator from Nebraska yield further?

Mr. BURKE. I yield.

Mr. CLARK of Missouri. I certainly had no intention of making any insinuation whatever, I will say to the Senator from Kentucky. I was merely commenting on the significance of the juxtaposition of events which brings before the Congress in 1 week a bill for the drafting, for the conscription of the youth of the country, and brings before the Congress immediately after that a bill for exempting the shipbuilders and the munition makers from any limitation whatever on their profits, and allows them to amortize property which they will in large measure retain for their own benefit, and allows an exemption from taxation over a 5-year period. I do not charge any conspiracy, I do not insinuate any conspiracy, but it seems to me to be very significant of the trend of the events at this time in the Congress of the United States, that the conscription bill comes in one week, and an exemption of munition manufacturers as to profits and taxes comes in immediately following.

Mr. BARKLEY. Mr. President, the Senator may not insinuate that, but it seems to me that there would be significance in those two events only if there were collusion between the Ways and Means Committee of the House and the Military Affairs Committee of the Senate in bringing in the bills.

Mr. CLARK of Missouri. It does not make any difference which one comes first, the fact is that there is proposed a bill conscripting the youth of the country and sending them to war, and at the same time one proposing to remove any exemption on the tremendous profits of munition manufacturers and shipbuilders, and relieving them from taxation, and no amount of sophistry on the part of the Senator from Kentucky can remove the significance of the juxtaposition of those two measures.

Mr. BURKE. We can all see that this is an apparent effort to becloud the issue and cast discredit on the very essential military training bill, and not a serious effort to help meet the very great problems which confront the Congress and the country. What difference does it make which bill comes first, just so they have complete and fair consideration?

Mr. CLARK of Missouri. I did not say it made any difference which one came first. The significance is that both of the bills are now pending, one to relieve the munition manufacturers from any limitation on profits, and exempt them from taxation, and the other to draft the manpower of the country.

Mr. BURKE. We have before us a bill for military training, and in due time, I take it, the other bill will be before us, and receive the same full and searching examination the pending bill is getting. I see nothing significant or collusive or reprehensible about the matter at all.

Mr. BARKLEY. Let me make a further observation. In all probability the pending bill would have been here regardless of any tax bill, and the same thing is true of the tax bill; it would have been taken up and considered by the House committee if this bill had not been thought of. So that there cannot be any possible significance because of the fact that we have this bill before us and the House committee is considering a bill which they presumably will report within a few days.

Mr. BONE. Mr. President, will the Senator from Nebraska yield?

Mr. BARKLEY. I wanted to ask the Senator from Nebraska whether he desired to have the bill go over until tomorrow or whether he can conclude today.

Mr. BURKE. I am enjoying the debate very much but will take possibly half an hour longer and will be willing to have the matter go over. But let me yield first to the Senator from Washington.

Mr. BARKLEY. In view of what the Senator has said, I think that after he yields we had better suspend for the day.

Mr. BONE. Mr. President, I have attempted to ask the questions I have asked because, in common with others, I have read some of the tax proposals dealing with excess-profits taxes, and it makes me smile when I see the kind of sacrifices it is proposed to impose on some of the "boys" in the steel business and the other outfits furnishing war supplies.

For instance, if we should attempt to levy an excess-profits tax on profits in excess of those over a period of normal operations, they would pay to the Government the normal income tax on their incomes, and then 40 to 50 percent of the excess profits, and in this era of fat profits they could keep 50 percent of the excess for themselves. If anyone can find in that anything like a sacrifice, it seems to me he has a very deep and well-developed sense of humor.

I think if such provisions are written into the law they will constitute one of the beautiful ironies of the period. I would not want anything better if I were a businessman. I can understand the attitude of the gentlemen on the Advisory Commission, Mr. Stettinius and Mr. Knudsen, who have perhaps the viewpoint of the average big-business man, who feels that business must be protected; and I understand why they would translate that viewpoint, if possible, into legislation. It recalls the statement of Mr. du Pont, who said that during the World War his duty was that of a trustee for his stockholders, and that that came before the necessities of the United States. If the two had to be put side by side and measured, his trusteeship to his stockholders assumed the more ominous proportions in his own mind.

When the Senator says that he does not like this high-sounding clatter about taxing wealth, I agree with him; it was high-sounding clatter, but I quoted it from the platform of my own party. I do not know whether the Senator wants me now to say that my party was a bit oblique, or that the grand old Republican Party, with its noble traditions, made up of a bunch of fakers, put some high-sounding clatter over on the country. If it was high-sounding clatter, certainly the party of Abraham Lincoln announced the doctrine with pontifical solemnity, and if that is high-sounding clatter, we ought to say it was a fake and a fraud, and that we shall wash that aspect of political life out of the picture.

If no one else does, I see significance in the proposal for the abrupt removal of the ceiling on profits. I am a member of the Committee on Naval Affairs, and representatives of the Council of National Defense came before us recently and said we must remove the ceiling on profits of the airplane and warship manufacturers. I do not know what the significance of that is, but I think it is very significant.

I stood on the floor of the Senate a few days ago and called attention to a statement made by the Senator from Oklahoma [Mr. THOMAS], who is an authority on the subject, who said that today the American dollar will buy twice as much as it would buy in 1920, and Republicans have risen on this floor and asked what became of the money that we have poured into national defense in recent years. Where did it go? Did it go down a rat hole? We appear to have obtained nothing for it, or at least that is the thesis of Republicans, that the country is utterly defenseless because we

poured out millions and got nothing for them. I have great respect for the Senator from Oklahoma, who says that the dollar has this increased purchasing power. Yet we have poured out millions of dollars without the people getting what they ought to get. Where did the money go? We are today paying $75,000,000 for a battleship that could be produced a few years ago for $26,800,000. Do Senators wonder why I ask where the money is going? I want to know where it is going. If it would buy twice as much today as in 1920, we have a right to know whether we are being rooked.

If we do not settle down to a consideration of tax problems and quit juggling with excess profits, allowing munitions makers to get away with everything in sight, we will make a mess of the whole program; what we do will go down in history as what the Senator called it, "high-sounding clatter," and all the talk on this floor about the sacrifices on the part of the boys will be so much sounding brass and tinkling cymbals. It will not have any meaning except to those who utter it. At the same time we will do as we did before when we passed a war tax bill, which went into conference and was thrown into the ashcan right afterward. That tax was to apply only in wartime, but the conference committee of the Senate and the House threw it out. It did not apply to the present.

So, as the Senator from Missouri has said, we will soon have a bill come before us to remove all the ceilings on profits of airplane manufacturers, war-vessel manufacturers, powder manufacturers, but we will draft the boys and bring them into the service. I have no particular quarrel with some of the provisions of the pending bill, because I am one who thinks we are headed for war. I have said so repeatedly. I have said it in letters and on the floor. I think if the present business of fanning the flames continues longer, we will be in war very shortly. I am not saying that for the first time, but I said it a few days ago in answer to the Senator from Florida. This country is going into war, so the draft may come a few months later.

It is perhaps a moot question to discuss here now. However, every newspaper in the eastern part of the United States, day after day, contains editorials saying either that we are actually in war or that we ought to be in it, that we are taking a cowardly position by not getting in it, and we are yellow dogs because we do not declare war on Germany. Admiral Standley, not later than today, actually said that a state of war exists, and that we are cowardly if we do not declare war on Germany. If that sort of thing continues we will probably be in war, and then probably it will be a futile thing to discuss the draft, because it will be on on us, and along with the draft will come a dictatorship.

Mr. BURKE. If I share the views of the Senator from Washington that we are on the edge of war, nothing would prevent me from spending 24 hours a day in urging the enactment of the measure, because I can conceive of nothing more horrible than the responsibility and the guilt that would rest upon those who would send the country into war unprepared. But, if I may say a word further, I was not objecting—possibly I used an unfortunate expression—to the substance of anything the Senator from Washington or the Senator from Missouri had to say about the obligation we must put upon the owners of property and wealth. I want to examine those proposals when they come before us from the committees, as this proposal has. However, I think the discussion rather inapplicable at this time, because we are all agreed that we must strengthen our national defense, and that young men should be in the military service up to the numbers that Congress thinks necessary, either by voluntary enlistment or by the application of the selective-service principle. We will face the same obligation of taxing the wealth of the country, impounding the wealth of the country, whether it is in one form or another. Therefore I do not think the discussion is particularly appropriate in connection with this particular bill, but I welcome the interruptions, and shall be glad to have more of them tomorrow.

MILITARY COMPENSATION—STATEMENT BY RODES-RAPIER CO.

Mr. BARKLEY. Mr. President, will the Senator yield to me?

Mr. BURKE. I yield.

Mr. BARKLEY. It is obvious that the Senator from Nebraska cannot conclude his discussion today. I understand he wishes to continue his remarks tomorrow.

Mr. BURKE. Yes.

Mr. BARKLEY. I send to the desk a statement clipped from the Louisville Courier-Journal, containing not exactly an advertisement but a statement by the Rodes-Rapier Co., of Louisville. I think that every other private industry in the United States is going to do the same thing. I ask that the statement be read at the desk as showing an example of a high degree of patriotism and willingness to cooperate with our Government and all the people in the present emergency. I think as a good example it would be refreshing to have this statement read from the desk.

The PRESIDING OFFICER. The statement will be read.

The legislative clerk read as follows:

MILITARY COMPENSATION

If the United States Congress decides that universal military training is the best method of defense for our security, we feel all of the burden should not fall on the young men—that the employer should do his part also.

Young men who have been employed here for 1 year or more who are selected for military training or service in the Army or Navy will not only be given their old positions here upon their return to civilian life but we will pay them in cash each month the difference between their salaries now at Rodes-Rapier Co. and the compensation allowed them by the Government during their training and service to their country.

RODES-RAPIER CO., INC.,
Fourth and Walnut.

Mr. BARKLEY. I wish to say simply that the Rodes-Rapier Co. is one of the oldest and most outstanding merchandising establishments in the State of Kentucky, and I am very happy to have their statement placed in the RECORD as an example of their conduct.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2009) to amend the Interstate Commerce Act, as amended, by extending its application to additional types of carriers and transportation and modifying certain provisions thereof, and for other purposes.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. HILL in the chair) laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF A COMMITTEE

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the calendar.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

IN THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. SHEPPARD. I ask that the nominations in the Army be confirmed en bloc, and that the President be notified.

The PRESIDING OFFICER. Without objection, the nominations in the Army are confirmed en bloc, and the President will be notified.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 26 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, August 13, 1940, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate August 12 (legislative day of August 5), 1940

UNITED STATES CIRCUIT COURT OF APPEALS

Hon. John D. Martin, Sr., of Tennessee, to be judge of the United States Circuit Court of Appeals for the Sixth Circuit, to fill a new position.

COAST GUARD OF THE UNITED STATES

Boatswain Peter F. Shea to be chief boatswain in the Coast Guard of the United States, to take effect from date of oath.

REAPPOINTMENT IN THE OFFICERS' RESERVE CORPS OF THE ARMY OF THE UNITED STATES

Brig. Gen. Frank Thomas Hines, Reserve, to be brigadier general, Reserve, from September 7, 1940.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 12 (legislative day of August 5), 1940

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY

TO JUDGE ADVOCATE GENERAL'S DEPARTMENT

Capt. William Price Connally, Jr.

APPOINTMENTS TO TEMPORARY RANK IN THE AIR CORPS IN THE REGULAR ARMY

Asa North Duncan to be colonel, Air Corps.

Edmund Pendleton Gaines to be lieutenant colonel, Air Corps.

Clifford Palmer Bradley to be major, Air Corps.

POSTMASTERS

GEORGIA

Alton H. Harvey, Thomaston.

INDIANA

Paul G. Weber, Huntington.
Denzil B. Mann, Lynn.
Wrighta S. Williams, Monon.
Russell W. Rosenbush, Union City.

KANSAS

Francis J. McAuliffe, Leavenworth.

MARYLAND

Alice M. Davis, Whiteford.

MICHIGAN

Stanley G. MacFarlane, Fairgrove.
Vern F. Beadle, Freeland.
Gladys Hallenbeck, Metamora.

OREGON

Harry W. Chenoweth, Sutherlin.

HOUSE OF REPRESENTATIVES

MONDAY, AUGUST 12, 1940

The House met at 12 o'clock noon.

Rev. Bernard Braskamp, D. D., pastor of Gunton Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

Eternal God, Thou hast committed unto these Thy servants the solemn trust of government. May that trust never lose its luster and its sacred halo.

We pray that every duty may be diligently performed. When mountains of difficulty loom in our pathway may we be endowed with faith and courage to remove them. May trials and tribulations teach us to put our confidence in Thee. Give us such steadfastness of mind and heart that no unworthy affection or unholy purpose can ever drag us down and tempt us to break faith with our nobler and better self.

May this Nation be the honored instrument of God to bring in that blessed day when every need shall be supplied and righteousness shall flow everywhere as a mighty stream. To Thy name through Christ our Lord shall be the glory. Amen.

The Journal of the proceedings of Thursday, August 8, 1940, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had adopted the following resolution:

Senate Resolution 294

IN THE SENATE OF THE UNITED STATES,
August 8 (legislative day, August 5), 1940.

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. W. BEN GIBBS, late a Representative from the State of Georgia.

Resolved, That a committee of two Senators be appointed by the President pro tempore to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased Representative the Senate, at the conclusion of its business today, take a recess until 12 o'clock meridian tomorrow.

The message also announced that, pursuant to the foregoing resolution, the President pro tempore had appointed Mr. GEORGE, of Georgia, and Mr. RUSSELL, of Georgia, as members on the part of the Senate of the said funeral committee.

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S. J. Res. 286. Joint resolution to strengthen the common defense and to authorize the President to order members and units of reserve components and retired personnel of the Regular Army into active military service.

The message also announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 10065. An act to provide for the registration and regulation of investment companies and investment advisers, and for other purposes.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1379) entitled "An act granting the consent of Congress to the Mackinac Straits Bridge Authority to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches thereto, across the Straits of Mackinac at or near a point between St. Ignace, Mich., and the Lower Peninsula of Michigan," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BAILEY, Mr. SHEPPARD, and Mr. VANDENBERG to be the conferees on the part of the Senate.

PERMISSION TO ADDRESS THE HOUSE

Mr. FULMER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

[Mr. FULMER addressed the House. His remarks appear in the Appendix of the RECORD.]

EXTENSION OF REMARKS

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include therein a paper written by Mr. Brundage, associate regional forester, of Portland, Oreg.

The SPEAKER. Is there objection?

There was no objection.

Mr. KEEFE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include therein an article prepared by Mr. Cole E. Morgan, appearing in the New York Journal-American, under date of August 4.

The SPEAKER. Is there objection?

There was no objection.

Mr. CRAWFORD. Mr. Speaker, I wish to submit two unanimous-consent requests: One to include in the RECORD with an extension of my remarks an address given at San Francisco before the annual convention of National Foreign Trade Council, by John W. Hausermann, known as the first American citizen of the Philippines.

The other request is to extend my own remarks and include in the RECORD an editorial from my home paper, the Saginaw News.

The SPEAKER. Is there objection to the requests of the gentleman from Michigan?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. MURRAY. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

[Mr. MURRAY addressed the House. His remarks appear in the Appendix of the RECORD.]

EXTENSION OF REMARKS

Mr. DONDERO. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including a short editorial from the Pontiac Daily Press, with reference to the Mackinac Straits Bridge in Michigan, entitled "Strait Into the Red."

The SPEAKER. Is there objection?

There was no objection.

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to extend my remarks and include therein a letter from The Adjutant General's office and also a table showing that under existing law 1-year enlistments in the Regular Army are permissible.

The SPEAKER. Is there objection?

There was no objection.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent to extend my remarks and include therein a letter from Mr. John R. Rood, former professor of law at the University of Michigan.

The SPEAKER. Is there objection?

There was no objection.

Mr. LEMKE. Mr. Speaker, I ask unanimous consent to extend my remarks and include therein letters from the Federal Reserve Bank and the Treasury Department and excerpts from a speech by Senator PITTMAN.

The SPEAKER. Is there objection?

There was no objection.

Mr. JENKINS of Ohio. Mr. Speaker, I ask unanimous consent to extend my remarks and include therein a speech delivered by my colleague the gentleman from Massachusetts [Mr. TREADWAY] last night over the radio.

The SPEAKER. Is there objection?

There was no objection.

Mr. HAVENNER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. HAVENNER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including an exchange of correspondence between the Secretary of the Interior and myself.

The SPEAKER. Is there objection?

There was no objection.

Mr. HARRINGTON. Mr. Speaker, I ask unanimous consent to extend my remarks and include two letters from the Secretary of Agriculture, Hon. Henry A. Wallace.

The SPEAKER. Is there objection?

There was no objection?

Mr. DIMOND. Mr. Speaker, I have two requests, one to extend my own remarks in the RECORD and include therein a radio address given by me; and I ask unanimous consent to extend my remarks and include an article written by Mr. Hallett Abend, a famous newspaper correspondent, with reference to Alaska.

The SPEAKER. Is there objection?

There was no objection.

Mr. VAN ZANDT. Mr. Speaker, I ask unanimous consent to insert in the Appendix of the RECORD a compilation of information concerning our national defense.

The SPEAKER. Is there objection?

There was no objection.

PROGRESS OF WORK FOR NATIONAL DEFENSE

Mr. MAY. Mr. Speaker, I present a privileged resolution from the House Military Affairs Commitee, House Resolution 557.

The Clerk read the resolution, as follows:

House Resolution 557

Resolved, That the President of the United States is hereby requested, if not incompatible with the public interest, to transmit to the House of Representatives weekly a report giving a brief outline by the Advisory Commission to the Council of National Defense showing the progress of the work for the national defense.

Mr. MAY. Mr. Speaker, I move to lay the resolution on the table.

Mr. RICH. I do not know what this resolution would do; I do not know what its military value might be; but I should like to know from the gentleman from Kentucky, who is head of the Military Affairs Committee, the source of all the propaganda that is going on asking Members of Congress to vote for conscription. Can he tell us why there is all this war propaganda, war hysteria? We have heard a great deal about getting into war, and if we do not weigh our words and guard our tongue we will get into war. I, as a Member of Congress, have asked a great many other Members on both sides of the aisle, Who are we going to war, when are we going to war, and why; but I cannot find anybody who knows anything about it. As a Member of Congress I should like to know the reason for all this war hysteria and propaganda that is going on. Certainly the Members of Congress should be enlightened on this subject. I want no war with any nation for America. I am against a war of aggression with any nation.

Mr. MAY. Mr. Speaker, as I understand the situation—and I get more letters perhaps than most men in Congress; they are running 600 or 700 and up to 1,000 a day—as I understand it the American people have a right to communicate with their Representatives and express their views. I think that is what they are doing. I am overwhelmed with it. I am not excited about it, but I think the situation that has developed in this country is due wholly to the conduct of a certain gentleman across the way—over in Germany.

Mr. RICH. Certainly the Members of Congress should be enlightened about this war hysteria. We are getting pleas every day to do this, to do that, and to do something else. We ought to know what the real object is.

Mr. MAY. Mr. Speaker, I think I shall have to decline to yield further to the gentleman on this matter.

Mr. RICH. Can we not get enlightenment?

Mr. MAY. In view of the fact that the resolution was introduced by the gentlewoman from Massachusetts [Mrs. ROGERS], I think if she wants me to yield I must.

Mrs. ROGERS of Massachusetts. Yes; I ask the gentleman to yield.

Mr. EBERHARTER. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is that the gentleman from Kentucky has the floor.

Mr. MAY. Mr. Speaker, I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. Mr. Speaker, my privileged resolution calls for a weekly report as to the progress of our preparedness program from the President through the National Advisory Committee for National Defense. I believe the Members of Congress are entitled to this information. They now receive some information through the press; at present the press receives information before the Congress and that information is meager. I feel that greater consideration should be shown the Members who are the most direct representatives of the people. The people of the Nation are entitled to the information. They want to know exactly what

is being done, how our defense program is coming along, and how the money is being spent. It is their money that is being spent and it may be that they and their families will pay with their lives if America be not prepared.

Mr. MAY. Mr. Speaker, answering the gentlewoman from Massachusetts, I may say that the War Department issues daily press releases which are available to all Members of Congress. These press releases show the progress of the program from time to time. In addition to that there is conducted on the air through the facilities of the National Broadcasting Co. on a Nation-wide hook-up of more than 100 stations round-table discussions by Mr. Knudsen and the other members of the committee on industrial mobilization and on the preparation of the war program.

Furthermore, the House Military Affairs Committee through the very fine courtesy and cooperation of the gentlewoman from Massachusetts had hearings on this privileged resolution. It appeared from the evidence of the witnesses representing the War Department that they are working day and night in their efforts to forward this program just as rapidly as possible. In addition, Mr. Speaker, we were told by the witnesses that if this resolution should be adopted they would be required to do that which is utterly impossible, because if they made weekly reports they would have to get reports from some 10,000 industries scattered throughout the length and breadth of the country. Perhaps the information would not be available each week because of the enormity of the program.

Mr. RAYBURN. Mr. Speaker, will the gentleman yield?

Mr. MAY. I yield to the floor leader.

Mr. RAYBURN. I may say also that the very people who are trying to carry out this program of defense as fast as is humanly possible would have to sacrifice a great deal of time to get this information at such short periods as weekly intervals.

Mr. MAY. The evidence adduced before our committee, I may say to the distinguished gentleman from Texas, showed that they could not possibly do it without greatly interfering with the program.

Mr. RAYBURN. Further than that, I believe on last Thursday the country was given a complete synopsis of the general program and the progress made by the National Defense Committee.

Mr. MAY. That is correct.

Mr. RAYBURN. That brings us up to exactly now on it. Should the officers of the War and Navy Departments be called upon each week to furnish these reports they would have to devote 2 or 3 days each week to the task merely to appease somebody's curiosity. Time is all-important in furthering the program. To make these weekly reports might be a matter that would delay the program more than any one thing that could be done. Is not that the opinion of the gentleman from Kentucky?

Mr. MAY. From the hearings we have had and the information that is available in the records of the House Military Affairs Committee, it would greatly retard the progress of the program.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. MAY. I yield.

Mrs. ROGERS of Massachusetts. I appreciate very much the courtesy of the gentleman and the members of his committee in giving me a hearing. There was a lot more behind the resolution, however, than mere idle curiosity. The people want to know what is being done in the building up of national defense. We know what happened in Europe; we know what has happened to almost every country in Europe because they were unprepared.

We know what today is probably happening to England. People are more interested in our national defense than in anything else today and I feel that it is our duty and our grave responsibility as Members of Congress, who will be held to strict accountability, to secure this information for them. The heads of the President's Advisory Committee for National Defense, Mr. Knudsen and Mr. Stettinius, are great business executives and as such I am sure can easily send the Congress weekly reports upon their progress in defense.

Mr. MAY. Mr. Speaker, if the gentlewoman will pardon me for interrupting her and in answer to her question, may I say that the statement she has made is the very thing that prompted the House Military Affairs Committee to take this action, in order that we may not in any way interfere with the program that has been made absolutely necessary by that which is going on in Europe, in the Far East, and even in the southern part of the Western Hemisphere, in almost the entire world, as a matter of fact, or at least two-thirds of it.

Mr. COX. Will the gentleman yield?

Mr. MAY. I yield to the gentleman from Georgia.

Mr. COX. May I inquire of the gentleman if there is any disposition on the part of his committee or on the part of anybody, so far as he knows, to restore to the Congress some modicum of the power of control which the Congress has heretofore given away? In other words, in the mind of the gentleman, should the Congress not exercise some element of control in the building of this war machine?

Mr. MAY. I am very glad the gentleman asked that question, and I am happy to say to him that the House Military Affairs Committee is giving full consideration to all of the questions involved in these matters. Both the Senate bill on the National Guard and the Burke-Wadsworth selective service training bill are now in the committee.

Mr. COX. What is the promise of favorable results?

Mr. MAY. Just a moment. We have just completed rather extensive hearings this morning, having held them for a considerable length of time on both bills. We are continuing hearings over Wednesday. We hope to have the National Guard bill before the House on Wednesday. We are doing everything that we think the law and the Constitution will allow us to do, commensurate with the safety of this country and the vast powers that are given under the Constitution to the Commander in Chief in time of emergency.

Mr. Speaker, I move the resolution be laid on the table.

The motion was agreed to.

A motion to reconsider was laid on the table.

MILITARY AFFAIRS COMMITTEE

Mr. MAY. Mr. Speaker, I ask unanimous consent that the Military Affairs Committee of the House may be permitted to sit during the sessions of the House for the remainder of the week.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky [Mr. MAY]?

Mr. RICH. Mr. Speaker, reserving the right to object, may I ask the gentleman one question? When the gentleman and the majority leader talked about a program in preparation for war, what war are you talking about?

Mr. RAYBURN. The gentleman from Pennsylvania knows that any reasonable interpretation would not permit of that thought.

Mr. MAY. We are not talking about preparation for war.

Mr. RAYBURN. No reasonable person would interpret anything I said to mean what the gentleman has said it did mean.

Mr. RICH. The gentleman from Kentucky just spoke about the program. What is this program? Your war program?

Mr. RAYBURN. It is a program for defense.

Mr. RICH. You are talking about a program for war.

Mr. RAYBURN. I am talking about a program of defense.

Mr. MAY. And peace, to keep this country out of war.

Mr. RICH. What is it that makes it necessary to have 2,000,000 men under arms and to spend $10,000,000,000 at a time like this when we are 3,000 miles away from Europe?

Mr. RAYBURN. The gentleman from Pennsylvania is doing now the same thing he always does. He votes for things, then complains about their operation.

Mr. RICH. Mr. Speaker, I take exception to that statement. I do not vote for things that way, and I will put my

vote up against any New Deal Member on that side of the House or any other side of the House. I want to say here that all the gentleman does is get up here and try to criticize me. He knows my votes have been for economy and common sense. Watch the vote of your own brethren over there. I say you are preparing for war.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky [Mr. MAY]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my own remarks in the RECORD, and to include a couple of letters which I have.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi [Mr. RANKIN]?

There was no objection.

[Mr. RANKIN addressed the House. His remarks appear in the Appendix of the RECORD.]

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARTIN of Massachusetts. I regret the distinguished gentleman from Mississippi believes there is any official Republican responsibility for collecting funds through this chain method. I say here and now, for the benefit not only of the Members of the House but the people of the country, that the Republican National Committee, or anyone who is officially running the Republican campaign, or Mr. Willkie, has not had anything to do with any letter advocating the raising of funds through the chain letter. We do not want people to contribute to or respond to that proposal. We cannot stop people from sending out chain letters or collecting money as far as I know. If Mr. Jackson or anyone else can do it, we would invite him to do so. [Applause.]

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. No; I do not yield.

[Here the gavel fell.]

CALL OF THE HOUSE

Mr. CULKIN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] One hundred and sixty-three Members are present, not a quorum.

Mr. RAYBURN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 177]

Allen, Pa.	Dempsey	McAndrews	Schaefer, Ill.
Andrews	Dies	McArdle	Schiffler
Arnold	Ditter	McGranery	Scrugham
Ball	Drewry	McLeod	Seger
Barton, N. Y.	Durham	Magnuson	Shanley
Bates, Ky.	Evans	Mahon	Sheppard
Bates, Mass.	Fernandez	Maloney	Sheridan
Beam	Fish	Marcantonio	Smith, Ill.
Bolton	Fitzpatrick	Marshall	Smith, Va.
Bradley, Mich.	Folger	Martin, Ill.	Smith, W. Va.
Bradley, Pa.	Garrett	Merritt	Snyder
Brewster	Gifford	Mills, La.	Somers, N. Y.
Buck	Grant, Ala.	Mitchell	Starnes, Ala.
Buckley, N. Y.	Green	Mouton	Stearns, N. H.
Byron	Hall, Edwin A.	Myers	Sullivan
Caldwell	Hall, Leonard W.	O'Neal	Sumners, Tex.
Cannon, Mo.	Hancock	Osmers	Taylor
Cartwright	Harter, Ohio	Plumley	Terry
Celler	Hoffman	Rabaut	Thomas, N. J.
Chapman	Hook	Randolph	Tinkham
Clark	Horton	Risk	Vreeland
Collins	Jarman	Robertson	Wallgren
Connery	Jenks, N. H.	Rockefeller	Warren
Cooley	Johnson, Okla.	Romjue	Welch
Creal	Kelly	Sabath	White, Idaho
Crowther	Kerr	Sacks	White, Ohio
Darrow	Lesinski	Sasscer	Williams, Mo.

The SPEAKER. Three hundred and twenty-two Members have answered to their names, a quorum.

Further proceedings under the call were dispensed with.

COMMITTEE ON MILITARY AFFAIRS

Mr. MAY. Mr. Speaker, I ask unanimous consent that the House Committee on Military Affairs may have until midnight tonight to file a report on the National Guard bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. PATRICK. Mr. Speaker, I ask unanimous consent that this afternoon, following the legislative program of the day, I may be permitted to address the House for 25 minutes on the conscription bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that at the conclusion of the legislative program today and following the remarks of the gentleman from Alabama I may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

EXTENSION OF REMARKS

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Alabama [Mr. JARMAN] may be permitted to extend his own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that the remarks I made today may be printed in the Appendix of the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

TRANSPORTATION BILL OF 1940

Mr. LEA. Mr. Speaker, I call up the conference report on the bill (S. 2009) to amend the Interstate Commerce Act, as amended, by extending its application to additional types of carriers and transportation and modifying certain provisions thereof, and for other purposes, and ask unanimous consent that the time for debate may be 1 hour and 20 minutes instead of 1 hour.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEA. Mr. Speaker, I ask unanimous consent that the statement on the part of the managers of the House may be read in lieu of the conference report.

Mr. WADSWORTH. Reserving the right to object, Mr. Speaker, it is my purpose to raise a point of order against the conference report. If the report is not to be read, as I understand, the point of order should be raised before the statement is read.

The SPEAKER. The gentleman can reserve the point of order at this juncture and make it later, after the statement is read.

Mr. WADSWORTH. Then I reserve the point of order, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. RANKIN. Reserving the right to object, Mr. Speaker, if the gentleman from New York is prepared to present his point of order, I believe it should be submitted now, because if the point of order is sustained a lot of time will be saved.

The SPEAKER. The point of order cannot be made until the conference report is read.

Mr. BLAND. Mr. Speaker, I desire to reserve the right to make a point of order against the conference report and two sections of the report, in addition to the reservation which has been made by the gentleman from New York.

The SPEAKER. The gentleman from Virginia reserves the right to interpose points of order against the conference report.

Is there objection to the request of the gentleman from California that the statement may be read in lieu of the report?

There was no objection.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that the reading of the statement may be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2009) to amend the Interstate Commerce Act, as amended, by extending its application to additional types of carriers and transportation and modifying certain provisions thereof, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That this Act, divided into titles and sections according to the following table of contents, may be cited as the Transportation Act of 1940:

"TABLE OF CONTENTS

"TITLE I—AMENDMENTS TO EXISTING LAW

"Sec. 1. Short title for act to regulate commerce; declaration of national transportation policy.
"Sec. 2. Amendments to section 1 (3), (4), and (5).
"Sec. 3. Transportation free or at reduced rates.
"Sec. 4. Amendments to section 1 (14), (17), and (18).
"Sec. 5. Amendments to section 3.
"Sec. 6. Long-and-short-haul provision.
"Sec. 7. Pooling; unifications, mergers, and acquisitions of control.
"Sec. 8. Amendments to section 6.
"Sec. 9. Amendments to sections 12 and 13.
"Sec. 10. Amendments to sections 15 and 15a.
"Sec. 11. Amendments to section 16.
"Sec. 12. Commission procedure; delegation of duties; rehearings.
"Sec. 13. Amendments to section 20.
"Sec. 14. Amendments to sections 25, 26, and 27.
"Sec. 15. Short title for part II.
"Sec. 16. References to policy declared in part II.
"Sec. 17. Amendments to section 202.
"Sec. 18. Amendments to section 203.
"Sec. 19. Exemption of certain interstate and foreign commerce operations of motor carriers.
"Sec. 20. Amendments to sections 204, 205, and 206.
"Sec. 21. Amendments to sections 210, 210a, and 212; repeal of section 213.
"Sec. 22. Amendments to sections 214, 216, and 217.
"Sec. 23. Amendments to section 218.
"Sec. 24. Accounts, records, and reports of motor carriers.
"Sec. 25. Amendments to sections 221 and 222.
"Sec. 26. New section relating to allowances to shippers.
"Sec. 27. Investigation of need for regulating sizes and weight of motor vehicles.

"TITLE II—REGULATION OF WATER CARRIERS IN INTERSTATE AND FOREIGN COMMERCE

"Sec. 201. Part III of Interstate Commerce Act.

"'Part III

"'Sec. 301. Short title.
"'Sec. 302. Definitions.
"'Sec. 303. Application of provisions; exemptions.
"'Sec. 304. General powers and duties of the Commission.
"'Sec. 305. Rates, fares, charges, and practices; through routes.
"'Sec. 306. Tariffs and schedules.
"'Sec. 307. Commission's authority over rates, and so forth.
"'Sec. 308. Reparation awards; limitation of actions.
"'Sec. 309. Certificates of public convenience and necessity and permits.
"'Sec. 310. Dual operations under certificates and permits.
"'Sec. 311. Temporary operations.
"'Sec. 312. Transfer of certificates and permits.
"'Sec. 313. Accounts, records, and reports.
"'Sec. 314. Allowances to shippers for transportation services.
"'Sec. 315. Notices, orders, and service of process.
"'Sec. 316. Enforcement and procedure.
"'Sec. 317. Unlawful acts and penalties.
"'Sec. 318. Collection of rates and charges.
"'Sec. 319. Employees.
"'Sec. 320. Repeals.
"'Sec. 321. Transfer of employees, records, property, and appropriations.
"'Sec. 322. Existing orders, rules, tariffs, and so forth; pending matters.
"'Sec. 323. Separability of provisions.'
"Sec. 202. Time effective.

"TITLE III—MISCELLANEOUS

"Part I—Investigation of Various Modes of Transportation

"Sec. 301.
"Sec. 302.
"Sec. 303.
"Sec. 304.
"Sec. 305.
"Sec. 306.

"Part II—Rates on Government Traffic

"Sec. 321. Government to pay full rates.
"Sec. 322. Deduction of overpayments.

"Part III—Amendments to Reconstruction Finance Corporation Act

"Sec. 331.

"TITLE I—AMENDMENTS TO EXISTING LAW

"SHORT TITLE FOR ACT TO REGULATE COMMERCE; DECLARATION OF NATIONAL TRANSPORTATION POLICY

"SECTION 1. The Act entitled 'An Act to regulate commerce', approved February 4, 1887, as amended (U. S. C., 1934 edition, title 49, secs. 1–27; Supp. IV, title 49, secs. 3, 6, 11, 15, 18, 21, 22, 25, 26, 301–327), is amended by inserting before part I the following:

"'SHORT TITLE

"'This Act may be cited as the Interstate Commerce Act.

"'NATIONAL TRANSPORTATION POLICY

"'It is hereby declared to be the national transportation policy of the Congress to provide for fair and impartial regulation of all modes of transportation subject to the provisions of this Act, so administered as to recognize and preserve the inherent advantages of each; to promote safe, adequate, economical, and efficient service and foster sound economic conditions in transportation and among the several carriers; to encourage the establishment and maintenance of reasonable charges for transportation services, without unjust discriminations, undue preferences or advantages, or unfair or destructive competitive practices; to cooperate with the several States and the duly authorized officials thereof; and to encourage fair wages and equitable working conditions;—all to the end of developing, coordinating, and preserving a national transportation system by water, highway, and rail, as well as other means, adequate to meet the needs of the commerce of the United States, of the Postal Service, and of the national defense. All of the provisions of this Act shall be administered and enforced with a view to carrying out the above declaration of policy.'

"AMENDMENTS TO SECTION 1 (3), (4), AND (5)

"SEC. 2. (a) Paragraph (3) of section 1 of the Interstate Commerce Act, as amended, is amended by inserting after '(3)' the letter '(a)' and by adding at the end thereof a new sentence as follows: 'The term "person" as used in this part includes an individual, firm, copartnership, corporation, company, association, or joint-stock association; and includes a trustee, receiver, assignee, or personal representative thereof.'

"(b) Such paragraph (3) is amended by adding at the end thereof a new subparagraph (b) as follows:

"'(b) For the purposes of sections 5, 12 (1), 20, 204 (a) (7), 210, 220, 304 (b), 310, and 313 of this Act, where reference is made to control (in referring to a relationship between any person or persons and another person or persons), such reference shall be construed to include actual as well as legal control, whether maintained or exercised through or by reason of the method of or circumstances surrounding organization or operation, through or by common directors, officers, or stockholders, a voting trust or trusts, a holding or investment company or companies, or through or by any other direct or indirect means; and to include the power to exercise control.'

"(c) Paragraph (4) of such section 1 (which relates to the duty of common carriers subject to part I to establish through routes and rates applicable thereto), is amended to read as follows:

"'(4) It shall be the duty of every common carrier subject to this part to provide and furnish transportation upon reasonable request therefor, and to establish reasonable through routes with other such carriers, and just and reasonable rates, fares, charges, and classifications applicable thereto; and it shall be the duty of common carriers by railroad subject to this part to establish reasonable through routes with common carriers by water subject to part III, and just and reasonable rates, fares, charges, and classifications applicable thereto. It shall be the duty of every such common carrier establishing through routes to provide reasonable facilities for operating such routes and to make reasonable rules and regulations with respect to their operation, and providing for reasonable compensation to those entitled thereto; and in case of joint rates, fares, or charges, to establish just, reasonable, and equitable divisions thereof, which shall not unduly prefer or prejudice any of such participating carriers.'

"(d) Paragraph (5) of such section 1 is amended by inserting after '(5)' the letter '(a)' and by striking out the following: ': *And provided further*, That nothing in this part shall be construed to prevent telephone, telegraph and cable companies from entering into contracts with common carriers for the exchange of services', and by adding after such paragraph (5) (a) a new paragraph as follows:

"'(b) Nothing in this Act shall be construed to prevent any common carrier subject to this Act from entering into or operating

under any contract with any telephone, telegraph, or cable company, for the exchange of their services.'

"TRANSPORTATION FREE OR AT REDUCED RATES

"SEC. 3. (a) Paragraph (7) of section 1 of the Interstate Commerce Act, as amended, is amended by striking out 'and their families, its officers, agents, surgeons, physicians, and attorneys at law;' and inserting in lieu thereof a comma and the following: 'its officers, surgeons, physicians, and attorneys at law, and the families of any of the foregoing; to the executive officers, general chairmen, and counsel of employees' organizations when such organizations are authorized and designated to represent employees in accordance with the provisions of the Railway Labor Act;.

"(b) Such paragraph (7) is further amended by striking out 'to Railway Mail Service employees, post-office inspectors,' and inserting in lieu thereof 'to railway mail-service employees and persons in charge of the mails when on duty and traveling to and from duty, and all duly accredited agents and officers of the Post Office Department and the Railway Mail Service and post-office inspectors while traveling on official business, upon the exhibition of their credentials; to'.

"(c) The first sentence of paragraph (1) of section 22 of the Interstate Commerce Act, as amended, is amended—

"(1) by inserting after 'the necessary agents employed in such transportation,' the following: 'or the transportation of persons for the United States Government free or at reduced rates,'; and

"(2) by inserting after 'free carriage to their own officers and employees,' the following: 'or to prevent the free carriage, storage, or handling by a carrier of the household goods and other personal effects of its own officers or employees when such goods and effects must necessarily be moved from one place to another as a result of a change in the place of employment of such officers or employees while in the service of the carrier,'.

"(d) The last sentence of paragraph (1) of such section 22 (which relates to reduced rates to improve housing conditions, and so forth) is hereby repealed.

"(e) Paragraph (1) of such section 22 is hereby amended by striking out '(1)'; and paragraphs (2) and (3) of such section 22 (which relate to the issuance of interchangeable mileage tickets), are hereby repealed.

"AMENDMENTS TO SECTION 1 (14), (17), AND (18)

"SEC. 4. (a) Paragraph (14) of section 1 of the Interstate Commerce Act, as amended, is amended to read as follows:

"'(14) (a) The Commission may, after hearing, on a complaint or upon its own initiative without complaint, establish reasonable rules, regulations, and practices with respect to car service by common carriers by railroad subject to this part, including the compensation to be paid and other terms of any contract, agreement, or arrangement for the use of any locomotive, car, or other vehicle not owned by the carrier using it (and whether or not owned by another carrier), and the penalties or other sanctions for nonobservance of such rules, regulations, or practices.

"'(b) It shall be unlawful for any common carrier by railroad or express company, subject to this part, to make or enter into any contract, agreement, or arrangement with any person for the furnishing to or on behalf of such carrier or express company of protective service against heat or cold to property transported or to be transported in interstate or foreign commerce, or for any such carrier or express company to continue after April 1, 1941, as a party to any such contract, agreement, or arrangement unless and until such contract, agreement, or arrangement has been submitted to and approved by the Commission as just, reasonable, and consistent with the public interest: *Provided*, That if the Commission is unable to make its determination with respect to any such contract, agreement, or arrangement prior to said date, it may extend it to not later than October 1, 1941.'

"(b) Paragraph (17) of such section 1 (which relates to the duty of carriers by railroad, and their agents, to obey orders of the Commission relating to car service) is amended by inserting after '(17)' the letter '(a)'; and by adding after such paragraph (17) (a) the following new subparagraph:

"'(b) It shall be unlawful for any person to offer or give or cause or procure to be offered or given, directly or indirectly, any money, property, or thing of value, or bribe in any other form whatsoever, to any person acting for or employed by any carrier by railroad subject to this part with intent to influence his decision or action, or because of his decision or action, with respect to the supply, distribution, or movement of cars or other vehicles, or vessels, used in the transportation of property. It shall be unlawful for any person acting for or employed by any carrier by railroad subject to this part to solicit, accept, or receive, directly or indirectly, any money, property, or thing of value, or bribe in any other form whatsoever, with intent to be influenced thereby in his decision or action, or because of his decision or action, with respect to the supply, distribution, or movement of cars or other vehicles, or vessels, used in the transportation of property. Any person who violates the provisions of this subparagraph shall be deemed guilty of a misdemeanor and be subject for each offense to a fine of not more than $1,000, or imprisonment in the penitentiary for a term of not more than two years, or both such fine and imprisonment.'

"(c) Paragraph (18) of such section 1 is amended by adding at the end thereof a new sentence as follows: 'Nothing in this paragraph or in section 5 shall be considered to prohibit the making of contracts between carriers by railroad subject to this part, without the approval of the Commission, for the joint ownership or joint use of spur, industrial, team, switching, or side tracks.'"

"AMENDMENTS TO SECTION 3

"SEC. 5. (a) Paragraph (1) of section 3 of the Interstate Commerce Act, as amended (which prohibits the giving of undue or unreasonable preferences or advantages by carriers subject to part I), is amended to read as follows:

"'(1) It shall be unlawful for any common carrier subject to the provisions of this part to make, give, or cause any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, association, locality, port, port district, gateway, transit point, region, district, territory, or any particular description of traffic, in any respect whatsoever; or to subject any particular person, company, firm, corporation, association, locality, port, port district, gateway, transit point, region, district, territory, or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever: *Provided, however*, That this paragraph shall not be construed to apply to discrimination, prejudice, or disadvantage to the traffic of any other carrier of whatever description.

"'(1a) It is hereby declared to be the policy of Congress that shippers of wheat, cotton, and all other farm commodities for export shall be granted export rates on the same principles as are applicable in the case of rates on industrial products for export. The Commission is hereby directed, on its own initiative or an application by interested persons, to make such investigations and conduct such hearings, and, after appropriate proceedings, to issue such orders, as may be necessary to carry out such policy.'

"(b) The Interstate Commerce Commission is authorized and directed to institute an investigation into the rates on manufactured products, agricultural commodities, and raw materials, between points in one classification territory and points in another such territory, and into like rates within any of such territories, maintained by common carriers by rail or water subject to part I of the Interstate Commerce Act, as amended, for the purpose of determining whether said rates are unjust and unreasonable or unlawful in any other respect in and of themselves or in their relation to each other, and to enter such orders as may be appropriate for the removal of any unlawfulness which may be found to exist: *Provided*, That the Commission in its discretion may confine its investigation to such manufactured products, agricultural commodities, and raw materials, and the rates thereon as shippers thereof may specifically request be included in such investigation.

"(c) Paragraph (2) of such section 3 (which requires payment of charges prior to delivery of freight, and prescribes certain rules of liability for payment of charges), is amended by adding at the end the following sentences: 'On shipments reconsigned or diverted by an agent who has furnished the carrier in the reconsignment or diversion order with a notice of agency and the proper name and address of the beneficial owner, and where such shipments are refused or abandoned at ultimate destination, the said beneficial owner shall be liable for all legally applicable charges in connection therewith. If the reconsignor or diverter has given to the carrier erroneous information as to who the beneficial owner is, such reconsignor or diverter shall himself be liable for all such charges, and an action for the enforcement of his liability may be begun within the same period provided in the case of an action against a consignee who has given erroneous information as to the beneficial owner.'

"(d) Such section 3 is amended by adding after paragraph (2) thereof the following new paragraph:

"'(3) If a shipper or consignor of a shipment of property (other than a prepaid shipment) is also the consignee named in the bill of lading and, prior to the time of delivery, notifies, in writing, a delivering carrier by railroad or a delivering express company subject to the provisions of this part, (a) to deliver such property at destination to another party, (b) that such party is the beneficial owner of such property, and (c) that delivery is to be made to such party only upon payment of all transportation charges in respect of the transportation of such property, and delivery is made by the carrier to such party without such payment, such shipper or consignor shall not be liable (as shipper, consignor, consignee, or otherwise) for such transportation charges but the party to whom delivery is so made shall in any event be liable for transportation charges billed against the property at the time of such delivery, and also for any additional charges which may be found to be due after delivery of the property, except that if such party prior to such delivery has notified in writing the delivering carrier that he is not the beneficial owner of the property, and has given in writing to such delivering carrier the name and address of such beneficial owner, such party shall not be liable for any additional charges which may be found to be due after delivery of the property; but if the party to whom delivery is made has given to the carrier erroneous information as to the beneficial owner, such party shall nevertheless be liable for such additional charges. If the shipper or consignor has given to the delivering carrier erroneous information as to who the beneficial owner is, such shipper or consignor shall himself be liable for such transportation charges, notwithstanding the foregoing provisions of this paragraph and irrespective of any provisions to the contrary in the bill of lading or in the contract of transportation under which the shipment was made. An action for the enforcement of such liability either against the party to whom delivery is made or the shipper or consignor may be begun within the period provided in paragraph (3) of section 16, or before the expiration of six months after final judgment against the carrier in an action against either of such parties begun within the limitation period provided in paragraph (3) of section 16.

The term "delivering carrier" means the line-haul carrier making ultimate delivery.'

"(e) Paragraph (3) of such section 3 (which relates to the affording of facilities for interchange of traffic), is amended by striking out '(3)' and substituting in lieu thereof '(4)' and is further amended to read as follows:

"'(4) All carriers subject to the provisions of this part shall, according to their respective powers, afford all reasonable, proper, and equal facilities for the interchange of traffic between their respective lines and connecting lines, and for the receiving, forwarding, and delivering of passengers or property to and from connecting lines; and shall not discriminate in their rates, fares, and charges between connecting lines, or unduly prejudice any connecting line in the distribution of traffic that is not specifically routed by the shipper. As used in this paragraph the term "connecting line" means the connecting line of any carrier subject to the provisions of this part or any common carrier by water subject to part III.'

"(f) Paragraph (4) of such section 3 (which relates to the Commission's power to require common use of terminals), is amended—

"(1) by striking out '(4)' and substituting in lieu thereof '(5)';

"(2) by striking out in the first sentence the words 'a carrier' and substituting in lieu thereof the words 'a common carrier by railroad';

"(3) by striking out in the first sentence the words 'any carrier, by another carrier or other carriers' and substituting in lieu thereof the words 'any common carrier by railroad, by another such carrier or other such carriers'; and

"(4) by adding after the words 'shall have power' in the first sentence the words 'by order'.

"LONG AND SHORT HAUL PROVISION

"SEC. 6. (a) Paragraph (1) of section 4 of the Interstate Commerce Act, as amended, is amended to read as follows:

"'(1) It shall be unlawful for any common carrier subject to this part or part III to charge or receive any greater compensation in the aggregate for the transportation of passengers, or of like kind of property, for a shorter than for a longer distance over the same line or route in the same direction, the shorter being included within the longer distance, or to charge any greater compensation as a through rate than the aggregate of the intermediate rates subject to the provisions of this part or part III, but this shall not be construed as authorizing any common carrier within the terms of this part or part III to charge or receive as great compensation for a shorter as for a longer distance: *Provided*, That upon application to the Commission such common carrier may in special cases, after investigation, be authorized by the Commission to charge less for longer than for shorter distances for the transportation of passengers or property; and the Commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section, but in exercising the authority conferred upon it in this proviso the Commission shall not permit the establishment of any charge to or from the more distant point that is not reasonably compensatory for the service performed; and no such authorization shall be granted on account of merely potential water competition not actually in existence: *And provided further*, That tariffs proposing rates subject to the provisions of this paragraph may be filed when application is made to the Commission under the provisions hereof, and in the event such application is approved, the Commission shall permit such tariffs to become effective upon one day's notice.'

"(b) In the case of a carrier heretofore subject to the provisions of paragraph (1) of section 4 of the Interstate Commerce Act, as amended, no rate, fare, or charge lawfully in effect at the time of the enactment of this Act shall be required to be changed by reason of the amendments made to such paragraph by subsection (a) of this section. In the case of a carrier not heretofore subject to the provisions of such paragraph, no rate, fare, or charge lawfully in effect at the time of the enactment of this Act shall be required to be changed, by reason of the provisions of such paragraph, as amended by subsection (a) of this section, prior to six months after the enactment of this Act, or in case application for the continuance of any such existing rate, fare, or charge is filed with the Interstate Commerce Commission within such six months period, until the Commission has acted upon such application.

"POOLING; UNIFICATIONS, MERGERS, AND ACQUISITIONS OF CONTROL

"SEC. 7. Section 5 of the Interstate Commerce Act, as amended, is amended to read as follows:

"'SEC. 5. (1) Except upon specific approval by order of the Commission as in this section provided, and except as provided in paragraph (16) of section 1 of this part, it shall be unlawful for any common carrier subject to this part, part II, or part III to enter into any contract, agreement, or combination with any other such common carrier or carriers for the pooling or division of traffic, or of service, or of gross or net earnings, or of any portion thereof; and in any case of an unlawful agreement for the pooling or division of traffic, service, or earnings as aforesaid each day of its continuance shall be a separate offense: *Provided*, That whenever the Commission is of opinion, after hearing upon application of any such carrier or carriers or upon its own initiative, that the pooling or division, to the extent indicated by the Commission, of their traffic, service, or gross or net earnings, or of any portion thereof, will be in the interest of better service to the public or of economy in operation, and will not unduly restrain competition, the Commission shall by order approve and authorize, if assented to by all the carriers involved, such pooling or division, under such rules and regulations, and for such consideration as between such carriers and upon such terms and conditions, as shall be found by the Commission to be just and reasonable in the premises: *Provided further*, That any contract, agreement, or combination to which any common carrier by water subject to part III is a party, relating to the pooling or division of traffic, service, or earnings, or any portion thereof, lawfully existing on the date this paragraph as amended takes effect, if filed with the Commission within six months after such date, shall continue to be lawful except to the extent that the Commission, after hearing upon application or upon its own initiative, may find and by order declare that such contract, agreement, or combination is not in the interest of better service to the public or of economy in operation, or that it will unduly restrain competition.

"'(2) (a) It shall be lawful, with the approval and authorization of the Commission, as provided in subdivision (b)—

"'(i) for two or more carriers to consolidate or merge their properties or franchises, or any part thereof, into one corporation for the ownership, management, and operation of the properties theretofore in separate ownership; or for any carrier, or two or more carriers jointly, to purchase, lease, or contract to operate the properties, or any part thereof, of another; or for any carrier, or two or more carriers jointly, to acquire control of another through ownership of its stock or otherwise; or for a person which is not a carrier to acquire control of two or more carriers through ownership of their stock or otherwise; or for a person which is not a carrier and which has control of one or more carriers to acquire control of another carrier through ownership of its stock or otherwise; or

"'(ii) for a carrier by railroad to acquire trackage rights over, or joint ownership in or joint use of, any railroad line or lines owned or operated by any other such carrier, and terminals incidental thereto.

"'(b) Whenever a transaction is proposed under subparagraph (a), the carrier or carriers or person seeking authority therefor shall present an application to the Commission, and thereupon the Commission shall notify the Governor of each State in which any part of the properties of the carriers involved in the proposed transaction is situated, and also such carriers and the applicant or applicants (and, in case carriers by motor vehicle are involved, the persons specified in section 205 (e)), and shall afford reasonable opportunity for interested parties to be heard. If the Commission shall consider it necessary in order to determine whether the findings specified below may properly be made, it shall set said application for public hearing, and a public hearing shall be held in all cases where carriers by railroad are involved. If the Commission finds that, subject to such terms and conditions and such modifications as it shall find to be just and reasonable, the proposed transaction is within the scope of subparagraph (a) and will be consistent with the public interest, it shall enter an order approving and authorizing such transaction, upon the terms and conditions, and with the modifications, so found to be just and reasonable: *Provided*, That if a carrier by railroad subject to this part, or any person which is controlled by such a carrier, or affiliated therewith within the meaning of paragraph (6), is an applicant in the case of any such proposed transaction involving a motor carrier, the Commission shall not enter such an order unless it finds that the transaction proposed will be consistent with the public interest and will enable such carrier to use service by motor vehicle to public advantage in its operations and will not unduly restrain competition.

"'(c) In passing upon any proposed transaction under the provisions of this paragraph (2), the Commission shall give weight to the following considerations, among others: (1) The effect of the proposed transaction upon adequate transportation service to the public; (2) the effect upon the public interest of the inclusion, or failure to include, other railroads in the territory involved in the proposed transaction; (3) the total fixed charges resulting from the proposed transaction; and (4) the interest of the carrier employees affected.

"'(d) The Commission shall have authority in the case of a proposed transaction under this paragraph (2) involving a railroad or railroads, as a prerequiste to its approval of the proposed transaction, to require, upon equitable terms, the inclusion of another railroad or other railroads in the territory involved, upon petition by such railroad or railroads requesting such inclusion, and upon a finding that such inclusion is consistent with the public interest.

"'(e) No transaction which contemplates a guaranty or assumption of payment of dividends or of fixed charges, shall be approved by the Commission under this paragraph (2) except upon a specific finding by the Commission that such guaranty or assumption is not inconsistent with the public interest. No transaction shall be approved under this paragraph (2) which will result in an increase of total fixed charges, except upon a specific finding by the Commission that such increase would not be contrary to public interest.

"'(f) As a condition of its approval, under this paragraph (2), of any transaction involving a carrier or carriers by railroad subject to the provisions of this part, the Commission shall require a fair and equitable arrangement to protect the interests of the railroad employees affected. In its order of approval the Commission shall include terms and conditions providing that during the period of four years from the effective date of such order such transaction will not result in employees of the carrier or carriers by railroad affected by such order being in a worse position with respect to their employment, except that the protection afforded to any employee pursuant to this sentence shall not be required to continue for a longer period, following the effective date of such order than the period during which employee was in the employ of such carrier

or carriers prior to the effective date of such order. Notwithstanding any other provisions of this Act, an agreement pertaining to the protection of the interests of said employees may hereafter be entered into by any carrier or carriers by railroad and the duly authorized representative or representatives of its or their employees.

"'(3) Whenever a person which is not a carrier is authorized, by an order entered under paragraph (2), to acquire control of any carrier or of two or more carriers, such person thereafter shall, to the extent provided by the Commission in such order, be considered as a carrier subject to such of the following provisions as are applicable to any carrier involved in such acquisition of control: Section 20 (1) to (10), inclusive, of this part, sections 204 (a) (1) and (2) and 220 of part II, and section 313 of part III, (which relate to reports, accounts, and so forth, of carriers), and section 20a (2) to (11), inclusive, of this part, and section 214 of part II, (which relate to issues of securities and assumptions of liability of carriers), including in each case the penalties applicable in the case of violations of such provisions. In the application of such provisions of section 20a of this part and of section 214 of part II, in the case of any such person, the Commission shall authorize the issue or assumption applied for only if it finds that such issue or assumption is consistent with the proper performance of its service to the public by each carrier which is under the control of such person, that it will not impair the ability of any such carrier to perform such service, and that it is otherwise consistent with the public interest.

"'(4) It shall be unlawful for any person, except as provided in paragraph (2), to enter into any transaction within the scope of subparagraph (a) thereof, or to accomplish or effectuate, or to participate in accomplishing or effectuating, the control or management in a common interest of any two or more carriers, however such result is attained, whether directly or indirectly, by use of common directors, officers, or stockholders, a holding or investment company or companies, a voting trust or trusts, or in any other manner whatsoever. It shall be unlawful to continue to maintain control or management accomplished or effectuated after the enactment of this amendatory paragraph and in violation of its provisions. As used in this paragraph and paragraph (5), the words "control or management" shall be construed to include the power to exercise control or management.

"'(5) For the purposes of this section, but not in anywise limiting the application of the provisions thereof, any transaction shall be deemed to accomplish or effectuate the control or management in a common interest of two carriers—

"'(a) if such transaction is by a carrier, and if the effect of such transaction is to place such carrier and persons affiliated with it, taken together, in control of another carrier;

"'(b) if such transaction is by a person affiliated with a carrier, and if the effect of such transaction is to place such carrier and persons affiliated with it, taken together, in control of another carrier;

"'(c) if such transaction is by two or more persons acting together, one of whom is a carrier or is affiliated with a carrier, and if the effect of such transaction is to place such persons and carriers and persons affiliated with any one of them and persons affiliated with any such affiliated carrier, taken together, in control of another carrier.

"'(6) For the purposes of this section a person shall be held to be affiliated with a carrier if, by reason of the relationship of such person to such carrier (whether by reason of the method of, or circumstances surrounding organization or operation, or whether established through common directors, officers, or stockholders, a voting trust or trusts, a holding or investment company or companies, or any other direct or indirect means), it is reasonable to believe that the affairs of any carrier of which control may be acquired by such person will be managed in the interest of such other carrier.

"'(7) The Commissioner is hereby authorized, upon complaint or upon its own initiative without complaint, but after notice and hearing, to investigate and determine whether any person is violating the provisions of paragraph (4). If the Commission finds after such investigation that such person is violating the provisions of such paragraph, it shall by order require such person to take such action as may be necessary, in the opinion of the Commission, to prevent continuance of such violation. The provisions of this paragraph shall be in addition to, and not in substitution for, any other enforcement provisions contained in this part; and with respect to any violation of paragraphs (2) to (12), inclusive, of this section, any penalty provision applying to such a violation by a common carrier subject to this part shall apply to such a violation by any other person.

"'(8) The district courts of the United States shall have jurisdiction upon the complaint of the Commission, alleging a violation of any of the provisions of this section or disobedience of any order issued by the Commission thereunder by any person, to issue such writs of injunction or other proper process, mandatory or otherwise, as may be necessary to restrain such person from violation of such provision or to compel obedience to such order.

"'(9) The Commission may from time to time, for good cause shown, make such orders, supplemental to any order made under paragraph (1), (2), or (7), as it may deem necessary or appropriate.

"'(10) Nothing in this section shall be construed to require the approval or authorization of the Commission in the case of a transaction within the scope of paragraph (2) where the only parties to the transaction are motor carriers subject to part II (but not including a motor carrier controlled by or affiliated with a carrier as defined in section 1 (3)), and where the aggregate number of motor vehicles owned, leased, controlled, or operated by such parties, for purposes of transportation subject to part II, does not exceed twenty.

"'(11) The authority conferred by this section shall be exclusive and plenary, and any carrier or corporation participating in or resulting from any transaction approved by the Commission thereunder, shall have full power (with the assent, in the case of a purchase and sale, a lease, a corporate consolidation, or a corporate merger, of a majority, unless a different vote is required under applicable State law, in which case the number so required shall assent, of the votes of the holders of the shares entitled to vote of the capital stock of such corporation at a regular meeting of such stockholders, the notice of such meeting to include such purpose, or at a special meeting thereof called for such purpose) to carry such transaction into effect and to own and operate any properties and exercise any control or franchises acquired through said transaction without invoking any approval under State authority; and any carriers or other corporations, and their officers and employees and any other persons, participating in a transaction approved or authorized under the provisions of this section shall be and they are hereby relieved from the operation of the antitrust laws and of all other restraints, limitations, and prohibitions of law, Federal, State, or municipal, insofar as may be necessary to enable them to carry into effect the transaction so approved or provided for in accordance with the terms and conditions, if any, imposed by the Commission, and to hold, maintain, and operate any properties and exercise any control or franchises acquired through such transaction. Nothing in this section shall be construed to create or provide for the creation, directly or indirectly, of a Federal corporation, but any power granted by this section to any carrier or other corporation shall be deemed to be in addition to and in modification of its powers under its corporate charter or under the laws of any State.

"'(12) If any provision of the foregoing paragraphs of this section, or the application thereof to any person or circumstances, is held invalid, the other provisions of such paragraphs, and the application of such provision to any other person or circumstances, shall not be affected thereby.

"'(13) As used in paragraphs (2) to (12), inclusive, the term "carrier" means a carrier by railroad and an express company, subject to this part; a motor carrier subject to part II; and a water carrier subject to part III.

"'(14) Notwithstanding the provisions of paragraph (2), from and after the 1st day of July 1914, it shall be unlawful for any carrier, as defined in section 1 (3), or (after the date of the enactment of this amendatory section) any person controlling, controlled by, or under common control with, such a carrier to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner) in any common carrier by water operated through the Panama Canal or elsewhere with which such carrier aforesaid does or may compete for traffic or any vessel carrying freight or passengers upon said water route or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense.

"'(15) Jurisdiction is hereby conferred on the Commission to determine questions of fact, arising under paragraph (14), as to the competition or possibility of competition, after full hearing, on the application of any railroad company or other carrier. Such application may be filed for the purpose of determining whether any existing service is in violation of such paragraph and may pray for an order permitting the continuance of any vessel or vessels already in operation, or may pray for an order under the provisions of paragraph (16). The Commission may on its own motion or the application of any shipper institute proceedings to inquire into the operation of any vessel in use by any railroad or other carrier which has not applied to the Commission and had the question of competition or the possibility of competition determined as herein provided. In all such cases the order of said Commission shall be final.

"'(16) Notwithstanding the provisions of paragraph (14), the Commission shall have authority, upon application of any carrier, as defined in section 1 (3), and after hearing, by order to authorize such carrier to own or acquire ownership of, to lease or operate, to have or acquire control of, or to have or acquire an interest in, a common carrier by water or vessel, not operated through the Panama Canal, with which the applicant does or may compete for traffic, if the Commission shall find that the continuance or acquisition of such ownership, lease, operation, control, or interest will not prevent such common carrier by water or vessel from being operated in the interest of the public and with advantage to the convenience and commerce of the people, and that it will not exclude, prevent, or reduce competition on the route by water under consideration: *Provided,* That if the transaction or interest sought to be entered into, continued, or acquired is within the scope of paragraph (2) (a), the provisions of paragraph (2) shall be applicable thereto in addition to the provisions of this paragraph: *And provided further,* That no such authorization shall be necessary if the carrier having the ownership, lease, operation, control, or interest has, prior to the date this section as amended becomes effective, obtained an order of

extension under the provisions of paragraph (21) of this section, as in effect prior to such date, and such order is still in effect.'

"AMENDMENTS TO SECTION 6

"SEC. 8. (a) Paragraph (6) of section 6 of the Interstate Commerce Act, as amended (which relates to the Commission's authority with respect to schedules of carriers subject to part I), is amended to read as follows:

"'(6) The schedules required by this section to be filed shall be published, filed, and posted in such form and manner as the Commission by regulation shall prescribe; and the Commission is authorized to reject any schedule filed with it which is not in accordance with this section and with such regulations. Any schedule so rejected by the Commission shall be void and its use shall be unlawful.'

"(b) Paragraphs (11) and (12) of such section 6 (which require any common carrier subject to part I to furnish, on written request, a written statement of the rate applicable to a described shipment, and which require a common carrier by railroad to keep posted in every freight station the name of a resident agent), are hereby repealed.

"(c) Paragraph (13) of such section (which relates to the jurisdiction of the Commission as to through routes, joint rates, and other matters in connection with certain combination rail and water transportation), is further amended—

"(1) by striking out '(13)' and inserting in lieu thereof '(11)';

"(2) by repealing subparagraph (b) thereof;

"(3) by striking out '(c)' in subparagraph (c) thereof and inserting in lieu thereof '(b)'; and

"(4) by repealing subparagraph (d) thereof.

"(d) Such section 6 is further amended by inserting at the end thereof a new paragraph as follows:

"'(12) If any common carrier subject to this Act enters into arrangements with any water carrier operating from a port in the United States to a foreign country, through the Panama Canal or otherwise, for the handling of through business between interior points of the United States and such foreign country, the Commission may by order require such common carrier to enter into similar arrangements with any or all other lines of steamships operating from said port to the same foreign country.'

"AMENDMENTS TO SECTIONS 12 AND 13

"SEC. 9. (a) The provisions of paragraph (1) of section 12 of the Interstate Commerce Act, as amended, down to and including the second semicolon therein, are amended to read as follows:

"'(1) The Commission shall have authority, in order to perform the duties and carry out the objects for which it was created, to inquire into and report on the management of the business of all common carriers subject to the provisions of this part, and to inquire into and report on the management of the business of persons controlling, controlled by, or under a common control with, such carriers, to the extent that the business of such persons is related to the management of the business of one or more such carriers, and the Commission shall keep itself informed as to the manner and method in which the same are conducted. The Commission may obtain from such carriers and persons such information as the Commission deems necessary to carry out the provisions of this part; and may transmit to Congress from time to time such recommendations (including recommendations as to additional legislation) as the Commission may deem necessary. The Commission is hereby authorized and required to execute and enforce the provisions of this part;'.

"(b) Paragraph (2) of section 13 of such Act, as amended (which relates to investigations by the Commission upon complaint or upon its own motion), is amended by adding at the end thereof the following sentence: 'Representatives of State commissions sitting with the Commission, under the provisions of this section, in cases pending before the Commission, shall receive such allowances for travel and subsistence expense as the Commission shall provide.'

"(c) The last two sentences of paragraph (3) of such section 13 (which relates to the authority of the Commission to confer and cooperate with State authorities in certain cases) are amended by striking out the words 'this part' where they appear therein and inserting in lieu thereof 'this part or part III'.

"AMENDMENTS TO SECTIONS 15 AND 15A

"SEC. 10. (a) Paragraph (1) of section 15 of the Interstate Commerce Act, as amended (which relates to the Commission's power to prescribe just and reasonable rates for carriers subject to part I), is amended by striking out the following: '(or, in the case of a thorough route where one of the carriers is a water line, the maximum rates, fares, and charges applicable thereto)'.

"(b) Paragraphs (3) and (4) of such section 15 (which relate to the Commission's authority to establish through routes and joint rates, fares, and charges, and divisions of such rates, fares, and charges; and which impose certain limitations on the Commission's power to prescribe through routes) are amended to read as follows:

"'(3) The Commission may, and it shall whenever deemed by it to be necessary or desirable in the public interest, after full hearing upon complaint or upon its own initiative without complaint, establish through routes, joint classifications, and joint rates, fares, or charges, applicable to the transportation of passengers or property by carriers subject to this part, or by carriers by railroad subject to this part and common carriers by water subject to part III, or the maxima or minima, or maxima and minima, to be charged, and the divisions of such rates, fares, or charges as hereinafter provided, and the terms and conditions under which such through routes shall be operated. The Commission shall not, however, establish any through route, classification, or practice, or any rate, fare, or charge, between street electric passenger railways not engaged in the general business of transporting freight in addition to their passenger and express business, and railroads of a different character. If any tariff or schedule canceling any through route or joint rate, fare, charge, or classification, without the consent of all carriers parties thereto or authorization by the Commission, is suspended by the Commission for investigation, the burden of proof shall be upon the carrier or carriers proposing such cancelation to show that it is consistent with the public interest, without regard to the provisions of paragraph (4) of this section.

"'(4) In establishing any such through route the Commission shall not (except as provided in section 3, and except where one of the carriers is a water line) require any carrier by railroad, without its consent, to embrace in such route substantially less than the entire length of its railroad and of any intermediate railroad operated in conjunction and under a common management or control therewith, which lies between the termini of such proposed through route, (a) unless such inclusion of lines would make the through route unreasonably long as compared with another practicable through route which could otherwise be established, or (b) unless the Commission finds that the through route proposed to be established is needed in order to provide adequate, and more efficient or more economic, transportation: *Provided, however,* That in prescribing through routes the Commission shall, so far as is consistent with the public interest, and subject to the foregoing limitations in clauses (a) and (b), give reasonable preference to the carrier by railroad which originates the traffic. No through route and joint rates applicable thereto shall be established by the Commission for the purpose of assisting any carrier that would participate therein to meet its financial needs. In time of shortage of equipment, congestion of traffic, or other emergency declared by the Commission, it may (either upon complaint or upon its own initiative without complaint, at once, if it so orders, without answer or other formal pleadings by the interested carrier or carriers, and with or without notice, hearing, or the making or filing of a report, according as the Commission may determine) establish temporarily such through routes as in its opinion are necessary or desirable in the public interest.'

"(c) The last sentence of paragraph (7) of such section 15 is amended to read as follows:

"'At any hearing involving a change in a rate, fare, charge, or classification, or in a rule, regulation, or practice, after the date this amendatory provision takes effect, the burden of proof shall be upon the carrier to show that the proposed changed rate, fare, charge, classification, rule, regulation, or practice is just and reasonable, and the Commission shall give to the hearing and decision of such questions preference over all other questions pending before it and decide the same as speedily as possible.'

"(d) Paragraph (13) of such section 15 (which relates to allowances to owners of property for services rendered to carriers in connection with transportation) is amended by inserting after 'the charge and allowance therefor shall be', the following: 'published in tariffs or schedules filed in the manner provided in this part and shall be'.

"(e) Paragraph (2) of section 15a of the Interstate Commerce Act, as amended (which contains the rule of rate making for part I), is amended to read as follows:

"'(2) In the exercise of its power to prescribe just and reasonable rates the Commission shall give due consideration, among other factors, to the effect of rates on the movement of traffic by the carrier or carriers for which the rates are prescribed; to the need, in the public interest, of adequate and efficient railway transportation service at the lowest cost consistent with the furnishing of such service; and to the need of revenues sufficient to enable the carriers, under honest, economical, and efficient management, to provide such service.'

"AMENDMENTS TO SECTION 16

"SEC. 11. (a) Section 16 of the Interstate Commerce Act, as amended (which relates to orders of the Commission and enforcement thereof), is amended—

"(1) by striking out in paragraph (2) thereof the word 'circuit' before 'court' wherever it appears and substituting in lieu thereof the word 'district'; by striking out the word 'petition' in the first sentence and substituting in lieu thereof the word 'complaint'; by striking out the word 'petitioner' in the second and third sentences and substituting in lieu thereof the word 'plaintiff';

"(2) by striking out in paragraph (3) (a) thereof the words 'three years' and substituting in lieu thereof the words 'two years';

"(3) by striking out in paragraph (3) (c) thereof the words 'three years' and substituting in lieu thereof the words 'two years', and by striking out the word 'three-year' and substituting in lieu thereof the word 'two-year';

"(4) by striking out in paragraph (3) (d) thereof the word 'three-year' and substituting in lieu thereof the word 'two-year';

"(5) by striking out in paragraph (3) (f) thereof the word 'petition' and substituting in lieu thereof the word 'complaint'; and

"(6) by striking out in paragraph (12) thereof the words 'the Commerce Court' and substituting in lieu thereof the words 'any district court of the United States of competent jurisdiction' and by striking out the words 'that Court' and the words 'the Court' in the second sentence and substituting in lieu thereof the words 'such court'.

"(b) Paragraph (5) of such section 16 is amended by adding at the end thereof a new sentence as follows: 'In proceedings before the Commission involving the lawfulness of rates, fares, charges,

classifications, or practices, service of notice upon an attorney in fact of a carrier who has filed a tariff or schedule in behalf of such carrier shall be deemed to be due and sufficient service upon the carrier, except where the carrier has designated an agent in the city of Washington, District of Columbia, upon whom service of notices and processes may be made, as provided in section 6 of the Act of June 18, 1910 (U. S. C., 1934 ed., title 49, sec. 50).'

"(c) The amendments made by subsection (a) of this section to paragraph (3) (a) and (c) of section 16 of the Interstate Commerce Act, as amended, shall apply only in the case of causes of action accruing after the date this section takes effect.

"COMMISSION PROCEDURE; DELEGATION OF DUTIES; REHEARINGS

"SEC. 12. Section 16a of the Interstate Commerce Act, as amended, is hereby repealed, and section 17 of such Act, as amended, is amended to read as follows:

"'SEC. 17. (1) The Commission is hereby authorized by its order to divide the members thereof into as many divisions (each to consist of not less than three members) as it may deem necessary, which may be changed from time to time. Such divisions shall be designated, respectively, division one, division two, and so forth, or by a term descriptive of the principal subject, work, business, or function assigned or referred to such divisions. The Commission may designate one or more of its divisions as appellate divisions. Any Commissioner may be assigned to such division or divisions as the Commission may direct, and the senior in service of the Commissioners constituting a division shall act as chairman thereof unless otherwise directed by the Commission. When a vacancy occurs in any division or when a Commissioner because of absence, or other cause, is unable to serve thereon, the Chairman of the Commission or any Commissioner designated by him for that purpose may serve temporarily on such division until the Commission otherwise orders.

"'(2) The Commission may by order direct that any of its work, business, or functions under any provision of law (except matters required to be referred to joint boards by section 205, and except functions vested in the Commission under this section), or any matter which shall have been or may be referred to it by Congress or by either branch thereof, be assigned or referred to any division, to an individual Commissioner, or to a board to be composed of three or more eligible employees of the Commission (hereinafter in this section called a "board") to be designated by such order, for action thereon, and the Commission may by order at any time amend, modify, supplement, or rescind any such assignment or reference. The following classes of employees shall be eligible for designation by the Commission to serve on such boards: examiners, directors or assistant directors of bureaus, chiefs of sections, and attorneys. The assignment or reference, to divisions, of work, business, or functions relating to the lawfulness of rates, fares, or charges shall be made according to the character of regulation to be exercised and not according to the kind or class of the carriers involved or to the form or mode of transportation in which such carriers may be engaged. When an individual Commissioner, or any employee, is unable to act upon any matter so assigned or referred because of absence or other cause, the Chairman of the Commission may designate another Commissioner or employee, as the case may be, to serve temporarily until the Commission otherwise orders.

"'(3) The Commission shall conduct its proceedings under any provision of law in such manner as will best conduce to the proper dispatch of business and to the ends of justice. The Commission shall have an official seal, which shall be judicially noticed. Any member of the Commission, the Secretary of the Commission, or any member of a board may administer oaths and affirmations and any member of the Commission or the Secretary of the Commission (or any member of a board in connection with the performance of any work, business, or functions referred under this section to a board upon which he serves) may sign subpenas. A majority of the Commission, of a division, or of a board shall constitute a quorum for the transaction of business. The Commission may, from time to time, make or amend such general rules or orders as may be requisite for the order and regulation of proceedings before it, or before any division, individual Commissioner, or board, including forms of notices and the service thereof, which shall conform, as nearly as may be, to those in use in the courts of the United States. Any party may appear before the Commission or any division, individual Commissioner, or board and be heard in person or by attorney. Every vote and official act of the Commission, or of any division, individual Commissioner, or board, shall be entered of record, and such record shall be made public upon the request of any party interested. All hearings before the Commission, a division, individual Commissioner, or board shall be public upon the request of any party interested. No Commissioner or employee shall participate in any hearing or proceeding in which he shall have any pecuniary interest.

"'(4) A division, an individual Commissioner, or a board shall have authority to hear and determine, order, certify, report, or otherwise act as to any work, business, or functions assigned or referred thereto under the provisions of this section, and with respect thereto shall have all the jurisdiction and powers conferred by law upon the Commission, and be subject to the same duties and obligations. The secretary and seal of the Commission shall be the secretary and seal of each division, individual Commissioner, or board. Except as otherwise provided in this section, any order, decision, or requirement of a division, an individual Commissioner, or a board, with respect to any matter so assigned or referred, shall have the same force and effect, and may be made and evidenced in the same manner as if made or taken by the Commission.

"'(5) Any finding, report, or requirement of an individual Commissioner or board, with respect to any matter so assigned or referred involving the taking of testimony at a public hearing, shall be accompanied by a statement in writing of the reasons therefor, together with a recommended order, which shall be filed with the Commission. Copies thereof shall be served upon interested parties (including, in proceedings under part II, persons specified in section 205 (e)), who may file exceptions thereto, but if within twenty days after service upon such persons, or within such further period as the Commission or a duly designated division thereof may authorize, no exceptions shall have been filed, such recommended order shall become the order of the Commission and become effective unless within such period the order shall have been stayed or postponed by the Commission or by a duly designated division thereof. The Commission, or a duly designated division thereof, upon its own motion may, and where exceptions are filed it shall, reconsider the matter either upon the same record or after further hearing, and such recommended order shall thereupon be stayed or postponed pending final determination thereof.

"'(6) After a decision, order, or requirement shall have been made by the Commission, a division, an individual Commissioner, or a board, or after an order recommended by an individual Commissioner or a board shall have become the order of the Commission as provided in paragraph (5), any party thereto may at any time, subject to such limitations as may be established by the Commission as hereinafter authorized, make application for rehearing, reargument, or reconsideration of the same, or of any matter determined therein. Such applications shall be governed by such general rules as the Commission may establish. Any such application, if the decision, order, or requirement was made by the Commission, shall be considered and acted upon by the Commission. If the decision, order, or requirement was made by a division, an individual Commissioner, or a board, such application shall be considered and acted upon by the Commission or referred to an appropriate appellate division for consideration and action. Rehearing, reargument, or reconsideration may be granted if sufficient reason therefor be made to appear; but the Commission may, from time to time, make or amend general rules or orders establishing limitations upon the right to apply for rehearing, reargument, or reconsideration of a decision, order, or requirement of the Commission or of a division so as to confine such right to proceedings, or classes of proceedings, involving issues of general transportation importance. Notwithstanding the foregoing provisions of this paragraph, any application for rehearing, reargument, or reconsideration of a matter assigned or referred to an individual Commissioner or a board, under the provisions of paragraph (2), if such application shall have been filed within twenty days after the recommended order in the proceeding shall have become the order of the Commission as provided in paragraph (5), and if such matter shall not have been reconsidered or reheard as provided in such paragraph, shall be referred to an appropriate appellate division of the Commission and such division shall reconsider the matter either upon the same record or after a further hearing.

"'(7) If after rehearing, reargument, or reconsideration of a decision, order, or requirement of a division, an individual Commissioner, or board it shall appear that the original decision, order, or requirement is in any respect unjust or unwarranted, the Commission or appellate division may reverse, change, or modify the same accordingly. Any decision, order, or requirement made after rehearing, reargument, or reconsideration, reversing, changing, or modifying the original determination shall be subject to the same provisions with respect to rehearing, reargument, or reconsideration as an original order.

"'(8) Where application for rehearing, reargument, or reconsideration of a decision, order, or requirement of a division, an individual Commissioner, or board is made in accordance with the provisions of this section and the rules and regulations of the Commission, and the decision, order, or requirement has not yet become effective, the decision, order, or requirement shall be stayed or postponed pending disposition of the matter by the Commission or appellate division; but otherwise the making of such an application shall not excuse any person from complying with or obeying the decision, order, or requirement, or operate to stay or postpone the enforcement thereof, without the special order of the Commission.

"'(9) When an application for rehearing, reargument, or reconsideration of any decision, order, or requirement of a division, an individual Commissioner, or a board with respect to any matter assigned or referred to him or it shall have been made and shall have been denied, or after rehearing, reargument, or reconsideration otherwise disposed of, by the Commission or an appellate division, a suit to enforce, enjoin, suspend, or set aside such decision, order, or requirement, in whole or in part, may be brought in a court of the United States under those provisions of law applicable in the case of suits to enforce, enjoin, suspend, or set aside orders of the Commission, but not otherwise.

"'(10) Any matter arising in the administration of part II of this Act as to which a hearing is to be held may be referred to an examiner of the Commission, for action thereon, subject to the conditions and limitations provided in this section in the case of reference of work, business or functions, as to which a hearing is to be held, to an individual Commissioner or board.

"'(11) Representatives of employees of a carrier, duly designated as such, may intervene and be heard in any proceeding arising under this Act affecting such employees.

"'(12) The Commission is authorized to promulgate reasonable rules and regulations relating to admission to practice before it,

and is authorized to impose a reasonable fee for such admission, and such fees shall be covered into the Treasury of the United States as miscellaneous receipts.'

"AMENDMENTS TO SECTION 20

"SEC. 13. (a) Paragraphs (1) to (8), inclusive, of section 20 of the Interstate Commerce Act, as amended (which relate to accounts, records, reports, etc., of carriers subject to part I), are amended to read as follows:

"'SEC. 20. (1) The Commission is hereby authorized to require annual, periodical, or special reports from carriers (as defined in this section) and from lessors (as defined in this section), to prescribe the manner and form in which such reports shall be made, and to require from such carriers and lessors specific and full, true, and correct answers to all questions upon which the Commission may deem information to be necessary, classifying such carriers and lessors as it may deem proper for any of these purposes. Such annual reports shall give an account of the affairs of the carrier or lessor in such form and detail as may be prescribed by the Commission.

"'(2) Said annual reports shall contain all the required information for the period of 12 months ending on the 31st day of December in each year, unless the Commission shall specify a different date, and shall be made out under oath and filed with the Commission at its office in Washington within 3 months after the close of the year for which the report is made, unless additional time be granted in any case by the Commission. Such periodical or special reports as may be required by the Commission under paragraph (1) hereof, shall also be under oath whenever the Commission so requires.

"'(3) The Commission may, in its discretion, for the purpose of enabling it the better to carry out the purposes of this part, prescribe a uniform system of accounts applicable to any class of carriers subject thereto, and a period of time within which such class shall have such uniform system of accounts, and the manner in which such accounts shall be kept.

"'(4) The Commission shall, as soon as practicable, prescribe for carriers the classes of property for which depreciation charges may properly be included under operating expenses, and the rate or rates of depreciation which shall be charged with respect to each of such classes of property, classifying the carriers as it may deem proper for this purpose. The Commission may, when it deems necessary, modify the classes and rates so prescribed. When the Commission shall have exercised its authority under the foregoing provisions of this paragraph, carriers shall not charge to operating expenses any depreciation charges on classes of property other than those prescribed by the Commission, or charge with respect to any class of property a rate of depreciation other than that prescribed therefor by the Commission, and no such carrier shall include under operating expenses any depreciation charge in any form whatsoever other than as prescribed by the Commission.

"'(5) The Commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by carriers and their lessors, including the accounts, records, and memoranda of the movement of traffic, as well as of the receipts and expenditures of moneys, and it shall be unlawful for such carriers or lessors to keep any accounts, records, and memoranda contrary to any rules, regulations, or orders of the Commission with respect thereto. The Commission or any duly authorized special agent, accountant, or examiner thereof shall at all times have authority to inspect and copy any and all accounts, books, records, memoranda, correspondence, and other documents, of such carriers and lessors, and such accounts, books, records, memoranda, correspondence, and other documents, of any person controlling, controlled by, or under common control with any such carrier, as the Commission deems relevant to such person's relation to or transactions with such carrier. The Commission or its duly authorized special agents, accountants, or examiners shall at all times have access to all lands, buildings, or equipment of such carriers or lessors, and shall have authority under its order to inspect and examine any and all such lands, buildings, and equipment. Such carriers, lessors, and other persons shall submit their accounts, books, records, memoranda, correspondence, and other documents for the inspection and copying authorized by this paragraph, and such carriers and lessors shall submit their lands, buildings, and equipment to inspection and examination, to any duly authorized special agent, accountant, or examiner of the Commission, upon demand and the display of proper credentials.

"'(6) The Commission or any duly authorized special agent, accountant, or examiner thereof shall at all times have authority to inspect and copy any and all accounts, books, records, memoranda, correspondence, and other documents, of persons which furnish cars or protective service against heat or cold to or on behalf of any carrier by railroad or express company subject to this part: *Provided, however,* That such authority shall be limited to accounts, books, records, memoranda, correspondence, or other documents which pertain or relate to the cars or protective service so furnished. The Commission shall further have authority, in its discretion, to prescribe the forms of any or all accounts, records, and memoranda which it is authorized by this paragraph to inspect and copy, and to require the persons furnishing such cars or protective service, as aforesaid, to submit such reports and specific and full, true, and correct answers to such questions, relative to such cars or service, as the Commission may deem necessary. Persons furnishing such cars or protective service shall submit their accounts, books, records, memoranda, correspondence, or other documents, to the extent above provided, for inspection or copying to any duly authorized special agent, accountant, or examiner of the Commission upon demand and the display of proper credentials.

"'(7) (a) In case of failure or refusal on the part of any carrier, lessor, or other person to keep any accounts, records, and memoranda in the form and manner prescribed, under authority of this section, by the Commission, or to submit any accounts, books, records, memoranda, correspondence, or other documents to the Commission or any of its authorized agents, accountants, or examiners for inspection or copying, as required under this section, such carrier, lessor, or person shall forfeit to the United States not to exceed $500 for each such offense and for each day during which such failure or refusal continues.

"'(b) Any person who shall knowingly and willfully make, cause to be made, or participate in the making of, any false entry in any annual or other report required under this section to be filed, or in the accounts of any book of accounts or in any records or memoranda kept by a carrier, or required under this section to be kept by a lessor or other person, or who shall knowingly and willfully destroy, mutilate, alter, or by any other means or device falsify the record of any such accounts, records, or memoranda, or who shall knowingly and willfully neglect or fail to make full, true, and correct entires in such accounts, records, or memoranda of all facts and transactions appertaining to the business of the carrier, lessor, or person, or shall knowingly and willfully keep any accounts, records, or memoranda contrary to the rules, regulations, or orders of the Commission with respect thereto, or shall knowingly or willfully file with the Commission any false report or other document, shall be deemed guilty of a misdemeanor and shall be subject, upon conviction in any court of the United States of competent jurisdiction to a fine of not more than five thousand dollars or imprisonment for not more than two years, or both such fine and imprisonment: *Provided,* That the Commission may in its discretion issue orders specifying such operating, accounting, or financial papers, records, books, blanks, tickets, stubs, correspondence, or documents of such carriers, lessors, or other persons as may, after a reasonable time, be destroyed, and prescribing the length of time the same shall be preserved.

"'(c) Any carrier or lessor, or person furnishing cars or protective service, or any officer, agent, employee, or representative thereof, who shall fail to make and file an annual or other report with the Commission within the time fixed by the Commission, or to make specific and full, true, and correct answer to any question within thirty days from the time it is lawfully required by the Commission so to do, shall forfeit to the United States the sum of one hundred dollars for each and every day it shall continue to be in default with respect thereto.

"'(d) In case of failure or refusal on the part of any carrier or lessor to accord to the Commission or its duly authorized special agents, accountants, or examiners, access to, and opportunity for the inspection and examination of, any lands, buildings, or equipment of said carrier or lessor, as provided in this section, such carrier or lessor shall forfeit to the United States the sum of one hundred dollars for each day during which such failure or refusal continues.

"'(e) All forfeitures authorized in this paragraph (7) shall be recovered in the manner provided for the recovery of forfeitures under the provisions of this part.

"'(f) Any special agent, accountant, or examiner who knowingly and willfully divulges any fact or information which may come to his knowledge during the course of any examination or inspection made under authority of this section, except insofar as he may be directed by the Commission or by a court or judge thereof, shall be guilty of a misdemeanor and shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not more than $500 or imprisonment for not exceeding six months, or both.

"'(8) As used in this section the words "keep" and "kept" shall be construed to mean made, prepared, or compiled, as well as retained; the term "carrier" means a common carrier subject to this part, and includes a receiver or trustee of such carrier; and the term "lessor" means a person owning a railroad, a water line, or a pipe line, leased to and operated by a common carrier subject to this part, and includes a receiver or trustee of such lessor.'

"(b) Paragraph (11) of such section 20 (which relates to liability of carriers for loss of property), is amended by striking out the first proviso contained therein and inserting in lieu thereof the following: '*Provided,* That if the loss, damage, or injury occurs while the property is in the custody of a carrier by water the liability of such carrier shall be determined by the bill of lading of the carrier by water and by and under the laws and regulations applicable to transportation by water, and the liability of the initial or delivering carrier shall be the same as that of such carrier by water:'.

"AMENDMENTS TO SECTIONS 25, 26, AND 27

"SEC. 14. (a) Section 25 of the Interstate Commerce Act, as amended, is hereby repealed.

"(b) Section 26 of the Interstate Commerce Act, as amended, is amended by striking out '26' and inserting in lieu thereof '25'.

"(c) Section 27 of the Interstate Commerce Act, as amended, is amended to read as follows:

"'SEC. 26. This part may be cited as part I of the Interstate Commerce Act.'

"SHORT TITLE FOR PART II

"SEC. 15. Section 201 of the Interstate Commerce Act, as amended, is amended to read as follows:

"'SHORT TITLE

"'SEC. 201. This part may be cited as part II of the Interstate Commerce Act.'

"REFERENCES TO POLICY DECLARED IN PART II

"SEC. 16. Part II of the Interstate Commerce Act, as amended, is amended by striking out the following wherever appearing therein: 'the policy declared in section 202 (a) of this part', and 'the policy of Congress enunciated in section 202', and by inserting in lieu thereof the following: 'the national transportation policy declared in this Act.'

AMENDMENTS TO SECTION 202

"SEC. 17. (a) Section 202 of the Interstate Commerce Act, as amended (which relates to the scope of the application of part II), is amended—

"(1) by striking out the heading thereof, 'DECLARATION OF POLICY AND DELEGATION OF JURISDICTION' and inserting in lieu thereof a new heading as follows: 'APPLICATION OF PROVISIONS'; and

"(2) by repealing subsection (a) of such section, by striking out '(b)' and inserting in lieu thereof '(a)', and by striking out '(c)' and inserting in lieu thereof '(b).'

"(b) Such section 202 is amended by adding at the end thereof a new subsection as follows:

"'(c) Notwithstanding any provision of this section or of section 203, the provisions of this part shall not apply—

"'(1) to transportation by motor vehicle by a carrier by railroad subject to part I or by a water carrier subject to part III, incidental to transportation subject to such parts, in the performance within terminal areas of transfer, collection, or delivery services; but such transportation shall be considered to be and shall be regulated as transportation subject to part I when performed by such carrier by railroad, and transportation subject to part III when performed by such water carrier.

"'(2) to transportation by motor vehicle by any person (whether as agent or under a contractual arrangement) for a common carrier by railroad subject to part I, an express company subject to part I, a motor carrier subject to this part, or a water carrier subject to part III, in the performance within terminal areas of transfer, collection, or delivery services; but such transportation shall be considered to be performed by such carrier or express company as part of, and shall be regulated in the same manner as, the transportation by railroad, express, motor vehicle, or water to which such services are incidental.'

"AMENDMENTS TO SECTION 203

"SEC. 18. (a) Paragraphs (14) and (15) of subsection (a) of section 203 of the Interstate Commerce Act, as amended, are amended to read as follows:

"'(14) The term "common carrier by motor vehicle" means any person which holds itself out to the general public to engage in the transportation by motor vehicle in interstate or foreign commerce of passengers or property or any class or classes thereof for compensation, whether over regular or irregular routes, except transportation by motor vehicle by an express company to the extent that such transportation has heretofore been subject to part I, to which extent such transportation shall continue to be considered to be and shall be regulated as transportation subject to part I.

"'(15) The term "contract carrier by motor vehicle" means any person which, under individual contracts or agreements, engages in the transportation (other than transportation referred to in paragraph (14) and the exception therein) by motor vehicle of passengers or property in interstate or foreign commerce for compensation.'

"(b) Section 203 of the Interstate Commerce Act, as amended, is further amended—

"(1) by striking out the period at the end of paragraph 13 of subsection (a) and substituting in lieu thereof a comma and the following: 'or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to street-railway service.'

"(2) by striking out clause (5) of subsection (b) of said section.

"(3) by amending clause (4a) of such subsection (b) to read as follows: '(4a) motor vehicles controlled and operated by any farmer when used in the transportation of his agricultural commodities and products thereof, or in the transportation of supplies to his farm; or'.

"(4) by amending clause (4b) of such subsection (b) to read as follows: '(5) motor vehicles controlled and operated by a cooperative association as defined in the Agricultural Marketing Act, approved June 15, 1929, as amended, or by a federation of such cooperative associations, if such federation possesses no greater powers or purposes than cooperative associations so defined; or'.

"(5) by inserting in clause (6) of such subsection (b) the word 'ordinary' before the word 'livestock'.

"(6) by amending clause (9) of subsection (b) to read as follows:

"'(9) the casual, occasional, or reciprocal transportation of passengers or property by motor vehicle in interstate or foreign commerce for compensation by any person not engaged in transportation by motor vehicle as a regular occupation or business, unless, in the case of transportation of passengers, such transportation is sold or offered for sale, or provided or procured or furnished or arranged for, by a broker, or by any other person who sells or offers for sale transportation furnished by a person lawfully engaged in the transportation of passengers by motor vehicle under a certificate or permit issued under this part or under a pending application for such a certificate or permit.'

"EXEMPTION OF CERTAIN INTERSTATE AND FOREIGN COMMERCE OPERATIONS OF MOTOR CARRIERS

"SEC. 19. Subsection (a) of section 204 of the Interstate Commerce Act, as amended, is amended by adding after subparagraph (4) thereof the following new subparagraph:

"'(4a) To determine, upon its own motion, or upon application by a motor carrier, a State board, or any other party in interest, whether the transportation in interstate or foreign commerce performed by any motor carrier or class of motor carriers lawfully engaged in operation solely within a single State is in fact of such nature, character, or quantity as not substantially to affect or impair uniform regulation by the Commission of transportation by motor carriers engaged in interstate or foreign commerce in effectuating the national transportation policy declared in this Act. Upon so finding, the Commission shall issue a certificate of exemption to such motor carrier or class of motor carriers which, during the period such certificate shall remain effective and unrevoked, shall exempt such carrier or class of motor carriers from compliance with the provisions of this part, and shall attach to such certificate such reasonable terms and conditions as the public interest may require. At any time after the issuance of any such certificate of exemption, the Commission may by order revoke all or any part thereof, if it shall find that the transportation in interstate or foreign commerce performed by the carrier or class of carriers designated in such certificate shall be, or shall have become, or is reasonably likely to become, of such nature, character, or quantity as in fact substantially to affect or impair uniform regulation by the Commission of interstate or foreign transportation by motor carriers in effectuating the national transportation policy declared in this Act. Upon revocation of any such certificate, the Commission shall restore to the carrier or carriers affected thereby, without further proceedings, the authority, if any, to operate in interstate or foreign commerce held by such carrier or carriers at the time the certificate of exemption pertaining to such carrier or carriers became effective. No certificate of exemption shall be denied, and no order of revocation shall be issued, under this subparagraph, except after reasonable opportunity for hearing to interested parties. Where an application is made in good faith for the exemption of a motor carrier under this subparagraph, accompanied by a certificate of a State board of the State in which the operations of such carrier are carried on stating that in the opinion of such board such carrier is entitled to a certificate of exemption under this subparagraph, such carrier shall be exempt from the provisions of this part beginning with the sixtieth day following the making of such application to the Commission unless prior to such time the Commission shall have by order denied such application, and such exemption shall be effective until such time as the Commission, after such sixtieth day, may by order deny such application or may by order revoke all or any part thereof as hereinbefore authorized. In any case where a motor carrier has become exempt from the provisions of this part as provided in this subparagraph, it shall not be considered to be a burden on interstate or foreign commerce for a State to regulate such carrier with respect to the operations covered by such exemption. Applications under this subparagraph shall be made in writing to the Commission, verified under oath, and shall be in such form and contain such information as the Commission shall by regulations require.'

"AMENDMENTS TO SECTIONS 204, 205, AND 206

"SEC. 20. (a) Paragraph (7) of subsection (a) of section 204 of the Interstate Commerce Act, as amended, is amended to read as follows:

"'(7) For purposes of the administration of the provisions of this part, to inquire into the management of the business of motor carriers and brokers, and into the management of the business of persons controlling, controlled by, or under common control with, motor carriers to the extent that the business of such persons is related to the management of the business of one or more motor carriers, and the Commission shall keep itself informed as to the manner and method in which the same are conducted, and may obtain from such carriers and persons such information as the Commission deems necessary to carry out the provisions of this part; and may transmit to Congress from time to time, such recommendations (including recommendations as to additional legislation) as the Commission may deem necessary.'

"(b) Such section 204 is further amended—

"(1) by repealing subsection (b) thereof (which relates to codes of fair competition under the National Industrial Recovery Act);

"(2) by repealing subsection (e) thereof (which relates to rehearing by the Commission on matters arising under part II);

"(3) by relettering subsections (c), (d), and (f) as (b), (c), and (d), respectively; and

"(4) by striking out in subsection (a) (3) thereof '204 (d) and (e)' and inserting in lieu thereof '204 (c)'.

"(c) Section 205 of such Act, as amended, is amended—

"(1) by repealing subsection (a) thereof (which relates to procedure in connection with recommended orders under part II);

"(2) by striking out in the remaining subsections thereof the letters '(b)', '(c)', '(d)', '(e)', '(f)', '(g)', '(h)', '(i)', '(j)', and '(k)', and inserting in lieu thereof '(a)', '(b)', '(c)', '(d)', '(e)', '(f)', '(g)', '(h)', '(i)', and '(j)', respectively;

"(3) by striking out in the new subsection (a) thereof the words 'paragraph (a) of this section' in the first proviso and substituting in lieu thereof the following: 'section 17';

"(4) by striking out in the new subsection (a) thereof the words 'this section' in the third proviso, and substituting in lieu thereof the following: 'section 17';

"(5) by striking out in the new subsection (b) thereof the words 'paragraph (a) of this section' in the second sentence and substituting in lieu thereof the following: 'section 17'.

"(d) The new subsection (b) of such section 205 (which relates to the creation, procedure, and powers of joint boards), is amended by inserting after the eighth sentence thereof a new sentence as follows: 'The failure of a duly appointed member of a joint board to participate in any hearing on a matter referred to such joint board, after notice thereof, shall be considered to constitute, as to the matter referred, a waiver of action on the part of the State from which such member was appointed.'

"(e) Subsection (a) of section 206 of such Act, as amended (which relates to the issuance of certificates to common carriers by motor vehicle), is amended by inserting after the words 'during the season ordinarily covered by its operation', which appear in the first sentence of such subsection, the following: 'and has so operated since that time'.

"AMENDMENTS TO SECTIONS 210, 210A, AND 212; REPEAL OF SECTION 213

"SEC. 21. (a) Section 210 of the Interstate Commerce Act, as amended, is amended to read as follows:

"'DUAL OPERATIONS

"'SEC. 210. Unless, for good cause shown, the Commission shall find, or shall have found, that both a certificate and a permit may be so held consistently with the public interest and with the national transportation policy declared in this Act—

"'(1) no person, or any person controlling, controlled by, or under common control with such person, shall hold a certificate as a common carrier authorizing operation for the transportation of property by motor vehicle over a route or within a territory, if such person, or any such controlling person, controlled person, or person under common control, holds a permit as a contract carrier authorizing operation for the transportation of property by motor vehicle over the same route or within the same territory; and

"'(2) no person, or any person controlling, controlled by, or under common control with such person, shall hold a permit as a contract carrier authorizing operation for the transportation of property by motor vehicle over a route or within a territory, if such person, or any such controlling person, controlled person, or person under common control, holds a certificate as a common carrier authorizing operation for the transportation of property by motor vehicle over the same route or within the same territory.'

"(b) Subsection (b) of section 210a of such Act, as amended (which relates to temporary operation of motor carrier properties pending action on application for consolidation, merger, and so forth), is amended by striking out 'as contemplated in section 213 (a) of this part,'.

"(c) Subsection (a) of section 212 of such Act, as amended (which relates to suspension, change, revocation, and transfer of certificates, permits, and licenses), is amended by striking out in the first proviso 'section 204 (d)' and inserting in lieu thereof 'section 204 (c)'.

"(d) Subsection (b) of section 212 of such Act, as amended, is amended by striking out 'section 213' and inserting in lieu thereof 'section 5'.

"(e) Section 213 of such Act, as amended (which relates to consolidations, mergers, and acquisitions of control in case of motor carriers), is hereby repealed.

"AMENDMENTS TO SECTIONS 214, 216, AND 217

"SEC. 22. (a) Section 214 of the Interstate Commerce Act, as amended, is amended by striking out 'entered under section 213 (a) (1)' and inserting in lieu thereof 'of the Commission'.

"(b) Subsection (d) of section 216 of such Act, as amended (which prohibits the giving of undue preferences or advantages by common carriers by motor vehicle), is amended to read as follows:

"'(d) All charges made for any service rendered or to be rendered by any common carrier by motor vehicle engaged in interstate or foreign commerce in the transportation of passengers or property as aforesaid or in connection therewith shall be just and reasonable, and every unjust and unreasonable charge for such service or any part thereof, is prohibited and declared to be unlawful. It shall be unlawful for any common carrier by motor vehicle engaged in interstate or foreign commerce to make, give, or cause any undue or unreasonable preference or advantage to any particular person, port, gateway, locality, region, district, territory, or description of traffic, in any respect whatsoever; or to subject any particular person, port, gateway, locality, region, district, territory, or description of traffic to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever: *Provided, however,* That this subsection shall not be construed to apply to discriminations, prejudice, or disadvantage to the traffic of any other carrier of whatever description.'

"(c) Subsection (g) of such section 216 (which relates to investigations by the Commission as to lawfulness of proposed new rates involving common carriers by motor vehicle, and the suspension of such rates), is amended—

"(1) by inserting before the words 'suspend the operation of such schedule', in the first sentence thereof, the words 'from time to time',

"(2) by striking out in the first sentence thereof the words 'for a period of ninety days and if the proceeding has not been concluded and a final order made within such period the Commission may, from time to time, extend the period of suspension by order, but not for a longer period in the aggregate than one hundred and eighty days' and substituting in lieu thereof the words 'but not for a longer period than seven months'.

"(3) by amending the second sentence in the proviso therein to read as follows: 'At any hearing involving a change in a rate, fare, charge, or classification, or in a rule, regulation, or practice, the burden of proof shall be upon the carrier to show that the proposed changed rate, fare, charge, classification, rule, regulation, or practice is just and reasonable.'

"(d) Subsection (i) of such section 216 (which contains the rule of rate making for part II), is amended to read as follows:

"'(i) In the exercise of its power to prescribe just and reasonable rates, fares, and charges for the transportation of passengers or property by common carriers by motor vehicle, and classifications, regulations, and practices relating thereto, the Commission shall give due consideration, among other factors, to the inherent advantages of transportation by such carriers; to the effect of rates upon the movement of traffic by the carrier or carriers for which the rates are prescribed; to the need, in the public interest, of adequate and efficient transportation service by such carriers at the lowest cost consistent with the furnishing of such service; and to the need of revenues sufficient to enable such carriers, under honest, economical, and efficient management, to provide such service.'

"(e) The proviso in subsection (b) of section 217 of the Interstate Commerce Act, as amended, is amended by striking out '22 (1)' and inserting in lieu thereof '22'.

"AMENDMENTS TO SECTION 218

"SEC. 23. (a) Subsection (a) of section 218 of the Interstate Commerce Act, as amended, is amended—

"(1) by striking out the first sentence thereof (which relates to the duty of contract carriers by motor vehicle to file schedules and contracts including minimum rates, etc.) and substituting in lieu thereof two new sentences as follows: 'It shall be the duty of every contract carrier by motor vehicle to establish and observe reasonable minimum rates and charges for any service rendered or to be rendered in the transportation of passengers or property or in connection therewith, and to establish and observe reasonable regulations and practices to be applied in connection with said reasonable minimum rates, fares, and charges. It shall be the duty of every contract carrier by motor vehicle to file with the Commission, publish, and keep open for public inspection, in the form and manner prescribed by the Commission, schedules containing the minimum rates or charges of such carrier actually maintained and charged for the transportation of passengers or property in interstate or foreign commerce, and any rule, regulation, or practice affecting such rates or charges and the value of the service thereunder.'

"(2) By striking out, in the third sentence thereof, the words 'or copies of contracts.'

"(b) Subsection (b) of such section 218 (which relates to the Commission's authority to prescribe minimum charges of contract carriers by motor vehicle), is amended to read as follows:

"'(b) Whenever, after hearing, upon complaint or upon its own initiative, the Commission finds that any minimum rate or charge of any contract carrier by motor vehicle, or any rule, regulation, or practice of any such carrier affecting such minimum rate or charge, or the value of the service thereunder, for the transportation of passengers or property or in connection therewith, contravenes the national transportation policy declared in this Act, or is in contravention of any provision of this part, the Commission may prescribe such just and reasonable minimum rate or charge, or such rule, regulation, or practice as in its judgment may be necessary or desirable in the public interest and to promote such policy and will not be in contravention of any provision of this part. Such minimum rate or charge, or such rule, regulation, or practice, so prescribed by the Commission, shall give no advantage or preference to any such carrier in competition with any common carrier by motor vehicle subject to this part, which the Commission may find to be undue or inconsistent with the public interest and the national transportation policy declared in this Act, and the Commission shall give due consideration to the cost of the services rendered by such carriers, and to the effect of such minimum rate or charge, or such rule, regulation, or practice, upon the movement of traffic by such carriers. All complaints shall state fully the facts complained of and the reasons for such complaint and shall be made under oath.'

"(c) Subsection (c) of such section 218 (which relates to inquiries as to the lawfulness of reductions in charges of contract carriers by motor vehicle, and suspension of such charges) is amended to read as follows:

"'(c) Whenever there shall be filed with the Commission by any contract carrier any schedule stating a charge for a new service or a reduced charge directly, or by means of any rule, regulation, or practice, for the transportation of passengers or property in interstate or foreign commerce, the Commission is hereby authorized and empowered upon complaint of interested parties or upon its own initiative at once and, if it so orders, without answer or other formal pleading by the interested party, but upon reasonable notice, to enter upon a hearing concerning the lawfulness of such charge, or such rule, regulation, or practice, and pending such hearing and the decision thereon the Commission, by filing with such schedule and delivering to the carrier affected thereby a

statement in writing of its reasons for such suspension, may from time to time suspend the operation of such schedule and defer the use of such charge, or such rule, regulation, or practice, but not for a longer period than seven months beyond the time when it would otherwise go into effect; and after hearing, whether completed before or after the charge, or rule, regulation, or practice goes into effect, the Commission may make such order with reference thereto as would be proper in a proceeding instituted after it had become effective. If the proceeding has not been concluded and an order made within the period of suspension, the proposed change in any charge or rule, regulation, or practice shall go into effect at the end of such period: *Provided*, That this paragraph shall not apply to any initial schedule or schedules filed on or before July 31, 1938, by any such carrier in bona fide operation when this section takes effect. The rule as to burden of proof specified in section 216 (g) shall apply to this paragraph.'

"ACCOUNTS, RECORDS, AND REPORTS OF MOTOR CARRIERS

"SEC. 24. Section 220 of the Interstate Commerce Act, as amended, is amended to read as follows:

"'SEC. 220. (a) The Commission is hereby authorized to require annual, periodical, or special reports from all motor carriers, brokers, and lessors (as defined in this section), to prescribe the manner and form in which such reports shall be made, and to require from such carriers, brokers, and lessors specific and full, true, and correct answers to all questions upon which the Commission may deem information to be necessary. Such annual reports shall give an account of the affairs of the carrier, broker, or lessor in such form and detail as may be prescribed by the Commission. The Commission may also require any motor carrier or broker to file with it a true copy of any contract, agreement, or arrangement between such carrier and any other carrier or person in relation to any traffic affected by the provisions of this part. The Commission shall not, however, make public any contract, agreement, or arrangement between a contract carrier by motor vehicle and a shipper, or any of the terms or conditions thereof, except as a part of the record in a formal proceeding where it considers such action consistent with the public interest: *Provided*, That if it appears from an examination of any such contract that it fails to conform to the published schedule of the contract carrier by motor vehicle as required by section 218 (a), the Commission may, in its discretion, make public such of the provisions of the contract as the Commission considers necessary to disclose such failure and the extent thereof.

"'(b) Said annual reports shall contain all the required information for the period of twelve months ending on the thirty-first day of December in each year, unless the Commission shall specify a different date, and shall be made out under oath and filed with the Commission at its office in Washington within three months after the close of the year for which the report is made, unless additional time be granted in any case by the Commission. Such periodical or special reports as may be required by the Commission under subsection (a) hereof shall also be under oath, whenever the Commission so requires.

"'(c) The Commission may prescribe for motor carriers the classes of property for which depreciation charges may properly be included under operating expenses, and the rate or rates of depreciation which shall be charged with respect to each of such classes of property, classifying the carriers as it may deem proper for this purpose. The Commission may, when it deems necessary, modify the classes and rates so prescribed. When the Commission shall have exercised its authority under the foregoing provisions of this subsection, motor carriers shall not charge to operating expenses any depreciation charges on classes of property other than those prescribed by the Commission, or charge with respect to any class of property a rate of depreciation other than that prescribed therefor by the Commission, and no such carrier shall include under operating expenses any depreciation charge in any form whatsoever other than as prescribed by the Commission.

"'(d) The Commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by motor carriers, brokers, and lessors, including the accounts, records, and memoranda of the movement of traffic, as well as of the receipts and expenditures of moneys; and it shall be unlawful for such carriers, brokers, and lessors to keep any accounts, records, and memoranda contrary to any rules, regulations, or orders of the Commission with respect thereto. The Commission may issue orders specifying such operating, accounting, or financial papers, records, books, blanks, tickets, stubs, correspondence, or documents of motor carriers, brokers, or lessors as may after a reasonable time be destroyed, and prescribing the length of time the same shall be preserved. The Commission or its duly authorized special agents, accountants, or examiners shall at all times have access to and authority, under its order, to inspect and examine any and all lands, buildings, or equipment of motor carriers, brokers, and lessors; and shall have authority to inspect and copy any and all accounts, books, records, memoranda, correspondence, and other documents of such carriers, brokers, and lessors, and such accounts, books, records, memoranda, correspondence, and other documents of any person controlling, controlled by, or under common control with any such carrier, as the Commission deems relevant to such person's relation to or transactions with such carrier. Motor carriers, brokers, lessors, and persons shall submit their accounts, books, records, memoranda, correspondence, and other documents for the inspection and copying authorized by this paragraph, and motor carriers, brokers, and lessors shall submit their lands, buildings, and equipment for examination and inspection, to any duly authorized special agent, accountant, or examiner of the Commission upon demand and the display of proper credentials.

"'(e) As used in this section, the words "keep" and "kept" shall be construed to mean made, prepared, or compiled, as well as retained; the term "lessor" means a lessor of any right to operate as a motor carrier; and the term "motor carrier", "broker", or "lessor" includes a receiver or trustee of any such motor carrier, broker, or lessor.

"'(f) No report by any motor carrier of any accident arising in the course of the operations of such carrier, made pursuant to any requirement of the Commission, and no report by the Commission of any investigation of any such accident, shall be admitted as evidence, or used for any other purpose, in any suit or action for damages growing out of any matter mentioned in such report or investigation.'

"AMENDMENTS TO SECTIONS 221 AND 222

"SEC. 25. (a) Subsection (a) of section 221 of the Interstate Commerce Act, as amended (which relates to the designation of an agent to receive service, and the making of service), is amended by adding at the end thereof a new sentence as follows: 'In proceedings before the Commission involving the lawfulness of rates, fares, charges, classifications, or practices, service of notice upon an attorney in fact of a carrier who has filed a tariff or schedule in behalf of such carrier shall be deemed to be due and sufficient service upon the carrier.'

"(b) Subsection (b) of such section 221 (which relates to the time of taking effect of orders of the Commission under part II) is amended by inserting after the words 'within such reasonable time' a comma and the following: 'not less than thirty days,'.

"(c) Subsection (d) of section 222 of such Act, as amended (which imposes penalties for unlawful disclosure of information by a special agent or examiner), is amended to read as follows:

"'(d) Any special agent, accountant, or examiner who knowingly and willfully divulges any fact or information which may come to his knowledge during the course of any examination or inspection made under authority of section 220, except as he may be directed by the Commission or by a court or judge thereof, shall be guilty of a misdemeanor and shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not more than $500 or imprisonment for not exceeding six months, or both.'

"(d) Subsection (g) of such section 222 (which imposes penalties for failure or refusal to make reports, keep accounts, and so forth) is amended to read as follows:

"'(g) Any motor carrier, broker, or other person, or any officer, agent, employee, or representative thereof, who shall willfully fail or refuse to make a report to the Commission as required by this part, or to make specific and full, true, and correct answer to any question within thirty days from the time it is lawfully required by the Commission so to do, or to keep accounts, records, and memoranda in the form and manner prescribed by the Commission, or shall knowingly and willfully falsify, destroy, mutilate, or alter any such report, account, record, or memorandum, or shall knowingly and willfully file with the Commission any false report, account, record, or memorandum, or shall knowingly and willfully neglect or fail to make full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the business of the carrier, or person required under this part to keep the same, or shall knowingly and willfully keep any accounts, records, or memoranda contrary to the rules, regulations, or orders of the Commission with respect thereto, shall be deemed guilty of a misdemeanor and upon conviction thereof be subject for each offense to a fine of not more than $5,000. As used in this subsection, the words "keep" and "kept" shall be construed to mean made, prepared, or compiled, as well as retained.'

"NEW SECTION RELATING TO ALLOWANCES TO SHIPPERS

"SEC. 26. (a) Part II of the Interstate Commerce Act, as amended, is amended by adding after section 224 the following new section:

"'ALLOWANCES TO SHIPPERS FOR TRANSPORTATION SERVICES

"'SEC. 225. If the owner of property transported under this part directly or indirectly renders any service connected with such transportation, or furnishes any instrumentality used therein, the charge and allowance therefor shall be published in tariffs or schedules filed in the manner provided in this part and shall be no more than is just and reasonable; and the Commission may, after hearing on a complaint or on its own initiative, determine what is a reasonable charge as the maximum to be paid by the carrier or carriers for the services so rendered or for the use of the instrumentality so furnished, and fix the same by appropriate order.'

"(b) Sections 225, 226, and 227 of such Act, as amended, are amended by renumbering such sections as 226, 227, and 228, respectively, and such section renumbered as 228 is further amended by striking out '(a)'.

"INVESTIGATION OF NEED FOR REGULATING SIZES AND WEIGHT OF MOTOR VEHICLES

"SEC. 27. The Interstate Commerce Commission is authorized and directed to expedite the investigation of the need for Federal regulation of the sizes and weight of motor vehicles, authorized by section 226 of the Interstate Commerce Act, as amended, and to report to Congress thereon at the earliest practicable date.

"TITLE II—REGULATION OF WATER CARRIERS IN INTERSTATE AND FOREIGN COMMERCE

"PART III OF INTERSTATE COMMERCE ACT

"SEC. 201. The Interstate Commerce Act, as amended, is further amended by adding after part II thereof the following part III:

"'PART III

"'SHORT TITLE

"'SEC. 301. This part, divided into sections according to the following table of contents, may be cited as part III of the Interstate Commerce Act:'

"TABLE OF CONTENTS

"Sec. 301. Short title.
"Sec. 302. Definitions.
"Sec. 303. Application of provisions; exemptions.
"Sec. 304. General powers and duties of the Commission.
"Sec. 305. Rates, fares, charges, and practices; through routes.
"Sec. 306. Tariffs and schedules.
"Sec. 307. Commission's authority over rates, and so forth.
"Sec. 308. Reparation awards; limitation of actions.
"Sec. 309. Certificates of public convenience and necessity and permits.
"Sec. 310. Dual operations under certificates and permits.
"Sec. 311. Temporary operations.
"Sec. 312. Transfer of certificates and permits.
"Sec. 313. Accounts, records, and reports.
"Sec. 314. Allowances to shippers for transportation services.
"Sec. 315. Notices, orders, and service of process.
"Sec. 316. Enforcement and procedure.
"Sec. 317. Unlawful acts and penalties.
"Sec. 318. Collection of rates and charges.
"Sec. 319. Employees.
"Sec. 320. Repeals.
"Sec. 321. Transfer of employees, records, property, and appropriations.
"Sec. 322. Existing orders, rules, tariffs, and so forth; pending matters.
"Sec. 323. Separability of provisions.

"'DEFINITIONS

"'SEC. 302. For the purposes of this part—

"'(a) The term "person" includes any individual, firm, copartnership, corporation, company, association, joint stock association, and any trustee, receiver, assignee, or personal representative thereof.

"'(b) The term "Commission" means the Interstate Commerce Commission.

"'(c) The term "water carrier" means a common carrier by water or a contract carrier by water.

"'(d) The term "common carrier by water" means any person which holds itself out to the general public to engage in the transportation by water in interstate or foreign commerce of passengers or property or any class or classes thereof for compensation, except transportation by water by an express company subject to part I in the conduct of its express business, which shall be considered to be and shall be regulated as transportation subject to part I.

"'(e) The term "contract carrier by water" means any person which, under individual contracts or agreements, engages in the transportation (other than transportation referred to in paragraph (d) and the exception therein) by water of passengers or property in interstate or foreign commerce for compensation. The furnishing for compensation (under a charter, lease, or other agreement) of a vessel, to a person other than a carrier subject to this Act, to be used by the person to whom such vessel is furnished in the transportation of its own property, shall be considered to constitute, as to the vessel so furnished, engaging in transportation for compensation by the person furnishing such vessel, within the meaning of the foregoing definition of "contract carrier by water". Whenever the Commission, upon its own motion or upon application of any interested party, determines that the application of the preceding sentence to any person or class of persons is not necessary in order to effectuate the national transportation policy declared in this Act, it shall by order exempt such person or class of persons from the provisions of this part for such period of time as may be specified in such order. The Commission may by order revoke any such exemption whenever it shall find that the application of such sentence to the exempted person or class of persons is necessary in order to effectuate such national transportation policy. No such exemption shall be denied or revoked except after reasonable opportunity for hearing.

"'(f) The term "vessel" means any watercraft or other artificial contrivance of whatever description which is used, or is capable of being, or is intended to be, used as a means of transportation by water.

"'(g) The term "transportation facility" includes any vessel, warehouse, wharf, pier, dock, yard, grounds, or any other instrumentality or equipment of any kind, used in or in connection with transportation by water subject to this part.

"'(h) The term "transportation" includes the use of any transportation facility (irrespective of ownership or of any contract, express or implied, for such use), and includes any and all services in or in connection with transportation, including the receipt, delivery, elevation, transfer in transit, refrigeration or icing, ventilation, storage, and handling of property transported or the interchange thereof with any other agency of transportation.

"'(i) The term "interstate or foreign transportation" or "transportation in interstate or foreign commerce", as used in this part, means transportation of persons or property—

"'(1) wholly by water from a place in a State to a place in any other State, whether or not such transportation takes place wholly in the United States;

"'(2) partly by water and partly by railroad or motor vehicle, from a place in a State to a place in any other State; except that with respect to such transportation taking place partly in the United States and partly outside thereof, such terms shall include transportation by railroad or motor vehicle only insofar as it takes place within the United States, and shall include transportation by water only insofar as it takes place from a place in the United States to another place in the United States;

"'(3) wholly by water, or partly by water and partly by railroad or motor vehicle, from or to a place in the United States to or from a place outside the United States, but only (A) insofar as such transportation by rail or by motor vehicle takes place within the United States, and (B) in the case of a movement to a place outside the United States, only insofar as such transportation by water takes place from any place in the United States to any other place therein prior to transshipment at a place within the United States for movement to a place outside thereof, and, in the case of a movement from a place outside the United States, only insofar as such transportation by water takes place from any place in the United States to any other place therein after transshipment at a place within the United States in a movement from a place outside thereof.

"'(j) The term "United States" means the States of the United States and the District of Columbia.

"'(k) The term "State" means a State of the United States or the District of Columbia.

"'(l) The term "common carrier by railroad" means a common carrier by railroad subject to the provisions of part I.

"'(m) The term "common carrier by motor vehicle" means a common carrier by motor vehicle subject to the provisions of part II.

"'APPLICATION OF PROVISIONS; EXEMPTIONS

"'SEC. 303. (a) In the case of transportation which is subject both to this part and part I, the provisions of part I shall apply only to the extent that part I imposes, with respect to such transportation, requirements not imposed by the provisions of this part.

"'(b) Nothing in this part shall apply to the transportation by a water carrier of commodities in bulk when the cargo space of the vessel in which such commodities are transported is being used for the carrying of not more than three such commodities. This subsection shall apply only in the case of commodities in bulk which are (in accordance with the existing custom of the trade in the handling and transportation of such commodities as of June 1, 1939) loaded and carried without wrappers or containers and received and delivered by the carrier without transportation mark or count. For the purposes of this subsection two or more vessels while navigated as a unit shall be considered to be a single vessel. This subsection shall not apply to transportation subject, at the time this part takes effect, to the provisions of the Intercoastal Shipping Act, 1933, as amended.

"'(c) Nothing in this part shall apply to transportation by a contract carrier by water of commodities in bulk in a non-oceangoing vessel on a normal voyage during which (1) the cargo space of such vessel is used for the carrying of not more than three such commodities, and (2) such vessel passes within or through waters which are made international for navigation purposes by any treaty to which the United States is a party.

"'(d) Nothing in this part shall apply to the transportation by water of liquid cargoes in bulk in tank vessels designed for use exclusively in such service and certified under regulations approved by the Secretary of Commerce pursuant to the provisions of section 4417a of the Revised Statutes (U. S. C., 1934 edition, Supp. IV, title 46, sec. 391a).

"'(e) It is hereby declared to be the policy of Congress to exclude from the provisions of this part, in addition to the transportation otherwise excluded under this section, transportation by contract carriers by water which, by reason of the inherent nature of the commodities transported, their requirement of special equipment, or their shipment in bulk, is not actually and substantially competitive with transportation by any common carrier subject to this part or part I or part II. Upon application of a carrier, made in such manner and form as the Commission may by regulations prescribe, the Commission shall, subject to such reasonable conditions and limitations as the Commission may prescribe, by order exempt from the provisions of this part such of the transportation engaged in by such carrier as it finds necessary to carry out the policy above declared. A carrier (other than a carrier subject, at the time this part takes effect, to the provisions of the Intercoastal Shipping Act, 1933, as amended) making such application prior to January 1, 1941, shall be exempt from the provisions of this part until a final determination has been made upon such application if such carrier or a predecessor in interest was in bona fide operation as a contract carrier by water on January 1, 1940, over the route or routes or between the ports with respect to which application is made and has so operated since that time (or, if engaged in furnishing seasonal service only, was in bona fide operation during the seasonal period, prior to or including such date, for operations of the character in question) except, in either event, for interruptions of service over which such carrier or its predecessor in interest had no control.

"'(f) Notwithstanding any provision of this section or of section 302, the provisions of this part shall not apply—

"'(1) to transportation by water by a carrier by railroad subject to part I or by a motor carrier subject to part II, incidental to transportation subject to such parts, in the performance within terminal areas of transfer, collection, or delivery services, or in the performance of floatage, car ferry, lighterage, or towage; but such transportation shall be considered to be transportation subject to part I when performed by such carrier by railroad, and transportation subject to part II when performed by such motor carrier.

"'(2) to transportation by water by any person (whether as agent or under a contractual arrangement) for a common carrier by railroad subject to part I, an express company subject to part I, a motor carrier subject to part II, or a water carrier subject to this part, in the performance within terminal areas of transfer, collection, or delivery services, or in the performance of floatage, car ferry, lighterage, or towage; but such transportation shall be considered to be performed by such carrier or express company as part of, and shall be regulated in the same manner as, the transportation by railroad, express, motor vehicle, or water to which such services are incidental.

"'(g) Except to the extent that the Commission shall from time to time find, and by order declare, that such application is necessary to carry out the national transportation policy declared in this Act, the provisions of this part shall not apply (1) to transportation in interstate commerce by water solely within the limits of a single harbor or between places in contiguous harbors, when such transportation is not a part of a continuous through movement under a common control, management, or arrangement to or from a place without the limits of any such harbor or harbors, or (2) to transportation by small craft of not more than one hundred tons carrying capacity or not more than one hundred indicated horsepower, or to vessels carrying passengers only and equipped to carry no more than sixteen passengers, or to ferries, or to the movement by water carriers of contractors' equipment employed or to be employed in construction or repair for such water carrier, or to the operation of salvors.

"'(h) The Commission shall have the power to determine, upon its own motion or upon application of any party in interest, whether any water carrier is engaged solely in transporting the property of a person which owns all or substantially all of the voting stock of such carrier. Upon so finding the Commission shall issue a certificate of exemption to such carrier, and such carrier shall not be subject to the provisions of this part during the period such certificate shall remain in effect. At any time after the issuance of such certificate the Commission may by order revoke such certificate if it finds that such carrier is no longer entitled to the exemption under the foregoing provisions of this subsection. Upon revocation of any such certificate the Commission shall restore to such carrier, without further proceedings, the authority, if any, to engage in transportation subject to the provisions of this part held by such carrier at the time the certificate of exemption pertaining to such carrier became effective. No certificate of exemption shall be denied and no order of revocation shall be issued, under this subsection, except after reasonable opportunity for hearing.

"'(i) In the application of the provisions of this part to any carrier owned or controlled by the United States, no different policy, rule of rate making, system of accounting, or method of determining costs of service, value of property, or rate of return shall be applied than is applied in the case of carriers not so owned or controlled.

"'(j) Nothing in this part shall be construed to interfere with the exclusive exercise by each State of the power to regulate intrastate commerce by water carriers within the jurisdiction of such State.

"'(k) Nothing in this part shall authorize the Commission to prescribe or regulate any rate, fare, or charge for intrastate transportation, or for any service connected therewith, for the purpose of removing discrimination against interstate commerce or for any other purpose.

"'(l) Whenever transportation exempted under the provisions of subsection (g), or by order of the Commission under subsection (e), becomes subject to the provisions of this part, the carrier may continue to engage in such transportation for a period of one hundred and twenty days without a certificate or permit covering such transportation, and, if application for a certificate or permit covering such transportation is made to the Commission within such period, the Commission shall, without further proceedings, issue to the carrier a certificate or permit, whichever is appropriate, authorizing such transportation previously exempted.

"'GENERAL POWERS AND DUTIES OF THE COMMISSION

"'SEC. 304. (a) It shall be the duty of the Commission to administer the provisions of this part, and to that end the Commission shall have authority to make and amend such general or special rules and regulations and to issue such orders as may be necessary to carry out such provisions.

"'(b) The Commission shall have authority, for purposes of the administration of the provisions of this part, to inquire into and report on the management of the business of water carriers, and to inquire into and report on the management of the business of persons controlling, controlled by, or under a common control with water carriers, to the extent that the business of such persons is related to the management of the business of one or more such carriers, and the Commission shall keep itself informed as to the manner and method in which the same are conducted. The Commission may obtain from such carriers and persons such information as the Commission deems necessary to carry out the provisions of this part; and may transmit to Congress from time to time, such recommendations (including recommendations as to additional legislation) as the Commission may deem necessary.

"'(c) The Commission may establish from time to time such just and reasonable classifications of groups of carriers included in the terms "common carrier by water", or "contract carrier by water", as the special nature of the services performed by such carriers shall require; and such just and reasonable rules, regulations, and requirements consistent with the provisions of this part to be observed by the carriers so classified or grouped, as the Commission, after hearing, finds necessary or desirable in the public interest.

"'(d) Whenever it shall appear from complaint made to the Commission or otherwise that the rates, fares, regulations, or practices of persons engaged in transportation by water to or from a port or ports of any foreign country in competition with common carriers by water or contract carriers by water, cause undue disadvantage to such carriers by reason of such competition, the Commission may relieve such carriers from the provisions of this part to such extent, and for such time, and in such manner as in its judgment may be necessary to avoid or lessen such undue disadvantage, consistently with the public interest and the national transportation policy declared in this Act.

"'(e) Upon complaint in writing to the Commission by any person, or upon its own initiative without complaint, the Commission may investigate whether any water carrier has failed to comply with any provision of this part or with any requirement established pursuant thereto, and if, after notice of and hearing upon any such investigation, the Commission finds that any such carrier has failed to comply with any such provision or requirement, it shall issue an appropriate order to compel such carrier to comply therewith. Whenever the Commission is of opinion that any complaint does not state reasonable grounds for action on its part, it may dismiss such complaint.

"'RATES, FARES, CHARGES, AND PRACTICES; THROUGH ROUTES

"'SEC. 305. (a) It shall be the duty of every common carrier by water, with respect to transportation subject to this part which it undertakes or holds itself out to perform, or which it is required by or under authority of this part to perform, to provide and furnish such transportation upon reasonable request therefor, and to establish, observe, and enforce just and reasonable rates, fares, charges, and classifications, and just and reasonable regulations and practices, relating thereto and to the issuance, form, and substance of tickets, receipts, bills of lading, and manifests, the manner and method of presenting, marking, packing, and delivering property for transportation, the carrying of personal, sample, and excess baggage, the facilities for transportation, and all other matters relating to or connected with such transportation in interstate or foreign commerce. All charges made for any service rendered or to be rendered in the transportation of passengers or property as aforesaid, or in connection therewith, shall be just and reasonable, and every unjust and unreasonable charge for such service or any part thereof is prohibited and declared to be unlawful.

"'(b) It shall be the duty of common carriers by water to establish reasonable through routes with other such carriers and with common carriers by railroad, for the transportation of persons or property, and just and reasonable rates, fares, charges, and classifications applicable thereto, and to provide reasonable facilities for operating such through routes, and to make reasonable rules and regulations with respect to their operation and providing for reasonable compensation to those entitled thereto. Common carriers by water may establish reasonable through routes and rates, fares, charges, and classifications applicable thereto with common carriers by motor vehicle. In the case of joint rates, fares, or charges it shall be the duty of the carriers parties thereto to establish just, reasonable, and equitable divisions thereof, which shall not unduly prefer or prejudice any of such carriers.

"'(c) It shall be unlawful for any common carrier by water to make, give, or cause any undue or unreasonable preference or advantage to any particular person, port, port district, gateway, transit point, locality, region, district, territory, or description of traffic in any respect whatsoever; or to subject any particular person, port, port district, gateway, transit point, locality, region, district, territory, or description of traffic to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever: *Provided*, That this subsection shall not be construed to apply to discriminations, prejudice, or disadvantage to the traffic of any other carrier of whatever description. Differences in the classifications, rates, fares, charges, rules, regulations, and practices of a water carrier in respect of water transportation from those in effect by a rail carrier with respect to rail transportation shall not be deemed to constitute unjust discrimination, prejudice, or disadvantage, or an unfair or destructive competitive practice, within the meaning of any provision of this Act.

"'(d) All common carriers by water shall, according to their respective powers, afford all reasonable, proper, and equal facilities for the interchange of traffic between their respective lines and connecting lines, and for the receiving, forwarding, and delivering of passengers or property to and from connecting lines; and shall not discriminate in their rates, fares, and charges between connecting lines, or unduly prejudice any connecting line in the distribution of traffic that is not specifically routed by the shipper. As used in this subsection the term "connecting line" means the connecting line of any common carrier by water or any common carrier subject to part I.

"'TARIFFS AND SCHEDULES

"'SEC. 306. (a) Every common carrier by water shall file with the Commission, and print, and keep open to public inspection tariffs showing all rates, fares, charges, classifications, rules, regulations, and practices for the transportation in interstate or foreign commerce of passengers and property between places on its own route, and between such places and places on the route of any other such carrier or on the route of any common carrier by railroad or by motor vehicle, when a through route and joint rate shall have been established. Such tariffs shall plainly state the places between which property or passengers will be carried, the classification of property or passengers and, separately, all terminal charges, or other charges which the Commission shall require to be so stated, all privileges or facilities granted or allowed, and any rules or regulations which in anywise change, affect, or determine any part or the aggregate of such rates, fares, or charges, or the value of the service rendered to the passenger, shipper, or consignee.

"'(b) All charges of common carriers by water shall be stated in lawful money of the United States. The Commission shall by regulations prescribe the form and manner in which the tariffs required by this section shall be published, filed, and posted; and the Commission is authorized to reject any tariff filed with it which is not in accordance with this section and with such regulations. Any tariff so rejected by the Commission shall be void and its use shall be unlawful.

"'(c) No common carrier by water shall charge or demand or collect or receive a greater or less or different compensation for transportation subject to this part or for any service in connection therewith than the rates, fares, or charges specified for such transportation or such service in the tariffs lawfully in effect; and no such carrier shall refund or remit in any manner or by any device any portion of the rates, fares, or charges so specified, or extend to any person any privileges or facilities for transportation affecting the value thereof except such as are specified in its tariff: *Provided*, That the provisions of sections 1 (7) and 22 of part I (which relate to transportation free and at reduced rates), together with such other provisions of such part (including penalties) as may be necessary for the enforcement of such provisions, shall apply to common carriers by water.

"'(d) No common carrier by water, unless otherwise provided by this part, shall engage in transportation subject to this part unless the rates, fares, and charges upon which the same are transported by said carrier have been filed and published in accordance with the provisions of this part. No change shall be made in any rate, fare, charge, classification, regulation, or practice specified in any effective tariff of a common carrier by water except after thirty days' notice of the proposed change filed and posted in accordance with this section. Such notice shall plainly state the change proposed to be made and the time when such change will take effect. The Commission may, in its discretion and for good cause shown, allow changes upon notice less than that herein specified, or modify the requirements of this section, either in particular instances or by general order applicable to special circumstances or conditions.

"'(e) It shall be the duty of every contract carrier by water to establish and observe reasonable minimum rates and charges for any service rendered or to be rendered in the transportation of passengers or property or in connection therewith and to establish and observe reasonable regulations, and practices to be applied in connection with said reasonable minimum rates and charges. It shall be the duty of every contract carrier by water to file with the Commission, post, and keep open for public inspection, in accordance with such rules and regulations as the Commission shall prescribe, schedules of minimum rates or charges actually maintained and charged for interstate and foreign transportation to which it is a party, and any rule, regulation, or practice affecting such charges and the value of the service thereunder. No contract carrier by water, unless otherwise provided by this part, shall engage in transportation subject to this part unless the minimum rates or charges actually maintained and charged have been published, filed, and posted in accordance with the provisions of this part. No new rate or charge shall be established and no reduction shall be made in any rate or charge, either directly or by means of any change in any rule, regulation, or practice affecting such rate or charge, or the value of service thereunder, except after thirty days' notice of the proposed new rate or charge, or of the proposed change, filed in accordance with this section. The Commission may, in its discretion and for good cause shown, allow the establishment of any such new rate or charge, or any such change, upon notice less than herein specified, or modify the requirement of this section with respect to posting and filing of such schedules, either in particular instances or by general order applicable to special or peculiar circumstances or conditions. Such notice shall plainly state the new rate or charge, or the change proposed to be made, and the time when it will take effect. It shall be unlawful for any such carrier to transport passengers or property or to furnish facilities or services in connection therewith for a less compensation, either directly or by means of a change in the terms and conditions of any contract, charter, agreement, or undertaking, than the rates or charges so filed with the Commission: *Provided*, That the Commission, in its discretion and for good cause shown, either upon application of any such carrier or carriers, or any class or group thereof, or upon its own initiative may, after hearing, grant relief from the provisions of this subsection to such extent, and for such time, and in such manner as, in its judgment, is consistent with the public interest and the national transportation policy declared in this Act.

"'COMMISSION'S AUTHORITY OVER RATES, AND SO FORTH

"'SEC. 307. (a) Any person may make complaint in writing to the Commission that any individual or joint rate, fare, charge, classification, regulation, or practice of any common carrier by water or any contract carrier by water is or will be in violation of this part. Every complaint shall state fully the facts complained of and the reasons for such complaint and shall be made under oath.

"'(b) Whenever, after hearing, upon complaint or in an investigation on its own initiative, the Commission shall be of opinion that any individual or joint rate, fare, or charge demanded, charged, or collected by any common carrier or carriers by water for transportation subject to this part, or any regulation, practice, or classification of such carrier or carriers relating to such transportation, is or will be unjust or unreasonable, or unjustly discriminatory, or unduly preferential or prejudicial, or otherwise in violation of any provision of this part, it may determine and prescribe the lawful rate, fare, or charge or the maximum or minimum, or maximum and minimum rate, fare, or charge thereafter to be observed, or the lawful regulation, practice, or classification thereafter to be made effective.

"'(c) In any proceeding to determine the justness or reasonableness of any rate, fare, or charge of any common carrier by water there shall not be taken into consideration or allowed as evidence or elements of value of the property of such carrier either goodwill, earning power, or the certificate under which such carrier is operating; and in applying for and receiving a certificate under this part any such carrier shall be deemed to have agreed to the provisions of this subsection on its own behalf and on behalf of all transferees of such certificate.

"'(d) The Commission may, and it shall whenever deemed by it to be necessary or desirable in the public interest, after full hearing upon complaint or upon its own initiative without a complaint, establish through routes, joint classifications, and joint rates, fares, or charges, applicable to the transportation of passengers or property by common carriers by water, or by such carriers and carriers by railroad, or the maxima or minima, or maxima and minima, to be charged, and the divisions of such rates, fares, or charges as hereinafter provided, and the terms and conditions under which such through routes shall be operated. In the case of a through route, where one of the carriers is a common carrier by water, the Commission shall prescribe such reasonable differentials as it may find to be justified between all-rail rates and the joint rates in connection with such common carrier by water. The Commission shall not, however, establish any through route, classification, or practice, or any rate, fare, or charge, between street electric passenger railways not engaged in the general business of transporting freight in addition to their passenger and express business, and common carriers by water. If any tariff or schedule canceling any through route or joint rate, fare, charge, or classification, without the consent of all carriers parties thereto or authorization by the Commission, is suspended by the Commission for investigation, the burden of proof shall be upon the carrier or carriers proposing such cancelation to show that it is consistent with the public interest, without regard to the provisions of paragraph (4) of section 15.

"'(e) Whenever, after hearing upon complaint or upon its own initiative, the Commission is of opinion that the divisions of joint rates, fares, or charges, applicable to the transportation of passengers or property by common carriers by water, or by such carriers and common carriers by railroad or by motor vehicle, are or will be unjust, unreasonable, inequitable, or unduly preferential or prejudicial as between the carriers parties thereto, the Commission shall by order prescribe the just, reasonable, and equitable divisions thereof to be received by the several carriers. In cases where the joint rate, fare, or charge, was established pursuant to a finding or order of the Commission and the divisions thereof are found by it to have been unjust, unreasonable, or inequitable, or unduly preferential or prejudicial, the Commission may also by order determine what (for the period subsequent to the filing of the complaint or petition or the making of the order of investigation) would have been the just, reasonable, and equitable divisions thereof to be received by the several carriers, and require adjustment to be made in accordance therewith. In so prescribing and determining the divisions of joint rates, fares and charges, the Commission shall give due consideration, among other things, to the efficiency with which the carriers concerned are operated, the amount of revenue required to pay their respective operating expenses, taxes, and a fair return on their property held for and used in the service of transportation, and the importance to the public of the transportation services of such carriers and also whether any particular participating carrier is an originating, intermediate, or delivering line, and any other fact or circumstance which would ordinarily, without regard to the mileage haul, entitle one carrier to a greater or less proportion than another carrier of the joint rate, fare, or charge.

"'(f) In the exercise of its power to prescribe just and reasonable rates, fares, and charges of common carriers by water, and classifications, regulations, and practices relating thereto, the Commission shall give due consideration, among other factors, to the effect of rates upon the movement of traffic by the carrier or carriers for which the rates are prescribed; to the need, in the public interest, of adequate and efficient water transportation service at the lowest cost consistent with the furnishing of such service; and to the need of revenues sufficient to enable water carriers, under honest, economical, and efficient management, to provide such service.

"'(g) Whenever there shall be filed with the Commission any schedule (except a schedule referred to in section 322) stating a new rate, fare, charge, classification, regulation, or practice for the interstate or foreign transportation of passengers or property by a common carrier or carriers by water, the Commission may upon protest of interested parties or upon its own initiative at once, and, if it so orders, without answer or other formal pleading by such carrier or carriers, but upon reasonable notice, enter upon an investigation concerning the lawfulness of such rate, fare, charge, classification, regulation, or practice, and pending such hearing and the decision thereon, the Commission, by filing with such schedule and delivering to the carrier or carriers affected thereby a statement in writing of its reasons for such suspension, may from time to time suspend the operation of such schedule and defer the use of such rate, fare, charge, classification, regulation, or practice, but not for a longer period than seven months beyond the time when it would otherwise go into effect; and after hearing, whether completed before or after the rate, fare, charge, classification, regulation, or practice goes into effect, the Commission may make such order with reference thereto, as would be proper in a proceeding instituted after such rate, fare, charge, classification, regulation, or practice had become effective. If the proceeding shall not have been concluded and an order made within the period of suspension, the proposed rate, fare, charge, classification, regulation, or practice shall go into effect at the end of such period: *Provided, however,* That this subsection shall not apply to any initial schedule filed prior to October 1, 1941, by any such carrier (other than a carrier subject, at the time this part takes effect, to the provisions of the Intercoastal Shipping Act, 1933, as amended, or the Shipping Act, 1916, as amended) insofar as such schedule names rates on traffic, or for services connected therewith, as to which such carrier was in bona fide operation on January 1, 1940. At any hearing involving a change in a rate, fare, charge, or classification, or in a rule, regulation, or practice, the burden of proof shall be upon the carrier to show that the proposed changed rate, fare, charge, classification, rule, regulation, or practice is just and reasonable.

"'(h) Whenever, after hearing, upon complaint or its own initiative, the Commission finds that any minimum rate or charge of any contract carrier by water, or any rule, regulation, or practice of any such carrier affecting such minimum rate or charge, or the value of the service thereunder, contravenes the national transportation policy declared in this act, or is in contravention of any provision of this part, the Commission may prescribe such just and reasonable minimum rate or charge, or such rule, regulation, or practice as in its judgment may be necessary or desirable in the public interest and to promote such policy and will not be in contravention of any provision of this part. Such minimum rate or charge, or such rule, regulation, or practice, so prescribed by the Commission, shall give no advantage or preference to any such carrier in competition with any common carrier by water subject to this part, which the Commission may find to be undue or inconsistent with the public interest and the national transportation policy declared in this act, and the Commission shall give due consideration to the cost of the services rendered by such carriers, and to the effect of such minimum rate or charge, or such rule, regulation, or practice, upon the movement of traffic by such carriers. All complaints shall state fully the facts complained of and the reasons for such complaint and shall be made under oath.

"'(i) Whenever there shall be filed with the Commission by any such contract carrier any schedule (except a schedule referred to in section 322) stating a charge for a new service or a reduced charge, directly or by means of any rule, regulation, or practice, for transportation in interstate or foreign commerce, the Commission may upon complaint of interested parties or upon its own initiative at once and, if it so orders, without answer or other formal pleading by the interested party, but upon reasonable notice, enter upon a hearing concerning the lawfulness of such charge, or such rule, regulation, or practice, and pending such hearing and the decision thereon the Commission, by filing with such schedule and delivering to the carrier affected thereby a statement in writing of its reasons for such suspension, may from time to time suspend the operation of such schedule and defer the use of such charge, or such rule, regulation, or practice, but not for a longer period than seven months beyond the time when it would otherwise go into effect; and after hearing, whether completed before or after the charge, or rule, regulation, or practice goes into effect, the Commission may make such order with reference thereto as would be proper in a proceeding instituted after it had become effective. If the proceeding has not been concluded and an order made within the period of suspension, the proposed change in any charge or rule, regulation, or practice shall go into effect at the end of such period: *Provided,* That this subsection shall not apply to any initial schedule filed prior to October 1, 1941, by any such carrier (other than a carrier subject, at the time this part takes effect, to the provisions of the Intercoastal Shipping Act, 1933, as amended, or the Shipping Act, 1916, as amended) insofar as such schedule names charges on traffic, or for services connected therewith, as to which such carrier was in bona fide operation on January 1, 1940. The rule as to burden of proof specified in subsection (g) of this section shall apply to this subsection.

"'REPARATION AWARDS; LIMITATION OF ACTIONS

"'SEC. 308. (a) For the purposes of this section the term "carrier" means a water carrier engaged in transportation subject to this part (1) by way of the Panama Canal, or (2) as a common carrier by water on the high seas or the Great Lakes on regular routes from port to port.

"'(b) In case any carrier shall do, cause to be done, or permit to be done any act, matter, or thing in this part prohibited or declared to be unlawful, or shall omit to do any act, matter, or thing in this part required to be done, such carrier shall be liable to the person or persons injured thereby for the full amount of damages sustained in consequence of any such violation, together with a reasonable counsel or attorney's fee, to be fixed by the court in every case of recovery, which attorney's fee shall be taxed and collected as part of the costs in the case.

"'(c) Any person or persons claiming to be damaged by any carrier may either make complaint to the Commission or may bring suit in his or their own behalf for the recovery of the damages for which such carrier may be liable under the provisions of subsection (b), in any district court of the United States of competent jurisdiction; but such person or persons shall not have the right to pursue both of said remedies.

"'(d) If, after hearing on a complaint, the Commission shall determine that any party complainant is entitled to an award of damages under the provisions of this part for a violation thereof by any carrier, the Commission shall make an order directing the carrier to pay to the complainant the sum to which he is entitled on or before a day named.

"'(e) If such carrier does not comply with an order for the payment of money within the time limit in such order, the complainant, or any person for whose benefit such order was made, may file with the district court of the United States for the district in which he or it resides or in which is located the principal operating office of such carrier or in which is located any port of call on a route operated by such carrier, or in any State court of general jurisdiction having jurisdiction of the parties, a complaint setting forth briefly the causes for which he claims damages, and the order of the Commission in the premises. Such suit in the district court of the United States shall proceed in all respects like other civil suits for damages, except that on the trial of such suit the findings and order of the Commission shall be prima facie evidence of the facts therein stated, and except that the plaintiff shall not be liable for costs in the district court nor for costs at any subsequent stage of the proceedings unless they accrue upon his appeal. If the plaintiff shall finally prevail he shall be allowed a reasonable attorney's fee, to be taxed and collected as a part of the costs of the suit.

"'(f) (1) All complaints against carriers for the recovery of damages or overcharges shall be filed with the Commission within three years from the time the cause of action accrues, and not after.

"'(2) The cause of action in respect of a shipment of property shall, for the purposes of this section, be deemed to accrue upon delivery or tender of delivery thereof by the carrier and not after.

"'(3) A complaint for the enforcement of an order of the Commission for the payment of money shall be filed in the district court or the State court within one year from the date of the order, and not after.

"'(4) The term "overcharges" as used in this section means charges for transportation services in excess of those applicable thereto under the tariffs lawfully on file with the Commission.

"'(5) The provisions of this subsection (f) shall take effect six months after this section becomes effective and extend to and embrace cases in which the cause of action has heretofore accrued.

"'(g) In such suits all parties in whose favor the Commission may have made an award of damages by a single order may be joined as plaintiffs, and all of the carriers parties to such order awarding such damages may be joined as defendants, and such suit may be maintained by such joint plaintiffs and against such joint defendants in any district where any one of such joint plaintiffs could maintain such suit against any one of such joint defendants; and service of process against any one of such defendants as may not be found in the district where the suit is brought may be made in any district where such defendant has his or its principal operating office. In case of such joint suit the recovery, if any, may be by judgment in favor of any one of such plaintiffs, against the defendant found to be liable to such plaintiff.

"'CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND PERMITS

"'SEC. 309. (a) Except as otherwise provided in this section and section 311, no common carrier by water shall engage in transportation subject to this part unless it holds a certificate of public convenience and necessity issued by the Commission: *Provided, however,* That, subject to section 310, if any such carrier or a predecessor in interest was in bona fide operation as a common carrier by water on January 1, 1940, over the route or routes or between the ports with respect to which application is made and has so operated since that time (or, if engaged in furnishing seasonal service only, was in bona fide operation during the seasonal period, prior to or including such date, for operations of the character in question) except, in either event, as to interruptions of service over which the applicant or its predecessor in interest had no control, the Commission shall issue such certificate without requiring further proof that public convenience and necessity will be served by such operation, and without further proceedings, if application for such certificate is made to the Commission as provided in subsection (b) of this section and prior to the expiration of one hundred and twenty days after this section takes effect. Pending the determination of any such application, the continuance of such operation shall be lawful. If the application for such certificate is not made within one hundred and twenty days after this section takes effect, it shall be decided in accordance with the standards and procedure provided for in subsection (c), and such certificate shall be issued or denied accordingly. Any person, not included within the pro-

visions of the foregoing proviso, who is engaged in transportation as a common carrier by water when this section takes effect may continue such operation for a period of one hundred and twenty days thereafter without a certificate, and, if application for such certificate is made to the Commission within such period, the continuance of such operation shall be lawful pending determination of such application.

"'(b) Application for a certificate shall be made in writing to the Commission, be verified under oath, and shall be in such form and contain such information and be accompanied by proof of service upon such interested parties as the Commission shall, by regulations, require.

"'(c) Subject to section 310, upon application as provided in this section the Commission shall issue a certificate to any qualified applicant therefor, authorizing the whole or any part of the operations covered by the application, if the Commission finds that the applicant is fit, willing, and able properly to perform the service proposed and to conform to the provisions of this part and the requirements, rules, and regulations of the Commission thereunder, and that the proposed service, to the extent authorized by the certificate, is or will be required by the present or future public convenience and necessity; otherwise such application shall be denied.

"'(d) Such certificate shall specify the route or routes over which, or the ports to and from which, such carrier is authorized to operate, and, at the time of issuance and from time to time thereafter, there shall be attached to the exercise of the privileges granted by such certificate such reasonable terms, conditions, and limitations as the public convenience and necessity may from time to time require, including terms, conditions, and limitations as to the extension of the route or routes of the carrier, and such other terms, and conditions, and limitations as are necessary to carry out, with respect to the operations of the carrier, the requirements of this part or those established by the Commission pursuant thereto: *Provided, however,* That no terms, conditions, or limitations shall restrict the right of the carrier to add to its equipment, facilities, or service within the scope of such certificate, as the development of the business and the demands of the public shall require, or the right of the carrier to extend its services over uncompleted portions of waterway projects now or hereafter authorized by Congress, over the completed portions of which it already operates, as soon as such uncompleted portions are open for navigation.

"'(e) No certificate issued under this part shall confer any proprietary or exclusive right or rights in the use of public waterways.

"'(f) Except as otherwise provided in this section and section 311, no person shall engage in the business of a contract carrier by water unless he or it holds an effective permit, issued by the Commission authorizing such operation: *Provided,* That, subject to section 310, if any such carrier or a predecessor in interest was in bona fide operation as a contract carrier by water on January 1, 1940, over the route or routes or between the ports with respect to which application is made, and has so operated since that time (or, if engaged in furnishing seasonal service only, was in bona fide operation during the seasonal period, prior to or including such date, for operations of the character in question) except, in either event, as to interruptions of service over which the applicant or its predecessor in interest had no control, the Commission shall issue such permit, without further proceedings, if application for such permit is made to the Commission as provided in subsection (g) of this section and prior to the expiration of one hundred and twenty days after this section takes effect. Pending the determination of any such application, the continuance of such operation shall be lawful. If the application for such permit is not made within one hundred and twenty days after this section takes effect, it shall be decided in accordance with the standards and procedure provided for in subsection (g), and such permit shall be issued or denied accordingly. Any person, not included within the provision of the foregoing proviso, who is engaged in transportation as a contract carrier by water when this section takes effect may continue such operation for a period of one hundred and twenty days thereafter without a permit, and, if application for such permit is made to the Commission within such period, the continuance of such operation shall be lawful pending the determination of such application.

"'(g) Application for such permit shall be made to the Commission in writing, be verified under oath, and shall be in such form and contain such information and be accompanied by proof of service upon such interested parties as the Commission shall, by regulations, require. Subject to section 310, upon application the Commission shall issue such permit if it finds that the applicant is fit, willing, and able properly to perform the service proposed and to conform to the provisions of this part and the requirements, rules, and regulations of the Commission thereunder, and that such operation will be consistent with the public interest and the national transportation policy declared in this act. The business of the carrier and the scope thereof shall be specified in such permit and there shall be attached thereto at time of issuance and from time to time thereafter such reasonable terms, conditions, and limitations, consistent with the character of the holder as a contract carrier by water, as are necessary to carry out the requirements of this part or those lawfully established by the Commission pursuant thereto: *Provided, however,* That no terms, conditions, or limitations shall restrict the right of the carrier to substitute or add contracts within the scope of the permit, or to add to his equipment, facilities, or service, within the scope of the permit, as the development of the business and the demands of the carrier's patrons shall require.

"'DUAL OPERATIONS UNDER CERTIFICATES AND PERMITS

"'SEC. 310. Unless, for good cause shown, the Commission shall find, or shall have found, that both a certificate and a permit may be so held consistently with the public interest and with the national transportation policy declared in this act—

"'(1) no person, or any person controlling, controlled by, or under common control with such person, shall hold a certificate as a common carrier by water if such person, or any such controlling person, controlled person, or person under common control, holds a permit as a contract carrier by water; and

"'(2) no person, or any person controlling, controlled by, or under common control with such person, shall hold a permit as a contract carrier by water if such person, or any such controlling person, controlled person, or person under common control, holds a certificate as a common carrier by water.

"'TEMPORARY OPERATIONS

"'SEC. 311. (a) To enable the provision of service for which there is an immediate and urgent need to a point or points or within a territory having no carrier service capable of meeting such need, the Commission may, in its discretion and without hearings or other proceedings, grant temporary authority for such service by a common carrier by water or a contract carrier by water, as the case may be. Such temporary authority shall be valid for such time as the Commission shall specify but not for more than an aggregate of one hundred and eighty days, and shall create no presumption that corresponding permanent authority will be granted thereafter.

"'(b) Pending the determination of an application filed with the Commission under this act for approval of a consolidation or merger of the properties of two or more water carriers, or of a purchase, lease, or contract to operate the properties of one or more water carriers, the Commission may, for good cause shown, and without hearings or other proceedings, grant temporary approval, for a period not exceeding one hundred and eighty days, of operation of the properties of such carriers by water by the person proposing to acquire them, as aforesaid.

"'TRANSFER OF CERTIFICATES AND PERMITS

"'SEC. 312. Except as provided in this part, any such certificate or permit may be transferred in accordance with such regulations as the Commission shall prescribe for the protection of the public interest and to insure compliance with the provisions of this part.

"'ACCOUNTS, RECORDS, AND REPORTS

"'SEC. 313. (a) The Commission is hereby authorized to require annual, periodical, or special reports from water carriers and lessors (as defined in this section), and to prescribe the manner and form in which such reports shall be made, and to require from such carriers and lessors specific and full, true, and correct answers to all questions upon which the Commission may deem information to be necessary. Such annual reports shall give an account of the affairs of the carrier or lessor in such form and detail as may be prescribed by the Commission. Said annual reports shall contain all the required information for the period of twelve months ending on the thirty-first day of December in each year, unless the Commission shall specify a different date, and shall be made out under oath and filed with the Commission at its office in Washington within three months after the close of the year for which the report is made, unless additional time be granted in any case by the Commission. Such periodical or special reports as may be required by the Commission under this paragraph shall also be under oath whenever the Commission so requires.

"'(b) The Commission may also require any such carrier to file with it a true copy of any contract, charter, or agreement between such carrier and any other carrier or person in relation to transportation facilities, service, or traffic affected by the provisions of this part. The Commission shall not, however, make public any contract, charter, or agreement between a contract carrier by water and a shipper, or any of the terms or conditions thereof, except as a part of the record in a formal proceeding where it considers such action consistent with the public interest: *Provided,* That if it appears from an examination of any such contract that it fails to conform to the published schedule of the contract carrier by water as required by section 306 (e), the Commission may, in its discretion, make public such of the provisions of the contract as the Commission considers necessary to disclose such failure and the extent thereof.

"'(c) The Commission may, in its discretion, for the purpose of enabling it the better to carry out the purposes of this part, prescribe a uniform system of accounts applicable to any class of water carriers, and a period of time within which such class shall have such uniform system of accounts, and the manner in which such accounts shall be kept.

"'(d) The Commission shall, as soon as practicable, prescribe for water carriers the classes of property for which depreciation charges may properly be included under operating expenses, and the rate or rates of depreciation which shall be charged with respect to each of such classes of property, classifying the carriers as it may deem proper for this purpose. The Commission may, when it deems necessary, modify the classes and rates so prescribed. When the Commission shall have exercised its authority under the foregoing provisions of this subsection, water carriers shall not charge to operating expenses any depreciation charges on classes of property other than those prescribed by the Commission, or charge with respect to any class of property a rate of depreciation other than that prescribed therefor by the Commission, and no such carrier

shall in any case include under operating expenses any depreciation charge in any form whatsoever other than as prescribed by the Commission.

"'(e) The Commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by water carriers and lessors, including the accounts, records, and memoranda of the movement of traffic, as well as of the receipts and expenditures of money, and it shall be unlawful for such carriers or lessors to keep any accounts, records, and memoranda contrary to any rules, regulations, or orders of the Commission with respect thereto.

"'(f) The Commission or its duly authorized special agents, accountants, or examiners shall have authority to inspect and copy any and all accounts, books, records, memoranda, correspondence, and other documents, of such water carriers and lessors, and such accounts, books, records, memoranda, correspondence, and other documents of any person controlling, controlled by, or under common control with any such carrier as the Commission deems relevant to such person's relation to or transactions with such carrier. The Commission or its duly authorized special agents, accountants, or examiners shall at all times have access to all lands, buildings, or equipment of such carriers or lessors, and shall have authority under its order to inspect and examine any and all such lands, buildings, and equipment. All such carriers, lessors, and persons shall submit their accounts, books, records, memoranda, correspondence, and other documents for the inspection and for copying authorized by this paragraph, and such carriers and lessors shall submit their lands, buildings, and equipment for inspection and examination, to any duly authorized special agent, accountant, or examiner of the Commission, upon demand and the display of proper credentials.

"'(g) The Commission may issue orders specifying such operating, accounting, or financial papers, records, books, blanks, tickets, stubs, correspondence, or documents of water carriers or lessors as may, after a reasonable time, be destroyed, and prescribing the length of time the same shall be preserved.

"'(h) As used in this section, the words "keep" and "kept" shall be construed to mean made, prepared, or compiled, as well as retained; the term "lessor" means a lessor of any right to operate as a water carrier; and the term "water carrier" or "lessor" includes a receiver or trustee of such water carrier or lessor.

"'ALLOWANCES TO SHIPPERS FOR TRANSPORTATION SERVICES

"'SEC. 314. If the owner of property transported under this part directly or indirectly renders any service connected with such transportation, or furnishes any instrumentality used therein, the charge and allowance therefor shall be published in tariffs or schedules filed in the manner provided in this part and shall be no more than is just and reasonable; and the Commission may, after hearing on a complaint or on its own initiative, determine what is a reasonable charge as the maximum to be paid by the carrier or carriers for the services so rendered or for the use of the instrumentality so furnished, and fix the same by appropriate order.

"'NOTICES, ORDERS, AND SERVICE OF PROCESS

"'SEC. 315. (a) It shall be the duty of every water carrier to file with the Commission a designation in writing of the name and post-office address of an agent upon whom or which service of notices or orders may be made under this part. Such designation may from time to time be changed by like writing similarly filed. Service of notices or orders in proceedings under this part may be made upon such carrier by personal service upon it or upon an agent so designated by it, or by registered mail addressed to it or to such agent at the address filed. In default of such designation, service of any notice or order may be made by posting in the office of the secretary of the Commission. Whenever notice or order is served by mail, as provided herein, the date of mailing shall be considered as the time of service. In proceedings before the Commission involving the lawfulness of rates, fares, charges, classifications, or practices, service of notice upon an attorney in fact of a carrier who has filed a tariff or schedule in behalf of such carrier shall be deemed to be due and sufficient service upon the carrier.

"'(b) No order, based upon a finding that any water carrier has violated any provision of this part, shall be made by the Commission except after hearing upon complaint or after an investigation upon its own initiative.

"'(c) The Commission may suspend, modify, or set aside its orders under this part upon such notice and in such manner as it shall deem proper.

"'(d) Except as otherwise provided in this part, all orders of the Commission, other than orders for the payment of money, shall take effect within such reasonable time, not less than thirty days, as the Commission may prescribe and shall continue in force until its further order, or for a specified period of time, according as shall be prescribed in the order, unless the same shall be suspended, modified, or set aside by the Commission, or be suspended or set aside by a court of competent jurisdiction.

"'(e) It shall be the duty of every water carrier, its agents and employees, to observe and comply with such orders so long as the same shall remain in effect.

"'ENFORCEMENT AND PROCEDURE

"'SEC. 316. (a) The provisions of section 12 and section 17 of part I, and the Compulsory Testimony Act (27 Stat. 443), and the Immunity of Witnesses Act (34 Stat. 798; 32 Stat. 904, ch. 755, sec. 1), shall apply with full force and effect in the administration and enforcement of this part.

"'(b) If any water carrier fails to comply with or operates in violation of any provision of this part (except provisions as to the reasonableness of rates, fares, or charges, and the discriminatory character thereof), or any rule, regulation, requirement, or order thereunder (except an order for the payment of money), or of any term or condition of any certificate or permit, the Commission or the Attorney General of the United States (or, in case of such an order, any party injured by the failure to comply therewith or by the violation thereof) may apply to any district court of the United States having jurisdiction of the parties for the enforcement of such provision of this part or of such rule, regulation, requirement, order, term, or condition; and such court shall have jurisdiction to enforce obedience thereto by a writ or writs of injunction or other process, mandatory or otherwise, restraining such carrier and any officer, agent, employee, or representative thereof from further violation of such provision of this part or of such rule, regulation, requirement, order, term, or condition and enjoining obedience thereto.

"'(c) The Commission shall enter of record a written report of hearings conducted upon complaint, or upon its own initiative without complaint, stating its conclusions, decision, and order and, if reparation is awarded, the findings of fact upon which the award is made; and shall furnish a copy of such report to all parties of record. The Commission may provide for the publication of such reports in the form best adapted for public information and use, and such authorized publications shall, without further proof or authentication, be received as competent evidence of such reports in any court of competent jurisdiction.

"'(d) Subject to the provisions of section 313, the copies of schedules, and classifications and tariffs of rates, fares, and charges, and of all contracts, agreements, and arrangements of water carriers filed with the Commission as herein provided, and the statistics, tables, and figures contained in the annual or other reports of carriers made to the Commission as required, under the provisions of this part shall be preserved as public records in the custody of the secretary of the Commission, and shall be received as prima facie evidence of what they purport to be for the purpose of investigations by the Commission and in all judicial proceedings; and copies of and extracts from any of said schedules, classifications, tariffs, contracts, agreements, arrangements, or reports, made public records as aforesaid, certified by the secretary, under the Commission's seal, shall be received in evidence with like effect as the originals.

"'UNLAWFUL ACTS AND PENALTIES

"'SEC. 317. (a) Any person who knowingly and willfully violates any provision of this part, or any rule, regulation, requirement, or order thereunder, or any term or condition of any certificate or permit, for which no penalty is otherwise provided, shall be deemed guilty of a misdemeanor and upon conviction thereof in any court of the United States of competent jurisdiction in the district in which such offense was in whole or in part committed shall be subject for each offense to a fine not exceeding $500. Each day of such violation shall constitute a separate offense.

"'(b) Any water carrier or any officer, agent, employee, or representative thereof, who shall knowingly and willfully offer, grant, or give, or cause to be offered, granted, or given, any rebate, deferred rebate, or other concession, in violation of the provisions of this part, or who, by any device or means, shall knowingly and willfully assist, or shall willingly suffer or permit, any person to obtain transportation subject to this part at less than the rates, fares, or charges lawfully in effect, shall be deemed guilty of a misdemeanor and upon conviction thereof in any court of the United States of competent jurisdiction within the district in which such offense was wholly or in part committed shall be subject for each offense to a fine of not more than $5,000.

"'(c) Any person who shall knowingly and willfully solicit, accept, or receive any rebate, deferred rebate, or other concession in violation of the provisions of this part, or who shall by any device or means, whether with or without the consent or connivance of any water carrier or his or its officer, agent, employee, or representative, knowingly and willfully obtain transportation subject to this part at less than the rates, fares, or charges lawfully in effect, or shall knowingly and willfully, directly or indirectly, by false claim, false billing, false representation, or other device or means, obtain or attempt to obtain any allowance, refund, or repayment in connection with or growing out of such transportation, whether with or without the consent or connivance of such carrier or his or its officer, agent, employee, or representative, whereby the compensation of such carrier for such transportation or service, either before or after payment, shall be less than the rates, fares, or charges lawfully in effect, shall be deemed guilty of a misdemeanor and upon conviction thereof in any court of the United States of competent jurisdiction within the district in which such offense was in whole or in part committed, be subject for each offense to a fine of not more than $5,000.

"'(d) Any water carrier or other person, or any officer, agent, employee, or representative thereof, who shall willfully fail or refuse to make a report to the Commission as required by this part, or to make specific and full, true, and correct answer to any question within thirty days from the time it is lawfully required by the Commission so to do, or to keep accounts, records, and memoranda in the form and manner prescribed by the Commission, or shall willfully falsify, destroy, mutilate, or alter any report, account, record, memorandum, book, correspondence, or other document, required under this part to be kept, or who shall will-

fully neglect or fail to make full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions as required under this part, or shall willfully keep any accounts, records, or memoranda contrary to the rules, regulations, or orders of the Commission with respect thereto, or shall knowingly and willfully file with the Commission any false report, account, record, or memorandum, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of the United States of competent jurisdiction within the district in which such offense was in whole or in part committed, be subject for each offense to a fine of not more than $5,000. As used in this subsection, the word "keep" shall be construed to mean made, prepared, or compiled, as well as retained.

"'(e) Any special agent, accountant, or examiner of the Commission who knowingly and willfully divulges any fact or information which may come to his knowledge during the course of any examination or inspection made under authority of section 313, except as he may be directed by the Commission or by a court or judge thereof, shall be guilty of a misdemeanor and shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not more than $500 or imprisonment for a term not exceeding six months, or both.

"'(f) It shall be unlawful for any common carrier by water, or any officer, receiver, trustee, lessee, agent, or employee of such carrier, or for any other person authorized by such carrier or person to receive information, knowingly and willfully to disclose to or permit to be acquired by any person other than the shipper or consignee, without the consent of such shipper or consignee, any information concerning the nature, kind, quantity, destination, consignee, or routing of any property tendered or delivered to such carrier for transportation subject to this part, which information may be used to the detriment or prejudice of such shipper or consignee, or which may or does improperly disclose his business transactions to a competitor; and it shall also be unlawful for any person to solicit or knowingly and willfully receive any such information which may be or is so used. Any person violating any provisions of this subsection shall be guilty of a misdemeanor and upon conviction thereof in any court of the United States of competent jurisdiction within the district in which such offense was in whole or in part committed shall be subject to a fine of not more than $2,000. Nothing in this part shall be construed to prevent the giving of such information in response to any legal process issued under the authority of any court, or to any officer or agent of the Government of the United States or of any State, Territory, or District thereof, in the exercise of his powers, or to any officer or other duly authorized person seeking such information for the prosecution of persons charged with or suspected of crimes, or to another carrier, or its duly authorized agent, for the purpose of adjusting mutual traffic accounts in the ordinary course of business of such carriers.

"'COLLECTION OF RATES AND CHARGES

"'SEC. 318. No common carrier by water shall deliver or relinquish possession at destination of any freight transported by it until all tariff rates and charges thereon have been paid, except under such rules and regulations as the Commission may from time to time prescribe to govern the settlement of all such rates and charges, including rules and regulations for periodical settlement, and to prevent unjust discrimination or undue preference or prejudice: *Provided*, That the provisions of this paragraph shall not be construed to prohibit any such carrier from extending credit in connection with rates and charges on freight transported for the United States, for any department, bureau, or agency thereof, or for any State or Territory or political subdivision thereof, or for the District of Columbia. Where such carrier is instructed by a shipper or consignor to deliver property transported by such carrier to a consignee other than the shipper or consignor, such consignee shall not be legally liable for transportation charges in respect of the transportation of such property (beyond those billed against him at the time of delivery for which he is otherwise liable) which may be found to be due after the property has been delivered to him, if the consignee (1) is an agent only and had no beneficial title in the property, and (2) prior to delivery of the property has notified the delivering carrier in writing of the fact of such agency and absence of beneficial title, and, in the case of a shipment reconsigned or diverted to a point other than that specified in the original bill of lading, has notified the delivering carrier in writing of the name and address of the beneficial owner of the property. In such cases the shipper or consignor, or in the case of a shipment so reconsigned or diverted, the beneficial owner shall be liable for such additional charges irrespective of any provisions to the contrary in the bill of lading or in the contract under which the shipment was made or handled. An action for the enforcement of such liability may be begun within two years from the time the cause of action accrues, or before the expiration of six months after final judgment against the carrier in an action against the consignee begun within said period. If the consignee has given to the carrier erroneous information as to who is the beneficial owner, such consignee shall himself be liable for such additional charges, notwithstanding the foregoing provisions of this paragraph. An action for the enforcement of such liability may be begun within two years from the time the cause of action accrues, or before the expiration of six months after final judgment against the carrier in an action against the beneficial owner named by the consignee begun within said period. On shipments reconsigned or diverted by an agent who has furnished the carrier with a notice of agency and the proper name and address of the beneficial owner, and where such shipments are refused or abandoned at ultimate destination, the said beneficial owner shall be liable for all legally applicable charges in connection therewith.

"'EMPLOYEES

"'SEC. 319. The Commission is authorized to employ such experts, assistants, special agents, examiners, attorneys, and other employees as in its judgment may be necessary or advisable for the convenience of the public and for the efficient administration of this part. Such examiners shall have power to administer oaths, examine witnesses, and receive evidence.

"'REPEALS

"'SEC. 320. (a) The Shipping Act, 1916, as amended, and the Intercoastal Shipping Act, 1933, as amended, are hereby repealed insofar as they are inconsistent with any provision of this part and insofar as they provide for the regulation of, or the making of agreements relating to, transportation of persons or property by water in commerce which is within the jurisdiction of the Commission under the provisions of this part; and any other provisions of law are hereby repealed insofar as they are inconsistent with any provision of this part.

"'(b) Nothing in subsection (a) shall be construed to repeal—

"'(1) section 205 of the Merchant Marine Act, 1936, as amended, or any provision of law providing penalties for violations of such section 205;

"'(2) the third sentence of section 2 of the Intercoastal Shipping Act, 1933, as amended, as extended by section 5 of such Act, or any provision of law providing penalties for violations of such section 2;

"'(3) the provisions of the Shipping Act, 1916, as amended, insofar as such Act provides for the regulation of persons included within the term "other person subject to this Act", as defined in such Act;

"'(4) sections 27 and 28 of the Merchant Marine Act, 1920, as amended.

"'(c) Nothing in subsection (a) shall be construed to affect the provisions of section 15 of the Shipping Act, 1916, so as to prevent any water carrier subject to the provisions of this part from entering into any agreement under the provisions of such section 15 with respect to transportation not subject to the provisions of this part in which such carrier may be engaged.

"'(d) Nothing in this part shall be construed to affect any law of navigation, the admiralty jurisdiction of the courts of the United States, liabilities of vessels and their owners for loss or damage, or laws respecting seamen, or any other maritime law, regulation, or custom not in conflict with the provisions of this part.

"'(e) Subsection (e) of section 3 of the Inland Waterways Corporation Act of June 7, 1924, as amended (U. S. C., title 49, sec. 153 (e)), is hereby repealed as of October 1, 1940: *Provided, however*, That (1) any certificate of public convenience and necessity granted to any carrier pursuant to the provisions of such subsection (e) shall continue in effect as though issued under the provisions of section 309 of the Interstate Commerce Act, as amended; and (2) through routes and joint rates, and rules, regulations, and practices relating thereto, put into effect pursuant to the provisions of such subsection (e) shall, after the repeal of such subsection (e), be held and considered to have been put into effect pursuant to the provisions of the Interstate Commerce Act, as amended.

"'TRANSFER OF EMPLOYEES, RECORDS, PROPERTY, AND APPROPRIATIONS

"'SEC. 321. (a) Such officers and employees of the United States Maritime Commission as the President shall determine to have been employed in the administration of the provisions of law repealed by section 320, and whose retention by the United States Maritime Commission is not necessary, in the opinion of the President, for the performance of other duties, are transferred to the Interstate Commerce Commission upon such date or dates as the President shall specify by Executive order. Such transfer of such personnel shall be without reduction in classification or compensation, except that this requirement shall not operate after the end of the fiscal year during which such transfer is made to prevent the adjustment of classification or compensation to conform to the duties to which such transferred personnel may be assigned.

"'(b) All files, reports, records, tariff schedules, property (including office furniture and equipment), contracts, agreements, documents, or papers kept or used by, made to, or filed with the United States Maritime Commission under or in the administration of any provision of law repealed by this part, are hereby transferred to the jurisdiction and control of the Interstate Commerce Commission, and may be used for such purposes as the Interstate Commerce Commission may deem necessary in the administration of this part; except that in the case of files, reports, records, tariff schedules, contracts, agreements, documents, or papers, the retention of which is necessary for purposes of the administration by the United States Maritime Commission of matters within its jurisdiction, the furnishing to the Interstate Commerce Commission of copies thereof shall constitute sufficient compliance with the provisions of this subsection.

"'(c) All appropriations and unexpended balances of appropriations available for expenditure by the United States Maritime Commission in the administration of any provision of law repealed by this part shall be available for expenditure by the Interstate Commerce Commission for any objects of expenditure authorized by this part, in the discretion of the Interstate Commerce Commission,

without regard to the requirement of apportionment under the Anti-Deficiency Act of February 27, 1906.

"'EXISTING ORDERS, RULES, TARIFFS, AND SO FORTH; PENDING MATTERS

"'SEC. 322. (a) Notwithstanding the provisions of section 320, or any other provision of this part, all orders, rules, regulations, permits, tariffs (including rates, fares, charges, classifications, rules, and regulations relating thereto), contracts, or agreements, to the extent that they were issued, authorized, approved, entered into, or filed under any provision of law repealed by this part, and are still in effect, shall continue in force and effect according to the terms thereof as though this part had not been enacted, except that the Commission may modify, set aside, or rescind any such order, rule, regulation, permit, tariff, contract, or agreement to the extent that it finds the same to be in violation of any provision of this part or inconsistent with the national transportation policy declared in this Act.

"'(b) Any proceeding, hearing, or investigation commenced or pending before the United States Maritime Commission at the time this section takes effect, to the extent that it relates to the administration of any provision of law repealed by this part, shall be continued or otherwise acted upon by the Commission as though such proceeding, hearing, or investigation had been instituted under the provisions of this part.

"'(c) Any pending judicial proceeding arising under any provision of law repealed by the provisions of this part shall be continued, heard, and determined in the same manner and with the same effect as if this part had not been enacted; except that in the case of any such proceeding to which the United States Maritime Commission is a party, the court, upon motion or supplemental petition, may direct that the Commission be substituted for the United States Maritime Commission as a party to the proceeding or made an additional party thereto.

"'SEPARABILITY OF PROVISIONS

"'SEC. 323. If any provision of this part or the application thereof to any person, or commerce, or circumstance is held invalid, the remainder of the part and the application of such provision to other persons, or commerce, or circumstances shall not be affected thereby.'

"TIME EFFECTIVE

"SEC. 202. Part III of the Interstate Commerce Act shall take effect on the date of the enactment of this Act, except that sections 304 (c), 305 to 308, inclusive, 309 (a) and (f), 313 to 318, inclusive, 320, 321, and 322 shall take effect on the 1st day of January 1941: *Provided, however,* That the Interstate Commerce Commission shall, if found by it necessary or desirable in the public interest, by general or special order postpone the taking effect of any of the provisions above enumerated to such time, but not beyond the 1st day of April 1942, as the Commission shall prescribe.

"TITLE III—MISCELLANEOUS

"PART I—INVESTIGATION OF VARIOUS MODES OF TRANSPORTATION

"SEC. 301. There is hereby established a board of investigation and research (hereinafter referred to as the 'Board') to be composed of three members who shall be appointed by the President, by and with the advice and consent of the Senate, for the period of the existence of the Board as hereinafter provided. Not more than two members of said Board shall be members of the same political party. The President shall designate the member to act as Chairman of the Board and the Board may elect another of its members as Vice Chairman, who shall act as Chairman in the case of absence or incapacity of the Chairman. A majority of the Board shall constitute a quorum and the powers conferred upon the Board by this section may be exercised by a majority vote of its members. A vacancy on the Board shall not affect the powers of the remaining members to execute the functions of the Board, and shall be filled in the same manner as the original selection. The members of the Board shall receive compensation at the rate of $10,000 per annum, and in addition shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the exercise of the functions vested in the Board. Carriers by railroad, motor carriers, and water carriers shall be permitted to provide free transportation and other carrier service to the Board and its employees while traveling on official business, regardless of any provisions in the Interstate Commerce Act, as amended, restricting such carriers from furnishing free transportation or service.

"SEC. 302. (a) It shall be the duty of the Board to investigate—

"(1) the relative economy and fitness of carriers by railroad, motor carriers, and water carriers for transportation service, or any particular classes or descriptions thereof, with the view of determining the service for which each type of carrier is especially fitted or unfitted; the methods by which each type can and should be developed so that there may be provided a national transportation system adequate to meet the needs of the commerce of the United States, of the Postal Service and of the national defense;

"(2) the extent to which right-of-way or other transportation facilities and special services have been or are provided from public funds for the use, within the territorial limits of the continental United States, of each of the three types of carriers without adequate compensation, direct or indirect, therefor, and the extent to which such carriers have been or are aided by donations of public property, payments from public funds in excess of adequate compensation for services rendered in return therefor, or extensions of Government credit; and

"(3) the extent to which taxes are imposed upon such carriers by the United States, and the several States, and by other agencies of government, including county, municipal, district, and local agencies.

"(b) The Board is further authorized, in its discretion, to investigate or consider any other matter relating to rail carriers, motor carriers, or water carriers, which it may deem important to investigate for the improvement of transportation conditions and to effectuate the national transportation policy declared in the Interstate Commerce Act, as amended.

"SEC. 303. The Board is authorized to employ, without regard to the civil service laws or the Classification Act, 1923, as amended, a secretary who shall receive compensation at the rate of $7,500 per annum and a general counsel who shall receive compensation at the rate of $9,000 per annum; and to employ, without regard to the civil service laws, a clerk to each member of the Board. The Board is also authorized to employ such experts, assistants, special agents, examiners, attorneys, and other employees as in its judgment may be necessary for the performance of its duties, and is authorized to utilize the services, information, facilities, and personnel of the various departments and agencies of the Government to the extent that such services, information, facilities, and personnel, in the opinion of such departments and agencies, can be furnished without undue interference with the performance of the work and duties of such departments and agencies.

"SEC. 304. (a) The Board and its agents shall at all times have access to all accounts, records, and memoranda of the carriers and to their properties, and it shall be the duty of the carriers to furnish the Board or its agents, such information and reports as it may desire in investigating any matter within the scope of its duties.

"(b) For the purpose of carrying out the provisions of this part the Board may seek information from such sources and conduct its investigations in such manner as it deems advisable in the interest of a correct ascertainment of the facts, and the Board and its examiners shall be entitled to exercise the same powers with respect to conducting hearings and requiring the attendance of witnesses and the production of books, papers, correspondence, memoranda, contracts, agreements, or other records and documents as are conferred upon the Interstate Commerce Commission and its examiners by sections 17 and 12 of the Interstate Commerce Act, as amended, and the provisions of paragraphs (3), (4), and (7) of section 12 of such Act shall be applicable to all persons summoned by subpena or otherwise to attend and testify or to produce books, papers, correspondence, memoranda, contracts, agreements, or other records and documents before the Board.

"SEC. 305. On or before May 1, 1941, the Board shall transmit to the President and to the Congress preliminary reports of the studies and investigations carried on by it, together with such findings and recommendations as it is by that time prepared to make. In addition to such preliminary reports the Board shall submit to the President and to the Congress an annual report, a final report, and such other reports as it may deem necessary, of the studies and investigations carried out by it pursuant to the provisions of this section, together with its findings and recommendations based thereon.

"SEC. 306. This part shall cease to have effect at the end of two years after its enactment unless extended by a proclamation of the President for an additional period which shall not exceed two years.

"PART II—RATES ON GOVERNMENT TRAFFIC

"GOVERNMENT TO PAY FULL RATES

"SEC. 321. (a) Notwithstanding any other provision of law, but subject to the provisions of sections 1 (7) and 22 of the Interstate Commerce Act, as amended, the full applicable commercial rates, fares, or charges shall be paid for transportation by any common carrier subject to such Act of any persons or property for the United States, or on its behalf, except that the foregoing provision shall not apply to the transportation of military or naval property of the United States moving for military or naval and not for civil use or to the transportation of members of the military or naval forces of the United States (or of property of such members) when such members are traveling on official duty; and the rate determined by the Interstate Commerce Commission as reasonable therefor shall be paid for the transportation by railroad of the United States mail: *Provided, however,* That any carrier by railroad and the United States may enter into contracts for the transportation of the United States mail for less than such rate: *Provided further,* That section 3709, Revised Statutes (U. S. C., 1934 edition, title 41, sec. 5), shall not hereafter be construed as requiring advertising for bids in connection with the procurement of transportation services when the services required can be procured from any common carrier lawfully operating in the territory where such services are to be performed.

"(b) If any carrier by railroad furnishing such transportation, or any predecessor in interest, shall have received a grant of lands from the United States to aid in the construction of any part of the railroad operated by it, the provisions of law with respect to compensation for such transportation shall continue to apply to such transportation as though subsection (a) of this section had not been enacted until such carrier shall file with the Secretary of the Interior, in the form and manner prescribed by him, a release of any claim it may have against the United States to lands, interests in lands, compensation, or reimbursement on account of lands or interests in lands which have been granted, claimed to have been granted, or which it is claimed should have been granted to such carrier or any such predecessor in interest under any grant to such carrier or such predecessor in interest as aforesaid. Such release must be filed within one year from the date of the enactment of this Act. Nothing in this section shall be construed as requiring any such carrier to recovery to the United States lands which have been heretofore patented or certified to it, or to prevent the issuance of

patents confirming the title to such lands as the Secretary of the Interior shall find have been heretofore sold by any such carrier to an innocent purchaser for value or as preventing the issuance of patents to lands listed or selected by such carrier, which listing or selection has heretofore been duly and finally approved by the Secretary of the Interior to the extent that the issuance of such patents may be authorized by law.

"DEDUCTION OF OVERPAYMENTS

"SEC. 322. Payment for transportation of the United States mail and of persons or property for or on behalf of the United States by any common carrier subject to the Interstate Commerce Act, as amended, or the Civil Aeronautics Act of 1938, shall be made upon presentation of bills therefor, prior to audit or settlement by the General Accounting Office, but the right is hereby reserved to the United States Government to deduct the amount of any overpayment to any such carrier from any amount subsequently found to be due such carrier.

"PART III—AMENDMENTS TO RECONSTRUCTION FINANCE CORPORATION ACT

"SEC. 331. (a) Section 5 of the Reconstruction Finance Corporation Act, as amended, is amended by amending that portion of the third sentence, of the third paragraph, which precedes the last proviso in such sentence to read as follows: 'Within the foregoing limitations of this section, the Corporation, notwithstanding any limitation of law as to maturity, with the approval of the Interstate Commerce Commission, including approval of the price to be paid, may, to aid in the financing, reorganization, consolidation, maintenance, or construction thereof, purchase for itself, or for account of a railroad obligated thereon, the obligations of railroads engaged in interstate commerce, or of receivers or trustees thereof, including equipment trust certificates, or guarantee the payment of the principal of, and/or interest on, such obligations, including equipment trust certificates, or, when, in the opinion of the Corporation, funds are not available on reasonable terms through private channels, make loans, upon full and adequate security, to such railroads or to receivers or trustees thereof for the purposes aforesaid: *Provided*, That in the case of loans to or the purchase or guarantee of obligations, including equipment trust certificates, of railroads not in receivership or trusteeship, the Interstate Commerce Commission shall, in connection with its approval thereof, also certify that such railroad, on the basis of present and prospective earnings, may reasonably be expected to meet its fixed charges, without a reduction thereof through judicial reorganization, except that such certificate shall not be required in case of such loans, purchases, or guaranties made for the maintenance of, or purchase of equipment for, such railroads: *Provided, further*, That for the purpose of determining the general funds of the Corporation available for further loans or commitments, such guaranties shall, to the extent of the principal amount of the obligations guaranteed, be interpreted as loans or commitments for loans: *And provided further*, That the total amount of loans and commitments to railroads, receivers, and trustees, and purchases and guaranties of obligations of railroads, under this paragraph, as amended, shall not exceed at any one time $500,000,000, in addition to loans and commitments made prior to January 31, 1935, and renewals of loans and commitments so made:'.

"(b) Such section 5, as amended, is further amended by adding at the end of the third paragraph thereof the following sentence: 'The title of any owner, whether as trustee or otherwise, to any property leased or conditionally sold to a railroad, or a receiver or trustee thereof, which the Corporation has financed, or in the financing of which the Corporation has aided, any right of such owner to take possession of such property in compliance with the provisions of any such lease or conditional sales contract, and the title of any owner of a collateral note evidencing a loan from the Corporation to a railroad not now in receivership or involved in proceedings under section 77 of the Bankruptcy Act, or a receiver or trustee thereof, and the right of any such owner to acquire title to the collateral securing such note, free and clear of any equity of redemption, in compliance with the contract of pledge, and thereafter to deal with the same as the absolute owner thereof, shall not be affected, restricted, or restrained by or pursuant to the provisions of the Act of July 1, 1898, entitled "An Act to establish a uniform system of bankruptcy throughout the United States", as amended, or by or pursuant to any other provision of law applicable to any proceedings thereunder.'

"(c) The first sentence of section 3 of the Act approved January 31, 1935 (49 Stat., ch. 2, pp. 1–2), is hereby amended by striking out 'January 31, 1945' and inserting in lieu thereof 'January 31, 1955'."

And the House agree to the same.

That the title of the bill be amended to read as follows: "An act to amend the act to regulate commerce, approved February 4, 1887, as amended, so as to provide for unified regulation of carriers by railroad, motor vehicle, and water, and for other purposes."

CLARENCE F. LEA,
ROBERT CROSSER,
A. L. BULWINKLE,
WILLIAM P. COLE, Jr.,
CHAS. A. WOLVERTON,
PEHR G. HOLMES,
CHARLES A. HALLECK,
Managers on the part of the House.

B. K. WHEELER,
VIC DONAHEY,
HARRY TRUMAN,
CLYDE M. REED,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2009), to amend the Interstate Commerce Act, as amended, by extending its application to additional types of carriers and transportation and modifying certain provisions thereof, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

The House amendment strikes out all of the Senate bill after the enacting clause. The Senate recedes from its disagreement to the amendment of the House, with an amendment which is a substitute for both the Senate bill and the House amendment. The differences between the House amendment and the substitute agreed to in conference are noted in the following statement, except for incidental changes made necessary by reason of agreements reached by the conferees, minor clarifying changes, and changes moving forward certain dates due to the lapse of time since the conference committee submitted its first report.

Section 2 (b). Definition of control

This subsection inserts in paragraph (3) of section 1 of the Interstate Commerce Act a definition of "control" which will apply in certain specified sections of the act where that term is used in referring to a relationship between any person or persons and another person or persons. Since the term "person" is defined to include artificial as well as natural persons, the definition of control will cover relationships between corporations, companies, associations, etc.

The definition of control was made to apply only in the specified sections because it was thought undesirable to make any change in the interpretation of present law in certain other provisions of the act, notably section 1 (1) (a) and section 15 (4). The application of this definition of control will in most cases be in connection with the use in the sections to which it applies of the phrase "controlling, controlled by, or under common control with" a carrier. This phrase has been used because it has recently had the benefit of interpretation by the Supreme Court in the case of *Rochester Telephone Corp.* v. *United States* (307 U. S. 125, decided April 17, 1939).

Regulation of forwarding carriers

Section 2 of the House amendment amended section 1 (3) of the Interstate Commerce Act so as to bring forwarding carriers under regulation as common carriers subject to Part I of the Interstate Commerce Act. The Senate bill did not provide for regulation of forwarding carriers.

The conference substitute does not provide for the regulation of forwarding carriers.

The conferees were friendly to the proposal of providing legislation for such regulation, but the legislative situation at the present time makes it inadvisable to include such provisions in the present bill. On June 24, 1940, the Senate Committee on Interstate Commerce concluded hearings on Senate Resolution 146, which authorized an investigation and study of freight forwarders. Subsequently bills providing for regulation of freight forwarders were introduced in the Senate and House and are now subject to report from the appropriate committees to the Senate and House, respectively.

Section 2 (d). Exchange of services between carriers and telephone, telegraph, and cable companies

The conference substitute in section 2 (d) amends section 1 (5) of the Interstate Commerce Act which contains a proviso to the effect that nothing in part I shall be construed to prevent telephone, telegraph, and cable companies from entering into contracts with common carriers for the exchange of service. The amendment strikes out the proviso and adds a separate provision reading as follows:

"Nothing in this act shall be construed to prevent any common carrier subject to this act from entering into or operating under any contract with any telephone, telegraph, or cable company for the exchange of their services."

This change was made in consideration of the fact that there is a provision in section 201 (b) of the Communications Act of 1934 to the effect that nothing in that act or in any other provision of law shall be construed to prevent a common carrier subject to that act from entering into any contract with any common carrier not subject thereto for exchanges of services, if the Federal Communications Commission is of the opinion that such contract is not contrary to the public interest.

Section 3 (a), (b) and (c). Transportation, free or at reduced rates

The House amendment in section 4 amended the free-pass and free-transportation provision of present law (sec. 1 (7), Interstate Commerce Act) to permit free transportation of certain additional classes of persons. The conference substitute in section 3 eliminates "agents" from the class of persons to whom free transportation may be given under sections 1 (7) and 22 of the Interstate Commerce Act. The substitute also includes a provision from the Senate bill extending the privilege of free transportation to additional classes of Post Office Department employees.

Section 3 (d) and (e). Repeal of certain provisions in section 22 of the Interstate Commerce Act

The conference substitute contains in section 3 (d) provisions repealing the last sentence of paragraph (1) of section 22 of the Interstate Commerce Act, relating to the authority of carriers by railroad to grant reduced rates with the objective of improving

Nation-wide housing standards and providing employment and stimulating industry.

Section 3 (e) repeals paragraphs (2) and (3) of such section 22 which authorizes the Commission to require carriers by railroad to issue interchangeable mileage or scrip coupon tickets. This latter provision is repealed because it is not necessary in view of the provisions of present law in section 22 (1) which authorizes the issuance of interchangeable 5,000-mile tickets.

Section 4 (a). Car service; protective service

Section 5 of the House amendment amended section 1 (14) of the Interstate Commerce Act so as to make it clear that the Commission's jurisdiction with respect to car service and the compensation to be paid for the use of any car now owned by the carrier using it includes a car of private as well as of carrier ownership. The conference substitute in section 4 (a) retains this change in present law and also gives the Commission increased authority as to the terms of any contract, agreement, or arrangement for the use of any locomotive, car, or other vehicle. The conference substitute adds a new subparagraph (b) to section 1 (14) requiring approval of the Commission in the case of contracts for the furnishing to common carriers by railroad, or to express companies, of protective service against heat or cold.

Section 4 (b). Bribery in car service matters

The conference substitute in section 4 (b), which is new, amends section 1 (17) of the present law so as to prohibit any person from giving a bribe to any person acting for or employed by any carrier by railroad with intent to influence his decision or action with respect to car service and prohibits any person acting for or employed by such carrier to receive any bribe in connection with car service. It provides a penalty of not more than $1,000 or imprisonment for a term of not exceeding 2 years, or both.

Section 4 (c). Spur, industrial, team, switching, or side tracks

Section 1 (18) of the present law provides for the issuance of a certificate of public convenience and necessity to a carrier by railroad which undertakes to extend its line or to construct a new line, etc. The conference substitute, in section 4 (c), adds a new sentence providing that nothing in this paragraph or in section 5 shall be construed to prohibit the making of contracts between carriers by railroad, without the approval of the Commission, for the joint ownership or joint use of spur, industrial, team, switching, or side tracks.

Section 5 (a). Undue preference and undue prejudice

Section 6 of the House amendment amended section 3 (1) of the Interstate Commerce Act, which makes it unlawful for any common carrier subject to part I to give any undue preference, or cause undue prejudice, to any person, locality, port, port district, gateway, or transit point, or to any particular description of traffic. The House amendment added the words "region, district, territory" to the list of places and localities.

The conference substitute in section 5 retains this amendment and adds a proviso that this paragraph shall not be construed to apply to discrimination, prejudice, or disadvantage to the traffic of any other carrier of whatever description.

A similar proviso is contained in section 216 (d) of part II with respect to common carriers by motor vehicle, and in section 305 (c) of new part III with respect to common carriers by water.

Section 5 (a). Export rates on agricultural commodities

Section 6 of the House amendment included an amendment, adopted on the floor of the House (the Jones amendment) which added a new paragraph to section 3 of the Interstate Commerce Act, as follows:

"(1a) It is hereby declared to be the policy of Congress that shippers of wheat, cotton, and all other farm commodities for export should have substantially the same advantage of reduced rates, as compared to shippers of such commodities not for export, that are in effect in the case of shipment of industrial products for export as compared with shipment of industrial products not for export, and the Interstate Commerce Commission is hereby directed to institute such investigations, to conduct such hearings, and to issue orders making such revision of rates as may be necessary for the purpose of carrying out such policy."

There was no similar provision in the Senate bill.

The substitute amendment for the Jones amendment, agreed upon by the conferees, provides for the benefits contemplated by the original amendment and removes the uncertainties involved in the original language. The substitute also recognizes that agricultural and industrial products should be granted export rates on the same principles and without unjust discrimination. The substitute also provides for investigations, hearings, and orders that may be necessary to correct any such discriminations that might be found to exist in the administering of export rates.

The substitute amendment, which the conferees believe fully accomplishes the purposes of the original amendment, reads as follows:

"(1a) It is hereby declared to be the policy of Congress that shippers of wheat, cotton, and all other farm commodities for export shall be granted export rates on the same principles as are applicable in the case of rates on industrial products for export. The Commission is hereby directed, on its own initiative or on application by interested persons, to make such investigations, and conduct such hearings, and, after appropriate proceedings, to issue such orders, as may be necessary to carry out such policy."

Section 5 (c) and (d). Liability for legally applicable charges

The conference substitute in a new provision in section 5 (c) amends paragraph (2) of section 3 of the Interstate Commerce Act by adding two sentences providing that in case of a shipment transported by a carrier by railroad which has been reconsigned or diverted by an agent who has furnished the carrier in the reconsignment or diversion order with a notice of agency and the proper name and address of the beneficial owner, and where shipment is refused or abandoned at ultimate destination, the beneficial owner shall be liable for all legally applicable charges. If the reconsignor or diverter, however, has given erroneous information as to who the beneficial owner is, such reconsignor or diverter shall himself be liable for such charges.

The House amendment in section 6 thereof amended section 3 of the Interstate Commerce Act by adding a new paragraph (3) which relieved from liability for transportation charges a consignor (who is also the consignee named in the bill of lading) who, prior to the time of delivery, notified in writing a delivering carrier by railroad or by express (*a*) to deliver such property at destination to another party, (*b*) that such party was the beneficial owner, and (*c*) that delivery was to be made to such party only upon payment of all transportation charges in respect of the transportation of such property, and delivery was made by the carrier to such party without such payment. The party to whom delivery was so made (if such party was the beneficial owner) was made liable for such transportation charges and for any additional charges which might be found to be due after delivery of the property. If the consignor, however, gave the delivering carrier erroneous information as to who the beneficial owner was, such consignor was made liable for such transportation charges.

The conference substitute in section 5 (d) retains these provisions except that in making liable for charges the party to whom delivery is made it omits the phrase "(if such party is the beneficial owner)" and, in addition, provides that if the party to whom delivery is made has, prior to such delivery, notified in writing the delivering carrier that he is not the beneficial owner of the property and has given the delivering carrier in writing the name and address of such beneficial owner, such party shall not be liable for any additional charges which may be found to be due after delivery of the property; but if the party to whom delivery is made has given to the carrier erroneous information as to the beneficial owner, such party shall nevertheless be liable for such additional charges.

Section 5 (f). Joint use of terminal facilities

The conference substitute, in section 5 (f), amends section 3 (4) of the Interstate Commerce Act which authorizes the Commission to require, in the public interest, the use of the terminal facilities of a carrier subject to part I by another carrier or carriers at a just and reasonable compensation. The amendment limits the provisions of this section so as to make them apply only to common carriers by railroad.

Section 6. Long-and-short-haul provision

The conference substitute, in section 6, amends section 4 (1) of the Interstate Commerce Act.

The effect of the amendment is to extend the provisions of section 4 (1), which contains the long-and-short-haul provision and the aggregate-of-intermediate-rates provision, so that they will apply to common carriers by water subject to part III as well as to common carriers subject to part I. It repeals the "equidistant" clause, which reads as follows:

"And if a circuitous rail line or route is, because of such circuity, granted authority to meet the charges of a more direct line or route to or from competitive points and to maintain higher charges to or from intermediate points on its line, the authority shall not include intermediate points as to which the haul of the petitioning line or route is not longer than that of the direct line or route between the competitive points."

A new proviso is added, as follows:

"*And provided further,* That tariffs proposing rates subject to the provisions of this paragraph may be filed when application is made to the Commission under the provisions hereof, and in the event such application is approved, the Commission shall permit such tariffs to become effective upon 1 day's notice."

Section 7. Consolidations, mergers, acquisitions of control, etc.

The House amendment in section 8 and the Senate bill in section 49 provided for the revision of the provisions of section 5 of the Interstate Commerce Act relating to consolidations, mergers, acquisitions of control, etc., making such revised section apply to all types of carriers subject, and proposed to be made subject, to the Interstate Commerce Act. As a necessary incident, the repeal of section 213 (relating to unifications, etc., in case of motor carriers) was provided for.

The conference substitute, in section 7, includes the provisions of the House amendment with certain revisions, and in section 21 (e) repeals section 213 of the Interstate Commerce Act. Aside from clarifying changes, these revisions are as follows:

1. Paragraph (2) is changed by adding the words "or otherwise" in several places, so that acquisitions of control by methods other than through ownership of stock is authorized with Commission approval.

2. Paragraph (2) is made to cover a consolidation or merger of franchises.

3. Specific authority is granted to acquire trackage rights, with Commission approval. This provision was taken from the Senate bill.

4. The House amendment included a proviso (the Harrington amendment) prohibiting approval of any transaction which would result in unemployment or displacement of employees, or in the impairment of their employment rights. There was no similar provision in the Senate bill. In lieu of this proviso, the following provision has been included in the conference substitute:

"(f) As a condition of its approval, under this paragraph (2), of any transaction involving a carrier or carriers by railroad subject to the provisions of this part, the Commission shall require a fair and equitable arrangement to protect the interests of the railroad employees affected. In its order of approval the Commission shall include terms and conditions providing that during the period of 4 years from the effective date of such order such transaction will not result in employees of the carrier or carriers by railroad affected by such order being in a worse position with respect to their employment, except that the protection afforded to any employee pursuant to this sentence shall not be required to continue for a longer period, following the effective date of such order, than the period during which such employee was in the employ of such carrier or carriers prior to the effective date of such order. Notwithstanding any other provisions of this act, an agreement pertaining to the protection of the interests of said employees may hereafter be entered into by any carrier or carriers by railroad and the duly authorized representative or representatives of its or their employees."

The substitute proposal for the Harrington amendment, as recommended to the conferees by instruction of the House, provided in substance that in case of consolidations and other unifications involving carriers by railroads, the Commission should in its order of approval require fair and equitable arrangements to protect the interests of the railroad employees affected. This provision has been retained in the substitute amendment agreed upon in conference.

The instruction of the House also made the provisions of the amendment applicable to the case where another means of transportation was substituted for rail transportation proposed to be abandoned. This provision is omitted from the substitute adopted in conference. A consideration of the application of this provision was, in the judgment of the conferees, found to be impracticable of proper administration.

The conference agreement on the Harrington amendment includes a provision of the instruction which provides that the order of approval shall include terms and conditions providing that the transaction shall not result in the employees being in a worse position with respect to their employment. The conference agreement, however, qualifies this provision by confining its operation to a period of 4 years from the effective date of the order approving the transaction and providing further that the protection afforded to an employee shall not be required to continue for a longer period following the effective date of the order than the period for which such employee was in the employ of an affected carrier prior to the effective date of the order.

In other words, the Harrington amendment made all employees of the affected carriers equal beneficiaries of its provisions regardless of the length of time they may have been employed prior to a consolidation. It also required the carrier to maintain the benefits of its provisions indefinitely and without any specified limitation by time or otherwise. Under the terms of the conference agreement the benefits to employees will be required to be paid for not longer than 4 years after the consolidation, and in no case for longer than the service of the employee for the affected carriers prior to the effective date of the order authorizing the consolidation.

5. The definitions of "person" and "control" have been eliminated as unnecessary because of the new definitions of "person" and "control" applying generally to part I.

6. Forwarding carriers are not included among the carriers to which the revised section 5 will apply.

7. The so-called Panama Canal Act provisions (pars. 19, 20, and 21 of sec. 5 of the present law) have been modified for the purpose of clarifying their relation to the other provisions of the section and of making more certain the authority of the Commission, in connection with which there has apparently been doubt, with respect to the installation of new service.

Section 8 (a). Authority with respect to schedules

The conference substitute, in section 8 (a), amends section 6 (6) of the Interstate Commerce Act so as to clarify the Commission's authority with respect to the filing, publication, posting, and rejection of schedules required to be filed under such section 6.

Section 8 (b). Repeal of paragraphs (11) and (12) of section 6

The conference substitute, in section 8 (b), repeals paragraphs (11) and (12) of section 6 of the Interstate Commerce Act, which require part I carriers to furnish, upon written request, a statement of the rate applicable to a described shipment, and require rail carriers to post in every freight station the name of a resident agent. These paragraphs are considered to be obsolete.

Section 8 (c) and (d). Arrangements with water carriers operating to foreign ports

The conference substitute in section 8 (c) and (d) amends section 6 (13) of the Interstate Commerce Act which provides that if any carrier by railroad enters into an arrangement with any water carrier operating from a port in the United States to a foreign country for handling through business between interior points of the United States and such foreign country, the Commission may require such rail carrier to enter into similar arrangements with any and all other lines of steamships operating from the said port to the same foreign country.

The amendment repeals the present paragraph (d) and embodies these provisions, with amendments, in a new paragraph (12) of such section 6, applicable to any common carrier subject to the act which enters into such arrangements.

Section 9 (a). Authority of Commission to inquire into the management of persons controlling carriers

Section 12 (1) of the present act grants the Commission authority to inquire into the management of the business of all common carriers subject to part I. The conference substitute in section 9 (a) amends such section 12 (1) by granting the Commission power also to inquire into and report on the management of the business of persons controlling, controlled by, or under a common control with, such carriers to the extent that the business of such persons is related to the management of the business of one or more such carriers. The Commission is authorized to obtain from such persons such information as the Commission deems necessary to carry out the provisions of part I; and to transmit to Congress from time to time such recommendations, including recommendations as to additional legislation, as the Commission considers necessary.

The same power is granted the Commission in amended section 204 (a) (7) of part II with respect to such persons in relation to motor carriers and in section 304 (b) of new part III in relation to water carriers.

Section 10 (b). Limitation on "short hauling" a rail carrier

Section 15 (4) of the Interstate Commerce Act imposes a restriction upon the authority of the Commission to establish through routes over railroad lines. The Commission is prohibited from requiring "any carrier by railroad, without its consent, to embrace in such route substantially less than the entire length of its railroad and of any intermediate railroad operated in conjunction and under a common management or control therewith, which lies between the termini of such proposed through route." There are four exceptions, or conditions, under which the restriction does not apply. First, where such inclusion of lines would make the through route unreasonably long as compared with another practicable through route which could otherwise be established; second, where one of the carriers is a water line; third, where there is involved a matter arising under the provisions of section 3 which, among other things, relate to undue preference of, or undue prejudice to, persons, localities, or traffic, discriminations in the interchange of traffic, and requirements by the Commission with respect to common use of terminals; and fourth, where the establishment of temporary through routes are necessary or desirable in the public interest in time of shortage of equipment, congestion of traffic, or other emergency declared by the Commission.

The House amendment made no change in the short-haul provisions of section 15 (4) and the exceptions thereto. The conference substitute in section 10 (b) retains them and includes another exception by providing that the restriction against short hauling a rail carrier shall not apply where the Commission finds that the through route proposed to be established is needed in order to provide adequate and more efficient or more economic transportation. The Commission in the exercise of this additional authority is directed to give reasonable preference in any particular case to the carrier by railroad which originates the traffic, so far as is consistent with the public interest and subject to the limitations with respect to unreasonably long routes and the necessity of providing adequate and more efficient or more economic transportation. The Commission is prohibited from establishing any through route and joint rates applicable thereto for the purpose of assisting any carrier that would participate therein to meet its financial needs.

A further amendment is made to the through-routes provision, by providing in section 15 (3) of the Interstate Commerce Act a provision that if any tariff or schedule canceling any through route or joint rate, fare, charge, or classification, without the consent of all carriers parties thereto or authorization by the Commission, is suspended by the Commission for investigation, the burden of proof shall be upon the carrier or carriers proposing such cancelation to show that it is consistent with the public interest, without regard to the short-haul provisions of section 15 (4).

Section 10 (c). Burden of proof on change of rates

The conference substitute in section 10 (c) amends section 15 (7) of the Interstate Commerce Act. The effect of the amendment is to place the burden of proof upon a carrier subject to part I to show that any proposed change made by it in a rate, fare, charge, classification, rule, regulation, or practice is just and reasonable, at any hearing involving such change. The provision in existing law places this burden upon the carrier only where the carrier proposes to increase a rate, fare, or charge.

A similar change is made in section 216 (g) with respect to a proposed change made by a common carrier by motor vehicle in its rate, fare, charge, classification, or rule, regulation, or practice; in section 218 (c) with respect to any proposed new rate or any reduced charge made by a contract carrier by motor vehicle; and in section 307 (g) and (i) of new part III with respect to carriers by water.

Section 10 (d). Allowances

Section 15 (13) of the Interstate Commerce Act authorizes carriers subject to part I to pay allowances to the owner of property transported for any service or instrumentality furnished by such owner in connection with the transportation. The conference substitute in section 10 (d) provides that such charge and allowance

shall be published in tariffs or schedules filed in the manner provided in the Interstate Commerce Act.

The conference substitute in section 225 of part II adds a similar provision with respect to charges and allowances paid by motor carriers, and in section 314 of part III with respect to charges and allowances paid by water carriers.

Section 10 (e). Rule of rate making for rail carriers

The conference substitute in section 10 (e) amends paragraph 2 of section 15a of the Interstate Commerce Act to read as follows, inserting the words "by the carrier or carriers for which the rates are prescribed":

"(2) In the exercise of its power to prescribe just and reasonable rates the Commission shall give due consideration, among other factors, to the effect of rates on the movement of traffic by the carrier or carriers for which the rates are prescribed; to the need, in the public interest, of adequate and efficient railway transportation service at the lowest cost consistent with the furnishing of such service; and to the need of revenues sufficient to enable the carriers, under honest, economical, and efficient management, to provide such service."

Section 11 (b). Service of notice

The conference substitute in section 11 (b) amends section 16 (5) of the Interstate Commerce Act, which relates to the service of orders upon the designated agent in Washington of a carrier subject to part I, by providing that in proceedings before the Commission involving the lawfulness of rates, fares, charges, classifications, or practices, service of notice upon an attorney in fact of a carrier who has filed a tariff or schedule in behalf of such carrier shall be deemed sufficient service upon the carrier, except where the carrier has designated an agent in Washington upon whom service of notices and processes may be made.

Section 12. Commission procedure

Section 13 of the House amendment rewrote section 17 of the Interstate Commerce Act which deals with the administrative disposition of matters coming within the Commission's jurisdiction. The revision included matter in sections 204 (e) and 205 (a) which contained provisions dealing with procedural matters under part II of the Interstate Commerce Act relating to motor-carrier proceedings. Such sections 204 (e) and 205 (a) were repealed. Among other things, the revised section 17 provided for the assignment of work or functions to an individual commissioner, an examiner, or board of examiners.

The provisions of this section of the House bill are retained in the conference substitute in section 12, but modifications are made therein, the more important of which are as follows:

1. The Commission may not, under the rewritten section, assign work or functions to an individual examiner, except to the extent that such assignment is already permitted under part II of the Interstate Commerce Act.

2. Instead of providing for the assignment of work or functions to boards of examiners, the rewritten section provides for assignment thereof to boards of employees. The employees who are eligible to serve are examiners, directors, or assistant directors of bureaus, chiefs of sections, and attorneys.

3. The secretary to the Commission is given authority to administer oaths and sign subpenas.

4. A new paragraph (9) is included providing that orders of a division, an individual Commissioner, or a board shall be subject to judicial review, as in the case of full Commission orders, after an application for rehearing has been made and acted upon.

5. The rewritten section includes a provision taken from the Senate bill authorizing the Commission to promulgate regulations relating to admission to practice before it and authorizing the Commission to impose a reasonable fee in connection with such admission, such fees to be deposited in the Treasury of the United States.

Section 13 (a). Accounts, records, and reports

The conference substitute amends section 20 of the Interstate Commerce Act which relates to accounts, records, reports, etc., of carriers subject to part I. The principal change is that which gives the Commission or its agents authority to inspect and copy accounts, books, records, memoranda, correspondence, and other documents of any person controlling, controlled by, or under common control with any such carrier, as the Commission deems relevant to such person's relation to or transactions with such carriers. The provision in the present law that the Commission may require annual, periodical, or special reports from the owners of railroads and prescribe the manner in which such reports shall be made is amended so as to make such provisions apply to a lessor, which is defined to mean a person owning a railroad, a water line, or a pipe line, leased to and operated by such common carrier. The provision in present law which authorizes the Commission to require from such carriers specific answers to questions upon which the Commission may need information is amended by providing that the Commission may require from such carriers and lessors specific and full, true, and correct answers to such questions. Certain other changes are made with respect to the matter to be contained in annual reports and the time within which annual reports shall be filed with the Commission.

An additional provision is added which authorizes the Commission or its agents to inspect and copy the accounts, books, records, memoranda, correspondence, and other documents of persons which furnish cars or protective service against heat or cold to any carrier by railroad or express company. This authority is limited to accounts, etc., which pertain or relate to the cars or protective service so furnished. The Commission may prescribe the forms of accounts, records, and memoranda which it is authorized by this paragraph to inspect and copy and to require the persons furnishing such cars or service to submit such reports and specific and full, true, and correct answers to such questions relative to such cars or service as the Commission deems necessary. Certain other changes of lesser importance are included in the amended section.

Penalties are provided for violations of the new requirements included in the amended section.

The conference substitute in section 13 (a) amends paragraph (8) of section 20 of the Interstate Commerce Act, which provides a penalty in the case of an examiner who divulges any information which may come to his knowledge during the course of examination of accounts, records, etc., by providing specifically that the offense shall be a misdemeanor and reducing the maximum penalty now provided by law from $5,000 to $500 and from 2 years' imprisonment to 6 months' imprisonment.

Section 13 (b). Liability for loss and damage

The conference substitute amends section 20 (11) of the Interstate Commerce Act, which provides that any receiving or delivering carrier subject to part I shall be liable (except as provided in the paragraph) for the full actual loss or damage to property transported. The paragraph contains a proviso to the effect that if the loss or damage occurs while the property is in the custody of a carrier by water the liability of the carriers concerned shall be determined by the laws and regulations applicable to transportation by water. The conference substitute in section 13 (b) amends the proviso to read as follows:

"*Provided*, That if the loss, damage, or injury occurs while the property is in the custody of a common carrier by water the liability of such carrier shall be determined by the bill of lading of the carrier by water and by and under the laws and regulations applicable to transportation by water, and the liability of the initial or delivering carrier shall be the same as that of such carrier by water."

Section 14 (a). Repeal of section 25 relating to water carriers in foreign commerce

The conference substitute in section 14 (a) repeals section 25 of the Interstate Commerce Act, which requires common carriers by water in foreign commerce to file with the Commission schedules of sailings to foreign destinations, and, upon application of any shipper or carrier by railroad, to reserve space in its vessels at a specific rate for the quantity of cargo offered when such shipper delivers the shipment on a through bill of lading to a carrier by railroad at places designated by the Commission.

The retention of this provision in the law was deemed unnecessary.

Section 17 (b). Transportation by motor vehicle in terminal areas

Section 18 of the House amendment amended the definition of common carrier by motor vehicle and of contract carrier by motor vehicle, contained in section 203 of the Interstate Commerce Act. These definitions, as rewritten, provided that in case of transfer, collection, or delivery services by motor vehicle within terminal areas, performed by rail carriers or water carriers, and incidental to transportation subject to part I or part III, such transportation would be subject to part I and part III, respectively, and be regulated as transportation subject to those parts of the act.

These definitions, as rewritten, also dealt with the case where a person (acting as agent or under a contractual arrangement) performed transfer, collection, or delivery services by motor vehicle within terminal areas for carriers by railroad, express companies, other motor carriers, or water carriers, and provided that in such a case the transportation should be regulated as transportation performed by the person for whom the services were rendered in the same manner as the railroad, express, motor carrier, or water transportation to which the services were incidental.

The provisions referred to above are retained in the conference substitute, but for purposes of simplification and clarification they are taken out of the definitions above referred to and, by section 17 (b), are included in a new subsection (c) added to section 202 of the Interstate Commerce Act.

Section 18 (b) (1) and (2). Trolley busses

The conference substitute in section 18 (b) (1) and (2) amends section 203 of the Interstate Commerce Act, by striking out the provision in clause (5) of subsection (b) which gives a qualified exemption from the provisions of part II applicable to trolley busses furnishing local passenger transportation service similar to street railway service, and provides an absolute exemption for such trolley busses by excluding them from the definition of the term "motor vehicle" in section 203 (a) (13).

Section 18 (b) (3). Motor vehicles operated by a farmer

Section 203 (b) (4a) of the Interstate Commerce Act gives a qualified exemption from the provisions of part II applicable to motor vehicles controlled and operated by any farmer and used in the transportation of his agricultural commodities and products thereof, or in the transportation of supplies to his farm.

The conference substitute in section 18 (b) (3) amends this provision by providing that the exemption shall apply only when such motor vehicles are used in such transportation.

Section 18 (b) (4). Federation of cooperative associations

Section 203 (b) (4b) of the Interstate Commerce Act gives a qualified exemption from the provisions of part II applicable to motor vehicles controlled and operated by a cooperative association

as defined in the Agricultural Marketing Act, approved June 15, 1929.

The conference substitute in section 18 (b) (4) retains this provision and, in addition, grants the same exemption to motor vehicles controlled and operated by a federation of such cooperative associations if such federation possesses no greater powers or purposes than cooperative associations so defined.

Section 18 (b) (5). Ordinary livestock

The conference substitute amends section 203 (b) (6) of the Interstate Commerce Act which provides among other things a qualified exemption from the provisions of part II applicable to motor vehicles used in carrying property consisting of livestock, by limiting the exemption to the carriage of ordinary livestock.

Section 18 (b) (6). Casual transportation by motor vehicle

Section 203 (b) (9) of the Interstate Commerce Act provides a qualified exemption from the provisions of part II applicable to the casual, occasional, or reciprocal transportation of passengers or property for compensation by any person not engaged in transportation by motor vehicle as a regular occupation or business.

The conference substitute in section 18 (b) (6) retains this provision but provides an exception in the case of such transportation of passengers, where the transportation is sold, or offered for sale, or furnished, or arranged for, by a broker or by any other person who sells or offers for sale transportation furnished by a person lawfully engaged in the transportation of passengers by motor vehicle under a certificate or permit issued by the Commission.

Section 19. Exemption of certain interstate and foreign operations of motor carriers

The House amendment added to section 204 (a) of the Interstate Commerce Act a new paragraph (4a) authorizing the Commission to make exemptions in the case of motor carriers operating in interstate or foreign commerce but physically operating wholly within the borders of a State. The exemptions were made dependent upon findings by the Commission that the operations were in fact of such nature, character, or quantity as not substantially to affect or impair uniform regulation by the Commission of transportation by motor carriers engaged in interstate commerce in effectuating the national transportation policy declared in the Act. This subparagraph provided that the filing of an application for exemption, accompanied by a certificate of the State board of the State in which the operations of the carriers were carried on, stating in the opinion of such board such carrier was entitled to a certificate of exemption, should exempt the carrier until final disposition of the application.

The conference substitute in section 19 follows the House amendment except that the provision relating to the certificate of a State board is changed so that the filing of such a certificate operates to exempt the carrier only after the expiration of 60 days from the date application is made to the Commission, thus giving the Commission 60 days within which it can act to prevent the automatic exemption from taking effect.

It is further provided that in case a motor carrier has become exempt as provided in this subparagraph, it shall not be considered to be a burden on interstate commerce for a State to regulate such carrier with respect to the operations covered by the exemption.

Section 20 (a). Authority to inquire into the management of the business of persons controlling motor carriers, etc.

The conference substitute in section 20 (a) amends section 204 (a) (7) of the Interstate Commerce Act which gives the Commission authority to inquire into the organization of motor carriers and brokers and into the management of their business, and to transmit to Congress from time to time such recommendations as to additional legislation relating to such carriers or brokers as the Commission may deem necessary.

The amendment retains the authority with respect to inquiry into the management of the business of motor carriers and brokers and strikes out the authority to inquire into the organization of such carriers and brokers. It broadens the provision so that the Commission will have this authority also with respect to the management of the business of persons controlling, controlled by, or under common control with, motor carriers, to the extent that the business of such persons is related to the management of the business of such motor carriers. A further change is made to authorize the Commission to transmit to Congress from time to time such recommendations as the Commission may deem necessary, in addition to recommendations as to additional legislation.

Section 20 (b). Code of fair competition

Section 204 (b) of the Interstate Commerce Act provides that the provisions of any code of fair competition for any industry embracing motor carriers approved pursuant to the National Industrial Recovery Act which is in conflict or inconsistent with any action under the provisions of part II of the Interstate Commerce Act shall have no force and effect. The conference substitute in section 20 (b) repeals the said subsection because it is obsolete.

Section 20 (d). Joint boards—failure of member to participate

The conference substitute in section 20 (d) amends the proposed new subsection (b) of section 205 of the Interstate Commerce Act by adding a new provision reading as follows:

"The failure of a duly appointed member of a joint board to participate in any hearing on a matter referred to such joint board after notice thereof shall be considered to constitute, as to the matter referred, a waiver of action on the part of the State from which such member was appointed."

Section 20 (e). "Grandfather" certificates based on seasonal operations

The conference substitute, in section 20 (e), amends section 206 (a) of the Interstate Commerce Act, relating to the issuance of "grandfather" certificates to common carriers by motor vehicles engaged in seasonal operations on June 1, 1935, by requiring that the carriers must have "so operated since that time" in order to be entitled to a certificate.

Provision relating to power of the Commission to limit scope of motor-carrier operations

Section 21 of the House amendment amended subsection (a) of section 208 and subsection (b) of section 209 of part II of the Interstate Commerce Act, by providing that the Commission should not impose any condition or limitation which would prevent a motor carrier entitled to a certificate or permit on the basis of its operations on or prior to June 1, 1935, or July 1, 1935, respectively, from transporting any commodity or class thereof which it transported, or from engaging in transportation from or to points to or from which it transported such commodity or class, on or prior to said dates.

These amendments were intended to correct certain purported inequities which had developed in the administration of part II of the Interstate Commerce Act. Various proposed modifications of these amendments were considered by the conference committee but no satisfactory amendment was presented to the conferees. In view of this fact, and in view of the fact that the provisions proposed to be amended have been in effect since 1935 and readjustments in the business of motor carriers have thus far taken place upon the basis of the present provisions of law, the conference committee omitted these proposed amendments to sections 208 and 209 from the conference substitute bill.

Section 21 (a). Dual operations under certificates and permits, motor carriers

The conference substitute in section 21 (a) amends section 210 of the Interstate Commerce Act which prohibits a person from holding at the same time both a certificate as a common carrier of property by motor vehicle and a permit as a contract carrier of property by motor vehicle over the same route or within the same territory, unless for good cause shown the Commission shall find that both forms of operating authority may be held consistent with the public interest and with the policy declared in part II, so that the section will apply not only to a particular motor carrier but also to any person controlling, controlled by, or under common control with, such person.

Section 22 (b). Undue preference or advantage

The conference substitute in section 22 (b) amends section 216 (d) of the Interstate Commerce Act by extending the prohibition against undue or unreasonable preference to cover a region, district, or territory, so as to make it conform to the revised section 3 (1) of the Interstate Commerce Act applicable to common carriers subject to part I.

Section 22 (c). Suspension of schedules of common carriers by motor vehicle; burden of proof

Section 216 (g) of the Interstate Commerce Act authorizes the Commission to suspend any schedule of a common carrier by motor vehicle which states a new rate or charge or any new rule or regulation affecting a rate or charge. The operation of such schedule may be suspended for an initial period of 90 days which may be extended but not for a longer period in the aggregate than 180 days. The conference substitute in section 22 (c) retains the suspension power but provides for a suspension period which shall not exceed 7 months.

Said section 216 (g) also provides that the burden of proof shall be upon the common carrier to show that the increased rate or the proposed rule, etc., is just and reasonable. The conference substitute amends the burden-of-proof rule by providing that the burden of proof shall be upon the common carrier to show that any proposed changed rate or rule, etc., is just and reasonable.

Section 22 (d). Rule of rate making for motor carriers

The conference substitute in section 22 (d) amends section 216 (i) of the Interstate Commerce Act to read as follows:

"(i) In the exercise of its power to prescribe just and reasonable rates, fares, and charges for the transportation of passengers or property by common carriers by motor vehicle, and classifications, regulations, and practices relating thereto, the Commission shall give due consideration, among other factors, to the inherent advantages of transportation by such carriers; to the effect of rates upon the movement of traffic by the carrier or carriers for which the rates are prescribed; to the need, in the public interest, of adequate and efficient transportation service by such carriers at the lowest cost consistent with the furnishing of such service; and to the need of revenues sufficient to enable such carriers, under honest, economical, and efficient management, to provide such service."

The change from existing law is the addition of the words "and classifications, regulations, and practices relating thereto," and the words "by the carrier or carriers for which the rates are prescribed." The addition of these words makes this subsection in this respect correspond to amended section 15a of part I and section 307 (f) of the new part III.

The rule of rate making for contract carriers by motor vehicle is in amended section 218 (b) of part II, and the rule for contract carriers by water is in section 307 (h) of the new part III.

Section 23 (e). Schedules of rates, and contracts, of contract carriers by motor vehicle

Section 24 of the House amendment amended subsection (a) of section 218 of the Interstate Commerce Act, which relates to schedules of rates and to contracts of contract carriers by motor vehicles. It provided that the schedules required to be filed with the Commission by such carriers should contain the minimum charges actually maintained and charged. It retained the provision that the Commission, in its discretion, might require such a carrier to file with it, in lieu of such schedules, copies of contracts between it and shippers. The section authorized the Commission to make public the min mum rates or charges contained in such contracts but prohibited it from making public the names of the persons for whom the property is transported and other terms of the contracts, except where the Commission determined such contracts should be made available as a part of the record in a formal proceeding provided the Commission found such action consistent with the public interest.

The conference substitute in section 23 (a) retains the provision of this section of the House amendment which required the schedules to contain the rates actually maintained and charged. A provision is added which makes it the duty of every contract carrier by motor vehicle to establish and observe reasonable minimum rates and charges and reasonable regulations and practices to be applied in connection therewith.

The provision with respect to the filing of contracts in lieu of schedules is omitted in view of the provision in the present law in section 220 (a) of the Interstate Commerce Act, which gives the Commission authority to require any motor carrier to file with it a copy of any contract between the carrier and any other carrier or person in relation to any traffic affected by the provisions of part II of the act.

The provision with respect to publicity of such contracts is also omitted, but in lieu thereof provisions are added by section 24 to said section 220 (a) providing for publicity under certain conditions.

Section 23 (b). Commission's power to prescribe minimum charges of contract carriers by motor vehicle

The conference substitute amends section 218 (b) of the Interstate Commerce Act. This subsection of existing law authorizes the Commission to prescribe the minimum charge of a contract carrier by motor vehicle or the rule, regulation, or practice affecting such charge or the value of the services where the Commission finds that any charge, rule, regulation, or practice of such a carrier contravenes the policy declared in section 202 (a) of part II. The Commission may prescribe such minimum charge, rule, regulation, or practice as in its judgment may be necessary or desirable in the public interest and to promote the policy declared in said section.

The conference substitute in section 23 (b) retains these provisions but amends them by providing that the Commission may prescribe the just and reasonable minimum rate or charge, or the rule, regulation, or practice affecting such minimum rate or charge, where the Commission finds that such rate or charge, or rule, regulation, or practice contravenes the national transportation policy declared in this act or is in contravention of any provision of part II. The Commission is authorized to prescribe such just and reasonable minimum rate or charge, or such rule, regulation, or practice as in its judgment may be necessary or desirable in the public interest and to promote such policy, and will not be in contravention of any provision of such part.

Section 23 (c). Suspension of schedules of contract carriers by motor vehicle; burden of proof

Section 218 (c) of the Interstate Commerce Act authorizes the Commission to suspend any schedule of a contract carrier by motor vehicle which states a reduced charge directly or by means of any rule, regulation, or practice. The operation of such schedule may be suspended for an initial period of 90 days, which may be extended but not for a longer period in the aggregate than 180 days. The conference substitute in section 23 (c) retains the suspension power but provides for a suspension period which shall not exceed 7 months.

The present law places no burden of proof upon the contract carrier to show that any proposed charge for a new service or any reduced charge or changed rule, etc., affecting such charge is just and reasonable. The conference substitute adds a provision that the rule as to burden of proof specified in section 216 (g) with respect to common carriers by motor vehicle shall apply to contract carriers by motor vehicle.

Section 24. Accounts, records, and reports of motor carriers

Section 220 of the Interstate Commerce Act authorizes the Commission to require annual and other reports from motor carriers and brokers and to prescribe the forms of accounts, records, and memoranda to be kept by such carriers; and authorizes the Commission or its duly authorized agents to have access to lands, buildings, and such accounts, records, and memoranda for inspection and examination.

The conference substitute in section 24 retains these provisions, and said section amends section 220 by authorizing the Commission to require annual and other reports from a lessor, which is defined to mean a lessor of any right to operate as a motor carrier. The amended section authorizes the Commission or its agents to inspect and copy accounts, records, etc., of lessors; and, also, such accounts, records, etc., of any person controlling, controlled by, or under common control with any such carrier as the Commission deems relevant to such person's relation to or transactions with such carrier. Certain other changes are made in the amended section with respect to accounts, records, and reports in order to make the requirements thereof more definite and specific.

Section 24. Accident reports, motor carriers

The conference substitute in section 24 adds to section 220 of the Interstate Commerce Act (which relates to accounts, records, and reports) a new subsection (f), reading as follows:

"(f) No report by any motor carrier of any accident arising in the course of the operations of such carrier, made pursuant to any requirement of the Commission, and no report by the Commission of any investigation of any such accident, shall be admitted as evidence or used for any other purpose in any suit or action for damages growing out of any matter mentioned in such report or investigation."

Section 24. Contracts of contract carriers by motor vehicle

Section 220 (a) of the Interstate Commerce Act provides that the Commission may require any motor carrier to file with it a copy of any contract, agreement, or arrangement between such carrier and any person in relation to any traffic affected by the provisions of part II. The conference substitute in section 24 adds an additional provision that the Commission shall not make public any such contract, etc., between a contract carrier by motor vehicle and a shipper except as a part of the record in a formal proceeding where it considers such action consistent with the public interest. It further provides that if such contract fails to conform to the published schedule of the contract carrier as required by section 218 (a), the Commission may make public such of the provisions of the contract as it considers necessary to disclose such failure and the extent thereof.

Section 25 (a). Service of notice

The conference substitute amends section 221 (a) of the Interstate Commerce Act, which relates to the designation of an agent by a motor carrier to receive service of notices or orders, by adding a new provision that in proceedings before the Commission involving the lawfulness of rates, fares, charges, classifications, or practices, service of notice upon an attorney-in-fact of a carrier who has filed a tariff or schedule in behalf of such carrier shall be deemed to be due and sufficient service upon the carrier.

Section 25 (b). Orders of the Commission in motor carrier proceedings

The conference substitute in section 25 (b) amends section 221 (b) of the Interstate Commerce Act, which provides that all orders of the Commission shall take effect within such reasonable time as the Commission may specify. The amendment requires that such orders shall take effect within "not less than 30 days." This amendment makes section 221 (b) correspond in this respect to section 15 (2) of part I and with section 315 (d) in new part III.

Section 25 (c). Penalty in case of disclosure of information by special agent or examiner

The conference substitute amends section 222 (d) of the Interstate Commerce Act, which provides a penalty in the case where a special agent or examiner divulges information which may come to his knowledge during the course of his examination of accounts, records, or memoranda of motor carriers or brokers, by specifically providing that the offense shall be a misdemeanor and by reducing the maximum penalty provided under present law from $5,000 to $500 and from 2 years' imprisonment to 6 months' imprisonment.

Section 25 (d). Penalties for failure of motor carriers or other persons to make reports, keep accounts, etc.

Section 222 (g) of the Interstate Commerce Act provides certain penalties for failure on the part of motor carriers, brokers, and certain other persons to make reports or to keep accounts, or for falsifying, destroying, etc., reports, accounts, and records, or for filing any false report, account, etc. Section 25 (d) of the conference substitute amends said section 222 (g) by adding thereto certain other acts of motor carriers, brokers, or other persons, in violation of part II to which the same penalties are made applicable.

Section 26 (a). Allowances to shippers

The House amendment in section 23 included a new section providing for allowances to an owner of property transported who rendered any service connected with the transportation or furnished any instrumentality used therein. The conference substitute in section 26 (a) includes this provision in a new section 225 in part II of the Interstate Commerce Act. It amends the said provision by requiring that such allowance shall be published in tariffs or schedules filed in the manner provided in said part II.

Section 302. Definitions in proposed part III

The definitions contained in the conference substitute conform, for the most part, to those in the House amendment.

As stated in the report of the House committee, the scope of water regulation, which is prescribed by virtue of the definition of "interstate or foreign commerce," is limited to domestic transportation, and to foreign transportation to the extent that there is a movement from a point in the United States to another point in the United States either before or after transshipment at a place within the United States. Transportation between the continental United States and Hawaii, Alaska, and the various possessions of the United States does not come within the scope of this legislation.

Section 302 of the new part III of the Interstate Commerce Act, added by the House amendment, contained definitions of "common carrier by water" and "contract carrier by water." These definitions contained provisions which provided that in case of certain water-carrier operations performed by rail carriers subject to part I, or by motor carriers subject to part II, incidental to transportation subject to parts I and II, respectively, such transportation would be subject to part I or part II, as the case might be, and be regulated as transportation subject to those parts of the act.

These definitions also dealt with the case where a person (acting as agent or under a contractual arrangement) performed certain services by water for carriers by railroad, express companies, motor carriers, or other water carriers, and provided that in such a case the transportation should be considered to be engaged in by the person for whom the services were performed, and regulated in the same manner as the railroad, express, motor carrier, or water transportation to which the services were incidental.

The provisions referred to above are retained in the conference substitute, but for purposes of simplification and clarification they are taken out of the definitions above referred to and are included in subsection (f) of section 303 of the new part III of the Interstate Commerce Act.

The conference substitute also makes a change in the description of the transportation to which the provisions above referred to relate. The transportation as to which this special treatment was provided in the definitions in the House amendment was described in two places in the definition of "common carrier by water" and in two places in the definition of "contract carrier by water," but the language was not uniform in all of such places. As incorporated in the new subsection (f) of section 303, this language is as follows: "in the performance within terminal areas of transfer, collection, or delivery services, or in the performance of floatage, car ferry, lighterage, or towage."

In the definition of "common carrier by water" as included in section 302 (d) of the conference substitute, the following language is included: "except transportation by water by an express company subject to part I in the conduct of its express business, which shall be considered to be and shall be regulated as transportation subject to part I."

The definition of "contract carrier by water" in the House amendment contained a sentence as follows:

"For the purposes of this paragraph a person which, under a charter, lease, or other agreement, furnishes a vessel to another person, for compensation, for use in the transportation of property of such other person, shall itself not be considered to be engaged in the transportation of such property as a contract carrier by water."

In the conference substitute the word "not", which was inserted on the House floor, has been omitted, but the provision (which is in sec. 302 (e)) has been limited so that it only applies where the vessel is furnished to a person other than a carrier subject to the Interstate Commerce Act, and the language is clarified to make sure that the person furnishing the vessel will not, simply by reason of furnishing the vessel, become a contract carrier subject to part III of the act as to that part of its business not related to the furnishing and use of the vessel. A new provision is added giving the Commission authority to exempt (either permanently or for a limited time) any person or class of persons when the Commission deems it unnecessary, in order to effectuate the national transportation policy, for such person or class of persons to be regulated as a contract carrier or contract carriers.

Section 303. Water carrier exemptions

Section 303 (b) of the proposed part III of the Interstate Commerce Act, in the House amendment, exempted transportation by a contract carrier by water of commodities in bulk in a vessel the cargo space of which is used for the carrying of not more than three such commodities at any given time.

In the conference substitute this provision is extended to cover common carriers by water as well as contract carriers by water.

This provision as included in the House amendment was susceptible to the interpretation that if at any time the vessel carried three bulk commodities or less, transportation thereon would be exempt as to any number of bulk commodities. Therefore, without making any change in the intended policy and in order to clarify this provision the first sentence has been changed to read as follows:

"Nothing in this part shall apply to the transportation by a water carrier of commodities in bulk when the cargo space of the vessel in which such commodities are transported is being used for the carrying of not more than three such commodities."

This subsection in the House amendment also provided that it should apply only in the case of commodities received and delivered by the carrier "without mark or count." In the conference substitute the word "transportation" is inserted before the words "mark or count".

Section 303 (e) of the proposed part III of the Interstate Commerce Act, in the House amendment, contained provisions granting exemptions to contract carriers by water under certain conditions. The dates contained therein governing exemption of carriers in operation at the time part III takes effect are changed from January 1, 1939, and October 1, 1939, to January 1, 1940, and January 1, 1941, respectively.

Section 303 (f) of the proposed part III of the Interstate Commerce Act, contained in the House amendment, read as follows:

"(f) Nothing in this part shall be construed to affect any law of navigation, the admiralty jurisdiction of the courts of the United States, liabilities of vessels and their owners for loss or damage, or laws respecting seamen, or any other statute or maritime law, regulation, or custom not in conflict with the provisions of this part."

This provision is retained in the conference substitute but is transferred to the section dealing with repeals of existing law.

Section 303 (l). Operating authority of carriers whose exemption is terminated

The conference bill includes as section 303 (l) a new provision providing that whenever transportation exempted under the provisions of subsection (g) or (e) of such section becomes subject to regulation the carrier may continue operation for 120 days without a certificate or permit, and if application for a certificate or permit covering the previously exempted transportation is made within such period, the Commission shall issue a certificate or permit, whichever is appropriate, authorizing the transportation previously exempted.

Section 304 (b). Authority to inquire into the business of water carriers and other persons

Section 304 (b) of the new part III of the Interstate Commerce Act, added by the House amendment, gave the Commission authority to inquire into and report on the organization of water carriers and the management of their business, and to transmit to Congress from time to time such recommendations as the Commission might deem necessary.

The conference substitute in section 304 (b) omits the provision with respect to authority to inquire into and report on the organization of water carriers and broadens the application of the amended subsection so that the Commission will have authority to inquire into the management of the business of persons controlling, controlled by, or under common control with, water carriers, to the extent that the business of such persons is related to the control or management of the business of such carriers. A further change is made to specifically authorize the Commission to recommend to Congress such additional legislation as it deems necessary.

Section 305 (c). Undue preference or advantage

Section 305 (c) of the proposed part III of the Interstate Commerce Act, in the House amendment, prohibited common carriers by water from giving any undue or unreasonable preference or advantage in certain specified cases. The conference substitute retains this provision but after the word "locality" adds "region, district, territory," so as to conform with similar provisions in parts I and II.

Section 306 (d). Tariffs of common carriers by water

Section 306 (d) of the new part III of the Interstate Commerce Act proposed by the House amendment, prohibits any change in any rate or charge of a common carrier by water except after 30 days' notice unless the Commission allows a change upon shorter notice.

This subsection is retained, and a provision is added that no common carrier by water, unless otherwise provided by this part, shall engage in transportation subject to this part unless the rates, fares, and charges of said carrier have been filed and published in accordance with the provisions of this part.

Section 306 (e). Schedules of contract carriers by water

Section 306 (e) of new part III of the Interstate Commerce Act proposed by the House amendment made it the duty of every contract carrier by water, among other things, to file with the Commission and keep open for public inspection schedules of minimum rates or charges actually maintained and charged by such carrier.

The provisions of the House amendment are retained and three additional provisions added as follows:

1. It is made the duty of every contract carrier by water to establish and observe reasonable minimum rates and charges and reasonable regulations and practices to be applied in connection with said reasonable minimum rates and charges.

2. A contract carrier is prohibited, unless otherwise provided by this part, from engaging in transportation unless the minimum rates or charges actually maintained and charged have been published, filed, and posted in accordance with the provisions of this part.

3. No new rate or charge shall be established and no reduction shall be made in any rate or charge except upon 30 days' notice of the proposed rate or charge, or of the proposed change, unless the Commission allows the establishment of such rate, charge, or change upon shorter notice.

Contracts of Contract Carriers by Water

Section 306 (e) of the new part III of the Interstate Commerce Act, proposed by the House amendment, authorizes the Commission in its discretion to require any contract carrier by water to file with it, in lieu of schedules of rates actually maintained and charged by such carriers, its contracts with shippers providing for transportation of property. The section further provided for making public the rates contained in such contracts, but prohibited making public the names of the persons for whom the property is transported and other terms of the contract, except where the Commission made such contract available as part of the record in a formal proceeding where it considered such action consistent with the public interest.

The provision with respect to the filing of contracts in lieu of schedules is omitted in view of the provision in section 313 (b) of the new part III which gives the Commission authority to require any water carrier to file with it a copy of any contract,

charter, or agreement between such carrier and any other carrier or person in relation to traffic affected by the said part. The provision with respect to publicity of such contracts is also omitted, but in lieu thereof a provision is added to said section 313 (b) prohibiting the Commission from making public any contract, charter, or agreement between a contract carrier by water and a shipper, or any of the terms thereof, except as a part of the record in a formal proceeding where the Commission considers such action consistent with the public interest. It is further provided in such section 313 (b) that if it appears from an examination of any such contract by the Commission that it fails to conform to the published schedule of the contract carrier as required by section 306 (e) the Commission may make public such of the provisions of the contract as the Commission considers necessary to disclose such failure and the extent thereof.

These provisions are essentially the same as those in the case of contracts of contract carriers by motor vehicle.

Section 307 (e). Divisions of joint rates

Section 307 (e) of new part III of the House amendment contained provisions authorizing the Commission to prescribe the reasonable divisions of joint rates of common carriers by water, or of such carriers and common carriers by railroad or by motor vehicle, and to require adjustment thereof between such carriers from the date of filing the complaint or entry of the order of investigation or such other dates subsequent thereto as the Commission finds justified.

The conference substitute retains the provision authorizing the Commission to prescribe the divisions but limits the power of the Commission to require adjustments to those cases in which the joint rates have been established pursuant to a finding or order of the Commission. The substitute also prescribes certain factors to which the Commission is directed to give consideration in determining the reasonableness of the divisions prescribed by it. By these changes the provisions with respect to divisions of joint rates under new part III are made substantially the same as those applicable to divisions under part I.

Section 307 (f). Rule for rate making for common carriers by water

Section 307 (f) of the House amendment contained a rule of rate making, applicable to common carriers by water, similar to the rule prescribed in section 15a of the Interstate Commerce Act. The conference substitute retains this provision but after the language directing the Commission to "give due consideration, among other factors, to the effect of rates upon the movement of traffic," the following words are added: "by the carrier or carriers for which the rates are prescribed."

House Amendment as to Reductions of Rates

In the House amendment in section 307 (f) of the new proposed part III of the Interstate Commerce Act there was included the provision as follows:

"In order that the public at large may enjoy the benefit and economy afforded by each type of transportation, the Commission shall permit each type of carrier or carriers to reduce rates so long as such rates maintain a compensatory return to the carrier or carriers after taking into consideration overhead and all other elements entering into the cost to the carrier or carriers for the service rendered: *Provided*, That nothing in this paragraph shall be construed so as to affect the long- and short-haul provision of section 4."

A similar provision, with the exception of the proviso, was included in the Senate bill.

The conference substitute omits these provisions of the Senate bill and the House amendment.

It will be observed that this amendment restricts any type of carrier from reducing its rates below an amount sufficient to cover its overhead and other elements of cost for the service rendered, including a compensatory return. This compels the carrier to charge a higher rate than is commonly imposed for carrying a great percentage of all freight by land and water in domestic commerce. The immediate effect of this amendment, if enforced, would be to compel an increase of rates on a large part of the freight now carried by ships, highway, and rails.

Everywhere in the world transportation rates take into consideration the class of traffic carried and at what rate it will move. Raw materials such as grains, farm products, coal, and other heavy materials frequently move at a rate less than required by this provision. Low-profit freight compensates for its carriage, but ordinarily the carrier could not successfully continue in business on low-cost freight alone. It is the greater profit made on high-class freight that makes the maintenance of our low-cost transportation system possible.

At the present time about 100 railroads are under the protection of the courts because their revenues do not meet their expenses. This proposed amendment might drive these lines out of existence if enforced against them because it would force their rates to a higher level and would transfer the business to their competitors.

This proposed amendment, if enacted, would impose numerous administrative difficulties; for instance, establishment of a permissible rate on a given product would require the production of evidence to show from the whole income and expense accounts of the carrier what rate would be required to meet the standard of rate making this amendment would establish.

Such an amendment would place its greatest burdens on the transportation of heavy freight such as farmers' products and would cause an unwarranted increase in freight rates which would be highly detrimental to our transportation system.

The conferees are unanimously in harmony in the viewpoint that the inherent advantages of each type of carrier should be preserved for the benefit of the Nation. Legitimate regulation must look to the protection of the economic advantage of each type of carrier against destructive competition of the other. No carriers should be required to charge unreasonable rates for the benefit or purpose of compelling diversion of traffic to a competitor.

The other provisions of this bill afford ample protection for the preservation of the inherent advantages of water transportation.

The new declaration of policy to be embodied in the Interstate Commerce Act provides a rule of interpretation applicable to all the provisions of that Act, namely, that "all of the provisions of this Act shall be administered and enforced with a view to carrying out the above declaration of policy." The declaration of policy also asserts it to be "the national transportation policy of the Congress to provide for fair and impartial regulation of all modes of transportation" subject to the Act. It further declares that the provisions of the Act are to be "so administered as to recognize and preserve the inherent advantages of each."

It is further declared that the end to be accomplished is the coordination and preservation of a national transportation system by water, highway, and rail.

This legislation is a forward and fostering step for water transportation as well as national transportation. Heretofore, with limited exceptions, water transportation has not been within the fostering care of interstate regulation. This measure will place upon the Interstate Commerce Commission not only the power, but the duty, to protect and foster water transportation and preserve its inherent advantages.

Section 307 (f) provides that the Commission in prescribing rates for common carriers by water shall give due consideration "to the effect of rates upon the movement of traffic by the carrier or carriers for which the rates are prescribed; to the need, in the public interest of adequate and efficient water transportation service at the lowest cost consistent with the furnishing of such service." This rule of rate making for water transportation is wholly inconsistent with the theory that the Commission might prescribe an unreasonable rate for a water carrier for the purpose of forcing its traffic to a competing carrier.

Other provisions of the conference substitute, further protect water carriers in their right to operate at low rates. In section 305 (c), prohibiting common carriers by water to give undue or unreasonable preference or advantage, a proviso is included as follows:

"*Provided*, That this subsection shall not be construed to apply to discriminations, prejudice, or disadvantage to the traffic of any other carrier of whatever description."

This subsection also contains a provision as follows:

"Differences in the classifications, rates, fares, charges, rules, regulations, and practices of a water carrier in respect of water transportation from those in effect by a rail carrier with respect to rail transportation shall not be deemed to constitute unjust discrimination, prejudice, or disadvantage, or an unfair or destructive competitive practice, within the meaning of any provision of this Act."

Outside of special provisions designed to protect water carriers the rule of reasonable rates in itself prohibits the imposition of an unreasonably high rate for any carrier for the purpose of aiding a competitive carrier. There is no authority for the contention that the Commission has any right to require a rate higher than is reasonable for the purpose of diverting traffic from any given type of carrier to a competitor.

Section 307 (g) and (i). Suspension of tariffs and schedules; burden of proof

Section 307 (g) and (i) of new part III of the Interstate Commerce Act, as added by the House amendment, authorized the Commission to suspend any schedule of a water carrier which stated a new rate or charge or a reduced rate or charge or any new rule or regulation affecting such rate or charge. In the case of a contract carrier by water the rate, etc., could be suspended for an initial period of 90 days, which could be extended, but not for a longer period in the aggregate than 180 days.

The conference substitute provides for a suspension period which shall not exceed 7 months. It also includes a new provision applicable to water carriers that the burden of proof shall be upon the carrier to show that a proposed changed rate, charge, rule, or regulation is just and reasonable. Corresponding changes are made in sections 216 (g) and 218 (c) of the Interstate Commerce Act. As a result of these changes provisions with respect to the periods of suspension and the burden of proof are made the same for motor carriers and for water carriers.

Section 307 (h). Provisions of charters, contracts, etc., of contract carriers by water; unlawful rates, rules, and practices

Section 307 (h) of the new part III of the Interstate Commerce Act added by the House amendment gave the Commission authority to prescribe the form or provisions of charters, contracts, agreements, or undertakings of contract carriers by water when it found that such charters, contracts, agreements, or undertakings contravene the national transportation policy declared in the act. The conference substitute modifies this subsection so that the Commission will not have this authority.

In the conference substitute in section 307 (h) this subsection, in its application to rates of contract carriers, is confined to minimum rates since the only regulation of contract carrier rates is as to minimum rates. The power of the Commission with respect to rules, regulations, and practices of contract carriers is limited

to those "affecting such minimum rate or charge, or the value of the service thereunder."

In the House amendment, the Commission's authority to prescribe the rate or rule was limited to cases where the Commission found that the rate or rule contravened the national transportation policy. The conference substitute retains this provision and, in addition, authorizes the Commission to prescribe the minimum rate or rule where it finds such rate or rule is in contravention of any provision of new part III.

This subsection further provides that the minimum rate or charge, or the rule, regulation, or practice, prescribed by the Commission, shall give no undue advantage or preference to a contract carrier in competition with a common carrier by water, and the Commission is directed to "give due consideration to the cost of the services rendered by such carriers." In this provision as contained in the House amendment the language was as follows: "give due consideration to the cost of the services rendered by such contract carriers."

Section 309 (a). "Grandfather" date for common and contract carriers by water

Section 309 of new part III added to the Interstate Commerce Act by the House amendment provided a "grandfather" date of June 1, 1939, in the case of common and contract carriers by water. The conference substitute changes this date to January 1, 1940.

Section 310. Dual operations under certificates and permits—water carriers

Section 310 of new part III of the Interstate Commerce Act, added by the House amendment, authorized the Commission to issue to a water carrier both a certificate and a permit if the Commission was of the opinion that the granting of both a certificate and a permit to the carrier would be consistent with the public interest and with the national transportation policy.

In the conference substitute this section is changed so as to make it similar to the corresponding provision relating to motor carriers (sec. 210 of pt. II), and prohibits any person from holding both a certificate and a permit unless for good cause shown the Commission shall find that both may be held by such person consistently with the public interest and with the national transportation policy, and this restriction also applies to any person controlling, controlled by, or under common control with such person. Other provisions of the bill are changed so that this limitation will apply not only to new operations but also to operations under "grandfather" applications.

Section 313. Accounts, records, and reports—water carriers

The House amendment in section 313 of new part III contained provisions with respect to accounts, records, and reports of water carriers. It authorized the Commission to require annual and other reports from water carriers and to prescribe the forms of accounts, records, and memoranda to be kept by such carriers; and gave authority to the Commission or its agents to inspect and examine such accounts, records, and memoranda. The conference substitute retains these provisions and, in addition, among other things, authorizes the Commission to require annual and other reports from a lessor, which term is defined to mean a lessor of any right to operate as a water carrier. The Commission is authorized in its discretion to prescribe a uniform system of accounts applicable to any class of water carriers and the period of time within which such class shall have such uniform system. The amended section authorizes the Commission to prescribe for water carriers the classes of property for which depreciation charges may be included and the rates of depreciation. The Commission may also prescribe the forms of accounts, records, and memoranda to be kept by a lessor. The Commission is given authority to inspect and copy the accounts, records, memoranda, and other documents of a lessor and of any person controlling, controlled by, or under common control with any water carrier as the Commission deems relevant to such person's relation to or transactions with such carrier. Certain other provisions are included corresponding to those included in amended sections 20 and 220.

Section 315 (a). Service of notice

Section 315 (a) of the new part III of the Interstate Commerce Act added by the House amendment made it the duty of every water carrier to file with the Commission a designation of an agent upon whom services of notices or orders might be made. The conference substitute retains this provision and amends it by providing that in proceedings before the Commission involving the lawfulness of rates, fares, charges, classifications, or practices, service of notice upon an attorney in fact of a carrier who has filed a tariff or schedule in behalf of such carrier shall be deemed to be due and sufficient service upon the carrier.

Section 317 (d). Penalty in case of failure to make full, true, and correct entries, etc.

The conference substitute amends section 317 (d) of the new part III added to the Interstate Commerce Act by the House amendment, so as to make the penalty of such subsection apply in the case of any person who shall willfully neglect to make full, true, and correct entries in accounts, records, or memoranda, or who shall willfully keep any accounts, records, or memoranda contrary to the rules, regulations, or order of the Commission.

Section 317 (e). Penalty in case of disclosure of information by special agent or examiner

Subsection (e) of section 317 of the new part III of the Interstate Commerce Act added by the House amendment provided a maximum penalty of $5,000, or imprisonment for 2 years, or both such fine and imprisonment, in case of the knowing and willful disclosure by a special agent or examiner of the Commission of information coming to his knowledge during the course of examination of the accounts, records, and memoranda of a water carrier. The conference substitute modifies this provision by specifically providing that the offense shall be a misdemeanor and by reducing the maximum fine to $500 and the maximum imprisonment to 6 months.

Section 319. Appointment of employees

Section 319 of the new part III of the Interstate Commerce Act added by the House amendment authorized the Commission to employ necessary experts, assistants, special agents, examiners, attorneys, and other employees. This provision is retained in the conference substitute. The Senate bill provided that compensation of employees should be determined in accordance with the Classification Act of 1923 "insofar as said act is applicable." This reference to the Classification Act is not included in the conference substitute because the well-settled interpretation of laws previously enacted by Congress has been that where authority is given to an administrative agency to employ personnel, both the civil-service laws and the Classification Act of 1923 apply to the appointment of such employees and the fixing of their compensation unless a clear intention to the contrary is indicated in the authorizing legislation. It is clear, therefore, that under this provision of the conference substitute the new personnel authorized to be appointed by the Commission will be appointed subject to the civil-service laws, and their compensation will be fixed under the Classification Act of 1923.

A new sentence is added to this section in the conference substitute authorizing examiners to administer oaths, examine witnesses, and receive evidence, since similar provisions are now contained in parts I and II of the Interstate Commerce Act.

Conference agreements between water carriers under section 15 of the Shipping Act, 1916

Under section 15 of the Shipping Act, 1916, water carriers engaged in commerce by water subject to that act are authorized to enter into conference agreements relating to rates, competition, pooling, allotment of ports, limiting or regulating the volume of traffic, and other matters, and the carriers involved are exempted from the operation of the antitrust laws when such agreements are approved by the Maritime Commission.

Under section 320 (a) of the new part III in the conference substitute the provisions of section 15 of the Shipping Act, 1916, are repealed insofar as they would authorize any such agreements to be entered into with respect to transportation subject to the new part III of the Interstate Commerce Act.

Under section 320 (c) of the conference substitute it is provided, however, that nothing in section 320 (a) shall be construed to prevent a carrier subject to part III from entering into such agreements with respect to transportation not subject to part III.

By virtue of section 322 of the conference substitute all agreements heretofore entered into under such section 15 of the Shipping Act, 1916, will continue to be lawful even to the extent that they relate to transportation subject to part III of the Interstate Commerce Act, until such time as the Commission may find such agreements in violation of the provisions of part III or inconsistent with the national transportation policy.

Investigation of various modes of transportation

There is included in the conference substitute a new provision (part I of title III of the bill) establishing a board of investigation and research (to be composed of three members to be appointed by the President, by and with the advice and consent of the Senate) which is specifically directed to investigate—

(1) The relative economy and fitness of carriers by railroad, motor carriers, and water carriers for transportation service, or any particular classes or descriptions thereof, with the view of determining the service for which each type of carrier is especially fitted or unfitted; the methods by which each type can and should be developed so that there may be provided a national transportation system adequate to meet the needs of the commerce of the United States, of the Postal Service, and of the national defense;

(2) The extent to which right-of-way or other transportation facilities and special services have been or are provided from public funds for the use, within the territorial limits of the continental United States, of each of the three types of carriers without adequate compensation, direct or indirect, therefor, and the extent to which such carriers have been or are aided by donations of public property, payments from public funds in excess of adequate compensation for services rendered in return therefor, or extensions of Government credit; and

(3) The extent to which taxes are imposed upon such carriers by the United States, and the several States, and by other agencies of government, including county, municipal, district, and local agencies.

The Board is further authorized to investigate any other matters relating to rail carriers, motor carriers, or water carriers, which it may deem important to investigate for the improvement of transportation conditions and to effectuate the national transportation policy declared in the Interstate Commerce Act, as amended.

The Board is directed to report the results of this investigation, together with its recommendations, to the President and to the Congress.

The authority of the Board is to cease at the end of 2 years after the enactment of this legislation, unless extended by proclamation of the President for an additional period not exceeding 2 years.

Land-grant rates

Section 321 of part II of title III of the House amendment provided that the full applicable commercial rates, fares, or charges should be paid to any common carrier subject to the Interstate Commerce Act for transportation of persons or property for the United States, or on its behalf, but this provision was conditioned on the release by the carrier of claims against the United States to lands, interest in lands, compensation or reimbursements on account of lands, or interests in lands which have been granted, claimed to have been granted, or which it was claimed should have been granted to such carrier, under any grant from the United States.

The conference substitute changes this provision by making an exception from this requirement of the payment of full commercial rates by the United States, in the case of the transportation of military or naval property moving for military or naval use, and in the case of the transportation of members of the military or naval forces of the United States (or of property of such members) when such members are traveling on official duty. In the case of transportation thus excepted, existing legal requirements and arrangements providing for reduced rates will continue to apply.

Amendments to Reconstruction Finance Corporation Act

1. The House amendment in subsection (a) of section 331, title III, of the bill, amended certain portions of section 5 of the Reconstruction Finance Corporation Act. It enlarged the authority of the Corporation so that purchases of railroad obligations, guaranty of payment thereof and loans authorized to be made by the Corporation to railroads or receivers or trustees of railroads, could be made for the purpose of bringing about a reduction of readjustment of principal and interest charges, and modified the standard governing the approval by the Interstate Commerce Commission of purchase of obligations, guaranty thereof, and loans.

The conference substitute, in section 331 of title III of the bill, omits the provision of the House amendment and retains present law, with certain exceptions as follows:

(a) It authorizes loans not only to railroads but to "receivers or trustees thereof."

(b) It further amends the present law by providing that a certificate of approval from the Interstate Commerce Commission shall not be required in the case of "purchases, or guaranties" of railroad obligations made for the maintenance of, or purchase of, equipment for railroads not in receivership or trusteeship. The present law excepts from the provisions requiring Commission approval in such cases only "loans" for such maintenance or purchase.

(c) It also increases the total amount of loans and commitments to railroads, receivers, and trustees, and purchases and guaranties of obligations of railroads from $350,000,000 to $500,000,000, in addition to loans and commitments made prior to January 31, 1935, and renewals of loans and commitments so made.

2. The House amendment, in subsection (b) of such section 331, also amended section 5 of the Reconstruction Finance Corporation Act by providing that the title of any owner to any property leased or conditionally sold to a railroad which the Corporation had financed or aided in financing, or the right of such owner to take possession of the property, should not be affected or restricted by the provisions of the Bankruptcy Act.

The House amendment also provided that the title of any owner of a collateral note evidencing a loan to a railroad or receiver or trustee thereof from the Corporation "heretofore or hereafter made by the Corporation" and the right of any such owner to acquire a title to the collateral securing such note, free and clear of any equity of redemption, in compliance with the contract of pledge, and thereafter to deal with the same as the absolute owner thereof shall not be affected or restricted by or pursuant to the provisions of the Bankruptcy Act.

The conference substitute retains these amendments but changes them insofar as they apply to the title to collateral notes evidencing loans from the Corporation "heretofore or hereafter" made by the Corporation, so that they will apply only to a collateral note evidencing a loan from the Corporation to a railroad "not now in receivership or involved in proceedings under section 77 of the Bankruptcy Act, or a receiver or trustee thereof."

BRIDGES OVER NAVIGABLE WATERS

Title III of the House amendments, in part I thereof, contains provisions (secs. 301-312) intended to supersede provisions of existing law relating to the construction and alteration of bridges over navigable waters of the United States, and providing for the apportionment between the owner of the bridge and the United States of the cost of building and altering such bridges.

These provisions are omitted from the conference substitute.

CLARENCE F. LEA,
ROBERT CROSSER,
A. L. BULWINKLE,
WILLIAM P. COLE, Jr.,
CHAS. A. WOLVERTON,
PEHR G. HOLMES,
CHARLES A. HALLECK,
Managers on the part of the House.

Mr. WADSWORTH. Mr. Speaker, I raise the point of order against the conference report.

The SPEAKER. The gentleman will state his point of order.

Mr. WADSWORTH. Mr. Speaker, I raise a point of order against this conference report as now presented to the House. It will be remembered that on May 9 the House, by a majority vote, recommitted this transportation bill to the conferees with definite instructions to insist upon certain amendments. As to two of those amendments the conferees are reporting what might be termed "compromises." As to the third amendment, known generally as the Wadsworth amendment, the conferees have eliminated it entirely from this conference report. My contention is that in doing so the conferees have ignored the instructions of the House and have exceeded their power. Having been instructed by the House to insist upon this specific amendment, it was their duty, obviously, to strive earnestly in its behalf in their negotiations with the Senate conferees. Failing to persuade the Senate conferees to accept the Wadsworth amendment, it was their duty to report the amendment back to the House as being in disagreement, and to ask the House for further instructions concerning it. This the House conferees have failed to do. Instead, they have completely ignored the amendment in their report, and in doing so they have ignored the instructions of the House. I contend, sir, that the House, having once by a majority vote instructed its conferees to insist upon a certain amendment, and the Senate conferees having refused to accept it, it is the duty, under the rule, of the House conferees to report such disagreement to the House and await further instructions. This the House conferees have not done, and in failing to do so they have not only violated their instructions but attempted to subvert the rights of the House itself. Be it remembered that when the House has instructed its conferees, those conferees are bound by the instructions until released by the House.

The SPEAKER. Will the gentleman from Virginia, at this point, for the benefit of the Chair, make his point of order against the conference report?

Mr. BLAND. Mr. Speaker, I make a point of order against the conference report because the conferees, in excess of their authority, have included in the bill, as reported back to the House at this time, matters that were not contained in the bill previously and were not covered by instructions which were given to the conferees when the matter was before the House.

The particular items to which I refer are subsections (14) and (16) of section 5 of the Interstate Commerce Act as proposed to be amended by section 7 of the proposed Transportation Act of 1940, and to be found on pages 13 and 14 of the conference report.

Subsection (14), appearing on page 13, reads that—

(14) Notwithstanding the provisions of paragraph (2), from and after the 1st day of July 1914, it shall be unlawful for any carrier, as defined in section 1 (3), or (after the date of the enactment of this amendatory section) any person controlling, controlled by, or under common control with such a carrier to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner) in any common carrier by water operated through the Panama Canal or elsewhere with which such carrier aforesaid does or may compete for traffic or any vessel carrying freight or passengers upon said water route or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense.

And along with this should be considered subsection (16), which provides as follows:

(16) Notwithstanding the provisions of paragraph (14), the Commission shall have authority, upon application of any carrier, as defined in section 1 (3), and after hearing, by order to authorize such carrier to own or acquire ownership of, to lease or operate, to have or acquire control of, or to have or acquire an interest in a common carrier by water or vessel, not operated through the Panama Canal, with which the applicant does or may compete for traffic, if the Commission shall find that the continuance or acquisition of such ownership, lease, operation, control, or interest will not prevent such common carrier by water or vessel from being operated in the interest of the public and with advantage to the

convenience and commerce of the people, and that it will not exclude, prevent, or reduce competition on the route by water under consideration: *Provided*, That if the transaction or interest sought to be entered into, continued, or acquired is within the scope of paragraph (2) (a), the provisions of paragraph (2) shall be applicable thereto in addition to the provisions of this paragraph: *And provided further*, That no such authorization shall be necessary if the carrier having the ownership, lease, operation, control, or interest has, prior to the date this section as amended becomes effective, obtained an order of extension under the provisions of paragraph (21) of this section, as in effect prior to such date, and such order is still in effect.

My point is, Mr. Speaker, this Congress, having carefully considered carriage of freight cargo by water or transportation by water, prescribed certain limitations and new matter cannot be included in the bill at this stage of the legislation without such matter having been considered in the House, without such matter having been considered in the Senate. This applies when a conference report has been returned to the House after instructions have been expressly given by this House on other points. It is beyond the jurisdiction or the authority of the conferees to write new matter that was not contained or treated of in the original bill as it passed the Senate or in the original bill as it passed the House or dealt with in the original conference report that was submitted.

While I recognize the generally accepted principle that there is very considerable authority vested in the conferees in the writing of a bill, there comes a time when there is a limit to the exercise of that authority and that power. That time comes when the conferees have written a bill within the limits that were prescribed by the Senate, and within the limits prescribed by the House, if not exceeded, but now they seek in a supplemental conference report to inject new matter that has never been considered by the House and never been considered by the Senate. I submit that such a rule would permit the conferees in any legislation to write anything that they wanted to without any limits whatsoever. This report exceeds their authority.

On the question of the ownership of stock in competing waterways this would permit, we will say, the Great Lakes—and I believe expressly does permit railroad ownership on the Great Lakes now prohibited by existing legislation. That brings in questions that this House ought to have the right to consider and that are beyond the power of the conferees to bring in. If they can write in these new sections at this stage, they can write in anything they please. [Applause.]

Mr. LEA. Mr. Speaker, the Chair will recall the history of this legislation. In the first place, a bill passed the Senate and came to the House which revised the whole Interstate Commerce Act, including the Panama Canal Act, referred to by the gentleman from Virginia [Mr. BLAND]. The House struck out the entire Senate bill and wrote a substitute. The bill which passed the House covered this subject in subsections 15 and 16, on page 217 and page 218 of the bill as it passed the House. The only change made in conference was in the clarification of the language of these two sections. The law remains substantially as it is in the existing law under these two sections. There is a change, a clarifying change, but the substantial language involved in the bill today was in the bill when it passed the House. The subject was also covered in the Senate bill. What we have here is a clarification made since this bill passed the House, and that has been agreed on by the conferees, which involved in working on the two bills that covered the whole question of our transportation laws.

The SPEAKER. If the gentleman will permit the Chair to interrupt, is there anything in the original House bill with reference to this provision affecting the Panama Canal?

Mr. LEA. Yes, indeed. That is what I refer to. Those provisions were amended by the Senate bill and by the House bill.

Mr. RAYBURN. And is it not true that the House bill did undertake to amend a part of the Interstate Commerce Act that had to do with the Panama Canal?

Mr. LEA. It did. That was in both bills.

Mr. RAYBURN. And the House bill was substituted for the whole Senate bill. In other words, the House Committee struck out all after the enacting clause of the Senate bill and substituted an entirely new bill, which dealt with the only section of the Interstate Commerce Act which has to do with the Panama Canal.

Mr. LEA. That is true.

Mr. BLAND. That dealt with the section that has to do with the Panama Canal, but was there anything in the original bill that dealt with the specific questions now embraced in this bill?

Mr. LEA. The gentleman from California is claiming nothing for himself from the standpoint of parliamentary law, but I do say that the House bill amended all three of the paragraphs under discussion and reads in substance that these paragraphs are amended to read as follows. The very language we start out with referring to July 1914 is a direct quotation from the Panama Canal Act.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. LEA. Yes.

Mr. HALLECK. Is it not true that under the rules, under a motion to recommit and send the bill back to conference, the whole bill was again in conference even as it was in conference when we first entered into a conference with the Senate?

Mr. LEA. I understand that to be the rule. The fact that we brought in a report that was not approved lays the whole matter open to further conference.

Mr. WADSWORTH. Mr. Speaker, will the gentleman yield?

Mr. LEA. Yes.

Mr. WADSWORTH. I ask the gentleman, in the interest of clarity, to turn to subparagraph 16, found on page 14 of the conference report, and say to the House whether that paragraph 16 as now written does not confer upon the Interstate Commerce Commission a new power, not contained now in the law, and I call the attention of the gentleman to the language of it.

Mr. LEA. I think not.

Mr. WADSWORTH. I quote:

Notwithstanding the provisions of paragraph (14), the Commission shall have authority—

to authorize the operation and leasing of a vessel by a railroad on the Great Lakes and the inland waterways, that being the effect of it. Does that authority reside now in existing law?

Mr. LEA. I think it does.

Mr. WADSWORTH. Is the gentleman sure?

Mr. LEA. Section 5 of the present law provides jurisdiction—

is hereby conferred on the Interstate Commerce Commission to determine questions of fact as to the competition or possibility of competition, after full hearing, on the application of any railroad company or other carrier. Such application may be filed for the purpose of determining whether any existing service is in violation of that section * * * and pray for an order permitting the continuance of any vessel or vessels already in operation, or for the purpose of asking an order to install new service not in conflict with the provisions of this paragraph.

Mr. WHITTINGTON. Will the gentleman yield in that connection?

Mr. LEA. Will the gentleman just permit me to continue for a moment? This question came up 17 years ago and the Interstate Commerce Commission rendered its decision, which has not been appealed from and has exercised the power that we provide for in this section in question. Nobody claims that the Commission has abused its power for any improper purpose.

The substance of the decision of the Interstate Commerce Commission is as follows:

New water service. The same consideration of advantage to the convenience and commerce of the people which applies to the continuance of an existing service applies equally to the installation of a new service, and under this paragraph the Commission may not only extend the time during which a service by water may be continued, but it may grant authority to install a new service. It is not apparent from this section that it was the intention of Congress to permit the continuance of an existing line, and at the same time to prohibit the further development of service when traffic offered warrants, and it is in the public interest.

Mr. WHITTINGTON. Will the gentleman yield?

Mr. LEA. I yield.

Mr. WHITTINGTON. In connection with the inquiry of the gentleman from New York [Mr. WADSWORTH] that the bill now under consideration does very materially repeal at least a part of the Panama Canal Act of 1914, permit me to call attention to a case decided by the Interstate Commerce Commission, found in Thirty-third Interstate Commerce Commission Reports, page 699, on the application of the Great Lakes line. On that application the Interstate Commerce Commission, among other things, made the following announcement:

> These boat lines, under control of petitioner railroads, have been first a sword and then a shield.

In the said case, under the Panama Canal Act of 1914, the Interstate Commerce Commission denied authority to the petitioning railroads in 1915, shortly after the act was passed, that would enable them to acquire competing water lines on the Great Lakes. As stated by the gentleman from New York, under the provisions of the conference report, that authority for the first time, although efforts have been made to repeal the Panama Canal Act for 25 years, would be given to the Interstate Commerce Commission.

The SPEAKER. These suggestions, while interesting, in the opinion of the Chair do not bear upon the point of order under consideration.

The Chair is prepared to rule.

Mr. CULKIN. Mr. Speaker, will the gentleman yield for a question?

Mr. LEA. I yield.

Mr. CULKIN. Is it not a fact that this section 16 completely revolutionizes congressional and governmental theory of competition in the transportation field?

Mr. LEA. No; it does not. The basis of action by the Interstate Commerce Commission is exactly the same as it is under the Panama Canal Act. The Commission must be convinced that the competition will not be decreased by the consolidation or purchase, and that the operation is in the public welfare.

Mr. CULKIN. In other words, the gentleman wishes to say that if the Interstate Commerce Commission so finds, it does revolutionize governmental and congressional theory of competition in transportation?

Mr. LEA. I did not quite understand what the gentleman said.

Mr. CULKIN. I asked the gentleman if it is not a fact that if the Interstate Commerce Commission, which some people are evil enough to say is railroad-minded, finds a certain state of facts under this section, it does revolutionize congressional and governmental theory on competition in the transportation field?

Mr. LEA. No; I think not. The power that the Commission has exercised for 17 years is the same as in this language that is written here today. The substance of it is rewritten for clarification.

Mr. CULKIN. What do you mean by striking out the word "elsewhere" in that section? What does that mean?

Mr. LEA. It means that the main act applies to the Panama Canal Act.

Mr. CULKIN. Inland waterways and coastal waterways?

Mr. LEA. The rule as to the Panama Canal is not affected here.

Mr. CULKIN. I understand that.

Mr. LEA. It is only as to other places that are affected by the language.

Mr. CULKIN. Is it not a fact that the effect is to create a monopoly of transportation and hand it over to the railroads?

Mr. LEA. No, indeed. That can be done only after proper evidence furnished the Commission to support an order of approval.

Mr. COLE of Maryland. Mr. Speaker, I would like to be heard very briefly on the point of order.

The SPEAKER. The Chair will be glad to hear the gentleman from Maryland.

Mr. COLE of Maryland. Mr. Speaker, this is an important question, raised rather hurriedly. There is no doubt whatever that, in the report of the conferees, we have not abused the very broad discretionary power which is vested in us as managers, under the rules of this House, where all after the enacting clause is stricken and an entirely new bill is substituted.

Even in the case where legislation is returned to conference under specific instructions as is the case before us, the managers are permitted to disregard such instructions if they care to, in the interest of reporting the bill back in form acceptable to the Members of the House.

Even a casual reading of the authorities is sufficient to support this well-known rule. I call the Speaker's attention, however, to paragraph 546 of Jefferson Manual, Rules and Practices of the House of Representatives, and the authorities listed therein.

Mr. Speaker, without tiring the chair with many references, I think the committee can rest upon the authority of Speaker Gillett when, in a similar situation, page 12711 of the CONGRESSIONAL RECORD of September 15, 1922, the Speaker ruled in this language:

> This case does not rest simply on the Chair's opinion, but there is a decision by a Speaker whose opinion carries as much authority, probably, as that of anybody who has even been in the chair, Speaker Carlisle. In a decision cited in Hinds' Precedents, volume 5, section 6395, he went even further than it is necessary for the Chair to go now. He went so far as to say that if the House conferees disobeyed the instructions of the House, still the report is not on that account subject to a point of order. Of course, the House is not bound to agree to it and probably would not agree with its conferees if they so acted, but, as Speaker Carlisle said, the conferees are partly from the House and partly from the Senate. They are there to come to an agreement, and the House conferees, of course, are subject, and feel themselves subject to the orders of the House, but if they disobey it and come back, it is not subject to a point of order, but it is subject to review by the House.

The foregoing decision by Speaker Gillett, under paragraph 541 of Jefferson Manual, Rules and Practice of the House of Representatives, and a hurried reading thereof suggests that in this decision handed down by Speaker Gillett in 1922 in which he adopted the rule that although managers may disregard instructions, their report may not for that reason be ruled out of order. He confirmed previous decisions upholding the same rule by former Speakers. I am sorry I have not had the time to go into a more detailed study of these decisions but I am sure they are most familiar to our distiguished Speaker.

Mr. Speaker, in returning this important bill, the only change of any consequence with which some Members might find fault is the elimination of the Wadsworth amendment. All other changes are clarifying in nature. No one can read what the conferees have done in this matter without coming to the conclusion that we have not injected anything into this legislation beyond that which the rules permit. [Applause.]

Mr. CASE of South Dakota. Mr. Speaker, I would like just briefly to mention the fact that during the incumbency of the present Speaker a ruling was had on the Farm Act of 1938, when a very similar situation arose after the House had adopted on entire substitute for the Senate bill. In that instance, if I remember correctly, the report was permitted to go to the House.

The SPEAKER. The Chair is prepared to rule upon the several points of order submitted by the gentleman from New York [Mr. WADSWORTH] and the gentleman from Virginia [Mr. BLAND]. The Chair in ruling upon these points of order will consider them en bloc because they either raise the question that the conferees have violated the instructions given them by the House of Representatives or that the conferees in reporting this bill have included new matter that was not germane to the text of either the Senate or the House bill.

The decision of the Chair on this question is predicated, of course, upon the showing made by the record that when this bill came over from the Senate the House committee and the House itself in subsequently passing the bill struck out all of the Senate bill after the enacting clause and substi-

tuted an entirely new bill. This is not a new question, although the Chair has not had the opportunity fully to consider all of the precedents. It is clearly one, from the precedents which the Chair will cite, that has been fully considered and determined by former Speakers of the House, and the Chair has not been presented with, nor has the Chair been able to lay his hands upon, any decision that goes contrary to these precedents.

Mr. Speaker Clark, as reported in section 3248, volume VIII, of Cannon's Precedents, rendered a decision upon which the following syllabus is based:

The Speaker may not rule out of order a conference report as in contravention of instructions imposed on the managers.

Where one House has amended a bill of the other by striking out all after the enacting clause and substituting a new text, the conferees have the entire subject before them and may report any germane bill.

Inasmuch as the bill covered by the pending conference report undertakes to cover the whole question of transportation in all of its phases, it is apparent to the Chair with reference to the changes that were made in the conference report that they certainly were germane to the general subject of the entire provisions of the bill.

The Chair reads the following from the precedent he has just cited:

On June 12, 1917, the House was considering the conference report on the bill (H. R. 3673) amending the Federal Reserve Act, when Mr. PAT HARRISON, of Mississippi, made the point of order that the conferees had violated instructions imposed on them on May 10, as follows:

"That the managers on the part of the House be instructed to agree in conference to the substance of the following provision in the Senate amendment:

"'*Provided*, Such nonmember bank or trust company maintains with the Federal Reserve bank of its district a balance sufficient to offset the items in transit held for its account by the Federal Reserve bank: *Provided further*, That nothing in this or any other section of this act shall be construed as prohibiting a member or nonmember bank from making reasonable charges, in no case to exceed 10 cents per $100 or fraction thereof based on the total of checks and drafts presented at any one time, for collection or payment of checks and drafts and remission therefor by exchange or otherwise.'"

Mr. HARRISON charged that the conferees instead of reporting the two provisos in the form in which directed had substituted for them this provision:

That nothing in this or any other section of this act shall be construed as prohibiting a member or nonmember bank from making reasonable charges to be determined and regulated by the Federal Reserve Board. But no such charges shall be made against the Federal Reserve bank—

Thus changing the Federal Reserve Board from an agency of administrative capacity to one of judicial capacity and giving them the power to determine the reasonableness of rates.

After debate, the Speaker, Champ Clark, of Missouri, ruled:

"The situation is this: The Senate struck out everything after the enacting clause of the House bill. It has been decided so many times that it is hardly necessary to repeat it, that where that is done a very wide discretion is given to the conferees, even to the bringing in of an entirely new bill. Of course, such new bill would have had to be on the same subject.

"The transactions in regard to conference reports are divided into two parts—what the House can do and what the Speaker can do. On the 23d day of June 1812, 105 years ago, Mr. Speaker Henry Clay laid down the limits of what conferees can do so clearly that his ruling has been followed ever since. The conferees cannot go outside of what is submitted to them and lug in entirely new matter and new questions. They are always trying to do it. As the gentleman from Wyoming [Mr. Mondell] suggests, it is a very serious proposition for the Speaker to refuse to rule out a conference report in the last days of the session, and it is a very serious question for him to rule it out. The Chair did so twice in the last days of a session on very important bills, but both were clear cases. The Chair did it with a great deal of reluctance, but it had to be done under the universal practice.

"The Speaker has not a thing to do in passing upon the question of whether the conferees did or did not comply with the instructions of the House. That question is for the House to decide. That has been decided. I do not know how many times, but several times, and the Chair decided it once himself. That was the reason my opinion in that case was so short. The Chair did not elaborate it, for the House was busy, and it had been decided that way several times, and he simply followed the old ruling.

"The leading case is found in section 6395 of Hinds' Precedents. The opinion was written by Mr. Speaker Carlisle. He was a great man and a great Speaker. The headline of Mr. Speaker Carlisle's decision was written by Asher C. Hinds, construing Mr. Speaker Carlisle's opinion. It is not any secret with people who have been around here any considerable length of time that Mr. Hinds probably knew more about parliamentary law than any other man that ever lived. He knew more than the Speakers whom he advised, and they were great Speakers. He had made it the study of his life. Here is what Mr. Hinds said, and then I will read what Mr. Speaker Carlisle said.

The Speaker then read section 6395 of Hinds' Precedents, and concluded:

"It seems to the Chair that that opinion is as clear as crystal. This is a matter for the House to decide. The point of order is overruled, and the House has the conference report before it. If the House does not like the conference report, it can vote it down. That is its remedy."

In other words, at the proper stage in the proceedings on this conference report, after the previous question has been ordered, if it is ordered on the adoption of the conference report, the Members making these points of order, or any other Member, may, in addition to the opportunity to vote down the conference report, have the right to offer a motion to recommit this entire bill to the conferees.

Mr. Nicholas Longworth, when Speaker, following that decision in principle, held, as shown section 3266, volume VIII, of Cannon's Precedents, page 751—and the Chair quotes the syllabus:

Where an entire bill has been stricken out and a new text inserted, the conferees exercise broad authority and may discard language occurring both in the bill and the substitute. On January 29, 1927, the House proceeded to the consideration of the conference report on the bill (H. R. 9971) for the regulation of radio communications.

Mr. Tom D. McKeown, of Oklahoma, made the point of order that the conferees had stricken out matter agreed to by both Houses.

The Speaker said:

The Chair thinks he can simplify this situation by ruling with reference to the points of order that, inasmuch as the Senate struck out the entire House bill and inserted a bill of its own, any amendment which was germane is in order. The Chair will quote the precedent from Hinds' Precedents, volume 5, section 6421, as follows:

"The Chair understands that the Senate adopted a substitute for the House bill. If the two Houses had agreed upon any particular language or any part of a section, the committee of conference could not change that; but the Senate having stricken out the bill of the House and inserted another one, the committee of conference have the right to strike out that and report a substitute in its stead. Two separate bills have been referred to the committee, and they can take either one of them, or a new bill entirely, or a bill embracing parts of either. They have a right to report any bill that is germane to the bills referred to them."

The Chair thinks that is the better practice, and it has been universally followed in the House, that where the Senate strikes out the entire House bill and substitutes one of its own, it is in order for the conferees to recommend the adoption of any provision that is germane. That ruling will cover all amendments.

There are a number of other decisions that conform to and confirm these decisions I have read in making this ruling. Of course, decisions of the Chair never reflect the individual views necessarily of the occupant of the chair, but in order that there may be continuity and consistency in the rulings of various Speakers of the House it is absolutely necessary and essential that whoever the Speaker may be he must in substance, unless he can find some very sound reasons for departing from them, hold to the precedents and decisions that have been well considered by former Speakers of the House and which have been embodied in what might be called the law of precedents governing not only the Speaker but the membership of this body.

In view of the decisions read, the Chair feels constrained to overrule the point of order made by the gentleman from New York [Mr. WADSWORTH] and the two points of order made by the gentleman from Virginia [Mr. BLAND].

The gentleman from California [Mr. LEA] is now recognized for 1 hour and 20 minutes.

Mr. LEA. Mr. Speaker, it is my intention to yield to the gentleman from New Jersey [Mr. WOLVERTON] one-half of the time allotted in this debate. It is understood on both sides that we expect to recognize Members for and against the proposal.

Mr. Speaker, I now yield myself 10 minutes.

Mr. Speaker, the conferees have given to this bill a large part of more than 1 year of study and consideration. Today we come before you bringing a conference report which all Members except one in the Senate have signed, proposing that we write the conference agreement into law. We believe we are presenting to you a conference report that deserves the approval of the Members of the House.

One thing apparently that all should consider in connection with this legislation is that it has many ramifications. A great many people have been interested primarily in one particular thing or phase of the legislation that affected them, frequently losing sight of the broader question of the welfare of the United States and its transportation system.

The House instructed the conferees to insist on three amendments that were sent back to conference. We come here with a modification of two of those proposals and a complete rejection of the third. One point I would like to direct your attention to is that in voting the instruction to the conferees, at least three questions were involved. The instruction to the conferees was carried by a comparatively narrow majority in this House. I think it is fair to say that it does not necessarily mean a majority in this House was in favor of any one of the three. However, in coming here today, we believe we have a conference agreement that represents the majority opinion of the House and what the conferees have done, we believe, carries out the will of the House.

The first of these amendments submitted to us was the Jones amendment. Objections were made to the Jones amendment as it was presented to the House before on the basis that it set up an arbitrary rule to determine whether or not agricultural products were entitled to export rates granted industrial products. What we have done in the substitute amendment for the Jones amendment is to declare the policy of Congress to be that agricultural products shall be granted export rates on the same principles as industrial products. We go further than that, and provide that the Commission on its own initiative or on complaint shall make investigation and after hearings make orders to carry out the policy that Congress has here declared and directed the Commission to do.

At this time I am at liberty to say, and I am happy to say, that the Jones amendment as we have written it in this conference agreement has the approval of Mr. JONES, the author of that amendment, and I am satisfied that it accomplishes in a sound way what Mr. JONES desired to accomplish, that is, to secure equal justice to agricultural and industrial products so far as export rates are concerned.

The next amendment concerning which the House instructed us was known as the Harrington amendment. There were certain things involved in the instructions as to this amendment to which I want to call your attention. The first was that the Interstate Commerce Commission should make fair and equitable provisions for employees affected adversely by reason of consolidations or unifications. We had a provision in the original bill that came to the House to that effect and the amendment that we have agreed upon embodies that same provision.

Another provision was that where there is a substitution of transportation, for instance, by truck instead of rail, the employees of the abandoned line should have under those circumstances an order of the Commission fairly protecting their rights against unemployment. That is the only provision that is eliminated in this conference report.

There was a further provision—the instruction as to the Harrington amendment—that the agreement should include conditions so that the transaction will not result in employees being placed in a worse condition with respect to their employment. That provision is written in the conference agreement.

Then there was a provision confirming the right of employees to enter into agreements with railroads to take care of them in case of unemployment as a result of consolidations.

The substitute that we bring in here provides two additional things. First, there is a limitation on the operation of the Harrington amendment for 4 years from the effective date of the order of the Commission approving the consolidation. In other words, the employees have the protection against unemployment for 4 years, but the Commission is not required to give them benefits for any longer period. If the employees themselves make an agreement with the railroad company for a better or a longer period, that is a matter between the railroad men and the railroads, but this 4-year limitation is established by the pending conference agreement.

There is another limitation on the protective benefits afforded by the amendment. The benefit period shall not be required for a longer period than the prior employment of the employee before the consolidation occurred. In other words, under the original Harrington amendment, if a man was employed for 6 months, he would indefinitely be subject to the benefits of the amendment from the railroad company. We have changed that so the railroad company will not be required to maintain him in no worse condition as to his employment for any longer period than he worked before the consolidation occurred.

We believe that is a very fair and a very liberal provision for labor. We believe that railway labor substantially agrees in that viewpoint. We take nothing from labor by this agreement. We simply write specific provisions that shall be in the order of approval of the Commission, but otherwise we do not tie its hands.

Mr. VORYS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. LEA. I yield to the gentleman from Ohio.

Mr. VORYS of Ohio. Would this 4-year rule have the effect of delaying a consolidation for 4 years, or would it mean that if a consolidation were made there would still be a 4-year period during which the man would be paid?

Mr. LEA. No; this rule does not delay consolidation. It means from the effective date of the order of the Commission the benefits are available for 4 years. The order determines the date, and the protective benefits run 4 years from that date.

Mr. VORYS of Ohio. That would be whether or not they were still employed?

Mr. LEA. Yes.

Mr. O'CONNOR. Mr. Speaker, will the gentleman yield?

Mr. LEA. I yield to the gentleman from Montana.

Mr. O'CONNOR. As I want to see those who might lose their jobs as a result of consolidation protected, I should like to have the gentleman's interpretation of the phrase that the employee will not be placed in a worse position with respect to his employment. Does "worse position" as used mean that his compensation will be just the same for a period of 4 years, assuming that he were employed for 4 years, as it would if no consolidation were effected?

Mr. LEA. I take that to be the correct interpretation of those words. Our conference agreement followed the instructions of the House in that respect. It gives railway labor generous protection against sudden and long unemployment.

To proceed to the Wadsworth amendment. The Wadsworth amendment, as you know, places a floor under freight rates. There is a similarity to the wage and hour bill in that here we have a floor below which rates should not go with the permission of the Commisssion in its control of the freight-rate structure. The amendment would deprive the Commission of the discretion it ordinarily has in making rates. Ordinarily the Commission considers the value of the freight, the value of the service, the high or low cost of the freight, the conditions under which it must be transported, the effect on the movement of traffic, and so forth. The Wadsworth amendment deprives the Commission of authority to exercise that discretion.

I wish to say in the beginning with reference to the Wadsworth amendment that it is a provision that has been con-

sidered, so my information is, in every transportation country in the world for years gone by, and in every place in the world where there is rail transportation it has been rejected as impracticable and undesirable. So far as my time will permit I believe I can point out some of the objections.

Here is a situation that you must recognize to begin with. We have an average cost of freight in this country. Much of it is hauled below that cost. Much freight is above that average cost.

[Here the gavel fell.]

Mr. LEA. Mr. Speaker, I yield myself 3 additional minutes.

The Wadsworth amendment states that the Commission shall permit the freight to be placed at a certain elevation. It must be compensatory, and in addition to that it must cover overhead and all elements of cost. That means overhead, including taxes. Without including any return on the investment we have this situation. Assume that the figure 100 involves what the Wadsworth amendment states shall be included, compensation, including overhead, and it would carry taxes. The statistics show that in this country the average cost of transportation would be less than 80 percent of the Wadsworth standard, that is, what is rated as transportation cost. The additional costs are necessary, of course, for overhead and taxes.

There is much freight at the present time that is carried as low as 80, under 100, because of competitive conditions or because it will not move at a higher freight rate. Cheap freight—low-grade freight like grain, fertilizer, sand and gravel, and building materials—must move at that lower level on a narrow margin or they do not move at all. Therefore the effect of the Wadsworth amendment would be to require this 100-percent instead of the 80-percent floor on which the freight-rate structure is founded.

The effect of this amendment, if put into practical effect and enforced, would be to raise the freight rates on a large portion of the heavy commerce of the United States. There is nothing unusual about that practice. In this country there is the greatest need of cheap transportation of any place in this world because of the wide spread of the country and the great productive centers we have scattered throughout the Nation.

The high-cost freight, the high-priced freight, makes possible the low-cost freight in the United States. For instance, here is a passing train. One car is loaded with building materials. The railroad hauls that at a very low margin. Next to that car is a car full of merchandise, dry goods. The car that is loaded with dry goods probably pays $200 for the trip, while the car loaded with building material pays $100. The high price that is charged for the higher grade freight makes it possible for the railroad to make something for carrying the low-grade freight. It carries the low-grade freight at a very minimum of profit, but its income is something above what it would have been had it not carried that freight.

Mr. BULWINKLE. Mr. Speaker, will the gentleman yield?

Mr. LEA. I yield to the gentleman from North Carolina.

Mr. BULWINKLE. Will the gentleman not explain to the Members that this amendment will also raise passenger rates?

Mr. LEA. Yes. Passengers in the United States are carried at a loss of $100,000,000 a year. If the Wadsworth amendment were put into effect the railroads would, theoretically, have to recover that $100,000,000 by higher fares, which they could not do. It would simply mean that the rates would be raised and we would have less traffic on the railroads and less income.

I have touched only a few of the objections to the Wadsworth amendment. [Applause.]

[Here the gavel fell.]

Mr. WOLVERTON of New Jersey. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. WADSWORTH].

Mr. WADSWORTH. Mr. Speaker, I have addressed the House upon this subject upon a former occasion and therefore I am somewhat hesitant about doing it again. I may make this observation, however, at the outset, while I have no doubt that the ruling of the Speaker conforms with the precedents of the House, I cannot escape the conclusion that as a result of those precedents instructions given to conferees by a majority vote of the House are but idle gestures and need not be indulged in in the future. They are not binding in any sense.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. WADSWORTH. I yield.

Mr. WHITTINGTON. Is it not true that the distinguished majority leader so stated when that amendment was originally adopted, having been adopted by the Senate and the House, there was not any escape from including it in the final draft of the act?

Mr. WADSWORTH. Yes; the gentleman from Texas, when the bill was originally before the House, stated that if this amendment was adopted it did not go to conference where they might have an opportunity to iron it out, that when it is adopted here it is the law unless the President of the United States happens to veto it.

That is all there is to be said. The House has directed its conferees to do a certain thing, they have not done so, and since we have no control over them at all, we might just as well admit it. I make these observations in the hope that some one skilled in parliamentary law will give some consideration to amending the conference rules.

Now, Mr. Speaker, a word about the so-called Wadsworth amendment. I need not recite it to you that it was adopted by both Houses. It is interesting to note that in the debate in the Senate, when the Senator from Arkansas, Senator MILLER, offered it, it contained an additional paragraph to which the Senator from Montana, Senator WHEELER, objected, and he stated in the debate that if that paragraph was eliminated from Senator MILLER's amendment, he would accept the remainder. That paragraph was eliminated and the Senator from Montana said he had no objection to it and accepted the Miller amendment. It passed the Senate thus unanimously. Well, it is out.

Mr. MANSFIELD. Will the gentleman tell us who was the Senator from Montana?

Mr. WADSWORTH. Senator WHEELER, the chairman of the committee.

It was accepted and put in by both Houses, but it is out, so here we are.

Now just for a moment let me discuss the merits of the amendment. I regard it, incidentally, as the one hope of the water carriers in this bill. Without it I fear their days are numbered.

My good friend the gentleman from California [Mr. LEA] addressed a letter to the Members of the House, or a good number of them, under date of August 7, urging them to oppose the amendment, and in the letter he used this language, and he used language somewhat like it just a few minutes ago:

> The Wadsworth amendment sets up an arbitrary minimum-rate rule that, if enforced, would increase the rates on a large percentage of low-cost material that now moves at lower rates.

For the life of me I cannot see any arbitrary rate rule in the Wadsworth amendment. There is none. Let us see how it reads:

> In order that the public at large may enjoy the benefit and economy afforded by each type of transportation, the Commission shall permit each type of carrier to reduce rates so long as such rates retain a compensatory return—

And so forth. Is there an arbitrary minimum-rate rule in any such amendment? I cannot see it. It provides, in effect, that if a carrier of any type comes to the Commission and demonstrates to the Commission that it can carry a certain kind of material from one point to another at a lower rate than the rates it has been charging, and still get compensation from it, the Commission shall let them do it.

There is nothing arbitrary in the fixing of a floor. The gentleman from North Carolina says the Wadsworth amendment puts a floor under rates. I can see no floor fixed. It does make more elastic and more feasible, as I see it, the lowering of a rate when the lower rate is compensatory.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. WADSWORTH. Yes.

Mr. HALLECK. Is it fair to say that the inclusion of the language of the gentleman's amendment in the act would prevent any carrier from putting into effect a wage lower than that that would be sufficient to meet the full allocated cost of the performance of that service, including profits?

Mr. WADSWORTH. Hereafter; yes.

Mr. HALLECK. Does the gentleman contend that it is an inflexible rule? Does the gentleman contend that the application of that rule would not result in the raising of rates all over this country—rates that are now lower than the full allocated cost, including profit, rates that have to do with an amount above the out-of-pocket cost, that are established and put into effect in order that traffic can move?

Mr. WADSWORTH. I do not so concede. This provides for applications for reductions, not increases.

Mr. HALLECK. But if they wanted to apply for a lower one, the wording of the amendment is that no rate can be put into effect if it does not include the full allocated cost and it was offered, if I understood the amendment, merely for that purpose.

Mr. WADSWORTH. Let me read from a letter which I prepared in reply to the gentleman from California [Mr. LEA]:

> The amendment merely provides that the Interstate Commerce Commission shall permit a carrier to reduce rates so long as those rates are compensatory. Its purpose is to prevent arbitrary rate increases being imposed upon low-cost carriers in order to benefit their high-cost competitors. While it clearly indicates that the Congress does not approve of widespread below-cost rates being used to destroy competition, it contains nothing which would or could be construed as requiring that all rates bear the same proportionate share of over-all expenses. There has never come to my attention any meritorious criticism of the amendment or of the purpose it seeks to accomplish—the protection of the shipping public in their enjoyment of low-cost transportation.

That is the purpose of this amendment. It is not arbitrary, it does not fix a minimum, it does not fix a maximum. It opens the door to lower rates where they are justifiable, and I know, of course, that there are certain elements in the transportation industry that do not want lower rates for the benefit of their competitors.

Mr. VORYS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. WADSWORTH. Yes:

Mr. VORYS of Ohio. Is there anything in the law now which would prevent the Commission from doing what the Wadsworth amendment provides?

Mr. WADSWORTH. I cannot conceive that there is, or there would not be such a row to prevent this getting in. [Applause.]

Mr. LEA. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia [Mr. BLAND].

Mr. BLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. BLAND. Mr. Speaker, by authority of the gentleman from North Carolina [Mr. WARREN], I call attention to a telegram which I received from him, which reads:

> Circumstances beyond my control will probably prevent my being there [in Washington] on Monday when conference report comes up on Wheeler-Lea bill. My office is trying to secure a pair against it. I still regard it as thoroughly bad legislation, which is not in the interest of public welfare, and trust it will again be defeated. The conferees have violated the instructions of the House by not including the Wadsworth amendment after both bodies had passed this amendment. It is the only possible protection the public will get. I wish someone would explain my unavoidable absence.

Mr. Speaker, I think the Members will generally understand the reasons why the gentleman from North Carolina [Mr. WARREN] is not with us today and join with me in deploring his absence. The conference report rejects the Wadsworth amendment. That amendment was accepted originally in the Senate as the Miller amendment. It was stricken out by the House committee. It was reinserted in the House by an overwhelming majority and was in the bill originally when it was sent to conference. The conferees rejected the provision, although it had been adopted by the Senate and by the House. The conference report in which it was rejected came before the House for adoption. By an overwhelming vote the House directed that the report be recommitted, and directed that the Wadsworth amendment and other amendments be reinserted. The other amendments have been inserted in a modified form, but the Wadsworth amendment has been entirely omitted. It has again been rejected in violation of the instructions of the House.

I wish particularly to call attention to the circumstances incident to the rejection of this amendment. The amendment itself protects the public and constitutes the principal, if not the only, protection given the public. It says that rates shall not be reduced below a rate that is compensatory. That amendment is rejected. There is written for the first time into the bill a provision expressly giving the Commission the power to destroy the waterways of the inland waters of the United States and of the Great Lakes if they so desire. The railroads are permitted to own them. It appears that there is, I will not say a conspiracy, but a subtle desire to strike down all opposition to the railroads and to create such a situation that the railroads may control it. A policy established many years past after careful consideration is to be destroyed without committee consideration, without consideration by the Senate or House, but in the mandate of the conferees.

Waterway transportation exists for the public. The cheaper transportation exists for the public. The question involved here is not a question of waterway transportation; it is not a question of railroad transportation; but it is the broader question of the right of the public to have their goods transported at the cheapest rate at which goods may be transported. That issue has been clearly brought before the House. I wish to emphasize the fact that the effect in rejecting the Wadsworth amendment to destroy waterway transportation is increased by the new language that is written into the bill for railroad ownership of the waterways. I am going to ask the House in protection, not of the waterways, not of the railroads, but in the protection of the public of America, to send the bill back. Please observe that when the Jones amendment was before us formerly, when other amendments were here, they were said by the conferees to be unworkable and impracticable. The conferees said it would be impossible to enforce any such provisions. But for the purpose of winning the votes of the agricultural interests and of the labor interests, the conferees have found a practical way to include the Jones and Harrington amendments formerly denounced as unworkable. I ask you to reject the conference report and direct the conferees to find a practical way of carrying the Wadsworth amendment into effect. [Applause.]

Pursuant to leave given me to extend and revise my remarks, I desire to call attention to some other matters.

The trouble with the report and with this whole bill is that the conferees have lived and served so many years in a railroad atmosphere and heard the troubles of the railroads adroitly presented by their special pleaders that they have unconsciously magnified those troubles and attributed them to causes contributing in but small, if any, degree to their plight in the years of depression. The result is that the conferees seek to correct the railroad evils in a manner which will destroy competition whereas the primary source of the railroad difficulties may be found, first, in their own practices and, second, in the strait jacket fixed upon them by the Interstate Commerce Commission.

What is the Wadsworth amendment, and what does it do? It provides that:

> In order that the public at large may enjoy the benefit and economy afforded by each type of transportation, the Commission shall permit each type of carrier or carriers to reduce rates so long as such rates maintain a compensatory return to the carrier or carriers for the service rendered: *Provided*, That nothing in this paragraph shall be construed so as to affect the long-and-short-haul provision of section 4.

The amendment protects the public. It is expressly predicated upon the interest of the public. It says:

> In order that the public at large may enjoy the benefit and economy afforded by each type of transportation—

And so forth. It expressly directs that the public at large shall be taken into consideration, and provides that rates may be lowered to that end, but when these rates are lowered, the Commission must see to it that the type of carrier lowering its rates shall "maintain a compensatory return to the carrier or carriers after taking into consideration overhead and all other elements entering into the cost to the carrier or carriers for the service rendered."

The prohibition to maintain a compensatory return prohibits such a lowering by one carrier of rates as will destroy a competitor if the rates thus permitted do not maintain a compensatory return. The public at large should have the benefit of that kind of service which will give it—the public—maximum transportation at minimum cost. The conferees should have in contemplation always the best interest of the public.

The persistent defiance by the conferees of the will of the Senate and of the House on this important amendment is conclusive of the philosophy underlying this legislation. The conferees are men of high integrity, but so thoroughly imbued with the railroad psychology and so completely dominated with railroad views that they fail to see the benefits of other types of transportation.

In speeches made by me on April 16, 1940, and on May 9, 1940, I tried to point out many reasons why this legislation should not pass. I shall not undertake to repeat those arguments now, but I shall summarize them briefly:

First. The fundamental differences between different kinds of water carriers are such that legislation should recognize these differences and provide adequate safeguards to protect the public interest.

The economic principles involved in various types of carriers, including the various types of water carriers, are so vastly different that any regulation which does not recognize the fundamental differences between them is bound to be a failure. Any attempt to apply the same rules of regulation to a barge line on the Mississippi River as to a coastwise or intercoastal line would be just as bad as to attempt to regulate the coastwise and intercoastal lines in accordance with the railroad rule book.

Second. The coastwise and intercoastal water carriers are already subjected to ample regulation by a Federal agency—the United States Maritime Commission—which is acquainted with their problems, which understands their operations, and which knows their difficulties. The proposed law, so far as water carriers are concerned, shifts the regulation from an agency which understands their problems and transfers the regulation to an agency which does not understand their problems but has been identified throughout its history with the interests of their competitors.

The proper approach to a coordination of the activities of both should be through the cooperation of existing agencies and not by the destruction of one agency as a regulating medium with the transfer of its authority to the other agency whose functions have always been identified with one of the competitors.

There is no more justification for the transfer of authority over the water carriers to the Interstate Commerce Commission than there would be for the transfer of authority over the railroads to the United States Maritime Commission.

Third. The differences between rail transportation and water transportation are so basic and vital that any attempt to apply the same statutory rules of regulation to both must necessarily produce inequality instead of equality. The attempt to cut a steamship cloak from a railroad pattern will prove disastrous to some types of water carriers, and resembles an attempt to regulate clocks and watches according to instructions issued for the regulation of aircraft engines.

Fourth. Delays ordinarily incident to the settlement of discrimination cases involving railroads would be destructive to water lines with their limited capital and limited service, whereas the railroads' interests are so much more diversified, its field of operation so much more extended, and its sources of revenue so much more numerous that they are able to survive a long fight. In such a contest the railroads could easily strangle their competitors. In self-defense the water carriers must yield or transfer their operations to other streams, with the result that the public, whom they serve, would suffer.

Fifth. The flexibility of water transportation will be destroyed by reason of the time and expense necessarily involved in acquiring the certificates of convenience and necessity required by the proposed law. Elasticity of service by water lines is of tremendous benefit to the shipping public and should be preserved.

Sixth. Procedural delays of a year or more incidental to railroad regulation in reaching a decision affecting railroads may literally bankrupt water lines. The Interstate Commerce Commission takes years to decide a railroad case. This delay would mean the death of water carriers. The experience of water carriers to date in their dealings with the Commission on railroad water rates and decisions show that these dangers exist. The railroads know that this result will follow and they seek to profit by it.

Seventh. Railroad carriers may easily discriminate in favor of one water carrier against a competing water carrier and drive the latter out of existence. If the injured line should seek redress from the Interstate Commerce Commission, the formal procedure at present in force with the Commission would delay a decision for months and sometimes for years. If the conferees in rewriting the bill had desired to protect the water carriers and the public, they should have placed the burden of justifying discriminations on the railroads where the burden belongs. They failed to do this, and thus again made it obvious that the bill as drawn is in the interest of the railroads and not of the public or their competitors.

Eighth. The proposed legislation contains a very real danger in attempting to apply the rules and technique of railroad regulations to water-line cases with the result that the development of water transportation will be discouraged if not destroyed.

Ninth. The public, water carriers, and railroads can be protected and the advantage of all promoted by the passage of H. R. 4307, now pending on the House Calendar. That bill would extend the regulatory jurisdiction of the Maritime Commission to common carriers by water engaged in interstate transportation on inland waters, and the system for the regulation of water carriers would be rounded out and made national in scope. The bill, H. R. 4307, provides a means to effect coordination in the regulation of carriers subject to the Maritime Commission and the Interstate Commerce Commission where there is competition between such carriers. This would provide a tested and workable plan of regulation and one that is not unduly restrictive or burdensome. The machinery provided in the bill H. R. 4307 would easily dispose of the small number of cases which would not be disposed of by voluntary arrangements, negotiations, and cooperation between the two Commissions.

The speech which I delivered in the House on April 16, 1940, discusses at greater length the objections I have mentioned above, but there are other insuperable objections to the legislation which I pointed out in my speech of May 9, 1940, and which I shall summarize by a continuation of the above objections.

Tenth. The bill as prepared by the conferees provides the means whereby the railroads may destroy competing carriers. This is contained in the form of a proviso added to each part of the bill, rail, motor and carrier, whereby it is declared in a proviso to each part that the prohibition against discriminations which is contained in the bill, I quote: "shall not be construed to apply to discrimination, prejudice, or disadvantage to the traffic of any other carrier."

The language quoted constitutes an open, legislative invitation by Congress to the stronger form of transportation to destroy its competitor, and obviously operates to the advantage of rail transportation which has a larger field of noncompetitive traffic. The railroads are invited to lower their competitive rates to a point where they may destroy their competitors, and they may do so since they are no longer restrained by the language of the Miller-Wadsworth amendment which the conferees have rejected. The railroads have

the ability because of size and financial strength to engage in cutthroat, destructive competition for long periods of time. They can place high rates on noncompetitive traffic, composed in large part of agricultural products, and recoup in that way their revenue losses from reduced rates on competitive traffic. They can proceed to discriminate without restriction, and in fact they have a legislative invitation to discriminate to the destruction of their competitors with the congressional assurance that nothing shall be done about it.

Eleventh. The proposed legislation contains a direction to the Commission in connection with the division between carriers of the proceeds of the joint rail and water movements to divide the revenues between the carriers, not on the basis of their respective costs in relation to the service rendered, not on the basis of the service rendered by each, but on the basis of total operating expenses, taxes on a fair return on the property employed in the service, and in addition on the basis of, I quote: "importance to the public of transportation service of each carrier." This last basis would enable the Commission to disregard every other factor, and fix the division upon the basis of whatever the Commission may think as to the importance to the public of the respective carriers.

Twelfth. Inland waterways were developed by direction of this Congress in the 1920's in order to hold the rail monopoly in check in the interest of the producer and the consumer, and to that end coastwise and intercoastal water transportation was regulated and inland waterways developed with the objective of maintaining and providing a domestic system of efficient low-cost transportation. This wholesome national policy will be thrown overboard if this pending conference report is adopted.

Thirteenth. The proposed legislation forever removes the possibilities and potentialities of improving water-transportation facilities and extending the benefits of low-cost transportation facilities to aid consumers and producers. This is accomplished through the imposition of the requirements for certificates and permits under which only existing water facilities are protected. Experience with the Motor Carriers Act of 1935 has demonstrated that the facilities of water carriers will be restricted to those necessary to take care of existing needs, and the possibilities of development in the future will be wholly ignored.

Fourteenth. The proposed bill provides a Board of Investigation to help to determine what the policies of administration in respect to the various types of transportation shall be in the future after providing effective means for the destruction of agencies competing with the railroads in the present.

The appropriate approach would be to investigate before destroying, and that could be accomplished by delaying this bill until the conclusion of the investigation which the conferees desire.

It is in the interest of the public that consideration of the proposed changes be deferred and particularly at the present moment when it appears that all of the transportation facilities will be taxed to the utmost.

Mr. LEA. Mr. Speaker, I yield 7 minutes to the gentleman from Mississippi [Mr. WHITTINGTON].

Mr. WHITTINGTON. Mr. Speaker, an entirely different situation obtains today with respect to the situation of the railways in this country from that which obtained when the study that resulted in the consideration of the bill was begun 2 years ago. I am advised that the income of railways for the first 6 months of the present year has increased 46 percent.

Inland waterway traffic was inaugurated to supplement railway transportation during the first World War. There is room for all modes and methods of transportation, whether by rail, by airway, highway, or waterway, at the present time. It is my view, Mr. Speaker, that the Wadsworth amendment would not only have authorized the waterways, for a compensatory return, to reduce their rates, but at the same time it would have prevented the railways from unduly reducing their rates under the "added traffic" theory and thus destroying water competition.

But I rose to call attention to an entirely new matter that has been incorporated in the second conference report that was not incorporated in the first conference report. The chairman of the committee, the gentleman from California [Mr. LEA], stated that there was a reference in the bill that passed the House, and a similar reference in the Senate bill, to the Panama Canal Act, and that the purpose of the provision in the present bill with respect to the Panama Canal Act was to clarify existing law. He read to us not a decision, not an excerpt from a decision, but from a note to the case of *Southern Pacific Railroad Co.* (77 I. C. C. 124, p. 1411, vol. 2, Interstate Commerce Acts, Annotated) in support of his contention, that by inserting the word "new" in this pending bill, or the equivalent of it, the language of the act of 1912, the Panama Canal Act, was perfected and clarified.

Now we have before us in the pending bill the provisions of the Panama Canal Act. In a word, the Panama Canal Act of 1912 prevented railway carriers from acquiring competing water carriers through the Panama Canal and elsewhere, as was pointed out by the gentleman fom Virginia, Judge BLAND, when he read previously during this debate the provision of the act. I want to call attention to a significant statement and call attention of the chairman of the committee, the gentleman from California [Mr. LEA], to the fact that in clarifying he has left out that word "elsewhere," and that his clarification, whether he has given full force and effect to the language of the pending report or not, repeals the Panama Canal Act insofar as prohibiting railways from acquiring competing water carriers on the Great Lakes and on the inland waterways is concerned.

I submit this question to the chairman: If it be fair and proper to retain existing law for existing or new water carriers with respect to traffic through the Panama Canal, is it not equally fair and just to retain it with respect to the Great Lakes and to the great inland waterways? It may satisfy California to retain the competitive provisions for commerce transported from the Pacific coast through the Panama Canal, but when that law is repealed with respect to the Great Lakes and the great inland waterways of the country, I maintain that it crucifies competition in all those areas adjoining the Great Lakes, along the upper and lower Mississippi River, the Ohio River, and the Missouri River—thus destroying the great inland waterways of this country.

Mr. Speaker, from the beginning we have known that the act would be written in conference. It may be all right to reject that language which the distinguished majority leader, the gentleman from Texas [Mr. RAYBURN], during the debate on the bill stated could not be rejected if approved by the Senate, twice approved by the House, the so-called Wadsworth amendment, but it does occur to me that if this were a clarification, to use the language of the distinguished chairman, the gentleman from California [Mr. LEA], it is passing strange that this clarification was left out of the first conference report submitted to this body on April 26, and it is more than passing strange that it should be embraced in the present conference report with the simple statement that it clarifies existing law when in truth and in fact it repeals all competition between the railways and the competing waterways, except through the Panama Canal.

Mr. LEA. Will the gentleman yield?

Mr. WHITTINGTON. I yield to the chairman.

Mr. LEA. I think the gentleman misunderstood my statement with reference to the word "new." The new language I referred to was included in the revised Panama Canal Act of October 1, 1935, which gave the Commission the right to make an order to install new service.

Mr. WHITTINGTON. I am very glad to yield to the gentleman. I read from the notes to which he referred. I referred in the *Southern Pacific case* (77 I. C. C. 124), page 1411, as they appeared in volume 2, Interstate Commerce Acts, Annotated, and the gentleman read from the note as to new service and not from the decision in the case.

Mr. LEA. I was reading from the law, in substance.

Mr. WHITTINGTON. I understand the text from which the gentleman was reading.

Mr. Speaker, under existing law no competition is prevented, not only in the Panama Canal but in the waterways of the country. Shortly after the act was passed in 1915, application was filed by the railways of the country to take advantage of the existing law and the provision of the law with respect to existing service. I shall read to you the language of the Interstate Commerce Commission in the Lake Line application under the Panama Canal Act. This is found in Thirty-third Interstate Commerce Commission, page 699. The decision was handed down May 7, 1915:

These boat lines under the control of the petitioning railroads have been first a sword and then a shield. When these roads succeeded in gaining control of the boat lines which had been in competition with paralleling rails in which they were interested, and later effected their combination through the Lake Line Association, by which they were able to and did drive all independent boats from the through lake-and-rail transportation, they thereby destroyed the possibility of competition with their railroads other than such competition as they were of a mind to permit. Having disposed of rail competition via the Lakes, these boats are now held as a shield against possible competition of new independents. Since it appears from the record that the railroads are able to operate their boat lines at a loss where there is now no competition from independent lines, it is manifest that they could and would operate at a further loss in a rate war against independents. The large financial resources of the owning railroads make it impossible for an independent to engage in a rate war with a boat line so financed.

If you want to give the Interstate Commerce Commission with respect to existing or new service authority to do that which they said they had no authority to do under the Panama Canal Act, approve this conference report. If you are opposed to it and stand for competition and reduced rates on heavy traffic borne by the waterways of this country vote to recommit this to the conferees, or vote to reject the report.

I recall the days when the law existed as provided by this conference report, and I recall that Jay Gould, of New York, to eliminate water competition on the Mississippi River, established or acquired lines of boats, naming them after his children. Very shortly thereafter the George Gould, the Anna Gould, and other boat lines that he established or acquired disappeared and the railroads enjoyed a monopoly.

I trust that the motion to be made by the gentleman from New York to instruct the conferees respecting the Wadsworth amendment and the repeal of the Panama Canal Act will be adopted or that this conference report will be rejected. [Applause.]

Under leave to revise and extend, permit me to say that from the beginning I have opposed the provisions of the pending legislation for the regulation of water carriers. I have maintained that it was the purpose of railways to destroy the competition of the waterways.

When the conference report of April 26, 1940, was considered, it was recommitted to the conferees with instructions to embody the Wadsworth, the Jones, and the Harrington amendments.

The conferees submit a second conference report on August 7, 1940, which undertakes to embody substitutes for the Jones and Harrington amendments but it utterly ignores and disregards the instructions of the House respecting the Wadsworth amendment. The Wadsworth amendment is eliminated altogether. The second conference report is identical with the first conference report so far as the Wadsworth amendment is concerned.

As I have previously stated it has been understood from the beginning that the transportation bill would be written in conference, but as was stated by the distinguished majority leader [Mr. RAYBURN] when the Wadsworth amendment was adopted, this amendment would have to be embraced in the bill. The Wadsworth amendment is identical with the language of the Miller amendment adopted in the Senate. Both the Senate and the House have thus agreed upon the Wadsworth amendment.

Surely it is not too much to ask that a provision that has been agreed to by the Senate once and by the House twice should be incorporated in a bill that was rewritten entirely in conference. A regard for the views of the Senate and the House would require that the Wadsworth amendment be embraced. The instructions of the House should not be flouted.

WADSWORTH AMENDMENT

Under the Wadsworth amendment each type of carrier shall be permitted by the Commission to reduce its rates so long as such rates maintain a compensatory return to the carrier, after taking into consideration overhead and other elements entering into the cost to the carrier or carriers for the service rendered.

Under this amendment water carriers would be protected against ruinous and destructive rate-cutting policies of the railroads. The railroads could no longer make rates on the so-called added traffic theory. For this reason the railroads vigorously oppose the amendment.

It may be contended that the proviso of subsection (c) of section 305, page 40 of the the Conference Report, would protect the water carriers; however, a water carrier could reduce its rates but there is no protection whatever to a water carrier against a reduced rate by a railroad even though such railroad rate might be so low as to drive the water carrier out of business.

It may be argued that subsection (f) of section 307 will protect the water carriers. I call attention to the total absence in this last section, or any other section of the bill, of a protection for water carriers against ruinous railway rate reductions.

By omitting the Wadsworth amendment, the water carriers have been deprived of a statutory protection against the establishment of "added traffic" rates. It may be conceded that the Commission has the power to stop those practices if it desires to do so. I insist that there be a statutory instruction, positive and definite, that will protect the waterways.

PANAMA CANAL ACT

The Second Conference Report not only disregards the instructions thrice given respecting the Wadsworth amendment, but to my astonishment it repeals paragraphs in the Panama Canal Act designed to protect the public against a monopoly of transportation by the railroads. Under the Panama Canal Act, in effect since 1914, it was unlawful for a railroad to own or operate a common carrier by water operated through the Panama Canal, or elsewhere. It was thus unlawful to so acquire water carriers on the Great Lakes and the Inland Waterways. In the second Conference Report, the prohibition against acquiring water carriers on the Inland Waterways and the Great Lakes has been repealed. No such repeal was contained in the first Conference Report. Only a passing reference is made to the repeal in the statement of the managers. On page 69 of the statement it is said that the Panama Canal Act has been modified for the purpose of clarification and with respect to the installation of new service. All must agree, however, that the repeal goes very much further than providing for new service. It destroys the competition of existing services. At one fell swoop the Conference Report undertakes to do what Congress has emphatically declined to do for 25 years. Repeated efforts have been made to repeal the prohibition against railways acquiring competing water carriers on the inland waterways and on the Great Lakes. The repeal of the Panama Canal Act will give to the railroads the same power and authority that they had to acquire water carriers prior to the adoption of the Panama Canal Act. Instead of providing for new waterways service, it will eliminate all waterways service.

No consideration was given to the subject in the first conference report. It was not referred to in the debates with respect to recommitting the report. The second report repeals the Panama Canal Act by rewriting its provisions and removing the unconditional prohibition against the acquisition of water carriers by the railroads, and granting complete authority to the Interstate Commerce Commission, upon application of any railroad, to authorize the acquisition by ownership or control, lease, or operation of such water carriers.

The new provision which grants this authority is contained in section 5, paragraph 16, page 14, of the conference report, which, in part, reads as follows:

Notwithstanding the provisions of paragraph 14 (which contains the Panama Act prohibition) "the Commission shall have authority, upon application of any carrier, as defined in section 1 (3)

(railroads only), and after hearing, by order to authorize such carrier to own or acquire ownership of, to lease or operate, to have or acquire control of, or to acquire an interest in, a common carrier by water, or vessel, not operated through the Panama Canal, with which the applicant does or may compete for traffic."

I can recall the heyday of water traffic on the Mississippi River some 50 years ago. Under the corrupt and cut-throat competition of the railroads it disappeared. The public suffered. Others are familiar with the disappearance of competition following the acquiring of water carriers by the railways on the Great Lakes.

Under the Panama Canal Act in the Lake Line Application case (33 I. C. C. 699, decided May 7, 1915), from which I have already quoted, the Commission pointed out that the competing boat lines acquired by the railways are first a sword with which to destroy competitors, and then they are a shield to destroy competition, for, having acquired them, abandonment follows sooner or later.

WATERWAYS ESSENTIAL IN NATIONAL DEFENSE

In the first World War, additional transportation was needed. Provision was made for the Inland Waterways Service. In the current national-defense program, the railways are among the chief beneficiaries. The pending legislation has been under consideration for 2 years. Whatever may have been the justification for the transportation bill 2 years ago, a different situation obtains at present. For the first 6 months of 1940 the net income of the railroads has increased some 46 percent, as I have stated. I favor aid for the railways, but it is not necessary to destroy the waterways.

DISTRIBUTION

Water transportation on our coasts, Great Lakes, and inland waterways since 1920 has promoted distribution of the products of the farm and factory for the benefit of the producers and growers, as well as the consumers of the country. Lower rates have been promoted. Legislation alone will not solve the difficulties of the railways. The public is entitled to the best and the cheapest transportation. Railways must solve their problems by meeting and not destroying competition. The public is entitled to the inherent benefits of all transportation.

INLAND WATERWAYS DISCRIMINATED AGAINST

It is significant that the conference report repeals competition on the inland waterways and Great Lakes, but does not repeal competition through the Panama Canal. The Great Lakes and the inland waterways are discriminated against. The great interior of the Nation will suffer. The Pacific coast, including the State of California, will receive the benefits of low rates through the Panama Canal, but the States along the Mississippi, Ohio, and Missouri Rivers, and the Great Lakes States, in securing outlets for both farms and factories, will be discriminated against. If it is unwise to repeal the competition features respecting water transportation through the Panama Canal, it is unwise to repeal them respecting transportation on the inland waterways and Great Lakes.

CONCLUSION

The motion to recommit with instructions should be adopted or the conference report should be rejected.

Mr. WOLVERTON of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. VAN ZANDT].

Mr. VAN ZANDT. Mr. Speaker, for many months hundreds of thousands of railroad workers throughout the Nation have been anxiously awaiting congressional approval of S. 2009, the Wheeler-Lea railroad bill. They are interested in this bill because it will help their employers, the railroads of this country. Today the 21 brotherhoods representing the railroad workers of this country are united in their support of the conference report on S. 2009 which we are now considering, and plead for its passage by this House.

Much has been said and more will be said about the earnings of the railroads of the country during this temporary boom caused by the heavy expenditures of our Government for national defense. So that the Members of the House will have a true picture of the railroad industry, I want to read a statement that came into my possession this morning, entitled, "Railways in Hands of Receivers and Trustees," as follows:

RAILWAYS IN HANDS OF RECEIVERS AND TRUSTEES

The Bureau of Statistics of the Interstate Commerce Commission made public this week a compilation showing steam railways in the hands of receivers and trustees on December 31, 1939, and changes in the list of companies affected by receivership or trusteeship to July 31, 1940. This compilation showed that 107 railways were in the hands of receivers and trustees (excluding switching and terminal companies) on July 31 this year, compared with 108 on December 31, 1939. Of the total number 10 class I and 24 other railways were in charge of receivers on July 31 this year, and 28 class I and 45 other railways were in charge of trustees. The total number in the hands of receivers and trustees at the close of 1939 represented 69,361 miles of road, and an investment in road equipment totaling $6,001,585,750. The capital stock of those railways was $2,299,838,636 and the unmatured funded debt, $2,794,232,519. The percentage of all steam railways in the hands of receivers and trustees, based on miles of road operated, was 31.05 percent.

Mr. WOLVERTON of New Jersey. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. CULKIN].

Mr. CULKIN. Mr. Speaker, the conferees on this bill, for all of whom I have great personal affection, have risen to new heights of parliamentary Hitlerism by writing into this report the repeal of the section relating to the acquisition of competing water lines.

May I say at this point that the waterways of the Nation carry yearly 500,000,000 tons generally at one-tenth the cost of rail transportation. This great saving has a profoundly beneficial effect upon the life of every American. Sometime about 1935 the Sun Oil Co. caused some figures to be gathered which show that if gasoline were transported by rail instead of by water the gasoline would cost 20 cents additional at the pump. That is only one of the savings. The figures on national consumption show something like a saving of $4,000,000,000 a year to the users of gasoline. There are likewise great savings on all other bulk commodities.

All these savings will be wiped out if this conference report becomes law. This amendment now brought in here is a revolutionary step which spells transportation monopoly and resulting economic disaster to the farmer, consumer, and shipper in industry. The proposition, may I say, comes out of a clear sky and is clothed in deceptive language. On page 69 of the conference report the matter is glossed over with weasel words in a fashion that does no credit to the conferees' willingness to take the House into their confidence. I do not believe that the House will act other than that this bill should be sent back to conference and that the subject matter of this provision should be given full and adequate hearings.

May I say again, as I have said here before, that transportation is a matter of vital importance to the well-being of every American and his right to live comfortably should not be destroyed in such manner as is here presented. This is a time when we need an efficient America. This bill puts America in chains.

I urge every patriotic Member, and I know you are all patriotic, including the distinguished but misled members of the conference committee, in the interest of the country to vote down this conference report and send the bill back to the committee. [Applause.]

Mr. Speaker, I yield back the balance of my time.

Mr. WOLVERTON of New Jersey. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. HULL].

Mr. HULL. Mr. Speaker, I sought this limited time in order that I might have inserted in the RECORD, with the consent of the House, a letter from the Midland Cooperative Wholesale Co., a large farmers' cooperative association operating in both Minnesota and Wisconsin, in which it voices its opposition to the bill S. 2009, known as the Wheeler-Lea bill, unless the Miller-Wadsworth amendment is included.

Mr. Speaker, I ask unanimous consent to include this letter in the RECORD:

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin [Mr. HULL]?

There was no objection.

The letter referred to follows:

AUGUST 12, 1940.

Hon. MERLIN HULL,
Congressman, State of Wisconsin.

DEAR CONGRESSMAN: I am writing you this letter so that you may know as to what our position is on the bill S. 2009, also known as the Wheeler-Lea bill.

We are unalterably opposed to the passage of this bill, if the Miller-Wadsworth amendment is not included in the bill. After the introduction of the original bill into Congress our interest caused us to study the contents. It is very clear to us that the Wadsworth amendment is about the only section of the bill that gives any consideration to the producers and the consumers of the Northwest. I would like to give you a few figures and facts which we believe you would be interested in.

The interest of the general public in the Northwestern States in the costs of transportation is great, because they must find a market for their surplus goods a long distance from home markets. The farmer's realization on his agricultural products is the price the distant market pays, less the cost of transportation to that market. The same rule applies on what light manufacturing exists in the Northwest. The farmer is the largest shipper of out-bound and in-bound freight in the Northwest. On the products he consumes for home or production use he always pays the freight in the final price.

We have studied various domestic markets in the United States with a view to moving farm products by river transportation. Let me give you an example. The all-rail freight rate on locally produced grain at Red Wing, Minn., to Nashville, Tenn., is $10.80 per ton, or 54 cents per hundred pounds. The river-transportation rate on the same product is $3.20 per ton, or 16 cents per hundred pounds. That same situation would apply to many points between the Northwest and various points in the South and East on our inland-waterway system, such as Alabama, Kentucky, Mississippi, West Virginia, Pennsylvania, etc. This widespread differential has been a factor in keeping living costs in these last States high. This same wide differential has helped to produce the break-down of agriculture in the Northwest. It is very clear that there is no relief in sight from any regulated transportation that has one purpose, that of seeking only higher and higher rates.

Let me give you an example on a commodity that the consumer must pay the freight on in the final price. Wisconsin and Minnesota, as you know, are two of the few States in the United States that do not produce coal. It must all be shipped in from the South and East. After the Transportation Act of 1920 was passed in Congress coal rates advanced about 40 percent to the consumer. The retail price of fuel in these two States will average higher than perhaps any two States in the Union where climate demands fuel.

The present all-rail freight rate on lump coal from West Virginia to western Wisconsin and eastern Minnesota points on the upper Mississippi ranges from $5.35 to $5.55 per ton. The river rate on the same complete coal movement is from $3.50 to $3.70 per ton. The retail price on coal in many points in Wisconsin and Minnesota, such as La Crosse, Winona, Red Wing, Prescott, Minneapolis, and St. Paul have already been reduced to the final consumer to the extent of $1 to $2 per ton on account of coal moved into these points by river.

The Northwest is a large consumer of petroleum products. The farmer depends more and more on his tractor and internal-combustion engine. The Mississippi and Ohio River basin has within its reach over 70 percent of the known available oil reserve. The all-rail freight rate on petroleum products from production in and around St. Louis, Mo., to the upper Mississippi by all rail will average over 3 cents per gallon. The rate via river transportation on the same complete movement would be as low as 1 cent per gallon to river cities. Now, in the early stages of the development of the upper Mississippi several large oil companies started moving petroleum products by river. The increase in the tonnage has been great. With a dependable 9-foot channel these oil companies have now put into operation their own barges and towboats. These large integrated oil companies are not against this proposed regulation because if the small operator who must hire equipment is regulated off the river, they will then control the situation and enjoy a transportation monopoly created by an act of Congress at the public expense.

If Congress wants to defeat the purposes of the Inland Waterways and create a transportation monopoly for large interests who control captive tonnage of coal, oil, etc., they certainly could not find a better method than by passing the Lea-Wheeler bill without the Wadsworth amendment. The record of the Army engineers and War Department from the viewpoint of the relationship of Inland Waterways to national defense is well known and the War Department has maintained its consistency on this matter by attacking this bill. We know you will not be a party to the passage of this bill.

Very truly yours,

MIDLAND COOPERATIVE WHOLESALE,
By EARL PETERSON,
Manager, Coal Department.

Mr. LEA. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. COLE].

Mr. COLE of Maryland. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include some references from a report.

The SPEAKER. Is there objection to the request of the gentleman from Maryland [Mr. COLE]?

There was no objection.

Mr. COLE of Maryland. Mr. Speaker, as one of the conferees may I again call to the attention of the House the problem before the conferees in this matter. We have returned to you this important bill with the exception of one or two items, practically as the House instructed some months ago. I was amused a moment ago when the gentleman from Mississippi [Mr. WHITTINGTON] was trying to find a reason to oppose this report and talked about the problems of the Great Lakes. The gentleman from Mississippi [Mr. WHITTINGTON] should have witnessed, as we of the Interstate Committee have, the work of the gentleman from Ohio [Mr. CROSSER], the gentleman from Indiana [Mr. HALLECK], and a number of other members of our committee from the Great Lakes section of the country in looking out for the interests of that great section of our country. The representatives from the Great Lakes section, I am sure, are not in sympathy with the criticism of the gentleman from Mississippi [Mr. WHITTINGTON], so far as this report is concerned because they have too much confidence in the desire of our committee to be fair to the interests to which the gentleman has referred.

Mr. Speaker, this is a lengthy bill. There is a lot to it. I am very happy to note that the only substantial criticism of the work done by the conferees is the elimination of the Wadsworth amendment. I do not believe the Wadsworth amendment means as much as its author contends.

[Here the gavel fell.]

Mr. LEA. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. COLE of Maryland. Mr. Speaker, I do not care for additional time. I would like to have those gentlemen who are opposed to the report given time. Maybe they can tell us more substantial reasons why the report should be rejected than we have heard in the last hour, otherwise the report will certainly be adopted.

Mr. BLAND. Will the gentleman yield?

Mr. COLE of Maryland. I yield to the gentleman from Virginia.

Mr. BLAND. I wonder if it would not be worth while for the gentleman to tell us why the conference should be agreed to? Then maybe we can tell him why it should not be.

Mr. COLE of Maryland. Mr. Speaker, this committee bent over backwards almost to accommodate the objection raised by water carriers, but no matter what we do it apparently has no influence whatsoever upon the gentleman from Virginia. Let me prophesy now that after a reasonable period of administering this act he will disagree with his position of today. I have before me a letter from the Merchants & Miners Transportation Co. All recognize this company as fair, reasonable, and representative. It operates along the entire Atlantic coast. That company not only favors the legislation but has advocated it.

Mr. WHITTINGTON. Will the gentleman yield?

Mr. COLE of Maryland. I yield to the gentleman from Mississippi.

Mr. WHITTINGTON. The gentleman spoke about those interested in the Great Lakes region. The preceding speaker lives in the Great Lakes area, the gentleman from New York [Mr. WADSWORTH] does, and so does the gentleman from Michigan [Mr. DONDERO].

Mr. COLE of Maryland. I have the pleasure of serving with the gentleman from New York [Mr. WADSWORTH] as a member of the Interstate and Foreign Commerce Committee. I doubt if he would support this legislation even with his amendment a part thereof. The gentleman from Michigan [Mr. DONDERO], like some others, looks at legislation of this broad character through cloudy glasses. He is so water-minded.

Mr. Speaker, the House is called upon to pass upon the very perplexing problem whether all forms of transportation shall be regulated by one great agency in this country and

regulated fairly as this bill provides. I hope the Members sustain our report asking that this be done. [Applause.]

[Here the gavel fell.]

Mr. WOLVERTON of New Jersey. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to insert some letters and telegrams from firms and individuals in Minnesota.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota [Mr. ALEXANDER]?

There was no objection.

Mr. ALEXANDER. Mr. Speaker, it has been said that you can ship freight by water at approximately one-tenth the cost of shipping it by rail. You have also heard it said by the gentleman from New York [Mr. WADSWORTH] that if the Wadsworth amendment is rejected and the Wheeler-Lea bill adopted without that amendment being inserted, it means the end of the waterways. May I say that there is probably one way out with respect to that idea, and that is this: The private carriers will still be able to provide themselves with transportation. I refer to the large concerns such as the Standard Oil Co. and firms of that kind which can afford to purchase tugs and barges in which to ship their own freight. What is the final result of that sort of thing when you carry it into practical operation? It eliminates the small-business man, the little fellow, and it eliminates competition. The net result of it all will be that you will go one step further along the road to the corporative state idea which Mr. Mussolini has perfected so well in Italy. If that is the sort of thing we want in America, then you should vote down the Wadsworth amendment; otherwise, keep it in there. [Applause.]

Mr. Speaker, I insert herewith certain letters and telegrams which I have received expressing opposition to the Transportation Act unless it contains the Wadsworth amendment.

ST. PAUL, MINN., *August 8, 1940.*

Hon. JOHN G. ALEXANDER,
House Office Building, Washington, D. C.:

We urge your support of the Miller-Wadsworth amendment to the conference report on the Wheeler-Lea bill which gives to our longshoremen in Minnesota the same protection as is accorded railroad employees under the proposed law.

GEO. W. LAWSON,
Secretary, Minnesota Federation of Labor.

ST. PAUL, MINN., *August 7, 1940.*

Hon. JOHN G. ALEXANDER,
House of Representatives, Washington, D. C.:

Understand as result of concerted drive by forces hostile to inland waterways the conferees will report back the Wheeler-Lea transportation bill minus Miller-Wadsworth amendment. The welfare of Minnesota demands your unyielding opposition to any proposal to enact such legislation without this mitigating amendment which the House ordered reinstated.

UPPER MISSISSIPPI AND ST. CROIX RIVER IMPROVEMENT COMMISSION OF MINNESOTA,
HERMAN NUELLER, *Secretary.*

MINNEAPOLIS, *August 7, 1940.*

Hon. JOHN G. ALEXANDER,
United States Congressman,
House Office Building, Washington, D. C.:

Just been advised that effort is being made to rush through Wheeler-Lea bill. Bill, we are advised, eliminates Miller-Wadsworth amendment. We all urge you to insist upon retention of Miller-Wadsworth amendment for this is only feature of Wheeler-Lea bill that protects low rates for shipper using Mississippi River to Minneapolis.

TOM VON KUSTER.
HARLAN NYGAARD.
A. D. STRONG.
KINGSLEY DAY.

MINNEAPOLIS, MINN., *August 9, 1940.*

Hon. JOHN G. ALEXANDER,
House Office Building, Washington, D. C.:

We understand Wheeler-Lea omnibus transportation bill to be presented to Congress twelfth. Strongly urge as a protection to shippers in this territory you insist on retention of Miller-Wadsworth amendment to this bill.

THE CREAM OF WHEAT CORPORATION.

DULUTH, MINN., *August 8, 1940.*

Hon. J. G. ALEXANDER,
Washington, D. C.:

The International Longshoremen's Unions of Minnesota are opposed to passage of bill S. 2009, known as the Wheeler-Lea Transportation Act, as reported by conference committee. If railroad workers are to be protected under S. 2009, then water-front workers demand also their jobs be protected to same extent. The Miller-Wadsworth amendment will not only protect longshoremen's jobs but will prevent the ruination of a very important arm of our national defense, namely, the carrier by water.

E. L. SLAUGHTER,
Secretary, International Longshoremen's Council of Minnesota and Wisconsin Labor Temple, Duluth, Minn.

CARGILL, INC.,
Minneapolis, Minn, August 9, 1940.

Hon. JOHN G. ALEXANDER,
House Office Building, Washington, D. C.

DEAR SIR: As large users of all types of transportation, we ask your support to insist upon the retention of the Miller-Wadsworth amendment in the Wheeler-Lea omnibus transportation bill, which will be submitted to the House for consideration on Monday, August 12, in order to provide full protection to the public at large in the benefits and economy afforded by each type of transportation.

Yours sincerely,

J. H. MACMILLAN.

MINNEAPOLIS JUNIOR ASSOCIATION OF COMMERCE,
Minneapolis, Minn, August 9, 1940.

Hon. JOHN ALEXANDER,
House of Representatives, Washington, D. C.

DEAR JOHN: I understand that the conference report on the Wheeler-Lea bill is scheduled for House consideration Monday, August 12.

It is also my understanding that it entirely eliminates the Miller-Wadsworth amendment.

As you know, the Junior Association of Commerce is strongly in favor of the Upper Mississippi Waterway Harbor and has been since 1932. Therefore, if this Miller-Wadsworth bill is eliminated, it would undoubtedly work a hardship on the waterway.

I would like to urge you to insist upon the retention of the Miller-Wadsworth amendment, as it is the only feature of the Wheeler-Lea bill that protects low rates for shippers on the Mississippi River.

Sincerely yours,

GERALD L. MOORE,
President, Junior Association of Commerce.

Mr. LEA. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. BARDEN].

Mr. BARDEN of North Carolina. Mr. Speaker, I listened with interest to the chairman denouncing the Wadsworth amendment, as he did the Jones amendment, the Wadsworth amendment, and the other amendments last July when the bill was considered. I listened to the gentleman from Maryland say that more time should be consumed by those who object to the passage of this bill without the Wadsworth amendment. I simply want to say to the distinguished gentleman and the other members of the conference committee that you were very definitely and positively instructed by a majority vote of this House to put that amendment in this bill. You may have some parliamentary right to bring this bill back into the House without it, but you certainly have no moral right to do it. I hope the House will send the bill back to you and give you another opportunity to carry out the instructions of a majority of this House. [Applause.]

[Here the gavel fell.]

Mr. WOLVERTON of New Jersey. Mr. Speaker, I yield 8 minutes to the gentleman from Indiana [Mr. HALLECK].

Mr. HALLECK. Mr. Speaker, it has been intimated here that some of us have been misled by being persuaded that we should be for this bill. I have not been overly enthusiastic in my sessions in the Congress about some of the extensions of governmental regulation, but I believe I can say that when it is evident, as it is evident in respect to transportation, that the country is committed to a policy of governmental regulation, then it is only fair to say that competing systems of transportation should also be brought under regulation.

We have seen such regulation extended to the motor carriers. Has the Interstate Commerce Commission destroyed them? Of course not. They are not complaining. We have seen regulation extended to the air carriers. Have they been destroyed?

There is another peculiar thing about this. The original Harrington amendment provided that if any employee on

a railroad lost employment by reason of a consolidation the railroad would have to continue to pay him his salary. Right or wrong, in principle that is something of regulation, is it not, regulation applied to the rail carriers? Yet many of those who are opposing this bill because it seeks to bring water carriers under some modest type of regulation joined in voting to recommit the bill to clamp that further regulation on the rail carriers. Is that consistency in respect to regulation?

The conferees have acted in good faith. If it could be said that we could bring nothing back to the House unless we followed to the letter the mandate of the House, we would never have legislation so long as the Senate conferees refused to go along with the instructions we had. I do not care what implications are made; I say to you here and now on this floor that the Senate conferees would not go along with the Wadsworth amendment, so what were we to do except to bring back to the House the best solution we could. The House can now determine for itself whether it wants to insist on the Wadsworth amendment.

We have worked out a compromise of the Jones amendment that seems to suit everybody. If you will recall, it was urged by some that export freight-rate differentials were not given to farm products as they were given to manufactured products shipped for export. I thought upon looking into it that about the same treatment had been given to agricultural exports, and I could not see the need for the Jones amendment. But as it was originally written it went too far. It would have required the application of the same formula used on manufactured products to farm products. Farm products move at much cheaper rates. You cannot apply the same formula to them. So we bring back language which provides that the principles which are designed primarily to equalize port conditions and bring about an increase in foreign trade shall be applied to farm products as well as industrial products.

As to the Harrington amendment, I do not know what the author of that amendment is going to do about this bill, but I do know and understand that the people whose cause he so valiantly championed are not objecting to this provision as it is now written. It follows the principle of the so-called Washington agreement that was a contract entered into by the carriers with their employees to fix the rights of employees whose employment terminated upon consolidation. This language gives to the employees greater protection and more far-reaching protection and recognizes the principle to which we all subscribe, that rights of employees should be protected, and, beyond that, writes it into law.

Mr. HARRINGTON. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield to the gentleman from Iowa.

Mr. HARRINGTON. Does it take care of the employees with respect to abandonments?

Mr. HALLECK. I do not understand that it does, but I may say to the gentleman from Iowa that when he first offered his amendment the amendment did not take care of abandonments.

Mr. DONDERO. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield briefly to the gentleman from Michigan.

Mr. DONDERO. What answer does the gentleman believe the Committee on Rivers and Harbors is to make to the Army engineers when they come before us and say that this project will furnish cheap water transportation to the American people?

Mr. HALLECK. I would just like to say about that question that if anyone can find in the hearts or the minds of any of us who have worked on this bill any intent or determination to take from the country the benefits of cheap transportation, I fail to see it. I have said time and again here and to the country that there were proposals coming from different sources that would have done that but we refused to accept them. The very declaration of policy requires the Interstate Commerce Commission to say to the country whatever benefits of cheap transportation we have. I would be the last person to say that after we have spent all of this money to develop water transportation we ought to throw it away. At the same time, however, there is such a thing as fair, unified regulation. There is such a thing, if you please, as well-designed, well-intentioned, and well-administered regulation that will improve the condition of the waterways.

Now, let us consider the Wadsworth amendment. I have never been able to get some folks who are interested in that amendment to say definitely whether it referred to out-of-pocket cost or full allocated cost, although it seems to mean the latter. Some of you may not be altogether familiar with its purpose and I am frank to confess that I do not know as much about it as I might, but I know that with certain movements of freight traffic on the railroads, or anywhere else for that matter, certain traffic will not move unless it has a cheap rate. Much of that includes agricultural products. So they do not fix that rate on the full allocated cost which would include overhead and profit and all the other things, but they figure what the out-of-pocket cost is to move that carload of freight or trainload of freight, add a little to it on the theory that it is better to make something than to not move the freight at all. Now, there are rates like that all over this country. There are rates that are lower than the full allocated cost put into effect simply to equalize the competitive advantages of different communities trying to get into a consumer market.

Now, what does the Wadsworth amendment say? It says that a carrier can reduce rates so long as such rates maintain a compensatory return to the carrier after taking into consideration overhead and all other elements entering into the cost to the carrier for the service rendered.

[Here the gavel fell.]

Mr. WOLVERTON of New Jersey. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. HALLECK. Now, what does that mean? That simply means that a rail carrier could not reduce a rate below the full allocated cost in order to move the traffic that would otherwise not be moved; and if anyone can successfully contend to me that it would not have that effect I challenge him to do it. It states that you can reduce the rates only so long as you provide a compensatory return, which, I take it, although the language is garbled and not clear, refers to full-allocated cost, including overhead and profit. I take it that it would mean clearly and simply that these out-of-pocket rates would not be permitted on the railroads.

The effect of that would be to raise rates all over this country. I do not believe any one of you wants to do that.

There are those who have insisted that this amendment should be written into the law because it is necessary to permit water carriers to reduce their rates below what the competing rail rate would be. This is predicated on the false assumption that the Interstate Commerce Commission is going to willfully and wrongfully raise water rates above a fair return just to improve the competitive condition of the railroads. I say we are backed up with experience and history against that argument when we recognize that the Interstate Commerce Commission has had control of the motor carriers and has had the power to do the same thing with them, yet has never seen fit to exercise any such authority or judgment and will never see fit to do so. [Applause.]

[Here the gavel fell.]

Mr. LEA. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. FADDIS].

Mr. FADDIS. Mr. Speaker, I believe about every point in connection with this legislation has been thoroughly covered, but I do want to bring to the attention of the membership of the House this one fact. Originally there were three different interests represented among those in opposition to this legislation as it was brought to the House. It has been found expedient by the managers on the part of the House to grant the wishes of two of those groups. Let those who represent those two groups remember that what they gained was

brought about by the assistance of a third group, the group that is still insisting upon consideration of the Miller-Wadsworth amendment. I hope the motion of the gentleman from New York [Mr. WADSWORTH] will carry. [Applause.]

[Here the gavel fell.]

Mr. LEA. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. BULWINKLE].

Mr. WOLVERTON of New Jersey. Mr. Speaker, I yield the gentleman from North Carolina 2 minutes.

Mr. BULWINKLE. Mr. Speaker, on the conference report which is now before us there is one main controversy, and that is the so-called Wadsworth amendment. I doubt very much if more than a very few Members of the House have consulted with the Interstate Commerce Commission in regard to the effect on the country of this amendment.

The language of the Wadsworth amendment is not as clear as it might be, but there seems to be little doubt that it not only requires the Commission to permit reduced rates which meet certain cost tests or compensatory standards, but that by implication it also requires the Commission to refuse to permit reduced rates which fail to meet these tests and standards. This was the view repeatedly stated by the gentleman from New York [Mr. WADSWORTH] in his speech on the floor of the House on July 25, 1939—CONGRESSIONAL RECORD, permanent bound edition, volume 84, part 9, pages 9962 and 9963.

The cost test or standard for compensatory reduced rates, as prescribed by the amendment, takes into account not only out-of-pocket cost but all elements of cost, including overhead. "It is the general cost," to use the expression of the gentleman from New York [Mr. WADSWORTH].

Thus the amendment would preclude the establishment of a reduced rate by the Commission or by a carrier unless such reduced rate was compensatory and met full cost standards. Although the amendment is directed by its terms only to reduced rates, obviously the same cost standards which apply to reduced rates must logically apply to all rates. The existing passenger fares and great numbers of existing freight rates are lower than would be necessary to meet the full cost standard.

Consider first the passenger fares. The Interstate Commerce Commission has developed and prescribed a formula designed to ascertain the cost of passenger transportation. The use of this formula demonstrates that for every year since 1929 passenger transportation has failed to produce revenues equal to full cost of this service, even without consideration of return on investment. For the 4-year period from 1936 to and including 1939, there has been an annual average deficit as a result of passenger transportation of more than $240,000,000.

Mr. WADSWORTH. Mr. Speaker, will the gentleman yield?

Mr. BULWINKLE. I am sorry, Senator, but I have only 4 minutes.

Mr. WADSWORTH. Of course, this does not apply to passengers.

Mr. BULWINKLE. It does.

Mr. WADSWORTH. No; it says material.

Mr. BULWINKLE. It follows that the Wadsworth amendment would, in effect, deprive the Commission of any power to reduce these fares. Also, it would make it impossible for the railroads to make voluntary reductions in passenger fares. The passenger fare reductions accomplished by the Commission in *Passenger Fares and Surcharges* (214 I. C. C. 174, 227 I. C. C. 17, 227 I. C. C. 685, 237 I. C. C. 271) would have been impossible if the Wadsworth amendment had been in effect. Moreover, if the full cost standard should be applied to passenger fares at this time, it would be necessary to put into effect very large increases in fares. Of course, it would not necessarily follow that these increases in fares would produce corresponding increases in net revenue, because the volume of business affects the unit cost per passenger, and the amount of fare affects the volume of business.

The tremendous extent to which reductions in freight rates would be precluded by the Wadsworth amendment is fairly indicated by the facts to which we shall now call attention. Since 1930 the railroads of the United States, taken as a whole, have never earned a return on investment equal to 3 percent. In fact, during that period they have earned as much as 2½ percent in only 1 year, 1936, when the rate of return was 2.57 percent. For the year 1939, the rate of return was 2.25 percent, and for the year 1938, 1.43 percent. This is a mathematical demonstration that the great bulk of the freight business, as well as the passenger business, on all the railroads together, did not meet a compensatory standard which includes in overhead expenses a fair return on investment. It follows that with respect to the great bulk of freight rates, the Wadsworth amendment would eliminate any possibility of reductions either by action of the Interstate Commerce Commission or by voluntary action of the railroads.

Up to this point our discussion has dealt with the railroads as a whole. It is common knowledge that many individual lines have operating results much more unfavorable than the average results for all railroads. Approximately 30 percent of the total mileage of the country is in the hands of the courts under receivership or trusteeship proceedings. It cannot be questioned that as to a great many individual lines a relatively small part of their freight rates would meet the test of full cost including overhead and a fair return. As a result, reductions of rates by these railroads, either voluntary or by order of the Commission, would appear to be precluded, generally speaking, if the full cost standard of the Wadsworth amendment should be applied.

In the Motor Carrier Act of 1935, part II of the Interstate Commerce Act, at section 213 (a) (1), in speaking of the acquisition of control of one carrier by another, we find the following proviso:

Provided, however, That if a carrier as defined in section 1 (3) of part I, or any person which is controlled by such a carrier or affiliated therewith within the meaning of section 5 (8) of part I, is an applicant, the Commission shall not enter such an order unless it finds that the transaction proposed will promote the public interest by enabling such carrier to use service by motor vehicle to public advantage in its operations and will not unduly restrain competition.

This section of the Motor Carrier Act is specifically repealed by section 21 (e) of the conference report, but section 7 of the conference report amends section 5 (2) (b) of the Interstate Commerce Act by including within that section commensurate language as follows:

Provided, That if a carrier by railroad subject to this part, or any person which is controlled by such a carrier, or affiliated therewith within the meaning of paragraph (6), is an applicant in the case of any such proposed transaction involving a motor carrier, the Commission shall not enter such an order unless it finds that the transaction proposed will be consistent with the public interest and will enable such carrier to use service by motor vehicle to public advantage in its operations and will not unduly restrain competition.

The conferees wish to make it plain that it is not their intention, by changing the language of section 213, hereinbefore quoted, to change the legislative intent of the Congress one iota with respect to the acquisition of a carrier by motor vehicle by a carrier by railroad, and that it is the intention of the conferees that section 5 (2) (b), as amended by section 7 of the conference report, shall have the same practical application and legal effect as section 213 (a) (1) as it is now shown in part II of the Interstate Commerce Act.

Mr. WOLVERTON of New Jersey. Mr. Speaker, I now yield 1 minute to the gentleman from Massachusetts [Mr. HOLMES].

Mr. HOLMES. Mr. Speaker, I believe we are wasting our time in discussing but one phase of this whole transportation legislation. If you will take your bill, and read the policy of this Congress, I think you will see that the Congress is trying to lay out for the benefit of all forms of transportation the best rule possible for all involved, and you will find that we have clearly stated the reasons why this legislation is necessary at this time. We began the hearings on the transportation legislation 1 year ago last January. At that time, and for nearly 3 solid months, the Committee on Interstate and Foreign Commerce invited every Member of this House

to appear and give their views on this legislation. We had the interest of the railroads, the motor carriers, the water carriers all present, when we considered the various phases of this legislation. When we found that we were going to do an injustice in any form, you will find that we modified the legislation to eliminate any such injustice, and indeed, and what we are hearing today and what we have heard in opposition to this bill, is the same cry out of the wilderness that came into the well of this House when we brought the Motor Carrier Act into the House and passed that legislation. And can you find any industry that has made such progress, such strides in bringing back its business as the motor carriers' modern trucks makes? It is safer today to travel by motor over the highways than ever, because that legislation made it possible to get rid of delapidated trucks on the highways and have safe equipment substituted in its place.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. WOLVERTON of New Jersey. Mr. Speaker, I yield myself such time as remains to this side.

The SPEAKER. The gentleman is recognized for 9 minutes.

Mr. WOLVERTON of New Jersey. Mr. Speaker, the conference report now before the House is the result of an earnest and sincere effort upon the part of your conferees to arrive at a fair and just settlement of the differences existing between the House and Senate with respect to the provisions of the transportation bill passed by both Houses of Congress more than a year ago.

Your conferees from the House have not overlooked or failed to appreciate the obligation placed upon them by the action of the House in directing the inclusion in the bill of the Jones, Harrington, and Wadsworth amendments written into the bill upon the floor of the House.

We have been able to obtain from the Senate conferees an agreement that sustains the principle, if not the exact language of the House, of the Jones and the Harrington amendments. This agreement, as presented in our report, does not destroy the purpose or intent of either amendment. And it is our understanding that the language agreed upon, which in no way materially changes the Jones amendment and only slightly modifies the Harrington amendment, is not opposed by those who were interested in having these amendments written into the bill.

The Jones amendment was adopted by the House to place farm commodities upon the same basis as industrial commodities with respect to export rates. This amendment was opposed in the House by some, not because of opposition to the principle involved, but because in the opinion of those members of the Committee on Interstate and Foreign Commerce who had given the matter careful study it seemed that the principle involved was already adequately set forth in the bill and already recognized by the Interstate Commerce Commission in the exercise of its rate-making powers, and for the further reason that the amendment, as drawn, was uncertain and seemed to create conditions not contemplated or intended by the sponsors of the amendment. In other words, in an effort to fix the principle above mentioned the language used created doubt and uncertainty as to its effect. The language adopted by the conferees, which we understand meets with the approval of the sponsor, leaves no doubt as to the intent and scope of the amendment. While I am still of the opinion that the Jones amendment is unnecessary, yet I favor its adoption as written into the report because I believe in the principle it seeks to establish, and I am willing to put it in the language as agreed upon that it may be satisfactory to those less certain than myself as to the effectiveness of the provisions of the bill as originally reported by the committee, supplemented by the practice of the Commission.

Now, as to the Harrington amendment, the conferees have adopted practically the same language as originally adopted by the House, but with a modification as to the length of time the provisions are to be effective. This amendment, as you are all possibly aware, was not in the Senate bill in any form whatsoever. Objection was made that the amendment, in the language adopted by the House, would guarantee for life the employment of any and all employees of railroads participating in a consolidation or merger of their lines even though the employee's service may have been as little as a month, or even less; and, furthermore, if there was no work for them as a result of the consolidation or merger, yet their compensation would continue upon the same basis as at the time of consolidation and until death or their voluntary separation from the service of the company.

In fact there were some who were of the opinion that it froze every job for the employee in service at the time of consolidation but also froze perpetually every job which existed at the time of the consolidation or merger. So, even death or resignation of the employee did not end the job. It would descend to someone else even though not in the employ of the railroad at the time of the consolidation or merger. And, then there was also further uncertainty in the opinion of some representatives of railroad labor as to whether the language of the amendment might not preclude voluntary agreements, between management and men by collective bargaining, from being entered into.

I want, however, to make it clear that no one who expressed the opinions I have mentioned thought for a moment that any of these possibilities were ever intended by the sponsors of the amendment. It was recognized that the real intent of the sponsors was to save railroad employees from being suddenly thrust out of employment as the result of any consolidation or merger entered into. The Committee on Interstate and Foreign Commerce of this House in presenting its original bill used language which it thought accomplished that purpose. We thought we were giving legislative assurance of at least a continuance of the Washington agreement which had been previously entered into by the railroads and the 21 railroad brotherhoods. This agreement had furthermore been recognized and accepted by the Interstate Commerce Commission as a condition precedent for its approval in the Rock Island case, *United States* v. *Lowden* (308 U. S. 225), and this action of the Commission has been affirmed by the Supreme Court of the United States in a suit attacking its validity. We thought that the language we had used not only established this agreement for all succeeding cases of consolidation or merger but that the language used would not preclude the Commission from improving upon the terms of that agreement if necessary to provide equitable and fair treatment of employees affected by any consolidation or merger in the future. Thus, it will be seen that there has been no difference in thought and desire between the committee and the sponsors of the Harrington amendment. In fact the provision contained in the original bill had the approval of 20 out of the 21 railroad brotherhoods. And, it is significant in this connection that the one brotherhood which did not agree to our language had never asked for anything other than that the entire consolidation provision be left out of the bill and the matter be left at this time as a matter for collective bargaining.

The conferees have struggled long and hard to agree upon language that would be mutually satisfactory to all the Senate conferees, the brotherhoods, and the railroads. We believe the language now proposed as a compromise is a fair and just solution. We also understand that it is acceptable to all who are to be affected by the provision. I sincerely hope that it will have the approval of the House as I do not believe anything further can be done if this fails to be acceptable. If this should fail then I am fearful that it would not be possible to obtain any legislation on the subject. I do not believe that any one who is truly interested in the welfare of the employees, or in helping the plight of the distressed railroad industry would want such a result. Nor should anyone overlook the fact that the adoption of this amendment as agreed to by the conferees gives railroad workers protection against sudden dismissal and financial assistance that is not enjoyed by workers in any other industry. And, this is true without any exception or qualification whatsoever.

I now wish to discuss the Wadsworth amendment. In order that we might all understand the full import of this amendment I wish to read it at this point:

In order that the public at large may enjoy the benefit and economy afforded by each type of transportation, the Commission shall permit each type of carrier or carriers to reduce rates so long as such rates maintain a compensatory return to the carrier or carriers after taking into consideration overhead and all other elements entering into the cost to the carrier or carriers for the service rendered: *Provided*, That nothing in this paragraph shall be construed so as to affect the long-and-short-haul provision of section 4.

While there is a similarity between this amendment and the Miller amendment adopted by the Senate, yet there is a great difference between them. The Miller amendment did not contain the proviso which is part of the Wadsworth amendment, namely:

Provided, That nothing in this paragraph shall be construed so as to affect the long-and-short-haul provision of section 4.

The addition of this provision to the Wadsworth amendment was made after the gentleman from New York [Mr. WADSWORTH] had offered his amendment. It was made at the insistent demand of some Members from the West who were fearful that the language of the Wadsworth amendment would repeal or adversely affect the long-and-short-haul provision of section 4. Without it, many would not have voted for the Wadsworth amendment as offered. The adoption of this addition to the Wadsworth amendment changed that amendment.

This amendment to the Wadsworth amendment not only illustrates the uncertainty and ambiguity arising from the language of the Wadsworth amendment, and to which I intend to speak more at length in a minute or two, but it also brought a new element into the rate-making policy attempted to be set up by the Wadsworth amendment. And in this connection we must continue to bear in mind that the addition of this amendment created a different policy than that contained in the Miller amendment adopted by the Senate.

I now wish to discuss the Wadsworth amendment from the standpoint of the harm it would do if adopted, even without the proviso.

To fully appreciate what the Wadsworth amendment proposed to do and the far-reaching effects that would result, it is necessary to have a clear understanding of it. But, unfortunately, this cannot be obtained simply by reading the amendment, because its ambiguous language fails to reveal the true purport of the amendment and leaves an inaccurate impression.

The Wadsworth amendment, according to the way it is expressed, provides that the Interstate Commerce Commission should permit each mode of transportation to reduce rates "so long as such rates maintain a compensatory return to the carrier or carriers after taking into consideration overhead and all other elements entering into the cost to the carrier or carriers for the service rendered." Inferentially, it means there can be no reduction at any time unless it meets that standard. We all know that many rates now in existence could not have been obtained if such a rate-making standard as the Wadsworth amendment set-up had been in effect. I know of no standard that could be set-up that would work more havoc and hardship to the farmers of this country. It would seem that the primary effect of the amendment is to promote and facilitate the reduction of rates. Actually, the very opposite would be true. The important effect of the amendment would be to prohibit the Commission from allowing a reduction that would result in a rate which would not be high enough to pay a proportionate share of all costs and profits. I shall have more to say on this point a little later.

I wish to call your attention to the manner in which this amendment would operate. Although the amendment does not expressly so provide, the fact remains that before the Commission would permit a lower rate, the carrier seeking the reduction would have to prove to the complete satisfaction of the Commission that the rate would be compensatory. The gentleman from New York [Mr. WADSWORTH] himself said on this floor, in discussing his amendment, that "the carrier must demonstrate that his rate is compensatory, including overhead."

I wonder if the House knows what this would mean. In fact, I wonder if the proponents of the amendment fully realize what it would mean. If they had understood its true significance, I feel certain they would never have advocated its inclusion in the bill.

The proponents of the amendment have argued that its operation would result in giving the public lower rates by promoting and facilitating rate reductions. They have held it out as an effective way of taking care of so-called territorial discriminations in rates and said that it would assure each type of carrier of the benefit of its inherent advantages. They have said also that the amendment would protect one mode of transportation from unfair rate-cutting competition by another type with higher costs.

Actually, the amendment would not accomplish any of these things. Instead, it would operate to produce results directly contrary to what its supporters allege they desire.

As I mentioned before, the amendment is so worded that it would appear that its chief purpose is to require the Interstate Commerce Commission to permit carriers to reduce their rates under stated conditions. This, however, would not be the effect of the amendment. The amendment would not only slow up and seriously hamper all reductions but would absolutely prevent a great many desirable reductions from being made.

There are several reasons why this would be true. In the first place, there is no sound economic reason why it should be necessary for each rate to pay its full share of all costs and at the same time contribute something to profit. If rates were made on this theory, classification of goods and commodities for rate-making purposes would be next to impossible and, as a consequence, the rates on a large number of commodities, particularly farm products, would be prohibitive. What this would do to industry and agriculture can easily be seen.

Do not misunderstand me. I am not contending that the freight-rate structure should not be set up so as to produce revenues which, in the aggregate, will pay all costs and net a fair profit. I do not believe anyone would argue against that point. But it is unnecessary that each individual rate, in order to be profitable, must bear its full share of all costs, including overhead, and produce a reasonable profit above such costs. If a rate is high enough to pay more than out-of-pocket operating expenses, it helps meet some of the constant overhead.

There are many rates and fares in force at the present time that do not and should not be compelled to measure up to the full-cost standard. The amendment would prevent rates from being lowered, irrespective of the reason for the reduction. Under such circumstances, in a good many instances, traffic due to the rates in force could not possibly afford to move in volume.

Almost as serious is the effect that the operation of the amendment would have on proposed reductions. A carrier or shipper proposing a reduction would have to prove to the satisfaction of the Commission that the lesser rate would be compensatory. In an effort to accomplish this the carrier or shipper would have to make a cost study. This would take time and money. Moreover, it is difficult to determine the true cost of transporting a commodity from one point to another for the simple reason that a carrier performs almost innumerable different services, the operating costs of many of which are joint expenses. For instance, how should a railroad charge up the cost of maintaining its track? The track is used by both passenger and freight trains, and in the case of freight, all kinds of goods and commodities are transported. What should be the relation that varied commodities should bear to each other in fixing a cost estimate for rate purposes? This is but one of many questions that would arise.

It is obvious that this complicated procedure would place an undue burden on both the shipper or the carrier—an unnecessary and onerous expense which, in the final analysis, must be assumed by the shipping public. Furthermore, it

would consume a great deal of the Commission's time at the expense of the taxpayers.

Bear in mind, also, that the Nation's transportation needs are changing constantly. Long delays in adjusting rates to meet these needs may stop the movement of traffic.

The amendment, therefore, would not promote and facilitate rate reductions. Indeed, it would strongly operate in the other direction, and no one, in the long run, would stand to benefit.

Furthermore, the Wadsworth amendment is totally unnecessary as a means of dealing with any so-called territorial rate discriminations. This matter is adequately covered in another section of the bill. And even without S. 2009, the Interstate Commerce Commission possesses the authority to deal with this subject comprehensively either upon its own motion or upon complaint. The amendment would not be helpful in this respect, and, indeed, would make it more difficult to adjust rates between territories.

The bill before us provides for fair and impartial regulation of all modes of transportation so that the inherent advantages of each will be recognized and preserved. There is no need for any amendment to give each form of transportation assurance on this point.

The bill, as it stands, also fully protects one type of common carrier from unfair rate-cutting competition by another having higher costs. In the light of its provisions, the Interstate Commerce Commission could not permit such unfair or destructive competitive practices. Consequently, the Wadsworth amendment would contribute nothing in the way of safeguarding a carrier from unfair rate-cutting but would create an unbearable and unjust burden upon shippers.

The Wadsworth amendment would not accomplish the things which its proponents say they would like to bring about. It would not benefit the carriers, the shippers, or the general public.

If this were the only reason for not incorporating the Wadsworth amendment in S. 2009, it would be sufficient. But there are other reasons. The Wadsworth amendment, were it to be written into law, would bring about a revolution in the economics of the country. It would go far beyond what its proponents intended, or even thought of, and would be decidedly injurious to the public welfare.

Lack of time will not permit me to discuss all of the far-reaching and disastrous effects that would result from the proposed amendment, but I should like to touch briefly upon several of the most serious.

Under the amendment Congress would prescribe a rigid rule to control the Interstate Commerce Commission's judgment concerning minimum rates. It has long been recognized that making freight rates by statute cannot be successful. Neither can regulation by arbitrary and inflexible rate-making rules be successful. Flexibility and elasticity are as important to transportation price making as they are to price making in other industries, and rates cannot be made by formula, but must be regulated by the sound judgment of an administrative body.

We should not forget that Government has had little experience in the regulation of minimum rates. Consequently, there is no practical basis upon which Congress could successfully—if, indeed, it should—fix an arbitrary standard for such rates. It is far better that the principles controlling minimum rates be developed from decisions of the Interstate Commerce Commission under general statutory guides rather than under a specific arbitrary rule.

I rather suspect that the proponents of the Wadsworth amendment gave little thought to the effect that the full-cost standard would have not only on those rates being considered for reduction but also on other rates, passenger and freight alike.

If we were to operate on the theory that each individual rate must be high enough to meet all costs and contribute to profit, then it would be necessary to raise a great many rates now in force. This would be particularly true of passenger fares, and many farm products now transported in bulk, which, as we all know, do not produce sufficient revenues to pay all the costs of passenger transportation as determined by the Interstate Commerce Commission in computing the costs of this service. If these rates were to be increased to reduce the theoretical $100,000,000-a-year loss, we have no assurance that this action would stimulate passenger revenues. Indeed, there are those, including the Interstate Commerce Commission, who believe that higher rates would reduce traffic, and the railroads would suffer an even greater loss. Who, then, will argue that either the railroads or the public would benefit were the full-cost standard to be applied to passenger fares?

The gentleman from New York [Mr. WADSWORTH] stated during his discussion today that his amendment did not include passenger rates, but only rates relating to materials. In this he was mistaken. It includes both, and he has so discovered in discussing the matter with me a few minutes ago. As an honorable Member of this House, he does not wish the membership to be misled, and hence I have his authority to make this explanation.

It is true, to a great extent, of the freight business. There are countless freight rates which are not on the full-cost basis—rates that were made so that traffic which could not move on the higher rate levels could move at the prevailing rates. On such a basis, America has developed industrially and agriculturally, and also on this basis business is now established and adjusted.

Imagine, if you can, what would happen were this rate structure to be destroyed. Much of the traffic now moving could move no longer. Many industrial centers and agricultural regions which depend on low-cost transportation to get their products to market would suffer immeasurably. Rates on other commodities would necessarily increase, thereby placing an added burden on the shippers of these commodities and the eventual consumers.

But that is not all. The full-cost standard would serve to strengthen private carriers at the expense of common carriers; it would encourage traffic to go by an uneconomical form of transportation; it would place American carriers at a disadvantage with foreign carriers. Surely these are not the intent of the amendment's advocates.

Although the sole purpose of the Wadsworth amendment was apparently to control competition between rival carriers, it will be seen that its inescapable effects would extend far beyond this. No good could possibly come from it, but the damage it would do to the economic structure of our Nation is incalculable. There is no valid reason why the amendment should be included in S. 2009, and there are many reasons why it should not be a part of the bill. We should do nothing that will unnecessarily prevent or delay rate reductions; strike a blow at the fundamental principle of rate making upon which this country was developed, and obstruct or hinder the free flow of commerce which is so essential to our economic welfare.

In closing, I wish to call particular attention to the fact that the Interstate Commerce Commission, after deliberate consideration, has reached the conclusion that a restriction such as that which would be imposed by the Wadsworth amendment is both unnecessary and undesirable. I quote from a report accompanying the letter of January 29, 1940, submitted by Joseph B. Eastman, chairman of the legislative committee of the Interstate Commerce Commission, to the chairman of the Senate Committee on Interstate Commerce and the chairman of the House Committee on Interstate and Foreign Commerce:

> In our judgment, the provision in question is not necessary in order that the public at large may enjoy the benefit and economy afforded by each type of transportation. The requirement in the rate-making rule that the Commission give due consideration to the effect of rates on the movement of traffic by the carrier or carriers for which the rates are prescribed and also to the need in the public interest of adequate and efficient transportation by such carrier or carriers at the lowest cost consistent with the furnishing of such service, coupled with the admonition in the declaration of policy in section 1 that the provisions of the act be so administered as to recognize and preserve the inherent advantages of each mode of transportation, will afford adequate protection in this respect. If experience should show that further protection is needed, contrary to our expectation, Congress can amend the act, but such a

restriction as is now proposed is, we believe, both unnecessary and undesirable.

The conference report should be adopted. [Applause.]

Mr. LEA. Mr. Speaker, I yield the balance of my time to the gentleman from Ohio [Mr. CROSSER].

The SPEAKER. The gentleman from Ohio is recognized for 5 minutes.

Mr. CROSSER. Mr. Speaker, the pending transportation bill involves many highly technical provisions. It is, however, of great importance to the shippers of the country and to the transportation agencies as well. The greater part of the discussion in opposition to the bill now before the House is based on an incorrect assumption. There is nothing whatever in the pending measure which could by any fair interpretation be regarded as unjust to water transportation or to any other kind of transportation. Let me read from the bill. In section 1 appears the following language:

> It is hereby declared to be the national transportation policy of Congress to provide for fair and impartial regulation of all modes of transportation, subject to the provisions of this act, so administered as to recognize and preserve the inherent advantages of each.

How much plainer could language be than that is? It is crystal clear that there is no basis in the bill for the apprehension expressed by those opposed to the measure.

Now, let us examine the proposal of the gentleman from New York [Mr. WADSWORTH] to require that rates shall maintain a compensatory return to the carrier. In answer to a question, when the bill was before the House previously, Mr. WADSWORTH made the following statement: "May I say in reply to the gentleman from Indiana that under this amendment the compensatory return is estimated from taking into consideration overhead and all other elements. The carrier must demonstrate that his rate is compensatory, including overhead."

Now, if such a rule were enforced a great deal of the grain that the farmers now ship would be required to pay an increased freight rate. Of course, nobody desires that to happen. A rigid legal requirement that rates must be fully compensatory would necessitate a great increase in passenger rates and that would simply drive passenger traffic off the roads altogether and therefore necessitate an increase in the rates that shippers of freight would be forced to pay in order to make up the revenue lost to the carriers as a result of losing the passenger business.

Now let me say a word in regard to the so-called Harrington amendment. I think it was the gentleman from Iowa [Mr. HARRINGTON] himself who expressed great concern because of the alleged failure to protect against loss of position because of abandonments of railroad service. Let me read you the language that Mr. HARRINGTON offered originally when the bill was before the House and which was adopted. It reads as follows:

> *Provided, however,* That no such transaction shall be approved by the Commission if such transaction will result in unemployment or displacement of the employees of the carriers or in the impairment of existing employment rights of said employees.

That is the exact language of his amendment and all of his amendments. There is not a single word in his amendment about abandonments.

Mr. HARRINGTON. Mr. Speaker, will the gentleman yield?

Mr. CROSSER. I am sorry, I do not have time.

I believe the Members of the House know that I have sponsored many measures which are beneficial to the railroad workers of the United States. I believe I know how railroad men feel. I do not hesitate a moment in saying that the revised provision contained in the present conference report is more advantageous to railroad workers than was the amendment of the gentleman from Iowa [Mr. HARRINGTON], offered when the bill was before the House. Now, my friends, let me urge again the importance of not being misled by any fictitious issue. Let us meet this problem squarely. If we really believe in regulation, we must have scientific regulation applied to all forms of transportation. You cannot make fish of one and fowl of the other and have any logical regulation. None of those supporting this measure desires any advantage for one type of transportation over any other kind of transportation. If I thought that there is any deliberate plan to do an injustice to one kind of transportation in order to give an advantage to some other kind of transportation, whether it be highway, rail, or water, I would protest in every way possible against the passage of the measure.

Let me tell you that the conferees have labored long and earnestly to do what they thought was wise and equitable considering every interest involved and constantly keeping in mind the public who use transportation service and pay the price that makes it possible for the transportation agencies to operate.

Mr. VAN ZANDT. Mr. Speaker, will the gentleman yield?

Mr. CROSSER. Just briefly.

Mr. VAN ZANDT. Will you tell the House the attitude of organized railroad labor?

Mr. CROSSER. I do not have any hesitation in saying that the overwhelming majority of the railroad workers of the United States are looking hopefully for the enactment of this measure because they feel that it would aid in promoting justice. [Applause.]

[Here the gavel fell.]

Mr. LEA. Mr. Speaker, I move the previous question on agreeing to the conference report.

The previous question was ordered.

Mr. WADSWORTH. Mr. Speaker, I have a motion to recommit, which I send to the desk.

The SPEAKER. The Clerk will report the motion of the gentleman from New York.

The Clerk read as follows:

MOTION TO RECOMMIT

Mr. WADSWORTH moves that the bill (S. 2009) to amend the Interstate Commerce Act, as amended, by extending its application to additional types of carriers and transportation and modifying certain provisions thereof, and for other purposes, together with the House amendment thereto, and the conference report thereon, be recommittted to the committee of conference with the following instructions to the managers on the part of the House:

That the managers on the part of the House insist on the inclusion in the report of the committee of conference the provision adopted by the House known as the Wadsworth amendment, which reads as follows:

"In order that the public at large may enjoy the benefit and economy afforded by each type of transportation, the Commission shall permit each type of carrier or carriers to reduce rates so long as such rates maintain a compensatory return to the carrier or carriers after taking into consideration overhead and all other elements entering into the cost to the carrier or carriers for the service rendered."

That the managers on the part of the House insist on the exclusion from the report of the committee of conference the provision for new legislation found in section 7 of the proposed bill, amending section 5 of the Interstate Commerce Act by inserting a new paragraph, 16, reading as follows:

"(16) Notwithstanding the provisions of paragraph (14), the Commission shall have authority, upon application of any carrier, as defined in section 1 (3), and after hearing, by order to authorize such carrier to own or acquire ownership of, to lease or operate, to have or acquire control of, or to have or acquire an interest in, a common carrier by water or vessel, not operated through the Panama Canal, with which the applicant does or may compete for traffic, if the Commission shall find that the continuance or acquisition of such ownership, lease, operation, control, or interest will not prevent such common carrier by water or vessel from being operated in the interest of the public and with advantage to the convenience and commerce of the people, and that it will not exclude, prevent, or reduce competition on the route by water under consideration: *Provided,* That if the transaction or interest sought to be entered into, continued, or acquired is within the scope of paragraph (2) (a), the provisions of paragraph (2) shall be applicable thereto in addition to the provisions of this paragraph: *And provided further,* That no such authorization shall be necessary if the carrier having the ownership, lease, operation, control, or interest has, prior to the date of this section as amended becomes effective, obtained an order of extension under the provisions of paragraph (21) of this section, as in effect prior to such date, and such order is still in effect."

Mr. LEA. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

Mr. WADSWORTH. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 112, nays 212, not voting 106, as follows:

[Roll No. 178]

YEAS—112

Alexander	Ellis	Kilburn	Pittenger
Andersen, H. Carl	Elston	Kirwan	Poage
Andresen, A. H.	Faddis	Kitchens	Rankin
Angell	Ford, Miss.	Kleberg	Richards
Barden, N. C.	Ford, Thomas F.	Lanham	Rogers, Okla.
Barry	Fulmer	Leavy	Sandager
Bland	Gavagan	Luce	Sasscer
Brewster	Geyer, Calif.	Lynch	Schwert
Buckler, Minn.	Guyer, Kans.	McCormack	Secrest
Byrne, N. Y.	Hare	McGehee	Shannon
Byron	Harrington	McKeough	Short
Cannon, Fla.	Harter, N. Y.	McLaughlin	Smith, Maine
Casey, Mass.	Havenner	McMillan, Clara	Smith, Wash.
Coffee, Nebr.	Healey	Mansfield	South
Coffee, Wash.	Hendricks	Mason	Sparkman
Collins	Hess	Massingale	Steagall
Colmer	Hill	Mills, Ark.	Stefan
Cravens	Hull	Moser	Sumners, Tex.
Crowe	Izac	Mott	Sutphin
Culkin	Jacobsen	Mouton	Sweet
D'Alesandro	Jenkins, Ohio	Nichols	Thill
Davis	Johns	Norrell	Thomas, Tex.
Disney	Johnson, LutherA.	O'Day	Vincent, Ky.
Dondero	Johnson, Lyndon	Oliver	Wadsworth
Doxey	Johnson, Okla.	Parsons	Ward
Dworshak	Johnson, W. Va.	Patton	West
Eberharter	Kee	Peterson, Ga.	Whittington
Edelstein	Keller	Pierce	Zimmerman

NAYS—212

Allen, Ill.	Duncan	Kean	Reed, Ill.
Allen, La.	Dunn	Keefe	Reed, N. Y.
Anderson, Calif.	Eaton	Kefauver	Rees, Kans.
Anderson, Mo.	Elliott	Kelly	Rich
Arends	Engel	Kennedy, Martin	Robertson
Austin	Englebright	Kennedy, Md.	Robinson, Utah
Barnes	Fenton	Kilday	Robsion, Ky.
Beckworth	Ferguson	Kinzer	Rodgers, Pa.
Bell	Flannagan	Knutson	Rogers, Mass.
Bender	Flannery	Kocialkowski	Routzohn
Blackney	Ford, Leland M.	Kunkel	Rutherford
Bloom	Fries	Lambertson	Ryan
Boehne	Gamble	Landis	Satterfield
Boland	Gartner	Larrabee	Schafer, Wis.
Bolles	Gathings	Lea	Schuetz
Boren	Gearhart	LeCompte	Schulte
Brooks	Gehrmann	Lemke	Seccombe
Brown, Ga.	Gerlach	Lewis, Colo.	Shafer, Mich.
Brown, Ohio	Gilchrist	Lewis, Ohio	Simpson
Bryson	Gillie	Ludlow	Smith, Conn.
Buck	Goodwin	McDowell	Smith, Ohio
Bulwinkle	Gore	McGregor	Smith, Va.
Burdick	Gossett	McLean	Snyder
Burgin	Graham	McMillan, John L.	Spence
Byrns, Tenn.	Grant, Ind.	Maas	Springer
Camp	Gregory	Maciejewski	Sumner, Ill.
Carlson	Griffith	Marshall	Sweeney
Carter	Gross	Martin, Iowa	Taber
Cartwright	Gwynne	Martin, Mass.	Talle
Case, S. Dak.	Hall, Edwin A.	May	Tarver
Chiperfield	Hall, Leonard W.	Michener	Taylor
Church	Halleck	Miller	Thomason
Clason	Hancock	Monkiewicz	Thorkelson
Claypool	Harness	Monroney	Tibbott
Clevenger	Hart	Mundt	Treadway
Cluett	Hartley	Murdock, Ariz.	Van Zandt
Cochran	Hawks	Murdock, Utah	Vinson, Ga.
Cole, Md.	Hennings	Murray	Voorhis, Calif.
Cole, N. Y.	Hinshaw	Myers	Vorys, Ohio
Cooper	Hobbs	Nelson	Walter
Corbett	Holmes	Norton	Weaver
Costello	Hope	O'Brien	Wheat
Courtney	Horton	O'Connor	Whelchel
Cox	Houston	Osmers	Wigglesworth
Crawford	Hunter	Pace	Williams, Del.
Crosser	Jarrett	Patman	Winter
Crowther	Jeffries	Patrick	Wolcott
Curtis	Jensen	Pearson	Wolfenden, Pa.
Darden, Va.	Johnson, Ill.	Peterson, Fla.	Wolverton, N. J.
Dingell	Johnson, Ind.	Polk	Wood
Dirksen	Jones, Ohio	Powers	Woodruff, Mich.
Doughton	Jones, Tex.	Ramspeck	Woodrum, Va.
Douglas	Jonkman	Rayburn	Youngdahl

NOT VOTING—106

Allen, Pa.	Caldwell	Dickstein	Gifford
Andrews	Cannon, Mo.	Dies	Grant, Ala.
Arnold	Celler	Ditter	Green
Ball	Chapman	Drewry	Harter, Ohio
Barton, N. Y.	Clark	Durham	Hoffman
Bates, Ky.	Connery	Edmiston	Hook
Bates, Mass.	Cooley	Evans	Jarman
Beam	Creal	Fay	Jenks, N. H.
Bolton	Cullen	Fernandez	Jennings
Boykin	Cummings	Fish	Kennedy, Michael
Bradley, Mich.	Darrow	Fitzpatrick	Keogh
Bradley, Pa.	Delaney	Flaherty	Kerr
Buckley, N. Y.	Dempsey	Folger	Kramer
Burch	DeRouen	Garrett	Lesinski
McAndrews	O'Neal	Schiffler	Terry
McArdle	O'Toole	Scrugham	Thomas, N. J.
McGranery	Pfeifer	Seger	Tinkham
McLeod	Plumley	Shanley	Tolan
Magnuson	Rabaut	Sheppard	Vreeland
Mahon	Randolph	Sheridan	Wallgren
Maloney	Reece, Tenn.	Smith, Ill.	Warren
Marcantonio	Risk	Smith, W. Va.	Welch
Martin, Ill.	Rockefeller	Somers, N. Y.	White, Idaho
Merritt	Romjue	Starnes, Ala.	White, Ohio
Mills, La.	Sabath	Stearns, N. H.	Williams, Mo.
Mitchell	Sacks	Sullivan	
O'Leary	Schaefer, Ill.	Tenerowicz	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Schiffler (for) with Mr. Vreeland (against).
Mr. McArdle (for) with Mr. Dempsey (against).
Mr. Warren (for) with Mr. Fish (against).
Mr. Edmiston (for) with Mr. Thomas of New Jersey (against).
Mr. Rabaut (for) with Mr. Ditter (against).
Mr. Andrews (for) with Mr. Jennings (against).

Until further notice:

Mr. Cullen with Mr. Plumley.
Mr. Kerr with Mr. Bradley of Michigan.
Mr. McAndrews with Mr. Reece of Tennessee.
Mr. Mahon with Mr. Darrow.
Mr. Beam with Mr. McLeod.
Mr. Dies with Mr. Barton of New York.
Mr. Burch with Mr. Welch.
Mr. Hook with Mr. Bates of Massachusetts.
Mr. Jarman with Mr. Gifford.
Mr. Chapman with Mr. Stearns of New Hampshire.
Mr. Drewry with Mr. Ball.
Mr. Keogh with Mr. Tinkham.
Mr. Martin of Illinois with Mrs. Bolton.
Mr. Clark with Mr. Jenks of New Hampshire.
Mr. Magnuson with Mr. Seger.
Mr. Schaefer of Illinois with Mr. Risk.
Mr. Arnold with Mr. Hoffman.
Mr. Garrett with Mr. Rockefeller.
Mr. Starnes of Alabama with Mr. White of Ohio.
Mr. Wallgren with Mr. Marcantonio.
Mr. Somers of New York with Mr. Harter of Ohio.
Mr. Terry with Mr. Michael J. Kennedy.
Mr. Boykin with Mr. Grant of Alabama.
Mr. Creal with Mr. Fitzpatrick.
Mr. Tenerowicz with Mr. Pfeifer.

The result of the vote was announced as above recorded.

The SPEAKER. The question recurs on agreeing to the conference report.

Mr. LEA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 247, nays 75, not voting 108, as follows:

[Roll No. 179]

YEAS—247

Allen, Ill.	Cluett	Gartner	Jenkins, Ohio
Allen, La.	Cochran	Gathings	Jensen
Anderson, Calif.	Cole, Md.	Gearhart	Johnson, Ill.
Anderson, Mo.	Cole, N. Y.	Gehrmann	Johnson, Ind.
Andresen, A. H.	Collins	Gerlach	Johnson, Lyndon
Arends	Cooper	Gilchrist	Johnson, Okla.
Austin	Corbett	Gillie	Jones, Ohio
Barnes	Costello	Goodwin	Jones, Tex.
Beckworth	Courtney	Gore	Jonkman
Bell	Cox	Gossett	Kean
Bender	Cravens	Graham	Kee
Blackney	Crawford	Grant, Ind.	Keefe
Bloom	Crosser	Gregory	Kefauver
Boehne	Crowe	Griffith	Keller
Boland	Crowther	Gross	Kelly
Bolles	Curtis	Gwynne	Kennedy, Martin
Boren	Darden, Va.	Hall, Leonard W.	Kennedy, Md.
Boykin	Dingell	Halleck	Kilday
Brown, Ga.	Dirksen	Hancock	Kinzer
Brown, Ohio	Douglas	Hare	Knutson
Bryson	Duncan	Harness	Kocialkowski
Buck	Dunn	Hart	Kunkel
Bulwinkle	Eaton	Hartley	Lambertson
Burdick	Elliott	Hawks	Landis
Burgin	Elston	Healey	Larrabee
Byrns, Tenn.	Engel	Hennings	Lea
Byron	Englebright	Hess	LeCompte
Camp	Fenton	Hinshaw	Lemke
Carlson	Ferguson	Hobbs	Lewis, Colo.
Carter	Flannagan	Holmes	Lewis, Ohio
Cartwright	Flannery	Hope	Luce
Case, S. Dak.	Ford, Leland M.	Horton	Ludlow
Chiperfield	Ford, Miss.	Houston	McDowell
Church	Ford, Thomas F.	Hunter	McGregor
Clason	Fries	Jacobsen	McKeough
Claypool	Fulmer	Jarrett	McLean
Clevenger	Gamble	Jeffries	McMillan, Clara

McMillan, John L.	Parsons	Satterfield	Tibbott
Maas	Patman	Schafer, Wis.	Tinkham
Maciejewski	Patrick	Schuetz	Tolan
Marshall	Pearson	Schulte	Treadway
Martin, Iowa	Peterson, Fla.	Seccombe	Van Zandt
Martin, Mass.	Peterson, Ga.	Shafer, Mich.	Vinson, Ga.
Mason	Polk	Shannon	Voorhis, Calif.
May	Ramspeck	Short	Vorys, Ohio
Michener	Rayburn	Simpson	Walter
Miller	Reece, Tenn.	Smith, Conn.	Ward
Monkiewicz	Reed, Ill.	Smith, Ohio	Weaver
Monroney	Reed, N. Y.	Snyder	Wheat
Mouton	Rees, Kans.	Spence	Whelchel
Mundt	Rich	Springer	Wigglesworth
Murdock, Ariz.	Richards	Stefan	Williams, Del.
Murdock, Utah	Robertson	Sumner, Ill.	Winter
Murray	Robinson, Utah	Sutphin	Wolcott
Myers	Robsion, Ky.	Sweeney	Wolfenden, Pa.
Nelson	Rodgers, Pa.	Sweet	Wolverton, N. J.
Norrell	Rogers, Mass.	Taber	Wood
Norton	Routzohn	Talle	Woodruff, Mich.
O'Brien	Rutherford	Tarver	Woodrum, Va.
O'Connor	Ryan	Taylor	Youngdahl
Osmers	Sandager	Thill	Zimmerman
Pace	Sasscer	Thomason	

NAYS—75

Alexander	Dworshak	Kirwan	Pittenger
Andersen, H. Carl	Eberharter	Kitchens	Poage
Angell	Edelstein	Kleberg	Rankin
Barden, N. C.	Ellis	Lanham	Rogers, Okla.
Bland	Faddis	Leavy	Schwert
Brewster	Gavagan	Lynch	Secrest
Buckler, Minn.	Geyer, Calif.	McCormack	Smith, Maine
Buckley, N. Y.	Guyer, Kans.	McGehee	Smith, Wash.
Byrne, N. Y.	Harrington	McLaughlin	South
Cannon, Fla.	Harter, N. Y.	Mansfield	Sparkman
Casey, Mass.	Havenner	Massingale	Steagall
Coffee, Nebr.	Hendricks	Mills, Ark.	Sumners, Tex.
Coffee, Wash.	Hill	Moser	Thomas, Tex.
Colmer	Hull	Mott	Thorkelson
Culkin	Izac	Nichols	Vincent, Ky.
D'Alesandro	Johns	O'Day	Wadsworth
Davis	Johnson, Luther A.	Oliver	West
Dondero	Johnson, W. Va.	Patton	Whittington
Doxey	Kilburn	Pierce	

NOT VOTING—108

Allen, Pa.	DeRouen	Kennedy, Michael	Romjue
Andrews	Dickstein	Keogh	Sabath
Arnold	Dies	Kerr	Sacks
Ball	Disney	Kramer	Schaefer, Ill.
Barry	Ditter	Lesinski	Schiffler
Barton, N. Y.	Doughton	McAndrews	Scrugham
Bates, Ky.	Drewry	McArdle	Seger
Bates, Mass.	Durham	McGranery	Shanley
Beam	Edmiston	McLeod	Sheppard
Bolton	Evans	Magnuson	Sheridan
Bradley, Mich.	Fay	Mahon	Smith, Ill.
Bradley, Pa.	Fernandez	Maloney	Smith, Va.
Brooks	Fish	Marcantonio	Smith, W. Va.
Burch	Fitzpatrick	Martin, Ill.	Somers, N. Y.
Caldwell	Flaherty	Merritt	Starnes, Ala.
Cannon, Mo.	Folger	Mills, La.	Stearns, N. H.
Celler	Garrett	Mitchell	Sullivan
Chapman	Gifford	O'Leary	Tenerowicz
Clark	Grant, Ala.	O'Neal	Terry
Connery	Green	O'Toole	Thomas, N. J.
Cooley	Hall, Edwin A.	Pfeifer	Vreeland
Creal	Harter, Ohio	Plumley	Wallgren
Cullen	Hoffman	Powers	Warren
Cummings	Hook	Rabaut	Welch
Darrow	Jarman	Randolph	White, Idaho
Delaney	Jenks, N. H.	Risk	White, Ohio
Dempsey	Jennings	Rockefeller	Williams, Mo.

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Fish (for) with Mr. Warren (against).
Mr. Dempsey (for) with Mr. McArdle (against).
Mr. Ditter (for) with Mr. Magnuson (against).

General pairs:

Mr. Cullen with Mr. Plumley.
Mr. Kerr with Mr. Bradley of Michigan.
Mr. McAndrews with Mr. Risk.
Mr. Mahon with Mr. Darrow.
Mr. Beam with Mr. McLeod.
Mr. Dies with Mr. Barton of New York.
Mr. Folger with Mr. Edwin A. Hall.
Mr. Burch with Mr. Welch.
Mr. Hook with Mr. Bates of Massachusetts.
Mr. Jarman with Mr. Gifford.
Mr. Chapman with Mr. Stearns of New Hampshire.
Mr. Drewry with Mr. Ball.
Mr. Keogh with Mrs. Bolton.
Mr. Martin of Illinois with Mr. Jenks of New Hampshire.
Mr. Clark with Mr. Seger.
Mr. Arnold with Mr. Hoffman.
Mr. Garrett with Mr. Rockefeller.
Mr. Starnes of Alabama with Mr. White of Ohio.
Mr. Wallgren with Mr. Marcantonio.
Mr. Somers of New York with Mr. Harter of Ohio.
Mr. Cooley with Mr. Andrews.
Mr. Doughton with Mr. Vreeland.
Mr. Edmiston with Mr. Jennings.
Mr. Smith of Virginia with Mr. Thomas of New Jersey.
Mr. Rabaut with Mr. Schiffler.
Mr. Romjue with Mr. Powers.
Mr. Terry with Mr. Michael J. Kennedy.
Mr. Creal with Mr. Fitzpatrick.
Mr. Tenerowicz with Mr. Pfeifer.
Mr. Scrugham with Mr. Williams of Missouri.
Mr. Sullivan with Mr. Randolph.

Mr. COFFEE of Washington changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. LEA. Mr. Speaker, I ask unanimous consent that all Members may be allowed 5 days in which to extend their own remarks on the conference report just agreed to.

The SPEAKER pro tempore [Mr. BLOOM]. Is there objection to the request of the gentleman from California [Mr. LEA]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. COCHRAN. Mr. Speaker, if it is in order I ask for recognition for 1 minute.

The SPEAKER. There are several special orders which have heretofore been made, and this is District day. The Chair will recognize the gentleman from Missouri later.

Mr. SCHULTE rose.

The SPEAKER. For what purpose does the gentleman from Indiana [Mr. SCHULTE] rise?

Mr. SCHULTE. Mr. Speaker, I desire to speak relative to a bill that has been agreed to by the District of Columbia Committee.

The SPEAKER. This is District day. Does the District of Columbia Committee desire to call up any bill?

Mr. KENNEDY of Maryland. Mr. Speaker, as the ranking member of that committee, may I inform the Chair that the District of Columbia Committee has no bills to call up today.

Mr. SCHULTE. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes on District business.

The SPEAKER. Is there objection to the request of the gentleman from Indiana [Mr. SCHULTE]?

Mr. MICHENER. Mr. Speaker, reserving the right to object, there will be no bills called up today?

Mr. SCHULTE. That is right.

The SPEAKER. The Chair has so stated. Is there objection to the request of the gentleman from Indiana [Mr. SCHULTE]?

There was no objection.

THE MILK SITUATION IN THE DISTRICT OF COLUMBIA

Mr. SCHULTE. Mr. Speaker, for quite some time a great many of us, who are very much interested in the milk situation here, have been fighting to get an adequate supply of milk and at a decent price for people in the District of Columbia. We are all agreed, I believe, that there has been a vicious monopoly here in the District of Columbia for some time and that the monopoly still exists. In order to pacify a great many Members of Congress this monopoly, aided and abetted by the Maryland-Virginia Producers' Association and the Chestnut Farms Dairy of Chevy Chase, are heralding the fact to the world today that "District of Columbia 5-cent milk goes on sale today."

What a monstrosity and what a joke to wish on people who are oppressed, and what a shameful effort to try to pacify some Members of Congress. Let us see what this does. It says here that the milk stations are open from 1 o'clock to 5 every day except Sundays and holidays. In other words, the people are given 4 hours a day to purchase this milk.

Let us see who may get this milk and how generous this monopoly is. A nursing mother may have 1 pint of milk a day. Children under 17 years of age may have 1 pint a day, irrespective of how sick they may be, irrespective of how broken in health, yet they dare not violate this law because

they will be criminals—so all they get is the 1 pint a day. All adults over that age may have only a half-pint of milk a day, again irrespective of how badly their health may be affected, irrespective of what the doctor says, or how much milk they care to drink to build up their bodies, yet according to the monopoly one-half pint is all they get; and if they violate this law they will be branded worse than criminals, and again the Corporation Council's office will be watching them.

Mr. Speaker, I have gone around to several members of the Maryland-Virginia Producers' Association and asked why they were trying to foster this law, and if they did not have an adequate supply of this surplus milk as it was going to waste anyway.

Here is what a member of the organization told me. He says:

> I will tell you, Mr. Congressman, we have been feeding this milk to our pigs, and it is necessary that we have some to feed our hogs.

In other words, ladies and gentlemen of this Congress, the pigs on the farms in Maryland and Virginia come ahead of the nursing mothers and children, the invalids, the crippled, the sick, and the downtrodden of Washington.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. SCHULTE. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. This Chestnut Farms Dairy, which has the milk monopoly in the District of Columbia and is part of the $90,000,000 National Dairy Trust, is not furnishing the milk to these poor people at 5 cents per quart. If the gentleman will read the entire announcement, he will find that Uncle Sam's Treasury is paying this milk monopoly an additional 2.7 cents a quart for the milk which is sold to a few people for 5 cents a quart.

Mr. SCHULTE. Yes. It says here, "The cheap milk is made possible through cooperation of the Maryland-Virginia Producers' Association, Surplus Market Corporation," and so forth.

There is only one organization that can sell this milk in the District of Columbia. That is the Chestnut Farms Dairy. Now why is it that only one organization can sell this milk—why can't it be made possible that all be given an opportunity?

Mr. HULL. Will the gentleman yield?

Mr. SCHULTE. I yield to the gentleman from Wisconsin.

Mr. HULL. May I call the gentleman's attention to the further fact that the Surplus Market Corporation pays the Chestnut Farms Dairy 2.7 cents per quart as a subsidy on this same milk.

Mr. SCHULTE. Mr. Speaker, they have been yelling about the purity of their milk, about how superior their milk is over any other milk, and today my good friend from Pennsylvania, who was very much in sympathy with us, will tell you they are buying milk in Pennsylvania which does not come under the District of Columbia inspection, and I am under the impression that that milk is just as good and just as pure as any milk that is produced in Maryland or Virginia, or any other State, as certainly the gentleman from Pennsylvania looks healthy to me.

Mr. GROSS. Mr. Speaker, will the gentleman yield? The gentleman has challenged the milk of Pennsylvania.

Mr. SCHULTE. No; I do not yield. Probably the gentleman is a member of this Virginia organization. I do not know. If so, he ought to hang his head in shame to think that he is denying the mothers and children in the District of Columbia, the invalids and cripples, and everyone else in the District of Columbia who is compelled to pay that exorbitant price.

Mr. GROSS. Mr. Speaker, will the gentleman yield? He has made reference to me.

Mr. SCHULTE. I refuse to yield, Mr. Speaker. No; I have not made reference to the gentleman from Pennsylvania—certainly he does not represent the entire State of Pennsylvania.

Those who are associated and affiliated with this organization ought to be ashamed of themselves—picking on the innocent mothers and children who cannot afford to protect themselves. There is only one place the people of the District of Columbia can look for help, and that is the Congress. They have no government here, which we all know. They have no one here to whom they can bring their troubles except the Members of this Congress, and I know the Members of this Congress are very sympathetic toward their cause, and especially so in this milk fight, because of the many Members who have personally told me that they want to help.

I say to you that if Congress stays in session long enough I want to bring back and revive the so-called Schulte bill to force the issue here in the Nation's Capital and to see whether a monopoly as huge and vicious as this is in the District of Columbia can continue to exist and deny the people in the District of Columbia adequate milk at a decent price. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article from the New York Times of yesterday which contains a few tables.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to incorporate in the RECORD a copy of a letter I wrote on August 8, 1940, to the No. 2 warmonger in the United States, Mr. William Allen White.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BURGIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address delivered by the gentleman from North Carolina, Hon. ROBERT L. DOUGHTON, last evening over the radio.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. MUNDT. Mr. Speaker, I ask unanimous consent that on tomorrow, at the conclusion of the legislative program of the day and following all special orders heretofore granted, I may be permitted to address the House for 40 minutes.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

EXTENSION OF REMARKS

Mr. COCHRAN asked and was given permission to revise and extend his remarks in the RECORD.

Mr. LE COMPTE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial from the Centerville (Iowa) Daily Iowegian, relative to Willkie's visit to Iowa.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein excerpts from H. R. 10289. I also ask unanimous consent to extend my own remarks in the RECORD and include therein a short article from one of the Washington papers.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

RESIGNATION FROM COMMITTEE

The Speaker laid before the House the following resignation from a committee:

AUGUST 1, 1940.

Hon. WILLIAM B. BANKHEAD,
Speaker, House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: I respectfully tender you my resignation as chairman of the Special Committee to Investigate Campaign Expenditures.

With highest esteem and best wishes, I am,
Sincerely,

LINDSAY C. WARREN.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

The SPEAKER. The Chair appoints the gentleman from Mississippi [Mr. WHITTINGTON] as chairman of the Special Committee to Investigate Campaign Expenditures to fill the vacancy caused by the resignation of the gentleman from North Carolina [Mr. WARREN].

SPECIAL ORDER

The SPEAKER. Under a previous special order, the gentleman from Alabama [Mr. PATRICK] is recognized for 25 minutes.

Mr. PATRICK. Mr. Speaker, the issue that is perhaps most in the mind of every Member of this body right now is this draft measure. One trouble with Congress is that we have in this body so many sincere and faithful Members that work up fine plans for yesterday. The folks in this country are depending upon those who can recognize a today and can imagine a tomorrow. Sometimes we think of tomorrow but do not fully comprehend it.

Let us see whether or not a draft is needed. Also we hear a great cry of a draft's being of an un-American nature.

I got in touch with the military authorities of this Nation and tried to determine, before I reached a conclusion of my own on this issue, what we should do. This is one thing in which there is no politics. It has been so pronounced, and it seems pretty nearly the fact. There may be a few who have opposed the administration on this or that measure who find it easier if they think the administration is for it to go in that direction, but I think those are few indeed; but there are persons in this country who have held hands with the past so long that they are unable to get the appalling significance of the fact that only Great Britain and America today stand between grim totalitarianism and liberty and freedom as we understand and feel it. Holland, Belgium, France, and Scandinavia did not become quite hysterical enough, if you choose to call this alarm hysteria. They heard the sword rattling over on the Rhine; they heard a strange rustling of the leaves of the linden trees, but they did not feel that they should be disturbed about it, until the light of their freedom was dimmed, yet we have those in our own midst today who ask the foolish question, "Where is the enemy and who is the enemy?" By this time every school child should know that a revolution is shaking the earth, and war has been declared against freedom, freedom for the individual; a war has been declared against competitive commerce in the world, and it is coming nearer to us every day.

Thomas Jefferson saw a time when this might come. Monroe foresaw that a foreign foot set upon the Western Hemisphere would imperil our security and was able to get his doctrine established as a safeguard—and in his day there had never been an army tank, a Stuka dive bomber, or a flame thrower, or an Adolf Hitler loose in the world.

We have listened to the wishful thinker until we have come to the threshold of our greatest danger in a state of positive unpreparedness. The few things we are doing today should have been done months and even years ago. The cry of the isolationists is the cry of a baby. We must build our defenses so no nation will dare strike us. We must do this with all speed or we shall certainly perish as a free people. I do not think there is any question on earth about that. Where would we be today if it were not for Great Britain? Our beloved, solemn, and sacred Monroe Doctrine is sitting behind the safety and security, the benign protection of the English Navy, and has been for these many years.

I do not call Col. Charles Lindbergh a "fifth columnist." I do not know what he is. In his better days he was a cracking good mechanic; I know that. This is the country of Eli Whitney, and Thomas A. Edison, and Luther Burbank, Orville Wright, and of Morse, Bell, and Fulton; and none of them felt called upon to become a Moses or to come forward as a great seer and thinker to lead a blind and dumb nation into light and hearing. I wish Colonel Lindbergh would take time out from his broad instructions to his country in economic philosophy to read a story by Aesop—a simple story of a frog that tried to become a bull. Everyone should see by now that dictators barge right in and take what they want. Hitler, as well as Mussolini, has announced to the world what he thinks of the Monroe Doctrine. Why did he feel called upon to make this pronouncement? Does any reasoning American need more to make him realize our position on this earth?

Then we have those who stand up with head uncovered and say, "Conscription means war. It gives a war psychology to the Nation." Such quibbling remarks have no place in the discussion of what is going on today. Of course, instead of meaning war it may mean, or it has a chance of meaning, quite the reverse. But this Nation is the world's richest prize, with its coal and iron ore and oil and broad, rich acres; rivers and harbors; roads; and industrial, alert people. It is the earth's strongest temptation to the dictator.

In preparing to spend $10,000,000,000 for airplanes, tanks, guns, and additional Navy, we must have men who have a working education and men who are prepared to do business with this armament. Today the Army calls for needed men, and a call for 50,000 nets only 23,000. A drive was made for 2 weeks for recruits in Grand Rapids, Mich., the home of Senator VANDENBERG. This is reported to me by the military enlisting office which was in charge of the drive. Billboards and announcements were used, and how many were signed up in 2 weeks? One man. We are right now short over 100,000 men on our congressional authorization with respect to the Army. We are not short on our Navy enlistments and we are not short on marines, but we are short on our Army authorization.

Then there is the mama who says that she did not raise her boy to be a soldier. The boy may be a very good boy. You remember Sergeant York, who was one of the ace soldiers of the war. He was not a volunteer, yet he made a very good soldier. It is just like the mountain girl who said of her mountain mate, that Bolivar is a wonderful husband, but that she had an awful time making him pop the question. We must have our ramparts defended. We must wake up America and put her to work. It is not a little job to recruit men for the Army. Even with regularity, only 32 percent that present themselves pass muster into the Army, the physical requirements must be standard, and then besides there is the definite need of discipline among our young men today. There is no way of knowing the percentage, but a great percentage of these would get discipline that today they are not getting on the streets, and many a man owes the fact that he is made respectable and an honorable fine citizen to the fact that at some time in his life he has been submitted to a discipline that taught him to serve and obey rules and regulations. Of the young men who volunteer, only 32 out of each 100 pass, and the Adjutant General's Office informs me that so far as the Navy and Marine Corps are concerned, there is no present personnel problem. But here is one thing. Their enlistments come from the States as do the Army enlistments. Oklahoma, Kentucky, Tennessee, Georgia—those are the places in which you find names like Mitchell and Johnson and Brown and Smith and Jones, and they are the ones inspired by the power of patriotism to maintain a preparedness army. I think some of the boys in some other States never go into the Army until they rush in to get rid of some girl they ought to marry, and as soon as she marries some other fellow, if she does, then they go to their Congressman to get them out again. We want some folks to join the Army for patriotic reasons. If you are talking of democracy, what is the finer brand of democracy than that which would properly distribute those equally in preparing a defense army? I am interested in the patriots from New York. I am greatly attracted by the spirit of the gentleman from New York [Mr. WADSWORTH], the co-author of the Wadsworth-Burke bill. The gentleman from New York is one of the real statesmen in this lawmaking body. I think the population of New York amounts to 12,588,000. In the first 6 months of this year 7,013 volunteered in the State of New York. Now let us drop down to Texas. Texas has a population of only a little over 5,000,000, and yet 6,648 men volunteered there in these first 6 months.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. PATRICK. Yes.

Mr. SCHAFER of Wisconsin. The gentleman has mentioned people with names like Brown, Smith, Jones, Mitchell, and Johnson as enlisting from Tennessee, Texas, Kentucky, Oklahoma, and other Southern States. Does the gentleman's statistics show that there are many Peppers from Florida or Ochs Adlers from New York enlisting at this time?

Mr. PATRICK. From New York and Florida? Why, I am not taking up individuals. There are 130,000,000 people in the United States and we have not time to take them all up individually.

Mr. SCHAFER of Wisconsin. But the gentleman mentioned the Mitchells, the Browns, the Joneses, the Johnsons, and the Smiths as recently enlisting from Oklahoma, Texas, Kentucky, and Tennessee. He mentioned those as recently enlisting, and I ask him whether there are any Peppers from Florida or Adlers from New York among those who have recently enlisted for active military service.

Mr. PATRICK. We have some Schafers down in Alabama but of course they are Democrats. We have Democratic Schafers in Alabama.

Mr. McDOWELL. Is the gentleman trying to make the point that the volunteers from the South number up more than the volunteers from the North?

Mr. PATRICK. Kentucky leads.

Mr. McDOWELL. Does it occur to the gentleman that perhaps the amazing difference in wage scales between what they pay in, say, Mississippi and what they pay in Pennsylvania, might account for much of that? Down there $21 a month in the Army might appeal to them, while up in Pennsylvania they get that much a week.

Mr. PATRICK. It may be. I do not know. Something accounts for it, and the fact remains that we are faced with the need, and that the Army right now under the authorization ought to be 375,000, and there is a hole there now of 105,000 that we must fill, and yet you say give the volunteer enlistments a chance. Throw the Nation into a sea of danger to give a system a chance when that system has already been weighed and found wanting.

By the first of the year the program is—and I do not hear anybody demur to it—that we should have in the Army 400,000 more men. How are you going to get 400,000 more men when you are already 105,000 shy under the congressional authorization now open?

Mr. McDOWELL. Will the gentleman yield?

Mr. PATRICK. I yield.

Mr. McDOWELL. Last week in the city of Philadelphia 650 men tried to enlist and less than 300 were accepted. The others were declined for various physical reasons. Do you not think the United States, under the present emergency, should reduce the physical qualifications—such a thing as all of a man's teeth needed, flat feet, and so forth? I am 37 years old and the Army refused me under any circumstances and yet, according to the doctors, my health is perfect. Do you not think that we could get thousands more soldiers in our Army if they would reduce these peacetime regulations for the soldiers? We do not need perfect men to die in battle.

Mr. PATRICK. The hope is we will build up. Remember, we are not building an Army to get our men killed. We are building an Army to get it so that the people of the earth can see and hear, and no dictator will dare tread this way. Personally I would be glad to see the enlistment go as it was originally, from 18 to 63, and then all the nations of the earth could see and know that Uncle Sam was reaching out and putting on a real home guard. Then no Hitler, no matter how much he would like to invade this Nation, would try to establish a foothold in South America and come in and take the fine things that the eyes of totalitarian nations look upon so lustfully today.

Mr. McDOWELL. Will the gentleman yield further?

Mr. PATRICK. I yield.

Mr. McDOWELL. The gentleman will agree, I presume, that when a German soldier with flat feet and no teeth at all shoots you, you are just as dead as if he had been a perfect man? The German Army is filled with all kinds of men.

Mr. PATRICK. Oh, yes. But, of course, we are not in war yet. Those who are opposing this bill—I do not know whether the gentleman has determined yet whether he is for or against the bill——

Mr. MILLER. Will the gentleman yield?

Mr. PATRICK. I yield.

Mr. MILLER. Is it not a fact that every quota set up by the War Department has today been met?

Mr. PATRICK. No; it has not. It lacks 105,000.

Mr. MILLER. Every quota set by The Adjutant General for each month of this year has been met, according to a letter on my desk this morning.

Mr. WADSWORTH. Mr. Speaker, will the gentleman yield?

Mr. PATRICK. I yield to the gentleman from New York.

Mr. WADSWORTH. There has been a grave misunderstanding of the meaning of the word "quota." The War Department has tried to measure the effectiveness of the recruiting system over a long period of time. It has sent out word from time to time to the recruiting areas, "We hope you can get so many men next month. We expect you to get 5,000 in that area." That is put down as the quota. As a matter of fact, the Department wanted 10 times as many.

Mr. MILLER. I think they should have asked for more, then.

Mr. WADSWORTH. The word "quota" has been greatly misunderstood. The figures mentioned in the quotas were not the figures of the men needed. They were the figures which the War Department hoped that the recruiting service could get. It was a line to shoot at by the recruiting service. It is very misleading.

Mr. PATRICK. I got that same information and it is an interesting thing. And there is something else: For example, they got 30,000 one month—the best that has ever been done in the history of the Nation; but in that same month 7,000 finished their enlistments and went home. So the net increase was only 23,000. That 23,000 stands today as the best that has ever been done. Fifty-one thousand is what they really wanted. Because they said, "Try to get us this or try to get us that or the other," some called that the quota. Not because that is what they wanted, but that is what they hoped to be able to get from that corps area or this corps area.

Mr. MILLER. Will the gentleman yield further?

Mr. PATRICK. I yield.

Mr. MILLER. As a matter of fact, we have 263,000 in the Regular Army; approximately 240,000 in the National Guard; 116,000 Reserve Army officers. Mr. Knudsen testified Friday morning before the Ways and Means Committee that it will take until January 1, 1942, to equip an army of 750,000 men. Still the plan proposed to us is that we authorize recruiting of 400,000 October 1, 400,000 April 1, which is not taking at all into consideration the 600,000 we have on call now, and we will not have any equipment for them. We saw pictures in our Sunday papers with two tanks and a couple of trucks. Why should we take men from industry where they are producing wealth and needed equipment of the country and put them in the Army until we are ready to use them and until we know what the emergency is?

Mr. PATRICK. I think any school child in the United States who has studied it for 20 minutes can answer that question. The answer is we are not at war now. We are thankful to high heaven that we have seen it in time that we can get our men together and train them with whatever is available, so that instead of feeding them to the lion, as poor France did in some of those encounters over there, we will be prepared. There were cases of 10 Frenchmen being killed to 1 German soldier, because they were throwing the poor unprepared French boys in front of bands of steel and iron and flame, unprepared and unqualified.

Mr. MILLER. Mr. Speaker, will the gentleman yield again very briefly?

Mr. PATRICK. I yield.

Mr. MILLER. The gentleman spoke of the fate of the French Army. The gentleman from Alabama must know that France has had compulsory training as far back as 1927. Every time you went to any part of France you saw men under arms and training. As a matter of fact, France had the greatest army and the best trained army in the world. It was not lack of manpower that ruined the French Army.

Mr. PATRICK. Surely the gentleman does not mean to say that the destruction of an army of that kind was entirely due to "fifth column" activities.

Mr. MILLER. It was not due to lack of manpower.

Mr. PATRICK. It certainly soon became a lack of manpower when the casualties in some instances were as high as 7 and 8 to 1.

Mr. BREWSTER. Mr. Speaker, will the gentleman yield?

Mr. PATRICK. I yield.

Mr. BREWSTER. How does the gentleman feel about 1-year enlistments? What does he believe should be our policy in that regard?

Mr. PATRICK. I am not a military expert, but I believe we should not have too many 1-year enlistments because of the vast and rapid turn-over involved. It is hoped to train 1,200,000 men through the selective-service program. To build up an Army of that size each year would take how many men a month? It seems to me it would create great confusion. Further, we must have our men better trained than they can be all in a 1-year period. Not only must we have raw recruits, but we must have as many 3-year men as possible. Another fact to bear in mind is that the conscription plan will not prevent voluntary enlistments. We will still need patriotic men willing to serve for 3 years.

Mr. BENDER. Mr. Speaker, will the gentleman yield?

Mr. PATRICK. I yield.

Mr. BENDER. The gentleman speaks of 1-year enlistments. Is it not a fact that the conscription provides for only 1 year of service?

Mr. PATRICK. The service clause of the bill as it now stands provides for only 1 year of training, that is true; but, as I say, the mere fact that we put the conscription plan into operation will not do away with the opportunity for men to enlist voluntarily; it will not interfere with anybody's enlisting for 3 years, anybody who feels the patriotic urge to do so. Such people will still be able to serve the Nation longer. I feel we should avoid too many short enlistments.

We need the guaranty of enough 3-year men to train the short-term men. We need the 3-year men as a foundation to work upon, to give us the safety and security of men used to Army methods. [Applause.]

[Here the gavel fell.]

Mr. PATRICK. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER. The Chair cannot submit that request. There are other special orders pending.

The gentleman from Michigan [Mr. DINGELL], is recognized for 15 minutes.

Mr. SHANNON. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield, to permit the gentleman to submit a unanimous consent request.

Mr. SHANNON. Mr. Speaker, I ask unanimous consent to insert in the RECORD at this point my views on the question of conscription which are contrary to those held by the gentleman from Alabama [Mr. PATRICK], who just addressed us.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PEACETIME CONSCRIPTION

Mr. SHANNON. Mr. Speaker, we are hearing much in these days about conscription. Conscription—how I hate the word! It has the sound of a whip-lash upon the shoulders of a free people. It conveys the idea of a doubt upon American patriotism and duty. Obliterate that word from the vocabularies of the world and the war lords will have no soldiers—their tagged and numbered armies will disappear. As for peacetime conscription, the idea seems strange and out of place. Our country today is at peace. We want to remain so—we are preparing our country to maintain the peace that we are now enjoying and I have never a doubt that we will defend it from any foreign or domestic threat. But when it comes to conscription—to the drafting of our boys and men out of their daily occupations and duties into a standing army, I will not only have to be shown imminent cause, but doubly shown, before I will be for it.

THE WAYS AND MEANS COMMITTEE

Mr. DINGELL. Mr. Speaker, I have been privileged to serve my constituency for a period of 8 years. I was singularly honored by my colleagues at the end of my first term, when by the same process that made you Speaker, I was elected by the Members of the House of Representatives to become a member of the Ways and Means Committee, the most important and powerful committee in the Congress.

I am grateful to my constituents for the kindness and the confidence shown to me each and every time that I sought their favor and have been re-elected. I am appreciative of the fine feeling and spirit exhibited by the membership of this House for having elected me to the Committee on Ways and Means at the end of my first term. Of course, I am not an exception in this respect. Some very distinguished and able Members of the Congress have been previously so honored. Among these was a former member of this committee and a former member of the Cabinet, the Honorable William Jennings Bryan. Of course, I am not deserving of comparison with any such exceptional personage as the distinguished and eloquent Commoner, for my background was modest and obscure, my beginnings lowly and unrecognized.

The people of Michigan, Mr. Speaker, recognize the importance of my assignment and the honor which has been conferred upon me. The citizens of Detroit, especially those of the Fifteenth District are conscious of the fact that because of my place upon this committee I am in a position to safeguard the interests of one of the most important and the largest tax-paying districts in the Nation. These good citizens who have sent me to represent them know and understand that the Committee on Ways and Means is important because it passes upon and presents for consideration legislation that is vital. They understand full well that such legislation as might come from this committee enjoys precedence over other legislation which is considered by major and exclusive committees of this House.

I was privileged to take part in and protect the interests of my people in every tax and revenue measure which came before this committee since the Seventy-fourth Congress. I was directly and intimately occupied with the consideration of such important bills as the soldiers' bonus, the Social Security Act and subsequent amendments, National Industrial Recovery Act, reciprocal-trade agreements, Bituminous Coal Act, Railroad Retirement Act, and various other important bills reported by this committee. [Applause.]

I am indebted to the Librarian of the House of Representatives for the preparation of the record of distinguished congressmen who have risen to higher places within the structure of the United States Government after serving as members of the Ways and Means Committee. Among these we find the names not only of members of the Cabinet, the Supreme Court, and Speakers of the House, but also the names of Vice Presidents and even several Chief Executives of the United States whose names made history. I am proud that, as a committeeman, my name has been linked with theirs and appears on the official roster of the Ways and Means Committee among these distinguished former members.

It is interesting to note that within the span of 100 years, since the admission of the State of Michigan into the Union that 35 of her most distinguished citizens were called to service in the capacity of Chief Executive of the State or succeeded a regularly elected Governor. Twenty-eight of Michigan's sons were honored either by election or appointment to the Senate of the United States. One hundred and seventy-nine representatives were elected to directly represent and protect the interest of the people of the various congressional districts of Michigan in the Congress of the United States. An examination of the roll discloses the names of some of the foremost

families who pioneered in Michigan, and who have made Michigan's glorious history. While there were 35 Governors of Michigan, 28 United States Senators from Michigan, and 179 Representatives in Congress from Michigan, there were only 12 in the history of the State who were elected to membership on the Ways and Means Committee.

Following is a list of present and former members: Omar D. Conger, William A. Howard, Henry Waldron, William C. Maybury, Justin R. Whiting, William A. Smith, Joseph W. Fordney, James C. McLaughlin, Austin Blair, Julius C. Burrows, Roy Woodruff, and John D. Dingell.

It will be noted that today there appear the names of two Michigan congressmen who are active members of this committee, that of my distinguished colleague, Roy Woodruff, a high-ranking member of the minority, and of your humble servant privileged to serve with the majority. Michigan enjoys a unique and influential position on this all important policy-making committee. Some very important States like Illinois, Ohio, and Texas, have but one member each. Thirty States have no representation while Michigan is one of the few States which has two members. I submit a list of these members in the order of their rank and standing on the committee, and the States which they represent:

1. Robert L. Doughton, chairman, North Carolina.
2. Thomas H. Cullen, New York.
3. Christopher D. Sullivan, New York.
4. John W. McCormack, Massachusetts.
5. Jere Cooper, Tennessee.
6. John W. Boehne, Jr., Indiana.
7. Wesley E. Disney, Oklahoma.
8. Frank H. Buck, California.
9. Richard M. Duncan, Missouri.
10. John D. Dingell, Michigan.
11. A. Willis Robertson, Virginia.
12. Paul H. Maloney, Louisiana.
13. Patrick J. Boland, Pennsylvania.
14. Milton H. West, Texas.
15. Raymond S. McKeough, Illinois.
16. Allen T. Treadway, Massachusetts.
17. Frank Crowther, New York.
18. Harold Knutson, Minnesota.
19. Daniel A. Reed, New York.
20. Roy O. Woodruff, Michigan.
21. Thomas A. Jenkins, Ohio.
22. Donald H. McLean, New Jersey.
23. Bertrand W. Gearhart, California.
24. Frank Carlson, Kansas.
25. Benjamin Jarrett, Pennsylvania.

While this committee is privileged to exercise the highest constitutional power and authority; that is, the power to tax and to formulate certain definite policies of the administration, it enjoys at the same time insofar as the majority members are concerned the power to create new committees subject to the ratification by the House of Representatives and to fill all committee vacancies on all standing committees. Each majority member of the Ways and Means Committee is designated by the chairman of the committee to exercise jurisdiction over a given territory involving one or more States, and it then becomes the responsibility of the member exercising such jurisdiction to nominate Members of Congress to various committees. I have been privileged to exercise discretion, and to nominate members from seven States; namely, Michigan, Wisconsin, Minnesota, North Dakota, South Dakota, Montana, and Idaho. Election to a given committee is dependent upon nomination by the member having jurisdiction over a given zone or area. Interesting and at the same time important to the people of Michigan is the fact that since I have been a member of the Ways and Means Committee and of the Committee on Committees I have succeeded in placing every Democratic Member of Congress elected from Michigan since 1934 upon an important and exclusive major committee.

The list follows showing former members of the Ways and Means Committee who have risen to the office of President, Vice President, became members of the Cabinet, served as Justices of the Supreme Court, or were elevated to the Speakership of the House of Representatives:

PRESIDENTS

James Madison, Virginia.
Andrew Jackson, Tennessee.
James K. Polk, North Carolina.
Millard Fillmore, New York.
James A. Garfield, Ohio.
William McKinley, Ohio.

VICE PRESIDENTS

Elbridge Gerry, Massachusetts.
Richard M. Johnson, Kentucky.
John Tyler, Virginia.
Millard Fillmore, New York.
John C. Breckenridge, Kentucky.
Charles Curtis, Kansas.
John N. Garner, Texas.

SECRETARIES OF STATE

James Madison, Virginia.
Louis McLane, Delaware.
John Sherman, Ohio.
William J. Bryan, Nebraska.
Cordell Hull, Tennessee.

SECRETARIES OF THE TREASURY

Albert Gallatin, Pennsylvania.
George W. Campbell, Tennessee.
Samuel D. Ingham, Pennsylvania.
Louis McLane, Delaware.
Thomas Corwin, Ohio.
Howell Cobb, Georgia.
John Sherman, Ohio.
Charles Foster, Ohio.
John G. Carlisle, Kentucky.
Ogden L. Mills, New York.

ATTORNEYS GENERAL

John Breckenridge, Kentucky.
Caesar A. Rodney, Delaware.
Joseph McKenna, California.
A. Mitchell Palmer, Pennsylvania.

POSTMASTERS GENERAL

Cave Johnson, Tennessee.
Samuel D. Hubbard, Connecticut.
James Campbell, Pennsylvania.
Horace Maynard, Tennessee.
William L. Wilson, West Virginia.

SECRETARIES OF THE NAVY

Thomas W. Gilmer, Virginia.
Hilary A. Herbert, Alabama.
Victor H. Metcalf, California.
Claude A. Swanson, Virginia.

SECRETARY OF THE INTERIOR

Jacob Thompson, Mississippi.

JUSTICES OF THE SUPREME COURT

Philip P. Barbour, Virginia.
John McKinley, Alabama.
Joseph McKenna, California.

SPEAKERS OF THE HOUSE OF REPRESENTATIVES

Theodore Sedgwick, Massachusetts.
Langdon Cheves, South Carolina.
John W. Taylor, New York.
Philip B. Barbour, Virginia.
Andrew Stevenson, Virginia.
James K. Polk, Tennessee.
John W. Jones, Virginia.
Robert C. Winthrop, Massachusetts.
Howell Cobb, Georgia.
Nathaniel P. Banks, Massachusetts.
Michael C. Kerr, Indiana.
Samuel J. Randall, Pennsylvania.
John G. Carlisle, Kentucky.
Thomas B. Reed, Maine.
Charles F. Crisp, Georgia.
Champ Clark, Missouri.
Nicholas Longworth, Ohio.
John N. Garner, Texas.
Henry T. Rainey, Illinois.

THE LATE SAMUEL E. WINSLOW

Mr. HOLMES. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HOLMES. Mr. Speaker, an outstanding citizen, a former Member of this House for 12 years, my great and good friend Samuel E. Winslow, a lifelong resident and civic and political leader of my home city of Worcester, died recently in his home environment, mourned by his host of friends there and throughout the Commonwealth of Massachusetts. And I am sure that among the present Members of the House who served here with "Sam," or "Colonel," Winslow, as he was known to them affectionately, they will share with me deep sorrow at his passing.

Notable among such Members is the able and distinguished majority leader the gentleman from Texas [Mr. RAYBURN],

who served on the Committee on Interstate and Foreign Commerce when "Sam" Winslow was chairman of that great committee.

Colonel Winslow stemmed from colonial stock and was to the manner born a gentleman of the old school. He was affable, kindly, and tolerant, although strong and unyielding in his convictions which he would not compromise for personal advantage.

"Sam" Winslow's activities were multifarious, in all of which he stood out prominently as a leader, whether in college debates, whether in sports, in which he excelled in baseball and in football as a member of the old Harvard champion eleven, whether in business as an executive in many enterprises and civic movements, or whether as Member of Congress, with keen knowledge of national affairs, especially in relation to the tariff question, the varied problems of interstate and foreign commerce, the merchant marine, and the complexities of banking and currency.

Colonel Winslow retired from this House in 1925. He was appointed by President Hoover to be a member of the Board of Mediation, an appointment that met with general approval, for no man was ever better equipped by temperament and other personal characteristics than he for such exacting and delicate duty. Upon relinquishing that office at a ripe age and after a long life of constructive service to his fellow men and to his city, State, and Nation, he retired to his home there to live in retrospect and to content himself in making weekly newspaper contributions of his reminiscences from what he called Colonel Winslow's Easy Chair, and while thus engaged this gentleman, this lovable character, this American statesman and patriot, passed to his sure reward, leaving the legacy of a life well spent and an example of exalted citizenship worthy of emulation.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include an editorial and an article from a local paper relating to the life, character, and public service of Colonel Winslow.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The editorial and article referred to follow:

SAMUEL E. WINSLOW

The death of Samuel E. Winslow, for 12 years Member of Congress from this district, takes from the Worcester scene a man who has been prominent in its affairs in many ways for over half a century. Colonel Winslow, early in his young manhood, began to take part in the public and political life of the community, and he continued to take part in increasing measure as long as his days lasted.

He was of a genial disposition with a great fund of humor and ready wit, which made him an interesting figure in any gathering. He was much sought after as a toastmaster and as a speaker at public events. He had a host of friends because he was the sort of man who simply radiated friendship.

With all his prominence in business and in public life, and despite his marked affability, he was withal a modest man. Notwithstanding the hardening which comes with long service in public life, he was a sensitive man. He was, in an unostentatious way, a markedly religious man. There were many facets to his character.

His modesty and his dislike of ostentation is well evidenced in the letter of instructions he left with reference to his funeral. Here was a document written 9 years ago, and it evidently was well thought out, because he reaffirmed it only 2 years ago. He wanted none of the pomp and circumstance that so ofttimes go with the funeral of a public man. He wanted no church service, no outpouring of friends to show their respect, no expenditures for a great mass of flowers, nor any of the trappings that mark the obsequies of the prominent. Just a simple service at the crematory, a service just for his wife, his children, and their consorts, and his grandchildren—the immediate family and none others. That shows a side of the man which few knew. There were indeed, as we have said, many facets to his character.

The last few years, since his retirement from the United States Board of Mediation, his last public office, he had lived quietly at his former home in Leicester and later here in Worcester. The last 3 years he conducted a column in the Gazette, Colonel Winslow's Easy Chair, where he dispensed some of his knowledge of events in public life and some of his philosophy.

He loved the newspaper office. He liked to browse around its various editorial and reportorial offices, and he had become a much honored and highly regarded member of this newspaper family.

He had a full and colorful life. He will be missed in many a quarter. We shall miss his goings and comings here in the Telegram and Gazette. He was a character in this community—a character of worth and wholesomeness. His passing will bring real regret in many places, both modest and high, because Colonel Winslow's friends were all-inclusive.

COLONEL WINSLOW SUCCUMBS IN HOSPITAL—FORMER CONGRESSMAN PROMINENT IN POLITICAL LIFE FOR HALF CENTURY

Samuel Ellsworth Winslow, 78, prominent in the political life of the county, State, and Nation for more than half a centry, died at 4:30 o'clock this morning after a short illness. He was stricken with a shock at his apartment in the Hotel Bancroft July 9 and removed to City Hospital.

Colonel Winslow's request for a simple and private funeral service will be followed out by the family. The request was made in a statement prepared by himself in 1931 and recently discussed with members of his family and Rev. Dr. Maxwell Savage, who will officiate. In this statement Colonel Winslow said, "Although I am respectfully mindful of the general practice and the views of others, it would please me to be cared for, after death, in the simplest manner possible."

The body will be cremated and the ashes buried in Hope Cemetery.

Better known as "Colonel" or "Sam" to a host of friends throughout New England and in Washington, where he represented his congressional district 12 years, Mr. Winslow was a familiar figure in the civic and political life of Worcester for many years. After he retired from active participation in politics he kept in touch with national and local affairs of his party and was often consulted in an advisory capacity.

He was a Republican, and in his younger days had no peer as a campaigner. He could give and take with the best of his political adversaries, and in 1912 answered the demand of party leaders to redeem the district from the Democrats and consented to run for Congress. He was elected that year and continued to serve in Congress more than a decade.

EVENING GAZETTE WRITER

In recent years he had given the public some of the interesting and amusing incidents of his long and colorful career in a weekly column "Colonel Winslow's easy chair," in the Evening Gazette.

On June 5, 1937, he began making weekly contributions to the Gazette and his writings brought forth favorable comment from many sources.

Regarded as a leader in the National House, Mr. Winslow, as chairman of the United States Mediation Board for 8 years, was brought into the public eye as one of the outstanding public servants of the country. He was appointed to this board in 1930 by President Hoover.

He had a way of making friends even among his political opponents. He came by his politics naturally, as his father was four times mayor of Worcester.

In 1896 he was mentioned as the party candidate for lieutenant-governor.

When a pupil in one of the low grades in Worcester, he joined a drum corps organized by Mrs. George H. Ward, widow of Colonel Ward of the Fifteenth Massachusetts Regiment, who was killed in the Battle of Gettysburg. Later he became drum major of a corps of 125 Harvard students.

It was while a student in high school the deceased gained his first experience in politics. As election day came around he would go to the ward room in the Oxford Street School and get a list of those who had not voted and go after them in his father's carriage.

While at Williston Seminary he helped to organize political parades in the Garfield and Arthur Presidential campaign.

LEADER AT HARVARD

At Harvard, Mr. Winslow was a leader in many departments. He was editor of the Crimson and business manager of the Lampoon. He was a leader in the Republican Political Club of Harvard 2 years and organized the Harvard Machine Club. It was, however, in athletics he attracted public attention while in college. He was a giant in stature and a baseball and football playcr of exceptional ability.

In the year he was captain of the winning Harvard nine, it played 16 championship games, winning 10. In 1884 and 1885 he was a center rusher on the Harvard football eleven.

At college he also made his mark as a debater and political organizer.

He was a pitcher and captain of the Harvard baseball team that won the intercollegiate championship in 1885. He continued his interest in athletics down through the years and was frequently a spectator at the home games of the Washington Senators.

Six years ago he was one of a large committee of old-time ball players who greeted Connie Mack, venerable leader of the Philadelphia Athletics, when he brought his team to a home-coming reception in North Brookfield. Colonel Winslow, the same age as Connie, was always an admirer of the latter.

Colonel Winslow was prominent in the club and social life of Harvard, being a member of the Delta Kappa Epsilon, Zeta Pi, the Hasty Pudding Club, and other organizations.

ENTERED FATHER'S BUSINESS

After his graduation from Harvard, he traveled in Europe several months, returning to engage in business in Worcester in 1886. He went into business with his father as secretary and clerk of the Samuel Winslow Skate Manufacturing Co. After an experience in various departments of the business, he went on the road as a salesman. He was also a buyer, traveling throughout the United States, and later became president of the company.

In addition he became active in many of the business enterprises of his home city, being a director of the United States Envelope Co. and the State Mutual Life Assurance Co. of Worcester, the Worcester Consolidated Street Railway, and the Mechanics Bank.

He was born in Worcester April 11, 1862, the son of Samuel and Mary Weeks (Robbins) Winslow. He was educated in the public schools and graduated from Worcester High School as president of his class in 1880. He then attended Williston Seminary, where he was class president, and graduated bachelor of arts from Harvard in the class of 1885.

On his father's side he was a descendant of Kenelm Winslow, one of the Pilgrim fathers and a brother of Edward Winslow, one of the Governors of the Plymouth Colony.

Colonel Winslow lived at 10 Linden Street, Worcester, and maintained Stonewall farm atop Leicester Hill, Leicester, long recognized as one of the show places of Worcester County. The residence is a stately, dignified, and handsomely proportioned mansion of the true colonial style and has spacious lawns and extensive grounds. The estate of 24 acres was acquired by Leicester Academy in October 1939, and the main house made over for a residence for faculty members and students.

He was associated with Worcester City Hospital 22 years, 21 as a trustee, and was a former president of the board of trustees. He was a member of the executive committee of Leicester Academy, a trustee of Worcester Academy, a member of the Worcester County Musical Association, and a vice president of Worcester Agricultural Society.

ON GOVERNOR'S STAFF

In religion, Mr. Winslow was a Unitarian.

He was an aide-de-camp on the staff of Gov. J. Q. A. Brackett, with the rank of colonel in 1890, was chairman of the Republican City Committee of Worcester from 1890 to 1892, and of the Massachusetts Republican Committee from 1893 to 1894.

In 1908 he was a delegate to the National Republican Convention at Chicago.

Colonel Winslow was associated with several clubs, including the Worcester, Commonwealth, Automobile, Tatnuck Country, Worcester Country, Quinsigamond Boat, the Harvard Clubs of Boston, Worcester, New York, and Washington, the Metropolitan, Chevy Chase, and National Press Clubs of Washington, the Worcester Grange, and many other organizations for special purposes.

Mr. Winslow, April 17, 1889, married Bertha Lucenia Russell, daughter of Col. Edward J. and Lucenia (Prouty) Russell, of Worcester. Six children were born to them, Samuel 2d dying in infancy.

He is survived by his widow; one daughter, Dorothy W., wife of William H. Sawyer, Jr.; four sons, Russell Winslow, of Chicago, Ill., Samuel E. Winslow, Jr., of Brookline, and John and Kenelm Winslow, of Worcester; eight grandchildren; and one great-grandchild.

TIRELESS WORKER

George F. Booth, writing of "Sam" Winslow in 1912, had this to say: "He is a tireless worker. He is one of the solid businessmen of Worcester. Next to the skate business he loves politics and is never so happy as when in the thick of a political campaign. He is an aggressive fighter, but, withal, diplomatic, a good organizer, and a good mixer."

"Many men who have occupied places of high honor in the political life of the city, county, and State owe much to the energetic work of Mr. Winslow. He has been fortunate in leading in the fights for others.

"In Congress Mr. Winslow did much to protect the manufacturing interests of the New England States against encroachment by the South. He was in Congress at the time the Underwood tariff bill was under consideration, which, some seemed to think at that time, was bound to destroy the prosperity of the North. It was said of him then if New England had not been represented by men like Colonel Winslow the Underwood bill would have been much more drastic.

"He took a big part in framing the Currency Act, which eventually revolutionized the financial system of the United States.

"His knowledge of finance and currency, coupled with his experience in business, was worth much to the committee that had the bill in charge.

"He was regarded as one of the most faithful of Massachusetts men in Congress. He was in his seat day after day, doing what he could to assist in unraveling many of the issues of the day. It was because of the work done by calm-minded thinking men like Colonel Winslow the strict neutrality of the United States was made possible prior to the first World War.

"The advice of Congressman Winslow when the merchant marine bill was before the House, that being one of the direct results of the war in Europe, was of great importance. He stood out at that time as one of the efficient members whose knowledge of business conditions generally, and whose ability to face a crisis, were at the disposal of the Nation, regardless of party ties or partisan inclination."

Congressman Winslow, although a Republican of the old school, had some strength among the Democrats. He gained this because of his kindly disposition and fair-minded methods of dealing with labor. His genial personality made friends for him among all parties. The result of that was shown in the 1912 campaign, when, with the Republican Party splitting everywhere, Mr. Winslow had no difficulty in winning election.

The SPEAKER. The Chair recognizes the gentleman from Ohio [Mr. JENKINS].

SHOULD THE PRESIDENT HAVE A THIRD TERM?

Mr. JENKINS of Ohio. Mr. Speaker, the question of whether we should elect a President for a third term is the most important issue of the 1940 campaign. It is an American tradition almost universally accepted that no man should seek his third term as President. Most Americans adhere tenaciously to this tradition and even those who might concede that under some circumstances this tradition might be relaxed, will insist that it should be relaxed only in a case of great national emergency or in a case where the services of the incumbent are indispensable.

Is there such an emergency? Is Mr. Roosevelt indispensable? If these are the two exceptions and the only two let us examine them carefully.

EMERGENCY

Ever since the New Deal came into power we have heard the word "emergency." Nearly all legislation has been demanded as an "emergency" and all mistakes have been justified as "emergencies."

If there is an emergency calling for Mr. Roosevelt's election for a third term it must arise from war conditions or from economic conditions such as relief, W. P. A. and unemployment.

WAR CONDITIONS

The manner in which Mr. Roosevelt has handled the war situation has brought more criticism than any other one matter. He has been quite generally condemned for his policies and more especially for his personal conversations and conduct. There can be no doubt that the American people quite generally believe that he is strongly pro-war. This is proved by the almost universal demand of the people that Congress stay in session in spite of the President's wish that Congress adjourn. The people are afraid of the President's war policies. Therefore war emergency arises from the fact that Mr. Roosevelt is in office and not from any fear that he may not continue in office.

RELIEF, W. P. A., AND UNEMPLOYMENT

The fact that conditions calling for relief and W. P. A. assistance are yet very grave problems in our country prove that the New Deal has not solved these problems and that if there is an emergency it is such because of the New Deal inefficiency. Unemployment has been an emergency and it is an emergency now. The 8 years of Mr. Roosevelt's administration has not removed the emergency, for unemployment is as great now as formerly. This emergency will best be removed by the restoration to power of the Republican Party.

INDISPENSABLE

Is Mr. Roosevelt indispensable? In a speech in New York on November 3, 1932, Mr. Roosevelt himself, quoting President Wilson, said:

There is no indispensable man.

To admit that any one man is indispensable to the perpetuity of our Government is to admit that our system of government is wrong. It is to admit that a democracy or republic cannot function. It is an admission that our country must have a dictator or a one-man government. Mr. Roosevelt is not indispensable. No man since the foundation of the Government has been indispensable. Our country went right on when Washington retired, and it went right on when Lincoln died. Anyone who argues that Roosevelt or any other man is indispensable should hang his head in shame. The glorious past of this Republic refutes it, and the serious prospects of the future protests against it. With freedom's soil beneath our feet and freedom's banner floating over us we cannot be worthy of freedom's blessings if we believe that there is within our citizenship but one man capable of leadership. If the Democratic Party is committed to such a philosophy it does not deserve to succeed. If there is but one man capable of leading America what will we do if he should die? A most dismal prospect it would be.

Roosevelt did not receive his third-term nomination by reason of any great ground swell of public sentiment but by reason of a well-planned and well-executed political campaign where the power and influence of public funds and public

patronage was exerted with terrific effect on the candidacies of other well-qualified men. That prominent Democrats such as Vice President Garner and Postmaster Farley and ex-Governor White, of Ohio, and thousands of others looked with disfavor on the third-term candidacy of Mr. Roosevelt prove that there was no emergency or any other condition that demanded that Mr. Roosevelt be nominated for his third term.

The crass arrogance and wasteful extravagance of the New Deal and the high-handed political tyranny manifested in the Chicago convention convinces any reasonable mind that Mr. Roosevelt's nomination was effected by reason of "blitzkrieg" methods, and in spite of the wishes of the people.

The great Washington no doubt could have had a third consecutive term, but he declined it emphatically. Although Jefferson was popular, he would not have a third term because he had on many previous occasions indicated his opposition to it and gave most convincing reasons for his position. Andrew Jackson also was popular, but he had recommended in each of his annual messages to Congress that the Constitution be amended to provide for a single term of 4 or 6 years. I have seen it in print that Mr. Coolidge could have had a third term. I think this is doubtful. At any rate, Mr. Coolidge had not served two full consecutive terms. Theodore Roosevelt contested for what might be considered as a third term, although he had not served two full terms, but it was not for a third consecutive term. Grant reluctantly permitted himself to be considered for the nomination for a third full term, but it was not consecutive, and he was not nominated. The danger from a third term comes from its being consecutive. Three nonconsecutive terms would not be fraught with the dangers from bureaucracy and dictatorship that would attend three consecutive terms. All our two-term Presidents have declined to consider three consecutive terms, and those who considered a third nonconsecutive term were emphatically denied it.

Mr. Roosevelt refuses to emulate Washington or Jefferson and turns his back on the admonitions of Andrew Jackson, who is his model President and ideal American. How different the positive, thrifty, and determined Jackson and the insincere, prodigal, and fickle Roosevelt!

He now gives no heed to the Democratic platform of 1912 on which Woodrow Wilson was elected and which says:

> No man should be eligible for a third term of the Presidential office.

That platform also advocated a constitutional amendment as follows:

> We favor the single Presidential term and to that end urge the adoption of an amendment to the Constitution making the President of the United States ineligible for reelection and we pledge the candidate of the convention to this principle.

Woodrow Wilson ran on that platform but accepted his second term. Mr. Roosevelt stood for that platform, yet he will accept a third term.

In 1896 the Democratic convention adopted a plank as follows:

> We declare it to be the unwritten law of the Republic established by custom and usage of a hundred years, and sanctioned by the example of the greatest and wisest of those who founded and maintained our Government, that no man should be elected for a third term of the Presidential office.

In 1928 when it appeared that Mr. Coolidge might aspire to a third term, the Senate of the United States adopted a resolution against a third term. This was supported by practically all of the Democrats in the Senate. The resolution is as follows:

> *Resolved*, That it is the sense of the Senate that the precedent established by Washington and other Presidents of the United States in retiring from the Presidential office after their second term, has become, by a universal concurrence, a part of our republican system of government, and that any departure from this time-honored custom would be unwise, unpatriotic, and fraught with peril to our free institutions; and be it further
>
> *Resolved*, That the State commends observance of this precedent by the President.

This was only a few years ago. Many of the Democratic Senators who voted for this resolution then are yet Members of that great body. Among them are Senators ASHURST, (Dear ALBEN) BARKLEY, GLASS, HARRISON, KING, MCKELLAR, NEELY, PITTMAN, SHEPPARD, SMITH, THOMAS of Oklahoma, TYDINGS, and WHEELER. No doubt each of these great Democrats, all friends of the President, will find it difficult to square that vote with an open advocacy of his candidacy for a third term. Senator NORRIS also voted for that resolution, but somehow it seems he has changed his mind, and argues vigorously for a third term for Roosevelt. It will be interesting to know his excuse for his inconsistency. It will be difficult for him to explain how a procedure that in 1928 was "unwise, unpatriotic, and fraught with danger to our free institutions" is wise, patriotic, and fraught with great and everlasting benefits to the Republic in 1940. Verily, verily "consistency thou art a jewel."

Whether the best interests of the Republic demand the reelection of the present incumbent for his third consecutive term should not be decided upon the present-day economic conditions. This is a much larger question than personal interests or party success. It is beyond and outside of the personality or the personal welfare of the man. It is a matter that was given much consideration in the Constitutional Convention of 1787. Hamilton favored a strong National Government with long tenure for the President. His position had practically no support. Jefferson, whose opposition to a monarchy was a passion with him, although he was in Europe when the Constitution was being written, through his followers was successful, early in the Convention, in having the tenure fixed at one term of 7 years with no succession. This provision remained in the tentative draft of the Constitution until September 1, 2 days before the final adjournment of the Convention, when the term was reduced to 4 years with no mention of additional terms. Of this change Jefferson, many years later, still strongly convinced that he was right, said:

> My wish therefore was that the President should be elected for 7 years, and be ineligible afterward. This term I thought sufficient to enable him, with the concurrence of the legislature, to carry through and establish any system of improvement he should propose for the general good. But the practice adopted I think is better, allowing his continuance for 8 years, with a liability to be dropped at the half-way of the term, making a period of probation.

Jefferson, further commenting on this question of whether the best interests of the Republic demand the retention of any one man in the Presidency for three terms, said:

> If some termination to the services of the Chief Magistrate be not fixed by the Constitution, or supplied by practice, his office, nominally for 4 years, will in fact become for life; and history shows how easily that degenerates into an inheritance.

When Jefferson said, "His office, nominally for 4 years, will, in fact, become for life," he knew what we know, that if we ever break this third-term rule for a President he will be President for life, if he desires it. Roosevelt, with his abundant ego, would not turn it down.

Some men may be strong enough to carry on the democratic processes of a government for life, but history does not name one. On the contrary, history shows where bureaucracy has throttled the strongest. When the executive usurps the other branches and the orderly processes of government fail, the Constitution is impotent. An impotent constitution in the hands of a senile, benevolent dictator is as impotent as in the hands of a despotic dictator. When a dictator, benevolent or despotic, comes in, the Constitution goes out.

Philosophically Jefferson was sound, and practically he was sound when he said:

> Should a President consent to be a candidate for a third election, I trust he would be rejected on this demonstration of ambitious views.

It is irresistible that if Jefferson were living to vote in November he would not vote for Roosevelt, but like many sincere Democrats of this day he would vote for Willkie.

All down through our history are many important incidents that prove how loyal our people and our Presidents have been to this tradition established by Washington. William Henry Harrison took office pledged to one term only. Rutherford B. Hayes favored only one term for a President and was not a candidate for a second term. Cleveland, in his char-

acteristic strong language, declared himself against a third term. McKinley said, "I am not and will not be a candidate for a third term." Franklin D. Roosevelt when he entered upon his second term apparently adhered to this tradition as closely as he ever adhered to any policy or principle. He said on March 4, 1937, on the occasion of his Victory Dinner and when he was entering upon his second term:

I am by no means satisfied with having twice been elected President of the United States by very large majorities. I have an even greater ambition. My ambition relates to January 20, 1941. My great ambition on January 20, 1941, is to turn over this desk and chair in the White House to my successor.

It is hard to conceive that a President would fail to keep his promise. Although there is no constitutional provision prohibiting a third-term candidacy, yet there is no provision sanctioning it. We do know that a large majority of the members of the Constitutional Convention did not favor long tenure. We hope that the people will on election day take such action as will assist Mr. Roosevelt to realize his greatest of all ambitions—to turn over his chair in the White House to his successor on January 20, 1941. In view of the almost unanimous opposition to a third term of all classes of people from George Washington down to the present time, the President should not demand a third term. With great unrest in the world we, of all nations, should not encourage internal unrest and discord. Dictatorships thrive on discord and unrest. They stalk across the world, recognizing neither right nor justice, disregarding all promises, however solemnly entered into, defying nature, and denying God. All this comes from a usurpation of executive power.

To break the time-honored custom of two terms for a President and to elect him for a third, a fourth, and a fifth term would launch us on a course that might irresistibly lead us to national destruction. Unlike the legislative and judicial branches of the Government, the executive branch is one man only. This one man is the Commander in Chief of the Army and the Navy. He names the Secretary of State who is our spokesman in all delicate international matters. He names the Secretary of the Treasury, who might improperly take from the people their right to control the purse strings of the Nation. He names the Attorney General, who is the legal representative of the Government in all its activities. To give him the additional power that comes from the control of a million Federal employees, federated into bureaus, by controlling their action for a long and uncertain tenure is a danger which we should recognize before it is too late.

Totalitarianism inevitably displaces individual freedom of action in business, and chokes free speech, and stifles free worship. God forbid that the time may ever come in America when only one man shall be considered competent to be President. And God forbid that the time shall ever come when any one man shall have such power as to enable him to say, "I am the state." [Applause.]

EXTENSION OF REMARKS

Mr. LANDIS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include some quotations from Army experts.

The SPEAKER. Is there objection to the request of the gentleman from Indiana [Mr. LANDIS]?

There was no objection.

Mr. JENKINS of Ohio. Mr. Speaker, I ask unanimous consent to extend my own remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. JENKINS]?

There was no objection.

Mr. JENKINS of Ohio. Mr. Speaker, in the CONGRESSIONAL RECORD of July 30 there appears a short speech made by Senator GUFFEY, of Pennsylvania. He refers to an editorial appearing in the Philadelphia Record dated July 29, 1940, and he states:

It is an open letter addressed to Wendell Willkie, and when Willkie replies I shall be very glad to place his reply in the RECORD.

It is seldom that I have felt impelled to make an answer to any statement made by any Senator or Congressman with reference to some other individual, and I would not take it upon myself to make answer to this statement of Senator GUFFEY except for the fact that I know something about the matter discussed in the editorial. It is likely that because of my connection with the investigation of the T. V. A. that I would know more about this than practically any other Congressman. Of course, I am not speaking for Mr. Willkie, and it is probable that Mr. Willkie has never seen the CONGRESSIONAL RECORD on this subject or the Philadelphia Record editorial.

If Senator GUFFEY expected Mr. Willkie to answer the question he asked, which is, "Who killed the paper that fought Willkie?" I will say that he probably will not receive any answer from Mr. Willkie to such an inconsequential question. But in my remarks I propose to ask a few questions myself. My first question is to Senator GUFFEY as to how he came to insert in the RECORD this editorial from the Philadelphia paper. For fear he does not answer, I will say that it is my guess that he did this at the suggestion of one Francis Biddle. Then I wish to ask Mr. Francis Biddle two questions, and when he answers them to Mr. GUFFEY I should be glad to see them appear in the CONGRESSIONAL RECORD. My first question is, Is it not true that Francis Biddle supplied the information to the Philadelphia paper for the editorial above referred to? Second, Did Francis Biddle own stock in the Chattanooga News at the time he ordered the investigation of that paper's competitor? If he did not own it at that time, how soon after the investigation was it that he bought stock in this paper that Senator GUFFEY is complaining about that was killed by someone?

Now, let me give you some facts. One Francis Biddle in 1938 was employed as general counsel by the congressional committee appointed to investigate the T. V. A. I was a member of that committee. I objected to the appointment of Mr. Biddle for various reasons. I maintained that he would not make a fair investigation, and my judgment was vindicated in this respect at every turn during the whole investigation. It was well recognized by any impartial observer that he was at all times cooperating with the T. V. A. officials and its attorneys and at no time attempted to make a fair examination but, on the contrary, bent his every energy to justify the T. V. A. instead of making a fair investigation.

Late in the investigation he insisted that the committee go down from Knoxville to Chattanooga to make some investigations there. So far as I am concerned no definite information was given to the committee as to what was expected to be investigated and what was to be done on this trip to Chattanooga. When we arrived there we found that Mr. Biddle had already sent down to Chattanooga a large number of snoopers and investigators who were not known to at least three members of the committee and probably not known to any members of the committee. These men had been in Chattanooga making a snooping investigation into the activities of one newspaper, to wit, the Chattanooga Free Press. This paper was a competitor of the Chattanooga News. Two years before there had been a very bitter fight in Chattanooga over the proposition of whether the city would buy out the facilities of a power company which was serving the city of Chattanooga and which was at that time a part of the Commonwealth and Southern system, of which Mr. Willkie was the active head. This contest was decided by an election held in the city, the result of which found its way into the courts. Charges and countercharges were filed by the different groups interested. It developed at the hearing that the grand jury 2 years before had considered the whole matter and had done nothing about it and it was also brought out in the hearings that those whose duty it was to file reports as to expenditures incurred in the election had filed the same in the proper way and at the proper places. Just why this man Biddle should want to drag the committee down to Chattanooga to make this investigation was always a mystery to me until after October 1, 1939, when the Chattanooga News of Tennessee filed its report giving a list of its stockholders and it appeared

at that time that Mr. Francis Biddle was one of the stockholders of the Chattanooga News. Apparently he called the investigation of the Chattanooga Free Press with the hope that he could scandalize it in some way so as to break it up or so that he might bring out some filth that his strong-armed investigators might have raked together or put together. The whole investigation fell flat when it was brought out that these strong-armed investigators, some of whom were supposed to be J. Edgar Hoover men, had been dined at the home of one George Fort Milton, who was the editor and publisher of the Chattanooga News. Mr. Biddle subpenaed the officials of the Chattanooga Free Press and others that he could embarrass, but he did not call the pompous George Fort Milton. In order to have both sides of the story I decided that we would subpena this gentleman. He admitted that he had been invited up to Knoxville and had a conference with Mr. Biddle and that they had arranged that Biddle should send his men down to Chattanooga and investigate his competitor. Whether by arrangement or by accident these investigators came to the Chattanooga Free Press when its editor and manager was away and strong-armed themselves into the banks and other institutions in Chattanooga in an effort to pry into all of the financial and business affairs of those connected with the Free Press.

To make a long story short the facts brought out in the investigation indicated clearly that it was a wild-goose chase gotten into purely for spite. Francis Biddle should not have made that investigation without the knowledge and approval of the investigating committee. The fact that he did arrange for it clandestinely condemns him in the mind of any fair-minded person. If he owned stock in the Chattanooga News at the time he called this clandestine investigation of the Chattanooga Free Press his conduct was extremely reprehensible. He should be called to give what the facts are in that connection. If he did not own the stock at that time but had bargained for it his conduct would be more reprehensible. If during these investigations he made any arrangements to buy stock in this company his conduct would also be reprehensible. And if he bought the stock after the investigation was over I should like to know what his excuse would be for making such a purchase because he could not have made it for investment purposes because it was well known at the time when the committee was in Chattanooga that the Chattanooga News was on its last legs financially. The News blew up on about the 1st of December 1939, which was about 2 months after the statement appeared showing that Biddle had stock in it.

Wendell Willkie did not kill the Chattanooga News. It died because of the incompetency of its managers. If the Chattanooga News spent practically all of its time in lambasting Mr. Willkie and his interests, it would be entirely natural if these interests would fight back. Anybody who fights Wendell Willkie ought to know that he is fighting a real fighter.

My advice to Senator GUFFEY and to Francis Biddle is that if they want to battle Wendell Willkie that they get out in the open and start. They will find in their contest from now to November that such tactics as they employ will not win for them. They will find that Willkie has always been a two-fisted fighter and that their muck-raking methods will not avail them anything.

Again I call on Senator GUFFEY and Francis Biddle to answer the questions that I have hereinbefore asked of them. [Applause.]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. MAHON (at the request of Mr. THOMASON), for 5 days, on account of official business, being member of the Appropriations Committee inspecting Army posts.

To Mr. SHANLEY, for 2 days, on account of important business.

To Mr. COFFEE of Nebraska, for 3 days, on account of engagement in his district.

To Mr. ARNOLD, indefinitely, on account of illness.

EXTENSION OF REMARKS

Mr. BREWSTER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an address by me.

The SPEAKER. Is there objection to the request of the gentleman from Maine [Mr. BREWSTER]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to include in my remarks an editorial appearing in the Washington Post of last Saturday.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts [Mrs. ROGERS]?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, today much to my regret the House tabled a privileged resolution I introduced which called for a weekly report with reference to the progress of national defense by the President's National Advisory Committee on National Defense. The editorial in the Post speaks with praise of the committee because they broadcasted some points on their progress on Thursday night. Mr. David Lawrence states in tonight's Star that it was not candid but I am sure it was interesting. I did not hear it. I am sure the Post would feel that the Congress should be informed first of what is going on. And informed regularly. Many may not be in a position to listen to broadcasts—but the Congress certainly should be kept informed of what is accomplished or not accomplished. Lack of knowledge of the unpreparedness of the countries in Europe is responsible for their tragic plight. We cannot afford to let that happen in America.

Mr. Speaker, I also believe that the public should realize fully what is being done so far as national defense is concerned and they should be informed as to what is being actually accomplished and not just by radio addresses, interesting as they may be. If the public were kept fully advised the task would be greatly speeded up and facilitated because the people of America want to do their part in the national defense. If the defense is not progressing true Americans want to know. Americans are intensely patriotic, they always rise to any emergency. The Members of Congress will be taken to task if they do not do their part in pushing ahead with the defense program. They must see that America is not kept in the dark; they must not be kept in the dark themselves. I ask the Members if they do not think they are placing themselves in a rather ridiculous position if constituents ask or write them about the progress of our preparedness when they must answer. I heard thus and so over the radio, or I received that information in a press release. I ask the Members in all seriousness if, having appropriated billions upon billions for national defense, they then are giving up their duty and their control of the defense policy of the United States. Remember, America will judge us not just for today but for tomorrow. Certainly we are unprepared to defend ourselves today, and totally without excuse. I have believed always it is far cheaper to be overprepared than to be caught unprepared as we are today when it seems that the entire world is caught in a revolution. The Congress must not lay down the reins of leadership. The Congress must guide and guard the country in these perilous times.

The following is the article from the Washington Post of Saturday:

[From the Washington Post of August 10, 1940]

A CANDID REPORT

The National Defense Advisory Commission is taking the public into its confidence by giving out certain pertinent facts concerning the preparedness program. The interview with various members of the Commission broadcast on Thursday was reassuring because no extravagant claims were made and there was no effort to minimize the difficulty of the task ahead.

Mr. Knudsen reported the production of airplanes to be approximately 900 per month. An insignificant output compared with the goal set by the President. But he expects production to have been stepped up to 1,500 planes monthly by the first of the year. That is an encouraging outlook. It is also reassuring to hear that

the number of workers in aircraft factories has increased nearly one-third since last January.

Mr. Knudsen's information about production progress was supplemented by Mr. Hillman's discussion of plans for training skilled workers. Mr. Stettinius dealt with the procurement of essential raw materials needed for the manufacture of thousands of required articles. He confessed frankly that the mobilization and coordination of industry for defense purposes would be a long job and not an easy one. "It calls for full cooperation and patience," he said.

By giving the public detailed reports of progress at frequent intervals the Commission should be able to scotch unfounded rumors of an alarmist nature about the defense program. It should not hesitate, however, to expose weaknesses of the defense organization that call for the remedial action afforded by an aroused public opinion.

Since the Commission acts only in an advisory capacity to regular Government agencies, it is in a position to take an objective critical view of actual accomplishments. Its usefulness will undoubtedly be enhanced by maintaining an objective attitude and sharing its information with the public.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. J. Res. 286. Joint resolution to strengthen the common defense and to authorize the President to order members and units of reserve components and retired personnel of the Regular Army into active military service; to the Committee on Military Affairs.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 4070. An act to provide for more uniform coverage of certain persons employed in coal-mining operations with respect to insurance benefits provided for by certain Federal acts, and for other purposes.

ADJOURNMENT

Mr. PATRICK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 31 minutes p. m.) the House adjourned until tomorrow, Tuesday, August 13, 1940, at 12 o'clock noon.

COMMITTEE HEARINGS

MEETING OF IRRIGATION AND RECLAMATION COMMITTEE

There will be a meeting of the Irrigation and Reclamation Committee at 10 a. m. on Tuesday, August 13, in room 128, House Office Building, for consideration of H. R. 9734.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1886. A letter from the Acting Secretary of the Navy, transmitting a draft of a proposed bill to increase the number of midshipmen at the United States Naval Academy; to the Committee on Naval Affairs.

1887. A communication from the President of the United States, transmitting a schedule of claims amounting to $239,166.63, allowed by the General Accounting Office, as covered by certificates of settlement (H. Doc. No. 897); to the Committee on Appropriations and ordered to be printed.

1888. A communication from the President of the United States, transmitting estimates of appropriations submitted by the several executive departments to pay claims for damages to privately-owned property in the sum of $4,087.69 (H. Doc. No. 898); to the Committee on Appropriations and ordered to be printed.

1889. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of the Interior in the amount of $250,000 (H. Doc. No. 899); to the Committee on Appropriations and ordered to be printed.

1890. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of the Interior for the fiscal year 1941 amounting to $137,000 (H. Doc. No. 900); to the Committee on Appropriations and ordered to be printed.

1891. A communication from the President of the United States, transmitting supplemental estimates of appropriations totaling $825,000 for the Post Office Department for the fiscal year ending June 30, 1941 (H. Doc. No. 901); to the Committee on Appropriations and ordered to be printed.

1892. A communication from the President of the United States, transmitting a deficiency estimate of appropriation for the legislative establishment, United States Senate, for the fiscal year 1940, amounting to $40,000 (H. Doc. No. 902); to the Committee on Appropriations and ordered to be printed.

1893. A communication from the President of the United States, transmitting an estimate of appropriation for payment of certain claims allowed by the General Accounting Office, amounting to $166,249.91 (H. Doc. No. 903); to the Committee on Appropriations and ordered to be printed.

1894. A communication from the President of the United States, transmitting a list of judgments rendered by the Court of Claims, amounting to $137,089 (H. Doc. No. 904); to the Committee on Appropriations and ordered to be printed.

1895. A communication from the President of the United States, transmitting records of judgments rendered against the Government by United States district courts, as submitted by the Attorney General through the Secretary of the Treasury, amounting to $13,308.81 (H. Doc. No. 905); to the Committee on Appropriations and ordered to be printed.

1896. A communication from the President of the United States, transmitting record of judgment rendered against the Government by the United States district court in a special case, as submitted by the Attorney General through the Secretary of the Treasury, and which requires an appropriation for its payments amounting to $26,904.21 (H. Doc. No. 906); to the Committee on Appropriations and ordered to be printed.

1897. A communication from the President of the United States, transmitting an estimate of appropriations submitted by the Navy Department to pay a claim for damages by collision or damages incident to the operation of vessels of the Navy, in the sum of $566.25 (H. Doc. No. 907); to the Committee on Appropriations and ordered to be printed.

1898. A communication from the President of the United States, transmitting an estimate of appropriation submitted by the War Department to pay a claim for damages under river and harbor work in the sum of $1,148.67 (H. Doc. 908), which has been considered and adjusted under the provisions of the River and Harbor Act, approved June 5, 1920 (33 U. S. C. 564), and which requires an appropriation for its payment; to the Committee on Appropriations and ordered to be printed.

1899. A communication from the President of the United States, transmitting schedule of claim allowed by the General Accounting Office, as shown by certificate of settlement forwarded to the Treasury Department for payment covering a judgment rendered by the United States District Court for the Southern District of New York against the collector of customs, as provided under section 989 of the Revised Statutes (U. S. C., title 28, sec. 842), amounting to $529.51 (H. Doc. 909); to the Committee on Appropriations and ordered to be printed.

1900. A letter from the Acting Secretary of the Navy, transmitting the draft of a proposed bill to amend the act approved March 4, 1925, entitled "An act providing for sundry matters affecting the Naval Service, and for other purposes," as amended; to the Committee on Naval Affairs.

1901. A letter from the Secretary of War, transmitting draft of a proposed bill for the relief of John W. Young; to the Committee on Claims.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. LESINSKI: Committee on Immigration and Naturalization. H. R. 10323. A bill to provide a temporary haven from the dangers or effects of war for European children under the age of 16; without amendment (Rept. No. 2846).

Referred to the Committee of the Whole House on the state of the Union.

Mr. MAY: Committee on Military Affairs. Senate Joint Resolution 286. Joint resolution to strengthen the common defense and to authorize the President to order members and units of reserve components and retired personnel of the Regular Army into active military service; with amendments (Rept. No. 2847). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. LESINSKI: Committee on Immigration and Naturalization. H. R. 10149. A bill for the relief of Jose Mendez (Anthony Sayer); with amendment (Rept. No. 2844). Referred to the Committee of the Whole House.

Mr. LESINSKI: Committee on Invalid Pensions. H. R. 7956. A bill for the relief of Ella B. Crider; without amendment (Rept. No. 2845). Referred to the Committee of the Whole House.

ADVERSE REPORTS

Under clause 2 of rule XIII,

Mr. MAY: Committee on Military Affairs. House Resolution 557. Resolution requesting the President to transmit a weekly report showing the progress of the work for the national defense (Rept. No. 2843). Laid on the table.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ELLIOTT:

H. R. 10334. A bill to promote the national health through the prevention and control of tuberculosis among migrants, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MAY:

H. R. 10335. A bill to remove the restriction placed upon the use of certain lands acquired in connection with the expansion of Mitchel Field, N. Y.; to the Committee on Military Affairs.

By Mr. SMITH of Washington:

H. R. 10336. A bill to authorize the Department of Agriculture to conduct certain researches, investigations, and experiments with respect to hemlock pulpwood and Sitka spruce barks; to the Committee on Agriculture.

By Mr. BLAND:

H. R. 10337. A bill to authorize the Secretary of the Treasury to order retired commissioned and warrant officers of the Coast Guard to active duty during time of national emergency, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MAY:

H. R. 10338. A bill to promote and strengthen the national defense by suspending enforcement of certain civil liabilities of persons serving in the Military and Naval Establishments, including the Coast Guard; to the Committee on Military Affairs.

By Mr. FADDIS:

H. R. 10339. A bill to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes; to the Committee on Military Affairs.

By Mr. BARNES:

H. R. 10340. A bill to amend section 13 of the Civil Service Retirement Act; to the Committee on the Civil Service.

By Mr. YOUNGDAHL:

H. R. 10341. A bill permitting the assignment to banks and trust companies of certain claims against the United States; to the Committee on the Judiciary.

By Mr. GUYER of Kansas:

H. J. Res. 592. Joint resolution to authorize the acquisition of a suitable frame for the painting of the signing of the Constitution to be used in mounting said painting in the Capitol Building; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. OLIVER:

H. R. 10342. A bill for the relief of Joseph Petrin, Joseph A. Petrin, Rudolph Petrin, Angus LeBlanc, William J. Demelle, Samuel Fishman, and Hector LaPointe; to the Committee on Claims.

By Mr. THOMASON:

H. R. 10343. A bill for the relief of Heid Bros. Corporation; to the Committee on Claims.

By Mr. BROWN of Ohio:

H. R. 10344. A bill granting an increase of pension to Laura M. Dellinger; to the Committee on Invalid Pensions.

H. R. 10345. A bill granting an increase of pension to Maggie Custard; to the Committee on Invalid Pensions.

By Mr. JOHNSON of West Virginia:

H. R. 10346. A bill granting a pension to Mary A. Ruble; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9131. By Mr. FLAHERTY: Petition of the Department of Massachusetts, Yankee Division Veterans' Association, Boston, Mass., supporting the adoption of compulsory military service in the United States, and to limit the profits of manufacturers of arms and implements of war; to the Committee on Military Affairs.

9132. Also, petition of K Company, One Hundred and First Infantry Veterans' Association, American Expeditionary Forces, Hingham, Mass., supporting the adoption of compulsory military service in the United States; to the Committee on Military Affairs.

9133. By Mr. HART: Memorial of the Inland Boatman's Division of the National Maritime Union of America, against peacetime conscription; to the Committee on Military Affairs.

9134. Also, petition of the New Jersey State Industrial Union Council, favoring the passage of House bill 7534; to the Committee on the Judiciary.

9135. Also, petition of the New Jersey State Industrial Union Council, opposing House bill 9766; to the Committee on Immigration and Naturalization.

9136. Also, petition of the New Jersey State Industrial Union Council, requesting that fair and just treatment be accorded all aliens and all citizens of this country; to the Committee on the Judiciary.

9137. Also, petition of the New Jersey State Industrial Union Council, protesting against the inclusion of amendment, Senate bill 1032, to the Healey-Walsh Act; to the Committee on the Judiciary.

9138. Also, memorial of the New Jersey State Industrial Union Council, requesting that the Navy and War Departments insert in all Government contracts a provision requiring private contractors enjoying the benefits of Government business to acknowledge and practice the principles underlying the National Labor Relations Act; to the Committee on Naval Affairs.

9139. Also, petition of the New Jersey State Industrial Union Council, opposing House bill 9848; to the Committee on Naval Affairs.

9140. Also, petition of the New Jersey State Industrial Union Council, urging the inclusion in House bill 9822 of a provision that employees covered at present under the Wage and Hour Act and Healey-Walsh Act should continue to receive such protection; to the Committee on Naval Affairs.

9141. Also, petition of the New Jersey State Industrial Union Council requesting fair, just, and equitable tax legislation; to the Committee on Ways and Means.

9142. By Mr. MICHAEL J. KENNEDY: Petition of the Central Trades and Labor Council of New York, protest-

ing against the passage of the Wheeler-Lea transportation bill as reported by conference committee, and favoring adoption of Miller-Wadsworth amendment that will protect the jobs of the carrier by water as well as the railroad workers; to the Committee on Interstate and Foreign Commerce.

9143. Also, petition of David C. Reid Co., Inc., of New York City, opposing enactment of the Wheeler-Lea transportation bill in its present form; to the Committee on Interstate and Foreign Commerce.

9144. Also, petition of the Transport Workers Union of Greater New York, Local No. 100, favoring enactment of House bill 7534, the Geyer anti-poll-tax bill, now before the Committee on the Judiciary; to the Committee on the Judiciary.

9145. Also, petition of New York Dock Railway, relative to the conference report on the Wheeler-Lea transportation bill; to the Committee on Interstate and Foreign Commerce.

9146. Also, petition of the Marine News, opposing the conference report on the Wheeler-Lea transportation bill as unfair to those who will be deprived of the savings through shipping and receiving freight at lower rates through the use of our waterways; to the Committee on Interstate and Foreign Commerce.

9147. Also, petition of T. A. O. War Veterans' Club, New York City, favoring every step taken by the President with approval of the Congress to bring our country up to necessary military strength, and favoring a selective compulsory conscription that summons manpower progressively from 18 years of age without age limit when and if needed; to the Committee on Military Affairs.

9148. Also, petition of the Trade-Union Athletic Association of New York City, concerning the Burke-Wadsworth conscription bill; to the Committee on Military Affairs.

9149. Also, petition of the United Construction Workers' Organizing Committee, concerning the Burke-Wadsworth conscription bill; to the Committee on Military Affairs.

9150. Also, petition of the Merchant Truckmen's Bureau of New York, concerning House bill 10180; to the Committee on Interstate and Foreign Commerce.

9151. Also, petition of the New York Joint Council of United Office and Professional Workers of America, concerning the Burke-Wadsworth conscription bill; to the Committee on Military Affairs.

9152. By Mr. LUCE: Petition of the Mystic Valley Chapter, No. 55, of Medford, Mass., of the Disabled American Veterans of the World War, urging exemption from registration and fingerprinting of aliens who served in the armed forces of the United States of America during the World War and were honorably discharged from such service under the recently enacted legislation generally referred to as "Alien Registration Act of 1940," and further enact into law Senate bill 2386, introduced by Hon. DAVID I. WALSH, of Massachusetts, and endorsed by Hon. HENRY C. LODGE, Jr., of Massachusetts, for the purpose of conferring American citizenship upon the aforesaid aliens; to the Committee on Immigration and Naturalization.

9153. Also, petitions from residents of Massachusetts, urging action for provision to use American ships to evacuate English children to this country; to the Committee on Foreign Affairs.

9154. By Mr. LYNCH: Petition of the Central Trades and Labor Council, urging adoption of Miller-Wadsworth amendment to the Wheeler-Lea transportation bill, to protect the jobs of the carrier by water as well as the railroad workers; to the Committee on Interstate and Foreign Commerce.

9155. Also, petition of the Merchant Truckmen's Bureau of New York, urging enactment of House bill 10180, which provides that all employees of "for hire" motor carriers be subject to the Interstate Commerce Commission as to hours; to the Committee on Interstate and Foreign Commerce.

9156. By Mr. MONKIEWICZ: Resolution adopted at a mass meeting held by American citizens of Lithuanian origin and extraction of the city of Waterbury and vicinity, Connecticut, protesting against the Communist invasion of the Republic of Lithuania, and favoring withdrawal of the recognition of the Soviet Union of Russia; to the Committee on Foreign Affairs.

9157. By Mr. REED of Illinois: Petition of Franklyn J. Kramer, of Elgin, Ill., and 299 others, protesting against the Burke-Wadsworth bill; to the Committee on Military Affairs.

9158. Also, petition of Julia M. Johnson, of Elgin, Ill., and 29 others, protesting against the passage of the Burke-Wadsworth bill; to the Committee on Military Affairs.

9159. By Mr. VAN ZANDT: Petition of the Centre County Women's Christian Temperance Union of State College, Pa., stating their opposition to peacetime conscription; to the Committee on Military Affairs.

9160. Also, petition of Cambria County Committee, American Legion, Sidman, Pa., protesting against the appointment of Sidney Hillman to any position in connection with the youth training program; to the Committee on Military Affairs.

9161. By the SPEAKER: Petition of the Academic and Civil Rights Council of California, petitioning consideration of the resolution with reference to the conscription bills; to the Committee on Military Affairs.

9162. Also, petition of the Lions Club of Temple, Tex., petitioning consideration of their resolution with reference to the conscription bills; to the Committee on Military Affairs.

9163. Also, petition of the Merchant Truckmen's Bureau of New York petitioning consideration of their resolution with reference to House bill 10180, known and referred to as the "for-hire" motor carriers; to the Committee on Interstate and Foreign Commerce.

9164. Also, petition of the German American League for Culture (H. Waldbaum, per H. T., secretary), petitioning consideration of their resolution with reference to the defense program); to the Committee on Military Affairs.

9165. Also, petition of William J. Bussert, Maywood, Ill., and others, petitioning consideration of their resolution with reference to military affairs; to the Committee on Military Affairs.

9166. Also, petition of the American Legion of Kings County, Brooklyn, N. Y., petitioning consideration of their resolution with reference to a drydock at New York Harbor, in the city of Brooklyn; to the Committee on Naval Affairs.

9167. Also, petition of Paul William Voigt, of Brooklyn, N. Y., and others, petitioning consideration of their resolution with reference to calling the people to prayer and repentance—seeking dependence on God; to the Committee on Ways and Means.

SENATE

TUESDAY, AUGUST 13, 1940

(Legislative day of Monday, August 5, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

O God of peace, who hast taught us that in returning and rest we shall be saved, in quietness and in confidence shall be our strength: By the might of Thy Spirit lift us, we pray Thee, to Thy presence, where we may be still and know that Thou art God, and pursue our duties with a quiet mind. Through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Monday, August 12, 1940, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Downey	La Follette	Schwellenbach
Andrews	Ellender	Lee	Sheppard
Ashurst	Frazier	Lundeen	Shipstead
Austin	George	McCarran	Slattery
Barbour	Gerry	McKellar	Smathers
Barkley	Gibson	McNary	Stewart
Bone	Gillette	Maloney	Taft
Bridges	Glass	Mead	Thomas, Idaho
Brown	Green	Miller	Thomas, Okla.
Bulow	Guffey	Minton	Thomas, Utah
Burke	Gurney	Murray	Tobey
Byrd	Hale	Neely	Townsend
Byrnes	Harrison	Norris	Truman
Capper	Hatch	Nye	Tydings
Chandler	Hayden	O'Mahoney	Vandenberg
Chavez	Herring	Overton	Van Nuys
Clark, Idaho	Hill	Pepper	Wagner
Clark, Mo.	Holman	Pittman	Walsh
Connally	Holt	Radcliffe	Wheeler
Danaher	Johnson, Calif.	Reed	White
Davis	Johnson, Colo.	Reynolds	Wiley
Donahey	King	Schwartz	

Mr. MINTON. I announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Mississippi [Mr. BILBO], the Senator from Arkansas [Mrs. CARAWAY], the Senator from Delaware [Mr. HUGHES], the Senator from Georgia [Mr. RUSSELL], and the Senator from South Carolina [Mr. SMITH] are necessarily absent from the Senate.

The Senator from Illinois [Mr. LUCAS] is in camp with the Illinois National Guard, and is, therefore, unavoidably detained.

Mr. AUSTIN. I announce that the Senator from Massachusetts [Mr. LODGE] is necessarily absent.

The PRESIDENT pro tempore. Eighty-seven Senators having answered to their names, a quorum is present.

PETITIONS AND MEMORIALS

Mr. TYDINGS presented a petition of sundry citizens of Anne Arundel County, Md., praying that material aid be extended to England in the existing war crisis, and also that American ships be made available to transport British children to this country, which was referred to the Committee on Foreign Relations.

He also presented a resolution of the Central Labor Union, of Hagerstown, Md., protesting against the enactment of compulsory military training legislation, which was ordered to lie on the table.

Mr. DOWNEY. Mr. President, I ask unanimous consent to have printed in the RECORD a letter addressed to me by the San Francisco Coordinating Council for Peace, stating that they are sending to me a petition praying for peace, signed by 19,667 individuals, the petition being addressed to the President of the United States and to the Congress.

I also ask leave to offer a giant postcard, being a memorial remonstrating against the enactment of conscription legislation, signed by 283 citizens of the State of California. I request that the body of the memorial be incorporated in the RECORD and that the memorial itself lie on the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letter and memorial (without the signatures of memorialists attached) are as follows:

SAN FRANCISCO COORDINATING COUNCIL FOR PEACE,
San Francisco, Calif., July 17, 1940.

Senator SHERIDAN DOWNEY,
Washington, D. C.

DEAR SENATOR DOWNEY: Under separate cover we have sent you by express a petition signed by 19,667 individuals, addressed to the President of the United States and to the Congress, as follows:

We, the people, in order to build a steel wall of defense against the European war threat to America's peace, send out our message: The Yanks are not coming!

We, the people, raise our voices to declare: We want no more war profiteering, no more gold-star mothers, no more American youth killing and being killed, no more miles of white crosses on foreign soil, no more tombs in Arlington to an "Unknown Soldier."

We want the Bill of Rights and guaranties that we will not be deprived of our inalienable rights of free speech, press, and assemblage.

We want America to keep out of this war and we want our Government to do all that is humanly possible to stop the war.

We want peace!

We ask that this resolution and the number of signers be memorialized in Congress and be printed in the CONGRESSIONAL RECORD. We further request that you have the original petitions presented to President Franklin D. Roosevelt. Enclosed covering letter to the President.

Will you please advise our council when this has been done?

Very truly yours,

SAN FRANCISCO COORDINATION COUNCIL FOR PEACE,
Rev. HERRICK J. LANE, *Chairman.*
DOROTHEA M. SAWVELLE, *Secretary-Treasurer.*

To the table:

To the Congress of the United States of America, Washington, D. C.

CONGRESSMEN: We, as citizens of the United States of America, demand of you, our elected representatives, that you vote against the compulsory military training bill (the Burke-Wadsworth bill, S. 4164) as unconstitutional, as dictatorial, as un-American.

STATEMENT BY EXECUTIVE BOARD OF INDIANA STATE FEDERATION OF LABOR

Mr. MINTON presented a statement by the executive board of Indiana State Federation of Labor, relative to conscription, etc., which was ordered to lie on the table and to be printed in the RECORD, as follows:

The executive board of the Indiana State Federation of Labor, having earnestly and thoughtfully considered the question of national defense, adds its endorsement to that of the executive council of the American Federation of Labor of the general defense program adopted by the Congress of the United States.

We favor preparedness adequate to meet possible attack, either military or economic, by any world power or possible combination of world powers. We share the common alarm that conquering the Americas, the last bulwark of democracy, may become an objective of the totalitarian powers now engaged in the destruction of political freedom, culture, and the common rights of man in Europe and Asia.

We also fear an uncontrolled development of a vast war machine in America that may insidiously encroach upon the prerogatives of the people to determine general policies affecting the destiny of America and the Western Hemisphere.

We therefore favor setting up civilian controls to prevent the military from, either intentionally or from misdirected enthusiasm, usurping the powers reserved to Congress.

We fear that if recruiting of personnel to man the equipment of mechanized implements of war is left on a voluntary basis, that flag waving and economic pressure will tend to drive the unemployed and the sons of the less fortunate into military service, while the sons of the wealthy and powerful will remain in civilian life on some pretext or other.

We therefore endorse a selective-service law for preparedness to include persons ranging from the age of 18 to 65, not only for actual military service but also for the production of materials essential to national defense.

It follows that we favor the enactment of necessary legislation to enable the Government to draft men, money, plants, equipment, raw materials, transportation, and all other essential facilities to advance the preparedness program and conduct a defensive war in case of attack.

We hereby go on record as favoring the selective-service law with the proviso that adequate compensation for enlisted men to protect their investments, their homes, insurance estates, and other economic advantages which they have created for themselves and their families by their labors.

We demand that selections for service shall be conducted by committees representative of all walks of life and all political and religious points of view, except those who deny God and oppose the fundamental principles of democracy.

We believe it is wise to have some regulations established by the executive branch of the Government with military approval to govern such committees to prevent undue exemptions and personal favoritism. We will thus avoid a situation where any section of the country or group of people carry a greater burden than other sections and other groups.

We demand that such committees shall be localized insofar as possible and shall function with the advice of the military but shall not be subject to military dominance or orders.

We call upon the organized labor movement in Indiana to rally to the Nation's defense, but to be ever watchful that a national emergency shall not be used by the enemies of labor to destroy the gains made by 53 years of collective struggle.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON of Colorado:

S. 4264. A bill for the relief of Albert J. Taylor; to the Committee on Military Affairs.

By Mr. HATCH (for himself and Mr. CHAVEZ):

S. 4265. A bill to authorize an appropriation for payment to the Middle Rio Grande Conservancy District of construction costs assessed against certain lands within such district ac-

quired by the United States for the benefit of certain Indians in the State of New Mexico; to the Committee on Indian Affairs.

By Mr. MEAD:

S. 4266. A bill for the relief of the alien Jacques (Giacomo) Medvedieff; to the Committee on Immigration.

MURIEL THOMPSON

Mr. MEAD submitted the following resolution (S. Res. 295), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Muriel Thompson, widow of Charles Thompson, late an employee of the Senate restaurant under supervision of the Committee on Rules, the sum of $210, an amount equal to 6 months of his last compensation as such employee, said sum to be considered inclusive of funeral expenses and all other allowances.

INTERVIEW WITH SENATOR AUSTIN ON NATIONAL DEFENSE

Mr. AUSTIN. Mr. President, last night in the program of the Washington Merry-Go-Round Radio Forum broadcast over the National Broadcasting hookup, I was interviewed by Drew Pearson and Bob Allen on the subject of National Defense, which is now under consideration in the Senate. The matter is of public importance, and I should like my colleagues to know my position. I therefore ask unanimous consent to insert in the RECORD at this point my reply to the interrogatories.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

Mr. ALLEN. Now, Drew, we have been talking about taxes and national defense and conscription. It occurs to me that the man who can talk about these problems perhaps better than almost anyone else is one of the most important leaders on Capitol Hill, Senator AUSTIN. Senator AUSTIN, as you know, is assistant Republican leader, and he occupies a unique position. He is on the Military Affairs Committee, which is extremely vital at this moment in our history, and also he occupies key posts on other important committees, such as the Judiciary and Interstate Commerce. But the fine thing about Senator AUSTIN, in my opinion—and somewhat unique among Senators—is that although he can fight furiously, he fights fair. For instance, he fought President Roosevelt vigorously on the Supreme Court bill, but has been one of the President's most ardent supporters when it comes to national defense. Like that Granite State from which he comes, Vermont, Senator AUSTIN can always be depended upon by his colleagues to fight the Nation's legislative battles fair, square, and intelligently. It is a great pleasure to have him as our guest speaker tonight, and so we introduce Senator AUSTIN.

Senator AUSTIN. Delighted to be with you gentlemen. Your column has become a daily habit in my household. It is very informative and entertaining to the American public. I wish you equal success with this new venture of yours.

Question. Senator, in regard to national defense, can you tell us whether that is making real progress?

Answer. I think we are moving. There has been terrific inertia in this country, but I believe we have overcome it. People write in to me, knowing my views, and wanting to know why we are not moving faster. But on the whole I believe we have made real progress. For instance, when we passed a bill not long ago doubling our Navy, it was a tremendous thing. There wasn't much shouting about it or tearing of hair in Congress. It was done quietly and rather grimly, and the public may not have realized its entire significance. But when we decided that we were going to keep a navy both in the Atlantic and in the Pacific, we served notice on the world that we intended to qualify ourselves, not merely for temporary immunity from war but for enduring security. We made a decision to become an influential party to any peace settlement. We gave to the voice of the United States authority in the negotiations rearranging world trade and planning for the long future. We served notice that we intended to preserve within the New World our own system of democracy and peace.

Question. Speaking of the Western Hemisphere and the New World, Senator, do you think that war is likely to come over here?

Answer. The best illustration of that is the island of Martinique. We thought of it only as the frame for Mount Pelee—a place where eruptions were only volcanic—an island only 50 miles long and averaging 20 miles wide, it slumbered in its azure sea until it was suddenly awakened in the character of a political volcano. It became an important focal point on the map of the Western Hemisphere. French ships carrying the French gold reserve and American airplanes dodged in and out of the islands of the Caribbean Sea and finally found refuge in this French island. Now they are cornered there, and, fortunately, our British friends have refrained from any act of war. Now these French ships are the war prize of Germany. We are faced with a situation in which Britain and Germany actually are within shooting distance in a body of water most vital to the United States and adjacent to the Panama Canal. No; to further answer your question, I don't see how it is possible for us to ignore the fact that war may come to the Western Hemisphere. Prudence requires government to act on the theory that war would come if the United States were unprepared.

Question. Senator, I think that the American public has become more concerned about Latin America since the Habana Conference. I gather from what you say that you are concerned about possible Nazi encroachment there. Can you give us any details?

Answer. Known facts made public in the Committee on Military Affairs of the Senate and elsewhere dictate protective action at once. I should say the most significant situation to watch in South America is the Nazi-Fascist air lines. We have already seen in Europe the great part which the air has played in the conquest of Poland, Holland, Belgium, and France. In South America it is no secret that Germany has established her commercial air lines—the Condor, the Lufthansa, and others—in such a way that she already has air bases, gasoline supplies, interchangeable parts, and actual planes in operation in this vital and strategic area. If Germany wished to send a large number of four-motored bombing planes through Latin America across our southern boundaries, she would have the facilities to do so. In Ecuador there is the Sedta Line, run entirely by Germany, and which has established routes to distant jungle areas in the country. Since no one lives in these jungles, since there can be no trade, there is only one reason for such routes. They are of strategic military importance. Again in Colombia there is the Scadta Line, until recently manned 95 percent by German pilots sent out in rotation from Berlin. Fortunately, an American firm has now acted rather belatedly under pressure of the State Department to clean out these German aviators. If we consider the Panama Canal the lifeline of American defense—and I think the entire Nation agrees with that—then we must bear in mind that one or two carefully placed bombs can blow up the locks of the Canal and put it out of commission for 2 or 3 months. Therefore, German air lines in South America, to say nothing of the glider clubs, the cycling clubs—all of which train for the new Nazi strategy of parachutists—must be a matter of grave concern to the United States. The world revolution, in which we are already enmeshed, has made progress there. It breaks down the morale of the people. It prepares for quick conquest by teaching the people not to prepare to fight—not to defend their country. It pacifies by teaching that there is no peril.

Question. Senator, General Marshall, and to a certain extent also, Secretary of War Stimson, have indicated that the United States faces grave danger from foreign invasion as early as this fall. Can you tell us your views on that?

Answer. It seems to me we must give Hitler the benefit of the characteristics which he has already portrayed—extreme shrewdness, extreme acquisitiveness, and a dynamic foreign policy having world dominion for its objective. If he continued to run true to form, and if he were able to conquer Great Britain in the next month, then he would probably strike for the country which could profit him most and afford him world outposts to support world trade and world dominion. When we look over Europe, we note that the countries that Hitler has conquered so far, the Netherlands, Belgium, Norway, and even France are among the most densely populated areas in the world. They have few raw materials, therefore, Hitler's chief aims are area and raw materials. He can get them more easily in South America than any other place in the world. It is the largest, the least populated, and the weakest continent. He could get even more raw materials in the United States. Whether he will strike directly at the United States we do not know; but we know that if he invaded the Western Hemisphere, he would require naval, submarine, and airplane bases on islands near us. This we could not tolerate.

Since Hitler has struck at both France and England before they were adequately prepared, it is prudent to conclude that he would strike at the Western Hemisphere before we were prepared. Hitler has shown that he knows time is of the essence. He has been willing to sacrifice a million men on the western front because he knew that if the war lasted too long, his own raw materials would not last. He also knows that the United States is in a preparedness race and that within 12 months we will be in a far stronger position to defend our civilization. Given immediate and efficient production and training of men, we would be, in a few years, invincible. Therefore I think that General Marshall and Secretary Stimson do not exaggerate when they warn the American public of the danger which faces us immediately. That, I may add, is one reason why I believe that time is so essential in the passage of the Selective Service Draft Act.

Question. Senator, do you believe that that bill will pass Congress soon?

Answer. Yes; possibly within 2 weeks; certainly within a month. And its passage in itself will be of tremendous importance. It will serve notice to the world that we are ready to defend what we have. Also, I think it will help to awaken the youth of this country to the act of all pulling together in emergency. I think it will make the young men from 21 to 31 realize that they have something to defend which is very precious and that we are among the few countries in the world where it still remains. It will be our answer to the world revolution. We love peace, but we will have liberty. It cannot be taken from us by seduction or by force.

Question. Suppose, Senator, that Germany is unsuccessful in her impending "blitzkrieg" and that Great Britain in the end wins the war.

Answer. From the point of view of national defense, no matter who wins the war, it is all-important that we be prepared. If Germany wins, we already know the consequences—some of which we have just discussed. If Great Britain wins, then all Europe will be prostrate. We will see the most desperate system of slave labor and cutthroat competition and barter deals that the world has witnessed perhaps in history. If Great Britain wins, our Government ought to be strong enough to protect the interests and welfare of its people. In the adjustment of world affairs the United States ought not to be dictated to by any victor. Furthermore, there will be a situation in which a strong Communist nation, which may have kept aloof from the war, can take advantage of the prostrate nations. I don't think that I am warmongering when I say this: Even an armed peace is preferable to war; but I firmly believe that what we do now gains security and peace for us now and qualifies us to promote in the future new sanctions for enduring peace for the world.

ADDRESS ON CONSCRIPTION BY THE LATE CHAMP CLARK

[Mr. LUNDEEN asked and obtained leave to have printed in the RECORD an address on the subject of conscription, delivered by the late Champ Clark, of Missouri, on April 25, 1917, which appears in the Appendix.]

ARTICLE BY ANSON T. M'COOK ON THE CONSTITUTION

[Mr. DANAHER asked and obtained leave to have printed in the RECORD an article by Anson T. McCook entitled "Above All, the Constitution," published in the American Legion magazine of July 1940, which appears in the Appendix.]

EDITORIAL ON CONSCRIPTION FROM WALLACES' FARMER AND IOWA HOMESTEAD

[Mr. GILLETTE asked and obtained leave to have printed in the RECORD an editorial on the subject of conscription, published in Wallaces' Farmer and Iowa Homestead of August 10, 1940, which appears in the Appendix.]

EDITORIAL BY RALPH INGERSOLL ON COLONEL LINDBERGH'S CHICAGO SPEECH

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD an editorial by Ralph Ingersoll, published in P. M. of the issue of August 6, 1940, relative to the recent radio address by Colonel Lindbergh, which appears in the Appendix.]

ARTICLE BY JAMES J. M'ENTEE ON THE C. C. C. AND NATIONAL DEFENSE

[Mr. MURRAY asked and obtained leave to have printed in the RECORD an article by James J. McEntee, Director of the Civilian Conservation Corps, published in the July 1940 issue of American Forests, entitled "The C. C. C. and National Defense," which appears in the Appendix.]

DELAY IN AIRPLANE ORDERS—EDITORIAL FROM CINCINNATI TIMES-STAR

[Mr. BRIDGES asked and obtained leave to have printed in the RECORD an editorial under the heading "Why 33 planes are on order," published in the Cincinnati Times-Star of Monday, August 12, 1940, which appears in the Appendix.]

ARTICLE BY JAY FRANKLIN ON CONSCRIPTION OF WEALTH

[Mr. LEE asked and obtained leave to have printed in the RECORD an article by Jay Franklin on the conscription of wealth, published in the Washington Evening Star of today, which appears in the Appendix.]

MANGANESE

Mr. BURKE obtained the floor.

Mr. ASHURST. Mr. President, will the Senator yield to me?

Mr. BURKE. I yield to the Senator from Arizona.

Mr. ASHURST. I thank the Senator. Mr. President, a telegram I have received from the Chamber of Commerce of Mohave County, Ariz., reads in part as follows:

> The Washington broadcast program of American Defense Advisory Commission last evening through the showing of the Chairman on War Minerals stated that the United States was securing its war supply of manganese from Brazil, and in explaining a delay called attention that they had to build a railroad in Brazil to get to the manganese. * * *
>
> MOHAVE COUNTY CHAMBER OF COMMERCE,
> By J. H. SMITH, *President*.
> LEROY V. ROOT,
> *Chairman, Committee on Mines*.

Mr. President, the signers of this telegram have performed a timely and patriotic service in furnishing this information. For many years I have pointed out that there are abundant deposits of manganese in the United States. I shall not now trespass upon the time of the able Senator from Nebraska, who has yielded to me, to point out from what sources comes the opposition to developing the manganese mines of the United States except to say that manganese is used to sweeten pig iron. On November 7, 1929, in an extended debate in the Senate, I held the floor some hours, indicating not only the States in which the manganese mines are located but also the counties, the districts, and in some instances the names of the mines in the various States whence abundant supplies of manganese for war purposes and for industrial purposes may be secured.

The list of States is as follows: Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Jersey, New Mexico, North Carolina, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, and Wyoming.

Powerful interests have for years opposed the levying of a protective tariff on manganese, forsooth, because these interests preferred to secure manganese from Brazil or other foreign lands.

I ask unanimous consent to have printed in the RECORD, as part of my remarks, the debate of November 7, 1929, wherein I disclosed that our own country has within her bosom abundant supplies of manganese. It is unnecessary to spend—if indeed it is being done or is contemplated—moneys of the United States in building railroads in Brazil to transport manganese.

May I secure permission to have printed at this point in the RECORD the matter to which I have referred?

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit A.)

Mr. WHEELER. Mr. President, may I interrupt the Senator?

Mr. ASHURST. If I have the floor, I yield to the Senator from Montana.

Mr. WHEELER. I know what the Senator and others have done with reference to trying to develop manganese production in this country. I have joined in that effort. I wish to say to the Senator that the Government recently—in the last week, I think—entered into a contract with some of the mining companies in Montana for the production of a large quantity of manganese, which will result in the employment of about three or four hundred men. They are building there a concentrating plant which will cost about a million and a half dollars. However, if this had been done at the time the Senator suggested, we should be in a much better position.

Mr. ASHURST. Will the Senator from Nebraska yield to me again?

Mr. BURKE. Yes; I yield.

Mr. ASHURST. In the debate which I purpose to have printed in the RECORD it will be noted that the Senator from Montana [Mr. WHEELER], as well as other Senators, took, I believe, a most statesmanlike attitude; and reading this debate now, in the light of history, it is interesting to observe that with an almost clear horoscope the future was foreseen.

I thank the Senator from Nebraska for yielding to me.

EXHIBIT A

November 7, 1929

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes, the pending question being on the amendment of Mr. Oddie to the amendment of the committee.

The amendment of the committee was, on page 56, after line 21, to strike out the first subdivision of paragraph 302 in the following words:

"PAR. 302. (a) Manganese ore or concentrates containing in excess of 30 percent of metallic manganese, 1 cent per pound on the metallic manganese contained therein."

Mr. Oddie's amendment to the amendment is to insert in lieu of the language proposed to be stricken out by the committee:

"PAR. 302. (a) Manganese ore or concentrates of all kinds, containing less than 10 percent of metallic manganese, shall be admitted

free of duty; containing 10 percent or more of metallic manganese and less than 20 percent, one-half of 1 cent per pound on the metallic manganese contained therein; containing 20 percent or more of metallic manganese and less than 25 percent, 1 cent per pound on the metallic manganese contained therein; containing 25 percent of metallic manganese, or more, 1½ cents per pound on the metallic manganese contained therein."

Mr. ASHURST. Mr. President, inasmuch as during the course of my remarks I shall refer to certain maps now on the wall in rear of the Chamber, I ask permission of the Senate, and particularly of the Vice President, that I may stand at a point in front of this desk, thereby temporarily turning my back upon the Presiding Officer.

The VICE PRESIDENT. Without objection, permission is granted.

Mr. ASHURST. Mr. President, even if I possessed the capacity so to do, it would not be necessary so to enter into a general homily as to the philosophy, history, and the operation of the tariff in the United States. In that respect the general field has been covered ably in the debate by a number of Senators.

Opulent as history is in irony, I am unable to call to mind at the moment any irony more distinct than the efforts of my honorable friend the Senator from Pennsylvania, Mr. Reed, to promote free trade on manganese.

With due deference to the talent and the genius of Alexander Hamilton, I assert that the State of Pennsylvania, and not Hamilton, was the father of the protective tariff system in the United States. The subject of revenue was a vexatious one during the colonial times. Until 1789 each State controlled the imposition of its various customs duties, and in colonial times each State that had a seaport applied its own tariff schedules and no two tariff schedules were alike.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BARKLEY. By what authority have Kresge and Woolworth moved into the Senate Chamber?

Mr. ASHURST. Mr. President, my amiable friend the statesman from Kentucky [Mr. BARKLEY] just secured recognition to propound a parliamentary inquiry, and ask by what authority did Kresge and Woolworth move into the Senate Chamber. The cold CONGRESSIONAL RECORD, which does not, of course, disclose a picture of the exhibits piled upon the tables in the rear of the Chamber, might lead some reader to believe that the Senator was referring to me. [Laughter.]

Mr. BARKLEY. I want to disclaim that implication. I had reference to the exhibit over in the corner of the Chamber.

Mr. ASHURST. Woolworth and Kresge are 5-and-10-cent people, and I do not desire any reader to gain any such impression as might be conveyed by the suggestion of the Senator from Kentucky. [Laughter.]

The tariff bill of 1789 was the first bill discussed in our first House of Representatives. James Madison, of Virginia, who introduced the subject of the tariff, was then in the early maturity of a life of much usefulness, and his ability as a counselor and his skill in drafting laws and constitutions were everywhere recognized. He said in his speech of April 8, 1789:

"A national revenue must be obtained, but the system must be such that while it secures the object of revenue it shall not be oppressive to our constituents."

And he urged the collection of the national revenue without oppression upon the people.

The next day the discussion of the tariff bill became general, and Mr. Thomas FitzSimmons, of Pennsylvania, said that he extended his views further than the other speakers. Among other things, Mr. FitzSimmons said that the duties should be calculated "to encourage the protection of infant industries." Here, Mr. President, we encounter, at the very inception of our national history, Pennsylvania's demand for a tariff. From that good day down through the annals of our national history, like a golden thread, has run the demand of the State of Pennsylvania for a protective tariff, and this thread was never severed until my able and honorable friend the Senator from Pennsylvania, Mr. Reed, demanded free trade on manganese. In the State of Pennsylvania vast quantities of steel are manufactured.

Mr. SIMMONS. Mr. President, may I ask the able Senator from Arizona a question?

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from North Carolina?

Mr. ASHURST. I yield.

Mr. SIMMONS. I desire to ask if Pennsylvania has not always demanded free raw material?

Mr. ASHURST. As I have said, vast quantities of steel are manufactured in Pennsylvania. I need not at this time employ any words in telling the Senate that manganese is used generally in the production of steel; indeed, I doubt not that a score, possibly two score, of Senators know far more about the technique, as to how manganese is used in the manufacture of steel, than do I; but it is within the common knowledge of every Senator, and it is within the common knowledge of practically every ordinarily well-informed citizen, that manganese is used to harden steel products and to sweeten pig iron.

The representatives of the steel interests appeared last winter—and I make no complaint of that; they had a right to do so—before the Ways and Means Committee of the House of Representatives and asked the committee to free list manganese, which the committee refused to to. Thus the tariff bill which we are now considering, House bill 2667, as it passed the House carried a duty on manganese ore or concentrates containing in effect increasing the duty over and above the 1-cent-per-pound on the metallic manganese contained therein.

The Senate committee at first accepted the House rate on the metallic content of manganese ore, and the Senate committee even broadened it out to apply to ore of low content, thus in effect increasing the duty over and above the 1-cent-per-pound level.

Then subsequently, to wit, on the 13th of August, there came the announcement from Russia that the United States Steel Corporation had signed a 5-year contract with the Russian Soviet agreeing to purchase from 80,000 to 150,000 tons of Russian manganese annually. Reconsidering this item, the Senate committee on the 14th of August, after having taken the action I have just described, executed a volte-face, reversed itself, and voted 6 yeas and 5 nays to place manganese ore on the free list, with a saving, if such action shall be ratified by the Congress and approved by the President of between $2,000,000 and $4,000,000 annually in tariff duties to the United States Steel Corporation on its Russian contract alone.

Mr. WHEELER. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Montana?

Mr. ASHURST. I yield to the Senator.

Mr. WHEELER. I should like to inquire if the Senator from Arizona knows why the members of the committee changed their opinion about it? I have been told that it was at the instance of the White House and that the President asked them to do it. I was curious to know why it was that the President had changed his mind with reference to the question, particularly in view of his speech in Colorado, in which he said he was in favor of a tariff on manganese.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Utah?

Mr. ASHURST. I yield to the Senator from Utah.

Mr. SMOOT. I think the Senator from Montana is mistaken.

Mr. WHEELER. I will say to the Senator I do not think I am mistaken.

Mr. SMOOT. I know that the President never said a word to me about it, and I do not believe he said a word on the subject to a single member of the majority of the Finance Committee.

Mr. WHEELER. May I say to the Senator that he is entirely mistaken about that, unless I am misinformed by some members of the Finance Committee. I will inquire if the Senator from New Hampshire [Mr. Moses] is in the Chamber? I should like to ask the Senator from New Hampshire if he knows, or if the Senator from Connecticut [Mr. Bingham] knows why the change was made and if it was not made at the request of the White House?

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Pennsylvania?

Mr. ASHURST. I yield, but I do not wish to lose the floor.

The VICE PRESIDENT. Under the rules the Senator has only the right to yield for a question.

Mr. ASHURST. Then, I yield for a question only.

Mr. REED. I will have to put an interrogation point, then, after what I say.

Mr. ASHURST. The Senator is entitled to take some liberty with me.

Mr. REED. When I heard the statement about this so-called Soviet contract with the steel corporation, I made inquiry of the steel corporation as to whether there was any truth in the report. I was told that it was completely incorrect; that they had made no such contract at all, and that the report was erroneous.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Montana?

Mr. ASHURST. I yield to the Senator from Montana.

Mr. WALSH of Montana. My information is that it is the Bethlehem Steel Co. that has the contract, and not the United States Steel Corporation. I inquire of the Senator from Pennsylvania if he can give us any information as to that?

Mr. REED. I beg the Senator's pardon.

Mr. WALSH of Montana. I say my information about the matter is that it is the Bethlehem Steel Co. that has the contract with the Soviet Government.

Mr. REED. I do not know. The newspapers said it was the United States Steel Corporation, so I made my inquiry of them. I never until this moment heard it suggested that it was the Bethlehem Co. That may be so for all I know.

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from New Mexico?

Mr. ASHURST. I yield to the Senator from New Mexico.

Mr. BRATTON. In view of the inquiry propounded by the junior Senator from Montana [Mr. WHEELER], I call the attention of the Senator from Arizona to the press dispatch appearing in the New York World of August 16 last, in which this is said:

"WASHINGTON, August 15.—Responsibility for the action of the Senate Finance Committee in placing manganese ore on the free list, thereby reversing the committee's previous action and granting a saving of $8,000,000 a year to the steel manufacturers, was laid

on the White House doorstep today by Senator Hiram Bingham (Republican, Connecticut), a member of the committee.

"In a secret session of Republican Finance Committee members a few weeks ago Bingham voted for a duty of 1 cent a pound on ore containing 10 percent or more of metallic manganese. Yesterday he was one of the two members of the committee who reversed their previous votes and put manganese on the free list. When asked why he changed he said the White House advised it."

I do not vouch for that statement, but I call the attention of the Senate to the fact that it appeared in one of the most reputable newspapers in the United States, and this morning is the first time I have heard it disputed.

Mr. BINGHAM. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Connecticut?

Mr. ASHURST. I yield to the Senator from Connecticut.

Mr. BINGHAM. My friend from New Mexico [Mr. Bratton] was not present on the floor of the Senate some weeks ago when the senior Senator from Montana [Mr. Walsh] referred to this report. I was present at the time, and I said, without mentioning the name of the newspaper at that time, that a newspaper had stated that I had given out a statement and had said that I had voted first for the duty on manganese; that I had later voted against it, and that I had changed my vote at the request of the White House. I said at that time that, except for the fact that I gave out no statement, that I had not voted for a duty on manganese, that I had not changed my vote, and that whatever had been done had not been done at the request of the White House, the story was correct.

Mr. WHEELER. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Montana?

Mr. ASHURST. I yield for a question.

Mr. WHEELER. Will the Senator permit me to ask the Senator from Connecticut a question?

Mr. ASHURST. If I may yield for such purpose.

Mr. WHEELER. I should like to ask the Senator from Connecticut if it was not his understanding that this change was made at the request of the White House?

Mr. BINGHAM. The Senator is asking something which is in the nature of hearsay or of understanding; and I do not think the Senator's question is one that can well be answered at this time. I have stated very frankly that the article in the newspaper was entirely incorrect.

Mr. WHEELER. Mr. President, if the Senator will pardon me——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Montana?

Mr. ASHURST. I yield further.

Mr. WHEELER. I should like to direct my question to the Senator from New Hampshire [Mr. Moses]. I see that he is in the Chamber at the present time.

The VICE PRESIDENT. Will the Senator from New Hampshire give his attention?

Mr. WHEELER. I will ask the Senator from New Hampshire if it was not his understanding that this rate on manganese was changed at the request of the White House?

Mr. MOSES. Mr. President, I cannot say that I had any particular understanding about it. I am not a member of the Committee on Finance, and, as I recall, these rates were being made at a time when I was absent from the city. I remember that the city of Washington was full of rumors to that effect at the time.

Mr. WHEELER. I will state that a member of the Finance Committee, who does not happen to be present, stated to me that the rate was changed because of that fact.

Mr. ASHURST. Mr. President, I am perfectly willing to accept, and do accept, the statement of a Senator; if he changed his vote at the behest of the White House, he probably should not be too severely condemned; and I shall not discuss the reasons why any member of the committee changed his vote. It was a singular circumstance, however, that the Finance Committee should first at one sitting broaden out and thus practically in effect increase the duty on manganese, and then, as soon as the Russian contract with the United States Steel Corporation was made, the committee should execute this volte-face and thus change its position.

But even if those members of the committee who did change their vote did say that they took such action at the request of the White House, such statement would be of little probative value, because Mr. Hoover during his candidacy for the Presidency of the United States, speaking for a duty on manganese, said in his speech delivered in Pueblo, Colo., on November 3, 1928, which speech was widely quoted—I have a photostat copy of the page of the newspaper carrying the speech and have had it verified, as follows:

"I know of no State in the Union where continuation of the Republican Party in power is of more vital importance than to the people of Colorado. There is hardly a product of your whole State that is not dependent upon tariff for its very existence. Of your minerals, zinc, tungsten, and manganese could scarcely be produced except for the protective tariff."

Is that the speech to which the able Senator from Montana refers?

Mr. WHEELER. Yes, Mr. President; that is the matter to which I had reference.

Mr. ASHURST. The United States Steel Corporation was formed under the direction of Mr. Elbert H. Gary, now deceased; and it was formed at a time when the steel industry was about to enter upon an era of its greatest expansion. That corporation became the most colossal single producer in that industry. Indeed, it is the giant of that industry and has 136 distribution agencies in 44 countries. Mr. President, it has been said that the United States Steel Corporation is indifferent as to a tariff; but my opinion is that if it is not demanding a protective tariff it occupies the position of Addison's valetudinarian, who whilst loudly complaining that he was starving to death grew so fat that he was shamed into silence.

Mr. President, I am now going to advert to another phase of this question, but before I do so I desire to take the judgment of the Senate as to the propriety of reading from the statement of the Commissioner of Internal Revenue, and at this juncture I particularly ask the attention of the senior Senator from Utah [Mr. Smoot].

I do not wish to violate the proprieties or any confidence of the Senate. I desire to refer to some figures in the statement by the Commissioner of Internal Revenue in response to Senate Resolution 108 relative to furnishing the Committee on Finance with statements of profits and losses of certain taxpayers. I desire to know if I am at liberty to read extracts from that publication?

Mr. SMOOT. That rests entirely with the Senator.

Mr. ASHURST. I do not want to violate any propriety or any confidence of the Senate.

Mr. SMOOT. I will say that personally I would not do it; but, if I wanted to, I would refer to the report as to whether the taxpayer's business was profitable or whether it was not profitable. That I do not think there is any impropriety in doing.

Mr. ASHURST. In the Senate, above any other place, or, rather, as well as in any other place, the amenities that guide and guard gentlemen should be observed. I think we all agree on that; and I expect to refer to and to read some extracts from these reports of the Commissioner of Internal Revenue that have been sent to us, but if Senators feel that I would thereby be violating the proprieties or the amenities, I would not do so. I ask the judgment of the Senate on this point.

Mr. SMOOT. I can only say, Mr. President, that I would not do it; but if I wanted to refer to any company whose report has been sent to the Finance Committee and to the Senate I would do it in a general way by saying that its operations were very profitable, or they were profitable, or they were not profitable.

Mr. ASHURST. Would the Senator deem that any reference to losses would be a violation?

Mr. SMOOT. No; I do not think that would be a violation.

Mr. WALSH of Montana. Mr. President——

Mr. ASHURST. I yield to the Senator from Montana.

Mr. WALSH of Montana. I trust the Senator from Arizona will not be restrained by any consideration of amenities or what might be regarded as gentlemanly conduct. If he is not restrained by the law from discussing these reports, and he does not feel that the law restrains him, I know of no consideration of propriety or appropriateness in debate that ought to restrain him in the slightest degree.

Mr. ASHURST. I am glad to have that light thrown upon the matter.

Mr. Smoot and Mr. Phipps addressed the Chair.

Mr. ASHURST. I yield first to the Senator from Utah. Then I will yield to the Senator from Colorado.

Mr. SMOOT. Mr. President, I fully agree with the Senator from Montana; but, in my opinion, it would be a violation of law to do so. I do not mean that it would be a violation of law to state whether the taxpayer's operations were profitable or whether they were unprofitable, or whether there was a loss or whether there was a gain; but I do believe that the law prevents the publication of this matter here, where it would be published in the RECORD and open to the world.

Mr. PHIPPS. Mr. President——

The PRESIDING OFFICER (Mr. Fess in the chair). Does the Senator from Arizona yield to the Senator from Colorado?

Mr. ASHURST. I yield to the Senator.

Mr. PHIPPS. May I say that having looked at some of the reports that have come to us from the Tariff Commission, I note that in some instances concerns have been losing money year after year in certain lines of business. As far as the Steel Corporation is concerned, of course it is a leader in the steel business, and it is an outstanding mark. Everyone refers to it. It publishes all of its information. It conceals nothing. Nothing that the Senator might refer to in its report would be objected to; but I beg the Senator not to call attention to concerns that have been losing money, particularly at this moment, when a reference to their condition might have a disastrous effect on their business.

Mr. ASHURST. I shall adopt the suggestion of the Senator from Colorado and not refer to the losses of any company by name.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from North Carolina?

Mr. ASHURST. I yield to the Senator from North Carolina.

Mr. SIMMONS. The Senator is discussing a very interesting question, and one which has been the subject of some controversy heretofore in the Senate.

The Senator from Montana, Mr. Walsh, is absolutely correct. Nothing in the way of courtesy or the amenities—to use the term of the Senator from Montana—ought to restrain the Senator from Arizona in the use of the information to which he refers. It is purely a question of how far he is permitted to use this information under the law.

The Federal law is that the returns of the taxpayer are secret, and not to be divulged by the Treasury Department to anyone except by

authority of law. The law provides, however, that either the Finance Committee or the Ways and Means Committee may ask for these returns for their use, and that they may report these returns to the Congress. I do not think they have reported these urns to the Congress, but they have furnished them to the Members of the Senate and probably to the Members of the House.

With reference to the use of those returns, the Senator from Utah, I think, volunteered the opinion a few minutes ago that a Senator might refer to the losses.

Mr. SMOOT. A loss, but not the amount of the loss; or a gain, but not the amount of the gain.

Mr. SIMMONS. A Senator might refer to a profit but not to the amount of the profit.

Mr. SMOOT. Yes.

Mr. SIMMONS. If that is the only use that the Senate committee or the Members of the Senate can make of this information after they get it, then it is absolutely useless information, and there is no practical object or purpose in the law which authorizes them to ask for these returns and to report them to the Congress.

I think that when those returns are placed in the hands of a Senator for his use it is a matter of discretion with him as to how he will use this information for the purpose of aiding him in the study or in the exposition of questions relating to the tariff; and, so far as I am concerned, if I felt that it was proper to use the exact returns of any concern in order to enlighten the Senate or the Members of the Senate with reference to the tariff rate under discussion, I should not have the slightest hesitation in doing it.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. ASHURST. I yield.

Mr. SMOOT. So that the Senator will know just what the law is in this respect, I want to read it:

"Any relevant or useful information thus obtained may be submitted by the committee obtaining it to the Senate or the House, or to both the Senate and House, as the case may be."

There is no need of my reading the rest of it.

Mr. ASHURST. It is not at all to my taste to exploit, here or elsewhere, figures as to what somebody has made or lost, but I did think I had a right—indeed, that it was my duty—to point out that the steel interests, which have opposed a duty on manganese, have no grounds to complain that their industries were languishing, and that, therefore, they could not stand any duty upon their raw materials. I thought to reinforce my argument by showing that in many, if not in practically all, instances these steel industries were opulent and have enjoyed extremely large profits.

Mr. SIMMONS. Mr. President, will the Senator yield further?

Mr. ASHURST. I yield.

Mr. SIMMONS. Even if the Senator were not disposed to go as far as I said that I felt he was justified in going, certainly he could read, without mentioning the names, that certain steel companies showed a profit. If the Senator will pardon me further, I cannot understand why those who are demanding high duties for certain industries in this country are so bent upon preventing the use of these returns of the income taxes.

Mr. SMOOT. It is not that at all.

Mr. WALSH of Montana. Mr. President, will the Senator yield?

Mr. ASHURST. I yield.

Mr. WALSH of Montana. I think it would be quite appropriate at this place to have incorporated in the RECORD the law. In my judgment there is no reason at all under the law why the Senator should not make such use of these reports as he cares to make. Section 1024 of title 26 of the Code of Laws reads as follows:

"1024. Inspection; lists of persons making returns; amount paid: (a) Returns upon which the tax has been determined by the Commissioner of Internal Revenue shall constitute public records; but they shall be open to inspection only upon order of the President and under rules and regulations prescribed by the Secretary of the Treasury and approved by the President: *Provided*, That the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, or a special committee of the Senate or House shall have the right to call on the Secretary of the Treasury for, and it shall be his duty to furnish, any data of any character contained in or shown by the returns or any of them, that may be required by the committee; and any such committee shall have the right, acting directly as a committee, or by and through such examiners or agents as it may designate or appoint, to inspect all or any of the returns at such times and in such manner as it may determine; and any relevant or useful information thus obtained may be submitted by the committee obtaining it to the Senate or the House, or to both the Senate and House, as the case may be."

The Finance Committee has called upon the Secretary of the Treasury for this information, and the information has been put into the hands of every Member of the Senate, so that the matter has been submitted to the Senate; and, of course, if it is submitted to the Senate, it can be submitted only for such use as Senators may care to make of it.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. ASHURST. I yield.

Mr. GEORGE. I desire to say that the position taken by the Senator from Montana is precisely the position taken by me in the Finance Committee meeting at the time when it was decided by the committee to submit to the Senate this information which is now published. Certainly, submitting this information to the Senate means the submission to the Senate in open session. It becomes a matter of public record, since we have no secret sessions of the Senate unless by an express vote, and then only on executive matters, like the confirmation of persons nominated to office.

Mr. ASHURST. Mr. President, I have tried fairly to take the sentiment and judgment of the Senate upon this question, and with due deference to those who may criticize my use of the figures—and I shall be conservative in using them—I believe, as a humble member of the bar of my State, that any Senator is justified in following the legal opinions of such eminent lawyers as the senior Senator from Montana [Mr. Walsh] and the junior Senator from Georgia [Mr. GEORGE]. In fact, lawyers, when talking with them, may be likened to Saul sitting at the feet of Gamaliel. I speak now of that period from the date of the signing of the Fordney-McCumber tariff bill until the end of the year 1928. The entire losses of the steel interests, upon which reports were asked by the committee, for the years 1922, 1923, 1924, 1925, 1926, 1927, and 1928 amount to $1,503,259.34.

Mr. SMOOT. As the companies reported.

Mr. ASHURST. Yes; as the companies reported. Now, as to the profits. I take first the Otis Steel Co. The yearly profits, by years, according to their books, were:

1922	$496,207
1923	1,358,231
1925	1,162,612
1927	1,359,904
1928	3,746,811

Mr. WHEELER. Mr. President, what the Senator is reading, I take it, is the net gain after all of the depreciations, which in some instances were tremendous.

Mr. ASHURST. Yes; the net gain, according to the books of the various companies, after paying all replacements, taxes, betterments, salaries, and so forth—the net gain, according to their books.

The yearly profits of the Bethlehem Steel Corporation, according to their books, were:

1922	$4,607,254
1923	12,710,712
1924	8,922,446
1925	13,866,753
1926	20,246,166
1927	15,529,917
1928	15,980,835

Mr. BLACK. Mr. President, will the Senator yield?

Mr. ASHURST. I yield.

Mr. BLACK. Has the Senator computed the percentage of profits of the outstanding stock for any year?

Mr. ASHURST. I have not.

The profits by years, according to the books of the Gulf State Co., of Birmingham, Ala., were as follows:

1922	$958,207
1923	1,576,521
1924	912,873
1925	1,036,777
1926	779,792
1927	756,403
1928	924,745

The profits by years of the Inland Steel Co., according to their books, were as follows:

1922	$1,150,008
1923	5,600,168
1924	6,190,600
1925	5,538,734
1926	8,039,704
1927	7,800,894
1928	10,394,297

The profits of the Republic Iron & Steel Co., Youngstown, Ohio, according to their books, were as follows:

1922	Not given.
1923	$6,644,343
1924	2,068,297
1925	3,813,484
1926	3,623,774
1927	3,018,282
1928	4,642,450

The profits of the Wheeling Steel Corporation, Wheeling, W. Va., according to their books, were as follows:

1922	$1,725,260
1923	5,448,169
1924	865,110
1925	4,073,295
1926	5,660,184
1927	4,028,916
1928	6,443,739

The profits of the American Rolling Mills Co., Middletown, Ohio, according to their books, were as follows:

1922	$2,605,766
1923	3,518,223
1924	2,662,631
1925	2,755,093
1926	4,015,999
1927	3,452,549
1928	14,062,978

Mr. SACKETT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Kentucky?

Mr. ASHURST. I yield.

Mr. SACKETT. Has the Senator any data to show whether the companies are the same size or whether they have purchased other plants?

Mr. ASHURST. I have not.

Mr. SACKETT. The Senator surely does not want to intimate that if they have purchased other plants they are simply growing in profits? It may be due to mergers or various other matters of that kind, and simply to read the profits would give a wrong impression.

Mr. ASHURST. I am stating net profits according to the books of the various companies.

Mr. SACKETT. That is perfectly true. Those are the net profits according to their own books; but naturally the net profits would depend upon the size of the units which were operating in particular years. It may be if they had added units to the organization the totals would show more, although the profits were less.

Mr. ASHURST. The last one I shall read is United States Steel. Their profits, according to their books, were as follows: For the year 1922, $39,653,455; for 1923, $108,707,064; for 1924, $85,110,940; for 1925, $90,602,652; for 1926, $116,667,404; for 1927, $87,896,836; for 1928, $114,173,774; a total of profits, according to their own books, since the signing of the Fordney-McCumber tariff bill, of $642,812,128.

To recapitulate, the total profits, according to the books of the companies reported upon, aggregate $877,684,318.89, but deducting losses during this period, aggregating $1,503,259.34, leaves a grand total of profits in the steel industry since the signing of the Fordney-McCumber bill until the end of 1928 of $876,181,059.55.

The reliability of these figures becomes apparent in the light of the fact that they are submitted by the different corporations as a basis on which to compute their income taxes. Obviously the net income would not be reported as less than the figures given. Incidentally, it is interesting to note that these enormous profits have been earned by the steel companies during a period of hopeless depression on the part of mines and agriculture.

The able Senator from Nevada [Mr. Oddie], in the course of his address yesterday, pointed out—and I shall not traverse the ground over which he passed—the need for the tariff which would be afforded if his amendment should be adopted.

When he concluded his address the senior Senator from Washington [Mr. Jones] read a letter from a gentleman who went on to say that manganese is a very necessary item in our national defense and that therefore we ought not to put a tariff thereon. The point the Senator from Washington made is to my mind conclusive, to wit: That if manganese be, as it is, a metal necessary in the manufacture of ordnance and other munitions, for a stronger reason, a fortiori, we ought to build up the industry at home. Senators will remember in the dark days of March and April 1918 that our miners and prospectors in response to the call of their Government went out upon the hills, smote the obdurate face of nature to compel her to bring forth her treasures, not of gold, not of silver, but of manganese, that we thereby stimulated the production of manganese but at that same time we were bringing from overseas half of our manganese. Who does not recall the unfortunate and mysterious disappearance of the steamship *Cyclops* which was last heard of some time during the month of March 1918, somewhere in the West Indies; she was bound for an Atlantic port in the United States from Barbados, laden with manganese ore; she had a complement of 211 men, 15 officers, and 57 passengers. Nothing was ever heard of her further, and men and cargo were all lost. She sank without a trace. Not a spar has ever come to the surface to indicate her fate. We remember that poignancy of the grief that fell upon us because upon the *Cyclops* at the time she sank was a close relative of a United States Senator who was serving then with us. What was the mission of that ship? With what was she laden? She was bringing manganese to the United States to assist in the manufacture of our own ordnance and other munitions of war.

Passing from a discussion as to the use of manganese in the manufacture of munitions. I repeat that I need not here tell anyone how widely is manganese now used in the manufacture of steel products. The opponents of a duty on manganese have inveterately said that "It is hopeless, it is useless, to attempt even by a tariff to stimulate the production of manganese in the United States." "Let us surrender," they say. "We cannot ever hope to be in a position where the United States can produce enough manganese to meet our own demands, but we must have free trade on this ore, because," as they assert, "American genius and American capital cannot produce enough manganese to take care of our own needs."

Let us examine that contention. On the wall is a map. That map is not made by someone connected with the manganese industry. It is made by the Geological Survey. I ask Senators to examine the map and they will see a large number of black pins—216 in number.

Each black pin represents a manganese deposit. Passing along we reach and pass through Arkansas and Oklahoma and reach the State of New Mexico, so ably represented here by her two Senators. There manganese deposits exist. Crossing my own State of Arizona we still see black pegs, and in and around the area where the tip of Nevada touches Arizona, at about the position of the proposed Boulder Dam, are enormous deposits of manganese. Passing on into the State of California, a State so well represented in this body, I call attention to the black pegs on the map showing manganese deposits. I cannot refer to each State, but I ask Senators to look at the map and see how many there are. There are more than 216 black pegs representing manganese deposits, and I cannot take time to mention them all.

I have here in my hand another map made by the Government, not a map privately made by myself or someone else but made by the United States Government in 1918. I digress to ask why was this map withheld from the public all these years? Why was it not promulgated? This map bears the stamp "First proof," I presume, of the Geological Survey, "February 20, 1920," but so far as I am advised it has just come to light. It discloses that the Government officials themselves not lately indicated, but years ago, many of the same places and same deposits indicated by the black pins on the large map to which I have just called attention.

In order that Senators may know where these deposits are and how vast they are I shall read a few of them, but I cannot read them all. I ask permission at this juncture to include in the RECORD not the map but the legend or list containing the names of the States, the names of the counties, and the names of the mines or districts where manganese deposits are found.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list is as follows:

Location of manganese deposits

District	County
ALABAMA	
Woodstock	Bibb.
Rock Run-Borden Springs	Cherokee-Cleburne.
Shinbone Valley	Clay.
Walnut Grove	Etowah-Blount.
Keener	Etowah.
ARIZONA	
Tombstone	Cochise.
Warren (Bisbee)	Do.
Pine district, 56 miles southwest of Winslow	Coconino.
15 miles northeast of Canyon Diablo	Do.
Globe	Gila.
Fort Thomas	Graham.
Morenci	Greenlee.
Ash Peak	Do.
Big Horn Mountains	Maricopa.
2 miles east of Bosque	Do.
18 miles southwest of Sentinel	Do.
12 miles southeast of Columbia	Do.
Owens (Williams River), 45 to 53 miles west of Congress Junction.	Mohave.
33 miles west of Congress Junction	Do.
Colorado River, 42 miles north of Parker	Do.
16 miles east of Searchlight, Nev	Do.
Topock district, 9 miles south of Topock	Do.
Florence district, 12 miles southeast of Florence	Pinal.
Superior	Do.
Old Hat district, 12 to 16 miles south of Winkelman	Do.
Table Mountain district, 10 miles east of Mammoth	Do.
Patagonia district, 12 miles south of Patagonia	Santa Cruz.
Mayer district, 12 miles southeast of Mayer	Yavapai.
Aguila district, 9 miles northwest of Aguila	Do.
23 miles northeast of Hot Springs Junction	Do.
Bouse district, 6 miles east of Bouse	Yuma.
Ellsworth, 32 miles southwest of Salome	Do.
12 miles northwest of Midway	Do.
2 miles east of Ligurta	Do.
ARKANSAS	
Cushman	Independence.
Glenwood	Pike.
Brushy, Brooks, and Hogpen Mountain	Do.
Statehouse, Sugar Tree, and Leader Mountain	Do.
Hanna Range and Shadow Rock Mountain	Polk.
CALIFORNIA	
Livermore-Tesla district, 8 to 12 miles southeast of Livermore.	Alameda.
Defender	Amador.
Pine Grove, Volcano, and Oleta	Do.
Mountain Springs	Do.
Clipper Mills and Lumpkin	Butte.
Murphy's, Collierville, and Sheep Ranch	Calaveras.
Copperopolis, Keystone, and Gopher Ridge	Do.
San Andreas	Do.
Diamond Springs and Placerville	Eldorado.
Squaw Valley	Fresno.
Watts Valley and Sycamore	Do.
6 miles northwest of Stonyford	Glenn.
3 miles north of Arcata	Humboldt.
Fort Seward	Do
Charles Mountain district, 20 miles northeast of Fort Seward.	Do.
Fort Baker district, 25 to 30 miles east of Carlotta	Do.
Chocolate Mountains, 29 to 33 miles northeast of Glamis	Imperial.
Wiley Well	Do.
State Range district, 10 miles north of Trona	Inyo.
32 miles west of Zabriskie	Do.
Randsburg	Kern.
Blue Lakes and Witter Springs	Lake.
10 miles north of Upper Lake	Do.
13 miles east of Pieta	Do.
Cobb Mountain, Geyser, and other districts, 25 to 30 miles northeast of Calistoga.	Do.
Arabella and other districts, 40 to 46 miles north of Calistoga	Do.
18 miles west of Rumsey	Do.
Highland Springs	Do.
Palmdale	Los Angeles.
Sierra Pelona	Do.

Location of manganese deposits—Continued

District	County
CALIFORNIA—continued	
Oneal	Madera.
Coarse Gold	Do.
8 miles north of San Rafael	Marin.
Coulterville	Mariposa.
Sweetwater	Do.
Calpella and Redwood	Mendocino.
Sanhedrin Mountains and Willetts	Do.
22 and 35 miles east of Dos Rios	Do.
Spy Rock	Do.
Longvale	Do.
Mina	Do.
Bland Cove	Do.
Largo	Do.
8 miles north of Cloverdale	Do.
Covelo, Woodman, and Dos Rios	Do.
26 miles east of Tres Pinos	Merced.
Dogtown	Mono.
San Carpojoro Creek	Monterey.
Monticello	Napa.
Calistoga	Do.
Rutherford	Do.
Wolf Creek	Nevada.
Bear River	Do.
Yankee Jim	Placer.
Quincy, Crescent Mills, Taylorsville, and Greenville	Plumas.
Ironwood	Riverside.
Maria Mountains	Do.
Elsinore	Do.
18 to 23 miles east of Tres Pinos	San Benito.
31 miles southeast of Tres Pinos	Do.
13 miles northeast of Hollister	Do.
43 miles north of Parker	San Bernardino.
10 miles north of Drennan	Do.
Newberry	Do.
Ludlow	Do.
Needles	Do.
Owl Holes	Do.
Boulevard	San Diego.
Corral Hollow	San Joaquin.
San Simeon	San Luis Obispo.
San Luis and Los Osos	Do.
Arroyo Grande	Do.
Atascadero and Cambria	Do.
Santa Barbara	Santa Barbara.
Red Mountain and Milpitas	Santa Clara.
24 to 34 miles south of Livermore	Do.
Madrone	Do.
Harrison Gulch	Shasta.
Heroult	Do.
Yreka and Fort Jones	Siskiyou.
Klamathon	Do.
Callahan Gulch	Do.
Pineflat	Sonoma.
20 miles northeast of Geyserville	Do.
9 miles west of Geyserville	Do.
2 miles northwest of Mark West Springs	Do.
Ingraham and Hospital Canyon	Stanislaus.
Paskenta	Tehama.
Brushy Mountain	Trinity.
Naphis Peak	Do.
Wildwood	Do.
Milo	Tulare
Lindsay	Do.
Chinese Camp	Tuolumne.
Sonora	Do.
COLORADO	
Salida district, 10 miles north of Salida	Chaffee.
Silver Cliff	Custer.
Red Cliff	Eagle.
Wellsville district, 2 miles east of Wellsville	Fremont.
Ohio City	Gunnison.
Cebolla Valley, 2 miles south of Powderhorn post office	Do.
Sapinero	Do.
Steuben Valley	Do.
Spring Creek	Do.
White Pine	Do.
Capital City	Hinsdale.
Pearl	Jackson.
Leadville	Lake.
15 miles east of Moffat	Saguache.
Klondyke district, 50 miles west of Placerville	San Miguel.
Cripple Creek	Teller.
GEORGIA	
Cartersville	Bartow.
Blue Ridge and Cherrylog	Fannin and Gilmer.
Cave Springs	Floyd and Polk.
Union Point and Robinson	Greene and Taliaferro.
Mount Airy	Habersham.
Draketown	Haralson and Paulding.
Bowersville	Hart and Franklin.
Lincolnton	Lincoln.
Doogan Mountain	Murray.
Cohutta and Tunnel Hill	Whitfield and Catoosa.
IDAHO	
1 mile north of Soda Springs	Bannock.
2 to 3 miles southeast of Sturgill, Oreg	Washington.
MAINE	
Blue Hill	Hancock.

Location of manganese deposits—Continued

District	County
MARYLAND	
Dargan	Washington.
MICHIGAN	
Stambaugh	Iron.
MINNESOTA	
Cuyuna Range	Crow Wing.
Mesaba	St. Louis.
Virginia	Do.
MISSISSIPPI	
Winborn	Benton.
MISSOURI	
Pilot Knob and Arcadia	Iron.
Cornwall	Madison.
MONTANA	
4 miles west of Melrose	Beaverhead.
Neihart	Cascade.
Bozeman, Elk Creek	Gallatin.
Philipsburg	Granite.
7 miles southwest of Hall	Do.
Wickes	Jefferson.
Wigwam Creek, 42 miles south of Norris	Madison.
7 miles southeast of Norris	Do.
Point of Rocks, 3 miles south of Renova	Do.
Varney	Do.
Castle	Meagher.
1 mile north of Bonita	Missoula.
Butte	Silver Bow.
NEVADA	
15 to 18 miles southeast of Las Vegas	Clark.
12 miles southeast of Shafter	Elko.
16 miles south of Jasper Siding	Do.
5 to 7 miles south of Goldfield	Esmeralda.
Eureka	Eureka.
Golconda	Humboldt.
20 miles south of Mill City	Do.
22 miles southwest of Stonehouse	Do.
12 miles southwest of Golconda	Do.
Austin	Lander.
Pioche	Lincoln.
Jack Rabbit district, 14 miles north of Pioche	Do.
24 miles east of Vigo	Do.
1 mile southwest of Sodaville	Mineral.
8 miles east of Rand	Do.
12 miles northeast of Schurz	Do.
70 miles northeast of Tonopah	Nye.
3 miles south of Carson City	Ormsby.
Ely	White Pine.
Siegel	Do.
NEW JERSEY	
Annandale	Hunterdon.
Franklin Furnace	Sussex.
NEW MEXICO	
Rincon	Dona Ana.
8 miles northwest of Rincon	Do.
Fierro	Grant.
Silver City	Do.
Cap Rock Mountain	Do.
Florida Mountains	Luna.
Cooks Range	Do.
4 miles northeast of Santa Fe	Santa Fe.
New Placers district, 18 miles northwest of Stanley	Do.
Hillsboro	Sierra.
Kingston district, 28 miles northwest of Lake Valley	Do.
Lake Valley	Do.
Hot Springs district, 18 miles southwest of Engle	Do.
Derry	Do.
Socorro Mountains	Socorro.
San Lorenzo	Do.
Magdalena	Do.
Luis Lopez	Do.
NORTH CAROLINA	
Jefferson	Ashe.
Shooting Creek	Cherokee.
Kings Mountain	Cleveland.
Hot Springs	Madison.
Mount Airy	Surry.
Brevard	Transylvania.
OKLAHOMA	
Bromide	Johnston.
West He Mountain	McCurtain.
Pine Springs	Do.
Hochatown	Do.
OREGON	
Durkee and Pleasant Valley	Baker.
12 miles northeast of Rogue River	Jackson.
4 miles east of Rogue River	Jackson.
Lake Creek district, 11 to 18 miles east of Eagle Point	Do.
Wagner	Do.
Watkins district, 43 miles southwest of Grants Pass	Josephine.
PENNSYLVANIA	
Ironton	Lehigh.

Location of manganese deposits—Continued

District	County
SOUTH CAROLINA	
Abbeville	Abbeville.
McCormick	Do.
SOUTH DAKOTA	
Hellgate Canyon, 13 miles southwest of Custer	Custer.
Lead	Lawrence.
TENNESSEE	
Copper Ridge	Anderson.
Greenback	Blount.
Chilhowee Mountain	Do.
Louisville	Do.
Tuckaleeche Cove	Do.
Charleston	Bradley.
Cleveland	Do.
Whiteoak Mountain	Do.
Stony Creek	Carter.
Hampton	Do.
Del Rio	Cocke.
Newport	Do.
Rutledge	Grainger.
Washburn	Do.
Hayesville	Greene.
Boatman Ridge	Hamblen.
Jefferson	Jefferson.
Shady Valley	Johnson.
Mountain City	Do.
Butler	Do.
Knoxville	Knox.
Pine Ridge	Do.
Loudon	Loudon.
Fork Creek Knobs	Do.
Athens	McMinn.
McMinn	Do.
Sweetwater	Monroe.
Tellico Plains	Do.
East Fork	Sevier.
Unicoi	Unicoi.
Bumpass Cove	Do.
TEXAS	
5 miles north of Llano	Llano.
12 miles northeast of Mason	Mason.
11 miles southeast of Langtry	Valverde.
UTAH	
12 miles south of Green River	Emery.
Little Grande district, 6 to 12 miles southwest of Floy	Grand.
16 miles south of Floy	Do.
Modena	Iron.
Detroit district, 26 to 28 miles northwest of Lucerne	Juab.
Manning Creek, near Marysvale	Piute.
Durkee district, 8 miles southeast of Elsinore	Do.
8 miles northwest of Mount Pleasant	Sanpete.
Alta	Salt Lake.
Park City	Summit.
Ophir	Tooele.
West Tintic or Erickson district, 31 to 33 miles north of Lucerne.	Do.
70 miles south of Green River, Wyo	Uinta.
10 miles southwest of Lehi	Utah.
Tintic	Do.
6 miles south of Huntsville	Weber.
VERMONT	
South Wallingford	Rutland.
VIRGINIA	
Covington	Alleghany.
Crimora	Augusta.
Lyndhurst	Do.
Suiter	Bland.
Longspur	Do.
Buchanan	Botetourt.
Lynchburg	Campbell.
Otter River	Do.
Newcastle	Craig.
Scottsville	Fluvanna.
Star Tannery	Frederick.
Flat Top	Giles.
Louisa	Louisa.
Warminster	Nelson.
Stanley	Page.
Pulaski	Pulaski.
Midvale	Rockbridge.
Elkton	Rockingham.
Powells Fort	Shenandoah.
Bonnet Hill	Do.
Rye Valley	Smythe.
Tip Top	Tazewell.
Tannersville	Do.
Front Royal	Warren.
Cripple Creek	Wythe.
WASHINGTON	
Humptulips	Grays Harbor.
15 miles west of Quilcene	Jefferson.
2 miles northwest of Hoodsport	Mason.
3 miles northwest of Omak	Okanogan.
6 miles south of Anacortes	Skagit.
WYOMING	
38 miles northeast of Medicine Bow	Albany.
10 miles north of Sundance	Crook.

Mr. OVERMAN. Mr. President, will the Senator read the counties in North Carolina where manganese is found?

Mr. ASHURST. I thank my able friend from North Carolina for his interruption. In Ashe County, the Jefferson district; in Cherokee County, the Shooting Creek district; in Cleveland County, the Kings Mountain manganese properties—and what a host of precious memories are conjured up by the very name "Kings Mountain"; Hot Springs district, in Madison County; in Surry County, the Mount Airy claims; and in Transylvania County, the Brevard properties; and so on. About these deposits the argument is to the effect, "Oh, yes; but the ores are of low grade."

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Montana?

Mr. ASHURST. I yield.

Mr. WALSH of Montana. Before the Senator passes that particular matter, I desire to advise the Senate that in 1927 the Geological Survey and the Bureau of Mines published a bulletin entitled "Manganese and Manganiferous Ores," in which are listed 17 States in which not only are there deposits of manganiferous ores but in which the deposits are actually worked and shipments made, and in the case of each State the productive mines are listed.

Mr. ASHURST. A vast deal of misinformation and erroneous propaganda have been sent forth alleging that there is very little low-grade manganese ore in the United States and that there is even a still smaller quantity of high-grade manganese ore in the United States; thus the impression has been created in some quarters that our steel manufacturers would dwindle and would probably disappear if the steel interests depended upon the United States for their manganese, but the very reverse is true, to wit, there is an abundance of manganese ore, both of the high grade and the low grade, in the United States.

Within the past few years chemistry and metallurgical methods for beneficiating these manganese ores have made enormous progress. Indeed, these discoveries and advances in chemistry, geophysics, metallurgy, and chemical engineering within the past 7 or 8 years are so dazzling that they almost rival the old dream of the Alembic; and when we invoice and catalog the recent great discoveries in science we feel that Aladdin's Lamp and the Purse of Fortunatus in comparison are tame and prosaic. To this generation has been given the keys to the kingdom of the material world.

No well-informed man would attempt to delimit the boundaries of chemical science or deny that the quiet laboratory may signify more agencies for national defense and more potentialities for the victories of peace than a whole regiment, and that sometimes a timid and bespectacled chemist is as important in bringing about victory in war or in advancing peaceful pursuits and mobilizing the resources of civilization as are bankers, parliamentarians, and Government executives Just so, within the past decade, scientific chemistry now beneficiates manganese ores, and these manganese ore deposits of our own country are ample to supply the needs and requirements of our industries.

Therefore when we are told in the lugubrious jeremiads of the steel manufacturers that there is not a sufficient quantity of manganese in the United States for our industries, we reply to such a plea of pessimism and defeatism that the prospector and miner, that science and chemistry, refute such doleful assertions. Science is the fifth estate, and her wizardries may with confidence be depended upon to beneficiate our manganese ores.

SELECTIVE COMPULSORY MILITARY SERVICE

The Senate resumed the consideration of the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

Mr. BURKE. Mr. President, I shall briefly conclude the remarks on the pending bill which I commenced yesterday. One reason for being brief is that I understand certain opponents of the measure are to speak, and I am sure we all wait with great interest to see what possible objections can be urged to this wholly meritorious measure.

Yesterday I attempted to show the origin of the bill. I did that because in the press and on the floor of the Senate and elsewhere it has been charged that it is a hastily thrown together measure, poorly drafted, and not having back of it the solid thought and consideration which so weighty a measure should always have. I pointed out to the Senate yesterday that, going back a number of years, under the authority of the National Defense Act of 1920, the Army and the Navy chiefs have united in setting up a joint Army and Navy Commission or Board to study the question of manpower in our armed forces; that beginning at least in 1926 that Commission set itself to the task of studying selective compulsory service in this country and throughout the world, and applied itself to the task of trying to put into form to submit to Congress the ideas of our Military Establishment upon the question of selective service in a democracy as the proper

method of maintaining the proper armed strength and the appropriate number and quality of Reserves. I stated that that Commission, which is still in existence, had continued its work through the years, studying, as I say, the selective-service systems that were used in the South and in the North during the Civil War, the compulsory-service systems—if we must call them that—used by England and the other countries across the water during the World War, and our own selective-service system, and that as a result of all those ideas the Commission had finally worked out a measure which was submitted to the Military Affairs Committee. Many of the ideas contained in that measure are embodied in the pending bill; in fact, it formed the foundation of the measure now before the Senate, coming from the very best minds in the country so far as military policy is concerned.

I also pointed out that, along with this matter, there had been worked into shape a proposal for a selective-service measure by the Military Training Camps Association, and because that association has suffered some aspersions on the floor of the Senate I took occasion to point out just what that organization is. I shall not review the matter now, since it is fully set out in the RECORD, which is on the desk of each Senator, other than to say that this organization goes back to the period of the Plattsburg camps prior to the World War; that the head of the Military Training Camps Association serves as the chief civilian aide to the Secretary of War; that there is a governing board consisting of the chief civilian aides in each of the nine corps areas; and that it is an organization extending into every State and into almost every county in the country, composed not of warmongers, not of men who believe in war as an instrument of national policy, but of men who thoroughly believe that in a democracy there is a duty resting upon every citizen to be trained and ready to render whatever service he may be called upon to render.

I went on from that point and attempted to answer the charge, so frequently made, that compulsory military service is un-American and undemocratic. Going back to George Washington and following the matter down through the years, I suggested that it would be very hard for anyone successfully to maintain the proposition that there is anything at all undemocratic or un-American in a proposal which recognizes that every citizen in a free government owes a proper proportion, not only of his property but also of his personal service, in order to maintain and defend the free institutions which he has the benefit of enjoying.

I should like to go on briefly from that point, Mr. President, and say that it seems to me the debate in the Senate has already reached such a point that but a single issue is involved. The chief opponents of the measure are already on record as saying that they have no objection to compulsory military service in time of war. Very well. If that be so, it is an important admission. But an even more significant statement and admission is made when, almost without exception, the same opponents of the pending measure say that, even in time of peace, in the matter of training men for war, if the volunteer system should break down, if it should not bring an adequate number of men into the service, or should not bring them in time, they would favor the compulsory selective system in time of peace. So, it seems to me, the single major issue in reference to the measure now pending before the Senate is, Can we safely rely upon a continuation of the volunteer system in order to bring into training the requisite number?

I think the distinction attempted to be drawn between compulsory military service in time of war and compulsory training for such service in time of peace is wholly without foundation. Once it is admitted that the Nation has the right to compel the citizen to bear arms in its defense—and, as I have said, probably not a single Member of the Senate disputes that right—the whole case is conceded, for it cannot be that a just and humane people would permit itself to be so restricted that it must send untrained soldiers into battle for the national defense. To conscript them, if you will, take them out of private life, and send them forth to do battle for their country untrained to me is unthinkable.

I quote again the sentence I quoted yesterday from the Progressive platform of 1916:

> Service without training means slaughter and disaster.

Every officer who has seen active service bears witness to the fact that it is positively criminal to expose men to danger unless they are well trained and know how to take care of themselves. Colonel Donovan, World War hero, states over and over again his belief that no one who believes that the men who may be called upon to fight in defense of their country should be given a reasonable opportunity to survive, could possibly oppose this measure for compulsory training in time of peace.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. BURKE. I gladly yield.

Mr. WHEELER. That is the same Colonel Donovan whom Colonel Knox sent to Europe, is it not?

Mr. BURKE. It is the same Colonel Donovan who very recently went to Europe and returned, either at the direction of Colonel Knox or the President of the United States, I do not know which.

Mr. WHEELER. And it is the same Colonel Donovan who was in Harry Daugherty's office as Assistant Attorney General, is it not?

Mr. BURKE. I believe Colonel Donovan served very ably as an assistant to the Attorney General during the Coolidge administration.

Mr. WHEELER. And it is the same Colonel Donovan who was part and parcel of the frame-up of the case, and sent agents to Montana "to get something on me." That is the same man.

Mr. BURKE. My acquaintance with Colonel Donovan comes in much more modern times than what I consider the very infamous proceeding, as I read about it many years ago, against the Senator from Montana.

Mr. WHEELER. My acquaintance came at a time when he was in Daugherty's office, and when they sent Blair Coan out "to get something on" Senator Walsh and to try "to get something on me."

Mr. BURKE. On that point, if I recall correctly, at that time the present Justice of the Supreme Court, Harlan Stone, was or became Attorney General of the United States, and I found great difficulty at the time, having a very high regard then and now for Harlan Stone, to reconcile myself to the fact that he was head of the Justice Department when these proceedings, which seemed to me to be nefarious, were being prosecuted against the Senator from Montana. As I have said, I had not realized that it was during the time that Colonel Donovan was with the Department that those proceedings originated, but I should certainly want to investigate the matter very carefully for myself to determine whether I should not put Colonel Donovan in the same position with Justice Stone in reference to those matters, because every instinct I have tells me that this man, whom I have come to know well recently, and with whose war record I am very familiar, has nothing in his nature which would permit him willingly to do an injustice to the Senator from Montana or anyone else.

Mr. WHEELER. Let me say to the Senator that, regardless of what he may think about Colonel Donovan, all he has to do is to read the record, and if he reads the record, either one of two things is demonstrated: Either Colonel Donovan was misled by the people who were in the office—and I cannot conceive how any lawyer of any ability whatsoever could be misled by the kind of stories that were told to him—one must come to the conclusion either that he was not a good lawyer, and did not know anything about the prosecution of cases, or that he was part and parcel of the frame-up.

Mr. BURKE. Was Justice Stone misled in the same way?

Mr. WHEELER. Yes, indeed; let me say to the Senator. As a matter of fact, one of the reasons why Colonel Donovan was not appointed Attorney General of the United States was the protests which went in from Senator Borah and other members of the United States Senate. They felt that he could not be confirmed as Attorney General, and I am told by very reliable authority, by a former distinguished Member of the

Senate, that Justice Stone made the statement to him that they had lied to him.

Mr. BURKE. If Justice Stone was misled, I can understand that Colonel Donovan might also have been misled.

Mr. WHEELER. But, mind you, Colonel Donovan was in Daugherty's office at the time the prosecution was started, and he was one of the men who were handling it. Stone came in after Daugherty was forced out of the Department of Justice, after he was forced out because of his activities. Subsequently Mr. Daugherty was prosecuted, and subsequently a petit jury came within one vote of convicting him of matters which were shown up by the committee.

Mr. BURKE. In spite of all the Senator from Montana now states, I have complete confidence in the moral integrity and the intellectual honesty of Colonel Donovan. But I call the attention of the Senator from Montana to the fact that he has not said anything bearing upon the question of Colonel Donovan's knowledge of military policy, his distinguished record in the World War, the fact that he stands today as the most experienced civilian soldier in the entire country, and has observed military affairs everywhere. Certainly, in spite of the strong feeling the Senator from Montana has on this subject, which is understandable, he would not question the strength of Colonel Donovan as a witness in the matter of a measure of the kind we are now considering.

Mr. SHIPSTEAD. Mr. President, will the Senator from Nebraska yield to me?

Mr. BURKE. I yield.

Mr. SHIPSTEAD. Because Justice Stone's name has been connected with that of Mr. Donovan in the debate, I wish to call attention to the fact that Donovan was with the case referred to from the beginning, and Harlan Stone did not come in as Attorney General until toward the end of that very sordid story. Because he permitted the second trial of Senator WHEELER to continue, I voted against the confirmation of Harlan Stone.

Mr. BURKE. And it disturbed me very greatly.

Mr. SHIPSTEAD. I did not think he should have done so. But I have come to the conclusion since, and I have been satisfied in my own mind, that the conspiracy had gone so far that if Harlan Stone, coming into the case at a late hour, had not let it go to its ultimate conclusion and go to the jury, his integrity might have been questioned. I came to the conclusion quite a long time ago that I made a mistake when I voted against the confirmation of Harlan Stone; but I did it under a misapprehension, thinking that he knew the facts of the conspiracy, and I have come to the conclusion that he did not know them. He merely took the word of those who had been working under Daugherty, and had prepared the case, and permitted the case to go to trial.

I am very glad to have the opportunity to make this explanation as to why I have changed my mind about the vote I cast on the confirmation of Harlan Stone. I think he is a very fine Justice of the Supreme Court.

Mr. BURKE. I thank the Senator from Minnesota, and wish to say that my feeling in the whole matter has been exactly like his as he has stated it to be, that if I had been a Member of the Senate at that time, I feel very sure I would have voted against the confirmation, and I am equally certain that, as matters have developed, and I have come to understand the situation more fully, I would join with the Senator from Minnesota in saying that had I done so I would have made a mistake.

But we are getting a little far afield from the question at issue. I had presented Colonel Donovan's name only in this connection, that as the leader of the Fighting Sixty-ninth, probably his name is familiar to more people in this country than that of almost any of the other soldiers who served in France. He has often told me that the most shocking experience he had on the other side, what grieved him most, was the fact that day after day he found that he was in command of troops some of whom were not adequately trained, and he determined then that, so far as it lay within his power, hoping all the time that his country would never have occasion to send any of its sons into battle again, he would devote all the energies at his command to seeing that the citizens of this country were adequately trained, so that he might never again have to live through the experiences he had undergone on the other side.

I have cited Colonel Donovan's opinion as bearing out the declaration in the Progressive platform of 1916, that "Service without training means slaughter and disaster," and that those who honestly but mistakenly place themselves in the way of and in opposition to giving adequate military training, must realize that they are assuming a considerable measure of responsibility if unfortunately sometime we should find ourselves in need of trained troops, and the voluntary system and no other system had given the adequate training.

Mr. President, I wish to say, with reference to the interruption concerning Colonel Donovan, that anyone who has tried hard-fought law suits realizes that frequently quite extraneous matters with reference to a witness are brought in to attack the credibility of the witness, although the attorney examining the witness, the judge, and the jury, and everyone else may be satisfied that the witness is telling the complete and full truth on the particular point under investigation. So, I recognize the right of saying something about any of the witnesses that I present.

I referred to George Washington yesterday as saying that the conscription system is democratic and American. I have read some debunking histories which make George Washington out to be a bad man in some respects, but I am glad that no one in the Senate took occasion to attack him as a witness.

I mention next General Pershing. I have no doubt there are some doughboys and under officers and others who have pretty strong feeling against General Pershing, but I do not expect them to use it as an argument against General Pershing when he states, as he did to the Senate Committee on Military Affairs a few weeks ago:

> First of all, let me say that if we had adopted compulsory military training in 1914 it would not have been necessary for us to send partially trained boys into battle against the veteran troops of our adversary, and certainly we could have ended the conflict much sooner, with the saving of many thousands of lives and billions of treasure.

That is the testimony of General Pershing.

The citizens of this country in large part realize the truth of the contention I am now making. They do not want to wait until war comes, if unhappily it should ever come, before we start the training of our citizens. Let no one here deceive himself into believing that his would be a happy lot if by his action he had helped to prevent or unduly postpone adequate military training for those who some day may be called upon to defend their country.

At this point I should like to read a short letter I received a day or two ago from a New York mother. She says:

> I would like this to be an open letter to those Senators who oppose military training for young men. I am a widow and the mother of a young man. I have been both mother and father to my son since early childhood, which makes him doubly dear to me. I have always believed that every young man should know how to box sufficiently to defend himself, how to swim, and how to shoot. * * *
>
> I would like to remind these Senators who oppose military training that we have our children taught swimming to keep them from drowning and we do not wait until an emergency brings them face to face with a watery grave.
>
> My son is all in the world I have, and to see him an unskilled fighter going forth to face a seasoned enemy soldier would terrify me doubly, not only the warfare but the fact that he might not be as alert and skilled as his opponent. I do not say these things in a spirit of aggression but with the knowledge that strength and confidence comes when you are absolutely unafraid of your opponent because you are ready for his every move. Can any Senator truthfully say if war comes (and God forbid) he would not breathe easier to know that any young man near to him was equipped in a way to give him a fighting chance?
>
> In these times a lot of fatuous talk will not insure protection from small souls drunk with desire for power. The gentle and kindly man never becomes cold-blooded through training; it teaches him, though, to recognize and handle a cold-blooded and murderous enemy. I believe all men should be trained to defend themselves in case they are called to defend the Nation. I hope and pray our men may not have to fight, but if they should be called upon in a

mad world they can go forth in confidence bred of knowledge that they can match the enemy.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BURKE. I yield gladly.

Mr. TAFT. Does the Senator feel that the induction into the Army of a man 25 years old is in any way similar to military training for boys in colleges and high schools?

Mr. BURKE. I shall have to say that I did not catch the first part of the Senator's question.

Mr. TAFT. Does the Senator feel that the compulsory training which the lady who wrote that letter is advocating for her boy and all boys in college is in any way similar to the proposal to take men from 21 years of age to 31 years of age, many of whom have already become established in their occupations, and to draft them for training into the Army of the United States?

Mr. BURKE. If I were to admit that I would draft them into the Army and not for training I would see some merit in the Senator's question. But that is not what the bill provides. It provides that the men who are selected shall be taken for a year's training. I think that is exactly the same situation this estimable lady had in mind in saying that if the young men had been denied the benefit of adequate military training in college or elsewhere, a sufficient number of them should now be given the benefit of it to constitute those who might be called into service if the time should ever come when their services were needed.

Mr. TAFT. But, as a matter of fact, the plan of the Army is to call men and to put them right into the Army, not for special training, but into the Army and into the National Guard for a year.

Mr. BURKE. For training purposes.

Mr. TAFT. To keep them there for a year, and then if there are not enough men—the Army officers said we must have 1,300,000 at least—Congress may under the proposed law require them to continue to serve for another year, and they would have to do so, because they would be the only men whom we could train to make up the army of 1,300,000 men. So is it not obvious that this is in fact a draft into the Army of the United States not of boys not for the training of boys, but of grown men, who are already engaged in their life occupations? Is that not the main purpose of the bill? Is that not the only emergency that really exists today?

Mr. BURKE. No; I do not think so. I disagree with the Senator from Ohio entirely on that point. This is a bill to provide training now that we are in a time of peace, for possible service in time of war. If war never comes, as we hope it never will, still this training will not have been wasted.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. BURKE. I yield to the Senator from Montana.

Mr. WHEELER. Let me say to the Senator that, as I read the testimony—and I shall call attention to it later on in my own time—of either General Shedd or General Marshall, it was said that what the Army wanted was men. When the witness was asked whether the Army could not get them under voluntary enlistment he said "Yes," but the Army could not get them quickly enough, and so it wanted this conscription bill because it said it could not get them in the Army quickly enough under the volunteer enlistment method.

Mr. BURKE. I listened to General Shedd.

Mr. WHEELER. When I speak I shall quote his exact testimony.

Mr. BURKE. Very well. I listened to General Shedd and to all the other witnesses, and I think I am in a position to state what the position of the Army is in the matter, regardless of any excerpts which may be taken from the testimony of any witnesses. What they said in reference to taking these men into the Regular Army and into the National Guard was that that is the only sensible and proper way to train recruits. That if 400,000 men are selected on the first of October, the only way properly and promptly to train them is to fill up the skeleton National Guard regiments and the Regular Army. They will then be with older men who have had the training, and will secure their training promptly. Then after we have passed beyond that point, with this first selection we will have a sufficient number of trained officers, so that eventually, if the program continues, new units may be set up. But the matter of taking them into the Army now is only to provide a proper way by which they can promptly be trained.

Before I close I should like to read a part of a statement in a letter which I received a few days ago from a gentleman in Montana. I read it with particular pleasure.

Mr. WHEELER. If the Senator wishes to read letters from people in Montana I shall be glad to send over to my office and get letters from Montana, because I will say to the Senator that the letters I have received from Montana run over 40 to 1 against conscription.

Mr. BURKE. I realize that, and it was for that reason that I wanted to read a letter from a sensible Montana citizen. [Laughter.] The writer of this letter at 22 years of age was in the first draft in September 1917. He writes as follows:

April 1917 United States declared war on Germany. A blaze of black headlines captioned every newspaper in the land. At first it failed to arouse much interest. It seemed just another event in the world of news. The United States was terribly unprepared for war. At first officers had to be trained. That took many months. In September of the same year the "draft" got under way, and the able-bodied were drafted into the service. I was in the first call. For the first time in my life I felt a comforting satisfaction from the fact that I had had 2 years of compulsory military training in college.

Upon arriving in Camp Lewis we were assigned first to the depot brigade. It was in this brigade that we were to receive our elemental training. For 3 months we were put through the paces of training and discipline. Then our company, 250 strong, was called for transfer into active service abroad. Just before boarding the troop train a rush order came from headquarters requesting the company commander, clerk, supply sergeant, mess sergeant, and first-line sergeant (myself) to return to our barracks to train another hundred raw recruits who had just arrived in camp. It was not our privilege to object to this order, although we were disappointed that we could not go on with our men.

We were only with these hundred new recruits about a week when, again, another order came from headquarters ordering these new, green men to prepare for transfer—overseas and into the fight. When I read this order to these men it struck them like a thunderbolt. For a moment they stood motionless and speechless. They were stunned. They had not realized that we were at war. Now they knew it. Their faces were pale with fear—the fear of the helpless, the unprepared, the untrained. "Why, Sarge," they uttered, "they can't do this to us when we have had so little training. We are not soldiers yet. We can't shoot. We know nothing of taking cover for our own protection. They may just as well take us out and line us up before a firing squad. It is downright murder."

The verbal barrage of these green men was all too true, but orders were orders and war was war. I tried to console these boys by telling them that they probably would receive several months of training in France before going into active service. But they were not to be consoled. Knowledge of their unpreparedness only added to their helplessness. But democracy had to be saved and we had to win this war. If seasoned, well-trained soldiers were not available, then the green, raw recruits had to go to fill up the ranks that had been thinned by gunfire at the front.

I shall never forget one man of this group as he sat on his bunk just before marching to the train. He swore profusely. He cursed those in authority for allowing our country to be so unprepared. He accused them of being murderers for sending him into active service with no training. He wanted to know why they all had not had military training in peacetime so that if they must fight they would know how and stand some chance—an equal one—for their lives.

It was about 3 p. m. on the same afternoon that we received the order to "fall in" these men and march them to the train. Several of these hundred men were from nearby points and had telephoned their parents early in the day that they were leaving. Parents came to camp to see them off. I hope that I shall be spared to see an equally pitiful sight again as the one that I saw as the troop train pulled out. Several mothers went into hysterics. They had seen their sons leave with fear in their hearts. Too late they realized that their sons were not prepared. One mother sobbed bitterly and exclaimed, "We did not raise our boy to be a soldier and here he is going to war untrained and a perfect target for an enemy soldier. If he is killed, I shall never forgive myself for not sending him to a military school. We would easily have given him a year of military training. But we could not foresee this. May God bless and help him."

If our present members of Congress had seen such scenes as I have mentioned, I am sure that our country would not be in the unprepared predicament in which we find ourselves today. Our country would be prepared to meet any emergency.

I have a boy growing up. Though not old enough as yet for military training, I have vowed that he surely will be prepared if I am possibly able to see that he gets it. I love him too much not to give him a chance for his life if his country ever calls him. If

my country needs him, I shall want him to respond but only on the condition that my neighbor's boy and all other boys also respond to the call, therefore universal service and compulsory military training is the only sane, safe, and humanitarian answer to our dilemma.

It is unfair to expect the boys who are now in our Army and Navy to do all of our defending for us. It is unfair to them not to have others trained so that if they need help all can give it and give it quickly. The United States of America, our free country where we can live, love, and worship as we please, belongs to every loyal American, therefore all should defend it if need be. There should be no slackers and no favorites.

Mr. GILLETTE rose.

Mr. BURKE. Mr. President, I bring these remarks very quickly to a close, but I yield first to the Senator from Iowa.

Mr. GILLETTE. Mr. President, I was about to ask the eminent Senator to yield. I should like to have some information relative to fixing the training period at 1 year. Perhaps the Senator has covered it in his remarks, and I was so unfortunate as not to be present.

Mr. BURKE. No; I did not. I shall be glad to do so.

Mr. GILLETTE. Can the Senator give us any information as to what type of training is to be given? Is it to be drill evolution? Is it to be training in specialties, and the handling of implements? Or is it to be training in discipline? If the type of training is specified, why, and on what basis of competent testimony, is it fixed on a 12-month period?

Mr. BURKE. I shall endeavor to answer the question, although the specific answer is to be found in the testimony in the hearings.

The bill which I introduced provided for 8 months' training. Those who worked over the bill considered that while that was not thoroughly adequate, possibly a satisfactory job could be done in 8 months. When General Marshall, Chief of Staff, came before the committee he stated that in his opinion about 18 months were required to properly train a soldier. He felt that the Army could do a very good job, however, in 15 months. Finally, after going over the matter together, the committee, the representatives of the Army and Navy, and others decided on the compromise of 1 year, which the Army insists is not really long enough; but the Army officers think they can do a good job and will do a good job in 1 year.

As to the other question, with respect to the nature of the training, the bill specifies nothing in that respect. However, I believe the testimony shows that it is the expectation that about one-fourth of the period—which, if the present provision for 12 months should stand, would be 3 months—would be spent in rudimentary physical training, getting the men in shape and giving them the elements of military training, tactics, and so forth. Then a certain period would be given in company formations. The reason why General Marshall and the others felt they needed the much longer period was that as modern wars are conducted it is necessary to have a considerable period of training in the use of great formations of troops. The latter part of the 12-month period would be spent in that activity.

However, I recommend to the Senator a detailed reading of the testimony of some of the witnesses, as I am not in position to give the details. In setting up a proposal under which certain men would be drawn from civil life and given military training, I suppose the only sensible thing to do would be not to say "This day at this hour you shall do thus and so," but turn it over to the men who are skilled in the matter of military training and leave it to them to work out the program.

Mr. PEPPER. Mr. President, I wonder if the Senator can give us some information—he may already have done so—about the compulsory military training system in Germany. How long a period of military training is in force there? At what age does the recruit come in? About what trained reserves would the Senator say are available in Germany today?

Mr. BURKE. I have not made any statement on that subject, and I am not able to make a statement, because I have not detailed information; but if the Senator from Florida has some definite information on the matter I shall be glad to yield to him to give it at this point.

Mr. PEPPER. I do not, except that I believe generally the minimum is 2 years, and that that plan has been in effect over a course of at least the past 5 years, so that in that time there must have been created a reserve of several million men with at least 2 years' training.

Mr. BURKE. I have no doubt that is correct.

I now draw to a conclusion, Mr. President.

Compulsory training in time of peace for service in time of war is the democratic method of preparation for national defense. Since it is generally recognized that every citizen in a free country owes a duty to submit to call in time of war to defend his country, it follows, as clearly as night the day, that the country owes to every citizen the duty to see that he is properly and adequately prepared in time of peace to render his most effective service in time of war.

There remains but one further consideration. In this democracy of ours we have a natural abhorrence of compulsion. We like to believe that the individual citizen will come forward voluntarily to do his duty. When danger immediately threatens, when we are actually involved in war, when the patriotic fervor of the people is aroused to the highest pitch, we may expect a larger outpouring of volunteers than at any other time. But they would come poorly prepared, unseasoned, lacking in the training essential to their own safety and to their fullest usefulness as part of an organization in which complete coordination is a prime essential. Even so, every emergency with which we have been confronted has given additional proof that the volunteer system is not the full answer. The Revolution, the War of 1812, the Civil War, and the World War, all show that we cannot safely place our reliance upon the volunteer system alone.

We conclude that the volunteer method, even in time of war, is inadequate to meet our needs. It is doubly so in time of peace. In order to get anything like the number of volunteers required to come forward and submit themselves for training, we should have to put on an intensive recruiting drive, with all it involves—bands, war films, white feathers for the reluctant, hysteria—all the things we should particularly avoid. Even then there would be delay, uncertainty, valuable time wasted, and in the end failure to recruit the required number.

Contrast with that the compulsory selective system. No ballyhoo. An orderly, dignified procedure under which every male citizen within the specified limits would register and be classified. Out of the entire group who disclosed the least ground for deferment there would be selected by lot the required number for intensive training. Those selected for training would be the fortunate ones. I venture to prophesy that the chief complaint, if any, will come not from those chosen to receive this worth-while training, but from the unfortunate ones not called, those who will for the time be denied the opportunity to have their Government fit them to fulfill their obligations as citizens.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. BURKE. I yield.

Mr. PEPPER. What is the enlistment period for the recruits who are now sought by the Army under the existing law?

Mr. BURKE. Three years.

Mr. PEPPER. That fact tends, therefore, to create a professional army, as contrasted with the citizens' army which is contemplated in the bill, does it not?

Mr. BURKE. I think so.

Mr. PEPPER. I dare say the Senator has heard the recruiting speeches made over the radio. I happened to hear one in Miami in July. The recruiting officer spoke over the radio three times a week, I believe, and he made the speeches as attractive as he could to induce young men to take up the Army as a career. He showed the advantage to young men of making the Army a career. Therefore it seems to me that to have a citizens' army properly trained is more characteristic of a democracy than to have a professional army for the defense of that democracy.

Mr. BURKE. I thank the Senator for his very helpful statement. It seems to me it covers the situation with exactness and clearness, and should carry weight.

Mr. President, I wish to read an editorial which appeared in the Washington News of August 5, entitled, "Unsafe Compromise."

UNSAFE COMPROMISE

Compromise on the compulsory military service bill is now being talked in Congress. A specific proposal is being drafted by Senator MALONEY, of Connecticut. It would go ahead with immediate registration, but defer the actual draft until the Army had tried to raise all the manpower it needs by a drive for 1-year volunteers, with the basic Army pay scale raised from $21 a month to $30.

On the House side, Representative EDMISTON, of West Virginia, contributed the suggestion that the recruiting drive should include bands, parades, rallies, patriotic speakers, demonstrations of what Army life can do for a young fellow, and all kinds of help from patriotic societies and service organizations.

Does this country want that? We think not.

Oh, the great drive could be staged, all right. The bands, the parades, rallies, the speakers could whip up a fine display of martial spirit. The patriotic societies could distribute white feathers and otherwise direct scorn at young men who refused to enlist. A good many could be shamed into the Army to escape being called slackers.

Who would be the recruits obtained by this method? Many would be men who should stay at home to work in defense industries or support dependents. Many would be poor men. The difference between $21 a month and $30 would be no inducement to the sons of wealth. The Maloney-Edmiston plan might do much to force the sensitive and hungry to enlist.

But would it raise all the manpower needed? There is every reason to believe that it would not. The volunteer system never has provided sufficient manpower in a major crisis of modern war. Adoption of the Maloney compromise would mean, we think, only delay in adequately manning the defenses we are building to preserve peace. After a few months—a few months that might prove fatal—the draft would have to go into operation after all.

The brave, the forthright, the safe course is to put it into operation now. It will insure adequate manning of our defenses. And the principle of selective service will bring into training only the men the Army needs, not those who are essential at home and not those who can be goaded into volunteering or whose poverty makes $30 a month an attractive wage.

Mr. President, that is all I desire to say at this time in favor of the general principle of compulsory selective military training in time of peace for service in time of war. Later I shall join with others in further answer to any specific objections which may be urged.

Mr. WHEELER obtained the floor.

Mr. ASHURST. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Arizona?

Mr. WHEELER. I yield.

Mr. ASHURST. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Downey	La Follette	Schwellenbach
Andrews	Ellender	Lee	Sheppard
Ashurst	Frazier	Lundeen	Shipstead
Austin	George	McCarran	Slattery
Barbour	Gerry	McKellar	Smathers
Barkley	Gibson	McNary	Stewart
Bone	Gillette	Maloney	Taft
Bridges	Glass	Mead	Thomas, Idaho
Brown	Green	Miller	Thomas, Okla.
Bulow	Guffey	Minton	Thomas, Utah
Burke	Gurney	Murray	Tobey
Byrd	Hale	Neely	Townsend
Byrnes	Harrison	Norris	Truman
Capper	Hatch	Nye	Tydings
Chandler	Hayden	O'Mahoney	Vandenberg
Chavez	Herring	Overton	Van Nuys
Clark, Idaho	Hill	Pepper	Wagner
Clark, Mo.	Holman	Pittman	Walsh
Connally	Holt	Radcliffe	Wheeler
Danaher	Johnson, Calif.	Reed	White
Davis	Johnson, Colo.	Reynolds	Wiley
Donahey	King	Schwartz	

Mr. AUSTIN. I repeat the previous announcement that the Senator from Massachusetts [Mr. LODGE] is necessarily absent.

The PRESIDING OFFICER (Mr. KING in the chair). Eighty-seven Senators having answered to their names, a quorum is present.

Mr. WHEELER. Mr. President, those who advocate compulsory selective service generally predicate their advocacy on two contentions. These contentions are: First, that large numbers of additional men are immediately needed for the Army and Navy, and that this large number cannot be obtained by the traditional American method of voluntary enlistment; second, that conscription is the method of raising the needed men most consonant with a democratic form of government.

I am glad to know that since this argument started the Senator from Nebraska [Mr. BURKE] and I think my distinguished colleague from Texas [Mr. SHEPPARD] have to some extent corrected the idea which has been prevalent in the press, namely, that conscription is essential in order to get the necessary number of men and that this method is proposed to be used because we are unable otherwise to get the necessary number of men to fill up the Army quota.

Mr. BURKE. Mr. President, will the Senator yield at that point?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. WHEELER. I do.

Mr. BURKE. Did I correctly understand the Senator to say that he understood the position I had taken was that it is not necessary to have a selective service bill to get the necessary number of men?

Mr. WHEELER. To fill the Army quota.

Mr. BURKE. Oh, to fill the Army quota?

Mr. WHEELER. Yes.

Mr. BURKE. Of the present standing Army?

Mr. WHEELER. That is correct.

Mr. BURKE. I did not understand that part of the Senator's statement. I think probably that is correct.

Mr. WHEELER. I said that because of the fact that not only commentators but editorials in various newspapers throughout the country have carried to the general public the idea that it is necessary to have conscription because the Army otherwise could not get the necessary number of men.

It is to be noted at the outset that these contentions are to some extent necessarily interrelated. If the Nation were in imminent danger and required 10,000,000 men for its defense, and only a half million came forward, it would doubtless be both necessary and equitable to select by lot the necessary number from among the available manpower of the Nation able to serve, with due allowance for the needs of industry and the public welfare. On the other hand, if but 10,000 men were needed, and more than that number offered to serve, few persons would argue that it is either necessary or desirable to insist upon impressing into the military service men who, for one reason or another, do not wish to enter.

Those who urge compulsory service at the present time, and particularly the proponents of the pending Burke-Wadsworth bill, contend that we are now confronted with precisely the sort of situation first outlined; namely, that large numbers of men are immediately required for the Army and Navy to defend the Nation, and that the men required cannot be obtained without resort to compulsory service. This is the argument which was used very recently by the proponents of the bill. This contention cannot survive any sort of reasonably close examination. I think there has been a general misapprehension of the situation upon the floor of the Senate, because Members of the Senate have said to me that the attention of the Senate should be called to the fact that the Army quotas can be filled without compulsory draft; and many of them were surprised, and even representatives of newspapers in the press gallery were surprised, to find that the Army quotas had been filled, and that the Army could get and had gotten for the quotas more men than they could handle.

THE NECESSITY FOR RESORT TO COMPULSORY SERVICE—THE SITUATION WHICH CONFRONTS US

That the military events of the last year and the existing world situation generally bespeak need on the part of this Nation for increased and more effective defense, only the most foolhardy would deny. That the defense measures should be great enough to counterbalance and outweigh the dangers which call them into being is likewise merely elementary common sense. But common sense also dictates that the magnitude of these defense measures should bear some justifiable relation to, and be proportioned on, the

magnitude and imminence of the dangers which are evident or reasonably calculable.

Nothing is so inexorably certain in the life of men as death. It may come to any of us tomorrow, and must come to all of us sooner or later. Reasonable providence therefore impels most of our citizens to carry insurance against this event; yet, despite its certainty, few of us deem it wise to purchase life insurance to the point where life is reduced to a process of striving for funds to pay for insurance against death. Some of our citizens, however, seek today to enslave the Nation to pay for overwhelming insurance against a danger which exists, but which possesses none of the elements of that inescapable certainty to be found in the lives of every one of us.

The great body of our citizenry, it is certain, would wish to bring to bear upon the Nation's problems the same practical good sense which they apply in the affairs of their own lives. They desire to take out and pay for an adequate amount of insurance against a foreseeable danger, but they do not wish to assume a load of obligation so heavy that it will bring about the very event they seek to insure against. The American people certainly do not wish to find, as the people of other lands have found to their sorrow, that they have been sold a back-breaking load of so-called insurance which turned out not to be worth the paper it is written on.

For those who are imbued not merely with fear but with complete certainty that the Nation is on the verge of invasion by a great armed force, no cost will seem too high to resist the impending invasion. On the part of most of our citizens and almost all military experts, however, armed invasion of our Nation in the foreseeable future, even assuming the defeat of Great Britain, is regarded as a very slim possibility indeed. This is not to say that the possibility does not seem greater today than it did a year ago, or that other dangers have not become clearly apparent; but few of us in our calm moments believe that what is necessary is the massing of the Nation's manpower on the shores of our country to repel an armed invasion.

We do believe, however, that while avoiding hysteria and foolish excesses, adequate sums of money should be appropriated to provide the Army and Navy with the most modern and efficient equipment obtainable, in ample quantity, and that steps should be taken to insure efficient production of military supplies by the Nation's industry. We believe, as well, that an increase in our armed forces is called for by the situation of the moment. We believe, however, and on this point all expert opinion is in agreement, that it is far more important for our troops to be thoroughly trained and expert in the new mechanical warfare, and ably commanded, than that they be merely numerous. Numbers, in modern warfare, not only do not compensate for lack of expertness, but by multiplying the deficiency they actually increase the danger. Nor do numbers compensate for lack of expert generalship, or expert planning. A small but expert force of Germans seized all of Norway. A small but expert Finnish army held the Russian Goliath at bay for many months. But a large French army was quickly crushed, less by the enemy than by its own incompetent and, in many instances, traitorous generals. A vauntedly impregnable Maginot line was rendered worse than useless by the incompetent planning of the French general staff. The years of military training that the French people had undergone, the crushing burdens they had painfully borne for generations, all went for naught in the face of the lack of competence of the French general staff.

HOW LARGE AN ARMY DO WE WANT?

Today our Army stands at a strength of 255,000 officers and men, and will soon be at its full authorized strength of 375,000; in 1939 the number was 134,000. The National Guard stands at 230,000 men, with the number increasing rapidly. The Navy has 146,000 men and officers, and is increasing the number to 170,000, the full complement authorized, and this total presumably does not include the 34,000 men in the Marine Corps. The Navy, Admiral Nimitz has testified, has no trouble getting all the men it requires by enlistment; in fact, it has a waiting list of 7,000 men at the present time.

It is agreed the armed forces should be increased further. How much of an increase is desirable to provide for the national safety, having in mind the danger to this country and the problems of hemisphere defense?

Mr. CLARK of Missouri. Mr. President——

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Montana yield to the Senator from Missouri?

Mr. WHEELER. I yield.

Mr. CLARK of Missouri. The figures the Sentor has given, I assume, also do not include the several thousand officers and men in the United States Coast Guard, which organization, under the law, may be transferred to the Navy in time of emergency, and which constitutes one of the very finest bodies of men in the United States or in any other country, both in morale and efficiency.

Mr. WHEELER. That is my understanding. Outside the Army, all the most eminent military authorities of the country agree that a force of 400,000 to 600,000 would be entirely adequate. Hanson W. Baldwin, military expert of the New York Times, writes:

What are those requirements? The functions and responsibilities of our land forces are several. First, our Regular Army must provide garrisons and defenses for Army, Navy, and air bases now established, or to be established. This may require eventually 125,000 to 150,000 men, with the most heavily guarded points, the Panama Canal, Hawaii, Puerto Rico, and several points in the Alaskan-Aleutian area. Second, the Regular Army must provide the nucleus or cadre for coast defense and antiaircraft troops to make our continental base within the United States secure; it must have 8 to 15 men per plane to operate its air force; it must provide officers and instructors to train the National Guard and to form the skeletal structure upon which a large mass army may be built up in case of necessity after M day. And, under our broadened responsibilities of hemisphere defense, it has another function of recent development.

Mind you, he is calling attention to the fact that he is including in this the men who may be necessary even for hemisphere defense.

Under our broadened responsibility of hemisphere defense, it has another function of recent development. It must provide a field force, highly trained, fully equipped, instantly ready for transportation as an expeditionary force anywhere within the Western Hemisphere—to quell, with the help of the Navy and air force, alien-inspired revolutions, to seize an advanced base, to repel an attack or hold an area, until larger forces are transported, if necessary to assist it.

Mr. Baldwin says we need only 400,000 men, yet he wants a force large enough to go down and quell invasions in South America by what is supposed to be alien-inspired revolution.

Such a force certainly need be no larger than 150,000 men—perhaps half that number—about the number with which Germany, only 100 miles away, seized Norway. Adding to this the numbers required for the Army's other functions, the Regular Army, even to fulfill its broadened responsibilities, need be no larger than 400,000 men, if that large. Our present enlisted strength is about 280,000; a further increase is indicated, but it should not be hard to fill the necessary quota by voluntary recruiting.

Maj. George Fielding Eliot, author of The Ramparts We Watch, proclaiming agreement with the principle of compulsory service, testifying before the Committee on Military Affairs, warned against the illusion of military strength which an ill-trained army of millions would create, without the substance, and advises that a force no larger than 600,000 should be raised. He said:

I think we want to concentrate, first of all, on raising our Regular Army to the strength which the War Department considers necessary, so that there may be five or six hundred thousand men—I have not seen the estimate, but that would give us a respectable force to begin with. It is probable we could not now begin, with the Regular Army at the strength it is, to take more than 350,000 men additional economically, which would give us about 600,000, and if we begin with that we would be doing as well as we possibly can for the next year or so. There is no use trying to spread ourselves over any greater territory than that.

If you plan now that your Regular Army shall be 600,000 men, eventually you can reduce the number of men you maintain with the colors to about 300,000, when you get fully trained reservists available, but that does not mean men who have had 6 or 8 months' service. That means men that have had 2 years' service at least, and men then who are called back for refreshening periods after-

ward. If we do not study the experience of the people in Europe who depended on these short-service armies, we are not applying the lessons that we ought to learn from others.

Col. Frederick Palmer, in a newspaper article headed "United States invasion fear held groundless," writes:

By spring we should have an army striking force of 200,000 men. German invasion with an equal number would be hopeless.

But we should keep constant watch and be able to match and overmatch any probable attack with sufficient sea, land, and air power and have the resources for prompt production of munitions and thoroughly trained reserves to draw upon. The danger is that we shall get an extravagant, unbalanced preparedness whose continuance in thorough form we shall neglect when we are lulled into security.

Basil C. Walker, writing in the July Current History and Forum, states:

Keeping in mind the situation in this hemisphere, the forces available in other American countries, and the problem of transporting large bodies of enemy troops and equipment to this continent, a total authorized strength for our Regular Army of 400,000 men (as against the present authorized strength of 280,000) seems enough. Any provisions, plans, or laws looking to a substantially greater figure should be examined most critically, for they would suggest preparation for another great expeditionary force to another hemisphere. Such plans might represent, unintentionally, an undermining of our individual liberties at home.

Thus, in the judgment of 3 military experts of recognized eminence, the present situation calls for an army not exceeding 400,000; in the judgment of the fourth, not exceeding 600,000, with the number to be halved when there is an adequate force of fully trained reservists.

In view of what has been printed in the press, it is surprising to find, on turning to the statements of our highest Army authorities, that their views do not seem to differ materially from the quoted views of the military experts. At the recent hearings before the Senate Military Affairs Committee, General Marshall, Chief of Staff of the Army, testified as follows:

Senator HILL. General, how many do you have in the Regular Army today?

General MARSHALL. At the present time I think our strength is about 255,000 men.

Senator HILL. And you would like to build that 255,000 men up to what?

General MARSHALL. A peacetime strength of 375,000; but we first want the strength that is urgently necessary, which is 335 000, and we will build it up to that as rapidly as possible. That embraces all of the ground forces; the remaining 40,000 to go to 375,000 is for the Air Corps to handle the equipment that is to be delivered at some future date.

* * * * * * *

Senator THOMAS. Getting back to the question of the National Guard. I understood you to say that you wanted to mobilize the National Guard at once?

General MARSHALL. Yes, sir.

Senator THOMAS. And how many additional men would that give you?

General MARSHALL. That would give us about 230,000 on mobilization; but when such a measure as this becomes effective, the National Guard would be brought up to about 375,000, or a little short of 400,000.

Senator THOMAS. If we pass this bill authorizing conscription of these additional men, then will you need the National Guard after that?

General MARSHALL. We should have the National Guard at least 4 weeks before the first men under this bill report for duty and for about a year at least.

Senator THOMAS. Then you said you needed 375,000 men. Is that in addition to the National Guard?

General MARSHALL. No, sir. We would make an allotment of men to the National Guard which would carry them up from about 230,000 to just a little short of 400,000; the allotment of men to the Regular Army would carry it up to about 500,000.

Senator THOMAS. Are you speaking also of the men needed in the air forces?

General MARSHALL. Yes, sir.

Senator THOMAS. That is included?

General MARSHALL. That includes everything, except replacements.

* * * * * * *

Senator HILL. General, I want to get those figures. You have today 255,000 men in the Regular Army; is that right?

General MARSHALL. Yes, sir.

Senator HILL. As I understood it, you said a little while ago you would step those up to 375,000; then you used the figure 500,000.

General MARSHALL. Five hundred thousand is war strength, sir.

Five hundred thousand is war strength, he stated. Are we going to war? We found an Assistant Secretary of War stating that we needed something over a million men, yet General Marshall says that 500,000 is war strength.

General MARSHALL. Five hundred thousand is war strength, sir. * * * I might inject here a comment regarding proposals that have been made to increase the Regular Army to 750,000 men. If that were done, two things would happen.

This is not a statement of someone who is opposed to the Army; this is not a statement of someone who is opposed to building up our defense; this is the testimony of General Marshall, and I read his statement again:

I might inject here a comment regarding proposals that have been made to increase the Regular Army to 750,000 men. If that were done, two things would happen. We would have either to organize units from the ground up without any trained personnel to leaven the mass, which would require about a year, or we would have to emasculate existing units in the Regular Army in order to provide nuclei for new units. I do not think that we should take such a hazard as that at the present time. Another and still more serious effect would be that we would have to emasculate the National Guard in order to find the necessary equipment for the new units. This would mean a complete alteration of the present system of national defense.

If the Army is increased to 750,000 men, it will be necessary to emasculate the National Guard in order to find the necessary equipment. If there is not available the necessary equipment for 750,000 men in the Regular Army, with what will the 400,000 men it is proposed to call in October be equipped?

I call the Senate's attention to the fact that, according to newspaper reports the other day, those engaged in maneuvers were using pieces of pipe for guns, and trucks labeled "tanks" were used for tanks to train the men the Army officers say they want to help train.

The reason set forth is not the real reason why they want to get these men into the Army; it is not the real reason back of the desire to bring about conscription. Anyone who is at all familiar with the situation knows that the reason for the attempt to bring about conscription at the present time is not because of national defense.

When the full testimony of General Marshall is supplemented by the testimony of General Shedd, Colonel Twaddle, and Major Hershey, all of whom testified for the General Staff, the following facts are ascertained:

First. The General Staff and the War Department see no need for millions of soldiers and freely confess that it would be both unwise and impossible to attempt to induct into the Army any such huge force as the public is accustomed to hear named.

I submit that throughout the press and on the radio there has been propaganda carried on that we need these huge numbers of men in the Army, and that the only way we can get them is by conscription. There has been a deliberate attempt upon the part of somebody to bring this about. Never before, since I have been a Member of the Senate, have I seen such a complete unity of the press of the country in attempting to mislead the people upon this issue. It may be that the press has been misled by the proponents of this proposal. Is there any wonder that Senators rise on the floor at times and ask about a free press when they see only one side of the case presented, and only that side which tries to frighten the people with respect to the necessity of conscripting the youth of the United States of America?

Someone said to me the other day that the reason why we ought to have conscription of American youth is that our young men are growing up today without respect for our institutions. Men have respect for their institutions in accordance with the respect those institutions deserve. That has always been the case and always will be the case in any government. If those who head the executive, the judicial, and the legislative branches of the Government deserve respect, then the people will respect them, and when they do not deserve respect, then the people lose respect for them and the institutions they represent, and governments go down.

Second. What the General Staff actually believes is necessary from a military point of view at the present time is to increase the Army's strength immediately from 255,000 to

375,000 and to increase the strength of the National Guard from 230,000 to 400,000, a total increase of 290,000 men. Thereafter it may wish to step up the strength of the Army further to 500,000 in order to place the Army on a full war footing. This would require an additional 125,000 men, making the entire increase of 415,000 men. In this manner we would obtain an army of a half million men, and a National Guard force of 400,000 men to act as a reserve army.

In addition, the General Staff wishes to call out the National Guard for a year of intensive service, so that the guard will be raised to a level of adequate efficiency, which everyone candidly admits it does not at the present time even remotely approach.

Third. This is all the General Staff considers necessary from a military point of view.

Mr. President, if one were to listen to some of those who are hysterical, even some in this body, some outside, and some columnists who are more interested in Europe than they are in America, who refer to those who do not want to give a part of our defenses to England and a part of them to some other country as being "fifth columnists," he might think that those who do not want to increase the Army to two or three million men are not patriotic citizens.

The 4,000,000 men who would be raised by a selective conscription law such as the Burke-Wadsworth bill would form some sort of reserve body. But, as has been pointed out, the National Guard is to be increased to 400,000 and intensively trained so as to constitute an effective reserve force for the Army. In addition to the present Army strength of 255,000 and the National Guard strength of 230,000, one military expert claims we have 153,000 additional men in the Organized Reserve, made up mainly of noncommissioned officers—Walker Current History Forum for July 1940. Nothing was said about these reserves, however, by the General Staff officers who testified at the hearings on the Burke-Wadsworth bill, as I read the testimony. The General Staff does not believe a reserve force of millions is necessary to act as a reserve force for the National Guard in order to provide for the national defense. Nor does the General Staff believe that these millions of conscripts would constitute an effective body of troops if it was ever sought to use them. It does not, in fact, seriously count upon these men to serve any important military purpose for defense needs, nor did any of those who testified on behalf of the General Staff testify or indicate that it regards this large body of conscripts as necessary for defense.

Nowhere in the testimony will there be found statements by Army officers that the large body of men proposed to be conscripted is necessary for the defense of this country.

I shall shortly deal at length with the reasons why the General Staff actually seeks to have compulsory service enacted, as established by its own testimony.

In summary, then, it is seen that eminent military authorities outside the Army believe an army of from 400,000 to 600,000 is needed for adequate defense under present emergency conditions, and the General Staff favors a war-strength army of 500,000 plus a well-trained National Guard of 400,000, making necessary the raising of 290,000 men almost at once, and an additional 125,000 somewhat later, or a total of 415,000. If the General Staff's judgment be accepted at its face value, the question which must next be considered is whether, in order to obtain these men, conscription is necessary.

IS IT NECESSARY TO RESORT TO CONSCRIPTION TO OBTAIN THE ADDITIONAL SOLDIERS DESIRED BY THE ARMY?—HAS THE ARMY BEEN GETTING ITS QUOTA BY VOLUNTARY ENLISTMENT?

In the face of the numerous statements which have appeared in the press and elsewhere as to the impossibility of obtaining more than the merest fraction of the men required for the Nation's defense by voluntary enlistment, it is interesting to note that General Marshall, Chief of Staff, made no claim that the necessary men could not be obtained through enlistment.

The Senator from Michigan [Mr. VANDENBERG] yesterday pointed out that from one end of the country to the other, particularly, if I may remind the Senate, in the Middle West, the West, and the South, the quotas were being overfilled. Where is it that difficulty has been encountered in getting enlistments? To a large extent it has been along the eastern seaboard. It has not been in the West, or the South, or the Middle West, but along the eastern seaboard—in that very section where men are howling and crying the loudest for conscription. That was true in the last war, and it is true today.

On the contrary, General Marshall definitely stated that the men could be obtained by enlistment, but not, he thought, as quickly as necessary. Listen to this testimony from the hearings before the Senate committee:

Senator HILL. All right, now, can you get that 335,000 under the present system of volunteer enlistments?

General MARSHALL. Yes, sir; we can; but we cannot get them rapidly enough.

How does he know that the Army cannot get them rapidly enough? He does not know, and it is impossible for him to know.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. CONNALLY. The Senator pointed out a few minutes ago that there was no shortage of enlistments in the Middle West, the West, and the South, but that there is a shortage on the Atlantic seaboard.

Mr. WHEELER. Yes.

Mr. CONNALLY. Does the Senator feel that it is fair to make the South, and the West, and the Middle West do the fighting for the Atlantic seaboard?

Mr. WHEELER. Let me say to the Senator from Texas that someone said to me last night that there was only one reason why he thought conscription ought to prevail, and that was because the section from which come those who are calling loudest for conscription, those who are howling that Hitler is coming over here, and that we ought to conscript men and get into this war and fight, was the section doing the least to bring about enlistments.

Mr. CONNALLY. That might be true; but that is one of the best arguments for conscription.

Mr. WHEELER. I shall come to the question of democracy a little later.

Mr. CONNALLY. I do not press the Senator, but he adverted to the fact that those on the rich industrial Atlantic seaboard will not volunteer and do not want to fight; yet he is willing to have volunteers from the West and the Middle West do the fighting, while the other fellows remain at home.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. TAFT. Let me suggest that the shortage is not so much in the East as compared with the West, but in the industrial districts as compared with the more or less rural districts.

Mr. WHEELER. That is correct.

Mr. TAFT. That is because $21 a month looks very much smaller to a mechanic as compared with the scale of wages customary in the city than it does to a boy in the country.

Mr. WHEELER. That is correct.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. JOHNSON of Colorado. The Senator believes in conscription in wartime, does he not?

Mr. WHEELER. Yes.

Mr. JOHNSON of Colorado. If war should come, those in the East would be conscripted, and under the conscription plan every community would be given full credit for those who had volunteered or enlisted in the armed forces of the Nation.

Mr. WHEELER. That is correct.

Mr. JOHNSON of Colorado. So in wartime the whole matter would be completely equalized.

Mr. WHEELER. Yes. I thank the Senator very much for calling attention to that matter.

Mr. President, who is calling for the conscription bill? Certainly the demand is not coming from the Middle West. If anyone thinks it is coming from the Middle West, let him go there. If anyone accepts the Gallup poll and wishes to prove that there is nothing to it, let him go into the Middle West.

During the Democratic convention the mayor of Chicago, speaking before the platform committee, said that he had canvassed every district and every precinct in the city of Chicago, and that the sentiment against our involvement in this war in any way was 16 to 1. When one gets west of the Allegheny Mountains and away from Washington, he gets away from the war hysteria:

Continuing with the testimony:

Senator HILL. All right, now, can you get that 335,000 under the present system of volunteer enlistments?

General MARSHALL. Yes, sir; we can; but we cannot get them rapidly enough.

General Marshall was asked about the rate of Army enlistments. He testified as follows:

Senator DOWNEY. About what is the volume of enlistments monthly now in the Army?

General MARSHALL. In June we went ahead with enlisting the force without all of the funds necessary and had to be a little cautious until the appropriation bill was actually signed; but I think we secured 18,000 men in June. Our quota, which we assigned ourselves, was about 15,000 by the end of the month, and we reached the 15,000 10 days before the end of the month. In other words, recruiting went ahead in good shape.

Senator DOWNEY. You mean, General, that that number of men were actually selected by the Army—accepted?

General MARSHALL. Yes, sir.

Senator DOWNEY. About how many, or what proportion, was rejected because of physical and mental deficiencies?

General MARSHALL. About one-third of the applicants were rejected. I might say that we have been able to secure a remarkably fine lot of men from the viewpoint of high-school and college education. We were frankly dubious about what we would be able to obtain from what I might call the hard-bitten services, where the men have to slough through the mud—the Infantry and Artillery—and not get much publicity. * * * But we have been able to recruit splendid young fellows since we started last September with the first increase of 17,000. I have talked with four or five hundred of them at various places, and almost invariably have found them to be high-school men, many high-school graduates, with a fair sprinkling of college men. I think we have taken less than about 35 percent who are not college graduates. * * *

When we were in the city of Chicago I talked with a newspaperman on one of the leading newspapers in the city of Chicago. He told me that his newspaper was about to put on a campaign to get men to enlist in the Army. Representatives of the newspaper went over to the recruiting office, and the recruiting office stated that it did not want the newspaper campaign because of the fact that it could not handle all the men who were coming to it at that time. Yet we talk about conscription in order to get the number of men necessary to fill the Army because they cannot be obtained otherwise.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. OVERTON. It is my recollection that General Marshall, in his statement before the committee, said that a quota of 15,000 was fixed for the month of June.

Mr. WHEELER. Yes.

Mr. OVERTON. But that was not the full quota which the Chief of Staff would have liked to have. That was all he anticipated he would be able to get under a voluntary system. His expectations were exceeded by some 3,000, and 18,000 enlisted.

Mr. WHEELER. Yes.

Mr. OVERTON. But, as a matter of fact, General Marshall would have desired a larger quota than even the 18,000 had he thought that by the voluntary system that number of men would have enlisted.

Mr. WHEELER. I have just quoted General Marshall's direct words, so there can be no question about the matter. He said:

In June we went ahead with enlisting the force without all of the funds necessary and had to be a little cautious until the appropriation bill was actually signed; but I think we secured 18,000 men in June. Our quota, which we assigned ourselves, was about 15,000 by the end of the month, and we reached the 15,000 10 days before the end of the month. In other words, recruiting went ahead in good shape.

That is his exact language.

Mr. OVERTON. Did he not also point out, elsewhere in his statement, about how long it would take to raise a force of 1,200,000 men at the rate of 18,000 a month?

Mr. WHEELER. Let me call the attention of the Senator to what I said a moment ago when I quoted General Marshall. What he said was wanted for the Army was not 1,200,000 men, but enough men to fill the Army to the wartime standard. The Army wanted 500,000 men, and according to his own testimony it wanted a reserve of 400,000 men.

Mr. OVERTON. Let me see if I understand the Senator. As I understand, General Marshall was then speaking of the Regular Establishment.

Mr. WHEELER. That is correct.

Mr. OVERTON. General Marshall in his statement not only did not oppose the bill, but, on the contrary, expressed himself enthusiastically in favor of the Burke-Wadsworth bill.

Mr. WHEELER. I am not disputing that; but what I am trying to point out is that stories have been disseminated over the radio by columnists; they have been disseminated by editorials in many newspapers from one end of the country to the other, to the effect that we must have conscription in order to get the men necessary to fill the Regular Army.

The other day when the junior Senator from Connecticut [Mr. DANAHER] was speaking, and on another occasion when I was speaking, the distinguished Senator from Illinois [Mr. LUCAS] said "You voted for the defense appropriations, did you not?" I said "Yes." Then he said, "Why are you unwilling to vote to get enough men to man the equipment?"

According to General Marshall, 500,000 men are needed. If we take the opinions of some of the armchair generals in New York, some of the newspapermen, and some of the lawyers, of course, they say that 1,200,000 men are needed now. General Marshall said the Army could not use 750,000 men in the Regular Army at the present time.

Thus it is indisputable that enlistment in the Army, instead of being negligible, as is generally believed, has been running well above the Army's quota. During the month of June, when the Army was proceeding cautiously with its recruiting, approximately 27,000 men presented themselves for enlistment, of whom 18,000 were accepted. According to recent newspaper reports, enlistment during July has set new high figures. This is true despite the fact that it cannot seriously be claimed that recruiting is being pushed under a high-pressure selling campaign.

Many of us can truthfully say that in the past few months we have not encountered any of the usual indications of a great drive for recruiting—no posters, no newspaper advertising, no radio announcements, no constant reiteration of the call for volunteers. This does not mean there has been none, but it certainly means that whatever there has been is not the type of selling drive which permeates every corner of the country and every stratum of our citizenry, so as to reach every man who might voluntarily respond to the appeal. Does it not follow as a matter of course that a really effective campaign of this nature would produce men in even far greater numbers than those who have thus far come forward?

There are two other considerations of the greatest immediacy in their effect upon enlistment: The minimum period for which a man may enlist; the salary received at the start; and the opportunity for advancement thereafter.

DOES THE ARMY WANT TO ENCOURAGE VOLUNTARY ENLISTMENTS?

The Army's policy is to accept enlistments for a minimum period of 3 years. As the Senator from Michigan [Mr. VANDENBERG] and others have recently pointed out, it cannot be doubted that large numbers of young men who would be entirely willing to enlist for 1 year are not willing to tie themselves down for a 3-year period.

Mr. AUSTIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Vermont?

Mr. WHEELER. I yield.

Mr. AUSTIN. Evidently the Senator is not aware that during the past year and a half, perhaps 2 years—I do not know the exact coverage of time—the Army has followed another rule, that of accepting voluntary enlistments for a period of a year?

Mr. WHEELER. I did not know that such a rule had existed for any such length of time as a year; in fact, I thought it was only put into effect a very short time ago. I ask the chairman of the Military Affairs Committee what date was it that the Army put into effect the rule permitting enlistments in the Army for a year's time.

Mr. SHEPPARD. It has been the law for some time.

Mr. WHEELER. For how long?

Mr. SHEPPARD. For many years.

Mr. WHEELER. Oh, no; at least, that is not my information.

Mr. AUSTIN. It is a matter that can be easily verified, because it is in the record of the hearings. I cannot put my finger on it, because I have not the hearings before me, but I am sure it can be easily checked up.

Mr. WHEELER. I have some of the testimony here, and I will read what General Shedd said before the committee.

Mr. SHEPPARD. I am pretty sure it has not only been in effect for many years but it has been utilized mainly for preparation of enlisted men for West Point.

Mr. WHEELER. That is quite a different thing. When young men are permitted to enlist in the Army for 1 year in order that they may prepare themselves for West Point, that is quite a different thing from taking them into the Regular Army.

Mr. SHEPPARD. They always have the option of enlisting for regular service.

Mr. WHEELER. I am amazed to hear the Senator say that, and I will call attention to the testimony of one of the generals of the Army. At the Senate Military Affairs hearings General Shedd, the Assistant Chief of Staff, testifying for the General Staff, conceded, "There is a difference there."

Let me call attention to a portion of his testimony:

Senator THOMAS of Utah. Now, have we ever tried in the Army a voluntary arrangement for a year's service or for 8 months' service, as this bill provides, or for 15 months, as the general (Marshall) would like to have?

General SHEDD. No, sir.

That was the testimony which was brought out in answer to questions by the Senator from Utah [Mr. THOMAS], who is now on the floor of the Senate. That was the testimony given by General Shedd at the hearing. Now it is said that the 1-year enlistment rule has been in effect for 4 years. If it has been, General Shedd did not know what he was talking about when he testified before the committee or else he misled the committee.

I read further from the testimony:

Senator THOMAS of Utah. So that is a very important factor. There is a difference in a young man's thinking about himself if he can go out and train for a year and make himself a Regular Army man for 3 years; there is a quite a difference.

General SHEDD. There is a difference there.

Senator THOMAS of Utah. Has it ever been contemplated to use, for example, the great list of—and I am only using this as an example—the great list of the 2,000,000 names of the former enrollees in the C. C. C. for approaching them on a year's enlistment? I ask that question because the C. C. C. enlistments were for a short period, and they always had more men than they could take; and I was pleased to learn that—General Marshall informed us today—that the applications for enlistment in the Army were greater than we had been told in the press. We have been informed that we were having great difficulty in meeting the quotas that the Army is planning for. Now that is hardly true, is it?

General SHEDD. We are getting them faster than we thought we would. That is correct, sir.

Where is the evidence to the contrary? I am sorry the Senator from Vermont has temporarily left the Chamber.

Mr. THOMAS of Utah. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Utah?

Mr. WHEELER. I yield.

Mr. THOMAS of Utah. In the last part of the quotation the Senator has read appears the reason for my question. Reading in the newspapers for some months that the Army could not get volunteers, and having information that it was not up to its quota, I thought it ought to be brought out, and I asked those questions for that very reason. I think it will be found that the 1 year's enlistment is generally for young men of the student class, who are trying to qualify for West Point appointments or something of that kind, and they enter the Army more to go to school than to give over their lives for a 3-year period in the Army.

Mr. WHEELER. That is my understanding. I think it was mentioned on the floor of the Senate that the Army had put in force such a rule, but I went through the record and read General Shedd's testimony to the effect that they had not. I saw that such a rule was not invoked, and I thought it would make a difference.

The testimony of General Shedd and General Marshall brings home an astounding proposition. Our General Staff is recommending that there now be imposed on the men of this country by compulsion a 1-year term of service for which the Army has always refused, and even now refuses, to permit our men to enroll voluntarily. This may seem a strange paradox, devoid of logic, but in fact it represents the considered judgment of the General Staff. For, the truth of the matter is that although the Nation has been led to believe that the Army seeks conscription because it is necessary for national defense, the Army desires conscription whether or not the necessary men can be obtained by enlistment. Here is the testimony of General Shedd upon that question:

Senator THOMAS of Utah. Now, if we may go back to the first enlistments. Would it not be worth while to experiment with that for a time?

General SHEDD. I do not think so.

Then follow his reasons:

I feel that regardless of whether we can procure the men by voluntary enlistments or not, the principles of selective service are so fair, so just, and so democratic they produce the men we need at the time they need them; they spread the requirements of military service over the entire personnel of the country in such a just and proper way that I believe that those reasons are so compelling we should adopt selective service even if we could fill our requirements by voluntary enlistments.

There we have the position of the Army. They want conscription even though they can get men by voluntary enlistment. We have heard so much about conscription being so democratic. I propose before I get through, a little later on, to point out to the Senate and cite conclusive evidence that, as a matter of fact, the selective service about which we hear so much as being democratic is not democratic in the slightest degree. I want to point it out not by what anybody else has said but by what the Army officials themselves say.

Mr. CLARK of Missouri. Mr. President——

Mr. WHEELER. I yield to the Senator from Missouri.

Mr. CLARK of Missouri. I simply want to call the attention of the Senator to the fact that he does not have to go back to the last war to find the tendency of the Army to discriminate against troops voluntarily enlisted as against troops

who are drafted. That was shown in the last war when they took the National Guard divisions that were made up of voluntary enlistments and put them in tent camps throughout the country, while they took the National Army and put them in steam-heated cantonments. I know, I put in a winter at Fort Sill, Okla., one of the coldest winters of current history, with the thermometer much of the time below zero. There the men were housed in tents, and became infected with spinal meningitis, measles, mumps, and almost every other ill to which the flesh is heir, while all the National Army divisions were quartered in steam-heated cantonments. I am not criticizing the fact that they were put in steam-heated cantonments, but I do say there was not any rhyme or reason for discriminating against National Guard divisions merely because they were made up of men who had voluntarily enlisted.

Mr. WHEELER. I thank the Senator. I repeat what I said a moment ago, that we find in the testimony of General Shedd that the Army wants to conscript men. What they want is to have permanent conscription so that they can get the men at any time, whether men want to enlist or not. In other words, even if a man wants to be in the Army and desires to make that his life work, they may say to him, "No; we will not take you; we are going to take somebody who does not want to make it his life work." Is there anything democratic about that?

General Shedd's views on the fairness and democracy of selective service I intend to discuss at a later point. What we are here concerned with is the fact that the country and Congress have been led to believe that they must agree to conscription because the requirements of national defense in the present emergency cannot possibly be met by the traditional American method of voluntary enlistment.

Mr. AUSTIN. Mr. President, will the Senator yield for a moment in order that I may make a correction?

Mr. WHEELER. Yes. While the Senator was momentarily absent I read from the testimony of General Shedd, in which he said that the Army did not have a year's enlistment at the present time.

Mr. AUSTIN. I want to correct or rather make more specific the statement I made regarding the time in which 1-year enlistments have been in effect. The existing law provides for such enlistments in section 628 of title 10 of the United States Code, reading as follows:

> Periods of enlistments and reenlistments, respectively: Original enlistments in the Regular Army shall be for a period of 1 or 3 years, at the option of the soldier, and reenlistment shall be for a period of 3 years.

General Marshall, in testifying in the hearings on Senate Joint Resolution 286, the National Guard measure, testified as follows:

Senator JOHNSON of Colorado asked this question:

> Senator JOHNSON of Colorado. Don't you think you could get them if you had only a 1-year service instead of 3?
> General MARSHALL. We have 1-year service right now. We advertised that a few days ago.
> Senator JOHNSON of Colorado. Are you getting any results?
> General MARSHALL. I can't give you the results of that advertising campaign, but I am convinced we cannot get the men.
> Senator JOHNSON of Colorado. These 16,000 are on the 3-year basis, are they not?
> General MARSHALL. Yes.
> Senator JOHNSON of Colorado. Have you enlisted any on the 1-year basis?
> General MARSHALL. A few; not many.

On further investigation I am convinced that even those are not enlistments generally in the Army, but enlistments for West Point.

Mr. WHEELER. That is correct.

Mr. AUSTIN. If I can have unanimous consent, I will insert in the RECORD the report of such enlistments, representing the total number of enlistments for the years 1931 to 1940, for a period of 1 year.

Mr. WHEELER. Such enlistments in the Regular Army are only for students.

Mr. AUSTIN. That is correct.

The PRESIDING OFFICER. Without objection, the table presented by the Senator from Vermont will be printed in the RECORD.

The table is as follows:

1-year enlistments

Year	Total	For West Point included in total
1931	72	51
1932	48	42
1933	97	93
1934	257	242
1935	180	171
1936	299	293
1937	399	295
1938	215	212
1939	258	243
1940	268	267

Mr. WHEELER. I called attention while the Senator was absent from the chamber to a question asked General Shedd by Senator THOMAS of Utah:

> Now, have we ever tried, in the Army, a voluntary arrangement for a year's service or for 8 months' service, as this bill provides, or for 15 months as the General (Marshall) would like to have?

General Shedd answered "No, sir."

> Senator THOMAS of Utah. So that is a very important factor.

The Senator from Utah asked:

> Has it ever been contemplated to use, for example, the great list of—and I am only using this as an example—the great list of 2,000,000 names of the former enrollees in the C. C. C. for approaching them on a year's enlistment?

General Shedd said he was in favor of a conscription policy rather than voluntary enlistments, even though the Army could get men by voluntary enlistment.

Mr. AUSTIN. Mr. President, if the Senator will yield——

Mr. WHEELER. I yield.

Mr. AUSTIN. I should like to observe that apparently this is a matter of administration within the Army.

Mr. WHEELER. That is correct.

Mr. AUSTIN. But that the authority exists in the law and has for a long time to accept the voluntary enlistments on a 1-year basis.

Mr. WHEELER. That is correct.

Mr. AUSTIN. That is original enlistments.

Mr. WHEELER. That is correct.

Mr. SHEPPARD. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. SHEPPARD. In addition to preparation for West Point, the Army has authority to enlist men for the regular service for 1 year.

Mr. AUSTIN. Yes.

Mr. WHEELER. But the Army has not done it. What difference does it make if they have the authority and have not tried it?

Mr. SHEPPARD. But the Army has not declined the option and the law itself gives the option.

Mr. WHEELER. I beg the Senator's pardon. General Shedd says they have not got it.

Mr. ASHURST. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Arizona?

Mr. WHEELER. I yield.

Mr. ASHURST. If, in reading from the debates in another branch of Congress, I violate the rules, I expect promptly to be rebuked, and will not read further.

I read from a speech which appears in the Appendix of the CONGRESSIONAL RECORD, at page 15614, delivered by Mr. EARL C. MICHENER, of Michigan. Senators who know him will agree with me that he is one of the ablest Members of the Congress of the United States, and is so recognized throughout the country.

Mr. MICHENER is an able lawyer. He himself had some doubt as to the existence of a law allowing 1-year enlistments. He wrote a letter on the subject to the War Department, and a reply was sent dated August 8. The letter of the Department is as follows:

Receipt is acknowledged of your letter of August 2, 1940, requesting information on the present provisions of the law and the regulations of the Department concerning the length of enlistments in the Regular Army at this time.

The act of June 4, 1920, authorized original enlistments in the Regular Army for a period of 1 or 3 years at the option of the soldier.

The Army regulations contain the following provisions:

"Original enlistments in the Regular Army are authorized to be made for 1- or 3-year periods but all reenlistments therein are restricted by law to 3-year periods. Men enlisted for 1-year periods will not be given original assignments or subsequent transfers where sea travel is involved, and assignments and transfers involving rail transportation may be made only as specifically authorized by the War Department. A man with any prior Regular Army enlisted service is not eligible for a 1-year enlistment in the Regular Army; however, prior service in the Navy, Marine Corps, or Coast Guard is not a bar to the 1-year enlistment."

In recent years 1-year enlistments have not been encouraged since an efficient military force depends not only on the training of the individual soldier but also, and to a greater degree, on the coordinated training of all combat units that make up the fighting force. The rapid turnover and the short period of training that would result should 1-year enlistments be general for the Regular Army of 375,000 men would seriously hamper the development of efficient combat units in that component.

The War Department has recommended bringing into service for 1 year's training approximately 800,000 men in two increments. Only by bringing these trainees into the service in large groups can graduated instructions be given from the training of the individual through training of combat teams of all echelons. The staggering incident to any voluntary system would necessitate many classes of instruction throughout the year and seriously hamper efficient training.

I am enclosing a table showing the number of 1-year enlistments made since 1930.

Very respectfully,

E. S. ADAMS,
Major General, The Adjutant General.

1-year enlistments

	1931	1932	1933	1934	1935	1936	1937	1938	1939	1940
July	15	12	93	242	171	263	239	210	242	267
August	9	3			2	4			1	
September	1	1	1	2		1	3	1	4	
October				3	3	1	1	2	5	1
November	1		1	5	2		1		1	
December		1		1						
January	2	1		1					1	
February	1						28			
March				1			23		1	
April	3		2		1		17		1	
May	4						31		1	
June	36	30		2	1		56	2	1	
Total	72	48	97	257	180	299	399	215	258	268

Mr. MICHENER proceeds with his able speech as follows:

Attention is called to the fact that "in recent years 1-year enlistments have not been encouraged."

The above table, however, shows that some 1-year enlistments have been received even though this possibility of enlistment has not been publicized and has been discouraged by the War Department.

Mr. MICHENER further proceeds:

After receiving the above letter from the Adjutant General, I called up the United States Army recruiting station on Pennsylvania Avenue, in the city of Washington, by telephone, advising that I was a young man who wanted to enlist in the Army for a period of 1 year during this emergency. I was promptly told that 1-year enlistments were not being received by the recruiting stations and that the shortest period for which I could enlist was 3 years. I called the attention of the officer to the letter from the Adjutant General's office which I have included in these remarks, and then I told the recruiting officer who I was and he then admitted that 1-year enlistments were possible under the law, but gave me the substance of the regulations and advised that recruiting stations discouraged 1-year enlistments.

Mr. WHEELER. Certainly.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. NORRIS. According to the information the Senator from Arizona has given, it seems to me that the recruiting stations not only have discouraged enlistments but the effect of their action has been to prohibit them.

Mr. WHEELER. Certainly.

Mr. ASHURST. Mr. President, will the Senator further yield to me?

Mr. WHEELER. I yield.

Mr. ASHURST. I wish not to be in the attitude of a critic of the War Department, because nothing has ever been able to make a breach in the wall which surrounds the vast reservoir of ignorance I possess on military matters. No Senator could be more lamentably ignorant of military matters than am I; but my very ignorance on the subject makes me certainly an impartial observer; and it is my observation, and there is some evidence to the effect, that the War Department has not with strict fidelity carried out the law of the United States permitting 1-year enlistments.

But, Mr. President, I am so accustomed to departments and bureaus negativing laws passed by Congress that I have grown rather case-hardened about the matter. Possibly I should not have lapsed into this attitude of complacency toward bureaucratic rule. So I say again, the evidence, while not conclusive, is strong, to the effect that the War Department has not encouraged 1-year enlistments, but has discouraged them.

Mr. CLARK of Missouri. Mr. President, if the Senator will yield—

Mr. WHEELER. I yield.

Mr. CLARK of Missouri. I do not know as to the truth of the statement, but it was carried in the Associated Press, I think, and the United Press dispatches—I saw it in several newspapers on the same day within the week—that if Congress passed a law for 1-year enlistments, the Navy Department was simply going to ignore the law. They made no bones about it, and said that if Congress passed a law for 1-year enlistments the Navy would ignore it. Whether that was by official release or not, I do not know; but I read it in a number of newspapers when I was on the train coming to Washington from St. Louis the other day.

Mr. WHEELER. I saw exactly the same statement in the newspapers.

Mr. CLARK of Missouri. If the Navy do ignore it, they will not do any more than the Army have been doing for the past several years.

Mr. WHEELER. Certainly; the Army has ignored the law with reference to the matter.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. BURKE. In order to complete the discussion of the subject of 1-year enlistments, I think the Senator should state the reason why the War Department and the Navy Department have not encouraged 1-year enlistments for the Regular Army, which is very clearly shown to be that they think the men who are going into the Regular Army ought to go into it for a long enough period and with sufficient continuity of service so that they may become more efficient in their work, and not have the constant turn-over that applies to the Regular Army, and has no application at all to the provisions of this bill for giving fundamental training to men who would then go into the Reserve, but would not be members of the Regular Establishment.

Mr. WHEELER. But what excuse can there be for the Army or the Navy taking that position? After all, the Congress of the United States is the policy-making body of the country. If the Congress of the United States lays down the law and says there may be voluntary enlistments for 1 year in the Army, whether it is bad for the Army or good for the Army, after all, it is the Congress of the United States which has determined the matter; and if the Departments are going to ignore the laws upon the statute books of the United States, what is the use of the Congress passing laws?

Mr. BURKE. Mr. President, will the Senator yield for just one more brief interruption?

Mr. WHEELER. I yield.

Mr. BURKE. Has the Senator read the law, and is he able to state that no discretion was left with the General Staff

of the Army in determining whether they would accept 1-year enlistments or 3-year enlistments?

Mr. WHEELER. As I gathered from the law read just a moment ago, I do not think it gives the General Staff any discretion, because it expressly says that men may enlist for 1 year or for 3 years.

Mr. ASHURST. Mr. President, the law reposes the option with the person desiring to enlist, not with the Department.

Mr. WHEELER. That is correct.

Mr. SHEPPARD. That is what I said.

Mr. ASHURST. Mr. President, will the Senator further yield?

Mr. WHEELER. I yield.

Mr. ASHURST. In my judgment, the Senator from Montana is on safe ground when he says it is not for the departments to decide what part of the law they will observe and what part they will ignore. It is the duty of the departments faithfully to carry out each and every part of the law and not willfully to neglect and obscure any particular part of the law, especially when the option rests with the man who proposes to enlist and not with the Department.

Mr. MALONEY. Mr. President, will the Senator yield to me in order to enable me to ask the able Senator from Nebraska a question?

Mr. WHEELER. Yes.

Mr. MALONEY. If I correctly understood the Senator from Nebraska, he made reference in connection with his brief discussion of 1-year enlistments to the Regular Army. I am wondering if the Senator from Nebraska—assuming that he has not heretofore done so—would care to express a view concerning the 1-year provision of the bill now under discussion.

Mr. BURKE. I am very heartily in favor of the provision for 1-year enlistments, and, in addition to that, of all the other provisions of the so-called Maloney amendment, which is in the nature of a substitute, except the one postponing the application of the selective draft.

Mr. MALONEY. I thank the Senator very much.

Mr. BARKLEY. Mr. President, will the Senator yield at that point for a question?

Mr. WHEELER. I yield.

Mr. BARKLEY. The theory upon which the pending bill is based is that it takes practically a year of training to fit the ordinary citizen for duties in the Army. Of course, under this bill he is not to become a part of the Regular Army. He goes back into civilian life and becomes a part of the Reserve. If it be true that, although it is optional with the citizen to determine whether he shall enlist for 1 year or 3, and therefore not mandatory, and if it be true that it takes about a year to train a man to be an efficient soldier so that he would fit into the Regular Army—a situation which is a little different from what we are doing here—is there any reason why the Department of the Navy and the War Department also should not discourage 1-year enlistments as compared to 3-year enlistments, because as soon as the men were trained their enlistments would expire?

Mr. WHEELER. I am not passing on whether a 1-year enlistment or a 3-year enlistment is better. I am saying that when the Congress of the United States passes a law and provides that it shall be optional with a man who enlists whether he will enlist for 1 year or 3 years, and he is not permitted to enlist for 1 year, it makes a vast difference. I am weary and tired of Government departments, when we enact laws, setting themselves up as greater than the Congress, and ignoring the law. One of the things that is bringing this Government into disrepute is the fact that there are officials in the departments who ignore the will of the people, and ignore the laws which are placed upon the statute books.

Mr. BARKLEY. I doubt very much, in the first place, whether the Government is coming into disrepute. In the next place, I wish to say that I have no brief for the War Department or the Navy Department, and I do not understand that this law is mandatory. But if it be true that it takes practically a year to train a man, and the Government has been to the expense of training him for a year, it would not be strange if the War Department or the Navy Department, when a man comes to enlist, undertakes to persuade him to enlist for 3 years instead of 1.

Mr. WHEELER. But they have not persuaded them; they simply have not let them in.

Mr. BARKLEY. They have not encouraged them.

Mr. WHEELER. They have not encouraged them, and they have not let them in. That is the fact about the matter.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. NORRIS. The ordinary person who desires to enlist in the Army is not a lawyer.

Mr. WHEELER. Certainly not.

Mr. NORRIS. He probably does not know what the law is, but he desires to go into the Army. He gets his information from the official who, under the law, is entitled to receive his enlistment, and he asks him what the law is. According to what the Senator from Arizona has read us, they have told him blankly, "We are not receiving 1-year enlistments."

Mr. WHEELER. That is correct.

Mr. NORRIS. In other words, a man who desires to enlist is told, in effect, that the law provides for 3-year enlistments. When the law provides for 1-year enlistments, as well as 3-year enlistments, and gives a man the right to select, as seems to be undisputed now, there is no official in the War Department who has a right, under the law, if he is going to do any explaining, not to tell the applicant for enlistment that he can enlist for 1, 2, or 3 years. I do not see any objection to the War Department wanting him to enlist for 3 years; but, after all, it is for the man to decide, and unless they give him the information, they are not, as I see it, faithful servants of the Government which they represent.

Mr. WHEELER. I thank the Senator for his observation.

It has been the general impression throughout the country that a conscription law was needed because we could not get the necessary number in the Army without such a law. Senators have stated, "Well, you passed this appropriation bill making provision for the purchase of these war machines. Why are you not willing to pass a conscription law in order to get the men to handle the machines?"

It is certain that large numbers of our citizens consider the unescapable necessity of providing for the Nation's defense the only reason which ought to compel adoption of compulsory service, and they have been misled into believing it is precisely on this consideration alone that the present proposals for conscription are based. But the General Staff has revealed that its advocacy of conscription is compelled by considerations quite apart from the mere exigencies of defense.

General Shedd advanced still another reason why the General Staff feels conscription is to be preferred to voluntary enlistment. I read from his testimony:

General SHEDD. Where you have voluntary enlistments and turn to voluntary enlistments in large numbers, you have no control over where the man you accept comes from. He may be a key man in a vital industry, but if he comes up to enlist you accept him?

Senator REYNOLDS. Well, he is a volunteer.

General SHEDD. Yes. * * * Well, I believe it would tend more to disrupt the country, because you cannot pick and choose the unimportant man.

That is democracy.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. WHEELER. I will yield in a moment.

I do not mean unimportant from his point of view, but unimportant in the whole economic life of our country. We have got these factories; we have got to produce certain things.

Senator REYNOLDS. But, if this man volunteered, it is a different proposition. Suppose you force him. * * *

General SHEDD. We would not force him. We would not take him.

Senator REYNOLDS. You would not take him at all?

General SHEDD. We would not take him at all.

Senator REYNOLDS. Then if he volunteered, he would be more of a detriment to his country?

General SHEDD. He is more important in his civilian job than he is in the Military Establishment.

Senator REYNOLDS. I am glad to hear you say that.

General SHEDD. We would rather have him over in that factory than to have him in the Army.

Senator REYNOLDS. Thank you.

General SHEDD. And that is why we feel that the selective service is better than voluntary enlistments.

In other words, if a man working in a factory wishes to make the Army his profession, the officials say to him, "No; go back. You are too important. We want to take the unimportant man." That is what they call democracy. That is what they call democracy in the selective service, permitting some Army officer to decide who the unimportant man is, who is to be taken, and letting some Army officer say, "You are too important. You are the fifth son of some rich man who may at some time inherit your father's fortune and run his business; so you are too important to be taken into the Army, even though you desire to make a profession of it."

Mr. BURKE. Mr. President, will the Senator yield to me at that point?

Mr. WHEELER. I yield.

Mr. BURKE. I think there was never a more unfair statement made on the floor of the Senate than the Senator's comment on General Shedd's statement in that particular. I happen to know the particular type of case to which he was referring, and the reasons for his statement are self-evident.

Assume that the man General Shedd says they would not seek under the selective service—but if he comes as a volunteer, they must—to be a man in the machine-tool industry, in which there is a great shortage of machine-tool workers, and assume he is skilled and working as an instructor—I am told that a capable man can instruct 12 others in that industry—because he is healthy and able-bodied and of the right age, he finds that if he does not volunteer people make fun of him, and he comes up to volunteer, and he has to be accepted if he is a volunteer.

Mr. WHEELER. I beg the Senator's pardon; they do not have to accept him if he is a volunteer, and General Shedd says they would not have to take him if he volunteered.

Mr. BURKE. No; he did not say that.

Mr. WHEELER. I beg the Senator's pardon; I read his testimony.

Mr. BURKE. He means they would not take him under the selective-service law.

Mr. CLARK of Missouri. Does the Senator mean to say that if a man appears at the recruiting office and desires to enlist in the Army it is requisite, under the law, for them to take him? I was well acquainted with the recruiting officer at St. Louis before I was married, and he used to laugh about the number of men he rejected. That was in the days when the Army was picking and choosing, and he rejected anyone he did not happen to want to take. That is a common custom. If the Senator does not know that, he is not familiar with the practice.

Mr. BURKE. They could reject him for physical defects, or some other cause, but they could not say to a man, "You are important in industry, and therefore we will not allow you to enlist." I do not think anyone can offer any facts to sustain such a contention.

Mr. TAFT. Mr. President, is the Senator familiar with the education system for industry which is being set up under Mr. Hillman and Mr. Owen D. Young? That activity is involved in getting workers for industry, and if a man such as the one described tried to volunteer, they would go to him and say, "Your duty is to stay at this plaint." If they could not persuade him, I should be very much surprised; and if they could not persuade anyone who was criticizing him, I should be very much surprised.

Mr. AUSTIN. Mr. President, will the Senator from Montana yield?

Mr. WHEELER. I gladly yield.

Mr. AUSTIN. It seems to me there is something especially remarkable about the bill the Senator is discussing which relates to this very point, which seems to be somewhat controversial. On page 15, line 20, is a proviso which was not in the original draft of the bill, but was the product of long study by the committee. It reads:

Provided, That any person between the ages of 18 and 35 shall be afforded an opportunity voluntarily to enlist and be inducted into the land or naval forces of the United States for the training and service prescribed in subsection (b), if he is acceptable to the land or naval forces for such training and service.

That is peculiar, in my judgment, because all the right is in the volunteer, and he would be accepted if he were qualified.

Mr. TAFT. No; if he is acceptable.

Mr. AUSTIN. That means if he is qualified under the law. There is that spread of right to choose. This does not give the Government any right to decide whether it will take him or not accept him. This is compulsory on the Government. The language is "shall be afforded."

Mr. WHEELER. The Senator is not quoting the present law, he is quoting the pending bill.

Mr. AUSTIN. I am quoting the pending bill, which is peculiar and different.

Mr. WHEELER. We are talking about the present law.

Mr. AUSTIN. It differs from anything I have seen on the subject.

Mr. WHEELER. It is not in the present law.

As I have pointed out, I happened to be United States district attorney during the last war, and constantly came in contact with the draft boards. I do not mean to say it was so in a great many instances, but in some cases there were very serious injustices, and the boards did let out men whom they should not have excused. But when the power is placed in some man to say that one must go into the Army whether he desires to go or not, or that they will not take him if he desires to go, there is nothing democratic about that, when the power is placed in the hands of an Army officer. But I desire to proceed with my remarks.

Here is another of the inimitable paradoxes which the bill presents. We must conscript men, its advocates say—the national defense requires it. But the Army seems to think that national defense does not require the services of citizens whose skins happen to be dark. I quote from a letter from Walter White, eminent secretary of the National Association for the Advancement of Colored People:

By letter of July 23, 1940, Adjutant General Adams, of the War Department, states that Negroes are only permitted to enlist in two regiments of the infantry, two regiments of the cavalry, Quartermaster Corps, Medical Department, Ordnance Department, certain school detachments, and the detached enlisted men's list, and that "There is no provision for the enlistment of colored men in the remaining arms or services." Negroes are not permitted to enlist in the Air Corps. The Bureau of Navigation of the Navy Department, by letter of August 2, 1940, states: "After many years of experience, the policy of not enlisting men of the colored race for any branch of the naval service, except the messman branch, was adopted to meet the best interests of general efficiency. The selection of men to man the Navy is left to the discretion of the executive branch of the Government."

Negroes are willing to take their part in the defense program along with other American citizens, but at the same time insist that their Government give them the same opportunities to serve in all branches of the armed forces in which they may qualify without distinction or discrimination because of race or color. They expect and are entitled to the same rights and privileges as every other American.

Is there anyone, regardless of what his prejudices may be one way or the other against the colored race, who would say, "We ought to discriminate in the armed forces of the United States against a man because of his color or his race or his religion"?

These observations from a spokesman for the colored people are revealing. Thus, our Army and Navy are unwilling to permit our Negro citizens to offer their services willingly, but prefer through this bill to conscript them.

WHY THE ARMY DEMANDS CONSCRIPTION TO GET MEN, WHILE THE NAVY HAS A WAITING LIST

The starting pay in the Army for an enlisted man is $21 per month—approximately $5 per week. For most soldiers this also is the highest pay they know while they are in the service, for promotion of privates is admittedly rare. Former Secretary of War Woodring has said that 95 percent of the enlisted men never get above $21 per month. As com-

pared with these prospects, a young man weighing the benefits of enlisting in the Army will find that enrollment in the Civilian Conservation Corps for 1 year will pay him $30 per month to start, with fair possibility of advancing to assistant leader at $36 a month or leader at $45 a month. There are 15 assistant leaders and 10 leaders in every camp of 200. Better still, if the young man wishes to enroll in the Navy, he will find that he will be paid $21 a month for the first 4 months, after which he will be promoted to seaman, second class, at $36 a month, and by the end of the first year he will in all likelihood advance to seaman, first class, at $54 per month. In other services such as the Air Corps he will even fare better.

Under the circumstances it is scarcely surprising that enlistment in the Army is not always alluring to men who might otherwise be inclined to join.

Mr. President, it is amazing to me that we can get men at all to enlist in the Army at $21 a month in peacetime, when they can obtain work under the W. P. A. or go on relief, or into C. C. C. camps, and get more money than they would get in the Regular Army. It is amazing that we can get men who have any ambition at all to go into the Army for 3 years under such conditions. We simply have not been fair. If we want an army we ought to pay for it.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. CONNALLY. What figure would the Senator advocate at which to start them?

Mr. CLARK of Missouri. Thirty dollars.

Mr. CONNALLY. I am asking the Senator from Montana.

Mr. WHEELER. I am capable of answering.

Mr. CONNALLY. I thought the Senator was.

Mr. WHEELER. I would start them in at $30 a month.

Mr. CONNALLY. How long would the Senator keep them at $30 a month before giving them $40 a month?

Mr. WHEELER. I think there has been some proposed legislation introduced on the subject. I should at least start them on an equality with the man who is in a C. C. C. camp or the man who is on relief.

Mr. CONNALLY. Would the Senator make the C. C. C. men drill and would he train them?

Mr. WHEELER. The C. C. C. men are supposed to work for 8 hours a day.

Mr. CONNALLY. I did not ask the Senator that. I asked him if he would give them military training.

Mr. WHEELER. It would not hurt my feelings if they were given military training.

Mr. CONNALLY. How did the Senator vote the other day on that proposition?

Mr. WHEELER. I am not sure whether I voted for or against it. But whether I voted for the proposal or against it would not enter into the matter in the slightest degree. I say that if we notify the C. C. C. men in advance that they are to be given military training, that is one thing, but after they are in, we cannot pass a law saying that they shall be given military training. As a matter of fact, I think it would be a good thing to have the C. C. C. boys given military training. The Senator cannot bring on a fight with me on that point.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. TYDINGS. The Senator is aware that the National Guard is supposed to be called out only in the event of some difficulty, either internal or external. By act of Congress the President is entitled to call out the National Guard before any internal or external difficulty occurs. A great many of the National Guard men are older than those provided to be called under the draft bill; and particularly the first sergeants, and the right and left guides of the companies, and the company clerks are usually married men and of more mature years, as a general rule, than those provided to be called under the limitations contained in the draft bill. When it comes to the question of equality, they are men with families quite often; they are men with dependents, and, of course, their pay in the Army is considerably less than they are making in private life. So, from the standpoint of equality, the men who are taken away from jobs, who have fixed places in the ordinary business of the Nation, would be entitled to first consideration, because when they went into the National Guard it was assumed that they would not be called out except in case of invasion or some internal difficulty within the States, other than for their regular training.

Mr. WHEELER. I thank the Senator from Maryland. Let me say that recently I read a speech delivered in 1814 by Daniel Webster, a great constitutional lawyer and statesman. He challenged the constitutionality of conscription and called attention to the particular provisions of the Constitution at that time with reference to the State militia.

Mr. TYDINGS. Mr. President, will the Senator again yield?

Mr. WHEELER. I yield.

Mr. TYDINGS. I merely made a suggestion. It is now proposed to take the men of the National Guard, because the guard is already in existence; they are to be called out for a long period of time into the service of the Government, when the men themselves, at the time they entered the guard, assumed that they would not be called out for a long period, except when there was an invasion, or when there was some internal trouble. I feel that our first obligation to make some adjustment is to the National Guard, ahead of the men who never have given any service at all in the way of personal preparedness to the defense of their country. The men who are in the National Guard have taken many nights off, and many days off, to become personally prepared, and they certainly, over and above every other class, being volunteers, are entitled to a degree of consideration, which up to now I do not believe they have received.

Mr. WHEELER. I thank the Senator.

General Marshall emphasized the problems this situation creates for the Army when he said:

> We have a very difficult problem in recruiting the Army, because our ratings, meaning the numbers in increased pay positions, are much below those of the Navy, and because we have to keep our men on for sometimes 2 or even 3 years in the grade of second-class private, where the base pay is $21. In the other services after 4 months they pass to the next rating, and go to $30.
>
> We have always been on a very parsimonious basis of pay, and we were fearful of the difficulties we might encounter in this particular recruiting, with the special attraction of the Air Corps, and with the attractions of travel in the Navy, but we have been most successful, and we have secured very fine young men.

At a later point, General Marshall discussed the possibilities of advancement for Army enlisted men, as follows:

> Senator REYNOLDS. The distinction between the pay of $21 and $30—is that automatic, based upon the number of years of service or ability?
>
> General MARSHALL. The advance from $21 to $30 a month is carried by the promotion from private, to private first class. The promotion depends upon the annual appropriations. Each year we have endeavored to have them give us more funds for private first class and certain other ratings, and we have been unsuccessful. So, as I say, we have men who serve an entire enlistment as a private on the basis of $21, because there was no vacancy for them, regardless of how good they might be, in the rating of private first class.
>
> It does not seem fair to us that our men should be kept for a whole enlistment or more, on the basic pay rate of a private at $21 a month, while in the other services at the end of 4 months they automatically receive a material increase in pay. That affects recruiting and affects morale.
>
> Senator REYNOLDS. Certainly.
>
> General MARSHALL. And the man himself has his own opinion as to the merits of the case.
>
> Senator REYNOLDS. It does not seem quite right.
>
> General MARSHALL. It puts the War Department in an embarrassing position in that it seems not to recognize what is injustice to the enlisted personnel. * * * They compete for private first class as hard in the Army as they do to be a corporal.

Quite a different story was related by Admiral Nimitz, of the Navy Department. He testified as follows:

> Senator REYNOLDS. You do not experience any difficulty in getting sufficient voluntary enlistments, do you?
>
> Admiral NIMITZ. So far we have not. We have today about 7,000 men on the waiting list waiting to go into training stations.
>
> * * * * * * *

Senator REYNOLDS. Admiral, may I ask you what is the lowest pay of any enlisted man in the Navy?

Admiral NIMITZ. $21 a month.

* * * * * * *

Senator REYNOLDS. For what period of time?

Admiral NIMITZ. Approximately 4 months.

Senator REYNOLDS. And after that?

Admiral NIMITZ. He is promoted to seaman second class and that pay is $36 a month. * * * Usually, because of the great expansion that has taken place, usually he would not have to wait more than a year before he would be promoted to seaman, for which he is paid $54 per month, seaman first class, and promotion in the Navy has been, for enlisted men, has been very good, and is due largely to the fact that we are expanding rapidly.

* * * * * * *

Senator REYNOLDS. I would readily assume from hearing testimony produced before this committee that people more readily volunteer for the Navy than the Army, and I was wondering why that was. Is it due to the fact that the Navy provides opportunity to travel, see the world, increased pay, or extended enlistments? What, in your opinion, induces more men for voluntary service in the Navy than in the Army?

Admiral NIMITZ. I think the pay has something to do with it and I think the prospect of getting about the world a little bit is an added incentive. I would not believe that the extended period of enlistment is an incentive, because I think that would operate just the other way.

It might seem to the ordinary reader of General Marshall's testimony and that of other witnesses who testified for the General Staff that in the light of the avowedly substandard conditions obtaining for enlisted men in the Army, the logical manner of meeting an emergency condition requiring the raising of approximately 400,000 men in a short time would be to remedy the conditions which admittedly act as deterrents to voluntary enlistment—namely, to lower the minimum enlistment period, and to advance salary and promotion opportunities in line at least with those prevailing in the Navy. In connection with the suggestion of shortening the enlistment period I have pointed out that General Shedd replied that the General Staff preferred compulsory service even if it were possible to obtain the men by voluntary enlistment. In like manner, when General Marshall was asked whether or not the emergency need for 400,000 men could be met by increasing the salary of the recruits he did not at all deny the validity of the suggestion, but stated, instead, that this might make a large army, so expensive to carry in times of no emergency that the public might insist on reducing the Army when the emergency is over. This is General Marshall's testimony, quoted at some length in order that the full import may be had:

Senator DOWNEY. Now, I do start, General, with the idea, all things being equal, the man who voluntarily enlists in the Army is a better soldier than the man who is conscripted, other things being equal. I know I would be personally, and I believe most men would be.

Now, what I am wondering is if in justice and fairness to the men in the Regular Army we would not be the gainer if we would increase the compensation paid the private soldier or increase the benefits that he may indirectly derive, and thereby tend to build up voluntary enlistments.

General MARSHALL. I am very glad to hear you say that. So far as the problem of pay rates is concerned, I would say this: For the first enlistment, for the private at the bottom of the scale, I believe that, considering the other things he receives from the Government, the present pay rate is approximately correct; but I think that after that it is not. There are too few privates, first class, and higher ratings. There should be increases considerably above what we have at the present time.

* * * * * * *

If we have an act such as this, I think it will do two things. In the first place, it would establish the Army on a democratic basis, which I believe would produce a degree of solidarity among our people as to the Army, which would be of great advantage to the Army.

It also would permit us in time of peace to maintain a sufficient military force to secure our position without so much of confused discussion as at the present time and without the necessity for colossal expenditures; because to maintain large groups of personnel in the military service is an expensive process, and, of course, the inevitable reaction after the period of crisis is one of economy and of emasculation.

We saw that, for example, in June 1920, when after exhaustive hearings the National Defense Act finally was enacted into law providing for 280,000 men and recruiting was started toward that number, another reaction immediately developed. * * * I think that represents the inevitable reaction. I think it will always happen with us.

So, if our Military Establishment is on the basis of high pay, which it must have for the technical men and particularly for the noncommissioned officers who furnish morale and leadership of our straight combat units, then, if there is not some such measure as this to provide most of the men at much lower cost, the charge will be that the Army costs too much to expect our Government, in its protected situation behind two oceans, to continue to bear the expense in normal times, and so the cycle of unpreparedness repeats itself.

That is the reason why the Army officials have not wanted to build up the Army pay. This testimony makes clear that the unwillingness of some to encourage enlistments by raising the pay of the enlisted men to adequate levels, and their insistence upon procuring the necessary men by conscription is attributable not to any doubt that the Army could thereby meet the present emergency but to the fear that after the emergency is over the public would not be willing to continue an unnecessarily large Army. The General Staff, in sum, therefore refuses to confine itself to meeting the present emergency; it seeks to meet emergencies to come after the present one is over. The public has been frightened into believing that the present emergency is crucial and must be met. It is even willing to consider shouldering the burden of compulsory conscription if such is the only way national defense can be assured. But the public is most certainly not willing to have conscription imposed under the guise of meeting a present emergency when its true purpose is to make possible maintenance of a large military establishment after the emergency is over. Yet such is the clearly expressed purpose of the General Staff in urging conscription at the present time.

That increased pay would result in greatly increased enlistment in the Army cannot be doubted; reference to a few figures based on the 1930 census will render this concrete.

The total number of unmarried men between the ages of 21 and 45 is 7,750,000. Estimating the present Army base pay of $21 to be the equivalent of $51 per month for a civilian—allowing $30 per month for maintenance—the number of unmarried men between the ages of 21 and 45 with incomes not in excess of this amount is found to be 2,635,000. Incidentally, these income figures for unmarried men are derived from a study by the National Resources Committee entitled "Consumer Incomes in the United States—1938." It is largely to this earning group that enlistments must be deemed confined at the present time, since it cannot be expected that individuals with higher incomes will be interested in enlistment at a reduction from their present pay.

That is the reason why more enlistments come from the Middle West and less from the great industrial sections of the East. With the high pay in industrial sections, enlistments are not so numerous. Enlistments are more numerous in the South, in the Southwest, and in the West, where the income of the farming class in the rural communities is much lower.

If, however, Army base pay were increased $10 per month to $31, making a full income of $61, allowing $30 for maintenance, the number of unmarried men whose income is less would be increased to 3,300,000, an increase of approximately 25 percent. If base pay were further increased to $41, the number of prospective recruits would again be increased to 3,950,000, a further increase of approximately 25 percent. Increasing the base pay to $51 would broaden the field of potential recruits to 4,520,000, a further increase of approximately 25 percent, or a total increase of 75 percent from the lowest figure.

In view of the fact that the Army's quota of enlistments is being exceeded even under the present pay levels, thus evidencing a favorable public response to the requirements of defense, who would venture to deny that increasing the pay levels along the lines indicated, thus broadening the field of potential recruits by approximately 2,000,000 men, would result in quickly obtaining for the Army by enlistments the additional 415,000 men which the General Staff desires?

But, it will be asked, what about the expense of such a program? The answer is: It will save the Government money. Assuming an Army and National Guard of 900,000, increasing the pay of every man to the highest figure above mentioned—that is, to $51 per month—would produce a total increase of $27,000,000 per month, or $324,000,000 dollars per

annum. At a time when Congress has passed defense bills which will require an expenditure of $18,000,000,000, according to the Senate committee hearings, $320,000,000 a year does not loom very large. Moreover, the program of compulsory service and training which the General Staff is advocating would cost, according to the Staff's own estimate, a billion dollars per year. If the defense needs of the present emergency in increased Army manpower can be met by the expenditure of $320,000,000, can there be any justification for an expenditure more than three times that amount?

What about those who have been howling about balancing the Budget? When we talked to the Congress of the United States about putting people on relief, giving hungry women and children in this country something out of the Treasury of the United States, and giving the farmers benefit payments—which even Mr. Willkie has recently endorsed—when we talked about doing some of these things, some said, "You will wreck the Government. Why do you not balance the Budget?" Every little chamber of commerce from one end of the country to the other, and every great newspaper in the country was clamoring, "Why do you not balance the Budget?" I wish to call the roll. When we wanted to feed the poor, help the farmer, and do something for the underprivileged every single one of such newspapers was crying for balancing the Budget. They said, "Balance the Budget or you will wreck the country." Now every single one of those great newspapers, and every single one of the great economic royalists who has been clamoring about balancing the Budget, has forgotten about it and thrown it out the window. They say, "Let us set up a Military Establishment in the United States." Why? Not for national defense. No—let us be frank about it—that is not the reason. The reason is that they want to impose upon our country a militarism the like of which is not to be found in any democratic country in the world. It is found only under Mr. Hitler in Germany, Mr. Mussolini in Italy, and Mr. Stalin in Russia.

Those who have any intelligence at all know what is back of the bill. I have mentioned the $18,000,000,000 which we recently appropriated for increased armaments. I was one of those who voted for those bills, because I was impressed by the arguments which were made.

One of the arguments was, "What good are our men without arms?" Now the Military Affairs Committee turns around and in recommending the bill says, "What good are arms without men?" First the argument was, "What good are men without arms?" Now it is, "What good are arms without men?"

What sort of circular reasoning is that? What sort of strange sophistry are we being subjected to?

First we are begged to give arms to our men, then men to our arms. I say to the Military Affairs Committee that for the arms we have voted, we have men waiting aplenty. If they do not believe me, let them read the accounts of the current First Army maneuvers in New York; let them see the pictures of men drilling with pipes instead of guns, with trucks instead of tanks, with birds instead of planes. There are men for our arms. When they are fully equipped in every particular, when supplies of arms and planes wait, then it will be time to talk of new men. By that time, it may very well be, there will be no need to talk of new men. I for one do not think we are settling down to a perpetual crisis unless it be one that we ourselves create by our own hysteria and our own imaginations.

I believe that the statements and figures I have cited amply disprove the first and major contention of the proponents of conscription—that only by conscription can the men needed to meet the demands of national defense be secured.

It is significant to note that the original Burke-Wadsworth bill contained in the preamble the statement that "Experience has shown that such forces (as are needed) cannot be obtained by voluntary service," but that this statement has disappeared from the revised bill reported by the Senate Committee on Military Affairs. It was at the suggestion of the General Staff that this sentence was eliminated and the fact is, as the General Staff well knows, experience has shown quite otherwise.

Who drafted the bill? Not the General Staff, but, admittedly, a group of lawyers, a group of superpatriots in the city of New York, who wanted to impose some Wall Street lawyers' ideas, drafted the bill. They said:

> Experience has shown that such forces (as are needed) cannot be obtained by voluntary service.

IS CONSCRIPTION THE METHOD OF RAISING MEN MOST CONSONANT WITH A DEMOCRATIC FORM OF GOVERNMENT?—CONSCRIPTION AS THE EPITOME OF DEMOCRACY

Typical of the justifications on various ethical grounds advanced by the advocates of conscription is the statement of General Shedd I have previously quoted that—

> Regardless of whether we can procure the men by voluntary enlistments or not, the principles of selective service are so fair, so just, and so democratic * * * they spread the requirements of military service over the entire personnel of the country in such a just and proper way * * * that those reasons are so compelling, we should adopt selective service even if we could fill our requirements by voluntary enlistments.

At first their argument was that they could not fill their requirements by voluntary enlistment. When they found they could fill them, then they said, "We want conscription anyway."

At the outset, these resonant references to the principles of democracy underlying conscription evoke a feeling of wonder that an institution which is alleged to constitute the epitome of the democratic concept is at the same time the chief hallmark of all those foreign political regimes from which democracy has been completely and shamelessly banished. I wish somebody would answer that. Conscription is the hallmark of every one of the countries from which democracy has been banished, and here we are following in Hitler's footsteps. Where is conscription found in its fullest flower, where is it ennobled and glorified as the highest honor of the citizen, if not in those lands where militarism and totalitarianism have blanketed the populace, and stifled democracy, most completely?

The truth of the matter is that those who proclaim the democracy of conscription are confusing necessity with choice—what must be, with what should be.

Every nation must defend itself from invasion. That is the universal law of self-preservation. Every inhabitant of a land must be ready to contribute to its defense, even to laying down his life if need be. That is a proposition inherent in the law of self-preservation, it expresses itself neither more nor less in a democratic land than in any other. It is nationalism rather than democracy, but no one would venture for a moment to dispute its validity or application.

To say, however, that every resident of a country must be prepared to defend the country from invasion, even at the cost of his life if need be, is something very different from the proposition that if there be no need, some of our citizens ought to be compelled to spend part of their lives in training for defense, when men are available who are perfectly willing to make a career of this work.

To use a homely illustration, no one can doubt that keeping the streets of our cities clean, free from pestilential and disease-breeding dirt, and open to traffic and commerce is a matter of the most immediate and vital concern to the inhabitants of every city and to the State. No one would dispute, either, that if some unforeseeable emergency arose in connection with the streets, every citizen in the city or State affected would be commanded to go out into the streets to clean them, if necessary, in order to safeguard the public welfare. It would not be denied, furthermore, that if street cleaners were not available to perform their duties day in and day out, the State would have the power to conscript various of the inhabitants to perform these vital services without which the State could not properly function. Yet, because this obligation is inherent in citizenship, no one has come forward to advocate that it is undemocratic to permit our streets to be cleaned by a special class of persons who are willing to make this their work, that

street cleaning should be performed by citizens conscripted for such purpose.

To some of us street cleaning would be highly obnoxious; others find it a less objectionable occupation than many other means of gaining a livelihood. So long as men are available and willing to do the work, whatever may be thought about the economic inequities which require some men to clean streets, it has never been regarded as violative of democracy that the task should not be imposed on each group of citizens in turn.

What has been said of street cleaning is, of course, equally applicable to the occupations of firemen, policemen, transport workers, and the like. The performance of all these tasks is vital to the functioning of our society and the welfare of our Nation; in the absence of volunteers they would fall upon the general body of citizenry; but we have never found it necessary, on democratic grounds, to require every citizen to spend a year of his life at them.

The democracy which we hail in our country, and which we all seek jealously to guard, no doubt means different things to different people; but it is certain that to every one of us democracy means at least the right to choose freely our own occupations and to conduct our lives with the greatest amount of freedom consistent with the general welfare. We recognize that when the defense of the Nation and the public weal are concerned, the rights of the individual must yield. But conversely, we believe that if the public necessity does not so require, the essence of democracy is to leave the individual unmolested in the enjoyment, in the words of a declaration promulgated by great Americans, of "the inalienable rights of life, liberty, and the pursuit of happiness." Those who think and speak as General Shedd does seek to alienate at the present time in the name of democracy the very rights which the framers of the Declaration of Independence pronounced "inalienable." It is believed that the American public still holds to the democratic concepts expressed by Jefferson and his colleagues, rather than to those of the proponents of conscription in peacetime.

Mr. President, what is perhaps the most paradoxical aspect of the discussion now taking place on this subject is to find many of those who for the last 7 years have raged about the "tyranny" of our Government in enacting legislation governing the wages and hours of labor in factories, the processes of collective bargaining between employer and employee, and the like, to find those who have cried to the skies against the regimentation by big Government, now speaking up in behalf of the democracy of conscription whether or not it is necessary. It does, indeed, seem strange that compelling men to leave their work and their homes to enter the Army on pain of imprisonment if they resist—when there is admittedly no necessity therefor—is democratic, whereas requiring an employer to pay his workers more than 25 cents an hour is tyranny and regimentation.

Where now is all the talk about regimentation, about taking men from 21 to 31 when it is not necessary, according to the Army itself, in order to fill up the Army quota and make up their defense program? That is not somebody's idle statement, but the testimony before the committee of General Shedd and General Marshall. What is that but regimentation of the same sort and the same kind that Mr. Hitler and Mr. Mussolini and Mr. Stalin have practiced in Europe?

Certainly to many millions of Americans it will seem that if conscription in peacetime, and in the absence of the needs of national defense, is democracy, then democracy has reached its fullest flowering in lands across the waters which surround us—in Japan, in Germany, in Italy, in Russia.

DOES CONSCRIPTION FALL EQUALLY ON ALL CLASSES?

Many sincere persons who view conscription with mistrust and dislike nevertheless withhold their opposition on the ground that "it does not seem right that only the jobless and the low-paid worker should be obliged to join the army"; and General Shedd probably referred to this aspect of the question when he said:

> They (the principles of conscription) spread the requirements of military service over the entire personnel in such a just and proper way. * * *"

In almost the next breath, however, General Shedd explained that if we had the compulsory selective service recommended by the General Staff, it would be designed to select the "unimportant" men, while the important ones would not be inducted into the Army.

I have already quoted General Shedd's statement, but I repeat it here so that its significance may be had:

> General SHEDD. Well, I believe it (voluntary enlistment) would tend more to disrupt the country because you cannot pick and choose the unimportant man. I do not mean unimportant from his point of view, but unimportant in the whole economic life of our country. We have got these factors, we have to produce certain things.
>
> Senator REYNOLDS. But if this man volunteered, it is a different proposition. Suppose you forced him——
>
> General SHEDD. We would not force him. We would not take him.

The press reported that one of the reporters who was present when this testimony was given later asked the Senator from Texas [Mr. SHEPPARD], chairman of the Senate Military Affairs Committee, whether this process of selection as described by General Shedd would not in fact operate to draft those who were unemployed, while exempting those with jobs, to which the Senator from Texas is said to have responded, "There are unemployed among the rich, too."

Mr. SHEPPARD. Mr. President, I do not recall having made any such reply as that.

Mr. WHEELER. It was quoted in the press. The Senator may not have said it. Many times we are quoted in a certain way in the press when we have not said what is attributed to us.

Mr. SHEPPARD. I say, I do not recall saying it.

Mr. WHEELER. I understand.

This is true; but the difference is that the rich man is unemployed by choice, not necessity. When the time comes for him to have a job, then, willy-nilly, a job awaits him. "Junior" becomes a director of this company, a fifth vice president of that one; and who can then dispute that he is an "important" man in the economic life of our country? But no one will urge that the unemployed man, the unskilled man getting ten, twenty, or thirty dollars per week or less, is so important that he cannot be made to serve; and it is he who will serve.

During the last war, after Congress had enacted the Selective Service Act in May 1917, it also passed a resolution classifying persons with respect to deferments and priorities; that is, stating what categories of men would be chosen first and what classes would be deferred.

Mr. MALONEY. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. MALONEY. I should like to say to the Senator at that point, if I may, that, of course, he must realize that under any circumstances, by the selective-service plan or the voluntary plan, most of the Army, the overwhelming majority of it, will be from the so-called nonwealthy class, because 80 or 90 percent of the people are in the nonwealthy class or the poorer class.

Mr. WHEELER. That is true; but what I am saying is that it is asserted that selective service is the democratic method, because it will bear in the same way on all persons. That certainly is not true.

Let me proceed. It is interesting to note that in class I those to be called first were married men who had habitually failed to support their families, married men dependent on wives for support, unskilled farm laborers, unskilled industrial laborers.

Mr. MALONEY. Mr. President, will the Senator further yield?

Mr. WHEELER. I yield.

Mr. MALONEY. The Senator, of course, might go on and say that there were ever so many other kinds of men, professional men and otherwise, who were also in that class.

Mr. WHEELER. Oh, yes; certainly; but I am talking about the proposition of it being democratic now.

These, then, are the unimportant men who will be immediately inducted into service under a conscription bill. Henry Ford's son is obviously "important" to business; he must prepare to take over his father's place. Mrs. Jones' son, an unemployed worker, is important only to the Army. It is to Mrs. Jones' son that the Army looks for recruits now, and it will be to him it will turn for conscription. The only question is, Shall young Jones be induced to join the Army voluntarily by offering him a decent rate of pay and a fair chance of promotion, or shall he be forced to join the Army at $21 a month whether he likes it or not? If there is any doubt about what the answer is, just ask young Jones.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. CONNALLY. How will the Senator get into the Army anybody who does not want to go in under the volunteer system? He will not get Mr. Ford's son. He will not get the widow Jones's son, to whom reference has been made.

Mr. WHEELER. That is true.

Mr. CONNALLY. How will they be gotten into the Army when they do not want to go in—the rich man's son or anybody else's son—under the volunteer system?

Mr. WHEELER. They will not go in.

Mr. CONNALLY. Then, the Senator does not want them in?

Mr. WHEELER. Certainly; but they will not go in under the conscription which some persons are howling about and saying is so democratic.

Mr. CONNALLY. We will have a chance to get them into the Army under our plan, but under the Senator's plan there will not be a chance to get them in at all.

Mr. WHEELER. After all, as I pointed out, the difference is this: In a democracy a citizen undertakes to follow the profession he wants to follow. Some men like to follow the Army as a profession; some men like to be policemen; some men like to be in the fire department. It is a great thing in the eyes of some men to be able to wear a uniform, and they love to wear the uniform of a policeman or a fireman. To other persons it is a detestable occupation. They do not want to follow it; they cannot bear it; they cannot tolerate it. Some men want to be lawyers. Some men want to be doctors.

Why should we say to everybody, "You have to be a doctor"? Why should we say, under a democratic form of government, "Everybody has to be a lawyer"? Why should we say, "Everybody has to be a policeman, whether he wants to be or not"? Why should we say, "Everybody has to be a street cleaner"? Why should we say, "Everybody has to be in the Army," unless the exigencies of the time demand it? Of course, when war is declared by the Congress of the United States, everybody must take part, willy-nilly, in the defense of his country, because that is part of the inherent principle of self-defense.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. BURKE. Is there not a difference between the condition the Senator is pointing out, of those who want to be professional soldiers and go in the Army because they like it, and this proposal, which would merely say to men, it is true whether they like it or not, "You have been selected, and you are one of those who must receive training, so that if the emergency arises your country can call upon you to render service"? Is there not a real distinction between building up a Regular Army and training the great mass of the citizens?

Mr. WHEELER. Not at all. What does General Shedd say about that? He is talking about conscription in the Army. He is not talking about training men. He says that regardless of whether or not we have voluntary enlistments he desires conscription. He says, "I want conscription. I want to be able to take you, John Doe, from your bank, I want to take you from your business, I want to take you from your law practice, I want to take you from your medical profession, regardless of whether we are in time of peace or not, and put you in the Army, and say you must have a year's training." I say to you that that is undemocratic. I say that it is against the traditions of American institutions. It is the very system which has been adopted in Italy, in Germany, and in Russia. It is the very system from which my forefathers, and I will venture to assert the forefathers of the Senator from Nebraska, left European shores and came to this country to escape.

Mr. BURKE. Mr. President, will the Senator yield at that point?

Mr. WHEELER. Yes.

Mr. BURKE. I think very possibly my forefathers and the forefathers of the Senator from Montana left Europe about the same time and came here because they did not believe in a large standing army.

Mr. WHEELER. That is true.

Mr. BURKE. They did not believe in militarism.

Mr. WHEELER. They did not want to be conscripted.

(Manifestations of applause in the galleries.)

The PRESIDING OFFICER (Mr. TRUMAN in the chair). The occupants of the galleries are warned that manifestations of approval or disapproval are a violation of the rules of the Senate.

Mr. BURKE. I will not speak for the forefathers of the Senator from Montana, but I will say in reference to mine that I hope they were ready at all times to submit themselves to the necessary training. They did not want anything to do with the Regular Army, but they wanted to be ready, so that if their country needed them in its time of peril they could render a good account of themselves; and that is all this bill does.

Mr. WHEELER. I cannot go back and speak for my ancestors. I have never wanted to go back too far, because I was afraid of what I might find there. Somebody on the floor of the Senate might say that possibly a hundred years ago, instead of the name of some one of my ancestors being Wheeler or Fay, it was Fahy, or something else. [Laughter.]

THE BURKE-WADSWORTH BILL—SOME OBSERVATIONS

I shall not attempt to make an exhaustive analysis of the Burke-Wadsworth bill in the form approved by the Committee on Military Affairs of the Senate, but merely to present a few pertinent observations.

First. Under the original Burke-Wadsworth bill, all men between the ages of 18 and 65 were required to register, although during the World War only men up to 45 years of age were registered. To meet the needs of national defense in peacetime, an attempt was made to register 13,000,000 more men than was found necessary when we were actually at war, and had to send a gigantic expeditionary force to Europe.

Second. Although under the original Burke-Wadsworth bill men up to 45 were liable to be inducted into the Army and Navy, and the bill actually required that 3 to 7 percent of the total number of men chosen must be between 37 and 45 years of age, yet at the present time the Army refuses to accept for voluntary enlistment men over the age of 35. Thus, as in the case of 1-year service periods, the bill paradoxically sought to compel, on pain of severe penalty, what men are not now permitted to do voluntarily. Although the pending bill does make an obeisance in the direction of voluntary service, it reduces this to absurdity by coupling it with conscription. Men are to be permitted to enlist, but on the threat that if they do not, they will be conscripted. This makes a mockery of the word "voluntary."

Certainly if a robber holds a gun at my head and says, "You can dig up your pocketbook or else—" I will dig up my pocketbook, but not voluntarily.

Third. The revised bill reported out by the Military Affairs Committee has shifted to the 21 to 31 age group the requirement to register, which, it is estimated, will directly affect some 12,000,000 men. But it must be remembered that this is not a fixed limit. Of those who pass above the 31-year limit, approximately a million each year will be called

for service, and will then remain in a reserve corps for 10 years additional.

Fourth. The number of men who can be inducted into service is within the unrestricted discretion of the President, subject only to the proviso that the President shall have no authority to induct men until Congress appropriates the funds necessary for such purpose. This places 12,000,000 men at the beck and call of the President immediately, whenever Congress appropriates the money.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. WHITE. There are two uncertainties there. First, there is the lodgment of the right of decision in the President as to the number of men who shall be inducted, and then there is the limitation that only that number may be inducted for which Congress makes appropriation, and no human being knows what a subsequent Congress will do.

Mr. WHEELER. I agree entirely with the Senator. Not only that, but 12,000,000 men will be registered, and a club will be held over them. They will be told, "You may be called or you may not be called at any time, depending upon the whim of the Congress of the United States and the President of the United States."

Mr. VANDENBERG. Furthermore, there is not a young man from 21 to 31 years of age who will be able to make a plan for his life, from the moment the law is enacted.

Mr. WHEELER. Certainly; he will not be able to make a plan for his life; he will not be able to marry because he must realize that he may be inducted into the Army tomorrow, and he will not be able to take a job. I venture the assertion that if the bill shall be enacted one who is registered will find it difficult to find a job, because employers will say, "You may be called under the provisions of the law tomorrow, and tomorrow you may have to go into the Army."

Fifth. Although the bill purports to be designed to meet a current defense emergency, it will remain in operation for 5 years, and it provides that men who have completed their service shall remain in a reserve corps for 10 years thereafter, with the obligation to engage in "refresher" periods of training. The effects of the bill, therefore, will not cease to operate for 15 years from the time of its adoption.

Sixth. Although the training period is set at 1 year, subject to "refresher" periods during the following 10 years, it is provided that the trainee may be kept in service for an unlimited period longer than 1 year if Congress provides that the national interest is imperiled. I would say that the trainee will have to serve for longer than a year, if the hysteria now sweeping over the country shall continue.

Seventh. No provision is made to ensure civilian control of the local draft boards, and the decisions of these boards are made final except where an appeal is authorized in accordance with such rules and regulations as the President may prescribe.

Eighth. Although the bill purports merely to provide military training for men during peacetime, from the time a man is called and so instructed he is subject to Army law, including all the rigorous provisions of courts martial designed to govern an army engaged in war. Under these provisions trainees guilty of the slightest offense, whether it concerns the Army or merely civilian matters, are subject to the vigorous procedure of courts martial, in which neither offense nor procedure is defined, and sentences are within the sole discretion of the court martial, without appeal, except in the case of death.

Ninth. Although the bill makes a gesture in the direction of protecting a trainee's job, the provision as drafted provides a facile "out" for the employer, setting up the claim of "changed circumstances" or "unreasonableness." Let me ask, If an employer is faced with the prospect of reinstating an active union man, will he ever consider it anything but unreasonable to do so? Will he not have a dozen reasons why it is unreasonable without mentioning the real one? Even the majority leader, the Senator from Kentucky [Mr. BARKLEY], openly conceded here last week that—

> I doubt very much whether it (the reemployment clause) could have any legal effect * * * it would not be a frank statement to say or to hold out the hope to all of them that that can be done.

Yet the press and many Congressmen who do not possess the candor of the majority leader do not hesitate to promise blindly that this clause will guarantee conscripts the return of their jobs. When men are marching off to war many of them were promised that they would have their jobs back, but when they returned they did not get them.

In addition, by making the employee's right to reinstatement dependent upon his securing a certificate from his superior officers certifying that "in their judgment" he has "satisfactorily fulfilled his duties of training and service" the bill places it in the power of the officers in effect to blacklist a trainee's return to civilian life. Not only does it make his return to work at his former job in the civilian world dependent upon his having been a satisfactory soldier, but it places him at the mercy of any spiteful or vengeful superior officer.

Tenth. The General Staff estimates that the cost of registering and classifying 1,000,000 men will be $25,000,000, or $25 per man. At the same rate, to register and classify the 12,000,000 men would cost $300,000,000; even if the cost can be reduced to $10 per man it will amount to $120,000,000.

Eleventh. The General Staff estimates that the cost of training the men under this bill will be $1,000,000,000 per annum.

Where are my friends who want the Budget balanced? Where are some of the newspapers which have been shouting about balancing the Budget, but are shouting now that we spend a billion dollars a year for training these men? Why have they changed? Why do they want to regiment 12,000,000 men in the United States?

WHY DOES THE GENERAL STAFF URGE CONSCRIPTION?—IS CONSCRIPTION SOMETHING NEW IN THE ARMY'S PLANS?

It is a natural question to ask, as many persons do: "If conscription is not needed to obtain the men necessary for national defense, if it will, in fact, produce merely a huge mass of half-baked conscripts totally incompetent for modern warfare, why, then, does the General Staff urge this measure upon the country?"

To begin with, it must be asked in reply—and without in any way aspersing the fundamental sincerity of our Staff—"Is there a general staff in any country in the world which does not, and has not always, favored conscription and compulsory military training?"

When I say that, I am not casting aspersions upon the General Staff. As was stated yesterday, I think by the distinguished Senator from Nebraska [Mr. NORRIS], when a man graduates from a military school, spends his life in the Army or the Navy, and grows up in that environment, it is almost impossible for him to believe otherwise than that the greatest thing in the world is for the youth of the country to have military training. Unconsciously he will entertain that belief because of his environment. Whether we realize it or not, our day-to-day environment forms and colors our opinions.

It is believed that history compels a negative answer to the query. There is nothing strange in this fact, for general staffs everywhere are confronted with like problems in the maintenance of armies, and share a similar outlook with respect to the place of the military in the state. For the last two decades the points of view of the various general staffs throughout the world have been in the ascendancy. To such a point is this true that in nations such as Japan, Italy, Germany, and Russia the line of demarcation between the general staff and the government itself is at times almost indistinguishable.

I do not wonder that it was stated here this morning that our General Staff had consulted with the general staff in England. The Senator making the statement should have added that they consulted with the general staff in Germany, and probably with the general staff in Italy and Russia, and every other country in the world, and that they all came to the conclusion that there should be compulsory military training and conscription for the United States of America.

Those who think that the present advocacy of conscription by our own General Staff has been precipitated by the sudden crisis in world affairs, and that it is aimed merely at this crisis, are unfortunately mistaken.

Our General Staff has been urging some system of compulsory training or conscription ever since the last war. In 1920, at a time when the bones of the dead on the battlefields had not yet been gathered up, a conscription bill was presented to Congress and actually passed the Senate, but failed of passage in the House. There was successfully put through Congress, however, an act called the National Defense Act of 1920. In that act the General Staff was authorized—

To prepare plans for national defense and the use of the military forces for that purpose * * * and for the mobilization of the manhood of the Nation and its material resources in an emergency.

On the authority of this provision, the General Staff has a committee of 95 officers who have continuously been planning for conscription and mobilization of the manpower of this Nation for the last 14 years. Here is the testimony of Major Hershey, of the General Staff, who is the executive of the Joint Army and Navy Selective Service Committee.

Major HERSHEY. * * * For the last 14 years—the committee was formed in 1926—it has been the responsibility of this committee to plan an organization to initiate and to operate personnel procurement if the necessity should arise and Congress should declare the time has arrived to put it into operation. It has been the business of this committee to make the plans to operate the system.

The CHAIRMAN (Senator SHEPPARD). So, if this bill is passed, by the work of your committee the machinery is now ready?

Major HERSHEY. That is right, sir.

The CHAIRMAN. I think that is a fine showing.

Major HERSHEY. I will pursue just a little more some of the details of it, because I think it is something that goes back in each of our home States.

The CHAIRMAN. I think this is a fine tribute to the foresight and the patriotism of the War Department, Major.

Major HERSHEY. I think it is also a tribute to the foresight of the Congress, sir, in 1920, when they resolved that never again should we be in the situation we were in 1917.

The CHAIRMAN. Congress defeated the bill in 1920 (the reference is to the conscription bill which passed the Senate but was defeated in the House), but the War Department carried out the idea and you gentlemen continued to study and have the machinery ready for it, which is very commendable.

Major HERSHEY. We are very proud to have you say that, sir. Before 1926 there was planning done under the 1920 act, but it was done by conference between the War and Navy Departments, but in 1926, by the exchange of letters, a committee was established whose permanent job should be the development of these plans. * * *

In 1926 the committee started to develop, first, policies; second, plans, regulations to put some policies into effect should they ever become law by Congress; plans to organize a National Guard headquarters. Very soon it became apparent to those people that no matter what we had in plans, the plans walk on the legs of men, and that men must be provided who permanently would be assigned to this work. So the Secretary of War and the Secretary of the Navy assigned to this job a total of 95 officers. * * * This is the nucleus that has worked through the years to perfect the plans in the national field and to furnish the system. * * * And I should like to say at this time that the wording of this bill, so far as the organizations go, so far as setting up the machinery goes, is identical with the part that has been in the plans for an emergency throughout the years.

So whether the men are needed for the purpose of this emergency, the departments were planning to strike at the time when they could put across conscription. Now, when people are seeing airplanes flying over the Rocky Mountains, when they are seeing submarines on the coasts, and are thinking about being bombed, is the time to strike to put permanent military conscription upon the people of the United States of America.

Yesterday reference was made to what the Gallup poll showed. I know that the Gallup poll is wrong so far as Montana is concerned, because I have received letters from almost every single community in that State. If anyone believes that conscription is popular in the United States and that it can be put across, I challenge him to go to the country with that proposal. I should like to see a referendum on the subject. I should like on the public platform to argue the matter with the General Staff. I should like to have the lawyers in New York who have furthered this measure come to Montana and tell the farmers, the workers, and the mothers, and the other people there what a fine thing it would be to have conscription for their boys. The people of Montana not only would not listen to them but the lawyers would be lucky to get out of the State. [Laughter.]

I should like to have anyone else come into my State and argue that question. I wish to say that I am a candidate for Senator this year, and I should like to have someone come to my State and make this question an issue against me in the fall election. I should welcome having anyone come there and raise this question. I should also like to go into the State of any other Senator who thinks conscription is popular in his State and who would like to challenge me to come into his State and argue the question with him.

I challenge any Senator who thinks conscription is popular with the American people to come into my State and debate the question with me; and if he is a candidate for reelection, to give me the chance to come into his State and debate the question with him in his State. I venture the assertion that any candidate for the Senate will be defeated if that issue is made against him; and I will make the issue if any Senator will tell me that he would like to have the issue raised.

It is thus seen that this bill, which purports to have emanated from a group of business and professional men called the Citizens' Military Camp Association, and to have been newly framed to meet the unforeseeable crisis which has come upon us, actually is the result of increasing planning for 14 years by a General Staff committee of 95 Army and Navy officers. Whatever light this fact may cast upon the spontaneity of the present drive for conscription, no one can challenge the foresightedness of a General Staff which in 1926, when the world was completely at peace and Adolf Hitler unheard of outside of Germany, could foresee the present emergency.

WHY THE GENERAL STAFF IS PUSHING CONSCRIPTION NOW

To comprehend adequately why the staff is trying to push this legislation through Congress at the present time, and exactly what benefits it hopes to derive from it, reference must be made to a portion of General Marshall's testimony, previously quoted. It will be recalled that General Marshall testified:

If we have an act such as this, I think it will do two things. In the first place it would establish the Army on a democratic basis, which I believe would produce a degree of solidarity among our people as to the Army, which would be of great advantage to the Army.

It also would permit us in time of peace to maintain a sufficient force to secure our position without so much of confused discussion as at the present time, and without the necessity for collossal expenditures, because to maintain large groups of personnel in the military service is an expensive process, and, of course, the inevitable reaction after the period of crisis is one of economy and emasculation.

This statement of General Marshall's merits the most careful study, because it embodies the very pith of the answer as to why the staff seeks conscription. The answer is:

First. Conscription would produce a degree of solidarity among our people as to the Army which would be of great advantage to the Army. What does this mean? It means that through conscription, through causing all the men in the country to register and large numbers to enter the Army, to make the country, in short, military-minded, the country will be imbued with a greater respect for the Army; that the Army will gain great prestige, which would be a great advantage—to whom? Not to the country but to the Army.

Second. Conscription will enable the General Staff in peacetime, when the present crisis has been resolved, to maintain a large standing army, "without so much of confused discussion as at the present time," and without running afoul of the demand for economy.

Once again it is clear that the General Staff's desire for conscription is not based on the needs of the present crisis but on utilizing the present crisis to saddle conscription on the country in order that it can maintain a large standing army in peacetime, without so much confused discussion, and in order to heighten the prestige of the Army with the public, to make the public military minded, and to line it up behind the Army on solidarity with it.

I am not criticizing the Army when I say these things. I say it is only human nature for them to take that position, because of their environment, and I would do it if I had been in the same environment and in the Army. I make

these statements not in criticism of the Army or of the Navy, but they are true, nevertheless.

Substantiation of these conclusions from General Marshall's testimony may be found in that of Major Hershey, also of the General Staff. Senator REYNOLDS pressed Major Hershey as to whether it would not be wise to fingerprint all men at the time they were required to register. Major Hershey replied:

I would not prefer it at this time, because I do not have the information at my fingertips, but I do not happen to be thinking of the Army at this time; I am thinking about that civilian organization that furnishes people for the Army. We do not want to discourage them from registration—we want everybody to register—and there are certain individuals in this country that are willing to register, but they do not care just now to put down their fingerprints, and they stay away from registration. They say, "I am willing to register for service, but I cannot afford to put my fingerprints down." And he stays away and you have got a slacker, which is bad medicine from the standpoint of morale for we want everybody to go and register, because that is one of the things that is going to make our people think that everybody is behind this thing; and we do not want to put a solitary straw in the way of everybody getting this card, because we want everybody to do it. After we get these names, then we can start other things, but we must at first keep things simple. * * *

Of course, we ought to start out and register them, and then call them, and then fingerprint them, and then kick them around.

Despite this illuminating exposition by Major Hershey, General Reckord, of the National Guard, had a little difficulty grasping the idea. He testified:

General RECKORD. My only quarrel with it (the bill), if it may be termed that—that perhaps is not a proper word, but my thought is that the proponents of this bill have taken a much larger bite than was necessary at this time. * * * It may be a good thing to get all these people registered, but it does seem to me that it is unnecessary to register 40,000,000 men when you need less than 2,000,000.

Senator REYNOLDS. As a matter of fact, it has been testified here by several individuals that more than the number we would need for this limited emergency, for the training purposes under the bill, can be procured from the classification from 21 to 31; so why register those from 31 to 65?

Perhaps the Senator from Nebraska can tell us; but I have not been able to judge.

Continuing with the testimony of General Reckord:

General RECKORD. I think the proponents of the bill had another reason, if you want my honest opinion. I think that by registering all of the men we will make all the people of this Nation come to a realization of the world situation confronting us. I cannot understand why they used those figures unless they had something like that in mind.

What do they want to do? Do they want to scare the people?

Secretary Stimson expressed the same thought.

Conscription is necessary—

He says—

to impress upon the country the gravity of the world situation. (New York Times, July 3, p. 1.)

For Secretary Stimson and the General Staff, it is not enough that the American people should arrive at its judgment of the world situation on the basis of free, open, and rational consideration of the situation. It must be stampeded into a militaristic frame of mind, and made ready for any adventures the Secretary has in mind.

Government by persuasion—

Said Stimson—

is very much slower than government by arbitrary force. (New York Times, August 1, p. 13.)

So the Secretary is attempting by this bill to remedy this disadvantage by giving us "government by arbitrary force." There are, however, still a few of us who believe that "government by persuasion" has virtues for which increased speed cannot compensate. Perhaps Mussolini made the trains run on time, but the Italian people are now paying the price in tears and blood after having completely jettisoned their liberty.

I have been talking about the reasons why the General Staff wants conscription. I now ask, Why do men of the stamp of Stimson and other high administration men urge it upon us? I am afraid that only the future will reveal this to us; but I say now that it is not because they believe our shores or our skies are in danger of invasion. For these men there is an entire hemisphere to be defended; and if Argentina or Brazil does not wish voluntarily to be defended, then must we not take them into protective custody? In short, are not these administration men counting upon our invading large parts of South America—Mexico, perhaps—all in the name of defending our country?

When men begin to envisage the defense of their country in terms of an entire hemisphere, then, of course, millions upon millions of men are necessary. It was in the name of defense of Germany that Hitler invaded Czechoslovakia, Poland, Belgium, Holland, and Norway. In the name of defense Russia invaded little Finland. I ask Secretary Stimson, in the name of defense, to what corners of the world does he intend to send the millions of men he seeks to conscript, when the Army and all expert military authority agree that only 400,000 additional men are required for ample national defense?

Oh, Mr. President, how many times have I heard Senators rise on the floor of the Senate and say that for our own defense we must go into South America? Why is Stalin taking a part of Rumania? Why has he taken the Baltic States? In the name of defense. Why is Germany doing all the things she is doing? In the name of defense. God save America from that kind of philosophy.

WHAT SORT OF SOCIETY WILL THE ARMY GIVE US?

It has been pointed out that, although the Burke-Wadsworth bill will remain in full force for only 5 years, its provisions will carry on for 15 years, by virtue of the fact that all trainees will be placed in a reserve corps for a 10-year period and will be called back for refresher training during that 10-year period. According to General Staff estimates, approximately 800,000 to 1,000,000 men will be trained each year, making a total of four or five million during the 5-year period. There is nothing in the bill, however, which limits the number to that stated by the General Staff, the question being one which is wholly within the unfettered discretion of the President. Some 12,000,000 men are required to register and hold themselves ready for call.

Thus, there can be no question that the bill profoundly affects the entire manhood of the Nation and every home in it. The Army influence is about to be extended throughout the length and breadth of our land, to permeate almost every person in the Nation. Such, as has been shown, is the expressed intendment of the proponents of this measure.

Of what nature will this colossal influence be which is about to sweep through our Nation from end to end?

The answer is not, unfortunately, difficult to discover. What has been the nature of this influence in every country in the world where the military has become dominant? It cannot be otherwise here. We are no different from the people of Germany, the people of Italy, and the people of other countries where militarism has become the dominant factor.

The nature of the military concept of society is, after all, a simple and natural one. For the military the one thing which counts most is order and discipline. An Army man is interested predominantly in getting results quickly and effectively. Whatever militates against effectiveness must be obviated. If people are to be permitted to stop and ask questions, to engage in debates as "confused discussions," as General Marshall puts it, then loss of time and inefficiency will result. People must learn to do as they are told, to ask no questions, to have faith in their leadership. In this way, Army men believe, progress can be made and must be made. They are honest in their viewpoint, because that has been their training and their environment.

This sort of sentiment is not new in the Army. Back in 1915 Maj. Gen. John F. O'Ryan, who is presently engaged in an economic survey for the Japanese Government, gave his idea of what democracy means to an Army man when he was advocating passage of a conscription bill. Listen to this:

The first thing that must be done is to destroy all initiative and that with the training fits men to be soldiers. The recruit does not

know how to carry out orders. His mental state differs from that of the trained soldier who obeys mechanically. We must get our men so that they are machines. We have to have our men trained so that the influence of fear is overpowered by the peril of an uncompromising military system often backed up by a pistol in the hands of an officer. The recruits have got to put their heads into the military noose. They have got to be jacked up. They have got to be bawled out.

That is why we are to give the men training for a year—

So that the influence of fear is overpowered by the peril of an uncompromising military system often backed up by a pistol in the hands of an officer.

This, of course, will be recognized as the concept of society underlying the regions which we know today as Fascist. There is no cause to be surprised at this, for in the final analysis militarism is dictatorship, and dictatorship is of necessity militaristic. The two are necessarily intertwined.

In Germany and Italy the military and the state have in effect merged to become one and the same. In Japan, however, it is still possible to see the military dictatorship operating par excellence, with every phase of civilian life subject to its dominance. Our Army now proposes to bring the military influence into every phase of our lives as thoroughly as has been done in the land of the rising sun. Will not our society follow suit?

Part of the training which our men will receive during the training period will be in citizenship. This has been pointed to as further proof of the benefits of conscription in inculcating democracy. But the citizenship and democracy which will be inculcated will not be the civilian variety. Here, for example, is the manner in which "democracy" was defined for 4 years—1928–1932—in the Army Training Manual—No. 2000–25:

Democracy: A government of the masses, authority derived through mass meeting or any other form of direct expression. Results in mobocracy. Attitude toward property is communistic—negating property rights. Attitude toward law is that the will of the majority shall regulate, whether it be based upon deliberations or governed by passion, prejudice, and impulse, without restraint or regard for consequences. Results in demagogism, license, agitation, discontent, anarchy.

I appreciate the fact that there are men in this country who fully believe in that philosophy and fully believe that that is what democracy means. They fully believe that every time a Senator rises on the floor of the Senate and disagrees with them, he must be illiterate or uneducated, a demagog, or something worse. But fortunately—or unfortunately—the people of this country have noted the activities of those holding such beliefs from the beginning of our history down to the present time. They are the same Tories who wanted to keep this country a part of the British Empire. We had them in Philadelphia. We had them in Boston. We had them in Baltimore. We have them in this country today. They have not changed. They looked upon Thomas Jefferson, Abraham Lincoln, Woodrow Wilson, and every great liberal who did not agree to let the Army run the Government of the United States and the great financial interests run the country as demagogues; and they looked upon democracy as anarchy.

This definition should occasion no surprise since it logically stems from the Army man's dominant principle—order and discipline. Democracy is anarchistic because it lacks the orderliness of a military society, because the rabble waste time discussing and asking questions when it should be obeying the barked commands of their superiors.

This, then, is the type of citizenship and democracy to which millions of our men are about to be subjected. Make no mistake about it, Mr. President, millions of our citizens will feel the whiplash of militarism. I desire to emphasize again that during the first year 12,000,000 men are liable to come under the domination of the military the moment they are registered. As soon as they are notified they are drafted, no longer are they free American civilians, subject to civil procedures in civil courts. They become subject to the summary proceedings of military law and courts martial. Not only must those conscripted keep their mouths shut and obey orders, but all those who are registered, even though they are not yet in the Army, must live under a pall of fear, and must weigh their words, for the morrow may bring their summons to the Army.

What all this means is that the Bill of Rights, the guaranties of trial by jury, equal protection, due process—all the hard-won liberties of centuries—go up in smoke, to be replaced by the court martial where the judge and jury are the soldier's superior officers. By them he is tried not only for the usual criminal offenses but for a long list of such things as any reproachful or provoking speeches or gestures or even for any conduct not specified which the court martial may decide is an offense.

What sort of democracy will the mere registration of our populace bring? Have we forgotten that during the last war every man walked about expecting to be tapped on the shoulder, stopped in the street?

A well-known historian of the period has recorded:

In Chicago in 4 days during July 1918 more than 150,000 men were stopped by police and Federal agents and ordered to show their registration cards. In eastern New York and southern New Jersey 57,000 suspects were arrested, directed to fill out cards, and ultimately released only after check of the information given. Senator Caldwell stated on the floor of the Senate that he saw armed soldiers in New York seizing men in theaters, streetcars, and at work. The prisoners were then kept under detention until they proved they were not slackers.

The hearings of the munitions investigation quotes that eminent wartime executive, Mr. Bernard Baruch, as saying that the work or fight principle is far more effective than any chain gang or impressment that could be invented.

Do you wonder, Mr. President, that American labor, organized and unorganized, stands united in opposition to peacetime conscription?

Enact peacetime conscription and no longer will this be a free land; no longer will a citizen be able to say that he disagrees with a governmental proclamation or edict. Hushed whispers will replace free speech; secret meetings in dark places will supplant free assemblage; labor and industry, men and women, will be shackled by the chains they have themselves forged; and all this, mark you, while this last great democracy is still at peace. Is this the sort of society for which our forbears shed their blood? Is this the goal for which we strive?

It is not cause for wonder, then, that some of our citizens should stand aghast at the prospect of turning our populace over to the unrestricted control of the military.

As to the efficiency which the military produces, it is interesting to note that Great Britain, fighting voluntarily for her life, has nevertheless found it necessary to place a committee made up principally of civilians in control of the war office for the purpose of overhauling the administrative system and cutting out red tape. The orderliness of Army men does not always bring efficiency; but, if uncontrolled, it must inevitably bring dictatorship.

Mr. President, the original Burke-Wadsworth bill recited in its preamble that "the Congress hereby declares that the integrity and institutions of the United States are gravely threatened." The Military Affairs Committee has stricken that clause from the revised bill. It was precisely this clause, however, which I regarded as the only worthwhile sentence in the entire original measure, and I deeply deplore its omission from the pending bill.

For I say to you, Mr. President, and I say it with all the solemnity of which I am capable, the integrity and institutions of the United States are indeed gravely threatened, and it is the bill now before the Senate and the hysteria which bred it which create that threat.

If you pass this bill, you slit the throat of the last democracy still living; you accord to Hitler his greatest and cheapest victory to date. On the headstone of American democracy he will inscribe—"Here lies the foremost victim of the war of nerves."

The PRESIDING OFFICER (Mr. MILLER in the chair). The question is on the amendment offered by the Senator from Oklahoma [Mr. LEE] to the amendment reported by the committee.

Mr. DAVIS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Downey	La Follette	Schwartz
Andrews	Ellender	Lee	Schwellenbach
Ashurst	Frazier	Lundeen	Sheppard
Austin	George	McCarran	Shipstead
Barbour	Gerry	McKellar	Slattery
Barkley	Gibson	McNary	Smathers
Bone	Gillette	Maloney	Stewart
Bridges	Glass	Mead	Taft
Brown	Green	Miller	Thomas, Idaho
Bulow	Guffey	Minton	Thomas, Okla.
Burke	Gurney	Murray	Thomas, Utah
Byrd	Hale	Neely	Tobey
Byrnes	Harrison	Norris	Townsend
Capper	Hatch	Nye	Truman
Chandler	Hayden	O'Mahoney	Tydings
Chavez	Herring	Overton	Vandenberg
Clark, Idaho	Hill	Pepper	Van Nuys
Clark, Mo.	Holman	Pittman	Wagner
Connally	Holt	Radcliffe	Walsh
Danaher	Johnson, Calif.	Reed	Wheeler
Davis	Johnson, Colo.	Reynolds	White
Donahey	King	Russell	Wiley

The PRESIDING OFFICER. Eighty-eight Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 10065) to provide for the registration and regulation of investment companies and investment advisers, and for other purposes.

AMERICANIZATION OF THE PEOPLE OF THE DISTRICT OF COLUMBIA

Mr. CAPPER. Mr. President, when on the 1st of August, 1939, I addressed the Senate on the Rights of Citizens of the District of Columbia, it was in the performance of a duty to the voteless and unrepresented fellow Americans of the National Capital community. It was then near the end of the session, nothing had been done for the relief of these fine people, and there was no prospect of action to give them their rightful place in the councils of the Nation.

Today it is with much lighter heart that I rise to address the Senate on the same subject, for suddenly there has appeared a bright prospect of success. Our Democratic friends stole the march on us Republicans by including in their national platform a plank committing the party to granting suffrage to the people of the District of Columbia. We Republicans were ready to meet their challenge; so that now, irrespective of party, we are lined up to Americanize the people of the District after all their years of bondage.

Beginning long ago, convinced that there is no American reason for depriving the people of the District of Columbia of their rightful participation in their National Government, I have consistently and persistently supported the proposals to empower Congress to grant voting representation to District people in the Senate, the House of Representatives, and among the electors of President and Vice President. When the late Senator Wesley L. Jones, of the State of Washington, passed on, I introduced in Congress the joint resolution drafted by him.

Senator Jones in 1922 reported from the Senate District Committee a joint resolution which specifically would have granted to Congress the power, when included in the Federal Constitution, to give the District one Senator, Representatives in the House of Representatives according to population, and Presidential electors equal to the aggregate representation in Congress. It also gave District citizens the same rights in the Federal courts as if they were citizens of a State. This report was reaffirmed by the Senate District Committee in 1927.

In my address last year I made reference to the House Joint Resolution 257 introduced in the House of Representatives by Representative SUMNERS of Texas, chairman of the House Judiciary Committee. That resolution proposes a much simpler amendment to the Constitution than proposed by my Senate Joint Resolution 35. The Sumners amendment would grant to Congress broad powers under which the entire program of details carried in my resolution could be accomplished. In addition, the Sumners amendment would give Congress further power to delegate such of its power of exclusive legislation, not inconsistent with the national interest, as it may from time to time desire. Furthermore, under the amendment, the Congress is specifically given the power of amendment and repeal of any legislation. Thus, if Congress finds at any time that it has made a mistake, it may recapture any such grants of power.

The Sumners proposal completely answers objections which have been raised against all of the other national representation resolutions as attempts to write a statute into the Constitution. I am strongly in favor of the Sumners amendment in its original form, but not with the amendment proposed by the House Committee on the Judiciary, which eliminates the right of Congress to grant to the District representation in the Senate. The people of the District deserve and need to be represented in the Congress, which consists of both the House of Representatives and the Senate.

Mr. President, I am encouraged to believe that before the present session of Congress adjourns we shall take the long-deferred step to right a great wrong which has done a great injustice to a fine, intelligent, public-spirited, and patriotic people. I believe we are ready to pass the Sumners resolution by the necessary two-thirds vote of the two Houses, and pass it on to the State legislatures for ratification. I am confident that the legislatures will be prompt to ratify the amendment to do this act of simple justice.

The full hearings before the Senate Committee on the District of Columbia in 1916 and 1921–22, and the hearings before the House Committee on the Judiciary in 1921, 1926, 1928, and 1938, have made a full and complete record available to Members of the Senate. It is my belief that no new hearing would develop any new facts, with the probable exception of later statistics supplying additional evidence in support of the proposal. In these hearings the underlying principles with which we have to deal are exhaustively and convincingly discussed, so that no objection on American grounds can be offered against them. There is ample record upon which to base immediate action. This is a fundamental American question, and no sound American objection can be raised against it.

The amendment to the Sumners proposal is not in keeping with the intent by constitutional amendment to grant broad powers to Congress, so that it may properly function as the body possessing and exercising exclusive legislation in all cases over the seat of Government. The idea which prompted the amendment is based on an entirely erroneous conception of the Senate.

Mr. President, there has been some very illuminating discussion in the Senate of the question of representation which should be made available for convenient reference by Members of the Senate. Therefore, I ask unanimous consent to have printed in the RECORD extracts from the Citizens' Joint Committee brief submitted to the House Committee on the Judiciary in January 1921, on House Joint Resolutions 11 and 32, and extracts from the argument of Theodore W. Noyes before the House Committee on the Judiciary in January 1921.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[Extracts from the Citizens' Joint Committee brief submitted to the House Committee on the Judiciary January 1921 on House Joint Resolutions 11 and 32]

NO STATE DEPRIVED OF EQUAL SUFFRAGE

We are not aware of any objection to the merits of our cause which would warrant further discussion. It has been objected, however, that one provision of the Constitution presents an insuperable obstacle to an amendment admitting the people of the District to representation in the Senate.

The point made is that to do so would necessarily affect the guaranteed equality of the States in that body. What is relied on, of course, is the last clause of article 10, "and that no State, without its consent, shall be deprived of its equal suffrage in the Senate."

But manifestly a State is not deprived of its equal suffrage in the Senate by reducing its existing aliquot proportion of the total number of Senators exercising the lawmaking power. Otherwise it would have to be conceded that the original States were deprived of

their equal suffrage in the Senate by the admission of Vermont. And so on at each succeeding admission of a State.

What, then, does equality here mean? It means that no State shall have greater representation in the Senate than any other State. In what way, we may ask, would the presence of one or two Senators from the District of Columbia operate to give any State greater representation than any other State? Clearly the amendment we propose will not deprive any State of its equal suffrage.

This clause in article 10 is the sole provision in the text of the Constitution to which it is possible to point as offering even an apparent bar to what we propose.

REPRESENTATION NOT CONFINED TO "SOVEREIGN" STATES

There is a somewhat vague and elusive argument, not grounded on any particular provision of the Constitution, which is frequently met with. It usually runs in this form: Nothing but a sovereign State can have representation in the Senate. Representatives of the District, therefore, cannot be admitted there unless by a total repeal of the 10-miles-square provision the District is first made a full-fledged State. In order to accomplish that result Congress would have to surrender its control of the Federal District.

Now, this argument, let us repeat, is not grounded upon any specific provision of the Constitution, much less upon one that is immune from amendment. It has its origin only in certain abstract and supposedly philosophical deductions regarding the nature of a Federal Government. It will not bear analysis. Nor does it express any cardinal principle of our Constitution.

To say that the Senate is now composed only of Members selected by the States is merely to declare an obvious fact. That is simply because the Constitution as it stands provides that "the Senate shall be composed of two Senators from each State." Formerly it went on to say "chosen by the legislatures thereof," but that is a thing of the past. What remains, however, is no less subject to amendment. There is no fundamental principle of our Constitution which forbids its amendment so as to admit into the Senate, any more than into the House of Representatives, Members who shall represent an integral part of the country, such as the District of Columbia, without any necessity of requiring that area to be for all conceivable purposes precisely like the existing States. In fact, the existing States are not all on an absolute parity outside of their equal representation in the Senate, for the scope of the lawmaking power of several is limited by conditions in the acts by which they were admitted.

The theory we are now discussing is plainly a survival of the exploded notion that Senators are in essence ambassadors from sovereign States. This notion was once regarded as a necessary corollary of the most extreme form of the States rights' doctrine.

There was, indeed, a certain historical excuse for it, so far as the Original Thirteen States were concerned. But whatever warrant it once had ceased altogether when new States began to be carved out of the western territory. In the admission of new States, such as Wyoming or Idaho, Arizona or Oklahoma, all basis for it vanished altogether. Especially now that Senators are elected by the people there is no assignable reason why the National Senate should not include representatives of any territory occupied by an organized body of American people whose numbers and importance qualify them to be represented. It is not at all necessary that such a body should have the same kind of local government as is possessed by the States.

Since Senators are now everywhere elected directly by the people, the people of the District of Columbia, to the extent of their right to do the same thing, would stand in the same position as the people of a State. For all purposes connected with representation in the National Congress that is sufficient. State legislatures no longer elect Senators. It is manifestly immaterial then for the purpose that the District would have no legislature. In truth, State legislatures, when they elected Senators, did not act as legislatures in the real sense of lawmaking assemblies but only as specially designated bodies of electors. In performing that function the members of the two houses of each State legislature acted without regard to the extent of and wholly apart from their functions as lawmakers for the local community.

The fallacy of the whole contention under consideration consists in confusing the traditional conception of the States as a group of sovereign Commonwealths combining in their corporate capacities to form a limited Union with the essential and permanent constitutional conception of representative government by houses composed of representatives chosen by the people of defined territorial areas, having such a socially organized life as constitutes them convenient and reasonable units of political action.

The District of Columbia presents the case of just such a political unit; neither in the fundamental framework of the Constitution, nor in the text of any of its provisions, is there anything incompatible with recognition as such.

When Burke was warring with furious fervor against the doctrines of the French Revolution, he declared, "The rights of men in governments are their advantages." We have come to realize that there must be a deeper basis for that irresistible desire of men everywhere for a voice in the governments which mold their destinies.

[Extracts from argument by Theodore W. Noyes before House Committee on the Judiciary, January 1921]

Mr. NOYES. It is objected that only sovereign States with equal suffrage can be represented in the Senate; that the representation sought by the District could be had only by unanimous consent of the States; and that the Nation is impotent, even through constitutional amendment, to give the District this representation.

If it is possible to conceive of any constitutional amendment as being itself unconstitutional, the objection of unconstitutionality would not apply to the pending constitutional amendment. It is natural and logical to extend an existing power of Congress to the extent and for the purpose suggested. So natural and logical is the grant of national representation for the District in the manner proposed that there is room for the contention that Congress may give it under the Constitution as it now stands, without any amendment whatsoever.

The Constitution does not explicitly prohibit the existence of a State with genuine voting representation in Congress, which lacks some of the attributes of a sovereign State. It is not declared that all the American communities represented as States in Congress must be on precisely the same footing and be shaped in identically the same mold. To the contrary, the Constitutional Convention refused to pledge to new States to be admitted to the Union, equality of treatment with the original States. The first proposition for the admission of new States provided that "The new States shall be admitted on the same terms with the original States."

By the vote of 9 States against 2, these words were stricken out. Debate disclosed that the large States gave the small States equality of representation in the Senate only because it was absolutely necessary if the federation of equal States was to be converted into a Union, but the action of the Convention shows that the original States, large and small, refused definitely to pledge equality to future new States, and so far as the Constitution is concerned, reserved entire liberty of action in respect to the conditions of admission.

Congress, though not compelled by the Constitution to do so, has admitted new States on equal terms with the old, limited, however, in the case of some of the later States, like Utah, by certain irrevocable conditions.

The question of the power of Congress under the Constitution as it stands to give national representation to the District is, however, academic. If the constitutional provisions, taken together prevent the admission to the Union of a nonsovereign State merely by act of Congress, these constitutional obstacles can, of course, be removed by amendments to the Constitution itself. On the assumption that a change in the organic law of the Nation is essential to accomplish that for which we petition, we are now asking for this very constitutional amendment.

The effect of this amendment is not to admit the District into the Union as a State, but to give the 437,000 (now 663,153) Americans residing in the 10 miles square under the exclusive control of Congress the same representation as citizens of a State in Congress and the electoral college. Not a new State, but a new political status is created or evolved. This amendment operates as a supplement of the 10 miles square provision, defining explicitly in view of the changes of more than a century the political status of the residents of the Federal District. It alters the existing law of congressional and electoral college representation, and creates a new American constituency with representation in Congress and the electoral college; not a new State but a politically uplifted District of Columbia, an enfranchised 10 miles square, already created and made unique by the Constitution. This new factor in our scheme of National Government representation may be unusual, peculiar, extraordinary, but it is not so unusual, peculiar, and extraordinary as the original creation and present-day retention by the great Republic of the totally unrepresented 10 miles square, a district physically within the United States, even containing its Capital, but politically outside of the United States.

The States uniting under the Constitution had the power, which they exercised, of creating this unique, unrepresented, Capital-containing, Nation-controlled District. Two-thirds of Congress and three-fourths of the States have the same power, which they should exercise, to give to the people of this unique District an equally unique political status.

But it is contended that the Constitution prohibits its own amendment in the manner and for the purpose proposed by us. For the perpetual protection of the small State no State is ever without its consent to be deprived of its equal suffrage in the Senate. The question raised is whether the grant of one or two Senators to the seat of government would impair the equal suffrage of any State or of all the States in the Senate and would thus require the unanimous consent of the States.

The purpose of the provision was to protect the smaller States by giving them in perpetuity equal representation with the larger States in the Senate.

The entrance of two Senators, representing a new State, into the Senate does not affect this equality of representation irrespective of population; nor would the entry of one or two Senators representing the seat of government impair this equality. No new State or American community given by the Constitution representation in the Senate can have greater representation in that body than that enjoyed by Nevada or New York; nor can it have smaller representation without its consent.

The purpose of the Constitution to protect the small State is defeated only if some other State has a greater representation in the Senate without the small State's consent. There is no violation of this prohibition if some other State has, with its consent, a smaller representation in the Senate than the other States. It is not compulsory that all the States or American communities represented in the Senate shall have precisely the same representation in the Senate, for the Constitution permits any State with its consent to be deprived of its equal suffrage in the Senate.

When Oklahoma sends two new Senators to the Senate the percentage of sovereignty exercised by the two Senators of Nevada or New York is reduced, but neither State is deprived of its equal suffrage in the Senate. The effect would be the same if the seat of government were by constitutional amendment granted representation in the Senate. It could not have three Senators without depriving Nevada, New York, and the other States of their equal suffrage; it could not have one except with its own consent, as the Constitution provides. But a constitutional amendment which gave the seat of government two Senators or, with its own consent, one Senator, violates in no respect the right of any State to equal suffrage in the Senate.

Protection is afforded by the Constitution only against an injurious inequality in Senate representation and the consent to such inequality is only required from the one injured or disadvantaged by it.

The imputation that the Nation is impotent to give national representation to the District, even by constitutional amendment, slurs the great Republic in comparison with other representative republics, and reverses the trend of American history and the American record, which steadily deny national impotency and ever exalt the Nation's power.

* * * * * * *

Is it conceivable that the forefathers in framing the Constitution in such fashion as to protect the existence, rights, and dignity of the feebler States, so worded that instrument as to render the new Government forever impotent to grant national representation to a half million or a million of national taxpayers, soldiers, sailors, and civilians, resident in the future in the 10-mile square?

If at the time when the Constitution was framed one might have so construed that instrument (a compact of union between 13 independent communities of varying population, jealous, wrangling, suspicious, apprehensive), is it conceivable that the Constitution can be so construed today? Does the doctrine of national impotency under the Constitution still survive after the Nation-strengthening decisions of John Marshall's Supreme Court and its successors; after President Jefferson's construction of the national powers in the Louisiana Purchase; after the referendum verdict of the people in arms in the Civil War; after the later constitutional amendments, including the Civil War amendments and that providing for the popular election of Senators; and after the nationalizing executive action and legislation in connection with the World War?

The forefathers had no thought that the seat of government would remain without inhabitants; that it would not grow as a city like other American cities, and that this growth would be paralyzed and not promoted by the fact that it was the National Capitol. George Washington looked for the development of a city in the 10 miles square which would be certainly exceeded in population, he thought, only by London. It is inconceivable that the forefathers ever intended the Americans collected in the seat of government to remain forever without the fundamental privilege of representation like other Americans—in a government of, by, and for the people.

The original population of the District did not entitle it to representation in the National Government. The population grew so slowly, on account of unjust treatment by the Nation, that only in 1870 or perhaps only in 1880 did its permanent population exceed distinctly and unmistakably the number represented in the House by each Representative. Only then did equity demand that such national representation be found for this American community as is consistent with the control by Congress, representing the Nation, of the seat of government.

While specific provision was made by the Constitution only for the absolute needs expressed in the simplest terms of a government binding in one 13 jealous, discordant, wrangling, and distrustful communities, and while no express provision or promise was made of the future Americanization at a suitable time of the residents of the seat of government, first, there was no specific prohibition of such future representation, condemning the residents of the seat of government in perpetuity to the status of political aliens; second, the prediction and promise of such future representation when the population of the seat of government became sufficient are found in the early discussions in and out of Congress of the status of the District; third, the Constitution was so framed as possibly to permit the grant of this representation by Congress without the necessity of a constitutional amendment; and, fourth, the conviction is irresistible that any obstacles that remain at this day against such representation under the Constitution as it stands can be easily put aside by a suitable constitutional amendment.

The Constitution makers divided the United States into, first, States; second, territory belonging to the United States, the material from which new States are made; and, third, the seat of Government of the United States. In its lifetime the Nation has in succession added vast areas to the territory belonging to the United States, and from this territory has carved additional States until these States, in the beginning 13, now number 48. All of the territory belonging to the United States in the continental and contiguous United States, from Maine and Florida to California and from Canada to Mexico, is now converted into States, except the seat of government, the Maryland portion of the 10 miles square.

The Constitution defines the status of citizens of a State. The status of the citizen of a Territory or incipient State is reasonably well settled. The representative status of the citizen or resident of the seat of government has not yet been finally determined by the Constitution. Changed conditions make it absolutely essential that the Constituion should now define it.

It was not contemplated that the seat of government should ever become a sovereign State and be relieved from exclusive government by Congress representing the whole Nation, nor was it contemplated, on the other hand, that any American community exceeding in population, intelligence, patriotism, and taxable resources a number of the States should be denied due representation in the National Legislature and in the Electoral College. The problem is to harmonize these two fundamental American principles—to give the Americans resident in the District due representation in the Government which can take away their property by taxation and their lives by sending them to war and at the same time to retain that control by Congress, representing the Nation, over the seat of government, which was regarded by the forefathers as a vital necessity for the national welfare.

The pending constitutional amendment harmonizes these two vital American principles.

Mr. CAPPER. Mr. President, I also ask unanimous consent to have printed in the RECORD an extract from the argument of Theodore W. Noyes, chairman of the Citizens' Joint Committee on District of Columbia National Representation, before the Senate District Committee in November and December 1921 and January 1922—hearings, page 251.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Mr. NOYES. What was the intent of the framers of the Constitution as to the future political status of the people of the District?

Very likely they had no distinct intent and gave no thought at all to provision concerning the future status of the imaginary population of a hypothetical city. If they thought at all on the subject they probably thought that in giving Congress power to admit new States, and to dispose of and regulate territory belonging to the United States they had cared for any future population of the Nation's city, just as by these provisions they had arranged for the political future of every other American in the entire territorial area of the United States, present and prospective.

If they did not think at all about the future status of a bit of territory which might under the Constitution be so small in size that its population would never be otherwise than negligible, it was because they were engaged in a desperate struggle to overcome deadly political dangers of the strenuous present and to get 13 jealous, wrangling communities, that were equal in the federation that had broken down, to make the sacrifices necessary to create the American Union. At times the task seemed almost hopeless. Consider, for example, the conflict over the issue of State equality of representation in the Senate. This equality was denied by the Convention, and denied again; but finally was granted as an indispensable condition of securing adherence to the Union of certain small States. It was granted grudgingly by the vote of 5 States against 4, with 1 State divided. The Convention emphasized the fact that this concession was wrung under a sort of duress by certain small States by refusing to declare in the Constitution itself that new States should enter the Union on terms of equality with the old States. The debates in the Convention show clearly that equality of Senate representation was granted under compulsion only to existing States, small and large, and that so far as the Constitution is concerned full liberty of action was reserved to Congress to negotiate the terms of entrance of new States into the Union. The Constitution makers did not know from day to day whether there would be a Union. Disturbed and distracted over this vital problem, they may be forgiven if they forgot to project themselves into the future in order to provide properly for the American rights in the remote future of a Territory which had no minimum limit of area, and which might be so small as not to be able ever to secure more than the most meager and negligible of local populations.

The other alternative is that the Constitution makers did think of the future rights of the possible capital community, and believed that they had safeguarded these rights, if any ever developed, by the power given to Congress to dispose of and to regulate territory belonging to the United States and the power to admit new States, coupled with the free hand given to Congress by the Constitution concerning the terms upon which new States might be admitted, enabling Congress, if it wished, to admit a new State with its consent which was not on equal terms with the other States, and which had not even equal representation in the Senate.

Senator SHEPPARD. And they left the Constitution open to amendment?

Mr. NOYES. Yes. I think, too, that the Constitution itself, interpreted by the debate that accompanied the framing of it (in spite of the fact that Congress has admitted all new States on terms of equality, except perhaps Utah), indicates that the Constitution framers left it in such condition that Congress had a free hand, and that if our request for national representation had come up before a particular construction had been given to the Constitution by the admission of many States on terms of perfect equality with the original States, it would have been possible to admit without any constitutional amendment the seat of government as a new State, a peculiar State, a State without equal representation with its consent. If there could be a State without equal representation in the Senate, of course, there could be a State with its own consent that was limited in any other regard.

The Constitution makers may have thought that these provisions of the Constitution were broad enough to enable Congress to do political equity to any future population of the seat of government,

by giving that population, when its numbers justified the step, national representation by constitutional amendment or in some other way not inconsistent with the exclusive legislative power of congress in respect to the Federal District.

I have here in this connection some extracts from Elliott's Debates on the Federal Constitution, to which I should like to call your attention.

ELLIOTT'S DEBATES ON FEDERAL CONSTITUTION, VOLUME 5

Page 316. After being repeatedly defeated, proposition of equality of vote in Senate was finally adopted by vote of five States (Connecticut, New Jersey, Delaware, Maryland, and North Carolina) with four opposed (Pennsylvania, Virginia, South Carolina, and Georgia) and Massachusetts divided.

Page 492, article 17, provision for admission of new States—under consideration.

Mr. Gouverneur Morris moved to strike out the last two sentences to wit: "If the admission be consented to the new States shall be admitted on the same terms with the original States. But the legislature may make conditions with the new States concerning the public debt which shall then be subsisting." He did not wish to bind down the legislature to admit Western States on the terms here stated.

Mr. Madison opposed the motion, insisting that the Western States neither would nor ought to submit to a union which degraded them from an equal rank with the other States.

Col. MASON. If it were possible by just means to prevent emigration to the western country it might be good policy. But go the people will as they find it for their interest; and the best policy is to treat them with that equality which will make them friends, not enemies.

Mr. Gouverneur Morris did not mean to discourage the growth of the western country. He knew that to be impossible. He did not wish, however, to throw the power into their hands.

Mr. Sherman was against the motion and for fixing an equality of privileges by the Constitution.

Mr. Langdon was in favor of the motion. He did not know but circumstances might arise which would render it inconvenient to admit new States on terms of equality.

Mr. Williamson was for leaving the legislature free. The existing small States enjoy an equality now (under confederation) and for that reason are admitted to it in the Senate. This reason is not applicable to new Western States.

On Mr. Gouverneur Morris' motion for striking out, nine States (New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, North Carolina, South Carolina, and Georgia) voted aye, and two (Maryland and Virginia) voted no.

Page 497. Mr. Gouverneur Morris moved: "The legislature shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States, etc." Agreed to, Maryland alone dissenting.

Adopted. Ten miles square provision; seat of government; nem. con. (See p. 511.)

Page 553. Mr. Gouverneur Morris moved to annex a further proviso, "That no State without its consent shall be deprived of its equal suffrage in the Senate." This motion, being dictated by the circulating murmurs of the small States, was agreed to without debate, no one opposing it or on the question saying no.

Page 357. Luther Martin of Maryland voted against Senators' votes per capita, "as departing from the idea of the States being represented in the second branch."

Page 374. Discussion without action of question of location of seat of government.

Colonel Mason observed that it would be proper as he thought that some provision should be made in the Constitution against choosing for the seat of the general government the city or place at which the seat of any State government might be fixed. There were two objections against having them at the same place which, without mentioning others, required some precaution on the subject. The first was that it tended to produce disputes concerning jurisdiction. The second and principal one was that the intermixture of the two legislatures tended to give a provincial tincture to the national deliberations. He moved that the committee be instructed to receive a clause to prevent the seat of the National Government being in the same city or town with the seat of government of any State, longer than until the necessary public buildings could be erected.

The idea was approved, but policy of making enemies of Philadelphia and New York was questioned and motion was withdrawn.

Mr. Butler was for fixing by the Constitution the place, and a central one, for the seat of government.

In course of debate one delegate suggested that equality of State representation in one legislative body did not make government representative of States when under veto power one-third legislative power in a President who came from only one of the States. Even in Senate Senators vote per capita.

Mr. CAPPER. Mr. President, I also ask to have printed in the RECORD an article by Mr. Jesse C. Suter, appearing in the Washington Sunday Star of August 4, 1940.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SUMNERS PLAN ACTION BRINGS BOTH JOY AND DISAPPOINTMENT

(By Jesse C. Suter)

The people of the District of Columbia have occasion for jubilation over the action Thursday by the House of Representatives Committee on the Judiciary ordering a favorable report on the Sumners proposed amendment to the Constitution empowering Congress to Americanize them. There is a tinge of disappointment because of the illogical mutilation of the original Sumners joint resolution by limiting the representation in Congress to the House of Representatives.

There is no special reason for discouragement as there was a strong sentiment in the committee opposed to this change, and it may be possible to restore the original language on the floor of the House. This means an opportunity for additional work by people who have direct or indirect influence with Members of the House.

Within a short time after the action of the House committee, Senator WILLIAM H. KING introduced in the Senate the joint resolution, in original form. Senator KING heads the subcommittee of the Senate Judiciary Committee, to which it was referred.

THE SUMNERS PROPOSAL EXPLAINED

The Sumners amendment, in its original form, is a broad enabling provision to increase the power of Congress, and thereby permit it to discharge efficiently its responsibility of governing the seat of government. Under it Congress would have power—

1. To provide for the people of the District representation in the Congress and among the electors of President and Vice President no greater than that of the people of the States;

2. To delegate to such government as Congress may establish in the District all or any of its powers over the said District; and it

3. Extends the judicial power of the United States to District citizens on an equal footing with citizens of a State; and, finally,

4. It makes all legislation enacted under the amendment subject to amendment or repeal except that such amendment or repeal shall not affect the office of Senator or Representative during the time for which he was selected.

That is all there is to the original proposal. It contains no legislative detail, it is not a statute, being intentionally as broad as is possible. There is no mention of the kind of suffrage which might be granted, the extent of representation in Congress or in the electoral college. It makes no provision for any particular kind of local government, but it does give Congress the power to relieve itself, if it so desires, of some of its legislative duties by delegation of power to whatever local government it might establish.

The Sumners proposal is intended to be a broad fundamental constitutional provision, free from controversial details which will have to be worked out by Congress in subsequent legislation.

REPRESENTATION IN THE SENATE

The committee amendment striking out "Congress" and inserting "House of Representatives" would deprive the Congress of the power to give the District representation in the Senate and would automatically reduce the District representation among the Presidential electors. There is no sound logic in this position taken by the committee.

The denial of representation in the Senate is based on the long exploded theory that the Senators are the ambassadors of the States. This idea was in the discard long before the substitution of the election of Senators by direct vote of the people for election by the legislatures. The Senators represent the people as much as do the Representatives, only they represent a State-wide constituency instead of a district.

It is especially illogical for the District people to be deprived of representation in the Senate. It is the Congress that is clothed with the power of exclusive legislation over the District. The House of Representatives is not the Congress. That important legislative branch of the Federal Government is composed of both House of Representatives and Senate.

This is an old question which has been, from time to time, raised by Members of Congress. The various forms of the national representation amendment have been framed to meet such question. The amendment favorably reported by the Senate District Committee in 1922 provided for one Senator. The committee in 1927 reaffirmed the action of 1922.

The pending Capper-Norton joint resolution was framed by the late Senator Wesley L. Jones, of Washington, and provides for "one or two Senators, as determined by the Congress, or such other representation in the Senate as Congress may provide."

SENATE DISTRICT COMMITTEE REPORT OF 1922

The favorable report of the Senate Committee on the District of Columbia in 1922 dealt with the entire subject of national representation so thoroughly and logically that it has become a valuable textbook on the subject. No part of this report is stronger or more illuminating than the part dealing with the question of representation in the Senate. Space will not permit quoting extensively from this report.

On this subject the report concludes as follows: "There is no principle in our Constitution, much less any specific provision in its articles, which forbids its amendment so as to admit into the Senate as well as the House Members who shall represent an integral part of the country such as the District of Columbia without requiring that area shall be precisely like the existing States. The only limitation is that in thus amending the Constitution no State should be deprived of its equal suffrage in the Senate * * * and the equality of the States in the Senate will not be in anywise affected by the proposed amendment."

WOODWARD PERTINENT DISCUSSION OF 1801

The question of representation of the Territory of Columbia in the Senate was discussed very convincingly by A. B. Woodward in a series of pamphlets published in Washington and Alexandria in 1801. He was a friend of Thomas Jefferson and was here during the

laying out of the city. Some years later he became Federal Commissioner of the then recently erected Territory of Michigan, which was carved out of the Northwest Territory. He was a logical thinker whose Considerations on the Government of the Territory of Columbia are as timely as if written today.

The population here at that time was about 15,000 souls, as he put it, and he had this to say about them: "I consider the 15,000 to be as able to sustain any burden as an equal number of souls in any other part of the United States."

In his paper No. II, published in Washington in 1801, he said in part: "The government of the Territory of Columbia must be considered under two relations—first, as it respects the Federal Government; and second, as regards its local concerns.

"With regard to its connection with Federal Government, two inquiries present themselves: First, whether it ought to be represented in the Legislature of the United States, and, if so, whether in one House only, or in both; and, second, whether it ought to have a part in the election of the President and Vice President of the United States.

"In order to come to a determination of these questions it will be proper to ascertain with precision how far it ought to be contemplated as a State and in what respects it differs from a State. It must be considered as somewhat analogous to a State in being an association of men, for civil purposes, under a peculiar and singular authority.

"This Territory, however, differs from a State in this particular, that whereas the Federal Government is entitled, by the Constitution, to exercise over a State, only the authority particularly delegated to it, on certain subjects, and leaves the State in an undiminished position of its sovereignty as to others; the Territory of Columbia is placed by the Constitution under the absolute and uncontrollable sovereignty of the United States and possesses in itself none of the attributes of State sovereignty.

"In this situation, the people of the Territory of Columbia do not cease to be a part of the people of the United States, and as such they are still entitled to the enjoyment of the same rights with the rest of the people of the United States, and to have some participation in the administration of their General Government. It is contrary to the genius of our Constitution, it is violating an original principle in republicanism, to deny that all who are governed by laws ought to participate in the formation of them.

"The people of this Territory therefore ought to be represented in the Legislature of the United States; and to have a voice in the election of a President and Vice President. But shall they be represented in the House of Representatives only; or in the Senate also?

"The Senate of the United States possesses a part of the legislative power; and it is certainly consonant to principle that those over whom that power is to operate should, if it can possibly be done, possess some voice in their transactions.

"Would it be proper then to place the Territory on an equal footing with a State, and give it two Senators; or ought a distinction to be made? As a distinction exists in fact between the Territory and a State, it appears proper to recognize this distinction in giving it representation in the Senate.

"As it cannot, if a distinction is made, be on an equality with a State, and possess two votes, and as it cannot be represented at all with less than one vote, it would appear advisable to allow it one vote and assign it one Senator."

Woodward, in an appendix to this paper, submitted a draft of a proposed amendment to the Constitution which would have given the District a Senator and representation in the House proportioned to its population. It would have been entitled to a voteless Member of the House until the population entitled it to a full voting Representative and also to have one Presidential elector until its population would entitle it to a Representative and then to have two electors. From then on the number of Representatives and electors would increase as the population increased.

The all-important question (national representation) Woodward held was "whether the people of the Territory of Columbia shall be slaves or freemen."

In conclusion of his paper No. VII he said: "It is alone on the firmness and perseverance of reflecting and patriotic characters that the citizens of the United States of America, residing within the Territory of Columbia, can now repose their hopes of relief. Such characters have saved our country before, and they will save us. The will of the people will be finally triumphant; and it can never be the desire of a free and generous people to fraternize with a band of slaves."

WALTER CHWALEK

Mr. MEAD. Mr. President, on April 22, 1940, the Senate passed Senate bill 3555, for the relief of Walter Chwalek, which, on April 23, was referred to the House Committee on Claims.

On May 29, 1940, quite some time later, the House passed House bill 7173, an identical House bill, instead of taking up the Senate bill, and as a result neither bill has passed both Houses.

I therefore ask unanimous consent that the House bill, now at the desk, may be taken up and passed.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill (H. R. 7173) for the relief of Walter Chwalek was read twice by its title, considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Walter Chwalek, of Oswego, N. Y., the sum of $2,938.50, in full settlement of all claims against the United States as the result of his receiving personal and property damages when his automobile was struck by a truck in the service of the United States Army on August 24, 1937: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

REGULATION OF FIRE, MARINE, AND CASUALTY INSURANCE IN THE DISTRICT

Mr. DANAHER. Mr. President, in March of this year Commissioner Hazen, of the District of Columbia, addressed to Speaker BANKHEAD a letter in which he very properly and correctly pointed out that there was considerable need for provision by Congress for the regulation of the business of fire, marine, casualty, and title insurance in the District of Columbia. As a result there was written House bill 9722, which now is on our calendar under No. 2008.

When the Senator from Utah [Mr. KING], a member of the Committee on the District of Columbia, recently called up the bill I asked if he would kindly forbear pressing the bill for action at that time, for there were a few points which I felt very properly ought to be corrected in the draft of the bill as filed. With his usual courtesy, the Senator from Utah was quite willing to defer action; and the bill therefore went back to the calendar, where it now reposes. Meanwhile, as I told him I would do, I have gone into the matter of preparing the proposed amendments. I ask unanimous consent that there be printed in the RECORD at this point of my remarks the first proposed amendment which I shall offer, underlined as I have drawn it, so that it will appear italicized and new matter will thus become readily apparent, and stricken as indicated in the proposed language to indicate what changes were made by striking from the pending bill certain language.

The PRESIDING OFFICER (Mr. SMATHERS in the chair). Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

On page 18, line 20, strike out present section 2 and insert new section 2, as follows:

[Stricken language in brackets, new language in italics]

"(2) Casualty: (a) Upon the health of persons, or against injury, disablement, or death of persons resulting from traveling or general accidents by land or water, and against liability of the assured for injuries to employees or other persons; (b) *against liability of the assured for loss or destruction of or damage to property;* (c) upon the lives of domestic animals; (d) [upon plate glass against breakage;] *against loss of or damage to glass and its appurtenances;* (e) [upon boilers against explosions, and against loss or damage to life or property resulting therefrom, and against loss or damage resulting from the breakage of machinery;] *against loss of or damage to any property resulting from the explosion of or injury to any boiler, heater, unfired pressure vessel, pipes or containers connected therewith, any engine, turbine, compressor, pump or wheel or any apparatus generating, transmitting or using electricity, or any other machine or apparatus connected with or operated by any of the previously named boilers, vessels or machines; and including the incidental power to make inspections of and to issue certificates of inspection upon, any such boilers, apparatus and machinery, whether insured or otherwise;* (f) against loss by burglary or theft, or both, *and against loss of or damage to moneys and securities;* (g) to guarantee and identify merchants, traders, and those engaged in business and giving credit, from loss and damage by reason of giving and extending credit to their customers and those dealing with them; (h) *against loss or damage by water or other fluid or substance to any property resulting from the breakage or leakage of sprinklers or water pipes;* (i) to insure against any other casualty risk which may lawfully be the subject of insurance, and which it is not contrary to public policy to insure: *Provided,* That this section shall not be construed as having any effect whatever upon the right or authority of any solvent company to make contracts of fidelity or surety."

Mr. DANAHER. Mr. President, the first amendment deals with page 18, line 20 of the bill. That is subsection 2 of section 11. There is a later proposed amendment which deals with the matter appearing on page 37, line 2 of the bill. I submit a proposed amendment which in due course I shall offer, and I should like section 27 as thus rewritten to appear in the same way; and I ask unanimous consent that that may be done.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

On page 37, line 2, strike out after the word "which" the remainder of line 2 and all of line 3 and insert "does not comply with the requirements of the law of the District: *Provided*, That such action of the Superintendent shall be subject to review under the provisions of section 45."

Or, stated with stricken language in brackets and new matter in italics, as follows:

"SEC. 27. Policy forms filed with the Superintendent: The Superintendent may require that all policy forms used by every authorized company covering risks in the District be filed with the Superintendent. The Superintendent shall have authority to disapprove the use in the District of any policy form which [in his opinion is illegal, inequitable, or contrary to public interests] *does not comply with the requirement of the laws of the District: Provided, That such action of the Superintendent shall be subject to review under the provisions of section 45.*"

Mr. DANAHER. Briefly discussing the proposed changes, Mr. President, let me say that I am heartily in favor of the principle and of the objectives sought for by this bill; but the section known as subsection (2) of section 11, appearing on page 18 and commencing at line 20, provides that casualty insurance may be written upon the health of persons or against injury, disablement, or death of persons resulting from traveling or general accidents by land or water, and against liability of the assured for injuries to employees or other persons. One of the proposed changes that I submit is to include, immediately thereafter, additional language to provide for insurance against liability of the assured for loss or destruction of or damage to property. Obviously, one of the major phases of casualty underwriting today deals with property-damage insurance; and yet all of this section which purported to deal with casualty permissive lines had wholly failed to make specific reference to that very important subject.

With that thought in mind, I therefore have incorporated the proposed language in the amendment as submitted.

On page 18, in line 25, there is reference to breakage insurance, and the language reads:

Upon plate glass against breakage.

That language so markedly limits existing insurance contracts that, in the first place, the mere statement of it will indicate why it should be corrected. Much glass is not plate glass at all. Many phases of insurance apply against other losses than that occurring from breakage, such, for example, as will be caused by acids or by scratches. Therefore, insurance to extend to all phases of damage to glass is what should be covered and should be permitted. With that in mind I submitted language which would strike out the existing language and permit insurance "against loss of or damage to glass and its appurtenances."

On page 18, line 25, running over to page 19, line 3, the bill deals with boiler and machinery insurance. As it reads, once more we find that the language definitely delimits the common and ordinary business of insurance, for the simple reason that as it reads we find that it is upon boilers, without defining what boilers are, against explosions. Yet there may be losses of many kinds besides those from explosions. The bill proceeds to provide "against loss or damage to life or property resulting therefrom." So I would suggest that we strike out subclause "(d)" and insert instead the language:

(e) against loss of or damage to any property resulting from the explosion of or injury to any boiler, heater, unfired pressure vessel, pipes or containers connected therewith, any engine, turbine, compressor, pump, or wheel, or any apparatus generating, transmitting, or using electricity, or any other machine or apparatus connected with or operated by any of the previously named boilers, vessels, or machines; and including the incidental power to make inspections of and to issue certificates of inspection upon, any such boilers, apparatus, and machinery, whether insured or otherwise.

I think I should point out that the proposed language as I offer it is almost exactly the wording of the present New York law. In New York, as every one of us knows, where there is a very great industrial population, with a vast amount of machinery of every sort, there has been worked out of their vast experience a law of much value. The New York law has made provisions for the fact that a very considerable portion of boiler losses comes from cracking, as distinguished from mere explosions, which the particular language in the pending bill to which I have referred would cover. There are so many reasons justifying the proposed change that I desired to set my entire thought forth, so that the Senators on the District Committee would have it before them when they considered the amendment.

I have no doubt that the proposed bill intended to refer to boiler insurance as such, but there is more than that to it, in view of the provision "against loss or damage to life or property resulting therefrom." Since we have already in the first sentence of the subsection dealt with injury to persons, it would seem proper to omit it in the language of the proposed amendment, and, with that thought in mind, it has been so omitted.

On page 19, line 3, again, because of the necessity for change as indicated by the amendment already submitted as to property damage, we would have to reletter the section by striking out "(e)" and inserting "(f)."

On page 19, line 4, we find that the proposed code would provide for insurance "against loss by burglary or theft, or both." There are more forms of insurance on moneys and other securities than would be covered merely by the description "burglary" or "theft." Consequently it would seem to me that after the word "both," in line 4, we should insert "and against loss of or damage to moneys and securities." In that way it would be possible to insure in the District against loss of or damage to moneys, valuable papers, and documents, whatever the cause of the loss may be, not necessarily burglary or theft.

I have also made provision on page 19 for a new section to deal with insurance against loss or damage by water or other fluid or substance to any property, resulting from the breakage or leakage of sprinklers or water pipes. I do not suppose I need elaborate upon such a highly salutary provision. It is a common form of insurance. Yet the bill as drafted, and as it has already passed the House, I might say, wholly fails to cover the points to which I am now making reference. With these thoughts I think my colleagues upon study will find that there is ample reason and justification for the change.

If we turn to page 36 of the bill, line 22, we find that the section entitled "section 27" now reads:

The Superintendent may require that all policy forms used by every authorized company covering risks in the District be filed with the Superintendent. The Superintendent shall have authority to disapprove the use in the District of any policy form—

Now notice this language—

which in his opinion is illegal, inequitable, or contrary to public interests.

There is a most unusual delegation of authority to the Superintendent in that particular. My second amendment, already submitted, would strike out from line 2, on page 37, the language after the word "which," as follows, "in his opinion is illegal, inequitable, or contrary to public interests", and insert new language, so that the section would read:

The Superintendent may require that all policy forms used by every authorized company covering risks in the District be filed with the Superintendent. The Superintendent shall have authority to disapprove the use in the District of any policy form which does not comply with the requirements of the law of the District: *Provided*, That such action of the Superintendent shall be subject to review under the provisions of section 45.

Mr. President, we would transfer by that language the mere matter of an untrammelled discretion from the operating mental processes of the superintendent to a standard

which is fixed by law. Then the superintendent would be the judge as to whether or not a given policy form does or does not comply with the requirements of law. If he says it does not, and if any one is aggrieved thereby, there is no reason why he should not have a right of appeal.

As a matter of fact, section 45 of the bill does provide:

> Any person affected by an order, ruling, proceeding, or action of the Superintendent, or any person acting in his behalf and at his instance, may contest the validity of the same in any court of competent jurisdiction through any appropriate proceedings. In said proceedings and appeals. * * *

Obviously by that language it clearly was contemplated that appeals would lie. Appropriate proceedings therefore will include appeals. Consequently I do no more in the proposed amendment to section 27 than to say that an appeal will lie in accordance with the provisions of the machinery set up in section 45 to deal with appeals.

I am sure that with these minor but I think salutary changes the work of the District Commissioners in this particular may go forward apace, and the Senators on the District Committee, in charge of the bill, will find that the recommended alterations are acceptable, and thereupon there will be no further objection on my part to immediate passage of the bill.

I will press for the amendments which I have sent to the desk, intended to be proposed by me at the time the bill is next called up by the Senator from Utah [Mr. KING].

In addition to the notice I have just given, and the explanation, which I desired to have appear in the RECORD, I will also discuss the matter with the Senator in person, to the end that proceedings for the benefit of the District may be expedited in every way within my power.

SELECTIVE COMPULSORY MILITARY SERVICE

The Senate resumed the consideration of the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

Mr. HOLMAN. Mr. President, already there has been such complete discussion of the pending bill that I hesitate to prolong debate even for the very brief statement which I am about to make.

As a man of peace, I believe the best way to avoid war in this day of unprovoked and undeclared war is to be prepared to wage war with vigor and success should any one or a combination of the international highwaymen now rampant in the world wage war upon us.' "Forewarned is forearmed," and "an ounce of prevention is worth a pound of cure."

As I go back and forth across the continent from my home in Oregon to this, the Nation's Capital, I am impressed with the great wealth which we Americans as a nation have accumulated during the three centuries which have passed since the first colonial settlements were made.

Undoubtedly the covetous eyes of these international highwaymen of bankrupt nations look longingly to recoup themselves from the wealth of such a land as ours.

It seems to me that we should profit from the experience of peaceful China, of defenseless Abyssinia, of helpless Holland, Norway, and other nations, which were at peace with their neighbors and which are now being destroyed and subdued because of the lust for power on the part of the dictators of the world and the inability of the unarmed and unprepared nations successfully to repel the invaders of their homelands.

As a member of the Senate Committee on Military Affairs I have not studied nor been influenced by the Gallup polls or by the opinions of other guessers and gossips, but I have conferred with those official authorities upon whom we must depend if war should be forced upon us. I have conferred with the commanding generals of our Army and with the military authorities available to me as a Senator and as a member of the Military Affairs Committee. From their expert knowledge and expressed opinions I am convinced that we should provide an army of sufficient size and mobility, equipped with the most modern arms and matériel of all kinds, to make it extremely unlikely that any aggressor should attempt to invade us to possess themselves of the great wealth and resources of our country and to overwhelm and enslave our people. If we prepare, and prepare in time, and thereby avoid the destruction and the devastation resulting from wars, our efficient action now will be justified. I believe that if we do not do it, we shall lay ourselves open to attack.

General Marshall's testimony before the Senate Military Affairs Committee for the need for this legislation has been interpreted quite differently by different Senators—each to support his own point of view. The General's meaning to me is so clear, urgent, and convincing that I quote it verbatim from the record of the hearings:

> General MARSHALL. We have to have a great many men quickly, and I cannot conceive of being able to obtain them on any voluntary basis. Besides that, that isn't a democratic procedure, I do not think. And it certainly isn't a scientific basis. And it leaves us in a position of uncertainty regarding most of the things we do.
>
> An army capable of defending this country must be built in an orderly and businesslike manner.
>
> Raising an army by voluntary enlistment at best is a hit-or-miss method. Compulsory service is the only certain method of raising the men when required.
>
> We must know that men will be available when they are required. I would like to emphasize that "when," and in the numbers required for each step of an orderly procedure.
>
> We have already lost precious weeks. Each day of further delay is a day lost that cannot be replaced.
>
> Men are needed at the earliest possible moment, in my opinion, in the opinion of the War Department. The voluntary system cannot produce them with the rapidity which the present world situation demands and cannot produce them in the total numbers required at the present time. * * * We have to have men and have them quickly.

I ask those who recommend no preparedness, or that no action be taken in conformity with the recommendations of the military experts—I ask those who oppose this preparedness program if they themselves have locks on the doors of their houses and bars on the windows of their homes and of their places of business, and if so, why do they have those locks and bars? Did any one of them see any burglar this morning? Did any one of them see a highwayman in his garden or clambering into his house? Why do they have the locks and bars on their doors and windows?

A mobile, well-equipped United States Army is the "policeman on the corner" for our rich Nation, and for the preservation of the lives and homes of our people.

In line with this thought, not only have I gone to the military experts for guidance, but it is my custom on many occasions to go back to the Bible, or to Aesop, or to Benjamin Franklin, whose wisdom seems to have been good through all the centuries that people have been looking to them for wisdom. I find in Aesop the fable of the wild boar and the fox, as follows:

> A wild boar was whetting his tusks against a tree when a fox, coming by, asked why he did so. "For," said he, "I see no reason for it. There is neither hunter nor hound in sight, nor any other danger—that I can see—at hand." "True," replied the boar, "but when that danger does arrive I shall have something else to do than to sharpen my weapons."
>
> It is too late to whet the sword when the trumpet sounds to draw it.

I particularly desire to call to the attention of the Senate and to emphasize the language of the bill which directs that an opportunity for voluntary enlistments shall be afforded to any person between the ages of 18 and 35 years. The exact language of the bill reads as follows:

> *Provided*, That any person between the ages of 18 and 35 shall be afforded an opportunity voluntarily to enlist and be inducted into the land or naval forces of the United States for the training and service prescribed in subsection (b), if he is acceptable to the land or naval forces for such training and service.

Without compulsory registration and selective conscription of the manpower of our Nation for military training and service, which has its advantages to the recruit as well as its disadvantages, only the patriotic citizens are called. The citizens who shirk civic duties on every occasion but who frequently foment disorders and domestic trouble escape the military obligations of citizenship if there is no fair draft law.

Mr. President, I have not counted the number of postal cards and letters I have received pro and con on this question, but I have sought for intelligent contributions of thought. I do not believe that wisdom can be found in quantity. I am a great believer in quality. I believe that this is a republic, a government by the chosen representatives of the people, and that we should on all questions endeavor to learn the part of wisdom and to exercise that wisdom regardless of whether at the moment our action may be popular or unpopular. We must lead and follow. We should not go around with our ears to the ground hunting for the groundswell of immature popular and temporary opinion. Ours is a position of responsibility and we must assume that responsibility and bear its burdens.

Amongst the letters I have received is one which came in yesterday's mail, which is encouraging to me. It is from one of the great patriots of Oregon. I ask that, without reading it, it may be incorporated in the RECORD as part of my remarks at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter is as follows:

PORTLAND, OREG., *August 9, 1940.*

Hon. RUFUS C. HOLMAN,
United States Senate, Washington, D. C.

DEAR SENATOR HOLMAN: Please accept my congratulations on your stand on the proposed selective service law. I consider your vote in committee as just and courageous on this important legislation and am surprised to read there is so much opposition, politically and otherwise, apparently based upon the idea of first trying to get enlistments under the volunteer system.

As a member of local war board under the selective-service law of 1917–18, I found this law worked both practically and satisfactorily. The fairness of registration, classification, and selection appealed to the boys and we had no complaints from them and the enlistments produced the least interference with business and domestic life. It was scientific and orderly and only those registrants who were classified in A 1 class were subject to draft.

On the other hand, the practical workings of the volunteer system were unfair and many boys were enlisted who would not have been subject to the draft, as their classification would put them in a deferred class. Many of such boys were swept into the ranks through emotional excitement and propaganda on the part of the enlisting authorities and others joined through an idea of being embarrassed by being called a slacker if they did not enlist.

You have appropriated large sums of money providing for war equipment in the national defense, but as is generally known, you must also have adequate seasoned and well-trained manpower to use this equipment and I am very much in favor of what is known as the selective service law or conscription.

I wish you every success in your stand in this matter.

With kind regards and best wishes for your good health.

Sincerely,

RUSSELL E. SEWALL.

Mr. HOLMAN. Mr. President, in conclusion I shall quote two paragraphs from a recent article by the newly appointed Assistant Secretary of War, Mr. Patterson, to which I subscribe:

The principal objection to voluntary enlistment, however, is that it is undemocratic. In return for equal rights and equal privileges, a democracy demands of its citizens equal duties and equal sacrifices. The obligation to defend America falls with impartial justice upon every citizen.

Voluntary enlistment places the burden upon the patriotic few. Compulsory military training extends it to all. It is the democratic way.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nomination of Brig. Gen. Frank Thomas Hines, Reserve, for reappointment as brigadier general, Reserve, under the provisions of law.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDING OFFICER (Mr. SMATHERS in the chair). If there be no further reports of committees, the clerk will state the nominations on the calendar.

POSTMASTERS

The Chief Clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

That concludes the calendar.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, August 14, 1940, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 13 (legislative day of August 5), 1940

POSTMASTERS

ALASKA

Alfred J. Ghezzi, Fairbanks.

ARKANSAS

Harvey H. Fuller, Eureka Springs.

COLORADO

Mary M. Young, Otis.

ILLINOIS

Walter C. Vail, Bushnell.
Montelle M. Boyd, Capron.
Earnest W. Zoll, Carlock.
George N. Taylor, Evanston.
Kenneth J. Masonick, Lake Bluff.
Levi Mosiman, Morton.
Bernard J. Hemann, New Baden.
Oscar L. Spangler, Ridge Farm.

INDIANA

Orville Allen Saunders, Albany.
Basil L. Ferguson, Bargersville.
Pierre L. Helms, Centerville.

IOWA

Samuel J. Gray, Blencoe.
Emmett S. Armstrong, Nevada.
Anna Bliem, Plymouth.
Hattie Bandy, Redfield.
Kathryn P. Thomas, Red Oak.
Harry F. Lewis, West Liberty.

KENTUCKY

Mayme D. Cogar, Midway.

MARYLAND

Neal A. Sibley, Baltimore.

NORTH CAROLINA

Millard F. Baumgarner, Wilkesboro.
William F. Van Hoy, Yadkinville.

OKLAHOMA

Faye L. Rigney, Depew.

PENNSYLVANIA

Goldie E. Carnell, Dott.
Rachael M. Montanye, Huntingdon Valley.
John A. J. Fischer, Miquon.
Charles F. McCartney, Reedsville.
Harry B. Wallace, Spartansburg.
Reese S. Poffenbarger, West Fairview.
Joseph Caesar, Woodville.

SOUTH CAROLINA

Joseph G. Holland, Edgefield.
Waddy J. Hill, Fountain Inn.
George K. Dominick, Newberry.
Adoniram J. Nicholson, Saluda.

HOUSE OF REPRESENTATIVES

TUESDAY, AUGUST 13, 1940

The House met at 12 o'clock noon.

Rev. Bernard Braskamp, D. D., pastor of Gunton Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

Almighty God, grant that during this day we may be conscious of being engaged in the business of the King of Kings and feel that it is of imperial and eternal concern.

In the discharge of all our duties may we have fortitude and faith. May we hallow Thy name in high ideals and heroic endeavors after righteousness. Sustain us in loyalty to every lofty vision.

We pray that we may be of that company of brave and noble souls who are seeking to minister to those for whom life is hard. Enrich our minds and hearts with compassion and good will. Show us how we may set men free from those burdens which lie so heavily upon our humanity in these strange and troubled times.

To Thy name shall be all the praise. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS

Mr. FLANNAGAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a short article by Rev. Roy Early on the Sources of Our Religious Liberty.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. KEOGH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by including a speech I delivered at the convention of the Affiliated Young Democrats of New York.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article by Col. Ashby Williams, a member of the bar of the District of Columbia, on the subject Outline for Discussion of the True Nature of the Process Going on in Europe and Asia, and the Relationship of the Western Hemisphere Toward It.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. O'CONNOR. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein two short editorials from the Big Timber Pioneer of Montana.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. LANHAM. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial in tribute to the service of Vice President GARNER.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a copy of a telegram.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address that I wrote myself, read before a Democratic picnic on August 4 by my friend C. J. Shorb.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a brief news release from the War Department.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. FULMER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a short letter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. MANSFIELD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a short telegram.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GROSS. Mr. Speaker, I have always had great confidence in the final judgment of the people. I have contended on numerous occasions on the floor of this House that the youth of the country was being misled by the leadership that was provided for them. I have always contended that young people who could see dignity in labor still had an opportunity in America, but the leadership of various youth groups and the material supplied them was contending differently.

Now, to my complete satisfaction, the American Youth Commission, a private research organization, gives the Associated Press a statement declaring that unemployment is higher among youths than among any other group. The Commission finds that these young people have been led by their leaders and their studies to believe that the only careers for youth lies in "white collar" jobs.

The report makes it clear that the hopes fostered by the present educational system have been most disappointing, and they call for radical changes and more honest leadership. They declare, as many of us have always known, that labor is the lot of men and that the solution to many of our problems will be found in the return to the early educational laws of the American Colonies, which provided that the parents should give their children training in some useful occupation. I rejoice in the thought that we are going to have new leadership in the Government and it will not be long until back to work we go. [Applause.]

EXTENSION OF REMARKS

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article by Pierre Gaxotte dated April 26, 1939, regarding a decree of the French Government.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. MASON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the subject, An Appraisal of Wendell Willkie.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

INDUSTRY MUST TAKE CHARGE

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. "Industry must take charge," says A. D. Whiteside, president of Dun & Bradstreet:

If the Government continues to run into debt it will have to confiscate capital. Industry can stand up about 10 years before becom-

ing engulfed by inflation. It is up to industry itself to take charge of the situation, since the Government's program has been accepted by the country and even a change in administration would not halt the forces that have been set in motion.

I want to say here that we are going to have an election in November. Industry is not going to have to take charge, because we are going to elect a President in November, Wendell Willkie, who is going to see that industry and agriculture in this country gives employment to the 9,000,000 unemployed which this administration for the last 10 years has tried to put back to work unsuccessfully. The fact of the matter is we have more and more unemployment all the time under the New Deal. We have more distress, more deficit, more regimentation—American liberty is fast getting away. Let us preserve America and her liberties. When we inaugurate Wendell Willkie as President he will provide such encouragement to the American people that industry and agriculture will thrive, the American people will go back to work in industry and agriculture and then we will have happy and contented citizens in this country and they will not have to ask for relief from any New Deal any longer. What a great need for an American at this time. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. BENDER asked and was given permission to revise and extend his own remarks in the RECORD.

REGULATION OF INVESTMENT COMPANIES AND INVESTMENT ADVISERS

Mr. COLE of Maryland. Mr. Speaker, by authority of the Committee on Interstate and Foreign Commerce I ask unanimous consent to take from the Speaker's desk the bill (H. R. 10065) to provide for the registration and regulation of investment companies and investment advisers, and for other purposes, with a Senate amendment, and agree to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 182, after line 13, insert:

"TITLE III—AMENDMENT OF SECURITIES ACT OF 1933

"SEC. 301. Section 8 (a) of the Securities Act of 1933, as amended, is amended to read as follows:

"'SEC. 8. (a) Except as hereinafter provided, the effective date of a registration statement shall be the twentieth day after the filing thereof or such earlier date as the Commission may determine, having due regard to the adequacy of the information respecting the issuer theretofore available to the public, to the facility with which the nature of the securities to be registered, their relationship to the capital structure of the issuer and the rights of holders thereof can be understood, and to the public interest and the protection of investors. If any amendment to any such statement is filed prior to the effective date of such statement, the registration statement shall be deemed to have been filed when such amendment was filed; except that an amendment filed with the consent of the Commission, prior to the effective date of the registration statement, or filed pursuant to an order of the Commission, shall be treated as a part of the registration statement.'"

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. COLE of Maryland. Mr. Speaker, because of the importance of the amendment which was approved by the Senate to the investment trust bill, I want to explain briefly what it accomplishes.

The bill was accepted by the Senate identically as it passed the House with the exception of the one amendment which we have asked the House to agree to.

In section 8 (a) of the Securities Act of 1933 there is a provision that all registrations shall wait a period of 20 days before becoming effective. There has been considerable discussion of this provision. The Commission, with the joint help of the industry—and when I say industry I mean the National Association of Securities Dealers and the Investment Bankers Association of America—have all got together and recommended a relaxation of the rigid rule under which the Commission is now required to function, so that in the future registrations, if the Commission so decides, may become effective in less than the 20-day period now called for under the law.

I am sure most of the Members of the House who are interested in this subject are familiar with section 8 (a), which we are now amending. Mr. Speaker, I ask unanimous consent to insert at this point a letter dated August 1, 1940, addressed to the chairman of the Committee on Interstate and Foreign Commerce and signed by the Acting Chairman of the Securities and Exchange Commission, Judge Healy, Mr. Francis A. Bonner, chairman of the National Association of Securities Dealers, Inc., and Emmett F. Connely, president of the Investment Bankers Association of America, setting forth their approval and advocacy of the amendment now before us; and also a letter from the Commission dated August 7, 1940, addressed to the chairman of the Committee on Interstate and Foreign Commerce of the House, approving the bill H. R. 10276, a bill introduced by Chairman LEA, which is identical in language with the amendment approved by the Senate to H. R. 10065. I ask unanimous consent, Mr. Speaker, to insert these letters at this point.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The letters referred to follow:

SECURITIES AND EXCHANGE COMMISSION,
Washington, August 1, 1940.

The Honorable CLARENCE F. LEA,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D. C.

DEAR MR. LEA: The Securities and Exchange Commission, in conjunction with representatives of the National Association of Securities Dealers, Inc., and the Investment Bankers Association, suggests the enclosed modification of section 8 (a) of the Securities Act of 1933, as amended, for the consideration of the Congress and respectfully urges that it may be enacted at the present session.

The Commission and the representatives of the National Association of Securities Dealers, Inc., and the Investment Bankers Association wish to make it clear to the Members of the Congress that this proposal is experimental. They have already agreed to present to Congress in January their joint and several views as to modifications of this statute, based on study and conferences to be conducted in the meantime. They all, therefore, expressly wish to reserve the right to make, at that time, any further suggestions for the modification of section 8 (a) which they may believe to be desirable.

The representatives of the National Association of Securities Dealers and the Investment Bankers Association express the view that the proposed amendment should be helpful, although not a complete solution of the problem. They, therefore, intend in January to make suggestions for further changes in this section as well as in other sections of the act, but in order to make it possible to shorten the time in which securities may be registered and offered, they join in the request that this single amendment be enacted into law at the earliest possible moment during the present session of Congress.

Sincerely yours,

ROBERT E. HEALY,
Acting Chairman, Securities and Exchange Commission.
FRANCIS A. BONNER,
Chairman, National Association of Securities Dealers, Inc.
EMMETT F. CONNELY,
President, Investment Bankers Association of America.

SECURITIES AND EXCHANGE COMMISSION,
Washington, August 7, 1940.

HON. CLARENCE F. LEA,
Chairman, Committee on Interstate and Foreign Commerce, Room 1334, House Office Building, Washington, D. C.

DEAR CONGRESSMAN LEA: I have your letter of August 2, 1940, enclosing a copy of H. R. 10276, a bill to amend section 8 (a) of the Securities Act of 1933.

In replying to the request of your committee for comment thereon, I should like first to refer to the joint statement of the Commission, the National Association of Securities Dealers, Inc., and the Investment Bankers Association. That statement urged the enactment of the provisions embodied in H. R. 10276 as an immediate amendment, subject to review during the forthcoming discussions of further amendments to the Securities Act which are to take place prior to the next Congress. As you will remember, a copy of this statement was forwarded to you under date of August 1, 1940.

In the course of its administration of the Securities Act of 1933, the Commission believes that in many, although not all, cases it can adequately examine registration statements in substantially less than 20 days, which, under section 8 (a) as it now stands, must elapse before a registration statement can become effective. In the case of certain registrants there would normally seem to be little risk to the investing public if their registration statements were to become effective prior to the expiration of the present statutory waiting period. The bill is so phrased as to assure that the Commission's power to accelerate registration statements filed by such

registrants may not be exercised except where adequate protection is afforded to the investing public.

It was on this basis that we reached the conclusion set forth in the joint statement referred to above that the amendment embodied in H. R. 10276 should, if possible, be enacted at the present session of Congress.

If there is any other way in which the Commission can be of assistance to your committee, I hope that you will not hesitate to call upon us.

Sincerely yours,

JEROME N. FRANK, *Chairman.*

Mr. WOLVERTON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. COLE of Maryland. I yield to the gentleman from New Jersey, whose splendid work as a member of this subcommittee is so generally recognized.

Mr. WOLVERTON of New Jersey. I have asked the gentleman from Maryland [Mr. COLE] to yield in order that I may emphasize the fact that this proposed amendment to the bill, which we passed a few days ago, has been recommended and agreed to by the Securities and Exchange Commission and by the representatives of the National Association of Securities Dealers, Inc., and the Investment Bankers Association of America.

This agreement between the regulatory body and those to be regulated, arising from a cooperative effort to provide a workable act, again emphasizes the importance of the work done by the gentleman from Maryland [Mr. COLE] in bringing together representatives of the Securities and Exchange Commission and the investment industry in order that a better understanding might exist. The result is better legislation. This proposed amendment which has been agreed upon by all interested parties is additional evidence of the good that can be accomplished by such a course. The gentleman from Maryland [Mr. COLE] deserves great credit for his accomplishment in this respect. It would be helpful if this course was followed by other Government regulatory bodies. In this connection may I make reference to an editorial which appears today in the New York Herald Tribune, entitled "Attacking Another Bottleneck." It reads as follows:

ATTACKING ANOTHER BOTTLENECK

When the Senate voted favorably at the end of last week on the Wagner bill for the regulation of the investment-trust industry it simultaneously approved a rider to that measure modifying the must-discussed 20-day clause of the Securities Act of 1933. Since the trust bill itself has already been passed upon by the House, all that is now required is the latter's approval of the rider, and no difficulty seems to be looked for on this score. It seems probable, therefore, that both the bill and the rider will become law within the next few days.

Sometime ago, in referring to the manner in which the investment-trust bill has been worked out, we spoke of it as an example of what could be accomplished when representatives of the Government and business sat down together and approached a problem in a spirit of reasonableness and full recognition of the public interest. This measure still stands as perhaps the high point of such cooperation between Washington, the regulator, and Wall Street, the regulated. But to a considerable degree what is true of the trust bill itself in this respect is also true of the proposal which it now carries for relaxing the terms of the 20-day clause. In nearly every bill of particulars that has been filed by its critics against the Securities Act this clause has invariably stood at, or very near, the top.

The 20-day clause is the section of the Securities Act which provides that there must be a waiting period of that duration between the time a company files its statement registering a new security issue with the Securities and Exchange Commission and the effective date when the issue may be offered for public sale. The principal purpose of this provision of the law was to give the public an opportunity to familiarize itself with the material in the registration statement. But although an underwriter is permitted to give out information concerning a registered security during this so-called incubation period, the danger that providing such information might be legally construed as an attempt to sell has tended to discourage such activities. Thus, to a very considerable degree the law has tended to defeat its own ends. At the same time—what is more important from the bankers' point of view—it has added a very formidable hazard to the underwriting and distributing, as well as the issuing, of securities.

The legislation just approved does not repeal the 20-day clause, but it does make it decidedly more flexible. It says that the effective date in the future shall be the twentieth day, "or such earlier date as the Commission may determine." In waiving or reducing the period the Commission must first give consideration to the adequacy of information concerning the issues already available, the nature of the security and its relation to the capital structure, and "the public interest generally." It is true that the measure adds new discretionary powers to the long list already held by the Commission, but in the present situation this is probably inherent in the nature of things. There is no doubt that in assuming these new responsibilities the Commission has it in its power to remove one of the most serious bottlenecks in the new issues market and thus, in turn, in the Nation's defense program.

The editorial which I have just read indicates clearly there is substantial reason for the adoption of this amendment, and I trust it will have the support of the House.

Mr. COLE of Maryland. Mr. Speaker, I read this morning the editorial to which the gentleman from New Jersey refers and has partly read, from the New York Tribune of this morning, and I ask unanimous consent that the gentleman may insert the whole editorial instead of just the part he read, because coming from the New York Tribune it is doubly complimentary to this great agency of the Federal Government.

The SPEAKER. Is there objection?

There was no objection.

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. COLE of Maryland. I yield to the gentleman from Illinois.

Mr. SABATH. I recollect that this provision that we are aiming to repeal or modify was inserted for the purpose of protecting investors, because in the years before the stock exchanges were extremely reckless and would permit the listing of almost any kind of stock. The investors had no protection, had no knowledge or information whether the securities that were listed and unloaded on the public were sound and safe. I recall that the Majority Leader as well as the gentleman from Maryland and other members of the committee thought that that protection was due to the American investors. Nevertheless, I realize that the invesment bankers and others have been complaining that this would delay their putting on the market their new securities. I am indeed gratified to learn that the outstanding Republican newspapers today give the Democratic Party credit for real constructive legislation, and that we are willing and ready to do anything and everything to appease the objectors; I trust, however, that this will not be abused on the part of the stock exchanges, nor by the investment bankers, because if it is abused I serve notice now that I shall start again to demand still stricter restrictions than we have today.

Mr. COLE of Maryland. Mr. Speaker, I think the gentleman will find that all of the safeguards in which he is interested are still retained in this bill.

Mr. RAYBURN. Mr. Speaker, will the gentleman yield?

Mr. COLE of Maryland. Yes.

Mr. RAYBURN. Mr. Speaker, there is no clause in the Securities Act, as Members of the House who were here at the time it was passed will recall, that caused more controversy than this one thing and there was no abuse in the country that was more necessary to correct than that which we sought to correct by this 20-day clause. And may I say to the gentleman from Illinois that this is not a repeal of the 20-day clause. That clause remains in the statute. This simply gives the Commission authority to relax the 20-day clause if, under the circumstances, they think it wise and in the public interest to do so. I am certain that the Committee on Interstate and Foreign Commerce would not at this time recommend the repeal in toto of the clause, but they are acting in this capacity simply to give the Commission authority to relax the rigidity of the clause.

Mr. COLE of Maryland. Mr. Speaker, the gentleman is correct.

Mr. SABATH. This gives the Commission that power, and naturally they will use the power whenever they feel that conditions warrant it, and I hope it will not be abused by the Commission. I have the utmost confidence in the Commission today.

Mr. COLE of Maryland. Mr. Speaker, I move the previous question.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to, and a motion to reconsider the vote by which it was agreed to was laid on the table.

PROVIDING HOMESTEADS FOR ACTUAL FARM FAMILIES

Mr. COLMER. Mr. Speaker, I call up House Resolution 406, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 406

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for consideration of H. R. 8157, a bill to establish a national land policy, and to provide homesteads free of debt for actual farm families. That after general debate, which shall be confined to the bill and shall continue not to exceed 4 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Public Lands, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Minnesota makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. RAYBURN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 180]

Allen, Pa.	Dies	McGranery	Shanley
Andrews	Drewry	Magnuson	Sheppard
Arnold	Elliott	Mahon	Sheridan
Barton, N. Y.	Englebright	Maloney	Smith, Ill.
Bates, Ky.	Evans	Marcantonio	Smith, W. Va.
Bates, Mass.	Fernandez	Marshall	Snyder
Bolles	Fish	Merritt	Somers, N. Y.
Bolton	Fitzpatrick	Mills, La.	Sparkman
Bradley, Mich.	Folger	Mitchell	Starnes, Ala.
Bradley, Pa.	Gartner	O'Leary	Steagall
Buckley, N. Y.	Gifford	O'Neal	Sullivan
Byrne, N. Y.	Goodwin	O'Toole	Terry
Caldwell	Grant, Ala.	Parsons	Thomas, N. J.
Cannon, Mo.	Green	Plumley	Tolan
Celler	Hall, Edwin A.	Rabaut	Vreeland
Chapman	Hennings	Randolph	Wallgren
Claypool	Hook	Reece, Tenn.	Warren
Clevenger	Jarman	Rees, Kans.	Welch
Coffee, Nebr.	Jenks, N. H.	Risk	Wheat
Collins	Jennings	Romjue	White, Idaho
Connery	Kennedy, Md.	Sacks	White, Ohio
Creal	Kirwan	Schaefer, Ill.	Wood
Curtis	Kunkel	Schiffler	Woodruff, Mich.
Darden, Va.	Lesinski	Scrugham	Woodrum, Va.
Darrow	McAndrews	Seger	
Dempsey	McArdle	Shafer, Mich.	

The SPEAKER. Three hundred and twenty-eight Members have answered to their names. A quorum is present.

Further proceedings under the call were dispensed with.

AUTHORIZING THE PRESIDENT TO ORDER MEMBERS AND UNITS OF RESERVE COMPONENTS AND RETIRED PERSONNEL OF THE REGULAR ARMY INTO ACTIVE MILITARY SERVICE

Mr. SMITH of Virginia, from the Committee on Rules, submitted the following privileged report (Rept. No. 2848, H. Res. 567), which was referred to the House Calendar and ordered printed:

House Resolution 567

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for consideration of Senate Joint Resolution 286, a joint resolution to strengthen the common defense and to authorize the President to order members and units of Reserve components and retired personnel of the Regular Army into active military service. That after general debate, which shall be confined to the joint resolution and shall continue not to exceed 4 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Military Affairs, the joint resolution shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the joint resolution for amendment, the committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

EXTENSION OF REMARKS

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks regarding the so-called conscription bill, and to insert some letters from constituents.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Mississippi [Mr. COLMER] is recognized.

NATIONAL LAND POLICY

Mr. COLMER. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. ALLEN].

I now yield 5 minutes to the gentleman from Georgia [Mr. COX].

Mr. COX. Mr. Speaker, the pending resolution proposes to make in order H. R. 8157, which is known as the Peterson homestead bill.

This bill is what has evolved out of the discussion that has been running along from time to time in this House for some number of years now on the original Peterson bill. The measure which it is proposed by this rule to make in order is, in my judgment, very much of an improvement on the original bill, and certainly merits serious consideration by the membership of this body.

I want to say to you, however, that I fear the rule is going to be rejected. I hope that it is not. I hope the membership sees fit to adopt the rule and let the bill be debated, because I would like for you to have the benefit of the statement which my colleague, the gentleman from Georgia [Mr. PETERSON], is prepared to make. He has probably given more study to this particular subject, and I think probably knows more about it, than any other Member of this body. By that I do not mean to detract in the slightest from the very great ability of the chairman of your Committee on Agriculture or any other member of that committee. I think it is one of the finest committees of the House.

The Committee on Agriculture is probably against this bill. It may be that the committee has not been able to see the merits of the proposal. Maybe it feels that it stands in the way of a measure that they are advocating, which has been heard by the Rules Committee on an application for a rule. Just why the committee is against it I do not know. It may be that on the application for a rule on the Peterson bill things were said that gave offense. I hope not. The bill of the Agriculture Committee proposes to amend the Farm Security Act. They have been waiting patiently for action on the part of the Rules Committee for some time. Possibly they have become discouraged. I hope not, because it is my belief that that committee will give them a rule. While I have not canvassed the committee, I have that feeling and that it will do so at an early moment.

Mr. VOORHIS of California. Mr. Speaker, will the gentleman yield?

Mr. COX. I yield.

Mr. VOORHIS of California. Is the bill just referred to the one that expands a considerable amount the activity under the Bankhead-Jones Act?

Mr. COX. Yes; and somewhat modifies the law. I think the bill that the committee is pressing is very much of an improvement upon existing law.

Mr. REES of Kansas. Mr. Speaker, will the gentleman yield?

Mr. COX. I yield.

Mr. REES of Kansas. I have a great deal of confidence in the judgment of the gentleman from Georgia. I am sure he has given this bill a considerable amount of study. Is he advocating the passage of this particular measure at the present time?

Mr. COX. I think the bill, amended in some respects, as I am assured the author of the bill is prepared to advocate, if enacted into law, could be made to work with a great degree of satisfaction to those who may be expected to benefit under the measure. I grant you that it is somewhat of an ambitious

proposal, yet not nearly so much so as was the original bill. It is sound. It certainly does not involve the slightest loss to the Government; that is, if administered with discretion; and, of course, the Appropriations Committee, after all, has a check on it, and no money can be used except that which is appropriated, and I think we could confidently expect that committee to exercise sound judgment in the setting up of the funds to be used in the carrying on of the proposed activity.

[Here the gavel fell.]

Mr. ALLEN of Illinois. Mr. Speaker, I yield 10 minutes to the gentleman from Minnesota [Mr. AUGUST H. ANDRESEN].

Mr. AUGUST H. ANDRESEN. Mr. Speaker, it is unfortunate that a measure of this magnitude should come before the House without hearings and without due consideration. The measure no doubt has its merits and is demanded by certain Members of Congress and possibly by certain individuals in this country; but so far I have been unable to find any hearing in which even the proponent or the author of the bill urges its passage.

I want to briefly explain just what the bill attempts to do. In the first place, the bill provides for a duplication of service already engaged in by the United States Government. It comes into direct conflict with the Farm Credit Administration, the Farm Security Administration, and other agencies that are now engaged in providing homes for the farmers of this country; to set up a new agency in the Department of the Interior which may cost, if administered, according to the intent of the author of the bill, from five to ten billion dollars.

Mr. PETERSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. AUGUST H. ANDRESEN. I am sorry I cannot yield just now. The gentleman will have time. The bill provides——

Mr. PETERSON of Georgia. It provides a new agency to be set up under the terms of the bill.

Mr. AUGUST H. ANDRESEN. I am sorry I cannot yield. The gentleman can explain that in his own time.

The SPEAKER. The gentleman declines to yield.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, the bill provides that the Secretary of the Interior may purchase any piece of farm land that has a mortgage on it, or that has had a mortgage on it since 1920, if the mortgagee is still in possession of the title of that land. I have not made any calculation as to the amount it would take to buy all the farm lands that have been mortgaged or foreclosed on since 1920, but, if I am not mistaken, it would run close to $10,000,000,000 or more.

It may seem to some as it does to me that it is a measure particularly designed to permit holders of foreclosed properties or mortgages to unload them on the Federal Government, because it does give every holder of a mortgage the opportunity to sell that mortgage to the Secretary of the Interior. So when it is said that the administration of this bill will not cost the Government anything, such statement is wholly erroneous, for the Secretary of the Interior will not be able to function unless he carries out the intent of the bill, and in order to do this he must have money from the Treasury of the United States.

The Federal Government is now engaged in lending money to farmers. The Farm Credit Administration has lent money to more than 600,000 farm-land borrowers. At the present time 180,000 of these 600,000 are delinquent in the payment of principal and interest they owe the Farm Credit Administration. These farms are all subject to foreclosure.

Since March 4, 1933, the Farm Credit Administration has foreclosed on more than 84,000 farms, and if they are to exercise their duties under the law as the law now is written they must foreclose on all the 180,000 farmers who owe money to the United States and are delinquent.

Mr. PETERSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. AUGUST H. ANDRESEN. I cannot yield.

Mr. PETERSON of Georgia. Does not this bill——

Mr. AUGUST H. ANDRESEN. I am sorry, Mr. Speaker, I cannot yield.

The SPEAKER. The gentleman declines to yield.

Mr. AUGUST H. ANDRESEN. The reason the Federal Government has foreclosed on nearly 85,000 farms and taken them away from the farm owners is due to the fact that no system or policy has been provided whereby the farmers can get a decent income for the things they have to sell. Insufficient income has placed the indebted farmers in a position so that they cannot meet their obligations either to the Federal Government or to private parties. The mortgages have therefore become delinquent. While this bill seeks to remedy that situation I cannot see that it will do so because the farmer who secures a farm under this bill is obligated to repay that mortgage in 40 annual payments with about the same rate of interest that the farmers are now paying on their Federal-landbank mortgages. The bill states that the farmers shall pay the rate of interest that the Government must pay when it secures the money. If a farmer is unable to meet his obligation to the Federal Government under a mortgage to the Federal land bank, how in the name of common sense can he meet a mortgage obligation under the set-up provided in this bill which requires the payment at about the same rate of interest and installment payments on the principal similar to that required by the Farm Credit Administration.

What we must do now if we are to make farm owners out of farm tenants is to provide legislative policies that will give farmers an income so they can meet their obligations and still live as American citizens rather than continue a policy of low incomes which will eventually mean the destruction of our entire system. [Applause.]

A lot of people who hold mortgages would like to sell them to Mr. Ickes: The insurance companies, the banks, and private individuals. This bill gives them an opportunity to unload their mortgages, because the Secretary of the Interior under its provisions has direct authority to purchase, and is directed to purchase, those mortgages from the holders thereof.

The bill does not provide that he is to buy this mortgaged land or the mortgages all over the United States, but he can go into one county of one State and spend every penny of money authorized by this bill, which is unlimited, and only take care of one particular section. I think a bill of this magnitude should have some serious consideration by the committee before it is passed upon by Congress.

Mr. PETERSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I cannot yield.

Mr. Speaker, the bill originally came to the Committee on Agriculture. We gave the gentleman from Georgia a hearing. He stated his case, but the majority of the members of the committee felt that this was not a proper time to enact legislation of this character in view of other laws now upon the statute books which seek to remedy the farm-tenant situation.

Mr. PETERSON of Georgia. Mr. Speaker, I ask the gentleman to yield.

The SPEAKER. The gentleman declines to yield.

Mr. AUGUST H. ANDRESEN. The gentleman from Georgia proceeded to withdraw his bill from our committee and reintroduce it in somewhat different form so that the Committee on Public Lands would have jurisdiction over it. There should be complete hearings and a full discussion of all of the provisions of this bill instead of having to waste our time here today on a measure as far-reaching as this. It occurs to me that not only may we be doing the Treasury an injustice to pass this bill but also we would be doing the people of the country an injustice, for they will be led to believe that they can get homestead farms under this bill, and I cannot conceive that the Committee on Appropriations will ever appropriate any money whatsoever with as loose jurisdiction as is provided by the provisions of the bill.

Therefore, I recommend that the rule be defeated and that the bill go back to the committee for full and complete hearings, so that the membership of the House may at least know what the author has in mind and what the proponents of the legislation want the Federal Government to do in connection with legislation of this character. The bill has some merit, but let us study it, let us vote down the rule so that we can give all Members every opportunity to consider it in detail. [Applause.]

[Here the gavel fell.]

Mr. ALLEN of Illinois. Mr. Speaker, I yield 5 minutes to the gentleman from Oklahoma [Mr. FERGUSON].

Mr. FERGUSON. Mr. Speaker, undoubtedly the author of this bill is sincere in his feeling that it would accomplish a great purpose. In the last 6 years this administration has embarked on what the Committee on Agriculture thinks has been an intelligent approach to the farm problem and farm-tenancy problems. An effort has been made to conserve our natural resources, to conserve our soil, and to consider farming as an intelligently long-range planned industry.

If all the financial impediments to the working of this bill could be straightened out, if all the details of administration could be straightened out, I still would oppose this measure, because it accepts the philosophy of giving a man not an agricultural unit on which he can make payments, support his family, and educate his children, but a certain definite number of acres, from 50 to 160 acres. Under the philosophy of this bill if a farmer failed to make it on 200 acres and had to be foreclosed, the 200 acres could easily be divided into 50-acre tracts and then they could say to the man, "You could not make it on 200 acres; now we will give you 50 acres so you can change your standard of living and barely eke out an existence with this patch-farming system."

The whole western part of the United States is covered with monuments to the failure of the homestead system. One hundred and sixty acres were granted because that was a definite number of acres, and it would make the land go farther. The Kincaid plan failed in Nebraska and left as its monument old windmills, broken-down sheds, old houses, and broken-hearted homesteaders who had to move off the land because they could not possibly make a living on 160 acres. We have to pitch any tenant-farm program we have on an economic farming unit, whether it be 40 acres of irrigated land or 1,000 acres of grassland.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. FERGUSON. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. What does the gentleman think would happen to the Western States and to their towns and communities if all the land were to go into the public domain which could not be classified as suitable for farming in tracts of 160 acres or less?

Mr. FERGUSON. That is just the point I am trying to make, that we are just now, through the efforts of Government lending agencies and through the efforts of the Farm Security Administration, readjusting the mistakes that were made under the old homestead system. If we are going to give a man a chance to pay back the money spent to buy his farm, if we are going to give him a chance at the same time he is paying back that money to have a decent house to live in and to educate his children, we have to give him a business farm, a farm that will support enough cattle or raise enough wheat to allow him to make the payments that come due year after year. There are many areas in the West where 1,000 acres are the minimum unit on which a man can make the payments and support his family. If we follow this philosophy of patch-farming in small units on which a man could not possibly carry a self-supporting number of milk cows and livestock, we continue the share-cropper system, except that the farmer gets all the crop. We continue the cash-crop system which has been the real cause of so much distress in agriculture.

Three years ago Congress passed the Bankhead-Jones farm-tenant bill, and inaugurated a system of allowing the prospective buyer who must be a tenant farmer, with the advice and help of a committee of local farmers, to purchase his farm with the aid of Government credit over a 40-year period. This system is working. No Government lending institution has an equal record of repayment. Both the farms and tenants have been carefully selected. As a result, the delinquencies of payments as due in the whole United States is less than 2 percent. The main criticism of the Bankhead-Jones farm-tenancy program is the fact that it fails to reach a great enough number of qualified tenants. The Committee on Agriculture now has before the Rules Committee a bill to greatly extend and increase the number of farms that can be purchased. This bill also applies the F. H. A. system of guaranteed mortgages to the farm-tenaney program. No longer will we have to beg Congress each session for an appropriation to carry out the program. The Secretary of Agriculture working with the Secretary of the Treasury will guarantee the mortgages on the farms purchased by tenant farmers at a rate of 3 percent. The tenant must pay 4 percent, however, 1 percent going to insurance against losses and administration. This bill has been painstakingly and thoroughly explained to the Rules Committee, and I feel sure that that committee will grant a rule that will allow the extension of the present Bankhead-Jones farm-tenancy program.

In the short time allotted me I cannot go into all the "bugs" in this so-called Peterson bill before us now, nor all the merits of S. 1836, which has passed the Senate and is now before the Rules Committee, a bill to extend the operations of the Bankhead-Jones Act. I merely want to impress on the House we have an organization set up in every county, now functioning, now working well, to meet the farm-tenancy program. We also have this bill to extend its operations because 3 years have proven that it should be extended. I believe in our present system and, as I stated in the beginning of my remarks, if we had no program I would have to reproach this legislation because of the underlying philosophy that refuses to recognize the right of the farmer to buy a farm on which he can make a living, pay for the farm, and support his family with a decent standard of living.

With this in view, I advocate voting down this rule. [Applause.]

[Here the gavel fell.]

Mr. COLMER. Mr. Speaker, I yield 5 minutes to the gentleman from Washington [Mr. HILL].

Mr. HILL. Mr. Speaker, there are some who complain that this bill has not been referred to the right committee. It was referred by the Speaker to our Committee on Public Lands. The Committee on Rules has O. K.'d that by giving us a rule to bring the bill before the House, so it seems to me there is no question that the bill was referred to the right committee.

Two years ago we in the Committee on Public Lands unanimously passed a similar bill, and it was discussed fairly and freely. We unanimously passed this bill some weeks ago. I am free to say here that I believe most of us who are on that committee come from agricultural districts. We believe that we understand what farming, what agriculture needs. We believe we understand what the farmers in our districts want. Possibly I should not say this on the floor of the House, but I know that a great many of the farmers in my district are not satisfied with the agricultural program that is being carried on. The Agricultural Committee has for years, I may say, had before it the cost of production bill but it has refused to bring it out on the floor of the House for consideration so that a record vote could be taken on that question. Now they come before us and say they are concerned about agriculture, that they are the friends of the farmer. The two gentlemen preceding me are going to vote against this rule which gives us a chance to discuss this agricultural bill, yet they say they are in favor of agriculture.

What is the issue here at this moment? There is only one issue on this rule and that is, are you going to give us a chance to present arguments for this bill for 4 hours? Will

you meet us on that question? Will you meet us on that issue or are you afraid to give us 4 hours and hear us? If you are friends of the farmers, as you claim you are, and if you are in favor of agriculture, all that we ask is that you give us these 4 hours to present our side, and if you have arguments to show the fallacy, as you say, of this bill, here is your chance, but do not deny us an opportunity to present our side of it.

Mr. BROWN of Georgia. Mr. Speaker, will the gentleman yield?

Mr. HILL. Yes.

Mr. BROWN of Georgia. Under the proposed rule can this bill be amended?

Mr. HILL. As I understand it, yes. Is not that true?

Mr. PETERSON of Georgia. Absolutely.

Mr. REES of Kansas. Mr. Speaker, will the gentleman yield?

Mr. HILL. I yield.

Mr. REES of Kansas. There has been some complaint here to the effect that your committee did not hold hearings on this bill.

Mr. HILL. We had full discussion in the committee and invited witnesses.

Mr. REES of Kansas. Did the Department of Agriculture and other departments of the Government appear before the committee?

Mr. HILL. The Department of the Interior sent up its report.

Mr. REES of Kansas. And did the various other organizations have a chance to be heard?

Mr. HILL. They had the opportunity. Whether they came up or not is immaterial. All that we ask of the Members of this House is an opportunity to present our side and have you refute our arguments if you want to or if you can, and that is the entire issue here.

Mr. REES of Kansas. I would also like to know if the committee gave the farm people a chance to be heard.

Mr. HILL. Yes; had they so desired.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. HILL. I yield.

Mr. CASE of South Dakota. The gentleman said that the Department of Agriculture sent up a report on the bill. What was their recommendation?

Mr. HILL. All that will come out in the discussion of the bill if you will give us a chance to discuss it.

Mr. FERGUSON. Mr. Speaker, will the gentleman yield?

Mr. HILL. Yes.

Mr. FERGUSON. I have looked the so-called hearings over and I do not see a report from either the Department of the Interior or the Department of Agriculture on the bill.

Mr. HILL. There is a report from the Interior Department. But even so, would you not give us an opportunity to discuss this bill on the floor of the House? What are our duties here if we are not to discuss these matters? You say we have not the time and yet we adjourn frequently for 3 days over a week end. Yet you cannot give the farmers a chance to be heard on this matter or give those who are in favor of the farmers a chance to be heard. We hear a great deal these days nearing election time about love for the farmers and sympathy for their plight. Both parties have planks definitely promising relief for agriculture. Yet we will likely find in the vote now imminent that a substantial majority of the elected Representatives in the House will vote to refuse to permit even a discussion of this important and serious problem. "Consistency, thou art a jewel." I shall demand a record vote on this rule so that the voters may know how their servants here in the House stand on this domestic issue. I for one am willing at all times to vote my convictions and let the people know how I voted. [Applause.]

[Here the gavel fell.]

Mr. ALLEN of Illinois. Mr. Speaker, I yield 4 minutes to the gentleman from South Dakota [Mr. BURDICK].

Mr. BURDICK. Mr. Speaker, I have a difficult time in trying to convince the membership, and even the Speaker, of what State I am from. Let me repeat that I come from North Dakota and not South Dakota. [Laughter.]

The SPEAKER. The gentleman from North Dakota is recognized for 4 minutes. [Laughter.]

Mr. BURDICK. May I have order, please, Mr. Speaker.

The SPEAKER. The House will be in order. [Laughter.]

Mr. BURDICK. It would be a matter of poor sportsmanship for this House to refuse to let us discuss this bill, and I do not believe the House is going to do that. I do not believe you are afraid to let us come in here and make an argument in favor of this measure.

I notice a lot of you are alarmed because it is going to cost a lot of money, but let me remind you that if it does cost a lot of money it ought not to make any difference to this Congress. This Seventy-sixth Congress has appropriated $29,000,000,000, and you did not have a cent of it, and they borrowed it from someone who did not have a cent of it, and they are going to pay interest for the next 75 years to somebody who did not have it to lend. That is your financial policy. So do not get excited if it costs $1,000,000,000 to help a few farmers get something to eat. [Applause.] You will not have to buy very much land, either. You will not have to go out and purchase land, because you already have it. The Government of the United States right now, in addition to the land they have sold in the last 24 months, has $116,000,000,000 invested in land that they own, and the insurance companies of America now have over $700,000,000 invested in this land that they would like to get rid of and let somebody use it. So if this bill only provides for a plan to bale out the Government and let the Government sell its own land back to its own citizens, that will be enough for a start.

Do not get excited that we are trying to go out and buy all the land in America. We have too much now. You will recall that the President came before Congress and asked permission to build up some sort of a bureau to handle this land they have taken away from the farmers. Just recall that out of 6,000,000 farmers nearly half of them have been changed from owners to tenants in the last 8 years. In 1880 only 25 percent of the farms in the United States were not farmed by the owners, and now 42 percent of all farmers in the United States are renters. If you allow this situation to continue long enough, it will be, as I think it is now, the most important question before the Congress of the United States. Just remember that the number of men who work on farms make up the unemployed to the extent of about one-third. About one-third of them in normal times find work on the farms, but when you foreclosed on these farms and have driven the owners out, and put them on relief, there was no chance for them to help the unemployed. Our first duty is to keep the farm owners we still have and put farm owners back that lost their farms, and give everybody who can till the soil a chance to do so. Do not back up now because you think you are going to spend $350,000,000, when you will vote blindly $29,000,000,000 in this Congress, without knowing where it is going to come from; and you do not care, either, do you? Twenty billion dollars for defense, and nobody here can tell me where the money is coming from.

I have noticed one peculiarity about debt. If you owe what you can be made to pay by the liquidation of all your assets, you are in a precarious position; if you owe more than that, and especially many times more, you are practically secure. No one will disturb you because they want you to pay out. I think that is the situation now as to our national debt. We owe so much now that we are practically secure. If the debtors demand payment, we will in all probability issue a new kind of indebtedness in exchange for the old, and proceed on our way unfettered by the worry of debt.

Only one Member of Congress dared to vote against appropriations for defense purposes, but when it comes to appropriating a pittance, in comparison with war appropriations, to reestablish farmers who have been foreclosed, these same Congressmen rise from all sections of the Chamber and shout "economy. We must stop spending." If the appropriation were for a useless warship no such sentiment would be manifested.

If this country cannot contrive some means by which our farmers may continue to live on the soil, I say to you that you are stripping the United States of the best defense it has. These men feed the Nation in time of peace, and in

time of war they feed the people and the Army, and do most of the fighting. When we are casting about to find the best means of national defense we—at least some of us—turn at once to rebuild the farms, but the majority here in Congress are as afraid of assisting the farmer as they are of the yellow fever. They are so afraid that right now there is danger of defeating this rule and preventing us from even discussing this important bill. [Applause.]

The SPEAKER. The time of the gentleman from North Dakota has expired.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 6 minutes to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Speaker, I entertain a high regard for the author of this bill for the persistence and diligence with which he has promoted the bill ever since he has been a Member of Congress. I salute him for that effort, because I think he is genuinely sincere. I wish I could support the bill, but in my judgment it is simply taking the Government further in the wrong direction. Perhaps I ought to impeach my own incredibility at the outset by refreshing your memory with the fact that my record is pretty consistent on the farm-tenancy program, and for what has been done. This just multiplies that mistake, and I think the position of those of us who have consistently opposed it heretofore is being vindicated already. Let me read this rather interesting extract from Pearson and Allen's column from the Sunday Times-Herald:

TENANT FARMERS

Despite all the good intentions of Henry Wallace regarding the sharecropper and tenant farmer, the inside fact is that both have been increasing in numbers and decreasing in security, year by year. For anybody who wants to write another Grapes of Wrath there is more abundant material than ever.

It is not being shouted from the house tops, but between 1930 and 1935 the number of farm tenants increased at the rate of 40,000 a year to reach the staggering total of 2,865,000. The 1940 census, when the figures are out, is expected to show a still higher figure.

Privately Agriculture Department officials admit that they are just about licked, and have almost abandoned their drive to reduce tenantry.

There are three reasons for the increase in tenant farming:

1. Increased mechanization. Best index of this is the mounting sale of tractors. Technological unemployment, which long ago hit the factory, has now come to the farm.

2. Reduced acreage. To prevent price-depressing surpluses, A. A. A. contracts with farmers to plant less. This means fewer tenants are needed to plant, tend, and harvest the crops. Meantime, the rested land next year gives a higher yield, necessitates further acreage cuts.

3. In spite of A. A. A. efforts, however, tenants and sharecroppers are not getting proportional benefits of A. A. A. payments. The money goes to the landlords, many of whom are insurance companies and absentee owners. A. A. A. officials, headed by Cully Cobb, insist they can't make an issue of this.

SHARECROPPER SECURITY

Economists in the Department are now making a drive for security for tenants. This represents a radical shift of direction. For, until recently, the drive was to convert tenants to owners.

Instead, realizing that many tenants are incapable of owning and operating a farm, A. A. A. planners are not trying to decrease the number of tenants but to increase their income and security. It is pointed out that tenantry in England is much higher than in the United States (80 percent against 42) but that the English farm tenants have protection unknown here.

First step in this direction is to formalize and legalize the relation between farmer and tenant by bringing in a simple, uniform lease to bind the relation between them. Over 80 percent of all tenants and sharecroppers have only verbal agreements with their landlords.

Conferences in the Agriculture Department are preparing for such a drive. Preliminary material has been drawn up, under Economist Dover P. Trent. The country will soon hear about the "flexible farm lease."

I think that is a pretty adequate statement of the whole situation. Then why make the mistake of speculating on a bill that is full of foibles and fancies, that is basically wrong, and spend 4 hours on it that we could much better spend in a more improving effort? Why speculate on a bill of that kind? I think that is the answer to the thesis advanced by the gentleman from Washington [Mr. HILL]. If an egg is rotten, there is no use spending 4 hours speculating on whether it is rotten or not. Let us have done with it first and last, and then resume much of the effort that lies over on the desk of every Member on other vital matters that await action on the floor. If I could be persuaded that this is going to do something for foreclosures, I might take a different attitude. Here is the report of the gentleman from Georgia himself and it gives you the story of what foreclosures are like, as taken from the Federal land bank report. In 1929 there were 3,350, and in 1939, after 8 years of salutary legislation what was the record? More than three times that much, namely 10,567. Those are not my figures. Those are figures submitted in the report by the author of this bill.

Look for a moment at the Federal Farm Mortgage Corporation. It started in 1934. They had only 2 foreclosures then. In 1939 there were 5,502. Why should we make Uncle Sam the greatest real-estate broker in farm lands in all the wide world, give him a chance to acquire by purchase of liens every encumbered farm in this Nation and then reclassify the land and sell it back on a 40-year basis, when the record of the department and the record of tenancy is definitely on the increase? Before we put any more legislation on the books dealing with this matter, the whole basic premise of the Government in this field needs careful scrutiny and reexamination. That is the best reason I know of why the rule ought to be voted down now instead of wasting precious time in 4 hours' discussion on a bill that is so monstrous as the bill that appears before us today.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. RANKIN. As a matter of fact, those farmers that are being made tenants are losing their farms because of two things, primarily. One of them is the high rate of interest they have to pay, together with the high taxes; and the fact that they are not given sufficient time to meet those obligations. That is the thing that makes tenants out of these farmers today.

Mr. DIRKSEN. I wonder why the Congress of the United States has been dipping into the Federal Treasury to the extent of $32,000,000 a year to bring the farm interest rate down and then it does not stop foreclosure.

What assurance is there that this bill, amazing as it is on its face, will have any effect whatsoever on that distressed situation in the agricultural life of the country today?

Mr. AUGUST H. ANDRESEN. Will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. AUGUST H. ANDRESEN. If we pass legislation charging the farmers no interest whatsoever, but requiring them to pay the principal over a period of years, they would be unable to do so because of the low income that the farmer receives for the things he has to sell. That is the fundamental key to any successful farm program.

In the report accompanying this bill there appears this statement:

> The money spent by the Federal Government under this program will not create any new debt, neither will it increase the total outstanding debt of the total farm-mortgage debt of this country one penny. Furthermore, this money is to be repaid with interest to the Government over a period of 40 years during which time no additional debts can be incurred against the tracts of land involved.

It is quite true that the actual farm-mortgage debt will not be increased but what the author fails to emphasize is that under the provisions of this bill every farm mortgage in this Nation which existed on the day that this bill might become a law could be surrendered to the Federal Government for the amount of the mortgage and thus make the Federal Government the largest holder of farm real estate and farm mortgages in the history of all the world.

The bill provides for classifying the lands which are by acquisition added to the public domain so that land unsuitable for farming would remain in the public domain and the land which was suitable would then be sold to original purchasers or other farmers in small tracts. It is apparent, therefore, that it would be entirely possible to accumulate small Federal holdings of timber, submarginal land, and other land unsuited for cultivation over the entire Nation all of which would add materially to the administrative expenses of Government and create an altogether unwieldy situation.

As usual administrative costs would no doubt come out of the Federal Treasury.

It is easily discernible that what would happen under the provisions of this bill would be the transfer to the Federal Government of a large amount of poor mortgaged farms and the loss would ultimately be enormous.

How strange in view of the accent placed on the reorganization bill last year and on the purpose of grouping similar functions of government that there should be before us a bill which seeks to do substantially the same thing now being done by the Farm Security Administration but to place that function in a different department of Government.

The Farm Security Administration in the Department of Agriculture mainly administers the Farm Tenancy Act. This bill would provide for a land purchase and sale program and place it in the Department of the Interior. Can anyone justify that kind of procedure?

The report accompanying this bill also states that "it will tend to check the flood of farm mortgage foreclosures." It is interesting to observe also that in the Democratic national platform of 1940 there is a recital that since 1932 farm foreclosures have been drastically curtailed. If this is the case, then what does one make of the figures which have been submitted in connection with this bill and which, according to the report, were obtained from the official records of the Farm Credit Administration? These figures appear to me to be of such interest that I am appending them where all may read of the foreclosures by the Federal land banks and the Federal Farm Mortgage Corporation that have been steadily on the increase from year to year. Incidentally this happens to be the case despite the generous amounts which Congress has appropriated to meet this situation. Is anything more persuasive than that this whole matter needs the most careful scrutiny before the country is hurled further along the wrong road?

Federal land banks: Foreclosures completed, farms owned, real estate disposed of, and loans delinquent and/or extended, 1929–39

Year	Foreclosures completed during year		Number of farms owned outright and held subject to redemption at end of year	Number of disposals of farms and sheriffs' certificates during year		Loans delinquent and/or extended (unpaid principal)
	Number	Amount		Whole	Part	
1929	3,350	$11,629,000	6,641	2,234	235	$77,884,000
1930	4,645	16,866,000	8,532	2,826	305	137,447,000
1931	7,386	27,169,000	12,629	3,729	502	304,928,000
1932	10,039	40,420,000	18,503	5,360	924	[1] 593,593,000
1933	6,585	25,801,000	21,945	4,128	637	[2] 627,404,000
1934	4,763	15,244,000	22,960	4,858	696	[2] 628,454,000
1935	11,438	36,210,000	27,515	8,423	1,289	[3] 556,779,000
1936	13,571	41,995,000	29,075	13,032	1,989	[3] 469,557,000
1937	9,065	27,642,000	25,838	13,212	2,068	[3] 436,755,000
1938	7,337	24,394,000	24,024	10,186	1,324	[3] 503,679,000
1939	10,567	38,100,000	25,801	9,536	1,040	[3] 473,333,000

[1] Extensions partially estimated.
[2] Unmatured principal.
[3] Estimated.

Farm Credit Administration, Division of Finance and Accounts, Apr. 4, 1940.

NOTE.—Revision of table furnished on Mar. 6, 1940.

Federal Farm Mortgage Corporation: Foreclosures completed, farms owned, real estate disposed of, and loans delinquent and/or extended, 1934–39

Year	Foreclosures completed during year		Number of farms owned outright and held subject to redemption at end of year	Number of disposals of farms and sheriffs' certificates during year		Loans delinquent and/or extended (unpaid principal)
	Number	Amount		Whole	Part	
1934	2	$5,000	2			$65,684,000
1935	213	362,000	236	18		154,784,000
1936	2,184	4,103,000	2,379	490	28	171,844,000
1937	3,498	6,647,000	5,107	1,693	154	[1] 210,993,000
1938	5,189	10,530,000	8,245	3,500	265	[1] 259,243,000
1939	5,502	11,539,000	9,625	6,406	424	[1] 236,594,000

[1] Estimated.

Farm Credit Administration, Division of Finance and Accounts, Apr. 4, 1940.

When all is said and done, adequate prices for farm products will come closer to checking the drift toward tenancy than any other remedy which might be applied. If the author and the friends of this measure wish to do something fruitful in the field of agriculture, they might well turn their attention and their discussion to the field of farm prices and to a program that is designed to check tenancy and make it possible for farmers everywhere not only to hold on to their present possessions but to acquire farms through the means of adequate prices.

It is also interesting to observe that this bill comes to us without any recommendation from the Department of Agriculture or from the Secretary of the Interior.

If the measure in any wise complied with the existing program of the administration relative to farm tenancy, it is fair to assume that some kind of recommendation would have accompanied this bill.

I suggest, therefore, that in the interest of agriculture and in the interest of a sound, sane, and forthright farm program the present rule be voted down.

The SPEAKER. The time of the gentleman has expired.

Mr. COLMER. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Mr. Speaker, we have just listened to two confessions: First, the confession of the gentleman from Illinois [Mr. DIRKSEN], that what is ruining the farmer is the high rate of interest and the fact that they are not given sufficient time to pay their debts when depressions come. Then the confession of the gentleman from Minnesota [Mr. AUGUST H. ANDRESEN], to the effect that the farmer is being ruined because of the high protective tariff which we should have repealed long ago, because it creates so much spread between the prices of the products the farmers have to sell and the prices of the industrial articles they have to buy. He says the farmers could not make it if they paid no interest at all.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I am sorry, I cannot yield.

If there is anything wrong with this bill, let it be amended when it comes to the floor. At least give us a chance to discuss it. If we are going to save this Republic we are going to have to reestablish the farmers of this country on the land. In order to do that we will have to reduce interest rates. While every big banker, or big insurance company, or power company, or railroad, or manufacturer can get money at a low rate of interest, yet when we talk of reducing interest to the farmers of this country we find the same opposition that we have had to rural electrification. They throw up their hands and yell, "Unsound, unsound." They are always willing to do anything they can for the farmer, provided it does not do him any good.

This measure may not be perfect, but it can be amended. But it seems to me that while we are spending these billions, while we are spending money on everything else, we can well afford to take a few hours to discuss a measure of this kind. If you vote this rule down, of course that ends it; we cannot even debate the measure, much less pass it.

The gentleman from Illinois [Mr. DIRKSEN] does not need to get excited about the time; it seems to me that we can well afford to take a few hours off to discuss the condition of the farmers of the Nation, the men who toil in the fields, who produce the raw material that feeds and clothes America; the people who sustain the Nation in time of peace and fight its battles in time of war. You will not skip those farmers with the draft. You never skip the farmer when it comes to collecting taxes. As a rule they pay the highest rate of taxes for their incomes of anybody under the American flag. You do not skip them then. Why skip them now?

This money will all come back with compound interest. It will come back with the interest that we charge. It will all be paid back to the Government by these farmers themselves. But it will come back in compound interest in the restoration of stability in this country; in the prosperity of the American farmers and in the billions it will add to the wealth of the Nation. [Applause.]

[Here the gavel fell.]

Mr. COLMER. Mr. Speaker, I yield the remainder of the time to the distinguished gentleman from Georgia, the author of the bill, Mr. PETERSON.

Mr. PETERSON of Georgia. Mr. Speaker, I realize that compared to a number of the Members of this House I am comparatively young in service. This is my first effort as a Member of this House in an attempt to secure favorable consideration of a piece of legislation which directly affects, vitally affects, every citizen of this Nation.

Mr. Speaker, it is absolutely impossible for me to even begin to explain the provisions and the merits of this legislation in the 10 minutes which have been allotted to me. I fully realize that if the leadership on both sides of the aisle, in their hearts and for the most part through their active efforts, are opposed to the granting of this rule, very probably a majority of the membership will go with that leadership.

Mr. Speaker, there is much sound logic in this legislation. If the membership will take time to examine my record during the 6 years that I have been a Member of this House I think they will find that I have been rather conservative in my attitude toward the proposals brought here for consideration. This is not radical legislation. On the other hand, it is steeped in the traditions and the history of this Nation. Although this legislation may not be perfect it embodies the political philosophy which we know as Americanism as contrasted to the various foreign "isms" which have crept in during the last few years.

I shall not attempt to enter into a general explanation of this bill because it is impossible to do so unless you see fit to grant a rule; and, Mr. Speaker, I know of no pressing business for the remainder of this afternoon, or for the remainder of this week. All I am asking of the leadership on each side, and all I am asking of the members of the Committee on Agriculture who see fit to fight, not the bill but the rule, is that you just give us a few hours this afternoon that we may go into the merits of this proposition. Then if you do not like it, vote it down.

Mr. FULMER. Mr. Speaker, will the gentleman yield?

Mr. PETERSON of Georgia. Not just now.

Mr. Speaker, the political problem which is approached in this legislation is more clearly set forth in a message sent to this House by the President of the United States, and possibly in fewer words than I could express it myself.

Mr. Speaker, I ask unanimous consent to read excerpts from this message of the President.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PETERSON of Georgia. On February 16, 1937, President Roosevelt sent a message to this Congress in which he said:

> I transmit herewith for the information of the Congress the report of the Special Committee on Farm Tenancy.
>
> The facts presented in this report reveal a grave problem of great magnitude and complexity. The American dream of the family size farm, owned by the family which operates it, has become more and more remote. The agricultural ladder, on which an energetic young man might ascend from hired man to tenant to independent owner, is no longer serving its purpose.
>
> Half a century ago 1 of every 4 farmers was a tenant. Today 2 of every 5 are tenants, and on some of our best farm lands 7 of every 10 farmers are tenants. All told, they operate land and buildings valued at $11,000,000,000.
>
> For the past 10 years, the number of new tenants every year has been about 40,000. Many tenants change farms every 2 or 3 years, and apparently 1 out of 3 changes farms every year. The agricultural ladder, for these American citizens, has become a treadmill.
>
> At the same time, owners of family-sized farms have been slipping down. Thousands of farmers commonly considered owners are as insecure as tenants. The farm owner-operator's equity in his property is, on the average, 42 percent, and in some of our best farming sections is as little as one-fifth.
>
> When fully half the total farm population of the United States no longer can feel secure, when millions of our people have lost their roots in the soil, action to provide security is imperative, and will be generally approved.
>
> A problem of such magnitude is not solved overnight, nor by any one limited approach.

Mr. Speaker, I submit there has been but one approach to the problem of farm home ownership during the last 7 years, and that is the approach which has attempted to shackle every farmer coming under its benefits with the irons of regimentation and has attempted to discourage private initiative and the individual effort of millions of farm families in this Nation. What is wrong, what is wrong? Even if I am incorrect in my statement, in our considering for 2 or 3 hours another approach to the problem which for the last 7 years we have considered from but one viewpoint only? Why do the members of the Committee on Agriculture fight so bitterly even the adoption of a rule which will only grant consideration of another approach? In voting for this rule they in no way obligate themselves to support the bill.

Another thing, I was interested in the remarks of my distinguished friend from Illinois, particularly his statement that this is a very vital change from the approach to the farm problem which we have heretofore used. I call his attention to the fact that another distinguished American citizen from the State of Illinois was elected President of the United States primarily upon the political philosophy incorporated in this bill; and I desire at this time, with the consent of the House, to read the platform plank of the Republican Party of 1860, which wholeheartedly endorsed this political philosophy which I am bringing you today. I call the attention of my distinguished friend from Illinois who hails from the State of your great Republican leader, Abraham Lincoln, to the fact that Abraham Lincoln was elected primarily because he advocated the approach to the problem of farm home ownership through the homestead plan. I want to read this plank to you Republicans, for probably you have forgotten it. I think that often you possibly overlook the fundamental philosophy by which you became one of the dominant political parties of this Nation. I read the homestead plank of the Republican platform of 1860:

> 13. That we protest against any sale or alienation to others of the public lands held by actual settlers, and against any view of the free-homestead policy which regards the settlers as paupers or suppliants for public bounty; and we demand the passage by Congress of the complete and satisfactory homestead measure which has already passed the House.

Mr. Speaker, the measure made in order by this rule is simply an amendment to that homestead act making it today operative to help American families acquire farm homestead units just as it did in 1862 when it became the law under Abraham Lincoln.

Members of the Committee on Agriculture seem afraid for this legislation even to be considered here, and I do not know why they are afraid, I do not know why they should hesitate to spend a few hours considering this proposal. They seem to object to it because it had not been before the Committee on Agriculture.

Mr. FULMER. Mr. Speaker, where does the gentleman get the idea that the Committee on Agriculture is fighting his bill?

Mr. PETERSON of Georgia. I beg the gentleman's pardon. I had observed members of the Committee on Agriculture fighting the rule, but I humbly beg the gentleman's pardon if I included all members of the committee in my statement. I am delighted that my distinguished friend from South Carolina is in favor of the rule.

Mr. COLMER. Mr. Speaker, will the gentleman yield?

Mr. PETERSON of Georgia. I yield.

Mr. COLMER. Mr. Speaker, I know that during his 6 years of service in this body the distinguished gentleman from Georgia has been working on this legislation. I hope the House will give him an opportunity to have his bill considered. I hope they will vote for the rule.

Mr. PETERSON of Georgia. I thank the gentleman.

[Here the gavel fell.]

The SPEAKER. All time has expired.

Mr. COLMER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and there were on a division (demanded by Mr. COLMER)—ayes 47, noes 123.

Mr. HILL. Mr. Speaker, I object to the vote on the ground there is not a quorum present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and thirty-five Members are present—a quorum.

Mr. PETERSON of Georgia. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were refused.

So the resolution was rejected.

CLAIM OF GEORGE A. CARDEN AND ANDERSON T. HERD

Mr. COX. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 407 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

House Resolution 407

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for consideration of H. R. 7230, a bill to provide for an appeal to the Supreme Court of the United States from the decision of the Court of Claims in a suit instituted by George A. Carden and Anderson T. Herd. That after general debate, which shall be confined to the bill and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

Mr. COX. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. ALLEN] to be in turn yielded by him as he sees fit. I now yield myself such time as may be necessary to make the statement I desire to make.

Mr. Speaker, I beg that Members give me their attention while I endeavor to explain the bill which the pending rule proposes to make in order, and I trust that in the event I grow tedious you will have patience with me. I want to say in all candor that in the years I have been a Member of the House I have never appeared upon this floor in the advocacy of a measure which, in my judgment, had more merit than the bill in question.

This is a bill which proposes to amend an act adopted by the House in 1934 conferring jurisdiction upon the Court of Claims to pass upon a claim identified as that of Carden and Herd. The bill which it is proposed to bring up for consideration simply provides for the right of appeal to the Supreme Court from the decision of the Court of Claims. I realize that this is the kind of bill which is easily defeated. In the first place, it grows out of transactions that took place in connection with the World War, and, like other Members, I have a natural prejudice against most old war claims. To simply declare that this is an effort to grab something out of the Treasury of the United States, that it is an attempt to steal, is to put it in danger of defeat. Now, bear with me while I attempt to explain the question at issue.

You will recall that prior to our becoming engaged in the World War, foreign boats and ships took refuge in our docks and that there was a disposition on the part of owners to make sales to our own nationals wherever possible. Carden and Herd were ship operators under contract with owners. They were not engaged in the business of buying and selling ships, but in 1917 they did negotiate with Austrian owners for the purchase of 10 ships. A contract was made, which was approved by the Austrian Government and by our own Government.

The President learned of this transaction and directed Mr. Baruch to acquire title to seven of these ships, if possible. Mr. Baruch approached Messrs. Carden and Herd with the view of acquiring title to the ships.

In order to handle this transaction, Carden and Herd had formed a syndicate of New York financiers consisting of seven people. They themselves took a one-seventh interest in the syndicate. They had sold these ships to the syndicate at a very large profit, something around three-quarters of a million dollars. However, as a result of the insistence on the part of the President, they took up with the syndicate the question of canceling the trade, and in the end the syndicate gave consent and the Government proceeded to acquire title to the ships, taking them at the price that Carden and Herd had agreed to pay the owners, which was considerably below their normal value and sale price.

In the negotiations preceding the transfer of the boats, it was agreed between Carden and Herd, on the one hand, and those representing the Government, on the other, that Carden and Herd would be given a contract to operate the ships.

Mr. TABER. Mr. Speaker, a point of order.

The SPEAKER pro tempore (Mr. PATMAN). The gentleman will state the point of order.

Mr. TABER. Mr. Speaker, this is a very important bill, and we should have a quorum present. There is not a quorum present.

The SPEAKER pro tempore. Obviously there is not a quorum present.

Mr. RAYBURN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 181]

Allen, Pa.	DeRouen	McAndrews	Schiffler
Andrews	Dies	McArdle	Scrugham
Arnold	Ditter	Maas	Seger
Barton, N. Y.	Douglas	Magnuson	Shafer, Mich.
Bates, Ky.	Drewry	Mahon	Shanley
Bates, Mass.	Evans	Maloney	Sheppard
Bolton	Faddis	Mansfield	Sheridan
Bradley, Mich.	Fernandez	Marcantonio	Smith, Conn.
Bradley, Pa.	Fish	May	Smith, Ill.
Buckler, Minn.	Fitzpatrick	Merritt	Smith, Va.
Burch	Flannagan	Mills, La.	Smith, W. Va.
Burgin	Folger	Mitchell	Somers, N. Y.
Caldwell	Garrett	Myers	Sparkman
Cannon, Mo.	Gifford	O'Brien	Sweeney
Celler	Grant, Ala.	O'Leary	Terry
Chapman	Green	O'Neal	Thomas, N. J.
Claypool	Hall, Edwin A.	Osmers	Tolan
Clevenger	Harness	Plumley	Vreeland
Cluett	Havenner	Rabaut	Wadsworth
Coffee, Nebr.	Hook	Randolph	Wallgren
Collins	Jarman	Reece, Tenn.	Warren
Connery	Jenks, N. H.	Risk	Welch
Creal	Jennings	Rockefeller	White, Idaho
Curtis	Johns	Romjue	White, Ohio
Darden, Va.	Kefauver	Sacks	Winter
Darrow	Keller	Sasscer	Wood
Delaney	Kirwan	Satterfield	Woodrum, Va.
Dempsey	Lesinski	Schaefer, Ill.	

The SPEAKER pro tempore (Mr. PATMAN). Three hundred and fifteen Members have answered to their names, a quorum.

On motion of Mr. RAYBURN, further proceedings under the call were dispensed with.

CLAIM OF GEORGE A. CARDEN AND ANDERSON T. HERD

Mr. COX. As I was saying, Mr. Speaker, the Government took title to the ships with the understanding that Carden and Herd would be given a contract to operate them at the prevailing commission charged by such operators. When Carden and Herd surrendered their profits in the sale of the ships and their contract with the syndicate they did not understand they were giving up more than the profit realized by the sale of the ships to the syndicate, which amounted to something in the neighborhood of $750,000. It was their clear understanding that they would operate the ships at the prevailing rate. However, no agreement was ever given them by the Government to carry on those operations, and finally they appealed to the War Department Claims Board, which, after full consideration of the case, after hearing all the testimony, made a finding favorable to the claimants on the facts, but held that the ships not having been acquired for War Department purposes the Board was without jurisdiction to give them relief. The claimants then appealed to the President.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. COX. I yield to the gentleman from Missouri.

Mr. COCHRAN. The gentleman is certainly mistaken in his assertion, because these two men, who never put up one dollar, received $738,000 from the Government.

Mr. COX. The statement made by the gentleman shows that he is wholly unfamiliar with the record in this case.

Mr. COCHRAN. I will hand the gentleman the decision of the Court of Claims, which quotes it.

Mr. COX. I have the report. I know what is in it, and I know that the gentleman is in error. I am not blaming the gentleman for his zeal in opposing this bill. The gentleman is a valuable Member of this House and renders a wonderful and valuable service to the country. His zeal is commendable. I believe it was Samuel Johnson was said that Goldsmith was a fool for having taken out of his Vicar of Wakefield the line—

I do not love a man who is zealous for nothing.

I think I agree with Mr. Johnson. However, zeal sometimes takes us without the realm of reason, and sometimes when followed blindly results in our doing injustice to people entitled to better treatment.

After the War Department Claims Board held with the claimants on the facts, stating that they were without jurisdiction to give relief, the claimants appealed to President Wilson and he addressed a note to Secretary Baker in which he stated the following, and, mind you, this statement was made upon the basis of the finding of the War Department Claims Board:

MY DEAR MR. BAKER: Having read the enclosed, I am myself convinced that the claim is a just one and my own recollection tallies with that of the writer in respect of everything in which I played a part in the narrative. I leave the matter to your own judgment as to what is equitable and right in the circumstances. My own wish would be that the claim could be paid.

Secretary Baker's term expired before he could take action on the claim. It then fell to Secretary Weeks, who, after examination of the record, made a finding in favor of claimants for $550,000, which he said represented out-of-pocket money. What was that out-of-pocket money? These people in forming this syndicate had spent something in the neighborhood of $400,000, and in the prosecution of the claim they had spent something in excess of $275,000. The Secretary of War held that the $550,000 would in effect represent the money they were out of pocket. He held, however, that he was without jurisdiction or was without authority to pass upon the equities in the case.

Mr. Speaker, this bill comes to us from the Committee on the Judiciary. This committee has on two different occasions taken action upon the questions involved. The chairman of that committee, with other members, is present on the floor prepared to defend the action of the committee in the event the House adopts this rule.

Mr. HANCOCK. Mr. Speaker, will the gentleman yield?

Mr. COX. If the gentleman will bear with me just a minute, I shall yield to him later.

In the last report made by the committee we find on the first page the following language:

After two hearings by the Judiciary Committee of this Congress, the committee reached the conclusion, upon the facts found by the War Department Claims Board and those found by the Committee on the Judiciary of the Seventy-third Congress, and by Commissioner Ramseyer—

Formerly a Member of this House—

that in furtherance of the rights of these claimants, they should be allowed to have all the facts reviewed by the Supreme Court of the United States.

Bear in mind that it is not proposed here that any appropriation whatever be made to remunerate these people, only that they be given the right of appeal from the decision of the Court of Claims to the Supreme Court.

After the Secretary of War made his finding of $550,000 to remunerate the claimants for money out of pocket, they came to Congress for relief. The Congress passed a bill conferring jurisdiction upon the Court of Claims. The Court of Claims, through Commissioner Ramseyer, made a very exhaustive examination of the whole question and made a finding on the facts in line with the findings of the War Department Claims Board, which was a finding in favor of the claimants on the facts but held that the Memorandum of Closing signed by all parties when the Government took over these ships, and the receipt given by the claimants for $550,000, constituted a bar. The Committee on the Judiciary said with respect to the statement that the signing of these documents constituted a bar, the following:

Your committee feels that, if the House in considering the bill upon Report 979 of the Seventy-third Congress, which had all the facts before it, had considered either of these contentions as a bar to this claim, that the committee of the House at that time would not have referred the matter further to the Court of Claims. It is quite evident that the committee of the House at that time did not consider either of these matters as such bar.

This is what your Committee on the Judiciary said; this is what you have said through your committee:

It is quite evident from the record that the decision of the Court of Claims is not in accord with the findings of fact of the War Department Claims Board nor the conclusions of law in that case. With this diversion of opinion and with all the facts easily available by the Court, your committee has felt that it is but just that these claimants should have the right which was omitted from the original act of 1936, to appeal their case as a matter of right to the Supreme Court of the United States, and leave it to that Court to determine the rights and equities in this claim.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. COX. I yield.

Mr. COCHRAN. The gentleman, as we all know, is learned in the law, but can the gentleman cite one instance where the Judiciary Committee ever before set aside the regular procedure and granted to an individual or a corporation a direct appeal to the Supreme Court of the United States rather than going up by a writ of certiorari? I would like to have the gentleman show one such case in the history of this country.

Mr. COX. Here is an attempt on the part of a reputable committee of this House to give to two citizens of the nation the right to have their case determined by a court of competent authority and to pass upon the issues involved.

Mr. COCHRAN. Would the gentleman give to two individuals a right you deny to every other citizen of the United States?

Mr. COX. The Judiciary Committee has stated in its report that this Government gave to aliens rights which thus far have been denied to the claimants in this case.

Mr. ROBSION of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. COX. I yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. About a year ago the Congress passed an act giving litigants the right of appeal under circumstances like these.

Mr. COX. And, of course, they ought to have the right to appeal.

Mr. ROBSION of Kentucky. But at the time this decision was made by the Court of Claims no such right existed and therefore the only way these people can get relief is by this special bill.

Mr. COCHRAN rose.

Mr. COX. I am sorry, but let me proceed.

The committee attaches, as exhibits A and B to its report, the report of the committee made in the Seventy-third Congress and the report of the War Department Claims Board to which reference has already been made.

Now, bear with me, because justice demands that some kind of consideration be given these people and I hope you will not permit the natural prejudice which we have against war claims that I have referred to to lead you into error.

The Judiciary Committee in its first report said, and listen to me, please:

The claims of Messrs. Carden and Herd arise out of a controversy as to the consideration agreed upon for such transfer.

That is, the transfer of the ships.

The committee further said that:

The controversy has never been presented to a judicial tribunal with jurisdiction to adequately dispose of the case on the merits.

At the outset it was presented to the War Department Claims Board under the Dent Act, which, after extensive hearings, found that there was a misunderstanding between the parties and, therefore, no meeting of the minds, that consequently the claimants were entitled to just compensation for their property taken, but that the Board had no jurisdiction to make an award because it did not appear the ships were taken for War Department purposes.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. COX. Yes.

Mr. SCHAFER of Wisconsin. If this bill merely provided that these claimants can appeal to the United States Supreme Court I would be glad to support and vote for it. If this bill simply provides for an appeal to the United States Supreme Court on all questions of law and fact before the Court of Claims, then why do you extend the jurisdiction of the Supreme Court beyond the right to appeal by including the language in line 6?

Mr. COX. To what language has the gentleman reference?

Mr. SCHAFER of Wisconsin. The language in lines 4 and 5 reads: "and jurisdiction is hereby conferred upon the Supreme Court to consider on such appeal all questions of law and fact," and then the bill states in line 6, "including the fair market value of the property involved." Why not strike out the language "including the fair market value of the property involved," so that the bill will simply provide for an appeal on all questions of law and fact which were before the Court of Claims?

Mr. COX. That is an element in the case to which consideration must be given if the purpose is to do justice as between the Government and these claimants.

Mr. SCHAFER of Wisconsin. Was not the value of the property determined in the Court of Claims?

Mr. COX. The decision in the Court of Claims turned on the question of the memorandum made at the time the Government took title to the ships and the receipt given by Carden and Herd to the Secretary of War when the $550,000 was paid, holding that these two writings constituted a bar.

Mr. SCHAFER of Wisconsin. Was not the question of the fair market value of the property before the Court of Claims?

Mr. COX. No; the Court of Claims simply held——

Mr. WEAVER. Mr. Speaker, will the gentleman yield?

Mr. COX. Yes.

Mr. WEAVER. May I say to the gentleman from Wisconsin with respect to the findings of fact, and this is one fact you should get into your minds, these parties bought these ships from the Austrian owners. They were interned in New York harbor and could not get out because of the English Navy. Of course, they bought them at a price, $123 per gross ton. Mr. Ramseyer, a former Member of this House, with whom I served for a number of years, was the Commissioner appointed by the Court of Claims to find the facts, and he found himself that these ships were worth $195 per gross ton, and that is in the findings.

Mr. SCHAFER of Wisconsin. Yes; I understand that, but we have been told that this bill simply provides for an appeal to the United States Supreme Court on all questions of law and fact from the decision of the Court of Claims. Then why enlarge the bill with the language in line 6 and set up the Supreme Court as a supercourt of claims, which that language does?

Mr. ROBSION of Kentucky. But the Court of Claims decided the matter on a technicality, and if you go to the Supreme Court and the Supreme Court decides in favor of Carden and Herd, then they would have to pass upon the value of the property.

Mr. WEAVER. The value of the property has been determined twice.

Mr. COX. Let me proceed. The Government took over these ships about 6 weeks before the passage of the act, which would have meant, had title been acquired under the provisions of that law, that Carden and Herd would have been paid the market value of the ships, and at the expiration of the war the ships would have been returned to them intact. In other words, the Government, as a result of taking over these ships, saved itself an expenditure in excess of $20,000,000, which would otherwise have been incurred, and mark you, the Government operated these ships throughout the duration of the war, and for about 2 years afterward, and then sold a part of the lot for a price in excess of the original cost of the entire seven ships. That is in the record.

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. COX. In a moment.

Mr. McGRANERY. Mr. Speaker, will the gentleman yield?

Mr. COX. Yes.

Mr. McGRANERY. The record has been made in the Court of Claims?

Mr. COX. Yes.

Mr. McGRANERY. The Court of Claims would likewise show the fair market value of the property at that time, so that under this bill as I read it—

To consider on such appeal all questions of law and fact, including the fair market value of the property involved—

Would in fact say to the Supreme Court, we want you to take new testimony, we want you to take further evidence. I do not know how the Supreme Court is going to set itself up as a court of original jurisdiction to do that.

Mr. COX. The Supreme Court would make its findings on the record made before the Court of Claims.

Mr. McGRANERY. Then why do we not say:

To consider on such appeal all questions of law and fact?

Mr. COX. That is a question that the gentleman might address to the consideration of the Committee on the Judiciary in the event the rule is adopted.

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. COX. Yes.

Mr. TABER. According to page 15 of the committee's report, $6,778,006.78 was paid to these people and at that time they executed bills of sale of the ships.

Mr. COX. That is right.

Mr. TABER. The cost to these people of these ships, according to page 9, was $6,476,073. I have not had a long time to examine this, but it looks as if they had been paid more than their cost.

Mr. COX. Let me say to the gentleman that my confidence in him is so great that I have not the slightest doubt in the world, if he will read the record made on the case incorporated in the report of the committee he will support the bill. The gentleman is a fair-minded and just man.

Mr. TABER. I try to be.

Mr. COX. And I know he wants to do justice to everybody. Let me proceed just a little further and quote from the findings of the War Claims Board.

The SPEAKER pro tempore. The time of the gentleman from Georgia has expired.

Mr. COX. Mr. Speaker, will the gentleman from Illinois yield me just 1 minute?

Mr. ALLEN of Illinois. Mr. Speaker, I yield the gentleman 1 minute more.

Mr. COX. Mr. Speaker, I realize that I have been very awkward in my endeavor to present this picture to you, but I want to say that if my reputation and standing in this House means anything, I hazard it right now upon the proposition that this is a just and honest claim, and this House ought not for a moment to consider rejecting this rule or turning down the bill which its great Committee on the Judiciary has reported. Nothing less than what the committee has proposed approaches justice in the case.

The SPEAKER pro tempore. The time of the gentleman from Georgia has again expired.

Mr. ALLEN of Illinois. Mr. Speaker, I yield myself such time as I desire.

The SPEAKER pro tempore. The gentleman from Illinois is recognized for 29 minutes.

Mr. ALLEN of Illinois. Mr. Speaker, I think we should start off by knowing that this is not appropriating one cent by this Congress. Many on the Republican side have said, What is the appropriation? I think it is important to emphasize that this bill does not provide for an appropriation

of one cent. Certain citizens of the United States back in 1917 purchased from a foreign government, with the consent and approval of our Government, because they wanted to register these boats, certain boats. They then formed a syndicate. Soon afterward President Wilson requested these gentlemen to come up to Washington, and he left Barney Baruch negotiate a contract whereby the Government would take over these boats and the contract provided that these gentlemen would be able to operate the boats.

All these gentlemen want to do is to have the right to appeal to the Supreme Court of the United States and let them examine the law and the facts in this case. Personally I do not know whether they are entitled to any damages or not. I do not know whether they are entitled to anything, but I know that the other body, without a dissenting vote, felt that they were. Members of the Judiciary Committee likewise feel that they are entitled to damages.

In addition to that, I want to read a copy of a letter that President Wilson wrote to Secretary Baker back in 1921. He said:

MY DEAR MR. BAKER: Having read the enclosed, I am myself convinced that the claim is a just one, and my own recollection tallies with that of the writer in respect to everything in which I played a part in the narrative. I leave the matter to your own judgment as to what is equitable and right in the circumstances. My own wish would be that the claim could be paid.

Mr. ROBSION of Kentucky. And "the writer" was Mr. George A. Carden, one of the claimants on this bill?

Mr. ALLEN of Illinois. That is true.

So I say that this does not cost the Government one cent. It merely gives these gentlemen the right to appeal, and if they fail to convince the Supreme Court that they are entitled to any damages, those gentlemen have to pay the cost of appeal and all the expenses.

Mr. WHITTINGTON. Will the gentleman yield?

Mr. ALLEN of Illinois. I yield.

Mr. WHITTINGTON. Without any relation to the merits of the case, it is fair to say that in the event the Supreme Court would render judgment in favor of these claimants the Congress would pass an appropriation to pay the bill.

Mr. ALLEN of Illinois. That is right. But I think if they do find that these gentlemen are entitled to damages that they should be paid.

Mr. WHITTINGTON. Does the language of this particular bill go further than giving the Supreme Court the right to say that the Court of Claims was correct when the Court of Claims held that the two memoranda barred recovery in that court? In other words, if the Supreme Court of the United States is of the opinion that the Court of Claims was justified in holding the receipt and finding of the War Board as a bar, could they so adjudicate, or do you enlarge their jurisdiction under the terms of this bill?

Mr. ALLEN of Illinois. I think not.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. ALLEN of Illinois. I yield.

Mr. SCHAFER of Wisconsin. If this bill as reported does not enlarge the jurisdiction so as to provide something more than an appeal from the Court of Claims to the United States Supreme Court, please advise the Members of the House why your committee has included the language in line 6, reading as follows:

Including the fair market value of the property involved.

If this is merely an appeal on a question of law and fact, why add to the bill this language, and thereby increase the scope of the bill and the jurisdiction of the United States Supreme Court beyond the law and facts which were before the Court of Claims?

Mr. ALLEN of Illinois. It is not my bill and I would say the gentleman should discuss that with the author of the bill, the gentleman from Kentucky [Mr. ROBSION].

Mr. COX. Will the gentleman yield to me?

Mr. ALLEN of Illinois. I yield.

Mr. COX. The gentleman will recall from his examination of this whole case that Mr. Baruch, who was commissioned by the President to acquire title to these ships was more indefinite in the testimony that he gave than any of the witness who testified?

Mr. ALLEN of Illinois. That is correct.

Mr. COX. Mr. Baruch himself said, however:

There is no doubt in my mind but what they did say something to that effect; that "we think we ought to have the operation of these boats." There is not any doubt in my mind that I agreed to that proposition, and I still think so.

He said further:

Of course, they had in mind that they were going to get these ships. They asked me to—I was going to try to get them the ships, but I don't think that you could say that this was what you could call a copper-bound legal kind of a document that you have to get up in real estate, where everybody looks across the table and is scared of each other. I say, as I thought then, and I say now, I thought these men were entitled to it, and I think Mr. Denman had in mind that he was going to get these men the operation of these ships, but as to whether there was anything more definite or anything more legal and binding from a legal standpoint, I am not prepared to say.

Mr. Baruch testified further. Mr. Baruch is the man who was representing the President. He said:

If this had been a private transaction I would go far as to say it was one of these deep moral obligations that a man could not get away from.

Mr. ALLEN of Illinois. I thank the gentleman for his contribution.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield.

Mr. MICHENER. The gentleman suggested a while ago that this bill represented the views of the Committee on the Judiciary. I want to be clear on that. This was not a unanimous report. Several members were opposed, and I think they are opposed now, but there was no minority report filed.

Mr. ALLEN of Illinois. But it was recommended by the Judiciary Committee.

Mr. MICHENER. Yes.

Mr. HANCOCK. Will the gentleman yield?

Mr. ALLEN of Illinois. I yield.

Mr. HANCOCK. During the last session of Congress, when this bill was before us, the gentleman from Tennessee [Mr. CHANDLER] filed a minority report against the bill.

Mr. ALLEN of Illinois. Yes.

Mr. HANCOCK. I did not want the impression abroad that the Judiciary Committee is unanimously behind this bill, because such is not the case.

Mr. ALLEN of Illinois. I did not say that.

In conclusion, I would emphasize this fact: It merely gives some citizens of the United States the right to go to the Supreme Court because they believe the United States violated a contract made with them back in 1917, and perhaps the best argument in favor is this letter that President Wilson wrote, saying that he thought it was a just claim, and it should be paid.

Mr. COX. Will the gentleman yield?

Mr. ALLEN of Illinois. I yield.

Mr. COX. Can the gentleman conceive of any reason in this world why a citizen who has a grievance against the Government should not be accorded a forum where he could be heard upon both questions of law and fact?

Mr. ALLEN of Illinois. I agree with the gentleman.

Mr. ZIMMERMAN. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield.

Mr. ZIMMERMAN. Did the Court of Claims have jurisdiction to pass upon the law and the facts in this case?

Mr. ALLEN of Illinois. Their decision was based on a technicality.

Mr. ZIMMERMAN. I am asking the gentleman from Illinois—I presume he is a lawyer—I am asking him if it is a fact that the Court of Claims had jurisdiction to pass upon the law and the facts?

Mr. ALLEN of Illinois. I am of the opinion it did.

Mr. HANCOCK. If the gentleman will yield, the Court of Claims did, and wrote a very full opinion in that case.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN. Mr. Speaker, I asked for 10 minutes on this bill a week or two ago and thought I was going to get it. I cannot make my case in 5 minutes, but will do the best I can.

I probably voted for the jurisdictional bill which sent this case to the Court of Claims. I am told I wrote a letter at one time saying I would support this bill or some other bill. Probably I did; but if I did do it, I wrote the letter before examining the bill and reading the court's decision.

I am not going to vote for this bill. On the contrary, I am going to do everything I can to defeat it.

I congratulate the Committee on the Judiciary, Mr. Speaker, for not reporting out the bill H. R. 3356, the original bill. Why? Because in that bill—they could not stomach it—it authorized and directed the Supreme Court of the United States to render judgment for these claimants. Just think of that. Then the author introduced a second bill, and there was a report on the second bill. In the first report on the second bill was a letter from the Attorney General which stated why this bill should not become a law; also a minority report. Why is that letter from the Attorney General and the minority report not in the second report? I would like somebody to explain that in their time. I will place it in the RECORD.

The decision of the Court of Claims tells you just what happened. Carden and Herd got $550,000 from the War Department and signed a statement saying that that was in full and complete settlement of their claim. Then they got $188,000 from Phelps & Co., agents for the Austrian owners, that was paid for removing the restrictions on the ships. In all, they got $738,000; and if you think they did not, read the decision of the Court of Claims. I will place that in the RECORD. Here is what happened:

A few days before we entered the war Carden and Herd conceived the idea of buying these ships. Carden and Herd secured permission from the Government to buy them. They did not put up a dollar. They went to seven men in New York and they formed a syndicate and advanced the money. They were bought about a week before we got into the war.

When the Government took over those ships, less than a month after, they paid them the full value. Remember, they did not have the ships 30 days.

Now, here are two men who had seven people involved besides themselves in the purchase of the ships, getting this $738,000 and keeping every nickel of it, not giving a cent to the seven men who put up the money to complete the deal.

Mr. HANCOCK. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. I yield briefly to my friend from New York.

Mr. HANCOCK. These two claimants were acting as agents for undisclosed principals throughout the transactions.

Mr. COCHRAN. That is true.

Mr. HANCOCK. And they proposed to keep the profits themselves.

Mr. COCHRAN. They did keep them.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. For a brief question. I only have 5 minutes.

Mr. COX. Both these gentlemen are in error.

Mr. COCHRAN. Oh, no. The men who put up the money to buy the ships never received a cent of the $738,000. Read the record.

Mr. COX. But the gentlemen will very likely find themselves embarrassed in making any such declaration as that a syndicate was formed by these two gentlemen to represent undisclosed principals. That is not true.

Mr. COCHRAN. They got the $738,000 and did not give a cent to anybody. Kept every nickel of it, according to the Court of Claims decision.

Mr. COX. The gentleman said the money was put up. The 10 percent that was exacted by the owners in the closing of the contract was put up. The gentleman seems to be interested in creating the impression that this syndicate and these claimants owe the Government when such is not the case. The Government in this instance, as it did in most others, almost compelled the surrender of the contract which had been made.

Mr. COCHRAN. I will tell the gentleman what is involved.

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield briefly on this question?

Mr. COCHRAN. No. I regret I cannot. According to the Attorney General, over $8,000,000 is involved in this case, $8,000,000 plus interest that will run it up to about $20,000,000. That is what is involved in this case. Twenty million dollars is involved in this case, according to the letters that are in the first report and in the opinion of the Court of Claims.

If this claim is allowed, who gets it? Do the members of the syndicate get it? Do the seven men who were in this group get it? No; Carden and Herd alone get it, together with attorneys.

Mr. COX. Mr. Speaker, will the gentleman yield there?

Mr. COCHRAN. Briefly.

Mr. COX. The syndicate never operated the ships. The syndicate took the title and gave Carden and Herd the contract to operate them.

Mr. COCHRAN. Can you imagine, Mr. Speaker, the United States Government taking over seven ships to send our troops abroad and to send our supplies abroad during time of war and letting private individuals operate those ships?

Mr. COX. These were not transport ships in any sense of the word.

Mr. COCHRAN. They were used for that purpose. This is the most foolish proposition I ever heard of. They have nothing in writing to show that any such agreement was made and the Court of Claims points that out. I want to impress upon you the fact that if you adopt this rule the House of Representatives will be virtually passing a bill giving to two individuals in this country a right which you do not grant to anybody else. When you go to the Supreme Court you must do so through a writ of certiorari, and the gentleman from Georgia knows that.

Mr. COX. The gentleman says there is nothing in writing. Does the gentleman find no virtue in the letter of the President in the finding of the War Claims Board and in the finding of the Claims Commissioner?

Mr. COCHRAN. There is no written contract. May I say again to the gentleman from Georgia that I do not think he can lay hands on a piece of legislation giving direct appeal to the United States Supreme Court from the Committee on the Judiciary of this House. [Applause.]

Mr. Speaker, as part of my remarks I include the letter from the Attorney General and the decision of the Court of Claims, as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., February 15, 1939.

Hon. HATTON W. SUMNERS,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: This acknowledges your request for my views concerning the bill (H. R. 3356) to amend the act entitled "An act conferring jurisdiction upon the Court of Claims of the United States to hear, consider, and render judgment on certain claims of George A. Carden and Anderson T. Herd against the United States," approved June 13, 1934.

The act of June 13, 1934 (48 Stat. 1386), which the bill under consideration seeks to amend, is a private act by which jurisdiction was conferred on the Court of Claims to consider the claims of George A. Carden and Anderson T. Herd against the United States for additional compensation for several ships which were sold by the claimants to the Government at the beginning of the World War. Thereupon the claimants brought suit in the Court of Claims for an amount in excess of $7,160,000 with interest from May 3, 1917. After a trial on the merits the court reached the conclusion that the claimants were not entitled to recover and dismissed the petition. The present measure proposes to direct the court to render judgment in favor of the claimants for an amount to be determined by the court pursuant to a formula set forth in the bill.

The files of this Department disclose the following facts bearing on the claim:

On April 5, 1917, the claimants purchased seven Austrian ships that had previously taken refuge in American harbors. At the suggestion of President Wilson, conveyed through Mr. Bernard M. Baruch, they resold the ships to the United States on May 3, 1917, at the price that the ships had cost them, plus certain expenses which they had incurred. The total amount received by them from the

Government as a result of this transaction was $6,788,006.70. In addition the Government paid them a further sum of $1,053,020 as a consideration for the removal of the restrictions that had been previously imposed on the use of the ships by the Austrian owners, namely, a limitation to navigate between ports of North and South America. The Government turned over four of the ships to the Allies and assigned the other three to the War Department.

Thereafter Carden and Herd asserted that they had understood that as a part of the consideration for the transfer of the vessels to the Government they were to be hired as operating agents of the vessels, and submitted a claim to the War Department on that theory under the provisions of the Dent Act (act of March 2, 1919, 40 Stat. 1272), which conferred on the Secretary of War authority to settle and adjust claims arising out of informal contracts. Mr. Bernard M. Baruch explained that while he had stated that he would recommend to the Shipping Board that Carden and Herd be hired as operating agents for these vessels, if anyone was employed for that purpose, there was no binding undertaking to engage them in that capacity. Secretary of War Weeks on July 16, 1921, made an award in favor of the claimants in the sum of $550,000, which amount was paid to them in due course.

As stated above, a private bill was later passed which was approved on June 13, 1934, conferring jurisdiction on the Court of Claims over the claim. Suit was then filed pursuant to the permission thus granted for the sum of $7,161,018.30 plus interest from May 3, 1917. The theory of the plaintiffs appears to have been that there was a misunderstanding between the claimants and Mr. Baruch as to the terms on which the ships were being sold to the Government; that consequently there had been no meeting of the minds and no binding contract; and that, therefore, the claimants were entitled to recover the fair and reasonable value of the vessels, which, they asserted, was much greater than the amount that they had received from the Government. Testimony was taken at great length and then the case was submitted to the court on voluminous briefs and lengthy oral arguments. The court passed on the merits of the claim and determined on May 2, 1938, that it was not well founded as a matter of fact and law. A judgment dismissing the petition was rendered. A motion for a new trial was then made by the plaintiffs, and was denied after an oral argument and the submission of briefs.

The bill under consideration proposes to reverse the judgment of the court by legislative action and to direct the court to award just compensation to the claimants, based upon the fair market value of the ships as of May 3, 1917, "which shall be not less than the minimum nor more than the maximum value thereof determined by the War Department Claims Board in the matter of the claim of George A. Carden and Anderson T. Herd." The maximum award that could be made to the claimants if this bill were enacted is $7,291,471.30.

It is understood that the claimants contend that they are entitled to consideration on the ground that they sold the ships to the United States at the beginning of the war at cost on the request of President Wilson, assuming that other shipowners would be induced to follow a similar course. It appears, however, that in the case of subsequent acquisitions of vessels by the Government during the World War fair and reasonable value was paid by the United States, and no effort was made to limit the owners to reimbursements of their own cost. The claimants apparently feel that in view of this circumstance they should not be held bound by their bargain.

On the other hand, after a full trial on the merits, the Court of Claims has held that there was no legal obligation on the part of the Government to pay to the claimants any compensation in addition to the amount which they had previously received, to wit, $8,391,028.70. By the award of the Secretary of War they realized a profit of $550,000 on this transaction. They now seek a further profit for which they did not stipulate in their original contract.

As I am unable to find any moral obligation on the part of the Government to pay to the plaintiffs the large profit which they seek to obtain through the pending legislation, I do not feel justified in recommending the enactment of the bill.

With kind regards,

Sincerely,

FRANK MURPHY,
Attorney General.

[In the Court of Claims of the United States. No. 42711. (Decided May 2, 1938.) *George A. Carden and Anderson T. Herd* v. *The United States*]

Messrs. Charles E. Hughes, Jr., and Herman J. Galloway for the plaintiffs. Messrs. Ellsworth C. Alvord, Floyd F. Toomey, and Frederick W. P. Lorenzen were on the briefs.

Mr. Alexander Holtzoff, with whom was Mr. Assistant Attorney General Sam E. Whitaker, for defendant. Mr. Herbert A. Bergson was on the brief.

This case having been heard by the Court of Claims, the court, upon the evidence adduced, makes the following

SPECIAL FINDINGS OF FACT

1. The plaintiffs are citizens of the State of New York and by an act of Congress approved June 13, 1934, the Court of Claims was given jurisdiction to hear, consider, and render judgment upon any claims, legal, or equitable, of the plaintiffs against the United States involving certain steamships named therein. This act is set out in full in paragraph (1) of the petition which the plaintiffs have filed herein.

2. War was declared between the United States and the Imperial German Government on April 6, 1917. Prior to the declaration of war plaintiffs were engaged in buying, selling, managing, and operating ships in New York City. Due to the existence of the state of war among European nations, German and Austrian ships had been forced to take refuge in the harbors of the United States. Among such ships in the harbors of the United States were 7 of Austrian registry known as the *Erny, Lucia, Anna, Teresa, Clara, Ida,* and *Dora,* which are 7 of the 10 ships named in the act referred to in finding 1.

3. About April 1, 1917, the plaintiffs made an offer to the agents of the Austrian owners to purchase the seven ships named above. This offer is set out in exhibit A attached to the petition and is by reference made a part of this finding.

On April 5, 1917, the plaintiffs' offer was accepted in writing. A copy of this acceptance is attached to the petition marked exhibit B and is by reference made a part of this finding.

4. On or about April 7, 1917, plaintiffs sold the seven ships to a New York syndicate composed of seven persons. The selling price of the 7 ships was $140 per dead-weight ton, which amounted to $7,371,140, and part of the agreement between plaintiffs and the syndicate was that plaintiffs should have the operation of the ships and receive 5 percent of the gross freight receipts. The sum of $730,302 was immediately paid to plaintiffs and the balance of $6,640,838 was to be paid upon delivery of the ships. Shortly after the sale to the syndicate, one member of the syndicate withdrew and plaintiffs took over his one-seventh interest.

5. Following the declaration of war, negotiations for the acquisition of these ships by the defendant were carried on until May 3, 1917, between plaintiffs and their attorney, Thomas B. Love, on the one hand and Bernard M. Baruch, a member of the Advisory Commission of the Council of National Defense, and William Denman, chairman of the United States Shipping Board, under the direction of President Wilson, on the other hand. Shortly after plaintiffs acquired the ships, they made Denman several propositions, none of which met with the approval of the President. The President told Denman, having in mind the scandals that arose out of the Spanish-American War on prices of ships, that he desired the ships obtained from the plaintiffs at the price they paid for them. On April 23, 1917, the President met Baruch and Denman and told them that he wanted Baruch to get the ships for the defendant at the price paid for them by plaintiffs. Denman informed the President that there were certain restrictions on the use of the ships which he thought could be removed by negotiations with the agents of the Austrians. The Presidnt authorized them to get the ships and to have the restrictions on the ships removed.

Thereafter the negotiations were resumed between Baruch and the plaintiffs, in the course of which there was some discussion with reference to plaintiffs having the operation of the ships after the Government had purchased them, and plaintiffs were told by Baruch to go to William Denman, Chairman of the Shipping Board, who would close the transaction.

There is no material conflict as to what was said between the plaintiffs and Baruch at this time, but there is no claim that any contract was then entered into.

6. Plaintiffs and their attorney next went to Denman, and there was further talk between them with reference to the terms of an agreement for the purchase of the ships. After the plaintiffs had made an agreement with the agents for the Austrian owners for the removal of the restrictions on the ships, the negotiations resulted, on May 3, 1917, in the execution of certain written instruments which consisted of (a) separate bills of sale for each of the 7 ships in form, as shown by Exhibit "C" attached to the petition and made part hereof by reference; (b) a receipt signed by the plaintiffs for $6,778,006.70 in payment for the 7 steamers, a copy of which is attached to the petition marked Exhibit "E" and made part of this finding by reference; and (c) a contract signed by William Denman acting for the United States, by each of the plaintiffs, and also by Phelps Bros. & Co., agents for the Austrian owners. This contract was in words and figures as follows:

"IN RE THE SALE OF SEVEN AUSTRIAN SHIPS

"Memorandum of Closing

"1. Closing ships' registers: It is understood that instructions have been given by the Austrian Embassy to the Austrian Consuls at Boston, New Orleans, Pensacola, and New York City that the registers of the ships in those ports will be closed.

"(a) In Boston, on the application of Haight, Sanford & Smith;

"(b) In New Orleans, on the application of George H. Terriberry;

"(c) In Pensacola, on the application of Haight, Sanford & Smith, or John A. Merritt & Co.;

"(d) In New York City, on the application of Phelps Bros. & Co., or Haight, Sanford & Smith.

"The instructions to the Austrian Consuls have been turned over to the Swedish Consuls at these ports, who have been instructed to act for the Austrian officials.

"Immediately upon the payment of the purchase price, Haight, Sanford & Smith are to take appropriate steps for the closing of all registers.

"2. Price: The price to be paid today (May 3, 1917) to Messrs. Carden and Herd is $6,778,006.70, being the price covered by the original contract for restricted trade. There is a balance due from the United States Government of $20 per ton on 52,651 tons for the removal of restrictions, which balance is to be paid as soon as the funds are received from the Treasury Department, which is expected to be on or before May 5, 1917.

"3. Steamship *Clara,* New Orleans: This steamer is now in the hands of the United States marshal. Messrs. Phelps Bros. & Co. agree to have bonds filed immediately for the release of the ship.

"4. Provisions, stores, supplies, bunker coal, etc.: It is agreed that all provisions, stores, supplies, bunker coal, etc., on board all ships shall be inventoried and appraised by parties to be agreed upon by Mr. Donald and owners' agents, the Government to pay to Messrs. Phelps Bros. & Co. the value of the same.

"5. Personal effects of officers and crew: It is agreed that necessary instructions will be issued, either by the Treasury Department or by the Shipping Board, for the landing of all personal effects of officers and crew still on board the vessels; the said effects to be turned over to the agents of the Austro-Americana as follows:

"At New York City, Phelps Bros. & Co.
"At Boston, Patterson, Wylde & Co.
"At New Orleans, A. K. Miller & Co.
"At Pensacola, Gulf Transit Co.

"6. Repairs of damages: Phelps Bros. & Co. agree to hold in this country $700,000 to cover the obligations under the sales contract, to pay the cost of repairing willful damage above $25,000 per ship. A surveyor appointed by Phelps Bros. & Co. shall be allowed to survey all repair work while being done.

"7. Remittances: Such portion of the purchase price as is to be remitted to the owners is to be deposited for remittance to the credit of the Austro-Americana Line. In the event that there shall hereafter arise any difficulty in connection with the remittance of any part of the said $700,000, held in this country as above, Mr. Denman, Chairman of the Shipping Board, agrees to use his influence to facilitate said remittance.

"May 3, 1917.

"(Signed) WILLIAM DENMAN,
"(Signed) ANDERSON T. HERD,
"(Signed) GEORGE A. CARDEN,
"(Signed) PHELPS BROS. & CO.,
"Agents."

The testimony is very conflicting as to what was said at that meeting, but the evidence fails to show that there was any contract or part of a contract entered into between the parties at that time or at any stage of the negotiations other than as is shown by the written instruments above referred to and set out.

A few days thereafter the defendant paid to the plaintiffs the further sum of $1,053,020 for the removal of the restrictions on the ships. The plaintiffs turned this money over to Phelps Bros. & Co,. who in turn remitted the sum of $188,000 to plaintiffs. Denman, having requested that the plaintiffs furnish information as to their ability to operate the ships and the personnel of their organization, on May 6, 1917, plaintiffs wrote a letter to Denman, the first paragraph of which reads, in part, as follows:

"To the end of carrying out our understanding that at a price such as would be fair and acceptable to other competent shipping concerns, we should have a contract for the charter or operation of the Austrian ships which have been transferred to the Government, we beg to say that in our organization, among others, are the following persons: etc."

The letter further contained information, which had been requested by Denman, as to the ability of plaintiffs to operate the ships and the personnel of their organization.

The operation of the seven ships was never granted to the plaintiffs, though demand therefor was made immediately after the transfer of the ships and frequently reasserted during the period of defendant's ownership.

7. The plaintiffs presented to the Secretary of War under the act of March 2, 1919, commonly known as the Dent Act, a claim against the defendant for $7,500,000 based on the transfer of the ships as set forth above and (1) the failure of the defendant to turn the ships over to the plaintiffs for operation; (2) that at the time of the transfer of the ships there was no meeting of the minds between the parties to the contract; and that therefore plaintiffs were entitled to the difference between the fair market value of the ships at the time of their delivery to the defendant and what the defendant had paid to the plaintiffs. The War Department Claims Board denied relief.

8. The plaintiffs took their case to the Secretary of War, John W. Weeks, who, on July 16, 1921, made an award in favor of the plaintiffs in the sum of $550,000. The award and acceptance of plaintiffs are as follows:

"A claim having been presented under the act of March 2, 1919, commonly called the Dent Act, by Messrs. George A. Carden and Anderson T. Herd, based upon an agreement under which the United States acquired title to seven ships.

"Now, by virtue of the authority in me vested by said act, I do hereby award to the said Carden and Herd, in full adjustment, payment, and discharge of said claim, exclusive of prospective profits, the sum of $550,000, and I hereby find and declare that no subcontractors are interested in said claim.

"And I hereby direct that the sum of $550,000, awarded as aforesaid, be paid to the said Carden and Herd out of the unexpended balance of any appropriation available for that purpose.

"(Signed) JOHN W. WEEKS,
"Secretary of War.

"Dated July 16, 1921, Washington, D. C.
"Accepted at Washington, D. C., July 18, 1921.
"(Signed) GEORGE A. CARDEN.
"(Signed) ANDERSON T. HERD."

Pursuant to the award, the sum of $550,000 was paid by defendant to the plaintiffs.

9. The seven ships cost the defendant as follows: $6,778,006.70 purchase price paid on May 3, 1917; $1,053,020 cost of removing the restrictions on the ships; $550,000 awarded to the plaintiffs by the Secretary of War; and $815,000 expended to place the ships in a seaworthy condition, or a total of $9,196,026.70.

The first and third items above, to wit: $6,778,006.70 and $550,000, or a total of $7,328,006.70, were for and paid to the plaintiffs.

10. The dead-weight tonnage of the seven ships at the time of their transfer to the defendant was as follows:

Name of ship and dead-weight tonnage:

Erny	9,250
Lucia	10,500
Anna	2,075
Teresa	6,500
Clara	6,050
Ida	7,350
Dora	10,550
Total	52,275

CONCLUSION OF LAW

Upon the foregoing special findings of fact, which are made a part of the judgment herein, the court decides, as a conclusion of law, that the plaintiffs are not entitled to recover, and it is therefore ordered that their petition be dismissed.

Judgement is rendered against the plaintiffs in favor of the United States for the cost of printing the record in this case, the amount thereof to be ascertained by the clerk and collected by him according to law.

OPINION

GREEN, Judge, delivered the opinion of the court:

The plaintiffs in this case seek to recover $7,161,018.30 with interest from May 3, 1917, or a total of about $16,000,000, as just compensation for ships owned by them and taken over by the Government during the World War.

It appears from the evidence that on April 5, 1917, the plaintiffs acquired by purchase seven Austrian ships which had taken refuge in American harbors. About April 7, 1917, the plaintiffs sold these ships to a New York syndicate. The defendant wanted these ships, and negotiations were commenced for their purchase by the Government through Bernard M. Baruch under the direction of President Wilson. On ascertaining that the ships had been sold to the syndicate, Baruch requested the plaintiffs to get the sale to the syndicate rescinded, having previously informed plaintiffs that the President had expressed a desire to obtain the ships at the original cost price. Plaintiffs complied with the request made by Baruch and obtained a recission of the sale to the syndicate. Thereafter, the negotiations were resumed between Baruch and the plaintiffs, and Baruch told them to go to William Denman, chairman of the Shipping Board, who would close the transaction. Accordingly, plaintiffs met Denman, and after some preliminary conversations the plaintiffs executed a bill of sale to the defendant for each of the ships and signed a receipt reciting that they had received $6,778,006.70 in payment for the seven ships and had executed and delivered to the United States bills of sale therefor, the receipt being executed without prejudice to the further payment of $20 per ton for the transfer of the vessels free of restrictions in the trade. At the time of the execution of the bills of sale there was also executed by Denman, the plaintiffs, and Phelps Brothers & Co., agents, an instrument denominated "Memorandum of Closing," which recited that the price to be paid for the ships was the sum stated above, and that there was a further balance of $20 per ton to be paid by the Government for the removal of restrictions on the ships and certain minor details of the transactions relating to the closing of the registers of the ships, including what was to be done with stores and supplies, repairs, and a payment to the original owners of the ships. (See finding 6.) Shortly thereafter defendant paid the further sum of $1,053,020 for the removal of the restrictions on the ships, and has paid nothing since except $550,000 as an award which will be considered further on.

So far we have recited matters as to which there is no dispute. The plaintiffs allege in their petition that they transferred title to the ships to the United States with the distinct understanding that part of the compensation to be paid them for the transfer was the operation of the ships by them at the prevailing rate of commission, which was 5 percent of the gross freight receipts, that the United States has denied that the operation of the ships by the plaintiffs was a part of the compensation, and took and used the ships without the plaintiffs ever having received just compensation therefor.

The defendant enters a general traverse of the allegations of the petition and in argument contends that there was no other consideration for the sale of the ships than the price paid therefor; also in substance that the plaintiffs had no reason to understand or believe that they were to have the operation of the ships after they were sold; and finally, as a matter of law, it is argued that the written instruments signed and delivered by plaintiffs at the time the ships were purchased constitute the sole and only contracts between the plaintiffs and the defendant for the purchase of the ships and cannot be varied by oral testimony as to any understanding on the part of plaintiffs.

More specifically stated, the contention of the plaintiffs is that the negotiations for the sale of the ships resulted in a "mutual misunderstanding" as to the consideration for the sale, and that by reason of this "mutual misunderstanding" the minds of the parties did not meet and no valid contract was made.

The respective counsel do not agree as to what took place in the course of these negotiations and a large portion of the briefs filed in the case is devoted to a review of the testimony introduced. There is no substantial disagreement as to what was said between Baruch

and the plaintiffs, but there is a direct conflict in the evidence as to what occurred when plaintiffs and their attorney took up further negotiations with Denman. Plaintiffs have the support of the greater number of witnesses but the surrounding circumstances tend strongly to support the testimony of Denman. We do not think it is necessary to determine this conflict by making a finding of fact as to the understanding of either plaintiffs' or defendant's agent, for under our view of the law applicable to the case the testimony introduced on the part of the plaintiffs is inadmissible to vary or nullify what we hold is a written contract, the terms of which are not in dispute.

The term "mutual misunderstanding" seems to involve a contradiction. We have found no opinion, decision, or textbook in which the expression is used. There are many cases where a mutual mistake occurred with reference to some element of the contract upon which the parties sought an agreement. If both parties had a mistaken belief as to some fact which was a necessary element of the contract, the mistake was thereby mutual. In such event, it is obvious that the minds of the parties never met and there was no contract. But in the instant case the allegation that there was a "mutual understanding" is based upon the claim that the evidence shows that one party believed or understood that the contract included a certain matter while the other party did not so understand or believe. We think such an understanding or belief is not mutual and merely shows that the parties disagree as to the terms of the contract. If the theory expressed in the argument of plaintiffs is correct, then whenever there was a disagreement between the parties as to whether a contract had been made, or as to the terms of a contract, and the parties each had a different thought or belief concerning these matters there would be a "mutual misunderstanding" which would invalidate the contract; but this situation nearly always occurs when there is a conflict as to the terms or construction of a contract. Such a rule would make written contracts of little avail. In our view, a misunderstanding as to the contract does not differ essentially from a mistake in relation to it and must be governed by the same principles, that is, it must be mutual in the sense we have used the word above in order to nullify an otherwise valid contract

It should be said at this stage of the consideration that it is contended on behalf of plaintiffs that there was no complete and definite written contract, but we think a reading of the instrument headed "Memorandum of closing" makes it so clear that this document constituted a complete and definite agreement that neither discussion nor argument is needed on this point. This written agreement fixed the price to be paid for the ships in plain and unambiguous terms—in other words, fixed the consideration for the sale of the ships; and the oral agreement which plaintiffs claim they understood to have been made is clearly in contradiction with this writing. Taking this fact and conclusion as a basis for further consideration of plaintiffs' case, it will be found that the decision thereon must be controlled by certain well-defined principles.

In determining the issue in the case it will be observed at the outset that plaintiffs do not allege in the petition that a contract was in fact made for the operation of the ships. Indeed, they do not even allege that they had reason to believe that there was such a contract from what was said in the negotiations. Nor is it now argued or claimed that the testimony shows that a contract for the operation of the ships was entered into. If such a contract were shown, the plaintiffs would then have merely an action for the recovery of indefinite prospective and contingent profits, which cannot be maintained. The plaintiffs' action is somewhat peculiar in this respect (and we think it will appear also in other respects) in that they base their right to recover not on the actual making of a contract, but merely on their alleged misunderstanding of it accompanied, as they claim, by a different understanding by the other party. The petition seems to be carefully drawn to avoid this dilemma, and in argument counsel for plaintiffs make no contention that any oral contract for the operation of the ships was agreed to by defendant.

It should also be observed in this connection that there being no oral contract made for the operation of the ships, the defendant's agents did not in fact misunderstand the contract between the parties and the defendant does not allege or assert any understanding or misunderstanding. The defendant's counsel simply deny that any oral contract was made and pointing to the written contract insist that it is the only contract and all of the contract which defendant made. If the plaintiffs in the negotiations gave defendant's agents to understand that their proposition of sale included the operation of the ships and defendant's agents either accepted this proposition or used language giving the plaintiffs reasonable ground to understand it was accepted, then the oral contract was made, but this is not the case before us as presented by either party. What we have here is a written contract in connection with which plaintiffs allege they understood there was an oral agreement. Defendant denies the existence of such an agreement and plaintiffs make no claim that it was made but contend that the minds of the parties have not met and the written contract becomes invalid. If a written contract can be vitiated in this manner, then all that is necessary to be done in order to break a contract in writing is for one party to claim and testify that he understood that there was an additional oral contract upon which the written contract depended. Then, when the other party rests its case on the written contract, a "mutual misunderstanding" can be pleaded and the written contract held invalid although it is perfectly plain and unambiguous in its language.

A separate oral agreement may be part of the consideration or inducement for a written contract. We so held in *McCloskey* v. *United States* (66 C. Cls. 105), but in that case the preliminary oral contract did not conflict with the written contract which the parties had entered into and the clear implication of the case is that the oral contract could not stand if it had varied the terms of the written agreement. There is nothing in the decision to indicate that if the plaintiffs had merely thought the oral contract was made, when it was not in fact made, this situation would have any effect upon the written contract. There would be nothing left of the doctrine that written agreements cannot be varied by oral testimony and that all previous negotiations are presumed to be merged therein if, when a written contract was executed, it were held that it should be set aside merely because one party understood or believed that there was a further oral contract forming part of the consideration of the written contract or preliminary thereto.

The rule for which plaintiffs contend is, in effect, that when a written contract is entered into and nothing else is agreed, but one party believes that there was an oral contract preliminary to the written contract, this fact, if proved, invalidates the written contract. With this doctrine we cannot agree and we find no authorities that sustain it.

None of the decisions which are cited by counsel for plaintiffs support the contentions made as to the principle which must control. They were made upon different facts as to which a different rule applies. It is not necessary to review all of them but there are two upon which the plaintiffs specially rely. The case of *Turner & Otis* v. *Webster* (24 Kans. 38), relied upon largely by plaintiffs, merely lays down the rules that when the agreement is made by parole and ambiguous language is used which the parties understand differently, no binding contract has been made. In *Vickery* v. *Ritchie* (202 Mass. 247), there was a mutual mistake which invalidated the contract and the court held that this failure of the express contract did not prevent the application of an implied contract to pay for property furnished and used. In the case we have before us there unquestionably was a written contract made as to which there was no misunderstanding. The question is whether the understanding or belief on the part of plaintiffs—if proved—that there was an additional oral contract made, vitiates the written contract and leaves the parties with no contract at all. We are clear that such is not the rule.

Finally the argument made on behalf of plaintiffs lays special stress upon a statement found in section 71 of the Restatement of the Law of Contracts. It is as follows:

"(a) If the manifestations of intention of either party are uncertain or ambiguous, and he has no reason to know that they may bear a different meaning to the other party from that which he himself attaches to them, his manifestations are operative in the formation of a contract only in the event that the other partly attaches to them the same meaning."

If his statement is considered in connection with what precedes and the plain meaning of its language applied, it will be seen that it has nothing to do with any situation in the case before us. It is made under the following heading:

"UNDISCLOSED UNDERSTANDING OF OFFEREE OR OFFEREE, WHEN MATERIAL

"Except as stated in sections 55, 70, the undisclosed understanding of either party of the meaning of his own words and other acts, or of the other party's words and other acts, is material in the formation of contracts in the following cases and in no others: [Statement (a) set out above then follows.]"

From this heading it will be seen that the subject matter being considered was when the undisclosed understanding of one party was material in the formation of a contract. Here it is contended that an undisclosed understanding will destroy a written contract. Moreover, the preliminary facts stated in paragraph (a) set out above are not claimed to exist in the instant case by either party.

Having reached the conclusions as to the law in the case which have been stated above, it follows that the testimony upon which the plaintiffs rely to void the written contract is inadmissible for that purpose, and consequently, as stated above, we do not find it necessary to determine and set out in the findings what either plaintiffs or defendant understood.

What we have said above is sufficient to dispose of the case but it may be that something should be added with reference to the claim presented to the Secretary of War by plaintiffs against the defendant for $7,500,000. This claim was made under what is called the Dent Act and set up the same matters that are now made the basis of plaintiffs' suit; namely, the failure of the defendant to turn the ships over to plaintiffs, and that at the time of the transfer of the ships there was no meeting of the minds between the parties to the contract and therefore plaintiffs were entitled to receive the fair market value thereof less what had been paid. The War Claims Board denied relief but on July 16, 1921, the claim having been presented to the Secretary of War, John W. Weeks, he made an award in favor of the plaintiffs in the sum of $550,000. The award recited that it was made in "full adjustment, payment, and discharge of said claim, exclusive of prospective profits." The plaintiffs, as in the present case, had made no claim for prospective profits and the Dent Act forbade an award for such profits. The plaintiffs signed an acceptance of the award and the $550,000 was paid to them. Testimony was offered with reference to statements afterwards made by Secretary

Weeks, who was not living at the time the testimony was introduced. This testimony cannot be received to vary the award and the acceptance for several reasons, but it is argued any finality the award may have had has been destroyed by the special jurisdictional act. We think the closing provision of the act plainly contemplates that the court shall determine whether the claim of plaintiffs was "satisfied by the subsequent payment by the Secretary of War as an accord and satisfaction." That it was satisfied, we have no doubt. Attention is called to the fact that the award excluded prospective profits and there is much discussion as to the authority of the Secretary of War under the Dent Act and speculation as to what was the basis of the award he made. It is not necessary to consider any of these matters. The plaintiffs presented to the defendant, through the Secretary of War, a claim in substance and effect the same as that which they now make and upon which they seek to recover judgment. The plaintiffs were paid and accepted a certain sum in full payment and discharge of their claim. We think it is entirely immaterial what the Secretary of War had in mind when he made the award and that any irregularity in the proceedings, if there was any, does not change the result that the plaintiffs' claim was satisfied.

The defendant sets up as an additional defense a claim that the evidence shows that plaintiffs were paid all the ships were fairly worth in the market at that time. The conclusions we have stated above make it unnecessary to determine this question of fact. In this connection the defendant offered evidence which it is claimed showed that the plaintiffs were given the operation of other ships from which they derived a large profit. We think this evidence was properly excluded by the commissioner of this court, and in any event it is not necessary that we should determine any question arising thereon. The evidence, however, does show that the defendant paid the plaintiffs the original cost of the ships to them with a very liberal allowance for expenses and the plaintiffs also received from Phelps Bros. & Co., out of what the Government paid for removing the restrictions on the ships, $188,000. In other words, it appears that the plaintiffs realized a profit out of the transaction of $738,000. The amount of this profit is not material to the decision of the case, and we only mention it because in the oral argument some claim was made that the plaintiffs had not been treated fairly by the Government. The defendant contends that the plaintiffs originally contemplated a patriotic sacrifice of profits in accordance with the desire of the President, but afterward changed their minds, and that this was the only misunderstanding in the case. But this also is not material to our decision.

It follows from what has been stated above that the plaintiffs' petition must be dismissed, and it is so ordered.

Whaley, judge; Williams, judge; Littleton, judge; and Booth, chief justice, concur.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. HALLECK].

Mr. HALLECK. Mr. Speaker, I have paid some attention to this matter, and I believe the rule should be adopted.

The facts in the case have been rather ably covered by Members who have spoken before. These claimants bought these ships, or contracted to buy them. The statement has just been made that they did not pay a dime of their money; but I refer to the hearings on H. R. 16203, page 91, where it is recited that it was found by the commissioner of the Court of Claims that the claimants paid approximately 10 percent of the proposed purchase price, which was transmitted by the plaintiffs with the offer.

As far as the syndicate is concerned, after the claimants contracted to buy the ships, they did in fact make an agreement to turn them over to the syndicate, or to sell them to the syndicate, and they made that deal at a considerable profit. Subsequent to that time the Government of the United States said to these people: "We want the ships. You shall sell them to us; we need them." Thereupon the syndicate released these two claimants and their rights under the contract and they got out of the picture. Now, then, there was a misunderstanding between these people and Mr. Baruch, who finally concluded the deal, as to what the deal was. That was what was found by the commissioner of the Court of Claims, and I think that has been found by every committee that has considered the matter.

The fact of the matter is that the claimants thought they were to get the price that they had agreed to pay for the ships, plus a contract of 5 percent for operating the ships. This would have run into a considerable amount of money.

Why would they have given up their deal with the syndicate under which they had a fine profit and an arrangement for operation and turn the ships over to the Government, except that they expected a fair return to come to them as a part of the consideration? The only other reason that I can conceive of for turning them over to the Government would have been a patriotic motive, and I think there was an element of that in the case; but beyond that it does appear from the record that there was not a meeting of the minds. Therefore, they could not recover the 5 percent; but under the law, if there was not a meeting of the minds, then clearly the Government should pay these people the fair market value of the property acquired.

Mr. McGRANERY. Who is going to get this money, the claimants or the syndicate?

Mr. HALLECK. The claimants get the money if this bill passes and the Supreme Court finds in favor of claimants.

Mr. McGRANERY. The syndicate is out?

Mr. HALLECK. I do not yield further.

Mr. Speaker, evidently the Congress of the United States, when it passed the first authorization bill in 1934, recognized that the situation was about as I have pointed out. The case came on for trial before the Court of Claims as authorized by the act of Congress. The Court of Claims referred the matter to a Commissioner who has made a finding, a part of which I have referred to. I think, on the facts as found in that report, the facts were found about as were contemplated by the Congress when it passed the authorization bill and upon which facts it seems clear the Congress expected the claim would be paid. In other words, I think the Court of Claims or the Commissoner found the facts were such as the Congress had in mind when it said, "We want this determined to learn whether or not these claimants should be paid."

What is the effect of this bill? As I understand, it is simply to bring about a review of the judgment on the law and the facts of the Court of Claims by the Supreme Court of the United States. The Supreme Court of the United States will review this record and if it finds and believes that under the law and the facts these claimants are not entitled to recover, they will not recover; but, on the contrary, if the Supreme Court finds that under the facts the claimants are entitled to recover, then it would be authorized to find judgment and to enter judgment for the plaintiff.

[Here the gavel fell.]

Mr. ALLEN of Illinois. Mr. Speaker, I yield the balance of the time on this side to the gentleman from Kentucky [Mr. ROBSION].

Mr. ROBSION of Kentucky. Mr. Speaker, there seems to be considerable misunderstanding about this matter. At the outset may I say the claimants here involved are Judge Carden, of Texas, and Mr. Herd, of my own congressional district. I do not assume you will find any finer citizens anywhere than these two men.

My friend the gentleman from Missouri [Mr. COCHRAN] is certainly very much in error in his statement. In the first place, these boats were bought by Carden and Herd at a total cost of about $123 a net ton, and I want the gentleman from Missouri [Mr. COCHRAN] to realize that it is not true a syndicate bought them. The record shows that Carden and Herd bought them and that is shown in writing. Mr. Herd gave his check to the owners of these ships for the down payment. Soon after that Carden and Herd gathered together five or six other men and formed a syndicate. After that syndicate was formed the written record shows that Carden and Herd sold these ships to the syndicate for $140 a ton, reserving the right to operate them.

There were 52,000 tons, which meant a net profit of over $700,000. Futher, Carden and Herd were not so much interested in buying and selling ships as in operating ships, and they had contracts to operate these ships between North and South America. So they got an agreement from the syndicate not only to pay them $140 a ton but 5 percent of the gross operating revenues from the operation of the ships during the life of the ships. There it is. Carden and Herd had a contract in their pockets from substantial businessmen for $140 a ton and in addition thereto had the right to operate those ships at 5 percent of the gross returns.

Then the World War came along and we were needing ships and more ships. Mr. Denman, the Chairman of the Shipping

Board in Mr. Wilson's administration, sought to make arrangements to get these ships from Carden and Herd.

Mr. ZIMMERMAN. Mr. Speaker, will the gentleman yield?

Mr. ROBSION of Kentucky. I yield to the gentleman from Missouri.

Mr. ZIMMERMAN. If I have a case in the Court of Claims and believe I have been wronged, and have lost $5,000,000, why should I not have the right sought to be given these claimants? Why should not this bill be amended so that every man who has a grievance in the Court of Claims shall have the right to appeal directly to the Supreme Court?

Mr. ROBSION of Kentucky. When this matter was decided by the Court of Claims there was no law that would permit Carden and Herd to appeal to the Supreme Court at all. Since that time, however, about a year ago, we passed a law giving litigants the right to appeal. Since there was no such law at that time, the only way Carden and Herd can have an appeal to the Supreme Court is by means of this special bill. The present general law will take care of cases mentioned by you.

Mr. WHITTINGTON. If the gentleman will yield, the law simply provided for a writ of certiorari.

Mr. ROBSION of Kentucky. I cannot enter into all that discussion now.

Mr. Denman made arrangements tentatively for the Government to take over these ships from the syndicate, but Mr. Wilson, for some reason, objected to dealing with the syndicate. It was then that Carden and Herd and the syndicate rescinded their contract, and Carden and Herd paid back to the syndicate every dime the syndicate had put into the proposition, with 6 percent interest. It was only about a year ago, after these people had fought through all the different boards and courts and had put their claim before the Congress, that some lawyers here in Washington raised all this trouble, claiming that the syndicate should get the money; when we have in the record writings and other evidence showing that the syndicate surrendered every claim it had in this matter, and Carden and Herd at the same time gave up their right to $140 a ton and to the 5 percent of the gross operating return and let the Government have these ships for around $128 a ton, but with the further understanding that they were to have from the Government the right to operate the ships. They yielded $12 a ton, about $700,000, when they let the Government have these ships, but they never did yield the right to operate the ships.

Read Mr. Denman's statement. Mr. Denman swore that when he went out of the Shipping Board the one thing he regretted he left behind unsettled was this matter of Carden and Herd. Mr. Denman also stated that although we took ships from the Germans and others during the World War, as we took them from Carden and Herd, the Government allowed everybody the fair market value of their ships except Carden and Herd. Are we going to treat two honorable American citizens—patriotic citizens—differently than we treated the Germans and others in the World War?

This claim is right. Everybody that has touched it says it is right. President Wilson said it was right, Barney Baruch said it was right, Mr. Denman, of the Shipping Board, said it was right, and the War Department Claims Board said it was right, but that it did not have the jurisdiction to take care of the matter. Secretary of War Weeks said it was right, but he could not go far enough under the law. Mr. Ramseyer, one of the ablest lawyers that ever served in this House, said it was right. Yet the Court of Claims threw these folks out on a technicality.

Mr. WALTER. Mr. Speaker, will the gentleman yield?

Mr. ROBSION of Kentucky. I yield to the gentleman from Pennsylvania.

Mr. WALTER. Did not the Court of Claims find that neither Carden nor Herd had any legal claim?

Mr. ROBSION of Kentucky. On the question of this technicality, what is the technicality? The title to these ships was in certain Austrian citizens. When the transfer of title from the Austrians to the United States Government was made, the document was signed by the Austrian representative, by Mr. Denman, and by Carden and Herd. The question was raised then about the 5 percent—by whom? A good lawyer, Mr. Thomas Love, their lawyer, who later became Assistant Treasurer of the United States. They all agreed that it did not belong in that memorandum of closing. However, the Court of Claims decided the case on the technicality that you could not introduce that outside proof, you had to go by that writing. The case should be allowed to go to the Supreme Court of the United States and heard and decided on the facts and the law.

[Here the gavel fell.]

Mr. COX. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The question was taken; and the Chair announced that the "ayes" seemed to have it.

Mr. COCHRAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The SPEAKER pro tempore. The Chair will count. [After counting.] One hundred and sixty-five Members are present, not a quorum.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 205, nays 101, not voting 124, as follows:

[Roll No. 182]

YEAS—205

Allen, Ill.	Eaton	Keller	Peterson, Fla.
Allen, La.	Eberharter	Kennedy, Md.	Peterson, Ga.
Anderson, Calif.	Edmiston	Keogh	Pittenger
Anderson, Mo.	Elliott	Kerr	Poage
Arends	Elston	Kilday	Powers
Austin	Engel	Kinzer	Ramspeck
Ball	Englebright	Kirwan	Rayburn
Barnes	Fenton	Kitchens	Reed, Ill.
Barry	Ferguson	Kleberg	Reed, N. Y.
Beckworth	Flaherty	Knutson	Rees, Kans.
Bender	Flannagan	Kramer	Richards
Bloom	Flannery	Landis	Robertson
Bolles	Ford, Miss.	Lanham	Robsion, Ky.
Boren	Ford, Thomas F.	Lea	Rodgers, Pa.
Boykin	Gartner	Leavy	Rogers, Okla.
Brewster	Gathings	LeCompte	Rutherford
Brooks	Gerlach	Lewis, Ohio	Sandager
Brown, Ga.	Geyer, Calif.	Luce	Satterfield
Brown, Ohio	Gillie	Ludlow	Schafer, Wis.
Buck	Gore	Lynch	Seccombe
Burgin	Gossett	McCormack	Shannon
Byrne, N. Y.	Graham	McDowell	Short
Byrns, Tenn.	Grant, Ind.	McGehee	Smith, Maine
Camp	Griffith	McGregor	Springer
Cannon, Fla.	Gross	McLaughlin	Steagall
Carlson	Guyer, Kans.	McLean	Stearns, N. H.
Carter	Hall, Leonard W.	McLeod	Stefan
Cartwright	Halleck	McMillan, Clara	Sumners, Tex.
Church	Hare	McMillan, John L.	Sutphin
Clark	Harness	Maas	Sweeney
Clason	Harrington	Mansfield	Sweet
Claypool	Hart	Marshall	Thill
Coffee, Wash.	Harter, Ohio	Martin, Mass.	Thomas, Tex.
Cole, Md.	Havenner	Massingale	Thomason
Cooper	Hawks	May	Thorkelson
Courtney	Healey	Miller	Tibbott
Cox	Hendricks	Mills, Ark.	Van Zandt
Cravens	Hennings	Monkiewicz	Vinson, Ga.
Crawford	Hill	Monroney	Voorhis, Calif.
Crowe	Hinshaw	Mott	Walter
Cullen	Hobbs	Mouton	Weaver
Davis	Horton	Mundt	West
Dickstein	Hunter	Murdock, Ariz.	Wheat
Dingell	Izac	Myers	Whelchel
Dirksen	Jarrett	Nichols	Williams, Del.
Disney	Jeffries	O'Brien	Wolfenden, Pa.
Dondero	Johnson, Ind.	O'Day	Wolverton, N. J.
Douglas	Johnson, Luther A.	Pace	Woodruff, Mich.
Doxey	Johnson, Okla.	Patman	Youngdahl
Duncan	Jones, Ohio	Patrick	
Dunn	Kean	Patton	
Dworshak	Kee	Pearson	

NAYS—101

Alexander	Bulwinkle	Costello	Gearhart
Andersen, H. Carl	Case, S. Dak.	Crosser	Gehrmann
Andresen, A. H.	Chiperfield	Culkin	Gilchrist
Angell	Cluett	D'Alesandro	Goodwin
Barden, N. C.	Cochran	Doughton	Gregory
Beam	Cole, N. Y.	Durham	Gwynne
Blackney	Collins	Ellis	Hancock
Bland	Colmer	Faddis	Harter, N. Y.
Bryson	Cooley	Fulmer	Hess
Buckler, Minn.	Corbett	Gamble	Hoffman

Holmes	Lewis, Colo.	Pierce	Talle
Houston	McGranery	Polk	Taylor
Hull	McKeough	Rankin	Tenerowicz
Jacobsen	Maciejewski	Rockefeller	Tinkham
Jenkins, Ohio	Martin, Iowa	Rogers, Mass.	Treadway
Jensen	Mason	Ryan	Vincent, Ky.
Johns	Michener	Sasscer	Vorys, Ohio
Johnson, Ill.	Moser	Schulte	Ward
Johnson, W. Va.	Murray	Schwert	Whittington
Jonkman	Nelson	Secrest	Wigglesworth
Keefe	Norrell	Smith, Conn.	Williams, Mo.
Kelly	Norton	Smith, Ohio	Wolcott
Kilburn	O'Connor	South	Zimmerman
Kocialkowski	Oliver	Spence	
Lambertson	Osmers	Sumner, Ill.	
Larrabee	O'Toole	Taber	

NOT VOTING—124

Allen, Pa.	Dempsey	Kunkel	Schuetz
Andrews	DeRouen	Lemke	Scrugham
Arnold	Dies	Lesinski	Seger
Barton, N. Y.	Ditter	McAndrews	Shafer, Mich.
Bates, Ky.	Drewry	McArdle	Shanley
Bates, Mass.	Edelstein	Magnuson	Sheppard
Bell	Evans	Mahon	Sheridan
Boehne	Fay	Maloney	Simpson
Boland	Fernandez	Marcantonio	Smith, Ill.
Bolton	Fish	Martin, Ill.	Smith, Va.
Bradley, Mich.	Fitzpatrick	Merritt	Smith, Wash.
Bradley, Pa.	Folger	Mills, La.	Smith, W. Va.
Buckley, N. Y.	Ford, Leland M.	Mitchell	Snyder
Burch	Fries	Murdock, Utah	Somers, N. Y.
Burdick	Garrett	O'Leary	Sparkman
Byron	Gavagan	O'Neal	Starnes, Ala.
Caldwell	Gifford	Parsons	Sullivan
Cannon, Mo.	Grant, Ala.	Pfeifer	Tarver
Casey, Mass.	Green	Plumley	Terry
Celler	Hall, Edwin A.	Rabaut	Thomas, N. J.
Chapman	Hartley	Randolph	Tolan
Clevenger	Hook	Reece, Tenn.	Vreeland
Coffee, Nebr.	Hope	Rich	Wadsworth
Connery	Jarman	Risk	Wallgren
Creal	Jenks, N. H.	Robinson, Utah	Warren
Crowther	Jennings	Romjue	Welch
Cummings	Johnson, Lyndon	Routzohn	White, Idaho
Curtis	Jones, Tex.	Sabath	White, Ohio
Darden, Va.	Kefauver	Sacks	Winter
Darrow	Kennedy, Martin	Schaefer, Ill.	Wood
Delaney	Kennedy, Michael	Schiffler	Woodrum, Va.

So the resolution was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. Woodrum of Virginia with Mr. Wadsworth.
Mr. Coffee of Nebraska with Mr. Simpson.
Mr. Folger with Mr. Crowther.
Mr. Chapman with Mr. Rich.
Mr. Garrett with Mrs. Bolton.
Mr. Fries with Mr. Reece of Tennessee.
Mr. Darden of Virginia with Mr. Thomas of New Jersey.
Mr. Hook with Mr. Hope.
Mr. Arnold with Mr. Jennings.
Mr. Gavagan with Mr. Clevenger.
Mr. Jarman with Mr. Plumley.
Mr. Martin J. Kennedy with Mr. Bradley of Michigan.
Mr. Boland with Mr. Burdick.
Mr. McAndrews with Mr. Edwin A. Hall.
Mr. Dempsey with Mr. Andrews.
Mr. Mahon with Mr. Hartley.
Mr. Burch with Mr. Curtis.
Mr. Michael J. Kennedy with Mr. Bates of Massachusetts.
Mr. Martin of Illinois with Mr. Risk.
Mr. Drewry with Mr. Fish.
Mr. O'Neal with Mr. Barton of New York.
Mr. Rabaut with Mr. Winter.
Mr. Pfeifer with Mr. Routzohn.
Mr. Schuetz with Mr. Jenks of New Hampshire.
Mr. Tarver with Mr. Gifford.
Mr. Scrugham with Mr. Ditter.
Mr. Smith of Virginia with Mr. Welch.
Mr. Terry with Mr. Kunkel.
Mr. Bates of Kentucky with Mr. Darrow.
Mr. Sparkman with Mr. White of Ohio.
Mr. Magnuson with Mr. Shafer of Michigan.
Mr. Warren with Mr. Lemke.
Mr. Parsons with Mr. Seger.
Mr. Snyder with Mr. Leland M. Ford.
Mr. McArdle with Mr. Schiffler.
Mr. Grant of Alabama with Mr. Vreeland.
Mr. Starnes of Alabama with Mr. Marcantonio.
Mr. Fitzpatrick with Mr. Somers of New York.
Mr. Schaefer of Illinois with Mr. Creal.
Mr. Dies with Mr. Sullivan.
Mr. Robinson of Utah with Mr. Fernandez.
Mr. Smith of Washington with Mr. Maloney.

The result of the vote was announced as above recorded.

EXTENSION OF REMARKS

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made today and to quote from the report and also to include a letter from the Attorney General.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CLAIMS OF MESSRS. GEORGE A. CARDEN AND ANDERSON T. HERD

Mr. WEAVER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 7230) to provide for an appeal to the Supreme Court of the United States from the decision of the Court of Claims in a suit instituted by George A. Carden and Anderson T. Herd.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 7230) with Mr. LUTHER A. JOHNSON in the chair.

The Clerk read the title of the bill.

Mr. WEAVER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WEAVER. Mr. Chairman, as I understand it, the rule provides for 1 hour of general debate, one-half to be controlled by the gentleman from Kansas [Mr. GUYER] and one-half by myself.

Does the gentleman from Kansas wish to use some time now?

Mr. GUYER of Kansas. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER of Wisconsin. Mr. Chairman, I do not believe that I shall use the entire 5 minutes. I simply want to call attention to a perfecting amendment which I shall offer under the 5-minute rule. I shall not discuss the merits of this claim, for I approach my consideration of this bill on the question as to whether or not we should let these claimants have a right to appeal to the Supreme Court of the United States on the law and the facts considered by the Court of Claims. I shall consider this bill on the sole basis of allowing these claimants a right of appeal to the Supreme Court of the United States on the law and the facts developed before the Court of Claims. We are told by the proponents that is all they desire. If the bill is perfected by incorporating my amendment, I believe that our distinguished colleague the gentleman from Missouri [Mr. COCHRAN] will be able to support the measure, because if I can trust the Supreme Court of the United States as now constituted on an actual appeal on the question of law and fact, I believe he should be able to do so.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. SCHAFER of Wisconsin. In just a moment I will yield to the gentleman.

My objection to the bill as now written is that it increases the jurisdiction and the authority of the United States Supreme Court beyond the power to review all questions of law and fact which were before the Court of Claims. The bill, as reported, sets up the United States Supreme Court as a super court of claims to determine additional facts rather than simply consider the law and the facts brought up on appeal from the Court of Claims. This is my amendment, and I hope that the Members on both sides will take the bill and observe just how my amendment perfects and restricts the bill. My amendment will be offered to page 2, and strikes out all of line 6, and also strikes out the comma at the end of line 5, and inserts a period in lieu thereof.

Mr. PITTENGER. Mr. Chairman, will the gentleman yield?

Mr. SCHAFER of Wisconsin. In just a moment.

If my amendment is incorporated in this bill, the bill will be exactly and precisely what its proponents have stated it to be on the floor of the House, to wit, a bill to give these claimants a day in court and the right to appeal to the

United States Supreme Court on the facts and the law considered by the Court of Claims. I do not believe that there are many Members of this Congress who will not extend that right to these claimants. If my amendment is adopted, I cannot see how the gentleman from Missouri, Brother COCHRAN, or any of the New Deal Members on the right-hand side of the aisle, can oppose the measure when it gives the Supreme Court, as now constituted, a New Deal controlled Supreme Court, merely the right to accept jurisdiction on appeal and consider the facts and the law as developed and considered by the Court of Claims.

I yield first to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN. The gentleman from Missouri will not support the bill giving a direct appeal to the United States Supreme Court, which is denied every other citizen and corporation in the United States.

Mr. SCHAFER of Wisconsin. I served on the Claims Committee for many years, and know that at the time this claims bill was considered by the Court of Claims there was no provision for these claimants to have the right of appeal to the United States Supreme Court. Subsequent to that time, under laws enacted by the Congress and supported by the gentleman from Missouri, many claimants have been given the right to appeal to the United States Supreme Court. Of course, the gentleman can take the position that he wants to let a claimant go into the back door of the United States Supreme Court, but does not want to let him in the front door; but I do not take that position.

And may I say to the gentleman from Missouri that I can trust the New Deal Supreme Court as now constituted to review the law and the facts on appeal, even though the gentleman cannot.

Mr. PITTENGER. Mr. Chairman, will the gentleman yield?

Mr. SCHAFER of Wisconsin. Yes.

Mr. PITTENGER. The very purpose of this bill is to do what the gentleman says his amendment will do. Then, why is it necessary to have the amendment?

Mr. SCHAFER of Wisconsin. For the simple reason that the bill as reported gives additional authority to the United States Supreme Court and sets up the United States Supreme Court as a sort of super claims court to consider other things than the questions of law and fact which were before the Court of Claims. The bill now reads:

> Jurisdiction is hereby conferred upon the Supreme Court to consider on such appeal all questions of law and fact, including the fair market value of the property involved.

My amendment strikes out—

> Including the fair market value of the property involved.

If the fair market value of the property involved was not considered as a question of law and fact by the Court of Claims, if we enact this bill with the language which I propose to strike, then we are setting up the United States Supreme Court as a new supercourt of claims to consider questions other than an appeal on all questions of law and fact which were considered by the Court of Claims.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. WEAVER. Mr. Chairman, I yield myself 10 minutes.

Mr. TABER. Mr. Chairman, will the gentleman yield to me for a question?

Mr. WEAVER. Yes.

Mr. TABER. There are some things about this that I have not been able to understand. For instance, there is a receipt that appears on page 15 of the committee report where these people signed a receipt for a little over $6,000,000 and gave bills of sale. There is a reservation in that statement with reference to $20 per ton net deadweight payment for the release of those vessels from the restrictions with reference to trade, and over on page 16 there is a statement that the United States paid to the Austrian owners for the removal of the trade restrictions $20 per deadweight ton. I cannot understand from anything that I have been able to find in the report or from anything said on the floor what the basis is for any claim. I have been over the matter as carefully as I could in the time that I have had.

Mr. WEAVER. If I catch the trouble which the gentleman has, I call his attention to the findings that Commissioner Ramseyer——

Mr. TABER. And where do they appear?

Mr. WEAVER. They are set out in his report on page 90, that these claimants were to receive $6,477,000, representing the original cost of the ships to them, and an allowance of $301,000 for expenses, and that made up the $6,778,000. I did not catch the drift of the other question.

Mr. TABER. This was a receipt indicating that they had been paid in full that amount of money. I cannot understand what the basis of the claim is. There is nothing in the report or anything else in the testimony or statements that have been made here indicating that these people have any legitimate claim against the Government.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield to me?

Mr. WEAVER. I yield.

Mr. ROBSION of Kentucky. In the first place, there were 52,000 dead-weight tons. These people got the ships for $120 a dead-weight ton. After that they formed a syndicate and they sold the ships to the syndicate for $140 a net dead-weight ton, which netted them a profit of $750,000, with this additional proposition—that they would have the right to offer these ships for the syndicate at 5 percent of the gross receipts. The Government now comes along and takes these ships for $128 a ton. These people have to give up their right to $140 net dead-weight ton, and then the Government, as we claim, agreed to let them operate the ships at 5 percent. Later on the Government used the ships itself and let the Allies have some of them and never let Carden and Herd operate them at all. That was a violation of the contract agreement, and after the Government had used them during the war, and after the war, the ships that had not been sunk were sold by the Government for $150 a net dead-weight ton.

Mr. TABER. Why did these people sign this receipt? It seems to me a complete receipt. It does seem to me that people who deal with the Government should at least do so on the same basis as they would with me or with the gentleman.

Mr. COX. I wonder if it would not be of aid to the gentleman from New York to consider this fact, that in the two bills of sale Carden and Herd executed the consideration is recited as being $1 and other good and valuable considerations. That was the right of contract to operate the ships, the same right they had under the contract with the syndicate.

Mr. TABER. Why would not that be in the contract? That is something that I cannot understand.

Mr. ROBSION of Kentucky. It is in that contract.

Mr. COX. Yes, it is in the agreement.

Mr. WEAVER. Mr. Chairman, I shall make a short statement of the history of this case. In April 1917, seven Austrian ships were interned in the harbor of New York and elsewhere. They had been compelled to take refuge in neutral harbors to evade destruction by the navies of the Allies. Messrs. Herd and Carden were ship operators and they naturally saw an opportunity to buy these ships at a very low price, because of the fact that the ships could not be safely moved from the harbor.

They entered into an agreement with the Austrian owners based upon payment to them of $123 per gross ton for these seven merchant vessels. They then formed a syndicate and I wish to talk about that for a moment, directly. They formed a syndicate of seven men to provide this money, approximately six or seven million dollars to pay the Austrian owners. Mr. Herd gave his own check for the initial payment of 10 percent. This syndicate was formed for this purpose and the agreement between Messrs. Herd and Carden was that the syndicate should pay them $140 per gross ton for the vessels; and what is important in the consideration of this case that they should have the right to operate the ships at a commission of 5

percent. That was the real moving purpose of the agreement between Messrs. Herd and Carden and the syndicate, as Herd and Carden were ship operators. That was their business and at the time the operation of ships and the carrying of freight was a very lucrative undertaking.

I am going to ask the Members to remember that this contract was not a conjectural thing. It already existed and 10 percent had been paid and accepted by the Austrian owners.

Mr. HANCOCK. Mr. Chairman, will the gentleman yield?

Mr. WEAVER. I yield.

Mr. HANCOCK. Is it not a fact that the down payment, although paid by Mr. Herd's check, represented a contribution by the syndicate? I understand Mr. Herd had no money at all and he made a deposit in his name from the members of the syndicate and paid the down payment with his own check.

Mr. WEAVER. Mr. Herd gave his own check for it and the syndicate reimbursed their proportionate parts of it for the 10 percent of the amount.

Then they came to Washington. President Wilson directed Mr. Baruch to take the ships and he did not leave him any alternative. Of course, he went to Mr. Denman and it was discussed and the President himself directed and Mr. Baruch reported to him the facts about this syndicate. The President directed him and required him to unravel the syndicate.

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. WEAVER. I yield.

Mr. HINSHAW. If these ships had not been purchased by the two gentlemen mentioned in this bill and the ships had been allowed to remain in the harbor after April 6, 1917, could the Government of the United States have taken over these ships and settled for them after the war?

Mr. WEAVER. I take it that they could have taken them over and settled for them, as they did certain German-owned ships, and pay for them at the market value of the ships.

Mr. HINSHAW. I note by the statement of the committee that this contract was entered into on the 5th day of April, which was the day after the Congress of the United States received the bill declaring war.

Mr. WEAVER. That may be true, but the negotiations had been going on for some time. They had to get the consent from the United States authorities to purchase the ships. All that had been going on for sometime previous.

[Here the gavel fell.]

Mr. WEAVER. Mr. Chairman, I yield myself 5 additional minutes.

Mr. COSTELLO. Mr. Chairman, will the gentleman yield?

Mr. WEAVER. Yes; I yield.

Mr. COSTELLO. I understand that Carden and Herd first offered these ships to Mr. Denman, who was chairman of the Shipping Board, with a provision in their contract that not only were they to get a slight profit on the sale, but also that they were to operate these ships at 33⅓ percent of the net profits. Is not that the reason that President Wilson rejected that offer, because of that operating provision in the offer, and he sent Baruch down to negotiate the purchase of the ships because he would not accept that operating proposition?

Mr. WEAVER. That was not accepted, but it was negotiated between Mr. Denman and these gentlemen after the President had directed them to take the ships.

Now, on the question of this syndicate, which seems to trouble some gentlemen, this is what Mr. Ramseyer said about it, on page 89 of the hearings:

Plaintiffs then informed Baruch about the sale of the ships to the New York syndicate. On this situation Baruch had to see the President. After seeing the President, Baruch told plaintiffs that it was the President's desire that they go to New York and unravel their sale to the syndicate. This the plaintiffs agreed to try to do. Before leaving for New York, Plaintiff Carden transmitted a letter to Baruch, which reads as follows:

"DEAR MR. BARUCH: I saw Mr. Denman. He assured me we should operate the boats, provided we would do so on the same terms as other competent shipping concerns and this we propose doing. I am going to New York in the morning and use my earnest endeavors to secure the consent of all persons interested to a compliance with your expressed wishes. I will report to you within the next 3 or 4 days."

This is a finding of fact from the evidence.

The plaintiffs went to New York, reported the President's wishes and their negotiations with Baruch to the syndicate. The syndicate agreed to the recision of the sale and plaintiffs refunded to the syndicate the initial payment to them on the ships.

Now, if you have any doubt about it, on page 59 of this record is the solemn affidavit made by one of the members of that syndicate, Mr. J. H. Carpenter, in which he details the transaction and concludes his affidavit by saying, "by reason thereof affiant and other members of the syndicate consented to a recision of its contract with Messrs. Carden and Herd."

Mr. KEEFE. Mr. Chairman, will the gentleman yield?

Mr. WEAVER. Surely.

Mr. KEEFE. There appears in the report a letter dated February 3, 1921, signed George A. Carden, one of the claimants, addressed to the President of the United States, setting forth Carden's contention as to the merits of this claim. From that letter it very clearly appears that the claimants here turned back the contract they had with the syndicate in response to President Wilson's request that they use this purchase as a precedent so that the Government could obtain these ships without profit, and that it was a patriotic duty they were performing in releasing these ships to the Government without expectation of profit on the transaction.

There is the letter of one of the claimants himself. They entered into this transaction with the understanding that there would be no profit on the transaction itself, but that they would have the right to operate the ships.

Mr. WEAVER. That is correct.

Mr. KEEFE. Is the claim of these people based upon what he contended in that letter, namely, the 5 percent profit arising from the operation of the ships? Is that the basis of the claim?

Mr. WEAVER. That is the foundation of the complaint.

Mr. KEEFE. What in addition to that is the basis of this claim?

Mr. WEAVER. There is none.

Mr. KEEFE. Then, if that is the basis of the claim why is a bill brought in here containing a provision authorizing the Supreme Court of the United States to find the value of these ships? Was it so they might assess damages based upon a conjectural value rather than upon the value which the claimants themselves placed on these ships when they sold them to the Government of the United States? I would like an answer to that.

[Here the gavel fell.]

Mr. WEAVER. Mr. Chairman, I yield myself 5 additional minutes.

Mr. JONKMAN. The point in disagreement between these claimants and the Government was on the question of the right to operate the ships. Had I the time I could read the facts found by the War Contract Adjustment Board in which they upheld every single contention made by these men. Carden & Herd claimed the right to operate these ships. The Government said that was not the agreement. If that was not the agreement, then the question resolves itself into one relating to the market value of the ships. In there also is a finding by Mr. Ramseyer, a member of the Commission, as to the nature of this agreement as these claimants understood it, that they were to have the operation of the ships or they would not have transferred them to the Government.

Finally the case was taken to the Court of Claims and the Court of Claims disposed of it on a memorandum drawn up by Mr. Denman and Mr. Herd and signed by Herd and Carden, and also by Phelps Brothers, the owners of the Austrian ships. That was nothing more than a memorandum to effect the transfer of the ships to the United States Government and did not undertake to set out the agreement between the Government and Herd and Carden; and Mr. Denman himself as found by the War Contract Adjustment Board said that that paper was nothing more than it appeared to be, a mere memorandum, and did not undertake to set out the agreement. That is why we want to go to the Supreme Court. We want the greatest tribunal

of this Nation to check on these facts found by the War Contract Adjustment Board, found by Mr. Ramseyer, found by the Court of Claims and see what right an American has. The right to have a case reviewed by a superior court is an American right under our system of jurisprudence.

Mr. KELLER. Mr. Chairman, will the gentleman yield?

Mr. WEAVER. I yield.

Mr. KELLER. And this bill simply gives them the right to appeal their case.

Mr. WEAVER. It gives them the right to appeal from a decision of the Court of Claims.

Mr. KELLER. Why should we not let that tribunal try the case rather than to try the case before the House?

Mr. WEAVER. That is exactly what the committee asks be done.

Mr. KEEFE. Mr. Chairman, will the gentleman yield?

Mr. WEAVER. I yield.

Mr. KEEFE. Did I understand the gentleman correctly when I understood him to say that the sum total of $6,778,000, which is the amount stipulated in the receipts given to the United States Government by Carden and Herd, included not only the purchase price agreed upon for the ships but three-hundred-thousand-odd dollars to take care of incidental damage and expense to which they had been put?

Mr. WEAVER. Yes; certain damages. I do not have the details.

Mr. KEEFE. So that there was a computation of the damages that these people had been put to up to that time.

Mr. WEAVER. No damages to the ships. They were to be paid back certain damages; yes.

Mr. KEEFE. It means something, at least.

Mr. JONKMAN. Mr. Chairman, will the gentleman yield for a question on that very point?

Mr. WEAVER. I yield.

Mr. JONKMAN. The question has been asked, What is the basis of the claim? I take it the basis of the claim is the fact that these men had agreed to take these ships at $123 a dead-weight ton and had agreed to sell them at a syndicate for $140 a dead-weight ton plus 5 percent of the gross earnings; that the Government took them over at $128 a dead-weight ton, thus turning a profit of $17 a ton into a net loss of $12, and refused to allow them to operate the ships.

Mr. WEAVER. The gentleman is absolutely right. There is no controversy whatever in this case as to the facts.

[Here the gavel fell.]

Mr. WEAVER. Mr. Chairman, I yield myself 2 additional minutes.

Now, Mr. Chairman, let me show you what you are asked to pass upon.

What do these claimants have that was not conjectural? As the gentleman said, they had a sale of these ships for $140 a ton. They had an agreement already executed to operate them for 5 percent of the gross receipts. The Government reached out its hand and took it from them; then when the Government itself took these ships over, as it did under an agreement, they thought they should operate them, but the Government refused to let them operate these ships. Why are they left out as no other concern in the World War was left out? Even the Germans were paid for their ships on a market-value basis.

Mr. COCHRAN. Will the gentleman yield?

Mr. WEAVER. I yield to the gentleman from Missouri.

Mr. COCHRAN. The Government also sent 4,000,000 men to war to stop bullets? What did they get? Thirty dollars a month.

Mr. WEAVER. I conceive that has nothing to do with this case at all. I am asking for simple, elemental justice under the Constitution of our country, which says that no man's property shall be taken from him except by payment of adequate consideration.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. WEAVER. I yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. In the sworn testimony of Mr. Denby, Chairman of the Shipping Board, he states that they had taken over German ships, Italian ships, and other ships, and he further states that in his opinion a very substantial award should be made to complainants since the Government applied a different rule in dealing with all the other shipowners. These are the only people that have been discriminated against.

Mr. WEAVER. The gentleman is absolutely correct in his statement as far as the evidence shows.

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. HANCOCK].

Mr. HANCOCK. Mr. Chairman, if we are going to pass any legislation at all for the benefit of these two claimants we ought to give them the simple right to file a writ of certiorari in the Supreme Court of the United States asking to be heard on appeal as other litigants must do. We are not justified in singling these men out for preferential treatment. But I am against even that because, as you will learn from the gentleman from Pennsylvania [Mr. WALTER], there is a bill pending permitting the syndicate, the undisclosed principals of these two agents, the right to intervene and to become parties to the suit. If these men were agents, as I contend they were, they should not be permitted to benefit under secret contracts, and any profit to be derived from this transaction belongs to the principals unless the principals know their rights and waive them. They, the principals, are in here with a bill asking to be allowed to intervene and to protect their interests.

The question seems to revolve around the disputed fact as to the agency of Carden and Herd. These are the facts as I remember them: There were seven Austrian ships tied up in New York harbor early in 1917. These two men saw an opportunity to make some money by buying these ships at what amounted to a forced sale. It was known that Austria would soon be at war with the United States and that these ships would be seized, therefore the Austrian owners were willing to sell them for what they could get. Carden and Herd did not have enough money to buy the ships, they did not have enough money even to make the down payment. They went to some wealthy men in New York and formed a syndicate. These men gave their notes to Carden and Herd to finance the purchase. The proceeds were deposited in Herd's name and the money was paid by Herd's check out of the deposits which belonged to the members of the syndicate, though carried in Herd's name. There cannot be any doubt about that if the record is studied.

President Wilson learned these seven ships had been taken over by a New York syndicate and sent Mr. Baruch to New York to get title to the ships. Mr. Baruch's instructions were to allow no profiteering, but to pay only the original purchase price and expenses. That is what Mr. Baruch did. In his testimony he said he made no agreement to turn these ships over to Carden and Herd to be operated by them for 5 percent of the freight receipts. He said he could not have made any such agreement because he had no such authority. If such an agreement was made, which I dispute and which the Court of Claims held did not exist, the benefits would have accrued to the syndicate. That is good law.

If you believe that Carden and Herd were acting on their own, without the financial backing of the alleged principals, then this bill has some merit; but if you believe, as the facts will indicate, that they were acting as agents, then they have no claim at all.

Our friend from Kentucky dismisses the findings of the Court of Claims as a mere technicality. It found that the negotiations between Mr. Baruch, representing the Government, and the two men, having been carried on for some days and having resulted in a written agreement, there could be no valid agreement that was not contained in the written instrument. That is good law and that is the unanimous decision of the Court of Claims in this case.

You might be interested to know that this is the only private bill that ever got a rule for consideration in this way. It has had quite a long and checkered career and it has had a lot of pressure behind it. Last year a bill was introduced directing the Court of Claims to render judgment for these claimants according to a certain formula set out in the bill

itself. Of course, the committee turned that down. Then we had a series of private bills on the Private Calendar and they were objected to. Now we have this bill before us under an unprecedented rule.

Mr. COSTELLO. Will the gentleman yield?

Mr. HANCOCK. I yield to the gentleman from California.

Mr. COSTELLO. Is this not the only private bill that has ever been handled by the Committee on the Judiciary?

Mr. HANCOCK. I am not sure as to that.

Mr. COSTELLO. I think there is no authority in the House Manual of Rules for this bill to be considered by the Judiciary Committee.

Mr. HANCOCK. This is the only private bill brought to the floor by special rule that I ever heard of.

[Here the gavel fell.]

Mr. WEAVER. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. McGRANERY].

Mr. McGRANERY. Mr. Chairman, I am very much in favor of the right of appeal. I believe that an appeal should be made as accessible as prudence dictates. But this is one of the most unusual bills that I have ever read in my life. This, as everyone knows, goes beyond any of the rules as now prescribed by the Supreme Court of the United States.

The Supreme Court entertains its appeal through certiorari. This bill tells the Supreme Court of the United States that it is to take this case and determine all questions of law and fact and in its judgment include the fair market value of the property involved. In other words, this bill practically directs the Supreme Court of the United States to receive and hear witnesses.

I do not know anything about the merits of this case, but there is something behind it that is not fair. There is something behind it that will not stand the test of God's sun. Right now in this very House is another bill pertaining to the same matter, the bill introduced by the gentleman from Pennsylvania [Mr. WALTER], H. R. 8812. This bill asks that the parties named here get this money. This bill differs from the other bill, which came out of the Committee on the Judiciary. I do not know how they got the wires crossed, but here is a bill that this Congress should vote down and repudiate with such a vote that no one would dare come here again with any such hoodwinking proposition.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. McGRANERY. I yield to the gentleman from Missouri.

Mr. COCHRAN. The gentleman speaks about this bill, but have you read the first bill introduced in the first session of this Congress which authorized and directed the Supreme Court of the United States to render judgment in favor of Carden and Herd?

Mr. McGRANERY. There is enough confusion existing in my mind already with these two bills. Here is the bill H. R. 7230, on which we are asked to vote. It is a bill which will turn this money over to the agents. The bill H. R. 8812 is a bill now pending in the Committee on Claims, asking that the people who put up this money have the right to intervene and go into the Court of Claims, and allow the Court of Claims to hear this case de novo. I may be all wrong about this, but on the merits, as appears from the face of the bill, and not going beyond it, this committee ought to vote it down.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. McGRANERY. I yield to the gentleman from Kentucky.

Mr. MAY. I have no interest in the world in this matter and know very little about it except what I have read in connection with it and what I have heard in the debate this afternoon. However, the gentleman's statement has me confused a little. As I understand, the pending bill on which we are now called to vote, it merely authorizes an appeal to the Supreme Court and directs that Court upon the hearings to consider the record made in the Court of Claims, where the Government and the claimants had representation.

Mr. McGRANERY. It does no such thing. It authorizes the Supreme Court to determine the law and the facts first, and then to determine the fair market value of the property involved.

Mr. MAY. Will it not necessarily have to determine it on the record that was made in the Court of Claims, where both parties were represented by counsel?

Mr. McGRANERY. Why did this bill not come out of the committee authorizing the Supreme Court to entertain a writ of certiorari from the parties who now claim damage?

Mr. MAY. What would be the difference? The Supreme Court would try it on the record of the trial court.

Mr. McGRANERY. As I read this language, we direct the Supreme Court to receive and hear witnesses, because the Court cannot determine the question just on the record alone as it is written here. But the real complaint is that there are seven persons who have a bill now in the Committee on Claims asking for this money, and there are two persons who acted as their agents who are concerned in the bill now before the House. These agents, who acted for the other people, claim the money here. I asked the gentleman from Indiana [Mr. HALLECK], "Who gets this money, the claimants named in the bill?" and he said, "Yes." [Applause.]

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 6 minutes to the gentleman from Massachusetts [Mr. TINKHAM].

Mr. TINKHAM. Mr. Chairman, the repeated disclaimers by the President and by Secretary Hull of United States participation and involvement in territorial and political affairs of Europe and Asia are utterly false. Their declarations of foreign policies are belied by the record. It is a shocking state of affairs, for certainly no form of government can long endure if its chief officials do not tell the truth. No government can long exist on continual falsification.

In a statement which President Roosevelt authorized his secretary to make on July 7 last it was asserted:

> There is an absence of any intention whatever on the part of this Government to interfere in any territorial problems in Europe or Asia.

Two days earlier, on July 5, Secretary of State Hull had said:

> The Government of the United States pursues a policy of nonparticipation and of noninvolvement in the purely political affairs of Europe.

He did not dare meet squarely the German challenge that the policy had been one of intervention.

The indelible record proves that the statements of both the President and the Secretary of State are deliberate falsehoods.

Here is the irrefutable record:

In 1935 President Roosevelt and Secretary of State Hull took provocative and hostile action in the Ethiopian war by attempting, without statutory authority, to embargo the shipment of oil to Italy. The Ethiopian war was a "territorial" and "political" dispute of European powers.

In October of 1937 President Roosevelt made his "quarantine speech" in which he asserted that there was no escape for the United States through mere isolation or neutrality, and that the "peace-loving nations must make a concerted effort" to quarantine and stop the aggressor nations. Yet, in fact, every question raised and every action taken by the so-called aggressor nations, Germany, Italy, and Japan, involved "territorial problems" and "political affairs" in Europe and Asia.

Beginning in 1938, the United States subsidized China in the Sino-Japanese war, in the same amounts in dollars and at the same times as Great Britain, in accordance with Secretary Hull's declared policy of "parallel action" with Great Britain. The Sino-Japanese war concerns a "territorial problem" and a "political affair" in Asia. Great Britain is a European and an Asiatic power.

In midsummer of 1938 President Roosevelt and Secretary Hull sent American officials to Czechoslovakia to support great Britain in the political crisis there which eventuated in the Munich settlement. This involved "territorial problems" in Europe and had to do with "political affairs" of Europe.

In a message to the Congress in January of 1939, President Roosevelt stated that whereas words were futile, there were

many methods of bringing aggressor nations to account. This statement certainly was an implied threat to interfere in the "territorial problems" of Europe and Asia and to involve the United States in the "political affairs" of Europe and Asia.

A few weeks later President Roosevelt was reported to have said that America's first line of defense was in France. This statement was never satisfactorily denied. It was a positive assertion that the United States would interfere in the "territorial problems" and the "political affairs" of Europe.

In November last President Roosevelt and Secretary Hull authorized a large Government loan to Finland in its conflict with Russia and sanctioned shipment to Finland of United States airplanes built for our Government. The conflict between these two countries was based on ancient "territorial problems" and was a "political affair" of Europe.

President Roosevelt and Secretary Hull openly and aggressively supported Great Britain every step of the way and at every turn up to the moment of the actual declaration of war by Great Britain in September last, and have been continuing that support. The war in Europe is the result of "territorial problems" and is purely the "political affair" of Europe.

This entire record is in contravention of the traditional and basic policy of the United States of nonintervention in the political affairs of Europe and Asia.

In pursuing this course, President Roosevelt and Secretary Hull for their own political purposes have concealed and ignored a vital part of the Monroe Doctrine, to which they have repeatedly affirmed their allegiance.

The Monroe Doctrine consisted of two parts, one as vital as the other. The first part was that European powers were not to interfere in the Western Hemisphere, and the other part was that the Western Hemisphere was not to interfere with European powers or in the Eastern Hemisphere.

President Roosevelt and Secretary of State Hull by continually violating and suppressing the second part of the Monroe Doctrine, by interfering in the territorial problems of Europe and Asia and in the political affairs of Europe and Asia, have brought the United States to the brink of war in relation to both continents; and all this in flagrant disregard of the fundamentals of traditional American foreign policy. At last, events are catching up with them.

The foreign policy of President Roosevelt and Secretary of State Hull has been a complete repudiation of American traditional foreign policy. It has been dangerous and futile. It is now collapsing. They have sown the wind, and are about to reap the whirlwind. [Applause.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Chairman, I want to review briefly some of the facts that appear here, and call your attention to some of the situations that would be created by this bill if it should be adopted. As nearly as I can make out, a little time before the World War was entered by the United States, the Austrian owners of these ships were in a panic, and they approached these promoters, and the promoters arranged to pay them about $6,400,000. The promoters themselves organized a syndicate under which they were to get a little bit bigger price; that is, they were going to sell to a syndicate, of which they were members, the ships for a bigger price. Then we went into the war a couple of days after the transaction with the Austrians took place, and the ships were taken over by the United States Government. The claimants here Messrs. Carden and Herd, signed a receipt which I am going to read:

WASHINGTON, D. C., *May 3, 1917.*

Received from the United States of America the sum of $6,778,006.70 in payment for the steamers *Dora, Ida, Erny, Teresa, Lucia, Anna,* and *Clara,* of a total dead-weight carrying capacity of 52,561. Bills of sale for these vessels, together with certain agreements relative thereto, were executed and delivered to the United States of America. This receipt is without prejudice to the payment of the further sum of $20 per ton dead weight for the transfer of the said vessels free of restrictions in the trade thereof.

(Signed) GEORGE A. CARDEN.
(Signed) ANDERSON T. HERD.

Now, that is the story, the whole story, and nothing but the story, yet there is an attempt here to claim there was a hidden agreement somewhere by which these folks were to operate the ships on a basis of 5 percent of the gross receipts. There is not any evidence that these ships would have produced any amount of money, but I understand that these folks are claiming something like $16,000,000 there, and that there are lobbyists galore working for this bill. I think it is about time we did our own business and I believe the time has come when it should not be run by lobbyists.

Mr. WEAVER. Mr. Chairman, will the gentleman yield?

Mr. TABER. In a moment.

The bill itself is bad, and the gentleman from Pennsylvania [Mr. MCGRANERY] has described a great many of the bad features, but the worst of them is this. As I understand it, they had a right to take an appeal to the circuit court of appeals and did not do so. I may be wrong on that, but that is what appears. President Roosevelt, in a veto message the other day, said:

> The first proviso of the bill would permit a review by the Supreme Court on certiorari of any decision or judgment rendered in any suit filed under the authority of the act. This clause is subject to the construction that an application for a writ of certiorari may be made directly to the Supreme Court to review a judgment of the district court without an intermediate appeal to the circuit court of appeals. No reason is discernible for making such an exception from the usual procedure in this instance. It may be observed that it is not customary to include such a provision in private jurisdictional bills in which jurisdiction is conferred on a United States district court in respect to an individual claim.

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 10 minutes to the gentleman from Kentucky [Mr. ROBSION].

Mr. ROBSION of Kentucky. Mr. Chairman, our friend from Pennsylvania, Mr. MCGRANERY, and our friend from New York, Mr. TABER, and one or two others, including the gentleman from Missouri [Mr. COCHRAN], evidently have made no study of this case. I am sure my friend from New York looked over it only this afternoon for a few moments, and I wonder how far the gentleman from Pennsylvania has gone in the study of it. There is much of misinformation and misunderstanding about this situation. For instance my friend from Pennsylvania says there is a syndicate involved in this. In these hearings are releases, receipts, and records from the syndicate, showing that it was closed up in May 1917, and it is only within a year or so that certain lawyers here in Washington thought they had found a mare's nest, and they dug up one or two of the heirs of these men that were in the syndicate, and they now make claim and appeared before our Committee on the Judiciary. We heard it all and decided that they had no claim or right in this matter, and then they went before the Committee on Claims of this House and I am informed that the Claims Committee turned down or at least tabled their claim. Why should anyone muddy the waters of this honest claim with things like that? Then they bring in here the $20 of clearance charges and refer to the operation of these ships between the United States and Europe. These people did not want to operate them between the United States and Europe, but they wanted to operate them between the United States and South America.

It was after the Government took them over that the Government paid that $20 to the Austrian Government for that purpose, and that was before we were in war. That has never been charged to these people at all, and my friend from Missouri [Mr. COCHRAN] said the Government paid these people $20 a ton to operate these ships between Europe and the United States. This record shows by uncontradicted evidence that after you have counted up everything the Government has paid to Carden and Herd, they are still short something like $400,000 in cash and in addition to that the Government denied them their contract right to operate the ships for 5 percent. Why would Carden and Herd surrender their right with this syndicate for $140 a ton and accept $128 a ton and why would they surrender their rights to 5 percent for operating with the syndicate and then get no right to operate? Read

the testimony of Mr. Denman, the chairman of the Shipping Board, and of Barney Baruch. Mr. Baruch said, of course, Carden and Herd understood that they were to have the right to operate these ships.

Mr. PATRICK. Mr. Chairman, will the gentleman yield?

Mr. ROBSION of Kentucky. Briefly.

Mr. PATRICK. I want to vote for this bill if I can, but I cannot understand from the gentleman's statement why it is necessary to include in the bill the language "including the fair market value of the property involved."

Mr. ROBSION of Kentucky. I am going to accept the amendment of the gentleman from Wisconsin [Mr. SCHAFER]. All we want to do here is give the Supreme Court the right to review this case on the law and facts on the record made in the Court of Claims and nothing more. We do not ask for any more.

Mr. MAY. Is not that all this bill does?

Mr. ROBSION of Kentucky. I think that is all it does, but the gentleman from Wisconsin [Mr. SCHAFER] and others think it goes further than that, and I agree with the gentleman from Wisconsin [Mr. SCHAFER]. We do not want to go any further than that. No two men were ever treated worse than were Carden and Herd. Read Mr. Denman's statement, in which he said that one of the reasons he regretted leaving the Shipping Board when he did was he had not had an opportunity to clear up and do the right thing by Carden and Herd. Mr. Denman says that in his own statement, and you can read it in the record that these men were treated differently from any other shipowners whose ships were taken over. The Government got these ships at almost half their market value. The War Industries Board and Mr. Ramseyer found and all of the experts testified that the real value of the ships, the minimum value, was $225 a ton, ranging up to $300 a ton. Now, after the Government got the ships at one-half of their value and turned a part of them over to the Allies and one or two were sunk in the war, those that were not sunk after the war this great Government of the United States sold for $150 a ton on an average. Now, what kind of treatment is that to hand out to one of its own citizens? We are not asking any money here. All we are asking is to go to the Supreme Court and let it decide the matter, and they will not sit down with just a scrap of the record and decide the case as some of you have done today. It took months to try this case out. Look into the record. I challenge anybody to deny the proposition, beginning with President Wilson, then on down with Barney Baruch and Mr. Denman and the War Claims Board and Mr. Weeks, everyone, including the Senate committee twice, the Judiciary Committee of the House twice; I challenge anyone to find one who knows the record who takes the position that some of our friends do here today.

They all admit that Carden and Herd have got a just claim. They were thrown out of the Court of Claims on a technicality. Now, the only proposition is they say, "Let us go to the Supreme Court and let the Supreme Court decide." What is the technicality? Some of my friends talk about the law. They are wrong about the law. It has always been proper in every jurisdiction to show by outside testimony what the real consideration was. Of course, when these Austrians were turning the ships over to our Government they had no interest in operating the ships or the making of any contract, and hence this memorandum of closing or passing title did not contain any operating provisions, but here are written records that show that Mr. Baruch and Mr. Denman and others said, "According to the contract heretofore entered into." What was the contract "heretofore entered into"? To take $128 a ton for the ships and then to have 5 percent for operating the ships. That is what it was. This claim is fair and just.

Someone raised the question, "Is this House going to try this case this afternoon?" We are not asking the House to try it. We are merely asking that the case go to the Supreme Court with the whole record before them. There is no $16,000,000 involved anywhere; not at all. If Mr. Ramseyer's valuation is accepted, the amount involved is about two and one-half millions. That is as much out of line as some of the other statements.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. WEAVER. Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts [Mr. HEALEY].

Mr. HEALEY. Mr. Chairman, it seems to me we have spent the 1 hour allotted for debate on this legislation in an attempt to try this case in the House of Representatives. I submit that the considerations underlying this whole case are very technical and complicated. It seems to me unnecessary to say that we cannot possibly hope in the time that is given to us here to try this case fairly and justly, nor is that asked in this legislation that is before us. This bill carries no authorization, no appropriation of funds. It merely confers on these claimants their inherent right of a day in court.

Now, this case was before the Court of Claims and it was decided adversely to these claimants on two grounds. I submit that those were technical grounds—legal grounds. Undoubtedly there may be some difference of opinion among legal minds as to whether or not the Court of Claims arrived at the proper conclusions of law on the facts in this case or whether it erred in its judgment. All that this legislation does is to give these claimants, who have been fighting this case for many years and who have spent a great deal of money trying to prosecute their claim, the right to go to the highest tribunal in the land and have that Court pass on the law and the facts involved in the case. That is all you do with this legislation. If the Supreme Court decides against them they will have to bear the costs. I think we can depend on the Supreme Court of the United States to protect the rights and equities of the claimants as well as to protect the rights of the Government.

Mr. COCHRAN. Will the gentleman yield?

Mr. HEALEY. I yield.

Mr. COCHRAN. The gentleman says this carries no appropriation. That is true, but the Court of Claims said in 1938 that over $16,000,000 was involved, and they are likely to be back here asking for $16,000,000.

Mr. HEALEY. I do not agree with the gentleman that there is that amount involved. However, that question is not involved in this legislation. That is a matter for the Court to decide.

Mr. COCHRAN. Here it is. Read it.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

All time has expired. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That George A. Carden and Anderson T. Herd, or their legal representatives may, at any time within — months after the date of the enactment of this act, appeal as of right to the Supreme Court of the United States from the judgment of the Court of Claims of the United States in the suit No. 42711 heretofore instituted in the Court of Claims by George A. Carden and Anderson T. Herd, and jurisdiction is hereby conferred upon the Supreme Court to consider on such appeal all questions of law and fact, including the fair market value of the property involved. Any judgment rendered in favor of the claimants shall be paid in the same manner as other judgments of said Court of Claims are paid.

With the following committee amendment:

Page 1, line 4, after the word "within", insert the word "six."

The committee amendment was agreed to.

Mr. WALTER. Mr. Chairman, I offer an amendment.

Mr. SCHAFER of Wisconsin. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SCHAFER of Wisconsin. What was the committee amendment? The bill I have before me shows no committee amendment.

The CHAIRMAN. For the information of the committee the Clerk will again report the committee amendment.

The Clerk again reported the committee amendment.

The CHAIRMAN. The committee amendment has already been agreed to.

The gentleman from Pennsylvania offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALTER: Page 1, after the enacting clause, strike out the remainder of the bill and insert in lieu thereof the following:

"That jurisdiction is hereby conferred upon the Court of Claims of the United States, notwithstanding any lapse of time or statute of limitation, to hear, determine, and render judgment upon the claim or claims of any person or persons, or their legal representative or representatives, if deceased, who were, on or about May 3, 1917, the true and equitable owner or owners of a contract to purchase the following Austrian merchant vessels: *Erny, Lucia, Anna, Teresa, Clara, Ida,* and *Dora,* as if such contract had been requisitioned or expropriated by the United States under the provisions of the Emergency Shipping Act of 1917: *Provided,* That the amount of the judgment, if any, shall be limited to the difference between the true market value of the vessels and the amount paid by the United States when it acquired such contract.

"SEC. 2. In the event that the Court of Claims finds a judgment for the claimant or claimants and finds that more than one person is entitled to share in the amount so found payable, it shall determine the share that each of said persons, or their legal representative or representatives, if deceased, is entitled to and enter judgment accordingly.

"SEC. 3. Separate suits may be maintained with respect to any of such claims, but no suit shall be brought after the expiration of 1 year from the enactment of this act.

"SEC. 4. The record in the suit, entitled 'George A. Carden et al. against the United States (No. 42711), heretofore instituted in the Court of Claims, pursuant to an act of Congress (Private, No. 233, 73d Cong.); and the evidence there taken, together with the exhibits therein offered, may be introduced before the Court of Claims, in any suit or suits, proceeding or proceedings, under this act, with the full force of depositions, subject to objection as to competency and relevancy.

"SEC. 5. Any party to any suit or suits, proceeding or proceedings brought pursuant to the provisions of this act may, at any time within 6 months after the entry of a final judgment in the said suit or suits, proceeding or proceedings, by the said Court of Claims of the United States, appeal as of right to the Supreme Court of the United States, and jurisdiction is hereby conferred upon the Supreme Court to consider on such appeal or appeals, all questions of law and fact, including the fair market value of the property involved."

Mr. WEAVER. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state it.

Mr. WEAVER. Mr. Chairman, the bill H. R. 7230 very clearly deals with a situation relating to Messrs. Carden and Herd growing out of a transaction referred to therein. The bill offered by the gentleman from Pennsylvania as an amendment undertakes the substitution of entirely new language, bringing other persons unknown to us into the picture and conferring jurisdiction on another court. It is entirely new legislation from beginning to end and is not germane to the bill.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I make a further point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SCHAFER of Wisconsin. The bill pending before the House provides for an appeal to the Supreme Court of the United States in the case of George A. Carden and Anderson T. Herd. The substitute ignores the Supreme Court and provides for the institution of a new case by a new set of claimants in the Court of Claims. Clearly it is not germane to the pending bill.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard upon the point of order?

Mr. WALTER. Yes, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman briefly.

Mr. WALTER. Mr. Chairman, while the amendment I offered does permit additional parties to have a day in court, nevertheless it does not affect the parties who are mentioned in the original bill. Under the amendment the Court of Claims has the right to permit parties other than Carden and Herd to intervene in order that a complete record may be submitted to the Supreme Court so that the Supreme Court in its determination of the liability of the United States to reimburse anyone may find who in fact is entitled to recover, if anyone is entitled to recover. I submit that the amendment is germane because the rights of Carden and Herd are in no way affected, if they have any right at the present time.

The CHAIRMAN (Mr. LUTHER A. JOHNSON). The Chair is ready to rule.

Under the rules of the House one fundamental proposition is controlling: One individual proposition may not be amended by another individual proposition even though the two may belong to the same class.

The bill under consideration, H. R. 7230, relates merely to one claim, that of George A. Carden and Anderson T. Herd. The bill confers upon these claimants the right to take their case from the Court of Claims to the Supreme Court of the United States. The amendment offered by the gentleman from Pennsylvania covers a number of other parties in other claims who it does not appear are in any way related to the pending bill.

The point of order is sustained.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHAFER of Wisconsin: On page 2, strike out all of line 6. Also strike out the comma at the end of line 5 and insert a period in lieu thereof.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I shall be brief because the hour is late.

This is a perfecting amendment. If this amendment is adopted the bill will carry out the purpose of its sponsors. They say the bill proposes merely that the Supreme Court shall review all questions of law and fact which were considered by the Court of Claims.

If this amendment is adopted I believe that not very many Members of the House will object to the bill, for certainly we can trust the United States Supreme Court as now constituted to make this review of all questions of law and fact on appeal. I do not care to enter into a discussion of the merits of the bill because the question involved is merely that of the right to appeal to the Supreme Court of the United States on the questions of law and facts. I hope my perfecting amendment will be adopted by an almost unanimous vote so that we can speed action to complete the consideration of this bill so that we can adjourn this day's session in order that we might take care of other important problems which are pending in our offices.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. SCHAFER of Wisconsin. I yield to the author of the bill, the very distinguished and able gentleman from Kentucky [Mr. ROBSION].

Mr. ROBSION of Kentucky. I have consulted with the chairman and the gentlemen in charge of the bill. The amendment is entirely satisfactory to me, and I assume it is to those who are in favor of the bill.

Mr. SCHAFER of Wisconsin. I am very glad that the gentleman believes the amendment is satisfactory. I feel confident that with the bill perfected by my amendment many Members of the House will vote for the gentleman's bill who would otherwise oppose it. [Applause.]

Mr. WALTER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I did not anticipate that anyone would make a point of order against the amendment I offered, and for that reason I did not speak on this bill during general debate.

Mr. Chairman, this measure has been pending in the Congress for a good many years. Hearings have been held in both this body and the other body on numerous occasions, and on numerous phases of the claims of the people who purchased these seven Austrian vessels. In all of the hearings, however, one fact is not in dispute; namely, that the $730,000 down payment for these seven Austrian vessels was made by a syndicate, and that not a dime of it was put up by either Carden or Herd. Let me call attention to the testimony in support of the bill under consideration. I refer first to the testimony of Mr. Osborn, a man who represented this syndicate:

Mr. OSBORN. Of course, we have this feeling, that the evidence we introduced strengthens the merits of this claim, because it makes it clearer than ever before that these boats were not willingly surrendered. They were surrendered because the Government

simply said we are going to take those boats; it is our policy to pay nobody profits, and on that basis we were prepared to surrender the boats, but apparently the Government changed its policy with respect to that, and that is why we are here.

Mr. WEAVER. Then it will be understood that you will furnish this memorandum within the shortest time possible, not exceeding a week.

Mr. OSBORN. In a week from today, and we will try to expedite it.

Mr. Chairman, we agree, of course, entirely that this claim is an equitable one and that it has never been finally determined. The whole question, in our minds, turns on one group of facts; what the Government acquired was a contract to buy the boats from the Austrians. Whose contract was it? The case proceeded for 22 years on the basis that Mr. Herd and Mr. Carden effected an abrogation or rescission with the syndicate. The evidence which we will introduce and put before you gentlemen in the most convincing way indicates, to our minds, without any question of doubt, that what the Government acquired was this syndicate contract to buy these boats, and, as Mr. Herd said, he acted as the conduit of title.

There is no dispute as to that. The down payment of $730,000 was made by this syndicate of seven people and the contract was their contract, not the contract of Carden and Herd; and if anybody is entitled to recover, it is the men who put up the money, the undisclosed principals in this matter, not the people who were merely the conduits of title according to their own admission.

During the period of time this bill has been in our committee, I was impressed by the fact that somebody was entitled to recover and with that thought in mind and with that thought only in mind I introduced a bill which is now pending before the Claims Committee. Under that bill, which was offered as an amendment a few moments ago, the Court of Claims has the right, the power, and the jurisdiction to pass on the question, first, Is anyone entitled to recover? and, secondly, Who is entitled to recover? The entire record may be reviewed, including the facts that were reviewed before by the Supreme Court of the United States. We will then do what the proponents of the bill have urged, namely, that the parties be given their day in court and, as the distinguished gentleman from Kentucky [Mr. ROBSION] said a while ago, "We will go to the Court on the whole record."

The thing to do is to vote this bill down so that the Congress may consider the entire proposition in a proper manner.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. WALTER. I yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. The gentleman has a bill before the Claims Committee, but did not the Claims Committee table the bill?

Mr. WALTER. No; the Claims Committee has not tabled the bill. The Claims Committee has not acted on the bill up to this time, and I might say that the reason why the subcommittee of the Claims Committee has not acted on my bill is because we were all under the impression that the amendment I would offer to this bill when the rule was secured would be held germane and the House could then consider the entire proposition.

Let me point out one thing to the gentleman from Kentucky in this whole matter. The Supreme Court can only pass on one question and that is whether or not certain evidence was properly excluded by the Court of Claims. If the Supreme Court overrules the Court of Claims on that question the claim will then be remanded to the Court of Claims with instructions to receive that particular testimony. If that testimony goes into the record Carden and Herd will recover and nobody else will ever have an opportunity to recover despite the fact they put up all of this money while Carden and Herd did not put up a dime.

Mr. COCHRAN. Will the gentleman yield?

Mr. WALTER. I yield to the gentleman from Missouri.

Mr. COCHRAN. Is it not a fact that Carden and Herd already have collected $738,000 and have kept that and that is evidence of the fact that they will keep whatever they get out of this bill?

Mr. WALTER. There is no doubt about that. If the case goes to the Supreme Court the record will be in such shape that Carden and Herd are the only people whose claims can be heard.

Mr. ROBSION of Kentucky. Does the gentleman claim that Carden and Herd received $730,000?

Mr. WALTER. They collected $750,000.

Mr. COCHRAN. Seven hundred and thirty-eight thousand dollars is correct. They did not give a cent to the syndicate.

[Here the gavel fell.]

Mr. ROBSION of Kentucky. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. SCHAFER of Wisconsin. Mr. Chairman, a parliamentary inquiry. My amendment is decidedly not a pro forma amendment and it is pending.

The CHAIRMAN. The gentleman's amendment is still pending.

Mr. COCHRAN. Will the gentleman yield?

Mr. ROBSION of Kentucky. I do not yield.

Mr. COCHRAN. If the gentleman is in doubt, I can enlighten him.

Mr. ROBSION of Kentucky. The gentleman does not have to settle questions for me. I know more about this case than the gentleman from Missouri.

Mr. COCHRAN. The gentleman only imagines he does.

Mr. ROBSION of Kentucky. It is a very healthy imagination, because after I studied this case I decided it was just and to be for it and the gentleman from Missouri was for it and wrote a letter to that effect, I understand.

Mr. COCHRAN. I admitted that a few moments ago, but I found out I was wrong, and I had sense enough to change my mind.

Mr. ROBSION of Kentucky. The gentleman was right then and is wrong now.

Mr. Chairman, I cannot understand why it is contended here that Carden and Herd did not put up any money. Carden and Herd were well-to-do men in their own right. They were prominent, important businessmen. The only thing that these folks who went into the syndicate did was to give Carden and Herd their negotiable notes for down payment, less than 10 percent. Carden and Herd discounted the note in the bank, which is a perfectly legitimate transaction. Carden and Herd were behind the note. After the Government objected to making a deal with the syndicate and the syndicate was dissolved Carden and Herd took up the note, and that settled the matter. Mr. Speer, representing these syndicate members, closed up the matter, gave written statement, and the syndicate was disssolved. These men got out and Carden and Herd paid the note and took it up.

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr. ROBSION of Kentucky. I yield to the gentleman from Texas.

Mr. SUMNERS of Texas. Is that the $750,000 which these gentlemen have just told the House Carden and Herd put in their own pockets?

Mr. ROBSION of Kentucky. There is no $750,000 in it. I do not know which one they are talking about. Mr. Heckscher was one of the seven of the syndicate. He paid in $105,000 in cash. After this syndicate was set aside Mr. Herd gave to Mr. Heckscher his check for $105,000 with interest at the rate of 6 percent from the very minute he put in the money. Mr. Heckscher demanded his money back as a member of the syndicate. The gentleman from Pennsylvania [Mr. WALTER] has talked about these folks coming in here. He recently introduced a bill for them. The gentleman states this matter has been up for a number of years. You never heard of one of these syndicate men until some Washington lawyers and some folks up in New York brought the matter in here in the last year, after Carden and Herd had fought over this matter for 20 years. Then for the first time certain fellows thought they had found a mare's nest and came in here and had a bill introduced. Our committee heard them. It did not allow them anything. It did not think they had any place in this matter. Then they went before the Committee on Claims, and that committee has not allowed them anything.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. ROBSION of Kentucky. I yield to the gentleman from Pennsylvania.

Mr. WALTER. The gentleman stated I had not heard anything about it until some Washington lawyers became interested in it.

Mr. ROBSION of Kentucky. I said also some folks in New York.

Mr. WALTER. Let me tell the gentleman that Mr. Pyne has been a friend of mine for a great many years. He discussed this matter with me at the time Representative Bacon introduced a measure to be of assistance to this syndicate, 5 years ago.

Mr. ROBSION of Kentucky. Mr. Speer, Mr. Pyne's representative in this syndicate, wrote Mr. Pyne a letter on May 17, 1917, telling him what? That he had followed his suggestions and the whole matter had been closed up, and the syndicate had been closed out. Mr. Pyne is not living now, is he?

Mr. WALTER. Oh, yes.

Mr. ROBSION of Kentucky. You see his letter right here in the record, do you not?

Mr. WALTER. He appeared before the committee. The gentleman did not mention the fact that he testified.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. ROBSION of Kentucky. I yield to the gentleman from Georgia.

Mr. COX. It might be well to state that had not the Government entered into this contract with Carden and Herd it would have taken these ships as alien ships under the law passed 6 weeks later, and then the Government would have had to pay the market value of the ships and in addition would have been compelled to return the ships at the expiration of the war.

Mr. ROBSION of Kentucky. That is what the Government did with every other person, even enemy aliens. Carden and Herd were offered $14,000,000 for the boats. They took less than half because of right to operate the boats.

Mr. COX. In other words, the Government has saved something in the neighborhood of $20,000,000 by reason of this transaction.

Mr. ROBSION of Kentucky. At least that.

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, I want to make a very brief statement. This matter was examined by the Committee on the Judiciary last year when I was just getting out of the hospital. I am not very familiar with the details but I have some familiarity with this matter.

Carden and Herd have been coming before the Committee on the Judiciary for 20 years. I never heard of this syndicate until this year, when it looked as if Carden and Herd might be getting somewhere within striking distance of action. That is the first time I ever heard of the syndicate having a claim. When these people began to come to the Committee on the Judiciary they were like most other people who feel they have a claim, they wanted to get from the Committee on the Judiciary just as short a cut as they could get to this money. The Committee on the Judiciary would not agree to that. But the Committee on the Judiciary did agree, however, believing that they had something that ought to be adjudicated, to help them get to the Supreme Court on the law and on the facts. That is what this bill proposes and that is all this bill proposes. These controversial details cannot be settled here. The Committee on the Judiciary, recognizing that they are matters for court determination, brought in this bill to send them to the place where they could be judicially settled.

Mr. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Illinois.

Mr. CHURCH. If Carden and Herd get their benefits in the Supreme Court, will not the other members of the syndicate have rights against them?

Mr. SUMNERS of Texas. I believe there may be a possibility for them to proceed against Carden and Herd, but I do not want to go into that feature.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Pennsylvania.

Mr. WALTER. The syndicate could not proceed against Carden and Herd because the statute of limitations has tolled.

Mr. SUMNERS of Texas. I do not feel myself disposed to try to take care of the interests of people in New York who have good lawyers and who have slept for 20 years on their rights if they ever had any. This is not the place to try that matter.

Mr. McGRANERY. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. No; I cannot yield.

[Here the gavel fell.]

Mr. HANCOCK. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I simply want to say that although the amendment offered by the gentleman from Wisconsin will improve the bill, it will still be bad and ought not to pass. It gives preference to two litigants. It gives them a right which no other litigants have.

Mr. McGRANERY. Mr. Chairman, will the gentleman yield?

Mr. HANCOCK. I yield.

Mr. McGRANERY. I was going to ask the distinguished chairman of the Committee on the Judiciary, for whom I have a very high regard, this question, but inasmuch as the gentleman from New York is a member of the Committee on the Judiciary I suppose he can answer it. How many claims bills has the Committee on the Judiciary entertained, in the gentleman's experience?

Mr. HANCOCK. Never a claims bill, but we occasionally do have jurisdictional bills.

Mr. McGRANERY. This is the first one?

Mr. HANCOCK. I believe we have conferred jurisdiction in a few cases, but it is very unusual. Ordinarily and properly bills involving claims against the Government go to the Committee on Claims.

Let me point out just this one other fact, because I want you all to have it clearly in mind. The claimants here are not suing to recover any loss or any out-of-pocket expense. They are asking for an additional speculative profit, which now amounts to $16,000,000, according to the unanimous opinion of the Court of Claims, on a war contract made in 1917. In a week or two we are going to pass a tax bill to stop profiteering in the next war. And yet, here we are today considering a profiteering claim of the war of 1917 amounting to $16,000,000. These claimants got every penny back they ever put into it, and they have been well paid for their brokerage fees and for their time, effort, and expense. They made a profit of $738,000, and yet they and their attorneys are back here today asking for $16,000,000 more.

Mr. SUMNERS of Texas. Will my friend the gentleman from New York yield?

Mr. HANCOCK. I am glad to yield to the gentleman from Texas.

Mr. SUMNERS of Texas. As I understood the gentleman from New York, his statement is to the effect that these claimants are back here now asking for $16,000,000?

Mr. HANCOCK. The Court of Claims says that is what it amounts to.

Mr. SUMNERS of Texas. Is not the truth that they are asking for an opportunity to litigate these questions in issue before the Supreme Court of the United States?

Mr. HANCOCK. In the fond hope that the Supreme Court will send the case back to the Court of Claims with instructions favorable to the claimants. It is a long shot and I imagine the lawyers have the case on a 50-percent contingent basis or even better. In my judgment, the claim is without

merit in law or equity, and it was so held by the Attorney General and by the Court of Claims.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. SCHAFER].

The amendment was agreed to.

Mr. COCHRAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN: On page 2, line 9, strike out the period, insert a colon and the following: "*Provided*, That no interest shall be included in the judgment rendered by the court."

Mr COCHRAN. Mr. Chairman, I am reading from the opinion of the Court of Claims delivered by Judge Green, who was chairman of the Ways and Means Committee of this House at the time he was appointed a member of that court. Judge Green says in the first paragraph:

The plaintiffs—speaking of Carden and Herd—in this case seek to recover $7,161,018.30 with interest from May 3, 1917, or a total of about $16,000,000.

That is as of May 2, 1938, so by the time this decision is finally rendered you will find the amount will be up to $20,000,000 if it is in favor of the plaintiff.

Mr. WEAVER. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. I yield.

Mr. WEAVER. Mr. Chairman, as far as the committee is concerned, we will be glad to accept the amendment.

Mr. COCHRAN. I am very pleased to have the gentleman say that and with that assurance, I will sit down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The amendment was agreed to.

Mr. HOBBS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have no knowledge of the facts on which this claim is founded. I do not know that claimants are entitled to a cent. But I believe they are entitled to an appeal from the technical decision of the Court of Claims, so that their case may be heard and determined on its merit, if any it has. If without merit, the Supreme Court will so adjudge, and they will get nothing. My thought is that we should leave the administration of justice to the courts. I rise, therefore, not to argue the merits of the case, but to keep the record straight.

Two statements made in this debate seem to reflect upon the Committee on the Judiciary.

I understood the gentleman from Missouri [Mr. COCHRAN] to say, "May I say to the gentleman from Georgia that he cannot lay hands on a piece of legislation giving direct appeal to the United States Supreme Court from the Committee on the Judiciary in this House." I will ask the gentleman from Missouri if he did not make that statement.

Mr. COCHRAN. I did, and I was asking for the information and if the gentleman has it, I would like to have it.

Mr. HOBBS. I certainly have, and if I had not I would not have risen. I can give you the citation to the act. It is Private No. 69, Seventy-third Congress (S. 1091). I read the act:

An act conferring jurisdiction upon the Court of Claims of the United States to hear, consider, and render judgment on the claims of Edward F. Goltra against the United States arising out of the taking of certain vessels and unloading apparatus.

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims of the United States, whose duty it shall be, notwithstanding the lapse of time or the bar of any statute of limitations or previous court decisions, to hear, consider, and render judgment on the claims of Edward F. Goltra against the United States for just compensation to him for certain vessels and unloading apparatus taken, whether tortiously or not, on March 25, 1923, by the United States under orders of the Acting Secretary of War, for the use and benefit of the United States; and any other legal or equitable claims arising out of the transactions in connection therewith: *Provided*, That separate suits may be brought with respect to the vessels and the unloading apparatus, but no suit shall be brought after the expiration of 1 year from the effective date of this Act: *Provided further*, That either party may appeal as of right to the Supreme Court of the United States from any judgment in said case at any time within 90 days after the rendition thereof, and any judgment rendered in favor of the claimant shall be paid in the same manner as other judgments of said Court of Claims are paid.

Approved, April 18, 1934.

The appeal authorized by that act is now pending in the Supreme Court of the United States.

Mr. COCHRAN. Did not that go up on a writ of certiorari?

Mr. HOBBS. It did not; it went up by appeal.

Mr. COCHRAN. I know all about the case as the man is from St. Louis.

Mr. HOBBS. Then the gentleman should have known better than to state——

Mr. COCHRAN. I did not know that that bill provided for a direct appeal.

Mr. HOBBS. It certainly does.

Mr. COCHRAN. I recall that a gentleman from Tennessee, I think Mr. Bachman, handled that bill on the floor of the House here.

Mr. HOBBS. The act provides that either party may appeal as of right to the Supreme Court of the United States.

Mr. COCHRAN. I stand corrected.

Mr. HOBBS. I thank the gentleman. There is another very dear friend of mine, the gentleman from New York [Mr. TABER], who made a statement which I think is in error. He said that claimants have a right of appeal from the Court of Claims to the circuit court of appeals. I may be wrong about it, but I know that the law reads that no other review is permitted than that which section 288 provides, as follows:

SEC. 288. Claims: No other review allowed. (a) In any case in the Court of Claims, including those begun under section 287 of this title, that court at any time may certify to the Supreme Court any definite and distinct questions of law concerning which instructions are desired for the proper disposition of the cause; and thereupon the Supreme Court may give appropriate instructions on the questions certified and transmit the same to the Court of Claims for its guidance in the further progress of the case.

(b) In any case in the Court of Claims, including those begun under section 287, it shall be competent for the Supreme Court, upon the petition of either party, whether Government or claimant, to require by certiorari that the cause, including the findings of fact and the judgment or decree, but omitting the evidence, may be certified to it for review and determination with the same power and authority, and with like effect, as if the cause had been brought there by appeal.

(c) All judgments and decrees of the Court of Claims shall be subject to review by the Supreme Court as provided in this section, and not otherwise (Feb. 13, 1925, c. 229, p. 3, 43 Stat. 939).

I have the highest regard for the distinguished gentleman from New York, and for any statement he makes, but I think he is mistaken when he says anyone can appeal from a decision of the Court of Claims. My opinion is that there is no appeal from any decision of the Court of Claims to the circuit court of appeals known to the law. Nor is there any appeal, unless authorized by some special act such as this bill, from the Court of Claims to any other court. There was no right of review except by writ of certiorari issued by the Supreme Court of the United States directed to the Court of Claims. This right of review by certiorari was provided by section 288 of the United States Judicial Code, which I have just read. But please permit me to call your attention to the fact that this section 288 authorizes only a limited right of review. There are provided only two ways: First, the Supreme Court may answer "questions of law concerning which instructions are desired" when certified by the Court of Claims; second, the Supreme Court may require by certiorari the Court of Claims to certify to it "the cause, including the findings of fact and the judgment or decree, but omitting the evidence, * * *."

That was the law when the case of Carden and Herd was decided by the Court of Claims. That was the only way of review open to Carden and Herd. And it was utterly worthless to them, for only by a consideration of the evidence by the Supreme Court could they even hope for a reversal of the adverse decision of the Court of Claims.

This law was so manifestly unfair that the then Attorney General of the United States had a bill drafted to cure the evil of requiring decisions by the Supreme Court without

opportunity to consider the evidence in the cases. I quote his letter:

DECEMBER 30, 1938.

Hon. HENRY F. ASHURST,
Chairman, Committee on the Judiciary,
United States Senate.

MY DEAR SENATOR: I recommend legislation to amend the law regulating the contents of records in cases reviewed by the Supreme Court on certiorari to the Court of Claims.

Under existing law, judgments of the Court of Claims may be reviewed by the Supreme Court on certiorari. In such cases, if a writ of certiorari is granted, the record certified by the Court of Claims to the Supreme Court consists solely of the findings of fact and the judgment or decree, but omits the evidence. This is expressly provided by statute (act of Feb. 13, 1925, sec. 3, subsec. (b); 43 Stat. 936, 939; U. S. C., title 28, sec. 288 (b)).

On the other hand, the records in cases in which the Supreme Court reviews on certiorari the decisions of the circuit courts of appeals or of the United States Court of Appeals for the District of Columbia include the pertinent portions of the evidence as well as the findings. In such cases the Supreme Court has before it the entire record that was filed in the court below.

There does not appear to be any sufficient reason for this distinction between cases that proceed to the Supreme Court from the circuit courts of appeals and those that involve judgments of the Court of Claims. Moreover, the present practice in Court of Claims cases at times results in inability to present to the Supreme Court certain questions of law, such as whether or not the findings are sustained by the evidence.

In a recent patent case brought against the Government in the Court of Claims, in which the patent was held valid and infringed, a writ of certiorari was granted by the Supreme Court on the application of the Government. The application was based principally on the fact that the same patent had previously been held invalid and not infringed in another case in the Circuit Court of Appeals for the Second Circuit. The Supreme Court, however, after hearing the case on the merits, held that it was not in a position to review the validity of the patent, and its infringement, because of the fact that the record before it did not contain any of the evidence taken before the Court of Claims (*United States* v. *Esnault-Pelterie*, 303 U. S. 26).

Legislation appears desirable to amend the law so as to permit material portions of the evidence in cases decided by the Court of Claims to be included in the record certified to the Supreme Court when the latter grants a writ of certiorari.

A bill drafted in this Department to achieve this end is enclosed herewith. I recommend its enactment.

Sincerely yours,

HOMER CUMMINGS,
Attorney General.

With this letter was transmitted S. 198, which, when passed by both Houses of Congress and approved by the President on May 22, 1939, became Public, No. 81, of the Seventy-sixth Congress.

I quote it at length:

An act to provide that records certified by the Court of Claims to the Supreme Court, in response to writs of certiorari, may include material portions of the evidence, and for other purposes

Be it enacted, etc., That section 3, subsection b, of the act of February 13, 1925 (43 Stat. 936, 939, ch. 229; U. S. Code, title 28, sec. 288b), be amended, so as to read as follows:

"(b) In any case in the Court of Claims, including those begun under section 180 of the Judicial Code, it shall be competent for the Supreme Court, upon the petition of either party, whether Government or claimant, to require, by certiorari, that the cause be certified to it for review and determination of all errors assigned, with the same power and authority, and with like effect, as if the cause had been brought there by appeal. In such event, the Court of Claims shall include in the papers certified by it the findings of fact, the conclusions of law, and the judgment or decree, as well as such other parts of the record as are material to the errors assigned, to be settled by the Court.

"The Court of Claims shall promulgate rules to govern the preparation of such record in accordance with the provisions of this section.

"In such cases the Supreme Court shall have authority to review, in addition to other questions of law, errors assigned to the effect that there is a lack of substantial evidence to sustain a finding of fact; that an ultimate finding or findings are not sustained by the findings of evidentiary or primary facts; or that there is a failure to make any finding of fact on a material issue."

Approved, May 22, 1939.

But this act came too late to help Carden and Herd. Their case had been decided a year before. So their case came under the old law—section 288. There was nothing they could do but to ask Congress to give them by special act the right to appeal and have the Supreme Court decide what was right after considering the evidence upon which their claim was based. This they did, and the bill now under consideration will, if it becomes law, give them that right, and nothing more.

The Committee on the Judiciary is of the studied opinion that they are entitled to no less, and recommends that the bill do pass.

Our American law gives the right of appeal—a real review—even to a convicted murderer. Should we deny that right to American citizens who have never been suspected, much less charged, as criminals? [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. COSTELLO. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Page 2, line 9, after the word "are", strike out the word "paid" and insert "paid: *Provided*, That no part of any judgment which may be obtained in excess of 2 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

Mr. COSTELLO. Mr. Chairman, I have introduced this amendment which is the ordinary attorney's fee proviso, except that instead of being the usual 10 percent, I have made it 2 percent. The reason for doing that is that I understand there is a large number of lawyers interested in this claim besides Carden and Herd. I call to the attention of Members of this body the fact that these two men, concerning whom we have heard so much today about being patriotic citizens and trying to do so much for the Government at a time that we were about to go to war, owned these ships less than 30 days; that as a result of that they were paid every dollar of expense to which they were entitled. They received in all in excess of $8,000,000 from the Federal Government. Moreover, they received $550,000 as an award from Dent Board, that was purely profit, and there is no question about that. There was no expense against it. It was purely profit, and if these parties object to that amount of profit as not being sufficient, why did they not object at that time?

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. COSTELLO. I cannot yield. The proponents of this bill have had control of the time during the hour of debate, and the opponents had only 14 minutes, and the same was true while the rule was under consideration. I call attention to the fact that these people received full reimbursement for every dollar they paid, and they are coming in here now asking for $7,000,000 worth of profit, for the ownership of ships to which they held title for less than 30 days. If anybody is entitled to any profit, why not give it to the real owners of those boats? They may have been Austrians, but you gave it to others. The Austrians were over a barrel, if I may use the expression. They were afraid that they were going to lose their ships. These two speculators came to them and offered them the minimum they thought they could get away with, and they induced the Austrians to sell those ships, and now they are coming back to the Government trying to get $7,000,000 worth of profit, plus 23 years' interest, which you have just now removed from the bill. I do not think they are entitled to it. Moreover, I call to your attention the statement of Mr. Bernard Baruch. The reason he went into this transaction was this. When these ships were offered to Mr. Denman, Chairman of the Shipping Board, Carden and Herd tried to sell them to the Government at cost plus 33⅓ percent of the net freight receipts which the Government would obtain. President Wilson rejected that offer because of the requirement that Carden and Herd should operate those ships.

On page 11 of the committee's latest report, No. 1616, we find the statement:

Mr. Baruch testified that he made no such agreement, and that his testimony on this phase of the case may be deemed interesting. * * * He testified, "The only difference of opinion is that I could not have said that 'I will promise you the operation of the ships,'

and that is what I mean when I say I could not have entered into an obligation or contract for the leasing of those ships, but I have a very distinct recollection that I did say it was only fair, in the circumstances, that if these ships were leased they should have the first and prior opportunity for the operation of those ships on the same terms as anyone else, and I am quite certain that I said that to Mr. Denman."

But the fact is that the ships were not given to anyone to operate, other than the War Department, which used these ships as troop transports and for transportation of supplies during the war, two of them being sunk.

Carden and Herd are trying to allege a misunderstanding of the contract. Because of this the Congress sent this case to the Court of Claims for a determination to learn whether the memorandum of closing was in fact the full contract and also whether the award of the Dent board was a complete discharge of the claim. The Court of Claims has definitely found against Carden and Herd, from which judgment they moved for a new trial, which was also denied.

If you read the original report, No. 1313, you will find it contains a letter from the Attorney General, which states:

On the other hand, after a full trial on the merits, the Court of Claims has held that there was no legal obligation on the part of the Government to pay to the claimants any compensation in addition to the amount which they had already received, to wit, $8,391,028.70. By the award of the Secretary of War they realized a profit of $550,000 on this transaction. They now seek a further profit for which they did not stipulate in their original contract.

In view of the fact that Carden and Herd accepted the award of the Dent board, they should now be estopped from attempting to establish further claims. They never should have been allowed to go to the Court of Claims in the first instance. But the Congress did grant them this relief. Now having lost that action, and having lost their motion for a new trial, they come here seeking still further assistance. They had the audacity to ask in the original bill, H. R. 3356, that the court be authorized and directed to enter judgment in their behalf. Needless to say the Committee on the Judiciary rejected that proposal. It is needless to argue that the House should likewise reject this proposal since Carden and Herd have had their full day in court and are not entitled to any more. Especially they should not be permitted to pay out vast sums to attorneys who are promoting the legislation and who wish to prosecute the trial.

I hope this amendment is adopted.

[Here the gavel fell.]

Mr. FULMER. Mr. Chairman, I move to strike out the last word.

I am only going to take a couple of minutes. I am going to vote for the gentleman's amendment. I would like to ask the gentleman in charge of this bill if he is not willing to accept the amendment?

Mr. WEAVER. The usual proviso in a claims bill is 10 percent.

Mr. FULMER. I just asked a simple question. The gentleman can say "yes" or "no."

Mr. WEAVER. I do not think the committee could agree to accept 2 percent, but if the gentleman will follow the course of this committee in proposing the usual 10 percent amendment that is offered to all claims bills, I think it would be accepted.

Mr. COSTELLO. Will the gentleman yield?

Mr. FULMER. One minute. Just being a common layman I do not suppose I should take any part in this debate in that this seems to be a lawyers' bill. What are the facts in connection with this bill? It has been pending in and out of Congress for the past 20 years. It is very evident that the claimants have already received a profit in the original settlement. In the meantime there appears to be other claimants on the outside looking in. Then I gather from statements made here by various gentlemen that apparently there are numerous lawyers interested in this bill. There seem to be some in Texas, Kentucky, New York, and Washington. I am sure they will get at least 50 percent or more of it. Now, at this time in a long drawn out session of Congress when we are voting billions for national defense, after these gentlemen have gotten a settlement and a profit in years gone by, I am surprised that at such a serious time in the session of this Congress we should come in here with this type of bill and argue for favorable consideration on same.

What about millions of people who had losses in the last war and who had to sacrifice for the purpose of winning the World War? I wonder what the taxpayers of this country will think if we keep on in this session of Congress, instead of attending to that business which we should in connection with building up our national-defense program, from day to day bringing in just such type of bills as this. Why it would be better to have a recess. The sad story is when a great many of the Members come in who do not know anything about this bill will ask, "How does the committee stand," and vote accordingly. I hope that the Members of this House will vote down this bill. [Applause.]

[Here the gavel fell.]

Mr. COX. Mr. Chairman, I ask for recognition in opposition to the amendment.

Mr. Chairman, the statement made by the gentleman from California [Mr. COSTELLO] and the gentleman from South Carolina [Mr. FULMER], who just left the floor, demonstrates very clear that they are entirely unfamiliar with the record in this case. Gentlemen ought not to state as Members of this body and to you in your consideration of this question that Carden and Herd realized a profit out of the transaction concerning the taking over of these ships.

Mr. COSTELLO. Will the gentleman yield?

Mr. COX. I yield.

Mr. COSTELLO. Was not the $550,000 awarded by the Dent board definitely a profit?

Mr. COX. Not a dime of it.

Mr. COSTELLO. What expense were they put to in obtaining that money?

Mr. COX. Not a dime of profit, and so stated by the Secretary of War. In negotiating the purchase of these ships these people were put to the necessity of raising a considerable amount of money, and they went to New York and formed a syndicate. In the formation of that syndicate they expended a sum in excess of $400,000. In the handling of the claim before the war board, and so forth, they paid out more than $275,000 in attorneys' fees. There was another considerable sum representing interest which they had paid on the original transaction and paid to the members of the syndicate on the money that they had invested in the undertaking.

Mr. McGRANERY. Mr. Chairman, will the gentleman yield?

Mr. COX. Carden and Herd are out several hundred thousand dollars in excess of the $550,000 which the Secretary of War stated in substance represented the out-of-pocket money at that time.

Mr. McGRANERY. Will the gentleman yield?

Mr. COX. No; I am sorry. Now, Mr. Chairman, if these had been alien ships taken by the Government the alien would have been paid the market value of the ships, and after the expiration of the war the ships would have been returned to the owners intact. The Committee on the Judiciary has stated in its report that Carden and Herd were treated worse than aliens were treated; and they were so treated.

They were not speculators—they were not engaged in the buying and selling of the ships. Their business was operating boats under contract, and when they bought these ships their main consideration was the operation of them. When they sold them to the New York syndicate they entered into a contract binding upon all concerned to the effect that they would have the right to operate them at the prevailing charge, at the usual charge made by others. When the Government came in and took the ships Carden and Herd never thought they were surrendering more than the profit they had in the sale, believing all the while—and the record is full of evidence to that effect—that they would be given an operating contract by the Government. Mr. Weeks said so and Mr. Denman said so. He testified that he wished he had the power to give them the contract, because nothing less than that represented substantial justice in the case.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. COX. I yield.

Mr. ROBSION of Kentucky. This evidence, Mr. Chairman, shows that before the Government took over these ships from these people they had a bona fide offer to buy them for $14,000,000 in cash. The Government bought them for only $7,000,000.

[Here the gavel fell.]

Mr. SCHAFER of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHAFER of Wisconsin to the pending amendment: Strike out 2 percent and insert in lieu thereof 10 percent.

Mr. SUMNERS of Texas. Mr. Chairman, I ask unanimous consent that all debate on the bill and all amendments thereto close in 5 minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that all debate on this bill and all amendments thereto close in 5 minutes. Is there objection?

Mr. McGRANERY. Mr. Chairman, I object.

Mr. SUMNERS of Texas. Mr. Chairman, I move that all debate on the bill and all amendments thereto close in 5 minutes.

Mr. McGRANERY. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. McGRANERY. I make the point of order that the gentleman's motion is not in order. He has moved to close all debate on the entire bill, a unanimous-consent request. I submit, Mr. Chairman, that such a motion is not in order as to this section of the bill.

The CHAIRMAN. There is but one paragraph to the bill, the Chair will state to the gentleman from Pennsylvania. Extensive debate has been had on the bill and amendments. The gentleman from Texas is clearly within his rights to move to close debate. The point of order is overruled.

The gentleman from Wisconsin is recognized for 5 minutes.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I shall not take the entire 5 minutes.

For the information of the House let me say that I am not an attorney. No attorney, no lobbyist, or no representative or other person has contacted me with reference to this bill. My efforts have been solely in the interest of perfecting this bill in order that it would only do what its sponsors and proponents claim they desire to do: Provide for an appeal to the United States Supreme Court on the questions of law and facts considered by the Court of Claims.

For many years all private claims bills have carried a uniform and customary 10-percent attorney-fee limitation proviso. I see no reason why we should deviate from the usual 10-percent limitation policy on this particular bill. If you adopt the 2-percent attorney's fee proviso carried in the Costello amendment then you are giving the very men whom he has denounced more money at the expense of the attorneys who might have rendered them some service. If a recovery is had, the court will determine what services these attorneys rendered and will set the amount of the attorneys' fees based on the services performed.

If you limit the fee to 2 percent, you will be playing Santa Claus to the claimants whom the author of the amendment has denounced. I sincerely hope that the House will follow its usual procedure and adopt the customary 10-percent attorney's fee limitation, so that if there are any attorneys who have performed any service they will be paid, should a recovery be had, and the Congress will not be playing Santa Claus to the claimants by allowing them to receive legal services without having to pay for them.

This bill, notwithstanding all that the gentleman from North Carolina [Mr. FULMER] has stated, is not a $16,000,000 bill or a $16 bill. If I thought for a moment that it was I would not have tried to perfect it. This bill as now perfected merely gives these claimants the right to appeal to the Supreme Court of the United States and allow the Supreme Court to review the questions of law and facts which were considered by the Court of Claims. I can trust the United States Supreme Court as now constituted to make this review, the New Deal controlled Supreme Court, even though some of the New Deal gentlemen on my left apparently cannot do so.

Mr. EBERHARTER. Mr. Chairman, will the gentleman yield?

Mr. SCHAFER of Wisconsin. I yield.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. McGRANERY].

Mr. EBERHARTER. Mr. Chairman, the gentleman from Wisconsin yielded to me. His time has not expired. Debate has been limited on the bill.

The CHAIRMAN. The gentleman from Wisconsin sat down and thus relinquished the floor.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I had not resumed my seat. I was halfway down, but I had not resumed my seat.

The CHAIRMAN. When the gentleman from Wisconsin took his seat he relinquished the floor. The Chair had promised to recognize the gentleman from Pennsylvania.

The gentleman from Pennsylvania is recognized for 2 minutes.

Mr. McGRANERY. Mr. Chairman, a great deal has been said with respect to the fee to be paid if this bill is passed and the Supreme Court should award judgment. The amount of the claim involved is something over $7,000,000. Thus, if the 10-percent proviso is adopted it will mean a fee of $700,000 to these lawyers.

The managers of the bill have used a rather unusual procedure. They filed two reports. They bring in now Report No. 1616, but they forgot there was a Report No. 1313, in which the Attorney General had this to say with respect to whether or not anyone got profit:

On the other hand, after a full trial on the merits, the Court of Claims has held there was no legal obligation on the part of the Government to pay the complainants any compensation in addition to the amount which they had previously received, to wit, $8,391,028.70.

And he then goes on to say that they realized a profit of $550,000.

You vote for this bill and you are going to face the consequences in November. In conscience, there is nothing here that might justify it. Has anyone told you anything about these other people or why they got out or how they got out? This, to my mind, is one of the most peculiar, to put it mildly, bills that I have ever seen in this Congress, and I hope it is voted down.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. SCHAFER] to the amendment offered by the gentleman from California [Mr. COSTELLO].

The question was taken; and on a division (demanded by Mr. McDOWELL) there were—ayes 76, noes 64.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. COSTELLO] as amended.

The amendment as amended was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. LUTHER A. JOHNSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 7230) to provide for an appeal to the Supreme Court of the United States from the decision of the Court of Claims in a suit instituted by George A. Carden and Anderson T. Herd, pursuant to House Resolution 407, he reported the same back to the House with sundry amendments agreed to in the Committee of the Whole.

The SPEAKER. Under the rule the previous question is ordered on the bill and amendments to final passage.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. WEAVER) there were—ayes 60, noes 115.

So the bill was rejected, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. HOBBS. Mr. Speaker, I ask unanimous consent to insert in my remarks made today the matter referred to therein.

The SPEAKER. Is there objection to the request of the gentleman from Alabama [Mr. HOBBS]?

There was no objection.

Mr. GEYER of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to also insert in the Appendix of the RECORD an editorial.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. GEYER]?

There was no objection.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an article from the Literary Digest on "Plotters plea—Mexico receives Trotsky—Moscow's minions near liquidation by Stalin."

The SPEAKER pro tempore (Mr. LEAVY). Is there objection to the request of the gentleman from Montana [Mr. THORKELSON]?

There was no objection.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an article on "Strategy and tactics—the totalitarian revolution."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana [Mr. THORKELSON]?

There was no objection.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to incorporate therein a letter of July 31, 1940, which was sent to the Members of Congress by the Right Reverend Monsignor Michael J. Ready, general secretary of the National Catholic Welfare Conference, and the enclosed statement which he made before the Committee on Military Affairs of the House of Representatives on July 30, 1940, in opposition to the compulsory military service bill, H. R. 10132.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin [Mr. SCHAFER]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. GROSS. Mr. Speaker, I ask unanimous consent that on tomorrow, after disposition of the business on the Speaker's table, and at the conclusion of any special orders heretofore made, I may be permitted to address the House for 20 minutes in reply to charges made by the gentleman from Indiana [Mr. SCHULTE] yesterday.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania [Mr. GROSS]?

There was no objection.

EXTENSION OF REMARKS

Mr. MILLER asked and was given permission to revise and extend his own remarks in the RECORD.

Mr. BALL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein two speeches made by me in my own district in the past week.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. HEALEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a radio address delivered by me.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CALENDAR WEDNESDAY BUSINESS

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that the business in order on tomorrow, Calendar Wednesday, may be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Under a previous special order, the gentleman from South Dakota [Mr. MUNDT] is recognized for 40 minutes.

THE AMERICAN FORMULA MUST BE PRESERVED—A FAIR CHANCE FOR A FREE PEOPLE

Mr. MUNDT. Mr. Speaker, since January 1939 Congress has been in session almost 18 of the 20 months which have elapsed between then and now. Members of this Congress have not only set something of a peacetime record in the manner in which they have stayed in session almost continuously, but when the book of history is finally written I believe it will show that this Congress has also done much to improve and protect the American way of life. It is my purpose today to review some of these accomplishments and to suggest steps which must still be taken if prosperous and happy living are to be fully restored in this country and the proceeds of labor and trade equitably made available to all our citizens.

I would like to mention at this point that when I started campaigning for Congress in September of 1938 I determined to place before the people of my district a definite set of principles which would govern my action if elected. I summarized these principles by a slogan which, to me, represents the American formula describing the ultimate goal of Government in this Republic. This slogan was, "A fair chance for a free people." To my way of thinking, this slogan describes the goal toward which good self-government should steadily strive. I submit that fairness of opportunity for all and freedom of choice and selection represent the American way of life. This formula must be preserved. "A fair chance for a free people" must be expanded to all our citizens and protected for future generations. I want to examine with you for awhile today the record of our 18 months of steady sessions to see what we have done and what we have yet to do to develop both fairness and freedom for people in every walk of life in America.

I do this not only because it provides me an opportunity to survey my own record in Congress in view of the fair-chance program upon which I ran but because I believe so wholeheartedly in the validity of this program that I am trying to enlist as much of the country as I can in a crusade to defend and apply this American formula. This conviction that good representative government should provide "a fair chance for a free people" has been my guidepost both before entering Congress and since I have been a member of this body. As long as I am in public life or as long as I can exert any influence in private life, I shall continue to urge progress toward this objective. To me, it is the essence of the American way of life.

We are hearing much these days of clean-politics reforms and Senator HATCH, Wendell Willkie, and Attorney General Jackson are making real progress in this direction through their straightforward stands despite last week's statement of Chairman Flynn, of the Democratic National Committee, that neither the spirit, the word, nor the purpose of the Hatch Act will stop him from continuing the practice of sandbagging big corporations for so-called advertising donations to the Democratic campaign manual.

We now require candidates for Federal office to file an advance statement of campaign expenses. That is fine. I favor that. But from the standpoint of good government it is equally important that we should require candidates for reelection to file sworn statements of service in advance of their campaigns, giving detailed reports of their activities and

votes in support of Government policies advocated in their party platforms and campaign speeches. This would compel a wholesome self-examination by all officials and would provide a helpful printed analysis of a candidate's record for the voting public. If my suggestion were in effect, party platforms and personal-campaign statements would cease to be "scraps of paper," and the people could exercise a better check on their public servants. I am sure, for example, that fewer of the commendable policies advocated in platforms of 1932 and 1936 would now be in the ashcan.

During my campaign I distributed in my State over 60,000 copies of this fair-chance program, detailing the steps by which I believed both fairness and freedom in economic, social, and governmental activity could be advanced. A framed copy of this statement is in my office to constantly remind me of this challenge which I made and accepted for myself. To many of you in Congress I have handed or mailed copies of this program for a better, fairer, freer America, and today I again want to stress this fundamental formula for meeting and solving the problems which confront us. I know that the Members of the House join me in recognizing that if self-government is to be safeguarded in this Republic we must work steadily to make America fair and to keep America free. To do this we must keep the people informed. In a republic with representative government the voters cannot know too much about their government and the people in it.

FIRST, A FAIR CHANCE FOR AGRICULTURE

Coming from a great agricultural district as I do, it is natural that my first consideration in Congress and in working toward a fair chance for all is for the American farmer. Two years ago, when I was campaigning for Congress, and today, the greatest need of this country as a prerequisite for sound recovery is for a permanent farm program which will place the farmer on a parity with labor, industry, and business in receiving a fair reward for his labors and in enjoying an equitable relationship between the prices which he receives and those he pays. During these 18 months of meetings, committee proceedings, congressional debates, and adopted legislation we have made progress toward that goal; but we have fallen far short of reaching it. The farm problem has been relieved, but it has not been permanently solved. Compared to many types of labor with guaranteed minimum wages and maximum hours and with many business activities enjoying legislation assuring them a fair margin of profit, the farmer is still the forgotten man.

Since being in Congress, I have voted and worked for every piece of farm legislation which seemed to offer even a remote hope of helping the farmer. I have voted for every appropriation bill designed to provide parity payments, benefit checks, or other assistance to the farmers and have appeared before committees in support or spoken on the floor in defense of many of them. These payments have helped the farmer survive but they have not solved the problem of giving him an honest price for the full output of his farm, and they have not enabled him to regain the opportunities he once had of making profits enough on his farm during the active period of his life so that he could move to town and retire in old age in the manner of farmers of other generations in America. He has lost much of fairness and a lot of freedom, but he has not gained the parity of opportunity which must be his before America as a whole can build a prosperity on a solid foundation.

During my campaign, I voiced criticism of the unfair chance the farmer is receiving in a 10-point statement, with suggestions for correcting these injustices, as follows:

(1) Feed America with American farm products; (2) a just price for a full crop—the farmer must ultimately use his full plant at a fair profit if he is to have the parity of opportunity he deserves; (3) increase commodity loans to 75 percent of parity, making them callable only at parity; (4) reduce marketing and transportation costs; (5) develop crop insurance on a businesslike basis; (6) give honest help to the honest farmer—meaning such emergency aids as seed and feed loans should be scaled down or canceled when the emergency giving rise to the need continued so that the loans could not be repaid; (7) a farm for every farmer and a farmer for every farm; (8) no compulsion and no penalties—the freedom of the farmer must be protected while fairness is being provided him; (9) conserve water as a public asset; (10 enlarge the market for farm products by adding factory markets for farm products.

I am glad to record here and now, Mr. Speaker, that in the 18 months which this Congress has been in session we have made definite progress on many of these points; we have not completely attained any of them; on some we have a long way yet to go; but we have been making progress.

Eighteen Members of the House, of which I was one, joined in introducing the so-called cost-of-production bill for agriculture which was later changed to provide full parity for the farmer instead of cost of production which the Agriculture Department said was harder to calculate equitably. We who sponsored this bill accepted this change because both cost of production and parity will figure out about the same if an accurate index number is used. We have not succeeded in getting our bill out of committee although hearings were held and we came within a very few votes of getting a favorable report. A petition is now on the Speaker's desk with over 100 signatures, asking for an opportunity to have the bill considered by the House. War conditions overseas and our emergency-defense program at home have temporarily detoured attention away from domestic issues, but legislation giving the farmer full parity prices for the supplies he sells domestically is far from dead. We shall stress for renewed consideration of it the first opportunity given by the administrative leadership. Many Democrats and Republicans have joined in this fight for fair play for the farmer through legislation which will assure him a decent American price for his products. Such a program will, in itself, achieve many of the goals in the 10-point statement I have previously mentioned.

Mr. O'CONNOR. Mr. Speaker, will the gentleman yield?

Mr. MUNDT. I am happy to yield to the gentleman from Montana.

Mr. O'CONNOR. I have had the privilege of serving on two committees of the House with the distinguished gentleman from South Dakota, now addressing us; namely, the Committee on Indian Affairs and the Committee on Irrigation and Reclamation. The gentleman is especially well informed on matters relating to Indian problems, and in the short period of time he has been a member of that committee, he has endeared himself to his colleagues for his painstaking and thorough consideration of all problems affecting the Indians. He has proven to be their friend.

The gentleman from South Dakota, now addressing us, has likewise proven himself to be a friend of the farmer and stockman. On the floor of this House he has repeatedly advocated and supported measures for the benefit of the farmers and those engaged in the livestock industry. He commands the admiration and respect of the Members of the House whenever he chooses to address. Mr. Chairman, I regard the gentleman from South Dakota as one of our most valued Members of the House. He may always be counted upon to fight the battle of the common man.

[Applause.]

Mr. MUNDT. I thank the gentleman from Montana for his kind remarks. He is a distinguished Democrat and a valuable statesman. I appreciate his comments, because he and I have had the opportunity of working together frequently on legislation of interest to the West and to agriculture. The people of Montana are serving the country well in sending such a distinguished Democrat to Congress.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, will the gentleman yield?

Mr. MUNDT. I am happy to yield to the gentleman from Minnesota.

Mr. AUGUST H. ANDRESEN. I was pleased to hear the gentleman from Montana, whom I consider one of the leading Democrats in the House, give that fine testimonial to the gentleman from South Dakota. I am sure the mutual admiration the two gentlemen have for each other is sincere, and that in his remarks the gentleman from Montana spoke the opinion of all the Members of Congress, whether they be Republicans or Democrats. [Applause.]

Mr. MUNDT. I thank the gentleman very kindly.

Mr. AUGUST H. ANDRESEN. I would like to add that as a long-standing member of the House Agriculture Committee, I have watched the gentleman from South Dakota's interest and activity in behalf of the American farmer. He is rendering a distinct service to agriculture and is always found fighting in the farmer's corner. As chairman of a special voluntary bipartisan committee last summer, I appointed the gentleman from South Dakota [Mr. MUNDT] chairman of a committee of three Democrats and three Republicans to make recommendations and devise methods for increasing the price of lard, which was then selling at almost an all-time low. His committee investigated the problem thoroughly and made several unanimous recommendations for getting the farmer a better price for his lard.

One of these recommendations was to have lard placed on the list of surplus commodities to be distributed by the Government. This recommendation was vigorously supported by this committee, and on September 30, 1939, the Surplus Commodities Corporation placed lard on its distribution list. Lard prices almost immediately started going up, and American hog producers owe a real debt of gratitude to the work of Mr. MUNDT'S committee a year ago last July.

Mr. MUNDT. Let me briefly review some of the action and progress taking place in this Congress on other specific items of this 10-point program. These are all found in the written history of this session and reported in the CONGRESSIONAL RECORD, but it will do us all good to refresh our memories concerning the victories we have won or the fights we have lost for greater justice for the farmer.

"Feed America with American farm products." The vast farm imports occurring under the Hull reciprocal trade treaties did much to keep American farm prices down prior to the outbreak of the European war last September and in certain cases are still a great depressing factor in the American market. These great competitive importations of foodstuffs and farm products which have come in to displace products from American farms have been criticized and condemned by Democrats, Progressives, and Republicans alike who sit in Congress as Representatives of farming areas. These battles we have neither completely won nor lost.

While the treaty power was extended over the almost unanimous protest and negative votes of Representatives from the entire agricultural Middle West, we did succeed in stopping negotiations with Argentina which would have added tremendously to the flood of competitive farm imports. We also succeeded in demonstrating that the United States Navy need not buy its beef from Argentina because it is "neither better nor infinitely cheaper." I had the personal pleasure of bringing into the Well of this House a can of corned beef imported from Argentina which I purchased in the Department of Agriculture store located almost immediately below Secretary Wallace's own office in that building and pointing out the injustice and inconsistency of a Department policy based on the theory of a surplus at home which offered for sale in its own store, imported beef from abroad. I still have this can of beef in my office. I think I shall save it as a souvenir as many of you have told me that the Department of Agriculture has reformed at least to that extent. Apparently, Argentine beef is no longer being sold under the direct auspices of Secretary Wallace. So far, so good, but we still have a long way to go before giving the American farmer the protection he is entitled to in order to enjoy the full advantage of the American price level in the American market for the products which he raises on an American farm.

We have succeeded in upping the percentage of parity payments and progress has been made in extending and expanding commodity loans. Marketing costs and transportation charges are still too high although legislative action promising to correct at least part of the transportation situation has passed the House. Crop insurance, where available, is becoming more helpful; it is still too expensive and too exclusive in its operation. Honest help to the honest farmer is becoming more of a practice and less of a promise, but many feed and seed loans are yet to be reduced or canceled and the bill to refund to the hog raiser the costs of unconstitutional tax payments has yet to be passed. When the bill was left to gather dust in the committee, I introduced a petition to bring it out; following this, the committee took action and by the narrow margin of one vote failed to bring in a favorable report. Justice demands that these repayments be paid to the hog producers and the fight for this elemental justice will not be dropped. I urge those of you who have not yet signed my petition to do so without delay.

Several bills making it easier to secure "a farm for every farmer and a farmer for every farm" have passed this session of Congress. I have supported them. However, the goal is far ahead of our stage of endeavor and the principal obstacle remains the lack of parity prices for farm products. No matter how easy the payments, it is hard for a farmer to pay for a farm unless he can sell for a profit the products of that farm. It is my conviction that the parity price bill previously described and introduced by 18 of us, will correct this situation. It will also eliminate compulsion and penalties as a part of any agricultural program.

Water is being increasingly recognized by this body as a great public asset as my work as a member of the important Irrigation and Reclamation Committee has brought home to me many times. In this connection, I am grateful to this House for having twice passed my legislation to prevent the indiscriminate spread of pollution in America—the fact that this legislation was introduced by a new Member on the minority side and received your favorable vote bespeaks eloquently of the recognition which this House has of the axiom that water is a public asset.

I was also successful in passing a resolution calling for a complete survey and study of that stretch of the Missouri River and its tributaries which flows through South Dakota in order to disclose its possibilities for power development, for irrigation, and for navigation. The United States Army Engineers are now making that survey and have been at work over 8 months in actual testings on the river. It is a huge task to conduct such a survey but it is being done carefully. When the results become available, I hope they will indicate means by which this great stretch of the Missouri River can be added to the utilized water assets of America for the purpose of increasing the economic strength and stamina of the country.

Enlargement of the market for farm products by adding factory markets for supplies from the farm is slowly but surely becoming a long-range Government policy. It has been my privilege to vote for appropriations setting up Government scientific plants to speed up this program, and as a member of a special committee of Congressmen to study farm chemurgy and its possibilities for helping provide "a parity of opportunity," I have come to have even a greater appreciation and respect for the new uses which can be made of farm products. I urge you all to give full consideration to this great potential market which can be developed for consuming the full crop and the entire products of completely utilized American farm properties. Once the full possibilities of farm chemurgy are developed we can again begin paying the farmer a premium for "making two blades of grass grow where one grew before," instead of encouraging him to reduce the products from his broad acres.

THE FAIR-CHANCE PROGRAM APPLIES TO EVERYBODY

I recognize that not all of you are interested, directly, in the problems of the American farmer. Nor are all the people of South Dakota farmers, although our whole economic fabric out there is directly interwoven with the success or failure of our farmers to show a profit from their labors. The American formula of "A fair chance for a free people" can and must be applied to all occupations and to all groups if we are to conquer the black demon of depression in this country and give continuing significance to the immortal phrase in our Declaration of Independence that "all men are created equal."

In my own fair-chance program and in the pattern of activity of this Congress, Mr. Speaker, I believe that America can provide a fair chance for all and preserve each indi-

vidual's freedom if we utilize Government in its rightful capacity as arbitrator and umpire and avoid the fatal temptation to turn over to Government and to politicians too much authority, and too much power so that it begins operating private industries after the manner of the totalitarian tyrants of Europe. Such a centralization of power in the hands of one man or in the hands of bureaucrats provides for the common citizen the blessings of neither freedom nor fairness.

Let me briefly indicate how a fair chance for a free people can be offered various groups in our society and suggest what we have and have not done toward attaining this goal.

A FAIR CHANCE FOR LABOR

Labor: The man who labors must have a fair chance in life. None with honest hearts and decent minds will deny this objective. That means for American workmen the right to be protected against the products from sweatshops at home and abroad. It means his right to enjoy the American standard of living which he cannot do if he is forced into direct competition with products made by dictatorial governments using semislave labor, or in other lands where wages are too low to hold body and soul together. Against such unfair competition, the American laborer has a right to be protected by an American tariff. And against unfair practices at home, he has a right to organize and to bargain collectively. These rights I have always upheld. I shall continue to protect them.

Neither private employer, political bureau, nor foreign competitor must be given the power to take from the American workingman his right to bargain collectively through unions of his own choosing for wages and living conditions compatible with the American standard of living. In these 18 months I have frequently voted for legislation to better the opportunity and to increase the protection for American workers. We must all continue to devote ourselves to improving conditions for the man who works. His efforts have built the great structures and industries of America; these great assets must in turn pay out to him the fair chance which he deserves.

Mr. LANDIS. Mr. Speaker, will the gentleman yield?

Mr. MUNDT. Yes; I yield to the gentleman from Indiana.

Mr. LANDIS. I have been listening to the speech of the gentleman from South Dakota with considerable interest. He has made a very effective plea for a better day for American labor. As a member of the House Committee on Labor, I have watched his record in this session in behalf of the workingman and I am happy to state that I am grateful for the gentleman's contribution to labor. I feel that labor, both in the organized and unorganized branches, has a real friend in the gentleman from South Dakota.

Mr. MUNDT. I thank the gentleman very much. He comes from a great labor district and his own record of high service to labor is such that I am especially grateful for his observations concerning my own position.

A FAIR CHANCE FOR OUR VETERANS

The veterans of the World War and of earlier wars must not be neglected in these sorry times when our attention is so frequently directed to problems growing out of another war. Many veterans of past wars have never attained the fair chance which they sacrificed as soldiers to protect America. I am one of those who believe that America can never overpay the debt it owes to those who sacrificed health and home and life to bring victory to America after our involvement in the World War. I was happy to vote for the pension legislation in this Congress both to repay travel allowance to the Spanish War veterans entitled to it and to liberalize pension provisions for World War veterans. While one of these bills had to be passed over President Roosevelt's veto, I am glad that this House and the Senate took this patriotic stand because sound patriotism cannot be built upon a premise which denies justice to the men whose sacrifice is called upon to defend that Nation.

By the same token, I hope the Members of this House will approve my bill to build a Royal C. Johnson Memorial Veterans' Facility in South Dakota as soon as the Veterans' Administration building program is resumed. That great friend of yours and mine who so unhappily passed away last year gave much of his life to securing some degree of justice for the veterans of America, and most unselfishly never sought a hospital or other facility for his own district. This district now needs such facilities most seriously and when money is again available, I am sure his many friends here will join me in a program to erect such an establishment to his memory.

AND FOR THE AGED

For the aged, who may or may not have had a real fair chance in active life, the country should strive to provide freedom from worry and want in old age. The present Social Security Act offers little solace to the great bulk of our needy aged. It must be replaced by a pension program of national scope which will not penalize poor people who happen to live in a poor State, and which will not put a stigma on the elderly citizen for accepting a check from his Government. I have voted consistently for every bill and every amendment to existing legislation which was aimed at correcting the injustices and inequalities of existing law labeled as social-security legislation. This Congress has failed to make much progress in this matter, but the problem cannot be forgotten nor pigeonholed. The fight for justice to the aged must be carried on.

FOR BUSINESS—FOR YOUTH

For business, too, and for youth, the great American principle of a fair chance for all must be revived and reaffirmed. Here in Congress, I have voted for legislation tending to protect independent businessmen from monopolistic oppression and to free honest business from shackles which prevent its expansion and development under private initiative. I have sought, too, to retard and dissolve the great bureaucratic devices which harrass and impede business, needlessly, and against which businessmen have had so little protection during the past 6 or 7 years.

I was one of the early supporters of the Walter-Logan bill which passed the House but which languishes in the Senate as I now speak. That bill will give decent business the right it needs to protest unfair regulations and to protect itself against autocratic exercise of government power by boards, bureaus, and commissions, and will do much to renew confidence and stimulate recovery if it passes. It denies the thesis that "every businessman is a crook" and gives him a right to utilize the courts in securing justice against arrogant officials whose crack-down activities have caused so many businesses to crack up, and add to the unemployment and distress of our communities.

Youth, my colleagues, has a vital stake in business as it has in all economic, social, and governmental activity. The slogan, "What helps business helps you" applies particularly to youth. Where there is no business, there is no job. Where there is no job, there is no opportunity for youth. Millions of our young people between the ages of 18 and 25 have never held a private job. Many of the young men to whom the country now looks for the keystone of its defense establishment have never had an opportunity to enjoy the fair chance and freedom from want which America should provide to all its citizens. Through my votes for the N. Y. A. and by my efforts in joining the bloc in Congress which successfully worked for increased appropriations for the N. Y. A. and for the C. C. C., I have tried to help compensate to youth for the failure of the New Deal to stimulate recovery and reopen the doors of opportunity to youth. But all this is a sorry substitute for profitable jobs in private business or industry, and this country has far to go before it will have applied the goal of a fair chance for a free people to the youth of America. To be of real assistance to youth, we must first of all end this depression.

YES—A FAIR CHANCE FOR THE TAXPAYER, TOO

Let us next consider the taxpayer whose sacrifices have only begun to be required in order to meet the colossal national debt which now towers at approximately $50,000,000,000.

Perhaps it would be easier to discuss what we have done "to the taxpayer" than to discuss what we have done "for him." As indirect and hidden taxes have steadily been enlarged and increased under the New Deal, everybody has become more and more a heavy taxpayer in America. Too great a portion of these taxes are presently paid by the poor man with a large family through the seductive device of hidden taxes amounting to percentages which are indeed startling when we consider that still the Federal Budget is far from balanced, still we sink further and further into debt every year, still the burdens of taxation must be piled higher and higher.

For example, out of every dollar now spent for furniture, 13 cents goes for tax; out of every dollar spent for automobiles, 15 cents is tax; out of every dollar spent for rent, 25 cents is tax; out of every dollar spent for sugar, 18 cents is tax; for matches, 13 cents; for beer, 34 cents; for shaving cream, 20 cents; out of every dollar spent for men's clothing, 12 cents goes to the tax collector, and so it goes. One reason so many people are not getting ahead economically in America, and one reason the family budget will not stretch from Monday morning until Saturday night is that the drain of indirect taxes to pay for wasteful governmental expenditures is too great. To reduce it will require more business management in government, less waste and corruption, fewer people on the Government pay roll, an end of a depression which threatens to become chronic since we have had it for almost 10 years.

While the unemployment and income figures of the depression have remained about constant at the low levels of 1932 and 1933, the costs of the depression to the general public—all of whom pay taxes—have risen alarmingly. Taxation is sucking the eggs, today, faster than we can find the nests in which they are laid.

In an effort to help decrease the unnecessary costs of Government and to better distribute the burdens of taxation, I was one of the early advocates of the Hatch Act to prevent pernicious political activity by public officials, and I supported and voted for the legislation doing away with tax-exempt salaries in America. Thus, while I became the first Congressman from my district ever to pay a full income tax on his own salary, I voted for this legislation with the realization that my salary and that of other public officials had no more right to be tax-exempt than have public officials a right to be exempt from other laws. I think tax-exempt securities should also be eliminated; there should be no cyclone cellars in America where public men or private capitalists can hide their income and keep it from paying its full share of the common costs of Government.

I was also one of the three Members of Congress who spoke out in debate for an excess-profits tax on the manufacture of war supplies when the tax bill of 1940 came to us without any such provision, and with tax schedules which would collect from consumers 75 percent of all the money it raises. The bill passed without the excess-profits-tax clause in it, but the public reaction has been such that the correction I advocated at that time is now being considered in committee, and a special bill will soon come before us to prevent the development of another generation of war millionaires.

RELIEF

In the matter of relief, this Congress has made great strides in the direction of seeing to it that a greater share of the relief dollar gets to the needy. The passage of the Hatch Act, already mentioned, was a big step in this direction. The elimination of many "white collar" positions has helped. I supported the motion to investigate the whole relief set-up and have supported the reforms proposed by this committee. I have voted for every relief appropriation passing Congress during the past 18 months of legislative session, and have worked with others from rural areas to give our people a fairer consideration from relief authorities in comparison with relief clients in large cities who formerly received as much as $250 per month. We have made progress. And relief must continue. But we must all give greater consideration to the development of a prosperous condition in this country where men on relief can secure honest jobs in private industry at decent scales of pay again. Relief rolls must never become the permanent pattern of reducing unemployment in America if a fair chance for a free people is to be extended to everybody as it must be if the ideals of our constitutional forefathers are to be achieved.

In recognition of the fact that the best final answer to the relief problem is to reopen the doors of opportunity to the unemployed so that regular jobs at regular wages may again be made available to all who want to work, 70 Members of this House, last winter, voluntarily got together and formed a nonpartisan unemployment conference. The purpose of this conference was to work out proposals for remedying the deplorable economic situation giving rise to the need for relief. At the second meeting Congressman JERRY VOORHIS, of California, was elected as chairman, and I was honored by being elected as vice chairman. Thus with a Democratic chairman and a Republican vice chairman we proceeded along strictly nonpartisan lines to examine the whole unemployment situation, its causes and its cures, to the end that relief might be replaced by recovery, and that labor throughout the land could find steadier and more profitable employment.

The members of this conference met in weekly sessions for many months and we of the executive committee held meetings in between times. Careful, written reports were made by 14 subcommittees, and a list of 12 causes of unemployment and 16 approaches to its cure was officially approved by all but five members of our conference. These reports and recommendations have been published as a House document known as Document 850, and are available to each of you. It is the expectation of our conference to press for action on this problem just as soon as the emergency matters dealing with national defense are completed.

RESTORATION OF SOUND GOVERNMENT NEEDED IN AMERICA

Mr. Speaker, I want to discuss one other aspect of this program to rebuild America and to rededicate it to the ideals of our forefathers and then I am through. We must give more attention, all of us, to the restoration of sound Government in America. We must join hands to defeat the subversive invasion of foreign ideals into our American concept of Government. Such foreign "isms" as nazi-ism, fascism, communism, and other doctrines stemming from the premise that in each country there is or must be "an indispensable man" must be stopped in their tracks. We have been too lenient with these "peddlers of piffle," who, through such organizations as the Nazi bunds, the Communist Party, and the Fascist front groups, seek to enjoy all of the protection and advantages of our American Constitution while preaching and practicing doctrines to overthrow our form of government and set up a one-man control over here. They not only jeopardize our national defense against possible invaders from without; they actually threaten to destroy the basic aspects of our own liberties and freedoms from within.

Once we accept the doctrine of "individual indispensability" in America, and deny ourselves the right or the custom of changing our leaders at regularly prescribed periods, we nullify the very basis of the philosophy that "under God the people rule" which has so long been so generally accepted in America. Once we accept the theory that our national destiny is tied to the personality of any one man, it becomes only necessary for the bundsters, the Communists, or the Fascists to get their man in control and all that we have cherished for more than 150 years comes falling down upon our heads in a deluge of lost liberties.

I started fighting Hitlerism, Stalinism, and the malicious methods of Mussolini out in my State in 1933. I have never stopped that fight. They are all manifestations of the same godless doctrine that the State is everything, the citizen nothing. They all practice the formula of "the part is mightier than the whole" instead of the formula of "a fair chance for a free people." They must not prevail in America either by direct invasion, by internal expansion, or by the insidious practice of putting their theories of one-man control and com-

plete centralization of power into effect in this country under some other name.

To help rid America of these alien "isms" which have been imported here from foreign lands, I have been active in supporting the work of the Dies committee. I voted for its appropriations and to give it an enlarged sphere of action. I have defended it against its critics and have supported its corrective recommendations. Constitutional democracy is the best safeguard—perhaps the only one—against nazi-ism, communism, and fascism. The closer we can keep the democratic processes of self-government to the people, the better we can preserve the basic framework of the only Government in the world capable of providing the fair chance for a free people which, to me, is the supreme objective and responsibility of all popular government.

OUR NATIONAL DEFENSE

During the past few months alone I have voted for more than 30 different measures to perfect America's national defense establishments and before the Habana Conference was called I advocated in a speech on the floor of this House that this country take steps to develop a "Pan American Pro-Americanism" which would contribute to the mutual strength, prosperity, and stability of both North and South America. I have thus worked and voted for national defense with consistent determination because I realize this country must perfect its defenses and preserve its peace if we are to fulfill our manifest destiny in the world's family of nations.

If America is to remain safe America must be strong because it is only by being both safe and strong that this Republic can attain its objective of providing "a fair chance to the free people" of this last great laboratory of self-government in all the world.

Mr. Speaker, as the foreword to the fair-chance program upon which I campaigned in coming to Congress, and which has governed my actions and decisions here, I made a two-paragraph statement which I now ask leave to include with these remarks at this point.

A PERSONAL MESSAGE FROM YOUR CANDIDATE FOR CONGRESS

The time has come in America to stop calling names and to quit trying to climb up by tearing others down. It is time for Government to provide a fair chance for the free people of this country. America is big enough to give agriculture, labor, business, and the professions each a fair chance; by working together for a new day the American way this country can continue to lead the world. It is only by fighting among ourselves that we can fail. As a liberal Republican, I yield to no man in my desire to give the common people of this country a fair chance in life and insist this fair chance can come best under our American system of representative democracy. Freedom and liberty are too precious to trade for any promise of reward—a free people can always obtain a fair chance for themselves if they retain control of their government. It is only when rights to govern themselves are taken away that the common people become permanently distressed.

The farm program described on the reverse side and which I am advocating for the American farmer is based on many years of experience in the farming business. Both from my own farm in Lake County and as a result of countless conferences with farmers and farm leaders, I have learned from personal contact the value of the 10 points in my fair-chance program for agriculture. I am convinced this program will help make your farm and my farm pay—if it is a good plan for our farms it is a good plan for farming as a whole. If elected to Congress, I shall fight for the adoption of this program. I urge all citizens regardless of political faith to join me in this crusade to end bickering and quarreling between classes and groups and to join forces in modernizing Government to provide a fair chance for a free people.

KARL E. MUNDT.

Mr. Speaker, I believed in the validity of the foregoing statement 2 years ago. I believe in it today. I commend it to the careful consideration of us all as we face the troubled times ahead and seek to utilize the devices of free government to preserve the peace and protect the freedom of America. Some citizens may not be interested in every portion of this program but every citizen should be interested in some aspects of it because the attainment of the goal of fairness of opportunity and freedom of choice for everybody is a fundamental goal of this Government. We must continue to fight toward the realization of this goal. I urge all who hear this talk or who read it in the RECORD to join me in setting into action in every section of this country a great crusading drive to rededicate America to its true destiny, and to provide for one and all the fullness of opportunity and the preservation of ancient liberties which have always been the backbone of the American spirit and the American way of life. We must not stop this crusade until victory is completely and finally won. Let us all devote ourselves to this task. [Applause.]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. ARNOLD (at the request of Mr. BARNES), indefinitely, on account of illness.

To Mr. FISH (at the request of Mr. MARTIN of Massachusetts), for 2 weeks, while on military duty.

To Mr. CURTIS (at the request of Mr. MICHENER), for 5 days, on account of official business.

To Mr. SECCOMBE, for the remainder of the week, to attend a funeral.

To Mr. DARDEN of Virginia (at the request of Mr. BURCH), indefinitely, on account of illness.

EXTENSION OF REMARKS

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein quotations from the daily papers.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 12 minutes p. m.) the House adjourned until tomorrow, Wednesday, August 14, 1940, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

1902. Under clause 2 of rule XXIV a letter from the Secretary of War, transmitting a draft of a proposed bill to increase the authorized number of warrant officers and enlisted men in the Army Mine Planter Service, and for other purposes, was taken from the Speaker's table and referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. SMITH of Virginia: Committee on Rules. House Resolution 567. Resolution for the consideration of Senate Joint Resolution 286, a joint resolution to strengthen the common defense and to authorize the President to order members and units of reserve components and retired personnel of the Regular Army into active military service; without amendment (Rept. No. 2848). Referred to the House Calendar.

Mr. BLAND: Committee on Merchant Marine and Fisheries. H. R. 9921. A bill to authorize the maintenance and operation of fish hatcheries in connection with the Grand Coulee Dam project; with amendment (Rept. No. 2849). Referred to the Committee of the Whole House on the state of the Union.

Mr. BLAND: Committee on Merchant Marine and Fisheries. H. R. 10315. A bill to authorize the United States Maritime Commission to furnish suitable vessels for the benefit of certain State nautical schools, and for other purposes; with amendment (Rept. No. 2850). Referred to the Committee of the Whole House on the state of the Union.

Mr. BLAND: Committee on Merchant Marine and Fisheries. H. R. 10337. A bill to authorize the Secretary of the Treasury to order retired commissioned and warrant officers of the Coast Guard to active duty during time of national emergency, and for other purposes; with amendment (Rept. No. 2851). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JONES of Texas:

H. R. 10347. A bill to amend the Agricultural Adjustment Act of 1938, as amended, and for other purposes; to the Committee on Agriculture.

By Mr. GEARHART:

H. R. 10348. A bill to provide for the construction, extension, and completion of the Mammoth Pass Trans-Sierra Highway between North Fork, Calif., and a point near Mammoth Lakes, Mono County, Calif.; to the Committee on Roads.

By Mr. KENNEDY of Maryland:

H. R. 10349. A bill for the relief of certain former certifying and disbursing officers of the Department of the Interior; to the Committee on Claims.

By Mr. DEMPSEY:

H. R. 10350 (by request). A bill to authorize an appropriation for payment to the Middle Rio Grande Conservancy District of construction costs assessed against certain lands within such district acquired by the United States for the benefit of certain Indians in the State of New Mexico; to the Committee on Irrigation and Reclamation.

By Mr. MAAS:

H. R. 10351. A bill to authorize the construction by the Secretary of the Navy of Federal buildings for use as armories for the Naval Reserve and the Marine Corps Reserve; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. KENNEDY of Maryland:

H. R. 10352 (by request). A bill for the relief of Fred J. Duncan; to the Committee on Claims.

H. R. 10353. A bill for the relief of John W. Young; to the Committee on Claims.

H. R. 10354 (by request). A bill for the relief of Guy F. Allen, Chief Disbursing Officer, Treasury Department, and for other purposes; to the Committee on Claims.

H. R. 10355 (by request). A bill for the relief of J. L. Summers, deceased, former disbursing clerk, Division of Disbursement, Treasury Department; to the Committee on Claims.

H. R. 10356. A bill for the relief of Albert Goldman and Charles Lovelius; to the Committee on Claims.

By Mr. LUDLOW:

H. R. 10357. A bill for the relief of Thomas Dicoff; to the Committee on Immigration and Naturalization.

By Mr. WHITE of Idaho:

H. R. 10358. A bill for the relief of the widows of the late George A. Meffan and John Glenn; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9168. By Mr. HANCOCK: Petition signed by William S. Welch and 1,110 other residents of the Thirty-fifth Congressional District, favoring the passage of the General Welfare Act (H. R. 5620); to the Committee on Ways and Means.

9169. By Mr. LUDLOW: Petitions submitted by Ruth Millholland and residents of Indiana, Ohio, Massachusetts, Pennsylvania, and New Jersey, presenting views of Citizens for Peace and Defense on antiaggression, adequate defense, and the safeguarding of our democracy; to the Committee on Military Affairs.

9170. By Mr. LYNCH: Petition of the Port Morris Community Council, Bronx, N. Y., urging the building of low-cost housing in the lower Bronx; to the Committee on Banking and Currency.

SENATE

WEDNESDAY, AUGUST 14, 1940

(Legislative day of Monday, August 5, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

Almighty God, who seest that we have no power of ourselves to help ourselves: Keep us both outwardly in our bodies and inwardly in our souls, that we may be defended from all adversities which may happen to the body and from all evil thoughts which may assault the soul, and so may be able to do unto Thee true and laudable service. Through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Tuesday, August 13, 1940, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following bills:

On August 9, 1940:

S. 3998. An act to increase the credit resources of the Commodity Credit Corporation.

On August 13, 1940:

S. 1114. An act to extend the jurisdiction of the United States District Court, Territory of Hawaii, over the Midway Islands, Wake Island, Johnston Island, Sand Island, Kingman Reef, Kure Island, Baker Island, Howland Island, and Jarvis Island, and for other purposes;

S. 2493. An act to provide for the operation of the recreational facilities within the Chopawamsic recreational demonstration project near Dumfries, Va., by the Secretary of the Interior through the National Park Service, and for other purposes;

S. 4070. An act to provide for more uniform coverage of certain persons employed in coal-mining operations with respect to insurance benefits provided for by certain Federal acts, and for other purposes; and

S. 4106. An act to authorize the construction of certain facilities in Marjorie Park, Davis Island, Tampa, Fla., and for other purposes.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Downey	La Follette	Schwartz
Andrews	Ellender	Lee	Schwellenbach
Ashurst	Frazier	Lundeen	Sheppard
Austin	George	McCarran	Shipstead
Barbour	Gerry	McKellar	Slattery
Barkley	Gibson	McNary	Smathers
Bone	Gillette	Maloney	Stewart
Bridges	Glass	Mead	Taft
Brown	Green	Miller	Thomas, Idaho
Bulow	Guffey	Minton	Thomas, Okla.
Burke	Gurney	Murray	Thomas, Utah
Byrd	Hale	Neely	Tobey
Byrnes	Harrison	Norris	Townsend
Capper	Hatch	Nye	Truman
Chandler	Hayden	O'Mahoney	Tydings
Chavez	Herring	Overton	Van Nuys
Clark, Idaho	Hill	Pepper	Wagner
Clark, Mo.	Holman	Pittman	Walsh
Connally	Holt	Radcliffe	Wheeler
Danaher	Johnson, Calif.	Reed	White
Davis	Johnson, Colo.	Reynolds	Wiley
Donahey	King	Russell	

Mr. MINTON. I announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Mississippi [Mr. BILBO], the Senator from Arkansas [Mrs. CARAWAY[, the Senator from

Delaware [Mr. HUGHES], and the Senator from South Carolina [Mr. SMITH] are necessarily absent from the Senate.

The Senator from Illinois [Mr. LUCAS] is in camp with the Illinois National Guard, and is, therefore, unavoidably detained.

The PRESIDENT pro tempore. Eighty-seven Senators having answered to their names, a quorum is present.

PETITIONS AND MEMORIALS

Mr. WALSH presented a petition of sundry citizens of the State of Massachusetts, praying that the Americas be united for peace, as advocated by Father Divine, which was referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of the State of Massachusetts, remonstrating against the enactment of compulsory military training legislation, which were ordered to lie on the table.

Mr. WALSH. Mr. President, I ask consent to present a petition signed by nearly 20,000 citizens of New England, and request that the body of the petition be printed in the RECORD and that the petition itself lie on the table. In this connection I also present the letter of transmittal accompanying the petition and ask that it be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letter and petition (without the signatures of the petitioners attached) are as follows:

WASHINGTON, D. C., *August 6, 1940.*

The Honorable DAVID I. WALSH,
United States Senate, Washington, D. C.

DEAR SENATOR WALSH: At the request of the Committee to Defend America by Aiding the Allies, which has its Massachusetts headquarters at 45 Devonshire Street, Boston, I hand you herewith a petition signed by nearly 20,000 citizens of New England urging, among other things, adoption of the principle of universal military training which is embodied in the Burke-Wadsworth bill now pending in Congress.

Mr. Mayo A. Shattuck, executive vice chairman of the committee, wrote you about this petition under date of August 1, urging that you support the bill in question and oppose any amendment which does not involve the principle of service by all citizens of the Nation.

Very respectfully,

ROGER S. GREENE.

To the table:

[Committee to Defend America, unify our spirit, speed our defenses, aid the Allies. William Allen White, national chairman; James Bryant Conant, honorary New England chairman; Alvan T. Fuller, New England chairman]

To Senator DAVID I. WALSH,
Washington, D. C.:

This committee was formed to stimulate public opinion to the proposition that the first line of defense of American liberty lay in aiding the Allies. We are still dedicated to that proposition. Great progress has been made. Much remains to be done. It is now clear that our first line of defense must be supplemented and strengthened by an irresistible drive for complete and impregnable national defense, both moral and material. We therefore pledge our efforts to the attainment of these great objectives:

I. NATIONAL UNITY

Our national spirit must be united in the belief that the American way of life is best suited to the attainment of happiness for mankind. Our determination that this way of life shall not perish must be engraved in the hearts of all Americans.

II. NATIONAL REARMAMENT

The material supplies for military defense must be created by universal national service and effort. The manpower for such defense must be created by universal military training. All men, all women, all property must share the burden.

III. AID TO THE ALLIES

So long as the Allies or any one of them are fighting, and so long as the British Fleet rides the waves in the protection of liberty, we must assure a continued and increasing supply of materials and aid.

We, the undersigned, most urgently request the President, our Senators, and our Representatives to take immediate action to accomplish the ends above set forth by legislation or by Executive order.

SELECTIVE COMPULSORY MILITARY SERVICE—LETTER FROM SISTERS OF ST. JOSEPH, WHEELING, W. VA.

Mr. HOLT presented a letter from the Sisters of St. Joseph, Wheeling, W. Va., addressed to the chairman of the Senate Committee on Military Affairs, which was ordered to lie on the table and to be printed in the RECORD, as follows:

ST. JOSEPH'S CONVENT,
Wheeling, W. Va.

The Honorable MORRIS SHEPPARD,
Chairman, Senate Military Affairs Committee,
Washington, D. C.

DEAR SIR: We, a congregation of religious women numbering 200 citizens and voters, hereby make statement concerning our attitude toward the Burke-Wadsworth bill:

1. We are convinced that the draft should not be compulsory; that if such movement go into effect, the draft of our men should be by voluntary enlistment.

2. That due consideration be given as to whether or not present conditions justify a measure so far reaching in its effects.

3. We request specifically that in the interests of the national welfare the measure itself provide for the exemption from draft of regularly and duly ordained ministers of religion, for students for the priesthood, and brothers under vow to serve the works of religion.

We trust that, with regard to our dear United States at least, the announcement of the angels at the birth of Christ—"Peace on earth to men of good will"—be carried out in its fullness, and that the blessing of the Prince of Peace descend upon the world.

Sincerely yours,

SISTERS OF ST. JOSEPH,
Wheeling, W. Va.
Mother M. MAGDALEN, *Superior.*

REPORTS OF COMMITTEE ON CLAIMS

Mr. SCHWARTZ, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 775. A bill for the relief of W. M. Hurley and Joe Whitson (Rept. No. 2006); and

H. R. 8743. A bill for the relief of Luther Haden (Rept. No. 2007).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TYDINGS:

S. 4267. A bill to provide for the erection of a suitable memorial to the Twenty-ninth Division, American Expeditionary Forces; to the Committee on the Library.

By Mr. SCHWELLENBACH:

S. 4268. A bill to authorize the construction of flood-control works on the Walla Walla River and tributaries, Oreg. and Wash.; to the Committee on Commerce.

(Mr. WAGNER introduced Senate bill 4269, which was referred to the Committee on Finance, and appears under a separate heading.)

(Mr. OVERTON introduced Senate bill 4270, which was referred to the Committee on Military Affairs, and appears under a separate heading.)

By Mr. WALSH:

S. 4271. A bill to increase the number of midshipmen at the United States Naval Academy; and

S. 4272. A bill to amend the act approved March 4, 1925, entitled "An act providing for sundry matters affecting the Naval Service, and for other purposes," as amended; to the Committee on Naval Affairs.

By Mr. WHITE:

S. 4273. A bill for the relief of Joseph Petrin, Joseph A. Petrin, Rudolph Petrin, Angus LeBlanc, William J. Demelle, Samuel Fishman, and Hector LaPointe; to the Committee on Claims.

By Mr. SHEPPARD:

S. 4274. A bill to authorize the Secretary of the Treasury to order retired commissioned and warrant officers of the Coast Guard to active duty during time of national emergency, and for other purposes; to the Committee on Commerce.

S. 4275. A bill to increase the authorized numbers of warrant officers and enlisted men in the Army Mine Planter Service, and for other purposes; to the Committee on Military Affairs.

EXTENSION OF OLD-AGE AND SURVIVORS' INSURANCE BENEFITS

Mr. WAGNER. I ask unanimous consent that I may introduce a bill for reference to the Committee on Finance, and, preliminary to doing so, I wish to make a few observations.

At a time when the energies of the Nation are straining to build impregnable defenses against aggression from without, it is especially important and especially fitting to observe those memorable occasions in the last 7 years when our democracy took decisive measures to preserve and strengthen the way of life we are preparing to defend. Such an occasion was the adoption 5 years ago of the Social Security Act, which I had the honor and privilege of sponsoring.

In 1935 the Nation was confronted with a legacy of long years of struggle with adverse economic conditions. Industrial unemployment, destitute old age, and neglected youth, faced us on every side. It is essential to remember that these problems of insecurity, while accentuated by the depression, did not spring from the depression alone. They were the cumulative results of the whole development of our industrial system over the course of the present century. They were evidenced in the momentous questions which every working man and woman had been asking through the decades, "How can I provide for my family when I lose my job? How can I care for myself when I become too old to work?"

When President Roosevelt in June 1934 addressed a message to Congress and to the country raising these challenging questions, the problems seemed too complex for human understanding, much less human solution. We had made no satisfactory studies of unemployment, gathered no adequate statistics of old age, set up no functioning mechanisms for the Nation-wide solution of these difficulties. We were confronted with a vast and dissimilar population scattered throughout 48 States, each with separate conditions—some industrial, others agricultural; some urban, others rural. It would have taken a bold man to suggest that even within a decade we could have made any appreciable inroads upon problems so vast and terrifying in their magnitude.

But in the summer of 1934 the Roosevelt administration set about the task of making the beginning of social security in the United States, with a vigor and intelligence unparalleled in the history of American public affairs. Experts, gathered from every section of the country, spent long months in wearisome study, making their recommendations to the Congress. When the Congress met in 1935 it devoted itself to the critical analysis and improvement of these recommendations. After months of effort the Social Security Act emerged—a monument to the constructive endeavors of the Seventy-fourth Congress.

No other single act of Congress embodies such enormous advances in the security and dignity of the individual citizen. Under the law, as amended in 1939, accounts have been established for 50,000,000 wage earners under the old-age and survivors' insurance system. Over 28,000,000 wage earners have established wage credits under unemployment-insurance laws now operating in every State. To care for those already too old to work, almost 2,000,000 needy aged are receiving assistance under the State-Federal old-age pension plan. Effective programs have been established for State-Federal cooperation in aid of dependent and crippled children, the blind, maternal and child health, and public health.

Over $3,000,000,000 in benefits have been made available since 1935 under these insurance and assistance programs. And today, when the accelerating defense program is making unprecedented demands on the Nation's labor force, the United States Employment Service, now an integral part of our job-security program, is bringing together millions of idle workers and millions of available jobs. One has only to recall the confusion and waste motion in accomplishing a similar task during the World War emergency, to appreciate the invaluable contribution of this splendid and efficient arm of the national defense.

In all its phases the Social Security Act has been a bulwark of the American family and the American home, a stabilizing influence on our economic system, and a powerful safeguard against subversive forces that would undermine our political institutions. Above all, the law represents for all of us the proud expression of our faith in the processes and the ways of democracy in combating the ever-present enemies of poverty and insecurity in our midst.

In that spirit, which animated our original approach to the problem, we shall continue to go forward to perfect the law, improve its machinery, and extend its benefits to millions not yet covered by its terms.

The bill I am introducing today, at the request of the American Federation of Labor, proposes to amend the Social Security Act and the Internal Revenue Code in the following major respects:

First. The bill would cover under old-age and survivors' insurance all agricultural and domestic workers, employees of State and local governments, non-civil-service employees of the Federal Government, and employees of nonprofit, religious, charitable and educational institutions, except ordained ministers and members of religious orders performing their duties in such orders. These amendments extend the old-age insurance protection of the law to approximately 10,000,000 additional persons. As amended the act would embrace virtually all wage earners now excluded from its old-age insurance benefits. Existing pension systems affecting employees newly covered will be coordinated with the old-age insurance system.

These changes in coverage would make the Social Security Act vastly more comprehensive and would eliminate the inequities which now arise because workers frequently lose their insurance when they shift from covered to uncovered employment. The only excluded occupations, other than self-employment, would be some in which earnings are negligible and in which the employee is spending only a little time. After a few years there would be comparatively few persons who would not have rights to old-age or survivors' insurance.

Second. The bill would also extend coverage for unemployment compensation to about 5,000,000 additional employees, serving the Federal Government (in non-civil-service occupations), nonprofit institutions, and enterprises employing fewer than 8 employees. The agricultural-labor exemption is properly limited to bona fide agricultural workers as an incident to ordinary farming operations, as distinguished from manufacturing or commercial operations. Farm hands and domestic labor in private homes would continue to be excluded under these amendments, because of the greater difficulty of determining unemployment in these categories.

Third. The bill would increase the amount available for old-age assistance payments to poorer States. By changing from a flat to a variable-grant basis, the Federal Government would make it possible for the poorer States to pay old-age pensions as high as those paid by the wealthier States, in justice to the aged in every State and with consequent benefit to the whole Nation. The bill also provides for equitable distribution of Federal grants-in-aid on a State-wide basis, thus furthering the objective of fair treatment for all needy aged persons, irrespective of their place of residence, and establishes certain additional humanitarian standards to eliminate hardship in deserving individual cases.

I ask that the bill be referred to the Senate Committee on Finance, which has already established a special subcommittee to study various phases of the Social Security Act.

I am confident the bill will have the careful study of this subcommittee when it begins its work within the next few months.

In recent months the tragic lesson has been clearly taught that armaments alone cannot make a Nation secure against the total attack of wanton aggressors now despoiling a large portion of the civilized world. Armaments alone cannot protect a nation weakened by insecurity and social maladjustment. In our program of total defense, there must be no appeasement of the enemies within our gates, no relaxation of our drive toward the progressive achievement of Social Security for the men, women, and children of America.

Mr. President, I ask unanimous consent to have printed in the RECORD, as part of my remarks, statements published by the Social Security Board showing in detail the progress and achievements under the program.

The PRESIDENT pro tempore. Without objection, the bill will be received and referred as requested by the Senator from New York, and the statements referred to by him will be published in the RECORD.

The bill (S. 4269), to extend the coverage of the Social Security Act with respect to old-age and survivors' insurance and unemployment compensation, to provide for a variable basis for Federal grants to States for old-age assistance, to amend the Internal Revenue Code, and for other purposes, was read twice by its title and referred to the Committee on Finance.

The statements submitted by Mr. WAGNER are as follows:

ACCOMPLISHMENTS UNDER THE SOCIAL-SECURITY PROGRAM

OLD-AGE AND SURVIVORS' INSURANCE

1935: No Government insurance protecting workers in their old age.

1940: Social security accounts established for 50,000,000 workers. Monthly benefits being paid to qualified workers and members of their families. Since the system was established January 1, 1937, benefits paid amount to $38,000,000.

EMPLOYMENT SECURITY

Unemployment compensation

1935: Only one State had an unemployment-compensation law, and no benefits had yet been paid under this law.

1940: Over 28,000,000 wage earners insured under laws now in effect in every State. Total benefits paid since the beginning of the program amount to over $1,000,000,000.

Employment service

1935: By June 30, only 24 States were affiliated with the Federal-State employment-service system set up by the Wagner-Peyser Act.

1940: Public-employment offices, established in all States, have found jobs for more than 5,000,000 persons since January 1, 1939.

PUBLIC ASSISTANCE

Old-age assistance

1935: About 314,000 needy old people were aided under State and local old-age assistance laws in August 1935.

1940: All States and Territories, with the help of the Federal Government, making assistance payments to nearly 2,000,000 old people. Payments made since the program began amounted to $1,502,009,565.

Aid to dependent children

1935: On August 1935 approximately 110,000 families, taking care of 275,000 dependent children, received this kind of aid.

1940: Approximately 335,900 mothers and other near relatives, caring for 807,900 children, receiving cash allowances. About three-fourths of the States, with the help of the Federal Government, are providing such aid. Payments from combined Federal, State, and local funds since the program began, total $350,154,088.

Aid to the blind

1935: About 33,000 needy blind people were receiving this kind of assistance in August 1935.

1940: More than three-fourths of the States are cooperating with the Federal Government to provide aid to some 48,000 needy blind. Payments under this program amount to $46,990,532.

FIVE YEARS OF SOCIAL SECURITY

The fifth birthday of the American social-security program will be observed on August 14, 1940. A measure of historic significance and enduring value, the social-security bill was laid before President Roosevelt for his signature on August 14, 1935. The two Houses of Congress had already endorsed it by an overwhelming nonpartisan vote—in the Senate, 77 affirmative votes and only 6 negative; in the House, 372 votes for the social-security measure and only 33 against. The President, in signing the bill, declared that passage of this measure alone was sufficient to make the work of Congress that session outstanding.

Four years later, on August 10, 1939, amendments which signally broadened and strengthened the social-security program were adopted by Congress, again by a sweeping nonpartisan vote, and signed by the President.

The United States Employment Service was coordinated with the Social Security Board's Bureau of Unemployment Compensation on July 1, 1939. This organization will play an important part in the program for national defense. It has been designated as the official agency to recruit men and women needed for jobs in the defense industries and to refer workers for training. Each one of the Nation-wide network of 1,500 full-time employment offices and 2,000 additional locations regularly visited by traveling representatives will do its part in mobilizing manpower to produce ships, tanks, airplanes, and army equipment.

One of the amendments to the Social Security Act passed in 1939 requires that State agencies administering social-security programs to which the Federal Government contributes must have personnel merit systems. All of the States have now adopted standards for a merit system of personnel administration. Placing personnel selection and administration on a merit basis will not only result in more efficient operation of the State public-assistance and employment-security programs but will tend to stabilize and improve Federal-State relations.

The Social Security Act, with its extensive programs of insurance against future need and direct assistance to those already in want, has benefited the American people greatly in this relatively short span of 5 years. Literally millions of Americans are already participating in the program and reaping its benefits; many more stand to gain in future years from its operation.

The old-age and survivors' insurance program protects millions of American wage earners and their families against the time when death or old age may put a stop to earnings. Fifty million workers now have social-security accounts, in which the Social Security Board will record their wages throughout their working years, which entitle them to benefits under this program. Monthly insurance payments to retired workers and their wives and to the widows and orphans of workers who have died are already being paid to 102,941 people. These payments amount to $1,924,000 a month. A total of $38,000,000 for all the various types of benefits provided had been paid out by June 30.

The employment-security program with its dual functions of unemployment compensation and employment service has meant the payment of weekly out-of-work benefits of over a billion dollars during a relatively short period, in most States a period of 2 years or less, and the filling of nearly 30,000,000 jobs since 1933, when the employment service was first established on its present basis. In 1939 and the first 6 months of 1940 alone over 5,000,000 jobs have been filled. More than 28,000,000 workers have earned credits toward benefits under State unemployment-compensation laws, and during the current month nearly 1,500,000 jobless workers are drawing such benefits.

The public-assistance program, which provides aid to the needy aged, the needy blind, and dependent children through Federal-State cooperation, is helping nearly 3,000,000 monthly. This includes 1,983,900 old people, 807,900 children, and 48,000 blind. Total monthly payments from Federal, State, and local funds to these groups of the needy come to $1,899,154,185—$1,502,009,565 for old-age assistance, $46,990,532 for aid to the blind, and $350,154,088 for aid to dependent children. During the month of August alone it is estimated that over $50,000,000 will be paid out for public assistance.

Altogether more than $3,000,000,000 has been distributed in direct cash payments during the past 5 years under these insurance and assistance programs.

Each dollar that contributes to this grand total of billions has not only been of direct benefit to the recipient but has aided the community in which he lives and the entire country by maintaining purchasing power. The moderate payments made under the social-security programs are used to pay for everyday living expenses and are thus piped right back into the stream of business from which they were drawn.

But the value of the social-security program to the American Nation cannot be measured in terms of dollars and cents alone. Socially, it has a greater significance—that of preserving the American home and protecting the foundations of family life. Confidence and hope have replaced the emotional strain and tension that formerly beset a family when earnings stopped and insecurity threatened. Real security depends not merely upon assurance against want, but upon the wiping out of the fear of want.

The social-security program which we now have is one capable of infinite extension and development, building on the foundation already laid. One line of development which has already received some consideration is that of extension of coverage under the two insurance programs to groups now excluded. For both old-age and survivors' insurance and unemployment compensation, protection is extended almost entirely to wage earners in commercial and industrial lines of work. The types of work covered by old-age and survivors' insurance, and the number in each industrial grouping is indicated by the following break-down of wage reports for the third quarter of 1939 for approximately 25,000,000 workers. This figure does not indicate the total number engaged in covering employment, as many may have wage credits previously or subsequently earned who were not employed during the 3 months of this quarter, or who may have been working in an excluded occupation at the time. These 25,000,000 workers are working in the following industries:

Manufacturing	11,110,000
Construction	1,329,000
Transportation	961,000
Utilities	869,000
Wholesale and retail trade	5,150,000
Finance	236,000
Insurance	460,000
Real estate	470,000
Mining	776,000
Service	3,052,000
Professional service	283,000
Other industries	240,000

The industrial break-down for workers covered by State unemployment compensation laws is similar. Figures for 1938 show a monthly average employment of 21,000,000 people. Again, this figure does not indicate the total number engaged in employment covered by State unemployment compensation laws as it is a monthly average, and a cumulative figure of those who have wages credited

to them under State laws is 28,000,000. Excluding the State of Pennsylvania, for which there are no industry figures, the number of workers by industries is as follows:

Mining	616,000
Construction	705,000
Manufacturing	7,921,000
Transportation, communication, and utilities	2,486,000
Wholesale and retail trade	4,521,000
All others	2,500,000

The most immediate question with regard to amending the Social Security Act relates to workers covered by the insurance programs who may be conscripted for military training. The Social Security Board is studying proposed amendments which will assure that the benefit credits of persons drafted will not be jeopardized. Another amendment on which the Board has already stated its position relates to the development of some form of variable grant system which will enable poorer States to make more nearly adequate public assistance payments to their needy. The Board has also recommended the liberalization of unemployment compensation benefits, suggesting, on the basis of its study and experience, that the following changes could be made in State laws:

1. That the waiting period be reduced to 1 week;
2. That the minimum benefit payment be raised to at least $5 per week in all States;
3. That the weekly benefit rate be increased, and the maximum raised to at least $20 per week;
4. That the duration of benefits be lengthened, and in States with sufficient funds, benefits be paid for a uniform maximum period of 16 weeks to all eligible claimants;
5. That benefits for partial unemployment be paid in all States; and
6. That the eligibility and disqualification provisions of State laws be simplified so as to permit more prompt payment of benefits.

"There will be no retreat for social security as the result of the defense program," declared Social Security Board Chairman Arthur J. Altmeyer in a statement today reviewing the first 5 years of progress under the Social Security Act, which was signed August 14, 1935. "The stabilization of family income represented by the social-insurance and public-assistance programs has become more important than it was before. The demands of defense industries are putting the employment services 5 years ahead of schedule in achieving a more rational organization of the national labor market.

"No European nation has found it necessary to curtail its social-insurance program in the face of actual war," Mr. Altmeyer pointed out. "Here there is likelihood of judicious strengthening of the act as a bulwark for the internal defense of the American economic system.

"As a further contribution to stabilizing American family income, the employment service last year placed more than 3,500,000 persons in jobs, a figure which will be surpassed in the current year," Mr. Altmeyer continued. "The defense program relies today upon the State employment services coordinated through the Social Security Board for channeling skilled personnel to key industries."

He outlined the progress made under each of the major Social Security Board programs, as follows:

"There are more than 1,500 employment offices in strategically located communities throughout the country and more than 3,000 branch offices. These offices are taking their place as the central clearing houses for all types of labor. Through the State bureaus of employment security they facilitate the movement of labor from community to community, rendering prompt service to employers when a demand for labor arises. They serve to check the fruitless and often tragic migration of labor to points where there is no real demand. A similar coordination of information through other affiliated State employment services throughout the Nation helps to rationalize the flow of labor across State lines.

"Since the national-defense program has occasioned new demands for special skills, this interstate clearance of information has put thousands of machinists, toolmakers, diemakers, mechanics, engineers, and other skilled and professional workers onto the job in industries manufacturing defense materials. Selective tests, which carefully check the skills of applicants, are being increasingly perfected to be sure that the most competent workers take the vital jobs.

"For workers who face the loss of pay checks when jobs fold up an unemployment-compensation system is now in operation in every State. This month nearly 1,500,000 unemployed workers are receiving compensation based upon their past wages. More than 28,000,000 workers have earned credit toward such benefits. More than $1,000,000,000 has been paid to unemployed workers since this system was established. So sound is its financial base that current reserves have led the Social Security Board to recommend that benefits be increased to a more adequate level.

"These employment-security programs, like the public assistance programs, are State administered. They meet certain standards as to their administration and their personnel must be selected upon the basis of an adequate merit system of their own; when they do, they receive Federal aid. They have served, thus, to improve vastly the professional quality of public administration in these fields."

Turning to the Federal social-insurance system, Chairman Altmeyer described its transition from a program which paid benefits only to aged individual workers to a system which provides current protection for the worker's entire family.

"The widows, orphans, or dependent parents of deceased workers insured under old-age and survivors' insurance are now eligible for monthly benefits ranging up to more than $80 per family per month," Chairman Altmeyer said. "Benefits received through the years may total as high as ten or fifteen thousand dollars or even more for a single family. Benefit payments for families, as provided by the amendments of August 1939, began in January of this year.

"After 7 months of operation 132,000 persons are receiving monthly benefits, which come to them as a matter of right under a contributory social-insurance system. Monthly benefits now being paid total more than $2,500,000 each month and the figure is rising steadily. More than 40,000,000 workers have wage credits toward such benefits. Benefits are soundly related to average monthly wages and hence to the joint contributions that workers and the employers have made. It is a financially sound system that is paying its own way."

Chairman Altmeyer pointed out that these programs protected workers, who had built up claims as the result of contributions by themselves or their employers. "Such contributory programs occupy the first line of defense against want," he said. "They enable those who have regular wages to plan for their own future. Behind them stands another program which provides income for those in need, but who have no regular wages and therefore cannot build up rights to social-insurance benefits. These are the public-assistance programs for the needy aged, the needy blind and for dependent children."

He described progress under these programs as follows:

"About 2,000,000 needy old people are receiving financial aid under the public-assistance provisions of the Social Security Act. All States and Territories have plans for giving old-age assistance, and within the past 5 years over $1,500,000,000 has been paid out from Federal, State, and local funds. The Federal Government pays approximately half of the cost.

"Approximately three-fourths of the States are receiving Federal funds to help them in giving assistance to dependent children. Nearly 808,000 needy children in over 335,000 homes are now being aided. To date a total of $350,000,000 has been paid in this form of aid from Federal, State, and local funds.

"Aid to needy blind people is provided in more than three-fourths of the States with the aid of Federal funds. About 48,000 persons are receiving this form of assistance and total payments have reached nearly $47,000,000.

"More than $3,000,000,000 have been paid out under the five benefit-paying programs."

RELIEF OF PERSONS INDUCTED INTO MILITARY AND NAVAL SERVICE

Mr. OVERTON. Mr. President, I ask consent to introduce a bill for reference to the Committee on Military Affairs. It is a bill to promote and strengthen the national defense by suspending enforcement of certain civil liabilities of certain persons serving in the Military and Naval Establishments.

This bill is in line with the amendment which I offered and the Senate adopted to the National Guard bill, and in line with the amendment I have proposed to the pending bill. The only difference is that the bill I now send to the desk covers a somewhat larger field and goes somewhat more into detail with reference to the relief to be given to those who are to be inducted into the military service for training under the pending legislation.

The PRESIDENT pro tempore. Without objection, the bill will be received and referred as requested by the Senator from Louisiana.

The bill (S. 4270) to promote and strengthen the national defense by suspending enforcement of certain civil liabilities of certain persons serving in the Military and Naval Establishments was read twice by its title and referred to the Committee on Military Affairs.

SELECTIVE COMPULSORY MILITARY SERVICE—AMENDMENTS

Mr. BARBOUR, Mr. CLARK of Missouri, and Mr. O'MAHONEY each submitted an amendment intended to be proposed by them, respectively, to the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service, which were severally ordered to lie on the table and to be printed.

Mr. NEELY. Mr. President, I send to the desk an amendment intended to be proposed by me to the pending bill (S. 4164) and ask that it be read by the clerk, printed, and lie on the table.

The PRESIDENT pro tempore. Without objection, the amendment will be read.

The CHIEF CLERK. Section 5, subsection C, on page 20, line 13, after the word "duties", it is proposed to strike out the period and insert a comma and the words "and students who at the time of the approval of this act are preparing for the ministry in recognized theological or divinity schools."

The PRESIDENT pro tempore. The amendment will be received, printed, and lie on the table.

ADDRESS BY SENATOR WALSH ON OUR NAVY FOR OUR OWN DEFENSE

[Mr. WALSH asked and obtained leave to have printed in the RECORD a radio address delivered by him on Tuesday, August 13, 1940, on the subject, Our Navy for Our Own Defense, which appears in the Appendix.]

ADDRESS ON PEACETIME CONSCRIPTION BY SENATOR NYE

[Mr. NYE asked and obtained leave to have printed in the RECORD a radio address on peacetime conscription delivered by him on August 9, 1940, which appears in the Appendix.]

ADDRESS ON CONSCRIPTION BY SENATOR HOLT

[Mr. HOLT asked and obtained leave to have printed in the RECORD a radio address on the subject of conscription, delivered by him on July 30, 1940, which appears in the Appendix.]

ARTICLE ON CONSCRIPTION FROM RELIGIOUS TELESCOPE

[Mr. HOLT asked and obtained leave to have printed in the RECORD an article on conscription published in Religious Telescope, the official organ of the United Brethren Church, which appears in the Appendix.]

FIFTH ANNIVERSARY OF INAUGURATION OF SOCIAL SECURITY LAW

[Mr. HARRISON asked and obtained leave to have printed in the RECORD a statement relative to the 5 years of the administration of the social-security law, prepared by the Administrator, Hon. Paul V. McNutt, which appears in the Appendix.]

ADDRESS BY PROF. MAX LERNER AT CAMBRIDGE, MASS.

[Mr. PEPPER asked and obtained leave to have printed in the RECORD an address delivered by Prof. Max. Lerner, of Williams College, under the auspices of the Harvard Defense Group, at Cambridge, Mass., July 30, 1940, which appears in the Appendix.]

ARTICLE ON AMBASSADOR BULLITT BY GENEVIEVE CLARK THOMSON

[Mr. CLARK of Missouri asked and obtained leave to have printed in the RECORD an article by Genevieve Clark Thomson, published in the New Orleans Item-Tribune of August 11, 1940, entitled "The Strange Career of the Ebullient Ambassador Bullitt," which appears in the Appendix.]

DISPOSAL OF DESTROYERS TO ENGLAND—EDITORIAL FROM ST. LOUIS POST-DISPATCH

[Mr. CLARK of Missouri asked and obtained leave to have printed in the RECORD an editorial from the St. Louis Post-Dispatch of Monday, August 12, 1940, entitled "The Retired Admirals Sound Off," which appears in the Appendix.]

ANNOUNCEMENT BY DEPARTMENT OF JUSTICE AS TO ENFORCEMENT OF HATCH ACT

[Mr. HATCH asked and obtained leave to have printed in the RECORD a statement issued by the Department of Justice relative to the enforcement of the Hatch Act, which appears in the Appendix.]

SELECTIVE COMPULSORY MILITARY SERVICE

The Senate resumed the consideration of the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

Mr. WHEELER. Mr. President, in view of the fact that a letter was read from my State yesterday intimating what the sentiment is in Montana, I desire to read a paragraph from a letter which I have received from Rev. Oscar L. Olsrud, an American preacher of Norwegian descent. He says, in a letter dated August 11, 1940:

> Today, following church services at Skaar, N. Dak., on the State boundary line, a vote was taken on the Burke-Wadsworth bill. There were 48 citizens present who took part in this vote. One voted in favor of passing the bill and 47 voted against passage. Here is a fair example of what the church-going people of the plains of eastern Montana and western North Dakota think about compulsory military training in peacetime.

I ask that the letter from this clergyman be inserted in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letter is as follows:

SAVAGE, MONT., *August 10, 1940.*

Senator B. K. WHEELER,
Washington, D. C.

DEAR SENATOR WHEELER: I was much grieved to hear that Col. Charles A. Lindbergh had in Congress been called the chief of "fifth columnists."

Colonel Lindbergh is a sincere man who has the best interests of the American people at heart. He is most loyal to traditional Americanism. His stand is harmonious with the Monroe Doctrine: Defend America but do not get involved in European wars. He has revealed a soundness of understanding and judgment superior to that of the average public servant.

One is tempted to suspect that any man who labels Colonel Lindbergh a "fifth columnist" is himself a "fifth column" agent of the selfish interests who are attempting to involve this Nation in war.

The great masses of American people are opposed to entrance into this war. If Congress, contrary to the desire of the people, proceeds to pass legislation leading to war, then the principles of democracy are being tragically violated and we have chaos, more horrible than can be imagined, to look forward to for America.

To pass the Burke-Wadsworth compulsory military training bill, against the wish of the people, is an act of dictatorship, not of democracy.

The "fifth-column" activity of the special interests is the most dangerous foe we have to contend with in America today.

With millions of other Americans, my sincere prayer is: "God bless America." To be consistent with this prayer, we must keep ourselves informed on principles of truth and justice and not permit ourselves to be deceived by false leaders.

We much appreciate, Senator WHEELER, what you are doing to uphold the rights of the common people.

Respectfully yours,
OSCAR L. OLSRUD.

Enclosed: Citizens' vote on Burke-Wadsworth bill, 47 to 1 against passage.

Mr. JOHNSON of Colorado. Mr. President, the Senate Committee on Military Affairs worked out an amendment to the Burke-Wadsworth bill deferring the military training of certain groups, ministers, and others. The amendment was not satisfactory to all the churches. On August 12 I submitted amendments which do have their approval, and which I should like to have made a part of my remarks, to be followed by a statement explaining my amendments in detail.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendments are as follows:

Amendments intended to be proposed by Mr. JOHNSON of Colorado to the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service, viz: On page 20, between lines 2 and 3, insert the following:

"(c) Regular or duly ordained ministers of religion and students who are preparing for the ministry in theological or divinity schools recognized as such for more than 1 year prior to the date of enactment of this act shall be exempt from training and service (but not from registration) under this act."

On page 20, line 3, strike out "(c)" and insert in lieu thereof "(d)."

On page 20, line 9, beginning with the word "interest", strike out all down to and including "duties" in line 13 and insert in lieu thereof "interest."

On page 20, lines 15 and 16, strike out "except in the case of regular or duly ordained ministers."

On page 21, line 3, strike out "(d)" and insert in lieu thereof "(e)."

The statement submitted by Mr. JOHNSON of Colorado is as follows:

The amendment to S. 4164 which I have introduced is designed to exempt from the training and service in the land and naval forces of the United States ministers of religion and students for the ministry. This amendment, I believe, is satisfactory to the various religious denominations within the United States. It has been drafted in such a manner as to eliminate, insofar as it is possible, any opportunity to abuse the right of a bona fide minister of religion or divinity student to be exempt from compulsory military training.

I contend that such an exemption is necessary. Religion, of necessity, must have a place of importance in a democracy, and the function of a democratic government is to encourage in every way possible the free exercise of religion. It is obvious and beyond argument that to subject ministers of religion to compulsory military training is to seriously interfere with, if not completely to suspend, this right.

The maintenance of this ministry in a democratic society demands and has as a necessary corollary the education of men who will continue the beneficial and necessary exercise of this function. Therefore I have made provision for the exemption of students who are preparing for the ministry.

May I bring to the attention of Senators the fact that the provisions of my amendment are similar to the provisions of the Draft Act of 1917. That act exempted from the draft regular or duly ordained ministers of religion and students preparing for the ministry.

In presenting this amendment to the Senate I assume that those persons charged with the administration of this act will give to religion its proper place in a democratic form of government, and to

this end will adopt such rules and regulations as will embody the accepted definitions of the terms "regular or duly ordained ministers of religion" as these terms are meant within this amendment.

A duly ordained minister of religion as used in my amendment should mean a person who has been ordained in accordance with the ceremonial, ritual, or discipline of a church, religious sect, or organization established on the basis of a community of faith and belief, doctrines, and practices of a religious character, to preach and to teach the doctrines of such church, sect, or organization and to administer the rites and ceremonies thereof in public worship, and who as his regular and customary vocation preaches and teaches the principles of religion and administers the ordinances of public worship as embodied in the creed or principles of such church, sect, or organization.

A regular minister of religion, as used in my amendment, should mean a person who as his customary vocation preaches and teaches the principles of a religion of a church, a religious sect, or organization of which he is a member, without having been formally ordained as a minister of religion, and who is recognized by such church, sect, or organization as a regular minister.

Mr. ASHURST. Mr. President, yesterday I presumed to solicit the attention of the Senate to point out that there is evidence that the War Department has not with strict fidelity enforced and observed the act of June 4, 1920, authorizing 1-year enlistments at the option of the soldier, not at the option of the War Department, and I read from a speech of Representative MICHENER, of Michigan. I now read again from Mr. MICHENER'S speech of August 12:

I called up the United States Army recruiting station on Pennsylvania Avenue, in the city of Washington, by telephone, advising that I was a young man who wanted to enlist in the Army for a period of 1 year during this emergency. I was promptly told that 1-year enlistments were not being received by the recruiting stations and that the shortest perod for which I could enlist was 3 years. I called the attention of the officer to the letter from The Adjutant General's office which I have included in these remarks, and then I told the recruiting officer who I was and he then admitted that 1-year enlistments were possible under the law, but gave me the substance of the regulations and advised that recruiting stations discouraged 1-year enlistments.

I have received a telegram signed "M. Doughty, 410 Elizabeth Manor Apartments, Upper Darby, Pa." Upper Darby is in Delaware County, Pa. The telegram is as follows:

Army recruiting station, Philadelphia, says 3-year enlistment only. Why?

Mr. President, those favoring the pending conscription or draft bill or selective-service bill—the latter being terms euphemistically used by those who dislike the word "draft," but the words mean the same thing—are asking us to grant to the War Department enormous powers, powers that run to the roots of government, and deal vitally with the plans and destiny of millions of young men; yet the very Department asking these vast powers have not faithfully and with strict fidelity employed the powers already granted. Some of the recruiting stations have misinformed applicants and have discouraged them when they attempted to enlist for 1 year. It should be remembered that the act of 1920 gives to applicants—not to the War Department—the option of enlisting for 1 year, if the applicant so chooses.

Mr. President, those who ask that greater power be granted to them should first prove to the country that they have with fidelity and in good faith observed and employed the lesser powers already granted to them. Those who have been lacking in good faith and have been remiss in small matters are likely to be remiss and unfaithful in grave and larger concerns.

Mr. MCKELLAR. Mr. President, I am about to discuss for a few moments the compulsory military-service bill. I shall thank Senators not to question me until I finish. Then, if there are any questions to be asked, I shall be glad to answer them if I can.

Mr. President, the pending bill providing for compulsory military service at a time when we are not at war, but when we are grievously threatened with war, is a measure which I think each Senator should approach with as nearly an unbiased mind as it is possible for him to have. I wish to approach it in that spirit. I feel that our country is greatly threatened, and I have but one desire. That desire is to act in all matters pertaining to preparedness with an eye single to our country's good. That should be the purpose as to each bill passed in the Congress, of course; but in the case of a compulsory military-service bill, under which so many of our young men will be called upon to prepare for military defense of our country, we should be a thousand times more careful to leave out all prejudice, all passion, all preconceived ideas, and think only of a measure best calculated to bring about a successful defense of our great country. In discussing and voting on this measure, and any amendments that may be offered to it, this is the outstanding purpose that I hope to follow.

With the general plan of the original Burke-Wadsworth bill I was unable to agree. The original plan seemed chimerical and almost hysterical. Its first effect would have been to give us a lopsided economic and industrial system; and there never was a time when our industrial system should be more persistently kept in mind. Others have pointed out the specific differences between the two measures, and I shall not go into a detailed comparison. Suffice it to say that in the very outset the Burke-Wadsworth plan seemed impossible, as it provided that all able-bodied men should undergo compulsory military service, and provided for the registration of all male citizens in the United States between the ages of 18 and 65, or a total of about 42,000,000 men, with probably half of them unfitted by nature for military duty because of advanced years. The authors of the plan were no doubt sincere, but they certainly must have been victims of hysteria. I do not reflect upon either Senator BURKE or Representative WADSWORTH, because I am sure they think about the original bill as I do. They did not prepare the bill. It was prepared by others. They introduced it, and are entitled to that credit.

In the committee bill those subject to service are confined to the ages between 21 and 31, amounting to a total of about 12,000,000 men. This total, while I hope it is much larger than we shall ever have to train, is likewise hedged about by reasonable limitations. The President is to call for training a reasonable number of men, believed to be not more than 400,000 for the first 6 months and 400,000 for the second 6 months, that being as many as trained officers of our Army believe they could train with the funds they will have.

It must be remembered that Congress has complete supervision over these numbers through its control of the amount of money appropriated for training such men. The training of these men will be a very expensive thing, and only as many can be trained as the Congress shall appropriate money for. I am quite sure that the Appropriations Committees of the two Houses will keep our military authorities in bounds at all times. Our people can easily see that in this provision their representatives have perfect control over the numbers to be trained.

Another outstanding difference between the two bills is that the volunteer system, which has always been in vogue in this country, was done away with by the Burke-Wadsworth bill, and the committee bill includes the volunteer system as a part of our military system. In other words, what the committee bill does is to guarantee that if trouble should break out we would have a sufficient number of our citizens of military age trained for our country's defense. I want to congratulate the committee on having brought out such a sensible, workable, efficient plan of raising an army. To my mind the plan can hardly be improved upon. The bill shows on its face that the law is to be temporary, and intended for the emergency only, in that it is to become inoperative on and after May 15, 1945.

In other words, we are not changing our policy from a voluntary system to a conscript system, as has been argued. The only difference is that ahead of actual war we are putting into effect a compulsory system of training.

Indeed, Mr. President, after a careful consideration of the committee bill, it seems to me it should meet the objections of every person sincerely interested in his country's defense. The volunteer system has been greatly improved by reducing the volunteer enlistment period from a period of 3 years to a period of 1 year, and the conscription feature of the bill has been improved by giving credit to a State or subdivision by the number of volunteers there, such number to be deducted from their conscription quota.

The committee bill further provides for local draft boards to select the young men required for military training. It provides for proper exceptions, as of a young married man with wife and children. It also provides for an exception in the case of conscientious objectors. This last may be all right, but I regret to say that I have not much sympathy for conscientious objectors. I recall in the last World War one of the most famous of conscientious objectors, Sergeant York, of Tennessee, went into the Army notwithstanding his objections, and made the greatest individual soldier of them all.

Mr. President, our present Regular Army consists of 180,000 men, and we have recently increased that number to 375,000 men in the Regular Establishment. This was done last spring, and since that time our Army officials have set out a monthly quota to be secured by the volunteer enlistment plan until the 375,000 are secured. Under normal conditions it will be April 1941 before we reach the 375,000 men in the Regular Army. Under present conditions it would never do for us to be without a regularly trained army until April 1941. I think we all realize this.

It is true that the Senate has but recently passed a bill authorizing the President to call our National Guard, numbering perhaps 225,000 men, into the service of the United States. These are, for the most part, trained and seasoned men, and adding this number to the 375,000 would give the United States a trained army of 600,000 men by April 1941.

Mr. President, heretofore when war has come to us we have never used compulsory military training prior to the outbreak of the war. Invariably we have gone into wars on the volunteer system, but before the war was over, in our serious wars, we have always had to adopt a plan of compulsory service. So it seems to me the only question is whether we will adopt provision for compulsory service at this time, or put it off to a little later, to go into effect in the event of a real emergency. I imagine most of us in the Senate would prefer that that course be pursued at this time; but, Mr. President, if war comes to us in the near future, it is certain that it will come in a different and quicker way from what it has ever come before.

Modern warfare is different from any kind of warfare that has gone before. The use in modern warfare of airplanes, tanks, submarines, and other modernized mechanisms makes it absolutely necessary for America to be in a position to meet these modern conditions. Should a foreign foe invade us or invade our Western Hemisphere, which we have long engaged to protect under the Monroe Doctrine, we must be able to meet such a foe with the same kind of weapons and the same kind of trained use of such weapons as they may bring against us. We have just appropriated billions of dollars for building tanks, large and small; for building artillery, large and small; for building machine guns, large and small; for building airplanes; and for the manufacture of ammunition to fit these various weapons of defense. The use of these weapons, great and small, requires the most accurate and painstaking training of the men who use them. In the olden days, when all that was necessary was to train a man how to shoot an army rifle and how to get out of the way of enemy rifles, how to attack and how to retreat, the matter was simple enough; but in these days, when we must have young men trained to operate tanks, to operate machine guns, to operate artillery, and to operate airplanes, it is, of course, necessary to give them the very best possible training. It would be cruel and inhuman for this Government to induct into the Army young men without training.

Indeed, Mr. President, let me add that, in my judgment, to induct young men into the Army, whether volunteers or by conscription, who have not had training, to use the highly developed mechanisms employed in war, would be criminal upon our part, and I do not think we should do it, and that is what we might have to do unless the men were trained in advance. We are now building these various weapons, and in order that our preparation might go along hand in hand with the acquisition of this equipment, we should at once transfer into the Army a sufficient number of young men to use these weapons after they have been manufactured, and we should prepare them to use the weapons intelligently.

But, Mr. President, it may be contended that there is no reason at this time for these unusual preparations. A year ago I would certainly have been opposed to these preparations, but when I see a great nation in Europe preparing and accumulating vast stores of the war weapons I have described, when I see that nation, with her men trained to use those weapons with the most perfect effect, and after such accumulation of weapons and the training of her men I find that nation overrunning nearly all of her neighbors, first Austria, then Czechoslovakia, then Poland, then Norway, then Denmark, then Holland, then Belgium, and lastly France, although France was alleged to have had the best-trained army in the world, with more men than any other army; and when I see the death struggle now going on between that nation and the great empire of Great Britain, with the issue in doubt, I feel that there is such an emergency in this country that as careful and prudent legislators, having eyes single to the welfare of our country, we must take every needful step to defend ourselves. It is argued by some that that European nation will not undertake to invade us. Indeed, there are many prominent people in that nation who say that they do not intend to invade us. Ah, Mr. President, I remember that there was no intention to take any other territory after Austria, and there was no intention of taking any other territory after Czechoslovakia, and after Poland, and after Norway, Denmark, Holland, Belgium, and France; but those promises were not kept. So that, judging the future by the past, it is nothing but due diligence for us to look after our own affairs and prepare ourselves for a proper defense.

Again, Mr. President, Congress has already shown that we believe it is necessary to prepare thoroughly, otherwise we would not have spent billions of dollars to build up a great army and a great navy and a great air force. We have already passed measures making great appropriations and still, unless we have the men we cannot be sure of our defense. It is true that we might get the men under the volunteer system. We will still have that system under the bill. It is not interfered with by the pending bill in the slightest, except to make it better, but Mr. President, by the bill we are assured that whether or not the volunteer system is fully effective, we are absolutely guaranteed the number of men that may be necessary to defend our homes and firesides, our Government, and our people.

The taking of 400,000 young men over 21 years of age each 12 months will not unduly interfere with our economic or industrial progress. The taking of young men over 21 will not unduly interfere with the education of our young men. Young men who are skilled mechanics can be put in that part of the Army where skilled mechanics are necessary. As I look at the bill, its purpose is to make it absolutely certain that we will have young men trained for the Army, but they are to be taken under such conditions as to cause a minimum of interference with our economic and industrial system. We found that selective draft system was fair, and that it was fairly enforced in the last World War. I believe that, with that experience it will be even more fairly enforced at the present time.

I feel that I should also call attention to section 8 of the bill, which in substance provides that if an enrollee called into the service has a place with the Government, at the conclusion of his military service he is to be restored to the place he held at the time of being taken, without loss of seniority or other benefits.

If he is in the employ of any State, the State is urged to restore him to his State position and no doubt will do so.

If he is with a private company or person, he is to be restored, and if the company or person fails to restore him it shall be regarded as an unfair labor practice within the meaning of the National Labor Relations Act.

These provisions are exceedingly important, and especially important to skilled and other labor, and, to my mind, should be faithfully carried out. While there might be some doubt as to the legal right of restoration with private employers, I think these provisions should remain in the bill, and that

every effort should be made to restore the men drafted to their former positions at their former salaries and without loss of seniority and the like. To the men who labor with their hands this is all important, and I regard it as a very wise provision of the bill.

Mr. President, I believe the pay of the Army should be increased. It is true that we furnish each man with food and shelter, clothing, and other items, but $21 a month for his service is very small. My intention is to vote for probably $30 a month as the pay of the men.

I regret exceedingly that we are confronted with this great danger, but I feel that I would be recreant in my duty as a United States Senator, recreant in my duty as an American citizen, if, knowing these facts, I refused to take the necessary steps to see that we shall have no lack of manpower to go along with the mechanized instruments of warfare for which we have already provided as a proper defense to our Nation.

I feel that I should be recreant in my duty if hereafter I were to vote to conscript into our Army young men without any training at all, and for that reason I believe it is my duty to vote for the bill substantially as reported out by the Senate Committee on Military Affairs.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the bill (S. 3954) relating to the issuance by the Secretary of the Interior of a patent to the State of Minnesota for certain lands in that State.

The message also announced that the House had agreed to the amendment of the Senate to each of the following bills of the House:

H. R. 7826. An act for the relief of R. F. Brazelton; and

H. R. 9158. An act to amend the act entitled "An act for the protection of certain enlisted men of the Army," approved August 19, 1937, and for other purposes.

SELECTIVE COMPULSORY MILITARY SERVICE

The Senate resumed the consideration of the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

Mr. TAFT obtained the floor.

Mr. JOHNSON of California. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Downey	La Follette	Schwartz
Andrews	Ellender	Lee	Schwellenbach
Ashurst	Frazier	Lundeen	Sheppard
Austin	George	McCarran	Shipstead
Barbour	Gerry	McKellar	Slattery
Barkley	Gibson	McNary	Smathers
Bone	Gillette	Maloney	Stewart
Bridges	Glass	Mead	Taft
Brown	Green	Miller	Thomas, Idaho
Bulow	Guffey	Minton	Thomas, Okla.
Burke	Gurney	Murray	Thomas, Utah
Byrd	Hale	Neely	Tobey
Byrnes	Harrison	Norris	Townsend
Capper	Hatch	Nye	Truman
Chandler	Hayden	O'Mahoney	Tydings
Chavez	Herring	Overton	Van Nuys
Clark, Idaho	Hill	Pepper	Wagner
Clark, Mo.	Holman	Pittman	Walsh
Connally	Holt	Radcliffe	Wheeler
Danaher	Johnson, Calif.	Reed	White
Davis	Johnson, Colo.	Reynolds	Wiley
Donahey	King	Russell	

The PRESIDENT pro tempore. Eighty-seven Senators have answered to their names. A quorum is present.

Mr. TAFT. Mr. President, I wish to state to the Senate my reasons for opposing the adoption at this time of a compulsory draft of men into the United States Army. No measure considered since I have been in the Senate has sought to change so much the basic theory of American life, or, in my opinion, will have a more profound effect on our political and governmental ideas. There is a general agreement that the bill, in the words of the distinguished chairman of the Military Affairs Committee can be justified only by a tragic necessity. The question we must consider, therefore, is whether or not a necessity exists. I am opposed to the bill because, in my opinion, no necessity exists requiring such tragic action.

Of course, I realize that some persons look on the bill as a good thing in itself even in peacetime and when no emergency exists. The sponsor of the bill, the Military Training Camps Association, has advocated the bill, or something like it, ever since 1920. Secretary Stimson, Assistant Secretary Patterson, Col. Julius Adler, who testified that he wanted to train a reserve of 20,000,000 men, Mr. Grenville Clark and others who testified for the bill have been members of this group for many years. But their appeal was overwhelmingly rejected before the European war. They have availed themselves of the present emergency to propose this bill, at first without administration support. They have established a national emergency committee, which is now soliciting contributions to a fund of $100,000 "to help enact the Burke-Wadsworth bill into legislation." This money is apparently to be used to bring down on Congressmen and Senators a flood of telegrams and letters and to spread all over the country the belief that anyone who opposes the bill is un-American and unpatriotic. They are deliberately inspiring a Nation-wide propaganda out of their offces at 28 West Forty-fourth Street, New York City, and I may say that their action, of course, deprives of all force the inspired communications which Congressmen and Senators hereafter receive.

Mr. President, I ask that there be inserted in the RECORD as part of my remarks the letter of the Military Training Camps Association and the leaflet which accompanies it, after I read a few extracts from the letter. This is a letter which has gone out under the letterhead of the Military Training Camps Association National Emergency Committee:

When you write your check payable to James G. Harbord, treasurer, make the amount proportionate to your stake in American freedom.

* * * * * * *

Can patriotic Americans move quickly enough to provide an adequate defense?

Apparently anyone who opposes the bill is not a patriotic American.

At the bottom of the letter is the following:

Write or telegraph informing your Congressman and Senators that you approve the Burke-Wadsworth selective service military training bill.

The names of the Senators and Representatives of that region are printed on the back of the letter. Enclosed is a pamphlet in which the National Emergency Committee, with complete modesty, says that—

The National Emergency Committee, many members of which founded the Plattsburg training camps which gave the American armies 65,000 line officers in the World War, has assumed the task of giving leadership and guidance to those who believe in the principle of compulsory military training and in the pressing necessity for its immediate adoption.

Further:

The people must be given every encouragement to make known their views to their chosen representatives.

* * * * * * *

Most urgent: Write or wire your Senators and Congressmen immediately, telling them you approve of this military training bill.

The money is to be used—

To arouse all the citizenry to an appreciation of the grave dangers before us; to continue an adequate campaign of public education; to make articulate the large majority of the voters who believe in the adoption of compulsory military training now—the National Emergency Committee needs immediately the sum of $100,000.

I ask unanimous consent that the letter and the accompanying pamphlet be printed in the RECORD as part of my remarks.

There being no objection, the letter and pamphlet were ordered to be printed in the RECORD, as follows:

NATIONAL EMERGENCY COMMITTEE
MILITARY TRAINING CAMPS ASSOCIATION,
New York, N. Y., August 8, 1940.

DEAR MRS. TAFT: Those who believe in selective compulsory military training and its immediate adoption make the compelling argument that with the equal opportunity offered to all citizens of the United States there goes the equal obligation to serve.

A corollary of this, in the judgment of the National Emergency Committee, means that citizens able to give—and who believe we must immediately adopt this form of military training—should will-

ingly contribute to help enact the Burke-Wadsworth bill into legislation.

Time is too short to permit us to make a wide national appeal for the $100,000 fund imperatively needed for the purposes set forth in the enclosed leaflet. When you write your check payable to James G. Harbord, treasurer, make the amount proportionate to your stake in American freedom.

Delay has cursed the cause of the Allies day in and day out. This is a major test of the democracy we seek to protect. Can patriotic Americans move quickly enough to provide an adequate defense?

Part of the answer—your part—may be found in your response to this appeal.

Sincerely yours,

ALLEN L. LINDLEY.

CONGRESSMEN OF THE METROPOLITAN AREA

(Address: House Office Building, Washington, D. C.)

New York: LEONARD W. HALL, First District; WILLIAM B. BARRY, Second District; JOSEPH L. PFEIFER, Third District; THOMAS H. CULLEN, Fourth District; MARCELLUS H. EVANS, Fifth District; ANDREW L. SOMERS, Sixth District; JOHN J. DELANEY, Seventh District; DONALD L. O'TOOLE, Eighth District; EUGENE J. KEOGH, Ninth District; EMANUEL CELLER, Tenth District; JAMES A. O'LEARY, Eleventh District; SAMUEL DICKSTEIN, Twelfth District; CHRISTOPHER D. SULLIVAN, Thirteenth District; MICHAEL EDELSTEIN, Fourteenth District; MICHAEL J. KENNEDY, Fifteenth District; JAMES H. FAY, Sixteenth District; BRUCE BARTON, Seventeenth District; MARTIN J. KENNEDY, Eighteenth District; SOL BLOOM, Nineteenth District; VITO MARCANTONIO, Twentieth District; JOSEPH A. GAVAGAN, Twenty-first District; EDWARD W. CURLEY, Twenty-second District; CHARLES A. BUCKLEY, Twenty-third District; JAMES M. FITZPATRICK, Twenty-fourth District; RALPH A. GAMBLE, Twenty-fifth District; MATTHEW J. MERRITT, Congressman at large; Mrs. CAROLINE O'DAY, Congressman at large.

New Jersey: DONALD H. MCLEAN, Sixth District; J. PARNELL THOMAS, Seventh District; GEORGE N. SEGER, Eighth District; FRANK C. OSMERS, Jr., Ninth District; FRED A. HARTLEY, Jr., Tenth District; ALBERT LINCOLN VREELAND, Eleventh District; ROBERT WINTHROP KEAN, Twelfth District; MARY TERESA NORTON, Thirteenth District; EDWARD J. HART, Fourteenth District.

Connecticut: WILLIAM J. MILLER, First District; THOMAS RAYMOND BALL, Second District; JAMES A. SHANLEY, Third District; ALBERT E. AUSTIN, Fourth District; J. JOSEPH SMITH, Fifth District; BOLESLAUS J. MONKIEWICZ, Congressman at large.

SENATORS

(Address: Senate Office Building, Washington, D. C.)

ROBERT F. WAGNER, New York; JAMES M. MEAD, New York; FRANCIS T. MALONEY, Connecticut; JOHN A. DANAHER, Connecticut; WILLIAM H. SMATHERS, New Jersey; W. WARREN BARBOUR, New Jersey.

AMERICA'S MOST IMPORTANT ISSUE

An astonishingly simple issue now confronts the American people, as predatory nations gain in power and arrogance.

Is the United States worth fighting for? Yes.

Are we going to fight if necessary? Again the answer is yes.

Are we ready—have we the arms, the equipment, the organization, the trained fighters? The answer is decidedly no.

EASY PICKINGS—NOW

The United States is easily the richest nation in the world today—and easily the least prepared of any of the great nations.

Nobody can improvise an army overnight, in a few weeks, or even in a few months. Poorly organized and untrained millions amount to little. No wolf is alarmed by the size of the flock of sheep. His only difficulty is in picking out the one he wants.

You can't buy time. Modern wars come like an avalanche, not like the glacier. Undeveloped military resources, billions of dollars in equipment and mechanisms—all these are quite useless unless we have a thoroughly trained and adequate manpower in the Army, the Navy, the marines, and the air.

Many Americans understand these facts; others are learning them rapidly.

THERE IS ONE ANSWER

The National Emergency Committee of the Military Training Camps Association is thoroughly convinced that the only quick and positive answer to the situation in which Americans now find themselves is the speedy enactment of legislation for selective compulsory military training and service.

All alternatives to such selective compulsory training, the Committee believes, are far too likely sometime in the future to be characterized by the tragic words: "Too late and too little."

The National Emergency Committee, many members of which founded the Plattsburg Training Camps which gave the American armies 65,000 line officers in the World War, has assumed the task of giving leadership and guidance to those who believe in the principle of compulsory military training, and in the pressing necessity for its immediate adoption.

WHAT REMAINS TO BE DONE

As debate proceeds in the United States Senate and House of Representatives on the Burke-Wadsworth bill, it is imperative that democratic processes obtain. The American people must know all of the essential facts and implications of the entire program; debate must be fair and open; the people must be given every encouragement to make known their views to their chosen representatives.

This country belongs to all the people. They should be urged to speak up and let their elected servants know exactly what they want done about our national defense, and such public opinion must be based upon knowledge of the facts.

The Gallup poll, whose reliability has not been successfully challenged on any issue, reports that 67 percent of the American voters are now in favor of the adoption of a system of compulsory military training. Another survey shows that 87 percent of the press favors the legislation.

Opposition forces are intensifying their efforts, as shown by reports of letters and telegrams coming to Senators and Congressmen, seeking to make it appear that a large proportion of American voters are against the plan. Disproportionate minority pressure is an old story in American politics, but the device can be met and defeated.

WHY FUNDS ARE NEEDED QUICKLY

To arouse all the citizenry to an appreciation of the grave dangers before us—to continue an adequate campaign of public education—to make articulate the large majority of the voters who believe in the adoption of compulsory military training now—the National Emergency Committee needs immediately the sum of $100,000. This is an investment of less than one-tenth of a cent for each American. Funds will be used for organization work, reprinting of articles and speeches, telephone, telegraph, publicity, postage, office and clerical staffs, etc. This is a cause that cannot wait; national unpreparedness means national calamity.

The more enthusiastically and overwhelmingly the Burke-Wadsworth military training bill is approved in the Senate and House of Representatives, the better the dictator nations will understand what the action means. This is a fight that America must not lose! By contributing to this $100,000 fund the committee believes you can help assure a national security that we desperately need.

Most urgent: Write or wire your Senators and Congressmen immediately, telling them you approve of this military training bill.

NATIONAL EMERGENCY COMMITTEE, MILITARY TRAINING CAMPS ASSOCIATION,
28 West Forty-fourth Street, New York, N. Y.
GRENVILLE CLARK, *Chairman.*
Maj. Gen. JAMES G. HARBORD, *Treasurer.*

Mr. TAFT. In the atmosphere of excitement and prejudice created by this kind of propaganda, it is difficult to consider calmly the issues which are really involved. But I do desire to discuss the actual situation which exists today, and the necessity for the revolutionary measure before us. I take it that the majority of the Senate does not agree on compulsory military training as a peacetime measure. They do agree with the distinguished chairman of the Military Affairs Committee, who said the other day in the Senate:

> The compulsory system is added in the present bill to the volunteer system to meet an immediate emergency in which the time element is a tragic necessity and because the volunteer system cannot obtain the necessary numbers within the time needed in the Nation's defense.

So the question is not the general advantages of military training, but it is whether there is now an absolute necessity for this kind of tragic action.

2. TERMS OF THE BILL

The Burke-Wadsworth bill now proposes that a great registration system be set up, under which there shall be registered 11,300,000 men between the ages of 21 and 31 years; that draft boards shall be established all over the United States, involving the employment of perhaps 200,000 persons appointed by the President in an election year; and that all registrants shall be liable for "training and service in the land and naval forces of the United States." Men from 18 to 35 may volunteer. It is said that that authorizes a volunteer system to be tried out, but, in my opinion, it does no such thing. If we provide for registration and give the Army power to draft men by force, the volunteer system will never have a fair trial; there will be no incentive to give it a fair trial. If, by a mere scratch of the pen, they can get 400,000 men into the service, nobody is going to all the great additional expense of a volunteer effort if it is known that men can easily be obtained without such volunteer effort. No.; this is a draft bill, and it does not contain in it any volunteer alternative.

When the United States is not at war, every man drafted shall "serve for a training period of 12 consecutive months," unless during that period Congress shall declare that the national interest is imperiled, in which case he shall serve until Congress relieves him.

Of course, if there is an emergency, if we need these men Congress will so declare. So the term of service is not merely a year; it is an indefinite period.

If the country is at war, his 12-month service may be indefinitely extended for the duration of the war. After the

required period of 12 months, each man is transferred to the Reserve for 10 years, and during that period is subject to such training and service as may be required by law; provided, that if he completes 2 years' additional service in the Regular Army or the active National Guard, he shall be released from any further obligations as a member of the Reserve.

There are a few automatic exemptions, and the President is given power to defer training and service for men in essential industries, and for men who have persons dependent on them. This deferment, however, has to be made on the basis of the status of each individual rather than by any broad classes, so that the President, or the draft boards to whom his power may be delegated, will have almost arbitrary power to determine who shall be deferred and who shall not be deferred. The number of nondeferred men having been determined, those to be drafted will be selected by lot.

There are approximately 11,300,000 men between the specified ages, and our experience in the World War indicates that about 65 percent will be placed in deferred classes, leaving approximately 4,000,000 men in the first nonexempt class. Approximately 1,150,000 more men come of age each year, of whom approximately 60 percent, or 690,000, will be in the first class. So there will be available 4,000,000 men immediately, and 700,000 additional every year. The chairman of the Military Affairs Committee states that it is planned to call 400,000, or 1 in 10 of the first class, on October 1, 1940, and 400,000 more on April 1, 1941, but that plans beyond that date have not been made. This means that about 1 in 5 of the nondeferred eligibles are to be called during the next 12 months, to be determined entirely by chance.

I have tried to find out just what these 11,300,000 men are actually doing at the present time. Apparently about 9,000,000 are employed in regular employment; 2,000,000 are unemployed or partially employed; 300,000 are in college or professional schools.

In other words, the great bulk of these men have finished their education and have started on their life work, and they have started, as a rule, in some occupation where their success depends on steady, serious application to their jobs, and, regardless of whether or not they are restored to their positions, a year's service will seriously set back the progress they might otherwise make.

It may be pointed out also that it will be very easy for any man to escape the draft by marrying, provided the lady has no other means of support. While this is not a serious problem in time of war, it is likely to become a very serious problem in time of peace, when the sense of emergency is not so strongly felt.

The bill is for a period of only 5 years, but for all practical purposes it proposes a permanent system, or at least one which will last until the whole world condition changes. If it were only to meet the immediate emergency, it could be limited to 1 year, or 2 years at most. So far as the bill which the Congress enacts for 5 years is concerned, I think we may regard it as permanent legislation.

3. THE BILL DOES NOT PROPOSE UNIVERSAL COMPULSORY MILITARY TRAINING

Many of the letters which I receive advocate the bill on the ground that it imposes universal compulsory military training on all the youth of the United States; that such training is good for American boys; that it teaches them discipline and hardens their character. The writers feel that it should be part of the educational system of the United States, and that the Federal Government should undertake to provide that part of every boy's education. I think we should understand clearly that this bill proposes no such system. Personally, I do not agree with the argument that there should be such universal military training; but I think there is a better argument for it than there is for the draft at the present moment. It would put the Federal Government in the business of education, where it does not belong. It would require the training of 1,150,000 boys every year at a cost of about $1,250,000,000 a year, to which we would soon have added demands for special pensions and other expenses. It would create a potential army vastly in excess of any possible needs, and militarize this country to an extent which I feel to be most unwise.

But, in any event, this bill does not propose such a system. It is not going to take the boys as they graduate from high school and give them a year's training. It takes young men long after their education is completed, and when 9,000,000 out of 11,300,000, or 80 percent, are already engaged in their life work. It is not universal, for it proposes only to take one-fifth of those older men who are not placed in deferred classes. It proposes only to take 7 percent of the total registrants. It is therefore neither universal military training, nor is it education at all.

4. THE BILL REALLY PROVIDES A COMPULSORY SELECTIVE DRAFT FOR ARMY SERVICE

Whatever the purpose of the original sponsors of the bill, as now amended and advocated by the administration, it is a compulsory selective draft to provide a larger Army to meet what is considered the immediate emergency. We have today a Regular Army of 270,000. By the time this draft can be put into force, it will amount, by routine enlistment methods, to 335,000, and no difficulty is anticipated in bringing it up to the full authorized strength of 375,000 by adding 40,000 for the Air Corps as new airplanes become available. We have never had any difficulty in getting volunteers for the air force. We have just authorized the President to call out the National Guard and the Reserve, which will add about 370,000 to this number. Since a large number of these, however, are Reserve officers, it is fair to say that without the passage of this bill we can have available under arms, within 3 months, an Army of about 650,000, if we can get the equipment for them, which I do not believe we can.

Mr. REED. Mr. President, will the Senator yield?

Mr. TAFT. Certainly.

Mr. REED. I am very much interested in the statement the Senator from Ohio has just made, just as I was in the statement of the Senator from Montana [Mr. WHEELER] yesterday. I have talked with a number of Army officers, who are not willing naturally to be quoted, but they are very frank about their position. With them it is not a question of getting a sufficient number of men to match the equipment or to fill the authorized ranks of the Regular Army. With them it is a professional preference for a conscription system; and they are very frank in saying so. Some Army officers of very high rank with whom I have talked think that we cannot use more than 750,000 men against any offensive that might be likely to be directed against us, and they are very frank to say that we can get 750,000 men through voluntary enlistments in addition to the National Guard which we have authorized to be called out. That, however, is not the way they want to do it. This question is not one of the necessities of the United States; it is a question of the preference of the professional military force as to how men shall be brought into the service.

Mr. TAFT. I thank the Senator from Kansas, and I think there can be no question that we can have within 3 months an army of 650,000 men under arms under our present system.

Mr. REED. May I say I entirely agree with the Senator from Ohio as to that.

Mr. TAFT. I understand the Senator's position. On August 5, when I asked the distinguished chairman of the Military Affairs Committee what was the total number of men who should be under arms, he replied that he thought we should have, as soon as we could get them, between six hundred and seven hundred thousand men, if not a larger number. We can have them within 3 months without this bill.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. ASHURST. The able Senator a moment ago said that under the present system we would have 600,000 or more men. I am sure the Senator must mean that under the present law and the recent bill passed by the Senate calling into service the units of the National Guard.

Mr. TAFT. I thank the Senator for the correction. What I had in mind was that when the National Guard and

Reserve bill shall have been passed we will have 650,000 men available.

Mr. ASHURST. Mr. President, will the Senator yield further?

Mr. TAFT. I yield.

Mr. ASHURST. In the criticisms I made lately against the War Department for its disregard of, if not its flagrant opposition to, the law permitting 1-year enlistments, I wish to exempt Secretary of War Stimson from that criticism, because he has not been an incumbent in that office sufficiently long to have been guilty of this disregard of the law of 1920 which permitted 1-year enlistments.

Mr. President, I will not say it was a foul action on the part of the War Department—that word is too strong—but it was an unfair action on the part of the War Department premeditately to discourage 1-year enlistments. There is some evidence to show that disingenuousness and a lack of frankness was employed by some of the recruiting officers in telling young men they could not enlist for 1 year when the law of 1920 permitted 1-year enlistments, and furthermore granted that option to the applicant, not to the War Department. It seems obvious that if the War Department had been frank and ingenuous, and had told the young men they might enlist for a year, there would have been no serious remissness, no backwardness in enlistment, among the young men of this country.

Mr. TAFT. I thank the Senator for his contribution.

General Marshall apparently desires to have by next spring an army of 900,000 men under arms, according to his testimony before the committee, at least partially trained. He proposes to call 400,000 under the draft and put them directly into the Regular Army and National Guard units, building up the units of the Regular Army to 500,000 and the units of the National Guard to 400,000. There are to be no special training camps, but these men are to be trained right in the existing units and become part of such units, at least until their year expires in October 1941.

General Marshall's testimony is very clear. He says:

> No, sir; that is not only a very simple way of doing it, but at the same time it does what I think we urgently need to do at the present time—fill up the ranks of the organization.

What he is interested in is not so much training, although that can be done by the organization, as to fill up the ranks of the organization. He says:

> The new man would be an organic part of that unit, and we would be trying to make that an effective unit as quickly as possible.

Again:

> We would make an allotment of men to the National Guard which would carry them up from about 230,000 to just a little short of 400,000; the allotment of men to the Regular Army would carry it up to about 500,000.

On Sunday, August 3, Judge Patterson, the Assistant Secretary of War, announced that we should have under arms 1,300,000 men. If that is the program, then the men who are drafted now will have to be retained in the Army for at least 2 years instead of 1. In short, the bill is not an educational bill, or even a training bill, because you can see that if he gets 400,000 men in October, which would be 900,000, and calls 400,000 more next April, which would be 1,300,000 the men called in October 1941 will not be trained for another complete year and will not be available to replace the call of October 1940 until October 1942, so that each man will have to be kept 2 years in order to build up the Army of 1,300,000, if that is what the program is. In other words, this is a bill to create by selective draft an army of unlimited size, as that size may be later determined by Congress. It is not a compulsory military training bill.

It seems clear to me that we are putting the cart before the horse. Surely Congress should first determine how large an army the emergency requires, and we should then consider the best means of raising that army. As far as any legislation on the part of Congress up to this time is concerned, the country has not been told that we need a Regular Army in excess of 375,000 men, plus the National Guard. Surely no one can be surprised that our Army is no larger than that requested by the administration and authorized by Congress.

5. WE CAN PROVIDE ADEQUATE DEFENSE WITHOUT ABANDONING THE AMERICAN WAY OF LIFE

There are many who urge with the proponents of this bill, that the emergency requires a complete recasting of American life, a dedication of our entire energies to defense alone, and a subordination of every principle on which this Government is based. With that point of view I emphatically disagree. If we have maintained our present Navy at a cost of about $750,000,000 a year, we should be able to maintain a two-ocean Navy for a billion and a half dollars. The cost of maintaining and replacing the enlarged Army and air force should not be over $2,000,000,000 a year.

That would make a grand total for maintenance, after this Army and Navy are built up, of about $3,500,000,000 a year, an increase of $2,000,000,000 over the amount of money we have been spending. That is a heavy burden on the economy of the United States, but it is not enough to force us to change the whole economy. We have a national income in excess of $70,000,000,000. We have been spending about $10,000,000,000 for the Federal Government alone on a peace basis. Surely, with economies in other lines, we can provide the additional funds by increased taxation. It is true that the tax system must be completely revised, but I see no reason why it cannot leave unimpaired the essential features of our economic system. In other words, the burden which we can look forward to is not one which, in my opinion, is a justification for saying that we must abandon every other consideration, we must abandon every principle on which this country is based, and adopt some form of totalitarian defense.

Surely the manpower required need not upset our constitutional liberties. A million men may have to be permanently employed in the Army, Navy, and Marine Corps, and a million and a quarter perhaps trained for the Reserve, out of a total of 42,000,000 between the ages of 18 and 65. That certainly can be done without recasting our whole life. We have something like 9,000,000 men unemployed today. We should not exaggerate the character of the emergency.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. TAFT. Certainly.

Mr. WHEELER. I should like to call attention to the fact that the other day we passed a bill here in connection with which the question arose as to whether we would permit the men affected by the bill to be sent out of the United States. Of course, the argument was immediately made that we must do it, and in the Senate the proposal to limit the service of the men to the United States was defeated.

In contrast to the hysteria that is prevalent in the United States with reference to our getting into the war, and the fears that we have on that score, I interrupt the Senator long enough to call his attention to what was done in the Commonwealth of Australia in their defense act. I read from paragraph 49 of the Defense Act of 1903–39, page 15:

> Military forces not liable to serve beyond Commonwealth. Members of the defense force who are members of the military forces shall not be required, unless they voluntarily agree to do so, to serve beyond the limits of the Commonwealth and those of any territory under the authority of the Commonwealth.

That is the law of Australia.

In Canada, when they passed the draft act—and they passed it only after they got into the war—they also provided that—

> The powers conferred by the next preceding section may not be exercised for the purpose of requiring persons to serve in the military, naval, or air forces outside of Canada and the territorial waters thereof.

I also call attention to the fact that New Zealand had a similar provision, saying that the men should not be called outside of the boundaries of New Zealand, while here in the United States we are so afraid we are to be attacked, or that somebody else in this hemisphere is to be attacked, that we provided that our soldiers might be sent anywhere in the world. There is nothing in this conscription bill limiting the service of the men who are called. They may be used anywhere that it is desired to use them in the whole world, but

three countries which are Dominions of Great Britain and which are at the present time at war, have provided that their soldiers shall be used only in defense of their own dominions.

I ask unanimous consent to have printed in full in the RECORD the extracts from the statutes of Australia, Canada, and New Zealand to which I have referred.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[The Commonwealth of Australia. The Defense Act, 1903–39,[1] p. 15]

MILITARY FORCES NOT LIABLE TO SERVE BEYOND COMMONWEALTH

49. Members of the defense force who are members of the military forces shall not be required, unless they voluntarily agree to do so, to serve beyond the limits of the Commonwealth and those of any territory under the authority of the Commonwealth.

[As passed by the House of Commons June 20, 1940, 1st sess., 19th Parliament, 4 George VI, 1940. The House of Commons of Canada]

1. This act may be cited as the National Resources Mobilization Act, 1940.

2. Subject to the provisions of section 3 hereof, the Governor in Council may do and authorize such acts and things and make from time to time such orders and regulations requiring persons to place themselves, their services, and their property at the disposal of His Majesty in the right of Canada as may be deemed necessary or expedient for securing the public safety, the defense of Canada, the maintenance of public order, or the efficient prosecution of the war, or for maintaining supplies or services essential to the life of the community.

3. The powers conferred by the next preceding section may not be exercised for the purpose of requiring persons to serve in the military, naval, or air forces outside of Canada and the territorial waters thereof.

CONSCRIPTION LAWS OF NEW ZEALAND AND AUSTRALIA

NEW ZEALAND

The Minister of Defense, F. Jones, announced on September 8, 1939, that it had been decided to raise a special military force for service "within or beyond" New Zealand. Enlistment would be entirely voluntary and would be confined to men between the ages of 21 and 35, who could only join as rankers or noncommissioned officers. Preference would be given to single men not engaged in essential industries, in a special order, beginning with serving members of the territorial forces. The minimum period of training would be 3 months. After that period, if their services were not required immediately, all hands would be granted indefinite leave without pay. They would be allowed to return to their civil occupations, but would be liable to be called up at short notice.

On September 12, 1939, the first day of recruiting for the force, the Minister of Defense stated that the ready response of the young men had been most striking. There also had been a wonderful response to the appeal for recruits for the air force.

On September 22, 1939, in the House of Representatives, the Minister of Defense disclosed that the defense estimates provided for 6 months' training for the first echelon of 6,600 in the special military force, for 4 months' training for the second echelon of 5,000, and for 2 months' for the third echelon, also of 5,000.

On October 13, 1939, regulations were gazetted compelling employers to reinstate employees on the termination of their military service in the war, with payment of increased salaries which they would have received if they had not enlisted. Failure to comply with the regulations renders employers liable to prosecution, together with payment to employees not reinstated of renumeration up to 12 weeks' salaries.[2]

AUSTRALIA

1. National Security Act

This act, which makes provision for the safety and defense of the commonwealth and its territories during the present state of war, was assented to on September 9, 1939.

The main provision (sec. 5) of the act is that which confers on the Governor General power to make emergency regulations. In particular, regulations may be made with respect to the taking possession or control of property or the acquisition of property of alien enemies, the conditions of disposal of property and goods, the prohibition of acts of aliens, the disclosure of information, the prevention of money or goods leaving Australia, and the entry upon or search of premises.

The regulations may provide for empowering such persons as are prescribed to make orders, rules, or bylaws for any purposes for which the regulations may be made.

Nothing in this section shall authorize any form of compulsory naval, military, or air-force service.

The making of any provision for trial by courts martial of persons not subject to naval, military, or air-force law is also prohibited.[3]

2. Compulsory training

In the house of representatives on November 15, 1939, the Prime Minister, Mr. R. G. Menzies, announced that the war cabinet had decided to keep the militia forces at an adequately trained strength of 75,000 men, and for that purpose compulsory military training would be reintroduced in January next. While all parties, he thought, agreed that service abroad must maintain its voluntary character, there was a growing recognition of the fact that military training for the defense of Australia should be a normal part of their civic life, and if it was to be just and democratic, it should be made compulsory. There was no question of conscription for overseas service. They were definitely pledged against it. In order to maintain the militia forces at their appropriate strength, it was not necessary to go beyond calling up the trainees of one age class. The class selected consisted of those who attained the age of 21 years during the current year. As time went on, and each year another group of men entered this class, the obligation to train would attach to it, so that in the course of a few years the men of 21, 22, and 23 years, and so on, would have received a substantial measure of military training[4] (Andre Bernard, August 12, 1940).

Mr. TAFT. I think the facts stated by the Senator from Montana very clearly show that the countries named by him have not the exaggerated idea of the importance of manpower in war which seems to underlie the whole theory of this bill.

We should not exaggerate the character of the emergency. In working out an adequate defense, I am convinced it can be worked out under a democratic form of government. The reason why I am opposed to this bill is that I propose to try to keep our Government from becoming a totalitarian government, in spite of the conditions which exist, unless we get to a point, as we do in war, in which, in effect, it is necessary to set up a totalitarian government.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. TAFT. Certainly.

Mr. PEPPER. I have always been interested in the distinction between a government which confers executive power upon the executive, but continually holds the strings of that power in a legislative body, where it may be rescinded or altered at the will and pleasure of the legislative body, and a government such as I have construed the German Government to be, in which the legislative power has been completely abolished, in which it ceases to exist, in which the executive is the sole power, answerable to nobody. Does the Senator from Ohio see any distinction in those two situations?

Mr. TAFT. It seems to me perfectly clear that all of these executive powers began when the legislative body conferred on the Executive more and more power, until the Executive had complete discretionary power to take all property and to take all men, just exactly like that bill recently introduced in the Senate, giving the President complete power to confiscate everything. Once that power is conferred on the Executive, while the legislature theoretically has a right to recall it, the conditions which the legislature has created are such that the legislature is never able to recall the power. That has been the history of the establishment of each of these totalitarian states, and that has been the history of practically every tyranny in the history of the world.

Mr. PEPPER. I will ask the Senator whether or not the destruction of that power has not been preceded by the destruction of the things which we regard as constitutional guaranties in this country. For example, has there not been a secret police system which prevented free assemblage and any expression of sentiment on the part of the people, prevented the enjoyment of freedom of speech, prevented a free press, prevented free political parties and free discussion, and set up a military power which was responsible only to the Executive, which actually, by force and coercion, restrained the people from the exercise of democratic privileges? Have not those things always preceded the abdication of the legislative power?

Mr. TAFT. I do not claim to be completely conversant with history, but I am sure they were all incidents of the establishment of arbitrary executive power and not its cause, if the Senator wants an answer.

Mr. PEPPER. Just one other question. Does the Senator think that, so long as the privilege of a free Australian ballot, which may be cast by the citizen in secrecy, lives in this country; so long as there is not intimidation and coercion at the ballot box of the people of the country; so long as a

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[1] From Law Book Co. War Legislation Service; the Law Book Co. of Australia Pty., Ltd.

[2] Journal of the Parliaments of the Empire, October 1939, p. 946.

[3] Journal of the Parliaments of the Empire, October 1939, pp. 933–934.

[4] Journal of the Parliaments of the Empire, January 1940, p. 99; Commonwealth of Australia, Parliamentary Debates, 15th Parliament, 1st sess., 4th period, 1937–39, p. 1132.

free press and free speech and the right of free and open assemblage exist; so long as Congress is elected by the people, the Members of the House of Representatives and one-third of the Senate every 2 years; so long as the Congress retains its constitutional power, and can revoke, alter, or rescind any powers it confers upon anybody else, does the Senator think there is any likelihood of anything that can fairly be called dictatorship in the United States?

Mr. TAFT. Yes, I do. I think that if Congress confers all of its powers, or confers such wide executive powers on the President that he can do what he pleases; if it practically abandons the right of appropriation, which is the purpose of the spend-lend programs we have had presented to us; if we confer upon the President indefinite discretion—I say we no longer have a democracy, not an American democracy, no matter what other rights may be retained.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. TAFT. Certainly.

Mr. WHEELER. I call attention to the fact that in Germany the people are supposed to have the right to vote, and they do vote, but when I was in Germany 3 or 4 years ago I said to some laborers, "Do you not have the right to vote?" They said, "Yes." I said, "Can you not vote secretly?" They said, "Yes; but we are afraid to, because we will be sent off to concentration camps." That was the result of the fact that they had granted so much power to the dictator.

Even in Russia the Communists claim that they have a legislative body, and they call themselves a democracy; they claim that they have a democratic form of government. But in every one of these countries where there is a dictatorship it is not claimed that it is a dictatorship, the rulers claim they are acting because the people grant them the power.

Once power is granted to a dictator, under whatever name, I have never heard, and no one else has ever heard, of the power being given up by the executive branch of the government.

Mr. TAFT. That government might be denominated a democracy which every 4 years elected a man who had absolute power to run everything as he chose. That is literally a democracy, because it is the rule of the people. They have elected that man. He is their representative. The difficulty is that at the end of the 4 years they do not get the same chance to elect again, whatever power they have in theory. That power is abolished in fact. It is submerged in a condition of actual power conferred upon the executive.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. TAFT. Certainly.

Mr. PEPPER. Does not the Senator recall the period of the World War days, when Congress conferred upon the President of the United States very great powers during the period of the emergency, and then, when the emergency passed, the powers were revoked or rescinded or altered without this country ceasing to be a democracy?

Mr. TAFT. War is such an emergency that, as a practical matter, the President is nearly always made a dictator in wartimes. But if we begin to do that every time Congress thinks there is an emergency, which is the theory we have pursued for some years, it takes very little, after a while, to make an emergency. In other words, it is urged now that in time of peace we shall confer the power of conscripting men by force, of dragging them from their homes and putting them into the Army. That is a very different thing, to my mind, from doing the same thing in wartimes. In wartimes a democracy temporarily creates a dictatorship. But it is recognized that when the war is over the dictatorship will end, although there always may be danger that at the end of the war it may not end. It has ended with us after every war.

Mr. PEPPER. That is attributable to the fact that the Congress makes a finding that an emergency exists, is it not? Congress regards the condition as an emergency, and therefore confers emergency powers on the Executive and certain other people. If Congress determines the existence of the emergency, may it not likewise determine when the emergency ceases to exist? Is not the Senator therefore addressing himself, not to what might be done under the emergency, but is he not rather trying to persuade the Congress not to adopt an emergency measure at this time?

Mr. TAFT. I say that if Congress can declare an emergency like this in time of peace, now, it can declare it in time of peace after the war. There is no way to draw the line. No one can see the distinction. War is war, and when war is over there is peace, and everyone knows that is the time when the emergency power should end.

Mr. PEPPER. The thing which rather struck me as incongruous in the Senator's argument was that he is appealing to a body which has great power—that is, the Congress of the people of the United States. When an emergency faces that Congress, it has authority to do certain things to protect the country. Because in an emergency which the Congress may find to exist it may exercise extraordinary power or confer the right to exercise extraordinary power upon somebody else, the Senator uses that possibility as an argument that today that constitutes dictatorship. Yet he professes to be directing his argument to a democratic assembly, which may adopt or decline to adopt a measure that is proposed.

Mr. TAFT. In the first place, I have not said anything about a dictatorship. The argument I was advancing was that in time of peace we should carefully guard our system, and not adopt anything which would transgress our ideas of American democracy, unless it became absolutely necessary. I have not said that this would create a dictatorship necessarily. I say that any move in this direction tends to create a dictatorship, and we should avoid it, unless it is absolutely in our opinion essential to the welfare of the country. If I were convinced of the existence of the emergency, I might be willing to vote for a draft in peacetime. I have not said I would not.

Mr. PEPPER. It may not be wise, it may not be desirable, to pass the proposed legislation, but if it is passed by the Congress, which is elected by the people of the United States and is answerable only to the people of the United States, I cannot see anything that is contrary to the principles of democratic government about it. Any legislation we pass may be wise or it may be unwise, but if we pass it, acting with the right of discussion preserved, and in the exercise of our democratic prerogatives, I cannot see that anyone has the right to say that it is an undemocratic thing to do.

Mr. TAFT. I would say that if today we passed a law—and there is such a measure pending here—giving the President power to confiscate the property of any individual in the United States if he thought it necessary for the national defense, and draft anyone he chose, if we gave him complete power over the entire life of the United States, it might be our judgment that that was the thing to do; but it would not be democracy, in my opinion.

Mr. PEPPER. But it would be the exercise of the principles of democracy in a free government by the people's representatives.

Mr. TAFT. The law would be perfectly legal, I am not saying it would not be legal. I am merely saying that after we got through we would not have a democracy.

Mr. PEPPER. But if the Congress repealed the law when they changed their opinion about it, would we not still have a democracy?

Mr. OVERTON. Mr. President, will the Senator from Ohio yield?

The PRESIDING OFFICER (Mr. LEE in the chair). Does the Senator from Ohio yield to the Senator from Louisiana?

Mr. TAFT. Certainly.

Mr. OVERTON. Does the able Senator from Ohio take the position that the enactment of the pending bill would be a step toward dictatorship?

Mr. TAFT. It certainly would be. I do not say it is dictatorship. I am saying it is a step toward dictatorship.

Mr. OVERTON. When the Congress of the United States calls young men into service for the purpose of giving them military training for a period of 12 months, and these young men then go back to their regular occupations and pursuits and become citizens of the United States engaged in ordinary pursuits and vocations, there is not the slightest semblance of our undertaking to establish a dictatorship. We

are merely giving military training to a certain number of our citizens in order that we may be prepared in the event we should unfortunately be drawn into war. I think there is quite a distinction between having a Regular Establishment of an army of great proportions and calling our young men into training and then letting them return to their usual pursuits and vocations. We are not maintaining a huge Regular Establishment. The Regular Army is authorized at a strength of 375,000 men. We are merely training men to be used as a reserve body on which to draw in case of danger.

Mr. TAFT. Perhaps the Senator was not here earlier during my discussion, but I spent some time attempting to point out that this is not a training bill; that under a real compulsory training bill we would take the boys as they came out of high school, before they started on their life work, and train as many as we chose. Under this bill we would take men out of their life's work, 80 percent of them already engaged in the occupations in which they wish to succeed, and we would take a year out of their lives. That time cannot be put back. There are many businesses in which a man may get ahead by convincing his employer that he is a man to be trusted and relied on. He gets a position in which he can go on to success. He is taken out of that for a year. Who takes his place? Somebody else, of course. The employer has to have somebody to do the work. When the young man comes back he may find a job somewhere, but his life is interrupted, and his life may well be ruined. That is particularly true of a young lawyer, for example, who has practiced, let us say, only for 4 years, who has just started to build up a practice, and who is grabbed and taken away from his work for a year. When he comes back he may find that his practice is gone and that he must begin his life over again.

I pointed out also that General Marshall clearly stated that this is no training bill. What he wants is 900,000 men under arms next spring. I pointed out what the Assistant Secretary of War said. He wants 1,300,000 men under arms.

The bill provides for a draft to fill up the Army. It provides for training, yes; but training is incidental to the theory that we must use this draft to build up an army to the number of men that the Army thinks is necessary to meet whatever the emergency may be.

Mr. OVERTON. Mr. President, will the Senator again yield?

Mr. TAFT. I yield.

Mr. OVERTON. I think the Senator from Ohio is perfectly right in taking the position that the bill works a greater hardship than a bill, for instance, which would carry into execution a program of military service by which young men of a certain age, before they enter into business, are called into training for a period of a year. But the situation that confronts us now is one where there is a necessity to have a reserve force of trained men.

I am not one of those who expect that Hitler will be over here tomorrow, or next week, or possibly next year, or perhaps in the next 3 or 4 years, or at any particular time, but I do know that military strength is a relative term. A decade ago the military strength we had, in our Navy, in our Regular Establishment, and in our National Guard, may have been sufficient to cope with any situation that might arise, or that could reasonably be expected to arise. But today we observe certain governments creating tremendous war machines. We find that Germany has a tremendous war machine, equipped with not only trained men, but seasoned troops. We find the same situation in Italy. We find the same situation in Japan. In order that we may maintain our relative military strength as a great world power, it is necessary for us to do a certain amount of training, and to have a Reserve Corps upon which we can draw in the event that it becomes necessary for us to go to war.

Mr. TAFT. Mr. President, I do not object at all to training. I intend to consider later at some length the number of men we should have, and to show, I think very clearly, that we can get them by a voluntary system. I have introduced a bill authorizing the President to set up military training camps on a voluntary basis, and I am convinced, so far as the emergency before us today is concerned, that it can be handled on a voluntary basis, but I would rather give the details and reasons for that argument later in my remarks, so they may come in order.

Mr. OVERTON. Mr. President, will the Senator yield again?

Mr. TAFT. Surely.

Mr. OVERTON. My objection to the voluntary system is that it imposes a penalty on patriotism and affords a premium to slackerism.

Mr. TAFT. I think I shall answer that later on.

Mr. OVERTON. I thank the Senator from Ohio.

Mr. TAFT. Mr. President, I was pointing out when I was interrupted that in my opinion in an emergency of this kind it is peculiarly essential that we retain our respect for the principles of constitutional government, and that we go no further in modifying them than is absolutely essential.

We should not exaggerate the character of the emergency. In working out an adequate defense, I am convinced it can be worked out under a democratic form of government, if we try, if we pay some attention to that principle. I am convinced it can be worked out under an economic system in which initiative and free enterprise still provide the energy and force which has made this country the powerful Nation which we are, if we try, and pay some attention to keeping that system in force.

I am convinced that it can be worked out, retaining the principles of individual liberty for which it was founded, if we try. In short, I am convinced that to meet the threat of a totalitarian nation we need not make ourselves totalitarian. I shudder when I hear the words "total defense." I do not know what "total defense" means, unless it means the subjugation of every other principle of our life to the one subject—military defense.

If the words mean anything, they mean that the energies of every individual shall be devoted to defense and that we shall wipe out from our minds every other goal. That is not true today; I hope it may never be true. At a time like this it is peculiarly necessary that with every measure we take we see that the principles of American freedom are guarded well. Never has the American way of life been in such danger—danger as much from within as from without.

It is said that there is no difference in principle between those who say, "We are willing to have a draft if necessary" and those who say, "We want to have a draft anyway." I think that is a difference of principle. I think the whole question here is whether there is the necessity for changing one of the basic principles of American democracy by imposing a selective draft in time of peace, and that, in my opinion, is a basic question of principle.

6. A PEACETIME DRAFT IS CONTRARY TO LIBERTY AND AMERICAN PRECEDENT

We should avoid a draft if it can possibly be done. The distinguished chairman of the Military Affairs Committee spoke of its tragic necessity. In war it may be necessary, but I agree with him that it is tragic to permit the Government to take a man already well established in his life work, and compel him to give up that work in time of peace and enter the Army. That is certainly not liberty or freedom, whether it is democracy or not. The basis of our Government has been the right of individuals to choose their own way of life, to find the niche they fit, to rise to positions of interest and power no matter how humble their beginnings may be. Probably no quality is so essential to success as persistence and thoroughness. To take a man when he has gotten well started, and compel him to be absent for a year, undoes the progress he has made in his chosen occupation, and is more than likely to affect his whole life unfavorably.

It is said that a compulsory draft is a democratic system. I deny that it has anything to do with democracy. It is neither democratic nor undemocratic. It is far more typical

of totalitarian nations than of democratic nations. The theory behind it leads directly to totalitarianism. It is absolutely opposed to the principles of individual liberty which have always been considered a part of American democracy. To choose 1 man in 10 by lot, and require him to leave his home against his will, is more like roulette than it is like democracy. Many people came to this country for the single purpose of avoiding the requirements of military service in Europe. This country has always been opposed to a large standing army, and it has been opposed to the use of the draft except in time of war when it may be absolutely necessary. I shrink from the very setting up of thousands of draft boards, with clerks and employees, and endless paper work and red tape; from the registration of 12,000,000 men and the prying into every feature of their lives, their physical condition, their religious convictions, their financial status, and even their hobbies.

Mr. President, I hold in my hand the selective-service questionnaire for registrants under this bill, or at least its salient sections, apparently prepared by the Army, and published in the New York Herald Tribune of Friday, July 26, 1940. It covers an entire page of the New York Herald Tribune. It asks a man every question that anyone can think of that might possibly be of some interest to some friend of that particular man.

I ask unanimous consent that it be printed in the RECORD at this point as part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

[From the New York Herald Tribune of July 26, 1940]

SALIENT SECTIONS OF SELECTIVE SERVICE QUESTIONNAIRE FOR ALL AMERICAN MEN, 18 TO 64, UNDER PENDING BILL

Order No.---------- QUESTIONNAIRE

(Stamp of Local Board)

Name of Registrant: ----------
(First name) (Middle name) (Last name)

Address----------
(Number) (Street or R. D. number)

(City, town, or county) (State)

Serial No. ----------

Telephone No. (To be filled in by registrant) ----------

NOTICE TO REGISTRANT.—You are required by law to return this Questionnaire, filled out in accordance with instructions, within 5 days from the date of mailing of this notice. Failure to do so is an act punishable by fine and imprisonment and may result in immediate induction into the military service.

---------- ----------
(Date of mailing) *Member of Local Board.*

READ INSTRUCTIONS BEFORE FILLING OUT THIS QUESTIONNAIRE

1. These questions are intended to furnish the Local Board with information to enable it to classify you. Class I includes registrants immediately available for induction into the public armed forces. Class II, those whose induction is deferred because of the importance to the Nation of the service they are rendering in their civil positions. Class III, those whose induction is deferred because they have relatives mainly dependent upon them for support. Class IV, others whose induction is deferred by law or is undesirable.
2. Oaths required in the Questionnaire may be administered by (1) a member or chief clerk of a Local Board or Board of Appeal, member or associate member of an Advisory Board for Registrants, or a Government Appeal Agent; (2) any Postmaster, Notary Public, or any Federal, State, county, or municipal officer authorized by law to administer oaths generally or for military purposes. (NOTE.—No fee shall be charged for this service.)
3. If you cannot read or write, or do not understand the Questionnaire, communicate with your Local Board. Advisory Boards are organized to assist registrants in completing their Questionnaires. No charge will be made for this service. If there is no Advisory Board available, you must nevertheless complete your Questionnaire.
4. If you desire to furnish additional information or affidavits with your Questionnaire, attach the same securely to it.
5. If you are already in the military or naval service obtain a certificate to that effect from your commanding officer and return your Questionnaire in blank with this certificate attached.
6. You will receive notice from your Local Board of your preliminary classification.
7. Report to your Local Board at once any change of address or any fact which may change your classification.
8. When a notice is posted in the office of your Local Board affecting you, you are bound to perform the duty required even if no notice reaches you by mail. The Nation is at war and every registrant is thus put on notice to know his position and duty.
9. Make no alterations in printed matter in this Questionnaire, except as indicated.

Series I—PHYSICAL CONDITION.* (Confidential)

INSTRUCTIONS.—Every registrant must answer each question in this series.

1. Have you any physical defect?---------- If so, state it----------
2. Are you a patient of an asylum, hospital, or other institution (yes or no)?---------- If so, state ailment, or reason----------
----------, and the name and location of the institution----------
----

NOTE.—If the registrant is a patient of an institution and is unable to answer the above questions, the executive head of the institution will communicate these facts immediately to the Local Board.

Series II—DEPENDENCY.* (Confidential except as to names and addresses of claimed dependents)

INSTRUCTIONS.—Every registrant must answer question 1 (a) of this series, and if his answer is "yes," he must answer the remaining questions in the series and secure the supporting affidavits required by the form on page 2.

1. (a) Have you dependent upon your physical or mental labor for support a wife, child (embraces only boys under 16 years of age and girls under 18 years of age and includes unborn child, stepchild, and child legally adopted, prior to declaration of war, and child with respect to whom, prior to declaration of war, the registrant has in good faith assumed and fulfilled the obligation of parent, and an invalid child of any age), mother, foster mother, aged or invalid father or foster father, aged or invalid grandparents, brother under 16 years of age, sister under 18 years of age, invalid brother or sister regardless of age?---------- (b) If so, state which----------
2. Are you single, married, widowed, or divorced? (State which)----------
3. If married, state the place----------; the date----------
4. Concerning each person *now* dependent upon you for support, state:

Name	Age	Relationship to you	Address	When support began	During last 12 months			Do you and dependent live together?
					Amount contributed by you	Earned by dependent	Period dependent was employed	

5. If any of the amount contributed during the last 12 months to any dependent, other than your wife and children, was actually in payment of board and lodging for yourself and/or others, state: Amount $---------- To whom----------
For whom----------

Confidential, except for use by Government officials. (See sec. 59, S. S. R.)

6. In what calling, if any, is your wife trained or skilled?
7. Has your wife ever been employed? If so, in what calling and when?
8. State the condition of your wife's health
9. Does your wife live with her parents, or your parents, or any one of them? If so, state which
10. If any claimed dependent (other than wife or child) has a brother, sister, father, mother, husband, wife, or child, state as to each such relative the following:

Name	Age	Relationship to such dependent	Address	Occupation	To which dependent related	Amount contributed by such person to your claimed dependent

11. Has any one, other than the persons named in Question 10, contributed to or provided for the support of said dependent or dependents during the last 12 months? If so, give names of such dependents, contributors, and amounts
12. State your total income from all sources during the last 12 months, in cash, $, and in other things of value, $
13. How much of the preceding amount, or amounts, was obtained by your own labor, mental or physical?
14. Have you filed any income tax report within the last year? Where?
15. Give the following information concerning all property owned by you:

	Present value	Incumbrances	During past tax year		During past 12 months	
			Taxes	To whom taxes paid	Gross income	Net income
Real estate						
All other property						

16. State net income, during the last 12 months, from any property held in trust for you
17. Do you or any of your family or dependents *own* the house in which you live? If so, state owner
18. State the name of each of your dependents who *owns* the house in which he (or she) lives
19. Do you rent the house in which you live? If so, state the monthly rent, and the name and address of your landlord
20. State the value of all property owned by, or held in trust for, each of your claimed dependents, incumbrances thereon, if any, and his or her gross and net incomes therefrom during the last 12 months:

Name of dependent	Value of property	Incumbrances, if any	Gross income	Net income

21. State any other facts which you consider necessary to fairly present your status concerning dependents

SUPPORTING AFFIDAVITS OF DEPENDENTS OVER 16 YEARS OF AGE

STATE OF , COUNTY OF , ss:

We, the undersigned, do solemnly swear (or affirm) each for himself and herself individually, that we have read or had read to us the foregoing questions and answers under the heading "DEPENDENCY" of , registrant; that we understand the same; that we are named as dependents; that the statements contained therein as to the name, age, residence, relationship, and dependency of each of us toward said registrant, and the statements of his contributions and the contributions by other persons to the support of each of us, and the statements of the financial and material condition of each of us, and of the income of each of us from all sources, are true.

(Signature of affiant) (Signature of affiant)

(Signature of affiant) (Signature of affiant)

Subscribed and sworn to before me this day of , 19

(Signature of officer) (Designation of officer)

Series III—INFORMATION FOR MILITARY (INCLUDING NAVAL) AUTHORITIES

INSTRUCTIONS.—Every registrant must answer all of the questions in this series.

1. State your name (First name) (Middle name) (Last name)
2. Give any other names by which you are or have been known
3. Give home address (Number and street, or R. D. number) (City, town, or county) (State)
4. State date and place of birth
5. To what country do you owe allegiance? Are you an applicant for citizenship in the United States?
6. Are you white, Negro, Indian, oriental, or Filipino? (State which)
7. Are you single , or married ? Number of children, if any
8. State name, address, and relationship of nearest relative (next of kin)
9. State name, address, and relationship of person to be notified in case of emergency

(First name) (Middle name) (Last name) (Number and street, or R. D. number)

(Town or city) (State) (Relationship)

10. What is your usual occupation? Number of years so engaged
Usual weekly wage or income Specify work performed
11. Are there any other things (including hobbies) that you do well? If so, name the two you do best, giving experience in each
12. State previous military experience, giving school, or college, or organization, extent of training and rank or rating held in each
13. Schooling: Grade reached in school ; years in college ; years in technical school
Name of college and/or technical school
Subjects of specialization or courses pursued
14. Underline languages you speak: English, French, German, Spanish. State any other

INSTRUCTIONS.—The Local Board that prepares the mobilization papers will fill in the following:

(Stamp of Local Board of origin)

The registrant named herein has Order No. _____, and Serial No. _____

Date and hour of induction from column 24 or column 27 of the Classification Record) _____

(In case of alleged desertion) he reported _____ (Month) _____ (Day), 19____, was apprehended _____ (Month) _____ (Day), 19____.

If not entrained by the Local Board of origin, place of entrainment _____

Opinion of Local Board as to occupation for which registrant is best fitted _____

Is the registrant known personally to any member of Local Board? _____

Comments of Local Board on answers of registrant in Series IV (next page) _____

This page has been extracted from the sworn Questionnaire of the registrant named herein.

_____
Member of Local Board.

Series IV—RELIGIOUS CONVICTION AGAINST WAR

INSTRUCTIONS.—A registrant claiming exemption from combat service on account of religious convictions must answer all of the questions in this series and file with his Local Board a certificate of membership in the sect or organization upon which exemption is claimed, signed by the elder or pastor or person holding like position.

1. Of what well-recognized religious sect or organization, opposed to war, are you a member? _____
2. State location of its governing body or head _____
3. When did it adopt opposition to war as a part of its creed? _____
4. Give name and address of your particular church or organization _____
5. When, where, and how did you become a member of such sect or organization? _____

Series V—LEGISLATIVE, EXECUTIVE, AND JUDICIAL OFFICIALS (Not employees)

INSTRUCTIONS.—Every registrant who is a Federal, State, Territorial, County or Municipal Officer must answer the questions in this series.

1. State exact designation of your office _____
2. Were you elected by popular vote? _____ or appointed? _____
3. How much of your time is actually devoted to your position? _____
4. State date your term of office will expire _____

Series VI—FEDERAL, STATE, TERRITORIAL, COUNTY, AND MUNICIPAL EMPLOYEES (Not officials)

INSTRUCTIONS.—If the registrant intends to claim deferred classification under this heading, he must answer the questions in this series and must file with the Local Board an affidavit from the official having direct supervision and control of the branch of public service in which the registrant is engaged. This affidavit must contain information as to the exact nature of the registrant's duties, the degree of his training, the length of time that he has been continuously employed in his present position, and whether or not he can be replaced without substantial and material detriment to public interest. The affidavit must be indorsed "Approved" or "Disapproved" by the head of the Department, or Independent Bureau, Office, Board, or Commission, or his authorized representative. No deferment shall be allowed to a registrant whose appointment has been made after war is declared and who otherwise would have been placed in Class I.

1. If a Federal, State, Territorial, County, Municipal employee, state which _____
2. State the exact designation of your office _____
3. State the nature of your work _____
4. How long have you been continuously employed in your present position? _____
5. State the character and duration of your education, training, and experience for your position _____
6. How much of your time is actually devoted to your position? _____

Series VII—MARINE PILOTS

(Here follow three questions relating to marine pilots)

Series VIII—MINISTER OF RELIGION

INSTRUCTIONS.—If a registrant intends to claim deferred classification as a minister of religion he must answer all of this series of questions.

1. State when _____, where _____ and the manner in which you became a minister of religion _____
2. Are you now authorized to preach or promulgate the doctrines of your religion? _____ If so, state name and address of church or organization to which attached and position held by you _____
3. What part of your time do you give to your religious labors? _____
4. Have you any other occupation; if so, what? _____

Series IX—AGRICULTURAL OCCUPATION

INSTRUCTIONS.—Every registrant engaged in agriculture must answer the questions in this series that apply to him. If he intends to claim deferred classification on account of agricultural occupation, he must secure the supporting affidavits required by the forms on pages 6 and 7 in conformity with the following instructions:

a. If the registrant is an employee, affidavit No. 1 must be made by his employer and affidavit No. 2 by a near neighbor.
b. If the registrant is the sole owner of the land, both supporting affidavits shall be made by near neighbors.
c. If the registrant is the owner of the land with another, affidavit No. 1 shall be made by the co-owner and affidavit No. 2 shall be made by a near neighbor.
d. If the registrant is a tenant of the land or a tenant with another, affidavit No. 1 must be made by the owner of the land or the latter's agent, and affidavit No. 2 by a near neighbor.

Here follow fifteen detailed questions relating to the registrant's relation to agriculture as "laborer, overseer, hired manager, sharecropper, renter, owner, etc.," and the quantity of crops and livestock produced and maintained. Question No. 14 is, "Why cannot any one or more of your relatives, or some other person, continue your farm operations during your absence?"

Series X—OTHER OCCUPATION

INSTRUCTIONS.—Every registrant engaged in an occupation other than those enumerated in series V to IX must answer all of the questions of this series that apply to him. If he intends to claim deferred classification on account of occupation, he must secure the supporting affidavits required by the forms on pages 6 and 7, in conformity with the following instructions:

a. If the registrant is an employee, affidavit No. 1 must be made by his immediate superior and affidavit No. 2 by the executive head of the enterprise. If the business extends into more than one State, affidavit No. 2 may be made by the head of the division or plant in which the registrant is actually employed. If the registrant's superior is also executive head of the enterprise, affidavit No. 1 shall be made by such executive, and affidavit No. 2 by a substantial citizen.
b. If the registrant is part owner of the enterprise as a stockholder or partner, affidavit No. 1 must be made by a stockholder or copartner, and affidavit No. 2 by a substantial citizen. If he is the sole owner, both affidavits must be made by substantial citizens.

1. What is your occupation? _____
2. State the name and address of the enterprise with which you are connected _____
3. What is produced or what service is performed by the enterprise? _____
4. State your connection with the enterprise _____
5. What work do you do? _____
6. Are you an apprentice? _____, or a journeyman? _____
7. What part of your working time do you give to this enterprise? _____
8. If engaged in other work or business, state what it is _____
9. State your education, training, and experience for the work you are now doing _____
10. How long have you been connected with the enterprise you have described? _____
11. How many persons are doing the same kind of work that you are, in the plant where you work? _____

12. If you are a partner, state the name, age, residence, relationship to you, and occupation of each of your partners.....

13. Have you a relative or some other person who could take charge of your occupational interests if you are called into service? If not, state reasons.....

14. State any other facts which you consider necessary to present fairly the occupation you have described or your connection with it as a ground for deferred classification.....

Here follow forms for two supporting affidavits, to be sworn to by relatives or business associates in support of the registrant's claims under series IX or X.

Series XI requires the registrant in five questions to tell what country he is a citizen of, whether he intends to become an American citizen, whether his parents are citizens and whether he is a registered voter. Every registrant must answer Question No. 1, which is, "To what country do you owe allegiance?"

Series XII requires the court record, if any, of the individual—whether ever convicted of a crime, whether in jail or at large on bail, probation, or parole. It is confidential.

Series XIII asks only whether the individual requires deferred classification, and, if so, on what grounds and for what length of time.

Next follows a form of sworn "Registrant's Affidavit," to the effect that the answers to all the foregoing questions are true. If the registrant has received assistance from an adviser, the adviser will sign an acknowledgement.

At the end of the questionnaire are spaces for "Minute of Action on Request for Extension of Time for Filing Claim or Proof," "Minute of Action by Local Board" on classifying the registrant, "Appeal to Board of Appeal" if the registrant disputes his classification, "Minute of Action by Board of Appeal" in classifying the registrant on appeal and a space for appeal to the President of the United States over a ruling by a board of appeal.

Mr. TAFT. The draft is said to be democratic because it hits the rich as well as the poor. Since the rich are about 2 percent of the total, it is still true that 98 percent of those drafted are going to be the boys without means. In fact, it is probable that under the volunteer system you would get a greater percentage of wealthy boys than under the draft. These boys all go to college, and the percentage of enlistment from the colleges has always been higher, because the need for the defense of this country against countries thousands of miles distant is brought home to those in the colleges more forcibly than it is to the boy who is employed locally, and to whom international affairs are a great many thousand miles away.

The principle of a compulsory draft is basically wrong. If we must use compulsion to get an army, why not use compulsion to get men for other essential tasks? We must have men to manufacture munitions, implements of war, war vessels, and other equipment. Why not draft labor for these occupations at wages lower than the standard? There are many other industries absolutely essential to defense, like the utility industries, the railroads, the coal-mining industry. Why not draft men for those industries also at $21 a month? Protection is absolutely essential against domestic violence. If we draft soldiers, why not draft policemen and firemen for city and State service? The maintenance of an army on inadequate pay is merely a matter of precedent with no justification under our form of government. To a certain extent the draft act recognizes that the Government may compel men to remain in war industries, for they are exempted for that purpose, but told that if they leave that industry they must at once become subject to draft. The logical conclusion of this peacetime conscription bill is that we should draft all labor and assign all men to the jobs we think they ought to have.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. WHEELER. My attention has been called to a speech which was made last night over the radio by Fulton Lewis, in which he quoted the Senator from Florida [Mr. PEPPER]. I have sent word to the Senator from Florida, who is not now in the Chamber, suggesting that I think it would be proper for him to be present at this time. I read from the radio address:

He said Congress should outline certain general, broad objectives. It should tell the President, he said, "We want an army that's capable of defending the United States," and from there on, it should be up to the President to decide how large that army should be—how the men should be selected. His job would be to just get it.

Senator PEPPER said the President should have, in his opinion, authority to take over all private industry and all private enterprise and all private endeavor—or any part of it—any of it that has any connection with national defense. I asked whether, as a matter of practical fact, that wouldn't include almost everything in the country—almost all business and industry—and Senator PEPPER conceded quite frankly, "Yes, it would."

Senator PEPPER said he sees no reason why—if Mr. Wm. S. Knudsen and Mr. Ed Stettinius are willing to come to Washington, to direct the national-defense commission and give their services at a dollar a year—why some other industrial leader should be drawing $2,000,000 a year in salary or profits.

And he said, with particular emphasis, that he sees no reason why Mr. Henry Ford should be allowed to produce what Mr. Henry Ford "wants to produce."

I asked him about conscription of labor—whether the President should have the power to draft whatever men he wants, not only for the military service of the Army, but also for work—and Senator Pepper said he believes the President should have that power. He said there is no reason why soldiers should draw $21 a month, while the worker in some factory is drawing $20 a day.

I asked whether that means that the President would have the power to tell all of the workers—all of the employees in factories and plants all over the country—that they shall go to work in this place, at such and such a wage, or over here at some other wage, regardless of what they were getting as private employees, and he said, "Yes; he believes the President should have the power to do that."

Now, that seemed to clear up all possible questions of policy and point of view—at least, all I could think of—but in view of the broader angles of the whole picture—the fact that Senator PEPPER, after all, is a recognized member of the very inner circle of the New Deal—it seemed to be important to find out for you whether these were the views of that very inner circle, officially, or Senator PEPPER's own individual views * * * so I asked the Senator whether these are ideas in which he stands alone. I reminded him of the fact that he is what he is, in the New Deal family, and asked whether there are other New Deal Senators and other leaders in the administrative branch of the Government who share those views with him. And Senator PEPPER said, with a moment of hesitation, that a great many of those gentlemen subscribe to these same theories; in fact, he made a flat prediction, he said, "The whole thing is going to come."

Mr. PEPPER entered the Chamber.

Mr. WHEELER. Mr. President, I was calling attention to the statement which was made over the radio by Fulton Lewis, concerning an interview with the Senator from Florida. I have just read that portion on pages 4 and 5, in which it is said:

Senator PEPPER said the President should have, in his opinion, authority to take over all private industry and all private enterprise and all private endeavor—or any part of it—any of it that has any connection with national defense. I asked whether, as a matter of practical fact, that wouldn't include almost everything in the country—almost all business and industry—and Senator PEPPER conceded quite frankly, "Yes; it would."

Senator PEPPER said he sees no reason why, if Mr. Wm. S. Knudsen and Mr. Ed Stettinius are willing to come to Washington to direct the National Defense Commission and give their services at a dollar a year, why some other industrial leader should be drawing $2,000,000 a year in salary or profits.

And he said, with particular emphasis, that he sees no reason why Mr. Henry Ford should be allowed to produce what Mr. Henry Ford "wants to produce."

I asked him about conscription of labor, whether the President should have the power to draft whatever men he wants, not only for the military service of the Army, but also for work, and Senator PEPPER said he believes the President should have that power. He said there is no reason why soldiers should draw $21 a month while the worker in some factory is drawing $20 a day.

I asked whether that means that the President would have the power to tell all of the workers—all of the employees in factories and plants all over the country—that they shall go to work in this place at such and such a wage, or over here at some other wage, regardless of what they were getting as private employees; and he said, "Yes; he believes the President should have the power to do that."

Now, that seemed to clear up all possible questions of policy and point of view—at least all I could think of—but in view of the broader angles of the whole picture—the fact that Senator PEPPER, after all, is a recognized member of the very inner circle of the New Deal—it seemed to be important to find out for you whether these were the views of that very inner circle, officially, or Senator PEPPER's own individual views; so I asked the Senator whether these are ideas in which he stands alone. I reminded him of the fact that he is what he is, in the New Deal family, and asked whether there are other New Deal Senators and other leaders in the administrative branch of the Government who share those

views with him. And Senator PEPPER said, with a moment of hesitation, that a great many of those gentlemen subscribe to these same theories; in fact, he made a flat prediction—he said, "the whole thing is going to come."

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. TAFT. I yield to the Senator from Florida.

Mr. PEPPER. I was downstairs and about to have my lunch when word came to me that the able Senator from Montana was making some remarks about the broadcast which was made last night by Fulton Lewis.

Mr. WHEELER. I sent word to the Senator.

Mr. PEPPER. I appreciate that. The first knowledge I had that the broadcast had been delivered was when it was called to my attention by a friend this morning as having been reported in the Times-Herald. I obtained a copy of the Times-Herald and read some of the story; but before taking any further action with reference to it I thought it better to send for the script which was used by the radio broadcaster, who happens to be a very fine gentleman and one of my good friends. Just a few moments ago, before going downstairs, I received a copy of the script from Mr. Lewis, who was kind enough to send it to me.

At a little later time—and certainly not within the time of the able Senator from Ohio—I shall discuss the matter. I do not think it would be fair to the Senator from Ohio to do so in his time. In fact, I am not at all sure that it is proper for either the able Senator from Montana or myself to interrupt the speech of the Senator from Ohio to read from a radio broadcast made last night by Fulton Lewis. I do not know why the able Senator from Montana chose to interrupt the address of the Senator from Ohio and read the radio broadcast at this time. At least that is a little broader than the usual interruption.

Mr. TAFT. Mr. President, I might explain that I was making the point that the logical conclusion of peacetime conscription was the conscription of everything—property, men, industries, and all labor.

Mr. PEPPER. A little later during the day I shall discuss the matter. I did not contemplate doing so, because I have not made it a practice in my life to go around denying what other people say about me. If I were in the habit of doing so, I dare say that I should spend most of my time at it, and perhaps most of the rest of us in public life would devote a considerable part of our time to that object if we should deny everything anybody says about us, or everything which appears in the newspaper about what we think or believe. Inasmuch as the matter has been brought up, a little later in the day I shall ask the privilege of making some comments on the broadcast and stating what part of it is true and what part of it is not true or accurate.

I digress only to ask the able Senator from Montana whether or not it is true that he and I and the Senator from Massachusetts [Mr. WALSH] ever had any such discussion as is referred to in the broadcast?

Mr. WHEELER. I do not remember it. The only thing I remember is that in Chicago we were discussing some matter, and I said to the Senator from Florida, "What you are seeking to do is to set up a dictatorship." The Senator's reply was "Only temporarily."

Mr. PEPPER. My statement is that no such conversation occurred.

Mr. WHEELER. I do not wish to argue with the Senator. I know that it took place.

Mr. TAFT. Mr. President, I think perhaps the argument might be resumed later.

The point I was making is that the logical conclusion of peacetime conscription is that we should draft all labor and assign all men to the jobs we think they ought to have. Apparently that is the logical conclusion reached by the Senator from Florida. Certainly it is the conclusion reached by one of the strong advocates of conscription, Mr. Walter Lippmann. He says this of the Burke-Wadsworth bill:

> The foundation of the system is the registration of all adult males and their classification according to their training. All registered males are then legally liable to national service, they may be selected to work or to fight, depending upon their abilities and the national need. Under such a system it is not only possible to recruit in an orderly way the relatively small number who can usefully be trained and equipped, it is possible to call all the others as they are needed to jobs when they are needed, or to be trained for technical tasks which will be multiplied greatly if we really mean to build the new Navy, the new air force, and the new Army. If, therefore, the conscription bill is to serve its real purpose, it must not be regarded as a mere device for putting 1 man out of 25 into uniform. It must be regarded as a method of mobilizing the men of the country for the much larger and more complicated task of industrial preparedness.

That is Mr. Lippmann's analysis of the original Burke-Wadsworth bill. The substance and purposes of the two bills are not different, for the naval or military service of the United States in time of war may easily be extended to any important industry.

In short, the logic behind the bill requires a complete regimentation of most labor, and the assignment of jobs to every man able to work. This is actually done today in the Communist and Fascist states, which we are now apparently seeking to emulate.

Many organizations ordinarily conservative have gone on record in favor of the conscription of property in time of war if men are conscripted. They were joined last week by Mrs. Franklin D. Roosevelt. I do not agree that the arguments for one are the same as the arguments for the other, but if men are to be conscripted in peacetime, there certainly seems no reason why the Government should not arbitrarily direct the method in which all property shall be used in formulating a general-defense program. If men are selected by lot to serve at $21 a month, it may be argued that manufacturers should be selected by lot, and those selected be required to produce munitions at a loss, at least to the extent that such loss only impairs their surplus and does not result in bankruptcy. Certainly taxes should be immediately raised so that property will at least contribute the entire cost of the present program instead of having the Government borrow the money from the banks and pay it off later out of taxes on property and consumers alike.

The argument in favor of conscription proves too much. If the emergency is as great as alleged, then we should adopt a completely socialized state and place ourselves and our property at the disposal of the Government. This is fascism. It could only be justified if it were the only possible alternative to the subjugation of the United States by fascism from without.

7. NATURE OF THE PERMANENT EMERGENCY

Mr. President, I do not question the fact that we face an emergency situation. I have voted for the various appropriations increasing the size of the Navy and of the Army. But surely it is the duty of Congress to consider as respects each measure brought before it the character and extent of the emergency. We must fully consider whether it requires the tremendous expense involved in each bill. Because we favor a two-ocean navy, we may not necessarily find justification for an army of 1,300,000 men or the conscription of men in time of peace.

In my opinion, the emergency we face today is not so immediate as others believe, but it is serious; and whether England is defeated or not it will be substantially the same for the next 10 years. I will discuss later the problem of the immediate emergency which is said to justify this bill, but at the present time I want to analyze the character of the new world condition to which we must adjust ourselves. For purposes of convenience, we may call it the permanent emergency. I believe that the same condition will exist even if the German attack on England fails. England can hardly hope to overwhelm Germany for years to come. There will always be the possibility of the destruction of the British fleet as there is today and of the breaking up of the British Empire. We must provide for that possibility.

The development of the totalitarian nations, their effective war machines, and their complete lack of regard for international morals have created this new condition. We cannot rely on the sanctity of any treaty or any promise which may be made by the German Government and perhaps by other governments. Force has superseded international law. There

is at least a temporary alinement of Germany, Italy, and Japan. I do not think that any of these nations will attack the United States, and I believe that even if they do our present forces can defend us against an attack across 3,000 miles of water. It is frequently said that we have relied on the British fleet to defend us. But it is not true. We have assumed that the British would not attack us or join in any attack. We have always provided a fleet sufficient to defend us against all other nations without British assistance. It is three times as large today as the German Navy, and the Italian Navy is built specially for use in the Mediterranean and in large part said not to be suited to use on the Atlantic Ocean. To attack successfully across an ocean it is said that the attacking force should be at least twice the size of the defenders. But we cannot take a chance as England and France took chances.

8. HOW LARGE AN ARMY DO WE NEED TO MEET NEW WORLD CONDITIONS?

In my opinion, we must have an armed force sufficiently large to repel any attack which might be made. If the possible attackers in the future build up the instruments of war which might be used against us, we must build faster.

I have tried to study the opinions of experts, and I am inclined to agree that we should have a navy in the Atlantic sufficient to repel any European attack, while we have a navy in the Pacific sufficient to repel any attack from Japan. I believe our present Navy can be moved back and forth with sufficient mobility so that no successful attack can be made on either ocean, but I see no reason to take a chance. If we are going to enforce the Monroe Doctrine, so far as it concerns Brazil and Argentina, we will certainly have to have a navy of the size now to be authorized. My chief doubt arises from the fact that the value of battleships is still in some doubt, and our fleet may be obsolete before it is completed. But we can start to build and stop if new developments require a change of plan.

Obviously, today the greatest defensive weapon outside the Navy, and perhaps as important as the Navy, is the air force. I have voted for every airplane appropriation proposed. We wish to defend ourselves not only against a possible landing force but also against any possible raid on our cities. And I may again say that, so far as getting men for the air force is concerned, there does not seem to be the slightest difficulty in getting more to volunteer than can be used.

When it comes to a tremendous standing Army, however, I have the most serious doubts. Apparently I am not alone, for the estimates of the administration itself have been constantly conflicting and constantly changing. I have referred to the estimate of the distinguished chairman of the Military Affairs Committee of from 600,000 to 700,000 men under arms as being necessary. I have referred to General Marshall's apparent desire for 900,000 men, and to Judge Patterson's demand for a million three hundred thousand men.

Judge Patterson's speech is of interest; it has been put into the RECORD. It was made a week ago Sunday. He is Assistant Secretary of War, and he said in so many words in his broadcast:

> Today America needs an Army of about 1,300,000 men. That sounds like a great many soldiers, but it is only 1 for every 100 of population.

Then he goes on to explain what he wants. He wants a ground army of 850,000, 150,000 for the air force, another 150,000 for garrisons, and other men for general headquarters and incidental service. So we have an official estimate, apparently, of 1,300,000.

The President, in January, requested funds for an army of only 227,000 men, and in January there was the possibility, as there is today, that Germany would win the war, a possibility for which we should necessarily have provided. The President must have had that in mind when he recommended an army of 227,000 men. He said in his opening address to the Congress in January this year that he was not seeking increases "as great as enthusiastic alarmists seek." So he also has recognized what I say, that there are enthusiastic alarmists in the United States who ask for more troops than are really necessary.

In his message of May 18, and the estimates accompanying it, the President asked for an army of only 255,000 men. On May 18 the Germans had already conquered Holland and Belgium, and were breaking through the Maginot Line. So the condition then was not very different from that which exists today, and the President, in his message on defense, recommended an army of only 250,000 men. Congress "went him one better," and the military appropriation bill of this year authorized an army of 280,000 men. The message of May 31, which was the second one, requesting another $1,200,000,000, did not request any additional Army personnel. Congress had provided 280,000. That was after the Germans had broken through in France and when France was on the point of defeat. Nevertheless, Congress, without budget authority, increased the Army, at General Marshall's request, to 375,000 men, and provided funds for that purpose.

General Marshall, himself, testified before the House committee on June 4—and that was after the battle of Flanders was over, and the Germans were pushing south in France—that that increase would "enable us to avoid, we hope, the necessity of mobilizing the National Guard." On June 9, before the Senate committee, he testified that a limit of 400,000 on the Regular Army would give "a reasonable liberty of action up to January."

Since those estimates have been made the Senate has authorized calling out the National Guard and Reserves, adding 260,000 effectives to the Army of the United States; and now, on August 3, the Assistant Secretary of War "raises the ante" to 1,300,000 men. This constant increase in the estimates without any substantial change in conditions abroad throws doubt on the validity of all the figures.

I am anxious for an adequate army, just as much as are any of the advocates of this bill, but we do not want to use millions of men and billions of dollars if they are not necessary for defense. Surely we cannot accept every guess that is made by any member of the Government; surely we, ourselves, have the right to inquire how large the standing Army should be.

For exactly what purpose is the great army? Apparently, everybody agrees, that we need about 150,000 men for garrisons in possessions of the United States and coast-defense positions. We may need a small expeditionary force. Certainly we do not intend to send an army to Europe, nor do we intend to send an army to Argentina, Brazil, or Chile. Conceivably we might have to seize islands in the West Indies, or elsewhere, so as to prevent the establishment of air bases at points close to the United States or the Panama Canal.

So far as I know, an expeditionary force of 150,000 men would be as big as we could send to any of those points, with the facilities we have to transport them, and the equipment that is necessary for that kind of a trip.

Finally, the advocates of this measure seem to envisage an attack in force on the United States itself. I do not believe they have realistically considered the difficulty of transporting an armed force across the Atlantic or Pacific Oceans, and its landing on a hostile shore. It would take a tremendous armada to transport 50,000 men. Merely to maintain an army of 100,000 men on our shores would take 1,300,000 tons of shipping in constant use. While our Navy was in existence the task would be impossible.

It is said that our Navy is in the Pacific; but naval strategy, in the event of an attack by Germany, would require that it be sent at once to the Atlantic. It is said that this would leave the Pacific coast without defense against the Japanese. A Japanese expeditionary force to the United States seems to me on its face out of the question. The Japanese are fully occupied in China; but 200,000 men stationed on the Pacific coast, while the Atlantic is defended by the fleet, would certainly make a Japanese force landing impossible. The Japanese would always run the risk that our fleet might slip back into the Pacific and destroy their entire force.

Hanson Baldwin, who is referred to here as a naval expert, estimated the necessary Army at 400,000. I cannot myself see any necessity for a total mobile army, outside of garrisons, of more than 600,000 men, which makes 750,000

with the garrisons. I do not see what we would do with an Army of 1,300,000 men.

Of course, the number required undoubtedly depends on what the Army is to be used for. After the speech which the distinguished chairman of the Military Affairs Committee made during the consideration of the Adams amendment to limit the use of the National Guard troops to the United States and its possessions, it seems to me that the administration must have in mind the possibility of using our Army to defend Brazil, Argentina, and Chile. Of course, if they do have that in mind, it is easy to explain Judge Patterson's figures, for if we are to send an army farther away from the United States than is Europe itself, it would certainly have to be a substantial Army, well able to defend itself among a foreign people. It seems to me utterly impossible to think that we could undertake the defense of Brazil or Argentina with our Army. The Monroe Doctrine must be enforced by the Navy, and if it cannot be enforced by the Navy it cannot be enforced at all.

I was considerably relieved by the President's statement last week that the chances against the National Guard being used outside of the United States or its possessions were 100 to 1. Apparently, the President does not see the emergency which the distinguished chairman of the Military Affairs Committee is imagining. He must be discounting the possibility that Germany will attempt a seizure of any islands or air bases within reach of the United States, and since such a possibility is certainly greater than the possibility of an expeditionary force attacking the United States itself he must be discounting the possibility of any such expeditionary force.

My own conclusion is that the presence of 750,000 men under arms in the United States, 100,000 in excess of the present legally authorized force, supplies an ample margin for the defense of the United States during the next 2 or 3 years. Of course it is possible that Germany may develop other weapons. Airplanes may acquire a longer range and a greater carrying capacity. On the other hand, when we have once built a 2-ocean navy, we may be able to reduce the number of men in the Army.

What reserves are necessary? The day of large armies seems to be waning. We must remember that conscription, universal military service, was in force in Belgium, in Holland, in France, and it did not do them any good. Huge reserves of men, as suggested by Colonel Adler, are probably less necessary today than they have been in the past. The Germans have developed a new technique in warfare, in connection with which the requirement is for a highly professional force acting with perfect harmony and timing. I do not know how large an army the British have today, but the size of their army is an unimportant factor in the question as to whether or not they can successfully defend England against German attack. Just as large reserves of men are not necessary for a navy, so mere quantity of manpower has somewhat less importance today in a mechanized army. The idea of a reserve of four or five million men, suggested last week by the distinguished chairman of the Military Affairs Committee, seems wholly unnecessary. There would be no equipment, and inadequate training. The Army is apparently aiming to provide equipment for a possible total force of 2,000,000 men, which would provide a reserve of from 700,000 to 1,250,000, according to the number of men under arms. Such a number of carefully and completely trained reserves seems to be reasonable.

The permanent emergency does not demand more than a 2-ocean navy, the air force already provided for, an army of 750,000 under arms, and 1,250,000 reserves. Is a draft necessary to provide that many men?

9. CAN THE MEN BE OBTAINED WITHOUT CONSCRIPTION?

Can we permanently maintain our naval forces at their increased strength, and an army of 750,000 men, with 1,250,000 reserves, by voluntary enlistment, without compelling men to serve against their will? Surely, as a permanent policy, the question answers itself. It is only a question of making the service sufficiently attractive. We seem to be assuming that it is a sacrifice to go into the Army; that it is the most unpleasant occupation in the United States, and one which every boy instinctively avoids. That should be far from the case. In time of war the Army is dangerous; but if we prepare adequately we should not be at war, and the Army for the most part is a peacetime, highly specialized occupation, with only a chance of danger. Experience shows that men do not avoid an occupation because there is a chance of danger. There are dangerous civilian occupations—work with high-tension wires, work in tunnel construction, work in coal mines—and there is never any difficulty in finding men interested in those occupations. The Army has many advantages—a clean and regular life without responsibility, an attraction in the very discipline and order which appeals to some men and offends others very greatly.

There are few occupations in which men could be induced to volunteer for $21 a month, and yet today we are enlisting over 25,000 men a month. In July we enlisted over 30,000.

There has not been any serious effort to enlist men. In the fiscal year which ended the 1st of July we spent $50,000 for advertising. I suppose Henry Wallace spent 20 times that much in advertising the farm program, and the various referendums which were held on different features of the farm program.

In New York City this year it was necessary to fill a position as sanitation man at a salary of $1,800 a year, which, considering the cost of living in New York City, is not very much more than Army pay plus the support which the man receives. There were 84,000 applications from New York City alone. There are 2,000,000 men on W. P. A., and there are over 200,000 in the C. C. C. camps, and many others out of work. We may not have the right to require these men, as a condition of Government aid, to accept employment in the Army; but surely we can induce many of these men to prefer the Army to their present position if we make the Army only reasonably attractive.

The Army should be an occupation which appeals to men on its own advantages. I see no reason why a soldier should not receive the equivalent of $1,000 a year. If we assume that lodging, board, and clothing are worth $40 a month to him, the cash pay might well be another $40 a month. This would mean a total pay roll of about $360,000,000 for 750,000 men, which does not seem excessive if the total cost of the Army is to be $2,000,000,000. We are paying over a billion and a half dollars to the men on W. P. A., at the rate of $60 a month. The soldier is entitled to superior treatment.

The Army is also at a disadvantage, in that it deprives a man of the power to change his occupation and acquire a better job. If the enlistment period is to remain 3 years, a man should have a right to resign in peacetime on 90 days' notice after the first year. Provisions might well be worked out to permit a permanent assignment of most of his pay to maintain dependents, as in the case of the C. C. C. Probably some trial will be necessary to determine just what terms will make the Army as attractive to the average man as many other jobs furnished by industry, but certainly there is a point at which it can be made attractive and can be maintained on a volunteer basis.

It should be equally possible to build up a reserve by volunteer methods. If military training camps should be established, and an appeal made to boys who are leaving high school or college in June of each year before they obtain jobs, a very large percentage would be glad to take the training which is offered. Besides maintenance, they could be paid some small salary. If military training is a good thing for boys, then it should be possible to convince them that it is a good thing for boys. Those who like the life can be given advanced courses, and many are likely to take up the Army as a life work. Approximately 1,150,000 boys come of age each year; and surely it should be possible, even in peacetime, to persuade 200,000 of them to take the training offered by the Government. In times like the present it should be possible to obtain a much greater percentage. Again, the purpose should be to make the camps attractive in themselves, instead of prison camps into which boys must be forced.

I have introduced here a substitute bill providing for setting up training camps, authorizing the increase of the Regular

Army to 500,000, which makes 750,000 with the National Guard, and authorizing the President to set up training camps and operate the entire plan on a volunteer basis.

It is argued that the draft is advantageous because the Army wants all the men at one time so that it can train them. I heard that testimony before the Committee on Military Affairs. It is suddenly announced this morning in the New York Times by General Shedd that, far from calling all of them at one time and far from calling them on October 15, they are going to call 55,000 National Guard men on the 15th of September and 55,000 more on the 15th of October, then 75,000 men in the draft on the 15th of October, 50,000 on the 1st of November, and 65,000 more draftees on the 15th of November, 100,000 in December, and 100,000 in January. So that the argument that they prefer the draft so that they can start training all at once is completely wiped out by the program of the War Department itself.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. TAFT. Certainly.

Mr. CLARK of Missouri. Did the Senator ever hear a more outrageous proposition advanced in the history of this country than that advanced by General Shedd yesterday, that the War Department's plans were being held up by an apparently endless delay in Congress, when the Senate of the United States has indulged in a 3-day debate so far on a plan to radically change what has been the fundamental policy of the United States from the foundation of the Government down? As a matter of fact, everyone knows, and everyone has known all the time, that some excuse would be found for postponing the operation of the draft, because, as many inept things as this administration has done, nothing in the whole history of it would indicate that they were going to be so inept as to have hundreds of thousands of mothers going down to the stations kissing their boys good-bye to go off to the Army in time of peace within 3 or 4 weeks before an election.

Mr. TAFT. I agree with the Senator. I thought General Shedd's tendency at least to shift the responsibility to Congress was outrageous, because it is contradicted by the very program that is presented. If they can call 75,000 men on the 15th of October for training under a selective-service plan, they can call 400,000 men. The only reason for not calling the greater number must be that they have not the camps and the facilities and the equipment to put that many men to work on the 15th of October. As a matter of fact, I do not believe that the Army can call anyone under the draft by the 15th of October. I have looked through the testimony, and I cannot find any definite statement on the subject, but when the draft bill was passed in 1917, it was passed on the 20th of May, and the registration date was set immediately for the 5th of June. They went ahead and registered the men, but they did not actually get anyone into camp until September, 4 months from the time the bill was passed. So that if we passed the pending bill on the 20th of August on the same theory it would be December before the Army could actually get any of the men under the draft.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. TAFT. Certainly.

Mr. CLARK of Missouri. What the Senator says about the draft machinery during the last war is entirely correct, but they drafted the whole National Guard of the United States into the Federal service on August 5, 1917, and 2 months later, after the National Guard had been drafted into the Federal service, I saw men drilling barefoot, because they had worn out the civilian shoes they had brought to camp with them; they were drilling barefoot, with their feet bleeding, in the State of Missouri, in camp, and I hope that we will never again, particularly in time of peace, have the experience of calling men before there is any equipment for them, and seeing them drill barefoot, with their feet bleeding, when there is no necessity for it.

Mr. SHIPSTEAD. Mr. President, I noticed in the paper some days ago that men who had enlisted and who had been ordered to different destinations to which they were assigned were instructed to remain at home until called because there were no facilities to take care of them.

Mr. TAFT. I think that today there is a great lack of facilities, and I have no doubt that the reason for the postponement is the fact that they have no places in which to put them if they call them out.

Mr. SHIPSTEAD. Why should they call them out then?

Mr. TAFT. I am not fully advised.

10. THE IMMEDIATE EMERGENCY DOES NOT REQUIRE THE DRAFT

It is said that, admitting the truth of my arguments against a permanent draft, there is an immediate emergency during the next 6 months which can be met in no other way. Of course, the bill is not confined to 6 months or a year. But, in my opinion, there is no emergency which cannot be met by volunteer methods.

Even if the Germans should conquer England, I see no reason to think that they will attack the United States or that within any short period they could attack the United States. They must consolidate their positions in Europe, Asia, and Africa. They must change the character of their air force. They must accumulate and organize a vast transport fleet; they must capture and reorganize at least a part of the British Fleet. I believe we have time to prepare carefully and completely and in accordance with American principles to meet the continued emergency which will exist for the next 10 years.

But let us assume that we must have by next spring an army of 900,000 men, as proposed by General Marshall. The draft itself is not a tremendously hasty method of securing men. As I have pointed out, during the World War the act was passed on May 20, and it was September before 250,000 men were inducted into service, and October before another 150,000 men were inducted into service. Apparently we would not secure these men, therefore, until December and January, and they would not be trained by April. We have 270,000 men in the Regular Army, and, omitting 40,000 men for the Air Corps for whom we have no airplanes, we will have the full quota of 375,000 by the 1st of December. We have authorized the calling out of the National Guard and 50,000 more in the other Reserves, who can be effectively added to the Regular Army. This would give us a total, as I have stated, of about 650,000. Assuming that General Marshall is correct in asking for 900,000 trained men under arms by April, I have not the slightest doubt that 250,000 more men can be raised by volunteer methods and raised just as quickly as they could be raised under the draft; raised just as quickly as it is proposed that they be raised under the schedule set out by General Shedd.

I have suggested the means by which the Army may be made an attractive occupation, and that should be done whether the draft is adopted or not. It is said the voluntary-enlistment plan has broken down. Of course, that is utterly untrue. I saw an article in the paper yesterday which indicated that the Navy was behind in its enlistments. Admiral Nimitz testified, when he was asked whether they had any difficulty in getting voluntary enlistments or not:

> So far we have not. We have today about 7,000 men on the waiting list, waiting to go into the training stations. About 2,500 of those are men whose papers have all been completed.

The voluntary-enlistment plan has not broken down. In spite of inadequate pay and 3-year enlistments, it has accomplished everything which has been asked of it. Up to this time Congress has not even declared that a larger army is necessary. We can hardly blame the enlistment system for not providing an army which we have not actually authorized. No appeal has been made by the President for enlistment. Surely a general campaign, led by the President, and organized on a voluntary basis throughout the United States, can secure even half a million men if that many should be necessary. There are many million men unemployed.

I understand the Army has a definite plan prepared for what is known as civilian-volunteer effort. I notice in the United States News of August 9 the following statement:

> A few months ago the Army had preparations nearly completed for an intensive recruiting drive, but it was decided that such a

program would be inadequate to meet emergency needs, and all planning since then has been centered on obtaining compulsory military conscription.

It is said that such an appeal will draw men from industries where they are needed. This seems mere nonsense. The appeal should be not so much to patriotism, as to the merit and attractiveness of Army service; and it is not likely to draw any skilled men except for skilled jobs. Furthermore, it would be easy for the recruiting officers, cooperating with Mr. Hillman's training division, to refuse to take such men, for the bill itself provides that persons between 18 and 45 years of age shall be afforded an opportunity to enlist if they are acceptable to the land or naval forces for such training and service. Obviously, if a man were more valuable as a mechanic, the Army and Navy would have means of finding that he was not acceptable for military or naval service.

Suppose that we started some new industry and advertised that we could use 300,000 men without skill or training. Do you suppose there would be the slightest difficulty in obtaining that many men if the pay were reasonable? There would be literally millions of applications if such an announcement were made.

I am absolutely convinced that an attempt to raise whatever army is necessary by a volunteer appeal, if that attempt has the wholehearted cooperation of the administration and the Army, will unquestionably meet with success; that it will furnish 400,000 men before the complicated draft is working, and a steady flow of personnel for training.

CONCLUSION

Finally, Mr. President, I refer again to the fact that the Chairman of the Military Affairs Committee has referred to the draft as a tragic necessity. The draft would be tragic but I do not agree that it is a necessity. There are other means that can be taken, means more consistent with Americanism, means more likely to preserve the liberty and freedom for which America was established, means likely to secure a better army. Surely if we draft 1 boy in 10 by lot, there are many who will be continually disgruntled at their bad luck and only anxious to get through the 12 months as best they may. Surely if we treat the Army as an occupation which any man might prefer, and take those who do prefer it, we will have a more earnest, interested, permanent, and enthusiastic force than if we treat it as an occupation to be avoided, for which men can be obtained only by force. In this moment of excitement and hysteria, do not break down the fundamental principles of the American Republic. Do not overestimate the emergency and sink all the principles we love in the slough of totalitarian defense.

The PRESIDING OFFICER. The question is on the amendment of the junior Senator from Oklahoma [Mr. LEE] to the committee amendment, proposing to raise the base pay of soldiers.

Mr. CLARK of Missouri. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Downey	La Follette	Schwartz
Andrews	Ellender	Lee	Schwellenbach
Ashurst	Frazier	Lundeen	Sheppard
Austin	George	McCarran	Shipstead
Barbour	Gerry	McKellar	Slattery
Barkley	Gibson	McNary	Smathers
Bone	Gillette	Maloney	Stewart
Bridges	Glass	Mead	Taft
Brown	Green	Miller	Thomas, Idaho
Bulow	Guffey	Minton	Thomas, Okla.
Burke	Gurney	Murray	Thomas, Utah
Byrd	Hale	Neely	Tobey
Byrnes	Harrison	Norris	Townsend
Capper	Hatch	Nye	Truman
Chandler	Hayden	O'Mahoney	Tydings
Chavez	Herring	Overton	Van Nuys
Clark, Idaho	Hill	Pepper	Wagner
Clark, Mo.	Holman	Pittman	Walsh
Connally	Holt	Radcliffe	Wheeler
Danaher	Johnson, Calif.	Reed	White
Davis	Johnson, Colo.	Reynolds	Wiley
Donahey	King	Russell	

The PRESIDING OFFICER (Mr. HILL in the chair). Eighty-seven Senators having answered to their names, a quorum is present.

The question is on the amendment of the junior Senator from Oklahoma to the committee amendment.

Mr. ADAMS. Mr. President, I desire to seek a little information with reference to the amendment offered by the Senator from Oklahoma. The Senator from Oklahoma was here a few moments ago, but is not now present. My inquiry deals with the relative scale set out in the Senator's amendment and the present Army scale. What is the proposed change?

Mr. SHEPPARD. Mr. President, the Senator from Oklahoma will be here presently.

Mr. CLARK of Missouri. Mr. President, pending the return of the Senator from Oklahoma, I can tell the Senator from Colorado this much about the pending amendment, that its purpose is to put the Army on the same base pay scale that the Navy is on already. In other words, up to the present time the Navy has been drawing about 30 percent more pay, or almost 30 percent more pay, than the Army, and this proposal would simply put the Army on the same basis that the Navy already is on.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. BARKLEY. The present discrepancy in the pay between the Army and the Navy rose largely out of classification of men, in the Navy especially. For instance, a man can join the Navy at $21 a month, and in 4 months he may draw $36 a month, whereas a soldier in the Army, entering the service at the rate of $21 per month, has to wait quite a long period before he receives an increase in pay.

The pending amendment does not exactly put the Army and Navy on the same basis, but it comes as near doing so as is mathematically possible, taking into account the different classifications in the Army and Navy, as I understand.

Mr. CLARK of Missouri. Mr. President, will the Senator from Colorado yield to me?

Mr. ADAMS. I yield.

Mr. CLARK of Missouri. I understand that at the present time, while the entrance pay of the Navy is the same as that of the Army, $21 a month, more than 96 percent, within 4 weeks after they have enlisted in the Navy, receive $30 a month. The amendment proposed by the Senator from Oklahoma simply proposes to give the Army a chance to receive approximately the pay the Navy gets.

Mr. BARKLEY. That is true in large measure, but the amendment does not propose exactly to adjust the pay of the two services.

Mr. CLARK of Missouri. They cannot be exactly adjusted, but the amendment provides as close an approach to it as, I understand, the War Department has been able to figure out.

Mr. SHEPPARD. The War Department is in favor of the change.

Mr. CLARK of Missouri. The Senator from Texas introduced a bill dealing with the subject.

Mr. SHEPPARD. I introduced a bill on that subject. The proposal was favorably recommended by the War Department after careful study.

Mr. RUSSELL. Mr. President, I should like to know what effect the amendment offered by the Senator from Oklahoma would have on the pay of enlisted men in the Marine Corps. I have heard a great deal said about the injustice done to the men in the Army, and I am in favor of correcting that injustice; but I wish to say that the enlisted man in the Marine Corps is paid only $21 per month, and I understand his advance in pay is very slow, as slow, perhaps, as the advance in pay of the man in the Army.

Mr. SHEPPARD. His advance in pay is as slow as that of the man in the Army, and I understood some Senator would present an amendment to take care of the men in the Marine Corps, in line with the proposal contained in the pending amendment.

Mr. RUSSELL. I should like to see such an amendment offered, because if we are to increase the base pay of the men in the Army, the men in the Marine Corps should not be overlooked.

Mr. SHEPPARD. The Senator is correct, but the Military Affairs Committee does not have jurisdiction over the Marine Corps or naval affairs.

Mr. MALONEY. Mr. President, will the Senator from Georgia yield to me?

Mr. RUSSELL. If I have the floor, I shall gladly yield to the Senator from Connecticut.

Mr. MALONEY. I wish to say to the Senator from Georgia that in a substitute proposal for the Burke-Wadsworth bill, which I have offered, and in which I have tried to fix the base pay, so far as the Army is concerned, I have endeavored to take into account the problem so far as the Marine Corps is concerned.

Mr. RUSSELL. I was sure the Senator from Connecticut, with his accustomed thoroughness, took care of the men in the Marine Corps in his substitute measure. I do not know that I can vote for the Senator's substitute, however, and a provision with respect to the Marine Corps may be left out of the legislation unless it is provided for in the pending amendment.

Mr. BARKLEY. Mr. President, will the Senator yield there?

Mr. RUSSELL. I yield.

Mr. BARKLEY. Of course, none of us, if it is possible to avoid it, wants to have any glaring or any substantial difference between the pay of the various services. But, of course, this bill deals only with the Army. The question whether or not it is possible for us to try to deal with Marine Corps and Navy pay in an Army bill may present itself to the Senate, although it is possible to write language which would take care of both of them.

The Senator from Oklahoma [Mr. LEE] is now present, and he is in a position to explain his own amendment.

Mr. RUSSELL. The bill does not relate only to the land forces of the United States, but, as I understand, those who are called into service under the provisions of the bill may be assigned to training in the Army, the Navy, the Marine Corps, or the Air Corps. While we are legislating to bring about an increase in compensation, a part of the national defense so valuable as is the Marine Corps should not be overlooked.

Mr. LEE. Mr. President, the amendment does not apply to the Marine Corps. The amendment was drawn by the Army, and is recommended by the Army. The Marine Corps is in the same position as the Army. The pay of the Marine Corps is low. It should be raised; and if the Senate wants it raised by this bill, it could be done by providing for an increase in the monthly base pay of enlisted men of the Army and the Marine Corps.

Mr. RUSSELL. I hope the Senator from Oklahoma will suggest such a modification of his own amendment. If he does not, Mr. President, and if the amendment be in order, I shall offer an amendment to the amendment to include the Marine Corps.

Mr. LEE. I believe the best way to handle it would be to modify my own amendment by adding in line 2, after "Army", the words "and Marine Corps."

Mr. SHEPPARD. The Senator from South Dakota [Mr. GURNEY] had an amendment pending to that effect.

Mr. GURNEY. I do not have an amendment pending, but I hope the Senator from Oklahoma will include the Marine Corps as well as the Army.

Mr. LEE. I ask unanimous consent to modify my amendment.

The PRESIDING OFFICER. The Senator does not need unanimous consent. He may modify his own amendment.

Mr. LEE. I modify my amendment in line 2 so as to read:

The monthly base pay of enlisted men of the Army and Marine Corps shall be as follows:

Mr. MALONEY. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. MALONEY. I should like to obtain permission from the Senator from Oklahoma to have printed at this point in the RECORD the portion of my amendment dealing with this subject, because I hope later to obtain a vote on what has been referred to as the Maloney substitute for the Burke-Wadsworth bill. I should like to have the pay section of the amendment printed in the RECORD at this point so that Senators and others may have an opportunity to consider it before the Senate is called upon to vote on the amendment, which at that point would be a substitute for the Lee amendment, if the Lee amendment should be adopted.

Mr. LEE. Of course, I agree to have a portion of the Senator's amendment printed at this point in the RECORD.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut?

There being no objection, the portion of the amendment neferred to was ordered to be printed in the RECORD, as follows:

SEC. 12. (a) Effective on the first day of the first month following the date of enactment of this act, section 9 of the act of June 10, 1922 (relating to the pay of enlisted men of the Army and Marine Corps), is amended by striking out "enlisted men of the fourth grade, $54; enlisted men of the fifth grade, $42; enlisted men of the sixth grade, $30; enlisted men of the seventh grade, $21," and inserting in lieu thereof the following: "enlisted men of the fourth grade, $60; enlisted men of the fifth grade, $54; enlisted men of the sixth grade, $36; enlisted men of the seventh grade, $30."

(b) Effective on the first day of the first month following the date of enactment of this act, section 10 of the act of June 10, 1922 (relating to the pay of enlisted men of the Navy and Coast Guard), is amended by striking out "seventh grade, $21" and inserting in lieu thereof "seventh grade, $30."

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. O'MAHONEY. I should like to understand what difference there is between the text of the amendment which the Senator from Oklahoma is now offering and the comparable portion of the proposed substitute to be offered by the Senator from Connecticut. In other words, is there any difference between the two proposals with respect to the pay of enlisted men in the Army?

Mr. LEE. I am not advised as to the amendment of the Senator from Connecticut. I wish to say, however, that the amendment which has been offered would raise the pay of the soldier and of the marine, in the seventh grade, from $21 to $30. It would raise the sixth grade pay from $30 to $36. It would raise the fifth grade pay from $42 to $54. It would raise the fourth grade pay from $54 to $60, and leave the pay of the other grades as it now is.

Mr. O'MAHONEY. Mr. President, will the Senator yield for a question?

Mr. LEE. I yield.

Mr. O'MAHONEY. At this point I direct my inquiry to the Senator from Connecticut. In what respect does his amendment dealing with the pay of enlisted men differ from the amendment of the Senator from Oklahoma?

Mr. MALONEY. I regret to say that I am not entirely familiar with the amendment offered by the Senator from Oklahoma. I have just sent to the desk the only copy of my amendment which I have. My amendment proposes to raise the base pay of the Army, and at the same time the base pay of members of the Marine Corps, to $30 a month, by changing the pay act adopted in June 1922 relating to those two branches of our armed forces. I assume that we arrive at the same place.

Mr. O'MAHONEY. If the Senator from Oklahoma will bear with me, I should like to ask the Senator from Connecticut whether or not his amendment is in accordance with the recommendation which was made to the Committee on Military Affairs by the General Staff when the pay question was under discussion?

Mr. MALONEY. I assume so. I do not recall the recommendations of the Army. In drafting this amendment I was prompted by the feeling that members of the Army and Marine Corps have been discriminated against in the matter of pay.

Mr. CLARK of Missouri. Mr. President, will the Senator yield to me to repeat something which took place this morning in that connection?

Mr. LEE. I yield.

Mr. CLARK of Missouri. As showing the justification for the Senator's amendment and the proposal of the Senator from Connecticut, I am informed that Colonel Knox, the new Secretary of the Navy, testified this morning before the

House Military Affairs Committee that the naval service is far more attractive to prospective recruits than any other branch of the service, because members of the naval forces receive better pay and because they are permitted to learn a trade while they are in the Navy. The Secretary said that the Navy did not anticipate any difficulty in getting all the men needed for the prospective enlargement of the Navy. Of course, it is well known that there is a waiting list of volunteers for the Navy, which seems to me to be a conclusive demonstration of the fact that the Army and the Marine Corps have been discriminated against in the matter of pay, and that a situation has been deliberately created by which the Navy is far more attractive to recruits than the Army or the Marine Corps, which have to do the fighting at far less pay.

Mr. O'MAHONEY. If I may trespass upon the Senator's good nature and time for a moment longer, let me say that I do not have the privilege of serving on the Committee on Military Affairs. Therefore I was not present when this matter was presented to the Commitee on Military Affairs. I rise at this time as a member of the Appropriations Committee, which eventually will have to provide funds by which one or the other of these provisions will be financed. I am heartily in accord with the suggestion that all discrimination between the pay of enlisted men in the Navy and that of enlisted men in the Army should be completely eliminated, and I want to vote to eliminate that discrimination; but I am altogether uncertain as to which of the two amendments will accomplish the purpose I have in mind, and what the difference is between the two.

Mr. MALONEY. Mr. President, will the Senator from Oklahoma yield to me?

Mr. LEE. If I may have an opportunity, I think I can answer the question. I yield to the Senator from Connecticut.

Mr. MALONEY. I merely wish to say to the Senator from Wyoming, in addition to what I have heretofore said, that the amendment which I propose is an effort to wipe out such further discrepancies as may exist. I have also provided in my amendment a slight change in the regulations concerning the Navy and the Coast Guard, because it is my understanding that there is an instance in which members of the Navy, for a short period of time, receive less than $30 a month; and in an effort to bring them all into the same pay class I have included the Marine Corps, the Navy, and the Coast Guard.

Mr. LEE. Mr. President, reading from the testimony of Captain Ira Swift, of the War Department General Staff, Personnel Division, at page 122 of the hearings which were held on the original bill introduced by the Senator from Texas [Mr. SHEPPARD], chairman of the Military Affairs Committee, Senate bill 2224, Captain Swift said:

> The Navy enlisted man draws an average of $877.27 a year, as contrasted with $569.85 for the soldier. These figures speak for themselves. While variations in the pay system give one service certain allowances not accorded others, so that, depending upon the basic assumptions, this picture may be changed in minor detail, nevertheless, whatever adjustment may be made as to such items, the foregoing essential disparity will not be materially reduced.
>
> The soldier, as compared to the sailor, is a very poorly paid servant of our Government. The hearings on the Navy pay bill of 1899 reflected the opposite situation, the effort being then to accord parity to the sailor. The arguments then utilized in behalf of the Navy can now be used, in essentially the same terms, on behalf of the Army.
>
> These disparities are due to a number of factors, including: Differences in base pay of certain grades, differences in longevity pay, variations in opportunity for promotion.

My amendment takes care of differences in longevity pay. At the end of 16 years a man in the Navy would be drawing the same percentage of his pay as a man in the Army would draw at the end of 20 years. That adjustment, and all other adjustments of that kind recommended by the Army, are in my amendment.

The PRESIDING OFFICER. The question is on the modified amendment of the Senator from Oklahoma [Mr. LEE] to the amendment reported by the committee.

Mr. MALONEY. Mr. President, I should like to ask a question of the Senator from Oklahoma, if I may. I read now from the Senator's amendment on line 7, page 1:

> Except that the monthly base pay of enlisted men with less than 4 months' service during their first enlistment period and of enlisted men of the seventh grade whose inefficiency or other unfitness has been determined under regulations prescribed by the Secretary of War, shall be $21.

I am wondering if, under that language, members of the Army, soldiers, might not get $21 a month for an unlimited period of time during their enlistments.

Mr. LEE. I have been trying to find the statement of the officer of the War Department who dealt with that matter and who said that 4 months is the period during which an enlisted man is considered to be a recruit. A recruit is certainly not given the pay that a trained soldier is given during the period of service, which is usually 4 months, when he is a recruit. That was the language he recommended, and he explained that in his testimony. I cannot put my finger on the testimony at the moment.

Mr. MALONEY. I do not need the testimony to remind the Senator that his amendment goes much further than he assumes it does, or perhaps it does not go nearly so far as he thinks it does. I will read the language again to the Senator.

> Except that the monthly base pay of enlisted men with less than 4 months' service during their first enlistment period—

That covers the probationary period to which the Senator refers. Then his amendment proceeds to say:

> and of enlisted men of the seventh grade whose inefficiency or other unfitness has been determined under regulations prescribed by the Secretary of War, shall be $21.

So if the Secretary of War determines that any or all the men inducted into the military service have not proper efficiency ratings, the Army may continue to pay them $21 a month for so long as it desires. Am I not correct in that?

Mr. LEE. That is correct.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. SCHWELLENBACH. I should like to ask whether or not there is a similar provision in the law in reference to naval pay?

Mr. LEE. I cannot answer that question. Both Senators know that in drawing such legislation as this there is a certain form that is usually followed, which, I am sure, is the case in this instance. But, as I have said, this amendment was drafted by the Army's drafting counsel, and, I presume, it is necessary for them to have some such protection against those in the "awkward squad" who never learn. I myself was once in the "awkward squad." [Laughter.]

Mr. MALONEY. I do not find myself in agreement with the Senator from Oklahoma. If a man continues to be so inefficient after a probationary training period in the Army that he is not worth $30 a month, it seems to me that he is not the kind of soldier we want in the Army.

Mr. BARKLEY. Mr. President——

Mr. MALONEY. I yield to the Senator from Kentucky.

Mr. BARKLEY. I wonder whether in the present law, under which the base pay is $21 a month, there is any such provision as this, reducing the pay of the inefficient soldier during the first 4 months of his first enlistment below $21 a month?

Mr. MALONEY. There is not, I will say to the Senator from Kentucky.

Mr. BARKLEY. If there is no such provision in the present law with respect to the $21 base pay, I am wondering what is the need to inject a new equation into this base-pay measure by providing that during the first 4 months of his first enlistment any man found deficient or inefficient shall continue to draw the $21 a month, I presume, for the 4 months' period?

Mr. MALONEY. That is not in my amendment; that is in the amendment of the Senator from Oklahoma.

Mr. BARKLEY. I understand that, but I wonder if the Senator from Oklahoma or the Senator from Texas can advise us whether any reason has been given by those who drew this amendment in the War Department for making such a provision for inefficient soldiers during the first 4 months of their enlistment, whereas there is nothing in the present law on that subject?

Mr. LEE. There was nothing discussed in the hearings concerning that question. The only reference was to the period when a soldier was considered to be a recruit, and Captain Swift pointed out that a recruit's services were not worth as much as those of a trained soldier.

Mr. BARKLEY. Mr. President, will the Senator from Connecticut yield further?

Mr. MALONEY. I yield.

Mr. BARKLEY. Inasmuch as there is no such provision in the present law which fixes the base pay at $21 a month—and it seems to be new language—I wonder if the Senator from Oklahoma would be willing to eliminate the provision making this exception?

Mr. LEE. Before I agree to that, I should like to know the language with reference to the Navy. This provision has been carefully worked out, and I would not feel like taking the responsibility of changing it.

Mr. BARKLEY. The only effect of the elimination would be simply to make the base pay of all soldiers $30 a month; there would be no $21 pay scale in the Army.

Mr. RUSSELL. Mr. President——

Mr. MALONEY. I yield.

Mr. RUSSELL. If that were done, it would be necessary to include a provision with reference to the Army and the Marine Corps because, as I understand, the base pay of those entering the lowest grade in those services is $21 a month.

Mr. BARKLEY. But that does not last long.

Mr. RUSSELL. It lasts during the first 4 months' period referred to by the Senator from Oklahoma.

Mr. GURNEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from South Dakota?

Mr. MALONEY. I yield.

Mr. GURNEY. I should like to give to the Senate information that I have in the form of a letter, dated August 6, as to the extra cost of this proposed amendment. I will read it. It is from Gen. William E. Shedd and is dated August 6:

DEAR SENATOR GURNEY: In accordance with your request, the following estimates of the increased cost of the pay of the Army, which will result in case the provisions of S. 2224 are made effective, are submitted:

1. For the Regular Army of 375,000 enlisted men organized as at present, the increased cost for grades will be $30,200,000 and for increased longevity $4,500,000 on an annual basis.

2. For the National Guard inducted into the Federal service at present strength (240,000) on the same pay basis as the Regular Army, the increased cost for grades will be $16,958,000 on an annual basis. The National Guard will have practically no longevity pay initially.

3. Assuming that the proposed bill which provides for compulsory selective military training and service is approved and that as a result there are inducted into the Army 400,000 trainees as of October 1, 1940, and 400,000 additional on April 1, 1941, the increased cost for grades for the 400,000 inducted in October will be $18,000,000 for the remainder of the fiscal year. The 400,000 inducted in April will receive no increase in pay during this fiscal year. These trainees will have practically no longevity pay.

Sincerely yours,

WM. E. SHEDD,
Brigadier General, Assistant Chief of Staff.

Mr. BARKLEY. Mr. President, if the Senator from Connecticut will yield, I will suggest that I think it would have been just as easy to have said in one paragraph or sentence of that letter that if 400,000 should be inducted next April they would draw so much per annum. It leaves them entirely out of the calculation, although the writer assumes that they are going to be inducted.

Mr. GURNEY. I think, if the Senator will study the amendment of the Senator from Oklahoma, he will find that for the first 4 months' trainees will receive not $30 a month but $21 a month.

Mr. LEE. That is correct.

Mr. GURNEY. So, of course, there are not 4 months between April and June 30, 1941, and there would not be any increase in that period.

Mr. BARKLEY. I thought the Senator was trying to arrive at the annual increase in cost, not only of the Regular Army but the National Guard and those who may be called into the service, regardless of this particular fiscal year.

Mr. GURNEY. The writer of the letter seeks to answer more than one question. One portion of the letter furnishes information as to longevity pay on an annual basis; then, in another portion, the writer says that for the remainder of the fiscal year this amendment will make the pay about the same as that in the Navy, because in the Navy, for the first 4 months a recruit serves he gets $21, and under this bill the men inducted into the service will also receive $21 for the first 4 months.

Mr. MALONEY. Mr. President, I am not going to delay the Senate by a discussion of the amendment offered by the Senator from Oklahoma. I trust he will not consider me presumptuous when I offer to him the suggestion that he let his amendment go over, that it may be further considered. It is obvious that it contains the risk of a $21 per month salary without end, and I notice upon further examination of the proposal that his pay increases only for a limited period of time, that it does not definitely change the pay status of the Army, and I do not think Senators have had a sufficient opportunity to examine the proposal carefully. I think probably, if the Senator would be willing to let it go over, we might have the benefit of a further opinion from the Army and from other Members of the Senate, and we might be able to work out better language and a more satisfactory proposal.

Mr. LEE. Mr. President, I believe we should vote on this amendment at this time. It has already been worked out by the Army. They know what they are doing on that subject.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. O'MAHONEY. I desire to ask the Senator from Oklahoma a question. If the Senate of the United States is to bear the responsibility for enacting this legislation, should we be content merely to accept the Senator's statement that this is satisfactory to the Army, when there are obvious questions——

Mr. LEE. No; the Senate will not have to do that. Senators can read here the statement of the representative of the Army that it was their bill, and they recommended its passage. It would not be necessary for the Senate to take my word for it.

Mr. O'MAHONEY. If the Senate adopts the proposal, it becomes the Senate's bill.

Mr. LEE. The Senator from Connecticut said "wait until we can consult the Army." Here is the Army's bill.

Mr. MALONEY. No; the Senator from Connecticut did not say that. The Senator from Connecticut said "we might have the benefit of a further opinion or advice from the Army."

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. SCHWELLENBACH. It seems to me that what we are trying to do is to make an adjustment in Army and Marine Corps pay so as to have there the same situation that exists in the Navy.

I have listened very carefully to everything that has been said, but I do not think anybody has yet said that the amendment which the Senator proposes does make that exact adjustment. I think we are entitled to have somebody—either the author of the amendment or the chairman of the committee—tell us definitely that this amendment does make exactly the same adjustment.

Mr. MALONEY. I am able to tell the Senator that it does not make that adjustment.

Mr. LEE. Mr. President, if the Senator will yield, he finds himself at variance with Captain Swift, who says that it makes that adjustment.

Mr. MALONEY. Will the Senator tell me where I can find that statement?

Mr. GURNEY. Mr. President, if I may interrupt, the Senator will find that information and comparison in the hearings which were held by the subcommittee on Senate bill 2224 on April 24, 1940. It appears in the schedule opposite page 123 of the hearings. So far as I can see, it equalizes the pay between the three branches. At least, the pay for each grade in each branch would be the same if this amendment should be adopted. Due to the different rates of advancement in the Navy as compared with the Marine Corps and the Army, the percentages of those in the Navy who would get a certain pay for a certain length of time might be a little different; but with this amendment giving the private in the Army and the Marine Corps $21 a month for the first 4 months, I believe the percentages would be about the same after the adoption of this amendment in all three branches—the Army, the Marine Corps, and the Navy.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. O'MAHONEY. I ask the Senator's indulgence in order that I may make some comment upon what the Senator from South Dakota has just said.

I have turned to the hearings to which he refers—page 123 of the hearings which were held as of April 24, 1940—and I find there a chart which undertakes to picture the disparity in the pay of four different branches of the armed forces of the United States. One column shows that the base pay for the Army now is $569.85 on the annual basis, and that the base pay of the Marine Corps is $546.62. That is to say, the Marine Corps is more poorly paid than is the Army. The base pay of the Navy is $877.27, much greater than either the Army or the Marine Corps, while the base pay of the Coast Guard is greater than any of the others, namely, $980.90.

The question which occurs to me to ask the sponsor of this amendment and those who are urging it is whether or not the figures which we are now asked to approve eliminate these disparities.

Mr. LEE. They do.

Mr. O'MAHONEY. All right—on the basis of the Coast Guard, on the basis of the Navy, on the basis of the Marine Corps, or of all three?

Mr. LEE. On the basis of the Navy.

Mr. O'MAHONEY. Then am I to understand that if the Senator's amendment is adopted the base pay in the Army, instead of being $569.85, as now, will be $877.27?

Mr. LEE. I could not answer to the exact dollar that it would be, but it would be in line with that.

Mr. O'MAHONEY. Mr. President, I, for one, feel that the Senate should not be satisfied with an answer that what we are going to do would be "in line" with something. My inquiry is to develop what the actual facts are, because eventually we are going to have to pay for this.

Mr. LEE. If the Senator will yield, the question cannot be answered exactly, because one department of the Government might promote their men faster, and when they are promoted faster that changes the total amount of average pay, but this amendment will put it as nearly in line as it can be figured.

Mr. O'MAHONEY. Yes; but the figures I am reading have nothing to do with promotion. They deal with base pay.

Mr. LEE. But the base pay is figured on the average from a recruit to a master sergeant, whose pay is $126 a month. For instance, in the Navy, instead of having their specialist pay added to their regular base pay, they have a rank. Let me show the Senator what I mean.

Here is a private, first class, but he is a cook, and a cook draws a special pay. As a specialist, he draws $15 a month extra as cook. That makes his pay $45, but his longevity pay is based on 5 percent of his base pay, or 5 percent of $30 a month, not 5 percent of $45; but in the Navy it is not arranged in that way. Instead of having a specialty pay added to their base pay, they have a rank like machinist, and a man's rank determines his pay. It is not based on the same type of schedule, but this is figured out as carefully as the Army can work it out to adjust those differences.

For instance, in the Navy the first schedule of longevity pay is 10 percent of the men's pay, and the first schedule for the Army is 5 percent of their pay. At the end of 16 years a man in the Navy is drawing as longevity pay 25 percent of his total pay. If he is a machinist, and he is drawing $126 a month, 25 percent of that is added every month because of longevity. But in the Army, if he is a private, first class, and is still drawing $30 a month, although he may be a machinist, which might add $25 a month or more to his pay, he is not given the advantage of 5 percent of that specialist pay. He is still drawing only 5 percent of the base pay, which is 5 percent of $30 a month, and that is a discrimination against him.

I cannot answer the Senator in exact dollars and cents, because this is worked on an average. If the Senator will study the charts he will see that this works out the matter just as nearly as it can be worked out.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. BARKLEY. If I understand the situation, in order to make the pay of the Army and Navy and Marine Corps and the other services precisely the same in all cases it would be necessary to inaugurate a new system of classification and a new system of promotion, because promotion is more rapid in the Navy than in the Army. The average naturally will be higher, based on the present classification and the rate of promotion. The amendment offered by the Senator comes as near equalizing the pay of the various services as it is possible to do without entirely rearranging the classification and rate of promotion. Is that true?

Mr. LEE. That is correct.

Mr. MALONEY. Mr. President, I said that I had no intention of detaining the Senate. While the RECORD will show that I have had the floor for some time, it will also show that other Members have been using the time.

I am not going to offer an objection to the amendment of the Senator from Oklahoma. I am sorry he is not willing to have it go over, because it seems to me it should be and could be considerably improved. He and I and the other Senators especially concerned with this subject who have offered amendments to it are anxious to arrive at the same result; that is, to have the pay of members of the Army, the Navy, the Marine Corps, and the Coast Guard a minimum of $30 a month. I wanted to point out some of the discrepancies, or what I thought were discrepancies, of the Senator's amendment:

First, that it does or would permit men to continue in the Navy at $20 a month for years, as a matter of fact. Next, that there is a limitation of time on the pay increase. It stops in 1945, according to the Senator's amendment. I think the amendment could be greatly improved, but I must confess that it is, in my judgment, a great improvement over the present situation in the Army.

I shall not vote against the Senator's amendment, because I will not vote against an amendment which offers something better for enlisted men of the Army. But since he will not delay it, at a later time, as the opportunity presents, I shall offer a substitute for his amendment, which I hope may be more in keeping with the justice which the enlisted men of the service deserve.

Mr. O'MAHONEY. Mr. President, I should like to ask the Senator from Oklahoma to give a little attention to subparagraph (c) on page 2. It apparently makes a change in the pay of enlisted men of the sixth grade in the National Guard. It deals only with enlisted men of the sixth grade. What is the effect upon the change of the pay of members of the National Guard proposed by the Senator's amendment? I wonder if there is anything in the hearings about it. Perhaps the chairman of the Committee on Military Affairs may be able to tell us something about it.

Mr. LEE. The hearings did not contain anything on that point. The National Guard is paid on the basis of per diem compensation. The amendment refers to the sixth grade. I

believed it was figured out as making the pay in line with that of the Regular Army pay.

Mr. O'MAHONEY. The thought which suggests itself to me is that the Senate has no information at all with respect to what alteration will be made in the compensation of one grade in the National Guard, and why that particular grade was selected for a change and why other grades were not selected for a change. I have just compared the Senator's amendment with the bill which was introduced, as I recall, by the Senator from Texas [Mr. SHEPPARD], the chairman of the Committee on Military Affairs, and upon which the committee hearings were held; and the measures are substantially identical.

Mr. LEE. They are identical, except that my amendment was changed so that it would be appropriate as an amendment to the pending bill.

Mr. O'MAHONEY. When the spokesmen for the General Staff came before the Committee on Military Affairs to give testimony with respect to this measure, was nothing said about the change the Army has recommended in the compensation of the National Guard?

Mr. LEE. The only reference to the National Guard was that the commutation of quarters for the National Guard amounted to $35 a month, whereas the enlisted men in the Army and other types on duty draw $22.50 a month. Let me read a paragraph or two from the testimony:

> The War Department pay program includes also certain provisions as to allowances which are not included in the present bill. One of these items would provide for statutory confirmation for payment of commutation of quarters for the three highest enlisted grades. Such payment is now being made on the basis of proper interpretation of existing law. Another item is the equalization of allowances under section 11, Pay Readjustment Act, for rental of quarters. The present rate of $22.50 per month prescribed for the great majority of men by Executive orders pursuant to the present law contrasts with a special higher rate established under appropriation acts since 1938, inclusive, for Regular Army enlisted men on National Guard duty. The higher rate should govern for all concerned—in other words, an enlisted man on National Guard duty draws $35 a month, commutation of quarters, and an enlisted man on other types of duty draws $22.50.
>
> The bill under discussion would permit specialist enlisted men to draw retired pay computed not only with reference to the base pay of the grade, but also with reference to the specialist pay of the rating held on retirement. This right was denied by a ruling of the Comptroller General (13 Comp. Dec. 769). Navy and Coast Guard enlisted men benefit by retired pay computed on the basis of the pay drawn for rating as well as for grade. The Army system, which does not contemplate grade for specialists, but accords them special pay according to special ability as such, has resulted in the unexpected byproduct of depriving enlisted specialists of proper retired pay. Correction of this disparity is part of the War Department program. Parity among the services can contemplate no other action.
>
> The increased cost of these items as now estimated would be as indicated on this chart, No. 84, which shows the details of the War Department program for enlisted men. The entire first-priority items, so far discussed, would cost an additional $27,709,146. The items covered in S. 2224 will involve increased costs as follows:

Mr. President, that is the bill which the Senator from Texas [Mr. SHEPPARD], the chairman of the commitee, introduced, which is identical with the bill just offered as an amendment.

If the Senate will allow me to amend the amendment to conform with the amendment I offered a while ago, I notice other places where it needs change to make it apply to the Marine Corps, and I will ask leave to amend the amendment on page 2, line 8, following the word "Army", by adding the words "and the Marine Corps." I also ask leave to amend on line 16, page 2, following the word "Army", by adding the words "or the Marine Corps." I wish to modify my amendment accordingly.

The PRESIDING OFFICER. The parliamentarian advises the Chair that there should be an amendment on line 3, page 2, after the words "Secretary of War", to add the words "and the Secretary of the Navy, respectively."

Mr. LEE. Yes; because the Marine Corps is under the Navy.

Mr. O'MAHONEY. Mr. President, that suggests a question. Is there also the practice in the Marine Corps of paying very low compensation to certain enlisted men, under regulations, because of inefficiency or unfitness? I feel very strongly that the discrimination in pay should be eliminated, and I desire to support the Senator in eliminating all discrimination. I feel very strongly that one of the most effective things this country can do to raise an effective army is to provide proper compensation for the men in the Army.

I feel also that if we were to concentrate our attention upon the enlistment of a corps of highly trained mechanics, and were to offer them adequate pay we would make our Army conform to the lessons of the present war, rather than by building upon the basis of small compensation for men who may have to drill with inadequate arms.

Mr. CLARK of Missouri. Mr. President, will the Senator from Wyoming yield?

Mr. O'MAHONEY. I yield.

Mr. CLARK of Missouri. The Senator evidently disagrees with the gentleman of the "Millionaires' Club" who framed and brought forward this conscription plan originally, who proposed that we pay the conscriptees $5 a month, and thought we were overpaying them when paying them anything.

Mr. O'MAHONEY. Mr. President, in discussing this or any other proposed legislation, I always try to avoid personalities. I cast no reflection upon the men who drafted the original bill. I am ready to acknowledge that they were patriotic citizens who were trying to serve their country. I do not wish to call them millionaires or paupers. I am not interested in that. I am interested in the fact that the Committee on Military Affairs of the Senate struck out the provision to which the Senator alludes, so that it is only a matter for argument now to cast some sort of an innuendo against the proposed legislation.

Mr. CLARK of Missouri. I intend to cast no innuendo at all, if the Senator will permit me; but the Senator will certainly agree that it is much easier to be more or less impersonal and impervious to the necessities of these drafted men, who may have dependents, who may be taken out of private employment, when sitting in the sacred precincts of the Harvard Club, than it is for men who have to be taken away from their occupations and be put in the Army.

Mr. BURKE. Mr. President, will the Senator from Wyoming yield?

Mr. O'MAHONEY. I yield.

Mr. BURKE. There was a provision in the original bill for compensation of $5 a month, but, according to the theory of the bill, it could just as well have been $1, or 50 cents, or nothing at all, as it was contemplated in drafting the bill and in explaining it, and so stated, that it was considered that that was a matter with which Congress should deal in separate legislation, either by amendments to the Social Security Act, if it were found necessary to take people who had dependents, or by separate legislation of some kind. So eventually $5 was put in, as that is the amount the C. C. C. boys get for their own use. They get their keep and $30, but $25 is allotted to their dependents. So $5 was merely tentatively suggested because of that.

I think it comes with rather ill grace for the Senator to charge that simply because the money-mad millionaires, as he said, had something to do with the drafting of the bill, that the $5 provision was put in it. There was no such action on the part of the sponsors of the legislation. In fact, they recommended the change that was made in the Military Affairs Committee.

When the Senator from Connecticut offered his amendment in the nature of a substitute providing for equalizing the pay of all the grades, the sponsors of this legislation went along wholeheartedly.

Mr. President, since I am on my feet I will say that I now find myself rather in full accord with the senior Senator from Wyoming, that it would seem that to accomplish the purpose which everyone has in mind, it might be very much better to let this particular amendment go over, and let those who are particularly interested in it work the matter out with a little more care, so as to assure accomplishing the

objective of putting the men in all the various grades upon an equality. Whether the base pay is made $30 a month, or if the Senator from Missouri wants to make it $50, it is still all right with me.

Mr. CLARK of Missouri. Mr. President, will the Senator yield to me so I may answer the Senator from Nebraska, and I shall promise not to interrupt the Senator from Wyoming again.

Mr. O'MAHONEY. I yield.

Mr. CLARK of Missouri. Mr. President, I am very happy that the Senator from Nebraska, as one of the putative coauthors of the bill, states that the sponsors of the bill, the millionaires meeting in the sacred precincts of the Harvard Club, were willing to leave anything at all to the discretion of the Congress in the exercise of its constitutonal functons.

Mr. BURKE. Mr. President, if the Senator from Wyoming will further yield——

Mr. O'MAHONEY. I yield.

Mr. BURKE. I call attention to the fact that while the particular measure in the form that I introduced it was drawn by the Military Training Camps Association, in conjunction with Army officers, I have explained very carefully that for a number of years a selective training and service bill has been in process of formulation, and that it was the purpose of my bill simply to bring the matter before the Military Affairs Committee, and that committee also had the advantage then of the very carefully worked out program of the Joint Army and Navy Committee on Selective Training and Service; so that was the basis upon which the bill which is now before the Senate was drawn.

Mr. O'MAHONEY. Mr. President, I have no doubt that the Senator from Nebraska has correctly described the situation. I think there is no profit in bandying phrases back and forth. They get us nowhere. We are studying probably the most important issue that has been presented to the Senate in many years, because it deals with the fundamental structure of our Nation and of our Army.

I had not intended to make any comment upon the bill at this time, but I feel that we are proceeding rather by habits of thought than by any clear comprehension of the facts which face us in the world today. Certainly if we are to learn anything from what is transpiring in Europe, it is that the nations of Europe, which were supposed to be militaristic, which were supposed to be well grounded in raising and caring for armies, were utterly behind the times.

The Republic of France, we were taught to believe, had the greatest and most modern army that had ever been raised, and yet it wilted away when it was placed to the test. Great Britain as well as France watched the growth of a modern war machine without doing a thing to prepare themselves to meet the use of that machine. The military leaders of Great Britain, and the military leaders of France, seemed to be utterly oblivious of the fact that a great nation was using the developments of science for the purpose of concentrating military force.

Now we know that airplanes, tanks, and motorcycles offer the instrumentalities that make for conquest. They are the instrumentalities which are needed for defense. It is much more important to our country, it seems to me, that we shall be fully prepared with the most modern, the most effective, and, if need be, the largest air arm that was ever raised in the history of the world, than that we shall have a million or two million men drilling with rifles.

The result of the war that is now in progress over the British Channel will depend not upon the size of the German Army, the men who carry the rifles, nor upon the size of the British force. It will depend upon whether the air force of Great Britain and the navy of Great Britain are strong enough to prevent the invasion.

That, Mr. President, is why I feel that it is of the utmost importance that in preparing the legislation which is now before the Senate we take care to create an opportunity in our Army for mechanics, so that we shall have an army of the modern kind that can be equaled by no other army in the world. That is the reason briefly—while I am in entire sympathy with the objectives which the Senator from Oklahoma desires to achieve—why I hope that he will permit this matter to go over in order that we may be able to give it a little more study.

Mr. MALONEY rose.

Mr. O'MAHONEY. I shall be glad to yield to the Senator from Connecticut.

Mr. MALONEY. Mr. President, in view of the fact that I first made the suggestion that this amendment go over, I should like, in the time of the Senator from Wyoming, to withdraw the suggestion. I have discussed the matter with the Senator from Oklahoma, who is very anxious, first, that his amendment be acted on, and is quite willing that we work on it and perfect it, probably here or else in conference, or in the House, at a little later time.

To me the argument made is persuasive, first, because every Member of the Senate, I am confident, is anxious to see the Army pay increased. I, myself, would go a little further than $30 a month if I had complete freedom. I understand that the administration, and in fact, the Army, are anxious to have the pay increased. For that reason I withdraw my suggestion, confident that the matter can be satisfactorily worked out, and I express the hope that the amendment will now be adopted.

Mr. BONE. Mr. President, I should like to ask the Senator from Oklahoma about one provision of his amendment. I note he refers to the monthly base pay of enlisted men. The term "enlisted men," as I understand, means every man in the Army except commissioned officers. Possibly the Senator from Texas [Mr. SHEPPARD] may be able to answer the question if the Senator from Oklahoma cannot do so. I do not know that it is any deep mystery, or anything of that sort, but would this term, were the amendment to be adopted, include the men who are taken in under the Burke-Wadsworth bill?

Mr. LEE. Yes.

Mr. BONE. Would they also share in the pay that is contemplated by the Senator's amendment?

Mr. LEE. Yes. "Enlisted men" is a term used to contrast with the commissioned officers. All others are enlisted, whether they are inducted or volunteer.

Mr. BONE. The term, then, is used merely to distinguish the rank and file from the commissioned officers of the Army and is sufficiently inclusive to take in the men who are brought in or inducted into the service under the pending bill?

Mr. LEE. Yes. That is the language that is used in all the legislation, and relates to the men other than the commissioned officers.

Mr. O'MAHONEY. Mr. President, with the understanding that the amendment can be perfected, and lest having it go over should be misinterpreted as being in opposition to the principle of the amendment, I shall say no more about it, and shall be very glad to have the amendment acted on.

Mr. PEPPER obtained the floor.

Mr. BARKLEY. Mr. President, will the Senator from Florida permit us to get a vote on this particular amendment? I understand he intends to address the Senate.

Mr. PEPPER. Yes.

Mr. HOLT. I think some other Senators are interested in this amendment. I see no objection to having a quorum call if we are to have action on the amendment.

Mr. PEPPER. I shall be glad to yield for that purpose.

Mr. BARKLEY. I do not object to a quorum call.

Mr. HOLT. I think we should have a quorum call before action is taken on an amendment of this nature.

Mr. BARKLEY. Very well.

The PRESIDING OFFICER. Does the Senator from West Virginia suggest the absence of a quorum?

Mr. HOLT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Barbour	Brown	Byrnes
Andrews	Barkley	Bulow	Capper
Ashurst	Bone	Burke	Chandler
Austin	Bridges	Byrd	Chavez

Clark, Idaho	Harrison	Mead	Shipstead
Clark, Mo.	Hatch	Miller	Slattery
Connally	Hayden	Minton	Smathers
Danaher	Herring	Murray	Stewart
Davis	Hill	Neely	Taft
Donahey	Holman	Norris	Thomas, Idaho
Downey	Holt	Nye	Thomas, Okla.
Ellender	Johnson, Calif.	O'Mahoney	Thomas, Utah
Frazier	Johnson, Colo.	Overton	Tobey
George	King	Pepper	Townsend
Gerry	La Follette	Pittman	Truman
Gibson	Lee	Radcliffe	Tydings
Gillette	Lodge	Reed	Van Nuys
Glass	Lundeen	Reynolds	Wagner
Green	McCarran	Russell	Walsh
Guffey	McKellar	Schwartz	Wheeler
Gurney	McNary	Schwellenbach	White
Hale	Maloney	Sheppard	Wiley

The PRESIDING OFFICER. Eighty-eight Senators have answered to their names. A quorum is present.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. OVERTON. I have asked the Senator from Florida to yield to me in order that I may offer an amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. An amendment is pending which has not been disposed of.

The question is on agreeing to the modified amendment offered by the Senator from Oklahoma [Mr. LEE] to the amendment reported by the committee.

The amendment as modified to the amendment was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana offers an amendment, which will be stated.

The CHIEF CLERK. At the end of the committee amendment it is proposed to add the following new section:

SEC. —. (a) The benefits of the Soldiers and Sailors Civil Relief Act, approved March 8, 1918, are hereby extended to all persons inducted into the land or naval forces under this act, and, except as hereinafter provided, the provisions of such act of March 8, 1918, shall be effective for such purposes.

(b) For the purposes of this section—

(1) the following provisions of such act of March 8, 1918, shall be inoperative: Section 100; paragraphs (1), (2), and (5) of section 101; article 4; article 5; paragraph (2) of section 601; and section 603;

(2) the term "persons in military service", when used in such act, shall be deemed to mean persons inducted into the land or naval forces under this act;

(3) the term "period of military service", when used in such act, when applicable with respect to any person, shall be deemed to mean the period beginning with the date on which such person is inducted into such land or naval forces under this act for any period of training and service and ending 60 days after the date on which such period of training and service terminates.

Mr. PEPPER. Mr. President, the Washington Times-Herald of today carries an article on page 2 headed "Pepper quoted as advocating F. D. as dictator." Then there is a subheadline, "Fulton Lewis asserts Senator told him drastic step needed." That article, by Mr. William Strand, purports to give the substance of a radio address made over Station WOL last evening by a gentleman who is a very able radio commentator, a responsible newspaperman, and a very good personal friend of mine.

Today upon the floor of the Senate the very able Senator from Montana [Mr. WHEELER] referred to and read certain excerpts from the address by Mr. Lewis. I came upon the floor at the invitation of the able Senator from Montana to hear a portion of his remarks, and at that time stated that I had never made a practice of referring to or denying statements which might be made in the press with reference to my attitude or conduct, because long ago I found that I could not possibly deny all the things which might be said about me as a figure occupying some small place in the political arena, and that generally when I tried to do so I accentuated the damage rather than diminished it. So a newspaper is not a good opponent with which to get into a controversy.

However, there are times, and there are circumstances, which I think justify a man in public life in desiring that there be no misunderstanding about the facts, in order that thereafter, when some other circumstances may prevail, he may not be confronted with statements which he may be assumed to have admitted by not denying them.

With those words of explanation I ask the indulgence of the Senate for a few moments of comment with respect to that matter.

Two or three persons indicated to me that they had heard that some conversation took place at Chicago during the convention, between the Senator from Massachusetts [Mr. WALSH], the Senator from Montana [Mr. WHEELER], and myself, in which one of those Senators suggested that somebody was proposing to make President Roosevelt a dictator, and that I had replied that it was intended only to make him a temporary dictator. In the colloquy which ensued between the able Senator from Montana and myself shortly after lunch the statement was made on the Senator's part that he had made such a statement and that I had made such a reply. The statement was made on my part that I did not make such a statement. Perhaps both of us answered with greater abruptness than we intended. I should like to modify what I said by the statement that I never intended to make such a statement, and I have no recollection or consciousness of having used that language.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. PEPPER. I yield to the Senator from Montana.

Mr. WHEELER. Of course, if the Senator says he never made the statement, I do not wish to dispute him and say that he did. However, my recollection is as I stated to the Senator privately. President Roosevelt's name was not mentioned; but, as I recall, we were discussing the powers which the Senator felt the President ought to have, and I said to the Senator, "What you want to do is to set up a dictatorship." As I recall, the Senator said, "Only temporarily." I did not place any importance to the remark because it was made during a casual conversation such as two Senators might have. I might say to some Senator during the course of debate, "What you are trying to do is so-and-so." I did not make the statement with the idea of casting reflections upon the Senator. When the Senator made his speech on the floor of the Senate with reference to his seven points, I think the statement was made that what he was trying to do was to set up a dictatorship.

I do not think that was casting a reflection or was intended to cast a reflection upon the Senator from Florida. If he says to me that he did not make the statement, I would have to say that, in my judgment, my recollection was that the conversation took place; but I do not want to get into a controversy with the Senator about it, because it is not of sufficient importance, one way or the other. When I called attention to the statement this morning, I knew that Fulton Lewis was a friend of the Senator from Florida, and I assumed, knowing Fulton Lewis, that he would not have any particular objection to my quoting it. The way it came about was that the Senator from Ohio [Mr. TAFT] was referring to what this bill would do in the drafting of men and businesses, and I called attention to the statement which had been made.

Mr. PEPPER. I thank the able Senator from Montana for making those remarks. He will recall, and Senators who heard the radio address of Mr. Lewis will recall, that he recited that I did not make the statements attributed to me by the commentator.

Mr. Lewis came to see me in the restaurant, I think, 2 or 3 days ago, and asked me if there was any substance to the report about any such conversation having taken place. I told him there was not; that I had never heard of such a conversation. I certainly have no awareness or recollection of any such conversation ever having taken place. In the platform deliberations I made no comment on any subject except with reference to a plank on foreign affairs, and there was considerable debate on that plank between the able Senator from Montana and me, he rather taking one side and I taking the other side; but I was never aware that there was anything approximating that statement made. I so stated to Mr. Lewis. Then he proceeded to interrogate me about my ideas on subjects related to that matter, that is, the degree to which this country should mobilize its energies, its efforts, and its powers to meet the crisis which it confronts.

I made some comment not dissimilar in character from the comment I have made a number of times upon the floor of the Senate.

Mr. President, in referring to that statement I should like to make a little more complete reference to it.

> The story is that Senator PEPPER replied to that:
> "No; I only want to make the President a temporary dictator."
> Now, after tracing down that much through a dozen different sources there were many things that could have been done next, but the logical and ethical one seemed to be to go to Senator PEPPER in person and ask him whether the story was true or not, which I did for you yesterday afternoon.
> He said he doesn't remember any such incident, although he said he might possibly have made some reference along the line that it is necessary to recognize the difference between a democracy coasting along in peacetimes and a democracy that has its back to the wall in a dire and threatening emergency.
> I asked Senator PEPPER just what his views are regardless of whether he said it or not, whether he does believe that the President should be made a temporary dictator.
> His reply to that was not an unconditional "Yes." In fact, he didn't say yes or no. He said he believes the United States is facing the greatest crisis, the greatest emergency in its entire history, and he believes that if we are serious in wanting to preserve what we have we should give Mr. Roosevelt full and complete wartime powers, whatever the President thinks is necessary to deal with the situation and to pull us through.

Mr. President, the latter part of that statement is not altogether accurate. I did say that I believed we should in this crisis confer upon the President full wartime power. Senators will remember that I made the same statement in offering the seven-point program which I presented in the Senate some little time ago. It will be recalled that title 50, section 80, of the United States Code, Annotated, begins in this way:

> PROCUREMENT OF WAR MATERIAL—MOBILIZATION OF INDUSTRIES
> The President, in time of war or when war is imminent, is empowered through the head of any department of the Government, in addition to the present authorized methods of purchase or procurement, to place an order with any individual, firm, association, company, corporation, or organized manufacturing industry for such product or material as may be required, and which is of the nature and kind usually produced or capable of being produced by such individual, firm, company, association, corporation, or organized manufacturing industry.
> Compliance with all such orders for products or material shall be obligatory on any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof and shall take precedence over all other orders and contracts theretofore placed with such individual, firm—

And so forth. I believed then, and I believe now, inasmuch as we have lost weeks of time in negotiating with manufacturing concerns about materials, about the purchase price to be paid, perhaps, about the manner in which the contract shall be executed, that in time of pressure, when manpower is subject to call, industrial power should likewise be subject to the Nation's commands; and, if we need airplanes, somebody acting under the authority conferred by the Congress should have the power to say to those capable of making airplanes, "You must make airplanes to defend your country." It is in that sense that I have always regarded the subject of the exercise of such power as that.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. PEPPER. Pardon me a moment. But it will be recalled that at the end of the section from which I read there is a provision guaranteeing fair compensation to the industries that might be required to fill such orders. Of course, I did not contemplate the Government being unfair to anybody or confiscating anybody's property, but I do say that in a great crisis there is not time, as Emerson said, to spend the day in explanation. That is all the Senator from Florida had in mind in making that comment, at least.

I now yield to the Senator from Missouri.

Mr. CLARK of Missouri. Mr. President, since the Senator is clearing up things he did say and did not say, I should simply like to ask him whether it is true that he said, as was quoted in the public press—and that is my only authority for it—that he advocated a provision of law to authorize the President of the United States to seize such plants as the Ford plant and to compel them to manufacture airplanes for foreign governments?

There is nothing in the statute which the Senator from Florida has read which would ever authorize in time of peace the President of the United States or anybody else to compel an American manufacturer to manufacture implements of war for some foreign power. I should like to know whether the Senator advocates such a provision as that? If he does, it seems to me that there has never been a more extensive assumption of power by Hitler or Mussolini than that.

Mr. PEPPER. With a slight modification, the answer to the Senator's question is "Yes." I wish to be very frank.

Mr. CLARK of Missouri. Does the Senator mean that he advocates entrusting the power to anybody to compel an American manufacturer to quit the business in which he has habitually engaged and engage in manufacturing munitions of war, whether airplanes or anything else, for any power in a war in which we have proclaimed ourselves neutral? Is that the Senator's proposition?

Mr. PEPPER. Now, Mr. President, the Senator has changed the inquiry a great deal, and I cannot answer that question with a simple yes or no. I will be glad to give an explanation as to what I do believe.

Mr. CLARK of Missouri. I do not wish to demand an explanation of the Senator; but will the Senator explain exactly what he did say in that connection? I make the inquiry simply because the Senator is now in the process of explaining what he did say and did not say. Did the Senator say that he advocated a law which would authorize anybody to compel Henry Ford, or other American manufacturers, to manufacture airplanes or other munitions of war for nations engaged in a war in which we are at present neutral, or supposed to be neutral?

Mr. PEPPER. I will be glad to answer the question, and I appreciate the opportunity of doing so. Title 50, section 80, of the United States Code, Annotated, to which I have just referred, gives the United States Government, through its President—and, of course, this power is conferred by Congress and not usurped by the President—to place an order for war materials with any industry in this country that may be reasonably adapted, as the statute says, to producing that kind of material.

Mr. President, I go further than that and say that, if it is determined to be the policy of the United States Government that some other nation should receive some of those materials, pursuant to the conviction this Government has that for it to do so is in defense of America and that policy is approved by the Congress or authorized and determined upon by the President, it is the Government of the United States speaking, and no individual factory owner has a greater privilege to say where his material shall go than a soldier has to say where he shall go when he is ordered by his Commander in Chief to a destination.

Mr. CLARK of Missouri. Mr. President, if the Senator will permit a further interruption, then the Senator does advocate the proposition of giving the President of the United States authority to step into somebody's plant and say, "I demand that you make shells, that you make airplanes, or that you make tanks, or something else for a foreign nation engaged in a war in which the law of the United States at the present time makes it a neutral?"

Mr. PEPPER. Of course, the Senator adds a tag onto the question by which he assumes that to do that would be illegal. For the time being, let us leave out the question of legality.

I am speaking about whether or not the citizen should be obligated to carry out any such direction on the part of the Government. If the Congress of the country has authorized the President to make such a requirement, and he does make it, it is not up to the manufacturer of the material to say where it shall go, any more than it is up to the manufacturer of a soldier's uniform to say where the soldier who wears that uniform shall go to defend his country.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. CLARK of Missouri. Is it not a fact that the connection in which the Senator made his remarks which were quoted in the newspaper to which I have referred had to do with the fact that Henry Ford refused to enter into a contract with the British Government—not with the American Government, but with the British Government—to transform his factory into an airplane factory, and Mr. Ford at that time stated, at least he was so quoted in the public press, and the published statement was never denied, that he was willing to make any sacrifice or do anything that was necessary for the defense of the United States, but that he refused to turn his factory into a munitions plant for any nation except the United States of America, and the Senator's statement quoted in the public press had reference to that situation? The Senator denounced Mr. Ford as more or less of a "fifth columnist" and a traitor to his country, and, according to the public press, advocated that laws be passed to enable somebody to go in and take possession of Mr. Ford's factory and make him a purveyor of munitions to a nation engaged in a war to which we are not a party.

Mr. PEPPER. The Senator is not disclosing, in the statement he made, that the comment which the junior Senator from Florida made in the first place was made before the opinion of the Attorney General was announced with respect to the 1917 statute which grew out of the later discussion of the proposed sale of mosquito boats by the Navy. In the second place, the Senator from Florida said, in explanation of his position, that the Government of the United States, and not any individual citizen, manufacturer, or industrialist, should determine the foreign policy of this country, and when the duly constituted Congress and President determine what that foreign policy is it is the duty and the obligation of the citizen to conform to his Government's requirements. That is all I said.

Mr. President, the President of the United States, without any remonstrance of legal significance by Congress, sold or allowed to be sold to Great Britain certain materials. I believe it is the sentiment of a majority of the Congress that if Great Britain survives this onslaught all the things we are doing will not be necessary in the future and that the maintenance of the British defense, the integrity of the British Navy, is, for the time being at least, the best defense there is for the United States of America. If, believing that, the Congress and the President say that if Great Britain can have enough airplanes to protect itself and not be conquered that is going to keep us from being attacked in this hemisphere, and if the Congress gives the President power to place orders with Mr. Ford or anybody else for airplanes to be delivered to Great Britain, and he does it, I simply say that if Mr. Ford did not do it, in the first place, he would not be complying with the law of his country; and, in the second place, he would be attempting to usurp the right to determine the foreign policy of this country, and that prerogative should be preserved for his Government.

Mr. ADAMS. Mr. President——

Mr. PEPPER. I yield to the Senator from Colorado.

Mr. ADAMS. I wish to inquire whether or not the statute which the Senator read, which I did not have a chance to follow closely, did not limit the powers conferred upon the President to wartime; because, of course, there is a vast difference between the powers which Congress can confer and which the President can exercise in wartime and in peacetime. Am I correct in my understanding?

Mr. PEPPER. Mr. President, if the Senator will allow me, the best way to answer that question is to read the first two lines:

First, the caption:

Procurement of war material; mobilization of industries.

That is in capital letters, and then this:

The President, in time of war or when war is imminent, is empowered, through the head of any department—

And so forth.

Mr. BONE. Mr. President, what statute is that?

Mr. PEPPER. Title 50, section 80, of the United States Code, Annotated.

Mr. ADAMS. Then it really involves the war powers in each case. In other words, if it were not for the war powers we should be confronted with certain constitutional limitations.

Mr. PEPPER. Oh, yes.

Mr. ADAMS. In other words, the due-process-of-law clause. The statute does provide for compensation.

Mr. PEPPER. Yes.

Mr. ADAMS. But there is no due process of law, and we must have recourse to the war powers.

Mr. PEPPER. Of course.

Mr. President, as a lawyer I am of the opinion that while it might be possible to construe a situation like the present as one in which war is imminent, using the word "imminent" in the sense of there being a dire possibility, or enough of a possibility, to cause us concern and perhaps preparation of an intense character—I say, while that interpretation might legalistically be possible, yet I think the only proper interpretation would be for the Congress, as the Senator indicated in principle here the other day, to be the agency that would determine that war is imminent or that these powers should be exercised. What I advocated, insofar as what I advocated is important, was that the Congress should confer these powers upon the President by adjudicating that these conditions do exist; at least, that there is enough terrible danger of war for us to mobilize every energy we possess in the defense and the preparation of this country against war.

Mr. WHEELER and Mr. BONE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Florida yield; and if so, to whom?

Mr. PEPPER. I think the Senator from Montana rose first. I yield first to him, and then I will yield to the Senator from Washington?

Mr. WHEELER. Mr. President, I thought when the Senator came in, and I was reading what he was quoted in the morning newspapers as saying——

Mr. PEPPER. I am going on to other parts of this.

Mr. WHEELER. I thought, perhaps, the Senator took some offense because I was reading it, but I go back to the speech which he made a short time ago on his seven-point program. He spoke then of giving the President the full wartime powers. He said:

First. Confer upon the President full wartime power to prepare and defend America.

Second. Universal defense service, so that every citizen may be best trained and placed for the country's defense.

I mean by that just what I say: Universal service, enacted as soon as the present Congress can enact it, calling to the colors of their country the men of this Nation—young men, middle-aged men, and older men—every one of them to take his place where his Government may judge that he may best serve—in the Army, in a factory, upon a highway, in building forts or ships, or whatever the defense of this God-blessed country may require.

Third. Confer upon the President power to suspend all rules, regulations, and statutes, including Army, Navy, and departmental seniority regulations, which in his judgment interfere with the maximum speed in the production, transportation, or manufacture of defense materials.

Then he goes on to say:

In addition to that, Mr. President, I have purposely included the power to suspend the wage-hour law, the power to suspend the Walsh-Healey Act, the power to suspend the National Labor Relations Act, the power to suspend any rule, any regulation, any statute which the President thinks, in his wise discretion, will interfere with the vital necessity of this country's arming itself at the earliest possible time that conditions permit.

* * * * * * *

If more hours of work are required of labor, I favor conferring upon the President power to require whatever number of hours the national emergency may necessitate; for although I have tried to defend labor as loyally as I knew how, I say to the labor unions, whose interests I have always supported on this floor, "The only chance you have to have collective bargaining and liberty of economic action is for your country to live and democracy to exist upon the face of the earth."

Then the Senator goes on. So, as a matter of fact, the statement which the Senator made upon the floor is but very

little different from what he is quoted as saying to Fulton Lewis.

Mr. PEPPER. Mr. President, I am going to point out that there are only a few inaccuracies and a few instances in which there was a little different interpretation placed upon the language used than was intended, but I expect to show what the relatively few inaccuracies are.

Mr. WHEELER. What I was going to say to the Senator was this: When I was calling attention to what the Senator is quoted as saying to Mr. Lewis, bearing in mind what he had said here on the floor of the Senate, I did not dream that he could in the slightest degree take offense at my calling attention to it.

I can understand how the Senator is in favor of conscription, because his idea is, first, to "confer upon the President full wartime power," and his second proposition was to have "universal defense service, so that every citizen may be best trained and placed for the country's defense."

I say to the Senator that what the Congress is doing, and what Senators are doing when they are voting for this conscription bill, is following step by step exactly what the Senator from Florida has advocated. That is what they are doing. We are now taking the first step in his program. I agree with the Senator that we take the first step in his program when we vote for conscription, and we have taken other steps that the Senator has advocated. He is one of the men in this body—and I say it with all kindness—who has probably been closer to some of the insiders than has almost anybody else in this body.

Mr. CONNALLY. Mr. President, what is an insider? [Laughter.]

Mr. WHEELER. I think we all know without any further explanation.

Mr. CONNALLY. I do not.

Mr. WHEELER. The Senator from Texas is not on the inside. [Laughter.]

Mr. CONNALLY. I know it. I cannot get on the inside unless I know who the insiders are.

Mr. WHEELER. The Senator from Texas could not get in anyway. [Laughter.]

Mr. PEPPER. Mr. President, I appreciate the compliment of the Senator, but I am afraid his reach will exceed his factual grasp when he attributes to me the honor that I am afraid he intended to confer upon me, because the Senator, of course, does not mean that with respect to the President, or the Cabinet officers, or the newspapers here in Washington, or anybody else, for that matter, there are at least three-fourths of the Senators in this Chamber who are as close as I am.

Mr. WHEELER. Oh, no; I do not agree to that at all, because, with all due respect to the Senator, I think he is probably closer to the program that is being put through than anyone else. As a matter of fact, things which have been done up to this time have been in accordance with what the Senator from Florida has advocated. I congratulate the Senator on being able to put through his program so far as he has, and I have no doubt that, if we put through conscription, the next step will be as outlined by the Senator in his seven-point program.

The Senator sincerely believes in the program, and is conscientious about it, and is honest about it, and he believes it is necessary. The difference between the Senator and me is that I do not believe in that kind of a program, and I do not think it is necessary. The Senator does.

The Members of the Senate should be aware of the fact that when they take this first step for conscription they are carrying out another step of the Senator's program which will lead us into conscription of wealth. I think the men who are howling about conscription at the present time, and are in favor of it, should recognize that this is but the first step; that the next step will be the conscription of property, and the next step will be to carry out the rest of the Senator's program, to give the President power—

To suspend the wage-hour law, the power to suspend the Healey-Walsh Act, the power to suspend the National Labor Relations Act, the power to suspend any rule, any regulation, any statute which the President thinks, in his wise discretion, will interfere with the vital necessity of this country's arming itself at the earliest possible time that conditions permit.

I do not know what more power Mr. Hitler has than that; I do not know what more power Mr. Mussolini has than that. I have been pointing out constantly that this was the first step, that the first step would be conscription of men and the next step conscription of wealth.

Let me say in all frankness, and with due regard to the Senator, that the proposals which were made to the committee on resolutions at the Democratic Convention, were in entire accord with the proposals which the Senator from Florida made upon the floor. One of the proposals made was to have every man fitted into his particular niche—farmer, laborer, merchant, everyone else—as a part of our defense program. While conscription was not mentioned, the fact was stated that everyone should be fitted into his particular niche. That suggestion was turned down by the committee on resolutions, first turned down in the subcommittee, I think only one member being in favor of it, all the others being opposed. Then it came into the full committee, and in the full committee there were not to exceed seven or eight votes for it.

We are following, and it was intended we should follow, the program as laid down. So when I say that the Senator is carrying out the program of some of the people on the inside, I have not the slightest doubt that that is true, and I congratulate the Senator for being on the inside, while most of us are not.

Mr. PEPPER. Mr. President, I think perhaps the Senator will agree that at least the length of what he has said was the equal of one question, or a little bit more; and, of course, the Senate and the Senator realize how difficult it is to answer each one of the suggestions made by the Senator. If the Senator from Washington will excuse me for just a few minutes, I know he will understand I would like to make some comment upon these imputations.

Mr. President, I have made it as clear as the English language can be spoken that whatever I did in respect to the international situation I did out of my own sense of what was right and proper for the country, I did it on my own initiative, I was speaking for no one but myself individually, as instanced by the fact that on one occasion I got one vote, and on one other occasion two votes. I think that indicates, perhaps, as the Senator indicated, that I was not speaking for anyone else in the Senate.

Mr. WHEELER. Let me congratulate the Senator, then, if he was speaking for himself only, that the administration followed his suggestion. [Laughter.]

Mr. PEPPER. I wish to say that there is no monopoly on right, and it is very easy for a great many people to hit upon the right course at the same time, and I am only happy that a few of the things I have advocated have been sustained, not altogether by the initiative of any of the other officers of the Government, but have been consummated by the unyielding pressure of public sentiment in the United States. That has been attested by Gallup polls, by newspaper sentiment, expressed in news stories and editorials, and by contacts which Senators have had with their constituents back home.

I say, and I have said all the time, that the people have been ahead of the Congress. I do not intend by that to disparage the Congress, but I think the cold fact is that the people have been more concerned, more upset, more alarmed, and more conscious of the necessity of immediate and drastic action, than has been the Congress of the United States, at least the Senate of the United States. So not even the President, I will say to the Senator from Montana, in whatever he may have done administratively, deserves more than a share of the credit. The real credit for the virtue of whatever may have been done has come from the sentiments which have rolled in from the cities and the towns and the rural districts of this country, because the people thought their Nation and their destiny were insecure.

Let that stand once for all as a direct refutation of either the statement or intimation that in whatever I have done, in the convention at Chicago or here or anywhere else, I have acted other than on my own responsibility as a Senator from a sovereign State of this country.

I will say this further to the Senator, that Woodrow Wilson is to me a political and spiritual prophet. I still worship at the shrine of Woodrow Wilson, and, take it for whatever of obloquy it may entail upon me, if any—and I regard it as an honor—I still feel that the fundamentals of Woodrow Wilson's sentiments were right when they were expressed, and were tragically repudiated when they were defeated. I still say that as a child I used to read Woodrow Wilson's speeches and statements and histories, and as a boy, enlisting in the service for a month and a half or 2 months, I never experienced such elation as I did in the moral uplift which Woodrow Wilson gave to the world. I am proud, even while some now condemn him, to honor the memory of Woodrow Wilson, and say that, more than anything else, what I have known and what I have loved about Woodrow Wilson's principles has been back of whatever feeble contribution I may have made toward the international crisis at this time.

Of course, a critic, cynical about that statement, and wanting to press me to a technical conclusion, would say, "That means, then, that you want to go to war as Woodrow Wilson did, does it?" I would answer that as President Roosevelt, who was a member of his Cabinet, answered, "I learned from Woodrow Wilson some things to do and some things not to do."

I have said, on this floor, that I do not favor a declaration of war. A declaration of war, as I see it, has nothing to do with the matter. I did say here, in a colloquy with the Senator from Montana, a few days ago, and I do reiterate, that if the United States of America permits the only friend we have amongst the first-class powers of the world to collapse under the brutal heel of Hitler and Mussolini militarism, and permits four bloody dictators to be able to throw dice for the distribution of the world and the destiny of mankind, we commit a folly which I do not believe is possible for rational and patriotic men.

If that be denominated war, it is a misinterpretation to call it war. I say that I would interpose enough force on the side of Great Britain to see to it that her conquest is not consummated.

Mr. WHEELER. Mr. President——

Mr. PEPPER. If the Senator will pardon me—I would do that by such slow degrees as I could maintain, and I would exercise discretion and judgment, of course, in the details of what I did.

I would have begun a long time ago doing just what we have been doing and what the Senate has approved—letting Great Britain buy airplanes. I believe the able Senator from Montana was not in favor of that action.

Mr. WHEELER. Oh, yes; I voted for it.

Mr. PEPPER. Then I am mistaken about that. There were some on the floor of the Senate opposing the pending bill who did not approve it. They were conscientious in their position, and no one is questioning the sincerity of anyone else. Some thought that would lead us into war, but it did not, and who knows what Great Britain would have done if she had not gotten as much help as she has been able to get from private industry in this country?

I would not only let them have whatever we could furnish from our private industry but, in addition to that, I would let them have at the present time, from the forces we might dispense with without imperiling the security of this country, whatever number of destroyers are available, if they need them as badly as I hear they do, because I believe that, if we did that, those destroyers would serve a more useful purpose than they could ever otherwise serve in the defense of the United States and the Western Hemisphere.

Mr. President, there is one other thing to which I should like to advert. Every speaker who has commented on what we have done affirmatively to aid the Allies has assumed as a hypothesis, as a premise, that it was in violation of international law. From now on, when Senators make such a statement, I hope they will be good enough to quote from international law authorities who have written since the adoption of the Kellogg Pact, for I venture to believe that the adoption of the Kellogg Pact brought a new principle into international law. Prior to the Kellogg Pact I should say that a nation was either a neutral or a belligerent, but since the adoption of the Kellogg Pact a nation which is a party to that pact surely has an obligation to do something to defend a fellow signatory power to that pact against the unprovoked aggression of another signatory power.

If the other nation, the third power, does nothing but wash its hands, like Pontius Pilate, and say, "We have nothing to do with this controversy," what does the Kellogg Pact mean? I do not mean that the Kellogg Pact imposed an obligation to send armed forces. It did not, as a matter of fact, specify what the signatory powers were obligated to do if there were a violation of its policy by one signatory power against another signatory power, but I do say that, as the Budapest interpretation of the pact of Paris a good many years ago stated, and as in substance the Harvard Research Committee stated a while ago concerning the Kellogg Pact and its signatories, a third signatory power, such as we are, has a perfectly legal right to do whatever it may think reasonable and proper to do in a defensive capacity to stop or ward off or defend against such unprovoked aggression.

If I am walking along the street, and I see one man doing nothing, but about to be viciously attacked by another, it seems to me that I am not a lawless citizen if I even venture to hold my hand up to ward off the blow against the nonresisting man. It seems to me that then I am a peaceful citizen. I am trying to preserve decorum, and law and order in the community. It seems to me that I would be looked upon in a favorable light, not as a lawbreaker, but as a peacemaker.

Everyone knows we are not trying to push Hitler back into Germany. We are not trying to limit him to the occupied area that he has in France. We are not trying to throw his iron heel off the face of Belgium and Holland and the other countries that he has prostituted and endeavored to destroy. We are not trying to do any of those things, but we do say that there is a limit to how much of the world a dictator, in confederation with other dictators, may gobble up without seriously affecting our own physical integrity and security.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. WHEELER. The Senator from Florida, I take it, was not a Member of the Senate at the time the Kellogg Pact was adopted. It is my recollection that the argument was made at that time, that if we adopted the Kellogg Pact it would be incumbent upon us to go to the defense of any signatory nation, and it was strenuously argued, as I recall, that there was no obligation of that kind under the Kellogg Pact. If there had been such an obligation under the Kellogg Pact I am sure that the Senate of the United States would never have approved the pact.

Mr. PEPPER. Mr. President, does the Senator from Montana take the position that when a violation of the pact occurs, and one signatory power unprovokedly assaults another power, which is a signatory power, that yet another signatory power shall stand by and wash its hands, like Pilate of old, and say, "I am disinterested in that controversy"?

Mr. WHEELER. If we should take such a position as that with reference to the Kellogg Pact we, of course, would be at war with Japan today. If that were true we would be at war with Germany; we would be at war with nearly every country on the face of the earth.

Mr. PEPPER. Oh, no; that is not true.

Mr. WHEELER. It is if we follow the Senator's argument to its logical conclusion.

Mr. PEPPER. No, indeed, let me answer, because we are the ones who are to determine what measures we shall take.

Mr. WHEELER. If we follow the Senator's argument to a logical conclusion, then if some aggressor attacks another

nation it is our duty, under the Kellogg Pact, to attack the aggressor nation and protect the nation that is attacked. We can come to no other conclusion, as I see it. That is the logical conclusion. First of all, I do not subscribe to the idea. I wish to say to the Senator that I am as much interested as he is in having Great Britain win, and my hopes and wishes that Great Britain may win are equal to those of the Senator from Florida, but I do not agree with the Senator that our whole peace and security depend upon Great Britain. If they do, then we surely are in a very difficult position.

We defended our Nation against Great Britain when she was strong and powerful and when we were extremely weak. Great Britain at that time was not defending our country, and our peace and security did not depend upon the strength of some other nation.

I cannot subscribe to the idea that the peace and security of the United States depend upon any other nation in the world. Never before has the position been taken in the United States that we were not strong enough to defend ourselves, nor has the position been taken that our peace and security would depend upon Spain, Great Britain, France, or any other nation—if we were in a desperate situation.

Mr. PEPPER. I should like to be able to finish my remarks, because I do not want to detain the Senate too long. The Senate will recall that the Senate itself passed a bill a short time ago, which is Public Law No. 671, House bill 9822, which provides as follows:

> That the Secretary of the Navy is further authorized, under the general direction of the President, whenever he deems any existing manufacturing plant or facility necessary for the national defense, and whenever he is unable to arrive at an agreement with the owner of any such plant or facility for its use or operation, to take over and operate such plant or facility either by Government personnel or by contract with private firms.

I realize that the House of Representatives has proposed the repeal of that section of the law, but that was adopted by the Senate—not by the junior Senator from Florida. That simply provides the same emergency powers that are conferred upon the President during wartime, or when war is imminent, in title 50, section 80, United States Code Annotated.

There has been so very much talk about what dictatorship means, and about what this thing and that and the other thing tending to dictatorship mean, that I ventured to look up the definition of "dictator" in Webster's Dictionary, and this is what it says:

> Dictator: A magistrate in cases of emergency appointed by the Senate to 6 months' (at most) tenure of absolute authority. He was usually chosen from among those who had held the office of consul. Sulla and Caesar had themselves made dictators for longer periods, Sulla apparently for an indefinite period and Caesar for life. One exercising similar authority in later times, especially in a republic. Hence, one in whom is vested supreme authority in any line; one who rules as dictator; one who prescribes for others authoritatively, as, the dictators of fashion.

That is a dictator. I brought that up, Mr. President, to distinguish once and for all between a power that Congress may confer upon the President to act as its agent, a power which may be altered or revoked at any time by the Congress, and a status such as that occupied by Hitler, Stalin, or Mussolini.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. PEPPER. I yield.

Mr. CONNALLY. I notice that a good many other Senators in debate, as well as the Senator from Florida, have used the language, "confer upon the President full wartime power." What kind of power is "full wartime power"?

Mr. PEPPER. What the Senator from Florida had in mind was to enable the President to exercise the powers prescribed in title 50, section 80, of the United States Code, Annotated, part of which I read a moment ago; that is, to acquire war material, and so forth.

Mr. CONNALLY. As I understand, that is already the law.

Mr. PEPPER. I will say to the Senator that according to——

Mr. CONNALLY. I am not arguing with the Senator, but I have heard many Senators talking about "full wartime power." Will the Senator be kind enough to explain that term? The old Supreme Court has held repeatedly—and I think the new Court would also hold—that the Constitution means the same in time of war as it means in time of peace, and that a condition of war does not change any constitutional provision in any way. I remind the Senator of that fact.

Mr. PEPPER. As I explained to the Senate a moment ago, what I had in mind was for the Congress to adjudicate that the situation justifies the President in exercising the powers which are prescribed in title 50, section 80, of the United States Code, Annotated.

Mr. BONE. Mr. President, will the Senator yield for a question?

Mr. PEPPER. Yes; I yield.

Mr. BONE. I think, perhaps, we are all somewhat confused, because we have had this problem catapulted into our laps, and no one has had the opportunity to look at the law. No matter how good a lawyer a Senator may be, his memory is probably treacherous; but, as I recall, the President of the United States had vast powers—perhaps it is the wrong word—but it seems to me he had almost illimitable powers during the World War. Some of those statutes have been repealed. It is my purpose to make some inquiry of the Attorney General to find out what they were.

My reason for rising at this time is this: The able Senator from Florida says that he thinks that in this emergency we should vest the President with full wartime powers. I think we all understand that in the event of a declaration of war, which would, of course, call into being the necessity for the exercise of full wartime powers, we should undoubtedly enact in the Congress of the United States the so-called mobilization plan. That plan was in part embodied in seven bills introduced by the Senator from Missouri [Mr. CLARK] in 1935, for himself and on behalf of the Munitions Committee, in order that the people might understand the scope of the then existent mobilization plan. I ask the Senator from Florida if, as a part of the so-called full wartime powers of the President, he would grant him the powers which are in the proposed legislative draft, which he knows and I know would be enacted if war should come. Would he now, in this emergency, give the President those powers? They would be part of the wartime powers of the President in case war should come.

Mr. PEPPER. Mr. President, of course I cannot go into bills which I do not have before me; and I do not want to go into a lengthy discussion of that question. My point is: Are we concerned about the situation facing this country, or are we not? We have appropriated more than $10,000,000,000 of the people's money, and we have told the country that there is an emergency. We have actually admitted the possibility of a physical assault—at least many of us have—if not upon this Nation, upon this continent, and upon the interests of this Nation in the world.

Mr. President, nothing like this has ever happened, I believe, in the history of the world—certainly not in the history of the United States—when nation after nation has been destroyed by a few willful men with an alacrity and a thoroughness which mankind has never before seen. I think either we ought to be serious about this matter and put everything we have into it, and not quibble about immaterial things, or we should tell the people that we have been seeing ghosts, and that we apologize to them for alarming them.

I am following the hypothesis that there is at least a reasonable possibility that the Western Hemisphere may be attacked by armed forces of a foreign power. I say—and every Senator knows it—that the hostile naval forces which would exist upon the seas of the world with the British Navy out of the way are superior to the naval forces of the United States. When four men—a representative of Japan, Mussolini, Stalin, and Hitler—can sit down around a table and control a majority of the continents of the earth; when they can mobilize ten, fifteen or twenty million men; when they have illimitable

resources; when such a possibility encircles us and confronts us like a heinous nightmare, are we to face it with man-like courage and determination, or are we to equivocate, hesitate, be indecisive and divided in counsel, and treat it as though it were some gladiatorial contest going on somewhere, in which we have an interest, but not a very vital concern?

Mr. BONE. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BONE. The Senator still has not reached my point. Would he now vest the President of the United States with the powers which are envisioned in the mobilization plan which is in legislative shape and ready to be introduced? They would be part of the wartime powers of the President. I should like to have the Senator's views on that question, because those seven proposals—there were seven a few years ago—embodied such powers. Would the Senator from Florida give such powers to the President now in this emergency? I think the Senator can be frank with us and tell us whether or not he thinks the President ought to have such powers.

Mr. PEPPER. The embarrassment of the Senator from Florida is that I have not those bills before me, and I do not know the language of the bills. I do not wish to say "yes" to something which might have a significance which I do not contemplate at this moment.

What I mean can perhaps be best illustrated by telling a little story which I heard of an actor in a melodrama, who, at a certain point in the play, when the villain shot at him, was supposed to thrust his hands to his middle and say, "My God! I am shot." One night the villain got drunk and picked up a loaded pistol instead of an empty one, shot at the actor, and the actor started to say, "My God! I am shot," in his usual manner, when he looked down and saw blood flowing out of his abdomen, and he said, "My God, I am shot." [Laughter.]

In my opinion, we do confront a crisis. We need to do something. What we need to do is effectively to prepare to defend ourselves against possible, if not probable, attack. What is necessary is a matter of judgment, discretion, and wisdom to be exercised by the Congress and the President in conjunction one with the other.

Mr. BONE. Mr. President, may I again intrude on the Senator?

Mr. PEPPER. I yield.

Mr. BONE. I ask the question because books and magazine articles have been written about the M-day plans; and I thought every Member of the Senate was apprised of them. For the Senator's benefit, I shall dig them up as they were introduced a few years ago, and refresh the memory of Senators. They are an imminent possibility, and they are to be part of the wartime powers of the President. I did not conceive that I was doing the Senator an injustice.

Mr. PEPPER. I will say that with the Congress in session and able to revoke any power it may bestow at any time, or to alter it as circumstances may require, I am perfectly willing to vest the exercise of such power in the people's President, whether he be Roosevelt, Willkie, or anybody else, until the emergency is over. I assume that the President will not do a foolish thing; and I assume that if he attempted to do a foolish thing Congress would not permit him to do it. If it is a question of making a choice between being afraid that he would not do enough, and afraid that he would do too much to defend America in this emergency, I will take a chance on the abuse of power.

Mr. BONE. Would the Senator want to have vested in the President at the present moment the power to vacate and set aside any law of the United States? That is an illimitable power. The President has some constitutional powers, but such power would absolutely junk the Constitution if he could set aside every law of the country. Assuming that he might use the best judgment, it is a power never before granted any President in the history of the country.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. HATCH. I assume that when the Senator from Washington says "never before in the history of the country" he means in peacetime.

Mr. BONE. No. I cannot recall any proposal for a legislative grant of power to the President of the United States freely and of his own motion to set aside any statute of the United States. That was my statement. If I am in error, I shall be glad to have the Senator from New Mexico advise me. He is a good lawyer. However, I never dreamed that even in the World War we went that far. I do not believe we did, because it would be a most astounding exercise of power on the part of an Executive to set aside any law.

Mr. HATCH. If the Senator from Florida will further yield to me, I wish to say in explanation that I am not taking any part in this particular controversy, but, as a matter of historical interest, I happen to have some data on my desk which would answer the Senator from Washington, I think, quite emphatically and quite to the contrary of what he has just said. Does the Senator wish to have me read them?

Mr. BONE. I shall be glad to have the Senator do so.

Mr. HATCH. I now read a quotation from Mr. Archibald Dunning, professor of history at Columbia University, in his Essays on the Civil War and Reconstruction, written in 1904, in which he makes this historical reference to the Civil War problems:

> The commander's privilege (in the Civil War) of doing whatever he regarded as likely to weaken the enemy was freely employed as a warrant for congressional action. Both legislature and executive were, on this theory, "above law." Hence, while Congress was endowed with authority to legislate entirely at its discretion, the President was privileged at his discretion to disregard all this legislation. Where such a conclusion was possible, the principle of departmental check and balance was obviously of little significance. Good statesmanship——

Mr. CONNALLY. Mr. President, will the Senator speak a little louder?

Mr. HATCH. I was reading directly to the Senator from Washington, but I shall be glad to take the Senator from Texas into my confidence.

Mr. CONNALLY. As a Senator I claim my right to hear what is taking place. I do not wish to interfere with any private conversation, but I think we ought to hear it.

Mr. HATCH. I continue the quotation:

> Good statesmanship in both executive and legislature preserved the harmony of the two branches till the strain of armed hostilities was relaxed, but no longer. In the work of destruction the President was the real government, and Congress kept in the background; in the work of reconstruction Congress asserted once more its controlling power, and violently put the President into the background.

I now quote from John W. Burgess, dean of the faculty of political science in Columbia University. Discussing the same subject in the Civil Law and the Constitution, he says:

> Congress (in 1861) placed the Government on the war footing, ratified the President's assumption of war powers, and, on the 6th of August, adjourned, leaving the President practically in the position of a military dictator. This was good political science and good public policy. It was also sound constitutionally. In periods of extreme peril to the political life of a nation, individual liberty, federalism in government, and even coordination of government departments must give way temporarily to the principle of executive dictatorship.

I am reading this to the Senator because it comes from a historical work, merely to show what extreme powers are involved, and what may happen, and that the historical reference of the Senator from Washington is quite incorrect.

Mr. CLARK of Missouri. Mr. President, will the Senator from Florida yield to me for the purpose of asking a question of the Senator from New Mexico?

Mr. PEPPER. Yes.

Mr. CLARK of Missouri. It is a fact, is it not, that during the Civil War the President exercised a dictatorship to the extent that he absolutely flouted the Supreme Court of the United States in its attempt to assert the right of the writ of habeas corpus guaranteed by the Constitution of the United States under all circumstances?

Mr. HATCH. May I continue reading this excerpt, if the Senator from Florida is agreeable to having me continue?

Mr. PEPPER. Certainly.

Mr. HATCH (reading):

It is a desperate remedy, a remedy of last resort, but it is one which every complete political system must contain, and under certain proper conditions employ. The two most modern constitutions of federal government, those of the German Empire and of Brazil, make express provision for it. They authorize the executive in periods of extreme public danger to suspend the ordinary law and establish martial law. There is no question that the Constitution of the United States authorizes the Congress and the President, acting together, to do the same thing. The clauses of that instrument which vest in Congress the power to raise armies, provide for calling the militia into the service of the United States for repelling invasion and suppressing insurrection, and to declare war, and in the President the powers of a commander in chief, certainly contain the principle of the dictatorial power of the whole Government, if not of the President alone, and it is altogether gratuitous to concede that the Government of the United States overstepped its constitutional powers, and acted on the principle that necessity knows no law, in preserving the Union by force against dissolution. It overstepped its ordinary limitations, but it had, and has, the constitutional right to do that in periods of extraordinary danger.

Mr. BONE. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BONE. When I use the term "the war powers of the President" I am merely using the language which the average lawyer would use, meaning the powers granted in the orthodox fashion, by the passage of legislation. I am not talking about either the brutal or the incontinent seizure of power either because of military necessity or because of a man's own inane impulses. In asking the question of the Senator from Florida I was talking about this body, the constitutional lawmaking body of the country, coldly and deliberately and purposefully passing laws. I am not talking about a dictator. It may be that when we get into war—and that is what I fear, and that is what I think we are going into very shortly—the very condition which the Senator from New Mexico has read as described through the pen of a historian might come about. I know that in wartime civil rights are junked, but I also know that our own Supreme Court held that the Constitution was not abrogated during the World War, although we went very far in abridging men's rights.

I was referring to the legislation Congress passes as the lawmaking body of this country, the rules it makes, and the way in which it circumscribes and defines the conduct of public officials, including even the President of the United States—because Congress certainly can define his conduct to some degree outside the constitutional prerogative. It was the wartime powers of the President that I had in mind, and also the powers outlined in this pamphlet, which is in the possession of every Senator, which is called The Industrial Mobilization Plan, Revision of 1939, which was prepared, as I recall, at the request of the Senator from Nevada [Mr. McCARRAN] to inform the Senate of the United States what would happen when war comes.

Here are the rules that are going to be laid down for the 130,000,000 people of the United States. God knows, they are drastic enough! They set up what in my judgment is a virtual dictatorship, and it is done by law. It is not a seizure of power by the President. It is not an assumption of power by a cold, hard, ruthless dictator, another Hitler in America.

It is an act of Congress, if you please. That is what I was talking about; and I hope we shall keep the colloquy here within the limits that we, as lawyers, understand. I am not talking about the necessity for assuming vast and illimitable powers when great battles are being fought, and the life of the Republic is at stake, but rather of the cold, studied legislative purpose of the Congress of the United States as reflected in the statutes. That is why I asked the Senator from Florida if he would reenact and give to the President the powers enunciated in this little document which is called the mobilization plan of the United States; that is all.

I know that in wartime Lincoln exercised vast powers, because he thought, and a great many folks who were well informed thought, that the life of the Republic was at stake, and because a nation has the will to live precisely as an individual has the will to live, and under such circumstances much is to be forgiven; but that is not a deliberate exercise of power by a man by grant of Congress. That is something else entirely.

Mr. CLARK of Missouri. Mr. President, will the Senator from Florida permit me—and then I will not interrupt the Senator again—to ask another question of the Senator from New Mexico? The Senator from New Mexico has quoted from some more or less obscure historian.

Mr. HATCH. The quotation I have given is from John W. Burgess, dean of the faculty of political science in Columbia University.

Mr. CLARK of Missouri. Is that the one which cites the German Constitution and the Brazilian Constitution?

Mr. HATCH. Yes; but this was written on the subject of the civil law and the constitution. It was written in 1901. It is an old work.

Mr. CLARK of Missouri. Be that as it may, Mr. President, I was about to ask the Senator this question: The Weimar Constitution also made provision for suspension of laws and the assumption of dictatorship.

Mr. HATCH. I put all that in the RECORD one day.

Mr. CLARK of Missouri. Yes; and I was about to ask the Senator what happened to Germany and to the world when, under Chancelor Hitler, that provision of the Weimar Constitution was actually put into effect, and all laws were suspended, and Germany went to government by decree, which, as I understand the seven-point program of the Senator from Florida, is what he is advocating—suspension of all laws on decree of the President. What happened to Germany and the world when they put that provision into effect?

Mr. HATCH. Mr. President, will the Senator yield to me?

Mr. PEPPER. I yield.

Mr. HATCH. In reply to the Senator from Missouri, I only want to finish reading this article. It is very short. I will say that I discussed the very question which he raised one day on the floor of the Senate.

Mr. CLARK of Missouri. I am sorry I missed it. I should have liked to hear it.

Mr. HATCH. And I put into the RECORD the provisions of the Weimar Constitution, showing, to my satisfaction, at least, that Hitler's rise to power was perfectly constitutional under the German Constitution; and I think it was.

Mr. CLARK of Missouri. If the Senator will permit me, I do not think there is any question about that. There never has been any question about it.

Mr. HATCH. It had been challenged on the floor of the Senate.

Mr. CLARK of Missouri. That is the reason why I oppose so bitterly any step leading toward the establishment of a dictatorship in the United States, by constitutional means or unconstitutional means. It is frequently said that the Roman Republic, in times of danger and stress, was in the habit of establishing a dictatorship. That, indeed, is true, and perhaps that worked well for a while; but one sorry day there came a time when a dictator did not turn back his power when the emergency was over, and the Roman Republic was at an end; and I do not wish to see the American Republic go the same way.

Mr. HATCH. Mr. President, will the Senator from Florida further yield?

Mr. PEPPER. I yield.

Mr. HATCH. I merely want to say, in reply to the Senator from Missouri, that I know of no one, and least of all myself, who wants to see any such assumption of power; but I am reading to the Senate the historical words showing what may happen in time of war and what may be done under our onstitution.

Mr. WHEELER and Mr. BONE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Florida yield, and, if so, to whom?

Mr. PEPPER. Mr. President, I am going to ask Senators to let me finish my speech.

Mr. HATCH. Mr. President, will the Senator yield to me further?

Mr. PEPPER. I yield.

Mr. HATCH. I ask that I merely be permitted to put into the RECORD the rest of these data, which were prepared by the Legislative Reference Service; and, if Senators are interested, they may read them.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

The root of the error in denying this right lies in the claim that the Constitution made the Union. The truth is that the Union made the Constitution, and that the physical and ethical conditions of our territory and population made the Union. The Union was, and is, the Nation, and men did not make the Nation by the resolutions of a convention. Men undertook to interpret the requirements of the Union in political and legal organization, and to give them objective form and authority, but behind all that they did, or could, or can do, was and is the Union, the Nation, whose preservation is the supreme principle back of the Constitution, and the supreme law within the Constitution. Any other view of these relations is unspiritual, is purely arbitrary and mechanical. (Quoted from editorial in the Nation, New York, v. 104, p. 568, May 10, 1917.)

Another thing not to be forgotten is that all these extraordinary powers to be given the President are emergency powers. This means two things. One is that the grant is valid only for the duration of the war. It is not a question of the laws being silent in the midst of arms. The point is, rather, that Congress is asked to make it lawful for the President to do many things while the armed conflict lasts, which it would never think of authorizing him to do in times of peace. It is a gift of power in order to avoid the usurpation of power. Moreover—and this is the second implication of what is being done at Washington—the immense powers placed in the hands of the President he may not find it necessary to use at all. Their mere existence may be sufficient to accomplish the purpose. * * *

It is said—a few Congressmen are saying—that it is dangerous to pass laws enhancing the authority of the President so enormously. Some fear that we shall discover that we have created a dictator. Of course, any grant of power may be abused by any official. But no system of checks and balances, no vigilant legislative oversight, can do away with the necessity of getting officials whom we can trust, and then giving them the tools with which to do their work. There were many critics of Lincoln during the Civil War who called him a usurper and a dictator. It is true that in him the necessities of the war led to reposing a confidence and an authority before that time unparalleled.

John Hay wrote privately of Lincoln as a sort of tycoon, going his own way, seldom holding meetings of the Cabinet, running the Army and Navy and conducting foreign affairs according to his own will. But no one today would speak of Abraham Lincoln as grasping at overweening power for its own sake or to further a personal ambition. His mighty spirit was wrestling with the great work of ending the war; and that once done, he was ready to lay down every scrap of dictatorial power and be again one with the people who were bone of his bone and flesh of his flesh. And all that is sought at present by the administration in Washington is to be full panoplied for every emergency which the war may thrust upon the country. When the emergency is overpast, the armor put on to meet it will be quitely laid away. (Quoted from Hughes, Charles Evans, a former Justice of the United States Supreme Court. War powers under the Constitution. Address before American Bar Association, September 1917, sec. doc. 105, 65th Cong. 1st sess., pp. 8, 9.)

Each of these powers, that of Congress and of the President, is the subject of a distinct grant; each is the complement of the other, and together they furnish the adequate equipment of authority for war. There is no more impressive spectacle than that of the President of the Republic in time of war when, in addition to the other great powers of his office he acts in supreme command of the armed forces of the Nation and conducts its military campaigns. It was under this power that President Lincoln defended the proclamation of emancipation. * * *

It is also to be observed that the power exercised by the President in time of war is greatly augmented outside of his functions as Commander in Chief through legislation of Congress, increasing his administrative authority. War demands the highest degree of efficient organization, and Congress in the nature of things cannot prescribe many important details as it legislates for the purpose of meeting the exigencies of war. Never is adaptation of legislation to practical ends so urgently required, and hence Congress naturally in very large measure confers upon the President the authority to ascertain and determine various states of fact to which legislative measures are addressed. Further, a wide range of provisions relating to the organization and government of the Army and Navy which Congress might enact if it saw fit, it authorizes the President to prescribe. The principles governing the delegation of legislative power are clear, and while they are of the utmost importance when properly applied, they are not such as to make the appropriate exercise of legislative power impracticable. "The legislature cannot delegate its power to make a law, but it can make a law to delegate a power to determine some fact or state of things upon which the law makes, or intends to make, its own action depend. To deny this would be to stop the wheels of government. There are many things upon which wise and useful legislation must depend which cannot be known to the law-making power, and must, therefore, be a subject of inquiry and determination outside of the halls of legislation." (Author's note: See *Field* v. *Clark*, 143 U. S. 649, 694.)

"Congress cannot be permitted to abandon to others its proper legislative functions; but in time of war, when legislation must be adapted to many situations of the utmost complexity, which must be dealt with effectively and promptly, there is special need for flexibility and for every resource of practicality; and, of course, whether the limits of permissible delegation are in any case overstepped always remains a judicial question. We thus not only find these great war powers conferred upon the Congress and the President, respectively, but also a vast increase of administrative authority through legislative action springing from the necessities of war." (Quoted from editorial in the New Republic, New York, vol. 13, p. 360, January 26, 1918. Compiler's note: See also editorial in the same publication, February 28, 1918, after the Overman reorganized bill had been introduced [T. F. Kluttz, Jr., March 27, 1918.])

"When Congress proposes plans for reorganizing the war administration, it is only reflecting the opinion of a majority of the American people. Mr. Wilson will be falling into the first grave mistake of his career if he permits his opponents to crowd him into the position of ignoring facts, of resenting criticism, and of rigidly opposing reorganization. That was the mistake which Mr. Asquith made in the spring of 1915, and it cost himself and his country dear."

The President's personal and partisan enemies are making use of the crisis in order to force on him, if possible, a mechanism of war administration which would tend to hamper rather than to help him and his Cabinet and which could only add to the existing confusion. He is justified in opposing this particular bill. But if he fails to recognize the necessity of some measure of reorganization which will make in favor of a more unified war administration and a more vigorous conduct of civil and military preparations, he will be misjudging the needs and opinions of the Nation and failing to meet his own obligation to satisfy them. There is still time and space in which to deliver himself and the country from the deplorable consequence of a fight in the midst of war between the executive and legislative branches of the Government. He can still offer as a substitute for the doubtful plan or reorganization, proposed in the Senate bill, a plan of his own which would be better designed to secure a similar result. If he would only adopt this course, he would not only break the force of the attack of his enemies and enable his friends to continue their undivided support, but he would do away with the most formidable threat which has yet been directed against the war morale of the American Nation.

RIGHT OF THE UNITED STATES TO REQUIRE SERVICE ABROAD BY STATE MILITIA

I. IN THE CONSTITUTIONAL CONVENTION

The only two clauses of the Constitution which would relate to the power of the Executive to order State militia abroad apparently are article I, section 8, clause 15, and article II, section 2, clause 1. A careful search of Max Farrand's Records of the Federal Convention has disclosed no substantial argument on either of these provisions.

The provision of article II, section 2 was first stated by the committee of detail as a part of the second section of the tenth article as follows:

"* * * He (the President) shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States * * *."

On August 27, 1787, this provision was amended on motion of Roger Sherman, and without extended debate, by adding the words "when called into the actual service of the United States." The Committee on Style reported the clause in its present form:

"The President shall be Commander in Chief of the Army and Navy, and of the militia of the several States, when called into the actual service of the United States."

Sources: Max Farrand, Records of the Federal Convention, volume II, pages 426–427, Yale University Press, 1911. [JK141.1911.]

William M. Meigs, The Growth of the Constitution, pages 216–217, J. P. Lippincott Co. Philadelphia, 1900. [JK146.M5.]

II. IN THE SUPREME COURT

The question of the right of a soldier not to be sent out of the country was raised in the Selective Draft Law Cases (245 U. S. 366). Arguments for plaintiff are not set out, but the following paragraph from argument for the United States is suggestive.

"There is not, as asserted, any common-law right of a soldier not to be sent out of the country. The status of a citizen properly drafted and that of one who has voluntarily enlisted are the same. Our armies have served in all parts of the world, and such service has never been regarded as illegal (*Fleming* v. *Page*, 9 How. 603, 615). Numerous statutes of the original States provided that the militia might be sent into neighboring States. Compulsory military service is not contrary to the spirit of democratic institutions, for the Constitution implies equitable distribution of the burdens no less than the privileges of citizenship. Whatever the limitations sought to be set upon the Crown, there can be no doubt that power to impress for foreign service resided in Parliament, and was actually exerted." (The discussion of this subject is supported by many references to history.)

The case upheld the World War draft law under the power granted to Congress to "declare war * * * to raise and support armies * * *"; and held that the power under these clauses was not restricted by the provisions of the militia clause ("power * * * to provide for calling forth the militia to execute the laws of the United States, suppress insurrections, and repel invasions.")

In *Cox* v. *Wood* (247 U. S. 3) it was argued that, since the draft call was avowedly for the purpose of military duty in a foreign country, it was illegal. The district court refused petition for habeas corpus, stating that "such claim of constitutional immunity [from military service beyond the territorial limits of the United States] rests upon the contentions that no conscription act can be passed except under [the militia clause.]" The case was affirmed on the strength of the selective draft law case. (M. H. Nipe, W. C. Gilbert, December 6, 1937.)

This so-called militia clause reads as follows: "The Congress shall have power. * * * To provide for calling forth the militia to execute laws of the Union, suppress insurrections, and repel invasions; * * *."

An act of 1795 empowering the President to call forth the militia in case of invasion by a foreign nation or an Indian tribe was upheld in *Martin* v. *Mott* (12 Wheat. 19) as vesting in the President exclusive authority to decide whether the exigencies contemplated by this clause of the Constitution existed.

Mr. PEPPER. Mr. President, I desire briefly to conclude my remarks. I want to finish reference to this radio address, and then I shall shortly have finished.

Senator PEPPER said that if democracy is to survive in this country, against dictatorship in Europe, it is necessary for us to have a set-up with a head that has sufficient power to cope with dictatorship, on equal terms.

Mr. President, if that language were properly understood upon a proper background, I would have no objection to it, and the substance of what is intended to be said there I heartily subscribe to; but of course I am referring only to the ability of the Government to act effectively in a period of emergency through its duly constituted officials; that is all. I am not at all contemplating or condoning the Executive having power equal to the dictatorship which he proposes to oppose. I simply want the government of a democracy, as the able Senator from Washington [Mr. BONE] said a moment ago, to have the will to live, and to be able to survive when attacked by that kind of a danger.

Continuing the article:

I asked whether that means that this country would have to give the President the same degree of totalitarian authority that Mr. Hitler has * * * and once again, Senator PEPPER answered provisionally. He said he feels it should be power that is given to the President by Congress, for the duration of the present emergency only.

So I want it definitely understood that I have never advocated any power in the Executive which is not conferred upon him either by the Constitution or by the Congress.

In a conference this afternoon I called Mr. Lewis' attention to the fact that he omitted to make it clear, as I intended it to be, that I contemplated the Congress remaining in session, as the able Senator from California and others have indicated, so that if there should ever arise any question as to whether executive policy was contrary to legislative authority or purpose, the Congress would be here to act in its constitutional authority.

Mr. WHEELER. Mr. President, I think on page 4 he did say that.

Mr. PEPPER. I will explain the distinction. I continue to quote:

The natural question, then, was, Who is to decide when the emergency is over? And his reply to that was, Congress shall decide.

Which, I think, is perfectly proper, that the Congress should decide when the emergency begins and when the emergency ends. That is a congressional prerogative, and I am sure that every Senator on the floor subscribes to that. I continue the quotation:

He said Congress should come back into session at intervals—and it should have the power to end the emergency or to revoke any part of the President's powers at any time.

I reminded Mr. Lewis this afternoon that he gave the impression there that I contemplated the adjournment of Congress and perhaps its being recalled, and when I reminded him of it he was not disposed to deny that I had said that Congress must remain in session, although, of course, it may recess for a few days at a time if it desires; but the question of its return must be in the discretion of the Congress, and not in the discretion of the Executive.

I continue the quotation:

I asked whether that would mean that elections in November would be suspended—not held. He said no—

I depart from the quotation. Of course not. There is no one in the United States, I believe, who would make such a preposterous proposal as that.

I continue the quotation—

not under any circumstances * * * the elections, he said, should go on. And if Mr. Wendell Willkie wins, Senator PEPPER thinks that these same powers should be continued for Mr. Willkie. He said that he is talking about the President of the United States, not about Mr. Roosevelt the man.

Mr. BONE. From what are these quotations taken?

Mr. PEPPER. This is from a radio address made by Mr. Fulton Lewis last night.

What he wants is one man who has the power to take over the reins of government and direct our defense with complete authority—whether it's the President, or a director of national security, or whatever you may call it.

Mr. President, that is an inaccuracy of a very considerable sort. It is an unintentional inaccuracy on the part of my friend, Mr. Lewis, but I never contemplated any such power as that in the President of the United States, and I remind my colleagues that I never contemplated him having any power except what the Constitution confers upon him and what the Congress confers upon him, which may be altered or rescinded at the will of the Congress of the United States.

I continue the quotation:

He said he merely mentioned President Roosevelt because he believes there is no person in the country as well fitted to do the job as Mr. Roosevelt is.

The mention of Mr. Roosevelt there is an inaccuracy. I said there is no other official of the Government as amply fitted by authority and experience and position to exercise such power, as the agent of the Congress, as the President of the United States. I mean the one who occupies the position of President. I was saying that Congress cannot, as large as it is numerically, act as an entity in administrative affairs, and therefore that the Congress from time to time would, of course, have to delegate powers to the Executive, and I thought, of course, the President was the Executive who should exercise such powers, although we frequently confer powers upon administrative boards or commissions, or upon other individuals.

The quotation continues:

I asked, then, how far he thinks this temporary power for the President should go—and he said it should go as far as necessary for the President to defend the United States.

Subject to what I stated previously about the Congress having first delegated power and being in session at that time with power to order or rescind, I redeclare that principle, because the defense of the United States is the biggest thing there is confronting us all.

The quotation continues:

He said Congress should outline certain general, broad objectives. "It should tell the President," he said, "We want an army that is capable of defending the United States"—and from there on, it should be up to the President to decide how large that army should be—how the men should be selected—his job would be to just get it.

Mr. President, I never consciously made a statement which, in my opinion, could justifiably be said to carry that intent and import. I had in mind the exercise of a power which the President already has, that is, to call up as many forces as he, as Commander in Chief, might think proper within the authority that has been conferred upon him by the Congress. He has that power now. I had in mind the Congress saying just what it is proposing to do by the draft bill, to allow the executive department to call out of the number authorized the number for whom they have equipment and can accommodate in training stations, and that is all.

The quotation continues:

Senator PEPPER said the President should have, in his opinion, authority to take over all private industry and all private enterprise and all private endeavor, or any part of it, any of it that has any connection with national defense.

Mr. President, departing from the quotation, when that is first read it tends to give the impression that the Senator from Florida was talking about enterprises unrelated intimately to national defense. Of course, I never contemplated any such thing as that. I merely say what I now believe—that those phases of our industry which are intimately a part of the national defense should be available to prosecute the national defense in response to requirements of the Congress and the President of the United States.

I continue the quotation:

I asked whether as a matter of practical fact that wouldn't include almost everything in the country—almost all business and industry—and Senator PEPPER conceded quite frankly, "Yes; it would."

That is an inaccuracy, too, on the part of my friend. On the contrary, the industries which are intimately a part of the defense efforts are a relatively minor part of the industries of this country, and the contrary of what is stated there is true.

Senator PEPPER said he sees no reason why—if Mr. William S. Knudsen and Mr. Ed Stettinius are willing to come to Washington, to direct the National Defense Commission and give their services at a dollar a year—why some other industrial leader should be drawing $2,000,000 a year in salary or profits.

I repeat that statement, that a man who can serve in one capacity that is needed for his country's defense should be as subject to command as a boy who has to leave his home, either by patriotically volunteering, or by draft, and put on the uniform of his country.

The quotation continues:

And he said, with particular emphasis, that he sees no reason why Mr. Henry Ford should be allowed to produce what Mr. Henry Ford wants to produce.

Mr. President, I will not answer that, because I replied to it a while ago in my exchange of comment with the able Senator from Missouri. I do not think the RECORD need be replete with a repetition of the statement I made before.

Of course, the Senator from Florida on the floor, in every comment he made on the subject, meant that Mr. Ford's factory, like every other factory that was needed for the national defense, should be at the command of his Government for the defense of his country; and I believe no one, upon reflection, would subscribe to a contrary doctrine.

The quotation continues:

I asked him about conscription of labor—whether the President should have the power to draft whatever men he wants, not only for the military service of the Army but also for work—and Senator PEPPER said he believes the President should have that power. He said there is no reason why soldiers should draw $21 a month, while the worker in some factory is drawing $20 a day.

Mr. President, the first part of that is an inaccuracy. I never contemplated that the President or the Congress should conscript labor in any case if ever it did it at all, to participate in industry not vitally a part of the emergency defense and preparation program. I did say that the time has passed when men will go in a uniform to the trenches at $30 a month and others be privileged to work in a shipyard, equally vital, at $20 a day, or make munitions in a swivel chair at $25,000 a year.

Mr. WHEELER. Mr. President——

The PRESIDING OFFICER (Mr. MINTON in the chair). Does the Senator from Florida yield to the Senator from Montana?

Mr. PEPPER. I yield.

Mr. WHEELER. In a speech in the Senate the Senator said:

If more hours of work are required of labor, I favor conferring upon the President power to require whatever number of hours the national emergency may necessitate; for though I have tried to defend labor as loyally as I knew how, I say to the labor unions, whose interests I have always supported on this floor, "The only chance you have to have collective bargaining and liberty of economic action is for your country to live and democracy to exist upon the face of the earth."

Again, he said:

In addition to that, Mr. President, I have purposely included the power to suspend the wage-hour law, the power to suspend the Healey-Walsh Act, the power to suspend the National Labor Relations Act, the power to suspend any rule, any regulation, any statute which the President thinks, in his wise discretion, will interfere with the vital necessity of this country's arming itself at the earliest possible time that conditions permit.

It seems to me that goes as far as the statement the Senator has read.

Mr. PEPPER. Mr. President, in the speech I made at the time I announced the so-called seven-point program, I think I pretty well indicated what I had in mind. I have heard it said that France was not able to prepare itself while it was working its employees on a 40-hour-week basis while Germany was working its employees on a 60-hour-week basis.

Mr. President, I believe my record in defense of labor during the time I have been in the Senate has been as good as that of any other Senator. But if we needed men to work 50 hours a week or 60 hours a week to manufacture the munitions necessary to defend their homes and their country, I do not think it would be necessary, as a matter of fact, to abrogate this law by Executive or legislative authority, for I know how patriotic the labor of America is.

What I had in mind was that if we are going to defend our country we will do whatever is necessary to defend it. A soldier often works more than 8 hours a day. He has in the regular routine of things, of course, moments of recreation, and hours of work, and hours of leisure. He should have them. I want labor to have a shorter week than a 40-hour week, and a shorter day than the 8-hour day; but if a flood were about to engulf the city of New Orleans, for example, and men were working on the levee above the city, there would not be one of them thinking about the wage and hour law or about the usual restrictions applicable to peacetime endeavor.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. PEPPER. If it is a brief question.

Mr. CLARK of Missouri. It will be a very brief question.

Mr. PEPPER. I yield.

Mr. CLARK of Missouri. What is it in Fulton Lewis' broadcast that the Senator objects to that is not covered in his seven-point speech?

Mr. PEPPER. Mr. President, if I failed to indicate that to the Senator from Missouri I am very sorry.

Mr. CLARK of Missouri. I listened very attentively and I certainly cannot make it out.

Mr. PEPPER. Very well. The chief thing in this particular subject that I am differentiating is that I never uttered or suggested anything that contemplated the taking over of labor, and letting the President determine where it should work, and the amount of wages it should receive, and under what conditions it should work. I have never said that or thought it. No other Senator has ever said it on the floor of the Senate.

No other Senator has ever contemplated such an idea. Yet that is, unfortunately, the impression my friend Lewis leaves in the paragraph I have just quoted.

I said, and I reiterate, that men should be subject to command to do essential war work if it be the policy of the Government to require it, because if one man lives in house A, and beside him a man lives in house B, and they are both called by a draft board, and the man in house A is sent to the trenches, or to camp in a uniform, and the man in house B is set to some kind of war work, it is not fair, it seems to me that one of them should receive $30 a month and perhaps the other one $20 a day.

That is not the ordinary right of labor to have a fair opportunity to work for a fair wage. If Senators want to distort what I have said into some unfriendliness to labor, I leave my comment to the fairness of labor's representatives and to the record that I have humbly tried to make in labor's defense since I have been in the Senate.

Perhaps the essential difference between some other Senators and me is that I am talking about vital, determined, conscientious concern for the defense of America and not about an attitude which implies that Hitler is on the other side of the world and totally disinterested in what we are doing.

Naturally, violently as I differ on that question with some Senators who have propounded questions to me, there would, of course, be a difference in the interpretation we should put upon the questions involved.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. PEPPER. If it is a brief question.

Mr. WHEELER. I should like to make this comment. I think there is no man in the Senate whose record has been more favorable to labor than that of the Senator from Florida. That is the reason I was surprised at this particular statement he made in the speech.

Mr. President, I am one of those who want to pay the Senator from Florida the tribute, in fairness to him, that he is entitled to, that no man has stood firmer in working for labor than has the Senator from Florida.

Mr. PEPPER. I very much appreciate that comment from my friend; and I will say this: I hope I am wrong about everything I have said and everything I think about the danger threatening us. I hope no prophecy I have made, no premonitions I have ever experienced will come horribly true. I hope that all of them may be regarded hereafter as Don Quixote jousting at windmills.

I shall be grateful to Almighty God if events shall happily conspire to relieve our country from that horrible thing which I fear hangs like the sword of Damocles over every Senator and every man, woman, and child in the country we love.

There is one short paragraph remaining:

I asked whether that means that the President would have the power to tell all of the workers—all of the employees in factories and plants all over the country—that they shall go to work at this place, at such-and-such a wage—or over here at some other wage, regardless of what they were getting as private employees, and he said, "Yes; he believes the President should have the power to do that."

Mr. President, as highly as I regard my friend, I certainly never said, or never even intended to say anything that even approximated that statement. So I shall simply hope that my friend, when he has an opportunity to do so, will give to the wide audience which he has addressed, something of my explanation of these comments. In a running conversation between two men, lasting over a protracted period, it is only natural that every word not being definitely used and placed in a manuscript should not be recalled by either party with exactness.

I will say that Mr. Lewis told me this afternoon that he did not use in his address the inflections and the emphasis that would allow some of the interpretations that one might be able to twist from the language used here, if disposed to do so, and that he delivered it in such a manner that he did not consider that he was giving the impression that the Senator from Florida or any other Senator on this floor, regardless of his sentiments about any subject, contemplated in this land of freedom the setting up of any man as a dictator over a free people.

Mr. President, I believe I would go as quickly as any other Senator in this Chamber to unhorse and destroy any man who ever prostituted the power of the people's representative to usurp a dictator's vicious role. But, as Great Britain, which does not love dictators, has found it necessary in an emergency to confer great powers upon its government, amenable always to its Parliament, so I believe that here, if we duly appreciate the necessities of the crisis, we will not quibble over what authority and what power we are giving. We will pray that we have not waited until it is too late to use our greatest powers to prepare and defend our country.

Mr. CONNALLY. Mr. President, I will detain the Senate for only a moment. It is not my purpose to take part in the discussion between the Senator from Florida and the Senator from Montana, but with relation to the general question of giving anybody, the President or anybody else, so-called full wartime powers and things of that kind, I wish to remind the Senate that the Constitution means the same thing in time of war that it means in time of peace.

Senators are familiar, no doubt, and yet it is well to have them reminded of the case of Ex parte Milligan, in which the Supreme Court of the United States overruled the action of Mr. Lincoln.

Mr. BONE. I suggest that the Senator put the case in the RECORD.

Mr. CONNALLY. First, I wish to comment briefly. It is true that Mr. Lincoln, in the War between the States, exercised very wide powers, but some of those powers were exercised unconstitutionally because he had the military power back of him. I am not criticizing Mr. Lincoln. No doubt he thought he had the power to do it; but the Supreme Court held that he did not have the power to do it.

The case of Ex parte Milligan relates to a man by the name of Milligan who was a resident of the State of Indiana. He was a so-called Copperhead. He was not in sympathy with the position of the Union, and he was troublesome, so Mr. Lincoln had him arrested by the military commander of the district of Indiana and haled before a military court. He was tried by court martial and sentenced to hang. Finally, after the war was over, Milligan, being still alive but still in jail, was able to obtain a writ of habeas corpus to the circuit court of Indiana, and on appeal he brought his case to the Supreme Court of the United States. He came into that Court, as it were, with a rope around his neck, but he went out a free man. The case was remanded to the civil courts of Indiana.

I wish to read one paragraph of the opinion. The opinion was written by Mr. Justice David Davis, appointed to the Supreme Court by Mr. Lincoln himself. David Davis was a lawyer in Illinois, and he and Lincoln rode the circuit together. They were personal, intimate friends, and Lincoln put him on the Supreme Court; but in a case affecting the exercise of power by Mr. Lincoln, Mr. Justice Davis ruled against Mr. Lincoln. Later I shall ask leave to have the entire opinion printed in the RECORD; but at this point I wish to read these words of Mr. Justice Davis, which ring like a bugle call:

The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism, but the theory of necessity on which it is based is false; for the Government within the Constitution, has all the powers granted to it, which are necessary to preserve its existence; as has been happily proved by the result of the great effort to throw off its just authority.

In fairness, I think I ought to say that while that was the decision of the Supreme Court, there was a dissenting opinion. When I ask to have the opinion printed, I think in fairness I should ask to have the dissenting opinion printed along with it; so I ask leave that the opinions in the case of Ex parte Milligan may be printed in the RECORD at this point. I confine the request to the opinions, because there are long statements of fact, arguments, and briefs of the lawyers which are not important at this time.

I ask unanimous consent that the opinion of the Court and the dissenting opinion may be printed in the RECORD at this point.

There being no objection, the opinions were ordered to be printed in the RECORD, as follows:

At the close of the last term the Chief Justice announced the order of the Court in this and in two other similar cases (those of Bowles and Horsey) as follows:

1. That on the facts stated in said petition and exhibits a writ of habeas corpus ought to be issued, according to the prayer of the said petitioner.

2. That on the facts stated in the said petition and exhibits the said Milligan ought to be discharged from custody as in said petition is prayed, according to the act of Congress passed March 3, 1863, entitled, "An act relating to habeas corpus and regulating judicial proceedings in certain cases."

3. That on the facts stated in said petition and exhibits, the military commission mentioned therein had no jurisdiction legally to try and sentence said Milligan in the manner and form as in said petition and exhibits are stated.

At the opening of the present term, opinions were delivered.

Mr. Justice Davis delivered the opinion of the Court.

On the 10th day of May 1865 Lambdin P. Milligan presented a petition of the Circuit Court of the United States for the District

of Indiana, to be discharged from an alleged unlawful imprisonment. The case made by the petition is this: Milligan is a citizen of the United States; has lived for 20 years in Indiana; and, at the time of the grievances complained of, was not, and never had been in the military or naval service of the United States. On the 5th day of October 1864, while at home, he was arrested by order of Gen. Alvin P. Hovey, commanding the military district of Indiana; and has ever since been kept in close confinement.

On the 21st day of October 1864 he was brought before a military commission, convened at Indianapolis, by order of General Hovey, tried on certain charges and specifications; found guilty, and sentenced to be hanged; and the sentence ordered to be executed on Friday, the 19th day of May 1865.

On the 2d day of January 1865, after the proceedings of the military commission were at an end, the Circuit Court of the United States for Indiana met at Indianapolis and empaneled a grand jury, who were charged to inquire whether the laws of the United States had been violated; and, if so, to make presentments. The court adjourned on the 27th day of January, having, prior thereto, discharged from further service the grand jury, who did not find any bill of indictment or make any presentment against Milligan for any offense whatever; and, in fact, since his imprisonment, no bill of indictment has been found or presentment made against him by any grand jury of the United States.

Milligan insists that said military commission had no jurisdiction to try him upon the charges preferred, or upon any charges whatever; because he was a citizen of the United States and the State of Indiana, and had not been, since the commencement of the late Rebellion, a resident of any of the States whose citizens were arrayed against the Government, and that the right of trial by jury was guaranteed to him by the Constitution of the United States.

The prayer of the petition was that under the act of Congress approved March 3, 1863, entitled "An act relating to habeas corpus and regulating judicial proceedings in certain cases," he may be brought before the court, and either turned over to the proper civil tribunal to be proceeded against according to the law of the land or discharged from custody altogether.

With the petition were filed the order for the commission, the charges and specifications, the findings of the court, with the order of the War Department reciting that the sentence was approved by the President of the United States, and directing that it be carried into execution without delay. The petition was presented and filed in open court by the counsel for Milligan; at the same time the district attorney of the United States for Indiana appeared and, by the agreement of counsel, the application was submitted to the court. The opinions of the judges of the circuit court were opposed on three questions, which are certified to the Supreme Court:

1. "On the facts stated in said petition and exhibits, ought a writ of habeas corpus to be issued?"

2. "On the facts stated in said petition and exhibits, ought the said Lambdin P. Milligan to be discharged from custody as in said petition prayed?"

3. "Whether, upon the facts stated in said petition and exhibits, the military commission mentioned therein had jurisdiction legally to try and sentence said Milligan in manner and form as in said petition and exhibits is stated?"

The importance of the main question presented by this record cannot be overstated, for it involves the very framework of the Government and the fundamental principles of American liberty.

During the late wicked rebellion, the temper of the times did not allow that calmness in deliberation and discussion so necessary to a correct conclusion of a purely judicial question. Then, considerations of safety were mingled with the exercise of power and feelings and interests prevailed which are happily terminated. Now that the public safety is assured, this question, as well as all others, can be discussed and decided without passion or the admixture of any element not required to form a legal judgment. We approach the investigation of this case fully sensible of the magnitude of the inquiry and the necessity of full and cautious deliberation.

But we are met with a preliminary objection. It is insisted that the circuit court of Indiana had no authority to certify these questions, and that we are without jurisdiction to hear and determine them.

The sixth section of the "Act to amend the judicial system of the United States," approved April 29, 1802, declares "that whenever any question shall occur before a circuit court upon which the opinions of the judges shall be opposed, the point upon which the disagreement shall happen, shall, during the same term, upon the request of either party, or their counsel, be stated under the direction of the judges and certified under the seal of the court to the Supreme Court at their next session to be held thereafter; and shall by the said Court be finally decided; and the decision of the Supreme Court and their order in the premises shall be remitted to the circuit court, and be there entered of record, and shall have effect according to the nature of the said judgment and order: *Provided*, That nothing herein contained shall prevent the cause from proceeding, if, in the opinion of the court, further proceedings can be had without prejudice to the merits."

It is under this provision of law that a circuit court has authority to certify any question to the Supreme Court for adjudication. The inquiry, therefore, is whether the case of Milligan is brought within its terms.

It was admitted at the bar that the circuit court had jurisdiction to entertain the application for the writ of habeas corpus and to hear and determine it; and it could not be denied; for the power is expressly given in the fourteenth section of the Judiciary Act of 1789, as well as in the later act of 1863. Chief Justice Marshall, in Bollman's case,[1] construed this branch of the Judiciary Act to authorize the courts, as well as the judges, to issue the writ for the purpose of inquiring into the cause of the commitment; and this construction has never been departed from. But, it is maintained with earnestness and ability, that a certificate of division of opinion can occur only in a cause; and that the proceedings by a party, moving for a writ of habeas corpus, does not become a cause until after the writ has been issued and a return made.

Independently of the provisions of the act of Congress of March 3, 1863, relating to habeas corpus, on which the petitioner bases his claim for relief, and which we will presently consider, can this position be sustained?

It is true, that it is usual for a court, on application for a writ of habeas corpus, to issue the writ, and, on the return, to dispose of the case; but the court can elect to waive the issuing of the writ and consider whether, upon the facts presented in the petition, the prisoner, if brought before it, could be discharged. One of the very points on which the case of Tobias Watkins, reported in 3 Peters,[2] turned, was, whether, if the writ was issued, the petitioner would be remanded upon the case which he had made.

The Chief Justice, in delivering the opinion of the Court, said: "The cause of imprisonment is shown as fully by the petitioner as it could appear on the return of the writ; consequently the writ ought not to be awarded if the court is satisfied that the prisoner would be remanded to prison."

The judges of the circuit court of Indiana were, therefore, warranted by an express decision of this court in refusing the writ, if satisfied that the prisoner, on his own showing, was rightfully detained.

But, it is contended, if they differed about the lawfulness of the imprisonment, and could render no judgment, the prisoner is remediless; and cannot have the disputed question certified under the act of 1802. His remedy is complete by writ of error or appeal, if the court renders a final judgment refusing to discharge him; but if he should be so unfortunate as to be placed in the predicament of having the court divided on the question whether he should live or die, he is hopeless and without remedy. He wishes the vital question settled, not by a single judge at his chambers, but by the highest tribunal known to the Constitution; and yet the privilege is denied him; because the circuit court consists of two judges instead of one.

Such a result was not in the contemplation of the legislature of 1802; and the language used by it cannot be construed to mean any such thing. The clause under consideration was introduced to further the ends of justice, by obtaining a speedy settlement of important questions where the judges might be opposed in opinion.

The act of 1802 so changed the judicial system that the circuit court, instead of three, was composed of two judges; and, without this provision or a kindred one, if the judges differed, the difference would remain, the question be unsettled, and justice denied. The decisions of this court upon the provisions of this section have been numerous. In *United States* v. *Daniel*,[3] the court, in holding that a division of the judges on a motion for a new trial could not be certified, says: "That the question must be one which arises in a cause depending before the court relative to a proceeding belonging to the cause." Testing Milligan's case by this rule of law, is it not apparent that it is rightfully here; and that we are compelled to answer the questions on which the judges below were opposed in opinion? If, in the sense of the law, the proceeding for the writ of habeas corpus was the cause of the party applying for it, then it is evident that the cause was pending before the court, and that the questions certified arose out of it, belonged to it, and were matters of right and not of discretion.

But it is argued that the proceeding does not ripen into a cause until there are two parties to it.

This we deny. It was the cause of Milligan when the petition was presented to the circuit court. It would have been the cause of both parties if the court had issued the writ and brought those who held Milligan in custody before it. Webster defines the word "cause" thus: "A suit or action in court; any legal process which a party institutes to obtain his demand, or by which he seeks his right or supposed right"—and he says, "this is a legal, scriptural, and popular use of the word, coinciding nearly with case, from cado, and action, from ago, to urge and drive."

In any legal sense, action, suit, and cause are convertible terms. Milligan supposed he had a right to test the validity of his trial and sentence; and the proceeding which he set in operation for that purpose was his "cause" or "suit." It was the only one by which he could recover his liberty. He was powerless to do more; he could neither instruct the judges nor control their action, and should not suffer, because, without fault of his, they were unable to render a judgment. But the true meaning to the term "suit" has been given by this court. One of the questions in *Weston* v. *City Council of Charleston*,[4] was, whether a writ of prohibition was a suit; and Chief Justice Marshall says: "The term is certainly a comprehensive one, and is understood to apply to any proceeding

[1] 4 Cranch 75.
[2] Page 193.
[3] 6 Wheaton, 542.
[4] 2 Peters, 449.

in a court of justice by which an individual pursues that remedy which the law affords him." Certainly, Milligan pursued the only remedy which the law afforded him.

Again, in *Cohens* v. *Virginia*,[5] he says: "In law language a suit is the prosecution of some demand in a court of justice." Also, "To commence a suit is to demand something by the institution of process in a court of justice; and to prosecute the suit is to continue that demand." When Milligan demanded his release by the proceeding relating to habeas corpus, he commenced a suit; and he has since prosecuted it in all the ways known to the law. One of the questions in *Holmes* v. *Jennison et al.*[6] was whether, under the twenty-fifth section of the Judiciary Act, a proceeding for a writ of habeas corpus was a "suit." Chief Justice Taney held that, "if a party is unlawfully imprisoned, the writ of habeas corpus is his appropriate legal remedy. It is his suit in court to recover his liberty." There was much diversity of opinion on another ground of jurisdiction; but that, in the sense of the twenty-fifth section of the Judiciary Act, the proceeding by habeas corpus was a suit, was not controverted by any except Baldwin, Justice, and he thought that "suit" and "cause" as used in the section, mean the same thing.

The courts do not say that a return must be made and the parties appear and begin to try the case before it is a suit. When the petition is filed and the writ prayed for, it is a suit—the suit of the party making the application. If it is a suit under the twenty-fifth section of the Judiciary Act when the proceedings are begun, it is, by all the analogies of the law, equally a suit under the sixth section of the act of 1802.

But it is argued that there must be two parties to the suit, because the point is to be stated upon the request of "either party or their counsel."

Such a literal and technical construction would defeat the very purpose the legislature had in view, which was to enable any party to bring the case here, when the point in controversy was a matter of right and not of discretion; and the words "either party," in order to prevent a failure of justice, must be construed as words of enlargement, and not of restriction. Although this case is here ex parte, it was not considered by the court below without notice having been given to the party supposed to have an interest in the detention of the prisoner. The statements of the record show that this is not only a fair, but conclusive inference. When the counsel for Milligan presented to the court the petition for the writ of habeas corpus, Mr. Hanna, the District Attorney for Indiana, also appeared; and, by agreement, the application was submitted to the court, who took the case under advisement, and on the next day announced their inability to agree, and made the certificate. It is clear that Mr. Hanna did not represent the petitioner, and why is his appearance entered? It admits of no other solution than this—that he was informed of the application, and appeared on behalf of the Government to contest it. The Government was the prosecutor of Milligan, who claimed that his imprisonment was illegal; and scught, in the only way he could, to recover his liberty. The case was a grave one; and the court, unquestionably, directed that the law officer of the Government should be informed of it. He very properly appeared, and, as the facts were uncontroverted and the difficulty was in the application of the law, there was no useful purpose to be obtained in issuing the writ. The cause was, therefore, submitted to the court for their consideration and determination.

But Milligan claimed his discharge from custody by virtue of the act of Congress "relating to habeas corpus, and regulating judicial proceedings in certain cases," approved March 3, 1863. Did that act confer jurisdiction on the Circuit Court of Indiana to hear this case?

In interpreting a law, the motives which must have operated with the legislature in passing it are proper to be considered. This law was passed in a time of great national peril, when our heritage of free government was in danger. An armed rebellion against the national authority, of greater proportions than history affords an example of, was raging; and the public safety required that the privilege of the writ of habeas corpus should be suspended. The President had practically suspended it, and detained suspected persons in custody without trial; but his authority to do this was questioned. It was claimed that Congress alone could exercise this power; and that the legislature, and not the President, should judge of the political considerations on which the right to suspend it rested. The privilege of this great writ had never before been withheld from the citizens; and as the exigence of the times demanded immediate action, it was of the highest importance that the lawfulness of the suspension should be fully established. It was under these circumstances, which were such as to arrest the attention of the country, that this law was passed. The President was authorized by it to suspend the privilege of the writ of habeas corpus, whenever, in his judgment, the public safety required; and he did, by proclamation, bearing date the 15th of September, 1863, reciting, among other things, the authority of this statute, suspend it. The suspension of the writ does not authorize the arrest of anyone, but simply denies to one arrested the privilege of this writ in order to obtain his liberty.

It is proper, therefore, to inquire under what circumstances the courts could rightfully refuse to grant this writ, and when the citizen was at liberty to invoke its aid.

[5] 6 Wheaton, 264.
[6] 14 Peters, 540.

The second and third sections of the law are explicit on these points. The language used is plain and direct, and the meaning of the Congress cannot be mistaken. The public safety demanded, if the President thought proper to arrest a suspected person, that he should not be required to give the cause of his detention on return to a writ of habeas corpus. But it was not contemplated that such person should be detained in custody beyond a certain fixed period, unless certain judicial proceedings, known to the common law, were commenced against him. The Secretaries of State and War were directed to furnish to the judges of the courts of the United States, a list of the names of all parties, not prisoners of war, resident in their respective jurisdictions, who then were or afterward should be held in custody by the authority of the President, and who were citizens of States in which the administration of the laws in the Federal tribunals was unimpaired. After the list was furnished, if a grand jury of the district convened and adjourned, and did not indict or present one of the persons thus named, he was entitled to his discharge; and it was the duty of the judge of the court to order him brought before him to be discharged, if he desired it. The refusal or omission to furnish the list could not operate to the injury of anyone who was not indicted or presented by the grand jury; for, if 20 days had elapsed from the time of his arrest and the termination of the session of the grand jury, he was equally entitled to his discharge as if the list were furnished, and any credible person, on petition verified by affidavit, could obtain the judge's order for that purpose.

Milligan, in his application to be released from imprisonment, averred the existence of every fact necessary under the terms of this law to give the circuit court of Indiana jurisdiction. If he was detained in custody by the order of the President, otherwise than as a prisoner of war; if he was a citizen of Indiana and had never been in the military or naval service, and the grand jury of the district had met, after he had been arrested, for a period of 20 days, and adjourned without taking any proceedings against him, then the court had the right to entertain his petition and determine the lawfulness of his imprisonment. Because the word "court" is not found in the body of the second section, it was argued at the bar, that the application should have been made to a judge of the court, and not to the court itself; but this is not so, for power is expressly conferred in the last proviso of the section on the court equally with a judge of it to discharge from imprisonment. It was the manifest design of Congress to secure a certain remedy by which anyone deprived of liberty could obtain it, if there was a judicial failure to find cause of offense against him. Courts are not always in session and can adjourn on the discharge of the grand jury; and before those who are in confinement could take proper steps to procure their liberation. To provide for this contingency, authority was given to the judges out of court to grant relief to any party who could show that under the law he should be no longer restrained of his liberty.

It was insisted that Milligan's case was defective, because it did not state that the list was furnished to the judges; and, therefore, it was impossible to say under which section of the act it was presented.

It is not easy to see how this omission could affect the question of jurisdiction. Milligan could not know that the list was furnished, unless the judges volunteered to tell him; for the law did not require that any record should be made of it or anybody but the judges informed of it. Why aver the fact when the truth of the matter was apparent to the court without an averment? How can Milligan be harmed by the absence of the averment, when he states that he was under arrest for more than 60 days before the court and grand jury, which should have considered his case, met at Indianapolis? It is apparent, therefore, that under the Habeas Corpus Act of 1863 the circuit court of Indiana had complete jurisdiction to adjudicate upon this case, and, if the judges could not agree on questions vital to the progress of the cause, they had the authority (as we have shown in a previous part of this opinion), and it was their duty to certify those questions of disagreement to this court for final decision. It was argued that a final decision on the question presented ought not to be made, because the parties who were directly concerned in the arrest and detention of Milligan, were not before the court; and their rights might be prejudiced by the answer which should be given to those questions. But this court cannot know what return will be made to the writ of habeas corpus when issued; and it is very clear that no one is concluded upon any question that may be raised to that return. In the sense of the law of 1802 which authorized a certificate of division, a final decision means final upon the points certified; final upon the court below, so that it is estopped from any adverse ruling in all the subsequent proceedings of the cause.

But it is said that this case is ended, as the presumption is, that Milligan was hanged in pursuance of the order of the President.

Although we have no judicial information on the subject, yet the inference is that he is alive; for otherwise learned counsel would not appear for him and urge this court to decide his case. It can never be in this country of written Constitution and laws, with a judicial department to interpret them, that any Chief Magistrate would be so far forgetful of his duty, as to order the execution of a man who denied the jurisdiction that tried and convicted him, after his case was before Federal judges with power to decide it, who, being unable to agree on the grave questions involved, had, according to known law, sent it to the Supreme Court of the United States for decision. But even the suggestion is injurious to the Executive, and we dismiss it from further

consideration. There is, therefore, nothing to hinder this court from an investigation of the merits of this controversy.

The controlling question in the case is this: Upon the facts stated in Milligan's petition and the exhibits filed, had the military commission mentioned in it jurisdiction, legally, to try and sentence him? Milligan, not a resident of one of the rebellious States or a prisoner of war, but a citizen of Indiana for 20 years past and never in the military or naval service, is, while at his home, arrested by the military power of the United States, imprisoned, and, on certain criminal charges preferred against him, tried, convicted, and sentenced to be hanged by a military commission, organized under the direction of the military commander of the military district of Indiana. Had this tribunal the legal power and authority to try and punish this man?

No graver question was ever considered by this court, nor one which more nearly concerns the rights of the whole people, for it is the birthright of every American citizen when charged with crime to be tried and punished according to law. The power of punishment is alone through the means which the laws have provided for that purpose, and if they are ineffectual there is an immunity from punishment, no matter how great an offender the individual may be or how much his crimes may have shocked the sense of justice of the country or endangered its safety. By the protection of the law human rights are secured; withdraw that protection and they are at the mercy of wicked rulers or the clamor of an excited people. If there was law to justify this military trial, it is not our province to interfere; if there was not, it is our duty to declare the nullity of the whole proceedings. The decision of this question does not depend on argument or judicial precedents, numerous and highly illustrative as they are. These precedents inform us of the extent of the struggle to preserve liberty and to relieve those in civil life from military trials. The founders of our Government were familiar with the history of that struggle and secured in a written constitution every right which the people had wrested from power during a contest of ages. By that Constitution and the laws authorized by it, this question must be determined. The provisions of that instrument on the administration of criminal justice are too plain and direct to leave room for misconstruction or doubt of their true meaning. Those applicable to this case are found in that clause of the original Constitution, which says, "that the trial of all crimes, except in case of impeachment, shall be by jury"; and in the fourth, fifth, and sixth articles of the amendments. The fourth proclaims the right to be secure in person and effects against unreasonable search and seizure and directs that a judicial warrant shall not issue "without proof of probable cause supported by oath or affirmation."

The fifth declares "that no person shall be held to answer for a capital or otherwise infamous crime unless on presentment by a grand jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of war or public danger, nor be deprived of life, liberty, or property, without due process of law." And the sixth guarantees the right of trial by jury, in such manner and with such regulations that with upright judges, impartial juries, and an able bar, the innocent will be saved and the guilty punished. It is in these words: "In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense." These securities for personal liberty thus embodied, were such as wisdom and experience had demonstrated to be necessary for the protection of those accused of crime. And so strong was the sense of the country of their importance, and so jealous were the people that these rights, highly prized, might be denied them by implication, that when the original Constitution was proposed for adoption it encountered severe opposition; and, but for the belief that it would be so amended as to embrace them, it would never have been ratified.

Time has proven the discernment of our ancestors; for even these provisions, expressed in such plain English words, that it would seem the ingenuity of man could not evade them, are now, after the lapse of more than 70 years, sought to be avoided. Those great and good men foresaw that troublous times would arise, when rulers and people would become restive under restraint, and seek by sharp and decisive measures to accomplish ends deemed just and proper; and that the principles of constitutional liberty would be in peril, unless established by irrepealable law. The history of the world had taught them that what was done in the past might be attempted in the future. "The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances." No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism, but the theory of necessity on which it is based is false; for the Government, within the Constitution, has all the powers granted to it, which are necessary to preserve its existence, as has been happily proved by the result of the great effort to throw off its just authority.

Have any of the rights guaranteed by the Constitution been violated in the case of Milligan? and if so, what are they?

Every trial involves the exercise of judicial power; and from what source did the military commission that tried him derive their authority? Certainly no part of the judicial power of the country was conferred on them, because the Constitution expressly vests it "in one Supreme Court and such inferior courts as the Congress may from time to time ordain and establish," and it is not pretended that the commission was a court ordained and established by Congress. They cannot justify on the mandate of the President because he is controlled by law and has his appropriate sphere of duty, which is to execute, not to make, the laws; and there is "no unwritten criminal code to which resort can be had as a source of jurisdiction."

But it is said that the jurisdiction is complete under the laws and usages of war.

It can serve no useful purpose to inquire what those laws and usages are, whence they originated, where found, and on whom they operate; they can never be applied to citizens in States which have upheld the authority of the Government, and where the courts are open and their process unobstructed. This court has judicial knowledge that in Indiana the Federal authority was always unopposed, and its courts always open to hear criminal accusations and redress grievances; and no usage of war could sanction a military trial there for any offence whatever of a citizen in civil life, in nowise connected with the military service. Congress could grant no such power, and to the honor of our National Legislature be it said, it has never been provoked by the state of the country even to attempt its exercise. One of the plainest constitutional provisions was, therefore, infringed when Milligan was tried by a court not ordained and established by Congress, and not composed of judges appointed during good behavior.

Why was he not delivered to the Circuit Court of Indiana to be proceeded against according to law? No reason of necessity could be urged against it, because Congress had declared penalties against the offences charged, provided for their punishment, and directed that court to hear and determine them. And soon after this military tribunal was ended, the circuit court met, peacefully transacted its business, and adjourned. It needed no bayonets to protect it, and required no military aid to execute its judgments. It was held in a State, eminently distinguished for patriotism, by judges commissioned during the Rebellion, who were provided with juries, upright, intelligent, and selected by a marshal appointed by the President. The Government had no right to conclude that Milligan, if guilty, would not receive in that court merited punishment, for its records disclose that it was constantly engaged in the trial of similar offenses, and was never interrupted in its administration of criminal justice.

If it was dangerous, in the distracted condition of affairs, to leave Milligan unrestrained of his liberty, because he "conspired against the government, afforded aid and comfort to rebels, and incited the people to insurrection," the law said arrest him, confine him closely, render him powerless to do further mischief; and then present his case to the grand jury of the district, with proofs of his guilt, and, if indicted, try him according to the course of the common law. If this had been done, the Constitution would have been vindicated, the law of 1863 enforced, and the securities for personal liberty preserved and defended.

Another guaranty of freedom was broken when Milligan was denied a trial by jury. The great minds of the country have differed on the correct interpretation to be given to various provisions of the Federal Constitution; and judicial decision has been often invoked to settle their true meaning; but until recently no one ever doubted that the right of trial by jury was fortified in the organic law against the power of attack. It is now assailed; but if ideas can be expressed in words, and language has any meaning, this right—one of the most valuable in a free country—is preserved to everyone accused of crime who is not attached to the Army, or Navy, or militia in actual service. The sixth amendment affirms that "in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury," language broad enough to embrace all persons and cases; but the fifth, recognizing the necessity of an indictment, or presentment, before anyone can be held to answer for high crimes, "excepts cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger"; and the framers of the Constitution, doubtless, meant to limit the right of trial by jury, in the sixth amendment, to those persons who were subject to indictment or presentment in the fifth.

The discipline necessary to the efficiency of the Army and Navy, required other and swifter modes of trial than are furnished by the common-law courts; and, in pursuance of the power conferred by the Constitution, Congress has declared the kinds of trial, and the manner in which they shall be conducted, for offenses committed while the party is in the military or naval service. Every one connected with these branches of the public service is amenable to the jurisdiction which Congress has created for their government, and, while thus serving, surrenders his right to be tried by the civil courts. All other persons, citizens of States where the courts are open, if charged with crime, are guaranteed the inestimable privilege of trial by jury. This privilege is a vital principle, underlying the whole administration of criminal justice; it is not held by sufferance, and cannot be frittered away on any plea of state or political necessity. When peace prevails, and the authority of the Government is undisputed, there is no difficulty of preserving the safeguards of liberty; for the ordinary modes of trial are never neglected, and no one wishes it otherwise; but if society is disturbed by civil commotion—if the passions of men are aroused and the restraints of law weakened, if not disregarded—these safeguards need, and should receive, the watchful care of those

intrusted with the guardianship of the Constitution and laws. In no other way can we transmit to posterity unimpaired the blessings of liberty, consecrated by the sacrifices of the Revolution.

It is claimed that martial law covers with its broad mantle the proceedings of this military commission. The proposition is this: That in a time of war the commander of an armed force (if in his opinion the exigencies of the country demand it, and of which he is to judge), has the power, within the lines of his military district, to suspend all civil rights and their remedies, and subject citizens as well as soldiers to the rule of his will; and in the exercise of his lawful authority cannot be restrained, except by his superior officer or the President of the United States.

If this position is sound to the extent claimed, then when war exists, foreign or domestic, and the country is subdivided into military departments for mere convenience, the commander of one of them can, if he chooses, within his limits, on the plea of necessity, with the approval of the Executive, substitute military force for and to the exclusion of the laws, and punish all persons, as he thinks right and proper, without fixed or certain rules.

The statement of this proposition shows its importance; for, if true, republican government is a failure, and there is an end of liberty regulated by law. Martial law, established on such a basis, destroys every guaranty of the Constitution, and effectually renders the military independent of and superior to the civil power—the attempt to do which by the King of Great Britain was deemed by our fathers such an offense, that they assigned it to the world as one of the causes which impelled them to declare their independence. Civil liberty and this kind of martial law cannot endure together; the antagonism is irreconcilable; and, in the conflict, one or the other must perish.

This Nation, as experience has proved, cannot always remain at peace and has no right to expect that it will always have wise and humane rulers, sincerely attached to the principles of the Constitution. Wicked men, ambitious of power, with hatred of liberty and contempt of law, may fill the place once occupied by Washington and Lincoln; and if this right is conceded, and the calamities of war again befall us, the dangers to human liberty are frightful to contemplate. If our fathers had failed to provide for just such a contingency they would have been false to the trust reposed in them. They knew—the history of the world told them—the Nation they were founding, be its existence short or long, would be involved in war; how often or how long continued, human foresight could not tell; and that unlimited power, wherever lodged at such a time, was especially hazardous to freemen. For this, and other equally weighty reasons, they secured the inheritance they had fought to maintain, by incorporating in a written Constitution the safeguards which time had proved were essential to its preservation. Not one of these safeguards can the President, or Congress, or the judiciary disturb, except the one concerning the writ of habeas corpus.

It is essential to the safety of every government that in a great crisis like the one we have just passed through, there should be a power somewhere of suspending the writ of habeas corpus. In every war there are men of previously good character wicked enough to counsel their fellow citizens to resist the measures deemed necessary by a good government to sustain its just authority and overthrow its enemies; and their influence may lead to dangerous combinations.

In the emergency of the times, an immediate public investigation according to law may not be possible; and yet the peril to the country may be too imminent to suffer such persons to go at large. Unquestionably, there is then an exigency which demands that the Government, if it should see fit in the exercise of a proper discretion to make arrests, should not be required to produce the persons arrested in answer to a writ of habeas corpus. The Constitution goes no further. It does not say after a writ of habeas corpus is denied a citizen, that he shall be tried otherwise than by the course of the common law; if it had intended this result, it would have been easy by the use of direct words to have accomplished it. The illustrious men who framed that instrument were guarding the foundations of civil liberty against the abuses of unlimited power; they were full of wisdom, and the lessons of history informed them that a trial by an established court, assisted by an impartial jury, was the only sure way of protecting the citizen against oppression and wrong. Knowing this, they limited the suspension to one great right, and left the rest to remain forever inviolable. But, it is insisted that the safety of the country in time of war demands that this broad claim for martial law shall be sustained. If this were true, it could be well said that a country, preserved at the sacrifice of all the cardinal principles of liberty, is not worth the cost of preservation. Happily, it is not so.

It will be borne in mind that this is not a question of the power to proclaim martial law, when war exists in a community and the courts and civil authorities are overthrown. Nor is it a question what rule a military commander, at the head of his army, can impose on States in rebellion to cripple their resources and quell the insurrection. The jurisdiction claimed is much more extensive. The necessities of the service, during the late rebellion, required that the loyal States should be placed within the limits of certain military districts and commanders appointed in them; and, it is urged, that this, in a military sense, constituted them the theater of military operations; and, as in this case, Indiana had been and was again threatened with invasion by the enemy, the occasion was furnished to establish martial law. The conclusion does not follow from the premises. If armies were collected in Indiana, they were to be employed in another locality, where the laws were obstructed and the national authority disputed. On her soil there was no hostile foot; if once invaded, that invasion was at an end, and with it all pretext for martial law. Martial law cannot arise from a threatened invasion. The necessity must be actual and present; the invasion real, such as effectually closes the courts and deposes the civil administration.

It is difficult to see how the safety of the country required martial law in Indiana. If any of her citizens were plotting treason, the power of arrest could secure them, until the Government was prepared for their trial, when the courts were open and ready to try them. It was as easy to protect witnesses before a civil as a military tribunal; and as there could be no wish to convict, except on sufficient legal evidence, surely an ordained and established court was better able to judge of this than a military tribunal composed of gentlemen not trained to the profession of the law.

It follows, from what has been said on this subject, that there are occasions when martial rule can be properly applied. If, in foreign invasion or civil war, the courts are actually closed, and it is impossible to administer criminal justice according to law, then, on the theater of active military operations, where war really prevails, there is a necessity to furnish a substitute for the civil authority, thus overthrown, to preserve the safety of the Army and society, and as no power is left but the military, it is allowed to govern by martial rule until the laws can have their free course. As necessity creates the rule, so it limits its duration; for, if this Government is continued after the courts are reinstated, it is a gross usurpation of power. Martial rule can never exist where the courts are open, and in the proper and unobstructed exercise of their jurisdiction. It is also confined to the locality of actual war. Because, during the late rebellion it could have been enforced in Virginia, where the national authority was overturned and the courts driven out, it does not follow that it should obtain in Indiana, where that authority was never disputed, and justice was always administered. And so in the case of a foreign invasion, martial rule may become a necessity in one State, when, in another, it would be "mere lawless violence."

We are not without precedents in English and American history illustrating our views of this question, but it is hardly necessary to make particular reference to them.

From the first year of the reign of Edward III, when the Parliament of England reversed the attainder of the Earl of Lancaster, because he could have been tried by the courts of the realm, and declared, "that in time of peace no man ought to be adjudged to death for treason or any other offense without being arraigned and held to answer; and that regularly when the king's courts are open it is a time of peace in judgment of law," down to the present day, martial law, as claimed in this case, has been condemned by all respectable English jurists as contrary to the fundamental laws of the land, and subversive of the liberty of the subject.

During the present century, an instructive debate on this question occurred in Parliament, occasioned by the trial and conviction by court martial, at Demerara, of the Reverend John Smith, a missionary to the Negroes, on the alleged ground of aiding and abetting a formidable rebellion in that colony. Those eminent statesmen, Lord Brougham and Sir James Mackintosh, participated in that debate; and denounced the trial as illegal; because it did not appear that the courts of law in Demerara could not try offenses, and that "when the laws can act, every other mode of punishing supposed crimes is itself an enormous crime."

So sensitive were our Revolutionary fathers on this subject, although Boston was almost in a state of siege, when General Gage issued his proclamation of martial law, they spoke of it as an "attempt to supersede the course of the common law, and instead thereof to publish and order the use of martial law." The Virginia Assembly also denounced a similar measure on the part of Governor Dunmore "as an assumed power, which the king himself cannot exercise; because it annuls the law of the land and introduces the most execrable of all systems, the martial law."

In some parts of the country, during the War of 1812, our officers made arbitrary arrests and, by military tribunals, tried citizens who were not in the military service. These arrests and trials, when brought to the notice of the courts, were uniformly condemned as illegal. The cases of *Smith* v. *Shaw* and *McConnell* v. *Hampden* (reported in 12 Johnson [1]) are illustrations which we cite not only for the principles they determine but on account of the distinguished jurists concerned in the decisions, one of whom for many years occupied a seat on this bench.

It is contended that *Luther* v. *Borden*, decided by this court, is an authority for the claim of martial law advanced in this case. The decision is misapprehended. That case grew out of the attempt in Rhode Island to supersede the old colonial government by a revolutionary proceeding. Rhode Island, until that period, had no other form of local government than the charter granted by King Charles II in 1663; and as that limited the right of suffrage, and did not provide for its own amendment, many citizens became dissatisfied because the legislature would not afford the relief in their power; and without the authority of law, formed a new and independent constitution and proceeded to assert its authority by force of arms. The old government resisted this; and as the rebellion was formidable, called out the militia to subdue it and passed an act declaring martial law.

Borden, in the military service of the old government, broke open the house of Luther, who supported the new, in order to arrest him.

[1] Pp. 257 and 234.

Luther brought suit against Borden, and the question was whether, under the constitution and laws of the State, Borden was justified. This court held that a State "may use its military power to put down an armed insurrection too strong to be controlled by the civil authority"; and, if the Legislature of Rhode Island thought the peril so great as to require the use of its military forces and the declaration of martial law, there was no ground on which this court could question its authority, and as Borden acted under military orders of the charter government, which had been recognized by the political power of the country, and was upheld by the State judiciary, he was justified in breaking into and entering Luther's house. This is the extent of the decision. There was no question in issue about the power of declaring martial law under the Federal Constitution, and the court did not consider it necessary even to inquire "to what extent nor under what circumstances that power may be exercised by a State."

We do not deem it important to examine further the adjudged cases, and shall, therefore, conclude without any additional reference to authorities.

To the third question, then, on which the judges below were oppcsed in opinion, an answer in the negative must be returned.

It is proper to say, although Milligan's trial and conviction by a military commission was illegal, yet if guilty of the crimes imputed to him, and his guilt had been ascertained by an established court and impartial jury, he deserved severe punishment. Open resistance to the measures deemed necessary to subdue a great rebellion by those who enjoy the protection of government and have not the excuse even of prejudice of section to plead in their favor is wicked, but that resistance becomes an enormous crime when it assumes the form of a secret political organization armed to oppose the laws and seeks by stealthy means to introduce the enemies of the country into peaceful communities, there to light the torch of civil war and thus overthrow the power of the United States. Conspiracies like these at such a juncture are extremely perilous, and those concerned in them are dangerous enemies to their country and should receive the heaviest penalties of the law as an example to deter others from similar criminal conduct. It is said the severity of the laws caused them, but Congress was obliged to enact severe laws to meet the crisis, and as our highest civil duty is to serve our country when in danger the late war has proved that rigorous laws when necessary will be cheerfully obeyed by a patriotic people struggling to preserve the rich blessings of a free government.

The two remaining questions in this case must be answered in the affirmative. The suspension of the privilege of the writ of habeas corpus does not suspend the writ itself. The writ issues as a matter of course, and on the return made to it the court decides whether the party applying is denied the right of proceeding any further with it.

If the military trial of Milligan was contrary to law, then he was entitled, on the facts stated in his petition, to be discharged from custody by the terms of the act of Congress of March 3, 1863. The provisions of this law having been considered in a previous part of this opinion, we will not restate the views there presented. Milligan avers he was a citizen of Indiana, not in the military or naval service, and was detained in close confinement, by order of the President, from the 5th day of October 1864 until the 2d day of January 1865, when the Circuit Court for the District of Indiana, with a grand jury, convened in session at Indianapolis; and afterward, on the 27th day of the same month, adjourned without finding an indictment or presentment against him. If these averments were true (and their truth is conceded for the purposes of this case), the court was required to liberate him on taking certain oaths prescribed by the law and entering into recognizance for his good behavior.

But it is insisted that Milligan was a prisoner of war, and, therefore, excluded from the privileges of the statute. It is not easy to see how he can be treated as a prisoner of war when he lived in Indiana for the past 20 years, was arrested there, and had not been, during the late troubles, a resident of any of the States in rebellion. If in Indiana he conspired with bad men to assist the enemy, he is punishable for it in the courts of Indiana; but, when tried for the offense, he cannot plead the rights of war, for he was not engaged in legal acts of hostility against the Government, and only such persons, when captured, are prisoners of war. If he cannot enjoy the immunities attaching to the character of a prisoner of war, how can he be subject to their pains and penalties?

This case, as well as the kindred cases of Bowles and Horsey, were disposed of at the last term, and the proper orders were entered of record. There is, therefore, no additional entry required.

The Chief Justice delivered the following opinion:

Four members of the Court, concurring with their brethren in the order heretofore made in this cause, but unable to concur in some important particulars with the opinion which has just been read, think it their duty to make a separate statement of their views of the whole case.

We do not doubt that the Circuit Court for the District of Indiana had jurisdiction of the petition of Milligan for the writ of habeas corpus.

Whether this Court has jurisdiction upon the certificate of division admits of more question. The construction of the act authorizing such certificates, which has hitherto prevailed here, denies jurisdiction in cases where the certificate brings up the whole cause before the Court. But none of the adjudicated cases are exactly in point, and we are willing to resolve whatever doubt may exist in favor of the earliest possible answers to questions involving life and liberty. We agree, therefore, that this Court may properly answer questions certified in such a case as that before us.

The crimes with which Milligan was charged were of the gravest character, and the petition and exhibits in the record, which must here be taken as true, admit his guilt. But whatever his desert of punishment may be, it is more important to the country and to every citizen that he should not be punished under an illegal sentence, sanctioned by this Court of last resort, than that he should be punished at all. The laws which protect the liberties of the whole people must not be violated or set aside in order to inflict, even upon the guilty, unauthorized though merited justice.

The trial and sentence of Milligan were by military commission convened in Indiana during the fall of 1864. The action of the commission had been under consideration by President Lincoln for some time, when he himself became the victim of an abhorred conspiracy. It was approved by his successor in May 1865 and the sentence was ordered to be carried into execution. The proceedings, therefore, had the fullest sanction of the executive department of the Government.

This sanction requires the most respectful and the most careful consideration of this Court. The sentence which it supports must not be set aside except upon the clearest conviction that it cannot be reconciled with the Constitution and the constitutional legislation of Congress.

We must inquire, then, what constitutional or statutory provisions have relation to this military proceeding.

The act of Congress of March 3, 1863, comprises all the legislation which seems to require consideration in this connection. The constitutionality of this act has not been questioned and is not doubted.

The first section authorized the suspension, during the Rebellion, of the writ of habeas corpus throughout the United States by the President. The two next sections limited this authority in important respects.

The second section required that lists of all persons, being citizens of States in which the administration of the laws had continued unimpaired, in the Federal courts, who were then held or might thereafter be held as prisoners of the United States, under the authority of the President, otherwise than as prisoners of war, should be furnished to the judges of the circuit and district courts. The lists transmitted to the judges were to contain the names of all persons, residing within their respective jurisdictions, charged with violation of national law. And it was required, in cases where the grand jury in attendance upon any of these courts should terminate its session without proceeding by indictment or otherwise against any prisoner named in the list, that the judge of the court should forthwith make an order that such prisoner desiring a discharge, should be brought before him or the court to be discharged, on entering into recognizance, if required, to keep the peace and for good behavior, or to appear, as the court might direct, to be further dealt with according to law. Every officer of the United States having custody of such prisoners was required to obey and execute the judge's order, under penalty, for refusal or delay, of fine and imprisonment.

The third section provided, in case lists of persons other than prisoners of war then held in confinement, or thereafter arrested, should not be furnished within 20 days after the passage of the act, or, in cases of subsequent arrest, within 20 days after the time of arrest, that any citizen, after the termination of a session of the grand jury without indictment or presentment, might, by petition alleging the facts and verified by oath, obtain the judge's order of discharge in favor of any person so imprisoned, on the terms and conditions prescribed in the second section.

It was made the duty of the District Attorney of the United States to attend examinations on petitions for discharge.

It was under this act that Milligan petitioned the Circuit Court for the District of Indiana for discharge from imprisonment.

The holding of the circuit and district courts of the United States in Indiana had been uninterrupted. The administration of the laws in the Federal courts had remained unimpaired. Milligan was imprisoned under the authority of the President, and was not a prisoner of war. No list of prisoners had been furnished to the judges, either of the district or circuit courts, as required by the law. A grand jury had attended the circuit courts of the Indiana district, while Milligan was there imprisoned, and had closed its session without finding any indictment or presentment or otherwise proceeding against the prisoner.

His case was thus brought within the precise letter and intent of the act of Congress, unless it can be said that Milligan was not imprisoned by authority of the President; and nothing of this sort was claimed in argument on the part of the Government.

It is clear upon this statement that the circuit court was bound to hear Milligan's petition for the writ of habeas corpus, called in the act an order to bring the prisoner before the judge or the court, and to issue the writ, or, in the language of the act, to make the order.

The first question, therefore—Ought the writ to issue?—must be answered in the affirmative.

And it is equally clear that he was entitled to the discharge prayed for.

It must be borne in mind that the prayer of the petition was not for an absolute discharge, but to be delivered from military custody and imprisonment, and if found probably guilty of any offense, to be turned over to the proper tribunal for inquiry and punishment; or, if not found thus probably guilty, to be discharged altogether.

And the express terms of the act of Congress required this action of the court. The prisoner must be discharged on giving

such recognizance as the court should require, not only for good behavior, but for appearance, as directed by the court, to answer and be further dealt with according to law.

The first section of the act authorized the suspension of the writ of habeas corpus generally throughout the United States. The second and third sections limited this suspension, in certain cases, within States where the administration of justice by the Federal courts remained unimpaired. In these cases the writ was still to issue, and under it the prisoner was entitled to his discharge by a circuit or district judge or court, unless held to bail for appearance to answer charges. No other judge or court could make an order of discharge under the writ. Except under the circumstances pointed out by the act, neither circuit nor district judge or court could make such an order. But under those circumstances the writ must be issued and the relief from imprisonment directed by the act must be afforded. The commands of the act were positive and left no discretion to court or judge.

An affirmative answer must, therefore, be given to the second question, namely: Ought Milligan to be discharged according to the prayer of the petition?

That the third question, namely: Had the military commission in Indiana, under the facts stated, jurisdiction to try and sentence Milligan? must be answered negatively is an unavoidable inference from affirmative answers to the other two.

The military commission could not have jurisdiction to try and sentence Milligan, if he could not be detained in prison under his original arrest or under sentence, after the close of a session of the grand jury without indictment or other proceeding against him.

Indeed, the act seems to have been framed on purpose to secure the trial of all offenses of citizens by civil tribunals, in States where these tribunals were not interrupted in the regular exercise of their functions.

Under it, in such States, the privilege of the writ might be suspended. Any person regarded as dangerous to the public safety might be arrested and detained until after the session of a grand jury. Until after such session no person arrested could have the benefit of the writ; and even then no such person could be discharged except on such terms, as to future appearance, as the court might impose. These provisions obviously contemplate no other trial or sentence than that of a civil court, and we could not assert the legality of a trial and sentence by a military commission, under the circumstances specified in the act and described in the petition, without disregarding the plain directions of Congress.

We agree, therefore, that the first two questions certified must receive affirmative answers and the last a negative. We do not doubt that the positive provisions of the act of Congress require such answers. We do not think it necessary to look beyond these provisions. In them we find sufficient and controlling reasons for our conclusions.

But the opinion which has just been read goes further; and as we understand it, asserts not only that the military commission held in Indiana was not authorized by Congress but that it was not in the power of Congress to authorize it; from which it may be thought to follow that Congress has no power to indemnify the officers who composed the commission against liability in civil courts for acting as members of it.

We cannot agree to this.

We agree in the proposition that no department of the Government of the United States—neither President, nor Congress, nor the courts—possesses any power not given by the Constitution.

We assent, fully, to all that is said, in the opinion, of the inestimable value of the trial by jury, and of the other constitutional safeguards of civil liberty. And we concur, also, in what is said of the writ of habeas corpus, and of its suspension, with two reservations: (1) That, in our judgment, when the writ is suspended, the Executive is authorized to arrest as well as to detain; and (2) that there are cases in which, the privilege of the writ being suspended, trial and punishment by military commission, in States where civil courts are open, may be authorized by Congress, as well as arrest and detention.

We think that Congress had power, though not exercised, to authorize the military commission which was held in Indiana.

We do not think it necessary to discuss at large the grounds of our conclusions. We will briefly indicate some of them.

The Constitution itself provides for military government as well as for civil government. And we do not understand it to be claimed that the civil safeguards of the Constitution have application in cases within the proper sphere of the former.

What, then, is that proper sphere? Congress has power to raise and support Armies; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; and to provide for governing such part of the militia as may be in the service of the United States.

It is not denied that the power to make rules for the government of the Army and Navy is a power to provide for trial and punishment by military courts without a jury. It has been so understood and exercised from the adoption of the Constitution to the present time.

Nor, in our judgment, does the fifth or any other amendment abridge that power. "Cases arising in the land and naval forces, or in the militia in actual service in time of war or public danger," are expressly excepted from the fifth amendment, "that no person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury," and it is admitted that the exception applies to the other amendments as well as to the fifth.

Now, we understand this exception to have the same import and effect as if the powers of Congress in relation to the government of the Army and Navy and the militia had been recited in the amendment, and cases within those powers had been expressly excepted from its operation. The States, most jealous of encroachments upon the liberties of the citizen, when proposing additional safeguards in the form of amendments, excluded specifically from their effect cases arising in the government of the land and naval forces. Thus Massachusetts proposed that "no person shall be tried for any crime by which he would incur an infamous punishment or loss of life until he be first indicted by a grand jury, except in such cases as may arise in the government and regulation of the land forces." The exception in similar amendments, proposed by New York, Maryland, and Virginia was in the same or equivalent terms. The amendments proposed by the States were considered by the First Congress, and such as were approved in substance were put in form and proposed by that body to the States. Among those thus proposed and subsequently ratified was that which now stands as the fifth amendment of the Constitution. We cannot doubt that this amendment was intended to have the same force and effect as the amendment proposed by the States. We cannot agree to a construction which will impose on the exception in the fifth amendment a sense other than that obviously indicated by action of the State conventions.

We think, therefore, that the power of Congress, in the government of the land and naval forces and of the militia, is not at all affected by the fifth or any other amendment. It is not necessary to attempt any precise definition of the boundaries of this power. But may it not be said that government includes protection and defense as well as the regulation of internal administration? And is it impossible to imagine cases in which citizens conspiring or attempting the destruction or great injury of the national forces may be subjected by Congress to military trial and punishment in the just exercise of this undoubted constitutional power? Congress is but the agent of the Nation, and does not the security of individuals against the abuse of this, as of every other power, depend on the intelligence and virtue of the people, on their zeal for public and private liberty, upon official responsibility secured by law, and upon the frequency of elections, rather than upon doubtful constructions of legislative powers?

But we do not put our opinion, that Congress might authorize such a military commission as was held in Indiana, upon the power to provide for the government of the national forces.

Congress has the power not only to raise and support and govern armies but to declare war. It has, therefore, the power to provide by law for carrying on war. This power necessarily extends to all legislation essential to the prosecution of war with vigor and success, except such as interferes with the command of the forces and the conduct of campaigns. That power and duty belong to the President as Commander in Chief. Both these powers are derived from the Constitution, but neither is defined by that instrument. Their extent must be determined by their nature, and by the principles of our institutions.

The power to make the necessary laws is in Congress; the power to execute in the President. Both powers imply many subordinate and auxiliary powers. Each includes all authorities essential to its due exercise. But neither can the President, in war more than in peace, intrude upon the proper authority of Congress, nor Congress upon the proper authority of the President. Both are servants of the people, whose will is expressed in the fundamental law. Congress cannot direct the conduct of campaigns, nor can the President, or any commander under him, without the sanction of Congress, institute tribunals for the trial and punishment of offenses, either of soldiers or civilians, unless in cases of a controlling necessity, which justifies what it compels, or at least insures acts of indemnity from the justice of the legislature.

We by no means assert that Congress can establish and apply the laws of war where no war has been declared or exists.

Where peace exists the laws of peace must prevail. What we do maintain is, that when the Nation is involved in war, and some portions of the country are invaded, and all are exposed to invasion, it is within the power of Congress to determine in what States or districts such great and imminent public danger exists as justifies the authorization of military tribunals for the trial of crimes and offenses against the discipline or security of the Army or against the public safety.

In Indiana, for example, at the time of the arrest of Milligan and his coconspirators, it is established by the papers in the record, that the State was a military district, was the theater of military operations, had been actually invaded, and was constantly threatened with invasion. It appears, also, that a powerful secret association, composed of citizens and others, existed within the State, under military organization, conspiring against the draft, and plotting insurrection, the liberation of the prisoners of war at various depots, the seizure of the State and National arsenals, armed cooperation with the enemy, and war against the National Government.

We cannot doubt that, in such a time of public danger, Congress had power, under the Constitution, to provide for the organization of a military commission, and for trial by that commission of persons engaged in this conspiracy. The fact that the Federal courts were open was regarded by Congress as a sufficient reason for not exercising the power; but that fact could not deprive Congress of the right to exercise it. Those courts might be open and undisturbed in the execution of their functions, and yet wholly incompetent to avert threatened danger, or to punish, with adequate promptitude and certainty, the guilty conspirators.

In Indiana, the judges and officers of the courts were loyal to the Government. But it might have been otherwise. In times of rebellion and civil war it may often happen, indeed, that judges and marshals will be in active sympathy with the rebels, and courts their most efficient allies.

We have confined ourselves to the question of power. It was for Congress to determine the question of expediency. And Congress did determine it. That body did not see fit to authorize trials by military commission in Indiana, but by the strongest implication prohibited them. With that prohibition we are satisfied, and should have remained silent if the answers to the questions certified had been put on that ground, without denial of the existence of a power which we believe to be constitutional and important to the public safety, a denial which, as we have already suggested, seems to draw in question the power of Congress to protect from prosecution the members of military commissions who acted in obedience to their superior officers, and whose action, whether warranted by law or not, was approved by that upright and patriotic President under whose administration the Republic was rescued from threatened destruction.

We have thus far said little of martial law, nor do we propose to say much. What we have already said sufficiently indicates our opinion that there is no law for the government of the citizens, the Armies or the Navy of the United States, within American jurisdiction, which is not contained in or derived from the Constitution. And wherever our Army or Navy may go beyond our territorial limits, neither can go beyond the authority of the President or the legislation of Congress.

There are under the Constitution three kinds of military jurisdiction: One to be exercised both in peace and war; another to be exercised in time of foreign war without the boundaries of the United States, or in time of rebellion and civil war within States or districts occupied by rebels treated as belligerents; and a third to be exercised in time of invasion or insurrection within the limits of the United States, or during rebellion within the limits of States maintaining adhesion to the National Government, when the public danger requires its exercise. The first of these may be called jurisdiction under military law, and is found in acts of Congress prescribing rules and articles of war, or otherwise providing for the government of the national forces; the second may be distinguished as military government, superseding, as far as may be deemed expedient, the local law, and exercised by the military commander under the direction of the President, with the express or implied sanction of Congress; while the third may be denominated martial law proper, and is called into action by Congress, or temporarily, when the action of Congress cannot be invited, and in the case of justifying or excusing peril, by the President, in times of insurrection or invasion, or of civil or foreign war, within districts or localities where ordinary law no longer adequately secures public safety and private rights.

We think that the power of Congress, in such times and in such localities, to authorize trials for crimes against the security and safety of the national forces, may be derived from its constitutional authority to raise and support armies and to declare war, if not from its constitutional authority to provide for governing the national forces.

We have no apprehension that this power, under our American system of government, in which all official authority is derived from the people, and exercised under direct responsibility to the people, is more likely to be abused than the power to regulate commerce, or the power to borrow money. And we are unwilling to give our assent by silence to expressions of opinion which seem to us calculated, though not intended, to cripple the constitutional powers of the Government, and to augment the public dangers in times of invasion and rebellion.

Mr. Justice Wayne, Mr. Justice Swayne, and Mr. Justice Miller concur with me in these views.

Mr. CONNALLY. Mr. President, my observation is that one of the important points in that opinion is that under the Constitution there are ways in which this Government, as a democracy, may properly and fully exercise all the necessary powers to carry on this war or any other war, provided those powers are exercised through the appropriate departments of the Government and under constitutional provisions.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. WHEELER. The Senator does not mean "this war"?

Mr. CONNALLY. Any war in which we may be engaged, including the war of words which we have had this afternoon. [Laughter.]

Mr. CLARK of Missouri. Mr. President, I do not desire to detain the Senate further; but I wish to say that I have listened with very great interest to the plea in confession and avoidance made by the Senator from Florida [Mr. PEPPER] with regard to the radio broadcast made last night by Mr. Fulton Lewis.

Irrespective of what Mr. Lewis may have said as to a conversation which he had with the Senator from Florida yesterday, and irrespective of the memory of the Senator from Florida or of the Senator from Montana [Mr. WHEELER] as to an alleged conversation which took place between them at the Chicago convention, I make bold to assert that there is no essential difference between the explanation of the Senator from Florida and Mr. Lewis' broadcast last night. Furthermore, I make bold to assert that Mr. Lewis' broadcast of last night did not go as far and was not as all-embracing in its scope as the speech made on the floor of the Senate a few weeks ago by the Senator from Florida himself, in his own proper person, embodying his seven-point program, to which I, among other Senators, listened.

Mr. President, I have listened with very great interest this afternoon to the Senator from Florida; and I assert that neither in his remarks this afternoon nor in his speech upon his seven-point program a few weeks ago is there any power asserted to have been exercised by either Hitler or Mussolini, or, for that matter, by Genghis Khan or Nero, which he does not propose to confer upon the President of the United States at a time when we are not at war.

Mr. President, I hold no brief for Fulton Lewis. I have heard him make many inaccurate statements in his radio broadcasts, and I dare say I shall hear many more. Very recently Mr. Lewis saw fit to butt into a factional political fight in a Missouri primary, attempting to aid one candidate who was afterward repudiated by the people of Missouri at a primary election, in the course of which effort Mr. Lewis made numerous misrepresentations. However, in view of the various references to and partial quotations from Mr. Lewis' broadcast last night, it seems to me it is only fair that Mr. Lewis' complete broadcast be inserted in the RECORD so that anyone who chooses may compare the statements of the Senator from Montana and the Senator from Florida with Mr. Lewis' original broadcast and draw any conclusion he wishes. I ask unanimous consent that the complete statement of Mr. Lewis be printed in the Appendix of the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLARK of Missouri. Mr. President, I further ask leave to send forward an amendment which I intend to propose to the pending bill and ask that it may be printed and lie upon the table.

Let me say in that connection that the amendment which I propose to offer is a bill which I introduced some months ago for the abolition of the War Department and the Navy Department and the combination of both of them into a new Department of National Defense, with coordinate branches for the regulation of the Army, the Navy, and the Air Corps.

I ask that my amendment be printed and lie on the table.

The PRESIDING OFFICER. Without objection, the amendment will be received, printed, and lie on the table.

Mr. BONE. Mr. President, I do not rise for the purpose of adding anything to the clash of arms this afternoon. I should like to refer for just a moment to the interesting contribution of the Senator from Texas to the historical discussion and to the reference of the able Senator from New Mexico [Mr. HATCH] to the wartime powers which were exercised by President Lincoln.

I think we should bear in mind that at one time, in a time of peace, a very energetic President of the United States, confronted with a decision of the Supreme Court of the United States written by a gentleman for whom he had very little use, said, "Old John Marshall has made his decision; let him enforce it."

What did John Marshall do? The President had all the United States marshals under his control, and the Supreme Court did exactly what any court having no coercive power would do. Andrew Jackson did what he pleased, and John Marshall probably accepted it. Not having known the gentleman or having been privileged to consort with him, I have not any idea what his state of mind was; but were I Chief Justice of the United States, and were the President to tell me to enforce a decision if I did not like it, I think I would feel a little badly about it.

Lincoln during the Civil War had probably from three-quarters of a million to a million men under arms—men who

were begrimed by field after field of battle, men whose eyes had witnessed scenes of desolation the like of which the country had never before witnessed. Here was the country torn with strife, divided as it was in a terrible war between a great bloc of States in the South on the one hand and a great bloc of States in the North on the other; and, of course, Lincoln was not going to allow something to get in the way; and when the Supreme Court, I think, at one time attempted to issue a writ of habeas corpus, Lincoln said, "Forget it"; and we know what happened.

Mr. CLARK of Missouri. He simply ignored it.

Mr. BONE. Yes.

Mr. CONNALLY. Mr. President, if the Senator will yield, one case arose in Maryland, in which some civilians were incarcerated, and they applied for a writ of habeas corpus. Judge Taney wrote the opinion of the Court liberating them. He sent the opinion through the clerk to the military officers, and they simply ignored it. They paid no attention to it. Under the instructions of the President, the commanding generals and others completely ignored it, and Judge Taney was in personal fear of being himself placed in jail. He told his family, the day he wrote the opinion, that he did not know whether he would be home that night or not; that he might be in jail. The officers ignored the opinion.

Mr. BONE. That is correct. The Senator from Texas is absolutely right when he says that the supreme law of the land is the Constitution, and it is not abrogated by war; but, on the other hand, we face the cold, hard, physical fact that the Supreme Court of the United States and the lower courts of the United States have no coercive power. We obey their orders only because we want to be decent Americans. There is not any physical power residing in any court to enforce its own orders. If the courts order a man hanged, the officials of the State may refuse to hang him; and in wartime, Lincoln, the Commander in Chief of the United States Army, simply told the courts to forget what they were trying to do when it did not suit his convenience.

Here were half a million men who had fought at Gettysburg, and at Cold Harbor, and at Mine Run, and at Antietam, and all the other bloody battles of the war. They owed allegiance to Lincoln. They did not owe it to some nebulous body; and that is why there grew up that to which the Senator from New Mexico [Mr. HATCH] referred.

Of course, any historian, in writing a narrative of that kind, may say that the President exercised supreme power. Everybody knows that he did; it does not prove anything; but it ought to prove to us here in the Senate that wartime powers are not pleasant things for anybody. I never thought I should live long enough to find the Senate of the United States, calmly or otherwise—perhaps more otherwise than calmly—debating the question whether or not, while the country is at peace, we should give the President of the United States the supreme power of a dictator, because that is what it would imply—these wartime powers, whether they are lawful powers or not.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. BONE. That is why I made reference to acts of Congress. Whether they are lawfully exercised powers or not, the fact is that sometimes, through force of necessity, a man is compelled to exercise them. That is the tragedy of it. I do not believe any member of this body will say that Lincoln wanted to tell all the courts to "Go to ———," to use the vernacular. There probably never breathed under the American flag a man who had more reverence for law, a greater reverance for all the beautiful traditions of America, than Abraham Lincoln had; and yet he told the courts to "forget it," and every Member of this body knows it. He did what the Senator from New Mexico [Mr. HATCH], speaking through the pen of the historian, says he did. It was not because Lincoln was a bad man. It was because war made him feel that he had to do it. We must not compare action of that kind with solemn legislative powers. The thing I am talking about is what we would do.

I think the Senator from Florida [Mr. PEPPER] is absolutely sincere in feeling that that is a desirable thing to do. I cannot bring myself to believe it, however, and I know that if we give the President full wartime powers, then we ought to go a step further and give him the powers contemplated by the mobilization plan which the War Department cooked up beginning back in 1920; and that is the most ruthless, cold, hard dictatorship possible to imagine in America, at least. It is as ruthless and cold a dictatorship as we could ever hope under any circumstances to have Americans swallow, because it washes up the last traditional aspect of American social, business, economic, and political life.

When the mobilization plan comes along we shall not have to worry about whether commentators comment right on us, or whether columnists columnize right on us, or whether the boys in the press gallery write the right stuff, or not. They will be told what to write. They will not write anything but what they get off a teletype that will come through the War Department. Of course, the press of America has a great stake in this matter. Every single aspect of freedom that is implicit in the whole American system is wrapped up in this mobilization plan that the War Department has. If we are to give the President full wartime powers, then we ought to give him all the powers that are implicit in the mobilization plan, and I just cannot contemplate that being done. I think it would be terrible. It would be a crucifixion of all that we believe in.

EXECUTIVE SESSION

Mr. BARKLEY. Mr. President, I desire to move that the Senate suspend hostilities, declare a truce, and take a recess until 12 o'clock noon tomorrow; but before doing that it is desired to have an executive session.

I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. MINTON in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. WALSH, from the Committee on Naval Affairs, reported favorably the nomination of James V. Forrestal, of New York, to be Under Secretary of the Navy.

He also, from the same committee, reported favorably the nominations of sundry officers for promotion in the Navy.

He also, from the same committee, reported favorably the nominations of sundry officers for promotion in the Marine Corps.

Mr. THOMAS of Utah, from the Committee on Education and Labor, reported favorably the nomination of William P. Seaver, of New York, to be Assistant Administrator in charge of project management, United States Housing Authority, Federal Works Agency.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the calendar.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask that the nominations of postmasters on the calendar be confirmed en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN THE ARMY

The legislative clerk read the nomination of Frank Thomas Hines, Reserve, to be Brigadier General, Reserve.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

That concludes the calendar.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 47 minutes p. m.) the Senate took a recess until tomorrow, Thursday, August 15, 1940, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate August 14 (legislative day of August 5), 1940

COAST GUARD OF THE UNITED STATES

The following-named persons in the Coast Guard of the United States, to take effect from dates of oath:

TO BE CHIEF BOATSWAINS

Osmond C. Faulkingham.
Luther H. Muse.

APPOINTMENT IN THE REGULAR ARMY

JUDGE ADVOCATE GENERAL'S DEPARTMENT

Capt. Stewart Sherman Maxey, Judge Advocate General's Department Reserve, to be captain with rank from date of appointment.

PROMOTIONS IN THE REGULAR ARMY

TO BE COLONELS WITH RANK FROM AUGUST 1, 1940

Lt. Col. Douglas Blakeshaw Netherwood, Air Corps (temporary colonel, Air Corps).
Lt. Col. Mert Proctor, Field Artillery.
Lt. Col. Joseph Dorst Patch, Infantry.
Lt. Col. Archibald Delos Cowley, Infantry.
Lt. Col. Félix Englebert Gross, Coast Artillery Corps.
Lt. Col. George Ralph Meyer, Coast Artillery Corps.
Lt. Col. Lewis Hyde Brereton, Air Corps (temporary colonel, Air Corps).
Lt. Col. Cherubusco Newton, Jr., Finance Department.
Lt. Col. Casper Ball Rucker, Infantry.
Lt. Col. Robert Currier Brady, Quartermaster Corps.
Lt. Col. George Frederick Humbert, Coast Artillery Corps.
Lt. Col. Arthur Woodfin Ford, Ordnance Department.
Lt. Col. Vincent Meyer, Field Artillery.
Lt. Col. Herbert Elliott Taylor, Cavalry.
Lt. Col. Lindsay McDonald Silvester, Infantry.

TO BE LIEUTENANT COLONELS WITH RANK FROM JULY 13, 1940

Maj. Frederick Linwood Topping, Coast Artillery Corps.
Maj. Nathaniel Lewis Simmonds, Quartermaster Corps.
Maj. William Florence O'Donoghue, Infantry.
Maj. Alan Walter Jones, Infantry.
Maj. Charles Richard Doran, Field Artillery.
Maj. Candler Asbury Wilkinson, Cavalry.
Maj. John Adams Hettinger, Cavalry.
Maj. William Byron Wilson, Infantry; subject to examination required by law.
Maj. Stanley Young Kennedy, Infantry.
Maj. William Wilson Belcher, Field Artillery.
Maj. Paul Houston Morris, Cavalry.
Maj. George Ralston Middleton, Field Artillery.
Maj. Guy Douglas Thompson, Cavalry.
Maj. Marlin Clack Martin, Infantry.
Maj. David Lee Hooper, Corps of Engineers.
Maj. Thomas Raphael Phillips, Coast Artillery Corps.
Maj. Oliver Edward George Trechter, Infantry.
Maj. Richard Allen Gordan, Field Artillery.
Maj. John Lee Autrey, Signal Corps.
Maj. Edwin Henry Haskins, Infantry.

TO BE LIEUTENANT COLONELS WITH RANK FROM JULY 13, 1940

Maj. James Lawrence, Signal Corps.
Maj. Calvin Earl Giffin, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Frederick Lofquist, Coast Artillery Corps.
Maj. John Harold Wilson, Coast Artillery Corps.
Maj. Napoleon Boudreau, Coast Artillery Corps.
Maj. George Peterson Winton, Field Artillery.
Maj. John Thomas Sallee, Quartermaster Corps.
Maj. Clarence LeRoy Strike, Signal Corps.
Maj. John Roscoe Holt, Quartermaster Corps.
Maj. Rolland Edward Stafford, Signal Corps, subject to examination required by law.
Maj. Clyde Charles Alexander, Field Artillery.
Maj. Jacob Albert Blankenship, Cavalry.
Maj. Charles Henry McNair, Infantry; subject to examination required by law.
Maj. Orville Jackson, Quartermaster Corps.
Maj. LeRoy Henry Palmer, Quartermaster Corps.
Maj. Walter Clarence Hamilton, Ordnance Department.
Maj. Robert Grant Mangum, Field Artillery.
Maj. Robert Lee Hostetler, Infantry.
Maj. Mark Albert Dawson, Field Artillery.
Maj. Elmer Gwyn Thomas, Quartermaster Corps.
Maj. Roscoe Arthur Dean Stanis, Infantry.
Maj. Lewis Bradley Douglas, Quartermaster Corps.
Maj. Carl William Connell, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Robert Canada Vickers, Signal Corps.
Maj. Thomas Lawrence Clark, Signal Corps.
Maj. Hardy Pate Browning, Signal Corps.
Maj. John Webster Llufrio, Quartermaster Corps.
Maj. Frank James Keelty, Finance Department.
Maj. Jacob Herschel Lawrence, Infantry; subject to examination required by law.
Maj. Harry A. Vacquerie, Quartermaster Corps.
Maj. Hans Ottzenn, Quartermaster Corps.
Maj. Grover Cleveland Graham, Infantry.
Maj. Oscar Kain, Quartermaster Corps.
Maj. Clyde Arthur Lundy, Infantry.
Maj. Leland Warren Skaggs, Infantry.
Maj. Wilbert Vernon Renner, Quartermaster Corps.
Maj. Joseph Howard Rustemeyer, Infantry.
Maj. Thomas Settle Voss, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Harry Foster, Finance Department.
Maj. Theodore Maurice Roemer, Cavalry.
Maj. Harry Winchester Benson, Cavalry.
Maj. George Prentice Cummings, Cavalry.
Maj. John McBride, Infantry.
Maj. George Munteanu, Infantry.
Maj. Louis Bronson Gerow, Quartermaster Corps.
Maj. Raymond Oscar Miller, Infantry.
Maj. Sexton Berg, Cavalry.
Maj. Cornelius Francis O'Keefe, Cavalry.
Maj. Samuel Israel Zeidner, Quartermaster Corps.
Maj. Raymond Dresden Willis, Infantry.
Maj. Elliot Duncan Cooke, Infantry.
Maj. James Philip Lyons, Infantry.
Maj. Ernest Samusson, Infantry.
Maj. Alfred Steere Knight, Infantry.
Maj. Thomas Watson Hastey, Air Corps (temporary lieutenant colonel, Air Corps).
Maj. Chester John Hirschfelder, Infantry.
Maj. Morris Berman, Air Corps (temporary lieutenant colonel, Air Corps), subject to examination required by law.
Maj. Richard Fayette Fairchild, Infantry.
Maj. Donald John Myers, Infantry.
Maj. Charles Allen Easterbrook, Adjutant General's Department.
Maj. Herbert Allyn Myers, Cavalry.
Maj. Harold Witter Churchill, Ordnance Department.
Maj. Herbert Foster Wilkinson, Quartermaster Corps.
Maj. Marion Fred Shepherd, Infantry.
Maj. George Fridjhof Bloomquist, Infantry.
Maj. Frank Emil Stoner, Signal Corps.
Maj. Roy Francis Lynd, Infantry.
Maj. Ernest Clifford Ayer, Infantry.
Maj. James Lester Ballard, Infantry.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO QUARTERMASTER CORPS

Maj. James Austin Gilruth, Infantry, with rank from September 1, 1939.

TO SIGNAL CORPS

Capt. Charles Lind Olin, Infantry, with rank from June 12, 1940.

APPOINTMENT IN THE NATIONAL GUARD OF THE UNITED STATES

GENERAL OFFICER

Maj. Gen. Samuel Tilden Lawton, Illinois National Guard, to be Major General, National Guard of the United States.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 14 (legislative day of August 5), 1940

REAPPOINTMENT IN THE OFFICERS' RESERVE CORPS OF THE ARMY

Frank Thomas Hines to be a brigadier general, Reserve.

POSTMASTERS

MARYLAND

Edna W. Hart, Sudlersville.

OHIO

Fred J. Tank, Elmore.
James A. Gilmore, Lisbon.

SOUTH DAKOTA

Doris L. Stewart, Cresbard.
Fred Shroyer, Gettysburg.
Anna E. Healy, Langford.
Orval Ogle, Pine Ridge.
Victor M. Dalthorp, Volga.

TEXAS

Benton C. Anderson, Knox City.
Joseph D. Durham, Lakeview.
Neville W. Durham, Merkel.
Mary E. Horn, Streetman.
Simon J. Burttschell, Weimar.

VERMONT

Gustavus F. Rabaioli, South Ryegate.

HOUSE OF REPRESENTATIVES

WEDNESDAY, AUGUST 14, 1940

The House met at 12 o'clock noon.

Rev. Bernard Braskamp, D. D., pastor of Gunton Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

O Thou whom finite thought cannot comprehend and whose resources human need cannot exhaust, Thou art the bountiful Giver of all our blessings. We are bringing unto Thee our burdened hearts and empty hands.

Grant that as we move forward into the unknown experiences of this day, we may be conscious of divine guidance and companionship. In all the perplexing relations of life, may we have courage and strength to follow the path which Thou hast marked out for us.

May we be numbered among those who earnestly desire and zealously labor for the coming of the Kingdom of God, when the heart of man shall be filled with peace and gladness.

Hear and answer our prayer for the sake of the Christ our Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed a joint resolution and bills of the House of the following titles:

On July 31, 1940:

H. J. Res. 583. Joint resolution making an additional appropriation for the Tennessee Valley Authority for the fiscal year 1941 to provide facilities to expedite the national defense.

On August 9, 1940:

H. R. 719. An act for the relief of Francis G. McDougall;
H. R. 2278. An act for the relief of Carl Hurt;
H. R. 2490. An act for the relief of Fulton Combs;
H. R. 3992. An act for the relief of Frank Spears;
H. R. 5254. An act for the relief of the captain and crew of the fishing boat *Unione No. 1*;
H. R. 6740. An act for the relief of the estate of J. L. Fretwell;
H. R. 7679. An act for the relief of J. E. Dambach;
H. R. 8246. An act for the relief of Clyde Caietti, a minor;
H. R. 8946. An act for the relief of Rufus K. Sanderlin;
H. R. 9130. An act for the relief of Fred Shelton;
H. R. 9571. An act to authorize the incorporated town of Sitka, Alaska, to purchase and enlarge certain public utilities and for such purpose to issue bonds in the sum of $200,000 in excess of present statutory debt limit; and
H. R. 9828. An act to extend the times for commencing and completing the construction of bridges across the Monongahela River in Alleghany County, Pa.

On August 13, 1940:

H. R. 5116. An act for the relief of Thomas Miralia and Betty Miralia;
H. R. 5309. An act for the relief of Robert L. Taylor;
H. R. 5562. An act for the relief of Clyde E. Malle;
H. R. 6365. An act to correct the military records of DeRosey C. Cabell, McFarland Cockrill, James N. Caperton, Junius H. Houghton, Otto F. Lange, Paul B. Parker, James de B. Walbach, and Victor W. B. Wales;
H. R. 7416. An act for the relief of Theodore R. King;
H. R. 7668. An act for the relief of Elizabeth Buxton Hospital;
H. R. 7851. An act for the relief of certain disbursing officers of the Division of Disbursement, Treasury Department;
H. R. 7957. An act for the relief of Willie Perry;
H. R. 8028. An act for the relief of Zoe Hoyt Wagner and Io F. Hoyt;
H. R. 8091. An act for the relief of May C. Taylor;
H. R. 8217. An act for the relief of Thomas R. Fox;
H. R. 8459. An act for the relief of Edna S. Gardiner;
H. R. 8504. An act for the relief of Dr. A. C. Wade;
H. R. 8666. An act for the relief of certain claimants on account of loss by fire for which the United States was adjudged liable;
H. R. 8774. An act for the relief of the widow of Donald D. Elliott;
H. R. 10014. An act to amend the Transportation Act, 1920, as amended; and
H. R. 10034. An act for the relief of certain disbursing officers of the Treasury Department, the Department of the Interior, and the Army.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 7173. An act for the relief of Walter Chwalek.

PERMISSION TO ADDRESS THE HOUSE

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to extend my remarks in the RECORD at this point and to include a short newspaper article.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

[Mr. SWEENEY addressed the House. His remarks appear in the Appendix of the RECORD.]

Mr. SECREST. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SECREST. Mr. Speaker, I have long felt that conscription would seriously impair the credit structure of this

country. This is confirmed in the Philadelphia Record of Monday, which says:

Unmarried men of draft age—21 to 31—are finding many difficulties in their relations with business, finance, and industry.

WHAT THEY FACE

In addition to emotional complications and uncertainty about their futures, they right now face these practical difficulties:

1. Banks and loan companies are refusing to give them personal loans, regardless of their characters, references, or jobs.
2. It is virtually impossible for them to buy automobiles, unless they can pay spot cash.
3. It is next to impossible for them to open new charge accounts.
4. Several industries which heretofore preferred young men for training for semiskilled and skilled jobs seem to favor older men now.

I do not see the advantage of destroying the credit of 12,000,000 men to secure 1,000,000 men for service, and I believe the bill I introduced over 2 weeks ago to shorten the period of voluntary enlistment to 1 year and increase the pay from $21 to $30 a month will get men faster than we can furnish them with the necessary equipment.

I claim that conscription will cause a serious business depression that may equal any business gains that otherwise would result from the rearmament program.

Furthermore, Congress should quit wasting time in debate and act at once to encourage volunteers in view of the critical situation developing in England. [Applause.]

[Here the gavel fell.]

LOSSES FROM ERADICATION OF MEDITERRANEAN FRUITFLY IN FLORIDA

Mr. CLARK, from the Committee on Rules, submitted the following resolution (H. Res. 568) which was referred to the House Calendar and ordered printed:

House Resolution 568

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate Concurrent Resolution 40, a concurrent resolution creating a special joint committee to investigate the matter of losses resulting from the Mediterranean fruitfly eradication campaign in Florida in 1929 and 1930, and all points of order against said resolution are hereby waived. That after general debate, which shall be confined to the resolution and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Rules, the resolution shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the resolution for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

R. F. BRAZELTON

Mr. NORRELL. Mr. Speaker, I ask unanimous consent to call up the bill (H. R. 7826) for the relief of R. F. Brazelton, for the purpose of concurring in a Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 5, strike out "$360" and insert "$180."

Mr. MICHENER. Mr. Speaker, reserving the right to object, has the gentleman talked with the minority member of the committee?

Mr. NORRELL. I will say to the gentleman that I have discussed this with the chairman of the Claims Committee. The point is that the Claims Committee allowed a bill in the amount of $360 and it was passed by the House unanimously. The Senate adopted an amendment reducing the amount 50 percent.

Mr. MICHENER. And the gentleman is accepting the reduction?

Mr. NORRELL. Yes.

Mr. MICHENER. I have no objection.

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a resolution from the Communist International.

The SPEAKER. Is there objection?

Mr. SABATH. Mr. Speaker, I reserve the right to object. Notwithstanding the gentleman's defeat for reelection, in the last few days he has clogged up the RECORD again with a lot of articles and statements which I know to be unfair and unjust. In view of that, I object.

PERSONAL EXPLANATION

Mr. RANDOLPH. Mr. Speaker, on roll call 178, if present, I would have voted "nay"; on roll call 179 I was absent, and if present I would have voted "yea"; on roll call 182, if present, I would have voted "yea."

EXTENSION OF REMARKS

Mr. ROUTZOHN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therewith a letter written to Edward M. Toland by Mr. William Green.

The SPEAKER. Is there objection?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a press editorial.

The SPEAKER. Is there objection?

Mr. RICH. Mr. Speaker, I reserve the right to object. When the gentleman asks to insert an editorial I shall not object to the gentleman from West Virginia, as he is not guilty of placing much extraneous matter in the RECORD; but I rise to say this in reference to the objection made by the gentleman from Illinois [Mr. SABATH]. If he will go over the RECORD of the last 2 weeks and see the amount of material placed therein by Members on the Democratic side of the House, one article which contained some forty-odd pages lauding Jim Farley, newspaper articles——

Mr. SABATH. From this side of the House?

Mr. RICH. Yes; from over there, in the CONGRESSIONAL RECORD. There was one gentleman on the Democratic side who put in 9 articles containing the same thing with reference to nine counties in the State of Washington, which was nothing but political propaganda, over 40 pages; one insertion of 4½ pages should have been sufficient; and if the gentleman is going to permit that sort of stuff to go in, then why object to the request of the gentleman from Montana?

Mr. SABATH. If I had been here, I would have objected to it.

Mr. RICH. And if I had known that he was going to insert in the RECORD nine times practically the same article; change the name of the county as follows: Grays Harbor County, Cowlitz County, Clark County, Lewis County, Thurston County, Pacific County, Skamania County, Wakkiakum County, and Mason County, I would have objected to it, for I think it was a bad thing for the Member to do such a breach of good faith in using up space in the CONGRESSIONAL RECORD.

Mr. SABATH. I am in accord with you that there have been abuses. I do not know of the one to which you refer, but many of those on the other side of the Capitol and those of the gentleman from Montana have abused the CONGRESSIONAL RECORD privilege and should not be tolerated.

Mr. RICH. When people ask to put in these political speeches, they ought to be objected to. In fact they should not ask for such permission.

Mr. SABATH. But some of the things that are put in are not only political speeches, but are much worse than political speeches.

Personally I do not object so much to political speeches on the part of Members especially when they are for home consumption, but I do object and we should condemn continuous insertions of malicious and willful accusations made for the purpose of creating racial and religious hatred and discord and, more so, when they tend to imitate the detestable Nazi creed.

Mr. RICH. Then you gentlemen on that side ought to watch the RECORD a little bit and try to keep it clean.

Mr. SABATH. That is what I was trying to do this morning, but I find it nearly impossible to continuously watch you on the other side.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my remarks on two subjects and to include two editorials from a Portland paper, and a short article on the third term. With the other I ask unanimous consent to include an editorial from the Portland Oregonian, and also an article about Senator CHARLES L. MCNARY.

The SPEAKER. Is there objection?

There was no objection.

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a news item from the Los Angeles Times headed "Threat charged in Bridges case."

The SPEAKER. Is there objection?

There was no objection.

HARRY M. BRIDGES

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. LELAND M. FORD. Mr. Speaker, I do this to direct attention of the Members to this news item about the threat charge in the Bridges case. There is a subheading which says "'Reds' would try to tie up the deportation ship, Legionnaire declares." Then the article goes on to state that Communist Party leaders have threatened to stop the deportation of Harry Bridges, the west coast director of the C. I. O., in the event the bill to deport him is passed by the Congress.

This statement was made today by Homer L. Chaillaux, director of the National American Commission of the American Legion, before the Rotary Club:

> The latest threat from the Communist Party is that "we have machinery to make it impossible for Bridges to be deported by boat." They mean that they control the seamen's union on the west coast and will make it impossible to move any boat on which an attempt is made to ship Bridges.

This appears to be an intolerable situation in which the Communists of the country are defying Congress over this man Bridges. These Communists are receiving their greatest help and aid from a man who has sworn to uphold the law and do his duty, namely, Attorney General Jackson of the United States. We had hoped for better things after the miserable failure of Mme. Perkins, but apparently Jackson has just as much lack of enthusiasm and intestinal fortitude to do his duty as had Mme. Perkins.

SUBJECT OF EXTENSION OF REMARKS

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. THORKELSON. Mr. Speaker, I have asked for this minute in order to inform the gentleman from Illinois [Mr. SABATH] that the statements which I have inserted in the RECORD are based on authenticated facts and statements made in and taken from publications issued by the gentleman's own people, the Zionist Review. I have copies of that paper, so that there is nothing strange about it, there is nothing queer about it. Those are the absolute facts as they appear in the press, and the House ought to see them. There is no reason in the world why any minority, no matter who they are, should dictate to the majority, and I say to the gentleman that the gentleman's own people, in organized minorities, are dictating to the American people, and it is now time that the people of the United States awaken to realize what is happening to this Nation. We are in the hands of a minority party. When he can sit there and object to information of that sort going into the CONGRESSIONAL RECORD, which is based upon facts, it is time the Congress ceased to exist.

[Here the gavel fell.]

LINDSAY CARTER WARREN

Mr. McLEAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. McLEAN. Mr. Speaker, I address myself to a subject on which both Republicans and Democrats can agree, Lindsay Carter Warren.

My excuse must be my appreciation of the benefits I have received from serving an apprenticeship under him as a member of the Committee on Accounts and the friendship which resulted.

Mr. Warren was elected to the House of Representatives from the First District of North Carolina to the Sixty-ninth Congress and served here continuously for 16 years until the day before yesterday, when his resignation was accepted. The President, imposing special trust and confidence in Mr. Warren, prevailed upon him to desert these legislative halls for an important position in the executive branch of the Government, that of Comptroller General of the United States.

He left us without valedictory. It was characteristic of him to sever his connection here and take up his new duties without ostentation, and perhaps this commendation would touch his sensibilities to such an extent as to be embarrassing, but my association with him has been such that I cannot let the occasion pass without notice.

The law under which he will serve was calculated to remove the Comptroller General from those influences which humankind is heir to. We all know, however, that it is impossible to legislate character, integrity, and administrative ability. These elements must be inherent in the individual, and those of us who have had contact with Mr. Warren know that the President has made a wise choice.

When I first came to Congress I was assigned to the Committee on Accounts, of which Mr. Warren was chairman. Although of the minority party, I was advised of the activities of the committee, was made familiar with all the matters pending before it, and the records were open to me for any details that I might desire. I felt myself fortunate in serving an apprenticeship under the chairmanship of a man of his knowledge of procedure, his sense of fairness, and genial personality.

Immediately upon graduation from the law school of the University of North Carolina in 1912, Mr. Warren entered upon an active and honorable professional and public career in his native State, which was to prepare him for his usefulness here, and here he attained distinction and importance.

As presiding officer, by designation of the Speaker, when the whole House was sitting as a Committee, which was frequent, his marked ability and knowledge of parliamentary procedure inspired the confidence of us all. In debate he was argumentative and forceful, frequently resorting to his sense of humor, illustrating his arguments with stories characteristic of his native South in the dialect he so well understood.

I think it will be difficult for Lindsay Warren to find contentment in the cloistered life of Comptroller General after the hurly-burly and excitement one experiences as a Member of this Chamber, but it is my hope, as I am certain it is the hope of us all, that there will come to him a full share of his utmost desires, whether it be in his present situation or in some higher calling in public or private life.

Our loss will be the gain of the executive branch of the Government. He will be missed as a legislator, but he will dignify and increase the importance of the administrative office to which he has been called. Our best wishes attend him. [Applause.]

SUBJECT OF EXTENSION OF REMARKS

Mr. SABATH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. SABATH. Mr. Speaker, I objected to the unanimous-consent request of the gentleman from Montana [Mr. THORKELSON] to insert some articles in his statement because I have found in the past that many of his extensions of remarks were not based on facts, were without justification, were unfair and unwarranted.

Mr. THORKELSON. Mr. Speaker, I demand that the gentleman's words be taken down.

Mr. SABATH. Oh, sit down.

Mr. THORKELSON. I want his words taken down, Mr. Speaker. He has made the statement that my information is not based on facts. You sit down yourself. You are talking too much anyway.

Mr. SABATH. When I talk, I do not talk or insert nonsense.

The SPEAKER. The Chair will rule that if the words were taken down the Chair would hold that they did not infringe the rules as far as the statement so far has been made. The gentleman will proceed.

Mr. SABATH. Every Member knows what I have said is correct. The gentleman from Montana in the last few days, though he has been repudiated in his own district and defeated, has loaded down the CONGRESSIONAL RECORD with more than 12 pages of stuff unfit for the CONGRESSIONAL RECORD. He sends this misleading information out under his frank by the thousands at the expense of the American taxpayers, whom I know have no confidence in him.

The House will recall that in the Appendix of the RECORD, pages 3006–3010, I showed that he had placed in the RECORD up to that time 210 full pages of scurrilous matter at a cost of $9,400 to taxpayers. I showed that he had imposed upon the House by inserting in one of his leaves to print a forged letter of Col. E. M. House, confidant of the late Woodrow Wilson, in which Colonel House was placed in the false position of being in a conspiracy to restore the American Colonies to Great Britain. After that performance, and even before, I lost all confidence in him.

[Here the gavel fell.]

PATENT TO CERTAIN LANDS IN MINNESOTA

Mr. DEROUEN. Mr. Speaker, on July 1 the House passed by unanimous consent, H. R. 9732, relating to the issuance by the Secretary of the Interior of a patent to the State of Minnesota, for certain lands in that State. At the time of the passage of the House bill there was on the Speaker's desk an identical Senate bill, S. 3954. I was not present at that time, or I would have asked that the Senate bill be passed in lieu of the House bill.

I now ask unanimous consent, Mr. Speaker, for the immediate consideration of the bill S. 3954.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. MICHENER. Mr. Speaker, reserving the right to object, as I understand the situation, these two bills are identical?

Mr. DEROUEN. Identical.

Mr. MICHENER. And it was simply an oversight or an inadvertence?

Mr. DEROUEN. That is correct.

Mr. MICHENER. One passed the House and the other passed the Senate?

Mr. DEROUEN. That is correct. The State of Minnesota has qualified and is ready to accept the land.

Mr. MICHENER. I have no objection.

Mr. RICH. Mr. Speaker, reserving the right to object, what does this bill do?

Mr. DEROUEN. It is simply perfecting title. It is to remove a color of title.

The SPEAKER. Is there objection?

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Interior may cancel the patent issued on August 24, 1886, to Joe Blair, as allottee No. 4 of the Fond du Lac Indian Reservation, Minn., for the north half of the northeast quarter of section 30, township 49 north, range 17 west, of the fourth principal meridian in Minnesota, and may issue to the State of Minnesota as a fee-simple patent for the tract of land described. If issued, the fee-simple patent shall operate as a full and complete conveyance of any and all right, title, or interest that the heirs of Joe Blair, deceased allottee No. 4 of the Fond du Lac Indian Reservation, Minn., and that the United States of America may have in and to said described lands. Prior to the issuance of such patent, the Secretary of the Interior may require the State of Minnesota, at its expense, to furnish satisfactory evidence that there are no outstanding liens, encumbrances, or other conveyances of record against said lands other than the original patent issued under date of August 24, 1886, to the said Joe Blair covering the lands hereinabove described.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS STRAITS OF MACKINAC, MICH.

Mr. LEA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1379) granting the consent of Congress to the Mackinac Straits Bridge Authority to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches thereto, across the Straits of Mackinac at or near a point between St. Ignace, Mich., and the Lower Peninsula of Michigan, with House amendments, insist on the amendments of the House and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. MICHENER. Mr. Speaker, reserving the right to object, is that the Mackinac Straits Bridge?

Mr. LEA. Yes.

Mr. MICHENER. The gentleman from Michigan [Mr. DONDERO] is very much interested. He is temporarily absent from the floor. I ask the gentleman to withdraw his request until the gentleman from Michigan returns.

Mr. LEA. You understand that this is simply a request for the appointment of conferees?

Mr. MICHENER. Yes. It is the next step in the process of agreeing with the Senate, and I ask the gentleman to withdraw his request. If he does not, I will have to object.

Mr. LEA. I will withdraw the request for the time being, Mr. Speaker.

PERMISSION TO ADDRESS THE HOUSE

Mr. BREWSTER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. JOHNS asked and was given permission to revise and extend his own remarks.

Mr. SHAFER of Michigan. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include certain portions of a radio interview last night between Fulton Lewis, Jr., and a Member of the other body.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SHAFER of Michigan. Mr. Speaker, I also ask unanimous consent to extend my own remarks in the RECORD and to include an editorial.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. THILL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES RE WILSON A. KRAMER (H. DOC. NO. 910)

The SPEAKER. The Chair lays before the House the following message from the President of the United States:

To the House of Representatives:

I return herewith without my approval H. R. 6823, an act for the relief of Wilson A. Kramer.

The act provides that the named beneficiary shall hereafter be held and considered to have been mustered into the Federal military service on May 7, 1898, and honorably discharged October 29, 1898, whereas no record whatever of the man having performed any service is contained in the official records of the War Department nor the General Accounting

Office. In support of his position, the claimant has tendered affidavits, all of comparatively recent dates, to the effect that he served at some time during the period alleged.

I do not feel justified in giving my approval to this measure in the absence of any substantiating official-record evidence of such service.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *August 14, 1940.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Mr. MAY. Mr. Speaker, I move that the bill and the message be referred to the Committee on Military Affairs and ordered printed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES RE UNITED STATES CUSTOMHOUSE, DETROIT, MICH. (H. DOC. NO. 911)

The SPEAKER. The Chair lays before the House the following message from the President of the United States:

To the House of Representatives:

I return herewith, without my approval, House Joint Resolution 472, to prohibit the sale or disposal of the United States customhouse for the city of Detroit.

The establishment concerned, the Federal Works Agency, has no intention of selling the customhouse. The provisions of existing law authorizing sales of surplus real estate are at present inapplicable, since the property is not surplus.

A project for additional stories on the new post office has been suspended for several months because of protests against the moving of customs activities, and the entire space situation in Detroit is being studied with a view to arriving at a solution acceptable to all Federal agencies concerned. Under the circumstances, the Federal Works Agency should not be handicapped in this effort by legislation such as House Joint Resolution 472.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *August 14, 1940.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Mr. LANHAM. Mr. Speaker, I move that the bill and the message be referred to the Committee on Public Buildings and Grounds and ordered printed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—RE EDWARD F. HIGGINS (H. DOC. NO. 912)

The SPEAKER. The Chair lays before the House the following additional message from the President of the United States:

To the House of Representatives:

I return herewith, without my approval, H. R. 9520, entitled "An act for the relief of Edward F. Higgins, postmaster, Great Neck, N. Y."

The express purpose of the main body of the enactment is to allow credit in the accounts of Edward F. Higgins, postmaster at Great Neck, N. Y., for the amount of $1,453.23, representing unlawful payments of compensation made to Joseph Alexsey as a postal employee at Great Neck, N. Y., during the period July 1, 1938, to February 28, 1939, while he was an alien, the payments having been made in contravention of section 5 of the act of March 28, 1938 (52 Stat. 148). However, I am advised by the Acting Comptroller General of the United States that Joseph Alexsey has heretofore refunded to the United States the entire amount of the unlawful payments, namely, $1,453.23, and that the accounts of the postmaster in question have been credited with this amount. Hence, the enactment in its present form—no authority appearing therein for refund to the employee—would fail to accomplish any useful or proper purpose.

Under the circumstances, I have no alternative but to withhold my approval of the enactment.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *August 14, 1940.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Mr. RAMSPECK. Mr. Speaker, I move that the bill and the message be referred to the Committee on Claims and ordered printed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

FILIPINOS IN THE ARMY OF THE UNITED STATES

Mr. MAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9158) to amend the act entitled "An act for the protection of certain enlisted men of the Army," approved August 19, 1937, and for other purposes, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, line 17, after "service", insert "*Provided*, That Filipinos who were serving in the Army on July 1, 1937, may be retained in the service under current enlistments and may be reenlisted without regard to their citizenship status, and may receive their proper pay and allowances under such enlistments and reenlistments."

Mr. MICHENER. Mr. Speaker, reserving the right to object, has the chairman of the Committee on Military Affairs conferred with the minority members and other members of the committee?

Mr. MAY. Mr. Speaker, I have talked to some of the minority members of the Military Affairs Committee about it. The bill has been pending here for 2 or 3 weeks. I did not have an opportunity to speak to them about it this morning because I had to adjourn the hearing of the committee and rush over to the House.

The bill was reported unanimously by the House committee. Its purpose is to provide for the retention in the Army of about 700 men who on next Saturday, if the bill is not passed, will be retired from the service automatically.

The effect of the Senate amendment is to include certain enlisted Filipinos in the Army, principally as cooks.

Mr. MICHENER. Further reserving the right to object, this is a technical bill, one that the House generally cannot understand by explanation, but may I ask the gentleman from New York, the ranking minority member of the Military Affairs Committee, if this bill in the form in which it is now presented as amended by the Senate meets with the approval of the minority members of the committee?

Mr. ANDREWS. It was reported unanimously.

Mr. MICHENER. And it is the opinion of the minority members that the amendment should be agreed to?

Mr. ANDREWS. It was unanimously agreed to in the committee.

Mr. MICHENER. Then, certainly I shall not object.

Mr. STEFAN. Mr. Speaker, reserving the right to object, will the chairman of the Military Affairs Committee tell us whether or not this bill refers to members of the Philippine Scouts located in the Philippine Islands as well as to those in the regular service of the Army?

Mr. MAY. That is right.

Mr. STEFAN. Does it relate to the Filipinos employed principally as cooks in the Army?

Mr. MAY. It takes care of both.

Mr. RICH. Mr. Speaker, reserving the right to object, on what date would they be retired if this bill did not pass?

Mr. MAY. I do not have that information. There are about 700 of them.

Mr. RICH. Are they to be retired on account of age or service?

Mr. MAY. On account of certain conditions under which they enlisted.

Mr. STEFAN. Mr. Speaker, will the gentleman yield further?

Mr. MAY. I yield.

Mr. STEFAN. So far as the Philippine Scouts are concerned they are entitled to the same retirement benefits as any other American soldier.

Mr. MAY. Certainly. There is not and should not be any discrimination between them.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

ORDERING NATIONAL GUARD, RESERVES, AND RETIRED PERSONNEL INTO ACTIVE MILITARY SERVICE

Mr. SMITH of Virginia. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 567, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

House Resolution 567

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for consideration of Senate Joint Resolution 286, a joint resolution to strengthen the common defense and to authorize the President to order members and units of reserve components and retired personnel of the Regular Army into active military service. That after general debate, which shall be confined to the joint resolution and shall continue not to exceed 4 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Military Affairs, the joint resolution shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the joint resolution for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

Mr. SMITH of Virginia. Mr. Speaker, this is a rule for the consideration of the bill authorizing the President to call into active military service the Reserve officers and the State militia. The bill has passed the Senate. The rule provides for 4 hours' general debate. It is an open rule, with the most liberal provisions for amendments to be offered on the floor. As far as I know, there is no objection to the adoption of the rule itself.

I yield one-half of my time to the gentleman from Illinois [Mr. ALLEN], if he desires the time. If not, I shall move the previous question.

Mr. ALLEN of Illinois. Mr. Speaker, inasmuch as there is no opposition to the rule on this side, I yield back my time.

Mr. SMITH of Virginia. Mr. Speaker, if there are no requests for time, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. MAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate Joint Resolution 286, to strengthen the common defense and to authorize the President to order members and units of Reserve components and retired personnel of the Regular Army into active military service.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of Senate Joint Resolution 286, with Mr. WOODRUM of Virginia in the chair.

The Clerk read the title of the joint resolution.

The first reading of the joint resolution was dispensed with.

Mr. MAY. Mr. Chairman, I yield myself 30 minutes, and desire to be notified when I have spoken for 15 minutes.

Mr. Chairman, the Military Affairs Committee of the House bring this joint resolution (S. J. Res. 286) to the floor under a unanimous report, but I feel I should make some brief explanation of the procedure by which the measure comes to the floor.

The Committee on Military Affairs held hearings covering many days on the question of calling out the National Guard. In addition to that, we have been in session for several weeks on a companion bill, commonly referred to as the Burke-Wadsworth bill, sometimes called a conscription bill. The hearings on both measures are somewhat interlocked with each other, but on June 10 the House Military Committee reported a bill authorizing the President to order the National Guard and the other civilian components of the Army into the active service for a period of not exceeding 12 months, and authorizing such action on the part of the President up to and including June 30, 1942. During the pendency of the bill which it reported to the House the committee was enabled to take up the Senate bill, Senate Joint Resolution 286. On that we conducted further hearings, and after very careful consideration of all of its provisions we wrote into the Senate joint resolution certain amendments, which I shall undertake to explain to the membership of the House.

As I have already stated, the bill authorized the President from time to time to order into active military training for a period of 12 months each any and all members and units of any or all Reserve components of the Army of the United States, including the retired personnel.

When the House committee came to consider the Senate joint resolution, the first amendment which we placed in the bill and which we thought very vital and necessary was an amendment with respect to the provision which authorized the National Labor Relations Board to consider as an unfair labor practice the failure of any industrial employer to restore at the expiration of his period of service an enrollee to his former job. This amendment, having been considered by the committee, it was decided to strike out the portion of the Senate amendment relating to the National Labor Relations Board and vest in the district courts of the United States the power and authority to hear any complaint by any enrollee who might be denied his job at the expiration of his 12 months of training.

The basic ground upon which this measure is presented is the fact that due to world conditions and to the imminent and constant threat of major difficulties for the United States, not only in continental United States but possibly in other parts of the Western Hemisphere, the committee feels this legislation is needed. This is not only proven by the evidence heard on this particular measure but by a vast amount of uncontradicted proof which we have heard on the proposal to pass a compulsory service selection bill.

The question arose in the first bill which we reported as to whether or not the National Guard might be called to service beyond the limits of continental United States. Upon consideration of the question whether it might be called beyond the limits of continental United States, the House committee first reported a bill confining this authority to continental United States, the Panama Canal Zone, Puerto Rico, and the Hawaiian Islands. Subsequently the President sent an urgent message to the Speaker of the House and also to the Senate in which he emphasized very earnestly the need for authority to call them in an emergency beyond the continental United States and to all of our foreign possessions, including the Philippine Islands. After hearing all of the facts relating to the situation throughout the Western Hemisphere and the all-important and I might say alarming situation that is continuing to develop in Europe, your committee has concurred in the Senate provision which authorizes the President not only to call them into active service for continental United States, but into service anywhere in the Western Hemisphere, including Puerto Rico, and the Hawaiian and Philippine Islands. We feel that provision is vitally important.

Let us assume that a difficulty arises in Mexico, which is not continental United States. Let us assume that some foreign foe obtained a land or naval base or an army base somewhere in Mexico. If the bill had been restricted to continental United States and the President had no power or authority to call the National Guard for use beyond continental United States we would have been shut off at the Rio Grande, which might have made it possible and probably would make it possible, for any foreign foe with designs upon the United States to make a complete conquest of Mexico, set

up a foreign border by an antagonistic enemy along the Rio Grande, and the same thing with reference to the 3,000 miles of border line between Canada and the United States.

Now, on the question of those who are called for training for a period of 12 months, the House committee reconsidered a certain amendment which the Senate placed in the bill, which provided, in substance, that when an enrollee had returned to his civilian employment and to his job in private industry, the matter should be taken before the National Labor Relations Board for consideration, or at least in an effort to give that Board the power to pass upon the question. In lieu of that the House committee provided "any member of any Reserve component of the Army of the United States"—I am on the wrong amendment. The one I am reading now relates to the automatic or mandatory discharge of a member of the National Guard within 20 days after his enlistment in the service, and here is what we provided:

Any member of any Reserve component of the Army of the United States who has any person or persons dependent solely upon him for support and who has no other means of support except the wages or salary he can earn shall be discharged upon his own request made within 20 days of the date of his entry into the active military service of the United States.

Mr. BULWINKLE. Mr. Chairman, will the gentleman yield?

Mr. MAY. Yes; I will yield there.

Mr. BULWINKLE. I would like to ask the gentleman two questions about the reservation that you have there, and one is, What do you mean by "Reserve component of the Army"?

Mr. MAY. That means the Reserve officers and the Reserve Officers' Corps and the enlisted Reserve that have been brought in under the Enlisted Reserve Act that we passed a few years ago, and all of the National Guard.

Mr. BULWINKLE. Is it customary to refer to the National Guard as a Reserve component of the Regular Army? Does not the gentleman think it would be far better to say "any member of the National Guard or any Reserve component of the Army"?

Mr. MAY. Such an amendment might have the effect of distinguishing very clearly the National Guard from the Reserve Corps.

Mr. BULWINKLE. Well, it is distinguished until it is actually in service, and such a man is not in actual service. He has 20 days before that time. I want the gentleman to think about that; and then there is another matter in there. What do you mean by the words "except the wages or salary he can earn"? Does that refer to the wages and salaries in the Army?

Mr. MAY. The language is so simple and direct on that, I do not think the gentleman——

Mr. BULWINKLE. I agree with the gentleman that the language is simple, but it would be far better if you would strike out on line 6, after the word "support" the words "except the wages or salary he can earn," because here is a case, for instance, of a young lieutenant making $133 a month, if he has gone into the Army. He may have an invalid wife and he may be making only $100 a month in civilian life.

Mr. MAY. The language as written in the bill by the committee aims to protect and does protect the enrollee against——

Mr. BULWINKLE. If the gentleman——

Mr. MAY. If the gentleman is not going to give me time to answer, I shall decline to yield further.

The amendment which we have written in here, which states "except the wages or salary he can earn," refers to the salary or the wages that he is earning in private industry at this time and before he is called; and in answer to the gentleman's other question, based on his knowledge of the law and his experience in Congress and his experience in the Army, I do not think it is necessary for me to elaborate on the fact that the National Guard, until called into the Federal service, constitutes the State militia or State troops and not Federal troops.

Mr. BULWINKLE. Oh, no; under the Constitution it is a part of the organized militia of the United States and not the State militia.

Mr. MAY. No; until called into active service by the President, in pursuance of a declaration of war by the Congress, or a declaration of an emergency.

Mr. BULWINKLE. Let me ask the gentleman one more question. I asked the gentleman about the case of a second lieutenant that makes $133 a month, I believe, when he is in the service.

Mr. MAY. Yes.

Mr. BULWINKLE. He is making $100 a month in civilian life, but he has an invalid wife that he has to stay with at home and in that case is somebody going to judge whether the wages in the Army are a little higher than in civil life, and if so, that he should go into the Army?

Mr. MAY. Under this bill, when he goes back to his $100 job, if he should be discharged from the Army at the end of a 12-month training period, he would go back at the salary that he had before. Furthermore, he may be discharged at his own request within 20 days.

Mr. BULWINKLE. Will he be discharged before he goes in on this 20-day proposition?

Mr. MAY. I will say to the gentleman from North Carolina that the committee did everything it could and all it knows how to do to try to protect the enrollee when he is returned to private life in the enjoyment of his life or in the enjoyment of the business he has, and if there is any way by which we can do it better we would be glad to do it.

Mr. LELAND M. FORD. Mr. Chairman, will the gentleman yield?

Mr. MAY. I yield to the gentleman from California.

Mr. LELAND M. FORD. My question is pertinent to that particular point. I am not opposing the bill, but is there anything in the measure that protects these men against what may be their obligation, for instance, under a contract for the purchase of real estate? Should there not be a moratorium declared for the time they are in the service? Has that matter been taken care of?

Mr. MAY. I may say to the gentleman that simultaneously with the reporting of this bill after all the hearings had been completed upon it the War Department voluntarily came forward with a proposal to enlarge upon section 4 of the bill, which was known as the Overton amendment in the Senate, and which enlarges the rights of these enrollees and protects them under the act of March 8, 1918, under what was known during the World War as the Civil Rights Act. That act embraced everything, including their proper protection in court procedure, except the question of preserving their domicile, the place of residence, on the subject of rents accruing, and also on one other item relating to insurance. The War Department has brought to the committee for consideration a lengthy bill on the subject, enlarging the civil rights of the soldier, in addition to all the protection to which he was entitled under the act of 1918. I did introduce such a bill and hearings have been held on it. There will probably be no objection to it, but it was felt that it did not properly belong in this measure.

Mr. LELAND M. FORD. In other words, that will be taken care of?

Mr. MAY. Yes; undoubtedly.

Mr. LEWIS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. MAY. I yield to the gentleman from Colorado.

Mr. LEWIS of Colorado. Do the words "wages or salary" as stated in the bill in line 6, on page 5, cover the professional earnings of a doctor or a lawyer? If I recall correctly, the Selective Service Act of 1917, in referring to dependents of persons drawn in the draft, described them as persons who were "mainly dependent on the labor" of the person drafted "for their support." Is that included in the words "wages or salary"?

Mr. MAY. The committee was of the opinion that the phrase used, "wages or salary," was all inclusive, and that it would apply to a man who was a professional man; that even though it was earnings, that would be construed as either salary or wages, one or the other, and that the phrase would cover in any case.

Mr. LEWIS of Colorado. The explanatory statement just made by the gentleman, I believe, would be considered by any court in construing the words "wages or salary," as indicating the intent of Congress.

Mr. MAY. I thank the gentleman.

Mr. COLE of Maryland. Mr. Chairman, will the gentleman yield?

Mr. MAY. I yield to the gentleman from Maryland.

Mr. COLE of Maryland. Section 3 (b), subsection (B), provides:

> If such position was in the employ of a private employer, such employer shall restore such person to such position or to a position of like seniority status and pay unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so.

In section 3 (c) the committee has recommended that the district courts of the United States shall be open to these young men to apply by petition against the private employer. As the bill passed the Senate, I understand, every soldier leaving the service who had a grievance against the private employer had the agency of the Federal Government, at the expense of the Federal Government, to guarantee his day in court and the security of his job. I am wondering if the gentleman does not believe that under this language—and I personally agree with what the committee has done—it is not fair to provide legal services for these men when they leave the service if they find a hard-boiled employer who is not going to play the game.

Mr. MAY. I may say to the gentleman from Maryland very frankly that after we reported the bill I had another thought about it. I thought that possibly if a soldier, discharged at the end of his 12-month period of service, had difficulty in agreeing with his former employer with regard to being restored to his job, he ought at least be permitted to sue in forma pauperis, if that were necessary, but the committee had not included that in the bill and I did not feel authorized as chairman of the committee to do it without conference with the committee. It may be that in conference that kind of consideration will be given to it.

Mr. COLE of Maryland. Then the gentleman has nothing in mind as to the advisability of an amendment to this language?

Mr. MAY. I certainly do. I am not precluding anybody from any wise amendment that will protect the soldier. I have felt all the while that if we got this bill through and it went to conference, which it would have to do as amended, whatever amendments the House puts on it we can work out in conference.

Mr. THOMAS F. FORD. Mr. Chairman, will the gentleman yield?

Mr. MAY. I yield to the gentleman from California.

Mr. THOMAS F. FORD. With regard to the term "military service," if a man serves a year and then is discharged, is he immediately available if you want to call him back?

Mr. MAY. There is a provision in the other bill that if at any time during his call to service he wished to join the Regular Army he could do so, or if at the end of his training period he wished to retire to private life and go back to his job he could do so. He is subject to reenlistment if he wishes to do that.

Mr. THOMAS F. FORD. He could voluntarily reenlist?

Mr. MAY. Certainly, he could.

Mr. THOMAS F. FORD. But he would not be subject to the 12 months of training?

Mr. MAY. No.

Mr. VAN ZANDT. Mr. Chairman, will the gentleman yield?

Mr. MAY. I yield to the gentleman from Pennsylvania.

Mr. VAN ZANDT. In regard to the provision of the bill which concerns the restoration of jobs to enrollees, does the gentleman from Kentucky [Mr. MAY] understand that at the close of the World War many World War veterans were returned to their positions only to find during their absence a young man had developed a lot of ability and perhaps more ability than had the World War veteran, with the result that the World War veteran was not only displaced from his position but eventually squeezed out entirely? Now what I would like to know is this: Does the Federal court have jurisdiction to the extent that the enrollee's job will not only be returned to him, but will the court keep him in his job for a few years at least, or will they squeeze him out like they did the World War veteran?

Mr. MAY. The gentleman means protect the veteran of the World War who has been discriminated against?

Mr. VAN ZANDT. No, the enrollee's service.

Mr. MAY. The enrollee, or the man who is called as a member of the National Guard or the Reserve?

Mr. VAN ZANDT. Yes.

Mr. MAY. And what the gentleman wants to know is whether or not it will go beyond the period of a year and protect him?

Mr. VAN ZANDT. That is correct.

Mr. MAY. So far as the legislation is concerned as it now is, it relates only to the year's service.

Mr. VAN ZANDT. Does not the gentleman think the enrollee is entitled to the protection of the Government until he has rehabilitated himself and established himself in a permanent position?

Mr. MAY. The measure I referred to a while ago takes care of that, when we get through, but it was so lengthy and required so much consideration that we felt it ought to be given careful consideration and be written so that it would certainly guarantee the rights of the enrollee, and for that reason we are considering it separately from this.

Mr. VAN ZANDT. That is the Soldiers and Sailors Civil Relief Act?

Mr. MAY. Yes.

Mr. KELLER. Mr. Chairman, will the gentleman yield?

Mr. MAY. Yes.

Mr. KELLER. It occurs to me it might be wise to give these men the same status as the laboringman has under the N. L. R. B. and let that organization handle that situation. Would not that be wise?

Mr. MAY. We thought that inasmuch as the Labor Relations Act provides that that Board might on hearing of facts determine what constitutes an unfair labor practice, that it would be unwise in the bill to declare as a matter of law that it is an unfair labor practice for an employer to decline to reemploy a man when he returns from the service. There is a further provision in the bill providing that the situation of the employer may have changed. For instance, the employer may have gone into bankruptcy pending the tenure of the man in the service and, of course, he could not reemploy the man, and the court having the matter in custody would not be able to provide for that.

Mr. KELLER. And the gentleman feels that the bill coming after this will take care of those things?

Mr. MAY. Yes.

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. MAY. Yes.

Mr. HINSHAW. In view of the fact that the minimum age for enlistment in the Army is 18 years, and also that there are members of the National Guard who are under 18 years of age and still in school, would it not be possible to limit this call to those 18 years of age, for members of the National Guard?

Mr. MAY. It would be possible to do it, but the committee has not so decided.

Mr. HINSHAW. Did the committee discuss that subject?

Mr. MAY. That has been discussed, and the kindred question of providing for deferment of students of military schools. That has also been discussed.

Mr. HINSHAW. What is the gentleman's opinion about that sort of a provision?

Mr. MAY. I am not averse to it, but I will say this, that it is being considered carefully in the conscription bill not yet reported.

Mr. HINSHAW. But this particular bill calls out the Reserve, and there are some boys I know of who are not 18 years of age, who are still in school. They will be called out of school at this time, whereas otherwise they might complete their high-school term.

Mr. MAY. There are some cases of that kind that would constitute a hardship. It is almost impossible to enact such legislation as this without imposing hardship in some cases.

Mr. HINSHAW. They can enlist at 16 years of age in the National Guard in my State.

Mr. MAY. There are some cases of that kind, but so far as I can tell from the evidence, they are not numerous enough to provide for a particular exemption.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. MAY. Yes. I am happy to yield to the gentlewoman.

Mrs. ROGERS of Massachusetts. My understanding is that under the present law when the President calls in the National Guard or the Reserves, they may have the privilege of war-risk insurance. In other words, they may take out war-risk insurance 15 days after they are called into the service, so that it will not be necessary to pass a separate

Mr. MAY. If the War Risk Insurance Act is still effective, bill to give these men the benefit of the war-risk insurance. and I understand it is, it will not be necessary.

Mrs. ROGERS of Massachusetts. I was told that it was in effect this morning.

Mr. MAY. That is correct.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. MAY. Yes.

Mr. HALLECK. There are a few matters that I want to get cleared up, and that I want to inquire about, but before I do that I suggest there has been some doubt, as the chairman of the Committee on Military Affairs knows, as to whether or not the Reserve components include the National Guard. On page 67 of the National Defense Act of 1920, published in 1940, it is specifically provided that the National Guard shall be considered as a Reserve component of the Army.

Mr. MAY. Yes.

Mr. HALLECK. Of course, I have been disturbed about boys from 18 to 21 years of age who are in the guard, who will be subject to call if this act passes, when, as I understand it, the Conscription Act is designed to include only those boys 21 years and over. Has the committee given any consideration to that matter other than as indicated to the gentleman from California [Mr. HINSHAW]?

Mr. MAY. We have not given consideration to it except to have a hearing, and we will consider that question when we come to drafting the bill finally. Of course there will be many changes in the Burke-Wadsworth bill relating to compulsory military training. I would not like to say what the committee will do about it at this time.

Mr. HALLECK. There is a matter about which I like to inquire further, because a number of the members of the guard have communicated with me, and some of them did not understand when they joined the guard that this thing might happen to them. I observe that in the President's message, he says that "the guard comprises a body of men who have voluntarily assumed an obligation to serve the Nation in any crisis."

In trying to find out just what might have been contemplated by these men when they joined the guard, I turn to the Defense Act again, in section 111, and I find this:

> When Congress shall have declared a national emergency and shall have authorized the use of armed land forces of the United States for any purpose requiring the use of troops in excess of those of the Regular Army, the President may, under such regulations, including such physical examination as he may prescribe, order into the active military service of the United States, to serve therein for the period of the war or emergency, unless sooner relieved, any or all units and [the] members [thereof] of the National Guard of the United States.

I would like to inquire, Is it fair to say that that fixed the obligation that might have been contemplated by an enrollee of the guard at the time he did enroll?

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. MAY. Mr. Chairman, I yield myself 5 additional minutes.

Of course, the gentleman from Indiana [Mr. HALLECK] understands that the House Military Affairs Committee had no way of determining what was in the minds of the men who joined the National Guard years ago, or months ago, or today, but we proceeded upon the theory that nearly everybody who joined the guard was an intelligent, patriotic man, and when he did it he joined with the expectation of meeting any emergency that might arise. The gentleman knows that when they are resident in a State and before there is any emergency declared by Congress or any war declared by Congress, they are frequently called by the Governors of the States for service in shut-out strikes to suppress insurrections and disturbances in the States. Consequently the gentleman will have to know that when a man joined the National Guard he did it like the man who gets married—"for better or for worse" [laughter]; and that he is subject to call at any time by the President of the United States when the Congress declares an emergency.

Mr. HALLECK. I recognize that a member of the guard did contemplate that he might be called by his State in certain contingencies. The thing I am inquiring about is the present situation which has to do with the calling of the guard into the Federal service. I do not mean hereby to say that I am for or against this bill. The thing I am trying to find out is just what there may be, if anything, in some of the things that have been said. For instance, one guard officer in my district writes me this:

> If the guard is mobilized without a chance for resignation of officers who have a profession to look after or a job which no one else can fill, it is going to create a severe hardship on them. I would be ready to sacrifice anything in the event of war, but believe that I have done my duty in the past by giving 2 weeks a year and 1 night a week for the past 10 years so that I could be in a state of preparedness in case of a real national emergency. I never would have kept up my commission if I had known I might be mobilized in peacetime just to fill in a gap resulting from failure to expand the Regular Army.

Mr. MAY. Now, let me say to the gentleman from Indiana that the gentleman who wrote that letter discloses the fact that if he had known there was going to be a national emergency or if the Congress was going to declare war, I think he states there that he would not have joined the guard [Laughter.] Perhaps I misunderstood the gentleman's reading of the letter.

Mr. HALLECK. I think this statement is a pretty fair statement. Has the Congress of the United States at this time declared any such national emergency as is contemplated by the National Defense Act which created the National Guard?

Mr. MAY. The Congress of the United States, by the passage of this resolution recognizes that such an emergency may arise and we want the guardsmen to have training for their own protection.

Mr. MASON. That is it exactly.

Mr. MAY. The emergency already threatens, as the gentleman from Indiana well knows. This is merely a bill to provide for any future emergency of whatever character.

Mr. HALLECK. Does this act declare such an emergency as is contemplated by the section I have just read?

Mr. MAY. I think that under the National Defense Act, the section which you have read, and under the provisions of this bill it constitutes a declaration of a condition or situation that threatens to develop into national emergency, and I think that the evidence and the conditions that exist fully and wholly warrant it.

Mr. FADDIS and Mr. ANDREWS rose.

Mr. MAY. Mr. Chairman, I yield first to the gentleman from Pennsylvania [Mr. FADDIS].

Mr. FADDIS. A further answer to the inquiry of the gentleman from Indiana is the fact that Congress has made these appropriations, thus giving notice that there is an emergency.

Mr. MAY. I was about to mention that myself. I think that constitutes a declaration of emergency. I now yield to the gentleman from New York [Mr. ANDREWS].

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I yield myself 5 additional minutes, and then I will relinquish the floor.

Mr. ANDREWS. I may say to the gentleman from Indiana [Mr. HALLECK] that as I understand the situation of his constituent there is nothing to prevent his withdrawing from the service if he wants to.

Mr. HALLECK. I would like to be very sure about that. From my reading of the law I am not sure.

Mr. ANDREWS. All the testimony before the committee is clearly to that effect. Any officer in the National Guard can resign if he feels so inclined.

Mr. HALLECK. Do I understand from the chairman that that is his understanding also?

Mr. MAY. Yes; that is my understanding; also, let me answer the gentleman's inquiry this way, that under this bill there will be numerous regulations issued by the War Department and by Executive order of the President. Under those regulations no hardship will be imposed on any man.

Furthermore, the testimony shows that it is not the purpose of the War Department or the President to call the entire National Guard at once. They will be called in increments of possibly 50,000 to 60,000, the first being called the 1st of October if the bill is passed, the second being called in April; and along with them, if the conscription bill is passed, they will call the enrollees who are enrolled under that act, for training by the officers of the National Guard and the Regular Army.

Mr. HALLECK. That was my understanding, but I read in the press last night a suggestion on the part of some high Army officer that the present plan is to call out all of the guard and possibly to forego the so-called conscription act.

Mr. MAY. I do not know what the present plan is, I have not been advised by the War Department as to that; but I do know there is no intention on the part of the War Department either to call the National Guard or the civilian components of the Regular Establishment any faster than they are able to provide housing, equipment, and arms for training.

Further, if the conscription bill is passed nobody will be called under that to be trained by the National Guard until such time as ample housing facilities, arms, equipment, and clothing are made available.

Mr. VAN ZANDT. Mr. Chairman, will the gentleman yield?

Mr. MAY. I yield.

Mr. VAN ZANDT. Is it not true that the National Guard remains a State unit until they are mustered into the Federal service?

Mr. MAY. The gentleman is correct.

Mr. VAN ZANDT. Is it not true that any officer may resign from the National Guard until the units are federalized?

Mr. MAY. They may resign today, tomorrow, or any time prior to the passage of this act.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. MAY. I yield.

Mr. O'CONNOR. Did the committee give any thought to this situation: The Federal courts have jurisdiction in certain cases. Assuming that the employer of an enrollee is not engaged in any business affected by interstate commerce, would the provision with respect to extending jurisdiction to the United States district courts have any force or weight in the absence of the employer's being engaged in interstate commerce or in a business affected by interstate commerce?

Mr. MAY. I would say that, even though the employers were engaged purely in intrastate commerce, not in any way engaged in interstate commerce, the district court would still have jurisdiction to hear and determine any controversy that might arise between the man and his employer over the operation of these military measures.

Mr. O'CONNOR. I would suggest to the gentlemen of the committee that they consider the question of giving the State courts concurrent jurisdiction with the Federal courts in such cases as those where the employer is not engaged in interstate commerce or in any business affected by interstate commerce.

Mr. MAY. We felt that inasmuch as this was a Federal statute, enacted by the Federal Congress, that jurisdiction should be given to the Federal courts.

Mr. O'CONNOR. But the Federal courts may not have jurisdiction if the employer is not engaged in interstate commerce. I want to see the enrollee given full protection on conclusion of his service.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. MAY. I yield.

Mr. MICHENER. In the colloquy between the chairman of the committee, Mr. MAY, and the gentleman from Indiana, Mr. HALLECK, I understood the chairman of the committee to concede that the contract of enlistment which the National Guard men have with the Federal Government is predicated upon an emergency declared by Congress, that the National Guard may not be legally called until such an emergency is declared; and I understood the chairman to suggest that the emergency was declared in this bill. Is that correct?

Mr. MAY. I did not say it was declared in this bill. I said that the enactment of this bill would constitute a recognition of the fact that we are preparing for any emergency that may arise. This is based upon the fact that when the President asked the Congress for the enactment of this legislation the very first thing he said in that message was this:

> The increasing seriousness of the international situation demands that every element of our defense structure be brought, as rapidly as possible, to the highest state of efficiency, in training as well as in equipment and matériel.

In view of that statement of the President, when he recommended to the Congress, as he had a right to do, this legislation, plus the fact that we have already appropriated twelve or thirteen billion dollars for defense purposes, I think the question answers itself.

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I yield myself 1 additional minute.

Mr. MICHENER. We will try to get the gentleman some time from this side.

Mr. MAY. There are 2 hours over there.

Mr. MICHENER. We want the gentleman to take the time because he is the chairman of the committee, who is supposed to know about this bill, and we are trying to find out. Does the gentleman contend that a letter written by the President to the Congress is in itself sufficient declaration by Congress of a national emergency?

Mr. MAY. The gentleman knows I meant no such thing.

Mr. MICHENER. I am asking the gentleman.

Mr. MAY. The gentleman knows furthermore, and every intelligent man and lady in this House, and they are all highly intelligent, knows the conditions that exist in this country and in foreign countries and the fact that the President was able, based on his wide knowledge and understanding, to say that a situation exists justifying the calling of the National Guard in time of peace, if you want to call it that, would make it seem easy for the gentleman from Michigan to know that when we pass this act that it constitutes a declaration of a situation bordering on an emergency. I will say on my own responsibility that a grave emergency does exist throughout the world.

[Here the gavel fell.]

Mr. ARENDS. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Chairman, I have asked for 5 minutes in order to finish interrogating the chairman of the Committee on Military Affairs. Let us get this thing right now.

The gentleman from Michigan's understanding is that there can be no emergency as defined in the statute read by the gentleman from Indiana unless the Congress declares in specific language that there is such an emergency. The gentleman from Kentucky insists that because the President has written a letter stating that in his opinion certain facts exist in the country such statement warrants the Congress in

taking judicial notice of the fact that an emergency does exist. There can be no emergency as contemplated by the law, cited by the gentleman from Indiana [Mr. HALLECK], unless the Congress specifically declares that there is such an emergency. It seems to me it is twaddle to try to figure out any other kind of emergency. Why leave doubt when we can make certain by stating in unmistakable language?

I realize that back in September last the President did declare that there existed a "limited emergency," and I am convinced that the President put that word "limited" in there because he had no right to declare the type of an emergency contemplated in the law. A "limited emergency" is a New Deal phrase. No one knows what it comprehends. If the gentleman from Kentucky will make a search of some of the legislation that has been recently passed by the Congress for national-defense purposes, I doubt not that he will find tucked away in some of that legislation the emergency authority which he does not know exists and which the statute contemplated by the pending bill will not contain. Let us be frank and open about this thing. If we follow the law as he says it now is, we must declare an emergency before the National Guard can be called out for training if we keep faith with the guardsmen.

Mr. MAY. I will be as frank and open about it as the gentleman from Michigan. The gentleman has asked me a question, the ramifications of which I cannot unravel. But may I say that regardless of whether an emergency is declared by the Congress or not, one does exist, and, in addition to that, this is a preventive measure, not for the purpose of engaging in any military campaign, but to get the National Guard into the service for further training in preparation for the calling of other men for training as the situation grows more grave from time to time.

Mr. MICHENER. I think I have yielded long enough. My time is short.

If what the gentleman says is true, why do you not put in this bill the plain language declaring an emergency? I mean if the kind of an emergency exists, that necessitates the presence of the National Guard in the Federal service. I am in favor of proper training, I am in favor of adequate national defense, but I am not in favor of reading something into the bill that is not there and which legally will not be held to be there.

Mr. MAY. Does the gentleman want me to answer the question?

Mr. MICHENER. Yes; if he will answer the question and not discuss the merits of the bill.

Mr. MAY. The gentleman said he was in favor of this type of legislation.

Mr. MICHENER. No; not exactly that. There is a difference between training and this legislation.

Mr. MAY. He is of that opinion evidently, because he regards the emergency such as to make that desirable.

Mr. MICHENER. It does not make any difference what I may think about the emergency. It does not make any difference what the gentleman thinks about that. There are 435 Members here, and these 435 Members may have 435 different notions as to whether or not an emergency does exist. We should place in the bill, and in the statute, that which the law itself says we must place in the law before we have the right to call out the National Guard and send it into 1 year's training. There must be a proclamation of the emergency as the cornerstone before the power to call the National Guard into Federal service can be operative.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. MICHENER. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. What is this emergency, except the President's third-term "blitzkrieg"?

Mr. MICHENER. I am not discussing that. If this emergency exists why let the President rather than the Congress determine the matter?

This word "emergency" has become not only a household word but the word most commonly used in debate in the Congress during the last 7 years. We have gone from one emergency to the other, if we follow the trend of legislation; that is, one statute after another has been enacted on the statement that an emergency existed, and on this plea the new law was justified. The Congress has become emergency minded. Some of us have been wondering, within the last few weeks, if the term "national defense" is not being substituted and vitalized to relieve the people from the monotonous term "emergency." A lot of sins have been committed in the name of emergency. More will be committed in the name of national defense.

Be that as it may, however, if in the opinion of the Congress an emergency, as contemplated by the Constitution and the statutes, does exist, then let us come out frankly, openly, and honestly and make the declaration. On the other hand, if there is no emergency, then there is no occasion for any such declaration. Honesty is the best policy in giving the reason for any legislation, anywhere, anyhow, and anytime.

Now, the gentleman from Kentucky [Mr. MAY], chairman of the Military Affairs Committee, concedes that no emergency, as contemplated by the statutes, has been determined by the Congress, and that there is no language in this pending bill making any such declaration. He excuses this failure on the sole ground that the President has sent a message to Congress reciting conditions which, in his opinion, constitute an emergency. Therefore, the chairman hopes in some vague and uncertain way to connect up this legislation with the President's message.

I do not want to repeat, but it does seem that it would be much easier for the Congress just to write into the law that which we all know should be there if the enlisted men and the officers in the National Guard are to be given the treatment they were guaranteed by the law when they enlisted.

I realize that the law referred to by the gentleman from Indiana [Mr. HALLECK] is a statute and not a part of the Constitution. A statute may, of course, be changed or repealed by a statute, and someone has had the temerity to suggest that since this resolution, by indirection, changes and repeals the existing law governing the National Guard that is all that is necessary, regardless of the contract which the National Guard man has with his Government. You know, I cannot get away from the old-fashioned notion that people should keep their contracts. I still believe that this applies to the Federal Government. Every time our Government, by legislative action or judicial interpretation, disregards the sanctity of a contract made between our Government and its people, then another link in the national chain of democracy has been weakened, if not destroyed.

There is an opportunity here to write into this bill what we mean. If there is an emergency and if it is necessary let us do it, and be fair with the men who now compose our National Guard.

In conclusion, let me say that this pending bill has nothing to do with national conscription or compulsory universal military training, as advocated in the Burke-Wadsworth bill. That is something entirely different. If this bill is amended, as I believe it will be, permitting the National Guard men to resign within a given number of days, provided they do not want to accept this year's training, then there will not be a compulsory thing about the bill. It will be entirely voluntary and, in view of the conditions that exist throughout the world today, who can object to a national defense where the personnel is composed entirely of volunteers? For my part, I shall support this legislation with the amendments which, I feel sure, will be adopted.

Mr. ARENDS. Mr. Chairman, I yield 5 minutes to the gentleman from North Dakota [Mr. BURDICK].

Mr. BURDICK. Mr. Chairman, it is not very often that I have disagreed with the President since being in Congress. Most of the time I thought he was right. I have disagreed with him on one issue, and I did it quickly. I disagree with him on this issue. As one Member of Congress, I do not believe there is any emergency existing which demands that we turn over to the President of the United States full authority over all of our troops, including the National Guard.

The principal error made when this bill was drawn was pointed out by the gentleman from Michigan. If there is an emergency existing, it is the duty of this Congress to declare it. If we are to call these men out for training, let us call them out under circumstances that are right and just. When amendments are in order to this bill I propose to offer an amendment to include on page 2, line 6, the following language:

No member of the National Guard shall be called to active military duty under this act unless he has attained the age of 18 years.

We have a lot of high-school boys in North Dakota who are 15 and 16 years old. They joined the National Guard for the purpose of military training. The Congress has no right to take those boys, the potential fighters of this country, out of school.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. BURDICK. I yield to the gentleman from New York.

Mr. ANDREWS. I understand that no man under the age of 18 can legally be a member of the National Guard under any circumstances.

Mr. HINSHAW. If the gentleman will yield, I know that the members of the National Guard of the State of California are from 16 years of age up.

Mr. WOODRUM of Virginia. Mr. Chairman, will the gentleman yield?

Mr. BURDICK. I yield to the gentleman from Virginia.

Mr. WOODRUM of Virginia. On the question of the emergency, which has been discussed on the floor, as I understand, the law creating the National Guard provides that the National Guard may be called into the national service by the President if and when Congress declares a national emergency. If Congress had heretofore declared a national emergency to exist, this legislation would not be necessary at all. Congress not having declared a national emergency to exist, the question now before Congress is whether or not it wishes to authorize the President to call the National Guard into service. It seems to me there is not the confusion about it that has been stated.

Mr. MICHENER. The thing that led me into it was the colloquy between the two gentlemen. The gentleman from Indiana was insisting that you had no right to take a National Guard man because when he enlisted he had a written contract, and that contract was the law. That is my contention, and the gentleman will agree with it.

Mr. BURDICK. Mr. Chairman, I refuse to yield further.

I suppose there are a great many lawyers on that committee. Let me read you what they propose to do. When these boys are called into active service, if they are in the employ of anyone, you propose they shall have their jobs back when they leave the service. You know that most of these boys are now in the employ of someone. A great many of them are bank clerks, or clerks in grocery stores, and have been employed for a number of years. They go out in the evenings to receive this training. You proposed during the World War that they should get their jobs back when they returned, but only a comparatively few ever got another job when he got back. It was usually filled by somebody else, and mostly by women, and you have not been able to get them out since. [Laughter.]

This is the language of the bill:

If such position was in the employ of a private employer, such employer shall restore such person to such position or to a position of like seniority status and pay unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so.

You know that is unconstitutional. You cannot make anybody in the future employ anyone.

[Here the gavel fell.]

Mr. ARENDS. Mr. Chairman, I yield 1 additional minute to the gentleman from North Dakota.

Mr. BURDICK. Then you propose that if the employer does not employ that young man again you can go before the district court and make him do so. I should like to know what constitutional basis exists for an action of that kind, "unless his condition has changed," the bill states. Of course, it has. It will be made to appear that it has changed whether it has or not. You are not using these young men fairly in calling them into the service and making them leave their employment, because you are making unemployment so much the greater.

I wish you would pay attention to the proposal I am going to make in this bill on page 2, line 6, when the bill is read for amendment, because I do not propose to have this country defended by a bunch of infants as long as we are able to walk around in this Congress. I would rather go than send my son, who might be 16 years of age, to fight the cause of this country. [Applause.]

[Here the gavel fell.]

Mr. ARENDS. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Mr. Chairman, in considering Senate Joint Resolution 286 we find, according to the report, that the purpose of this joint resolution is to grant the President of the United States, as Commander in Chief of the armed forces, authority to order the National Guard, Reserve, and retired personnel into the active service in peacetime.

I heard the gentleman from Kentucky [Mr. MAY], the chairman of the committee, make the statement that this bill declares an emergency. What emergency? I believe the Members of Congress want to be very careful what kind of an emergency we are declaring. How many Members of Congress are well enough versed to know just what this bill is supposed to do and just how much power it will grant additionally to the President of the United States when we declare an emergency? We have granted Mr. Roosevelt too much power. I warn you now to be careful and thoughtful just what you are doing. Act slow rather than repent in haste.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield to the gentleman from New York.

Mr. ANDREWS. I believe I can answer that question clearly by saying that it is going to give him the power to call out the National Guard, to order them to duty, and to train them under the Chief of Staff in the territory described.

Mr. RICH. How much more authority is it going to give him? How much authority do you want to give the President? Why let him send the boys from the United States? I do not believe in it at present. No such emergency exists today in my judgment.

Mr. ANDREWS. That is all. May I remind the gentleman, and other Members of the minority, that the original request for this legislation emanated from the Chief of Staff and not from the White House.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield to the gentleman from Kentucky.

Mr. MAY. The gentleman has evidently misunderstood my meaning, because I said—and it is all I did say—that there is an existing emergency. The fact that we have appropriated billions of dollars for national defense is evidence of an emergency. This legislation is proposed in anticipation of any emergency that may exist, because if an emergency had already been declared by the Congress this would not have been necessary. The gentleman does not deny that an emergency exists, does he?

Mr. RICH. I want to know what kind of emergency there is. We have spent billions the past 7 years; what was that great emergency?

Mr. MAY. Well, I cannot tell the gentleman if he does not already know.

Mr. RICH. I believe much of it unnecessary. I do not want it to happen again. I do not know that an emergency exists whereby we should grant the President of the United States such enormous power, not only the power that is given him in this bill, but in the legislation that has been passed in the last 6 or 7 years whereby the Congress has granted him such enormous power. It is more than a good man would want and certainly more than a bad man should have.

Mr. MAY. The gentleman knows that the National Guard trains every year for a short period.

Mr. RICH. Absolutely. And wisely so. They get much needed training in the States wherein they live.

Mr. MAY. What is there revolutionary about calling them out for a year's training if they all desire training?

Mr. RICH. I will explain what is revolutionary about that. When the National Guard was formed, it was formed for the purpose of the States having a military organization of their own that could be used in case of an emergency by each and every State of the United States. The Governor of the State had charge of the National Guard and the only power granted to the President of the United States was that in case we were at war he would have the power to take away from the State the right and the authority that the Governor possessed.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. RICH. Are you going to give me some more time? If you are, I will yield.

Mr ARENDS. I will yield the gentleman more time. How much more time does the gentleman want?

Mr. RICH. I want as much as the gentleman can give me.

Mr. ARENDS. Mr. Chairman, I yield the gentleman 5 more minutes.

Mr. ANDREWS. I want to ask the gentleman from Pennsylvania if he has read the National Defense Act?

Mr. RICH. No; I have not.

Mr. ANDREWS. I want to remind the gentleman that with the passage of the National Defense Act, as amended in 1920, the National Guard is no longer the National Guard of the State, it is the National Guard of the United States, and the oath taken by every enlisted man and every officer is today the same as the oath taken by any man in the Regular Army, and the President today has the power to call the National Guard into service, with the permission of the Governors, with no declaration of any emergency, and to send them anywhere in the United States or its Territories that he may wish.

Mr. RICH. Suppose some emergency exists in a particular State, and the need of the guard is wanted in the State, what is the Governor of that State going to have to exercise any right or meet any emergency that may exist in that State?

We should have a lot of time to discuss that and try to get something that will be for the best interests of our country. That is all I am interested in and I do not want to grant to the President of the United States such authority that he might declare a national emergency to exist and then set himself up as a dictator in this land. That is the very serious situation that we are confronted with here in this country, and so far as I am concerned, I do not propose to grant such power to anyone, regardless of whether he may be a Republican or a Democrat. I want no dictator and we are just about to get one, if I can read the sign of the times here in Washington.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield to the distinguished and able gentleman from Indiana.

Mr. HALLECK. The National Defense Act has again been referred to, and I would like to cite to the gentleman and to the Members of the House a part of section 58 of that act, which is the section that creates the National Guard, which reads as follows:

> *Provided*, That the members of the National Guard of the United States shall not be in the active service of the United States except when ordered thereto in accordance with law; and, in time of peace, they shall be administered, armed, uniformed, equipped, and trained in their status as the National Guard of the several States, Territories, and the District of Columbia, as provided in this act.

Mr. RICH. If that is correct, then the statement made by the gentleman from New York is not correct.

Mr. PATRICK. Oh, no.

Mr. RICH. From the information we are getting from some of the men on the Military Affairs Committee, we ought to be sure that they understand the law. If they become confused, how can you expect us to get the true facts?

Mr. BENDER. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield to the gentleman from Ohio.

Mr. BENDER. One of the gentlemen suggested that this did not emanate from the President of the United States, but rather from the Chief of Staff of the Army. I want to make this observation: It appears that the Chief of Staff of the Army was asleep at the switch when we consider the manner in which money Congress appropriated was spent during the past 7 years. In checking the record we found that most equipment was "on order" and that we were not prepared, as we should have been, considering the money that was expended. I say that we need to reexamine every statement that the Chief of Staff has made or is making in connection with all these matters, so that we may know more clearly what we are doing here instead of accepting as gospel that which comes from the Chief of Staff. I believe our present Chief of Staff is an excellent officer, a fine gentleman, but I do not believe him to be infallible.

Mr. RICH. Let me call the gentleman's attention to a statement from Gen. George C. Marshall, Chief of Staff of the United States Army, with reference to this bill. You will find the statement in the report:

> In the present situation we couldn't even proceed on an emergency basis because we can't presume an action of Congress.
>
> We are very much embarrassed, as the time is passing, the fall is approaching, the Congress has before it a measure for compulsory service; the ordering of the National Guard on active duty, preliminary to the operation of a compulsory selective-service act, is an absolute necessity.

The Chief of Staff comes here and tells us that we must have a selective draft. It seems to me that the Members of Congress ought to be intelligent enough, ought to be patriotic enough, ought to be citizens of this country well enough grounded in the fundamental principles of American democracy, to determine that question in peacetime. I am informed we can get all the men to enlist we want, if we let them know it will be for 1 year and that their pay be at least equal to that of a C. C. C. boy. Certainly it is worth a trial.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. ARENDS. Mr. Chairman, I yield the gentleman four and a half minutes.

Mr. RICH. Now, if the Congress is supposed to be elected by the people, they should be very careful what kind of laws they pass, and they should not permit the Chief of Staff of the Army, or the President of the United States, to say what is going to happen and they should not be as gullible as a lot of ducks and swallow anything they send here and tell us to enact into law. I do not believe in that kind of legislation. Let us get the facts and assume our responsibility.

Mr. SMITH of Ohio. Mr. Chairman, will the gentleman yield?

Mr. RICH. Yes; I yield to the gentleman from Ohio.

Mr. SMITH of Ohio. If this act is a declaration of emergency, as the gentleman from Kentucky [Mr. MAY] alleges, then I ask the gentleman from Kentucky, or the gentleman from Pennsylvania, to tell also why it is not a declaration of war.

Mr. RICH. I cannot answer that, but I am against any war of aggression. I say that the Members of Congress have not been informed of the great national emergency that may lead us to war. We must be careful what we do. We have not been informed by the President or by the Military Affairs Committee or by the Chief of Staff of the Army. We are asking for light. When somebody has nerve enough to get up in Congress and try to find out what the emergency is, then somebody says that he is a member of the "fifth column," as was the case with Lindbergh when he made his speech in Chicago. I am a 100-percent American, and no one can get up and tell me that I am a "fifth columnist." I would like to catch him in a back alley and then we would find out whether I will fight for America or not, or whether he was a good sound American when he would make the charge that any just criticism of this bill was un-American. I do not propose to have anybody question my 100-percent Americanism. I believe in free thought and free speech and I will fight to maintain it.

Mr. VAN ZANDT. Mr. Chairman, will the gentleman yield?

Mr. RICH. Yes; I yield to the distinguished gentleman from Pennsylvania.

Mr. VAN ZANDT. The gentleman mentioned the Chief of Staff of the Army. I want to say that the Chief of Staff of the Army is one of the finest soldiers in the country, and he takes his orders as a good soldier should from the Commander in Chief of the Army.

Mr. RICH. And if he says that we are to have this bill because the Commander in Chief of the Army, who is the President of the United States, says so, I say that we should go mighty slow, and we want to know what we are doing because if we are in an emergency, we are treading on the thinnest kind of ice any Congress has ever tread on in the history of the Nation, and we might be a very sorrowful people, because we might set up a dictatorship, and you know what a dictatorship meant to the countries of Europe. The people there lost their liberty, they lost their freedom, and I never propose to stand up, clap my heels together, hold my hands up, and say, "Heil, Roosevelt"—that is what we are leading to I am afraid. I will go face the firing squad before I ever do that in free America.

Mr. MASON. If this bill is simply to provide a year's training of the National Guard, and they need it, I am for the bill, but I see no reason why, if it is just simply to provide a training for the National Guard, they include the whole Western Hemisphere, because the training can be done much better on United States soil where everything is convenient, and we should not send the boys to South America. This bill takes in the whole Western Hemisphere, and that takes in more than simply training.

Mr. RICH. If you are going to pass this bill, then you ought to limit the training to the confines of our own country and not permit the President of the United States to take these boys away from our own country.

Mr. MASON. Then I will vote for the bill, but not otherwise.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. RICH. Yes, I yield to the distinguished gentleman from Michigan.

Mr. CRAWFORD. Just to point out this one thing. One of the outstanding committees of the House has voted out a bill to provide Latin America with a half billion dollars, in the name of national defense.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. ARENDS. I yield the gentleman 1 additional minute.

Mr. RICH. We have had a tax bill for $1,007,000,000. We are trying to cover up the squandering of the New Deal for the past 7 years and we are putting it all into national defense. They are going to bring in another tax bill now and they are going to try to fool and humbug the people into the fact that the industries of this country are not going to make a war profit. But when they bring that bill in be careful that they do not ask you to increase the national-debt limit from $49,000,000,000. You know, you raised it from forty-five to forty-nine billion when you passed this tax bill several weeks ago, and now they are going to come in and ask you for ten or fifteen billion dollars more of an increase to the national debt, and the first thing you know we are going to sink this Nation because of the fact that you will not have a sound financial policy and set-up. You will not be able to finance your Government. So the whole structure is going to collapse. It is time that Congress woke up. It is time that Congress knew what it was doing before it passes this bill today. It should be and must be properly amended before I vote for anything like it in the guise of a national emergency. [Laughter and applause.]

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. THOMASON].

Mr. THOMASON. Mr. Chairman, I am sorry and surprised at the turn this debate has taken. In reply to my very warm personal friend who preceded me on the floor, the gentleman from Michigan [Mr. SHAFER], I would like to say I do not for a minute question the fact that he would have opposed this bill when it was reported out of the committee, but the fact remains that nearly all members of the committee were present and there was not a vote against it when the motion was made to report it out favorably.

I was not surprised at my friend, the gentleman from Pennsylvania [Mr. RICH], giving this a political aspect, but that was not the viewpoint of the committee in considering this bill. You are making a mountain out of a mole hill about this emergency question which the gentleman from Michigan [Mr. MICHENER] has raised. Talk about an emergency—if you want to make this emergency legislation and give the President of the United States power and authority to exercise every bit of authority that is given under the National Defense Act, you will see plenty of action and the exercise of authority. This is a just and equitable measure to provide training for the National Guard without declaring an emergency.

One reason I am so surprised at the attitude of some of my friends on this measure is this: The hue and cry on the floor of this House for a month and in the committee of which I have the honor to be a member, and right now at the other end of the Capitol and in the newspapers of the country, is "For heaven's sake, do not pass a draft bill or a compulsory military training bill. Give us voluntary enlistment and voluntary service." Now you have the National Guard, one of the finest and most patriotic organizations that this country can boast of, with a membership of approximately 242,000, all of whom enlisted in that service voluntarily, to serve their country when the necessity arises. They did it voluntarily and patriotically.

Right today in up-State New York, down in Louisiana, out in Seattle, out in Chicago, 150,000 or 200,000 of those men are out there training because they wanted to become competent soldiers. Now we have a bill to permit the only voluntary organization of any size or consequence that we have in our Military Establishment to go into service for a year, when it is generally reported that 90 percent of them want to do their duty if a crisis is imminent; and those who do not have a way to get out honorably, because there is no man, whether he be officer or enlisted man, who cannot get out voluntarily before this act takes effect if he desires to do so and obtains the consent of his Governor. If he does not get out of the service before this act takes effect, he can still get out of service if he says that he has dependents and nothing but his salary or wages upon which they can survive. Then he is given permission to resign. Now, what is wrong about that?

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. I yield.

Mr. MILLER. Did I understand the gentleman to say any man could get out of the National Guard now?

Mr. THOMASON. With the approval of the Governor of his State.

Mr. MILLER. Oh, well——

Mr. THOMASON. Well, surely the Governor of the gentleman's State of Connecticut and the Governor of my own State, if the circumstances justified, would approve a man's withdrawal from the National Guard, and if his reasons were not good and sound in this day of crisis, he has got no right to get out of the service.

Mr. MILLER. I will grant that.

Mr. VAN ZANDT. And a commissioned officer in the National Guard at the present time can resign.

Mr. THOMASON. Of course he can, but he has to get the approval of his Governor. If he has a good reason, the Governor will grant it; and if he does not have a good reason, he has no business getting out. America is facing the greatest crisis in all its glorious history. This is a time when all our citizens must do their patriotic duty. Here are 242,000 patriotic National Guard men who voluntarily say, "We want to serve our country and we want to be trained to do it in the best possible way." We are not sending these men out to fight. We are not declaring war. We are only giving them training so they will be able to take care of themselves and

also to properly use all the mechanized equipment common to modern war.

Some have contended we are here to create an emergency, some talk politics, and somebody back there—I believe the gentleman from Ohio—criticized the great Chief of Staff. I do not appreciate that because I do not believe it is deserved. I have seen General Marshall day in and day out testify before the House Committee on Military Affairs and let me say that in my judgment, there is no finer man, there is no more patriotic man, and there is not a man in this Nation who knows as much about our military situation today as does General George Marshall. [Applause.]

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. I yield.

Mr. MAY. During the hearings on this bill and likewise the National Guard bill, I have received hundreds, yes thousands, of letters. I have received hundreds of letters from National Guard men. In not one of them has there been any statement against the proposal to call them into training.

Mr. THOMASON. Why, certainly, that is true. Some of the remarks that have been made during the course of this debate have been a reflection, almost an insult upon the patriotism of the men in the National Guard. They are not drafted men, they are not men upon whom compulsion has been used to force them into the service. Many of them are men who year in and year out, from the World War to the present time, including a lot of fine young men who realize and appreciate their patriotic duty to their country, have voluntarily enlisted. There is not a word, there is not a line in this bill that is not fair.

Mr. BOLLES. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. I yield.

Mr. BOLLES. Is the gentleman in favor of sending the National Guard any place in the Western Hemisphere?

Mr. THOMASON. I reply to my friend from Wisconsin that I am in favor of clothing the President with authority to do so if it becomes necessary.

Mr. BOLLES. Would the gentleman be in favor of sending them to Ecuador, for instance?

Mr. THOMASON. Anywhere in the Western Hemisphere, may I say to my friend from Wisconsin, particularly in view of the recent Habana agreement. If that agreement is to be anything but a joke to our friends in Latin America we must be willing to back up our words by our acts.

Mr. BOLLES. Does the gentleman think they want our troops down there?

Mr. THOMASON. I can visualize a situation like this—I have been down to Panama twice within the last 18 months and have tried to study the situation down there, which I regard as the most dangerous spot in our national defense—suppose our men were down there, some from the Regular Army and some from the National Guard, and that a situation should arise just across the border of the western line or the eastern line of that narrow 10-mile Panama Canal Zone over which we have jurisdiction. Would the gentleman say that he would send the Regular troops across the line to meet the crisis, that he would try to separate, to differentiate, or to distinguish between the Regulars and the National Guard, and that he would leave the National Guard back in the Panama Canal Zone? That would only result in confusion.

Mr. BOLLES. I may answer the gentleman by saying I cannot picture in my imagination a crisis arising beyond the zone of our control in Panama, in view of the jungle, the snakes, and the wildlife around there.

Mr. THOMASON. But the gentleman lives in Wisconsin.

Mr. BOLLES. I may live in Wisconsin now, but I have traveled all over South and Central America.

Mr. THOMASON. Then, let us take the situation to Canada. Does the gentleman mean to tell me that if the National Guard is called out and they are in training along with Regular troops near the Canadian border, near Buffalo or up in the gentleman's country and a serious situation should arise just over the line in Canada perhaps as a result of the terrible thing that is now going on in England, and the Canadians should need our help that our Regular troops might go over the line but the National Guard might not? No. You cannot have an efficient army that way.

We must lodge authority somewhere. I feel very deeply about this matter and this is no time for politics, this is no time for partisanship. [Applause.] This is the time when every one of us should rise to the support of our democratic institutions. I do not want to put the consideration of this bill on the basis of politics or partisanship. This is no time to debate the compulsory training bill. We will cross that bridge when we get to it.

Think of the millions of men under arms in Europe today, and then think of our own little Army which I believe to be the finest in personnel and morale in the world—a Regular Army of 270,000 today and a National Guard of 242,000. This is no time for technicalities and hair-splitting. This is no time for politics or abuse of the President of the United States. It is not a question of who is the President of the United States or what his name may be, but it is a question of whether or not we are going to be able to defend our country and our free institutions. [Applause.]

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I yield 5 additional minutes to the gentleman from Texas.

Mr. HALLECK. Will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Indiana.

Mr. HALLECK. In view of the confidence of the gentleman from Texas that a large percentage of the members of the National Guard are very anxious to get into this service for a year, would he have any serious objection to striking out of the bill that part contained in line 9, reading "with or without their consent"?

Mr. THOMASON. What page?

Mr. HALLECK. Page 1.

Mr. THOMASON. No. I do not think you can get an army on that kind of basis. I do not think you can leave it to the wishes of every man in the service. You cannot have an efficient army that way. When a man joins the National Guard he takes an oath and says he will defend this country under any and all circumstances if it becomes necessary. He then becomes a member of the National Army of the United States. Now, then, to leave it to his whim and fancy whether he will or will not serve would result in a worse situation than poor old France suffered.

Mr. MASSINGALE. Will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Oklahoma.

Mr. MASSINGALE. I appreciate very much the sincerity of the gentleman's statement, and I applaud him for it, but it is a thing that seems to me to be most serious in the bill. There is a statement here that all members or units of the National Guard are going to be taken into the Regular Army service. What is the sentiment of the gentleman from Texas, and the people of the United States, in regard to those boys, and they number thousands in the gentleman's district and probably in his home town as in mine, who are in the National Guard and are under the age of 18 years?

Mr. THOMASON. Boys under 18 cannot legally join the National Guard. Of course, that is an immature age to be sending boys to war; but may I say to the gentleman from Oklahoma it has been in the National Defense Act ever since it was passed in 1916 that when a man voluntarily enlists in the National Guard and he later is called into the Federal service, he becomes a part of the Army of the United States.

Mr. MASSINGALE. That is true; but the gentleman knows that under high-pressure methods which are resorted to, many boys are taken into the National Guard.

Mr. THOMASON. That is the very thing this bill seeks to avoid. This is not a high-pressure method. This is doing it voluntarily; and if these men join, they ought and will do their duty.

Mr. MASSINGALE. The gentleman does not get my question. Where they have high pressured young boys 16 and 17 years old to join the National Guard, does it not require the exercise of good conscience and common sense on the part

of the Congress of the United States to wipe out any kind of service on the part of those children?

Mr. THOMASON. I may say if the gentleman has children down there in western Oklahoma——

Mr. MASSINGALE. I have not any. Mine are all too old.

Mr. THOMASON. Assuming the gentleman has some children who have been high pressured into the National Guard and they are only 16 or 17 years old, I have enough faith in your Governor, Mr. Phillips, that if the boy wants out of the service, all he has to do is to request it and the Governor will let him out. This is a voluntary service.

Mr. MASSINGALE. I am not talking about Governor Phillips.

Mr. THOMASON. Well, let us talk about Governor O'Daniel, of my State.

Mr. MASSINGALE. I am not interested in Governor O'Daniel, of Texas, either. I am interested in the Congress of the United States. I asked the gentleman a plain question, if he did not think it would be proper and right for the Congress of the United States to exempt and exclude from those called anyone under the age of 18 years?

Mr. THOMASON. I believe he ought to be out and I believe the Governor would approve it. I repeat that any man in the National Guard can get out if he wants to before this bill passes, and the Governor will approve it if he has good reason. He can do that. A man can also get out if he has dependents. But other than that, a man ought to be made to do his duty under those circumstances.

Mr. MASSINGALE. I agree with the gentleman on that.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Nebraska.

Mr. McLAUGHLIN. I should like to propound an inquiry of the gentleman. One of the uses to which the National Guard is normally put in peacetime is the policing of local situations in case of national catastrophes, riots, and that sort of thing. I wonder if the committee gave any consideration to the question as to what provision will be made for that sort of policing, in the event the National Guard units are called away from the respective States in which they serve?

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. SMITH of Connecticut. Will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Connecticut.

Mr. SMITH of Connecticut. I may say, answering the question of the gentleman from Nebraska the committee now has under consideration legislation which would allow the States to form military forces outside the National Guard. That would be then a State militia. It also has under consideration provision for the Federal Government to furnish equipment to such State forces, the plan being, and it has been started in some States, to form a State guard or State militia to take the place of guard units which are outside the State.

Mr. THOMASON. In addition to what the gentleman from Connecticut says, I have always felt that the home people are going to take care of that sort of situation. I am one of those who happens to believe that the National Guard was never created or organized or should function to stop strikes, riots, and things like that unless under a great and terrible emergency. I think it was meant for military use and defense.

Mr. DONDERO. It seems to me that those who are against conscription in peacetime might well feel that the adoption of this measure would make that unnecessary.

Mr. THOMASON. You have the finest alibi in the world if you are against conscription, because you have a great and patriotic organization that wants to get out and get proper training.

Mr. DONDERO. It would make conscription unnecessary.

Mr. THOMASON. I am trying to think of this as something other than a local matter. It is the headlines appearing in the paper today and the testimony of Secretary of the Navy Knox today before the House Committee on Military Affairs, when he testified from an absolutely nonpolitical standpoint and from a highly patriotic viewpoint, that alarms me. I believe it is time for all of us to get away from petty feelings about smaller matters and think in terms of the bigger question of saving America, and preserving our institutions. To do this you must provide some form of training. If you cannot do it, as the gentleman from Michigan suggests, by the voluntary method of training the National Guard when they want to go, you may just as well expect conscription, because it has to come, if you can trust the judgment and advice of our military authorities.

Mr. VAN ZANDT. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Pennsylvania.

Mr. VAN ZANDT. The real intent of this bill is to modernize the National Guard by mechanizing it and then training the men to use the mechanisms. That would take 12 months.

Mr. THOMASON. I read a very interesting speech by Colonel "Wild Bill" Donovan made in New York, in which he told about what a mechanized age this is, and said that these young boys of 18 and 20 cannot understand and appreciate the delicate operation of highly mechanized trucks, armored cars, and airplanes. If we are going to have an efficient Army, if we are going to have an Army that can compete with that of the madman who is now running loose and wild in Europe, you have to give these men some training. That is all in the world this bill does. I say in all candor, this bill ought to have the unanimous support of the House.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. The gentleman has partially answered the question I was going to ask. My understanding is that one reason this bill was brought up for consideration was that the National Guard may be properly trained. I understand that modern warfare and modern defense is so difficult, so highly technical, that it is necessary to give the National Guard much more complete training. The training they now receive is very meager. They may have reason later to blame us if we do not vote for this bill. We are going to expect these men to defend us later, if necessary, and they must be trained, in my opinion, for their own protection as well as ours.

Mr. LUTHER A. JOHNSON. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Texas.

Mr. LUTHER A. JOHNSON. May I ask my friend, whose judgment on military affairs I regard very highly, if he does not believe that defeat of this bill would be one of the greatest encouragements that could come to Mr. Hitler and other dictators, and further, if it would not be a discouragement to the South American countries whose cooperation we seek in defense of the Monroe Doctrine?

Mr. THOMASON. The South American republics would have just cause to believe we were just doing a lot of talking and not going to back it up. I believe, too, that Mr. Hitler would be encouraged. There is one thing about which I am very certain, and that is that if this Congress will not permit the only great military organization we have that was organized upon a voluntary basis to go out and learn something about modern warfare when they want to go, then you may just as well expect the draft, because if you can believe our military authorities you have to have some trained men if you expect to defend this country. [Applause.]

[Here the gavel fell.]

Mr. ARENDS. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. MARTIN].

Mr. MARTIN of Iowa. Mr. Chairman, the Committee on Military Affairs has given a lot of time, hard work, and attention to this particular bill. They have tried to work out as good a bill as could be worked out. The committee

has worked out a bill calculated to strengthen the national defense.

There has been a lot of discussion in committee and a lot of disagreement over individual and specific provisions of the bill, but the overwhelming weight of opinion in the committee was and is now that we need to build up our defenses by calling the National Guard to active duty, or better, to training. You will notice the bill states "duty." There has been a lot of discussion about whether "duty" is what most of them want, or whether it is training.

We are all interested in building up the national defense to a point that is adequate. The Regular Army officials have told us a lot about the need for calling out the guard. They are sincere in their desire to call it out, and I believe they are sincere in building up our defenses through adequate training. I am giving them the benefit of the doubt as to their motive, at least to that extent.

After listening to and reading a considerable portion of the Senate and House debate on the National Guard bill and the compulsory military training bill, I have been impressed with the wide divergence of views with reference to the powers of the President as Commander in Chief of the armed forces of the United States in peacetime, and that is the background for some difference of opinion as to specific portions of this bill.

It is extremely important at this time that we examine as carefully and thoroughly as possible the extent of these powers in order to make sure that whatever powers Congress desires to exercise may be included in the legislation with the greatest possible understanding of the situation. At the outset of my search for information, I was very much impressed when I found in reading the book the Making of the Constitution, page 530, by Charles Warren, the following statement:

> On August 27, 1787, another power suggested by the committee was granted to the President, without debate (so far as appears from Madison's notes) that of "Commander in Chief of the Army and Navy of the United States and of the militia of the several States when called into the actual service of the United States." Such a power had been vested in the State Governors in practically all the State constitutions; and in some the Governor had few powers or functions other than military.

That is why they did not debate the matter very thoroughly in the Constitutional Convention. So going back to the Constitutional Convention you cannot find any very great light on the division of power between the President and the Congress in the matter of national defense. The wording of the Constitution, of course, is quite general.

I was very much impressed in reading the annotations of the Constitution of the United States to find so few references therein to discussions of the peacetime power by our Supreme Court. In some of these cases, the statement is made that Congress has the power not only to raise and support and govern armies but to declare war and that it has therefore the power to provide by law for carrying on war. The Court in these cases states further that the command of forces and the conduct of campaigns are powers derived from the Constitution, but inasmuch as neither is defined by that instrument, their extent must be determined by their nature and by the principles of our institutions. The Court states also that the power to make the necessary laws is in Congress and the power to execute is in the President, and each includes all authority essential to its due exercise "but neither can the President, in war more than in peace, intrude upon the proper authority of Congress, nor Congress upon the proper authority of the President" (*Ex parte Milligan*, 4 Wall. 2, 139 (1866); *Swaim* v. *United States*, 28 C. Cls. 173, 221 (1893), affirmed 165 U. S. 553 (1897)).

I have made a very brief search for authoritative statements with particular reference to the powers of the President as Commander in Chief of the armed forces of the United States in time of peace, and I will ask unanimous consent at the proper time to have them inserted in the RECORD immediately following these remarks. Insofar as my time permits, I will read portions of these quotations and I will be very glad indeed if any Member sees fit to supplement these statements with additional statements, either amplifying or opposing the views herein set out. My purpose in making this small contribution to the discussion at this time is to impress upon the House the importance of the full exercise at this time of such powers as the House may wish to exercise in restricting the power of the President with special reference to the sending of the Reserve components of our armed forces into foreign countries after they have been ordered to active duty as part of the Army of the United States.

Prof. Edward S. Corwin, on The President's Control of Foreign Relations, states:

> I conclude that the Presidential power under survey (the right to perform acts of war without congressional authorization where the question is as to his right to take measures which are technically acts of war in protection of American rights abroad) is somewhat analogous to the so-called right of self-preservation at international law. Theoretically the power is a defensive power and reserved for grave and sudden emergencies. Practically, the limit to it is to be found in the powers of Congress and public opinion.

Elihu Root, in a famous debate in the Senate in 1912, had the following statement to make:

> In my judgment, there is no law which forbids the President to send troops of the United States out of this country into any country where he considers it to be his duty as Commander in Chief of the Army to send them, unless it be for the purpose of making war, which, of course, he cannot do.
>
> Doubtless, Congress could by law forbid the troops being sent out of the country; doubtless Congress has not done it; and I apprehend that any Congress which undertook to do it would find a general protest from the people of the United States against depriving the Commander in Chief of the Army of the power to protect our citizens under those circumstances which exist widely throughout the world, in countries whose governments have not the power to maintain order within their jurisdiction. From time immemorial it has been the practice of civilized nations to send troops into those countries whose governments were too feeble or too ill-organized, too deficient in power to enforce their laws and protect foreigners.

This has primarily to do, of course, with protecting our own citizens abroad.

Prof. Clarence A. Berdahl, in his book, War Powers of the Executive in the United States, has the following to say:

> An eminent authority (Elihu Root) thinks that Congress could probably by law forbid the troops being sent out of the jurisdiction of the United States in time of peace; but in time of war the authority of the President is recognized as being absolute as to where the war is to be conducted, whether to await the onslaughts of the enemy and wage a purely defensive war within the boundaries of the United States, or to send the armed forces of the United States out of the country to carry on an offensive war in the enemy territory, in the territory of an ally, or perhaps even in the territory of a neutral.

William Howard Taft, in one of his lectures on Our Chief Magistrate and His Powers, had the following to say:

> The President is the Commander in Chief of the Army and Navy, and the militia when called into the service of the United States. Under this he can order the Army and Navy anywhere he will, if the appropriations furnish the means of transportation. Of course, the instrumentality which this power furnishes, gives the President an opportunity to do things which involve consequences that it would be quite beyond his power under the Constitution directly to effect. Under the Constitution, only Congress has the power to declare war, but with the Army and the Navy, the President can take action such as to involve the country in war and to leave Congress no option but to declare it or to recognize its existence. This was the charge made against President Polk in beginning the Mexican War. War as a legal fact, it was decided by the Supreme Court in prize cases, can exist by invasion of this country by a foreign enemy or by such an insurrection as occurred during the Civil War, without any declaration of war by Congress at all, and it is only in the case of a war of our aggression against a foreign country that the power of Congress must be affirmatively asserted to establish its legal existence.
>
> What constitutes an act of war by the land or naval forces of the United States is sometimes a nice question of law and fact. It really seems to differ with the character of the nation whose relations with the United States are affected. The unstable condition as to law and order of some of the Central American republics seems to create different rules of international law from those that obtain in governments that can be depended upon to maintain their own peace and order. It has been frequently necessary for the President to direct the landing of naval marines from United States vessels in Central America to protect the American consulate and American citizens and their property. He has done this under his general power as Commander in Chief. It grows not out of any specific act

of Congress but out of that obligation, inferable from the Constitution, of the Government to protect the rights of an American citizen against foreign aggression, as in the Kotza incident, cited by Mr. Justice Miller in the Neagle case. In practice the use of the naval marines for such a purpose has become so common that their landing is treated as a mere local police measure, whereas if troops of the Regular Army are used for such a purpose, it seems to take on the color of an act of war.

Thus it would be difficult to explain the landing of our Army in Vera Cruz by force as anything but an act of war to punish the government of Huerta in Mexico for its refusal to render what was deemed by President Wilson as a proper apology for a violation of our international rights in the arrest of some of our sailors. This act was committed before authority was given by Congress, but the necessary authority for it had passed one House and was passing another at the time, and the question as to the right of the Executive to take the action without congressional authority was avoided by full and immediate ratification.

In Nicaragua in my administration an insurrection had led to the immurement of American citizens by insurrectos and the threatened destruction of American property. The President of Nicaragua, whom we had recognized and whose minister we had received, called upon us to protect our own citizens and their property because he was unable to render them the protection which their treaty rights gave them. This led to the landing of marines, and quite a campaign, which resulted in the maintenance of law and order and the elimination of the insurrectos. This was not an act of war because it was done at the request and with the consent of the lawful authorities of the territory where it took place.

I think it is important for us to bear in mind the broad expanse of the powers of the President, but to distinguish clearly between his powers in peacetime as contrasted with his powers in wartime.

[Here the gavel fell.]

Mr. HARNESS. Mr. Chairman, I yield the gentleman from Iowa 1 additional minute.

Mr. MARTIN of Iowa. Mr. Chairman, I intend to either offer or support an amendment calculated to restrict the President as to the places to which he can send these troops in case they are ordered out to duty under the provisions of this bill. I would like myself to see the program restricted primarily to a training program. That is what I have in mind and most desire at the present time, and I think we need such a program. If any further emergency comes up and these boys are in training, I think we can take care of the emergencies as they arise, but let us get our training program started now and look after these other emergencies later on. I think that whatever emergency exists today is one calling for training and not an emergency requiring the giving authority to the President to send them abroad without further consultation with the Congress. [Applause.]

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut [Mr. SHANLEY].

Mr. SHANLEY. Mr. Chairman and members of the Committee, may I ask a question of the chairman of the committee and also the ranking member of the committee on the minority side? The thought has come to me in reading this bill that there is no provision for pay increases to compensate the National Guard men on maneuvers, who I understand are now receiving $30 on a month's pay scale, while their entry into the active military service of the United States would restore them to the $21-a-month scale of the Regular Army.

It seems to me that such a drop would have a most discouraging and dampening effect on those boys who are called upon to make one of the greatest sacrifices of our peacetime existence; I might even venture the opinion that few members of the National Guard who are expecting to be called into active military service realize that such a drop in pay is possible. I am sure that this great and hard-working committee upon whose shoulders has been placed this tremendous and awe-inspiring duty would not wish to allow such a drop. For these reasons I am anxious to bring the entire matter before the committee.

Mr. FADDIS. The base pay of the Regular Army at this time is $21 a month, and if any unit in the National Guard is drawing more than $21 a month, in my opinion the State would have to make it up, because the Army cannot pay in excess of what a like grade in the Regular Army would draw.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. MAY. Mr. Chairman, I yield the gentleman 1 minute more.

Mr. SHANLEY. May I answer my friend from Pennsylvania whose judgment in military affairs and whose service in war are extraordinary that the National Guard Bureau has so informed me that this increase is by special act while in training.

It is impossible to put an amendment here which would bring the pay of the National Guard up to $30 a month, practically speaking, in this bill.

Mr. HARNESS. The gentleman understands that a good many enlisted men in the Army get more than $21 a month. That is the minimum pay. After a few months, or a year's service, they are usually promoted to a higher grade, and they are paid more than $21 a month.

Mr. SHANLEY. On the contrary in a practical sense they do not get it. The testimony of the Army shows conclusively that there is a log jam in apportioning out increases to the land forces which places them in a very disproportionate relation to the Navy. Theoretically the gentleman is right but in the working out of Army promotions the ideal is not reached that we all would like to see.

Let me quote high authorities with chapter and verse—the testimony of that great Chief of Staff, Gen. George C. Marshall, whom I personally think is a man of military destiny—speaking in the Senate Military Affairs Committee hearings on S. 4164, shows this:

Senator REYNOLDS. A few moments ago in reference to pay, you said that you thought that the pay of the enlisted men of the Army and the officers should be increased.

General MARSHALL. I was talking specifically about the enlisted men—the privates. We have two classes.

Senator REYNOLDS. I mean the privates. Now, what is the lowest pay of any private?

General MARSHALL. $21.

Senator REYNOLDS. What is the highest pay of any private?

General MARSHALL. The base pay, I think, is $30. And that increases as a result of length of service.

General SHEDD. It increases with every enlistment.

General MARSHALL. What is the total he would get if he remained as a private, first class, for 30 years; what would his pay be?

General SHEDD. $37.50.

General MARSHALL. But as a rule, we would not want a man as a private, first class, at that age.

Senator REYNOLDS. The distinction between the pay of $21 and $30—is that automatic, based upon the number of years of service or ability?

General MARSHALL. The advance from $21 to $30 a month is carried by the promotion from private, to private first class. The promotion depends upon the vacancies; and the number of positions of private, first class, depends upon the annual appropriations. Each year we have endeavored to have them give us more funds for privates first class and certain other ratings, and we have been unsuccessful. So, as I say, we have men who serve an entire enlistment as a private on the basis of $21, because there was no vacancy for them, regardless of how good they might be, in the rating of private first class.

I believe in other services, after 4 months, they automatically pass to the first-class rating. With us we must have the vacancy to permit the advancement.

Senator REYNOLDS. You say that after 4 months it is automatic?

General MARSHALL. After 4 months' service they go to the higher rating in other services.

Senator REYNOLDS. They go in 4 months from $21 to $30?

General MARSHALL. Yes, sir. I believe that they do that. I think that that is the Navy pay system at present.

Senator REYNOLDS. I wanted to understand you correctly. Did you say that if a man goes into the Army today, after he has served as a private for 4 months, he immediately has his pay increased?

General MARSHALL. Not in the Army.

Senator REYNOLDS. Not in the Army?

General MARSHALL. I believe that is the case in the Navy.

Senator REYNOLDS. That is true in the Navy?

General MARSHALL. In the Army his advancement depends primarily on the number of vacancies, private, first class, and there are very few, and those depend upon the current appropriation. So, every year we have to change the number of privates, first class, in the organizations according to how much money the Budget and the Congress give us, and each year for a long series of years we have presented to the Budget, and otherwise strongly recommended, that we should be given this increase in ratings, because it does not seem fair to us that our men should be kept for a whole enlistment or more, on the basic pay rate of a private at $21 a month, while in the other services at the end of 4 months they automatically

receive a material increase in pay. That affects recruiting and affects morale.

Senator REYNOLDS. Certainly.

General MARSHALL. And the man himself has his own opinion as to the merits of the case.

Senator REYNOLDS. It does not seem quite right.

General MARSHALL. It puts the War Department in an embarrassing position in that it seems not to recognize what is really an injustice to the enlisted personnel in the Army.

Senator REYNOLDS. Now, does the advance from $21 to $30 depend upon his mentality and ability, military ability?

General MARSHALL. It does depend very much upon his mentality, and his ability; his military ability and his mentality, both, if there is a difference there, because there are so few vacancies that it is highly competitive to get them.

Senator REYNOLDS. I see then how it is.

General MARSHALL. They compete for private, first class, as hard in the Army as they do to be a corporal.

Senator REYNOLDS. And so as a matter of fact that is limited to what percentage; about 10 percent?

General SHEDD. One private, first class, to two privates.

General MARSHALL. One to two.

Senator REYNOLDS. One private, first class, to two privates?

General MARSHALL. Yes, sir.

Senator REYNOLDS. As a matter of fact, under your recommendation for 4 months' service, that number would depend upon the appropriations made by the Congress of the United States?

For comparative purposes, the testimony of Rear Admiral Chester W. Nimitz, Chief, Bureau of Navigation, Navy Department, in the same hearings, presents the Navy picture for us. I add also the comment of this high representative of the Navy as to what helps enlistments in the sea command:

Senator REYNOLDS. Admiral, may I ask you what is the lowest pay of any enlisted man in the Navy?

Admiral NIMITZ. Twenty-one dollars a month.

Senator REYNOLDS. The same as the Army?

Admiral NIMITZ. That is an apprentice seaman; an apprentice seaman, who, when he is first enlisted, goes to the training station. His pay is $21 a month.

Senator REYNOLDS. For what period of time?

Admiral NIMITZ. Approximately 4 months.

Senator REYNOLDS. And after that?

Admiral NIMITZ. He is promoted to seaman second class, and that pay is $36 a month.

Senator REYNOLDS. Thirty-six dollars for an enlisted man in the Navy, private; that is, an ordinary seaman. They draw more pay than they do as an ordinary private in the Army, do they not?

Admiral NIMITZ. A seaman second class draws $36 a month.

Usually, because of the great expansion that has taken place, usually he would not have to wait more than a year before he would be promoted to seaman, for which he is paid $54 per month. Seaman first class and promotion in the Navy has been, for enlisted men, very good, and it is due largely to the fact that we are expanding rapidly.

Senator REYNOLDS. The Navy is in a different position, so far as volunteer enlistments are concerned, than the Army, is it not?

Admiral NIMITZ. Well, I am not familiar with the Army's experience in that respect. I just heard General Marshall's statement this morning.

Senator REYNOLDS. I am predicating my question on his statement.

Admiral NIMITZ. I heard his statement that they had no difficulty in getting the quota assigned them.

Senator REYNOLDS. You enlist them for 6 years?

Admiral NIMITZ. Yes, sir.

Senator REYNOLDS. Do you think that the extended enlistment is an inducement?

Admiral NIMITZ. I do not. It is a decidedly distinct advantage to the Navy to have a 6-year enlistment, because it reduces the turnover, the annual turn-over, to one-sixth, rather than one-fourth, of the personnel; and once we get them trained aboard ship and in key positions—and there are very few positions aboard ship which are not key positions nowadays—it is very disturbing to the organization to have one of its cogs taken out and fit a new one in.

Senator REYNOLDS. Yes. I would readily assume from hearing testimony produced before this committee that people more readily volunteer for the Navy than the Army, and I was wondering why that was. Is it due to the fact that the Navy provides opportunity to travel, see the world; increased pay; or extended enlistment? What, in your opinion, induces more men for voluntary service in the Navy than in the Army?

Admiral NIMITZ. I think the pay has something to do with it, and I think the prospect of getting about the world a little bit is an added incentive. I would not believe that the extended period of enlistment is an incentive, because I think that would operate just the other way.

Mr. VAN ZANDT. Did not the Senate agree to an amendment to the Burke-Wadsworth bill that would increase the pay of the Army to $30 a month?

Mr. SHANLEY. Yes.

Mr. VAN ZANDT. Surely this Congress would not permit a conscript to receive $30 a month alongside a Regular soldier who is receiving $21 a month.

Mr. SHANLEY. No. I reiterate that I do not think so, but it seems to me that we cannot await events. We ought to anticipate them by getting this subject before the House. I might say that leading members of the committee now indicate that this subject will be taken care of in a special bill to follow. Obviously we cannot place too much faith on the presence of the cure in the conscription bill. It may be weeks before that gets to us and to the President.

I shall ask permission when we get back into the House to include the tenor of the Lee amendment in the other body, as expressive of what we might do in this respect.

Finally, gentlemen, I know that you realize that these young men who are to be the backbone of our new Army are making great personal sacrifices. They went into the National Guard for patriotic reasons, but you and I are not going to make that patriotism cause them severe economic set-backs if we can help it. They are worth $30 a month and more, for they are for the most part bound to find it necessary to readjust their budgets and attempt to live on a smaller schedule with their families—those who will not ask for exemption.

The Lee amendment follows:

SEC. 2. (a) The monthly base pay of enlisted men of the Army shall be as follows: Enlisted men of the first grade, $126; enlisted men of the second grade, $84; enlisted men of the third grade, $72; enlisted men of the fourth grade, $60; enlisted men of the fifth grade, $54; enlisted men of the sixth grade, $36; enlisted men of the seventh grade, $30; except that the monthly base pay of enlisted men with less than 4 months' service during their first enlistment period and of enlisted men of the seventh grade whose inefficiency or other unfitness has been determined under regulations prescribed by the Secretary of War, shall be $21. The pay for specialists' ratings, which shall be in addition to monthly base pay, shall be as follows: First class, $30; second class, $25; third class, $20; fourth class, $15; fifth class, $6; sixth class, $3. Enlisted men of the Army shall receive, as a permanent addition to their pay, an increase of 10 percent of their base pay and pay for specialists' ratings upon completion of the first 4 years of service, and an additional increase of 5 percent of such base pay and pay for specialists' ratings for each 4 years of service thereafter, but the total of such increases shall not exceed 25 percent.

(b) The pay for specialists' rating received by an enlisted man of the Army at the time of his retirement shall be included in the computation of his retired pay.

(c) The pay of enlisted men of the sixth grade of the National Guard for each armory drill period, and for each day of participation in exercises under sections 94, 97, and 99 of the National Defense Act, shall be $1.20.

(d) No back pay or allowances shall accrue by reason of this act for any period prior to the date of its enactment.

(e) Nothing in this act shall operate to reduce the pay now being received by any retired enlisted man.

(f) The provisions of this section shall be effective during the period September 1, 1940, to May 15, 1945. During such period all laws and parts of laws insofar as the same are inconsistent herewith or in conflict with the provisions hereof are hereby suspended.

Mr. ARENDS. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. HOFFMAN].

THE BILL TO CALL OUT THE NATIONAL GUARD

Mr. HOFFMAN. Mr. Chairman, our people today are just as willing to make every necessary sacrifice to preserve the liberty which our forefathers won by 8 long years of bloody strife as were they.

Our people are no more ready to welcome the tyranny of a Roosevelt, his dictatorial exercises of power, than they were to submit to the tyrannical demands of King George III.

It is foolish to send aid to those who we say are fighting to preserve democracy in the Old World and then tamely submit to and grant dictatorial power to a President who, by his every utterance and act, proclaims that he is the only man in these United States who can preserve our liberty; that he must be elected to a third term and so become a dictator.

It will matter little to our children whether their heritage of material prosperity, of civil and religious liberty, of a free government is taken from them by armed forces from abroad or stolen from them by subtle grants of power given by a

complaisant Congress to one who now considers, and who always will consider, himself the indispensable man—a term which is just another name for a dictator.

ESSENTIALS OF NATIONAL DEFENSE

A sound financial structure, a happy and contented people, national unity, are all essentials for a successful national defense.

Before he was intoxicated by his greed for power, Franklin Roosevelt truthfully said that many a nation had been wrecked on the rocks of a loose fiscal policy. Equally true was his statement to the effect that this Nation could not continue to borrow and survive.

Nevertheless, knowing that he would wreck our Nation financially, he deliberately, by the expenditure of vast sums, to purchase the good will and the suffrage of various groups, led this Nation into national bankruptcy.

Knowing as he did that a happy, contented people listen not to those who seek to create envy and discontent, he has done his best to destroy contentment and happiness by creating dissatisfaction, inspiring jealousy and hatred in the minds of some against their neighbors and associates.

Assuming the mask of a great humanitarian, he told our people that the vast majority was being exploited by the privileged few. During the same period, he and members of his family were profiting to the extent of millions of dollars by virtue of the exalted position which he held.

He and his, over whom he had control, like the money changers of old in the temple, deliberately sold, and profited by the sale of, the dignity of the White House, the respect and veneration in which it was held by our people.

He sought to, and to a large extent was successful in convincing a vast number of our people that they had been unjustly treated by their neighbors and that, as a matter of right, each man who had more than another should be compelled to give part of what he had to him who had less.

NATIONAL UNITY

Knowing the soundness of the statement, "United we stand; divided we fall," Franklin Roosevelt deliberately and wickedly, with the aid of Communists, preaching their antireligious doctrine, the destruction of this Government by force, alined hundreds of thousands of workers against their employers.

Through his efforts, there has been established in this Nation the condition where no man, whether he be working for a livelihood for himself and family or whether he be working to aid this Government in its effort to prepare to meet invasion from a foreign foe, can all too often no longer obtain a job until he has obtained the consent, not of a Government agency, but of a private organization; an organization whose policies are controlled by those who are enemies of our form of government.

A MALIGNANT DISEASE

The greed for power, when once it fastens upon one who has succeeded to an extraordinary degree in grasping it, is a malignant disease. It creates a sense of infallibility, of exalted egotism. Among its symptoms are delusions of grandeur; the belief that its possessor can do no wrong; that his existence is indispensable.

So completely have these delusions taken possession of our President that he now assumes that he is the only man in a nation of more than 140,000,000 people who can be trusted to safely guide the destinies of this Nation.

So obsessed has he become with this idea that he assumes that, through a dominated judiciary, puppet judges, a coattail-riding Congress, he can accomplish through a peaceful revolution what Mussolini, Stalin, and Hitler have, by strife and bloodshed, brought about in foreign lands.

HYPOCRISY

Under present world conditions, practically all concede the necessity of military training and very few, if any, are unwilling to call out the National Guard and to take all other steps as may be necessary to adequately prepare this Nation to meet any and all foes.

Under the guise of giving military training, the President asks for authority to call out the National Guard for training purposes. That is a legitimate demand, but, as so often, coupled with it is a grant of dictatorial power.

Military training, which is the announced purpose of the bill, could best be brought about within the limits of the continental United States. Under the guise of a demand that we should have military training given to members of the National Guard; hiding behind that false front, the President and his supporters insert in that bill the power to send our National Guard anywhere in the Western Hemisphere, which means to the southernmost limits of South America.

Do you for one moment believe that, in order to train the National Guard, they should be sent to South America?

For months, the President has been carrying on a drive to involve us in the European war. Not only by his provocative utterances but by his acts has he sought to accomplish that purpose.

He even went so far, when he advocated the sending of vessels of war to Great Britain, as to propose the violation of a criminal statute—a law which he had taken a solemn oath to uphold.

No; this move of his to call out the National Guard is not solely for the purpose of giving that organization military training. Behind it and within it, not even successfully disguised, is the authority to send the National Guard into South America, into territory where Germans have a sphere of influence; where the guard can, and in all probability will, become involved in the local warfare which is certain to follow.

Then, the guard once involved, what will be the demand? It will be that our National Guard, in trouble and perhaps in danger in South America, be reinforced by the Regular Army.

Then will come the statement that the Regular Army is not adequate for that purpose and conscription must follow. So, then the President will have accomplished his ultimate purpose, which, judged by all his utterances and acts, is to involve this Nation in the World War.

True, the President said that there was not one chance in a hundred that the guard, if called, would be sent beyond the limits of the continental United States. Unfortunately, as we have learned to our sorrow, the President's word is worthless. He cannot be trusted to carry out his promises.

To support the charge that he is untruthful, we need but recall the statement of the President given to the American people through Senator BARKLEY at the Chicago Convention that he "has never had, and has not today, any desire or purpose to continue in the office of President, to be a candidate for that office, or to be nominated by the convention for that office."

The American people do not believe that statement.

Of it Raymond Clapper, voted one of the fairest and most accurate of American newspaper columnists, said: "I simply do not believe that," and characterized it as a "monumental and historic deception."

I, for one, so long as I remain in Congress, will cast my vote for national preparedness; for the appropriation of all sums which by any stretch of the imagination can be deemed necessary to procure the things which we need for national defense.

More than once have I proposed that Congress, if war comes to this country, conscript not only man power for the Army and Navy, capital and industry, but that we all go in on an equal, common basis, each and every one, man or woman, being required to make the necessary sacrifice, to contribute to his utmost.

Believing in the Government of my forefathers, firmly convinced that under it our people can enjoy a greater degree of prosperity, of intellectual achievement, of civil and religious freedom, than under any other form of government, I will not, so long as I am in Congress, vote to give to any man, under the guise of a preparedness program which, as a matter of fact, is known to be a scheme which will destroy all that I hold dear, the powers of a dictator.

Yes, call out the National Guard and all others whom it may be necessary to call to defend our Nation, but do not

give to the President the power to involve us in war by sending our soldiers to foreign lands.

I doubt if there is a Congressman or a Senator now in office who has not either in private conversation, by letter, by press release, or public address announced to the Nation at large that he would not vote to again send our soldiers across the sea to fight in another World War.

Yet, by the passage of this very bill authorizing the calling out of the National Guard and giving the President authority to send them anywhere in the Western Hemisphere, we will make it possible for him to engage in war although Congress has not declared war.

We will by indirection do the thing which we know the people of these United States have overwhelmingly decided they are against, that is, becoming involved in the present World War.

Mussolini proclaims that Italy can exist nationally only by retaining him as dictator. Stalin contends that only because of his ability as its ruler can Soviet Russia continue as a world power. Hitler believes that without him as absolute ruler Germany as a nation would go out of existence.

Roosevelt has told us that only in time of great and extraordinary danger to our Government should any man seek a third term. Therefore, although no nation has either attacked or threatened to attack us; although we can and should adequately prepare for national defense, the President has been and is deliberately following a course which will involve us in the World War. He is seeking to create the situation which he said would justify him in becoming a candidate for a third term.

He now by his words and his acts proclaims himself as the one indispensable man in America. He, like Mussolini, Stalin, and Hitler, would like to have the American people believe that there is in each country but a single individual capable of guiding its destiny. Roosevelt already sees himself as the dictator of the Western Hemisphere.

If we would preserve our Nation, Congress should cease to grant Roosevelt dictatorial powers; should turn its attention to national defense, to a solution of our domestic problems, and the people should overwhelmingly repudiate the would-be dictator at the polls in November. [Applause.]

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. SWEENEY].

Mr. SWEENEY. Mr. Chairman, I am not so much opposed to this measure as I am to the measure now under debate in the other body—the measure providing for the conscription of flesh and blood; peacetime conscription in a democracy.

I give to every Member of this House his honest conviction as being patriotic. Though we may differ on some issues, I think we are all good Americans.

Much talk comes today about this so-called emergency. Everybody says, "Why, you know what it is. I do not have to tell you." But the Congress lacks the intestinal fortitude to write it into this bill and the bill that will come over here after the other body concludes its deliberations, what it is their plain duty to do—to declare an emergency in specific terms and call a spade a spade. If they had the courage today they would say what is in their minds, many of them—and that is from their viewpoint that we should declare war on Germany. That is what many of you are thinking in your minds today. However, you do not take into consideration the situation abroad. You do not take into consideration the prospects of starvation for millions over there in Europe this winter. You do not take into consideration the "fifth column" that we hear so much about that is in Poland, France, Belgium, and the Low Lands, who are going to be active, perhaps, and will probably cause the dictators with their strange ideologies to do all they possibly can to subdue the warring factions within the orbit over there. They have trouble of their own over there. But a wave of hysteria has gone through the country that we are about to be invaded. The same group of warmongers are active again as they were in 1917. It will be recalled, they said to some Members of this Congress on this floor on that Good Friday night, 1917, when we declared war—those who spoke for the administration then said, "Why, it is only a bluff to fool the Kaiser. None of our boys are going to go across. The war will be over in 90 days." Then, "Come up and see me about that postmastership"—the old bait of patronage was thrown out as it always has been when politics comes before patriotism. We have gone through that. We know the history of the last war. I do not think we ought to lose our balance. This is a war to insure British imperialism, if you will. The mother of fascism, the mother of communism, the mother of nazi-ism. There would be no Hitler today, there would be no Mussolini today, there would be no Stalin with his cruel, cold-blooded Godless philosophy except for the imperialism of Britain. We know that and we ought be concerned with what is best for the United States, rather than Great Britain or any other nation.

The game is once again to get America, the long-lost child of Britain involved in the present war.

Over in London they assume now we are a colony of Great Britain; that their Navy protected us. From what? Oh, they said, "One emergency after another we protected you with our Atlantic Fleet while you guarded the Pacific to take care of your colonial possessions, Hawaii and the Philippine Islands." They ask now, with outstretched arms, to send 50 of our ships over there. There are men in this House who believe we ought to do that, despite the fact that some of our naval experts say we cannot even afford to send a rowboat over there. We have gone mad, gone insane in our desire to support the so-called "mother country," the only country that will get us into war, Great Britain, the Nation that took our blood and our money in the last war and left us holding the bag. Make no mistake about that. We are not concerned with the immoral philosophy of Hitler or any other dictator. We condemn it. It is diametrically opposed to our free institutions and the American way of life, but we do not make these Hitlers; we do not make these Stalins; we do not make these Mussolinis. There is no obligation on the part of the United States Government to unmake them. That is my personal judgment as a Member of Congress and as an American citizen. I believe in military training. If this bill only provided that training, all right, but it is adroitly fixed up and cleverly arranged so that our Guard can go anywhere in the Western Hemisphere where incidents may arise that will throw us into war. My good friend, the gentleman from Texas [Mr. THOMASON], for whom I have the greatest admiration, says by implication that we are bound to aid with our soldiers because of the concord made at Habana with the South American republics. We were talking about cartels in Habana and trade in general. That is the only thing we have to fear in this country, the penetration of trade in South America by certain European nations. So this Conference was called for that purpose. I do not recall that the result of this conference is tantamount to a treaty. The United States, of course, has to pass upon that in due time until it is ratified by the Senate. Stop this talk of sending our ships and our boys to South America. [Applause.]

[Here the gavel fell.]

Mr. ARENDS. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. VORYS].

Mr. VORYS of Ohio. Mr. Chairman, in this bill we are making a mole hill out of a mountain. We have the opportunity here to have wholesale volunteering or wholesale drafting. By the adoption of one small amendment and by our votes on that amendment we can take our choice, and it will not make any difference from a military standpoint; but we get the chance on this bill to tell where we stand, to show how we feel on the principle of compulsory service of part of our citizens in time of peace.

The National Guard volunteered under certain conditions: They were to be called out in time of peace by the Governor of their State, in time of national emergency declared by Congress by their President. We have the power to

change the law and to draft them in peacetime—that is the proposal—just as we have the power to change our law and to draft citizens who are not in the National Guard.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. VORYS of Ohio. I hope the gentleman will not interrupt my statement. When I have concluded I shall be pleased to yield if I have time.

Mr. Chairman, what we are going to do here is to have a wholesale draft of the National Guard whose members volunteered for a different kind of service. Let us not talk about training. This bill specifically provides that this is to be active military service. Such service has been had by our troops time and again in the past without any declaration of war. That is what we are calling them in for.

In the other body an amendment which would have permitted voluntary resignations was defeated by 11 votes. In our committee an amendment squinting in that direction but still preserving the draft power was put in the bill. At the appropriate time an amendment will be offered to give us a chance to see this thing clearly and to express our sentiments. This amendment will be as follows—page 5, line 3:

(d) Any member of any Reserve component of the Army shall be discharged upon his own request made within 20 days of the date of his being ordered into the active military service of the United States.

It is not going to make any difference from a military standpoint. General Williams told the committee that in his estimation 97 percent of the National Guard want to be called out for training or for service. This draft affects only 3 percent of the guard if he is correct in his figures.

We have 120,000 Reserve officers. This is enough officers for an army of 2,400,000 men. We need no such number of officers. We can afford to let those who, when the law is changed, when the contract is changed, want to say, "No; I don't want to go"—we can afford to let them stay. We can afford to take care of the situation I have heard about on this floor in the last hour of a boy who is finishing his R. O. T. C. training in college but who is a member of the National Guard. He would prefer to stay in the R. O. T. C. We can, by adopting this small amendment, permit that boy to decide that he will continue with his R. O. T. C. unit instead of going in the guard. Now, let us get it straight; on military technical matters the General Staff of the Army should control; on the question of training, the number of men we need, we should defer to the Army. On questions of getting the men, of securing trainees, the Army is our servant, not our master. Let us hold that distinction clearly in our minds, and let us say as a message abroad to the totalitarian states: "Yes; we are arming; but we are arming our way, not yours. We can defeat you with democratic methods as opposed to your totalitarian methods. We do not have to adopt those totalitarian methods in order to defend our country." [Applause.]

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. FADDIS].

Mr. FADDIS. Mr. Chairman, now that those who delight in panning the administration have done so, and now that those who delight in twisting the lion's tail have satisfied themselves in that respect, perhaps it would be well to get down to the meat of this bill and consider it from a practical viewpoint. Just what is the occasion for this legislation? It is training for one of the components of the Army of the United States.

In 1916 President Wilson called the National Guard for service on the Mexican border. Prior to that time I had served two enlistments in the National Guard of Pennsylvania. I reenlisted in order to go to the border, because I firmly believed that within a very short time we were going to face an emergency and I believed that the training I would receive in connection with serving in the National Guard would be of benefit to me and that afterward I might possibly be of some use to the Nation. As I look back on my experiences in those years, and as I look back on my experiences in the World War overseas I realize what a wise move that was on the part of President Wilson when he put the National Guard on the Mexican border. He put them in the very best place he could to train them.

Mr. BROOKS. Mr. Chairman, will the gentleman yield?

Mr. FADDIS. Not until I have completed my statement. They received the greatest training that was possible to give them, and anyone who served in France can remember that he hardly ever saw a temporary officer who did not wear the green and gold campaign badge of Mexican border service. Now, did President Wilson place the National Guard on the Mexican border to guard against inroads of Mexican bandits into Texas, New Mexico, and Arizona? Certainly so far as Texas was concerned the Texas Rangers were amply able to guard the borders of that State. But they were put there by a farsighted man who knew the value that would accrue from that kind of service.

A great deal of misunderstanding exists with regard to training men for military service. A great many people believe you can train men in armories, or that you can train them in R. O. T. C. units in school. This simply cannot be done. They can, it is true, be given a certain amount of elementary training in connection with a program of that kind. Nevertheless, they cannot receive the training that is so essential to them when later on they may take the field, training that will prove the salvation of many of those men if they are ever to be called into active service. In the R. O. T. C. school, or in armory drills, it is impossible for men to learn to live in the field as men must live during terms of active service. Men must learn to live in the field in order that they may learn so to conduct themselves that they will not die off as a result of their own indiscretions and mistakes. There was a day in the history of our Nation when our population was largely rural and you could take men from the lives they were leading and put them in the field. They were able to stand the rigors of life in the field. But that is not true today. We are too soft as a nation.

If you take men, as Kipling said, and rush them raw into battle or raw into camp, if you please, as they are picked raw from the street, they will not know enough to live an outdoor life, such as soldiers live. They must go through a period of training to enable them to live that life and to enable them to exist under it. After they have undergone this training, after they have had instilled into them some of the fundamentals that are so necessary to life in the field they will thrive upon it; but until they have had that period of training they are, you may say, at the mercy of the elements. Therefore, it is necessary that troops, before they are exposed to active service, receive this period of hardening that they can get in no other manner. That is one of the reasons for the calling of the National Guard at this time.

If you will pardon a little story. At one time while I was a captain I had a lieutenant assigned to me. He was a very fine boy, very intelligent, eager to do his duty, eager to learn, a graduate of an R. O. T. C. school and in every respect he had the makings of a mighty fine officer. But he had no practical experience in handling men. He joined the company as a second lieutenant and, as is customary, was assigned in charge of the mess of the men. A few days after he had been assigned to be in charge of the mess, he came up to see me and he said, "Captain, do you know this company is using an awful lot of lemon extract?" I said, "What do you mean?" He said, "Why, the first day I was in charge of that mess I got 2 gallons of lemon extract." He said, "The cooks told me they were out. That was 4 days ago, and now I find that all of the lemon extract is gone." I said, "Have you been checking up on the sobriety of your cooks?" He said, "What do you mean, Captain?" I said, "The fact of the matter is the cooks have been making highballs out of your lemon extract." He said, "Nobody would drink lemon extract, would they?"

That is just an illustration. The boy had not learned enough about the Army yet to know that the cooks could make highballs out of his lemon extract if he gave them the opportunity to do so. Those of us who have seen action in France have memories all too vivid of insufficiently trained

troops being put into action. We know that in such cases the losses were excessively heavy and we will never see the like again. We certainly hope and pray that we are facing no emergency today that will make such conditions possible, but no one can guarantee that we are not. If we draw into active service this great component of the Army, the National Guard of the United States, men who have enlisted for the purpose of serving their country under any circumstances, we are calling into service and into training men who may need this training later on.

If anyone could guarantee that we would never need them, of course, we would not call them into service, or if anyone could guarantee that we would never need them, we would not need a National Guard organization. So, let us look at this piece of legislation from its practical standpoint and get ready to give these men the training to which they are entitled if they are ever to be called upon to do the duty which they entered the service of their Nation to perform?

Mr. PATRICK. Will the gentleman yield?

Mr. FADDIS. I yield to the gentleman from Alabama.

Mr. PATRICK. The gentleman is one of the Members of the House who has great acquaintance with military affairs, and I think every Member has great confidence in his ability along that line. Can the gentleman conceive how any Member of this House who is opposed to the compulsory draft measure can also oppose this measure?

Mr. FADDIS. I cannot conceive how any Member of this House could oppose training the National Guard whether or not he may be opposed to the draft measure.

Mr. PATRICK. If he hopes to forestall the draft, then this would perhaps be the only measure by which he could possibly hope to accomplish results.

Mr. FADDIS. That is true. [Applause.]

[Here the gavel fell.]

Mr. ARENDS. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. HINSHAW].

Mr. HINSHAW. Mr. Chairman, in the few remarks I shall make I want it understood that I have no intention whatever of casting aspersions upon the patriotism or the high-minded ideals of any man or woman in this body or any other person in the United States in high or low position. These remarks are my own and express my own ideas, and those of no one else, unless they may happen to agree.

I make that first statement because I myself, in the last war, was a volunteer, and that before war was declared; but I was accepted in the service on the 8th of May, 1917, and served 29 months, 12 of them in the A. E. F. I respect the views of every patriotic American, whether or not they run with mine.

When I look at this bill and listen to the proponents of it, I wonder a few things; and if anyone chooses to answer any of these remarks that I make I shall be very happy. It is said that this is a bill for the training of the National Guard. I call your attention to the language in line 10 of the first page, in which it is stated that the National Guard and the Reserves are to be ordered into active service—

For the strengthening of the national defense.

I wish those words read: "For the training of the National Guard and Reserve forces," as we and the people have been given to understand this bill intends.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from Kentucky, able chairman of the Committee on Military Affairs.

Mr. MAY. Does not a well-trained soldier better strengthen the national defense than a poorly trained soldier?

Mr. HINSHAW. I would agree to that, I may say to the chairman of the committee, and I would concur in this language wholeheartedly, if it had not been said by some important members of the gentleman's Committee on Military Affairs that these troops may, under this bill, be sent into Brazil, Uruguay, Canada, or any other portion of the Western Hemisphere outside the continental limits and possessions of the United States, without the further authority of the Congress. They would not be sent into those countries for any purpose other than to suppress insurrection or something of that nature, or to ward off or defeat an attack by some foreign nation, in which case we would deem warlike action necessary under the Monroe Doctrine.

Mr. MAY. The gentleman has had military experience, of course—training in the Army. I wonder what he would do if he were stationed along the lower side of the St. Lawrence River and found that a "fifth column" group was setting up mechanized equipment and artillery on the other side of the river?

Mr. HINSHAW. Mr. Chairman, I cannot be scared by any such picture. I would say that if the Canadians had not already found that out and told us about it, somebody had better look into the Canadians.

Mr. MAY. Suppose it were a foreign foe that had overcome the Canadians?

Mr. HINSHAW. I believe we would probably have heard about that in plenty of time for the Congress of the United States to declare a regular emergency or to declare war on any nation that so violated the Monroe Doctrine or even contemplated doing so. It could hardly be kept secret. That is my answer to that. I believe we would know about it. The Congress should remain in session, and I for one want to have it remain in session. If we could not act on that, between the House and the Senate, in 30 minutes, I do not understand the situation at all. That is what bothers me about this bill. I want the National Guard to have its training. I agree with the members of the committee that it is insane folly to send any troops against trained troops unless those troops themselves are trained. It is insane folly to do that. It is also criminal to send young men against trained troops when they themselves are not trained and equipped. To that extent I favor this bill, and for that reason I have voted for these vast appropriations for national defense.

I do wish, however, that those who, like the gentleman who preceded me, the gentleman from Pennsylvania, Colonel FADDIS, who want to go again and lick the Kaiser or someone like that, could have their enthusiasm a little bit curbed. In other words, if there would be a bit less antagonism expressed at this time on the part of American citizens, officials high and low, and others, and a little more attention paid to the internal concerns of the United States, I would feel a lot happier about this whole defense program. That is my attitude. It is folly and an invitation to disaster to pick a fight, certainly a year before you are ready to even decently protect yourself.

I want to go now to another subject. I cannot find in this bill any place a requirement that these men take a physical examination before they are accepted into the active service of the United States. Yesterday I happened to be in the office of General Hines on a matter in connection with a veteran who is in the tubercular ward of a hospital in my district. He explained to me that in conversations with other members of the Government he had said that the services and facilities of the Veterans' Administration, their examining boards, the hospitals, and so forth, could very well be put to good purpose, and that with these facilities available every soldier could and should be given a thorough physical examination before he be admitted into the military service. [Applause.]

[Here the gavel fell.]

Mr. ARENDS. Mr. Chairman, I yield 5 minutes to the gentleman from Montana [Mr. THORKELSON].

Mr. THORKELSON. Mr. Chairman, I am opposed to the part of the bill that gives the President power to send the National Guard as far south as the Antarctic Ocean and as far north as the Arctic Ocean, from Cape Horn to the borders of the Arctic and Bering Sea, in the Western Hemisphere. The Constitution does not provide such power to be given to the President. I now quote a part of that document:

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions; to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

It is quite clear from the Constitution itself that there is no provision for Congress to give the President the power to send the National Guard out of the United States. There is no necessity for it, because we are not in danger of invasion and are still at peace. We are not going to be invaded by anyone. Invasion is a difficult thing. If you recall the World War, England could not invade Gallipoli, and in this war England could not invade Norway even after such a short time as 12 hours of occupation by the German Army.

Today Germany is hesitating about invading England, and I do not believe that Germany will be able to invade England today in spite of the fact that the distance between Calais and Dover is only 22 miles. Now, it is certain from that that she cannot invade the United States.

Let me recall the World War to you a little bit——

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. THORKELSON. I gladly yield to the gentleman from New York.

Mr. ANDREWS. The gentleman will admit that it is possible that Germany might overcome Britain.

Mr. THORKELSON. I will say yes; she may blockade Britain by air, as she is now doing, with airplanes and the small submarines, but let me admit even the worst of it and if Germany should conquer England or the British Isles, she has not conquered the British Empire, because that is only a small fraction of the British Empire and Germany could not conquer the British Empire whether she occupied England or not.

Mr. ANDREWS. If she should conquer the British Isles, what disposition would be made of the islands like Bermuda, the Bahamas, and her other outlying insular possessions?

Mr. THORKELSON. I will say to the gentleman that I believe it is our duty to consolidate the North American continent and I have already proposed such a proposition here in the House.

In 1914 we knew that we would be involved in the World War. Admiral Sims, who was then in charge of the Navy, knew it and he so reported to his superior officers. In 1914 we were already in the war and the money was furnished by J. P. Morgan & Co. to England at that time. During the early part of the World War we sent Red Cross units to Germany and to France and to England and we showed by such acts that we were absolutely neutral. Today we are not. We are simply obsessed with hate and we want to help one side, which is a clear indication that we are not neutral. We remained neutral in the World War until 1917, when the British propaganda machine came over here under the direction of Mr. Parker and Lord Northcliff and started this propaganda. What was the question in issue at that time?

[Here the gavel fell.]

Mr. THORKELSON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

Mr. EDELSTEIN. Mr. Chairman, I object to that request.

Mr. ARENDS. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut [Mr. MILLER].

Mr. MILLER. Mr. Chairman, if there is one thing that an officer of the Army dreads more than another, it is the thought that he might some day be called upon to lead untrained troops into battle. For this reason I believe that we should give the National Guard an opportunity to secure adequate training, that we should do it as speedily as possible. No more patriotic group of citizens live in the United States than the members of the guard. If it were necessary to have that proven to me, I had that proof offered a week ago Saturday when, through some misunderstanding, an order came into Connecticut ordering the various commanders of National Guard units not to take to camp men employed in the Pratt & Whitney aircraft factory. It caused a good deal of confusion on that Saturday morning, but it is interesting to note that several of these men holding good positions in these days when unemployment is so prevalent, said that they would give up their jobs in the aircraft factory before they would give up the opportunity for these 3 weeks of training.

So I believe wholeheartedly in providing this training. I believe the officers and the enlisted men want it, but there is a difference of opinion, and a very honest difference of opinion, among the members of the guard themselves whether this authority should be extended to provide that they can be sent anywhere in the Western Hemisphere. I believe we should confine their training program.

The first doubt as to the wisdom of voting for this bill was raised in my mind a few minutes ago by the gentleman from Pennsylvania [Mr. FADDIS] when he said that he complimented President Wilson for his far-sightedness in sending the National Guard to the Mexican border in 1916. I do not believe that President Wilson had that thought in mind. I do not believe that he deliberately misled the American people because not one word was printed at that time to indicate that the National Guard or our troops were at the border for any other purpose than to put down a revolution that was going on, and I would hate to think that at that time we were misled and that the Mexican expedition was a training program in preparation for our entry into the World War the next year. I have always believed that President Wilson was sincere in his efforts to keep us out of war and I would hate to think now that months before we entered the war he was setting up this training program. That raises this doubt in my mind, and if I thought for 1 minute that any plan was organized or thought of to send these troops into another war, whether it would be in this hemisphere or not, without the approval of Congress, much as I think they need the training, I would not vote for it.

I have sent to the Clerk's desk an amendment that would limit this to a training program, and would limit their service to the continental limits of the United States, our island possessions, Alaska and the Canal Zone. I believe if any emergency arises that makes it necessary to go further than that, that the Congress of the United States will be here or can get here, because in this day of rapid transportation we could assemble a quorum of the Congress in 36 hours, and have men from California here in Washington.

I have another amendment at the Clerk's desk, to be offered at the proper time, which I think is a precaution. I believe that every man called into the training program, whether the National Guard or a Reserve officer, should be given at the time of his entry into the service a thorough physical examination. If any physical defects are discovered and he is permitted to go in, he should be given at that time a record of those defects, and when he leaves at the end of the year's service every man called into the service should be given a medical certificate with his discharge stating definitely the illnesses for which he has been treated while he was in the service, the injuries, if any, and the hospitalization, if any, so that we will not again have the experience which we have had in the past several years trying to correct records. If a man is given that statement himself, then it is his responsibility, if he has any disability incurred in the service, to keep that certificate. [Applause.]

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. SMITH of Connecticut. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma [Mr. FERGUSON].

Mr. FERGUSON. Mr. Chairman, you do not have to be an expert on military affairs to know that the lightning attacks carried against the countries of Europe were mathematically and strategically figured to the last degree. Poland, Holland, Belgium, Norway, and France were attacked because Germany knew the exact strength they had, the exact strength of the country to be overrun.

The military leaders, the espionage or spy system, if you want to call it that, of the dictator nations—Italy, Germany, Japan, and Russia—know the exact strength of the armed forces of our defense; know the exact strength of every nation in this hemisphere. They know our ability to protect every nation in this hemisphere. The only way we can preserve peace is to actually have the armed, equipped, and trained forces that will forestall any attack.

As I said before, with the warring nations now in operation, everyone knows the mechanical precision with which

the countries of Europe were conquered. When the strategists, the military leaders of the dictator nations, figure mathematically and scientifically the possibility of a successful attack we must have an armed force that makes the answer to such a planned attack a definite "no." I realize the political temptation to take a chance on this Nation's welfare by opposing this bill and the conscription bill. There will be enough Members of Congress to pass this, and, I hope, the conscription legislation. This will bring our armed force to the place we can enjoy peace, freedom of attack. Then those that played politics with our country's defenses can justify their position by saying "I told you so; we have not been attacked"; when the real truth of the matter is that the only way to avoid attack in the Western Hemisphere is to make it too tough to be tackled by an ambitious dictator nation.

I think we should look this bill we are considering today squarely in the face. These men are not only being taken for training; they are being taken into the forces of the United States Army, and they are not taken in for training only; they increase our forces which we vitally need at this time, and they are in the regularly armed forces of this Nation while they are serving that period of 1 year. Even under this bill, with 55,000 men being taken in immediately, our armed forces will be increased to only 318,000 men—318,000 men— with the greatest coast line of any nation in the world to defend. That armed force will not be the answer that forbids an attack from without.

Mr. Chairman, I have heard several Members express their opposition to conscription. You are voting today, and a great majority of this House will vote for this bill, which gives the President power to call into the service 242,000 National Guard and some 110,000 Reserve officers. You are saying to these men, this is an emergency, and certainly it must be an emergency or we would not exercise the power to call these men in to augment our forces. That proves the emergency is here. We are calling these men who have devoted—some of them for many years—a period once a week to training and 3 or 4 nights a week to study and 2 weeks a year at camp. We are saying to them, you were patriotic, you wanted to prepare yourselves against the day when your country is in an emergency, and so we are going to call you into the service. We say to them that they will not suffer, that their families will get along fine, because they are patriotic. We say to them that they prepared themselves, and yet the Members of Congress today who vote to send these men into the service, and I am certainly in favor of it, in a few days will oppose conscription. I know this will be true because in the other body only 7 votes were cast against this bill, yet many Members are now opposing conscription.

You say that the social and economic life of the man who has made no effort to prepare himself must not be disturbed, but that the man who has made a personal sacrifice we will not hesitate to call into the service, and he will not hesitate to go. Can this House afford to draw that distinction and put that premium on thoughtlessness, on noninterest in his country's defense? Can we afford to vote for this bill and then fail to pass a conscription bill that is necessary to bring our forces up to the place where we can say to the world, and the mathematical precision of the dictator nations will get the answer, that they cannot afford to attack this Nation?

Mr. WOODRUM of Virginia. Mr. Chairman, will the gentleman yield?

Mr. FERGUSON. Yes.

Mr. WOODRUM of Virginia. I know the gentleman is very modest, and I hope it will not embarrass the gentleman if I record the fact that I happen to know the gentleman practices what he preaches. The gentleman is a distinguished officer in the United States Marine Corps Reserves and in a few days will entrain with the Marine Reserves for a period of training. I think that ought to be put into the RECORD in connection with the gentleman's remarks. [Applause.]

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. ARENDS. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. JOHNS].

Mr. JOHNS. Mr. Chairman, I have listened with a great deal of interest to the debate on this bill. I have been wondering, as I have listened, what the National Guard of the different States has been doing for the last 15 or 20 years. I am wondering if they are not familiar with the methods of warfare that are being employed by the different countries today. If they are not, it is about time we got some new generals or somebody to train them.

I received a letter from an officer in the World War, a distinguished member of the bar of the State of Wisconsin, and to me it is one of the most sensible I have read on this subject of calling out the National Guard for proper defense. I want to read a portion of it:

Having taken an active interest in the events during the period of preparation for the last war, and having served in the Army for 23 months in 1917 and 1918, first with a National Guard division of volunteers, the Thirty-second, and then with a division of drafted men, the Seventy-eighth, I have a few ideas on the subject.

I think everyone agrees that, regardless of the outcome in Europe, the surest way to keep this country out of war is to be thoroughly prepared for it. But to call out the National Guard at this time, or at any time until it is absolutely needed for active service, is ridiculous. The National Guard, at least in Wisconsin, and I am quite sure in all of the Eastern and Middle West States, is in a fair state of preparation right now, and calling them to camp will not do any good until equipment is ready for them. They can drill with what equipment they have right in their home towns, and without disturbing their home life or causing them to lose their jobs.

Modern warfare requires specialists, and specialists must attend schools, not camps for drill. In the last war we drilled from July 1, 1917, until we landed in France in March 1918, with very meager equipment. We never saw the guns we fired in France until we arrived in France, and what we learned about firing data in this country was discarded when we got our guns in France. Then everyone was rushed into schools of various kinds, and we tried to learn in a few weeks what, if we had competent teachers with an agreed program, we could have learned here without even leaving our home cities.

In my estimation, first of all we must have a defense plan. Let it be determined what planes, guns, tanks, and other motorized equipment are needed, and let contracts be let to produce them. Next, form schools for instructors, so that when the equipment is delivered there will be qualified officers to take charge of it and instruct the recruits in the use of it.

A certain amount of close order drill is necessary for disciplinary purposes, but the Army has plenty of excellent drillmasters who can turn out a first-class foot soldier in 1 month's time. But it takes months, if not years, to turn out a good mechanic. In the railroad-shop service an apprentice must work 3 years before he can qualify as a mechanic.

I think registration for the draft in the very near future is O. K., but the draft should really be one of selective service, and no one should be called out until he is really needed. I would like to see every boy from 16 up registered for the draft, and as soon as it is determined how many men are needed for special services, and schools are established to teach them, let the 16-, 17-, and 18-year-old boys who are not attending school otherwise be called up and sent to Army schools so that at the end of a year or two they will be really skilled mechanics.

Of course, the National Guard and the R. O. T. C. should be exempt from the draft, as well as all boys who are taking Army training courses in high schools and colleges. These are getting excellent training now and can be called upon for work as instructors as soon as delivery of equipment commences, and schools are opened. These schools need not be centralized. In fact, the more the better, because a small group can be instructed far better than a larger group. Give the National Guard and R. O. T. C. men a chance to qualify as instructors; let them volunteer to go to school so as to qualify as instructors, and let them conduct the schools in their home areas.

My information is that the German Army was trained right at home. The recruit ate and slept in his own home, worked part time, and had regular hours to report for drill and instruction. It seems to me that that is a very good idea.

To summarize:

1. Let us have a thorough defense plan.
2. Let the contracts for equipment.
3. Educate officers for instructors.
4. Call up by the draft the young men from 16 up who have no jobs and who are not already in school, and put them into schools for specialists, with the provision that they will not be called into active duty until they are at least 18 years old.
5. Take no one away from his job until it is absolutely necessary. Insist that every man between 18 and 30 receive some sort of military training, but let it be a part-time program, permitting him to

hold his job at home as long as possible. I have an idea there will be enough volunteers for the Air Service so that none need be drafted for that branch.

That letter was written to me by Walter T. Bie, of Green Bay, Wis., in my home district.

I also quote very briefly from a letter received from Mrs. George Wettengel, one of my constituents. Before I read from her letter I may say that she has traveled extensively in Europe, making a yearly trip to Europe during the past 7 or 8 years. She is more familiar with conditions there than perhaps anyone on the floor of the House, and what she has to say is of very great importance to those not informed with reference to conditions in Europe. I may say also that she has but recently returned from South America where she spent 2 months studying conditions. Her comments are of great value because of the background of knowledge behind them. In her letter she says this:

You know I have been in Europe enough to know of the political situations there, and the guard bill, the conscription bill, and the money draft bill, are copies of laws in force in the dictator countries. Instead of sending money and ships to England we had better mend our fences in South America. I have just returned from a 2-months' trip. If Germany comes to America it will be by the way of South America in which it is becoming more firmly entrenched each day.

Mr. AREND. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. SMITH].

Mr. SMITH of Ohio. Mr. Chairman, I must object to this measure as it is presented to the House. First, it violates a contract made between the Government and the members of the National Guard.

The men who enlisted in the guard did so with a definite understanding on their part that they enlisted for a period of 3 years. They enlisted with the idea that they were expected to give about 2 weeks of their time each year for training. While the language of the statute does not place a specific limitation on the time required for training, it does in substance certainly imply as much. This is what the statute says:

Under such regulations as the Secretary of War shall prescribe, each company, troop, battery, and detachment in the National Guard shall assemble for drill and instruction, including indoor target practice, not less than 48 times each year, and shall, in addition thereto, participate in encampments, maneuvers, or other exercises including outdoor target practice, at least 15 days in training each year.

Not only was it the understanding of the man who enlisted in the guard that he was doing so with the idea of spending but a few weeks in training each year, but that was also the universal practice of the guard throughout the country. Indeed everyone understood it to be that way.

Now comes the Congress with this proposal to arbitrarily abolish that contract and understanding and say to the boys of the guard, "The contract which you had with the Government when you enlisted has ended. You no longer have any voice in the matter, you have nothing more to say about it. Instead of a contract you just take orders. These orders are that you will be placed in a military camp for training for 1 year. You are also to be put at the service of the Government to be sent anywhere in the United States or our possessions, including the Philippine Islands. Or you may be sent to Mexico, Brazil, or any part of South America, as far as Cape Horn, 7,000 miles from our eastern shore." That is what this law says which we are proposing now to pass. I ask you, Is this right?

It has been seriously argued here on the floor that the members of the National Guard understood when they enlisted they might be called upon at any time to do these very things. That, therefore, no contract between the Government and them will be violated. That positively is not true. The law is very clear upon this point. Section 111 of the National Defense Act, "Ordering National Guard of the United States Into Federal Service," reads in part as follows:

When Congress shall have declared a national emergency and shall have authorized the use of armed land forces of the United States for any purpose requiring the use of troops in excess of those of the Regular Army, the President may, under such regulations, * * * order into the active military service of the United States, to serve therein for the period of the war or emergency, unless sooner relieved, any or all units and (the) members (thereof) of the National Guard of the United States.

What possibly could be clearer than this? It is only if and when Congress shall have declared a national emergency exists that the guard can be called into the service which this bill provides. That is the legal contract the National Guard had with the Government, but Congress has not declared that any national emergency exists. The very purpose of this part of the law was to provide that the guard could be called into Federal service only in case an emergency actually existed, and then only if that emergency had been so declared by Congress.

I consider this point most vital. If Congress believes an emergency exists and it is necessary to call out the National Guard for Federal service, then Congress should be forthright enough to stand up and declare its existence. But Congress is not doing this. Congressmen are seeking to evade the terms under which enlistment in the guard took place by simply claiming the members of the guard when they enlisted expected they might be called to do that which this bill calls for, without Congress having declared the necessity of calling the guard, by first declaring the existence of an emergency.

In my opinion we do a grave wrong when we pass legislation of this kind. I think the most sacred contract any government can enter into is the one which it makes between itself and the men who shoulder the responsibility of protecting our Nation in time of war. Confidence of the people and the soldiers in their government is one of the most vital factors for success in any armed conflict. To do what is proposed in this bill certainly will not engender confidence in government.

This bill also is wrong in that it gives the Chief Executive the power to send the National Guard out of the continental United States or its territorial possessions. There is no good reason for this. The President himself, according to press reports, made the statement a few days ago "That the chances are 100 to 1 against American regular troops or National Guard men being assigned to active service outside of the continental United States or its possessions." If the President believes this, upon what possible ground can he now ask for this extraordinary power to call the guard into Federal service and send them anywhere into the Western Hemisphere?

Mr. MAY. I have no further speakers, Mr. Chairman. The Clerk may read.

The Clerk read as follows:

Resolved, etc., That during the period ending June 30, 1942, the President be, and is hereby, authorized from time to time to order into the active military service of the United States for a period of 12 consecutive months each, any or all members and units of any or all Reserve components of the Army of the United States, and retired personnel of the Regular Army, with or without their consent, to such extent and in such manner as he may deem necessary for the strengthening of the national defense: *Provided*, That the members and units of the Reserve components of the Army of the United States ordered into active Federal service under this authority shall not be employed beyond the limits of the Western Hemisphere except in the Territories and possessions of the United States, including the Philippine Islands.

Mr. MAY. Mr. Chairman, I offer a committe amendment.

The Clerk read as follows:

Amendment offered by Mr. MAY: Page 1, line 7, after the word "of", strike out the words "any or all Reserve components" and insert "the National Guard and the Organized Reserves."

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection, and the amendment was agreed to.

Mr. DONDERO. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am not a military man nor do I pose as a military expert. I can bring nothing to this debate of a military nature.

The purpose of the bill before us, Senate Joint Resolution 286, is the calling out of the National Guard into active military service. There is a great deal of honest difference of opinion as to whether or not this is necessary, but whether it be necessary or not, those of us who are opposed to compulsory military training in time of peace, and I am opposed to it, can find in this bill a good reason why we should support this bill. In supporting this bill we are doing nothing more or less than calling into the service of the United States an auxiliary branch of the national defense to reinforce our Regular Army. If we make a mistake in this particular we are making it on the side of defense of the country.

The Chief of Staff has said, and undoubtedly he is one of the best military authorities in the Nation, that if he had 480,000 men well equipped and fully trained he could prevent any nation on this earth from landing one corps of troops on our shores, even though they had command of the seas. I do not know whether that is true or not, but I am willing to accept the judgment of the Chief of Staff.

On one occasion we had a President whose hands were very familiar with the feel of an ax handle. He made a statement which supports in some measure that made by the Chief of Staff, General Marshall, a statement which may be of some interest today, because it was made more than 75 years ago. I read that statement made by Abraham Lincoln:

> Shall we expect some trans-Atlantic military giant to step the ocean and crush us at a blow? Never! All the armies of Europe, Asia, and Africa combined with all the treasure of the earth (our own excepted) in their military chest, with a Bonaparte for a commander, could not by force take a drink from the Ohio or make a track on the Blue Ridge in a trial of a thousand years.

That comes from out of the past. I realize that world conditions were different then. Lincoln had faith in the patriotism of the American people. His faith is sustained by the record which shows that out of nearly 3,000,000 men who were enrolled in the Union Army during the Civil War only 1 in 10 was enrolled as a result of the draft. This bill would reinforce the Regular Army with sufficient men to provide an army large enough, in the opinion of the Chief of Staff, to defend our country against invasion.

I do not believe that under this bill any boy under 18 years of age should be called into the military service. In the minute or two that I have I am not prepared to discuss every detail of the bill, and I conclude by saying that in my judgment we ought to pass this bill and provide adequate defense which would make conscription in peacetime unnecessary in this country.

Mr. BULWINKLE. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield.

Mr. BULWINKLE. Will the gentleman tell me under what provision of law in any State, or under what provision of Federal law anyone under 18 years of age does enlist?

Mr. DONDERO. I am basing my statement upon the arguments presented on the floor of the House today on this bill.

Mr. BULWINKLE. I have had a lot of experience, and I have never seen a man enlisted under 18 years of age unless he misstated his age.

Mr. DONDERO. I hope the gentleman from North Carolina is correct in his statement.

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield.

Mr. HINSHAW. Answering the gentleman from North Carolina I may say that a young man may enlist in the National Guard of California at the age of 16 with the consent of his parents.

Mr. BULWINKLE. That is prohibited under the Federal law.

Mr. HINSHAW. But such boys are there nevertheless, my friend.

Mr. VAN ZANDT. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield.

Mr. VAN ZANDT. He can enlist in the State militia. That, however, is not recognized by the Federal Government.

[Here the gavel fell.]

By unanimous consent the pro forma amendment was withdrawn.

Mr. SMITH of Ohio. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. SMITH of Ohio: Page 2, line 1, after the colon, insert the following: "*Provided*, That members of the National Guard shall not be ordered into active military service under this act without their consent."

Mr. SMITH of Ohio. Mr. Chairman, this amendment does not need much explaining. If the gentleman from Texas [Mr. THOMASON], who so strongly advocates this measure, is correct in his assertion that 90 percent of the men in the National Guard are willing to be called into service, we ought to give them an opportunity to indicate whether they are or are not willing to do this.

I believe this country could raise the necessary number of men for military service by voluntary enlistments, if the people of this country were sure that the increase in the size of our Army is not sought for the purpose of getting us into the war. Assured of that I believe we can secure by voluntary enlistment all the men we need.

As I stated, this is a simple amendment to make it possible for the men in the guard to say whether or not they consider the pending bill a change in the contract of enlistment they entered into, or whether they consider it otherwise.

Mr. VAN ZANDT. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Ohio. In just a minute; not at present.

Mr. VAN ZANDT. Does the gentleman understand that when the young man joins the National Guard he first reads the articles of enlistment and then affixes his signature, and that when he does so he agrees to go into the Federal military service if they call him?

Mr. SMITH of Ohio. Provided a national emergency has been declared by Congress. Not otherwise. The law is clear on this point.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The amendment was rejected.

Mr. MASSINGALE. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

> Amendment offered by Mr. MASSINGALE: On page 1, line 8, after the words "United States", insert "except young men in the National Guard under the age of 18 years, to each of whom there shall be immediately issued an honorable discharge."

Mr. MASSINGALE. Mr. Chairman, the amendment I have offered is probably poaching a little bit on my friend the gentleman from North Dakota [Mr. BURDICK]. He and I had talked about such amendment. I looked for him and could not find him, so I offered the amendment myself.

There is only one purpose in offering the amendment. It is not right, it is not the desire of the Congress and the people of the United States to force children into the Regular Army. It has been discussed a little bit on the floor just what are the component parts of the National Guard. I do not know what the situation is over the United States, but I do know of my own personal knowledge that in the National Guard of many towns in the Midwest there are a number of boys ranging in age between 16 and 18 years. I know that, and I will tell you how it comes about. An active chamber of commerce in a Midwest town will want an armory. It organizes a National Guard unit and the chamber of commerce gets behind these boys in high school. I understand in my district there is one unit of the National Guard in which better than 60 percent of the boys are under 18 years of age, and I have been told there are some in it who are only 16 years of age. We ought not to take those boys and force them into the United States Army. It is not the proper thing to do.

Mr. WADSWORTH. Will the gentleman yield?

Mr. MASSINGALE. I yield to the gentleman from New York.

Mr. WADSWORTH. Is the gentleman certain that a boy 15 or 16 in the guard of the State which he represents in part has been federally recognized and receives Federal pay?

Mr. MASSINGALE. I do not know whether he has been federally recognized or not.

Mr. WADSWORTH. If he is not federally recognized, he cannot be ordered to Federal duty.

Mr. MASSINGALE. You may not do things up there in your State like we do in ours.

Mr. WADSWORTH. We have a child-labor law.

Mr. MASSINGALE. We crowd things sometimes down there. There are hundreds of boys in the National Guard of Oklahoma today who are not over 17 years old, and they are there for the purpose of getting a little spending money and getting the opportunity to go off to these camps in the summertime.

Mr. WADSWORTH. The gentleman has not yet answered my question. Under the law, as I understand it——

Mr. MASSINGALE. I know what the law is.

Mr. WADSWORTH. One must be 18 to be legally enlisted in the federally recognized National Guard. The State may add other men of a lower age and carry them on the rolls, but do those men get Federal pay and are they federally recognized?

Mr. MASSINGALE. So far as I know they draw Federal money.

Mr. ANDREWS. Will the gentleman yield?

Mr. MASSINGALE. I yield to the gentleman from New York.

Mr. ANDREWS. That young man would not be accepted by the Federal Government for service.

Mr. MASSINGALE. I do not care whether he would be accepted or not. Under this bill he is ordered into the Army.

Mr. ANDREWS. He could not be ordered into the Army.

Mr. MASSINGALE. Well, he is.

Mr. ANDREWS. He would not be accepted.

Mr. HINSHAW. Will the gentleman yield?

Mr. MASSINGALE. I yield to the gentleman from California.

Mr. HINSHAW. I do not know whether officially it is a part of the law in the State of California that I quoted a moment ago. All I know is there are young men in there under 18 years of age who are serving in the National Guard units. Whether they are federally recognized or not, I have not the slightest idea.

Mr. MASSINGALE. I think it is beside the point whether they are federally recognized or not. If they are a part of the National Guard, this bill takes them into the Army.

Suppose they are not federally recognized. This amendment is not going to hurt anybody or anything. It just turns them loose and gives them an honorable discharge when this act goes into effect.

Mr. MAY. Will the gentleman yield?

Mr. MASSINGALE. I yield to the gentleman from Kentucky.

Mr. MAY. The gentleman says his amendment would give all National Guard men under 18 years of age an honorable discharge.

Mr. MASSINGALE. Yes.

Mr. MAY. Does the gentleman realize that if they enlisted under the age of 18 that they did it by what is known as fraudulent enlistment, in other words, by misrepresentation?

Mr. MASSINGALE. That is something I am not concerned about. The argument has been made here to the effect that Congress should not mess with this stuff but leave it up to the Governor of the State to see to it that boys under 18 are not taken into the Army. I tell you that the Congress has the duty of giving these boys protection, and I am as strong for national defense as is the chairman of the Committee on Military Affairs or anyone else, but we ought to use some common sense and do our duty to every boy who is under 18 years of age at the time this act shall be passed. I do not take any stock in the insinuations made in this debate that a boy committed an offense when he let himself be inducted into the National Guard. Military uniforms, parades, and the meetings at the local armories, and drills during encampments are very alluring to boys along about 16 or 18 years of age. If the boy did wrong, in nearly every instance the military authorities in charge of the National Guard and the R. O. T. C. did wrong in accepting him. I do not know that one has committed a greater offense than the other in accepting him. A man that is capable of being an officer in the National Guard ought to have judgment enough to know when he is dealing with a boy 15 or 16 years old and when he is dealing with a boy 18 years old or older. I do not know whether the boy commits any greater offense, if any offense at all, when he overstates his age to get into the National Guard or the R. O. T. C. than the officer does who accepts him, when he should know the boy to be under age for admission into the National Guard.

Mr. BULWINKLE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in order that the gentleman from Oklahoma as well as other gentleman may be enlightened, I shall quote the law on this question:

> The National Guard of each State, Territory, and the District of Columbia shall consist of members of the militia voluntarily enlisted therein who, upon original enlistment, shall not be less than 18 years of age nor more than 45 years of age or who in subsequent enlistments shall be not more than 64 years of age.

When any man stands up here and says that there is a multitude of young men in his district who enlisted when under the age of 18, let me tell you what happened. In the first place, if he is under 21, between 18 and 21, he has to have a certificate from his parent or guardian as to his age. In addition, he himself swears what his age is when he puts it down on the blank.

Mr. BURDICK. Mr. Chairman, will the gentleman yield?

Mr. BULWINKLE. I yield to the gentleman from North Dakota.

Mr. BURDICK. What would the gentleman do in a situation where as a matter of fact there are boys in the guard less than 18 years of age?

Mr. BULWINKLE. They have no business in there. They are not legally enlisted. It is true that some fellow can get in who deliberately lies about his age, but when he does so and receives Federal pay for his drill he is receiving money when he is not entitled to it. I tell you right now, with the years of experience in the guard that I have had, that I never say in that entire time in my company any boy under 18 years of age. During the Mexican border trouble we were permitted to enlist them, still with their parent's consent, at 17 years of age. I think you are manifestly upset about a condition that will not exist except possibly in a few cases. If I were the company commander and a man had come to me and deliberately sworn a lie, I would tell him to get out and get out quick. [Applause.]

[Here the gavel fell.]

Mr. THOMAS F. FORD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in the course of this debate on Senate Joint Resolution 286 it has been repeatedly stated by Members of this body that this resolution grants to the President vast dictator powers. This is, of course, pure nonsense, particularly with reference to calling out the National Guard—State Militia.

I say "pure nonsense," and in support of that I quote the following, first, from article I, section 8, of the Constitution; and, second, from a decision with regard to an act of Congress of February 28, 1795, as follows:

> Article I, section 8: Congress shall have power to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

With regard to the delegation of power to the President:

> Act of Congress of February 28, 1795 (1 Stat. 424), delegating to the President power to call forth the militia, held constitutional. Under this act the power to determine when the exigency requiring the calling forth of the militia had arisen was exclusively in the President, and his determination upon this point was conclusive.

[Here the gavel fell.]

Mr. BURDICK. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I would not ask you to bear with me in my second appearance here today if I were not interested in this amendment and proposed it myself in my speech before this body. I am glad the gentleman from Oklahoma introduced it, for results and not credit is what we all desire.

In order to get a clear vision of the language this committee has written into the bill, I refer you to subsection (C) on page 3, reading as follows:

> If such position was in the employ of any State or political subdivision thereof it is hereby declared to be the sense of the Congress that such person should be restored to such position or to a position of like seniority status and pay.

Just think a moment and see what this language means. It does not say anything. It is simply fooling these men in the militia. It is the sense of the Congress that the State restore them to their positions. The United States would not have any control over the States whatever, and everybody in this Congress knows it, but you did not say so. You said that it is the sense of the Congress that they restore them to their positions. There is no guaranty that these men will be restored to their positions.

In regard to the remarks of the gentleman from North Carolina, may I say that we are not confronted by a theory but by actual conditions. Suppose we do find young men in the militia less than 18 years of age? What are we going to do about it? The presumption is that they are legally entered in the militia. That is the presumption, and everybody knows it. When they are called out, do they have to rebut this presumption, and if they do, do they have to admit they are guilty of perjury? My position is, let bygones be bygones, and do not take these boys regardless of how they were entered in the first instance. If they are under the age of 18, exclude them, and do not give them a dishonorable discharge, just forget about it and go ahead with our new plan.

Mr. BULWINKLE. Mr. Chairman, will the gentleman yield?

Mr. BURDICK. I yield to the gentleman from North Carolina.

Mr. BULWINKLE. It is easy. They can get out before this goes into effect, on their own application.

Mr. BURDICK. Suppose they are confronted with their enlistment record, wherein they stated they were 18. What are you going to do about it?

Mr. BULWINKLE. Regardless of that, they can get out before this goes into effect, with the consent of the Government.

Mr. BURDICK. I do not suppose many of these kids want to get out, but I do not want them in there, and neither does anybody else. Suppose that were the law during the Civil War, how many soldiers would you have had that were legally entered in the Army, North or South?

Mr. KITCHENS. Mr. Chairman, will the gentleman yield?

Mr. BURDICK. I yield to the gentleman from Arkansas.

Mr. KITCHENS. Does not the gentleman believe it is better to let them out now than to let them stay in there for a short time and then have their parents get them out?

Mr. BURDICK. Yes.

Mr. KITCHENS. It would save the Federal Government a lot of expense.

Mr. BURDICK. The gentleman is correct.

Mr. RAMSPECK. Mr. Chairman, will the gentleman yield?

Mr. BURDICK. I yield to the gentleman from Georgia.

Mr. RAMSPECK. If the amendment offered by the gentleman from Oklahoma is adopted, will it not still be necessary to disclose that these boys have falsified their age, in order for them to take advantage of it?

Mr. BURDICK. The amendment provides that they shall be excluded and honorably discharged.

Mr. RAMSPECK. But the record shows that they are 18 years old. How are you going to determine?

Mr. BURDICK. It is about time that we forget what we have done. If we want to go back far enough and look for law violations, I want to say there are not 10 men in Congress who have not violated some law sometime. Let him who is without sin cast the first stone. If we follow Christ there will not be much stoning done by this Congress.

Mr. SOUTH. Mr. Chairman, will the gentleman yield?

Mr. BURDICK. I yield to the gentleman from Texas.

Mr. SOUTH. I believe there is some merit to what the gentleman says, but may I suggest that a child should not be held to the same strict degree of accountability as a grown person? I do not like the expression that a 15- or 16-year-old child has sworn a lie.

Mr. BURDICK. That is right. I believe we ought to protect these young people right now in the very act itself and forget all about prosecutions and everything else. If they are now in the National Guard unlawfully, let them be discharged, and honorably discharged. Let us write the law that way. [Applause.]

[Here the gavel fell.]

Mr. NICHOLS. Mr. Chairman——

Mr. MAY. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 5 minutes.

The CHAIRMAN. The Chair will state to the gentleman that there are several other amendments pending to this section.

Mr. MAY. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 20 minutes.

Mr. RABAUT. Mr. Chairman, reserving the right to object, how many amendments are there to this section?

The CHAIRMAN. There are three separate amendments seeking a somewhat similar purpose.

Mr. MILLER. I object, Mr. Chairman.

Mr. MAY. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment close in 15 minutes.

Mr. MASSINGALE. I object, Mr. Chairman.

Mr. MAY. Mr. Chairman, I move that all debate on this amendment close in 15 minutes.

The motion was agreed to.

The CHAIRMAN. The gentleman from Oklahoma [Mr. NICHOLS] is recognized for 5 minutes.

Mr. NICHOLS. Mr. Chairman, I believe that in the discussion of this amendment we can all reach a common ground. I do not think there is a Member of this body who will say that he wants boys under 18 years of age serving in the National Army in time of war. Since we agree on that, what is this thing we are arguing about? Why, certainly, there are young men in the National Guard under 18 years of age and certainly they got in there upon a misstatement of fact. Who are you that you are going to hold so strictly to an accounting of the truth boys of tender years? Why, children, your kids and mine, little tots, are famous for fabricating stories and we think that is funny. They have to finally reach almost the full dawn of maturity before they reach the point where we punish them severely about telling stories, and many of these youngsters, by the way, are in the National Guard, having given a false age with the consent of their parents in many instances. Now, whom are you going to punish? Are you going to punish the children or the parents? When they came into the National Guard they did not see looming before them in a few years a holocaust of war. They did not see coming a conflict which would involve them in battle and bloodshed.

Mr. MAY. Will the gentleman yield?

Mr. NICHOLS. In just a moment.

The National Guard was more or less of a social organization, with drills once every month or once every 2 weeks, with a chance to get into the pretty, new armory, to wear a uniform, and to parade the streets at different times.

Many of them went into the guard because of the dire need of their family which could so easily use the $20 or $30 a quarter that they would receive from their service in the guard.

Others went in largely because of the 2 weeks' vacation they could get on full pay.

For many of these youngsters, who were willing to lie about their age in order to get in, the situation would have been entirely different had they realized that the contract which they were about to enter into would ultimately take them into a bloody war before they had reached the age of accountability. They did not go in there with full knowledge that they were likely to be called into the National Army and sent to war, and we all agree that they should not be. Then what is the matter with this amendment? It simply says that boys under 18 years of age shall be honorably discharged before this law goes into effect insofar as they are concerned.

Why, the only answer to the proposition that the amendment should not be adopted is the fact that it is already the law.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I will be very happy to yield to the chairman of the committee.

Mr. MAY. The gentleman understands, of course, that any one of these 18-year-old boys can resign at any time he wants to before he is called and, furthermore, he understands that where a man joins the Regular Army and makes a misrepresentation as to his age, he is always given a blue discharge. And does the gentleman think there ought to be a distinction made between these National Guard men and the Regular Army people?

Mr. NICHOLS. Why, certainly. Right today in Louisiana, there is a great encampment of National Guard taken from my State of Oklahoma and other States in that section, where these boys are now in camp. I am not sure that they will get home in time, I am not sure they will know in time that 16- and 17-year-old kids among them can get out from under this enlistment, which they have entered into, maybe, by misrepresentation, but I am one who does not think that the emergency in this country is such that we need to compel kids under 18 years of age to stay in the National Army.

The gentleman from Kentucky, chairman of the Committee on Military Affairs, points out that youngsters who lie about their age in order to get into the Regular Army, are given a "blue" discharge, and that following that line of reasoning the same thing should apply to these boys in the National Guard. This is one of the very reasons why I am supporting this amendment. I know full well that officers of the National Guard in many instances held out inducements to young men under 18 years of age, which would cause them to enlist in the National Guard, and in nearly every instance boys under 18 who did enlist in a National Guard company, the officers in that company knew that the boy was under age. And now the gentleman from Kentucky [Mr. MAY] would be as severe on these youngsters as he would be on men enlisting in the Regular Army. I do not want these young men under 18 years of age to go through life with a blot on their character, which would be placed there if they were compelled to have held over them a "blue" discharge. In the event you do not understand what a "blue" discharge is, it is a discharge from which the word "honorable" has been stricken. An honorable discharge is placed on white paper. So unless this amendment is adopted, whenever, under the National Defense Act, any boy exercised his right of demanding his discharge from the National Guard because he was under 18 years of age, he would have to accept a discharge not honorable. This I am tremendously interested in seeing the youth of this Nation protected against.

This is a good amendment and there is not a man among you who can point out one single evil that it will do, and the only argument that can possibly be made against it is the fact that it is already the law. Well, if it is, you will find many other duplications of law on the statute books of this land. Do not have any fear about duplicating another one.

This is a good amendment, it should be passed and, certainly, if we have any responsibility in this body, it is to protect the youth of this country against war, if possible. The amendment ought to be adopted. [Applause.]

Mr. FADDIS. Mr. Chairman, there is no necessity whatever for this amendment. It is a great to-do about nothing. The National Defense Act already states that nobody shall be allowed to enlist in the National Guard when they are less than 18 years of age. It is very possible that there are here and there some members of the National Guard who are less than 18 years of age. However, if that is the case, undoubtedly, they falsified their age when they enlisted.

The gentleman from Oklahoma who introduced this amendment made the statement here a moment ago that many of these boys joined the National Guard in order to get some spending money. All right, if that is the case, let us look at the position in which they are placed. They entered the National Guard in order to get some spending money. They took advantage of part of the national defense of the United States, a component of the Army that is maintained for the national defense, in order to get some pocket money. Is that manly, patriotic, or commendable? They then took the place of someone who could have served with honorable intentions. When they did that they falsified as to their age, and they have also been getting money under false pretenses ever since that time.

Mr. MASSINGALE. Mr. Chairman, will the gentleman yield?

Mr. FADDIS. I cannot yield. The gentleman asked that they be discharged and given an honorable discharge. An honorable discharge for what? For serving their Nation when their services were needed? No, indeed. For cheating the United States Government out of a certain sum of money, whatever it may be, for falsifying their enlistments, for prostituting the common defense for private gain.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. FADDIS. When I complete my statement. The gentleman is asking that treatment be accorded these boys in the National Guard which is one of the components of the Army, that is not accorded to men who enlist in the Regular Army. Right away you are going to differentiate between the men in the Regular Service and the men in the rest of the Army of the United States. This would be manifestly unfair, unjust, and unnecessary. I now yield to the gentleman from Kentucky.

Mr. MAY. The gentleman from Pennsylvania is chairman of the particular subcommittee of the Committee on Military Affairs that has this matter of honorable and dishonorable discharges under its supervision. I ask him if it is not a fact that in 90 percent of the cases where fraudulent enlistments have been obtained, the minors have not only falsified their age to the Army, but they have done this without their parents' consent.

Mr. FADDIS. That is true. Some may say, Why object to this? Simply for this reason. It is prejudicial to the discipline of the military forces.

Mr. NICHOLS rose.

Mr. FADDIS. Oh, the gentleman from Oklahoma may smile, but that is a very important thing. He does not realize the necessity for discipline in the military forces.

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. FADDIS. I cannot yield. The reason why the members of the committee object to this amendment is that it will tend to destroy the discipline of the Army.

Mr. HARNESS. Is it not a fact that the law already provides for precisely the same thing that this amendment accomplishes?

Mr. FADDIS. Yes; that is true.

Mr. WADSWORTH. Oh, the law does not provide for an honorable discharge.

Mr. FADDIS. No; not for an honorable discharge, but it provides for a discharge. Why award them an honorable discharge from the Army? That is something given a man for faithful, honest, and efficient performance of his duty as an American citizen and as a member of the Army. Why, therefore, should we, because of an hysterical demand, reward these boys who have falsified as to their enlistment and who have obtained money under false pretenses by giving them

an honorable discharge? You are asking us to give them something to which they are not entitled and something that should go to a man for honest performance of his duty. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. CASE of South Dakota. Mr. Chairman, it is a little difficult for me to understand why there is such opposition, such resistance, to this amendment if it merely gives effect to the intent of existing law. If all of the officers of the National Guard were as careful in discipline and as courteous in their treatment of recruits as I am sure the gentleman from North Carolina [Mr. BULWINKLE] has been, these situations would not arise; but unfortunately they do arise.

An example came to my attention in the past 10 days. A boy from the very best of motives, not because he wanted the money, not because he wanted to join a social club, but because he wanted to serve his country and wanted to go to camp, enlisted. He was not 18 years of age. The enlisting officers knew that he was not 18, but they accepted him and let him come in so that he could go to camp with the boys, and he is in camp today. He signed up and prepared to go without the knowledge of his parents and the matter was taken up with me. I inquired at the National Guard Bureau here and was advised that the boy could be discharged and would be discharged before the guard was mustered into the Federal service. From the argument today it appears that boy would get a blue discharge. I do not think that boy ought to be punished by giving him a blue discharge. If he gave his age as 18, it was done with some officer knowing that he was not 18. He did not go in with any idea of cheating the Government out of any money. He wanted to go to camp; he wanted to serve his country, but he did not have his parents' consent. The matter was not taken up with them. A careful National Guard officer probably would have taken it up with them, but it was not done in this instance. Should the boy get a blue discharge for that?

There is another aspect to this question. By passing this bill, in all probability we are changing what was represented to these boys when they enlisted. Common law does not presume that boys under 18 years of age would know or understand the intricate relationship between their State and Federal oaths even if it were explained to them that Congress might change their duties during their enlistment. Under what was understood by them, at least, we are changing their contract in this bill when we propose to bring them fully into the Federal service.

It seems to me under these circumstances that it is unfair for the United States Government to take these boys, many of whom went into the guard from patriotic motives, under the age of 18, and say to them, "We are going to give you a blue discharge." And yet for the boys that we propose later by the conscription act possibly to bring in, we are not even going to register them unless they are 21. It seems to me the discrimination is against the boys who went into the guard from patriotic motives. Why, by this bill draft those boys under 18 or make them take a blue discharge?

Mr. NICHOLS. Will the gentleman yield?

Mr. CASE of South Dakota. I yield.

Mr. NICHOLS. I just started to answer the gentleman from Pennsylvania [Mr. FADDIS] and I would like to ask the gentleman if he presumes there was a single one of these boys who enlisted in the National Guard for the purpose of obtaining money under false pretenses, as suggested by the gentleman from Pennsylvania?

Mr. CASE of South Dakota. I do not presume any such thing. I think it is a little unfair to these boys to insist that they be given a blue discharge. They do not want that to follow them. That is a handicap for a man in civilian life. It is a handicap if he wants to go into the Government service. Since it is admitted that the present law contemplates that a man will not be in the National Guard unless he is 18 years old, I cannot see why there is so much objection to this amendment which would give force to that intent.

Mr. MAY. Will the gentleman yield?

Mr. CASE of South Dakota. I yield.

Mr. MAY. I believe the gentleman narrated a report from some of his constituents about some certain young man who had joined, under the age of 18 years. Do you not think you could solve that matter very easily by writing a letter to that constituent and have him tender his resignation before this act goes into effect?

Mr. CASE of South Dakota. Except that I do not want the boy who sought to serve his country to be thrown out of the Army with a blue discharge when the Government is the one that is changing the contract of service or accepted him knowing that he was not 18.

Mr. ROUTZOHN. Will the gentleman yield?

Mr. CASE of South Dakota. I yield.

Mr. ROUTZOHN. I would like to call attention to the wording of this bill as amended:

That any or all members and units of any or all reserve components of the Army of the United States may be called into national service.

All the members of the National Guard as a reserve component are to be called into Federal service. In view of the situation that there is an exception now of all boys under 18, is it not inconsistent for us to say that all members of the National Guard are to be called in?

Mr. CASE of South Dakota. Yes; in fact, I think the amendment might have been worded so as simply to have exempted from the call those under 18 years of age, which would simply have left these boys at home and would avoid this discharge question.

Mr. WADSWORTH. Does that not mean legal members?

Mr. ROUTZOHN. You do not say "legal members"; you say "all members."

Mr. HINSHAW. Will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from California.

Mr. HINSHAW. Does the gentleman know whether a man discharged with a blue discharge can reenlist or not?

Mr. CASE of South Dakota. I do not know; but it would be a severe handicap in many ways, and, in my opinion, would blight and unjustifiably penalize the patriotism that led many of these boys to join the guard. I hope that the amendment will prevail.

The CHAIRMAN. The time of the gentleman has expired.

All time has expired on the amendment.

The gentleman from New York [Mr. WADSWORTH] offers an amendment to the amendment offered by the gentleman from Oklahoma [Mr. MASSINGALE], which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WADSWORTH to the amendment offered by Mr. MASSINGALE: After the word "issued", strike out the words "an honorable" and insert the word "a."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. WADSWORTH] to the amendment offered by the gentleman from Oklahoma [Mr. MASSINGALE].

The question was taken; and on a division (demanded by Mr. WADSWORTH) there were ayes 74 and noes 70.

Mr. NICHOLS. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. MASSINGALE and Mr. WADSWORTH to act as tellers.

The Committee again divided; and the tellers reported there were ayes 85 and noes 103.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Oklahoma [Mr. MASSINGALE].

The question was taken; and on a division (demanded by Mr. NICHOLS) there were ayes 98 and noes 58.

So the amendment was agreed to.

Mr. MILLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER: Page 2, line 4, after the word "of", strike out the balance of the paragraph and insert "the continental limits of the United States, its island possessions including the Philippine Islands, the Panama Canal Zone, and Alaska."

Mr. MILLER. Mr. Chairman, it may not be necessary to take the full 5 minutes.

I think every Member of the House knows exactly what is involved in this amendment. It was discussed at great length in the other body and most of us have read that debate. It is practically what was known over there as the Adams amendment. At the outset I want to say that I offer this amendment without any thought of who is in the White House or what his politics may be. It does not matter to me whether Mr. Roosevelt or somebody else is in the White House, I still feel the same, that this is the time that we should lean over backward to keep faith with the American people.

If you go out on the street and ask 10 men what this bill is which we are debating today, 9 out of 10 of them will say it is a bill to provide training for the National Guard. To that limit they are for it. But if you tell them that it provides also authority for the President to send units of the National Guard anywhere in the Western Hemisphere, without further action of Congress, I am sure the same 9 out of 10 would be opposed to the resolution.

Mr. RUTHERFORD. Mr. Chairman, will the gentleman yield?

Mr. MILLER. I yield.

Mr. RUTHERFORD. The gentleman's position is that this is a training bill?

Mr. MILLER. Exactly.

Mr. RUTHERFORD. And we should keep it a training bill. If an emergency does arise we will deal with it when it comes.

Mr. MILLER. Yes, exactly; and I would be the last man to come to the Well of the House and propose anything that I thought would tie the hands of the President, particularly in this uncertain time. But I cannot foresee any situation that might arise whereby his hands would be tied through the adoption of this amendment. I cannot think of anything that might arise so speedily that Congress could not assemble and deal with it.

Mr. ANDERSON of Missouri. Mr. Chairman, will the gentleman yield?

Mr. MILLER. I yield.

Mr. ANDERSON of Missouri. The gentleman considers this a training bill?

Mr. MILLER. I do.

Mr. ANDERSON of Missouri. Will the gentleman tell me why the minority party is so bitterly opposed to it if it is only a training bill?

Mr. MILLER. I am not aware that the minority are against the bill.

Mr. ANDERSON of Missouri. They are against it to a man.

Mr. MASON. Mr. Chairman, will the gentleman yield?

Mr. MILLER. I yield.

Mr. MASON. If it is strictly a training bill the minority party is for it, but they are not for it if it is a bill to send the boys outside the United States.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. MILLER. I cannot yield further on this point.

We are facing momentous issues. It is imperative that Congress keep under its own control, unimpaired, the right to declare war. If this bill is enacted as it now stands it will permit the taking of steps that may lead to war inevitably. For instance, if we allow units of the National Guard to go to some place in South America and they should get into trouble, that trouble consisting of entering into combat with troops from Europe—and that is entirely possible—then Congress will have no alternative but to take the necessary action to send the troops necessary to get those that are in a jam out of the jam. To this extent we have given to the President the right to develop a situation that will make peace impossible.

There is a great deal of sentiment in this country for the so-called Ludlow amendment. I believe that if we enact legislation of this kind turning over to the President regardless of who he is the powers and prerogatives of Congress we are only hastening the day that the American people will insist on the adoption of the Ludlow amendment, and they will take into their own hands the question of whether there shall or shall not be a declaration of war.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. MILLER. I yield.

Mr. ARENDS. I may say to the gentleman from Connecticut that an amendment similar to his was offered in the committee and it lost by only a comparatively small margin.

Mr. MILLER. I believe wholeheartedly that this amendment should be adopted. I do not believe anyone disagrees with me in the statement that the training program is very important. It is so important and so essential that I will vote for the bill even without this amendment, but I hope it will be adopted.

Mr. WOLVERTON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. MILLER. I yield.

Mr. WOLVERTON of New Jersey. According to the public prints the President has said that it is a 100-to-1 shot that the boys would not be sent outside of the continental United States. If this be true, what harm can there be in writing the gentleman's amendment into the bill?

Mr. MILLER. It cannot do any harm, and I do not want any President laying odds on the lives of American citizens.

Mr. WOODRUFF of Michigan. Mr. Chairman, will the gentleman yield?

Mr. MILLER. I yield.

Mr. WOODRUFF of Michigan. Is it not true that we have been given to understand that the purpose of this bill is to afford the military authorities an opportunity properly to train the National Guard?

Mr. MILLER. I understand that is the purpose of the bill.

Mr. WOODRUFF of Michigan. Then it certainly is not necessary to send the National Guard to South and Central America where we have no right to send our armed forces.

[Here the gavel fell.]

Mr. EDMISTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. EDMISTON. I yield.

Mr. MAY. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 10 minutes.

Mr. MILLS of Louisiana. Mr. Chairman, I object.

Mr. MAY. We cannot all have time.

Mr. RUTHERFORD. Why not? We have all day tomorrow.

Mr. MAY. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 20 minutes.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I object.

Mr. MAY. Mr. Chairman, I move that all debate on this amendment close in 20 minutes.

The motion was rejected.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. EDMISTON. Mr. Chairman, I rise in opposition to the proposed amendment, which merely takes out the words "the Western Hemisphere" and limits the services of the National Guard to the continental United States and certain of our insular possessions.

I do not believe an emergency will arise—I certainly hope it will not—which will make it necessary to send our National Guard beyond the limits of continental United States. But if you will recall when Pershing in his Mexican campaign went into Mexico in 1916 the thing that bogged down that expeditionary force was that, although we had our National Guard along the Mexican border, we could not send them into Mexico even to guard the communication lines of the Regulars under Pershing, who were outside the continental United States; and when Pershing got where he was going, just because the National Guard could not be used to guard his com-

munication lines, he did not have a corporal's guard to work with.

Mr. ANDERSON of Missouri. Mr. Chairman, will the gentleman yield for a question?

Mr. EDMISTON. I yield for a question.

Mr. ANDERSON of Missouri. The same thing would apply to the narrow strip of the Canal Zone, would it not?

Mr. EDMISTON. I do not know whether the amendment includes the Panama Canal Zone or not.

Mr. ANDERSON of Missouri. They would have to stay in the Panama Canal Zone proper.

Mr. EDMISTON. Within a 20-mile zone. If we had a National Guard unit down there guarding the Panama Canal under this amendment they could not go beyond that 20-mile strip of treaty grant where the Canal is located. Certainly to guard the Canal you would necessarily have to have troops farther than 10 miles on each side.

Mr. LUTHER A. JOHNSON. Will the gentleman yield?

Mr. EDMISTON. I yield to the gentleman from Texas.

Mr. LUTHER A. JOHNSON. Would not the adoption of this amendment be a repudiation by this House of the Monroe Doctrine?

Mr. EDMISTON. It certainly would. If we are going to enforce the Monroe Doctrine we have to do it in the Western Hemisphere. We have to allow some discretion and some judgment to the Commander in Chief of our Army and Navy in the event of an emergency. I do not think the Commander in Chief of our Army is going to send the National Guard out of continental United States unless he feels that an emergency exists and when it does exist the National Guard should be sent out of the continental United States.

Mr. HINSHAW. Will the gentleman yield?

Mr. EDMISTON. I yield to the gentleman from California.

Mr. HINSHAW. Is it not the gentleman's conception of this bill that it is a bill for the purpose of training the National Guard, or is it a bill for policing the Western Hemisphere?

Mr. EDMISTON. I think the bill at the present time is for training the National Guard, but most certainly with the thought that we may have to police the Western Hemisphere.

Mr. HINSHAW. Cannot Congress act in that event and order the guard anywhere in the world, if necessary?

Mr. EDMISTON. The Congress can act; yes. That is what I think should be done now.

Mr. THORKELSON. Will the gentleman yield?

Mr. EDMISTON. I yield to the gentleman from Montana.

Mr. THORKELSON. Is it not a fact that in case war is declared or the necessity occurs that may lead us to war, the President then is automatically given the power to call the National Guard?

Mr. EDMISTON. By the Congress.

Mr. THORKELSON. This act is simply to train the guard and it should be done in the United States and our possessions.

Mr. EDMISTON. That is all right, but when the emergency arises why not be able to act? We will give it to him if the time arrives. Why not now?

Mr. THORKELSON. In case of war, in case war is threatened, then he actually has the power to send the National Guard or any other guard out. There is no necessity for this in time of peace. The guard is to be trained in the United States, not in Brazil, in Uruguay, in Paraguay, in Argentina, in Brazil, Peru, or any of the South American republics.

Mr. EDMISTON. But if we have to send them into Mexico, I do not think it should require an act of Congress to do so.

Mr. THORKELSON. We are at peace with Mexico. Why should we assume that we are in a state of war with Mexico now?

Mr. EDMISTON. I am not, but we should be able to send the National Guard down there without an act of Congress.

Mr. FERGUSON. Will the gentleman yield?

Mr. EDMISTON. I yield to the gentleman from Oklahoma.

Mr. FERGUSON. General Marshall in his testimony said, "They are in the Army of the United States." Can the gentleman visualize an Army in which one man may be sent one place and the man next to him would have to be left at home?

Mr. EDMISTON. They are in the Army of the United States and under the national-defense plan they will not be the home guard. They are in the Army now.

[Here the gavel fell.]

Mr. REED of New York. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, just to keep the record straight and so that we may know just about where we are going, I shall go back just a little bit to an earlier experience.

At New York, on January 27, 1916, Woodrow Wilson said:

> Under the Constitution only upon occasion of actual invasion has the President of the United States the right to ask these men (members of the National Guard) to leave their respective States.

But this is what was written into the conscription bill:

> The President is hereby authorized to draft into the military service of the United States, organize and officer, any and all members of the National Guard and of the National Guard Reserves, and said members so drafted into the military service of the United States shall serve therein for the existing emergency.

The law was passed in that form. The President immediately by proclamation drafted the National Guard in its entirety, and within a few weeks various units thereof were on their way, under compulsion, to France.

Mr. ANDREWS. Will the gentleman yield?

Mr. REED of New York. I yield to the gentleman from New York.

Mr. ANDREWS. The gentleman is incorrect in one particular. As a part of the National Guard they had a right to refuse to take the oath.

Mr. REED of New York. That has nothing to do with the matter at all, so far as the ultimate purpose for which the National Guard was used.

Mr. MILLS of Louisiana. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I am particularly interested in the subject I have in mind and I desire every Member of the House to pay close attention to what I have to say.

We have in this country approximately 15,000,000 colored people and I understand certain colored boys down home have been undertaking to join the Army. Do you know what they have been telling those colored boys? "We do not have any camps." So I say to the House, I believe it is unfair for the Army to enlist the white boys, the best blood of America, and put them in these Army camps and train them, and then in case of a war, which I hope we are not going to have—and for my part we are not going to have—take the white boys of America and send them out on the battlefields and let those boys be killed while the colored boys remain at home, and then come along here about 6 months, or 8 months, or a year, or a year and a half later and undertake to train the colored boys. Why not now construct some Army camps for the colored boys and permit them to come into the Army if you propose to force the white man into service. I would appreciate it if the Committee on Military Affairs would give some attention to this thought. [Applause.]

[Here the gavel fell.]

Mr. FADDIS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I first want to assure the gentleman from Louisiana who just preceded me that the situation to which he referred is being corrected. Only this morning on the radio the announcement was made that they were soliciting the enlistment of colored men in the Army. The General Staff is getting ready as rapidly as possible to form camps to take care of them.

Mr. MILLS of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. FADDIS. I am sorry, I cannot yield.

This amendment to limit the use of the National Guard to the continental United States and its possessions is a mistake, and I hope the members of this committee will not support the amendment. With the state of the world what it is today, no man can say with any degree of certainty what may happen tomorrow. Anyone who has been watching affairs overseas certainly should recognize that today time is the essence of any movement to protect the integrity of this or any other nation.

We are committed to a policy of protection of the Monroe Doctrine. The protection of the Monroe Doctrine means that we shall not allow any European nation to acquire any more territory in this hemisphere or shall not allow any change in territory from the hands of one European nation to those of another. That is a part of our foreign policy upon which both parties agree. It is the part of our national policy that the General Staff of the United States Army has time and time again advised the Congress is most essential. They have time and time again advised the Committee on Military Affairs of the House of Representatives that if it is necessary to make any moves in this hemisphere to uphold the Monroe Doctrine it will in all probability be necessary to make such moves very swiftly.

The gentleman from West Virginia [Mr. EDMISTON] stated one of the best examples you can imagine in relation to the use of the National Guard. I want to repeat it, and I do hope the Committee will take it into consideration. In 1916, when the punitive expedition was sent into Mexico, before General Pershing reached his objective it was necessary for him in order to guard his lines to drop out detachments all along the line. When he reached his objective his force was insufficient to accomplish any important mission. The merits of the Pershing expedition have nothing to do with the case, but the fact that it was necessary to so dissipate his forces that he could accomplish nothing is the real gist of the matter.

If it is necessary because of conditions for us at this time to send any of our Regular Establishment into any part of this hemisphere in order to protect it from seizure by any European power, it may be necessary for us to use some part of the National Guard in connection with that force. We have certain components in the National Guard that are necessary to the functioning of the Regular forces. Part of the Army of the United States is the National Guard, and certain components of the National Guard cannot be duplicated in the Regular forces. Therefore, today, if it were necessary to make a sudden move in order to uphold the Monroe Doctrine, it might be necessary to use some part of the National Guard in order to assist in the move.

I do hope the Committee will give serious consideration to this amendment and not allow a hysterical sentiment to sweep it into something it will later regret. The world is in a state of turmoil. No man can guarantee to you what move may be necessary tomorrow. But we do want to place this Nation in such a position that if any move is necessary we can move swiftly to protect our interests, whatever they may be. It is necessary that in this piece of legislation authority be granted to use the National Guard any place in the Western Hemisphere.

Mr. LUTHER A. JOHNSON. Mr. Chairman, will the gentleman yield?

Mr. FADDIS. I yield to the gentleman from Texas.

Mr. LUTHER A. JOHNSON. Would not the adoption of this amendment be a discouragement to the South American countries in their cooperation with us in the defense of the Monroe Doctrine?

Mr. FADDIS. Absolutely. Not very long ago I was in Central America, and one of the points on the mind of the people in that country was what position we would take in case of invasion there. Also the adoption of this amendment will be aid, comfort, and encouragement to any of the totalitarian powers either in the east or west. If we are to quibble or play politics over such matters, we are setting our feet in the same road which France trod. That road leads to national impotence and to destruction. [Applause.]

Mr. MARTIN of Iowa. Mr. Chairman, I rise in support of the amendment. This is the amendment I spoke about this morning during the general debate. I am very happy to know that the gentleman from Connecticut [Mr. MILLER] is supporting this amendment and has seen fit to introduce it. I introduced the amendment in the committee, and I did not get very far. The committee did not entertain any debate on the amendment whatever. The total time given to my offer in the committee was less than 1 minute.

I have been somewhat impressed by the debate in the Senate on this subject, as I consider the provision this amendment seeks to change the most controversial provision in the entire bill.

I am in favor of the bill, but I am not in favor of leaving the Western Hemisphere provision in the measure as the bill is now written. This same amendment, as you may recall, was voted on in the Senate after rather extended debate and defeated by the close margin of 39 to 38. I gave you the citations in my previous discussion and showed that Congress clearly has the power to restrict, but now is the time you have got to do it. You pass this bill and then try to restrict the President's power and see how far you will get. There has not been sufficient emergency shown, in my judgment, to establish the need for such a broad power to be exercised by the President as the power to send the National Guard to any point in the Western Hemisphere he may choose. Your National Defense Act requires a congressionally declared emergency before the President can order out the guard, but you order out the guard by this act and examine your National Defense Act and see whether it takes a congressionally declared emergency for the President to send them into a foreign land. The same authorities I cited you this morning hold very strongly that once the National Guard is ordered to duty in the Army of the United States the President has almost unlimited powers as to where he may send them unless you restrict it in the authority that you are granting.

Now, what is the emergency, if any, today? It is an emergency calling for training, and if we order out the guard for training purposes we can then examine any development of a further emergency in relatively short order. The thing you cannot get in short order is adequate training. You can get the authority to send them abroad very quickly on a proper showing of an emergency, but the factor on which we cannot shorten the time is the time required for training.

Let us take this bill as amended by this amendment, get our training, and then let us look into the emergency that requires the authority to send them abroad. If you examine the authorities I have cited, you will find that now is your time to limit the Executive in the matter of where he may send them.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of Iowa. In just a second I will yield.

The President has made the statement that the chance would be about 100 to 1 against sending them abroad. I am not willing to gamble 1 to 100 that he will not. [Applause.]

I now yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. Some reference has been made to our experience in 1916 when Pershing went into Mexico. Does the gentleman remember the size of the Regular Army at that time as compared with the present authorized strength of the Army?

Mr. MARTIN of Iowa. I am very pleased that the gentleman has brought out that point. I cannot give you the exact answer but the Regular Army is very much larger today of course. I can tell you my experience in connection with the Mexican campaign referred to. I was in the last unit that took part in the Mexican campaign and saw service on the Mexican border. I served there nearly 3 years. I had ample opportunity to see what had been accomplished in Mexico and I have my own judgment as to whether that expedition was worth while or not. That was a very real experience I

had that I can look back to, and 3 years is a long time to spend in that type of service.

Mr. WOLVERTON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of Iowa. I yield to the gentleman from New Jersey.

Mr. WOLVERTON of New Jersey. The illustration has been given by the gentleman from Pennsylvania [Mr. FADDIS] to which the gentleman has just referred as a reason why this provision should remain in the bill. Was there any evidence produced before the gentleman's committee that indicated any unfriendliness on the part of Mexico or on the part of any other South American or Central American ccuntry that would make such a provision necessary at this time?

Mr. MARTIN of Iowa. There was nothing brought to my attention to justify getting panicky about sending anybody down there before Congress would have a chance to examine the situation. [Applause.]

[Here the gavel fell.]

Mr. SMITH of Connecticut. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in opposition to the amendment offered by my colleague, the gentleman from Connecticut [Mr. MILLER], because I feel that the language in the bill is necessary to the proper preparation of the defense of this country. I say that not as a military expert, because I am not a military expert, but I say it because the evidence of the officers of the staff who appeared before us and the testimony they have given convince me that we need this authority for them properly to plan and prepare the protection not only of the Monroe Doctrine, but of the Panama Canal and of continental United States.

They have not sufficient units of some types in the Regular Army for any kind of action by all of the Regular Army, particularly antiaircraft and harbor defense troops. If Britain should be overrun and there was danger of a seizure of bases on this side of the ocean, within reach of continental United States by air or within reach of the Canal itself by air, it would be necessary for us to take over some of the islands in this hemisphere which do not belong to us.

We do not have a sufficient regular force of all arms available and on hand at the present time to do that. The National Guard is formed into units. It is largely trained. It needs more men and more training, but in order to have what the Staff considers a sufficient force to secure our own safety here this authority is necessary. It may be necessary in a situation like that to move rapidly, and I don't think there is any prospect of use in the far parts of South America of any force, but I do know that it may be necessary to prevent the establishment of bases in Bermuda, say, in the Windward Islands, places which, if bases of an enemy were once established, it would be very difficult and costly to dislodge, and they would endanger the safety of the Canal, which is our life line, and would endanger continental United States. It is not a probability, but we have to take into consideration any possibility of disaster in a military way to those countries which now have bases, which are potential threats to our own safety, and I believe that this thing is necessary to properly plan and prepare our own defense. This bill is for training of the guard. That is true. It is also a part of the program for the preparation of a sufficient force to defend this country.

Mr. MILLER Mr. Chairman, will the gentleman yield?

Mr. SMITH of Connecticut. I yield.

Mr. MILLER. Does not my colleague feel that the Regular Army of two-hundred-and-sixty-thousand-odd has the duty to take such action as we need in Bermuda, such as the gentleman has suggested, and that this guard should be permitted to stay at home and train?

Mr. SMITH of Connecticut. I don't think they have the force necessary to do it in the Regular Army alone. It will take a long time to expand the Regular Army, if that is the method you choose to take. This is a method which is available to us, a force actually in existence, which in a very short time could be made available, and time has become one of the most important factors, as has been illustrated by the events in the last 9 months in Europe. This force is available in a much shorter time than we can expand and equip another force.

Mr. THORKELSON. Would it not be an act of war for us to occupy Bermuda or any British possession at the present time?

Mr. SMITH of Connecticut. With Great Britain?

Mr. THORKELSON. Yes.

Mr. SMITH of Connecticut. If it is necessary it would have to be done in order to protect ourselves, whether there is a declaration of war or not. We cannot allow the occupation of bases by an unfriendly power that are within easy reach of this country.

Mr. THORKELSON. But it would be an act of war with Great Britain?

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. HINSHAW. Mr. Chairman, I think the cat is pretty well out of the bag. This bill has been "hopped up" as a National Guard training bill, but it is quite evident it is exactly what it says, and that is to strengthen the national defense. There is no use trying to hide this any further. Let us not kid ourselves any about this being a National Guard training bill. It is a bill for the strengthening of the national defense by calling out the National Guard and the Reserves, and for arming and sending the National Guard, the Reserves, and the Regular Army troops into any part of the Western Hemisphere as occasion may be deemed to warrant without further authority. I remind you that sometime ago two resolutions were introduced in the House. One was House Joint Resolution 555 and the other was House Joint Resolution 556. They were side by side—House Joint Resolutions 555 and 556. House Joint Resolution 556, as I remember it, was a bill which we passed a while ago reasserting, as some say, the Monroe Doctrine. House Joint Resolution 555, alongside of it, was this bill in its original form, except that the bill now before us has a Senate number. At that time, when House Joint Resolution 556 was under consideration, I voted "yea" upon it, but then I considered its probable connection with House Joint Resolution 555, and withdrew my vote and voted "present." I think the question is quite clear. If we adopt the amendment of the gentleman from Connecticut [Mr. MILLER] we are in favor of training the National Guard and the Reserves. If we leave the bill as it is, we are in favor of allowing the President to order the National Guard to go anywhere in the Western Hemisphere for any purpose, regardless of what the Congress and the people of the United States may then think about it. I yield back the remainder of my time.

Mr. THOMASON. Mr. Chairman, I shall take the few minutes allotted to me to appeal to your patriotism and your calm, deliberate, and dispassionate judgment. I hope if you have any partisan or political inclinations you will divest yourselves of them because this is a big question, and I recall to your mind the resolution that was passed in this House about 6 weeks ago, to which the gentleman from California [Mr. HINSHAW] has just referred. As I recall, it was passed by a unanimous vote and, I believe, without a roll call, reasserting our confidence and belief in the Monroe Doctrine and our determination to uphold and protect it.

I will refresh your memories about another thing. About a year or 18 months ago our friends on the minority, headed by the distinguished gentleman from New York [Mr. WADSWORTH] and the distinguished gentleman from New York [Mr. ANDREWS] and others, also brought in the policy of the minority regarding national defense, in which they asserted in unequivocal terms the determination of their party and of this Congress to defend the Monroe Doctrine.

May I refresh your memory a little further? Only 2 weeks ago the great Secretary of State, Mr. Hull, went to Habana, where he entered into an agreement with the South American republics in which they were promised and assured that by cooperating with us we would cooperate with them in the

defense of the Western Hemisphere. It was the good-neighbor policy in action. That resolution to which I first referred also carries with it the solemn promise that if any foreign power undertakes to transfer any of their possessions in the Western Hemisphere to another foreign power, it would be regarded as a violation of the Monroe Doctrine.

Now, just to be frank about it, what will our friends in South America, with whom we are cultivating cordial relations, think about it if this amendment is adopted? If we are to save ourselves, we are going to need them and they are going to need us. What do you think they will have to say about our good faith when we give them these promises, and the first time a measure comes up which says that when our troops go to Panama and some catastrophe happens down there just out of the Canal Zone our Federal troops, our Regular Army, can cross that little narrow 10-mile strip to fight for our rights, but that the men who are in the National Guard cannot do it? That kind of a situation would be ridiculous.

I say it is the most inconsistent foreign policy this Congress can assume. We are going to rise or fall with the Western Hemisphere. [Applause.] They are the only friends we have left. Ours is the last great democracy in the world. The South American republics have time and again manifested a determined desire to be friendly and cooperate with us. God knows if the situation going on this very minute in England should mean the fall of the British Empire, and especially the taking over of the British Navy, then it certainly seems to me that we need the friendship and cooperation of the South American republics. We cannot blow hot and cold. We must prove our faith and promises by our works. Yes; it is a tremendous question. This is a very solemn hour, as I regard it, in the history of this Congress and of this Nation. This is something that so far transcends politics and partisanship that it ought not even be discussed. [Applause.] This is no time to register your hatred of the President of the United States. Our task and duty is to save America and to preserve for all time the American way of life.

I may be such a believer in the sincerity and even in the greatness and patriotism of the gentleman from New York [Mr. WADSWORTH], whom I have heard discuss this matter on several occasions, that I think it is high time to be Americans rather than to be Democrats and Republicans. [Applause.] My appeal is to the best and the finest in you.

My appeal to my colleagues, regardless of party, is that in this tragic hour, in this hour when perhaps America faces the greatest crisis in all of its glorious history, that we forget matters of partisanship and think about the principles upon which this Government was founded and upon which it has lived and prospered for these 150 years. [Applause.] Liberty is worth fighting and dying for. Read the headlines in any newspaper and see what is happening in England. Then ask yourself this question, Can that happen in America?

I hope the amendment is voted down. [Applause.]

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, it is evident to me that since the Committee voted not to limit debate on this amendment this bill cannot be finished this afternoon. In view of that fact, I wish to make this announcement—that I am going to move that the Committee do rise, and I want to serve notice that if there is not a quorum here tomorrow morning there will be a roll call.

Mr. Chairman, I move that the Committee do now rise.

The question was taken; and on a division (demanded by Mr. MAY) there were ayes 120 and noes 96.

So the motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. WOODRUM of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee had had under consideration Senate Joint Resolution 286, and directed him to report that it had come to no resolution thereon.

EXTENSION OF REMARKS

Mr. PATRICK. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection?

Mr. THORKELSON. Mr. Speaker, I object.

PERMISSION TO ADDRESS THE HOUSE

Mr. EDWIN A. HALL. Mr. Speaker, at the conclusion of all business and any other special orders, I ask unanimous consent to proceed for 2 minutes.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. PATRICK. Mr. Speaker, the gentleman from Montana withdraws his objection to my request.

The SPEAKER. Is there objection to the request of the gentleman from Alabama [Mr. PATRICK] to revise and extend his own remarks?

There was no objection.

By unanimous consent, Mr. WOODRUFF of Michigan, was granted permission to revise and extend his own remarks.

Mr. REES of Kansas. Mr. Speaker, I ask unanimous consent to extend my remarks and include an editorial in last evening's Washington Star.

The SPEAKER. Is there objection?

There was no objection.

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include an article by the president of the Lockheed Aircraft Corporation.

The SPEAKER. Is there objection?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. VORYS of Ohio. Mr. Speaker, I ask unanimous consent to address the House for one-half minute.

The SPEAKER. The Chair cannot recognize the gentleman for that purpose unless it meets with the approval of the gentleman from Pennsylvania [Mr. GROSS].

Mr. GROSS. It is agreeable to me, Mr. Speaker.

The SPEAKER. The gentleman from Ohio is recognized for one-half minute.

THE NATIONAL GUARD BILL

Mr. VORYS of Ohio. Mr. Speaker, in my remarks today I did not have time to describe the amendment which I proposed to offer. Under unanimous consent to extend and revise my remarks, which I now request, I will incorporate that amendment for the information of the Members.

The SPEAKER. Without objection the request will be granted.

There was no objection.

EXTENSION OF REMARKS

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks and to insert therein an editorial from the Minneapolis Spokesman regarding conscription.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SHANLEY. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made in the Committee of the Whole today and to insert therein a senatorial amendment.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. Under the special order of the House heretofore made, the gentleman from Pennsylvania [Mr. GROSS] is recognized for 20 minutes.

MILK DISTRIBUTION IN THE DISTRICT OF COLUMBIA

Mr. GROSS. Mr. Speaker, in order to keep the records straight and to give the House the facts concerning the distribution of relief milk commonly known as 5-cent milk in the District of Columbia, I want to correct certain erroneous statements made by the gentleman from Indiana [Mr. SCHULTE] recently. During the milk controversy last winter before the District Committee and on the floor of this House I said that the way to give the District cheap milk was to quit talking about it and give it to them. At last after all these months they are getting it. And now the gentleman

is not satisfied; calls it a monstrosity; talks of the oppressed people in the District. I would like him to explain to the Members in the House who is being oppressed.

I did not know that oppression was tolerated in this country. He finds fault with the fact that the stations are only open 4 hours a day. I want to call your attention to the fact that these people getting this milk are unemployed; they have nothing to do and they can come and get this milk at any time. He is finding fault about the quantity given. He made the slanderous remark that the members of the Maryland-Virginia Milk Producers Association should be ashamed of themselves picking on innocent mothers and children who cannot protect themselves, as he says. He criticizes the quantity of milk given to an individual. Now the facts are that the Maryland-Virginia Milk Producers Association is one of the best organized and soundest farm cooperatives in America, under leadership that commands the respect of all those who believe in farm organizations and who have been recognized from coast to coast for the services that they have rendered to their organization as well as to the consuming public.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. GROSS. I have not the time to yield.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I make the point of order a quorum is not present.

Mr. GROSS. Mr. Speaker, I yield to the gentleman.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I withdraw the point of order. Does the gentleman approve of the milk monopoly in the District of Columbia, the Nation's Capital, charging the consumers 12 cents a quart for buttermilk and 14 cents a quart for milk?

Mr. GROSS. I am not discussing that issue.

This organization has long served this municipality with a quality of milk unsurpassed in any other market in the country. He contends that he was sufficiently interested to drive out on the farms and ask certain producers what they do with their surplus milk and that certain farmers told him that they must have some for their pigs. He maliciously stated on the floor of this House that these farmers are giving their pigs consideration before they give the consumers of Washington any milk. Certainly that is going to be resented by every producer in the organization as well as by every other farmer who makes milk or raises pigs. There has been no shortage of milk in the District of Columbia. These farmers have always seen to this and if after supplying the needs of this city they use any other milk they may have to feed their pigs is no one's affair except the farmers', and I am quite sure that the farmers in Indiana have saved millions of pigs by giving them milk at critical times and thus were able to pay off their farm mortgages with the sale of their hogs.

Mr. DITTER. Will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Pennsylvania.

Mr. DITTER. Mr. Speaker, it seems to me it is in order at this time to compliment the gentleman for the splendid way in which he is approaching this problem here in the District, and I want to take this opportunity to commend him not only for his work in connection with the needs of the District but for the splendid work he is doing as a Member of the House. [Applause.]

Mr. GROSS. I thank the gentleman.

Mr. Speaker, there was a time when the Department of Agriculture gave me wide publicity as a hog grower and my success was made possible by the fact that we fed the pigs milk, and I make no apologies to the gentleman from Indiana or anyone else for the fact that we fed these pigs milk. I want to assure the gentleman the pigs get no milk that can be sold at 20 cents per gallon. The pigs are only getting the milk that the market cannot absorb.

So far as the distribution in the city is concerned 11 stations have been opened. These have been authorized by the Department of Welfare and are under their regulation. The dairy supplying this milk puts a man in each one of these stands during the hours when they are open to make the collections. An unlimited amount of milk is available. On the opening day there were cards out which had been issued by the Department of Public Assistance for a total of 1,976 quarts. Not nearly all of that milk was taken away; only 1,171 quarts. If these people that the gentleman from Indiana pities so much are too lazy and indifferent to go to the station and get the milk then they are not entitled to it. However, I think after the system is more generally understood there will be very few who will not avail themselves of that privilege. The gentleman from Indiana seems to be greatly annoyed because a certain milk company in the city is supplying this milk. May I say for his information that bids were given out for this milk and the company that is supplying it is the successful bidder. It is an entirely legitimate transaction and he cannot point a finger of scorn at anyone. It is true the successful bidder was not the company the gentleman represents. He weeps about the quantity that an individual may receive. For your information may I say that that quantity has been arrived at by the dairy section of the three A's based on experience of a few years and has been limited to these amounts because too many of the people on relief that got this milk would resell it. We had that experience in my home market in Pennsylvania. When we gave the reliefers milk they sold it for money to buy gasoline and in some cases for money to buy beer. And while these quantities of milk may not seem large they are sufficient and in most cases more than the same individuals would use if they had to purchase the milk on the market. This quantity was further approved by the home-economics section of the A. A. A. This milk is made possible because the farmers who produce it are willing to take 5 cents per quart instead of 7½ as they get for their basic quantity. The Surplus Commodities Corporation is paying the 2.7 cents per quart to the dealer for handling the milk. I am wondering why the gentleman from Indiana is so much interested in selling the cream of the Sunshine Creamery Co. of Indiana in the District of Columbia when it is a farm-separated product made in many cases without any restrictions or sanitary regulations whatever. I can assure him if the District of Columbia is getting milk from Pennsylvania it is made under sanitary regulations. I am wondering what he has done in Indiana to get cheap milk for the poor people? I am wondering if the milk given away in Washington, D. C., at 5 cents a quart came from Indiana, would he be perfectly at ease?

I have a few other questions in mind that I would like to be straightened out on and finally I guess I will have to go for my information to the crystal gazers here in the District of Columbia.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. GROSS. I yield.

Mr. SCHAFER of Wisconsin. Under the law, Pennsylvania milk is not allowed to come into the District by reason of the stranglehold of the milk trust. Get your facts straight. Do not tell us about Pennsylvania milk coming in here legally. Pennsylvania milk should come in here, Wisconsin milk should come in, Indiana milk should come in. We have just as good milk, and better milk in Wisconsin than they have in Pennsylvania, Virginia, and Maryland.

[Here the gavel fell.]

The SPEAKER. Under a previous special order, the gentleman from New York [Mr. EDWIN A. HALL] is recognized for 2 minutes.

Mr. EDWIN A. HALL. Mr. Speaker, I have just returned from a trip back home and have brought with me a startling editorial written by the distinguished editor of the Binghamton Press, Mr. Tom R. Hutton. At the outset of my remarks, I would like to call your attention to the fact that this newspaper has a tremendous circulation throughout my congressional district and is looked upon by the folks back home as a crusader in moral and political questions affecting my locality.

It might be well to mention also that Editor Hutton is a former Washington newspaper correspondent and enjoys a wide acquaintance here. It is not just coincidental that for the past 10 years the Binghamton Press has prognosticated most correctly many major political campaigns and events.

The fact is, the man responsible for this keen analysis of the political scene is none other than Mr. Hutton himself.

Lest there are those who will take issue with this editorial disclosure that I am about to read, on the grounds that this newspaper is playing partisan politics, I will also state that in 1932 President Roosevelt had no firmer supporter during his campaign than this influential newspaper. So that when charges such as this editorial makes are brought out in the open it is a sure thing that both the editor and his paper have proof that such activities against the best interests of true American government are to take place. For this reason, and also because such a substantial force for social good in my community is vitally interested, I believe that it is my duty to bring this matter before the House at this time.

Therefore, Mr. Speaker, I ask the closest attention from my colleagues while I read Mr. Hutton's most interesting editorial:

SOMETHING LIKE A PATTERN

The price of a vote in the forthcoming Presidential election will be new and high. From the early August road, it would appear that the price will be the highest ever paid for a vote in any American Presidential election.

And that price, apparently, is to be individual immunity of the faithful from armed service in defense of and for the security of America.

The thing which was at first nebulous and seemed quite fantastic is now becoming obvious. That huge army of jobless Americans and children of jobless Americans represented by W. P. A., N. Y. A., C. C. C., and the host of politically faithful henchmen, administrators, executives, and subexecutives who comprise the official framework of those alphabetical agencies, is to be insured and in part assured in advance that most of it will not be called into the armed forces of the United States, draft or no draft.

A deliberate, carefully planned and purposeful program has been laid out, the real objective of which is to put as many of the enrolled personnel of the alphabetical agencies into categories where they may be reasonably certified as being essential to national defense, and so not liable to draft, for armed service as soldiers.

Of this general plan, the enrollment of W. P. A. in the vocational defense training courses is the most obvious, and the beginning.

Otherwise, why all the heat on the part of the political W. P. A. bosses? Otherwise, why the furious and almost frantic resentment at the disclosure of the tail-twisting processes they have exerted on the State educational department?

Otherwise, why give preference in the vocational courses to unemployed and unskilled jobless, over employed men with trades?

Certainly nothing of the sort would be done if the only purpose were to turn out the greatest number of most efficient craftsmen in national-defense industry within the shortest possible time.

If that were the objective, then men who already have basic knowledge of the trades and skills would be given the preference—as they should be—because obviously they could be prepared not only most quickly but most efficiently for the best and most efficient immediate service to industry in national defense.

No, that isn't the objective. The objective is to put as many of the less efficient, less ambitious, jobless, into categories where they may be so certified as essential to noncombatant activity at W. P. A. wages plus, instead of having to carry a gun at $21 or $30 a month, and learn military discipline.

Naturally there is going to be some gratitude on the part of some of the appointed hundreds of thousands, and even the millions who, under this plan, and the extension of this plan, will be exempt from active military service. Naturally they are going to be inclined to vote for the administration which is going out of its way to see that they are safe from conscription.

And what parents of voting age will be ungrateful enough to vote against the administration which is just about ready to put the boys of N. Y. A. into the same category of exemption through "training in mechanical and other lines" which will make them "essential to national defense"?

The advisers of Mr. Roosevelt have not forgotten the wave of practical political gratitude from the mothers and fathers of this country who reelected Woodrow Wilson because "he kept us out of war," meaning that he kept their boys out of war—just 3 months before those boys were no longer safe for democracy or anything else.

Already the moves in this direction are becoming apparent. N. Y. A. will be the next of the faithful alphabetical agencies to be put into industrial training essential to national defense and so, for the large part, taken out of possible call for military service.

It is no secret that there is already fabricated and ready in Washington a similar plan for C. C. C. This includes the training of C. C. C. boys in motor maintenance and other activities of the sort, which will automatically eliminate them from the active service provisions of whatever military conscription bill may be passed, and give them right of line in an ever-expanding Government defense pay roll and private pay rolls controlled by Government contract awards.

Nobody has given the go-ahead on that C. C. C. plan so far. The administration is feeling its way in this amazing scheme of insuring the votes of millions through the process of sheer human gratitude at being saved from military service.

There simply isn't any sense in getting hot and bothered about it. This is what is going to happen and already is happening with plan and objective now clearly defined, no matter how many denials there may be.

We suspect that the denials will be sharp and thunderous, because nobody likes to be caught at such a trick. Nobody likes to be successfully accused of playing politics with the very safety of the Nation. Even totalitarian politicos realize that there might be more Americans who would resent such a plan than there might be Americans who would appreciate it and vote "right" out of gratitude.

So vehement, unqualified, and blistering denials plus some shrill abuse are in order.

Yet this prophecy stands. Paste it in your hat or on the kitchen wall and watch it develop to realization. Whatever compulsory military training bill is passed will probably contain provisions coordinated to the almost atrocious ultimate political objective of this daring raid on American confidence and American traditions.

Mr. McKEOUGH. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. McKEOUGH]?

There was no objection.

Mr. McKEOUGH. Mr. Speaker, I direct attention to the CONGRESSIONAL RECORD of August 7, pages 10037 and 10038, from which you will note the colloquy between the gentleman from Connecticut [Mr. MILLER] and myself. I spoke to the gentleman from Connecticut a few minutes ago and indicated to him that I was going to make some reference to that exchange of views, but he stated he would be unable to remain at the present time and would make such comment later as might be provoked by what I had to say.

On Tuesday of this week the gentleman from Connecticut [Mr. MILLER] called attention to a delay of 11 days in the President's office or in the White House on some 14 Navy contracts with relation to national-defense items. I seriously questioned the correctness of that statement on the premise that obviously the President, as the Commander in Chief of the Army and the Navy of the Nation, would not be guilty of unusual delay with reference to the execution of any contract that had to do with the production of the necessary devices for proper defense of the Nation; but in order to develop the correctness of the situation I contacted Mr. McReynolds, who is an assistant secretary at the White House, now acting as secretary of the Advisory Commission to the Council of National Defense, and directed his attention to the exchange of views between the gentleman from Connecticut [Mr. MILLER] and myself o nthose 2 pages, 10037 and 10038, and asked that he have a very careful check made for the purpose of establishing whether or not there was any justification for the observation made by the gentleman from Connecticut.

Under date of August 12 Mr. McReynolds addressed a letter to me, and in it he has the following to say:

THE ADVISORY COMMISSION TO THE COUNCIL OF NATIONAL DEFENSE,
Washington, D. C., August 12, 1940.

Hon. RAYMOND S. McKEOUGH,
House of Representatives.

MY DEAR MR. McKEOUGH: Pursuant to your telephone call and after examination of the CONGRESSIONAL RECOORD of August 8, I have had further careful inquiry made as to the possible congestion of contracts at the White House. I find no such congestion existed on July 12, or at any other time, and that the report that certain Navy contracts were delayed awaiting Presidential approval is entirely without foundation.

Sincerely,

WM. H. McREYNOLDS, *Secretary.*

Mr. Speaker, I showed that letter to Mr. Miller, who, I am sure, would not in any way desire to offer criticism without justification in fact, but he still feels he was justified in making the assertion that appears on the pages referred to in the CONGRESSIONAL RECORD previously mentioned and indicated to me in conversation this afternoon that he will submit for the benefit of the House sufficient evidence to justify his statement.

My only purpose in having a search made was to establish for the benefit of the Congress and the country that Congress being asked to proceed with a haste that is consonant with

good judgment to bring about the enactment of the necessary legislation with which to protect the security of the Nation, would not want it to develop that any contracts executed by either the Navy or the War Department with that objective in view might be unnecessarily delayed by the administrative department of the Government, whether it be the White House or elsewhere.

[Here the gavel fell.]

Mr. McKEOUGH. Mr. Speaker, I ask unanimous consent to proceed for 2 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. McKEOUGH. Mr. Speaker, I am quite sure that even though we are entering into a Presidential election no one in the Congress would in any way want to imply to the country at large, particularly in view of the very fine conduct and behavior of the Congress in the direction of adequate appropriations for necessary defense of the Nation, that the Commander in Chief of the Army or the Navy was in any way contributing by delinquence, either of an indifferent nature or otherwise, to delay in the production of those things that are required for the defense of this country. I am quite sure the amiable, estimable, and very patriotic gentleman from Connecticut [Mr. MILLER] felt completely justified from some source of information in which he had confidence in making that contribution indicating that this delay was due to an inherent weakness in the White House. I am quite sure he will be the first to make a statement to the House in the event the information given me by Mr. McReynolds that I have just read into the RECORD is sustained by the investigation the gentleman from Connecticut may make.

I merely appear at this time in the hope that by taking the time of the House at this late hour I may help in bringing about a little more sober approach from both sides of the aisle to the deliberations of the Congress that relate to the consideration of defense items, whether it be the bill that is now before us on calling out the National Guard, the selective-service bill that will probably come to us when the Senate has disposed of it, the excess profits tax bill, or any other measure that is related to the defense of the Nation. Certainly, no one in the Congress wants, unwittingly or otherwise, to make a contribution to the enemies of this form of government by offering an immature remark or observation that might lend aid or comfort to the enemies of this country.

Mr. HOUSTON. Mr. Speaker, will the gentleman yield?

Mr. McKEOUGH. I yield to the gentleman from Kansas.

Mr. HOUSTON. Is there any reason on earth for anyone, be he a Member of this House or not, to doubt the authenticity of the statement the gentleman has received from Mr. McReynolds?

Mr. McKEOUGH. I believe the gentleman's question flatters me. I naturally cannot answer for anybody in the House except myself. I repeat, I am quite sure that the gentleman from Connecticut will make such correction as his observations originally made may require in the event his investigation sustains the correctness of the information given to me in the letter from Mr. McReynolds. [Applause.]

[Here the gavel fell.]

REPORT TO THE PEOPLE OF BUTLER, HARVEY, M'PHERSON, SEDGWICK, AND SUMNER COUNTIES

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. HOUSTON. Mr. Speaker, it has become customary for Members of Congress to give the people reports on the work performed, current problems, and our program for the future, and I submit my statement to the citizens of Butler, Harvey, McPherson, Sedgwick, and Sumner Counties of the State of Kansas.

This administration brought hope to a Nation where there was only despair. We brought action to solve the problems of the depression where there had only been inaction and bewilderment. Our program has been and will continue to be based on the democratic principle of doing the greatest good to the greatest number of our people.

The theory of the Jeffersonian or Democratic Party has been and is now that in order to make the country prosperous the first thing is to have all of the people reasonably prosperous so that they have buying power. If you give the man in the lower-income brackets sufficient prosperity, his buying power spreads and the best barometers of general business conditions are current tax receipts, movement of durable goods, and employment of workers.

Certain elements are filling the air with agonized cries about the shackling of business, the throttling of free enterprise, the destruction of initiative, and failure to wipe out all unemployment.

Let us see how business has been shackled. In 1932 the national income had dropped to less than $40,000,000,000. This administration therefore took over a concern which had been driven to the verge of bankruptcy. By swift and wise measures calculated to improve every element in the national economy, it steadily increased the national income from year to year until it is now almost $70,000,000,000—nearly twice the amount it was when the Government was handed over to it.

Business has been so badly shackled by this Democratic management that last year virtually every important concern in the country made greater profits than for years, and many of them doubled their earnings over the previous year. According to figures of the National Industrial Conference Board, a private organization which by no stretch of the imagination could be accused of being friendly to the present administration, 228 industrial corporations showed aggregate net profits, less deficits, of $740,000,000 for 1939, as against $338,000,000 in 1938, representing a gain of 90 percent.

It is true there is still unemployment—nobody knows exactly how much except three or four newspaper columnists; but we do know that there are five or six millions less unemployed than there were in 1932. We do know that measures taken by this administration have taken care of the six or seven hundred thousand new employables who come into the field every year and have decreased in a marked degree the total of unemployed.

In addition to that, through the C. C. C. camps and the National Youth Administration it has given encouragement and work and schooling to millions of youth who might otherwise have drifted into vagabondage.

The unemployed who have been put to work by W. P. A. have made a great contribution to our national wealth. There is not a county or city throughout the Fifth District of Kansas which has not been enriched in some tangible way—a new or improved school, a water plant, new sewerage lines, a park, or swimming pool—through the labor of W. P. A. workers.

By giving the unemployed jobs on useful public projects we have also kept them off local relief rolls and preserved—in many cases, improved—their skills in preparation for the time when they could again find private employment.

While the W. P. A. construction program has been building up the physical plant of the Nation, the professional and service projects have been contributing to its health and culture. There are communities today in which the only public-health facilities are those provided by W. P. A., or where the only library is staffed by them, or the only opportunity for adults to study is afforded by W. P. A. teachers.

Through the W. P. A. there has been a huge increase in national wealth, resulting from the policy of meeting the unemployment problem by a work program rather than by a dole in the form of direct relief.

The gigantic task of rebuilding America charged to the Public Works Administration 7 years ago is practically complete. This program was created to provide jobs, to stimulate business, to increase the national purchasing power, and to

help fulfill the needs of the people for permanent and useful public works.

The P. W. A. has operated on the basis of competitive bidding and contract award; private contractors and builders have constructed all of the P. W. A. projects. Thus millions of skilled and semiskilled workers have been given employment at construction sites at prevailing wages, and the services of a great number of architects and engineers have been utilized.

The following list of principal construction projects in the five counties of the Fifth Congressional District of Kansas indicates types of construction and the total amount of the funds that have been used or may be expended under present project approval limitations:

BUTLER COUNTY	
Augusta:	
Earth levees	$147,257
Field house	6,074
School	50,092
Electric plant	33,196
El Dorado:	
Street improvement	201,689
Park, athletic field, recreational	41,988
City shop and warehouse building	16,530
High school	175,544
Disposal plant	34,000
Water-works improvement	64,642
Leon, high-school building improvement	49,847
County-wide road improvement	350,000
HARVEY COUNTY	
Burrton, disposal plant	24,565
Newton:	
Schools	209,925
Stadium and exhibit hall	16,293
Street improvement	27,959
County, recreational lake and park	58,028
County-wide road improvement	195,074
M'PHERSON COUNTY	
Canton, curbs	18,000
Galva:	
Waterworks	13,484
Disposal plant	12,555
Inman, waterworks	12,682
Lindsborg:	
Disposal plant	11,514
Street improvements	32,900
Band shell and city park	9,048
McPherson:	
City-park improvement	85,495
Water tank	4,190
Water mains	11,461
Sanitary sewer	9,122
Street lights	7,658
Electric plant	68,000
Electric distribution	45,000
Swimming pool	31,140
School	13,800
High-school addition	163,547
Moundridge:	
Disposal plant	14,756
School improvements	3,272
Park improvement	17,852
County-wide road improvement	61,871
SEDGWICK COUNTY	
Andale, auditorium-gymnasium	35,313
Clearwater, school addition	22,837
Goddard, park facilities and dam	491,996
Mount Hope:	
Waterworks	19,091
Sanitary sewer	16,500
Mulvane, auditorium and gymnasium	34,855
Wichita:	
Municipal airport, approximately	806,232
Art museum	47,608
Arts building	21,038
Auditorium	82,800
City drainage projects	49,410
Library	74,456
Market	20,880
Park improvement	1,245,779
Sanitation improvements	186,570
School, district No. 124	32,401
Schools	139,633
Residence	9,754
City shop	9,624
Waterworks	1,091,250
Veterans' hospital	125,000
Wichita—Continued.	
Radio facilities	$6,279
County storage and shop building	42,846
County engineering office building	25,272
County-wide road improvement	3,242,426
SUMNER COUNTY	
Argonia, sanitary sewer	$15,268
Caldwell:	
City building	15,150
Fairground and sheds	14,136
Conway Springs, school	14,722
Oxford, industrial arts building	43,025
Wellington:	
Disposal plant	21,770
Filter plant	30,458
Electric plant	57,202
Power improvements	98,475
Lake and park improvement	52,443
Park improvement	61,856
Community building	58,800
City shop building	17,220
County garage and warehouse	13,225
Street improvement	86,391
County-wide road improvement	1,110,512

New Federal buildings have been erected at Augusta, Halstead, Lindsborg, and Caldwell in order that mail may be handled more expeditiously and the patrons of the Postal Service be served better.

In July 1938, at the request of Wellington City and Sumner County officials, the War Department and Department of Agriculture were persuaded to place a C. C. C. camp near Wellington. The soil-conservation work of the enrollees has been of incalculable value to the farmers of that vicinity and the monthly pay roll has been of importance to Wellington merchants.

In March 1940 the Soil Conservation Service made plans to close this camp over protests of civic organizations, financial institutions, merchants, city and county officials, farmers, and others of Sumner County. The chamber of commerce reported to me that over a year's work had been signed up; that there were 21 families living in Wellington connected with the camp with an annual pay roll of $28,000; that the enrollees received $18,000 monthly, and the camp was spending $15,000 for lumber, groceries, gas, cleaning, milk, and so forth, each month.

Through my connections at Washington, the camp was held in Sumner County and is there today. That is an example of the service I have rendered; a service that can be rendered only through a Representative having friends in the National Capital, and worth while friends can be secured there only by long service in Congress.

Mr. Speaker, realizing the numerous agricultural problems, I have given that part of my work careful study with the hope of being of service to agriculture, which is the basic industry of the State of Kansas. We have made progress along the line of formulating a definite, constructive program to meet new situations.

Surely the memory of farmers is not so short that they are unable to call to mind the 32-cent wheat, the 19-cent corn, the 3-cent hogs, and the 5-cent cotton under the previous administration.

They cannot be unmindful of the fact that the annual cash income of farmers in 1932 had sunk to the frightfully low level of $4,500,000,000, which, after farming expenses had been paid out of it, represented the startlingly low figure of $40 for every person living on farms. Nor can they fail to realize that under this administration immediate attention was given to the farm crisis and from then on the agricultural economy was steadily built up until in 1939 annual cash income of farmers had reached $8,500,000,000, or almost double that of 1932.

Are the farmers of the country to whose interests this Democratic administration has given constant study and attention, which has provided loans, which has reduced interest rates, which has provided relief in cases of drought and like disasters, which has planned soil conservation, and which has provided machinery enabling the farmers them-

selves to manage their own programs—are the farmers going to exchange this kind of administration for the party which for 50 years cared so little for the farmers that it never mentioned them in its national platforms?

Even though farmers have complaints and criticisms of existing agricultural programs, do they imagine for a moment that despite protestations of eager candidates that they can have anything to expect from a party with such a record?

We intend to keep on helping the farmer, and it remains my opinion that the cost-of-production plan to insure the farmer parity prices with industry offers the best solution of the farm problem. I introduced a cost-of-production bill and intend to again introduce it and vigorously support it. During my entire service in Congress I have never cast a single vote detrimental to agriculture.

I should like to call the attention of the membership of this House and the farmers of my district to the following statement showing the Federal benefits under the current and completed programs of the Agricultural Adjustment Administration:

	Current	Completed
Butler County	$437,736	$552,049
Harvey County	280,551	926,636
McPherson County	507,515	1,951,886
Sedgwick County	689,136	1,926,125
Sumner County	649,353	1,938,140

The Farm Security Administration, through its rural rehabilitation and farm tenant purchase programs, has helped farmers of my district to the extent of $500,000.

Through the Rural Electrification Administration hundreds of farms of the Fifth Kansas District have been electrified and the work of farm women and men has been made easier and their lives more comfortable. Over $1,000,000 has been expended for this program.

The Farm Credit Administration has expended $2,600,000 within my district during the period 1933 to 1939.

Classes other than farmers have every reason to think of this administration with satisfaction. Age may weaken the memory, but that of the old folks and the blind is not so impaired as not to be impressed with the fact that for the first time in the history of the Government their want has been alleviated.

The Social Security Board has expended in the Fifth Kansas District a total of $614,380 for the aged, the blind, and dependent children. Butler County received $88,786, Harvey County $36,035, McPherson County $41,901, Sedgwick County $370,405, and Sumner County $77,253.

The Home Owners' Loan Corporation aided distressed home owners of Butler County to the extent of $459,039, of Harvey County $301,847, of McPherson County $209,907, of Sedgwick County $6,182,490, and of Sumner County $398,381.

The Reconstruction Finance Corporation loaned residents of Butler County $500,005, of Harvey County $6,500, of McPherson County $130,401, of Sedgwick County $1,038,920, of Sumner County $27,067.

The Public Roads Administration's expenditures in Butler County total $391,726, in Harvey County $184,206, in McPherson County $323,043, in Sedgwick County $935,325, in Sumner County $274,204.

The Federal Housing Administration insured modernization and improvement loans in Butler County to the extent of $63,611, in Harvey County $27,942, in McPherson County $23,895, in Sedgwick County $480,185, in Sumner County $44,843. And mortgages accepted for insurance in Butler County totaled $358,350, in Harvey County $153,950, in McPherson County $315,900, in Sedgwick County $4,410,155, in Sumner County $89,000.

Other Federal expenditures in the Fifth Kansas District for the period from March 4, 1933, to June 30, 1939, bring the totals of repayable and nonrepayable items as follows:

	Repayable	Nonrepayable	Total
Butler County	$1,725,753	$2,829,872	$4,555,625
Harvey County	700,117	1,919,472	2,619,589
McPherson County	818,748	3,309,217	4,127,965
Sedgwick County	8,314,892	15,242,515	23,557,407
Sumner County	1,415,649	4,299,053	5,714,702
Grand total	12,975,159	27,600,129	40,575,288

This country is now driving hard to rebuild our national defense, and Kansas will benefit in increased employment, wages, and sales resulting from the expansion program. Wichita airplane factories have received Government contracts totaling $15,500,000, and the production and transportation of materials for arms of all kinds will provide millions of man-hours of work for Kansans.

As I view the state of the world today, we have every reason to rejoice that we are citizens of the United States of America. Justification for this feeling is to be found not only in the contrast between our own condition and that of millions of people in Europe and Asia who are either at war or on the verge of it.

Every man, woman, and child capable of reading or listening to the radio knows of the slaughter of human beings, the destruction of property, the tearing apart of families, the hunger, destitution, and suffering which are the result of the mad and savage struggles now going on across the ocean, and knows equally well that such happenings are not taking place here. We can and do sympathize with these unfortunate peoples, but at the same time we can without the least condescension be glad that circumstances have not involved us in a like fate. And I firmly believe that an overwhelming majority of Americans are determined that nothing shall bring this country into the cruel and senseless conflict which ambitious governments have inflicted upon their patient peoples.

I shall continue my vigorous support of measures to insure the peace of America; and having attained a thorough understanding of the conditions and problems of my district and State, through experience, and having gained an important place on the Committee on Appropriations by seniority, I am in position to effectively serve my constituents and the Nation.

During the period of my service as a Member of Congress I have supported and voted for every measure of benefit to labor.

I served as a member of the House Committee on Veterans' Affairs for 2 years, and have sponsored several bills for the benefit of veterans, their widows, and dependents. I have supported every bill of that nature that has come before Congress, and will continue that policy.

On every occasion I have promptly signed petitions to bring old-age pension bills before the Congress for action, and will continue my work for a Federal old-age pension system.

All legislation and appropriations for vocational education and Federal aid for our school system have had my support, and the many letters of commendation received from educators and parents of my district have been deeply appreciated.

I believe I am correct in saying that I was the first Member of Congress to make a speech on the floor of the House demanding an appropriation of $25,000,000 for the control of venereal diseases, and I am happy to report that the Federal Government is now cooperating with the various States in the fight on social diseases and contributing about $6,000,000 annually.

Recognizing the fact that oil is a leading "crop" in Kansas, the estimated value of which runs about one-third of the total value of the wheat, corn, cattle, hogs, and milk produced in our State, I have consistently fought for legislation beneficial to the oil industry and vigorously opposed by voice

and vote that which would have been detrimental. I appeared before the Committee on Interstate and Foreign Commerce in opposition to the Cole bill; and before the Ways and Means Committee in opposition to excessive importation of Venezuelan oil.

I have urged the repeal of the Federal tax on gasoline and lubricating oil, and worked for an increase in excise taxes on imported petroleum and petroleum products. I supported the "hot oil" bill, upheld the conservation laws of Kansas as being sound in principle and practice and administered equitably, and worked for measures that increase employment of American workers in the oil fields and refineries.

I have consistently supported legislation beneficial to railroad workers and the transportation systems such as the Railroad Retirement Act, Railroad Unemployment Insurance Act, and the Transportation Act; and have the endorsement of the railroad brotherhoods.

In addition to the old-age pension bills, farm bills, veterans' bills, aviation bills, scores of private relief bills, and others of a public nature, I introduced bills to establish an airplane engine research laboratory at Wichita, to establish an aeronautical school in Sedgwick County, and worked for the placement of defense facilities and training programs in my district.

I have endeavored to serve every constitutent cheerfully and to the best of my ability whether his or her request was large or small; regardless of race, creed, or political affiliation. Every reasonable demand has been met; every letter answered promptly; every service within the province of my office offered freely. That will continue to be my policy.

I have kept the faith and explicitly carried out my promises. My people had an opportunity to observe the type of service that I have been rendering them during the past 6 years, and they have kept in touch with my legislative record, which is an open book.

The thousands of letters that I have received from time to time thanking me for the many things that I have done for my constituents and my district, as well as congratulatory messages on my votes on many important bills, are sufficient evidence that I have fought a good fight.

I have endeavored to submerge personalities in the interest of principles; I have attempted to reconcile my views with those of my colleagues on all principles where national issues were involved.

I have tried to practice tolerance and my record discloses the fact that nowhere and at no time have I ever indulged in bitter personalities or in conduct unbecoming a Member of this honorable body.

I fully realize that because of the ruthless war which is raging in Europe and the many serious problems confronting Congress and the country, this is no time for Members of Congress to desert their duty to their people and their country and engage in a political campaign for personal gain. It is obvious that we must remain at our posts in Washington even though we may be subjected during the coming weeks to criticism by opponents and have no opportunity to answer, but I am perfectly willing to leave my case in the hands of the people of the Fifth District of Kansas, and abide by their decision.

Mr. Speaker, in conclusion, I wish to emphasize my support of that part of the 1940 platform of the Democratic Party which reads:

> We will not participate in foreign wars, and we will not send our Army, naval, or air forces to fight in foreign lands outside of the Americas, except in case of attack. We favor and shall rigorously enforce and defend the Monroe Doctrine.

That, in my opinion, is the most important declaration of policy that any party or man can now state, and it must be adhered to so that the common, average citizens of this country may continue to live simply and happily and safely in a land which is a democracy. [Applause.]

EXTENSION OF REMARKS

Mr. MURDOCK of Arizona. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein the story of an unusual act of heroism on the part of a small boy, in the hope that other small boys may pattern their conduct thereafter.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2842. An act to provide for an appeal to the Supreme Court of the United States from the decision of the Court of Claims in a suit instituted by George A. Carden and Anderson T. Herd; to the Committee on the Judiciary.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 19 minutes p. m.) the House adjourned until tomorrow, Thursday, August 15, 1940, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1903. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the National Labor Relations Board for the fiscal year 1941, amounting to $150,000 (H. Doc. No. 913); to the Committee on Appropriations and ordered to be printed.

1904. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Civil Service Commission amounting to $500,000 for the fiscal year 1941 (H. Doc. No. 914); to the Committee on Appropriations and ordered to be printed.

1905. A communication from the President of the United States, transmitting a draft of a proposed provision pertaining to the appropriation for the State Department for cooperation with the American republics, contained in the Second Deficiency Appropriation Act, 1940, approved June 27, 1940 (H. Doc. No. 915); to the Committee on Appropriations and ordered to be printed.

1906. A letter from the Secretary of War, transmitting the draft of a proposed bill to promote and strengthen the national defense by suspending enforcement of certain civil liabilities of persons serving in Military and Naval Establishments, including the Coast Guard; to the Committee on Military Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. CLARK: Committee on Rules. House Resolution 568. Resolution granting consideration of Senate Concurrent Resolution 40, concurrent resolution creating a special joint committee to investigate the matter of losses resulting from the Mediterranean fruitfly eradication campaign in Florida in 1929 and 1930; without amendment (Rept. No. 2852). Referred to the House Calendar.

Mr. ROBINSON of Utah: Committee on Irrigation and Reclamation. H. R. 9734. A bill authorizing allocation of funds for the construction of Saco Divide unit, Milk River project, and for other purposes; with amendment (Rept. No. 2853). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DARDEN of Virginia:

H. R. 10359. A bill permitting the exclusion of fixtures and other objects on the land from a taking by eminent domain; to the Committee on the Judiciary.

By Mr. MURDOCK of Arizona:

H. R. 10360. A bill to promote the national health through the prevention and control of tuberculosis among migrants,

and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STEAGALL:

H. R. 10361. A bill to provide for increasing the lending authority of the Export-Import Bank of Washington, and for other purposes; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. McLEOD:

H. R. 10362. A bill for the relief of Fred W. Meile; to the Committee on Claims.

By Mr. BARRY:

H. Res. 569 (by request). Resolution to provide for an investigation of the proceedings of the Court of Inquiry of the United States Army in the case of Capt. William R. F. Bleakney; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9171. By Mr. CARTER: Resolution of Bayshore Local No. 255, International Brotherhood of Pulp Sulphite and Paper Mill Workers, American Federation of Labor, urging the enactment of proper legislation for the control of the "fifth column" operating in our country; to the Committee on Immigration and Naturalization.

9172. Also, resolution of the Central Labor Council of Alameda County, Oakland, Calif., urging that Congress legislate curbing subversive elements in our country; to the Committee on Immigration and Naturalization.

9173. By Mr. REES of Kansas: Petition of the Lions Club, district 17 of Kansas; to the Committee on Military Affairs.

9174. By Mr. THOMAS of Texas: Letter of Louis Garland Bailey, July 29, 1940, of Houston, Tex., on compulsory military-training law; to the Committee on Military Affairs.

9175. By Mr. VAN ZANDT: Petition of the Junior Order of Mechanics, Warren G. Harding Camp, No. 372, Altoona, Pa., expressing opposition to the compulsory military-training bill; to the Committee on Military Affairs.

9176. By the SPEAKER: Petition of Morris Ivry, of Brooklyn, N. Y., and others, petitioning consideration of their resolution with reference to naval ships and destroyers; to the Committee on Naval Affairs.

SENATE

THURSDAY, AUGUST 15, 1940

(Legislative day of Monday, August 5, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

O Lord, our God, support us all the day long until the shadows lengthen and the evening comes, and the busy world is hushed, the fever of life is over, and our work is done. Then, in Thy mercy, grant us a safe lodging, and a holy rest, and peace at the last. Through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Wednesday, August 14, 1940, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Ellender	Lodge	Schwellenbach
Andrews	Frazier	Lundeen	Sheppard
Ashurst	George	McCarran	Shipstead
Austin	Gerry	McKellar	Smathers
Barbour	Gibson	McNary	Smith
Barkley	Gillette	Maloney	Stewart
Bone	Glass	Mead	Taft
Bridges	Green	Miller	Thomas, Idaho
Brown	Guffey	Minton	Thomas, Okla.
Bulow	Gurney	Murray	Thomas, Utah
Burke	Hale	Neely	Tobey
Byrd	Harrison	Norris	Townsend
Byrnes	Hatch	Nye	Truman
Capper	Hayden	O'Mahoney	Tydings
Chandler	Herring	Overton	Vandenberg
Chavez	Hill	Pepper	Van Nuys
Clark, Idaho	Holman	Pittman	Wagner
Clark, Mo.	Holt	Radcliffe	Walsh
Connally	Johnson, Calif.	Reed	Wheeler
Danaher	Johnson, Colo.	Reynolds	White
Donahey	King	Russell	Wiley
Downey	Lee	Schwartz	

Mr. MINTON. I announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BANKHEAD], the Senator from Mississippi [Mr. BILBO], the Senator from Arkansas [Mrs. CARAWAY], the Senator from Delaware [Mr. HUGHES], and the Senator from Illinois [Mr. SLATTERY] are necessarily absent from the Senate.

The Senator from Illinois [Mr. LUCAS] is in camp with the Illinois National Guard, and is, therefore, unavoidably detained.

Mr. AUSTIN. I announce that the Senator from Pennsylvania [Mr. DAVIS] is absent on public business.

The PRESIDENT pro tempore. Eighty-seven Senators having answered to their names, a quorum is present.

EDITORIAL POLICY OF WALLACE'S FARMER AND IOWA HOMESTEAD—PERSONAL STATEMENT

Mr. GILLETTE. Mr. President, day before yesterday I asked unanimous consent, which was granted, to have inserted in the RECORD an editorial from the current issue of Wallace's Farmer and Iowa Homestead, which is published in my State, at Des Moines, Iowa. Several Senators have inquired whether the editorial in any way reflected the views of the candidate for Vice President on the Democratic ticket, the present Secretary of Agriculture, or whether he has anything to do with the editorial columns of the publication.

In fairness to him, I wish to state publicly that he has nothing to do with the editorial policy of that publication, and I am sure that the editorial statement which I placed in the RECORD does not reflect the views of the Secretary of Agriculture.

DISPOSITION OF EXECUTIVE PAPERS

The PRESIDENT pro tempore laid before the Senate letters from the Archivist of the United States, transmitting, pursuant to law, lists of papers and documents on the files of the Departments of the Interior, of Agriculture, the United States Civil Service Commission, the Federal Works Agency, Work Projects Administration, and the United States Housing Authority, which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition, which, with the accompanying papers, were referred to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The PRESIDENT pro tempore appointed Mr. BARKLEY and Mr. TOBEY members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate the petition of Charles Forney, of Norfolk, Va., praying for an investigation as to certain financial transactions concerning the Newport News (Va.) Ship Building and Dry Dock Co., which was referred to the Committee on Banking and Currency.

He also laid before the Senate a resolution adopted by the fifteenth annual convention of the Police Conference of the State of New York, favoring an adequate national-defense program so as to meet any threat to the freedom of the United States, which was ordered to lie on the table.

Mr. VANDENBERG presented memorials of sundry citizens of the State of Michigan, remonstrating against the enactment of compulsory military training legislation, which were ordered to lie on the table.

Mr. HOLT presented the memorial of members of the Baptist Young People's Union of the Baptist Temple, Charleston, W. Va., remonstrating against the enactment of any form of compulsory military training legislation, which was ordered to lie on the table.

He also presented a resolution of the executive board of Labor's Non-Partisan League, Marion County, W. Va., protesting against the enactment of pending compulsory military-training legislation or any other form of peacetime conscription, which was ordered to lie on the table.

REPORTS OF COMMITTEE ON IMMIGRATION

Mr. MALONEY, from the Committee on Immigration, to which was referred the bill (H. R. 4954) for the relief of Rosa Paone, reported it without amendment and submitted a report (No. 2008) thereon.

Mr. AUSTIN, from the Committee on Immigration, to which was referred the bill (H. R. 8551) for the relief of Xenophon George Panos, reported it without amendment and submitted a report (No. 2009) thereon.

Mr. HERRING, from the Committee on Immigration, to which was referred the bill (H. R. 8830) to amend the records at the port of New York to show the admission of Steve Zegura, Jr., and B. Dragomir Zegura as aliens admitted for permanent residence, reported it without amendment and submitted a report (No. 2010) thereon.

Mr. CAPPER, from the Committee on Immigration, to which was referred the bill (H. R. 8906) to record the lawful admission to the United States for permanent residence to Nicholas G. Karas, reported it without amendment and submitted a report (No. 2011) thereon.

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that that committee presented to the President of the United States the following enrolled bills:

On August 8, 1940:

S. 4106. An act to authorize the construction of certain facilities in Marjorie Park, Davis Island, Tampa, Fla., and for other purposes.

On August 12, 1940:

S. 4070. An act to provide for more uniform coverage of certain persons employed in coal-mining operations with respect to insurance benefits provided for by certain Federal acts, and for other purposes.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BYRD:

S. 4276. A bill for the relief of Virginia Bowen, Willie W. Hudson, and John L. Walker; to the Committee on Claims.

By Mr. SHEPPARD:

S. 4277. A bill to protect the rights of inventors; to the Committee on Military Affairs.

SELECTIVE COMPULSORY MILITARY SERVICE—AMENDMENTS

Mr. HAYDEN and Mr. SHEPPARD each submitted an amendment intended to be proposed by them, respectively, to the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service, which were ordered to lie on the table and to be printed.

Mr. WALSH. Mr. President, I desire to offer an amendment to the pending bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service, which I ask may lie on the table. The amendment inserts on page 23, line 5, after the word "duty", the following: "or who is hereafter assigned to active or training duty".

This would have the effect of insuring that Government employees who are also in the Reserve forces would be given their jobs back after released from active duty.

The language of S. 4164 seeks to do this for all conscripted persons, but it does not apply to those Reserves who are now in the Reserve force but not on active duty and who may enter active duty from the regular Reserve forces.

The PRESIDENT pro tempore. The amendment of the Senator from Massachusetts will lie on the table and be printed.

SECOND SUPPLEMENTAL NATIONAL DEFENSE APPROPRIATIONS—AMENDMENT

Mr. MILLER submitted an amendment intended to be proposed by him to the bill (H. R. 10263) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

SEC. —. The Secretary of War may allocate to the Corps of Engineers any of the construction works required to carry out the national-defense program and may transfer to that agency the funds necessary for the execution of the works so allocated. Funds thus transferred may be expended in the prosecution of said works, including the acquisition of lands therefor, in the same manner as funds regularly appropriated for maintenance and improvement of rivers and harbors, and the statutory authorities and rules and regulations applicable to the maintenance and improvement of rivers and harbors shall apply likewise to the construction works allocated to the Corps of Engineers pursuant to this section.

ADDRESS BY SENATOR VANDENBERG ON NATIONAL DEFENSE

[Mr. VANDENBERG asked and obtained leave to have printed in the RECORD an address delivered by him at Lansing, Mich., August 14, 1940, on the subject of national defense, which appears in the Appendix.]

TRIBUTE TO SENATOR M'NARY BY WILLIAM S. BENNET

[Mr. CAPPER asked and obtained leave to have printed in the RECORD a letter paying tribute to Senator MCNARY, written to the New York Times by William S. Bennet, which appears in the Appendix.]

TRIBUTE TO SENATOR WHEELER BY HUGH R. FRASER

[Mr. JOHNSON of Colorado asked and obtained leave to have printed in the RECORD a tribute to Senator WHEELER by Hugh Russell Fraser, which appears in the Appendix.]

SENATOR LODGE AND CONSCRIPTION—EDITORIAL FROM THE LAWRENCE (MASS.) BEE

[Mr. MCNARY asked and obtained leave to have printed in the RECORD an editorial under the heading "Senator Lodge and conscription," published in the Bee, of Lawrence, Mass., on August 9, 1940, which appears in the Appendix.]

HUMOR FROM THE OZARKS—BY REPRESENTATIVE DEWEY SHORT, OF MISSOURI

[Mr. HILL asked and obtained leave to have printed in the RECORD the column under the heading "Humor from the Ozarks," written by Hon. DEWEY SHORT, a Representative from Missouri substituting for Harlan Miller, and published in the Washington Post of today, which appears in the Appendix.]

WATER TRANSPORTATION—LETTER FROM ASSOCIATION OF AMERICAN RAILROADS

[Mr. TRUMAN asked and obtained leave to have printed in the RECORD a letter from R. V. Fletcher, vice president and general counsel of the Association of American Railroads, in reply to a charge that the Panama Canal Act would be repealed by the conference report on Senate bill 2009, which appears in the Appendix.]

THE HOOVER RELIEF PROPOSAL—ARTICLE BY WALTER LIPPMANN

[Mr. WILEY asked and obtained leave to have printed in the RECORD an article by Walter Lippmann entitled "The Hoover Relief Proposal," which appears in the Appendix.]

SELECTIVE COMPULSORY MILITARY SERVICE

The Senate resumed the consideration of the bill (S. 4164) to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

Mr. DOWNEY obtained the floor.

Mr. VANDENBERG. Mr. President, will the Senator yield to me?

Mr. DOWNEY. I yield to the Senator from Michigan.

Mr. VANDENBERG. Mr. President, I present an editorial from the Grand Rapids Press entitled "Local Recruiting." From this editorial it appears that a distinguished Member of another distinguished legislative forum asserted in debate the other day that—

"Senator VANDENBERG'S own home town" had recruited only one man in a recent Army recruiting drive. He concluded that even the Senator must admit that voluntary enlistment "had already been tried and found wanting" as a means of enlarging American defense forces.

Mr. President, the fact happens to be that the recruiting quota in my home city of Grand Rapids has been filled to overflowing every month this year.

I ask that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LOCAL RECRUITING

Another sample of irresponsible congressional conscription debate was furnished by the speech of Representative PATRICK, Alabama Democrat, in the House of Representatives Monday. Patrick asserted that Grand Rapids, "Senator VANDENBERG'S own home town," had recruited only one man in a recent Army recruiting drive. He concluded that even the Senator must admit that voluntary enlistment "had already been tried and found wanting" as a means of enlarging American defense forces.

The fact is that the Grand Rapids Army recruiting office has established a most enviable recruiting record in the last two and a half months. The local office enlisted 29 men in June, 59 in July, and already has enlisted 20 men in August with tentative acceptance of 15 more. The June and July enlistments actually broke all peacetime recruiting records here. Moreover, the local office was closed in January and was given a very limited number of vacancies to fill in February, March, April, and May. These vacancies were filled.

Last week a crowd of more than 50,000 local persons turned out at the airport to see a display of equipment by a mechanized Army recruiting demonstration unit. The local office was swamped with men desiring Army enlistment information the next day, according to the officer in charge. The visiting Army detachment actually did enlisting in smaller cities visited which did not have regular recruiting offices. But its function in larger cities with regular recruiting offices was solely to arouse public interest and enthusiasm for enlistment.

Perhaps Representative PATRICK mistook a 1-night demonstration of equipment for a 2-week recruiting drive. Or perhaps any rumor or unverified statement is good for ammunition against a leader of an opposite political party.

The public desires a calm and considered debate on an issue as vital to democracy as conscription. There is room for an honest difference of opinion on the issue. Not all opponents of conscription are "fifth columnists." Not all proponents are ipso facto "Hitlerites."

Certainly little is gained for the cause of conscription by misrepresenting a city which has one of the best recruiting records in the entire Sixth Corps Area. A nonpartisan study of the facts, not the rumors, of voluntary enlistment is sorely needed in Washington now.

Mr. HOLMAN. Mr. President, will the Senator from California yield to me a moment, that I may insert a memorandum in the RECORD?

Mr. DOWNEY. I yield.

Mr. HOLMAN. Mr. President, I am just in receipt of the following letter from Lt. Col. D. A. Watt, connected with the Committee on Military Affairs of the Senate:

UNITED STATES SENATE,
COMMITTEE ON MILITARY AFFAIRS,
August 15, 1940.

Senator RUFUS C. HOLMAN,
Senate Office Building, Washington, D. C.

DEAR SENATOR HOLMAN: As requested I send you herewith a memorandum on the subject of equipment and recruiting and the necessity for prompt action to expand the Army without delay.

Very respectfully,

D. A. WATT,
Lieutenant Colonel.

I ask unanimous consent that there be printed in the RECORD the memorandum referred to in the letter of Lieutenant Colonel Watt.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM

Statements have appeared in the press conveying the impression that the War Department is not prepared to train 400,000 men should such a group be drafted this fall, and reference to lack of equipment and supplies has been mentioned on the floor of the Senate.

Obviously the War Department would not urge that such a force be drafted this fall for training if the Department was not prepared and had the necessary equipment on hand with which to commence and continue training of this large group.

Trainees who will be drafted this fall will be attached to Regular Army and National Guard units for intensive training.

The National Guard will enter the Federal service fully equipped and will have sufficient equipment or be issued additional equipment to permit the guard to proceed immediately with the training of draft men attached to it.

The Regular Army has sufficient equipment already issued to Regular units or in reserve which will be brought out of reserve, which will permit the Regular Army immediately to proceed with the training of men drafted and attached to the Regular Army for training.

It is unfortunate that the impression prevails among a few groups that the Army is not prepared to train the men they have asked for. The impression that there is not a sufficient amount of equipment on hand now is erroneous.

The military experts who have kept in close touch with world conditions and have studied the situation from day to day believe that this country faces a peril which necessitates immediate preparation to offset the peril. The preparation considered necessary as seen by the War Department includes the drafting of 400,000 men this fall. It is important that this large group of men be procured without delay. Normal recruiting will not produce this force within a limited period. By a limited period it is meant that the 400,000 should be procured within a few weeks, and in large increments. Recruiting would bring men into the service in driblets and delay efficient processing and training and it would take many months eventually to procure the 400,000.

Time is the essential factor. A trained reserve of men should be acquired by the Government at the earliest practicable moment. It is the only way to prepare for the adequate defense of the country.

Mr HOLMAN. I thank the Senator for yielding.

Mr. ASHURST. Mr. President, will the Senator from California yield to me?

Mr. DOWNEY. I yield to the Senator from Arizona.

Mr. ASHURST. Mr. President, referring to the subject of voluntary enlistments, no one should be surprised that there might apparently be some backwardness or delay in voluntary enlistments; but such delay, if any, has been occasioned not a little by the War Department, which has flagrantly disregarded the law of June 4, 1920, which permitted 1-year enlistments and gave to the soldier the right to choose what the period of his enlistment would be, whether 1 year or 3. The evidence is not conclusive, but is strong, to the effect that the War Department has been lacking in frankness, has been disingenuous and unfair, in that in establishing recruiting stations the recruiting officers have notified the applicants seeking to enlist that they could not enlist for 1 year. That circumstance, Mr. President, does not afford us much faith or confidence in a department which now asks for power to deal with larger and graver matters when in the smaller matters it has been remiss, and, in my judgment, unfair to the man seeking to enlist for 1 year.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield to the Senator from Michigan.

Mr. VANDENBERG. I think the Senator from Arizona might add, however, that, in spite of this prejudice and in spite of this handicap, every quota the Army has sought has been filled.

Mr. ASHURST. I am glad to have that contribution.

MANGANESE

Now, Mr. President, a few words upon another subject.

On the 7th of November 1929 I vexed the ears of the Senate for nearly 3 hours in a debate wherein I argued that adequate supplies of high-grade manganese ores could be found within the United States, and in that speech I descended into particulars. I named the States in which manganese ores are found. I named the counties, the mining districts where manganese ores were located, and I descended further into particulars, and in some instances supplied the names of the mines in the United States whence high-grade manganese ores could be obtained.

Manganese is absolutely necessary in the manufacture of steel. It is used to "sweeten" pig iron. For years a determined effort was made to prevent the imposition of a protective tariff on imported manganese. I wish not to talk now

about the tariff question; but it is true that the users of manganese, the large steel companies, in bygone years employed their power—I do not charge corruption—to prevent the imposition of a tariff on manganese. That is human nature. That is probably enlightened selfishness, for they would, forsooth, prefer to buy manganese in foreign countries because they believe they might secure it cheaper than at home. It has been said that the steel interests are now indifferent as to a tariff; but my opinion is that if they are not urging free trade on manganese they occupy the position of Addison's valetudinarian, who, whilst complaining that he was starving to death, grew so fat that he was shamed into silence.

The following is an extract from questions which were asked by radio commentators and answered by members of the National Defense Advisory Commission in a broadcast over the four radio networks from Washington, August 8, 1940, giving remarks of Mr. Edward R. Stettinius, Jr., in charge of the Raw Materials Division of the National Defense Commission:

Question. Of course, you must encounter numerous difficulties, Mr. Stettinius. Could you give us an example?

Answer. Yes. A very practical difficulty, for instance, involves one of our sources of high-grade manganese—an indispensable alloy for the manufacture of steel. It is in Brazil. Transportation to that source is inadequate, and to get the supplies we need a railroad in Brazil will have to be rebuilt. That is typical of the kind of problems we face.

The United States Steel Corporation owns manganese mines in Brazil.

According to United States Bureau of Mines release of August 10, 1940, manganese ore imported from Brazil during the month of June ran 40.9 percent metallic manganese. According to Government specifications, ore running below 48 percent metallic manganese is classified as low grade.

If approved by Congress, it is expected that a portion of the $500,000,000 Export-Import Bank fund will be used in the construction of manganese plants and railroads in Brazil or other South American countries. Such plants can be constructed in the United States just as quickly as in Brazil and offer far more security to our own country.

It would seem certain Congress should not be content to see American money spent for the development of manganese in Brazil while domestic manganese mines with enormous quantities of manganese-ore content higher than the ore content of the Brazil mines remain idle, with American miners searching for employment.

The argument, to my mind, is conclusive that if manganese be, as it is, a metal necessary in the manufacture of ordnance and other munitions, for a stronger reason, a fortiori, we ought to develop the home mines. Senators will remember that in the dark days of March and April 1918 our miners and prospectors in response to the call of their Government went out upon the hills, smote the obdurate face of Nature to compel her to bring forth her treasures, not of gold, not of silver, but of manganese; that we thereby stimulated the production of manganese, but at that same time we were bringing overseas half our manganese. Who does not recall the mysterious disappearance of the steamship *Cyclops*, which was last heard of during March 1918 somewhere in the West Indies; she was bound for an Atlantic port in the United States from Barbados, laden with manganese ore; she had a complement of 211 men, 15 officers, and 57 passengers. Nothing was ever heard of her further, and men and cargo were all lost; they went down to the airless meadows of the cavernous deep. Not a spar has ever come to the surface to indicate her fate. What was the mission of that ship? With what was she laden? She was bringing manganese to the United States to be used in the manufacture of our ordnance and other munitions of war. All we needed to do was to develop our own mines.

Mr. President, it is shocking to consider importing manganese from a foreign country when we have abundant supplies in our own country.

I ask permission to include in the RECORD as a part of my remarks a list of the States containing manganese deposits.

The PRESIDENT pro tempore. Without objection, the list will be printed in the RECORD.

(See exhibit A.)

Mr. ASHURST. I now make a passageway so that the Senator from Virginia [Mr. GLASS], whom I love so much, may take his seat. That reminds me that while Virginia may not have gold mines or silver mines, Virginia has many manganese mines. How does my beloved friend the Senator from Virginia view the idea of proposing to spend the money of our taxpayers to build railroads in Brazil to transport ores that are only 40 percent metal content when in his own State and my own State there are manganese mines with a content of metal of more than 48 percent?

Mr. President, this manganese question is a subject to which I have given not a few days, not a few weeks, but years of study. I hope I am not unduly influenced by the consideration that in Arizona there are deposits of high-grade manganese ores. If Arizona had no manganese mines, I should be just as zealous in my efforts to see to it that home industry and American miners, rather than Brazilian miners, were employed. I opposed the reciprocal-trade treaties for the reason that copper, forsooth, may be mined in Africa and in South America by cheap and underpaid labor and thus cause ruinous competition.

If there be anything in the philosophy of developing and sustaining our own country, it is that Americans should have the advantage of the American market, and if public moneys are to be spent, all things being equal those public moneys should be expended in the United States.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. ASHURST. I have not the floor, but if the Senator from California will permit, I yield to the Senator.

Mr. DOWNEY. I yield.

Mr. WHEELER. First of all, I wish to compliment the Senator for the fight which he has made for the manganese producers of the United States. I was shocked to hear him say that a railroad was being built in Brazil to manganese mines which were owned by the United States Steel Corporation.

Mr. ASHURST. I have given the substance of the broadcast.

Mr. WHEELER. I am sure the Senator recalls that he and a number of us made a fight to get a tariff on manganese when the Smoot-Hawley bill was before the Senate in order to shut out the managense that was coming in from Russia.

Mr. ASHURST. I do.

Mr. WHEELER. At that time some of the friends of the Bethlehem Steel Co., and I think perhaps the Bethlehem Steel Co. also, had a big contract with Russia, and they were importing manganese from Russia. It will be recalled also that all the big steel companies were opposed to a tariff upon manganese, because they wanted to import it.

When the W. P. A. first went into operation the Senator from Arizona and several others of us called attention to the fact that some stock piles of manganese should be established in this country, and that some of the W. P. A. workers should be used for that purpose, because the manganese could be used in the event of war, and we would not have to be importing it from other countries such as Russia, from which we might be shut off.

Mr. ASHURST. The Senator is correct, and I recall with cameolike distinctness that it was proved, during the latter part of October or early in November 1929, that the large steel companies had contracts with Russia for the delivery in the United States of manganese which was mined in Russia by forced labor, slave labor, or poorly paid labor.

Mr. CHAVEZ. Mr. President, will the Senator permit an interruption?

Mr. ASHURST. I yield.

Mr. CHAVEZ. I wish to clarify what the Senator from Montana had in mind a moment ago, and this statement is correct. A few days ago one of the commentators, Mr. Warner, was asking questions of Mr. Stettinius with reference to special and strategic war materials, and among the things Mr. Stettinious answered about was manganese. Mr. Stettinius

made the statement that, so far as Brazil was concerned, in order to get the manganese actually needed, it would be necessary to build a railroad. If the Senator will permit me for a moment, with the indulgence of the Senator from California—I know what the Senator from Arizona has in mind with reference to his State, but that is immaterial.

Mr. ASHURST. Immaterial.

Mr. CHAVEZ. New Mexico has the same problem. We have in New Mexico a proven capacity for the production of manganese of as high a grade as 53 percent, and I know that, if the Government would contract for the establishment of the stock piles there is talk about in Arizona, New Mexico, California, and throughout the West, thousands of people would be taken off the relief rolls and at the same time the emergency for such war materials would be met.

Mr. ASHURST. I thank the Senator for his contribution.

Mr. President, manganese is found in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, and Nevada.

There sits on my extreme left here the able junior Senator from Nevada [Mr. McCARRAN]. Presiding with dignity and fairness over the Senate at this moment is the senior Senator from Nevada [Mr. PITTMAN]. How do they like the idea of the importation of manganese with many manganese mines in their States that can produce high-grade ore?

To continue the list, manganese is also produced in New Jersey, New Mexico, North Carolina, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, and Tennessee.

Manganese is found in Texas, Utah, Vermont, Virginia, Washington, and Wyoming.

Mr. President, a vast deal of misinformation and erroneous propaganda have been sent forth alleging that there is very little low-grade manganese ore in the United States and that there is even a still smaller quantity of high-grade manganese ore in the United States; thus the impression has been created in some quarters that our steel manufacturers would dwindle and would probably disappear if the steel interests depended upon the United States for their manganese, but the very reverse is true, to wit, there is an abundance of manganese ore, both of the high grade and the low grade, in the United States.

Within the past few years chemistry and metallurgical methods for beneficiating these manganese ores have made enormous progress. Indeed, these discoveries and advances in chemistry, geophysics, metallurgy, and chemical engineering within the past 20 years are so dazzling that they almost rival the old dream of the Alembic, and when we invoice and catalog the recent great discoveries in science we feel that Aladdin's Lamp and the Purse of Fortunatus in comparison are tame and prosaic. To this generation has been given the keys to the kingdom of the material world.

No well-informed man would attempt to delimit the boundaries of chemical science or deny that the quiet laboratory may signify more agencies for national defense and more potentialities for the victories of peace than a whole regiment, and that sometimes a timid and bespectacled chemist is as important in bringing about victory in war or in advancing peaceful pursuits and mobilizing the resources of civilization as are bankers, parliamentarians, and government executives. Just so, within the past two decades, scientific chemistry now beneficiates manganese ores, and these manganese-ore deposits of our own country are ample to supply the needs and requirements of our industries.

Therefore, when we are told in lugubrious jeremiads that there is not a sufficient quantity of manganese in the United States for our industries, we reply to such a plea of pessimism and defeatism that the prospector and miner, that science and chemistry, refute such doleful assertions. Science and her wizardries may with confidence be depended upon to beneficiate our manganese ores.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. ASHURST. I am ashamed to trespass further on the patience of the Senator from California.

Mr. DOWNEY. I shall be glad to yield for a question or a brief comment. I think the question of strategic materials and manganese is sufficiently important to justify a separate argument. I am willing to yield to the Senator, however, for a brief comment or question.

Mr. MILLER. Merely an interjection.

Mr. ASHURST. I thank the Senator from California.

Mr. DOWNEY. I yield to the Senator from Arkansas.

Mr. MILLER. Mr. President, the policy of our Government is extremely short-sighted in the development of strategic and critical materials. Some of my constituents are now in the city of Washington offering to sell mercury to the Government, and they cannot get any consideration or any offer. The plea is that we want to conserve our minerals here and buy foreign minerals.

Mr. McCARRAN and Mr. GURNEY addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from California yield; and if so, to whom?

Mr. DOWNEY. I yield first to the Senator from Nevada.

Mr. McCARRAN. I wish only to add a word from my study of the subject to the explanation made by the able Senator from Arizona, who has always been solicitous of the metal miners of America.

Mr. ASHURST. I thank the Senator.

Mr. McCARRAN. For the last 6 years we have been trying to encourage manganese mining in the United States. My colleague, the able President pro tempore of the Senate, who presides over the Senate at this moment, joined me and the Representative from Nevada in making frequent calls upon those in authority with the purpose of seeing if we might preserve the right of American miners to work in the manganese industry. But we have been confronted with the same statement that was repeated by the Senator from Arizona—that we did not have manganese deposits, or that our manganese deposits were of too low a grade. We were confronted with that statement during the argument over the reduction of the tariff on manganese. The tariff on manganese was reduced 50 percent, but Brazil was not the beneficiary. The argument was made that the tariff should be reduced under the good-neighbor policy for the benefit of Brazil, but the result was that, under the most-favored-nation clause, Russia, being able to produce manganese much cheaper than it could be produced in Brazil, was able to export manganese to this country, which put the Brazil industry out of business so far as the United States was concerned. American manganese miners, who could be working for a decent wage and maintaining American standards of living, have been put out of business.

I am grateful to the Senator from California for yielding.

Mr. DOWNEY. I yield now to the Senator from South Dakota.

Mr. GURNEY. Mr. President, I desire to bring to the attention of the Senator from Arizona and the Senate the fact that in 1929 a survey of manganese production in South Dakota showed resources of approximately a hundred million tons, and that we were using about a million tons a year.

A recent survey conducted by our own colleges in South Dakota, to some extent backed by the Bureau of Mines, shows a higher grade ore than developed by the survey made some 10 or 11 years ago. In fact, we in South Dakota now believe that that ore is of sufficiently high enough grade so that it can be mined economically.

A few years ago, at about the time the reciprocal-trade treaty with Brazil went into effect, the tariff was lowered to a point which caused development to be stopped in our State. A company had started production, or started surveys, took options, and spent about $400,000. At that particular moment the tariff was reduced to $5.60 a ton, thereby making it impossible to continue with that development in the State of South Dakota, where there is a supply sufficient for 100 years, and therefore that company's investment was lost. I thank the Senator from California for yielding to me so I could make that statement.

Mr. ASHURST. Mr. President, I thank the Senator from California for being so generous in allowing me to speak in his time.

EXHIBIT A

Location of manganese deposits

District	County
ALABAMA	
Woodstock	Bibb.
Rock Run-Borden Springs	Cherokee-Cleburne.
Shinbone Valley	Clay.
Walnut Grove	Etowah-Blount.
Keener	Etowah.
ARIZONA	
Tombstone	Cochise.
Warren (Bisbee)	Do
Pine district, 56 miles southwest of Winslow	Coconino.
15 miles northeast of Canyon Diablo	Do.
Globe	Gila.
Fort Thomas	Graham.
Morenci	Greenlee.
Ash Peak	Do.
Big Horn Mountains	Maricopa.
2 miles east of Bosque	Do.
18 miles southwest of Sentinel	Do.
12 miles southeast of Columbia	Do.
Owens (Williams River), 45 to 53 miles west of Congress Junction.	Mohave.
33 miles west of Congress Junction	Do.
Colorado River, 42 miles north of Parker	Do.
16 miles east of Searchlight, Nev	Do.
Topock district, 9 miles south of Topock	Do.
Florence district, 12 miles southeast of Florence	Pinal.
Superior	Do.
Old Hat district, 12 to 16 miles south of Winkelman	Do.
Table Mountain district, 10 miles east of Mammoth	Do.
Patagonia district, 12 miles south of Patagonia	Santa Cruz.
Mayer district, 12 miles southeast of Mayer	Yacapai.
Aguila district, 9 miles northwest of Aguila	Do.
23 miles northeast of Hot Springs Junction	Do.
Bouse district, 6 miles east of Bouse	Yuma.
Ellsworth, 32 miles southwest of Salome	Do.
12 miles northwest of Midway	Do.
2 miles east of Ligurta	Do.
ARKANSAS	
Cushman	Independence.
Glenwood	Pike.
Brushy, Brooks, and Hogpen Mountain	Do.
Statehouse, Sugar Tree, and Leader Mountain	Do.
Hanna Range and Shadow Rock Mountain	Polk.
CALIFORNIA	
Livermore-Tesla district, 8 to 12 miles southeast of Livermore.	Alameda.
Defender	Amador.
Pine Grove, Volcano, and Oleta	Do.
Mountain Springs	Do.
Clipper Mills and Lumpkin	Butte.
Murphy's, Collierville, and Sheep Ranch	Calaveras.
Copperopolis, Keystone, and Gopher Ridge	Do.
San Andreas	Do.
Diamond Springs and Placerville	Eldorado.
Squaw Valley	Fresno.
Watts Valley and Sycamore	Do.
6 miles northwest of Stonyford	Glenn.
3 miles north of Arcata	Humboldt.
Fort Seward	Do.
Charles Mountain district, 20 miles northeast of Fort Seward.	Humboldt.
Fort Baker district, 25 to 30 miles east of Carlotta	Do.
Chocolate Mountains, 29 to 33 miles northeast of Glamis	Imperial.
Wiley Well	Do.
State Range district, 10 miles north of Trona	Inyo.
32 miles west of Zabriskie	Do.
Randsburg	Kern.
Blue Lakes and Witter Springs	Lake.
10 miles north of Upper Lake	Do.
13 miles east of Pieta	Do.
Cobb Mountain, Geyser, and other districts, 25 to 30 miles northeast of Calistoga.	Do.
Arabella and other districts, 40 to 46 miles north of Calistoga.	Do.
18 miles west of Rumsey	Do.
Highland Springs	Do.
Palmdale	Los Angeles.
Sierra Pelona	Do.
Oneal	Madera.
Coarse Gold	Do.
8 miles north of San Rafael	Marin.
Coulterville	Mariposa.
Sweetwater	Do.
Calpella and Redwood	Mendocino.
Sanhedrin Mountains and Willetts	Do.
22 and 35 miles east of Dos Rios	Do.
Spy Rock	Do.
Longvale	Do.
Mina	Do.
Bland Cove	Do.
Largo	Do.
8 miles north of Cloverdale	Do.
Covelo, Woodman, and Dos Rios	Do.
26 miles east of Tres Pinos	Merced.
Dogtown	Mono.
San Carpojoro Creek	Monterey.
Monticello	Napa.
Calistoga	Do.
Rutherford	Do.

Location of manganese deposits—Continued

District	County
CALIFORNIA—continued	
Wolf Creek	Nevada.
Bear River	Do.
Yankee Jim	Placer.
Quincy, Crescent Mills, Taylorsville, and Greenville	Plumas.
Ironwood	Riverside.
Maria Mountains	Do.
Elsinore	Do.
18 to 23 miles east of Tres Pinos	San Benito.
31 miles southeast of Tres Pinos	Do.
13 miles northeast of Hollister	Do.
43 miles north of Parker	San Bernardino.
10 miles north of Drennan	Do.
Newberry	Do.
Ludlow	Do.
Needles	Do.
Owl Holes	Do.
Boulevard	San Diego.
Corral Hollow	San Joaquin.
San Simeon	San Luis Obispo.
San Luis and Los Osos	Do.
Arroyo Grande	Do.
Atascadero and Cambria	Do.
Santa Barbara	Santa Barbara.
Red Mountain and Milpitas	Santa Clara.
24 to 34 miles south of Livermore	Do.
Madrone	Do.
Harrison Gulch	Shasta.
Heroult	Do.
Yreka and Fort Jones	Siskiyou.
Klamathon	Do.
Callahan Gulch	Do.
Pineflat	Sonoma.
20 miles northeast of Geyserville	Do.
9 miles west of Geyserville	Do.
2 miles northwest of Mark West Springs	Do.
Ingraham and Hospital Canyon	Stanislaus.
Paskenta	Tehama.
Brushy Mountain	Trinity.
Naphis Peak	Do.
Wildwood	Do.
Milo	Tulare.
Lindsay	Do.
Chinese Camp	Tuolumne.
Sonora	Do.
COLORADO	
Salida district, 10 miles north of Salida	Chaffee.
Silver Cliff	Custer.
Red Cliff	Eagle.
Wellsville district, 2 miles east of Wellsville	Fremont.
Ohio City	Gunnison.
Cebolla Valley, 2 miles south of Powderhorn post office	Do.
Sapinero	Do.
Steuben Valley	Do.
Spring Creek	Do.
White Pine	Do.
Capital City	Hinsdale.
Pearl	Jackson.
Leadville	Lake.
15 miles east of Moffat	Saguache.
Klondyke district, 50 miles west of Placerville	San Miguel.
Cripple Creek	Teller.
GEORGIA	
Cartersville	Bartow.
Blue Ridge and Cherrylog	Fannin and Gilmer.
Cave Springs	Floyd and Polk
Union Point and Robinson	Greene and Taliaferro
Mount Airy	Habersham.
Draketown	Haralson and Paulding.
Bowersville	Hart and Franklin.
Lincolnton	Lincoln.
Doogan Mountain	Murray.
Cohutta and Tunnel Hill	Whitfield and Catoosa.
IDAHO	
1 mile north of Soda Springs	Bannock.
2 to 3 miles southeast of Sturgill, Oreg	Washington.
MAINE	
Blue Hill	Hancock.
MARYLAND	
Dargan	Washington.
MICHIGAN	
Stambaugh	Iron.
MINNESOTA	
Cuyuna Range	Crow Wing.
Mesaba	St. Louis.
Virginia	Do.
MISSISSIPPI	
Winborn	Benton.
MISSOURI	
Pilot Knob and Arcadia	Iron.
Cornwall	Madison.

Location of manganese deposits—Continued

District	County
MONTANA	
4 miles west of Melrose	Beaverhead.
Neihart	Cascade.
Boreman, Elk Creek	Gallatin.
Philipsburg	Granite.
7 miles southwest of Hall	Do.
Wickes	Jefferson.
Wigwam Creek, 42 miles south of Norris	Madison.
7 miles southeast of Norris	Do.
Point of Rocks, 3 miles south of Renova	Do.
Varney	Do.
Castle	Meagher.
1 mile north of Bonita	Missoula.
Butte	Silver Bow.
NEVADA	
15 to 18 miles southeast of Las Vegas	Clark.
12 miles southeast of Shafter	Elko.
16 miles south of Jasper Siding	Do.
5 to 7 miles south of Goldfield	Esmerelda.
Eureka	Eureka.
Golconda	Humboldt.
20 miles south of Mill City	Do.
22 miles southwest of Stonehouse	Do.
12 miles southwest of Golconda	Do.
Austin	Lander.
Pioche	Lincoln.
Jack Rabbit district, 14 miles north of Pioche	Do.
24 miles east of Vigo	Do.
1 mile southwest of Sodaville	Mineral.
8 miles east of Rand	Do.
12 miles northeast of Schurz	Do.
70 miles northeast of Tonopah	Nye.
3 miles south of Carson City	Ormsby.
Ely	White Pine.
Siegel	Do.
NEW JERSEY	
Annandale	Hunterdon.
Franklin Furnace	Sussex.
NEW MEXICO	
Rincon	Dona Ana.
8 miles northwest of Rincon	Do.
Fierro	Grant.
Silver City	Do.
Cap Rock Mountain	Do.
Florida Mountains	Luna.
Cooks Range	Do.
4 miles northeast of Santa Fe	Santa Fe.
New Placers district, 18 miles northwest of Stanley	Do.
Hillsboro	Sierra.
Kingston district, 28 miles northwest of Lake Valley	Do
Lake Valley	Do.
Hot Springs district, 18 miles southwest of Engle	Do.
Derry	Do.
Socorro Mountains	Socorro.
San Lorenzo	Do.
Magdalena	Do.
Luis Lopez	Do.
NORTH CAROLINA	
Jefferson	Ashe.
Shooting Creek	Cherokee.
Kings Mountain	Cleveland.
Hot Springs	Madison.
Mount Airy	Surry.
Brevard	Transylvania.
OKLAHOMA	
Bromide	Johnston.
West He Mountain	McCurtain.
Pine Springs	Do.
Hochatown	Do.
OREGON	
Durkee and Pleasant Valley	Baker.
12 miles northeast of Rogue River	Jackson.
4 miles east of Rogue River	Do.
Lake Creek district, 11 to 18 miles east of Eagle Point	Do.
Wagner	Do.
Watkins district, 43 miles southwest of Grants Pass	Josephine.
PENNSYLVANIA	
Ironton	Lehigh.
SOUTH CAROLINA	
Abbeville	Abbeville.
McCormick	Do.
SOUTH DAKOTA	
Hellgate Canyon, 13 miles southwest of Custer	Custer.
Lead	Lawrence.
TENNESSEE	
Copper Ridge	Anderson.
Greenback	Blount.
Chilhowee Mountain	Do.
Louisville	Do.
Tuckaleeche Cove	Do.
Charleston	Bradley.
Cleveland	Do.
Whiteoak Mountain	Do.

Location of manganese deposits—Continued

District	County
TENNESSEE—Continued	
Stony Creek	Carter.
Hampton	Do.
Del Rio	Cocke.
Newport	Do.
Rutledge	Grainger.
Washburn	Do.
Hayesville	Greene.
Boatman Ridge	Hamblen.
Jefferson	Jefferson.
Shady Valley	Johnson.
Mountain City	Do.
Butler	Do.
Knoxville	Knox.
Pine Ridge	Do.
Loudon	Loudon.
Fork Creek Knobs	Do.
Athens	McMinn.
McMinn	Do.
Sweetwater	Monroe.
Tellico Plains	Do.
East Fork	Sevier.
Unicoi	Unicoi.
Bumpass Cove	Do.
TEXAS	
5 miles north of Llano	Llano.
12 miles northeast of Mason	Mason.
11 miles southeast of Langtry	Valverde.
UTAH	
12 miles south of Green River	Emery.
Little Grande district, 6 to 12 miles southwest of Floy	Grand.
16 miles south of Floy	Do.
Modena	Iron.
Detroit district, 26 to 28 miles northwest of Lucerne	Juab.
Manning Creek, near Marysvale	Piute.
Durkee district, 8 miles southeast of Elsinore	Do.
8 miles northwest of Mount Pleasant	Sanpete.
Alta	Salt Lake.
Park City	Summit.
Ophir	Tooele.
West Tintic or Erickson district, 31 to 33 miles north of Lucerne.	Do.
70 miles south of Green River, Wyo	Uinta.
10 miles southwest of Lehi	Utah.
Tintic	Do.
6 miles south of Huntsville	Weber.
VERMONT	
South Wallingford	Rutland.
VIRGINIA	
Covington	Alleghany.
Crimora	Augusta.
Lyndhurst	Do.
Suiter	Bland.
Longspur	Do.
Buchanan	Botetourt.
Lynchburg	Campbell.
Otter River	Do.
Newcastle	Craig.
Scottsville	Fluvanna.
Star Tannery	Frederick.
Flat Top	Giles.
Louisa	Louisa.
Warminster	Nelson.
Stanley	Page.
Pulaski	Pulaski.
Midvale	Rockbridge.
Elkton	Rockingham.
Powells Fort	Shenandoah.
Bonnet Hill	Do.
Rye Valley	Smythe.
Tip Top	Tazewell.
Tannersville	Do.
Front Royal	Warren.
Cripple Creek	Wythe.
WASHINGTON	
Humptulips	Grays Harbor.
15 miles west of Quilcene	Jefferson.
2 miles northwest of Hoodsport	Mason.
3 miles northwest of Omak	Okanogan.
6 miles south of Anacortes	Skagit.
WYOMING	
38 miles northeast of Medicine Bow	Albany.
10 miles north of Sundance	Crook.

Mr. DOWNEY. Mr. President, I wish to congratulate the distinguished Senator from Arizona on raising the question of strategic war materials. It is my own opinion that in this question are involved more vital issues than even in the preparation of our military forces, and I hope that the distinguished Senator from Arizona [Mr. ASHURST] will carry on the discussion at greater length, as it is of vital importance to us all.

Mr. President, I have pending an amendment to the proposed measure for compulsory military training, which, in

brief, provides that the President of the United States shall begin construction of superhighway systems in the United States, under the supervision of the military, to the fullest extent necessary to eliminate all unemployment, provision being made that any young men who are given military training shall be given preferential right of employment in such highway construction work upon their leaving the camps.

I now request that the clerk read the amendment so that the Senate may be advised more particularly about what I am speaking.

The PRESIDENT pro tempore. The clerk will read.

The CHIEF CLERK. On page 30, at the end of section 12, it is proposed to insert the following new section:

SEC. 13. (a) In order to provide additional facilities for the national defense, improve the instrumentalities of interstate commerce, promote the public safety, stimulate business recovery and the national income, develop outlets for our national savings, increase the public revenues, and eliminate unemployment, the President is authorized to provide for the construction, maintenance, and administration of an integrated system of supersafety highways throughout the United States, together with such air fields and military bases as he may deem advisable. The plans and specifications for such highway system, which shall include at least three transcontinental supersafety highways running east and west and at least three such highways running north and south, shall be prepared under the direction of the President by such agency or agencies as he may designate after consultation and agreements with representatives of the appropriate authorities of the various States with respect to the location, building, and maintenance of such highways. All such plans and specifications shall be submitted to the President for final approval. The construction of any highways for which the plans and specifications are so approved shall be under the direction and supervision of the Secretary of War and the Chief of Engineers of the Army, and the amount of such construction to be undertaken during each of the 10 fiscal years, commencing with the fiscal year 1941, shall be determined by the President with a view to restoring full employment to the people of the United States at the earliest practicable date. In selecting persons for employment in connection with highway construction, under this section preference shall be given to the persons inducted for training and service as provided for in this act who have satisfactorily completed the required period of such training and service and who have received certificates under section 8 (a) of this act.

(b) In order to provide the necessary funds for the construction of such integrated highway system the Reconstruction Finance Corporation is authorized and directed to make available to the Secretary of War such sums as the President may from time to time request for such purpose, and the aggregate amount of notes, bonds, debentures, and other such obligations which the Corporation is authorized to issue and have outstanding at any one time under the provisions of law in force on the date of enactment of this act is hereby increased by an amount sufficient to carry out the provisions of this section: *Provided*, That any such obligations issued by the Corporation for the purposes of this subsection may mature not more than 60 years from their respective dates of issue.

(c) The Secretary of the Treasury is authorized and directed to pay to the Reconstruction Finance Corporation from time to time, upon request of the board of directors of the Corporation and with the approval of the Federal Loan Administrator, such sums as may be necessary for payment by the Corporation of the principal of and interest on any obligations issued by the Corporation for the purposes of subsection (b) of this section; and there are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for making such payments.

(d) The Secretary of the Treasury and the Reconstruction Finance Corporation shall submit to the Congress in January of each year their recommendations with respect to the most appropriate method of providing the funds for making the payments required by subsection (c) of this section.

(e) The President is authorized to make such rules and regulations as may be necessary to carry out the provisions of this section.

(f) The President is further authorized, with the consent and cooperation of the Governments of Mexico and the other republics in North America, to provide for the construction of such highways in Mexico and such other republics as will aid in the defense of the Panama Canal and North America.

On page 30, line 13, after the word "act", it is proposed to insert "except the provisions of section 13."

On page 30, line 9, it is proposed to change "13" to "14", and in line 17, to change "14" to "15."

Mr. DOWNEY. Mr. President, it seems to me that the arguments which have been presented in the Senate and before committees, and likewise in newspaper editorials, have proceeded upon somewhat of a misconception, on the assumption that the pending measure, if it shall become a law, will operate to a great extent among the employed young men of the Nation.

It has been argued by certain of the proponents of the measure that it is a democratic proposal because it will draft from all classes without regard to their status. Able arguments have been made pointing out the injury to an employed man who may be taken away from his work for a period of a year; but it is my opinion that we should realistically face the fact that the way the measure will work out, whether it be for good or evil, will be to select 75 or 80 percent of the trainees from among our unemployed, and at the end of their service will return them to a jobless world, their condition more desperate and unhappy than even before.

Why do I make the statement that the bill, if it should become a law, would probably take an overwhelming proportion from among the unemployed? In the first place, Mr. President, there is a far greater proportion of our unemployed among the young men of the Nation who have come out into the industrial world since 1929 than among any other group of our citizens. The most conservative figures in relation to the frustrated, jobless youth of our country are so discouraging and appalling that we no longer have the courage to state and face the facts.

I wish to read a statement showing the number of unemployed among our young people, not from any liberal, communistic, or visionary organization. What I am about to read comes from Fortune magazine, a publication which retails to the successful of the world at a dollar a copy. The authority for the statement in Fortune is an organization endowed by Rockefeller money. So the figures I shall give are not my figures or those of any radical group but proceed from a conservative authority. This is what appears in Fortune magazine for May 1940:

Statistics tell a gloomy enough tale of youth, no matter what the agency that gathers them. According to D. L. Harley, of the American Youth Commission, there were in November 1937 some 3,900,000 young people in the 15–24 age group who were out of school, actively seeking work and, save for a half million in emergency employment, entirely without jobs.

This figure, which accounts for a third to a half of our total unemployment, is bad enough, but it does not include what Mr. Harley estimates as one and a half million youths employed in part-time jobs, or a half million presumably anxious to be doing something but not actively on the labor market.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. TAFT. I obtained figures from Mr. Hanna, chief of editorial research of the Bureau of Labor Statistics, which seem to contradict or are very different from those presented by the Senator. Roughly speaking, of the 11,300,000 between the ages of 21 and 31, who are to be registered, these figures show that the number fully employed is about 8,700,000, and that the total entirely unemployed is only 1,600,000. There are about 1,000,000 in part-time employment. Those figures do not seem to be in accord with the figures presented by the Senator from California.

Mr. DOWNEY. No; and I may say that I am sure that the figures the Senator has given, which I heard him recite yesterday, are totally erroneous and out of line with any authority I know of.

Mr. TAFT. I obtained them from the Bureau of Labor Statistics. They are based on the Biggers unemployment census, which was taken 2 years ago, and which I think is generally accepted as the best census of unemployment in the United States.

Mr. DOWNEY. I will say to the distinguished Senator from Ohio that I was not by any implication criticizing him. I have had no opportunity to examine that authority. I know nothing about those figures. I have personally polled many high-school graduating classes; and the condition of large numbers of high-school graduates out in the world for 2, 3, 4, or 5 years is literally appalling.

Mr. TAFT. I do not mean to say that the situation is not serious. It is; but I do not think unemployment among the younger group, under the age of 30, is any worse than it is in the group over 30, or that the percentage is any higher. I say that the figures of the unemployment census and of the Bureau of Labor Statistics are infinitely better authority than

Fortune magazine and that there can be no comparison between the two.

Mr. DOWNEY. Let me say to the distinguished Senator that I can present other authorities to the same effect, showing even a more desperate condition. I feel confident that the statement the Senator has read is an understatement. Mr. President, I am confident that there is a very heavy percentage of idleness among the men who came into industry since the depression. I think the distinguished Senator from Ohio should realize that that would have to be true. We have been in a critical condition since 1929. Should we not expect the older men who are beginning to lose their efficiency and the younger men who entered work after the depression began to be the principal ones to feel the ravages of unemployment? I can produce several authorities to verify that statement for the distinguished Senator from Ohio if he so desires.

Mr. TAFT. One complaint is that men over 40 have great difficulty in obtaining employment. I think the Senator will find from the figures that perhaps the percentage of unemployment among boys during the first year out of high school is high; but after that it is approximately the same among the young and the older age groups.

Mr. DOWNEY. Mr. President, regardless of which set of figures is accurate, I now desire to point out to the Senate the fact that necessarily there is a close correlation between unemployment and lack of dependents. A man who is employed, of course, is much more likely to have a wife and children to support than is the young man who has never been able to get a job. Consequently, I think we may safely assume that a large proportion of the men who will be exempted because they have dependents will be employed men, and that the men who are unemployed will not have dependents and therefore will not be exempted.

Mr. President, regardless of the two prior facts, I ask Senators to put themselves in the position of the draft boards which will be sitting in thousands of cities and towns of this Nation, where they will have the right to select from an eligible list those who shall be exempted and those who shall go into the training corps. Let us assume that the draft board in a town of 5,000 has 100 names of young men of that community presented to it. Let us assume that one-half of those are unemployed and one-half employed. Is there any doubt as to what that draft board will do in making exemptions? Will not the draft board say, "Why should we take this man out of a utility or from a farm or factory for a year when he is already engaged in work, when we have another young man who has no work at all, and who will be able to receive training and wages if he goes into the training camp?"

Mr. President, do we not know what many employers of young men in that town would say to the draft board? Would they not say, "We have spent a year or 5 years in training this young man; exempt him; take the young man who is unemployed, who may be dependent upon his parents, who may be a burden upon someone."

Mr. President, we should realistically face the fact that the pending measure would select an overwhelming proportion from among the unemployed men of the Nation. I venture to prophesy that, if the bill becomes a law and goes into effect, a year from now the figures will indubitably show that 75 or 80 percent of the men selected and placed in the training camps were selected from the jobless class or from the partially employed.

Mr. JOHNSON of Colorado. Mr. President——

Mr. DOWNEY. I yield.

Mr. JOHNSON of Colorado. Is that not exactly what the bill attempts to do? That is as I understand it.

Mr. DOWNEY. Yes. I regret that the Senator from Nebraska [Mr. BURKE], the chief proponent of this measure, is not present. He and other advocates of the measure admitted to me that the proposed measure would work out not to disrupt employment or to devastate the lives of the boys and men who have jobs, but to assist the unemployed to find employment by selecting them for the training camps.

Mr. WHEELER. Mr. President——

Mr. DOWNEY. I yield to the Senator from Montana.

Mr. WHEELER. I have heretofore quoted from the testimony of General Shedd. General Shedd said that what the Army wanted to do was to take the unimportant man, and that it would, of course, not take the important man. Then I referred to the fact that in the last draft the boards were instructed to take the farm worker, the jobless, and the man who lived on his wife and who habitually beat up his wife—perhaps that is not accurate—but, at any rate, they were taking them exactly from that class.

I should like, if the Senator will permit me, to read a statement which appeared in the newspaper last night. It reads:

> College students of the Nation were advised by President Roosevelt yesterday to continue their studies as a patriotic duty rather than enlist prematurely in the armed services or find work in the defense industries.
>
> The President's views were made public at the White House yesterday in the form of a reply to a memorandum from Paul V. McNutt in which the Federal Security Administrator reported that universities faced a serious problem because students were dropping out for patriotic reasons.
>
> "Young people should be advised," Mr. Roosevelt wrote, "that it is their patriotic duty to continue the normal course of their education unless and until they are called so that they will be well prepared for greatest usefulness to their country.
>
> "They will be promptly notified if they are needed for other patriotic services."

In other words, it seems to me that the President by this statement, basing it upon what Mr. McNutt told him, is saying to the young man who has money enough to go to college, "Do not enlist; go to college." What will the young man who has not enough money to go to college say? And if the boy who has enough money to go to college, or whose parents have enough money to send him to college, is to be exempted, what will the young man say who has not money enough? He will say, "I am going to be taken; I am going to have to go in the Army for $21 a month, but the boy whose father has enough money to send him to college is going to be exempted because it is his patriotic duty to go to college." If that is what it is intended to do, then the bill ought to exempt not only all college students but those who are about to enter college.

Mr. DOWNEY. I agree entirely with the statement of fact and the conclusion of opinion of the Senator from Montana. I think the way this proposed law is expected to work out by those who will administer it is that boys in the universities will not be disturbed in their college careers. I am very certain such assurance has already been given to the educational leaders of this Nation.

Let me say that I can see a degree of reasonableness in such a plan. I can understand in the case of a large group of young men who have no work, who are earning no money, who are dependent upon relatives, that someone could reasonably say, "Well, we are merely helping them by giving them a year of training with some small wages besides. Why let them continue jobless while we disrupt the life of the employed person?" I can see the logic of that; but, Mr. President, let us examine the other side of the shield.

We here in America are using the words "freedom and democracy" very loosely. We love to substitute noble platitudes for realism. Let us not talk about freedom and democracy, splendid as those words are, for the moment; let us talk about jobs and security and the right of a young man to have the opportunity of a marriage and a home.

It is my opinion that most of the young men who are now jobless, however many there are—and I believe there are millions of them—have honestly and energetically sought to find work. I have come in contact with hundreds of them begging only the right to an honest, decent job. Oh, I know, Mr. President, they are not our sons; they are not the sons of our friends. That group can find jobs all right; and that is one reason why so many officials here in Washington, insulated against the realism of this desperate world, do not know the bitterness and the frustration of the young man who leaves high school or college honestly wanting the right to work, but is denied the simple right to toil with his hands or with his head.

Mr. BONE. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. BONE. On that point I read a story in the newspapers yesterday relating to the testimony, which is not available as yet for I understand it has not been printed, of Colonel Knox, against whose confirmation to be Secretary of the Navy I voted. In testifying before the House committee he said:

The generation which has grown up since the World War—

That is, the youngsters of the present day—

never understood the responsibility that was theirs in a democracy.

Of course, they have had very little opportunity to understand economic responsibility, since millions of them have had no jobs. Proceeding further, Colonel Knox said that these boys have led "an entirely abnormal life."

One reason for the failure of many democracies has been the softness of fiber of its youth because they had not been called upon for sacrifice.

I will say to the Senator from California that I have letters in my office—and I think perhaps it is the common experience of all Senators—not by dozens but by hundreds, from young men who have vainly sought for the opportunity to get jobs.

Mr. DOWNEY. I thank the distinguished Senator for his statement, with which I wholeheartedly agree. I proclaim now that the boys and girls of this generation are just as fine physical and mental specimens as their fathers and their grandfathers were. There is only one thing they lack—and that is the opportunity to work at a decent wage under existing conditions that will give them security and the right to a marriage and a home.

Of course, Mr. President, if Colonel Knox and the others of us permit a world to exist in which men are thrown upon W. P. A. or relief or into the ranks of idleness for years, our people will become softened and broken and devastated. No man can endure insecurity and break-down of morale for 2 or 3 years, with the frustration that springs from not having a place in the world and a job. No man can endure that sort of thing for any long period—not one within the sound of my voice or anyone else within the United States.

Of course, the W. P. A. worker may become slack; of course, the man on relief ceases to be a normal citizen; of course, the boy denied the opportunity to do something and have his place becomes, perhaps, lazy and soft; but it is not his fault; it is the fault of the leaders of a desperately unhappy civilization who are unwilling to make the effort to open opportunities for work and careers for young men.

I should not, perhaps, speak of myself, but when I was a boy I found many jobs always open to me. Perhaps they involved hard work and small pay, but they meant security and opportunity to have a place in the world. I speak from personal investigation when I say we live in a totally different world today.

So I say to you, Mr. President, if we are going to take the unemployed youth of the Nation into training camps to make them the first line of defense, let us be realistic about it and examine and face the problem and see what we should do about it.

In the first place, Mr. President, I wonder what kind of a soldier we are going to have when we draft a boy out of idleness and the frustration and bitterness that must be in his heart and say to him, "You must take military training for a year, and if a war comes your body and your life will be at the command of your military leaders, liable to mutilation and destruction." I wonder what that young man is going to think. Is he going to believe this society of ours is worth fighting for? Is he going to make a good soldier? I do not know. One person's opinion on these questions is as good as another's. But I have said to the General Staff and I have said to the Military Affairs Committee, "It seems to me we ought to reexamine and reappraise this proposition. If we are going to go to the jobless youth of America to find our Army, what kind of an Army is that type of material going to make if war comes, if our soldiers have to risk their safety and their lives to defend this society of ours, with its idleness, slums, degradation, and poverty? Should we not carefully consider what kind of soldiers we will have if we select them from the jobless classes of the Nation?

Mr. President, I am firmly of the opinion that a decent, persuasive appeal could be made to the unemployed of America for voluntary enlistment in military training if some recognition of their problems were made and some hope offered them—not platitudes, but concrete realities. That is the reason why I have introduced this bill, so that, if enacted, the President of the United States could say to the young men who may go into our training camps, "You are a citizen of this country. We have not dealt very well with you in the past, but now we are going to call upon you for a dangerous obligation of citizenship. We are going to begin to prepare you as a soldier, possibly to fight in desperate defense of your Nation.

"But we guarantee we are assuming a correlative duty or obligation on the part of our sovereign Government. We are going to ask military service of you, but we are going to provide you with the guaranteed opportunity to work, so that when you come out of a training camp or out of a war, you will know you will have the chance to work at decent wages, create a home, marry, and carve out your own destiny in a constructive living world, instead of living in a world of unemployment, depression, and decay."

I am satisfied, Mr. President, that if the Chief Executive of the United States should appeal to the unemployed youth of the Nation upon that basis they would respond with enthusiasm, loyalty, and courage; and there would pour into the ranks of our training camps every month far more men than our Army would be able to train and equip.

But, Mr. President, my amendment to the pending bill goes far beyond the guaranty of a right to the young man who has been given military training. It would establish in this Nation a new and fundamental right for every citizen. It would write into the basic laws of our country a new obligation of society toward its citizens—the duty of society to provide the opportunity for work for every American.

Yes, Mr. President, in this wealthy, complicated technological civilization two new rights must be established—the right of the retired worker to sufficient social dividends to live in security and peace and the right of the employables of the Nation to have the opportunity to work at just and decent wage.

Mr. President, I shall later attempt to show, by the opinion of Army experts, that the North American continent, with reasonable military defense, is invulnerable to any kind of attack from nations 5,000 and 10,000 miles away. I am not urging that we should not prepare. Of course, we ought to get the finest air force and Navy and the finest Army that we need, and get them as rapidly as possible. We should have started on this program 2 or 3 years ago; but we have started in plenty of time. By this time next year we shall have 15,000 planes, among the best in the world, and, I think, the finest pilots in the world to fly them; and in the face of that power, joined with a reasonable Army and our great Navy, not a single enemy transport would ever even dare to leave Asiatic or European shores to attempt our conquest. Not one transport can be landed on the American continent in the face of a superior air force; and by next April, if Japan or Germany should be insane enough to send across the Atlantic or the Pacific some great transport armada, it would be destroyed by our Navy or air force before it ever even reached our coast line; and when I say that I am saying what every military expert will verify, so far as I know.

Nevertheless, Mr. President, I am a supreme pessimist. I do not think we stand in any danger of being conquered by the Mikado or Hitler; but let us proceed for a few years longer increasing public debts without creating corresponding assets, let us wait until this armament boom has ended, and then, indeed, we shall face an abyss of unemployment which should terrify the strongest heart. I say to you without fear of contradiction that if, for the next 10 years, we proceed without any recognition of our fundamental problems and without any attempt to master them, as we have for the past 10 years, this society, this Government, this

civilization of ours will crash just as surely as we are standing here today; and doubt it not.

Is one thought being given by our governmental leaders to what will happen 2 or 3 or 4 years from now, when we have sixty or seventy-five or eighty-five or one hundred billion dollars of debt, and this crisis is past? Is any consideration being given to any domestic problems? I say "No"; every concern for our internal welfare is blotted out by the hysterical fright that some enemy may sweep in here on some "blitzkrieg" from thousands of miles away to devastate this Nation.

Mr. President, I wish that I could reassure the American people by voicing to them what are commonly known facts. Consider that we here in North America have double the population of Germany. Yes, in Canada, the United States, and Mexico there are two persons for every one in Germany. And that means if the necessity ever arose that the people of North America could mobilize twice Germany's military power. And we have far richer factory capacity, far greater natural resources, just as great chemical, technical, and engineering skill. Yet many of our people tremble at the thought that the Germanic nation may transport military power 5,000 or 10,000 miles, and construct some sort of a base somewhere in this hemisphere and thereafter successfully invade our territory.

Mr. President, for years we have been building bases at the Panama Canal and in the Caribbean. By next April we will be able to mass there a Navy, airplanes, and an Army, which could devastate any force Germany could ever build in the New World. For military experts say that when soldiers and material are transported 5,000 miles, a handicap is taken 5 or 10 times over.

I shall not argue that proposition further today because I have consistently supported adequate military defense. I shall only pray that our governmental leaders shall realize the peril of the economic crisis which began in 1929, and is just as severe today as ever, save for a temporary armament boom.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. WHEELER. I wish to call the attention of the Senator to the fact that in 1923 there was the same unemployment in Germany and the same disorganization, except to a greater extent, that we have in this country today. They entered upon an armament program there for the purpose of alleviating the unemployment situation, and that led them to dictatorship. They had conscription, they had everything that is now proposed here, and they built up a great army, which led them definitely into positive totalitarianism. We are turning away from our home problems. I thoroughly agree with what the Senator says with reference to solving the unemployment question in the United States. I agree with him entirely that if we do not solve it, if we go on building up military armaments, we will go the same way all the other countries have gone.

Mr. DOWNEY. I wholly agree with the Senator from Montana, save for one qualification: Our wealth and manpower are so tremendous that for us to equal the military might of Germany or to carry out our present plans is not going to absorb a large part of our manpower or wealth in a war economy. I grant just what the Senator says, that we are now going the self-same way Europe went; but I do not agree that over any extended period we can build enough battleships or airplanes or munition factories to employ a substantial number of our now idle people.

Let us examine some figures. One of the largest items our Army has to acquire, next to airplanes, is trucks. Perhaps for a great Army we might require a hundred thousand additional units. Well, it may be thought that building a hundred thousand trucks would be a heavy burden on our economy. Let us see.

General Motors alone has a present production of 200,000 trucks a year, and Mr. Sloan has assured us that his company alone has an unused capacity of 50,000 trucks every year beyond that 200,000. Yes; the unused truck capacity of the United States, including General Motors and other manufacturers, in 1 year could produce 100,000 trucks to further motorize our Army. It may be thought that that would produce substantial employment. Not so, for it would not require the building of one factory machine; it would require the employment of only a few thousand more workers in the automobile industry.

Mr. President, there is one item of manufacture which temporarily will result in the employment of a substantial number of men, and that is the airplane industry. But the experts tell us that when the factories are built the production of 2,000 airplanes a month will result in the employment of approximately 300,000 workers in the airplane industry, in the manufacture of both the bodies and the engines, and perhaps 200,000 more in subsidiary industries.

After our munition and airplane factories are once built, and that probably will be accomplished within less than 2 years, I doubt that the production of our military equipment will result in the employment of more than a million workers a year. Let us assume we throw into our military forces another million and a half American boys beyond what we have now. That would mean that, looking ahead 2 years, there would be two and a half million of additional manpower employed in military uses.

Yearly we have 1,250,000 boys, becoming 21 years of age, flowing out into a supersaturated labor market. Probably at the height of the armament boom unemployment will not drop below seven or eight millions.

We have another factor to consider. In the last 10 years millions of industrial workers have left the great cities, because they could not get factory jobs, going back to marginal farm lands, back to rural employment, or to live with the home folks. The Department of Commerce estimates that that reservoir of potential idleness comprises millions of men. Perhaps my colleagues have noticed the census reports to the effect that, outside of New York and Los Angeles and Houston, Tex., hardly a great city in the United States gained in population in the last 10 years, and many of them lost substantially. The great cities lost because of the breakdown of factory employment, the discharge of millions of workers there, and their return to rural regions. Already the optimistic headlines about armament jobs are luring the men from the farms back to cities expecting to find jobs in military industries. This flow of men from rural to metropolitan centers will substantially augment the active idle army.

We now hope to end unemployment by armament manufacture, but our manpower, our wealth, our factory capacity is so tremendous that to support a great Army and Navy and airplane force will absorb only a few million of our youth and our idle, leaving us with an appalling problem unsolved.

Mr. BONE. Mr. President——

The PRESIDING OFFICER (Mr. GURNEY in the chair). Does the Senator from California yield to the Senator from Washington?

Mr. DOWNEY. I yield.

Mr. BONE. I am sure the Senator from California is familiar with the writings of Oswald Spengler, concerning whom it is said that he was the greatest philosopher of our time. He pointed out a number of years ago, I believe in his work Man and Technics, that the supreme and overwhelming tragedy of this era was that the labor of human beings was becoming unwanted; that technological change was thrusting us into an era of such violent, rough change that the transition would probably overwhelm us if we were not very careful.

I am constrained in some degree to agree entirely with his thesis, because today a man, by the aid of labor-saving machinery, can produce 50 times what his grandsire could produce. The result of all this is merely to complicate his problems and to make his life more tragic for him.

But speaking of the eastern viewpoint, which comes from being cloistered and sheltered, I would call the Senate's attention to "a gem of purest ray serene" appearing today in an editorial published in an eastern newspaper printed in New York. It said that if Congress fooled around with voluntary

recruiting experiments or "jacked up the Army pay from $21 to $30, it would be only with the hope of luring a lot of fortune hunters into the Army."

Mr. President, I think a statement of that kind is the supreme tragedy, and certainly an ironical commentary on present-day conditions in beautiful America. The thought that would find expression in the editorial of a great newspaper that boys who saw an opportunity to get the difference between $21 and $30 a month would rush into the Army as fortune hunters is about as bad a contemplation of current American life as I have ever seen in print.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. WHEELER. That editorial was also published in a Washington newspaper, the morning Times-Herald, was it not?

Mr. BONE. It was.

Mr. WHEELER. Both these newspapers, the Washington Times-Herald and the New York newspaper to which the Senator referred, in their editorial policies have been very strong advocates of conscription, but when it was sought to raise the pay in the Army from $21 to $30 they urged that that not be done because "a lot of fortune hunters" would want to get into the Army.

Mr. DOWNEY. Mr. President, I was delighted to learn from the statement made by the junior Senator from Nebraska [Mr. BURKE] yesterday that the bill originally embodied a provision for $5 a month pay, merely as a sort of a gesture or joke. I happen to have been on the Senate Military Affairs Committee when that question was first discussed, and I expressed my feeling of shock that any civilized society would want to draft men at $5 a month. Some of the proponents of the measure I believe went so far as to intimate that it was a cowardly suggestion that men should want money to defend their Nation. I think certain persons even went so far as to intimate that I was guilty of cowardly conduct in suggesting that we ought to attempt to pay to our young men going into military service somewhat the same wages that would be received for similar work in civil life.

Mr. JOHNSON of Colorado. The Senator will recall that one of the witnesses who was advocating the $5 a month pay made the statement to the Senator, when he complained about the smallness of the wage, "You cannot put a price on patriotism."

Mr. DOWNEY. Yes; I recall that very distinctly now that the Senator from Colorado has mentioned it. I am glad to learn that the proponents of the measure did not intend ultimately to restrict the pay of those who would be conscripted to that sum of $5 a month, and I am happy indeed to have the word of the junior Senator from Nebraska for that fact.

Mr. President, perhaps some Senators have been considering that we must not only produce military equipment for our Army but that we will also have to produce their food, clothing, and shelter.

The burden of such support should not alarm us. I can assure them that in the State of California we waste or destroy so much farm produce every year that we alone could provide all the food for all the military forces of the United States, plus the workers who are producing munitions for them, in addition to what we now market. Yes; and easily we could provide the food beyond that for the ten or fifteen million young people in the United States now destined to poor teeth and weak bones and invalidism because they simply do not have enough to eat. I am not attaching any particular importance to California when I say that. The State of Texas and several other States likewise could produce all the farm products beyond what it now sells to supply all the needs I have mentioned.

Clothing, you say? Why, the great factories of New England and the Atlantic Coast States, by speeding up a minor percent of their unused capacity, could produce all the clothing that our military forces will require.

The truth is, However much we may develop a war economy, how many boys we may conscript, how many airplanes and how large a navy we may build, it will not solve the question of unemployment.

Mr. President, in 1929 we saw the primary economic crisis develop that now engulfs the Nation. About a year ago we were thrown into a secondary crisis by this war. Before we had ever even begun to understand the depression of 1929, the war threat now frightens and confuses us.

Mr. President, I should like to present the possibility of a third crisis that may soon confront us in the hope that American leaders will awaken to the desperate conditions which may engulf us in the next 3 or 4 years. I shall read from the New York Times, quoting one of our greatest chemists. I wish to say that, while this article was printed some 2 months ago, I understand subsequent discoveries show that the development indicated in this article is more rapidly taking place than suggested in the article.

I shall read only a short portion of the article, but I ask that the article in full be printed in the RECORD at the conclusion of my speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit A.)

Mr. DOWNEY. I read as follows from this article:

A natural substance found abundantly in many parts of the earth, now separated for the first time in pure form, has been found in pioneer experiments at the physics department of Columbia University to be capable of yielding such energy that 1 pound of it is equal in power output to 5,000,000 pounds of coal or 3,000,000 pounds of gasoline, it became known yesterday.

The discovery was announced in the current issue of the Physical Review, official publication of American physicists and one of the leading scientific journals of its kind in the world.

Prof. John R. Dunning, Columbia physicist, who headed the scientific team whose research led to the experimental proof of the vast power in the newly isolated substance, told a colleague, it was learned, that improvement in the methods of extraction of the substance was the only step that remained to be solved for its introduction as a new source of power. Other leading physicists agreed with him.

A chunk of 5 to 10 pounds of the new substance, a close relative of uranium and known as U–235, would drive an ocean liner or an oceangoing submarine for an indefinite period around the oceans of the world without refueling, it was said, for such a chunk would possess the power output of 25,000,000 to 50,000,000 pounds of coal or of 15,000,000 to 30,000,000 pounds of gasoline.

Mr. President, many of the greatest chemists in the world now anticipate that within less than 5 years the secret of atomic energy will be ours. Chemists in Germany have probably gone further than ours in this development. Many of their greatest chemists are developing this new form of energy.

For the past 50 years scientists have foreseen the possibilities of the endless and cheap power which might flow from atomic energy. Within the past year the final discovery has been made, and if its commercial use becomes an accomplished fact—as conservative scientists of the world now say it will—we shall see the end of the petroleum industry, the coal industry, the utility industry, and many others. We shall again see the face of the earth changed, just as radio, airplanes, and fast transportation have changed it in the past 25 years.

American businessmen have suggested that any form of energy which could be produced so cheaply, and which would destroy great segments of our present businesses, should be suppressed by the Government. But alas, Mr. President, the chemists of the totalitarian States are working night and day to perfect this new form of energy, and if we lag behind them in the development of that great new source of energy the results to American civilization may be calamitous indeed.

So I say, Mr. President, that the governmental leaders in America had better lift their vision beyond the immediate emergency of airplanes, navies, and conscription—important as they are—to an understanding of what may happen in this Nation 2 or 3 or 5 years from now.

Perhaps some Senators are wondering what the possibility of atomic energy has to do with the discussion of the pending measure. I answer that question by saying that we had better speedily initiate the right of universal and total employment before it is too late. In other words, if atomic

energy should destroy certain industries and bring cheap and unlimited power and greater wealth to us, society as a whole would have nothing to be distressed about so long as we provide the opportunity for work for all our citizens. But if we are to continue to operate our industries and farms at about 60 percent of capacity, when we tremendously increase the present capacity disaster will indeed lie ahead of us.

Mr. President, it seems to me that for the next 10 years we have one method of satisfactorily, efficiently, and completely employing all our otherwise unemployed.

Mr. ASHURST. Mr. President, will the Senator yield to me for the purpose of suggesting the absence of a quorum?

Mr. DOWNEY. I yield.

Mr. ASHURST. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Ellender	Lodge	Schwellenbach
Andrews	Frazier	Lundeen	Sheppard
Ashurst	George	McCarran	Shipstead
Austin	Gerry	McKellar	Smathers
Barbour	Gibson	McNary	Smith
Barkley	Gillette	Maloney	Stewart
Bone	Glass	Mead	Taft
Bridges	Green	Miller	Thomas, Idaho
Brown	Guffey	Minton	Thomas, Okla.
Bulow	Gurney	Murray	Thomas, Utah
Burke	Hale	Neely	Tobey
Byrd	Harrison	Norris	Townsend
Byrnes	Hatch	Nye	Truman
Capper	Hayden	O'Mahoney	Tydings
Chandler	Herring	Overton	Vandenberg
Chavez	Hill	Pepper	Van Nuys
Clark, Idaho	Holman	Pittman	Wagner
Clark, Mo.	Holt	Radcliffe	Walsh
Connally	Johnson, Calif.	Reed	Wheeler
Danaher	Johnson, Colo.	Reynolds	White
Donahey	King	Russell	Wiley
Downey	Lee	Schwartz	

The PRESIDING OFFICER. Eight-seven Senators having answered to their names, a quorum is present.

Mr. DOWNEY. Mr. President, governmental statistics indicated a few months ago that there were approximately ten or eleven million unemployed in the Nation. I believe the present information from governmental bureaus is that our army of unemployed has dropped down approximately to 9,000,000. I have endeavored to show in the preceding part of my address that at the height of the armament boom which is now on its way we will have in the neighborhood of six or seven million unemployed, and that when we have once built the factories and laid in the vast supply of war material which is contemplated, and the war crisis passes, as pass it will sooner or later, we will then have a segment of our workers unemployed beyond any figures I desire to suggest.

Mr. President, I say that we have at least one great job in this Nation that ought to be done, one great job that could be made self-liquidating, one great investment to which none of our citizens would object, because it would trespass not at all upon private industry. I refer now to the employment of our idle machines and manpower in the construction of a great system of superhighways.

Mr. President, as we contemplate the spectacle of this Nation with dangerous, defective, inefficient highways, upon which twenty-five or thirty thousand people are needlessly killed every year and a million seriously injured, as we contemplate the saturation and delay and disadvantages of our traffic, with millions upon millions of men begging to do work, we must wonder whether while we are still an adolescent Nation we have not become old and tired.

I have talked with contractors and builders who have verified the statistics from the Department of Commerce and my own observation. What are those statistics? In the United States, in the first place, we have literally thousands of sand plants, gravel plants, and cement plants, which generally are working at from 25- to 50-percent capacity. I know, from personal investigation, that around many of these plants—and I believe the statement applies to all of them—are scores or hundreds of families whose chief bread winner is desperately anxious to work in those road-construction plants. We find destitute, desperate, hungry families around most of them, many of the workers on W. P. A., earning $50 or $60 a month and trying to support families on that meager amount; we find the part-time employee working a quarter or half his time; we find totally idle men, women, and children, on precarious and desperate relief.

Yes, Mr. President; the contractors of the Nation tell me we have plenty of capacity and manpower in our sand, gravel, and cement plants to begin the reconstruction and rebuilding of the highways of America so that they will be fast, efficient, commodious, and safe, and a great asset to our military authorities in time of war and to our commerce in time of peace.

Mr. President, in every State in the Union we have many blueprints of highways already surveyed strategically needed, which the citizens of every city and State would delight to have. As a matter of fact, if we had the energy and courage to undertake this task, we could begin to let contracts within 90 days.

I want to pay tribute to the different highway commissions of the States of the United States. Most of the engineers and men on those commissions are men of the highest ability and patriotism. For 30 years now we have been learning how to build modern superhighways, and we are now ready to undertake the task of rebuilding the country's roads.

Many of our traffic experts say that investment in roads is the best investment from a money viewpoint which has ever been offered to any people.

The contractors of the Nation with whom I have consulted have told me that there are at least 4,000,000 to 5,000,000 unskilled laborers in the United States who, without trenching upon our armament program, are ready, able, and willing to start this great job of rebuilding the Nation; and in almost every great city there are gigantic road-building machines idle, ready to tear the face of the United States apart along its highways and rebuild those highways in modern, efficient form. As a matter of fact, I do not know of one alibi or excuse—not one—that could be offered by an intelligent people for not undertaking this job. Do we want to continue to kill and maim people? Do we want to continue to make automobile traffic a nightmare? Looking ahead 20 years, do we want all traffic to break down in our cities? Do we want to handicap our military authorities in the event of war? Would we prefer to have these men idle rather than producing for us?

I cannot conceive of a single argument that any rational governmental leader can make against a vast system of superhighway building. On the other hand, I can give to the Senate reason after reason which should convince everyone that it is our vital duty to undertake this task.

I happen to notice in the gallery of the Senate one of the most distinguished judges California has ever had. I only wish this issue could be tried out as I have tried cases before him, before a judge and jury who would intelligently and patiently sit there, consider the facts in the problem, and then register a verdict. I can express unbounded confidence that in that case the jury would bring in its verdict without ever even leaving the box.

Mr. ASHURST. Mr. President, the able Senator from California advises us that in the gallery of the Senate Chamber there is sitting one of the most distinguished jurists of the State of California. Would the Senator object to giving his name?

Mr. DOWNEY. The Honorable Peter J. Shields, of Sacramento, before whom I have tried many cases, and who is recognized by the bar of our State as one of the distinguished and outstanding judges of the West.

Mr. ASHURST. Mr. President, will the Senator further yield to me?

Mr. DOWNEY. I yield.

Mr. ASHURST. More than 25 years ago I happened to be at a banquet in San Francisco—and those who know me know how much I love post-prandial oratory, and how often

I attempt it. Judge Peter Shields, to whom the able Senator refers, happened to be one of the speakers that night, and his speech so impressed me that after the lapse of 25 years I am able to repeat it, but I shall not do so now.

Mr. DOWNEY. We should be delighted indeed to have the distinguished Senator from Arizona repeat it.

Mr. President, we here, operating as a democracy, have tremendous difficulty in the presentation or consideration of any governmental issues, however vital they may be to our people. I desire to say that at least during the time I have been in the Senate of the United States I have yet to see us earnestly and intelligently and realistically face this devastating problem of a collapsing economy and our great army of unemployment; but I predict that the day will not be far distant when we shall address ourselves solemnly to that issue, or it may well be too late.

Mr. President, I was recently speaking to a group of bankers at No. 1 Wall Street on the question of superhighways. I stated to that group of distinguished American financiers that the traffic experts estimated that to rebuild the highway systems of America in their best form it would take approximately $100,000,000,000. One of the bankers put his hand up to his head and said, "Oh, Senator, you mean a billion dollars, do you not?" "No; I do not mean a billion dollars." "Well, you do not mean more than $10,000,000,000?" He was shocked at the figure of $100,000,000,000. He should not have been. The peak of railroad building in America was in 1870. At that time we had only 10 percent of the national income we now have, with about one-fourth of the population. Yet, nevertheless, a virile and a courageous people invested to exceed $30,000,000,000 in our railroads, and the cost of the money to the railroads over the period of time since they were built runs from 6 to 7 percent, while the American Government now could borrow money at 2¼ percent. In other words, with 10 times the national income that we had in railroad-building days, we could now rebuild the roads of the Nation without very much greater burden to ourselves, because of lower interest rates, than that which was carried when the railroads were built; and yet apparently we are afraid to face this task and undertake it. We let machines lie idle and let men rust in despair rather than utilize their labor to destroy highway death traps and construct modern roads.

Mr. President, I suppose some of the Senators themselves are shocked by the suggestion that we might spend $100,000,000,000 on our highways. Let me state that the traffic experts estimate that $65,000,000,000 of that amount would be spent in the great cities of the United States and $35,000,000,000 in connecting the smaller towns and the great cities on superhighways across the Nation. If you go into the saturated business district of almost any great city in the United States you will find traffic problems and traffic snarls which are devastating to our pocketbooks and to our nerves. In many of the great cities, in the heavy business districts where the great traffic of the Nation proceeds, we do not average over 7 or 8 miles an hour.

We hardly get as much speed with modern automotive units on the streets of cities as our grandfathers got with horse and buggy. I live out in Chevy Chase, 9 miles from this Capitol. When I take a bus and am crowded in with tired, hungry, perspiring people, who are packed in like a bunch of sardines, sometimes in a 9-mile trip we do not average 6 miles an hour over the 9 miles. It takes sometimes over an hour and a half to travel that 9 miles from the Capitol to Chevy Chase.

Modern highway builders could construct a superhighway to every outlying district of Washington so that we could leave a downtown point and travel with safety out to the suburbs at the rate of 40 or 50 or even 60 miles an hour without endangering anyone's safety. By removing out of the streets that great flow of traffic which goes to the suburban areas, we could double the speed of traffic, or at least materially speed up the traffic in the downtown business section.

The traffic engineers say that we now have about 30,000,000 automotive units operating on our highways. It is estimated that within 20 years those will increase to 40,000,000. We now travel about 250,000,000,000 vehicle miles a year. It is estimated that within 20 years we will travel double that, at the present rate of increase, or travel 500,000,000,000 miles annually.

In certain figures which I will give to the Senate shortly I have assumed an average vehicular travel for the next 40 years of 400,000,000,000 miles a year. To simplify that, I might say it represents 40,000,000 automobiles traveling an average of 10,000 miles a year, because 10,000 times 40,000,000 is 400,000,000,000.

I have talked with experts in many of the great cities of the United States, and while they differ materially as to what they believe to be the average speed of vehicular traffic in the United States, they are all pretty well agreed that modern efficient highways would double the average vehicular speed in the United States.

In order to show the tremendous money saving which would come to our people from efficient highways, I have prepared the chart I have here on the wall of the Senate. In this chart I have used the most conservative figures that were offered to me by the traffic experts, those most against my argument.

The legend on this chart reads:

Estimated United States auto traffic.
Annual average 1940 to 1980.
Four hundred billion vehicle-miles yearly.
Present average automobile speed: Twenty miles per hour.
Possible average automobile speed: Forty miles per hour.
Modern highways would save 10,000,000,000 vehicle-hours yearly.
Annual money saving in time alone by modern highways.
Ten billion vehicle-hours, at 60 cents per hour, $6,000,000,000 annually.

Mr. President, those are the most conservative figures, and the traffic experts are generally agreed that the greatest investment ever offered any people is in a modern highway system.

The great superhighway from Pittsburgh to Harrisburg is soon to be opened. The saving that will come to trucks and automobiles, beyond the toll they will be compelled to pay, indicates that that investment, from a social viewpoint, will yield rich returns indeed.

I will ask my colleagues to consider the matter themselves. On a good superhighway system one could travel to the outlying districts of this city, 10 miles from this building, in 15 or 20 minutes, whereas it now takes 35 or 40 minutes. Figure yourselves the value of the time that would be saved and remember over 60 percent of the vehicular traffic of America is commercial traffic. The engineers tell me that in allowing 60 cents an hour as the value of vehicular traffic, that is a most conservative figure indeed.

But, Mr. President, let us disregard that for a moment. Do Senators know how much money the traffic experts say will be lost on account of automobile collisions in the next 40 years? With present highways, it will run to about $2,500,000,000 a year.

During the last calendar year the money loss because of death and injury and destruction of property on highways through collisions amounted to more than a billion and a half. Over 30,000 people were killed and over a million were injured. The money loss arising from those collisions would almost pay the total interest charge upon an investment which would largely make those collisions absolutely impossible.

To those of my colleagues who may wonder if modern highways would do away with the possibility of collisions, I may say that on efficient superhighways already constructed, accidents are largely reduced because collisions cannot occur. Let us see why that is true.

On a good highway there are not two roads crossing over each other at grade. About 20 percent of the accidents come from collisions of two cars traveling at right angles to each other. If one car has to go over or under the other, there is no longer the possibility of that type of accident.

Another very common cause of accident is collision between automobiles traveling in the opposite direction. Under the modern highway system that just cannot occur, because there is a medial line of parking down the center which divides approaching streams of traffic, so that head-on collisions are not possible.

Then, under the modern highway system the pedestrian is not allowed to be on the right-hand side of the road, or cars parked there, or any other object or person there with which a car can collide.

Mr. President, that leaves just one major kind of accident possible, and that is a rear-end collision, or sideswipe of cars going in the same direction when one is attempting to pass the other. The great proportion of that kind of accidents occur on narrow, winding, improperly graded roads, and when two or three broad lanes of traffic are built, that type of collision becomes much rarer.

Engineers in California took some of the most dangerous places in our highway systems, watched them for 2 or 3 years, and then proceeded to build superhighways, and the accidents almost passed out of the picture.

I desire to say to the distinguished junior Senator from New York [Mr. MEAD], who does me the honor to listen to what I am saying, that Dr. Miller McClintock, one of the noted experts, says that on the modern highways now being built in New York City, the accident rate has been reduced to a minimum, and anyone who has traveled upon those fine new highways realizes how very safe highways may become.

At this point in my address may I divert to express my deep obligation to Dr. Miller McClintock for the valued advice and courteous assistance he has rendered me in connection with superhighway investigation.

One traffic expert said to me:

> It does not make any difference whether we build these superhighways or not; we are going to pay for them anyway, and we are going to pay far more for them if we don't build them than if we do.

And I think that statement accurately states the issue.

I suppose there is no Senator present who can look forward with any tranquility to the day when this armament boom has ended and our national debt has increased to sixty-five billion or seventy-five billion dollars. Before ever this war burden was placed upon us our annual deficit was running something over $3,000,000,000 a year, largely for unemployment relief, W. P. A., and similar projects. I suppose every Senator present will concede that for the next few years, if things continue as they are, the Federal deficits will run billions of dollars beyond that, and that we shall emerge from this crisis with the national solvency imperiled, with our banks and insurance companies loaded with Federal bonds—loaded with bonds which a collapsing economy cannot ever hope to repay.

Mr. President, if we were operating our farms and factories at full capacity, almost any burden on our great wealth would be light indeed. But with 10,000,000 persons wholly unemployed, and as many more partially employed, the day will come, unless this problem is realistically met, when national credit will fail, and with it will come the collapse of our banks and insurance companies, and what lies beyond that I have no desire to prophesy.

Perhaps certain Senators who are present are thinking, Yes; but you are suggesting a far greater debt to build our highways. Where is the distinction? I point out to them that in building our highways we are creating an asset worth many times what it costs us, an asset which in money returns alone, if you want to put it on a toll-road basis, would carry the investment and amortize the debt itself.

Assume you are a banker, and a farmer comes to you seeking to borrow money to feed his children, or to buy shotgun shells to shoot at his neighbor, you then would be confronted with a different problem than if the farmer wanted to put in some crop for which he would have a market, and from which he could make the profits that would pay off the debt.

Mr. President, I say that not only can we afford to make this investment—we cannot afford not to make it.

Mr. BYRD. Mr. President——

The PRESIDING OFFICER (Mr. WILEY in the chair). Does the Senator from California yield to the Senator from Virginia?

Mr. DOWNEY. I yield.

Mr. BYRD. What would be the cost of the Senator's proposed highways?

Mr. DOWNEY. I might state to the Senator from Virginia that the bill is so drawn that we would engage in such superhighway construction as would result in the total employment of all our people. Of course, the amount that we would spend and the number of years it would take to build the highway system would depend upon the number of laborers that would be otherwise employed in industry. To rebuild the whole highway system of America in finest form, according to the traffic experts, would take $100,000,000,000. At 10 years' building, that would be $10,000,000,000 a year.

I do not know whether the distinguished Senator from Virginia was present at the time I referred to the subject or not, but I pointed out that with the national income from 1850 to 1890 averaging about 10 percent what it does now, we assumed just about as great a burden, considering interest charges, in building the railroads, as would be involved in building the superhighways.

I do not know what portion of my argument the distinguished Senator has heard, but I may say to him that our noted traffic experts say that there would be a money return of very large amount upon the very finest kind of highways that we could build.

Mr. BYRD. Did I understand the Senator to say $100,000,000,000?

Mr. DOWNEY. One hundred billion dollars; that is correct.

Mr. BYRD. The Senator proposes to rebuild all the highways, not only the superhighways, but all the public roads in America?

Mr. DOWNEY. Yes; that is correct. I wish to point out that the greater amount of money would be spent in the cities, such as Washington, D. C., New York, Los Angeles, Chicago, and St. Louis, for in our cities 75 to 80 percent of the automobile traffic now occurs.

Mr. MEAD. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. MEAD. The Senator no doubt has in mind, and is motivated by a desire to utilize the Nation's idle manpower in what might be termed self-liquidating projects?

Mr. DOWNEY. That is correct.

Mr. MEAD. And he visualizes a saving in the use of the new highways over the use of the present highways, together with an increased efficiency in our Nation's economy, which would offset the cost of this particular investment?

Mr. DOWNEY. That is correct.

Mr. MEAD. In view of the fact that the Nation faces what might be termed a defense emergency, and because we have been accelerating highway traffic, and traffic by air even to the extent of subsidies on the part of the Government, does not the Senator believe that it would be beneficial, from the standpoint of the United States Government, to put the railroads of the United States in the very best possible condition, because if the railroads had the latest in railroad equipment, if they had the most efficient and most economical service and equipment, and if they had modernized roadbeds, it would not only be helpful to national defense, but it would take a large volume of traffic off the present highways of the United States?

Unless we do something for the railroads, unless we make it less difficult for them to equip the roads with modernized trains, we will divert more and more traffic to the highways, and in that way we will hurt the railroads, injuring our chances for the most efficient possible defense, and we will put a heavier burden of cost upon our Nation's highways.

I believe that in the Senator's plan some thought should be given to the modernization of our railroads. They are in bad economic and financial straits at present. If they could modernize and improve their equipment, they would lighten the load on the highways. But if they continue as at present, they will lose constantly the trade that really should be left with them.

Mr. DOWNEY. Mr. President, I am in total agreement with the distinguished Senator from New York when he states that in any solution of our transportation problem the railroads, and the railroad workers, must be taken into account, and that it would only be common sense to use them to the highest efficiency in order to relieve our transportation.

Let me say to the distinguished Senator that if he will go along on this plan to end all unemployment in the United States, he will create such a volume of prosperity through the transportation of increased numbers of passengers and freight that the railroads will immediately become highly prosperous.

In connection with this I should like to develop exactly what would happen in the event we should go into a great program of highway building. Probably not more than four or five million of our unemployed—principally unskilled workers—would be required to rebuild the highway system of America in the next 10 years. However, their wages in every community would create such added purchasing power all over the United States that full employment would result. New workers would give new business to retail merchants. The farmers would have a larger market. Dentists and doctors would have increased clientele. The motion-picture theaters, the hotels, and the railroads would have more customers.

Department of Commerce experts have stated to me that the employment of four or five million workers on highway projects would probably be sufficient to "prime the pump" so that total employment would be attained. At the present time every cotton-growing Southern State faces supreme disaster, because in all probability the cotton market of the South, heretofore found in foreign nations, is gone. Ordinarily in a normal market we in the United States have consumed about 8,000,000 bales of cotton a year. We annually try to export around four or five or six million bales; and, of course, as every Senator knows, we have had tremendous difficulty in doing that. Senators from the South tell me that a bleak future faces their people because of the failing foreign cotton market.

The distinguished senior Senator from Georgia [Mr. GEORGE], who knows much more about the cotton situation than do most of us, has told me that he believes that if the national income could be increased by 50 percent, cotton consumption in the Nation would be increased by the same amount, and that alone would immediately create prosperity in the South. We are now consuming 8,000,000 bales of cotton a year. If the American people could consume 12,000,000 bales a year, we could immediately lift our Southern States into security and prosperity.

Some Senators probably wonder how that can be done. I wonder how we can fail to do it with half our population lacking sufficient bedding, rugs, clothes, and other products of raw cotton. Of course, we can do it. If we do not do it, heaven help the South in the years to come.

I see one of the distinguished Senators from the South, who knows much more about cotton than I do. I invite his discussion of this particular problem at any time he desires. I wish to say to him that the analysis I am now giving came from the distinguished senior Senator from Georgia [Mr. GEORGE]. When we successfully find a market for 4,000,000 bales of cotton abroad, what are the results, as compared with the domestic consumption of that additional amount?

Well, the article manufactured from the raw cotton is worth from 10 to 20 times as much as the raw cotton itself. Take a 17-pound cotton rug. At 10 cents a pound, to make the calculation easy, the cotton in the rug is worth $1.70, but the rug may cost at retail $15, $25, or $30, the added price going to the textile mills of America, to the retail merchants, to the railroads and to other businessmen and workers.

Mr. President, it seems to me that it is foolish beyond description to struggle to find abroad a market for our cotton, which our own people desperately need.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. CHAVEZ. In line with the statement of the Senator from California, and speaking only from what I know about my State, if the children of the United States, as well as the adults, were able to obtain only the food which nature requires, we should have no surplus of wheat and foodstuffs in the United States. I am speaking advisedly, from what I know about New Mexico. Many of the people are not getting sufficient bread and other foodstuffs actually to keep body and soul together.

Mr. DOWNEY. Mr. President, I know that what the Senator from New Mexico says is true; and I believe distinguished Senators from the South will agree with me when I make the statement that from 75 to 80 percent of their own people do not have the cotton products they should have. What a nightmare world we live in, with boundless fertility, energetic labor, and a devoted people. We struggle, we strive, we plough under, we subsidize, we waste, and destroy farm products for which at least one-third of the American people are hungry. As I recall, one of the distinguished southern Senators told me a few months ago that the overwhelming proportion of the people in the South have nowhere near the amount of cotton products they need and could utilize.

Mr. President, I could have better referred to my own State of California where year after year there has been a waste of farm products and factory capacity that should cause every American heart to despair. I remember at one time I was so juvenile and indiscreet as to own some beautiful orchards producing peaches for canning. Oh, we successfully grew a most beautiful and bountiful crop, but year after year, under agreement with the other orchard owners, we knocked one-half the fruit off the trees, and very often could not successfully market even what was left. I would go into the great cities of the United States and find that probably not 20 percent of the people in those cities ever tasted a canned peach except as a matter of special treat and on rare occasions.

So it is all over the United States. In every great rural region tremendous problems arise from the production of bountiful crops in the fertile soil which nature has given us. Those crops we waste and destroy; we make but little real effort to give the American people a decent buying power so that they may enjoy the products of their farms and factories.

The economists of this Nation, starting with the assumption that we are now producing about $70,000,000,000 of wealth annually, state that, if we had complete employment and a full market for our farm and factory products we could step up the national income to at least $110,000,000,000 within a few years time. Do not think there would be any great effort involved in doing that. All that would be necessary would be to give the farmer and the factory proprietor a market, and from farms now being cultivated, from factories now in operation, from railroads now running, from labor wanting desperately to work that $110,000,000,000 of wealth would flow.

Mr. GEORGE. Mr. President, will the Senator from California yield?

Mr. DOWNEY. I yield.

Mr. GEORGE. I have this thought, which is based on practical everyday knowledge: The average family in the cotton-growing section of the Southeast—I do not speak of cotton-growing sections of the Senator's State of California and other States—could use on the basis of the retail market an additional $100 in value of cotton products per annum and would not be oversupplied in any single particular. I know that to be true in my State, and I believe it to be true in every Southeastern State.

There are in the United States somewhat more than 2,000,000 cotton growers, but, in round numbers, let us say there are 2,000,000. I am satisfied that on the basis of the retail prices paid for cotton products every single family unit could well use and actually needs an average of at least $100 additional for their supply of various cotton products which must be used in the home.

I think the Senator is entirely right also with respect to another matter which seems to me to be fundamental. The real wealth of the Nation is the employed time of the men and women who work; it is the time employed in making goods and providing services. After all, that is the real wealth of any people; and when any considerable number of people are idle, tremendous actual wealth goes to waste, or, to put it the other way, potential waste that might be avoided by increasing the actual wealth of the country.

It may seem to those who do not live in the South and who are not familiar with the conditions there somewhat of an overstatement, yet I do not know of a single county in my State where the families could not on the average use, without being oversupplied but only reasonably supplied, an additional $100 worth of cotton goods and cotton products based on the retail price for such products.

Mr. NORRIS. Mr. President, will the Senator from California yield there?

Mr. DOWNEY. I yield.

Mr. NORRIS. I am wondering why the Senator from Georgia confines his suggestion merely to cotton-growing families in the South? Why does his statement not apply to the whole Nation?

Mr. GEORGE. I think it does.

Mr. NORRIS. Why is it not true that the same statement the Senator has made in regard to the ordinary cotton-growing family applies to every other ordinary family in the United States?

Mr. GEORGE. In my opinion, it does, but I was speaking of the Southeast, because I have such an intimate knowledge of conditions there. All my life I have known families, both white and colored, living on cotton farms, and I know that actual need, on a reasonable basis of comfort, would increase their purchases of cotton products by $100 a year if they had the purchasing power with which to secure those products.

Mr. DOWNEY. Mr. President, I am very grateful for the comment of the distinguished Senator from Georgia, who speaks with such authority in this particular problem. I should like at this time to say that he has so often and so consistently helped me with advice and counsel that I am under a very great debt of gratitude to him. I likewise am very happy to hear the very distinguished Senator from Nebraska make the comment he did. I think that kind of comment, coming from him, means a great deal, much more than if it came from myself.

Mr. President, before considering the tremendous increase of Federal receipts that would come if we had full employment and a total income in this Nation, I wish to point out the tremendous waste that comes from unemployment.

During the last 10 years the Federal Government has spent at least $3,000,000,000 a year for unemployment relief, and I have no doubt that the States, cities, and counties have spent in excess of a billion dollars more every year because of unemployment.

General employment would do away with this corrupting, devitalizing, unhappy relief spending. General employment would thus save our governmental agencies at least $4,000,000,000 annually.

But we have another tremendous saving both in human material and in money that total employment would bring. Do you know where the criminals of our Nation come from? They come chiefly from the unemployed youth of America. Yes, the unemployed boys of America are the principal beneficiaries of our penitentiaries today; and, on the most conservative figures, the cost of crime springing from the unemployment of men is at least another $3,000,000,000 a year.

Mr. President, sometimes this American picture seems almost like a nightmare. We are willing to spend billions upon boys in the penitentiary, billions in devitalizing and pauperizing persons on relief, but we are not willing to put our unemployed to work on great social projects such as highway building, which everybody in America agrees we ought to have.

Mr. President, in a few days this Chamber will ring with argument over another tax bill, another appropriation bill. Then we shall begin to figure one of two ways by which we can get the money to arm ourselves. One way will be to borrow it, and the other will be to tax our citizens more. I doubt if there will be one statement from the White House or one statement in Congress to the effect that we had better get increased Federal receipts from employing our people and increasing the income of the Nation. I pray that I am wrong, because increased taxes and increased borrowing with our present national income will but precipitate us further and further along the road to some great abyss. But, Mr. President, under a capitalistic economy the national income proceeds from the sale of the products of the laborer, the farmer, the factory proprietor, the professional, and businessman. Whenever we fully utilize the wealth and labor of this country we shall increase our Federal receipts to such an extent that we shall not know what to do with the money. We have lived under this complex of poverty so long that it is beyond our comprehension that we are the wealthiest people of all time, and all we have to do is to operate our farms and factories at full capacity, and every governmental agency in the United States will be deluged with an income beyond what it can utilize.

Mr. President, I have duplicate placards on each side of the Senate Chamber. Those placards were prepared for me by the Government Printing Office, and I am sure you will admit that they, at least, did a first-class job. The first two rows of figures are taken from a Treasury report issued last year, showing the Federal tax receipts which would accrue from a national income of $70,000,000,000 and of $90,000,000,000. The $110,000,000,000 is my own extension, which is undoubtedly too conservative, because I showed only the same increase from ninety to one hundred and ten billion dollars that occurred from seventy to ninety billion dollars, while, as you will note, the rate of increase is accelerated.

Mr. President, I do not know a single economist or industrialist in the United States who will not admit that with total employment within 3 or 4 years we could produce a national income of $110,000,000,000. Mr. Willkie, who is supposed to be a conservative, recently proclaimed that in 4 years he could increase the national income to $150,000,000,000. I rather think Mr. Willkie was somewhat overoptimistic, but I am glad he made that statement, anyway, because it points out how very conservative is my figure of $110,000,000,000.

Mr. President, those figures have been submitted to several statisticians and economists in Washington, and none of them would deny their validity. What do they show? They show that on the tax rates which existed before the last tax bill, and on a national income of $70,000,000,000, our Federal receipts run to $6,000,000,000; but if we could step up the national income to $110,000,000,000 we would have Federal tax receipts of $15,200,000,000, or over $9,000,000,000 more than our present receipts. Let me likewise point out, Mr. President, that our States, cities, and counties by that same flow of wealth coming from general employment would increase their tax revenues by two or three billion dollars more. It is certain, Mr. President, the Federal Government could have plenty of money if we had prosperity in this Nation.

Mr. President, I suppose everybody will admit that the reason why we have not developed a great air force and a larger Army up to the present time was that we were going so heavily into debt that we did not dare to spend the money. All of us knew the war picture in Germany 2 and 3 years ago. Ambassador Bullitt and Ambassador Kennedy told us the whole story almost two years ago, and many of the Senators on the Military Affairs Committee wanted to start right then upon rebuilding and strengthening our Army and air force. Why did we not do it? We are just too poor. With the greatest factories and technicians in the world, able

physically to pour out endless streams of munitions, we were just too poor!

Mr. President, I have heard the distinguished senior Senator from Massachusetts [Mr. WALSH] state at least twice on the floor of the Senate his solemn opinion that our capitalistic economy cannot endure the burden of increasing armament, and that we shall crash within the next few years. I have heard Senator after Senator repeat the same thing in the cloakrooms, that our capitalistic economy is doomed to destruction with this ever-increasing debt and the increasing burden of armament now thrown upon us. I take it that almost every Senator must look forward with gloomy apprehension if we are to have a great army of unemployed and a continued national income of only $70,000,000,000.

Ten years ago this Nation was producing a national income greater than we are producing today. There is not an economist who will not admit our ability, by increasing capital and invention, to have increased our national income from three to four billion dollars a year. Over the past 10 years we could have built up our income from the $100,000,000,000 we could have produced 10 years ago to $125,000,000,000 or $150,000,000,000. But instead of increasing from the potential hundred billion of 10 years ago we are now down to about seventy billion.

What is going to happen in the next 10 years? Is there one plan, is there one program, is there one hope for the American people for what lies beyond this temporary armament boom? If so, I do not know what it is.

The figures now indicate that we are not doing as well as we were doing 10 years ago. We are complacent; we boast of what we have done, but the sheer, cold fact is—taking the conservative figures of Brookings Institution—that 10 years ago we had a possible, practical capacity of a hundred billion, and now we are down to seventy billion, and our only hope of relief is to pour out billions upon billions in the production of armaments and destructive materials with which to defend ourselves or attack other people.

Mr. President, this discussion could be continued over many more hours, because it is an immense field. But I shall conclude. I shall not call up my amendment for vote today; I shall call it up some time next week. Of course, I deeply regret that more Senators have not been here to consider the facts and figures to which I have called attention, but I do deeply appreciate the attention of those who have been present.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. McNARY. I was absent during one portion of the Senator's discussion, and I will not impose on him if he has covered what I am about to inquire about; but I was concerned in a statement made a few days ago that the Army and Navy Departments, or the national-defense establishments, is constructing tanks to weigh 20 tons, 40 tons, 50 tons, and that there are some in contemplation which will weigh as high as 70 tons. I think none of the latter class are being constructed, but specifications have been drawn for them, and it is only a question of time before they will be in the course of construction.

As an observer, and one who travels the highways occasionally, I should like to ask this question: In the view of the Senator, would any of the present bridges and highways stand use by a truck or a tank weighing 50 tons or 70 tons, would the bridges hold them, are the tunnels wide enough and high enough, and is the concrete of the hard-surfaced roads sufficient in strength to support them? If not, would it not be better that we construct our roads to permit of use by these tanks, and is that not a part of the national defense we should consider in the construction of roads?

I do not know whether the Senator discussed that phase of the matter, but it is so intimately associated in my mind with national preparedness, that I thought it appropriate to propound the question. I appreciate the opportunity the Senator affords me.

Mr. DOWNEY. Mr. President, I am very grateful for the question propounded by our distinguished candidate for Vice President, if I may address him in that way. I regret that I have consumed so much time that I have not had the opportunity to discuss the question of military highways. I think the implications of the question asked by the Senator from Oregon can be answered only in the affirmative; that is, that we very vitally need heavy, modern, far-reaching highways for proper military defense.

As I have said in my investigations on highways, I have been aided by the advice of Dr. Miller McClintock, noted road engineer and traffic expert. I have several quotations here from him, but I will read merely the one regarding the need of superhighways for military purposes. This quotation is from a letter written me by Dr. Miller McClintock:

> Many critical portions of the trunk highway system of the Nation and almost all portions of principal routes of travel in urban areas are now congested. In fact, many of the more important routes are quite incapable of carrying normal civilian traffic with even tolerable efficiency. This is particularly true in the dense traffic areas of the Atlantic seaboard. One cannot help but look with the gravest apprehension to the conditions which would exist in the case of the necessity for large-scale evacuation of civilian populations or the necessity to move with rapidity, under emergency circumstances, large volumes of military traffic.
>
> In view of the fact that the essence of the defense program is the creation of a highly mobile defense mechanism, it would be nothing short of disastrous to fail to obtain complete assurance that such mobility can in fact be achieved. It is noteworthy that Germany keyed its military machine very closely to the functions of a Nation-wide [autobahn] system. We have only a few miles of comparable roadways in the United States.

I hope that is an answer to the Senator.

Mr. WILEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. DANAHER in the chair). Does the Senator from California yield to the Senator from Wisconsin?

Mr. DOWNEY. I yield.

Mr. WILEY. I think I have heard most of the Senator's remarks, and the thing that is troubling me is his statement that if we build highways, it will take care of the slack of labor. I have noticed in a good many communities where large highway expansion has been undertaken that the projects do not demand the amount of labor one would think they would employ. I wonder whether the Senator has gone into that phase of the subject. In other words, would the labor that is unemployed turn to the highways? Would those laborers do the work? Would that kind of work appeal to them? After all, in order to get the income the Senator mentions, we have to get the people back to work. I wonder whether the Senator has analyzed that phase of the subject.

Mr. DOWNEY. Yes; I have thought a great deal about it and I might say to the Senator from Wisconsin that certainly his question is a very valuable and pointed one. I think his implication is that, due to great, modern, titanic machines, we would not employ very many men in a road-building program. Is that the implication of the question?

Mr. WILEY. Partially so.

Mr. DOWNEY. Or that men would not desire to work?

Mr. WILEY. Yes.

Mr. DOWNEY. I might say, in answer to the last question, as I stated before, around every projected highway, around every cement plant, and sand and gravel plant, there are scores and hundreds of scores of men desperate for that very work. Any contractor can get a hundred unskilled laborers for every one he can use.

As to the other question, there is indeed a great moral in the Senator's question—as to whether or not a great road-building program could absorb the labor supply in this country. Let me give to the Senator a set of figures to support the implication which he draws from his question.

In the United States in the last few years we have built 5 or 6 great social projects—Boulder Dam, Coulee, Bonneville, the great project in the Sacramento Valley, and the greatest of all, due largely to the energy and outstanding leadership of the senior Senator from Nebraska [Mr. NORRIS], the

T. V. A., and, in addition, the great San Francisco bridges. Those are tremendous projects. But all those projects together did not employ together a total of over 50,000 men, over an average period of 4 or 5 years.

On these questions I have often consulted with Mr. Kaiser, of San Francisco, one of our greatest contractors there, who has constructed over a thousand miles of highway and has been associated with the building of most of the great projects in the West.

One time I expressed to him my opinion of the great projects he had helped to build. He replied, "Compared to what our labor and machines could build they amount to very little." He is strongly sold on beginning great superhighway projects in every city, in every rural region, in every State in the Union.

What the Senator from Wisconsin must understand is that the rebuilding of our highways means largely the rebuilding of our cities. The traffic experts are in despair when men say, "Let us tear down our slums and build modern apartment houses."

The say, "In the name of reason, no; tear down the slums, yes; but use the vacant land for rights-of-way and parking spaces and depots."

By highway building we could reconstruct America by the power of modern machinery. Through the full use of our idle we could approach this civilization of which our forefathers dreamed. What the Senator points out, the tremendous power of modern machinery, merely means that we can construct more of these projects, and not that we could not fully employ our idle.

Mr. LUNDEEN. Mr. President, will the able Senator yield?

Mr. DOWNEY. I yield.

Mr. LUNDEEN. Regretting that I have not had an opportunity to hear the entire statement of the able Senator from California, I certainly agree with what he has just said.

I wish to remind Senators that, as a companion bill to that introduced by J. BUELL SNYDER, of Pennsylvania, I introduced a bill for superhighways in this country, a bill which would employ large numbers of men. I think these housing projects and these road projects that the able Senator is now mentioning will need our attention in the not-distant future, and we had better take heed before it is too late. Millions of men must be employed. Unemployment must be cured; it must be solved. We cannot permit these awful conditions of ill-housed, ill-fed, and ill-clothed people to continue. If we do so we may imperil the very existence of this great democracy, inherited by us from the founders and fathers of this mighty Republic.

Mr. DOWNEY. Mr. President, I thank the Senator from Minnesota for his contribution, and I want all Senators to know that, of course, I claim no credit or pride of authorship in this matter. Many Senators and Representatives and innumerable leaders all over the United States have thought and worked and propagandized for these great highways long before I was ever a humble laborer in that vineyard, and I know that the Senator from Minnesota has long been one of the outstanding champions of superhighway building.

Mr. BARKLEY. Mr. President, will the Senator yield at that point?

Mr. DOWNEY. I yield.

Mr. BARKLEY. I have always been interested in the highway problem, and I am very much interested in the Senator's ideas about it.

The Senator will recall that last year I introduced and secured the passage of a bill through the Senate providing for the lending of money for various sorts of projects. It was known as the lending bill, but its enemies dubbed it the "lending-spending bill." That bill was never acted on in the House, but before it left the Senate, the Senate struck out a very modest provision for at least some experimenting in the question of superhighways.

The entire expense called for was not even to be borne by the Federal Government, but the measure provided for loans to States and cities and counties to enable them to embark upon the construction of some superhighways in congested parts of the country. In the hearings and on the floor the question of Chicago was specifically discussed; also Baltimore, New York, St. Louis, and other large centers in this country where there is undoubtedly congestion. The Senate at that time was not even willing to provide for loaning money to States to enable them to buy the rights-of-way, or to engage in the improvement of these roads. The bill went on to the House, and received no attention there—even that part of it that was left.

I mention that not only to show my interest in what the Senator has said, and his view on it, but to show how difficult it is for us to make even a modest beginning in such a program.

Mr. DOWNEY. Mr. President, I wish to express my appreciation of the liberalism and the leadership of our distinguished Senator from Kentucky. I know that he certainly has carried the torch in legislation of this kind. I very well recall his bill, both in the committee and in the Senate, and the Senator will recall that I supported him in the committee, and while he asked for only a mere half billion, or a billion dollars—since I supported him then, I think he ought to support my proposal for $100,000,000,000. That is not very much more.

Mr. BARKLEY. I appreciate that; but that reminds me of the story of the man who made hash in a restaurant, by putting in half horse and half rabbit—one horse and one rabbit. [Laughter.]

I did not mention that to indicate my position with respect to the Senator's proposal. Of course, there is a great deal of difference between a half billion dollars and $100,000,000,000.

But I am interested, and I think the country is going to become more and more interested in realizing the congestion upon our highways. The more automobiles we have and the more we engage in the necessary national defense which we all visualize, and the more our population increases, the more attention we must give to the problem of roads. Now and then I read articles contending that our population has about reached a static position, and is not going to increase any more. I doubt that very seriously myself, because the more I travel the more children I see. I do not think any race suicide is being indulged in yet in this country.

The more these various elements converge to intensify this problem, the more these people and the American Congress are going to be compelled to devote their attention to some reasonable solution of it. It cannot be done in cash. We all realize now that large-scale development, either public or private, cannot generally be paid out of cash assets. So that some rational method sooner or later—and it may be the sooner the better—must be devised by which we can make a beginning toward solving this tremendous problem, and the Senator from California has, as he always does, made a very interesting contribution to the subject.

Mr. DOWNEY. Mr. President, I am not going to interrogate the distinguished leader as to just what he meant by that remark that we could not hope to pay for these investments with cash. He must be careful or he will find himself under the scrutiny of the Dies committee. I do not know what he meant, and I am not even going to ask him.

Mr. BARKLEY. There is no secret about it. I mean that we must borrow part of it, or a considerable part of it, probably, and provide for its amortization and repayment over a period of years.

Mr. DOWNEY. I misunderstood the Senator.

Mr. BARKLEY. If we were able to adopt the Senator's program, I doubt very much whether we could pay for it out of pocket. I do not understand that the Senator advocates that, notwithstanding the fact that he has certain very well defined views upon the excess savings that have been accumulated in this country. Even the figures that the Senator has given to us heretofore would not be sufficient to carry out a program of that kind by paying cash.

Mr. DOWNEY. Mr. President, I do not want to be drawn into any discussion at this late hour on economics, but I might say that many of the outstanding economists of the

Nation say that over the next 10 years, if we should have full prosperity, we would have approximately $10,000,000,000 of capital or savings coming largely from the individuals of the United States, for which there would be no outlet in residential construction or capital formation, and that there would be approximately $100,000,000,000 seeking investment in other sources over 10 years of prosperity.

I might also say to the distinguished Senator from Kentucky that I embodied the economic figures on that in a small book which I published and heretofore handed to the Senator from Kentucky, and I hope he may find the leisure to read it.

Mr. President, I desire to conclude merely with this statement. Reverting now to the particular measure before us, we are contemplating the possibility that our sovereign Government may declare to the youth of America that it is their obligation in peacetime to be drafted into training camps, to prepare them for military service in the eventuality of war. Regardless of how we may feel with respect to this particular bill, I hope that every Senator present will agree with me in this conclusion—that in this complicated mechanical civilization of ours, whenever our sovereign Government intends to enforce against its citizens the right of conscription for military training in peacetime, certainly that Government ought to assume the correlative duty and obligation to give that citizen at least the opportunity to work. That not only constitutes natural justice—it would be sound statecraft looking to the preservation of our civilization and the wise preparation of our military defense.

EXHIBIT A

VAST POWER SOURCE IN ATOMIC ENERGY OPENED BY SCIENCE—RELATIVE OF URANIUM FOUND TO YIELD FORCE 5,000,000 TIMES AS POTENT AS COAL—GERMANY IS SEEKING IT—SCIENTISTS ORDERED TO DEVOTE ALL TIME TO RESEARCH—TESTS MADE AT COLUMBIA

(By William L. Laurence)

A natural substance found abundantly in many parts of the earth, now separated for the first time in pure form, has been found in pioneer experiments at the physics department of Columbia University to be capable of yielding such energy that 1 pound of it is equal in power output to 5,000,000 pounds of coal or 3,000,000 pounds of gasoline, it became known yesterday.

The discovery was announced in the current issue of the Physical Review, official publication of American physicists and one of the leading scientific journals of its kind in the world.

REVOLUTIONARY PROMISE

Prof. John R. Dunning, Columbia physicist, who headed the scientific team whose research led to the experimental proof of the vast power in the newly isolated substance, told a colleague, it was learned, that improvement in the methods of extraction of the substance was the only step that remained to be solved for its introduction as a new source of power. Other leading physicists agreed with him.

A chunk of 5 to 10 pounds of the new substance, a close relative of uranium, and known as U–235, would drive an ocean liner or an ocean-going submarine for an indefinite period around the oceans of the world without refueling, it was said, for such a chunk would possess the power output of 25,000,000 to 50,000,000 pounds of coal, or of 15,000,000 to 30,000,000 pounds of gasoline.

TESTED WITH ATOM-SMASHER

Until about 2 months ago not even an infinitesimal drop of the substance had been isolated in pure form and the task of doing so appeared hopeless from a practical point of view. Toward the end of February a minute fraction of a gram was isolated at the University of Minnesota Physics Department, under the direction of Prof. Alfred O. Nier. The sample was rushed at once to Columbia University, where Professor Dunning, in collaboration with Dr. E. T. Booth and Dr. Aristid V. Grosse, submitted it to tests with the Columbia 150-ton cyclotron (atom-smasher).

The sample, however, was so small that the results, while striking, served merely to stimulate the scientists at Columbia and Minnesota to further efforts. So fast has the work progressed since the beginning of March, the report in the Physical Review says that the yield has been increased two-hundredfold.

Such an increase in 2 months has given new hope that a process for isolating the substance in larger quantities, in grams and pounds instead of millionths of a gram, will be found in the not too distant future. While scientists refuse to make predictions, it is not impossible that a few months or a year hence may see the realization of this quest.

The fact that industrial laboratories also have taken up the quest and are lending to their university colleagues the vast experimental resources at their disposal is revealed in the same issue of the Physical Review, in a report from the research laboratories at the General Electric Co. by Dr. K. H. Kingdon and Dr. H. C. Pollock, also signed by Professor Dunning and Dr. Booth. The report reveals that the G. E. scientists also have set up an apparatus similar to that of Professor Nier and in their turn have separated a relatively large sample of the U–235. This sample was submitted also to experimental tests at Columbia and corroborated the results obtained from the University of Minnesota samples.

NAZIS PUSH RESEARCH

The main reason why scientists are reluctant to talk about this development, regarded as ushering in the long dreamed of age of atomic power and, therefore, as one of the greatest, if not the greatest, discovery in modern science, is the tremendous implications this discovery bears on the possible outcome of the European war, it was explained.

The news has leaked out, through highly reliable channels, that the Nazi government had heard of the research in American laboratories and had ordered its greatest scientists to concentrate their energies on the solution of this problem. Every German scientist in this field, physicists, chemists, and engineers, it was learned, have been ordered to drop all other researches and devote themselves to this work alone. All these research workers, it was learned, are carrying on their tasks feverishly at the laboratories of the Kaiser Wilhelm Institute at Berlin.

The American scientists, it was said, are in the dark as to what their German colleagues are doing and what progress, if any, they have made. It is believed, however, that the American scientists are in the lead, as Germany does not possess the powerful cyclotrons of American laboratories, and these machines are necessary for carrying out the most effective experiments in studying the energies within the nuclei (cores) of atoms.

However, it was asserted that, while cyclotrons are a prime requisite for determining the amount of energy contained in the new substance, the apparatus necessary for its isolation in small quantities was relatively simple and inexpensive, so that the Germans on learning of the American research no doubt could duplicate it.

On the other hand it is not believed that this particular apparatus will ever be useful in separating U–235 on a large scale. New plans are being made to isolate the substance on a practical scale, but the plans and the designs for these will be kept a secret to be given only to the United States Government to do with as it sees fit.

A startling discovery about the new power source, also made as a result of the Columbia experiments, is the simplicity of the method of liberating its vast energy. All that is needed to put it to work running motors and steamships is to place it in a tank of water and keep it supplied with a constant flow of cold water.

Left by itself, the substance would be inactive. As soon as it touched water of ordinary temperature it would automatically start to liberate its energy. The water would be turned into steam and the steam would drive powerful turbines. The new water supplied would keep the process going indefinitely. To stop it, all that would be necessary would be to cut off the water supply.

Thus the process would be the nearest practical approach to a form of perpetual motion, for as long as the U–235 would be supplied with water it would keep on liberating its energy until exhausted.

TERRIFIC EXPLOSIVE POWER

It was figured out, by way of another example, that 1 pound of the U–235 contains as much energy as 15,000 tons (30,000,000 pounds) of TNT, or 300 carloads of 50 tons each. If this 1 pound of U–235 exploded within one ten-thousandths of a second, as does ordinary TNT, the pressure produced would be on the order of 100,000,000,000 atmospheres (10 to the seventeenth power dynes to a square centimeter), about 1,000,000 times the pressure produced by TNT or by nitroglycerin.

On the other hand, it was estimated by an explosion expert, the explosion of such a pound of U–235 would produce a crater much less than 300 feet in radius and probably only 75 feet in radius.

The largest amount of explosives ever to have been exploded was 6,000 tons of a mixture of ammonium nitrate and ammonium sulfate in Oppau, Germany, about 14 years ago. That explosion was accidental, as the mixture was supposed to be a fertilizer. The resulting crater was about 600 feet wide and 250 feet deep.

The U–235 is what is known as an isotope, or chemical twin of ordinary uranium. Even its existence was not known until a few years ago, and its properties had been unsuspected until a short time ago.

Up to a few months ago it was believed to exist in minute amounts in association with ordinary uranium, the proportion of the two having been regarded as being of the order of 1,000 parts of uranium to 1 part of the U–235, or about one-tenth of 1 percent.

Suspicion first was cast on the possible nature of the U–235 as a great energy source, on purely theoretical grounds, by Prof. Niels Bohr, Nobel prize-winning physicist of the University of Copenhagen, Denmark, who carried on his researches last summer at the Institute for Advanced Study at Princeton, N. J., and by Dr. John A. Wheeler, of Princeton University.

DANE SPEEDED TESTS HERE

Professor Bohr was one of the first to learn of the discovery in Germany in January 1939, that when an ordinary sample of uranium, containing mixtures of three chemical twins, is bombarded with neutrons, fundamental atomic constituents carrying no electric charge; the uranium produces among the debris of its atoms the much lighter element barium.

Immediately communicating these results to his colleague, Prof. Enrico Fermi, another Nobel prize winning physicist, at Columbia University, and to other leading physicists, the true nature of the results obtained in Germany soon was determined. Repeating the

German experiments at Columbia, Johns Hopkins, the Carnegie Institution of Washington, and other laboratories, the physicists came upon the discovery that they were witnessing here for the first time a release of the binding energy within atoms on a scale greater than ever before.

What was happening, they discovered, was a splitting of the heavy uranium atom into two parts, one of which was barium of atomic weight 137, thus accounting for the barium observed in the German experiments by Prof. Otto Hahn and Dr. Lise Meitner. In the process of the splitting (fission) of the uranium atom by the neutrons, the binding energy holding the uranium atom together was liberated to the extent of 200,000,000 electron volts.

It was then for the first time (it took place in the early spring and summer, 1939) that attention was called to the neglected and unsung uranium isotope of atomic weight 235. Basing their reasoning on observations that atoms of even atomic weight are inclined to be less stable than atoms of odd atomic weights, Professor Bohr and Dr. Wheeler presented the theory that it was the minute fraction of U–235 in the uranium sample that was responsible for the release of the 200,000,000 electron volts when the uranium atom was split by a neutron.

The reasoning by Dr. Bohr and Dr. Wheeler was as follows: When uranium 238 is hit by a neutron that enters its nucleus, the atomic weight of the uranium is increased to 239, an odd-numbered weight, and hence a stable, nonexploding atom. On the other hand, when uranium 235 is hit by a neutron that enters its nucleus, the atomic weight becomes 236, an even-numbered atomic weight, and hence a nonstable, exploding atom.

This theory split the physicists into two camps, one agreeing with Dr. Bohr and Dr. Wheeler and the other disagreeing. The Columbia experiments have settled the question definitely in favor of the Bohr hypothesis, according to the report.

Another question that until now had remained unsettled, and upon which the crux of the whole matter depended, was whether an atom of uranium, once hit by a neutron and split into two, would release other neutrons from its nucleus and thus start a "chain reaction," in the manner of a firecracker, that would keep the process regenerating by itself, without any further need for neutron bullets from outside sources. Unless such a process took place, naturally, there would be no hope of putting the uranium 235 to work on a practical scale.

This all-important question also has been settled by the Columbia experiments in favor of the "firecracker hypothesis," the experiments establishing definitely for the first time that only one neutron, slowed down by water to travel with very low energy (one-fortieth of a volt), behaves in the manner of a trigger that sets off the process of energy liberation from the uranium 235, it was reported.

Moreover, it was pointed out, even this one "trigger" neutron is not necessary to be supplied from any apparatus. The air is full of minute amounts of radium that constantly liberate neutrons by hitting atoms in the air. In addition, there are the omnipresent, all-penetrating cosmic rays that constantly bombard the earth from outer space. These powerful radiations also liberate neutrons from air atoms and, in fact, play a part in starting off the trigger action in neon signs, the starting of which needs free electrons that are supplied by the radiations in the air produced by the radium and cosmic rays.

A building such as the Empire State, it was asserted, contains scattered radium in minute amounts that would equal a whole gram, worth about $25,000 in current prices. Without such radiations in the atmosphere, it was explained, neon lamps would have to be supplied with free electrons from an outside source and would be much more expensive.

STARTING ENERGY TO WORK

To start the "philosopher's stone" in the U–235 to work, it was explained further, all that is necessary is one neutron traveling at low energy, the lower the better. Now, neutrons, as they come out of the cores of atoms, travel with high energy, and it is therefore necessary to slow them down.

Fortunately, protons, the cores of hydrogen atoms, constituting two-thirds of the volume of water, have the power to make neutrons yield up their high energies and to slow them down to almost no energy at all. Hence, all that is necessary to start the U–235 liberating its great energy is to place it in an environment of ordinary water.

Nothing left to slow down the fast-traveling neutrons, and fast neutrons just go through the uranium without breaking up its atoms and releasing its energy. This brings the whole process to a stop until more cool water is supplied.

As one leading physicist explained it, "the colder the water the better the reaction. The reaction is self-limiting because heat (generated by the split atoms) speeds up the neutrons, and the faster the neutrons the less the reaction."

"The faster you feed in the cold water," the scientist added, "the faster the water will come out red hot on the other side, because more neutrons will be slowed down, and thus more atoms split and more energy is liberated. Thus the process is admirably suited for power purposes."

Uranium ore, it was said, is "more abundant than copper" and is found in the Belgian Congo, in Canada, in Colorado, and in England, as well as in Germany, in relatively large amounts. It is 1,000,000 times more abundant than radium, with which it is associated in pitchblende ores.

Another significant discovery, of practical bearing on the question of isolating the substance in usable amounts, was the redetermination of the relative abundance of the U–235 by Professor Nier. Whereas it had been believed as recently as last year that it existed in a ratio of only 1,000 to 1, compared with ordinary uranium of atomic weight 238, Professor Nier found that the ratio is much smaller, 139 pounds of ordinary uranium containing 1 pound of the U–235. This finding alone has increased automatically the amount of the new "philosopher's stone" by more than seven times and therefore makes its isolation seven times easier.

Germany, it was asserted, may regret her act of having sent into exile Dr. Lise Meitner, who, with Professor Hahn, made the first observations that led to the discovery of the fountainhead of atomic energy that German scientists are so feverishly working to harness. Soon after her exile, when she settled at Stockholm, Sweden, Dr. Meitner revealed the results of her work with Professor Hahn to colleagues of Professor Bohr, who at once communicated it to his colleagues in America. Had Germany then realized the importance of the findings, it is highly probable, it was said, that she would have kept it a strict military secret and possibly later would have surprised the world with it.

In addition to the uranium of mass 238 and the newly isolated uranium of atomic weight 235, there is a third and much rarer type of uranium, of atomic weight 234. This isotope exists in the ratio of 1 to 17,000, compared with ordinary uranium 238.

Neither uranium 238 nor uranium 234, small amounts of which also have been separated, has been found to liberate energy on being bombarded with slow neutrons. Uranium 238 responds to fast neutrons, but the process in this case would be impracticable, it was pointed out. The Columbia experiments have demonstrated also for the first time, Dr. Dunning and his associates report, that the uranium of mass 234 plays no part in the energy-liberating process.

FIVE-POUND MASS NECESSARY

Because of the nature of the neutrons, even the slow-traveling ones, it was explained further, it is necessary to have a mass of at least 5 pounds, and possibly as high as 20, to make the process work on a practical scale. In a smaller amount even low-energy neutrons would escape into the open without splitting the initial trigger atom that sets off the process. To start the process it is necessary for the neutron to remain inside the mass, so that it would enter the nucleus of an atom to start the splitting process.

However, it was said, it would not be necessary to obtain a mass of 5 to 20 pounds of pure U–235 to start the process. A concentration of 10 to 50 percent would be sufficient. In other words, a 5-pound mass of uranium mixture that contained half to 2½ pounds of the U–235 would be sufficient for use as a prime motive power for submarines, and for other sources of power.

Such a mass, it was explained, "would make the most powerful cyclotron puny by comparison and would provide neutron radiations thousands of times greater than that produced by any cyclotrons. By comparison with such a mass, a cyclotron would be a mere plaything, and the mass would be much less expensive than a cyclotron.

The power from the U–235, it was added, could be applied in many other useful ways. It would provide the most powerful source of neutron rays that might possibly be used in the treatment of cancer, as neutrons are much more powerful than either X-rays or radium. The neutron from the U–235 could be used also for the creation of artificially radioactive elements more powerful than radium. They could even be used for making gold out of mercury, but scientists expressed themselves as disdainful of such uses for their newest creative tool.

One of the scientists explained the process of the energy liberation from U–235 by comparing it with the burning of coal. Whereas coal uses oxygen to liberate its energy, he explained, the U–235 uses slow neutrons for the same purpose. The process of combustion in the case of the U–235, he added, is, atom for atom, 100,000,000 times as effective as is the case in the combustion of coal. However, as the atomic weight of the uranium is 235, compared with 16 for the oxygen and 12 for the carbon, there are fewer uranium atoms to a given weight than there are oxygen and carbon atoms. This reduces the energy relations of the U–235, compared with coal, to a ratio of 5,000,000 to 1.

There are several new methods being considered for increasing the yield of the new substance to large-scale amounts. But as to this, scientists greet the questioner with a profound silence.

Mr. LEE obtained the floor.

REGULATION OF FIRE, MARINE, AND CASUALTY INSURANCE IN THE DISTRICT OF COLUMBIA

Mr. KING. Mr. President, will the Senator yield for the consideration of a bill? If it requires more than 2 or 3 minutes, I shall withdraw the request.

Mr. LEE. I yield.

Mr. KING. I ask unanimous consent that the Senate proceed to the consideration of House bill 9722.

Mr. McNARY. Mr. President, may I inquire what is the request of the able Senator from Utah?

Mr. KING. I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to consider House bill 9722, a bill for the regulation of the business of fire, marine, and casualty insurance in the District of Columbia.

Mr. McNARY. What is the calendar number?

Mr. KING. Two thousand and eight.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. McCARRAN. The bill was submitted to a subcommittee of the Committee on the District of Columbia, of which subcommittee I had the privilege of being chairman. Investigation was made and hearings were held on the bill and on the subject. Subsequently the bill was reported with the amendments suggested by the committee. It has been on the calendar for some time.

Day before yesterday the Senator from Connecticut submitted certain amendments. I have not had an opportunity to read them. I have not looked at them. In view of my knowledge of the ability of the able Senator from Connecticut, I take it that they are amendments which should be considered. So far as I am concerned, I think the whole matter should now be reconsidered by the committee which had the matter in charge, because of the diligent study which was made by the subcommittee of the Committee on the District of Columbia, and because of the importance of the subject to the District of Columbia. I for one hope that the matter will not come up without an opportunity for those of us who are required to give interest to the subject because of our membership on the Committee on the District of Columbia, to consider the matter. I hope that the bill will not be taken up until the committee has had an opportunity again to consider it. I hope I am not mistaken in saying that the full District of Columbia Committee never considered the bill.

Mr. KING. The Senator is in error; but, in view of the Senator's attitude, I withdraw the request.

Mr. DANAHER. Mr. President, I ask the Senator from Oklahoma if he is willing to yield to me for a brief statement in connection with the matter referred to by the Senator from Utah?

Mr. LEE. My own statement will not be very long. The Senator may make his statement after I shall have concluded.

Mr. DANAHER. Very well. I thank the Senator.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 5403) to provide for the deposit of certain collections for overtime immigration services to the credit of the appropriation chargeable with the payment for such services, and for other purposes.

The message also announced that the House had agreed to the amendment of the Senate to each of the following bills of the House:

H. R. 5640. An act to admit Richard Paul Rehn permanently to the United States; and

H. R. 5641. An act to admit Johann Rudolf Hueneberg permanently to the United States.

The message further announced that the House agreed to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, and 21 to the bill (H. R. 10030) increasing the number of naval aviators in the line of the Regular Navy and Marine Corps, and for other purposes, and concurred therein, and that the House disagreed to the amendment of the Senate numbered 14 to the bill.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 3954. An act relating to the issuance by the Secretary of the Interior of a patent to the State of Minnesota for certain lands in that State;

H. R. 7173. An act for the relief of Walter Chwalek;

H. R. 7826. An act for the relief of R. F. Brazelton; and

H. R. 9158. An act to amend the act entitled "An act for the protection of certain enlisted men of the Army," approved August 19, 1937, and for other purposes.

PROPOSED TRANSFER OF DESTROYERS

Mr. LEE. Mr. President, in the interest of our own defense, I believe we should transfer 50 or more over-age destroyers to Great Britain. On different occasions and in different ways, the people of the United States have expressed themselves as favoring the policy of defending America by aiding Great Britain with everything but men. Both political parties, in their recent conventions, have gone on record as favoring material aid to Great Britain, provided, first, that it is not a violation of law, and second, that it does not weaken our own defenses. Let me quote from the 1940 Republican platform, which was adopted at Philadelphia:

> We favor the extension to all peoples fighting for liberty, or whose liberty is threatened, of such aid as shall not be in violation of international law or inconsistent with the requirements of our own national defense.

I quote from the 1940 Democratic platform adopted at Chicago:

> In self-defense and in good conscience, the world's greatest democracy cannot afford heartlessly or in a spirit of appeasement to ignore the peace-loving and liberty-loving peoples wantonly attacked by ruthless aggressors.
>
> We pledge to extend to these peoples all the material aid at our command, consistent with law and not inconsistent with the interests of our own national self-defense—all to the end that peace and international good faith may yet emerge triumphant.

Mr. President, the question of whether it would strengthen or weaken America's defenses to transfer our over-age destroyers to Great Britain has already been passed upon by two authorities best able to speak on that subject. General Pershing, former commander of the American Expeditionary Forces, has advocated the transfer of 50 destroyers on the ground that it would increase our own safety. Also, Admiral Standley, former Chief of Naval Operations, has advocated the transfer of the destroyers in the interest of America's defense.

Before such a transfer could be made, the law requires that the Chief of Naval Operations "shall first certify that such material is not essential to the defense of the United States." Therefore, if the Chief of Naval Operations should so certify, we should then have the opinions of the best qualified men in the Nation that such a transfer would not only not weaken America's defenses, but would strengthen them.

Mr. LUNDEEN. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. LUNDEEN. The statement of the chairman of our Naval Affairs Committee, Senator WALSH, is opposed to the policy now being advocated by the able Senator. I should also like to say that I believe that a very large body of our citizens disagree in toto with the policy now being stated. The able Senator from Massachusetts has repeatedly stated that we cannot aid Britain by turning over our warships to that Empire.

Mr. LEE. Of course, the Senator has a perfect right to his opinion, and to express an opinion which is shared by others.

To continue, as to the legality of such a transfer, on August 10 four lawyers addressed a letter to the New York Times in which they set forth as their opinion that there is no legal bar to the transfer of the destroyers. They gave it as their opinion that there is ample authority in the present law for the transfer of over-age vessels to Great Britain. Those attorneys were Charles C. Burlingham, Thomas D. Thacher, George Rublee, and Dean Acheson. The letter containing their arguments was printed in the Appendix of the RECORD on August 12 at the request of the Senator from Florida [Mr. PEPPER]. I shall not read the entire letter, but I wish to quote certain paragraphs from the legal opinion of these attorneys. Quoting from the letter:

> In light of the fact that the Congress has provided for the free interchange of supplies and equipment between the Army and Navy, there is no reason to suppose that the Congress generally intended stricter rules to be applied to the release of naval supplies and equipment than to the release of military supplies and equipment. And this would seem to be particularly true in view of the fact that after naval planes had been transferred to the Army

for the purpose of permitting their release to private manufacturers on an exchange basis the Congress chose to enlarge rather than to restrict authority of the Secretary of War to enter into contracts for the exchange of obsolescent equipment for new equipment, and conditioned the exercise of such authority solely upon the certification of the appropriate staff officer that such obsolescent equipment was not essential to national defense.

If it should be the opinion of the appropriate staff officers of both armed services, as it is the opinion of General Pershing, that the requirements of our national defense would be served rather than hurt by the release of some of our over-age destroyers for sale to the British, there should be no legal bar to effectuating their release under existing statutory authority.

It is true that on June 24 a ruling of the Attorney General was announced to the effect that private builders who were constructing new torpedo boats for the account of the Navy could not, even with the consent of the Navy, complete such boats to the order of a belligerent government. The Attorney General indicated that the sending out of the country by a private builder of a vessel of war built to enter the service of a belligerent would be a violation of section 3 of title V of the Espionage Act of June 15, 1917 (ch. 30, 40 Stat. 222, U. S. C., title 18, sec. 33), and possibly also of section 23 of title 18 of the United States Code.

It is clear, in our judgment, that neither these statutory provisions nor the views expressed by the Attorney General stand in the way of the sale to a belligerent of armed ships, like our old destroyers, which were not built or completed to the order of a belligerent.

Section 23 of title 18 of the United States Code is obviously not applicable to ships which were neither built nor equipped with a view to their entering the service of a belligerent power.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). Does the Senator from Oklahoma yield to the Senator from Washington?

Mr. LEE. I wish to finish the quotation.

Mr. SCHWELLENBACH. I wish to ask the Senator a question about that particular portion of the quotation. Does he prefer to have me wait until he concludes?

Mr. LEE. No; not in that case.

Mr. SCHWELLENBACH. Does not the Senator see that section 23 of title 18, referred to in the letter which was printed in the New York Times, is the provision of our law which prevents the building or outfitting of vessels with the intent, at the time of the building or outfitting, of selling them to a belligerent government?

Mr. LEE. That is the opinion of these attorneys.

Mr. SCHWELLENBACH. Mr. President, yes; and that is still the law, and it was the law in 1917 when the Espionage Act was passed. In view of the fact that that was the law which we already had on the statute books, a definite act which prohibits the building or outfitting of ships for the purpose and with the intent of turning them over to a belligerent, how can the Senator agree with the opinion of these four very distinguished lawyers when they attempt to say that the provision of section 3 of the Espionage Act, later referred to, which reads, as follows:

During a war in which the United States is a neutral Nation, it shall be unlawful to send out of the jurisdiction of the United States any vessel built, armed, or equipped as a vessel of war, or converted from a private vessel into a vessel of war, with the intent or under any agreement or contract, written or oral, that such vessel shall be delivered to a belligerent nation.

In other words, we already had on the statute books a law which covered the question of building or outfitting a vessel with the intent of having it turned over to a belligerent nation. In 1917 we enacted another statute which provided that it should be unlawful so long as we were a neutral; and the grammatical construction of the particular section, it seems to me, is absolutely clear that what we did in 1917 was to prohibit the transfer to a belligerent nation of vessels already constructed. I should like to have the Senator discuss the legal opinion from which he is quoting in the light of the suggestions which I make.

Mr. LEE. I appreciate the Senator's contribution, but it represents the opposite view to the view taken by these four attorneys who have discussed that point.

Mr. SCHWELLENBACH. No; let me say to the Senator they did not discuss that point. They construed section 3 of the act of 1917, and construed it differently from the way in which I construe it, but do not discuss the point that there was already in the law at the time the 1917 act was passed a section which specifically prohibited the things which they attempt to claim section 3 of the 1917 act permits.

Mr. LEE. Of course, the Senator disagrees with the opinion of these attorneys. I agree with their opinion. It is one of those instances which frequently occur of there being two interpretations of a law. There has scarcely ever been a case before any court when a number of cases on both sides have not been cited; and of course we are familiar with dissenting opinions. People may go on forever dissenting and disagreeing.

I disagree with the point made by the Senator, or the one he attempts to make, that the provision referred to would stand as a bar to the transfer of these ships. The ship that is built with the intent of being transferred would be covered by this law, but one that was not built with any such intent, as is the case of the over-age destroyers, would not be covered by that law.

Mr. LUNDEEN. Mr. President, will the Senator yield there?

Mr. LEE. I yield.

Mr. LUNDEEN. I refer to the speech delivered by the chairman of the Committee on Naval Affairs over the Columbia Broadcasting System on August 13, 1940, in which he makes this reference to Admiral Standley.

Very few, however, had the courage to sign a statement as did Admiral Standley (retired) favoring a declaration that a state of war existed between this country and Germany.

If the Senator will permit me further, I will quote a short paragraph from the speech of the chairman of the Naval Affairs Committee. He said:

Let me set at rest, also, the misleading contention that our Navy possesses a considerable number of so-called surplus destroyers for which the Navy has no immediate need. There is no warrant for such a statement. It is very far from the truth. The truth is that we have no surplus destroyers. Some of these over-age and heretofore decommissioned destroyers are being converted into fast mine layers, aircraft tenders, and antiaircraft vessels, types urgently needed in our own Navy. Many of them are operating with the fleet and on neutrality patrol.

Mr. LEE. I wish to continue the quotation from the opinion of the four attorneys, skipping part of the letter, because it is too long to be incorporated in a speech; I quote:

Nor does the Neutrality Act of November 4, 1939 (ch. 2, U. S. C., title 22, sec. 245j–1), interpose any legal bar to the release of the destroyers to the British. Under that act the vessels may lawfully be taken out of the United States to a belligerent port provided title is first transferred from the American owner. Such transfer of title could be made under the act to a foreign neutral individual or corporation.

We believe that we are entirely justified in the view that the powers granted by law to dispose of these destroyers would only be exercised where, in the considered opinion of those responsible for our national safety, their exercise would increase our powers of defense. General Pershing is high authority for the view that the transfer itself may be a vital factor in keeping war from our shores. It is quite possible that in connection with the transfer, arrangements might be made which would increase our defensive power in this hemisphere.

These destroyers are now built, armed, and equipped. It cannot by the furthest stretch of the imagination be said that they were built, armed, or equipped to the order of any belligerent, or with the intent that they should enter the service of any belligerent. If they are now released to private contractors, there is no insuperable legal barrier which stands in the way of their sale to the British in a manner compatible with the provisions of the Neutrality Act.

There is no reason for us to put a strained or unnecessary interpretation on our own statutes contrary to our own national interests. There is no reason to extend the rules of international law, beyond the limits generally accepted by other nations, to the detriment of our own country.

When vital interests of the United States are at stake, when the sentiment of the country is clear, the Government should not hesitate to exercise powers under existing law. To seek an unnecessary reaffirmation of these powers from the Congress now would be to run a serious danger of delay, and by delay possibly to endanger the vital interests of the people of the country in keeping war from our own shores.

CHARLES C. BURLINGHAM.
THOMAS D. THACHER.
GEORGE RUBLEE.
DEAN ACHESON.

NEW YORK, *August 10, 1940.*

Mr. TYDINGS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Maryland?

Mr. LEE. I yield.

Mr. TYDINGS. Does the Senator feel that the opinion which he has read, not as to the propriety but as to the legality in international law of turning these ships over, would be altered if the United States Government had made one, two, or three payments on the ships as they were in progress of construction?

Mr. LEE. If the United States Government had made payments on the ships while they were in process of being constructed?

Mr. TYDINGS. In other words, if the Government had ordered these ships, and as the work progressed the Government had made first an initial payment, then a second payment, and then, for example, a third payment—in case it had made one, two, or three payments upon the ships as they were in course of construction, and to that extent, at least, had bought the ships, would the Senator feel that the opinion which he has expressed would be the same in that contingency as if the Government had made no payments at all on the ships?

Mr. LEE. Of course, the opinion from which I quoted applies only to ships which the Government has already paid for and owns. I have not explored the thought suggested by the Senator.

Mr. TYDINGS. I was talking about ships under construction.

Mr. LEE. It is very clearly admitted by these lawyers that ships under construction, as in the case of the "mosquito fleet," did come under the purview of the law and were barred by the law from transfer.

Mr. TYDINGS. Then the Senator has answered my question, because the vessels to which I had reference were the "mosquito boats," and in that case, whether they were paid for in whole or in part, as I interpret it, their transfer to a foreign government would be barred by the act.

Mr. LEE. That is the way I see it.

Mr. TYDINGS. The Senator is not dealing with that immediate matter?

Mr. LEE. No; only with the over-age destroyers which were built and paid for before any of these questions arose.

Mr. ADAMS. Mr. President——

Mr. LEE. I yield to the Senator from Colorado.

Mr. ADAMS. I heard only the concluding part of the opinion. I inquire whether there is any conflict between the position taken in this opinion and that which the United States took in its *Alabama* claims of some years ago against England. We collected some $15,000,000 of damages from England under an arbitration because England permitted privateers, which preyed on American commerce, to be fitted out in English yards.

Mr. LEE. It would be, of course, the first legal opinion ever offered in the history of the world if there were not conflicts of opinion. I cannot answer as to that specific case.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. VANDENBERG. Without attempting to pass any judgment on the issue itself, I wonder if the Senator is familiar, on the question of necessity, with the fact that Acting Secretary of the Navy Compton, saying that he spoke for himself and Admiral Stark, testified before the Senate Naval Affairs Committee in June as follows: When asked what the position of the Navy would be if we should be asked to dispose of any of our destroyers, Acting Secretary Compton, for himself and Admiral Stark, said, "Our answer would be 'No.' We would definitely recommend against it." I wonder what bearing the Senator thinks that might have on the question.

Mr. LEE. I take it the Assistant Secretary protected himself when he said it was a personal opinion. I telephoned to the Navy Department to find if any commitment or statement had been made with respect to this very question, since the legality of the argument made here is bottomed on the advice and approval of the Director of Naval Operations; and I was informed over the telephone that no such statement or commitment had been made.

Mr. VANDENBERG. The Senator will understand that this is not dealing with the legal argument. This is dealing with the question whether or not we could afford to do this as a matter of national defense.

Mr. LEE. Of course, that is a part of the legal argument because, before it would be legal, the transfer would have to be approved by the Chief of Naval Operations in a letter of approval to the chairman of the Naval Affairs Committee.

Mr. VANDENBERG. Then my understanding of the Senator's statement is that the Navy Department——

Mr. LEE. Has not taken any action on that point.

Mr. VANDENBERG. And it made no comment to the Senator about the testimony given by Acting Secretary Compton?

Mr. LEE. No comment was made with respect to that.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. TYDINGS. I am sure the Senator realizes the distinction between a case in which we turn in old airplanes and get for those old airplanes new airplanes, and one in which we turn in old destroyers and get nothing for the destroyers. I am not dealing with the wisdom of the policy—only with the mechanics of it. In one case we take a part of our national defense, namely, an airplane, and turn it in because we thing it is obsolete or overage, but we get back for the airplane another one which is modern and up to date. In the case of the destroyers we would be turning them in without getting anything to take their place except whatever money we might obtain for the destroyers. Does not the Senator think there is a distinction between the two operations?

Mr. LEE. Mr. President, that is a matter of judgment—not necessarily a matter of law.

Mr. TYDINGS. I am not arguing the law for the moment. I am arguing the national defense of the country.

Mr. LEE. Let us suppose that in exchange for those destroyers some military advantage would be given to the United States; then the case would be the same.

Mr. TYDINGS. No; I do not think so. I think we would have to put into the picture an ingredient which is not now in it. If we were at war with Germany, then giving ships to any nation that was fighting Germany would obviously be in line with our military policy; but the formal declaration of our Government is that we are neutral—that we want to keep out of war. Therefore it seems to me that if we give these ships to England we are not neutral, certainly in spirit, and we are not acting in accordance with our formally announced military policy.

I am not taking issue with the Senator in his desire to aid England. What I am discussing is, Where will our Government stand if we do what the Senator has suggested?

Mr. LEE. I thank the Senator. It is not my purpose to go into that phase of the argment. It is based on a hypothesis. It is a good point, I grant, but it is based on a hypothesis. It deals more with judgment than with law. I simply am unwilling to strain an interpretation against what I conceive to be to the best interest of the United States. I certainly allow every other individual and every other Member of this body to make his own interpretation and follow it, and allow him also in his own judgment to disagree with me as to the best interest of the country and whether or not it is served. But this is a legal question in which one group of persons believes the United States Government is barred from releasing these old destroyers. Another group believes that legally the United States Government is not barred. I am supporting the group that believes it can be done. I want to believe that. I want to aid England.

The United States is in grave danger. If it is not, then this body has convicted itself of the most profligate extravagance

in the history of the world in voting so much money for national defense. If we are in danger, then I want to have us do everything possible to strengthen our defenses and to lessen that danger; and on that basis I want to see the United States transfer those destroyers, 50 of them, and more if in the opinion of the naval officers it would not weaken our defense.

So far as injuring the feelings of Germany and Hitler is concerned, Hitler has never yet invaded a nation on the basis of his feelings. He is not a sentimentalist. He has asked himself only two questions: "First, do I want it? Second, can I take it?" He has never invaded a nation because it was unneutral, for the nations he has invaded leaned backward in order to be neutral. I am not afraid of offending Hitler's feelings, for he is a cold-blooded, calculating man who does not act upon the basis of sentimentality, but simply upon the basis of what he wants, and whether or not he is able to take it.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. TYDINGS. I did not mean, and I am sure the Senator did not construe what I said as meaning, that I was taking issue with the Senator's right to have an opinion.

Mr. LEE. I did not so understand.

Mr. TYDINGS. I am simply searching to see where, if we should follow his suggestion, we would be.

I can sympathize with some Americans who feel that England is fighting our battle, and therefore that the logical course for us is to join in with England before she is defeated, so as to make sure that the two nations together will conquer Hitler and therefore eliminate a potential enemy. I can likewse sympathize with those who feel that the best course for the United States, if it wishes to avoid war, is to adhere to a policy of strict neutrality. I am not justifying either position; I am stating the two sides of the matter.

What I do have difficulty in doing is in taking the intermediate course which gives driblets of aid. Certainly if we accept the premise that eventually we shall have to fight Hitler, and that England is now fighting our battle, and that we are going to give them 50 old, obsolete destroyers to help them win it, if that premise is tenable and sound we ought to go all the way in now, and declare war, and send the whole Navy over so as to make that position absolutely secure, or else we ought to stay all the way out.

I do not see how we can take a course in between the two alternatives, because we have only two choices. One choice is to stay out of the war. The other choice is to go into the war; and we ought to go all the way on either side.

Understand me, if 50 obsolete destroyers are going to constitute the balance of power in the tremendous struggle which is now taking place over the English Channel and in England and the other European countries, it is a different kind of war from the one I visualize at this great distance. Therefore, I feel that my argument is reinforced by the fact that these 50 destroyers will be only a small addition to the defense of England.

Mr. LEE. But they will be an addition.

Mr. TYDINGS. Yes; that is true.

Mr. LEE. And sometimes, when the balance is very close, it takes a very little to tilt the scales to one side or the other.

Mr. TYDINGS. Why not give them some over-age battleships?

Mr. LEE. Of course, the Senator may take almost any argument, and, with plenty of suppositions and hypotheses, reduce it to a certain ultimate conclusion to which no one would agree; and that is what the Senator has done in this case.

Mr. TYDINGS. I do not want to do that. I am not trying to take suppositions; but it seems to me that if 50 obsolete ships are to be turned over to Great Britain it would be much better to turn over the whole Navy. Obviously, by turning over 50 ships, do we not say in effect that we want to augment the British force—not as individuals, not as a matter of business, not in an economic way, but as an American Government—to such an extent that she will be sure to win?

Mr. LEE. Mr. President, I wanted to make this speech.

Mr. TYDINGS. I am sorry I interrupted the Senator.

Mr. LEE. That is all right. I want the Senator to take part in it, but I also want to get in a few points before it is time to close for the day.

If the Senator from Maryland [Mr. TYDINGS] takes that attitude—and I do not know that he has done so—evidently he disagrees with the Democratic platform adopted at Chicago, and disagrees with the Republican platform adopted at Philadelphia. The Democratic platform adopted at Chicago stated:

> In self-defense and in good conscience, the world's greatest democracy cannot afford heartlessly or in a spirit of appeasement to ignore the peace-loving and liberty-loving peoples wantonly attacked by ruthless aggressors. We pledge to extend to these peoples all the material aid at our command, consistent with law and not inconsistent with the interests of our own national self-defense—all to the end that peace and international good faith may yet emerge triumphant.

Mr. TYDINGS. Mr. President, will the Senator permit me to make an observation right there?

Mr. LEE. Yes; certainly.

Mr. TYDINGS. If we are aiding our military policy by turning over 50 destroyers to Great Britain, then our military policy is to aid Great Britain. If that is our military policy, why not turn over 258 destroyers?

Mr. LEE. There is always a point of diminishing returns beyond which there is either danger, or beyond which the returns are not profitable. I would say that would be true in that case. But I do not wish to discuss that point with the Senator. We all know that there is a field in which this country can aid England and, at the same time, not step over the bounds into war, and it is that field we are occupying today. We are already committed to it. Our people have supported it at every opportunity they have had to express themselves. Both parties have gone on record for the principle of material aid, everything but men. I do not wish to debate that point with the Senator. I certainly can see the argument he makes, that one way we can go all the way, and another way we do not do anything.

I do not believe that an absolute closing of our doors is going to help us any. In fact, I believe that if we had not revised the neutrality law so as to allow our manufacturers to sell to England, England might have been beaten to her knees before now. Yet we could argue that that involves the same principle. We revised our own neutrality law so as to allow our factories to open their doors and sell to England and sell to France in order that they might combat their enemy, and at the same time it put our own factories on a mass production basis, which has stepped up and increased our own production from about 50 planes a month then to about a thousand planes a month now, which certainly has resulted in putting this country in a better state of defense than any other one thing we have done since this crisis has arisen.

Mr. LUNDEEN and Mr. TYDINGS addressed the Chair.

The PRESIDING OFFICER (Mr. CHAVEZ in the chair). Does the Senator from Oklahoma yield, and if so, to whom?

Mr. LEE. I yield first to the Senator from Minnesota.

Mr. LUNDEEN. I wish merely to call attention to a statement made on August 9 by the distinguished chairman of the Committee on Military Affairs of the Senate.

Mr. LEE. I wonder why the Senator continually refers to that. I do not dispute it.

Mr. LUNDEEN. I first read the statement of the chairman of the Committee on Naval Affairs. Now I am reading just a few words from a statement made by the chairman of the Committee on Military Affairs of the Senate.

Mr. LEE. There is no argument with the chairman of the two committees. The law provides that the Chief of Naval Operations and the Chief of Staff of the Army must refer their opinions to the chairmen of these committees.

Mr. LUNDEEN. I merely wanted to give the opinion of the chairman of the Committee on Military Affairs, which is

that he does not consider that we have an adequate Navy for defense now. Then he goes on to say we need just as many ships in our Navy as we now have.

Mr. LEE. Yes.

Mr. LUNDEEN. I merely wanted that in the RECORD.

Mr. LEE. That is all right. I agree with that statement. I, myself, am in favor of that statement.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. TYDINGS. I do not want the Senator to leave the impression that I am opposed to trade by private individuals or corporations of this country with foreign governments. I think that is perfectly proper, and if that brings wealth to our country, and enlarges our capacity for defense, all well and good. But there is a distinction between a private individual or corporation dealing with some branch of a foreign government, and a formal transfer on the part of our Government to a foreign government at war of a part of its essential defense forces, whether they be old or not. I was not arguing the economic advantage, nor am I taking issue with the Senator in his desire to help England. I was merely trying to draw the line, and to state that if we need to help England as a part of our military policy, we should go further than the 50 ships, or we should not go any distance at all, that we cannot be Roman riders, with one foot on the horse of neutrality and the other foot on the horse of war.

Mr. BONE. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. BONE. I am not so certain that the thesis of the Senator from Maryland is absolutely correct.

Mr. TYDINGS. I have been wrong before.

Mr. BONE. We are so used to thinking that our private citizens may deal with a belligerent, and we have grown so accustomed to it from the arguments constantly dinned into our ears, that I think we fail to realize the history behind it.

Mr. TYDINGS. Will the Senator permit me to interrupt him, with the permission of the Senator from Oklahoma? Understand me, I was not saying a private citizen should or should not do what has been done. I was not discussing the merits. I was trying to draw the distinction between a private citizen or a corporation taking that action, and formal action of the Government.

Mr. BONE. There is a great moral distinction, I admit.

Mr. TYDINGS. Let me make one more statement, and then I will not interrupt the Senator further. If I desired to go over into Maryland, or anywhere else, and make a speech denouncing the head of some foreign government, I would have a right to do that under the Constitution, but if we were to pass a formal resolution in the Senate or the House of Representatives denouncing the head of a foreign government, that would be an entirely different matter. That is the distinction which I am trying to make in this debate.

Mr. LEE. Does the Senator think the Government does not have a legal right to sell these destroyers to a private corporation or an individual?

Mr. TYDINGS. We have the right not only to do that but to declare war, if we desire to do so, which goes much further. But the Hague Convention, which I believe is not now in effect, contained a specific provision that it would be an act of war if any neutral nation should turn over any ship of war to a belligerent nation.

Mr. BONE. Mr. President, if I may, I will now come back to the matter which led me to rise.

If Senators will recall history, they will remember that a private shipbuilding concern in England, the Lairds, at Birkenhead, built a ship called the *Alabama*. She was built for the Confederate Government as a sea raider. She was launched in England and was on the seas for a long time, until she was sunk at Cherbourg by the *Kearsarge*.

When the Civil War ended we filed claims against Great Britain, and the claims were sustained. They were commonly known as the *Alabama* claims. We sustained the claims, because we were supported by international law, which placed upon the British Government the final responsibility for allowing one of its private citizens, the Laird outfit, to build a warship for the Confederacy.

The parallel is absolutely perfect, it seems to me. I am not aware of any change in men's concept of international law which would change the status between the *Alabama* case and the claims growing out of her ravages on the seas and the fact that our private citizens are now selling munitions of war to one of the belligerents in the present war. If the *Alabama's* depredations laid the groundwork in international law for the recovery of $15,000,000 damages from the British Government, it seems to me we are at least on thin ice if we profess allegiance and loyalty to and respect for international law if we go far beyond that and, by some oblique operation—and obviously it would be an indirection—turn over to a belligerent power one-seventh of our Navy, because those destroyers which are under consideration, 50 of them, constitute approximately one-seventh of the combatant vessels of the United States Navy. If the element of obsolescence is the factor which is impressive, it may be said truthfully that about one-half of the combatant vessels of the United States Navy come within the category of obsolescence.

If one-half of 1 percent of what is charged here as to the state of our unpreparedness and the lack of ability of the Navy to defend us in a great emergency is true, then getting rid of 50 destroyers, it seems to me, would be in itself, aside from the aspects of international law, a very sad mistake.

I have been led to believe here, and I have been very much impressed by the statements made, that the United States is in a condition now where we have a threat to us from both sides, east and west, and if that threat materializes into something real, our Navy would be wholly and completely and totally inadequate to meet the crisis.

If that be true, we must hang our hat on one or the other of the horns of this dilemma—either accept as true that we are not prepared to fight on both sides of the country or else assume that we are quite prepared to meet any emergency that is thrust upon us and get rid of some of our ships. I think there is nothing in international law—for which so many feel a very profound respect—which gives us any justification whatever, by any obliquity, by any process of indirection, to take from our Navy ships that are now in active operation. It must be borne in mind that these destroyers are now in service. We cannot lift ships out of actual service in the United States Navy, with bluejackets on them who are being trained in the neutrality patrol, ships that are now a part of the Navy which is now actually in full bloom, ships that are out on the high seas, without having to go through some peculiar gyrations. We would have to indulge in some circuitous operations that would not reflect any credit on us.

If the danger is as great as the Senator says it is and our moral duty is what he says it is, we ought not to stop with 50 destroyers. There are dozens of fast ships in our Navy that are supposed to be obsolete because their age is over what is supposed to govern ships of that type. I refer now to some fast light cruisers. They are obsolete now, and they are fast, mobile ships, capable of doing convoy work quite as well as the lighter destroyers. What is the object of sending merely destroyers over there when those ships also fall into the category of obsolescence?

Mr. LEE. I thank the Senator from Washington for his contribution.

Mr. ADAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Colorado?

Mr. LEE. Does the Senator want to ask a question or make a speech?

Mr. ADAMS. I wish to ask a question.

Mr. LEE. My inquiry was made in a facetious manner.

Mr. ADAMS. My inquiry is whether the Senator is proposing legislation?

Mr. LEE. No.

Mr. ADAMS. Because the opinion from which the Senator read specified that no legislation was necessary and the Executive had the authority to do it. That is why I wondered why the matter was brought before the Senate.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. ASHURST. The question I wish to ask the Senator may betray indolence on my part, which is not commendable. I have received several letters and telegrams from some of my constituents urging me to vote for a bill which would provide that we furnish England destroyers. I ask the able Senator from Oklahoma, who has more knowledge of the matter than I have, before what committee is the bill pending? I promise to look the matter up myself.

Mr. LEE. Mr. President, I am not speaking about a bill. I am speaking of a proposition that I believe can be accomplished within the four walls of the present law. I am not referring to a resolution. It is very plain, from the speeches made this afternoon, that if such a resolution were brought into the Senate we would debate it until Christmas. I believe this thing ought to be done, and done now. If it is going to do England any good, it ought to be done soon.

Mr. ASHURST. Mr. President, will the Senator again yield to me?

Mr. LEE. Yes; I yield.

Mr. ASHURST. The Senator is an able lawyer and an accomplished scholar. I know he has given the subject more thought than I have. Is it the Senator's opinion that the President or the Navy Department may do this without a change in the law?

Mr. LEE. It is.

Mr. ASHURST. I have respect for the Senator's opinion. I have not investigated the subject. But it seems to be true that a vast difference of opinion exists as to whether or not it may be done under the law.

Mr. LEE. That is true, as is true of practically every legal question, but I am giving my country the benefit of the doubt, as I see it, and I do not mean by that statement that those who differ with me are not as patriotic as I am.

Mr. ASHURST. I particularly wish to be frank in answering questions propounded to me by my constituents. I have been asked by some of my constituents before what committee the bill is pending, and if it is brought up for action will I vote for it. I understand that there is no such bill pending. That it is a question of departmental action or Executive action, and the able Senator from Oklahoma is of the opinion that the President has the power to sell or trade these destroyers if he so choose?

Mr. LEE. It is.

Mr. ASHURST. That is the information I sought.

Mr. LEE. Mr. President, with respect to the argument made by the two Senators who spoke previously, that we should not transfer these destroyers because we need them ourselves, and that to transfer them will weaken our defense, let me say that it is odd how some people will be influenced by the advice of so-called military experts when that advice of the military experts coincides with their own opinion. I heard it said on the floor of the Senate that the military experts have been quoted as to the ridiculousness of any foreign power crossing the ocean and reaching this country.

If we are to be influenced by the advice of the military experts, then I refer the Senate to the highest authority on this question, General Pershing and Admiral Standley, who were in charge of naval and military operations during the war, both of whom advise that it would not weaken but strengthen our defense to transfer these destroyers to England.

Furthermore, before these ships could be transferred, even under the present law, it would be necessary for the Chief of Naval Operations to give his approval, and his statement that it would not weaken our national defense.

If we are going to leave it to the military experts on the safety which the oceans give us, why not leave it to the military experts, who should be first in rank, so far as military advice is concerned, with respect to the strength of our defenses, if we transfer these destroyers to England.

Mr. President, I have heard Senators who are just as sincere as I, give utterances here lately that we are not in an emergency, that we are not in danger. Mr. President, today despotism and democracy are at death grips, and the battle for humanity is being fought now in England.

I am not one of those who say that we were fools and suckers in the war in 1917. We fought for the right of free men to govern themselves. I believe in that principle as strongly today as I did then. I do not believe that the people of this country feel that we were fools and suckers then. I think there is a great moral revulsion in this country against the unconscionable profits that were made in the war, and I think that is the source of most of the revulsion in this country against war. War does not create wealth, war destroys wealth. And when some are making money out of the war that destroys wealth, somebody else is paying double. That is the thing that the people resented.

I have not surrendered the idealism that men have a right to be free and govern themselves.

The battle for humanity is being fought now. I believe in freedom and liberty. England is over there fighting for it. We can, by the transfer of these vessels, aid a cause in which we believe. We can aid our own cause. Leave England out of it. Let us suppose you hate England. I have been impressed with the feeling that some people hate England more than they love America. I have heard vindictiveness and bitterness expressed here toward England. I do not like it, because England did not pay her debts, and she lost by it. I grant you that. But because she did not we should not hesitate to help her when it will help us more.

Leave England out of it. Suppose somebody owes you a debt and will not pay it, and his house catches on fire, and if his house burns your house will catch on fire also, and you would stand and jump up and down in your glee when you saw that fellow's house burning, happy that he was being punished because he would not pay you a debt, instead of going over and pouring water on that fire to put out the fire in order to save your own house. I make the argument not for England but for our own defense.

It is a cinch that if we escape war it is because we get ready for Hitler before he gets ready for us. I do not care what approach is made. I have heard Senators ridiculing the possibility of him coming over in a grand armada. Hitler himself said he was not going to do that. He has said, "We will not land troops like William the Conqueror." He said, "Our weapons are invisible." He said, "We require two movements, one inside and one outside. A loyal and a revolutionary one."

I am not saying how he will come, but I am saying we are all making a mistake in voting $14,000,000,000 for national defense unless there is danger. I say there is danger. The world that we knew yesterday no longer exists. We are living in another world. No matter which way this war goes, if you think we can go on in America in the easygoing American way of life which we have enjoyed under a pioneer economy, you are mistaken. If you think we can go on without feeling the repercussions of the fact that a new philosophy has overrun the Old World you are mistaken.

Does anyone think our export life will be the same? Does anyone think our tourist life will be the same? Does anyone think we can continue our easygoing life if England is beaten down? Does anyone think we can have a long Canadian border without even a popgun on it if England is beaten down? If England crumbles under the Nazi power drive which is now being made upon her, for the first time in the history of our Nation the United States will stand alone in a hostile world of totalitarian powers, the arch enemies of democracy.

It is not a pretty picture. It will mean that as long as our country exists we shall have to spend every dollar we can raise for national defense. It will mean the construction of concrete fortifications around our far-flung borders. It will mean that we shall live in a state of total fear, just as the little democracies lived before they were raided. It will mean that, in our export trade, our laborers must compete with the slave labor of the vassal states of Europe. It will mean that we shall either have war defending the Monroe

Doctrine, or we shall have to abandon the Monroe Doctrine. I say it is not a pretty picture, either way we take it.

Does anyone think America can continue, with her far-flung liberties and her easygoing American way of life, in a world like that?

The world we knew yesterday has fallen; and yet some of our people say that everything is all right—"Go back to sleep; you are safe and secure." When Paul Revere, on his horse, charged through the countryside and flashed the warning, "Arm! Danger is near!" No doubt there were some who said, "He is hysterical. He is a madcap. Do not pay any attention to him." When the sexton in the tower of the Old North Church flashed the gleam of danger, telling that enemies were coming, there were those who said, "Go back to sleep. There is no danger at all." We have them today. They may be sincere, but their sincerity only adds to the effectiveness of the propaganda which they spread.

Hitler has never yet invaded a country because he was angry at it. He has invaded it because he wanted it. A peculiar thing about Hitler is that he told the world exactly what he was going to do, and up to date he has carried out his plans on schedule. The irony of it is that Hitler has never kept a promise which he made as a solemn pledge with respect to the territorial rights of other nations. He has violated all such pledges, but he has kept to the letter his intoxicated talk about total war and world domination. The irony of it is that we disregarded his dizzy talk about world domination, while we believed his solemn pledges with respect to the rights of others.

Mr. BONE. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. PEPPER in the chair). Does the Senator from Oklahoma yield to the Senator from Washington?

Mr. LEE. I yield.

Mr. BONE. I take it from that appraisal of Mr. Hitler that we are to assume that in one instance he is a liar, and in the next instance he is telling the truth.

Mr. LEE. That is correct.

Mr. BONE. When are we to believe him? He is a blackguard, a bulldoser, and a liar. He carries out part of his statements and disregards his promises.

Mr. LEE. We are to believe him when he says his plans include America. We are to believe him when he says he intends to make a new Germany in Latin America.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. BARKLEY. As I understand the position of the Senator from Oklahoma, it is that we can rely on Hitler's threats, but not on his promises.

Mr. LEE. We can rely on anything that will contribute to world domination by Hitler, and disregard anything that will in any way hinder him in his mad ambition for world domination.

Hitler has told us what he would do, and up to date he has carried it out to the letter. He said to the small nations of Europe, "My soldiers will appear suddenly in your capitals. They will be uniformed and armed. No one will stop them." I am reminded of the amazing betrayal of Norway, when the Norway police led the Nazi troops through the capital of Norway, acting, of course, under false orders because of the confusion.

Hitler has violated all orthodox military formulas. Every time, before an invasion, military experts said, "It cannot be done"; but he did it; and some military experts still deny it. Would anyone have believed, 2 years ago, that Hitler would have done what he has done? Not at all. We laughed at his statements as dizzy and ridiculous. It is said today that it is ridiculous to believe that Hitler can threaten the security of the United States. We are told, "Look at our oceans!" Mr. President, I say that an ocean may be an avenue of attack as well as an insulation against attack. The same Atlantic Ocean which has been our protection as long as the British fleet rode its waves will be our vulnerable point of attack if that fleet falls into the hands of the Nazi leader.

Military experts laughed at the idea of using parachute troops. They ridiculed it; but Mr. Hitler used them. Military experts ridiculed the idea of Hitler having an invincible military machine. All the economic experts have been telling us for 5 years that Hitler would crumble economically. Five years ago they said that he could not last a year.

At the end of each year they said that economically Germany was a shell. They predicted the collapse and failure of Hitler all along; and yet his predictions for world domination have gone on schedule, and they are still going on schedule.

The argument is made, "If he cannot get across 22 miles of the English Channel, how in the world can he cross 3,000 miles of ocean?" The channel has its advantages as well as its disadvantages. In the case of the channel, the attack and the defense are concentrated. It is easier to defend 50 miles than a thousand miles of coast.

I used to play football. When we got on to the signals of the opposing team, and knew where the attack was coming, we strengthened the line at that point. That can be done when the line is not too long. But when we have the Atlantic coast and the Pacific coast, and do not know where the enemy is to strike, and we have the possibility of Nazi air bases in Latin American countries, and all the other surprises of which Adolf Hitler is capable, do not tell me that we are safe and secure.

Mr. Hitler has done the impossible, according to the military experts. They said that Hitler's invasion of Norway would be the greatest military mistake he could possibly make; but Hitler did it, and it did not turn out to be a mistake. Military experts said to the Belgians, "The Albert Canal is your defense. It would be ridiculous for opposing troops to try to cross it. You could mow them down"; but the Nazis crossed it, and they were not mowed down.

Then the military experts said to France, "Go to sleep. There is your Maginot Line." The Maginot Line stands there today high and dry.

Then the military experts said, "France has the greatest army in the world." Only a few months ago I believed that myself. I did not believe the Germans could cross the Maginot Line; but they flanked the Maginot Line and destroyed the French Army, the greatest army on the face of the earth—so I thought.

The Germans have not yet failed to cross the English Channel. My fear is against my hope and prayer, but my fear is that they have not yet unleashed their drive on Britain. The British Fleet stands between America and the greatest juggernaut of destruction which has ever been devised.

Hitler has used another thing which no other military leader ever used, and that is the "fifth column." Did any other military leader ever use that before? No. Did any other military leader ever use propaganda to the extent that Hitler has used it? For the first time in the history of the world this military leader sets up a propaganda machine and calls it such. I think perhaps America, with a little more time, might resist and ward off, at least for a while, the military attacks of Hitler; but we cannot stand up against the Nazi "woo." When Nazi "woo" is pitched at America, I fear that we cannot resist it.

Would anyone have believed it possible to fool the rest of the world with the same trick 8 times? Yet that is what Hitler has done. He made love to 10 countries, and he ravaged 1. He made love to 9 countries and raided another. He has been a master at dividing them and taking them 1 at a time, playing both ends against the middle and destroying the one marked for slaughter. He started outside operations and inside operations. He made use of propaganda. No one has ever used it to the extent to which he has used it.

First he told the world, "All I want is the Sudetenland." He took the Sudetenland, and as soon as he got it he said, "All I want now is Czechoslovakia." Would anyone have thought that he could have worked the same trick twice? And yet the poor old man with the umbrella and poor old Daladier, who now is a pitiful example of what happens to appeasers, swallowed his story—hook, line, and sinker. When

he said, "All I want now is Czechoslovakia," there were a million men ready to die at the front; a million men who that morning had kissed their wives and babies good-bye, expecting their mutilated bodies to mark the border line where the little country of Czechoslovakia had once stood; and yet Hitler fooled the world again. Then after the Germans invaded Poland and blasted it from the face of the earth, would you have believed that anybody could be fooled again by this man, who broke every promise to respect the rights of others; who blasted Poland and left nothing but charred ruins to show where there had once been a thriving and a happy republic?

When it worked again, he goes over through his "fifth columns" to Norway and Denmark, and he works on them inside; and then, when he is ready, he marches into those countries without firing a gun.

Can it be done again? No; it cannot be done again; but just as soon as he strengthens himself in those two countries he goes down into the lowlands. He goes to the Dutch, and he works on them inside and outside, and he starts across the lowlands. We hold our breath. We say, "He will be stopped at the Albert Canal." He crossed the Albert Canal on a bridge without the loss of a man, so I am informed. They had dynamite there. They had kept it there for 2 years, ready to blow up that bridge; and yet his "fifth columnists," inside workers, got to them, and the dynamite was never exploded, and the Germans crossed on that bridge.

We said, "Well, he cannot take France"; but he did. He worked outside and he worked inside, and he fooled England until the eleventh hour. He fooled England with the Nazi "woo." Has he thrown it to the world again?

Thirty days ago I saw Senators here vote billions of dollars for defense without batting an eye; and then he commenced throwing the Nazi "woo" at America. He commenced throwing over here his appeasement program; and I even understand that a once great hero of this country got on the radio and said to the people of America, "Close your eyes to the betrayals of this man. Forget about his ruthless invasion of Poland. Forget all of his broken promises. Forget his destruction of France. Forget his plans to put the Gestapo over all humanity. Forget all of his plans of total war and domination, and reach out, America, and take that bloody, slippery hand of Adolf Hitler in cooperation with Germany. Cooperate with Germany," and thereby condone the bloodiest butcher who ever walked the face of the earth!

When Tamerlane finished his pyramid of 75,000 human skulls, and stood at the gate of Damascus glittering in steel, it seemed that human butchery had reached its zenith; but this human butcher, the beast of Berlin, has outstripped Tamerlane and all of the others, Attila, the Scourge of God, and all others; and yet we are told to reach out and take that hand, dripping with human blood, and cooperate, and thereby condone his destruction of human liberty in the world!

I say today democracy and despotism are at death grips; and I say as little as we can do is to send the few over-age ships over there to aid England. The Germans threw the Nazi "woo" at America, and what effect has it had? Since then, some Senators—I do not challenge their patriotism, but I want to show you what effect this propaganda has had—some Senators who voted billions of dollars for defense are now saying, "There is no emergency. There is no danger. We are safe and secure, with 3,000 miles of ocean between us." They are saying, "We can defend ourselves. There is no danger."

Is the Nazi "woo" having effect? The same Senators only a short time ago voted for appropriations because they were scared then; they were worried then; but the Nazi "woo"—what was it? Why, Mr. Hitler came out, and he drew the curtains, and he said to the world, "I am offering England peace. I want England to accept my peace offer. England, clasp my hand. It is a little slippery, yes; but clasp it in a friendly grip of peace, and you may have peace—at my price, of course, which means slavery, which means a furtherance of my program. Take my terms of peace, or else you are responsible for all of these dead and charred nations." Then the rest of the world began to see Mr. Hitler not as a bloody butcher but as a kind, charitable man who wants to save England from the horrors of war which he was then cooking up in the ovens of Germany for this "blitzkrieg," and we are falling for it again.

I say, America, are we going to stay asleep and allow this fellow to carry out his plans in South America? They have already been disclosed. Thousands of arms have been unearthed down in Argentina, where the Nazis are already preparing. They have increased their consularships in America. What for? Is there any need of that? Is there any justification for it?

The F. B. I. tell us that they are flooded with cases of espionage and inside "fifth column" work in this country. Are we going to believe that? But there is Mr. Hitler, who says, "England is responsible for this war."

And now they have come out with a last bit of propaganda. They picture the poor, starving peoples of Europe whom they themselves are starving, and they have always played Americans for suckers. They say, "America will feed our victims if we just show a few pictures of starving babies in the newspapers of America. The big-hearted Americans, who are charitable and kindly, will feed these victims of ours, and they will feel better, and that will strengthen the morale of Germany. That will build up the esprit de corps of our Army. That will make us strong. That will discourage England. That will make England weak. She has one weapon, that of strangulation by her embargo. It will break the backbone of that embargo, and these victims will not feel so badly." But if, on the other hand—and I say it with a breaking heart—if, on the other hand, these poor souls who believed Hitler's line of appeasement, who were willing to accept his terms of peace, crawl up and their starving carcasses lie at the doorstep of Germany, where they have a right by every law of man and God to lie—if they do that, I say that will break the spirit and the backbone of Germany quicker than anything else that can happen. If the buzzards sail over the decomposed bodies of starving human beings in Europe, I say that will break the backbone of Germany. I say it is breaking the people's hearts to think of it in that way, but I do not know what else to do. It is either that or break the stranglehold that England has on Hitler, break England's only weapon, and then lay the world at the feet of the greatest monster that has been created.

Mr. President, I hope we can transfer these ships to the British. I believe it can be done legally in the interest and defense of America. What navy we have would not defend us for a great length of time, but by transferring these destroyers to England might turn the tide. It means a pooling of strength. It is useless to deceive ourselves. What other enemies are on the horizon today? What other enemies are there? Whom are we preparing for? Who was to blame for our voting the billions we have voted but Hitler? If the Nazi machine were destroyed today, we could repeal our appropriations for national defense.

We could adjourn and go home. Why are our people going to be taxed? Because of Hitler. Because of Hitler we are going to have to ask our boys to train and work in the Army. Who is to blame for all that? There is only one power that is to blame for it, and that is the Nazi power. It is useless to deceive ourselves; and if the Nazis can be stopped in Europe, that is the place to stop them.

I love peace. I hate war with every atom and fiber of my being. I was not in the front-rank trenches in the World War, but I was right behind them, ready to be ordered up, and I remember seeing the boys as they came back with their mangled bodies. I took a vow in my heart against war. I hate it. It is not a choice of war or peace with us. This thing is not a placid lake which we have the choice of getting in or staying out of. It is a raging fire that is coming closer to America all the time. Every time one of the gallant eagles of England falls out of the sky with a broken wing, the war is one man and one plane closer to the United States.

It is because I want to keep the war away that I plead that we do what we can legally to stop the war over there. Some of the best legal minds say it can be done. Let us give ourselves the benefit of the doubt and transfer the ships.

The blood of American youth is so precious, so much more precious than the material wealth of this country, that I am

willing if necessary to use all of that material wealth in order to prevent war from coming to our shores. I think the proposal to turn these ships to England is a step which will help to do it, and I plead that we do it.

I believe that if it had not been for our policy of aiding England by the revision of our neutrality law, England by now might have been beaten to her knees and the Nazis might by this time be knocking at our very gates. Therefore I think that through our policy of aiding England we have been able thus far to keep war out of America. Our only chance to escape war is to get ready for Hitler before he gets ready for us, and taking the step proposed would at least give us more time to prepare. I thank the Senate.

[Manifestations of applause in the galleries.]

The PRESIDING OFFICER (Mr. PEPPER in the chair). The occupants of the galleries must, under the rules of the Senate, refrain from manifestations of approval or disapproval.

NATIONAL DEFENSE—RESOLUTIONS OF AMERICAN LEGION OF MINNESOTA

Mr. SHIPSTEAD. Mr. President, I wish to read to the Senate an excerpt from resolutions on the question of defense adopted at a recent convention of the American Legion of the State of Minnesota. I read from the Minneapolis Star-Journal of August 13, 1940:

Without a word of debate or protest the convention approved recommendations of a special national-defense committee, which called for a universal selective-service program, but advocated Congress provide necessary equipment and quarters before conscripting the Nation's manpower.

The same recommendation demanded official Washington "be urged to keep the American public truthfully advised as to the status of our defense plans for future expansion."

The resolution emphasized immediate need of the United States is production of arms and military equipment, after pointing out that the Government, at the present time, is not prepared to equip and maintain such a greatly increased armed force.

Other resolutions adopted with relation to national-defense plans and conscription were:

Recommending that the Nation build a defense system sufficient to resist invasion.

Urging Congress to adopt immediately a program to have on hand continually a sufficient supply of all raw and manufactured materials.

In my opinion, this is a sensible, sound, and patriotic program.

MANGANESE

Mr. CHAVEZ. Mr. President, I ask unanimous consent to insert in the RECORD an extract from questions asked by a radio commentator and the answers given by a member of the National Defense Advisory Commission, in reference to an essential and strategic material—namely, manganese.

I should also like to insert in the RECORD an analysis of some of the ores as they occur in New Mexico, referring especially to manganese.

I also ask leave to insert in the RECORD a copy of Senate bill 4008, which has already passed the Senate, and which refers also to manganese.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

The following is an extract from questions which were asked by radio commentators and answered by members of the National Defense Advisory Commission in a broadcast over the four radio networks from Washington, August 8, 1940, giving remarks of Mr. Edward R. Stettinius, Jr., in charge of the Raw Materials Division of the National Defense Commission:

"Mr. WARNER. Of course, you must encounter numerous difficulties, Mr. Stettinius. Could you give us an example?

"ANSWER. Yes. A very practical difficulty, for instance, involves one of our sources of high-grade manganese—an indispensable alloy for the manufacture of steel. It is in Brazil. Transportation to that source is inadequate, and to get the supplies we need, a railroad in Brazil will have to be rebuilt. That is typical of the kind of problems we face."

REPRESENTATIVE ANALYSES OF SOME OF THE ORES AS THEY OCCUR IN NEW MEXICO

[Pittsburgh testing laboratory, Pittsburgh, Pa. Order No. Pg-23370. Laboratory No. 214725; File No. 16263.3. Report, July 23, 1940]

Analysis of ore, marked "No. 1", submitted by Newalpitt Fluorspar Mining Co., 241 Oliver Building, Pittsburgh, Pa.:

	Percent
Manganese	47.90
Silica	4.40
Iron	2.00
Alumina	0.08
Phosphorus	0.018
Zinc	Trace

PITTSBURGH TESTING LABORATORY,
(Signed) H. H. CRAVER,
Manager, Chemical Division.

[Pittsburgh testing laboratory, Pittsburgh, Pa. Order No. Pg-23370. Laboratory No. 214767; File No. 16263.3. Report, July 23, 1940]

Analysis of ore, marked "No. 2," submitted by Newalpitt Fluorspar Mining Co., 241 Oliver Building, Pittsburgh, Pa.:

	Percent
Manganese	46.94
Silica	4.40
Iron	1.10
Alumina	0.63
Phosphorus	0.026
Zinc	Trace

PITTSBURGH TESTING LABORATORY,
(Signed) H. H. CRAVER,
Manager, Chemical Division.

[Pittsburgh testing laboratory, Pittsburgh, Pa. Order No. Pg-23370. Laboratory No. 214726; File No. 16263.3. Report, July 23, 1940]

Analysis of ore, marked "No. 3," submitted by Newalpitt Fluorspar Mining Co., 241 Oliver Building, Pittsburgh, Pa.:

	Percent
Manganese	47.90
Silica	6.80
Iron	1.75
Alumina	2.06
Phosphorus	0.023
Zinc	Trace

PITTSBURGH TESTING LABORATORY,
(Signed) H. H. CRAVER,
Manager, Chemical Division.

ANALYSIS BY COLORADO FUEL & IRON CO.

	Percent
Iron oxide	0.80
Total manganese	49.8
Phosphorus	0.031
Insoluble	2.5

Black Mask property.

An act (S. 4008) to authorize the Reconstruction Finance Corporation to make loans for the development of deposits of strategic and critical minerals which in the opinion of the Corporation would be of value to the United States in time of war, and to authorize the Reconstruction Finance Corporation to make more adequate loans for mineral developmental purposes

Be it enacted, etc., That section 14 of the act entitled "An act relating to direct loans for industrial purposes by Federal Reserve banks, and for other purposes," approved June 19, 1934, as amended, is amended to read as follows:

"SEC. 14. The Reconstruction Finance Corporation is authorized and empowered to make loans upon sufficient security to recognized and established corporations, individuals, and partnerships engaged in the business of mining, milling, or smelting ores. The Reconstruction Finance Corporation is authorized and empowered also to make loans to corporations, individuals, and partnerships engaged in the development of a quartz ledge, or vein, or other ore body, or placer deposit, containing gold, silver, or tin, or gold and silver, or any strategic or critical mineral which in the opinion of the Reconstruction Finance Corporation would be of value to the United States in time of war, when, in the opinion of the Reconstruction Finance Corporation, there is sufficent reason to believe that, through the use of such loan in the development of a lode, ledge, or vein, or mineral deposit, or placer gravel deposit, there will be developed a sufficient quantity of ore, or placer deposits of a sufficient value to pay a profit upon mining operations: *Provided*, That not to exceed $20,000 shall be loaned to any corporation, individual, or partnership for such development purposes; except that not in excess of $40,000 in the aggregate may be loaned to any corporation, individual, or partnership for such purposes, if such corporation, individual, or partnership has expended funds previously obtained from the Reconstruction Finance Corporation for such purposes in such manner as to justify an additional loan for such purposes: *Provided further*, That there shall not be allocated or made available for such development loans a sum in excess of $10,000,000."

Mr. CHAVEZ. Mr. President, the answers given by the member of the Advisory Defense Commission have reference to manganese and the production of manganese outside the United States. The statements I have inserted refer to the production of manganese in the State of New Mexico. The answers given by the member of the Commission refer to the fact that a railroad will have to be built to mines outside the United States.

The manganese to which I have referred, the New Mexico manganese, is in the immediate area traversed by the Atchison, Topeka & Santa Fe Railroad and the Southern Pacific

Railroad. Those two railroads have more to do with keeping our public schools running the year around than anything I know of within the State of New Mexico. It appears only reasonable that home products should be developed to the extent that those who invest their money shall at least have protection for their investments. If manganese is developed within the limits of the United States, in the West—New Mexico, Arizona, Wyoming, and in other States—it will mean taking thousands of people off the relief rolls, and they will get into private employment.

Mr. LUNDEEN. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. LUNDEEN. I should like to include in the States mentioned my native State of South Dakota, in which there are large deposits of manganese.

Mr. CHAVEZ. I am sure there are probably 20 States of the 48 where manganese could be produced. I know it is produced in the State of Arizona.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. ASHURST. After an investigation which lasted some years, I am able to say with authority that manganese exists, not in 20 States, but in 30 States, and in many, if not most of those States, there is a greater percentage of metallic manganese in the ore than in the Brazilian ores.

The Bureau of Mines in a recent bulletin states that when the ore is below 40 percent it is regarded as low grade. Nearly all the Brazilian ores are below 40, and most all the American ores are above 48. But manganese is used, not wholly, but largely, in the manufacture of steel. Steel cannot be made without it. The steel companies—and I make no criticism—have preferred to buy manganese where they can get it the cheapest. The steel companies have worked for years to bring about free trade in manganese and a very high tariff on the products of their mills. That is human selfishness. It may be enlightened selfishness; but that is what has happened.

Mr. CHAVEZ. Mr. President, with reference to manganese, it is a fact that it is now essential and that the Government desires to have it. It is also a fact that we have it within the United States. Moreover, if we could only be allowed to develop the manganese industry now, in this hour of need, we would take thousands of people off the relief rolls. So far as my State is concerned, there are 18,000 people on the relief rolls. If we meet the manganese needs of our country only, it will mean taking three or four thousand of those people off the relief rolls. It appears to me that, as a matter of national defense, it would be better to put human beings into private employment, so that the money being paid out for relief could be used for other purposes.

Mr. ASHURST. Mr. President, will the Senator yield further?

Mr. CHAVEZ. I yield.

Mr. ASHURST. I had not expected to refer to the matter, and do so rather reluctantly, but I call attention to the enormously large deposits of high-grade manganese ore in Arizona. It is a fact that in northwestern Arizona, adjacent to Boulder Dam, where enormous quantities of hydroelectric energy are generated, the manganese ores in the mines could be what we call "beneficiated," or treated, and the process of beneficiating those ores would employ, if not thousands of idle men, hundreds of idle men, at good wages.

Mr. President, mankind is controlled very largely by habit. Habit is the strongest thing in the world. Epithets, phrases, also influence mankind, and mankind is not free from delusions. One of the most inveterate and deadly delusions under which our country has labored for a century and a half is that it is wise and patriotic to import goods fabricated and manufactured in foreign countries, and that thereby we stimulate friendship. Such a policy does not stimulate friendship. Every nation buys where it can obtain the required goods the cheapest. To sum it up in a phrase that is cynical but true, nations are free traders after they have succeeded in protecting their own interests.

Mr. CHAVEZ. I am sure the Senator from Arizona is correct. I am a free trader with respect to everything but copper, lumber, coal, and everything that New Mexico produces.

Mr. ASHURST. That is a frank statement, and I admire the Senator from New Mexico for it. Others are not so frank. I am not referring to Senators. Senators are always frank, but others are not.

Mr. CHAVEZ. Mr. President, I may add one more thought along the line suggested by the Senator from Arizona. Within the past year or two this body and the other House have been good enough to appropriate several million dollars in order to provide for the development of electrical energy at the Elephant Butte Dam of the Rio Grande Irrigation District. It is a completed project, which can supply cheap power in developing manganese. It is within 60 miles of one of the largest manganese-ore areas in the entire State. It is within 100 miles of another area just as large. We have within immediate reach of the source of supply of manganese, enough power to utilize the manganese in this hour of need.

But aside from the fact that we need manganese, and need it now, aside from the fact that we can get this essential war material now within the United States, is it not reasonable to expect that we should all be thinking, also, of trying to get people off relief and into private employment? Do not the leaders of the Nation, industrial, political, and administrative, all wish for the time to come when industry will let loose its capital, and invest it in some kind of enterprises which will take men off relief and enable them to regain their self-respect, so that they may say, "I am creating something that is advantageous for my country in its hour of need, and I, by myself, am earning a living without depending on Congress or on those in Washington who may feel sorry for me." The average American does not want anyone to feel sorry for him. He wants to work out his own salvation. He wants to save himself if only the opportunity can be given him.

Mr. President, I believe it is really bad that in these times we should be thinking about getting manganese ore from Russia or elsewhere, so long as we have it within the United States. We can organize a manganese industry that will help to pay the taxes imposed upon our people.

I believe that the Senators who today have spoken about the manganese industry are on the right track, and that they are giving to the country information which is sound. I think the Government should interest itself more in the production of manganese, not only in New Mexico but everywhere in the United States.

AUTHORITY TO RECEIVE HOUSE MESSAGE DURING RECESS

Mr. LUNDEEN obtained the floor.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. LUNDEEN. I yield.

Mr. BARKLEY. I understand the Senator from Minnesota desires to address the Senate for some length of time. I am compelled to leave the Chamber now. For that reason I ask unanimous consent that the order which I send to the desk may be entered.

The PRESIDING OFFICER. The order will be read.

The legislative clerk read as follows:

Ordered, That during the recess or adjournment following today's session, the Secretary of the Senate be authorized to receive a message from the House of Representatives relative to the joint resolution (S. J. Res. 286) to strengthen the common defense and to authorize the President to order members and units of Reserve components and retired personnel of the Regular Army into active military service, and that the joint resolution be printed showing the House amendments numbered.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the order is entered.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORT OF A COMMITTEE

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

IN THE ARMY

Mr. SHEPPARD. Mr. President, from the Committee on Military Affairs, I report favorably sundry Army nominations which were received by the Senate yesterday. Inasmuch as these nominations are entirely of routine character, in order to save a considerable amount of printing, I ask unanimous consent for their present consideration and confirmation.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the nominations are confirmed.

Mr. SHEPPARD. Mr. President, I ask unanimous consent that the President be at once advised of the confirmation of these nominations, and that the list of names of the persons confirmed be not again printed in the CONGRESSIONAL RECORD, but that proper reference be made to the pages on which their nominations appear.

The PRESIDING OFFICER. Without objection, it is so ordered; and the President will be notified.

If there be no further reports of committees, the clerk will state the nominations on the calendar.

NAVY DEPARTMENT

The legislative clerk read the nomination of James V. Forrestal, of New York, to be Under Secretary of the Navy.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

IN THE NAVY

The legislative clerk proceeded to read sundry nominations in the Navy.

The PRESIDING OFFICER. Without objection, the nominations in the Navy are confirmed en bloc.

IN THE MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the Marine Corps.

The PRESIDING OFFICER. Without objection, the nominations in the Marine Corps are confirmed en bloc.

That completes the calendar.

AUTHORIZATION TO REPORT BILLS, ETC., DURING RECESS

The Senate resumed the consideration of legislative business.

Mr. BARKLEY. Mr. President, I ask unanimous consent that during the recess following today's session any committee of the Senate may be authorized to submit reports on bills, resolutions, and nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS TO MONDAY

Mr. BARKLEY. Mr. President, I have one more request. Because of certain situations to which the Senator from Oregon [Mr. MCNARY], the minority leader, has called my attention, an understanding has been reached that we shall recess from today until Monday. Therefore I ask unanimous consent that at the conclusion of today's business the Senate stand in recess until 11 o'clock a. m. on Monday next.

The PRESIDING OFFICER. Is there objection?

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Nebraska?

Mr. BARKLEY. I yield.

Mr. NORRIS. I do not intend to object, although I am very sorry that the Senator makes this request. I know the harmony that exists between the Senator from Kentucky [Mr. BARKLEY] and the Republican leader [Mr. MCNARY]. It is a matter for congratulation. No Senator more than I would like to accommodate the Senator from Oregon. Yet it seems to me that long adjournments or recesses, taken at a time when we ought to proceed with the business before the Senate, are rather out of place. I am getting weary of trying to stay here through the hot weather. I do not see the necessity for adjourning or recessing for several days to try to accommodate a few Senators who wish to be absent. We have been doing that right along. However, it seems to me to be uncalled for and unnecessary. As I have said, however, I do not wish to interpose myself as an objector to the request, but I wish to let the RECORD show that someone at least protested against it.

Mr. MCNARY. Mr. President, that statement calls for but a word. We have adjourned on several occasions to meet conditions that have arisen. A number of Senators on the Republican side desire to visit Elwood, Ind., and attend the ceremonies on Saturday. In order to accommodate them I asked the able majority leader to request a recess from today until Monday, which he has kindly consented to do. I hesitated to make the request, but I thought it was perfectly proper. We recessed for the Republican Convention and for the Democratic Convention. In any event, we shall probably recess over Saturday, and I am asking for only 1 additional day. I think the request is reasonable. I hope no one will feel offended by it. I very seldom make a request. I am in attendance every day. I intend to be in Washington for the remainder of the week, but I make this request out of courtesy and out of consideration for the convenience of Senators who wish to be absent.

I take this opportunity of expressing my appreciation for the thoughtful attitude on the part of the able leader, who is proverbially and instinctively thoughtful.

Mr. BARKLEY. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

FARMER-LABOR PARTY—A POLITICAL PATTERN FOR AMERICA

Mr. LUNDEEN. Mr. President, we have listened to Democratic and Republican doctrines. We have heard the platforms and programs of both parties. The national conventions and the speeches delivered there have found a place in the CONGRESSIONAL RECORD. Yet unemployment continues. The crisis is still with us. It seems to me that at this time a few words about the Farmer-Labor Party of Minnesota are timely and proper.

Let me say in that connection that at the present time I happen to be the only representative of the Farmer-Labor Party in the United States Senate. I therefore feel that I should present its creed, its program, and its platform for the information of the Senate and the Nation.

HISTORY AND PURPOSES OF THE MINNESOTA POLITICAL MOVEMENT OF WORKERS, FARMERS, AND INDEPENDENT BUSINESS AND PROFESSIONAL GROUPS

The Farmer-Labor Party is the answer of the common people to the challenge of monopoly and special privilege.

Although there are political efforts recorded in the history of this country of movements similar to that which took place in the Northwest, these were feeble and sporadic, and lacked staying powers. But they were straws in the wind and pointed toward the formation of a great liberal party, a party destined to see its birth in Minnesota. Our party represents the first successful political venture of its kind. It is no longer an experiment—it has come of age and points the way to the political future of America.

THE AMERICAN WAY

The Farmer-Labor Party is the most truly American party in the political arena today. It combats the forces which are destroying the American way of life—the way of life as the fathers expressed it in the Declaration of Independence—the right of the people to "life, liberty, and the pursuit of happiness," and the guaranties contained in the Bill of Rights—the way of life as the immortal Lincoln conceived it, "government of the people, by the people, and for the people."

AMERICAN WAY OF LIFE CHALLENGED

Only one deliberately blind—one who does not want to see the truth—will dispute that the American way of life is gravely challenged today, not only by foreign ideologies, but by powerful forces within our own land.

The fact that there are more than 10,000,000 able-bodied men and women in America today, anxious and willing to do useful work but unable to obtain employment, is evidence of how serious this challenge is. The fact that those who till the soil and raise the foodstuffs to feed our Nation are unable to attain even a semblance of economic security is evidence of the same thing. If we seek for further proof, it is to be found in the lack of opportunities afforded our youth; in the slow economic strangulation of the independent merchant in unfair competition with chains and monopolies, and in our inability to create a standard of living even remotely commensurate with the vast wealth we are able to produce.

OLD PARTIES HAVE FAILED

Neither of the old political parties has shown either the willingness or the ability to meet this challenge—to tackle the problem in any but a superficial way. This is principally so because the forces depriving the people of opportunity exercise positions of power within these parties.

There is an old proverb which says, "He who pays the piper calls the tune." Wall Street has been paying the piper of both the old political parties most of the time, and the tune that Wall Street calls is not sweet music to the ears of the common people.

PROGRESSIVE ASCENDENCY TEMPORARY

It is true that occasionally the progressive forces in one of the old parties may gain the ascendency, but the control they exercise during such periods is neither absolute nor is it over any great period of time.

The progressive program cannot be carried out in full. Compromises with the conservatives and reactionaries invariably result. Ultimately, the latter gain the upper hand.

It is only when the common people obtain control through a political movement of their own that their aspirations will be advanced in accordance with the finest traditions and ideals of our American democracy. That is the mission of the Farmer-Labor Party of Minnesota.

FARMER AND WORKER TRADITION

The tradition of joint farmer and worker political action—the Minnesota tradition—is of long duration.

Ignatius Donnelly—that leader of so many of the people's struggles of the last century—persistently urged farmers and city toilers to join hands in independent political action. Though he made his most fiery appeals for joint action in 1893, the tradition of the bond between these two groups of the producing classes in Minnesota had already had a dignified history.

In 1892 James B. Weaver, leading the Peoples' Party, polled more than 1,000,000 votes for President, there being no woman suffrage and only one-half of our present population.

FIGHT BEGUN BY GRANGE

This Minnesota tradition goes back to the days of the Grange, the great farmers' reform movement of the seventies, which was directed against the excessive rates and the unregulated piracy of the railroad speculators. This movement was begun by small farmers, eager to reach their markets without having to turn over their profits to the powerful railroad combination in the form of freight charges.

The Grange was developed by a Minnesota farmer with a genius for organization—Oliver H. Kelley, of Elk River. From his Sherburne County farm Kelley aroused his fellow farmers into taking the lead against the growing monopolies, of which the railways were the worst offenders against the public interest in the West. The Grange farmers demanded readjustment of the tax burden so that the trusts and corporations would pay their share; regulation of freight rates, and an increase in the currency supply.

ADOPT POLITICAL ACTION

The Grange went directly into politics with its own State party, and was successful in securing the balance of power in the legislatures of the early seventies. These bodies passed the first State laws regulating the railroads, and the debates on this legislation did much to acquaint the public with the true facts concerning railway stock watering and land grabbing.

The lasting effect of the Grange agitation was assured when the State supreme court ruled, in 1876, that the legislature had the right to regulate rates and fares. In this outcome the Grangers could hail a real victory, because the railroads had defied regulation.

REASON FOR GRANGE FAILURE

But because of the rather restricted views of the Grangers and the uncertain fortunes of their political parties on the national field, this early farmers' movement faded away, until there were no locals left. Today the Grange has again found its place among the rural organizations, but in no way comparable to the early years.

The chief lessons of the Granger years were that farmers, combined in their own political organization, could be the controlling factor in a State, and that they voiced the demands of all the common people against the oppression of Wall Street.

These lessons formed the basis for broad, political action.

FARMERS UNITED

Thus we find that liberal leaders such as Ignatius Donnelly wisely refused to let the farmers disperse. More action, more reforms, more demands for a proper share in the fruits of life, should be the aim, Donnelly insisted.

With new oppressors in the form of grain gamblers funneling off the living of growers, and the great employers resisting all efforts by workingmen to make a decent living for their families, it was only natural that the people turned to independent politics again. The records of the two major political parties made it plain enough that nothing was to be gained by supporting the politicians in those camps—politicians who were already in the camp of the enemy.

LABOR JOINS MILITANT FARMERS

The eighties therefore found the farmers back in the political field, and this time they were joined by the workers in the factory, foundry, mine, forest, and upon the boats and railroads. The farmers organized themselves into the Farmers' Alliance. The workers formed great industrial unions and the pioneer national federation of labor, the knights of labor.

These two great groups, who produce virtually all our wealth, discovered that they were both being ground down by identical forces, and that these forces had pretty much to say about how the Government should be conducted and for whose special benefit it should be operated. Whether it was the railroad speculators or the grain gamblers who fleeced the farmers, or the open-shoppers who fought unionism, they were part and parcel of the same group who manipulated Government to keep the people down.

At first the two groups of producers backed whoever pledged himself to the farmer-worker program of change, and in this way came to control the legislature of 1891. But so many of the legislators thus supported betrayed those who elected them that the farmers and workers had to form their own State party in 1892.

THE FARMERS' ALLIANCE

In those Congressional Districts, mainly rural, the Farmers' Alliance was the chief political factor, in the cities the labor unions became powerful forces to reckon with. Thus the farmers of western Minnesota sent the Norwegian immigrant farmer, Kittel Halvorson, to Congress as their own candidate, and the farmers of southwestern Minnesota got behind another Scandinavian tiller of the soil, Haldor Boen, sending him to Congress also.

In the city districts, many reactionary Republicans were turned out of office and replaced by liberal Democrats.

Finally, in 1896, there arose from the ranks of the progressives a great liberal, and one of Minnesota's foremost men, John Lind. Lind made the race for the governorship on the Democratic ticket, with the support of the People's Party. He lost by a scant handful of votes against the old guard Republican machine, and sent a thrill of hope throughout the State.

In 1898 he again made the race and this time carried all before him. In that election Governor Lind received the

enthusiastic support of the veterans of the Spanish-American War in whose Army he so ably served. This was a great victory for the Populist movement, the farmer-labor movement of our fathers, and the boys in blue.

CAMPAIGNS REPRESENTED CAUSES

Political campaigns during those years were more than simply contests between personalities.

The people were thoroughly aroused to the menace of immensely wealthy trusts controlled by a few bankers, which, in turn, controlled the affairs not only of cities and States but even of the Nation's greatest deliberative bodies, as well as the living conditions of millions of Americans.

The Grangers and the People's Party were the true predecessors of the Farmer-Labor Party of our time. They knew that they were fighting a financial machine that threatened to gain a stranglehold on the Nation. They were opposed to rule by a financial oligarchy; they wanted a different mode of life, in which there was employment and security for all. It was the early phase of a struggle that is still continuing today. It is surprising that they saw so clearly.

WORKED FOR POPULIST CAUSE

Among the prominent Minnesotans who worked to make the Populist movement an instrument of change were the late Sydney M. Owen, farm journal publisher; the late Thomas Meighan; Sylvanus A. Stockwell, that grand old man of Minnesota liberalism; and the other veteran of 50 years on the firing line, Victor E. Lawson, Willmar publisher.

The chief objective of the Populist revolt failed, however. The trusts, under the watchful care of the McKinley-Hanna Republican machine, grew even more immense. The turn of the century saw the speculators and profiteers firmly in the saddle, the people's movement crushed. It was crushed by fusion with the Democratic Party in 1896 and 1900, and the illusion of following a silver tongue into the wilderness of old party promises. They were swamped and submerged, never to rise again.

The new attack of the reactionaries was upon the trade-union movement, which had re-formed into the American Federation of Labor.

The big industrialists threw open their immense reserves to finance a great open-shop campaign, which had for its object the complete destruction of the trade-unions. They had the effrontery to call this the campaign for "the American plan."

NEW CHAMPIONS ARISE IN NATION

The farmers' organizations were already routed, and nothing seemed to stand between the big financiers and industrialists and absolute domination of the Nation's life but the labor unions. The arrogance of Wall Street was so great that the people again began to stir angrily. In the West new voices took up the cry for economic freedom.

Leading this new movement was the late great "Fighting Bob" La Follette, of Wisconsin. As Governor of his State, La Follette pushed for regulation of railroads and the great corporations, which was more urgently needed than ever before.

By the time "Fighting Bob" took his seat in the United States Senate in 1907 the whole West—and many parts of the East as well—were again ready to take up arms. It was the period of the muckrake writer, exposing malpractices of business and politics alike. It was the period of the revolt of the small-business and professional man against his powerful competitors. Among the workers it was even more—it was a time for seriously considering the doctrines of a new collective social order.

PROGRESSIVES IN CONTROL IN MINNESOTA

The progressive era in Minnesota was marked by the liberal administrations of the popular Democrat, John A. Johnson, who was elected for three successive terms for Governor by the reform forces. If he had lived, Johnson would almost certainly have been the Democratic candidate for President in 1912, and most certainly would have been elected. He had the enthusiastic support of Grover Cleveland and other powerful political leaders.

He might have sat in the White House instead of Woodrow Wilson. It was the period of trust busting, and Minnesota sent many sons to Washington because they were anti-monopolists.

LINDBERGH—SYMBOL OF NEW REVOLT

Most prominent of these was the late Congressman, Charles A. Lindbergh, father of the colonel who was to be the first person to fly the Atlantic Ocean alone. A small-town lawyer, a Progressive Republican who believed passionately in the rights of the common man, a thoughtful student and searching critic of our economic system, an expert in the matters of currency and banking, a whole-hearted peace advocate when most of his fellow-Americans cried hysterically for war, Congressman Lindbergh became Minnesota's symbol of the new revolt.

Another Minnesotan who contributed the best years of his life to the progressive cause was Senator Moses Clapp, a keen lawyer, a liberal whom no party clique could dominate, and a friend of the masses. He was one of La Follette's admirers and close associates during the days when big business was a power which few public men could withstand. But Minnesota had faith in these men, because they carried forward the cause of the Progressives.

TRADE-UNIONS GROW POWERFUL—FARMERS BECOME AROUSED

At home the workers had rallied from the first great open-shop campaign and their trade-unions pushed the good work into many towns and cities in Minnesota. The railroad workers especially became strong. With their increased strength they also became progressive and forward-looking. The trade-unions possessed a militancy and social vision which made them a prominent force in the community.

Among the farmers, who had been so completely crushed by the defeat of the Populist uprising, the spirit of insurgency developed more slowly. Not until the cooperative movement had caught its second wind in the late nineties did the farmers become fully aroused. Then, in Minnesota, appeared certain signs that the farmer was once more preparing to go on the march against big business and its paid politicians.

MAGNUS JOHNSON, FARM LEADER

Several leaders were responsible for reawakening the tillers, and among them must first be mentioned Magnus Johnson, a dirt farmer who also in his youth was a city worker. He became interested in both worker and farmer movements, and later was to become one of the founders of the Farmer-Labor Party and recipient of the highest honors within the gift of the voters of Minnesota—a seat in the United States Senate.

Although Johnson saw clearly that it was necessary for the survival of farmers to elect honest progressives to office, he also realized that farmers could do much for themselves by cooperation. Accordingly he spent such time as he could spare from his own farm to organize cooperatives—creameries, elevators, telephone companies, insurance companies, and shipping associations. He and fellow farmers developed the first of hundreds of livestock-shipping associations in the Litchfield neighborhood in 1910.

LOFTUS MANAGES EXCHANGE

Important, also, as a progressive farm leader—although he was not a farmer himself but an independent businessman—was the late George S. Loftus, of St. Paul.

In Minnesota before the war there was just one farm organization which had influence.

This was the American Society of Equity, which preached cooperation for every phase of the farmer's life. Magnus Johnson was State president of this pioneer group. It organized in 1911 the now famous Equity Cooperative Exchange—the first grain-marketing cooperatives to appear in this country. Its offices were in Minneapolis; but not until the farmers hired George Loftus to manage the exchange did it develop into a formidable rival to the private grain concerns.

ATTEMPT TO DESTROY COOPERATIVES

The grain gamblers did everything possible to destroy the farmers' marketing organization. But due chiefly to the energy and intelligence of George Loftus and faithful farm-

ers like Magnus Johnson, A. F. Teigen, Anthony C. Welch, Bert Cole, John Bosch, Sr., Mike Foley, Nels Peterson, Ole Dale, F. O. Pierce, and others, the Equity Cooperative Exchange lived and grew until it was getting 20 percent and more of the Twin City grain business.

Chief among Loftus' assistants were James Manahan and Benjamin Drake, liberal lawyers, and M. W. Thatcher, auditor. The exchange stood as a bulwark for the entire cooperative movement which was developing so rapidly in Minnesota and the other States of the Northwest.

TO THE POLITICAL FIELD

It was in these organizations that the farmers rallied for a new try at political and economic emancipation. The workers' movement, while developing independently, retained its traditional friendship for the farmers. At the same time the independent small-business and professional people—in whose name the progressives spoke—also felt tied to the great producing groups, in their fight against a common enemy. About it all there was an air of crusade. Men and women acted in the name of a cause which was very real to them.

It is also significant to note that in the election of 1912 more than 25 percent of the people of Minnesota voted against both the two conservative parties and for protest candidates in the campaign for Governor. In that year the Bull Moose Progressives, led by ambition and selfishness, proved abortive and futile. The voters had steadily become more independent of the two parties during the period of the insurgency, and now 1 voter in 4 refused to tag along with either of the two major camps. The time for independent action was near.

THE NONPARTISAN LEAGUE—HASTENS FARMER-LABOR DEVELOPMENT

Two events at this time hastened the development of the progressive movement in Minnesota which was to find its fruition in the Farmer-Labor Party.

The first of these events was the sudden, almost miraculous rise of the farmers' Nonpartisan League in the neighboring State of North Dakota during 1915 and 1916. The other was the overwhelming blight of everything progressive and decent in the war hysteria which culminated in our being dragged into the European battlefields in April 1917. These two events, plus the insurgent spirit of the masses, produced the Farmer-Labor Party.

In North Dakota the wheat farmer had been suffering from a combination of low, uncertain prices in a speculators' market, high-debt charges, and adverse weather. By 1915 the grain farmers of the Northwest were generally in desperate straits. Added to his production and marketing problems was the oppression of a railroad-dominated political tyranny practiced by the two old parties. Although the North Dakota farmers had voted overwhelmingly for State-owned elevators and other measures designed to protect him in a gamblers' and lenders' world, the State had ignored their mandate.

Equity societies and their cooperatives were a strong influence in North Dakota, and the campaign for State elevators came to a head at a meeting of the State equity farmers in February 1915. The legislators were told that the elevators must be built, and in reply these gentlemen told the farmers to "go home and slop your hogs!"

FARMERS FURIOUS AT TREATMENT

The farmers were, of course, furious. They were more than ready to listen to a young man who drove into their barnyards with a plan for a political league of the farmers and for the farmers. The man was Arthur C. Townley, a native Minnesotan who had been ruined as a farmer. Shortly the Non-Partisan League had thousands of members. In 1916 it swept the elections in North Dakota, electing a dirt farmer as Governor, LYNN J. FRAZIER. Active in the league with Townley was the present Congressman, WILLIAM F. LEMKE.

In the summer of 1916, league organizers began to sign up Minnesota farmers, who saw in the new plan a means of salvation. The league national office was established in St. Paul the next year, 1917, and the Minnesota farmers looked forward to a similar victory in 1918.

Official league data reveal that league membership in Minnesota in June 1917 was only 10,133, while that of North Dakota was 43,184. This figure, of course, does not show the actual league influence in Minnesota. For every farmer, there were 10 ardent sympathizers who were prevented by extreme poverty or by fear from joining the league.

By June of 1918, however, the Minnesota league had at least 42,000 members. It is safe to say that these thousands were the most active, courageous, and influential farmers in the State.

ORGANIZATION AND PROGRAM

The first State committee of the league was headed by resident farmers appointed by President Townley and included Herman F. Sprung, David Paquin, and L. E. Samuelson. George W. Griffith, of North Dakota, was named the first State manager. He served the league in this capacity for several years. As the league swung into full activity the cooperators and farmers of the equity group—including Magnus Johnson, James Manahan, Ferdinand Teigen, and others—joined in the efforts to make the farmers' movement a success.

The league plan for Minnesota was slightly different than that for the other States, and included demands for State-owned packing plants, elevators, and flour mills; State rural credits, a tonnage tax on iron ore, and State-owned pulp-paper mills. This program remained much the same during the life of the league in Minnesota.

THE FIRST WORLD WAR

Of the other event of this period, the World War, little can be said that is not familiar to everyone who lived through those days of dreadful hysteria. How the European war began in 1914 as a clash of economic rivalries, how the tension was so keyed that when two rivals decided to fight, all the empires had to fight in order to preserve their fields of exploitation, and how slowly and surely the United States was drawn into that camp which carried on the most cunning war propaganda. These are now matters of recorded history.

MINNESOTA LIBERALS FOR PEACE

In Minnesota, the peace sentiment was so intense that the war howlers soon singled out the State as being one of these distinctly favorable to Germany. The more accurate fact is that Minnesota early made its stand for peace and neutrality. The people of that State adhered to the Lindbergh-Lundeen policy, America first—absolute neutrality.

The Minnesota peace and neutrality societies had many thousands of members, and there were other groups almost as influential. The trade-unions and other liberal groups with whom they were closely allied demanded—through their press, their official spokesmen, by means of rank and file declarations—that America keep free of the quarrels and boundary disputes of Europe and the Old World.

The Non Partisan League farmers felt the same way. They knew that they had nothing to gain from this country becoming involved in war. Peace sentiment ran strong in Minnesota, both in the cities and in the country districts.

STAND AGAINST WAR HYSTERIA

But the war spirit was fanned to a fever pitch throughout the Nation, and many liberals, swept off their feet, deserted to the warmongers.

In the Nation's Capital in Congress, "Fighting Bob" La Follette, our beloved George Norris, Lane of Oregon, Gronna of North Dakota, Vardaman, and Stone in the United States Senate and 50 Members of the House of Representatives, including Lindbergh, Clapp, and Lundeen of Minnesota, stood out against the rising tide of madness—these few and the great, voiceless mass of the people.

WARMONGERING STATE ADMINISTRATION

In Minnesota the first to take up the cry for war was the shameful Republican State administration. War was hardly a fact for America in April 1917 when this administration was able to wring from the legislature a grant of powers exceeding even those given the President.

The notorious Commission of Public Safety was organized. Its objective was declared to be coordination of war activities in Minnesota.

But what was obvious to everyone was this: The commission was much more interested in smashing the militant farmers' movement, the trade-unions, and the peace and neutrality advocates than in any other purpose. Union men were forbidden even to wear their union buttons. Farmers were refused protection against mobsters at their rallies. Those who denounced the war for what it was—a war to rescue American dollars in Europe—were stoned and beaten, tarred, and shot at.

OUTRAGES ENCOURAGED

The houses of liberal leaders who had opposed the war were painted yellow and even riddled with bullets. The labor mayor of Minneapolis was threatened with impeachment. Speakers of the league were stoned and abused. Any progressive who raised his voice for a decent cause—whether concerned with the war or not—was harassed, framed, even jailed.

Thus men like James Manahan and Charles A. Lindbergh emerged from the war years with broken health and haunted minds, results of their suffering at the hands of the so-called public safety commission. Any man, any group which denounced the money-mad war profiteers and their political parties met with immediate punishment—all in the name of patriotism. Public decency took a vacation.

The members of that infamous committee were: Charles H. March, C. W. Ames, John Lind, John F. McGee, and A. C. Weiss. But old honest John Lind found the committee so bad that he finally resigned in utter disgust.

PROGRESSIVES BROKEN BUT NOT CRUSHED

The war, like a great boulder, had broken the wave of the mild Progressive era. Beneath this foaming wave there now was seen a determined flood of militancy. The forces of finance capital expected by the war to destroy the people's movement.

The people, on the other hand, saw a chance to strike back with the same weapon. It was they whose hands produced the weapons of this war and they determined to make their power felt.

What was going on in Minnesota between these two contenders repeated itself everywhere in America. The people were determined to come into their own, politically and economically.

STAGE SET FOR FARMER-LABOR PARTY

The crushing reign of war hysteria and conservatism formed the immediate background for the birth of the Farmer-Labor Party.

The farmers, the workers, the peace and neutrality advocates, the progressives had no place to go. Their training through the years of the Progressive period had been to act independently, speaking generally, as voters. They were tied to no political party. With the approach of the elections of 1918 it was clear that Minnesota was ripe for a political revolution.

The tactics of the Non-Partisan League in other States had been to capture the primaries of the leading party and thus put their own candidates upon the ballot under the very noses of their opponents.

The primary of 1918 in Minnesota was preceded by a great State convention of League farmers, held in St. Paul, March 18 and 19. From the first the tie between farmer and worker was evident. James Clancy, president of the St. Paul American Federation of Labor, union's central body, was the featured speaker.

LINDBERGH HEADS STATE SLATE

The slate of candidates offered in the Republican primaries by the farmers was headed by Charles A. Lindbergh for Governor. The rest of the ticket, as agreed upon finally, was: R. E. Crane, a farmer, for Lieutenant Governor; Thomas V. Sullivan, a Progressive lawyer, for attorney general; S. O. Tjosvold, a farmer, for auditor; Albert H. Fasel, a Progressive, for State treasurer; Fred E. Tillquist, a railroad labor leader, for railroad and warehouse commissioner; and Herman Mueller, a Progressive, for supreme court clerk. Mueller was elected and served 4 years.

Lindbergh received 150,626 votes; his opponent, J. A. A. Burnquist, 199,325. Many reactionary Democrats threw their weight behind Burnquist in order to stop the farmers. But it can be seen that the league had become a power. At the time of the election, there were 42,000 Leaguers in the State. In the teeth of the war mania it had grown to 4 times its size of the year before. It further attracted many thousands to vote for its candidates.

LABOR BECOMES POLITICALLY ACTIVE

But with the defeat of Lindbergh and nearly the whole slate, what was to be done now? While the farmers debated their next move, labor took a very significant step forward. For the first time since the days of the Knights of Labor, organized labor deliberately stepped upon the political stage.

Labor had watched the farmers organize with great interest. It was well known that the farmers' administration in North Dakota had shown its true people's character by passing every law that labor requested, putting that State far ahead of the others in the matter of pro-labor legislation. Organized labor was stronger in Minnesota than it had ever been before.

LABOR STRENGTH AT PEAK

Not including the unions represented in the mining, lake shipping, and timber cutting industries, the workers had at this time 497 unions located in 52 towns and cities of the State. In the American Federation of Labor and the railroad brotherhoods alone there were 52,000 workers. With the militant and the unorganized workers who were union-minded, this was a formidable force to throw into the political scales. But it must be granted that the terrible campaign of the reactionaries had cowed and silenced many of the workers.

At the 1918 convention of the American Federation of Labor Minnesota unions, two progressive labor figures crystallized the workers' political sentiments into a plan which would put the unions directly behind their own candidates. It was a startling departure from the traditional nonpartisan attitude of this important labor group.

These two men were William Mahoney and Charles Isaacson, both of the St. Paul Printing Pressmen's Union. They asked for an all-labor conference to put candidates in the field for State office. The suggestion was enthusiastically received by a majority of the delegates, and on August 25 of that year (1918) President Ed G. Hall and Secretary George W. Lawson, of the State federation of labor, convened the parley. Ninety local unions sent delegates.

WORKER AND FARMER COMMITTEES MEET

A committee of seven labor men was named to meet with a like committee of the Farmers' League to select candidates for the November elections. On this labor committee were: William Mahoney, chairman; J. A. Watkins, Fred Kreuger, J. J. Robbers, J. L. Tinkham, Clark Greenless, and Henry Gassing, representing all parts of the State. Some of these men were important officers of the State federation of labor.

Out of their committee conferences grew the endorsement by labor of three men for State office: The late David H. Evans, of Tracy, for Governor; Tom Davis, of Minneapolis, for attorney general; and the late Fred E. Tillquist, of St. Paul, for railroad and warehouse commissioner. Dave Evans was a hardware merchant and had been a liberal Democrat. Davis was a veteran labor lawyer. Tillquist was a prominent railroad labor official, a member of the Locomotive Firemen and Enginemen Brotherhood.

The farmers' committee which helped work out this slate, included: Magnus Johnson, Anthony C. Welch, Karl Knutson, O O. Teuve, R. E. Crane, and Arne Grundysen. Although the farmers at first favored Johnson for Governor, they willingly accepted Evans as a good choice also.

PROFESSIONAL GROUPS BACK MOVE

There was a third group behind the efforts of the farmers and workers to form their own independent ticket in 1918—professional men. These men had been active in the campaigns of the progressives of the preceding years, and in the

main had been opposed to the World War and had been marked for punishment by the Minnesota public safety mobs because of it. These liberals were not organized except in such groups as the Saturday Lunch Club, of Minneapolis—a forum where just such ideas as independent policies had long been centers of discussion.

A committee of the professional men approached the farmers and workers with an urgent plea for a new party which would represent peace, progress, and security. This group, because of its long training in politics under George Loftus and the other progressive Republicans, was of real use to the people's representatives, most of whom were untrained in the tactics of electioneering. These men were the most prominent of the professionals: Attorneys Fred A. Pike, Vince A. Day, Roy C. Smelker, Thomas L. Fraser, S. A. Stockwell, Julius J. Reiter, then mayor of Rochester; Drs. William E. Leonard and Henrik Shipstead; and others such as Carl Lewis, Benjamin Drake, Prof. William A. Schaper, and George Siegel.

FARMER AND LABOR TICKET FORMED

The decision was that there should be an independent ticket in the final elections of 1918. What to call the new ticket? The candidates had to run under some name. The progressives' candidates led by Lindbergh in the spring had commonly been called the farmer and labor or simply the farmer-labor candidates. There was the name for the independent ticket. And so, at a final meeting of the conferees at the old Merchant Hotel in St. Paul, it was decided to run Evans, Davis, and Tillquist under the Farmer-Labor banner.

Of course, it was not the intention of everyone to form a permanent new party—not then. Many of the farmers were not convinced that a new party would win their demands for them quicker than their nonpartisan political tactics hitherto pursued. The labor officials were somewhat bound to the old nonpartisan principles of "elect your friends, defeat your enemies." The professional men, however, saw clearly that a return to the old parties would be an admission of defeat. And there also were many in both the farmer and the worker camps who had faith in a new party.

SENTIMENT ON PERMANENT PARTY DIVIDED

A victory in the 1918 fall campaign would unquestionably have settled the matter in favor of those who wanted a new political party. But the Farmer-Labor candidates were not victorious. Evans polled about 112,000 votes—Lindbergh had received 150,000—in the primaries. It looked as though many people were in favor of progressives in office but could not shake themselves free of their old party ties to help them.

But it was realized that the campaign had not been a test of third-party sentiment among the voters, since it was fought in the face of fresh waves of terrorism on the part of the State administration. The Republican machine, enhanced by the powers given it at the outbreak of the war, held the State in the grip of a tyrant, refusing or permitting any opposition at will. The league had scheduled 250 meetings to discuss election problems but was forced by hoodlums and other lawless forces at the beck and call of the notorious Public Safety Commission and its governor, J. A. A. Burnquist, to cancel nearly a third of them. It was not safe in those days to engage in politics on a people's ticket. Imaginary flu epidemics were used to cancel the meetings of Congressman ERNEST LUNDEEN in both Dawson and Madison, Minn. This occurred under the direction of Theodore Christianson, the State administrator, and his political associates.

RISE OF INSURGENCY—BIRTH OF THE FARMER-LABOR PARTY

Nevertheless, it was in this fall campaign that the Minnesota Farmer-Labor Party was born, 20 years after the People's Party had met the forces of entrenched wealth head-on and had been smashed; out of repressions of the war years; from the desires of the common people for peace, neutrality, and progress, economic and political freedom. The name "Farmer-Labor," which was placed on the ballot in that election was destined to appear on the ballots of every Minnesota election thereafter. It meant that a new party had arisen on the political horizon of America to bring hope in the hearts of the oppressed and the underprivileged as well as all who believe in social and economic justice.

The end of the war found the people all over the world arising in revolt against former masters.

In the United States the tide of insurgent feeling ran high. In many States and cities labor followed the lead which Minnesota workers had provided. Farmer-labor and labor parties sprung up in many places.

The farmers' Non-Partisan League continued to grow, reaching out into new States until from Texas to Washington the sound of the organizer's model T could be heard along the country roads. Minnesota's league added more members and proved it could grow.

But the reactionaries did not sit unhappily by and do nothing. Now that labor was no longer needed to help steer the war machine, the national administration turned upon it savagely. Liberal and radical organizations were made to feel the sting of the Federal Government's wrath. Various departments of that administration once thought as liberal became the open aids of financial forces in order to crush the advancing people's movement.

REACTIONARIES MAKE NEW DRIVE—LABOR REPLIES TO ENEMIES

Organized labor had demonstrated what it could do in the political field in Minnesota, and now hastened to consolidate its gains. At the State Federation of Labor convention of 1919 a permanent organization through which the labor unions would express themselves politically was ratified. This was called the Working People's Non-Partisan Political League.

To this new organization could belong not only individuals but also entire unions and central bodies. It became the counterpart of the farmers' league. The two worked side by side. The Labor League's first executive board included William Mahoney, chairman; Thomas Van Lear, secretary; and C. Z. Nelson; Louis Frank; J. A. Watkins; A. E. Smith; and E. G. Whitney. All of them were from the Twin Cities.

During 1919 and the early part of 1920 the two leagues worked unceasingly to perfect their organizations and prepare the farmers and toilers for the contest of 1920.

The approach of this campaign found the progressives still of divided mind concerning a farmer-labor party. Some—such as Henry G. Teigan and William Mahoney—desired to see the two leagues merge into a strong, democratic, mass party. Townley and several of the Non-Partisan League leaders opposed this and urged, instead, that the farmers and workers remain nonpartisan so that they could exercise "a balance of power" between the two conservative parties.

THE 1920 ELECTION—AGAIN TRY TO CAPTURE G. O. P.

Thus it was that the leading candidates in 1920 did not file as Farmer-Labor. Instead they tried again to capture the Republican primary, and again without success. The fear of the candidates was that they could not draw supporters away from the Republican Party, and the election laws of the time prevented voters from crossing party lines to select whom they pleased. At the same time the Farmer-Labor Party was kept on the ballot by the filing of a number of candidates under that banner.

The leading candidates in 1920 were HENRIK SHIPSTEAD for Governor, George Mallon for Lieutenant Governor, and Thomas V. Sullivan for Attorney General. SHIPSTEAD, who later was to become United States Senator, was a professional man and a former progressive Republican candidate for Congress in 1918 in the Seventh District. He had served one term in the Minnesota Legislature during the war in 1917.

Mallon, who was politically active among the progressives, was a veteran of the World War; had received the Congressional Medal of Honor, and was the only Minnesotan on General Pershing's list of One Hundred Heroes of the World War. Sullivan, an ardent liberal and excellent platform man, was a popular St. Paul attorney, a law partner of James Manahan.

SHIPSTEAD came within a mere handful of votes of capturing the Republican nomination.

Filing on the Farmer-Labor ticket and unopposed in the primaries were Cyrus King for Governor, Lily Anderson for

secretary of state, John P. Wagner for treasurer, and Emil C. MacKenzie for railroad and warehouse commissioner.

FARMER-LABOR PARTY KEPT ALIVE

After the primaries King withdrew in behalf of SHIPSTEAD, who, with Mallon and Sullivan, then filed by petition for the same offices they sought in the Republican primary, but this time as independents with Farmer-Labor endorsement.

These rather clumsy arrangements were the best that could be done while the Progressives were still undecided whether or not to keep the Farmer-Labor Party alive. The votes for regular Farmer-Labor candidates who made no campaign whatever ran close to 200,000 and convinced many that the new party was here to stay.

The final elections also revealed greatly increased strength. SHIPSTEAD received 281,000 votes to his Republican-machine opponent's 415,000. But the Shipstead vote was more than twice Evans' vote of 2 years before. As the Working People's League secretary, Van Lear, declared:

> The opposition claim we lost. I disagree with them because we did not have anything to lose. The fact is we made substantial gains.

SAVE THE STATE FROM SOCIALISM

The false slogan of the Republicans in the 1920 campaign was "Save the State from socialism." This slogan was supposed to be potent because of the current "red" scares being conducted all over America in order to discredit the labor and progressive movements. In Minnesota the Sound Government Association was formed, and through this fake outfit the big open-shop industrialists and the bankers poured hundreds of thousands of dollars in order to defeat the Farmer-Labor forces. The State was plastered with huge billboards screaming confusing and misleading slogans. An expensive publication called Minnesota Issues covered the State like a blanket of snow in a desperate attempt to smear the popular candidates.

It was in the face of this that the Progressives made their astonishing gains in voter strength.

WALL STREET ORDERS DEFLATION

Between the campaigns of 1920 and 1922 the farmers' depression set in—and it has lasted to this very day. Those who labored on the land from sunrise until sunset were the first to be ground down by the heartless deflation ordered by our captains of industry. The farmer was crushed under a heavy debt load incurred during a period of inflation—a debt load which is impossible for him to pay off even during periods of relative normalcy.

Suddenly there was an organized contraction of bank credits, prices began to tumble, the great war boom collapsed. This situation helped the Progressives. It gave the people one more great incentive to fight.

MOVE FOR INDEPENDENT POLITICAL ACTION

Also between the campaigns of 1920 and 1922 the Farmers Non-Partisan League underwent important changes. Its founder, Townley, stepped out. Thus was removed one of the most influential opponents of independent political action of farmers and workers. The way rapidly cleared to get behind the Farmer-Labor Party and make it the winner.

From the first, the workers and farmers displaced the Democratic Party as the leading opposition. Now the farm depression, the continued attacks upon workers' wages, and the general distrust in which the people held the corrupt Republican Party gave the new party reasons to think in terms of victory.

FILE COMPLETE SLATE OF CANDIDATES

The liberals filed a complete slate of candidates in the 1922 election under its own banner. It was the final warning that the Farmer-Labor people were in the field to stay, and to be reckoned with. United States Senator Frank B. Kellogg was up for reelection, and against him the Farmer-Labor Party pitted HENRIK SHIPSTEAD. For Governor that colorful farmer, Magnus Johnson, was selected. Other candidates were: Arthur A. Siegler for Lieutenant Governor; Susie W. Stageberg for secretary of state; Elizabeth Deming for auditor; Frank H. Keyes for treasurer; Roy C. Smelker for attorney general; W. W. Royster for railroad and warehouse commissioner; and Howard Van Lear for supreme court clerk. In addition, several congressional candidates had filed in the State's 10 districts with party endorsement.

The Farmer-Labor Party in that campaign advocated work relief for the unemployed; an increased iron-ore tonnage tax; a State-owned and operated cement plant; and increased capacity for the State flour mill which had been in operation for a year. This mill is now in danger of being dismantled under the present Republican regime. Opposition to the use of the injunction in labor disputes and to a State constabulary were other demands made by the Farmer-Labor Party. It is interesting to note that much of this program has subsequently been enacted into law.

LEAGUES WORK AS PERFECT TEAM

In this crucial campaign of 1922 the two leagues worked harder and more harmoniously than ever before. Their members sensed that victory was at hand and they set forth every ounce of effort and energy they possessed. The railroad brotherhoods continued their splendid support, sending into the State several fine speakers, and providing to a generous degree that rarest of all commodities of progressive politics—hard cash! "Fighting Bob" La Follette aided the campaigners with several speeches before tremendous crowds in the Twin Cities and several southern cities.

When election day arrived it was apparent that Dr. SHIPSTEAD had defeated Frank B. Kellogg for United States Senator, while Magnus Johnson's exciting campaign made it appear that he, too, would win. Final results showed that SHIPSTEAD had become America's first Farmer-Labor Senator, by 80,000 plurality. Johnson came within 15,000 votes of becoming Governor. In addition, Farmer-Labor Knud Wefald and O. J. Kvale went to Congress.

TRULY, THE FARMER-LABOR PARTY HAD ARRIVED

Nor was this all. The election struggles had resulted in victories in many legislative districts. In 1920, for example, the Farmer-Labor Party could claim successes in 46 districts. It must be remembered that the Minnesota Legislature is elected on a non-partisan basis. In 1922 the influence in the legislature of Farmer-Labor people increased even more.

MAGNUS JOHNSON GOES TO SENATE

A surprise victory was still in store for the new party. A few months after the elections, word came that Minnesota's elder Republican statesman, Senator Knute Nelson, had died. It was announced that a special election would be held to fill out the nearly 2 years' balance of his term.

The Farmer-Labor people had found Magnus Johnson an excellent campaigner and he proved to be the favored candidate in the Farmer-Labor primary held in June 1923. His opponent was the same machine Republican who had squeezed past him to win the governorship only a few months before. But this time the farmers and workers were ready for him. They knew their strength and they knew that the people were behind their program.

Magnus ran on the slogan, "Is a farmer good enough for the United States Senate?"

His Republican rivals foolishly countered this with "Send Magnus back to the pasture." It proved to be as foolish as it sounded. It was resented by the city workers as well as the farmers. The campaign was short and sweet. When it was over, Magnus had won by almost 100,000 votes.

Minnesota thus sent a second Farmer-Labor man to the United States Senate. The Republican wailing wall was now well established.

It was in a spirit of triumph and confidence that the toilers looked toward 1924. Meanwhile the agitation had gone on for clarification of the status of the Farmers' League, the Labor League, and the Farmer-Labor Party itself. A series of conferences were held throughout the winter and spring of 1923–24 looking toward the formation of a new organization which would combine the two leagues and carry on the activities of the Farmer-Labor Party between elections. Many new adherents came when Robert M. La Follette, Sr., in 1923 answered that he was through with the old parties

and would enter a new alinement with the forces of progress Nation-wide.

ENTER FARMER-LABOR CLUBS

In many parts of the State—especially in the Twin Cities and the Brainerd area—there had developed a new type of political organization. It was called the Farmer-Labor Club. Unlike the clubs familiar to eastern city politics, the members of these groups paid regular dues, carried on their own educational campaigns for progressive principles, and in the case of the Sixth Congressional District even maintained their own newspaper, the Farmer-Labor Record.

The club rooted the new Farmer-Labor Party in the localities as even the leagues could not do. It was smaller than the leagues' units, and hence more mobile and more sensitive to local needs. To some of the Progressives it appeared to be the answer to the problem of how best to conduct the work of education, organization, and political effort.

LEAGUES MERGE INTO FEDERATION

In March of 1924 the two leagues met in Minneapolis at the same time and in nearby halls. There were 150 farmer delegates from 42 counties. On the labor side were representatives of no less than 100,000 workers from every section of the State. These people had already founded their own daily newspaper, of which they were very proud, the Minnesota Daily Star.

There remained a strong sentiment among the league farmers to keep intact their old organization, which, however, was suffering depletion in the ranks. But a majority of the farmers preferred entering the proposed Farmer-Labor Federation. When word came that the workers' convention had dissolved their league in favor of the new federation, the farmers began to debate. It was an exciting moment in Farmer-Labor history.

POLITICAL HISTORY MADE

Delegate Carl R. Carlgren, who had been on the labor committee visiting the farmers' convention, returned to the workers' hall finally with word of the results. As the Farmer-Labor Advocate reported it—

> For a moment there was a pause and silence. Then a great shout went up; delegates sprang to their feet; some climbed on chairs and tables; hats were thrown in the air; and labor men began to shout, "Hurrah for the farmers!"
>
> Scores of men grasped the hands of delegates to whom they had never spoken before and congratulated them. All were eager to learn whether the leaguers were coming over. Yes; they were coming. Soon they began to appear by dozens, by half dozens, by scores; and as they shouldered their way to their seats, the Federationists arose shouting their welcome, extending their hands and vacating seats for the farmers' comfort, while the hubbub was punctuated every few minutes by fresh outbursts as new groups appeared at the crowded doorways and sought their places in the council chamber with the workers. * * *

FARMER-LABOR FEDERATION BORN

Thus was born the Farmer-Labor Federation. Its first officers were William Mahoney, chairman, representing labor; Ralph Harmon, secretary, representing the farmers. The first executive board included the following district representatives: First, J. C. Placek and Walter J. Kennedy; second, John J. Johnson and W. C. Sprague; third, Fred E. Osborne and A. C. Welch; fourth, Frank Fisher and Frank Starkey; fifth, Robley D. Cramer and J. O. Johnson; sixth, A. H. Hendrickson and P. W. Anderson; seventh, Harold Baker and Hemming Nelson; eighth, George H. Webster and H. W. Dart; ninth, Louis Enstrom and J. C. Pratt; tenth, C. R. Hedlund and Gus Lundberg. Joseph Baldus later replaced Mr. Welch. This central body of authority was composed entirely of dirt farmers, workers who had left lathes or scaffolds to attend the convention, and progressive business and professional men.

CONVENTION ADOPTS PROGRAM; A FREE PRIMARY WITHOUT ENDORSEMENTS

The day following these stirring events there was a mass convention of Farmer-Labor adherents in St. Cloud to adopt a program and select candidates for the coming campaign. The program demanded start of the St. Lawrence Waterway, public ownership of all public utilities and natural resources, guaranty of labor's right to organize, adequate soldiers' bonus, cooperative banks, and the McNary-Haugen plan of aid to farmers. How much of this is now accepted law others may judge.

Because of the rapid change to the new basis of the Farmer-Labor Federation, and for the sake of preserving harmony, it was decided to make no endorsements for office but to allow the primary vote to decide the slate. Whether that choice was a wise one or whether injury was done to the party remains a question to this day. Some of the candidates turned their attacks away from the common enemy and directed their fire on their primary rivals. The future must determine that question.

A NEW LEADER EMERGES—FLOYD B. OLSON

However, from the tangle of primary candidates and the heated primary campaign, there did emerge a man not only eminently fitted to hold high public office but also with the necessary qualities to become the leader of this new party.

He was a talented young man, tall and graceful, with a winning smile and a persuasive voice; a man who did not hesitate to take his position on the side of the people, whose principles had been forged on the anvil of hard labor in the mine, railroad yard, and harvest field, and whose honesty and courage already had been amply demonstrated in public office.

This man was Floyd B. Olson, the son of Norwegian and Swedish immigrants. He was then county attorney of the State's largest county, Hennepin, and already was recognized as one of the foremost men holding office in Minnesota. As a prosecutor, he showed that he was primarily interested in the dispensation of elementary justice. He filed as candidate for Governor on the Farmer-Labor ticket and won the nomination in a spirited campaign.

Up for relection in 1924 was Senator Magnus Johnson. His progressive record in Washington seemed to assure him a return to office. The entire slate of candidates which emerged from the primary prepared for victory in the fall, despite the confusion and ill feeling which had been features of the elimination contests.

NATIONAL AND STATE CAMPAIGNS NOT COORDINATED

However, another element entered the situation. This was the candidacy on the national scene of the fighting Progressives, Senators LA FOLLETTE and WHEELER. To the detriment of all, the national campaign and the campaigns of the Farmer-Labor candidates did not mesh until very late in the year. Had there been a planned campaign of the National and State Progressives from the start, the ultimate results in all likelihood would have been different.

All the time the reactionaries continued their attacks upon the liberals. Workers and businessmen were threatened with dire consequences if they did not return Coolidge to the White House. Hard times, panic, riots, bread lines—these terrible things would be the result of taking LA FOLLETTE and WHEELER and the Farmer-Labor people seriously. A subtle change was coming over large sections of the American people by 1924; the people were being lulled to sleep by a false prosperity.

THE G. O. P. PROSPERITY CAMPAIGN

The Republican newspapers thoroughly dinned into the public ear that good times had arrived forever. They need do nothing but vote Republican to keep the beautiful picture of boundless prosperity hanging on the parlor wall.

Because the masses lacked a voice to match this blare of publicity, it was difficult to make it known that the farmers still had to labor from sunup to sundown merely to keep the sheriff from seizing their stock and tools; that in many industries wages were slowly declining while hours were going up; that machines were being introduced at a very rapid rate—machines which were throwing workingmen permanently out of their jobs; that women workers were still getting less for the same work that men did; that prosperity was an actuality mainly for those with sufficient funds to play the stock market or for those who could buy stocks and bonds of the wealthy monopolies.

FAKE CAMPAIGN SUCCEEDS

These were disagreeable facts; the fine picture of good times was easier to take. The militancy of the war years, the crusading spirit of the progressive era, were being sapped away.

Until the house of cards would fall the Progressives could do little but wait for the majority sentiment to return to their side. The 1924 election, which the farmers and workers were convinced they would win, ended in heartbreaking defeat.

True, the Farmer-Labor candidates ran ahead of the National Independent Progressive ticket. "Fighting Bob" lost Minnesota by 80,000. Olson lost the governorship by 40,000. Worst of all, Magnus Johnson was defeated for reelection, but only by 8,000 votes in a total vote which approached a million.

THE CREDIT SIDE OF THE LEDGER

On the credit side the western farmers returned Congressmen Wefald and Kvale to Washington, and a third Farmer-Laborite, William L. Carss, of Duluth, was also sent to Congress.

An outcome of the disastrous 1924 contest was a revamping of the Farmer-Labor Federation. New conferences initiated in 1925 by the present Farmer-Labor Congressman, RICHARD T. BUCKLER, resulted in the federation adopting a new constitution and a new name.

The constitution forbade membership to revolutionists. The new name was the Farmer-Labor Association. This is the organizational structure which has housed the Farmer-Labor Party to this day.

STRUCTURE OF FARMER-LABOR ASSOCIATION

A word about the association. It would be hard to find its counterpart in American political history. It is composed of hundreds of ward and township clubs, some of which have 400 and more active members. It also consists of trade unions, cooperatives, and farmers' economic organizations. Until recently it likewise included cultural and language societies and the units of unemployed organizations.

The members of the association pay dues and support a newspaper, the Minnesota Leader, probably the most influential weekly in the State. Their club meetings are enlivened by debates on the issues of the day and on party policy. Once a year, conventions are held at which officers are chosen. In addition, there is a central committee of 18 chosen by members themselves at district conventions.

CONVENTIONS—MEETINGS OF RANK AND FILE

The 1926 and 1928 conventions of the association were actually then meetings of the delegate representatives of the party rank and file. At these conventions full slates of candidates were endorsed for the primaries.

In 1926 this slate was Magnus Johnson, a farmer, for Governor; Emil Holmes, a professional man, for Lieutenant Governor; Charles Olson, a Progressive, for secretary of state; S. O. Tjosvold, a farmer, for auditor; Thomas J. Meighen, a small-town banker, for treasurer; Frank E. McAllister, a lawyer, for attorney general; Thomas Vollom, a farmer, for railroad and warehouse commissioner; and Mrs. Minnie Cederholm, a rural housewife, for supreme court clerk.

JOHNSON LEADS HIS TICKET

Johnson received the best support in the finals, winning 266,000 votes to his Republican opponent's 395,000. Reelected were Congressmen Carss and Kvale, but Congressman Wefald was nosed out by a few votes. The program remained much the same as that of 1924.

The situation in 1928 remained unchanged. The Republicans made much of the so-called golden prosperity with which they had blessed the country. Only the Progressives seemed able to discern that this good-time platform was like a rotten plank over a deep pit of collapse. The Republican candidate for President, Herbert Hoover, felt confident enough of the future to offer Americans two cars in every garage, a chicken in every pot—or was it two chickens? That giddy era of stock-market millionaires is largely forgotten now.

SHIPSTEAD REELECTED TO SENATE

Despite the din of self-praise in the Republican press, Minnesota's Farmer-Labor Senator, HENRIK SHIPSTEAD, was reelected by a smashing majority. The slate of 1928 was: ERNEST LUNDEEN, for Governor; Thomas J. Meighen, for Lieutenant Governor; Mrs. Susie W. Stageberg, for secretary of state; Peter J. Seberger, for treasurer; C. F. Gaarenstroom, for attorney general; and J. L. Peterson, for railroad and warehouse commission. Only Congressman Kvale, in the southwestern farm district, was returned to Congress with Senator SHIPSTEAD. LUNDEEN ran ahead of the State ticket to poll 227,000 votes against the Republican rival's 549,000.

HIGH SUMS FOR CAMPAIGN PURPOSES

These were the years of modest, poverty-stricken campaigns for the Farmer-Labor candidates. While the Republicans continued to collect huge sums for campaign purposes, and to have as well an obedient State machine, the progressives conducted their campaigns with the nickels and dimes of the working people. It is cause for high praise that the party held its ranks.

Throughout the 20's the Farmer-Labor Party was the chief opposition party in a Minnesota saddled with a do-nothing Republican Party. The Progressives' campaigns were primarily educational in order to acquaint the people with the facts. In these campaigns the program which the New Deal later promised won power and was firmly laid. Social security, work for the unemployed, labor protective legislation, debt relief and cost of production for the farmers, old-age pensions, Government power and transportation projects, tax adjustment—these attainments and objectives which are common coin today were long ago given full discussion in the clubs and circles of the Farmer-Labor Party of Minnesota.

The best traditions of the early grangers—the People's Party, the Progressives, the labor parties—the militants of the war years, were handed down without a break to the present day.

FARMER-LABOR PARTY ANSWERS UNIVERSAL DEMAND

Some of our national historians, born and bred in the East, have failed to discover in the Minnesota farmer-labor movement the wider lessons with which it is studded. To many of them it was, and still seems to be, a matter of local moment, a passing fancy of the American political scene.

Nothing could be further from the truth. What the Minnesota farmers and wage workers and independent business and professional groups desire, through independent political action, is exactly the same as these groups everywhere in America desire. The Farmer-Labor Party stands for more than local discontent. It voices the demands of these great groups of our citizens to keep America free and restore economic opportunity for all. This is a universal demand.

During the glittering years of the stock-market prosperity the Farmer-Labor Party remained the symbol of the largely unfulfilled needs of the common man for a better, fuller, freer life. We were determined that our party should live, because it had, and still has, a destiny to meet.

ORGANIZATIONS AND ORGANIZERS

And yet, while it is true that this conviction burned like a live coal, it must be recognized that by itself it would not have kept the party alive. What accomplished this during the period of so-called good times (which was really the hidden depression of the farmers) was the hard and unselfish work of a few men and women. Henry G. Teigan, for example, continued the work of publicizing the program and aims of the party through the columns of the Farmer-Labor Advocate and the Minnesota Union Advocate. The latter paper, under the able editorship of Bill Mahoney, became the leading organ of the movement.

Other editors also carried on the educational campaign which has made the Farmer-Labor Party so much more than a mere party. These included the labor editors, R. D. Cramer, of Minneapolis; the late William (Billy) McEwen, of Duluth; and Oscar Widstrand, of the Hibbing Independent; the rural

editors, Fay Cravens, of Milaca; Edward Barsness, of Glenwood; Charles Coy, of Alexandria; Archie Whaley, of Moorhead; former Congressman Francis Shoemaker, then of Red Wing; certainly the veteran publisher of the Willmar Daily Tribune, Victor E. Lawson; and many others.

In addition were other leaders who had begun in the ranks, and whose strength remained there, such as Magnus Johnson, Knud Wefald, O. J. Kvale, Louis Enstrom, Mrs. Susie Stageberg, Mrs. K. K. Moore, Frank Starkey, Fred Tillquist, Lawrence Arland, Judge William A. Anderson, Otto Goetsch, and Tom Vollum. And there were dozens of others. These men and women should take pride that they steered the party through its times of trial.

G. O. P. FAKE PROSPERITY CRASHES

The Farmer-Labor Party, late in 1929, observed with the rest of the country the spectacular collapse by which prosperity's house of cards came down. The bottom fell out of the fake Republican prosperity. Republican rule was now exposed for what it was—government of special privilege, by special privilege, for special privilege. Progressives had often predicted just such a disastrous result for the people, of the frenzied finance of the Coolidge-Hoover period. But the majority of the Nation needed time to see that the end of an age had come. By election day, 1930, the people of Minnesota were already prepared to act.

FLOYD OLSON COMES TO THE FORE

There was one man in the State at that time about whom most people thought first in considering the best man for Governor. This was Floyd B. Olson. He had just concluded a hard-hitting campaign against the racketeer elements in Minneapolis, in his capacity as county attorney. He was hailed throughout the State for his courage and ability.

The party convention was held in March. The executive committee of the association at that time consisted of Frank Starkey, Carl R. Carlgren, Anthony C. Welch, Henry G. Teigan, S. A. Stockwell, and Thomas Meighen. It was apparent from the first that Olson could have either the nomination for Governor or United States Senator. He chose the Governorship, and the party gladly gave him its endorsement. On the ticket to make the campaign with him were Ernest Lundeen, for United States Senator; Henry Arens, for Lieutenant Governor; Judge J. B. Himsl, for attorney general; Anna O. Determan, for secretary of State; William Mahoney, for auditor; Thomas J. Jackson, for treasurer; and Elmer E. Johnson, and Carles E. Berquist, for railroad and warehouse commissioners.

ELECTED FIRST FARMER-LABOR GOVERNOR

Olson made a hard campaign, covering the State thoroughly before the election. He leveled a merciless barrage against what he called the corrupt Republican hierarchy. His Republican opponent had the use of an expensive sound truck and trailer equipped with loudspeakers, but Olson shunned fancy campaigning.

When he stepped upon a soap box or a wagon tail gate he needed no microphones. He pledged himself to the party program, which called for farm-mortgage relief, a State old-age pension system, chain-store taxation, and general tax relief by taxation in accordance with ability to pay, and many other progressive demands since enacted either by the State or by the Federal Government. In this contest the Olson brilliance as a speaker made itself manifest.

In the final elections Floyd Olson, champion of the underprivileged, defeated both his Republican and Democratic opponents by a plurality of nearly 200,000 votes. He became the first Farmer-Labor Governor in American history—marking the beginning of a new and bright era for the Farmer-Labor Party and a new hope for all who labor by brawn and brain. It was obvious to all that this great crusading movement had found its champion to proclaim its message throughout the length and breadth of the land. The Farmer-Labor Party had truly arrived to become an increasingly vital political force in this State and Nation.

ARENS ELECTED LIEUTENANT GOVERNOR

Elected with Olson was Henry Arens, Lieutenant Governor. Arens was a vice president of the State's largest cooperative, a dirt farmer, and a fighter for both farmer and progressive causes. Reelected also was Paul J. Kvale as party candidate for Congress from a western prairie district. The Democratic Party almost disappeared in Minnesota and there developed the rush of the liberals to the Farmer-Labor banner. The upsurge of Progressives was evident in congressional elections all over the country, which sent to Washington a Congress composed of many Democrats in opposition to Hoover's do-nothing policies.

The rest of the State offices were filled in 1930 by conservative Republicans. Likewise, the two houses of the legislature, while nonpartisan, were very conservative. Olson's fight was thus clearly outlined. His enemies surrounded him. While he would be made responsible for every act, he had little control over more than the affairs of the Governor's office itself. He knew, however, how to call public opinion to his aid and thus compel the reactionaries to support measures in the public interest to which they were opposed.

A SAGA OF PROGRESSIVE POLITICAL HISTORY

Floyd B. Olson was to be Minnesota's Governor for three consecutive terms. At no time during these three terms did he have the support of a legislature sympathetic to the program of the Farmer-Labor Party. And yet the achievements of his administration are one of the sagas of American progressive political history and offer us proof that the common people can ultimately achieve social and economic emancipation through a political party of their own over which they exercise control. The Farmer-Labor Party is a party of truly democratic rank and file control.

ACHIEVEMENTS OF THE OLSON ADMINISTRATION

A review of the achievements of the Olson administration, which cannot be undertaken in full here, shows not only inestimable benefits accruing to the people of his own State, but the blazing of new trails extending far beyond the State's borders. Minnesota's new deal clearly foreshadowed the New Deal of a later day. His administration, for example, undertook a public-works program to combat unemployment before the New Deal came into power. He recommended unemployment-insurance compensation to the State legislature before the national administration proposed this advanced measure. He undertook a youth program for Minnesota upon which the National Youth Administration was later modeled. He fought for the right of labor to organize and to bargain collectively, helping greatly to pave the way for passage by the Federal Government of the Wagner National Labor Relations Act and other social legislation.

He interceded with the national administration in behalf of the farmer and was largely responsible for the Federal Government's seed and feed loan policy and leniency in collection of farm debts. He obtained passage of the Mortgage Moratorium Act, the first act of its kind passed in the country, which saved thousands of city homes and farms from mortgage foreclosure, and which was followed by passage of similar legislation by other progressive States. This was one of the most significant progressive achievements of recent years, and introduced into our body of law an altogether new concept of property rights—namely, that the property rights of those who own their homes and their farms is even more sacred in times of economic crisis, over which the people have no control and for the making of which they are not responsible, than are the property rights of the mortgage holders.

SERVICE TO LABOR AND FARMER

It was no mere accident that the first time troops were called out in this country during a labor dispute to protect the civil rights of the strikers and the public, rather than to browbeat and shoot the workers down, occurred during the Farmer-Labor administration—the administration of Governor Olson. The Governor sought to preserve labor standards and, during the clamor for wage reductions, he insisted that the State set the example as a model employer by payment of

living wages. He obtained passage of a law prohibiting issuance of injunctions in labor disputes.

Floyd Olson carried on the battle for the farmer, both within the State of Minnesota and in the Nation's Capital. He made great headway toward revision of the tax system in conformity with the Farmer-Labor principle of taxation and in accordance with ability to pay by obtaining passage of a graduated income-tax law; a homestead tax which granted preferential tax treatment to modest city homes and farms; a graduated chain-store tax which aided the small, independent merchant; increased taxes upon wealth. By vetoes he defeated the efforts of the reactionaries to impose a sales tax on the State.

MADE GREAT SOCIAL STRIDES

In all fields of social endeavor, the administration of Floyd Olson made great forward strides. Educational standards of the State were raised by State aid to school districts which were unable to levy sufficient tax money to support decent schools; by opposing, in the face of violent opposition, cuts in teachers' salaries; by strengthening laws relating to teachers' tenure; and by a vigorous fight for academic freedom in our schools and colleges. For the aged he obtained passage of the first State-wide old-age pension law.

By displaying great resourcefulness, he forced a reactionary legislature to pass adequate relief appropriations, threatening to declare martial law to feed the hungry if the legislators failed to heed the people's demands. He brought to an end a period of exploitation of the State's natural resources through creation of a unified Department of Conservation, and formulation of a long-time, forward-looking program of conservation to assure that the natural resources would be developed and utilized in the interest of all the people rather than for the few.

This was a common people's government at work. It was government which carried out the finest traditions of America—democracy at work.

1932 ELECTION EXTENDS FARMER-LABOR GAINS

The March 1932 convention of the Farmer-Labor Association met in an atmosphere of a tense national election which had repercussions in Minnesota. Olson was, of course, enthusiastically indorsed for reelection. The Farmer-Labor ticket included: K. K. Solberg for Lieutenant Governor; Harry H. Peterson for attorney general; John T. Lyons for secretary of state; A. H. Kleffman for treasurer; Knud Wefald for railroad and warehouse commissioner.

During the campaign there came to the aid of the Farmer-Labor ticket several out-of-State Progressives, including Senators NYE and FRAZIER, of North Dakota, and Senator LA FOLLETTE, of Wisconsin. As might be expected, Olson's campaign was a bold and relentless attack upon toryism and economic special privilege.

The returns in November revealed that a clear majority of the voters agreed with their Governor. His plurality was 188,000 in one of the most strenuous campaigns which the State had witnessed to that time.

OTHER VICTORIOUS FARMER-LABOR CANDIDATES

This time the party had greatly improved its position. Elected with Olson were K. K. Solberg, a farmer legislator, Lieutenant Governor; Harry H. Peterson, now a member of the State supreme court, attorney general; and Knud Wefald, an independent businessman, railroad and warehouse commissioner.

Because of a veto by Governor Olson of a vicious gerrymander bill in 1931, the congressional elections of 1932 were all at large. In this contest the rapidly increasing strength of the Farmer-Labor Party was seen. Of the 9 Congressmen elected, 5 were of the Farmer-Labor Party. These had won through a primary contest involving 35 candidates. The victors were Magnus Johnson, Ernest Lundeen, Henry Arens, Paul J. Kvale, and Francis Shoemaker. Johnson led the entire delegation, receiving the highest number of votes. It was the high-water mark for Farmer-Labor representation in Congress.

Nor does this tell the whole story of the 1932 victory. When the lower house of the State legislature came to vote for speaker, it was seen that the Farmer-Labor choice, Charles Munn, a farmer, was elected by a vote of 74 to 56. However, the senate seats had not been up for reelection, and thus the Olson administration was again faced with the same handful of die-hard Tories in the upper body, which attempted to stay the wheel of progress.

SEVERE DEPRESSION HITS FARMER—LIBERALS ORGANIZE LOWER HOUSE

It was a time of severe depression on the farm. Rural newspapers carried page after page of mortgage-foreclosure notices. The average farm debt was $4,800. The average annual interest payment was $260. Worst of all, it now required 740 bushels of wheat to pay this interest charge if the farm was not to be wrested away from the farmer. In 1919 the same interest charge had been met with only 116 bushels. In 1925 it would have required ten 250-pound hogs to pay such interest, but in 1933—with hogs at 3 cents a pound—it required 33 hogs to do the same.

In Minnesota 60 percent of the farms were mortgaged. Farmers were losing them as fast as the insurance companies and other mortgage holders foreclosed, in brutal efforts to get their money back. City people also were losing their homes with the same rapidity.

Into this situation Olson boldly thrust his famous proclamation declaring a moratorium on foreclosures. A legislative act was then in preparation by Attorney General Peterson. It was enacted into law. The tone of the Olson administrations was always one of progress through legislation. The fact that liberals never controlled both houses of the legislature prevented the passage of most liberal demands.

REACTIONARY ASSAULT BEATEN OFF—MORTGAGE MORATORIUM LAW PASSED

As the 1934 election approached, the conservatives laid careful plans to wipe out Olson and all he and the Farmer-Labor Party stood for. This time the Farmer-Labor convention brought forward a program pointing to the cooperative movement as a superior form of economic structure. Olson praised it as offering a constitutional means to win human equality and security.

The candidates on the State ticket at this time included: Henrik Shipstead for United States Senator; Hjalmar Petersen for Lieutenant Governor; John T. Lyons for auditor; Harry H. Peterson for attorney general; A. H. Kleffman, treasurer; K. K. Solberg, secretary of state; Laura Naplin, supreme court clerk; and Charles Munn for railroad and warehouse commissioner.

The Republican dailies in the State, conducted a post-card poll which, strangely enough, revealed that the Republican candidate would defeat Olson. Olson later proved it to be the laughing stock of the election. The conservative Democrats also were determined to defeat the liberals. The closing days of the campaign found Emil Hurja, an employee of the Democratic national chairman, denouncing Olson over a Minnesota radio network.

Word soon came that the President had called this gentleman upon the carpet for a severe dressing down because of the attempt to make it appear that the national administration desired the defeat of Olson.

These were merely examples of the savage campaign conducted. Every conceivable form of hysterical propaganda, every slander and scheme to frighten the voters, had been tried.

FARMER-LABOR VICTORY IN 1934 CAMPAIGN

But when it came the voters' turn to speak, the Farmer-Labor Party triumphed again. Every candidate on the ticket was elected or made a strong showing. The party had been unified as never before by the attacks upon it and it had grown wonderfully in strength and force. People thought more seriously than ever about the complex problems of government and of economic security.

Elected with Governor Olson, were Hjalmar Petersen, Lieutenant Governor, who, as chairman of the house tax committee, had steered the graduated income tax through the State legislature; Harry H. Peterson, attorney general; Charles

Munn, railroad and warehouse commissioner. Munn joined Wefald on the commission to win control of it for the Farmer-Labor Party.

It is hard to understand how, with this victory, the legislature could be conservative in composition. Yet this is what occurred. Perhaps the reason can be found in the nonpartisan character of the legislature, enabling conservatives to seek office as liberals.

Despite the fact that the depression had deepened, the conservative legislators decided that their chief work would be an investigation of all Farmer-Labor departments. The relief situation had become so acute that Federal funds to the State had to be suspended. In order to support the Governor's demands for sufficient relief appropriations a mass meeting of farmers was held at the capital. It demanded legislation that would meet the needs of the common people. At this mass meeting a leading figure in the militant Farmers Union declared that Floyd Olson would be the next President of the United States. With a great shout, the crowd showed its approval.

OLSON DEFEATS HIS OPPONENTS

The conservatives tried persistently to put over a sales tax. The Governor stood firm in his opposition to it. "I will not approve a tax upon poverty—upon bread and shoes," he insisted. Despite the attitude of the legislature, much of the Governor's program was forced through.

The struggle between the Governor and his opponents was far from ended, however. By winter, matters had become so acute that Olson called a special session. He asked for passage of a better old-age pension bill based upon payments regulated by need; increases in the income tax for more school aid; increases in the money and credits tax and upon wealth to pay the costs of social legislation; the unemployment compensation financed by employees. The conservatives granted only increased old-age pensions, blind pensions, and arranged to have delinquent taxes collected.

About this time it first became evident that all was not well with the Governor's health. On the last day of 1935 he underwent an operation to determine the cause of a gastric disorder he had been suffering. He never fully recovered his vigor.

BENSON APPOINTED UNITED STATES SENATOR

Also at this time the death of a United States Senator opened the way for Minnesota once more to claim two Farmer-Labor Senators simultaneously.

This had not happened since 1923–24. Senator Thomas D. Schall, Republican, struck down in a traffic accident, died in Washington. There was a forthcoming session of Congress, and Governor Olson announced he would appoint a successor, and in the fall make the race for Senate himself. Although he could have realized a life ambition to become Senator at that time, he said that he did not want to reach that office except by a vote of the people. Elmer A. Benson, State banking commissioner, was named by him as Senator to fill the vacancy caused by the death of Senator Schall.

OLSON SUPPORTS STRICT NEUTRALITY LEGISLATION DURING FOREIGN WARS

The summer found Olson somewhat recovered in health. His plans for the fall campaign were shaping up rapidly. The issue upon which he would make his fight, he said, was reform of the Supreme Court. That body had just invalidated the first A. A. A. and the N. R. A. Olson determined to seek a constitutional amendment to make appointments to the Supreme Court not for life but for a definite number of years.

He also demanded strict neutrality legislation during foreign wars and pledged a hard fight to that end.

FARMER-LABOR CONVENTION DEMONSTRATION FOR OLSON

The 1936 convention of the Farmer-Labor Association, held in St. Paul, was one of the most enthusiastic in the history of the party. Several thousand persons attended, and at the appearance of the beloved Governor staged a wild demonstration. The party had now been in a dominant position in State politics for 6 years and could point to a list of reforms which, though battered by the die-hard reactionaries, was notable even in an age of reform.

A GREAT LEADER PASSES

Following the convention, Olson was again taken very ill, and a second corrective operation was needed. This slowed his campaign. He left the hospital early in August, intending to rest a few weeks before beginning the fall drive. However, on the 16th he suffered a severe relapse and returned to the Mayo Clinic, from which he never left alive. He died August 22, 1936, thus bringing an abrupt end to a brilliant career which was about to place him in the United States Senate and held out for him the strong possibility of election as the first Farmer-Labor President of the United States.

HJALMAR PETERSEN BECOMES GOVERNOR

The Lieutenant Governor, Hjalmar Petersen, was sworn in as Governor and continued to serve in that capacity until the following January. Governor Petersen in his short term adhered to Farmer-Labor principles and a special session of the legislature called by him passed an unemployment insurance act. Minnesota workers were thus assured of the benefits of the National Unemployment Insurance Act the first day the law was put into operation.

OLSON SPIRIT STIMULATES CAMPAIGN

The election campaign from that point had a different aspect. The spirit of the lost leader was as great a factor to reckon with as his personality had been. The progressives deeply felt the need to keep faith with the man who had led them so well and with whom they had worked so long.

Chosen to take his place on the ticket by the unanimous action of the central committee was Congressman ERNEST LUNDEEN, of the Third Congressional District, then preparing for reelection to Congress. To LUNDEEN'S place on the ticket for Congress went Henry G. Teigan.

LIBERALS UNITE FOR VICTORY

The campaign was again being conducted during a national election. This time the national administration threw its whole weight behind the Farmer-Labor Party. The leading candidates of the Democratic ticket withdrew and the fusion of the two parties on the Farmer-Labor ticket resulted in a smashing blow at the Republicans. Final result revealed that ERNEST LUNDEEN had won by a majority of 260,959 votes for the Senate and Elmer Benson by a majority of 248,502 for Governor.

A majority of the congressional delegation again became Farmer-Labor.

Elected were Richard T. Buckler, Henry G. Teigan, John T. Bernard, Dewey W. Johnson, and Paul J. Kvale. These men represented the entire farming districts of western Minnesota, the iron range country, and the city of Minneapolis.

LIMITATIONS OF STATE ADMINISTRATION

Let us consider for a moment the limitations of a State administration. Its operations in social and economic spheres have gradually been curtailed through the years, the result of the desire of big business to gather all control at a central point and then to take charge of that center. This has been going on in America since the days of Hamilton.

If the Farmer-Labor Party won partial control of Minnesota State government—and it did for 8 consecutive years—it found that all needed reforms, with the possible exception of one, generally had to run a gantlet of the courts clear to the highest bench in the land. There it was nip and tuck whether the reformers could save their legislation. The Tory traditions of the high courts are known to everyone.

THE FIGHT FOR JUST TAXATION

The one possible exception to this was taxation, where the State still retains some responsibility.

Tax relief is a crying need in Minnesota, where even the basic constitution names the railroads as specially privileged to escape all but a small share of their proper tax load. Tax relief is linked closely with the need of the farmer, the worker, and the independent businessman to win security.

In the case of the farmer especially, it was a fact that he paid twice as much taxes as any other group of citizens in relation to income.

The Farmer-Labor Party tried desperately to make a real accomplishment of tax relief in Minnesota. Governor Olson fought until he had wrung from an opposition legislature an income-tax law. But he did not ask for this law without at the same time demanding reductions in taxes on farm and city homes. Thus, it never was a mere matter of more taxes. It was a reasoned adjustment of the tax burden so that those with ability to pay were required to do so.

BENSON CONTINUES TAX FIGHT

This was the background of the fight carried on by Gov. Elmer A. Benson and the lower house in 1937 against a Tory senate. Olson had been able to take tax relief part way; Benson was determined to finish the job Olson started. His object was an entirely new tax structure which would relieve general property of its load. In the end he was forced to call a special session before he could force concessions from the conservatives.

It was a long, bitter struggle. The reactionaries, as had been their practice for years, sat doing nothing. Of course, Benson and the other progressives did not allow them to continue this attitude. The Governor was a man of determination. When he made pledges he intended to stick by them. He had been elected by a vote which was a mandate from the people to enact his reform program. Tax relief headed that program. Its other "must" features were: A State housing act; sufficient relief funds to cover all needs; full coverage for unemployment compensation; a fair trades and practices act in behalf of independent merchants; reduction of rural credits interest rates to farmers; and a State labor relations act based upon the Wagner Act.

UPPER HOUSE FIGHTS PROGRAM

It was clear through all that fight that the people were on the side of the liberals. But that made the result no more certain. The conservative State senate would have gone to its grave fighting rather than expose the wealthy and special interests groups to any reform. In the end, however, the general property tax was reduced substantially.

Taxes on Steel Trust, telephone and telegraph companies, express and freight lines, and on incomes and chain stores were increased.

While the objective of complete tax revision was not—could not—be achieved because of the senate, at least the main features were.

The Benson administration attempted to carry out the liberal traditions of the Farmer-Labor Party and to follow the examples set by the great Floyd B. Olson.

Whenever the administration interceded to bring about peace in labor disputes, the rights of the workers were never compromised, particularly the right of collective bargaining. The administration refused to renew the licenses of two national detective agencies to do business in Minnesota because of the antilabor activities of these agencies as revealed before the La Follette Senate Civil Liberties Committee. Academic freedom in our schools and colleges was stoutly defended and a dark blot upon the University of Minnesota's record, placed there by the discharge during the period of the first World War hysteria of the head of the department of political science, Dr. William Schaper, was removed.

In the face of strong opposition, the administration succeeded in maintaining decent relief standards.

The farmer-labor tax program, with the aid of a liberal lower house, was further advanced through passage of the homestead exemption act, increased taxes upon iron ore and upon wealth, and reduction in real-property taxes. A law was passed fixing a minimum royalty of 50 cents per ton on all iron ore removed from State-owned lands for all new leases, as compared to a flat 25 cents per ton royalty contained in the leases transacted during Republican administrations. A fair trades practices act also was passed and rural credits interest rates were lowered.

FARMER-LABOR PRINCIPLES UPHELD IN CONGRESS

The record of the Farmer-Labor Senators and Congressmen throughout has been one of unwavering support for every form of social legislation, and legislation designed to better the conditions of the people, socially and economically, regardless of who the sponsors were. It is also a consistent record of bitter and uncompromising opposition to reaction of every form.

The great body of social legislation enacted in recent years by Congress was done with the aid of the Farmer-Labor Senators and Representatives. No other party in Congress can claim so perfect a record for support of legislation beneficial to labor, the farmer, and the general welfare of the people. The Farmer-Labor Party in the Halls of Congress fought for these causes when they were unpopular, they manned their guns through the fury of every storm. They never deserted their posts.

SIGNIFICANCE OF THE FARMER-LABOR MOVEMENT

I have tried to indicate at various places in this account the significance of the farmer-labor movement. It sprang from the militancy of the farmers and workers in the years just preceding and during the first World War. Its basis was economic discontent. The people wanted more of the good things of life, they wanted an end to war, to depressions, and to corruption in government.

They were weary of the two old parties which had amply proved their inability to improve conditions. A party of their own had been a dream of many years' standing. In 1918 they formed it. It has lived to this day. It will grow beyond the borders of Minnesota in the near future—of that I am certain. It is destined to lead a great new national party—its objective the economic freedom of the common man.

SECURITY, PEACE, FREEDOM

During the 18 years that Farmer-Labor Representatives and Senators have worked in the Congress, and during the 8 years when the party ruled in Minnesota, great masses of people have come to realize that in Minnesota the farmers and workers were actually proving that their own party was possible. These masses looked then—and they look now—to the Farmer-Labor movement to lead them forward to security, peace, and freedom. Our party is a living, burning symbol of this desire. It could not be crushed, not by money, not by treachery, not by dissension, not by slander or abuse. We have shown the people a way to the future.

Down the years the party, to consider its work at home, has educated the people to think in terms of social and economic change. No man in Minnesota can win an election on his voice, his face, or even his party label. The people have been taught to look behind these things and find the program upon which he stands. Thus it was that in 1938 a Republican candidate stood no chance unless he pledged himself—no matter how hypocritical—to the Farmer-Labor program. He found it necessary to pose as something which he was not—a liberal.

FARMER-LABOR SUFFERS A SET-BACK IN 1938

The 1938 campaign unfortunately found the Farmer-Labor Party a house divided against itself. It is not for me here to point out the reasons for this disunion; recriminations will serve no purpose. We learned a bitter lesson—and one which, I am sure, will in the future result in a greater unity than ever before. Individual differences will be forgotten in rallying around a program which we need and which we all can support.

There is no denying that the Farmer-Labor Party suffered a severe set-back at the polls. We lost the governorship, and the other State officers. Liberal representation in both the upper and lower houses of the State legislature was drastically reduced. The party returned but one Congressman to Washington. We were caught during one of the temporary reactionary waves which swept the country, and the party's disunity made it impossible for liberals to hold back the sweep of reaction.

The people, however, now see the fraudulent nature of the Republican campaign. They have been educated in Minnesota to distinguish between genuine liberalism and fake liberalism. They may be fooled once, but they cannot be fooled a second time, even when conservatism comes to them streamlined and sugar-coated. They know it for the bitter

pill that it is, and will not continue with that kind of medication. It does not agree with them.

RECURRENT DEPRESSIONS—FAKE LIBERALISM EXPOSED

What we have been experiencing in this country under the old political parties has been periods of recurrent depressions, interspersed with periods of so-called prosperity; and these periods of so-called prosperity have been prosperity in a relative sense only. At no time have the great masses of the people—the great masses of our citizens whose labor produces all our social wealth—felt a real sense of economic security. At no time have they been able to accumulate during periods of prosperity sufficient reserves—sufficient money, if you please—to take care of themselves and their families during the trying periods of depressions and for their old age. In fact, the standard of living of the masses has been high only in contrast with some other countries, but it has been very low indeed when the natural resources of our country and its ability to produce great wealth are taken into consideration.

What have been the reasons for these recurrent depressions? When the Democratic Party is in power the allegation has been that it is because business has no confidence. This, of course, is just so much dust thrown into the eyes of the people. It contains no element of truth whatever. Who ever heard of an automobile manufacturer refusing to manufacture automobiles that he could sell at a profit because he did not like the politics of the party in power?

Who ever heard of a radio manufacturer refusing to manufacture radios he could sell at a profit for the same reason? Or the Power Trust refusing to generate as much electricity as its customers wanted to consume? The claim of "lack of confidence" is a preposterous one.

"LACK OF CONFIDENCE" FAKE

Were such claims legitimate, we would have enjoyed permanent prosperity under Republican administrations, and the people never would have had occasion to turn their Government over to the Democratic Party. Could big business have had any more confidence than it did when the "great engineer," Herbert Hoover, sat in the White House? Hoover was the apostle of big business; and yet it was under Mr. Hoover that the country went into its deepest depression of all times.

The trouble is that neither the Republican Party nor the Democratic Party has had the courage—I will not say intelligence, since the best economic brains of the country have been at their disposal—to attempt to solve the fundamentals of our economic problem. The reason is that their solution would mean treading on the toes of the mighty. The Farmer-Labor Party has no "sacred cows" to protect.

The only legitimate reason there can be for a depression is when nature fails and there is not enough food to go around, like the famines of old. That has never been the case here. Neither overproduction nor lack of confidence can be accepted as valid reasons why people should go hungry.

ECONOMY OF SCARCITY MAKESHIFT

The fact that we have been compelled to resort to an economy of scarcity rather than to an economy of plenty is proof that neither of the old parties has found a real solution to the problem.

An economy of scarcity violates every moral concept—every rule of man and God.

From an economic standpoint, it is based on fallacy. It benefits not the great mass of the producers of wealth but rather the few individuals who already enjoy special benefits and special considerations under our Government.

When the Republicans were in power, we dumped foodstuffs by the hundreds of thousands of tons into the ocean to keep these foodstuffs from the hungry. On the basis of a presumed surplus, the grain dealers, who really have been the price fixers for the farmers, beat down the price to the level where the farmers did not even receive cost of production for their labors. Then, on the basis of presumed scarcity, the grain gamblers invariably shot the prices up after the farmer had nothing left to sell.

SCARCITY A FALSE ECONOMY

In recent years, we have been telling our farmers to produce less foodstuffs, not because there are not enough consumers to absorb these products but because the people did not have enough money with which to buy essentials—clothes, food, and housing. At the same time, our factories have been operating at less than 60 percent of capacity—in some years much less—because we confessedly did not know how to get the wealth that these factories could produce to the people who need this wealth badly. Where is there moral justification for such an economy?

The present national emergency brought home to many people a fact that liberals and progressives of this country have known right along—that an economy based upon scarcity contributes neither to our strength as a nation nor to the happiness and prosperity of the average citizen. It is axiomatic that we cannot became wealthier as a nation by producing less wealth. There is something drastically wrong with it all.

SPENDING ONLY REMEDY DEVISED—NATIONAL DEFENSE

Thus far, Government spending is the only way we have been able to devise to give the masses greater purchasing power; but vast as this spending has been, it has been woefully insufficient, even though it has brought food, shelter, and clothing of a kind to the needy, which many have begrudged them.

And the only effort of Government in recent years to reduce spending and balance the Budget brought about an immediate business recession from which we have not yet recovered. That was when Wall Street wrote the ticket. Obviously, Wall Street medicine is not good medicine for the people.

Now we are going in for Government spending in a really big way, not ostensibly to relieve unemployment and to bring about presumed prosperity but to prepare for national defense. I am not opposed to spending money for common-sense national defense. I believe that our Nation should become so strong that no other nation or group of nations can ever successfully attack us.

NEW PROSPERITY IN OFFING—MORE NATIONAL DEFENSE

But I am not talking about Government spending in terms of national defense but rather in terms of our national economy. While conservatives were opposed to Government spending when it meant saving of homes and keeping our people alive, they are not opposed to spending for national defense, because they think they are merely paying high insurance premiums to keep the war-profiteering system under which they have accumulated millions alive. Incidentally, they think that they can pass a large share of the increased taxes for national defense on to the common people.

Of course, the results of this kind of spending from an economic point of view will be almost identical with the other kind of spending we have been used to. We can look forward to a so-called prosperity spurt. But when the spending is over and the millions put to work thereby will again be pushed out on the streets, making the rounds daily at factories with signs on the doors, "No help wanted," we will find ourselves in an even sadder predicament than we are in today, unless in the meantime we go about the task of tackling our economic problem from its fundamental aspects.

ECONOMIC SOLUTION BEING DELAYED

What of the aftermath if we do not find now the permanent answer to the problem? We must not forget the results of the last war economy—the flare of presumed prosperity, with its stock-market boom, the mad gamble, and then the day of reckoning, with its blasted homes, destroyed firesides, broken hearts, suicides, a bankrupt agriculture, an army of unemployed of such staggering proportions that we believed impossible, business failures, bank crashes—a nation fast losing its faith in democracy, because democracy had failed to give the people the substance of life.

Economists know that what we are doing now is only a makeshift arrangement—supplying merely a sedative to the patient, but not a real cure for the disease. We must develop an economy based on plenty, able to distribute to the people

the vast wealth which our tremendous resources and our gigantic industrial and agricultural plant is able to produce.

To bring about that kind of an economy is the chief aim of the Farmer-Labor Party.

A country's greatness is measured not by the number of its great masses of its citizens. The national emergency has taught us that an economy of scarcity constitutes an element of national weakness.

DEMOCRACY IN ACTION—WALL STREET TUNE NOT FOR PEOPLE

I have said that the Farmer-Labor Party represents democracy in action—real democracy, under which government becomes the servant of all the people and not the handmaiden of the few. It is precisely because of the way that democracy, so-called, has been administered by the old parties that it is in peril today.

Let us make democracy work. Let everyone under our democracy have a genuine stake in that democracy. Let democracy give real economic security to our people, and this country will become so strong and so powerful that it will be immune from attack, both from within and from without. This is even more essential than military preparedness, because a happy and contented people will always be the Nation's strongest defenders.

FARMER-LABOR PARTY POINTS WAY

The Farmer-Labor Party of Minnesota points the way. It has shown that a common people's government can be made to work, to win elections, to educate the people to approach politics with clearness, and to formulate a definite program possible of accomplishment. It has sent good men to the statehouse, to the legislature, and to the Congress. It not only promises reforms but it produces them. It shows that a national Farmer-Labor Party is not only possible but that it is absolutely necessary. The great masses of the people will in the not distant future win America back for themselves.

At the dinner of the famous Gridiron Club late in 1931, Floyd B. Olson, our distinguished Governor, predicted that a new national insurgent party would spring up to rescue the people from the terrible pressure of economic collapse. That prediction will some day come true.

Mr. President, I ask that the bibliography on the Farmer-Labor Party of Minnesota and references to magazine and newspaper articles regarding that party be printed in the RECORD.

The PRESIDING OFFICER (Mr. GIBSON in the chair). Is there objection?

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

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RECESS TO MONDAY

Mr. SHEPPARD. Mr. President, I move that under the order heretofore entered, the Senate stand in recess until 11 o'clock a. m. on Monday next.

The motion was agreed to; and the Senate (at 6 o'clock p. m.) took a recess, the recess being, under the order previously entered, to Monday, August 19, 1940, at 11 o'clock a. m.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 15 (legislative day of August 5), 1940

NAVY DEPARTMENT

James V. Forrestal to be Under Secretary of the Navy.

APPOINTMENTS, PROMOTIONS, AND TRANSFERS IN THE REGULAR ARMY AND AN APPOINTMENT IN THE NATIONAL GUARD OF THE UNITED STATES

(NOTE.—The nominations of persons named for appointment, promotion, or transfer in the Regular Army, and a nomination for appointment in the National Guard of the United States, which were received on the 14th instant, were confirmed en bloc today. The names of the persons confirmed will be found in the CONGRESSIONAL RECORD of August 14, 1940, beginning on p. 10338 under the caption "Nominations.")

PROMOTIONS IN THE NAVY

To be captains

Ingram C. Sowell
George D. Hull
Paul Hendren
Chapman C. Todd, Jr.

To be commanders

Stanley J. Michael
Clayton S. Isgrig
James A. Crocker
Harley F. Cope

To be lieutenant commanders

John H. Griffin
Carroll D. Reynolds
Howell C. Fish
Robert H. Gibbs
Wallace S. Newton
Lee F. Sugnet
William H. Truesdell
Walter S. Mayer, Jr.
George F. O'Keefe
Herman E. Schieke
Cecil L. Blackwell
Aubrey B. Leggett
John E. Florance
Edwin R. Swinburne
Martin J. Drury
Gelzer L. Sims
Norman W. Sears
James V. Query, Jr.
Albert G. Mumma
James M. Lane
Francis D. McCorkle
John J. Crane
William G. Cooper

To be lieutenants

Charles J. Odend'hal, Jr.
Jacob C. Myers
William L. Tagg
Robert J. C. Maulsby
Charles S. Hutchings
Ed B. Billingsley
Francis E. Nuessle
George M. Ottinger
Robert E. Coombs, Jr.
Allan A. Ovrom
William C. F. Robards
James M. Clement
Richard O. Greene
George E. Porter, Jr.
Harold G. Bowen, Jr.
Francis E. Brown
Baxter L. Russell

To be lieutenants (junior grade)

William D. Brinckloe, Jr.
Green C. Goodloe
Harry B. Hahn
Albert S. Freedman, Jr.
Mac D. Thompson
Guy J. Anderson
Ralph H. Benson, Jr.
Roy H. Burgess, Jr.
Edward W. Hessel
Henry F. Burfeind
Edward H. O'Hare
Jack E. Gibson
Franklin D. Buckley
Frank H. Henderson, Jr.
Richard S. Rogers

To be dental surgeons

James A. Connell
Ralph W. Taylor
Glenn W. Berry
Arthur R. Logan
Macy G. Martin
Maurice A. Bliss
Merrette M. Maxwell

To be pay inspector

John Enos Wood

To be assistant paymasters

John K. Aldrich
Thomas L. Britton
Gordon M. Callison
Arthur E. Desrosier
Robert C. Disher
William N. Dunstan
Bruce F. Evans
Robert W. Granston
Ivan C. Hartzell
William F. Harvey, Jr.
Grover C. Heffner
Floyd Loomis, Jr.
Robert C. McNab
Howard J. Nickel
John L. O'Brien 3d
Ross A. Porter
Earl G. Rice, Jr.
Ralph W. Sauer
Ollo V. Wallgren, Jr.
Charles M. Wilkins

To be chief radio electrician

Kenneth Anthony

To be lieutenant commanders

Arthur H. Graubart
Charles E. Tolman
Howard T. Orville
Carter A. Printup
Hamilton L. Stone
John G. Johns
Thomas J. Hickey

To be lieutenants

Harry Hull
Jacob A. Lark
Richard H. Best
John Munholland
Louis J. Kirn
William B. Short, Jr.
Norman E. Blaisdell
William T. Zink, Jr.
William P. Schroeder
George E. Hughes
Ernest M. Snowden
Barry K. Atkins
John R. Spiers
Ralph M. Wilson
Wallace H. Weston
Paul E. Emrick
Robert O. Beer
Daniel L. Carroll, Jr.

Earl R. Eastwold
Frank M. Parker
William Outerson
Burdette E. Close

To be passed assistant paymasters

Sidney A. Ernst
Thomas J. Montgomery
John C. DeWitt, Jr.

To be assistant paymaster

William N. McGibony

To be commander

Allan D. Blackledge

To be lieutenant commanders

William E. Verge
Robert N. McFarlane
Henry C. Bruton
John L. Burnside, Jr.

MARINE CORPS

To be colonels

Lemuel C. Shepherd, Jr.
Frank Whitehead
Robert Blake

To be lieutenant colonels

Joseph H. Fellows
Louis G. DeHaven
Lester A. Dessez
John W. Beckett
John Halla
Kenneth A. Inman
Lester N. Medaris
Frank B. Goettge
Donald G. Oglesby
Byron F. Johnson
John T. Selden
Elmer E. Hall
John D. Blanchard
John N. Hart
Hawley C. Waterman
James O. Brauer
Thomas C. Green
Andrew J. Mathiesen
Joseph C. Burger
Verne J. McCaul

To be majors

Leslie F. Narum
Ion M. Bethel
John F. Hough
Robert L. Griffin, Jr.
Edward L. Pugh
Earl H. Phillips
Matthew C. Horner
James M. Ranck, Jr.

To be captains

Frederic H. Ramsey
Reynolds H. Hayden
Victor H. Krulak
Harold O. Deakin

To be first lieutenants

Robert T. Vance
Woodrow M. Kessler
Donald E. Huey
Clarence A. Barninger, Jr.
Merritt Adelman
Rivers J. Morrell, Jr.
Arthur J. Stuart
Cedric H. Kuhn
Thomas A. Culhane, Jr.
Guy G. Narter
Alben C. Robertson
Radford C. West
Thomas R. Stokes
Ray L. Vroome

POSTMASTERS

GEORGIA

Mattie Lee Deck, Chickamauga.
Miriam H. Mallory, Concord.
Herbert J. W. Kizer, Jefferson.
Henry H. Jones, Lakeland.
Clayton J. Tanner, Nicholls.
Harley Davis, Pearson.

MISSISSIPPI

Robert M. Yarbrough, Indianola.
Florence W. Blaine, Vance.

NEW YORK

Joseph F. Murphy, Beacon.
Andrew W. Keller, Bergen.
Cora G. Dwyer, Geneseo.
William T. Conley, Marcellus.
Edward Devitt, Montgomery.
Dorothea L. Wolfe, Oscawana.
John P. Hewitt, Phelps.
Patrick H. McCarthy, Jr., Tupper Lake.

WASHINGTON

LeRoy R. Reynolds, Concrete.

HOUSE OF REPRESENTATIVES

THURSDAY, AUGUST 15, 1940

The House met at 12 o'clock noon.

Rev. Bernard Braskamp, D. D., pastor of Gunton Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

O Thou condescending God, grant that the dew of Thy grace and wisdom may descend this day and abide upon Thy servants.

We pray that Thou wilt touch the spirit of humanity to a loftier melody. May we be lifted far above vain wishes and desires of our own. Help us to grow in knowledge of the nobler ways of thinking and living.

Emancipate us from all rebellious and cynical tempers of mind lest we become too faithless to hope and too willful to learn. May we never fall into a contentious spirit, but follow peace with all men. Let us ever be courteous and easy to be entreated; willing to forgive, ready to confess our faults, eager to make amends, desiring to keep the law of love.

Show us how we may enter into the largeness, the freedom, and the gentleness of the lowly Nazarene, who walked the road of the loving heart. In His name we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS

Mr. SHANNON. Mr. Speaker, I ask unanimous consent to insert in the Appendix of the RECORD a copy of a speech I delivered over radio station WDAF, Kansas City, Mo., August 4, 1940, with slight revisions thereto.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

[Mr. CUMMINGS addressed the House. His remarks appear in the Appendix of the RECORD.]

EXTENSION OF REMARKS

Mr. FULMER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to insert therein a short article.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. MILLER asked and was given permission to revise and extend his own remarks in the RECORD.

Mr. THOMASON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a speech made by Hon. Ernest Guinn, county attorney of El Paso County, Tex.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. GEYER of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GEYER of California. Mr. Speaker, I hope I can make this announcement without anyone's temperature rising too high. I want to state that a petition to discharge the committee from the consideration of the bill to do away with the payment of the poll tax as a prerequisite to voting is now on the Speaker's desk. It is petition No. 34, and I shall be glad to have all who are interested put their signatures upon this petition.

Mr. MAY. Mr. Speaker, I make the point of order there is not a quorum present.

The SPEAKER. Evidently, there is not a quorum present.

Mr. RAYBURN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 183]

Andresen, A. H.	Creal	Hook	Schaefer, Ill.
Arnold	Crosser	Hope	Scrugham
Bates, Ky.	Curtis	Jarman	Seccombe
Bates, Mass.	Darrow	Kee	Sheridan
Bolton	Dempsey	McLean	Smith, Ill.
Bradley, Pa.	Dies	Magnuson	Sparkman
Byron	Drewry	Maloney	Sullivan
Caldwell	Elliott	Merritt	Thomas, N. J.
Cannon, Fla.	Fernandez	O'Neal	Vreeland
Celler	Fish	Osmers	Wallgren
Chapman	Folger	Parsons	Warren
Coffee, Nebr.	Garrett	Plumley	White, Idaho
Collins	Gifford	Reece, Tenn.	White, Ohio
Connery	Graham	Risk	Wood
Courtney	Grant, Ala.	Sabath	

The SPEAKER. On this call 360 Members have answered to their names, a quorum.

Mr. RAYBURN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

EXTENSION OF REMARKS

Mr. LAMBERTSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. KUNKEL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therewith a letter from Dr. Alton M. Motter, of the Lutheran Church of the Redeemer, Harrisburg, Pa.

The SPEAKER. Is there objection?

There was no objection.

Mr. GRANT of Indiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a short editorial.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include newspaper articles.

The SPEAKER. Is there objection?

There was no objection.

Mr. CULKIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. LEMKE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include an editorial.

The SPEAKER. Is there objection?

There was no objection.

ORDERING NATIONAL GUARD, RESERVES INTO ACTIVE MILITARY SERVICE

Mr. MAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of Senate Joint Resolution 286, to strengthen the common defense and to authorize the President to order members and units of reserve components and retired personnel of the Regular Army into active military service.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of Senate Joint Resolution 286, with Mr. WOODRUM of Virginia in the chair.

The Clerk read the title of the joint resolution.

Mr. ANDREWS. Mr. Chairman, I rise in opposition to the pending amendment. To refresh our memory, when the Committee rose last night we had under consideration the amendment offered by the gentleman from Connecticut [Mr. MILLER], the amendment being on page 2, at the top of the page, which would strike out the limitation of the Western Hemisphere, and substitute in lieu thereof the continental limits of the United States, its island possessions, including the Philippine Islands, the Panama Canal Zone, and Alaska.

At the top of page 2 there is a proviso in the bill that the members and units of the reserve components of the Army of the United States ordered into active Federal service under this authority shall not be employed beyond the limits of the Western Hemisphere, and so forth. In other words, this would affect not only the National Guard, but all reserve components, which includes Reserve officers serving with the Regular Army.

About a year ago the Regular Army had a strength of 165,000 enlisted men and approximately 14,000 officers. It now has an authorized strength of 375,000 enlisted men but a corresponding increase in the Regular Army commissioned strength has not been made, since we are proceeding in accordance with the wise provisions of the National Defense Act which provides for reserve components to reinforce and supplement the Regular Army in time of emergency. To provide the larger officer requirements for expanding the Regular Army to 375,000 enlisted men, there have been called to active duty a large number of Reserve officers to the extent that approximately two-thirds of the officers on duty with Regular Army troop units in the continental United States and one-third in the Panama Canal Department and the Hawaiian Department are Reserve officers. A large part of the pilots of the Air Corps are also Reserve officers. The acceptance of this amendment would prevent the use of any Regular Army unit outside of the continental limits of the United States or its possessions without first denuding the unit of its Reserve personnel, a measure which would deprive it of the overwhelming bulk of the junior officers actually in command of the troops. No airplanes could be sent into the Caribbean area for any purpose unless manned entirely by Regular Army personnel, a process which would cut down the size and effectiveness of the force that could be employed. No Regular Army unit could be sent across the borders of the Canal Zone for any purpose without first withdrawing the Reserve officers from it. These are only two examples of the restrictive powers of this amendment. I strongly doubt the wisdom of tying the hands of the War Department by so restricting the use of our armed forces under the conditions which have warranted such large appropriations for creating a more effective national defense. [Applause.]

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. Yes.

Mr. MILLER. I said yesterday that I would be the last man who would come to the Well of the House and do anything that I thought would tie the hands of the President of the United States. I recognize there is a great deal of merit in what the gentleman has pointed out. The gentleman has pointed out that this bill is limited to those called under the provisions of the act, and would not affect Reserve officers now in the service. I have in mind a perfecting amendment, which if the House adopts this amendment, I shall offer, which will distinctly limit it to the National Guard.

Mr. ANDREWS. As I understand it then the perfecting amendment which the gentleman proposes to offer would place the limitations only on the National Guard ordered into duty.

Mr. MILLER. That is correct.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. Yes.

Mr. ALEXANDER. As I understand it we let go of the Philippines in a few years now.

Mr. ANDREWS. In 1946.

Mr. ALEXANDER. Are we going to send the National Guard over there to shed their blood?

Mr. ANDREWS. I personally do not believe there is any possibility of any National Guard troops being sent beyond continental United States, even to possessions, but why tie the hands of the War Department in a rather critical situation when no one can forecast what may happen in the future.

Mr. ALEXANDER. Either we are going to get away from the Philippines, or we are going there and fight for them. We have voted to get rid of them.

Mr. ANDREWS. There might be a point in an amendment which would remove the Philippine Islands. Personally, I would not care much, one way or the other.

Mr. MARTIN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. Yes.

Mr. MARTIN of Iowa. The point made by the gentleman from New York is one that can easily be corrected by limiting this to the National Guard. I have spoken in favor of this amendment. I am decidedly in favor of that limitation, confining it to the National Guard, so as to eliminate the possibility of the difficulty which the gentleman has referred to.

Mr. ANDREWS. The gentleman from Connecticut has just stated that he will offer such perfecting amendment.

Mr. VORYS of Ohio. Would the gentleman have any objection or would the Army have any objection to permitting discharges upon request of Reserve officers and National Guard men when they are called in? If the gentleman has no such objection and thereafter the men who are called in come in voluntarily, then there is no need for restricting their activities.

Mr. ANDREWS. My understanding is that the War Department will give free ear to reasonable requests of officers of that type before ordering them out.

[Here the gavel fell.]

Mr. WADSWORTH. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Connecticut [Mr. MILLER]. I ask unanimous consent that I may proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WADSWORTH. Mr. Chairman, I am emboldened to make that request, not because I am confident that I am master of this subject, but it is so important from the standpoint of sound military policy that perhaps I may be justified in speaking a little longer than the usual 5 minutes.

I am opposed to the amendment offered by the gentleman from Connecticut because it is in violation of the spirit and intent of the National Defense Act of 1920. You may remember that before the World War those troops which we now call the National Guard of the United States were known as the Organized Militia and as such they had no Federal duty except to repel invasion. They were organized and maintained under the militia clause of the Constitution. So clearly was that status understood and accepted in those ancient days that when we went into the World War there was a provision inserted—and it had to be inserted—in the draft law providing for the drafting into the Federal service of the Organized Militia. And they were drafted into service en masse by regiments—all the men and all the officers. The guard went to the war. They came back, 13 splendid, soldierly divisions in the Federal service. There are men upon this floor who served in some of those divisions. When they came back they came to the Congress and said:

> If you are going to write a military policy for the United States, for God's sake do not make us militiamen any more if you can help it; make us potential Federal soldiers. Put us on an equality, when we are ordered into Federal service, with the Regular. We do not want to be spit upon any longer. We do not want to be despised. We do not want to be called tin soldiers and home guards. Put something in your national law to the effect that when ordered into Federal service the Regular and the guardsman stand upon the same plane, enjoy the same privileges, and carry the same obligations as Federal soldiers.

So we did it, at the earnest request of the citizen soldiers of the United States, and today, under the terms of this resolution, if the guard is ordered into the active military service of the United States, its officers and men become automatically and instantly Federal soldiers; not militiamen; and their officers are interchangeable with Regular officers of equal rank. You can put a Regular officer in a National Guard unit and you can put a National Guard officer into a Regular unit without any change in prestige or power. In other words, we tried to build one Army of the United States—not two or three unrelated armies. [Applause.]

Now, this amendment destroys that whole idea. In its effect it says to the National Guard, "You are no longer anything much more than militiamen. You cannot leave the country. You are not like the Regular. You are beneath him. You do not belong in the Army, really. You are a sort of an adjunct, the way you were back in 1915 and 1916," the very thing the guard does not want.

I beg and implore that the House do not adopt this amendment. It is bad military policy. I hope that the judgment of men will not be swayed by personal animosities. [Applause.] I mean that. I am thinking of the defense of our country. The guard is to be ordered into the Federal service under the terms of this bill, not merely for training. That is incidental and highly important, but to become available as Federal soldiers to meet any emergency which may arise in the Western Hemisphere until 1942.

To be consistent in this matter if we are going to say to a part of the Army of the United States, "You shall not do a certain thing," why do you not say it to the whole Army? Why do you not say to the marines, "You shall not leave the coastal waters of the United States?" Why do you not say to the Navy, "Never leave the coastal waters of the United States or its possessions"?

Can we not have one Navy, one Army, one national defense? That is the spirit of the law we put on the statute books 20 years ago after the experience of the World War and the bitter experience of decades behind it under the old-time militia system.

Let me recite to you an incident that demonstrates to you what I mean. Back in the War of 1812 there was a prolonged and bitter campaign on the Niagara frontier. The United States had about 2,000 Regular troops there. In 1813, I think it was, the Militia of the State of New York 7,000 strong—think of it!—was ordered into the service of the United States for that war. They moved to the Niagara frontier and camped along the bank of the river. Across the river from the village of Lewistown stands Queenstown Heights. On those heights today you will see a monument, the Brock Monument, erected in memory of a British general who was killed in the battle. The British were entrenched on the heights. With their artillery fire they made the American side exceedingly uncomfortable. A defensive offensive by the American Army was planned, and the Regulars crossed the river, scrambled up the bank on the other side and stormed the trenches. They got about halfway up and could not get any farther. The British and Canadians kept bringing in reinforcements.

Orders went back to the New York Militia to cross the river—7,000—and win the battle. They would not do it. Why? Because they were not permitted to leave the United States. It was in time of war. I hear the suggestion that it was in time of war. It was.

Can we predict every single emergency that might arise overnight? Can we not at least visualize something happening with lightning rapidity in the West Indies? And are we to say that in that event we must convene the Congress, introduce a bill, have hearings on it, bring it to the floor, and debate it to determine whether or not half the Army of the United States can be used to meet the emergency; I hope not!

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I yield.

Mr. SHORT. If we are successfully to defend the Panama Canal, it may become very necessary for us to send our

soldiers, including the National Guard, far beyond the borders of our Territorial possessions. [Applause.]

Mr. WADSWORTH. Certainly. We cannot tell about these things, Mr. Chairman. We cannot take chances. Here are 240,000 organized troops, but as soon as you order them into the Federal service you are going to say that the Federal Government must not use them beyond our borders.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I yield.

Mr. McCORMACK. We have completed a very important conference at Habana—one of great import to the nations of the Western Hemisphere. I would like to get the gentleman's reactions. If this amendment were adopted, what message would we be sending to those countries and to the world?

Mr. WADSWORTH. I suppose it would be to the effect that we are about 50 percent in earnest in that agreement.

Mr. McCORMACK. And that means nothing.

Mr. WADSWORTH. About 50 percent, because we are holding off from possible enforcement of that agreement 50 percent of our armed forces.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I yield.

Mr. MILLER. Can the gentleman conceive a situation arising that would make it necessary to send all of the Army of the United States out of the country with such speed that Congress could not take the necessary action to declare war?

Mr. WADSWORTH. I think it is improbable, but I am not going to take that chance.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I yield.

Mr. MAY. What might be the result of our failure to defeat this amendment upon the South American countries that have recently signed the agreement with regard to which the gentleman from Massachusetts just asked a question? Might they not turn in another direction?

Mr. WADSWORTH. I do not know what they would do. I suppose they would say as I said to the gentleman from Massachusetts, that we were about 50 percent in earnest.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I yield to the distinguished Speaker of the House.

Mr. BANKHEAD. Is it not the opinion of the gentleman from New York that this amendment is a severe indictment against the patriotism of the National Guard of this country? And does it not put us in the position of saying that if there are 10 men from my home town who are in the Regular Army and 10 in the National Guard who are neighbors and on terms of social equality, that we can send 10 abroad, but 10 cannot go abroad because of this limitation?

Mr. WADSWORTH. Mr. Chairman, I think this amendment puts the Guard back where it does not want to be.

Mr. BANKHEAD. Has the gentleman from New York heard any remonstrance from the National Guard seeking to avoid the same responsibility the Regular Army is given?

Mr. WADSWORTH. None, and under the terms of the enlistment contract entered into by every guardsman and every officer of the guard there is an oath to obey the orders of the President of the United States when he, responsive to the authority of Congress, orders them into the Federal service; and every one of them takes that oath with his eyes open. That is the oath they begged us to submit to them.

Now when we are about to authorize their being ordered into the Federal service, on the eve of having done that, we are going to desert the very system they were so long in building up.

Mr. ROUTZOHN. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I yield.

Mr. ROUTZOHN. The gentleman, I am sure, is aware of the fact that declarations of war these days are obsolete, that nations are plunged into war without any formal declaration. If we pass this bill as the gentleman proposes we will be abdicating our position and our prerogative of declaring war and granting to one man the privilege of sending our armies into a foreign war. [Applause.]

Mr. WADSWORTH. I cannot agree with what the gentleman from Ohio has said. We are not adding to the power of the President any more than he already possesses with the Regular Army, the Navy, and the Marine Corps. Would the gentleman from Ohio propose a similar amendment relating to the Regular Army, the Navy, and the Marine Corps?

Mr. ROUTZOHN. No; but the gentleman would change a contract which was agreed to by those who entered the National Guard.

Mr. WADSWORTH. I have endeavored to describe that contract. [Applause.]

[Here the gavel fell.]

Mr. MARTIN of Iowa rose.

Mr. MAY. Mr. Chairman, the gentleman seeking recognition on the other side of the House has spoken on the amendment once and in favor of it. I think we have consumed a vast amount of time, 30 minutes yesterday and 15 minutes this morning. I think it is about time to vote.

The CHAIRMAN. Is the gentleman from Iowa seeking recognition?

Mr. MAY. Mr. Chairman, I move that debate do now close. Mr. Chairman, I withdraw the motion.

Mr. BENDER rose.

The CHAIRMAN. For what purpose does the gentleman from Ohio rise?

Mr. BENDER. Mr. Chairman, I move to strike out the last four words.

Mr. Chairman, I shall yield to the gentleman from Iowa in my time.

Mr. MAY. Will the gentleman yield to me for a unanimous-consent request?

Mr. BENDER. No; I will not yield. I have the floor and I shall not yield.

Mr. Chairman, in line with the performance of the chairman of the Committee on Military Affairs on yesterday, he evidenced an intolerance with anyone who wanted to speak on this measure at that time, and the same attitude is indicated by the gentleman today. He said that everybody should not be permitted to speak on this measure. Well, now, we are all Members of this House. This is an important matter and most certainly, whether we agree with the gentleman's position or not, we have a right to speak, and this is the time to speak. [Applause.]

There is no need for such haste. We can stay here another day, if necessary, to discuss this measure. This business of ramming down the throats of the American people something that is of such vast importance and has the vast implications that this measure has, in a short space of time, I say is entirely out of order and entirely out of keeping with American principles.

Mr. MARTIN of Iowa. Will the gentleman yield?

Mr. BENDER. I yield to the gentleman from Iowa.

Mr. MARTIN of Iowa. I have yet to discover any part of this amendment that will in any way serve notice to the Latin American countries that we do not intend to keep up our obligations in that direction.

Mr. MAY. Mr. Chairman, I did not hear the gentleman's statement.

Mr. MARTIN of Iowa. There is nothing in the proposed amendment that will serve notice on the Latin American countries that we propose to withdraw from our obligations down that way. They do not ask us to concentrate all of this power in the President to send the National Guard to all parts of the world and, as far as the argument of the gentleman from New York [Mr. WADSWORTH] is concerned, there is a distinction between the National Guard and the Regular Army in the proposed bill itself. The Regular Army can be sent anywhere in the world and you are proposing here to limit the reserve components of the Army to the Western Hemisphere. Is that not a distinction between the Regular Army and the Reserve components of the Army, and is not the difference between the provisions of the proposed bill and this amendment one of degree only. [Applause.]

Mr. MARCANTONIO. Will the gentleman yield?

Mr. BENDER. I yield to the gentleman from New York.

Mr. MARCANTONIO. In regard to our relationship to South America, I think it is well known to every person living in South America and Central America that the use of the National Guard and the threat to send it down there is not looked upon as part of a good neighbor or pan-American policy, but, on the contrary, will be looked upon with a good deal of suspicion for the furtherance of an imperialistic policy on the part of the United States. [Applause.]

Mr. BENDER. Mr. Chairman, I asked for this time so that the gentleman from Iowa would have an opportunity to be heard.

In conclusion permit me to suggest that there will be a greater degree of tolerance shown by the members of this committee for the Members who desire to be heard. They have an honest point of view. It may differ radically from the point of view of the chairman, but in this House, where we are all elected in the same manner to represent our constituency, certainly we have a right to be heard. [Applause.]

Mr. MAY. Mr. Chairman, I should like to reach some agreement, if I can, with respect to time on this amendment. On yesterday we consumed 25 minutes on it, and we have been here nearly 30 minutes now.

May I say in answer to the gentleman from Ohio, who talked so much about intolerance, that there were 4 hours' general debate on this resolution, and we were hunting around yesterday evening for gentlemen on the other side of the House to discuss the measure. The gentleman from Ohio made no effort to speak then.

Mr. Chairman, I would like to know how many gentlemen want to discuss the amendment in order to arrive at some agreement as to time.

Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 30 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky [Mr MAY]?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. ROUTZOHN].

Mr. ROUTZOHN. Mr. Chairman, last evening when the Committee rose I was on my feet seeking recognition from the Chair for the purpose of addressing the House in reply to some of the arguments presented by some of those who oppose the amendment under consideration. I noted that opponents of the amendment were adroitly evading discussion of the merits of the amendment and resorting to aspersions and innuendo, impugning the motives of the proponents of the amendment, and implying that we, the proponents, are being actuated by political considerations, and are, perforce, unpatriotic. It is seldom that I request the privilege of the floor and impose my views upon you. I have preferred to listen to the members of the committee in charge of the proposed legislation then under consideration and others who had previously given time and attention to the subject, satisfying myself upon the merits and basing my vote upon a judicious consideration of the arguments presented.

I approached consideration of this particular bill in that attitude, save and except that my prior convictions impel me to favor the calling into active service for intensive military and technical training the National Guard and the Reserve components of our armed forces.

Until a few years ago I had a commission in the Officers' Reserve. I was proud of it, and wish I had it now. By giving it back to me and calling me into active service your beloved country and mine can obtain an excellent soldier in exchange for a Congressman of questionable ability.

Furthermore, I am proud to have an only son in the officers' Reserve, and he is with troops, in the Infantry branch. He has already forwarded his reply card to the Fifth Corps Area signifying his availability for service. He will relinquish a lucrative position to do this, but to him and to his father his patriotic duty transcends all else.

All I ask now is the privilege of voting for a bill that has for its sincere and honest object and purpose the training of an army which will, if, as, and when war comes, be able to successfully cope with the combined forces of all the dictators on earth.

I therefore resent implications that to support this amendment is to be guilty of playing a sordid game of politics and to be unpatriotic, disloyal, if you please, to our great and noble Government.

Is it playing politics, my colleagues, for us to say that the only emergency that now exists is the dire necessity of equipping and training an army and navy for the national defense?

Is it playing politics for us to stipulate by express terms that our Army shall have that training on American soil?

Is it playing politics for us to uphold and retain the constitutional prerogative of the Congress by refusing to grant to the Executive the sole right to determine whether our boys shall be sent across our borders into foreign territory?

Is it playing politics for us to say that not one mother's son shall set foot on foreign soil unless and until the Congress by appropriate action shall prescribe or sanction such a move?

Is it playing politics for us to recognize the fact that in modern warfare declarations of war are obsolete; that armies wage war without awaiting the formality of a declaration of war; and that the presence of our boys on foreign soil imperils them and us as well?

Is it playing politics for us to say that unless and until the Monroe Doctrine is violated no emergency exists that would warrant our boys being used to police the Western Hemisphere, part of which is twice as far removed from us as is the continent of Europe?

Is it, my Democratic colleagues, in all good conscience and fair dealing, playing politics to refuse to permit this gesture of approval of what the President and the Secretary of State may have secretly promised our Central and South American neighbors?

By your insisting on our upholding the hands of the President, without knowing what he promised, being in the dark as to that as much as we were kept uninformed and in the dark as to what he promised the King and Queen of England last year, is it true that the proponents of this amendment are playing politics; or are you, my Democratic colleagues, merely laying a smoke screen to hide the politics that are behind your opposition thereto? [Applause.]

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. LUTHER A. JOHNSON].

Mr. LUTHER A. JOHNSON. Mr. Chairman, I believe my service in this House has demonstrated one thing, that I do not often impose myself upon the House. I do not rise now just for the purpose of making a speech or to get my name in the RECORD, but to register my vigorous protest against the pending amendment. It ought to be defeated not only because it will jeopardize our national defense but its adoption will prevent our defense of the Monroe Doctrine, and, furthermore, it will be contrary and contradictory to our commitments to the other 20 American republics, with whom our Government recently conferred at Habana. Its adoption would give the right for these other countries to believe that we were not sincere and would not carry out our commitments at the Habana Conference. Having declared our policy both as to the Monroe Doctrine and as to cooperation with the other American republics, we should pass no legislation that will give cause for anyone either in this hemisphere or the dictators of Europe to doubt our sincerity. It would be fatal both here and abroad to contradict our declared policy by now declaring that we would not send out National Guard troops to defend it. The amendment strikes at the very policy that we have been trying to carry out with reference to our relations with the Central and South American republics. Gentlemen say it will not affect it because we will send some of our soldiers, but we will not send others. The author of the amendment says, "Can you visualize any condition arising so fast that we would have to send all the soldiers down there at once?"

Mr. MARCANTONIO and Mr. MARTIN of Iowa rose.

Mr. LUTHER A. JOHNSON. I am sorry to be unable to yield; my time is too limited. If I complete my statement before my time expires, I shall be glad to do so.

I wish to say to the gentleman who propounded that inquiry that if he had talked with some of those from the democratic nations that have fallen under the dictators' attack, as members of the Foreign Affairs Committee have been privileged to do, he would realize that situations arise rapidly in these times and that it is because democracies do not function as rapidly as dictatorships that some of those democracies have fallen. The gentleman knows as well as I know that it would be impossible to bring Congress back here in time to pass the needed legislation if an invasion should take place, and it should happen to be that, available at that time in that section, were only members of the National Guard. Suppose an invasion of a foreign enemy should come upon the shores of Mexico, which might happen, in what position would the United States be to defend itself if we hog-tied our National Guard by a restriction of this kind? We saw the need of it in 1916 when we had trouble down on the border, and the need of it is ten-fold greater now than it was then.

What if an invading army should be sent to one of the islands near the Panama Canal that belongs to some other country, what if a military attack were made? Does the House or this Committee believe we would be acting sensibly to say that we could not send our National Guard, our Regular soldiers, or any other kind of soldiers there to defend and protect our rights? [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin [Mr. JOHNS].

Mr. JOHNS. Mr. Chairman——

Mr. MARTIN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. JOHNS. I yield to the gentleman from Iowa.

Mr. MARTIN of Iowa. In response to the speech just made, I should like to make this comment: As I read the proposed amendment, it does not signify that we will not send troops down there; it is only that we will not send them down there without congressional sanction.

Mr. LUTHER A. JOHNSON. Yes; but it would be too late to get congressional sanction if an invasion should occur.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. JOHNS. I yield to the gentleman from New York.

Mr. MARCANTONIO. Is there any gentleman in this House who doubts that in the event of an emergency it would take this Congress more than 24 hours to give congressional sanction?

Mr. JOHNS. There has been a lot said here about calling back Congress. As far as I am concerned, Congress is in session, and if I can keep it here I am going to do so during these times. [Applause.]

I have listened this morning, and I do not believe there would be any more excitement if Hitler landed in New York with an army than there is around here this morning about a bill that is supposed to be to train some soldiers for service. This idea of wanting to talk about sending soldiers down into South America to protect somebody is all wrong. I would not have risen here this morning and talked at all, but I have an amendment similar to this one at the desk, and that is the reason I say this amendment ought to be adopted. The people back home feel that we are not going to go to war tomorrow. They feel that we are going to train somebody to get ready for war. If they thought for a moment we were going to pass this bill so that if it became necessary the President of the United States could send somebody down to South America to fight tomorrow, of course, they would not be for it. They do not believe there is any danger of this kind.

As far as the National Guard is concerned, it is not making any protest. They are good soldiers. They have their superior officers, and if they do any talking, they do their talking to them instead of to the country.

I hope the amendment offered by the gentleman from Connecticut will be accepted, and if it is not accepted, I am going to vote against this bill.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. JOHNS. I yield to the gentleman from Pennsylvania.

Mr. RICH. We were talking about rushing this legislation through. I have every regard in the world for the Chairman of the Committee, but since he said that we had 4 hours of debate on this bill, let me call your attention to the exact fact. The rule called for 4 hours of debate, but we started debate yesterday at 1 o'clock and finished it at 3:30. That is two hours and a half of debate, not 4 hours as stated, that we had; he was in error and meant we were supposed to have had 4 hours. It seems to me, with all due respect to the Members of Congress themselves, those who are in favor of this bill and those who are not, that we have lots of time and we can take lots of time because we are supposed to be in session to see that this Nation does not get into war. If we keep on the way we are going, I can see nothing but war ahead. Not only war but dictatorship. I do not know which would be the most detrimental to our Nation. I prefer war to dictatorship myself. With war we can probably survive as a country and retain our form of government and our liberty and our freedom, not so with dictatorship; we lose our form of government, we lose our liberty, and we lose our freedom. Let me say to the Members of Congress we do not have to have either war or dictatorship if we just consider carefully and wisely what we, as Members of Congress, do in passing our laws. Let us take our time and wisely debate this bill; it will be best for our country I am sure.

The CHAIRMAN. The gentleman from Illinois [Mr. MASON] is recognized for 3 minutes.

Mr. MASON. Mr. Chairman, I tried to get time yesterday in the general debate, but I was told that all the time was taken. Therefore it seems to me we are laboring under a misapprehension about the time.

Now, members of the Committee, there is not a Member in this House, in my estimation, who does not agree and concede that there is a necessity for proper training of the National Guard, and if this bill was simply a bill to provide for training, as the country has been informed, I do not believe there would be 10 votes in this House against the bill. That is my own personal impression. If, however, this bill is a bill to authorize the Commander in Chief of the Army and Navy to send the National Guard in peacetime outside of the territory of the United States, then that is a different proposition, and that is what we are now told the provisions of the bill cover.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. MASON. Not at this time.

If this bill is a measure to declare by the Congress a national emergency, as the chairman of the Military Affairs Committee indicated yesterday, then that is a different proposition and we ought to know what we are voting upon when we vote upon this bill.

These questions are all involved in the passage of this bill. One of the Members yesterday said that the only national emergency we are facing today is an emergency for training the National Guard, and that is what the bill, on the surface, is supposed to do. If that is the emergency, then the amendment of the gentleman from Connecticut [Mr. MILLER], if adopted, will not offer one particle of interference to the training of the National Guard, because we can train them much better on our own soil. For that reason I think the amendment should be adopted, and as one Member of this House I shall vote for this bill if it limits the training of these men to training on our own soil, but if that provision is not adopted I shall vote against the bill. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment——

Mr. ANDREWS. Mr. Chairman, under the unanimous-consent agreement the time was extended to 1:30.

The CHAIRMAN. Provided Members claimed the time, but if no one seeks recognition a vote on the amendment is in order.

Mr. SUMNERS of Texas. Mr. Chairman, I ask for recognition.

The CHAIRMAN. The gentleman from Texas is recognized for 3 minutes.

Mr. SUMNERS of Texas. Mr. Chairman, I have been very much interested in the discussion of this proposed amendment. It seems to me that this situation analyzes itself out about this way. This is a bill providing for the calling into active service of the National Guard. There is nothing in the bill indicating what is to be the disposition of the National Guard except they may not be sent beyond continental America and possessions. This amendment, so far as I can judge, seems to have arisen out of an apprehension, to be candid about it, that the President might send the militia somewhere and thereby do a provocative act. Now, looking at it from that standpoint we know that if this amendment were adopted it would not have the slightest effect on the President's power to do what the proponents of this amendment call provocative acts. He would have the same power to send American troops which he would have if the amendment were not adopted.

I want to make that clear, and it seems to me that ought to be an important point. The President would still be in command of the Army and the Navy and could send American troops anywhere that he could send them if this amendment were not adopted. Is not that true? If that is true, then why are we so concerned about adopting an amendment which these gentlemen who are connected with the Foreign Affairs Committee say would embarrass our situation with nations in South America?

We are all here wanting to do what is right about the matter. I thought I would submit this one thought for the consideration of my friend.

Mr. JOHNS. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman.

Mr. JOHNS. Does the gentleman think the President of the United States would be so liable to do just what he has the power to do, or what you say he has the power to do, if the Congress of the United States limited that power?

Mr. SUMNERS of Texas. But the point is, I will say to the gentleman from Wisconsin, you are not limiting his power by this amendment. He would still have the power to send the Regular Army anywhere he could send the National Guard without the amendment. The presence of the Regular Army anywhere would certainly be just as provocative as the presence of the National Guard would be.

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I rise in opposition to the amendment. This is the most vital stroke at the effectiveness of the legislation that could possibly be made if it is adopted. It is practically a nullification of the whole purpose of the legislation. The National Guard constitutes what you might say are the reserves in the rear. If this amendment is adopted, it would put the Army in the position, if it desired to cross the Rio Grande, where it could go over with some of the Regular Establishment, and leave the National Guard behind completely paralyzing the force and effectiveness of our armed forces if they were confronted with a perilous position or situation. It would shackle the hands of the commanding general.

I call attention now to the specific declaration of policy that came from the Republican side of the House. In January 1939 when we were adopting the National Defense Act, the gentleman from New York [Mr. ANDREWS], ranking member of the Committee on Military Affairs, a brave and fearless soldier of the World War and a most able member of the House Military Affairs Committee, who had the floor and yielded himself time, made a brief statement in support of the bill and then yielded to the gentleman from New York, Mr. WADSWORTH, and the gentleman from New York [Mr. WADSWORTH] in the time yielded to him presented to the House what the minority side of the House had declared in writing to be the military policy and the foreign policy of the minority side of the House at that time. We were advised at that time that that policy had been agreed to at a meeting of the committee on that side of the House, and here is what they said at that time in speaking of the Monroe Doctrine:

> Obviously, our Military Establishment must be adequate to carry out the obligation so clearly implied in the Monroe Doctrine—the obligation to prevent the extension of foreign political domination through military action in the Western Hemisphere. This may well be considered as part of the supreme obligation to defend the continental United States. We thus envision our own defense. Without the Panama Canal we would be sadly handicapped. It is our life line and must be maintained.

Here it is proposed to adopt an amendment that if the National Guard of the United States be sent to Panama, while on that single strip of land within the jurisdiction of continental United States, we would be barred at the boundary line at the north and the south, and that would mean ineffectiveness, that would mean perhaps defeat of any effort of our Army in that area, where it would be defending the very lifeline of the American defense system, the defense of continental United States. This amendment would destroy effectively the very item of policy agreed to almost unanimously by this House in the resolution in which we declared that we would not permit any foreign country to encroach on the Western Hemisphere, enacted within the last 30 days by an almost unanimous vote.

Mr. EBERHARTER. Mr. Chairman, will the gentleman yield?

Mr. MAY. Yes.

Mr. EBERHARTER. I call the attention of the House to the fact that the news dispatches from Mexico City state that the Senate of Mexico unanimously approved a resolution, which had previously been passed by the House of Representatives of that country, conscripting all available citizens of Mexico between the ages of 18 and 45, which shows the trend of these times, and I think this House should not adopt this amendment.

Mr. MAY. In other words, here is a peaceful neighbor, just south of the Rio Grande, that says to the American continent, to the Western Hemisphere, to the republics of South America, to this great country of ours, we conscript our manpower, and yet we are asked here today to make it impossible for us to even call the National Guard as a civilian component of our Army. Dr. John R. Sampy, of Louisville, Ky., president of the Southern Baptist Theological Seminary and one of America's greatest clergymen, celebrated the sixtieth anniversary of his church life and delivered an address strongly favoring compulsory military training as the only truly democratic system of providing an army. In the course of his remarks, the noted theologian, now 77 years of age, stated our position as a Nation in a striking manner. He is quoted as having said, "The United States is like unto a fat, juicy turkey on a low fence on the night before Thanksgiving, with a hungry bulldog approaching on one side and not a gun within a mile on the other side." If this great Christian visualizes the necessity for military training, what shall we say? To me, our duty is plain. [Applause.]

Mr. BENDER. Mr. Chairman, in speaking before I made mention of the chairman of the Committee on Military Affairs, a gentleman I hold in high esteem. I have watched his conduct here during the past 2 years and I respect his judgment and respect him as a Congressman. I believe he is absolutely sincere in this matter, but I disagree violently with his position in his conduct during these last 2 days on this measure. He referred to our having 4 hours of debate yesterday, and 1 hour on the rule. I was here during the entire session yesterday, and during my service here I have never known a more flagrant attempt at railroading.

The President of the United States put the figure at 50,000 planes for the Army, 15,000 planes for the Navy. A program appropriating an ultimate $14,000,000,000 has been established, and large sums have already been voted toward this total. The Army and Navy know full well exactly what they want. Last week not a single fighting plane had been

ordered because of the mountain of rules and the endless red tape of official regulations.

At the present time, the United States Army has 2,700 planes, of which only a few are modern. The Navy has 1,800 effective fighters. But at the present rate of production, it will take years for the Nation's two fighting forces to reach the goals they have set for air defense. William S. Knudsen, head of the Defense Commission, in charge of military production, reported to the Nation that the present rate of airplane production is less than 1,000 per month. He predicted that it would take at least 2 years to raise this level to the 3,000 per month required by standards which we have established. During the month of August 1940, United States aviation factories are expected to turn out 895 planes, including commercial and training planes. Our own Army and Navy will receive 396 of these planes. To Great Britain 236 will be delivered. American commercial air lines have contracted for 174. Other foreign nations expect to receive 84, and 5 have not yet been classified.

In all this preparedness talk, not one contract has been let for bombing, observation, or pursuit planes, in spite of the fact that all details of the entire program have been rushed by the War and Navy Departments on a night-and-day working schedule. Manufacturers of airplanes insist that New Deal restrictions are a major cause of confusion and delay in getting the program under way.

Up to the present time, working-hour restrictions which are a definite part of the New Deal legislative set-up, have been maintained on a rigid basis. But working hours are not the sole factor in holding up production. In 1934 the Vinson-Trammel bill limited the profits of aviation and shipbuilding companies to a 10-percent figure, although no limit was placed on the profits of tank manufacturers, armored cars, rifle makers, or munitions plants. A few short weeks ago another New Deal measure further cut the maximum profit limit to 8 percent on the sale price in contracts for the manufacture of ships and planes. Under the Treasury regulations set up to carry this proposal into effect, a series of regulations was established, under which the costs of plant expansion, including the amortization of building expenses, and taxes were both excluded. To carry out the aviation and shipbuilding program of the Nation, more than $350,000,000 must be invested by existing companies. But no manufacturer is willing to invest sums comparable to this figure when his profits must be used for a 15-year period in paying for the expansion of his plants.

Nor is there any assurance that present orders would continue on a profitable basis for the next 15 years. The lessons of overexpansion taught by the World War in the period after 1918 have not been forgotten by manufacturers today. Because of this serious problem, aviation leaders are reluctant to enter into large and exclusive Government orders. Until this difficulty is overcome by some intelligent attempt to include amortization costs as part of the permissible figure for determining profits, we shall continue to mark time on the execution of contracts for the most important elements of our defense program.

Through the whole situation, there rises a pronounced political aroma. The administration at Washington is now considering the writing of plane contracts for delivery in 1945. If the amortization trouble is settled by new excess-profits legislation, the contracts could then be revised to call for faster delivery. Meanwhile, admittedly necessary production falls far behind because the New Deal refuses to acknowledge the possibility of error.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BENDER. I yield.

Mr. SCHAFER of Wisconsin. We were also told by the press, the Capitol Parade, appearing in the Washington Evening Star of August 13, that they have made a great deal of progress with this national defense program; that Mr. "Chip" Robert, former secretary of the New Deal National Committee, has already received $1,000,000 in gravy under this national defense program. Does not the gentleman think we had better investigate the matter pretty soon and investigate this fixer?

Mr. BENDER. Let me add this in the closing time that I have: This Congress is in session today to prevent an emergency arising. We are here to keep the United States from being in an emergency. We do not want to do anything here to foment an emergency.

Mr. MARTIN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. BENDER. I yield.

Mr. MARTIN of Iowa. In response to the comment made by the chairman of my committee, the gentleman from Kentucky [Mr. MAY], and I have a great deal of respect for his opinion and ability as chairman of that committee and his views, but I am somewhat shocked at the view he expressed, that leaving the sending of the guard outside the continental limits of the United States up to the discretion of Congress would be such a national calamity.

Mr. THORKELSON. Mr. Chairman, will the gentleman yield?

Mr. BENDER. I yield.

Mr. THORKELSON. Will the gentleman please state what our attitude would be if Canada or Mexico passed a bill to train their armies in the United States?

Mr. BENDER. The gentleman answers his own question.

Mr. HINSHAW. Will the gentleman yield?

Mr. BENDER. I yield.

Mr. HINSHAW. Does not the gentleman think if we are going to send troops, Regulars, Reserves, or the National Guard, or otherwise into such countries as Mexico, Costa Rica, Uruguay, and Brazil for the purpose of protecting the Monroe Doctrine, that it should take action on the part of the Congress of the United States before those troops are sent to those countries?

Mr. BENDER. I certainly do. The question has been raised regarding Mexico drafting men between the ages of 18 and 45. We have an entirely different situation here than they have. As I undestand it, Mexico is a dictatorship. Ours is a democracy. Let us not create an emergency through any action we may take on this measure at this time. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The gentleman from Texas [Mr. RAYBURN] is recognized.

Mr. RAYBURN. Mr. Chairman, if I were speaking exactly as I would want to speak on this amendment, I would adopt, first, the remarks of the gentleman from Texas [Mr. THOMASON] on yesterday and the remarks of the gentleman from New York [Mr. WADSWORTH] today. [Applause.] I would probably be able to say that about other remarks that have been made with reference to this bill, but those two I heard throughout.

It seems to me that the logic and the reasoning of those gentlemen as against this amendment is conclusive. Today we see on anything called a defense measure the first thing that approaches sharp division. I trust that this amendment, which I think is dangerous, which I think will cause us to be misunderstood, not only in the Western Hemisphere but throughout the length and breadth of the earth, will be so overwhelmingly defeated that we will have no more divisions on matters affecting national defense. [Applause.]

In the capitals of the countries controlled by the dictators what we do and what we say here is known almost as soon as it is done or said. We have appropriated billions of dollars to equip an army, billions for airplanes and battleships and tanks and all the things that would accouter an army. Are we going to have an army to use those instruments or not? Are we going to build up the National Guard under the law, when every man who joined the National Guard under his oath understood that he might be called into Federal service when the Commander in Chief thought it was necessary to preserve, protect, and defend the interests of this country? There is nothing in the Constitution, there

is nothing in the law, because the law is clear, about the power of the Commander in Chief over the National Guard. I want to re-echo here the statement made by the gentleman from New York [Mr. WADSWORTH] this morning in defense of the patriotism, in defense of the reasoning, in defense of the desires of the National Guard of this country, that they do not want to be known as tin soldiers and not ready to fight when their time comes. [Applause.]

In recent days we have made some agreements and some commitments. We have resolved with the other countries of the Western Hemisphere that if they are attacked or if we are attacked our interests are mutual. Are we going to say within less than 2 weeks after the conclusion of those conversations and those agreements that we will not use the soldiers of the United States to carry out what we have agreed to? Now you talk about the Commander in Chief. It does not make any difference whether you love or hate President Roosevelt; not a particle. Any President of the United States, with Congress in session or not in session, whether you pass this bill or whether you do not pass this bill, if he is unpatriotic enough, if he is so reckless that he is willing to plunge the country into war, he can do it whether the Congress of the United States is in session or not.

I do trust that this amendment is overwhelmingly and decisively defeated. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Connecticut.

The question was taken; and on a division (demanded by Mr. MILLER) there were—ayes 108, noes 159.

Mr. MILLER. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. MAY and Mr. MASON.

The Committee again divided; and the tellers reported that there were—ayes 110, noes 210.

So the amendment was rejected.

The CHAIRMAN. The gentleman from Iowa [Mr. MARTIN] has pending at the desk an amendment which is similar to that which was just voted on. Does he desire to withdraw it?

Mr. MARTIN of Iowa. Mr. Chairman, my amendment is similar to that of the gentleman from Connecticut. I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The Clerk read, as follows:

SEC. 2 All National Guard, Reserve, and retired personnel ordered into the active military service of the United States under the foregoing special authority, shall from the dates on which they are respectively required by such order to report for duty in such service, be subject to the respective laws and regulations relating to enlistments, reenlistments, employment, conduct, rights, and privileges, and discharge of such personnel in such service to the same extent in all particulars as if they had been ordered into such service under existing general statutory authorizations.

Mr. HINSHAW. Mr. Chairman, I offer an amendment.

The Clerk read, as follows:

Amendment offered by Mr. HINSHAW: On page 2, line 16, strike out the period, insert a colon and the following: "*Provided*, That each person so ordered into such active military service shall be physically examined under such regulations as the President may prescribe, and unless declared to be physically fit such orders shall be rescinded in respect to such person."

Mr. HINSHAW. Mr. Chairman, I have offered this amendment. It may not be necessary. If it is not necessary, I shall withdraw it at the completion of my remarks.

Mr. Chairman, in my opinion it is a very important thing that all the members of the National Guard and the Reserves shall be adequately examined physically before they are inducted into the Federal service. I say this because I have had some experience in this connection, for in my district is located one of the very large veterans' facilities which largely handles tubercular patients. Had many of the men in this hospital been adequately physically examined before they went into the service of the United States, they possibly would not now be in the facility at San Fernando, Calif.

The Veterans' Administration has available a large organization, and I understand it may be intended to use this organization in the examination of enrollees in this service. They should all have a fluoroscopic examination of the chest, and they should be given other examinations before they are inducted into the military service.

If the gentleman from Kentucky [Mr. MAY] can assure me that this examination will be given to all persons inducted into the Federal military service, I shall be pleased to withdraw my amendment.

Mr. MAY. The only assurance I can give the gentleman is to state that it is already the law; that they have always done it and will continue to, in my judgment.

Mr. HINSHAW. The gentleman from Kentucky knows that during the World War a great many men were taken into the Army with very inadequate physical examination.

Mr. VAN ZANDT. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield.

Mr. VAN ZANDT. Did I understand the gentleman to say that the Veterans' Administration facilities were to be used to examine these enrollees?

Mr. HINSHAW. No. I meant to say that the Veterans' Administration facilities could be made available through proper arrangement and payment for the services for use in examining these transferees to the Federal military service.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield.

Mr. DONDERO. Would the gentleman be in favor of an amendment which would require the physical examination of a soldier upon his discharge and before he went back into civilian life?

Mr. HINSHAW. I think that is the general practice now; but I am, indeed, in favor of it.

Mr. FADDIS. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield.

Mr. FADDIS. Is the gentleman aware that there is a great deal of noise being made throughout the country now demanding that the military authorities relax the physical requirements before enlisting volunteers?

Mr. HINSHAW. I have not heard that, but it may be true. I have heard that some men have been refused because they needed a little dental work done perhaps.

Mr. FADDIS. That is one of the cries that has gone up by those in favor of the volunteer system.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield.

Mr. ANDREWS. Mr. Chairman, I ask unanimous consent that the amendment may be again read so the Members may fully understand it.

The CHAIRMAN. Does the gentleman yield for that purpose?

Mr. HINSHAW. I yield for that purpose, Mr. Chairman.

The CHAIRMAN. Without objection, the Clerk will again read the amendment.

There was no objection.

The Clerk again read the amendment.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield further?

Mr. HINSHAW. I yield.

Mr. ANDREWS. I suggest to the chairman of the committee that the amendment might well be accepted.

Mr. HINSHAW. I thank the gentleman from New York. Is the gentleman from Kentucky willing to accept the amendment?

Mr. MAY. It is just an enlargement of the statute now existing. It constitutes surplusage, because it is the law now. I do not see the necessity for it.

Mr. HINSHAW. There is some doubt as to the functioning of the law. I know that I am in doubt. I think it would be highly desirable to have this amendment in the bill. It might save the country a very great sum of money in the long run, and also save sorrow to a great many parents and children to be certain that the enrollees are physically fit before they are mustered into the Federal service.

Mr. MAY. It is also a part of the regulations in the War Department and they adhere to it strictly as a compliance with existing statutes. Mr. Chairman, I cannot agree to the amendment because it would simply muddle up the statutes.

Mr. HALLECK. Will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from Indiana.

Mr. HALLECK. Section 111 of the National Defense Act provides that the Congress can declare a national emergency and thereby bring about the calling out of the National Guard. If the National Guard is called out pursuant to that section of the statute, then the statute does provide for the giving of a physical examination. Whether or not the calling out of the guard as provided in this bill would invoke the other provisions of the statute in respect to physical examination might be something of a question.

Mr. HINSHAW. Mr. Chairman, if it can be established that this matter is going to be cared for under existing law, perhaps in the course of a conference between the House and Senate the amendment, if not needed, could be removed.

Mr. MAY. Will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from Kentucky.

Mr. MAY. Section 115 of the National Defense Act relating to physical examination reads:

Every officer and enlisted man of the National Guard who shall be called into the service of the United States as such shall be examined as to his physical fitness under such regulations as the President may prescribe without further commission or enlistment.

Mr. HINSHAW. I understand that, but I believe that is in case of war. I therefore ask that the amendment be agreed to.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. HINSHAW].

The question was taken; and on a division (demanded by Mr. HINSHAW) there were—ayes 63, noes 117.

So the amendment was rejected.

Mr. DIRKSEN. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. DIRKSEN: Page 2, line 16, insert a new subsection (b): "Such persons called into active military service under this act shall in addition to any other pay provided by law be entitled to such allowance for dependents as may be prescribed by the President."

Mr. MAY. Will the gentleman yield for a suggestion?

Mr. DIRKSEN. I yield.

Mr. MAY. If the gentleman's amendment applies anywhere it would not apply to this section. I reserve a point of order against the amendment, and I shall not insist on it.

Mr. DIRKSEN. Mr. Chairman, on the day that the Commander in Chief of our forces puts into effect the provisions of this act, it means that men with families will lay down their tools in various places in the country and come to the call of the colors. It will mean that lawyers, doctors, and other professional men will respond. It means that men in every walk of life in this country will respond, both single and married, both encumbered with dependents and unencumbered. I am advised by the War Department this morning that no provision is made for dependents. Two suggestions I think will presently come on to deal with that situation. One is carried in the bill, which preserves the right of any man encumbered with dependents to prefer a request and receive a discharge from the service. The other will probably be a bill to protect the civil liberties of those who are enrolled in the service, but which does not go to the whole question of immediate bread and butter once the breadwinner leaves the family fireside to become a part of the armed forces.

Insofar as the present provision of the bill is concerned, I can readily see, and this is dictated by the experience of the World War, that there will be many men with families who will not submit a request to be discharged from the service because of the fear that there may be imputed to them motives of one kind or another that they are not necessarily courageous or patriotic, and I fancy we ought to recognize that human equation.

This amendment proposes nothing else than to repose in the hands of the President entirely the authority to provide for dependents if he sees fit. He may do so if he wants to. The amendment is not mandatory and will not compel him to do so. However, if the authority is necessary the President then by rule and regulation can make provision for the dependents of those who go into the service. It is no departure from the practice we have engaged in before. We gave the President this power under the C. C. C. Act. We have given the President equivalent powers with reference to pay schedules so far as the Works Progress Administration is concerned. So, conferring this authority is not new, and since no provision is made now for dependents under existing law, it occurs to me that the Congress can well adopt this amendment and make provision so that there will be a proper and rightful distinction between the lad who is single and wholly unencumbered and the man who may have two, three, or four children but who for one reason or another will fail to make a personal request for discharge from the service.

During the World War we had a provision suspending the operation of foreclosure laws, tax liens, and so forth, which was all well and good, and it should be done, but that does not pay the bills incurred by a soldier's family for the necessaries of life, so this bread-and-butter provision should be made for those who have dependents and who will not claim exemption and seek a discharge from the Army.

Mr. VAN ZANDT. Will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Pennsylvania.

Mr. VAN ZANDT. During the World War we had the Allotment Act likewise, where the soldier sent $15 home to his dependents and the Federal Government provided $15 likewise.

Mr. DIRKSEN. I am willing to trust this responsibility to the President of the United States. I hope the amendment will be adopted whereby provision can be made for dependents, if necessary.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. SMITH of Ohio. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Ohio: On page 2, line 16, after "authorization", strike out the period, insert a comma, and the following: "*Provided*, That unless and until Congress shall have provided revenue by taxation and shall have authorized and made appropriations therefor the provisions of this section and of this joint resolution shall remain inoperative."

Mr. MAY. Mr. Chairman, I reserve a point of order against the amendment.

Mr. SMITH of Ohio. Mr. Chairman, I believe this is a real test of our patriotism. We are voting here on a bill that will involve the expenditure of an unknown amount of money. The amount will be large in any event, but we are making no provision whatever for the payment of the bill that is being incurred here. If it is a responsibility of the Congress to provide this measure, I believe it is the responsibility of the Congress to provide the means to pay the cost. Who is going to deny this? We have voted all these billions of dollars for defense but have provided only a measly little $1,000,000,000 in taxes to pay the bill. It seems to me it certainly is as much our responsibility to provide the means to pay the cost as it is to provide for calling the National Guard for training and for service.

I believe if we want to meet our responsibility now in this hour we should step up and provide the means for paying this bill, and not leave the payment for our defense to our children and our grandchildren. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The gentleman from Kentucky reserved a point of order against the amendment. Does the gentleman insist on his point of order?

Mr. MAY. Mr. Chairman, I make the point of order that the amendment is not germane.

The CHAIRMAN. Does the gentleman from Ohio wish to be heard on the point of order?

Mr. SMITH of Ohio. Mr. Chairman, I do not understand enough about the parliamentary procedure here to argue this point, but I do believe that we all have common sense enough to know that whether or not the point of order should be sustained we ought to provide the means to pay this bill.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I should like to be heard briefly on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Wisconsin on the point of order.

Mr. SCHAFER of Wisconsin. Mr. Chairman, this bill provides for the strengthening of the common defense. In view of the fact that the real danger to our country is from within and is the threat of national bankruptcy, since our Federal Treasury is almost bankrupt, I believe the amendment offered by the gentleman from Ohio really provides for the national defense in a far more effective manner than the balance of the bill which it is proposed to be amended.

The CHAIRMAN. Without regard to the merits of the amendment, the Chair will state that from a parliamentary standpoint the amendment undertakes to bring in unrelated matters and makes the effectiveness of the joint resolution determine upon the happening of unrelated contingencies. The amendment would therefore be subject to the point of order, and the Chair sustains the point of order.

The Clerk read as follows:

SEC. 3. (a) Any member of any Reserve component of the land or naval forces who is on active duty or who may be assigned to active duty, and any person so ordered into the active military service of the United States who, in the judgment of those in authority over him, satisfactorily completes the period of service required under this joint resolution shall be entitled to a certificate to that effect upon the completion of such period of service, which shall include a record of any special proficiency or merit attained.

(b) In the case of any such person who has left a position or by reason of being ordered into such active military service is required to leave a position, other than a temporary position, in the employ of any employer and who (1) receives such certificate of satisfactory service, (2) is still qualified to perform the duties of such position, and (3) makes application for reemployment within 40 days after he is relieved from such service—

(A) if such position was in the employ of the United States Government, its Territories or possessions, or the District of Columbia, such person shall be restored to such position or to a position of like status and pay;

(B) if such position was in the employ of a private employer, such employer shall restore such person to such position or to a position of like status and pay unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so;

(C) if such position was in the employ of any State or political subdivision thereof it is hereby declared to be the sense of the Congress that such person should be restored to such position or to a position of like status and pay.

(c) Any person who is restored to a position in accordance with the provisions of paragraphs (A) or (B) of subsection (b) shall be so restored without loss of seniority, insurance participation or benefits, or other benefits, and such person shall not be discharged from such position without cause within 1 year after such restoration.

(d) The failure or refusal of any private employer to comply with the provisions of paragraph (B) of subsection (b) or with the provisions of subsection (c) shall be an unfair labor practice within the meaning of and for all the purposes of the National Labor Relations Act.

(e) In any case in which no remedy is available under the National Labor Relations Act to require compliance by any private employer with the provisions of this section, the district court of the United States for the district in which such employer maintains a place of business shall have power, upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the benefits of such provisions, to specifically require such employer to comply with such provisions. The court shall order a speedy hearing in such case and shall advance it on the calendar.

(f) Any member of the National Guard may resign his status within 20 days after ordered into the active military service of the United States if at such time he has dependent upon him a wife or child or both, and has no means with which to support such dependent or dependents except the wages or salary he can earn.

With the following committee amendment:

Page 3, line 4, after "position", insert "held less than 1 year."

The committee amendment was agreed to.

Mr. MAY. Mr. Chairman, I have a number of clarifying amendments that merely improve the text of the bill. They relate to section 3 and part of section 4. I ask unanimous consent that they be considered at this time.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to offer at this point in the bill certain clarifying amendments, which the Clerk will report for the information of the Committee:

The Clerk read as follows:

On page 2, line 19, before the comma, insert "and who, in the judgment of those in authority over him, satisfactorily completes such active duty."

On page 2, line 23, before "shall", insert a comma.

On page 2, line 24, before "such", insert "such active duty or."

On page 3, beginning with "has" in line 1, strike out through "leave" in line 3 and insert in lieu thereof the following: ", in order to perform such active duty or such service, has left or leaves."

On page 3, lines 5 and 6, strike out "of satisfactory service."

On page 3, line 9, before "service", insert "active duty or."

On page 4, line 14, strike out "The" and insert in lieu thereof "In case any private employer fails or refuses to comply with the provisions of subsection (b), the."

On page 4, line 20, after "in", strike out "and" and insert "any."

The CHAIRMAN. Is there objection to the present consideration of the amendments just read?

There was no objection.

The amendments were agreed to.

The CHAIRMAN. The Clerk will report the remaining committee amendments.

The Clerk read as follows:

On page 3, in line 13, after "like", insert "seniority."

On page 3, in line 17, after "like", insert "seniority."

On page 3, in line 23, after "like", insert "seniority."

Mr. MAY. Mr. Chairman, I ask unanimous consent that the committee amendments be modified by inserting in each amendment after the word "seniority" a comma.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. DONDERO. Mr. Chairman, reserving the right to object, on page 3, in subsection (C) of subsection (b) of section 3, it is provided "if such position was in the employ of any State or political subdivision thereof." Suppose that applies to an elective office and his term has expired and his successor has been elected to fill the position, does the gentleman mean by this section to disqualify the man who is holding the office when the veteran returns?

Mr. MAY. The bill would not apply to the man who was not in office at the time it was enacted.

Mr. DONDERO. But suppose the veteran is the village clerk of your home city and he is called into the service and subsequently his successor is elected at the next election and then the veteran returns. Will the man who has been elected be disqualified from holding the office any longer?

Mr. MAY. Undoubtedly the gentleman knows that neither the bill nor the Congress can do anything at all about elections held under State laws that come at a regular time as provided by the constitutions of the various States. The man who has been elected to the office in the absence of the other man would certainly have title to the office.

Mr. DONDERO. The reason I raised the question as to that subsection is because it applies to every political subdivision in the country.

Mr. FADDIS. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield.

Mr. FADDIS. This provision only sets forth that it is the sense of the Congress that they shall be restored to State offices. We have no jurisdiction over the State offices, whether they are elective or appointive. We can only signify that we would like to have this done as a matter of policy and it would apply to an elective office the same as any other office because we have no jurisdiction over either one.

Mr. DONDERO. An elective officer certainly could not vacate or yield the office.

Mr. FADDIS. That is true; and I will submit to the gentleman that that is as far as the Congress can go in asking the State to do it if the State can do so.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky [Mr. MAY]?

There was no objection.

The committee amendments were agreed to.

The CHAIRMAN. The Clerk will report the remaining committee amendments.

The Clerk read as follows:

On page 3, line 25, strike out all of line 25, and on page 4 strike out down to and including line 13 and insert "(c) The."

The committee amendment was agreed to.

The Clerk read as follows:

On page 4, in line 15, after the word "such", insert the word "private."

The committee amendment was agreed to.

The Clerk read as follows:

On page 4, strike out the paragraph beginning in line 22, down through line 2 on page 5 and insert:

"(d) Any member of any Reserve component of the Army of the United States who has any person or persons dependent solely upon him for support and who has no other means of support except the wages or salary he can earn shall be discharged upon his own request made within 20 days of the date of his entry into the active military service of the United States."

Mr. VORYS of Ohio. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. VORYS of Ohio to the committee amendment: On page 5, line 4, after the words "United States", strike out the remainder of line 4, and all of lines 5 and 6, and in line 8, strike out the word "entry" and insert the words "being ordered", so that the paragraph will read:

"(d) Any member of any Reserve component of the Army of the United States shall be discharged upon his own request made within 20 days of the date of his being ordered into the active military service of the United States."

Mr. VORYS of Ohio. Mr. Chairman, substantially this same amendment lost in the other body by 11 votes. A similar amendment has been introduced by the committee. The committee amendment permits a guardsman to be discharged upon his own request solely upon grounds that he has dependents who are supported by his earnings. Under the proposed draft law exemptions and deferments are far more liberal. General Marshall has said that the calling of the guard will be carried out in the spirit of the draft law. Therefore we may expect the exemptions to be far more liberal than the sole exemption provided here in the committee amendment.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. VORYS of Ohio. I yield.

Mr. ANDREWS. Will the gentleman be good enough to tell me what type of officer he has in mind that might wish to be discharged from the service who would not legitimately be covered by the provision now under consideration?

Mr. VORYS of Ohio. An officer might come within one of the classes of deferment in the draft law. He might have financial responsibilities. He might feel that he was important to the national defense in his business, or there may be many other reasons which would constitute good ground for exemption.

The difference between the committee amendment and my amendment is this.

The committee amendment lets the Army decide whether a citizen soldier will be a Regular in peacetime or not. My amendment lets the citizen soldier decide, or the guardsman decide, whether he is to be a Regular in peacetime or not.

Mr. MAY rose.

Mr. VORYS of Ohio. I refuse to yield further until I am through with my statement.

The number involved will be very few if the Army has given us the true facts. General Williams says:

Ninety-eight percent of them, I would say, are anxious to get the training which they feel they should have in view of the present condition of world affairs.

General Reckord, of the National Guard Association, says:

The National Guard * * * has gone on record officially in favor of some such legislation as this.

According to the testimony of General Williams, about 3 percent of the guard should be eliminated because of dependency or some other good reasons. Apparently more are willing to go than the Army thinks it should take. One hundred and twenty-five Reserve officers are enough for an army of over 2,000,000 men; certainly enough of them will be willing to go without forcing any of them to go.

So we can get the men we need under this resolution without drafting them. The question is whether we are going to force a man who thought he was a peacetime reservist and a wartime soldier to become a peacetime Regular without his consent. Of course, an argument can be made that the Federal oath he took justifies changing the law. I voted, although reluctantly, for the amendment a few moments ago, which would make no distinction between the Regulars and the guardsmen, because it is apparent the Army is putting the guardsmen in among the Regulars. The practical question is, however, is a man going to be forced to be a Regular without his consent, when the Army does not need him.

Let us remember we are not talking about universal compulsory wartime conscription. We are talking about minority peacetime conscription. We are not saying, "I am so patriotic that I think that all should go." We are saying, "I am so patriotic that I think we should force the minority to go whether they want to or not." Let us also remember that we are not talking about training. The bill calls it active military service, and that means the possibility of fighting and getting killed without any congressional declaration of war. We sent our forces to Tripoli, to Mexico, to China, and to Nicaragua in peacetime, to fight and die, without a declaration of war.

Force is quicker, more convenient than persuasion. Drafting is easier for the Army than getting volunteers. Dictatorship works faster than democracy, but our faith is that the slower, harder way for the Government is best for the citizen, that until peril requires compulsory service for all in equal circumstances and ability, convenience should not require compulsory service for a minority. We can get a sufficient number of the guard without drafting them. Let us not use force on anyone yet, just for the sake of using it.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. FADDIS. Mr. Chairman, I rise in opposition to the amendment. Here is another attempt to differentiate between the National Guard and the Regular Army. As has been carefully explained to the Members of the Committee by the gentleman from New York [Mr. WADSWORTH], every attempt has been made since 1920 to weld the National Guard, the Organized Reserves, and the Officers' Reserve Corps, and the Regular Army into one United States Army. Those who enlist in the National Guard or the members of the Officers' Reserve Corps or the members of the Organized Reserves all take the same oath. They are all part of the Army. Provision has been made in this legislation to allow those who have dependents to get out. The men in there who do not have dependents and have gone along in peacetime accepting the pay that has been given them throughout the years have been a part of the National Guard. They are being counted upon today as part of the defense forces of this Nation. I submit to the Members of this Committee that this amendment should be defeated, as it is nothing more than another attempt to differentiate between the various components of the United States Army.

Mr. WADSWORTH. Mr. Chairman, will the gentleman yield?

Mr. FADDIS. Yes.

Mr. WADSWORTH. To put it briefly, could it not be said of the amendment that it would authorize the National Guard to disband itself.

Mr. FADDIS. That is exactly true.

Mr. VORYS of Ohio. But the gentleman will concede that the National Guard under the national-defense law, enlisted under the oath that requires peacetime service to their State, and they are a part of the State government as General Williams said, a wartime service to their country. Is not that true?

Mr. FADDIS. I concede nothing of the kind. When they enlisted in the National Guard they took an oath the same

as the soldier in the Regular Army and expected to do any duty they were called upon to do. The gentleman is mistaken about the status of the National Guard.

Mr. VORYS of Ohio. Under the law as it stood at that time.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in the 5 minutes which I have to support this amendment, I wish to read an editorial appearing in the Milwaukee Journal of August 8, 1940, entitled "Be Fair to the Guard."

The Milwaukee Journal is one of the largest daily newspapers in the mid-West, and in the past no newspaper has generally supported President Roosevelt and his New Deal more faithfully than the Milwaukee Journal.

This is what the Milwaukee Journal editorially says with reference to the subject matter of the pending amendment:

[From the Milwaukee Journal of August 8, 1940]

BE FAIR TO THE GUARD

In all fairness, enlisted members of the National Guard should be allowed an opportunity to resign if and when the guard is called into active service and incorporated into the Army.

The proposal is to change the status of the guard very materially. Guardsmen are to be absent from their homes continuously for a year. They will no longer be able to pursue their vocations. And if the long-time plans of Army officials are carried out, the guardsmen may be entering upon a military career of some years. For the idea is first to train them thoroughly and use them to train young men called under the compulsory-service plan.

This is over and beyond the conditions under which the guardsmen enlisted. They always knew that they could be called into the armed forces of the United States if war came. But they did not agree to give up their incomes, disrupt their businesses, in instances, and separate themselves entirely from their families in peacetime—in other words, to bear a greatly enlarged share of the burden of defense preparations in peacetime.

We are for the bill to put the guard into training. We believe that this is necessary as the next step in defense. But this country can do it fairly. It does not need to work injustice or hardship on any group of citizens. The amendment giving guardsmen their choice should have been incorporated into the bill when the Senate passed it. Since that was not done, the House should make the correction.

The situation that has developed is just one more indication of the maladjustments that come from the voluntary enlistment system, since you have to carry that system out on a hit or miss basis. These guardsmen already have given more than other classes of citizens. They have given of their time and are at least partially trained. The question of their home responsibilities was not considered—it was not a factor in their enlistment. Now, suddenly, the guardsmen are to be asked to do a great deal more and the problem of responsibilities does come up.

If we do be fair to them, giving them an opportunity to resign, and if large numbers of them avail themselves of the chance, then the problem of filling the vacancies will be to the foreground. What about that? Are we to let it be done in a haphazard way once more? If the enlistments do not come in, are we to go ahead with half a guard? Or are we to get into the guard men who do not have these responsibilities of homes?

It all comes back to the question that is at the very heart of the movement to create a compulsory selective plan. The way to train the manpower of this Nation, and do it fairly, is to have universal enrollment and then select men according to their responsibilities and place them according to their abilities. If they should go into the forces for active combat training, put them there. If they should be in the home-defense forces, assign them to these forces. If they fit better into behind-the-line service units, assign them to these places.

That is democratic, fair, and practical.

Mr. Chairman, this editorial published in the Milwaukee Journal, which, for the past 7 years, has generally supported President Roosevelt and his New Deal, contains sufficient reasons to justify the adoption of the pending amendment. I ask for your careful consideration of those reasons and your support of the pending motion. [Applause.]

[Here the gavel fell.]

Mr. HALLECK. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, since this matter has been under consideration I have tried to give some study and consideration to what might have been contemplated by a National Guard man when he enlisted in the guard. I sought some information on that proposition in the debate yesterday. Now, without regard to what can be done as a cold-blooded legal proposition, in my opinion there is an element of good faith that ought to be considered before we enact this legislation.

In the first place, the National Defense Act provides that the members of the National Guard shall not be in the active service of the United States except when ordered thereto in accordance with the law. Now, that means in accordance with the law in existence at the time they enlisted.

There has been a lot of talk about the oath that the National Guard men take. That oath reads in part in these words:

I, a citizen of the United States, hereby acknowledge to have voluntarily enlisted * * * under the conditions prescribed by law.

Now, what are the conditions prescribed by law for the calling into the national service of the United States men who enlisted in the National Guard? They are when the Congress shall have declared a national emergency and shall have authorized the use of armed land forces of the United States for any purpose requiring the use of troops in excess of those of the Regular Army. Those are the conditions upon which a member of the guard can be called into Federal service under existing law.

This act is not in compliance with that statute that existed when present guardsmen joined the guard.

Now, it has been said in debate, it was said yesterday, that this statute does not undertake to declare that emergency, but seeks to do the thing that would be done if an emergency were declared, which leads me to this inquiry: If we feel that the National Guard should be called out, then is it within the province of the United States Congress to avoid its responsibility to find that the conditions exist, contemplated and written into the law at the time these people enlisted in the guard, or shall we change the rules after they have enlisted, and call them into service.

Mr. ANDREWS. Will the gentleman yield?

Mr. HALLECK. I refuse to yield. I only have 5 minutes.

I would like to point out another distinction to you. The statute that existed at the time every present guardsman enlisted provided that he should be called into service if he were called out under this provision of the statute for the period of the emergency or the war. Where can you find in here anything to justify the arbitrary fixing of a year as the time for which he should be called out? I refer you to section 92 of the Defense Act, which provides for the training of the National Guard. Therein it is recognized that the guardsmen shall be trained 48 times a year, 15 days a year, in a camp in the field. That is what was contemplated.

I am moved to support this amendment because I know that many members of the guard enlisted in contemplation of that statute. They did not expect that they would be called into active service of the United States to supplement the Regular Army in peacetime.

The argument has been made that we are again trying to draw a distinction between the Regular Army and the National Guard. Those arguments apply to the comparative status of the guardsman and the Regular after they are in the service. Here we are called upon to determine what shall be the situation under which the guardsman is called out and, in effect, put into the Regular Army of the United States in peacetime for 1 year.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. VORYS].

The question was taken; and on a division (demanded by Mr. VORYS of Ohio) there were ayes 68 and noes 122.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report a committee amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. MAY to the committee amendment: On page 5, line 3, after the word "of", strike out "any Reserve component" and insert "the National Guard and the Organized Reserves."

The amendment to the amendment was agreed to.

The committee amendment was agreed to.

Mr. VOORHIS of California. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question.

I do not find any provision in the bill which has to do with protecting National Guard men who have contracted debts. What is going to happen to his equities when he goes into service? Has the committee any plan to meet that problem?

Mr. MAY. Section 4 provides that all of the benefits accorded by the Civil Rights Act of March 8, 1918, are hereby extended to the National Guard. In addition to that, I may say to the gentleman from California, that when we found that even this might not be sufficient to protect in all cases, the War Department submitted to the committee, and the committee is holding hearings on it, a rather extended bill to enlarge the protection of the individual in such cases.

Mr. VOORHIS of California. What happens to a man who is buying a home, for example, who is called into service under these circumstances?

Mr. MAY. If he is buying a home, but it has not been paid for, under the Civil Rights Act the court will protect his interests while he is in the service, even to the extent that a tenant is protected from being ousted.

Mr. VOORHIS of California. And the gentleman can assure us that his committee is going to bring in legislation that will take care of this situation completely?

Mr. MAY. We have held part of the hearings but, due to pressure of business, we could not complete them. We intend to complete them as soon as we can.

By unanimous consent the pro forma amendment was withdrawn.

Mr. MILLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER: On page 2, after line 25, insert a new subsection as follows:

"(b) All persons called into service under the provisions of this act shall be given a statement showing any physical defect noted. Upon completing his service he shall again be given a physical examination. When discharged each person shall be given a medical certificate showing any injuries, illnesses, or disabilities suffered by him while in service."

Mr. MILLER. Mr. Chairman, I think the amendment is clear. I know there is not a Member of the House but who has had to deal with veterans' claims during the time he has served in the Congress. Many times a claimant has come in and said he was hospitalized on such and such a date at such and such a place but a search of The Adjutant General's records fails to show he received treatment at that time or in some cases at any time.

All this amendment does is to carry out the provisions of existing law that the man be given an examination, and if it is found he has any defect those defects are to be made known to the person and noted on the record. In other words if he is taken in with second-degree flatfoot he will know it, and if there is an aggravation of that condition as a result of service it will be a matter of record both with the Government and with the soldier.

The last half of the amendment provides that the man upon being mustered out of service shall receive a statement along with his discharge showing any dates he might have been hospitalized; disabilities for which he was treated, and so forth. The only difference between this amendment and present law is that the information is not only made a matter of record in The Adjutant General's office, but is also given to the soldier. Thus, if a few years later a claim arises, allegedly growing out of disability incurred in the performance of military duty, there will be duplicate records, and we shall not have a repetition of many of the conditions over which we have worried so long since the last war.

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. MILLER. I yield.

Mr. HINSHAW. I think the gentleman's amendment is a splendid one. It goes farther than the one I had in mind a few moments ago which was defeated. I think it is one thing that is very necessary in avoiding unnecessary expense as a result of the defense program.

Mr. VAN ZANDT. Mr. Chairman, will the gentleman yield?

Mr. MILLER. I yield.

Mr. VAN ZANDT. Had this plan been in effect during the World War we would not have thousands of World War veterans today trying to establish their claims through supporting affidavits from their buddies.

Mr. MILLER. The gentleman is correct. While the present law requires that a man's disabilities be noted when he is discharged, it does not appear in sufficient detail to prove the case.

Mr. MAY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment is wholly unnecessary. The law now provides for exactly what the amendment intends, and this is admitted by the gentleman in his statement. In addition to that, every Member of this House who has had any experience—and all of us have—on matters of this kind knows that every disability a man has, not only goes in his medical record but also on his service certificate or discharge certificate.

Mr. VAN ZANDT. Mr. Chairman, will the gentleman yield?

Mr. MAY. I yield.

Mr. VAN ZANDT. I agree with the gentleman from Kentucky [Mr. MAY] that the Army, Navy, and Marine Corps are all required at the present time to note on every discharge any disability, treatment, or hospitalization credited a man in the service, but one must recognize sometimes the responsible persons fail to show this information on the discharge given the man when his enlistment expires or he is released from the service. The amendment offered by the gentleman from Connecticut [Mr. MILLER] simply orders the Army, Navy, and Marine Corps furnish the person affected by the bill before us a certificate showing his physical condition at time of enlistment as well as discharge, also during his period in service.

Mr. MAY. It is always shown in the man's medical record that is kept in The Adjutant General's office. The only thing the Department has done in the past is to make a note of the disabilities and to refer to the man's medical record.

Undoubtedly whatever is shown by the examination is made of record, both when he is received and when he is discharged. The regulations adequately cover the situation.

Mr. MILLER. Will the gentleman yield?

Mr. MAY. I yield to the gentleman from Connecticut.

Mr. MILLER. If the chairman of the Committee on Military Affairs will come to my office, I will show him a dozen cases where the soldier has claimed he was hospitalized and where later on he proved he was hospitalized, yet there was nothing of record.

Mr. MAY. There are thousands of claims in this country and if they were all allowed it would bankrupt the country.

[Here the gavel fell.]

Mrs. ROGERS of Massachusetts. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I do not suppose there is any Member of the House who has not handled literally thousands of veterans' claims. I also believe that scarcely a Member of the House would rise today and say that the War Department has always given complete information as to a man's injuries. I happen to know of the case of a man who lost both legs in the service of his country, yet the information that came from the War Department was that the man had not been injured at all. Of course, the information was in error, but, nevertheless, that was what the information was. I have gone back to the War Department and to the Adjutant General's office time and time again for records of disabled men. I have gone back in some cases several times and sometimes on the last request I have received the information. The Members ought to know that today the War Department has records that have never been assembled, which is one reason we do not receive full and complete information at times. Surely we cannot deny the veterans this information. Do the Members realize also that hours and hours of labor will be

saved in going through files at the Navy and War Departments and thousands of dollars saved in work there and at the Veterans' Administration.

Mr. SCHAFER of Wisconsin. Will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. I yield to the distinguished gentleman from Wisconsin, a veteran himself, who has done so much for the veterans.

Mr. SCHAFER of Wisconsin. I have a disabled veterans' home and hospital in my district and I have personally studied many thousands of their compensation cases.

Mrs. ROGERS of Massachusetts. I know the gentleman has. He has done fine work for them also.

Mr. SCHAFER of Wisconsin. The gentleman from Kentucky [Mr. MAY] stated that a veteran's medical record appears on his discharge. That is not a true statement of fact. In fact, some of these medical records take a whole page and more and there is not any blank sections on the discharge to include one-half of 1 percent of some of the medical records.

Mrs. ROGERS of Massachusetts. I realize that is true. It also does not include the clinical records and I would like to have the clinical report included.

Mr. VAN ZANDT. Will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. I yield to the distinguished gentleman from Pennsylvania, a veteran who was national commander of the Veterans of Foreign Wars, a great authority on veterans' affairs, and a great fighter in their behalf.

Mr. VAN ZANDT. Is it not true that since the guard may be ordered into South America and something may happen, the troops may be 100 or 200 miles away from the headquarters company where the record is located, a man up in the front lines may be disabled in some way and no information brought back to the headquarters company and noted on his record?

Mrs. ROGERS of Massachusetts. That is true. Also men may develop tropical fever. Often a record of these tropical fevers has not been made. Many men today should receive compensation but cannot get it because their medical records are not complete. I know everyone who has gone into the matter admits that that is true. I hope the pending amendment will be agreed to.

[Here the gavel fell.]

Mr. FADDIS. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, may I say to the members of the committee that this amendment is entirely superfluous. When a man receives an injury in the service at the present time—and this was true during the World War—it is made a matter of record on the morning report of that company, it is made a matter of record on the hospital report of the hospital he is sent to, and when he is discharged it is made a matter of record on his service record and also a matter of record on his discharge. If it is a wound received in action, he receives a wound certificate.

This is simply putting on to the Army more paper work, more red tape, to be confusing. May I leave a further thought with you. If a man loses this record or if it has disappeared, then there would be prejudice created against him because he did not have it when he went to have his claim adjusted. The intention of the gentleman from Connecticut is undoubtedly good, but it would simply result in confusing the issue and increasing the red tape and paper work necessary in the administration of the Army.

Mr. HEALEY. Will the gentleman yield?

Mr. FADDIS. I yield to the gentleman from Massachusetts.

Mr. HEALEY. Can the gentleman see any good and valid reason why a detailed report should not be kept, although it involves a little extra paper work?

Mr. FADDIS. As I said, it is already kept in the Army at the present time.

Mr. MILLER. Will the gentleman yield?

Mr. FADDIS. I yield to the gentleman from Connecticut.

Mr. MILLER. Would the gentleman be surprised if I could show him correspondence from the Veterans' Administration, where they spent 3 months trying to convince me I was in an infantry outfit when I never saw an infantry outfit at all?

Mr. FADDIS. I do not know anything about that, but there probably was a confusion of names which this amendment would not eliminate.

Mr. VAN ZANDT. Will the gentleman yield?

Mr. FADDIS. I yield to the gentleman from Pennsylvania.

Mr. VAN ZANDT. The gentleman from Pennsylvania [Mr. FADDIS] served overseas with a lot of distinction and knows better than anyone in this House that the records of hundreds of men were destroyed by shell fire, and new records were developed containing practically no information as to a man's physical condition or his service in the lines.

Mr. FADDIS. Then how could they make out the record which the amendment of the gentleman from Connecticut provides for?

Mr. VAN ZANDT. I just mentioned that.

Mr. FADDIS. If records were destroyed, but were duplicated afterward.

Mr. FITZPATRICK. Will the gentleman yield?

Mr. FADDIS. I yield to the gentleman from New York.

Mr. FITZPATRICK. I had a case where a man was injured. His leg was fractured. He was in the Navy, but the record was destroyed, and no recognition could be had of him, and he could not prove it.

Mr. FADDIS. If the man was wounded, he would have had a wound certificate. I am sure that records are not destroyed purposely, but accidents do occur, and a man might lose his own certificate. I hope the amendment will fail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut [Mr. MILLER].

The question was taken; and on a division (demanded by Mr. MAY) there were—ayes 98, noes 64.

Mr. FADDIS. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was agreed to.

Mr. KEOGH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KEOGH: On page 3, line 14, after "pay", insert the following: "and shall be entitled to receive his regular compensation for the period of any accrued annual leave to which he is or may be entitled, such leave to be computed from the day he is ordered into such active military service, the provisions of the acts of May 10, 1916, and August 29, 1916 (title 5, sec. 58, U. S. C.) to the contrary notwithstanding."

Mr. TABER. Mr. Chairman, I make the point of order that the amendment is not germane to the subject matter of the section involved.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order? The section deals with benefits and compensation.

Mr. TABER. Mr. Chairman, the amendment provides an additional and different method of paying the members of the Reserve and sets up something entirely different from what has been provided. The section provides for reemployment and the amendment provides for compensation and for credit in connection with retirement and sick leave. They are entirely different.

The CHAIRMAN. The Chair is constrained to hold that section 3 is practically entirely devoted to the benefits and compensation which these men who are called into the service shall receive. It would appear to the Chair that the amendment offered by the gentleman from New York is certainly in line with that. Therefore the Chair overrules the point of order.

Mr. KEOGH. Mr. Chairman, I believe we will all agree that the Committee on Military Affairs has done an excellent job in attempting to afford to those National Guardsmen or Organized Reservists who are or may be called into active service as high a degree of job protection as can be afforded them under the provisions of this bill.

In that connection I believe I should state to this Committee, and I am proud to say that the mayor of the city of New York and the Governor of the State of New York have both announced that with respect to those civil employees of the city and State who may be called into active service the city and State will pay to them the difference between their present regular compensation and the pay they may receive in active service. They will suffer no reduction in income.

The purpose of my amendment is to suspend the prohibition on the payment of dual salaries imposed by section 58 of title 5 of the United States Code, so as to permit the payment to those employees of the Federal Government who may be called into active service under the provisions of this bill the compensation they would have received for the period of any accrued leave to which they might have been entitled on the day they were called into service. I believe you will all agree with me that the economic readjustments that will necessarily follow from the enactment of this law and the calling into active service of any citizens of the country will be great. I believe that in connection with the employees of the Federal Government who have not had an opportunity to take advantage of their annual leave because of the pressure of business we should on our part lead the way for the political subdivisions of the country as well as private employers in affording those citizens the maximum degree of job protection and economic security we can give to them.

I trust the amendment will be adopted.

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. KEOGH. I yield to the gentleman from California.

Mr. HINSHAW. Do I correctly understand the gentleman to say that this would compensate a man for the accumulated leave he has now, if he is ordered directly into the service without being given an opportunity to use it?

Mr. KEOGH. Exactly.

Mr. HINSHAW. May I say to the gentleman that of my own knowledge I know of a case in which a man has over 2 months' accumulated leave, and he has been ordered directly into the service for a year of active duty without being able to take any of the accumulated leave due him. I therefore support the gentleman's amendment.

Mr. KEOGH. I thank the gentleman very much. [Applause.]

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I merely wish to say that this is a very far-reaching matter. It has had no consideration by the committee and was not brought to the attention of the committee. It may involve $25,000,000 of expense for the Government, it may involve $50,000,000, or $100,000,000, or any other number of millions of dollars. A matter of this concern ought not to be written into legislation on the floor of the House without adequate consideration by the committee. I hope the Committee of the Whole, notwithstanding the statement of the gentleman from New York, will vote down the amendment. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. KEOGH].

The amendment was rejected.

Mr. COLE of Maryland. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLE of Maryland: On page 4, line 21, after the period insert a new sentence as follows: "Upon application to the United States District Attorney for the district in which such private employer maintains a place of business, by any person claiming to be entitled to the benefits of such provision, such United States District Attorney, if reasonably satisfied that such person so applying is entitled to the benefits of such provision, shall appear and act as attorney for such person in the amicable adjustment of the claim or in the filing of any motion, petition, or other appropriate pleading and the prosecution thereof to specifically require such employer to comply with such provision."

Mr. COLE of Maryland. Mr. Chairman, this amendment speaks for itself and I hope the committee will accept it. Yesterday while the distinguished chairman of the Military Affairs Committee the gentleman from Kentucky [Mr. MAY], was presenting in his usual able and clear manner the opening statement in support of this important bill, I asked him from the floor of the House why some provision such as my amendment now includes was not found in the bill. The colloquy between the gentleman from Kentucky and me is found in the RECORD and I will not restate it here except to state briefly why I am offering the amendment. In section 3 (a) (B), on page 3, line 15, of the bill, is found this language:

If such position was in the employ of a private employer, such employer shall restore such person to such position or to a position of like seniority status and pay unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so.

After reading this language one naturally wonders when in the case of a returning soldier he is met with his former employer refusing his old job because he finds it impossible and unreasonable to do so, how the soldier's rights can then be enforced, assuming that he has just and reasonable claim and that the employer is not playing fair but taking an easy advantage of him. There were thousands of cases of this character during the World War and we must, if possible, assure through proper legislation, every safeguard against a repetition of such conduct in the future.

The committee has in a way provided relief in section (C), line 14, page 4, of the bill wherein this provision is found:

The district court of the United States for the district in which such private employer maintains a place of business shall have power, upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the benefits of such provisions, to specifically require such employer to comply with such provisions. The court shall order a speedy hearing in any such case and shall advance it on the calendar.

This language is inserted in lieu of the provisions in the original resolution as it passed the Senate wherein it was provided that the failure or refusal of any private employer to comply with the provisions of the bill pertaining to the future employment of a soldier was declared to be an unfair labor practice within the meaning of, and for all the purposes of, the National Labor Relations Act. As the bill passed the Senate with the provisions pertaining to the National Labor Relations Act therein, a soldier would in case of failure of private employer to comply with the provisions of the law have the services of a Government agency in support of his claim and the prosecution thereof. With this language stricken from the bill and section (C) inserted in lieu thereof, with which change I agree, this will be the situation:

Assume I am a soldier employed by company A, a large employer of men. After my year's service I return and employer A states to me that my position is not available because his circumstances have so changed that it is impossible or unreasonable for him to do so. Employer A has many able lawyers retained and it is but a mere detail for another case to be given them by him. As a soldier, I go to my attorney and ask him to prosecute my case under the provisions of section C. This is no easy job. The constitutionality of the provisions might be immediately involved, and my attorney would very properly ask for an adequate retainer, which I cannot pay. I am unable therefore to prosecute what might very well be a just and reasonable claim against an employer who is taking an unfair advantage of the opportunity presented in this bill.

I am not arguing now as to the constitutionality of any of these provisions, because we all realize that such is not free from doubt, but if it is constitutional to do what is now provided in the bill, it is certainly constitutional to add thereto the additional service which my amendment calls for. It merely states that if in the opinion of our United States District Attorney, after investigation, that the private employer has no real justification for refusing employment to the returning soldier that then the United States district attorney shall prosecute an action on behalf of the former soldier. The United States district attorney has the right, under my amendment, to adjust amicably such claims coming to his

office. Altogether I think this is a very important and advisable amendment. If this part of the law is to be attacked as to its constitutionality, it would be in a case very likely growing out of these provisions which I have discussed and in that case I think in all fairness to the soldier the Government through its Department of Justice should be in charge of the prosecution and in sympathy with the factual basis for the case so presented. Then, too, the average employer, when he knows that the claim by a former soldier employee has been considered by the office of the United States district attorney will be most reluctant to fight through the courts in the open and before the public, a case such as would be presented unless he has a most convincing defense thereto.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. COLE of Maryland. I yield to the gentleman from Kentucky.

Mr. MAY. In view of the statement I made yesterday in answer to a question of the gentleman from Maryland, and which appears in the RECORD, that we had some doubt about whether or not we had protected the rights of these enrollees when they returned as far as the district courts were concerned, I would be happy to agree to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland.

The amendment was agreed to.

Mr. BURDICK. Mr. Chairman, I offer an amendment.

The clerk read as follows:

Amendment offered by Mr. BURDICK: On page 5, line 9, after the period, insert: "Proceedings in foreclosure, attachment, or execution shall not be commenced or consummated by the Government of the United States or any agency thereof, or upon any indebtedness guaranteed in whole or in part by the Government against any member of the National Guard during his term of service, and not until the expiration of 1 year after his discharge."

Mr. BURDICK. Mr. Chairman, I do not think I need to argue that this is something that should be done because of the experience we had in the Civil War and in the Spanish-American War and in the last war. While these men are in the service, it is not asking too much of the creditors to defer action on their claims until these men get home and get a chance to protect themselves.

Mr. FADDIS. Mr. Chairman, will the gentleman yield?

Mr. BURDICK. I yield.

Mr. FADDIS. That matter is already covered in the Soldiers and Sailors Civil Rights Act, approved in 1918, and the committee is now engaged in drafting legislation that will cover matters of that kind in connection with all branches of the service.

Mr. BURDICK. This will not injure the bill.

Mr. FADDIS. No.

Mr. BURDICK. Then why do you object to it?

Mr. FADDIS. We are drafting general legislation that will cover the whole matter.

Mr. BURDICK. I am not depending on anybody in the future. We are doing this thing now.

Mr. BROOKS. Mr. Chairman, will the gentleman yield?

Mr. BURDICK. I yield.

Mr. BROOKS. The gentleman has asked whether or not this will injure the bill. It will injure the bill because it will write the same thing that is already in the law. You will simply have a duplication in the next section of almost the identical thing you are now advocating.

Mr. BURDICK. I do not think there is anything of that kind in the bill.

Mr. HARNESS. Mr. Chairman, will the gentleman yield?

Mr. BURDICK. I yield.

Mr. HARNESS. On page 5, section 4, the gentleman will find the language that the benefits of the Soldiers and Sailors Civil Relief Act, approved March 8, 1918, are included in this bill and extended to all National Guard, Reserve, and retired personnel, and even that act is now under consideration by the committee with the idea of broadening its provisions.

Mr. VOORHIS of California. Mr. Chairman, will the gentleman yield?

Mr. BURDICK. I yield.

Mr. VOORHIS of California. I would like to be corrected if I am mistaken, but as I understand it, the present law provides that if a man has indebtedness and is called into service, his payments are suspended for 1 year, but in the year following he must make up for the payments which have not been made in that year of service. In other words he must make 2 years' payments in 1.

Mr. FADDIS. The gentleman is mistaken. They are suspended until a certain time after he is discharged—60 days.

Mr. VOORHIS of California. It seems to me payments should be suspended during that year and he should take it up after that time right where it was when he entered the service.

Mr. FADDIS. They are suspended for 60 days after he is discharged from the service—he may be in the service 4 or 5 years.

Mr. VOORHIS of California. The matter is suspended and then he starts on his payments just as it was before?

Mr. FADDIS. Yes.

Mr. VOORHIS of California. He does not have to make additional payments during the first year after he leaves the service?

Mr. FADDIS. No.

Mr. VOORHIS of California. I was informed that he did.

Mr. BURDICK. Just wait a minute, because I want to talk a little myself.

Mr. Chairman, let me ask this question of the chairman of the committee. Is the gentleman willing to state to this Congress that under the act now being passed at this time that every member of the National Guard will receive the protection which is contained in my amendment?

Mr. MAY. I will just read to the gentleman the beginning of section 4 of this act:

The benefits of the Soldiers and Sailors Civil Relief Act, approved March 8, 1918, are hereby extended to all National Guard, Reserve, and retired personnel ordered into the active military service under authority of this joint resolution—

and then, in addition to that, as has been repeatedly stated here, the War Department desires to enlarge those rights and further protect them and has requested our committee to give consideration to such a measure which I have introduced and is now pending.

Mr. BURDICK. The gentleman's answer is, then, that they will be protected.

Mr. MAY. They will be; yes.

Mr. BURDICK. Then I ask unanimous consent, Mr. Chairman, to withdraw my amendment.

Mr. CASE of South Dakota. Mr. Chairman, reserving the right to object, I would like to know if the act of March 1918 is broad enough to cover the types of obligation that may have been incurred under feed and seed loans and things of that type that we have provided for in recent years. We have gone into the matter of lending money to farmers and people are getting a type of loan that was not provided in 1918.

Mr. BROOKS. Undoubtedly this would cover seed loans.

Mr. O'TOOLE. Then, I have no objection.

The CHAIRMAN. Without objection the amendment will be withdrawn.

There was no objection.

The CHAIRMAN. The gentleman from New York [Mr. O'TOOLE] offers an amedment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. O'TOOLE: Page 3, line 14, strike out the semicolon and insert "immediately upon request of such person."

Mr. O'TOOLE. Mr. Chairman, while the authors of this joint resolution have gone to much trouble in laying out the procedure that the discharged citizen soldier will use to bring about restoration of his former position, they do not place any obligation upon the former employer as to when he shall take this employee back. It is possible under this resolution as it is drawn today for this employer to procrastinate for a great length of time, although there is an obligation on the part of the discharged soldier to make such application within 40 days. In order not to work a hardship on this man who

is discharged and who has made a sacrifice in giving his services, I think that my amendment which calls for immediate restoration at the request within the statutory period should be agreed to, rather than a period that is absolutely indefinite.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. O'TOOLE) there were—ayes 13, noes 55.

So the amendment was rejected.

The CHAIRMAN. The gentleman from New York [Mr. O'TOOLE] offers another amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. O'TOOLE: Page 3, line 16, after the word "shall", insert "immediately."

Mr. O'TOOLE. Mr. Chairman, this is the same amendment, except that it affects a private employer. There is no sense in putting the provision in the resolution about reemployment unless you put a statutory penalty on the employer. You know very well it is possible for him to say that he is going to do it in 2 months, 5 months, or whenever he gets the opportunity. He alone sets the time of restoring the man. It is not set by statute. You are working a grave injustice on those who will return from the service, in most instances broke, and who will need their positions and who cannot afford to wait long periods for the Federal courts to act.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

The CHAIRMAN. The gentleman from New York [Mr. O'TOOLE] offers another amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. O'TOOLE: Page 3, line 19, strike out the semicolon and insert "for a period of 6 months."

Mr. O'TOOLE. Mr. Chairman, while this joint resolution calls for reemployment of the discharged soldier, there is nothing in the resolution itself that would prevent an employer from reemploying a man for 1 day or 1 week and then dismissing him and saying that he had complied with the law. It is true that the man can go to the Federal courts, but the courts in the various districts will give different decisions, some saying that 1 day is a sufficient compliance, some saying 2 weeks, and some 1 week, and we will have a different law in every section of the country. To avoid this, and to make up for the sacrifice these men have made and to penalize those employers who would like to disobey the law, I think we should make it compulsory with the employer to take these men back for a period of 6 months, and if they are taken back for 6 months, in 99 cases out of 100 they will be there for good.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

The CHAIRMAN. The gentleman from New York [Mr. O'TOOLE] offers another amendment.

Mr. O'TOOLE. Mr. Chairman, I ask unanimous consent to withdraw that amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

The CHAIRMAN. The gentleman from Illinois [Mr. DIRKSEN] offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DIRKSEN: Page 5, after line 9, insert the following:

"(e) Any person called into active military service under this act who is unable to find employment within 30 days after honorable dismissal from the active Federal military service shall, upon certification by a State employment office that such person, after diligent effort was unable to find employment (of a nature comparable to that in which such person was employed prior to the time such person was so called into active military service, if employed at that time), be entitled to receive compensation at the rate such person was receiving at the time of dismissal from active Federal military service, for such period as such person remains unemployed, but not for a period in excess of 6 months."

Mr. MAY. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes.

Mr. DIRKSEN. Mr. Chairman, the pending amendment provides that after one inducted into service under this act has finished his 12 months' service, goes back home, makes a diligent effort to find a job, then receives certification from a State employment agency that he cannot find a job, he shall be entitled to continue to receive pay for a period not to exceed 6 months after his service has been discontinued in the Army.

There is a beautiful editorial in the New York Herald this morning. Oddly enough, despite defense expenditures, despite the fact that shipyards, arsenals, armories, and factories are all engaged on defense production, the W. P. A. rolls have gone up from the 1st to 31st of July 1940. Make no mistake, there will be W. P. A. when the boys come back in uniform if we continue present domestic policies. They will look for a job. Those jobs will certainly not be abundant. I remember landing home in September of 1919 and the first thing that struck my eye was the men in uniform for whom there were no jobs. They went away to the blare of brass bands. Usually, when they were around town for a while somebody said, "Why don't those boys go to work?" That was back in the lush days of this country when there was no forty-two, forty-five, or forty-nine billion dollar debt and when there were no 10,000,000 on the unemployed rolls of the Nation.

When they come back after a year there will be insufficient jobs, despite the best of intentions. Then there remains for them what? The W. P. A. Why not continue to pay them for a period not to exceed 6 months so that they can readjust themselves to civilian life when they come back? If a State employment agency certifies that there is no job, that they have made a diligent effort to find a job, then we ought to preserve the innate respect and integrity of those who have served their country and keep them on for a period not to exceed 6 months.

Mr. VAN ZANDT. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. VAN ZANDT. Your amendment is right along the line of the $60 that a soldier received when he received his discharge? The $60 was to provide himself with clothes and pave the way for a job?

Mr. DIRKSEN. We can save money under an amendment of this kind. Let us assume there were 100,000 who had to go on W. P. A. Under the lowest scale it would be $44 a month. It would run around twenty-six or twenty-seven million dollars for a period of 6 months, which is the maximum. If you keep them on at soldiers' pay for a period of 6 months, there would be a saving to the Government, as a matter of fact, and it would not be necessary for a man in uniform, after serving 12 months, to go into a relief office and get certification so that he can keep body and soul together and take care of his family.

Mr. EBERHARTER. Will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. EBERHARTER. Will you not be doing an injustice to those ex-service men, because if they are getting this $30 a month they will not be eligible for W. P. A. at the higher rate?

Mr. DIRKSEN. They still have a choice. They have the choice of not having to break the bitter bread of charity, having worn the uniforms for 12 months. That is the difference. I think it is very essential because if the relief rolls are expanding now, with millions upon millions being fed into the productive enterprises of the country, certainly there will be relief rolls. Certainly there will be unemployment. Certainly there will be W. P. A. when they come back home. Shall they break that bread, or shall we permit them, on the basis of a certificate that a job is not there when they return, to be kept on the rolls not to exceed 6 months?

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. MAY. Has the gentleman obtained any figures from the Army or the Treasury or any other department of the Government as to the additional cost of his amendment?

Mr. DIRKSEN. Why, the arithmetic is self-manifest. Let us assume there will be 100,000——

Mr. MAY. Well, assume there will be a million brought in, if you are going to assume.

Mr. DIRKSEN. All right. Then we are still taking care of them if the provisions of this bill relating to going back to Government, State, or private employment do not work out. You cannot be sure that they will be absorbed when they come back. Some provision must be made for them. There is not a soldier in this House today who does not recognize what happened when the boys came back from Europe and when there were no jobs and there were no brass bands. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. DIRKSEN].

The question was taken; and on a division (demanded by Mr. DIRKSEN) there were—ayes 58, noes 89.

So the amendment was rejected.

Mr. MAY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MAY. Are there any more amendments pending at the desk to section 3?

The CHAIRMAN. The Chair is not advised of any further amendments to section 3.

Mr. MAY. Then I ask that we proceed to section 4.

The Clerk read as follows:

SEC. 4. (a) The benefits of the Soldiers and Sailors Civil Relief Act, approved March 8, 1918, are hereby extended to all National Guard, Reserve, and retired personnel ordered into the active military service under authority of this joint resolution, so long as such personnel are in such service and for 60 days thereafter, and except as hereinafter provided the provisions of such act shall be effective for such purposes.

(b) For the purposes of this section—

(1) The following provisions of such act of March 8, 1918, shall be inoperative: Section 100; and paragraphs (1), (2), and (5) of section 101; article 4; article 5; paragraph (2) of section 601; and section 603.

(2) The term "persons in military service," when used in such act, shall be deemed to mean persons ordered into the active military service under the authority of this joint resolution.

(3) The term "period of military service," when used in such act, when applicable with respect to any person, shall be deemed to mean the period beginning with the date on which such person is ordered into such active military service and ending with the date on which he is relieved from such service.

Mr. LUTHER A. JOHNSON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I shall not detain the House by making a speech. I sought recognition at this time simply for the purpose of reading a telegram which I have just received from Maj. Gen. Claude V. Birkhead, the commanding general of the Texas National Guard. His home is in San Antonio, Tex. He is not a professional soldier. He is a very distinguished lawyer of that State and is the commanding general of the National Guard. He had a splendid military record during the World War. This telegram was addressed to me as chairman of the Texas delegation in the House, and I read it as reflecting the sentiment of the officers and members of the National Guard in Texas. I am sure it reflects the sentiment elsewhere as well. It reads as follows:

TEXAS DELEGATION,
House of Representatives.
% LUTHER JOHNSON, Chairman, House Office Building, Washington, D. C.

Possibility exists that history repeats and Congress fiddles while America burns. No American is willing to take the remotest chance on American liberty and independence. Everyone I contact here feels that quick and favorable action on National Guard and selective service bills essential step toward our national safety. Believe all Texas feels thusly, and will approve active support quick passage, and mobilization.

CLAUDE V. BIRKHEAD.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. BROOKS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, with the fury of the German-Italian invasion of England increasing hourly, I tell you that this bill is extremely important to the preservation of the United States. The last great democracy of the Old World has its back to the wall, fighting for its very existence today. What the result of this gigantic battle going on now may be no one at present knows; but everyone knows that events are transpiring today which may change the course of history for 1,000 years.

In this situation I am not interested in technicalities. I am interested, Mr. Chairman, in the fundamental principle that this Nation must be prepared to preserve its very existence, and this cannot be assured without giving our people a reasonably large and well-trained Army. I served in the last war and had occasion to see how troops without training behave under war conditions. It is a terrible thing to send young men to arms in any event, but it is a tragic thing to send them to arms without adequate training to protect themselves and be given a reasonable chance of saving that life which the Almighty gave to them.

The terms of this bill permit the President to call out for training purposes any or all of the National Guard men throughout the United States. This includes some 242,000 National Guard men, and the training will be extended through a period of 12 months. We who serve on the Military Affairs Committee feel that training of this body of men at the present time is vitally necessary to the welfare of the Nation. We hope by this action, and other action already taken and that to be taken at a later date, the Nation will be spared the tragedy of what has already befallen 10 nations of the Old World during the last 12 months. We fervently hope that by the enactment of this measure this Nation will be guaranteed its own integrity and destiny.

This Congress has already voted billions of dollars for the purchase of machinery, equipment, guns, tanks, airplanes, and all other kinds and character of equipment necessary to properly provide for an army in excess of a million men. The very fact that all of this money is necessary for the purchase of material indicates in itself Congress knows this country faces a crisis. The very fact that much of this equipment is expensive and complicated indicates beyond the necessity of argument that the men who use this equipment must be well trained. Airplanes, guns, tanks, range finders, searchlights, and other army equipment is useless without the trained men to back them up and put them to service. This bill gives the Nation for training purposes some of the men so badly needed by the Republic.

It is expected by the War Department that all of the National Guard will be called out into active service by January 1, 1941. Of course, this is going to create a hardship upon many of these men who have joined this branch of the service not expecting this emergency. Congress must certainly regret this fact; but in the course of our lives there are some things which call for sacrifices and for hardships. If our liberties and our institutions are worth preserving, our people must be prepared to render their full share of patriotic service. The officers and men of the National Guard have volunteered to serve, and in this respect they constitute a volunteer force. I know the men of the National Guard and I know them to be loyal and patriotic. I know that they are prepared to perform their duty to the service, as I believe all red-blooded American boys are likewise prepared when the hour strikes, which God grant may never happen.

Mr. Chairman, I am in favor of this bill because it calls into active training service the only organized reserve army which the Nation has to call. I favor it because it calls to the colors in this emergency an alert, active group of men who are ready and willing to serve. I believe, if submitted to an actual vote, the National Guard of America would voluntarily respond almost 100 percent. [Applause.]

By unanimous consent, the pro forma amendment was withdrawn.

The CHAIRMAN. There is pending at the desk an amendment offered by the gentleman from Minnesota [Mr. MAAS], which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MAAS: Page 6, line 2, change the period to a comma and add the words: "and retired Reserve personnel of the Navy, Marine Corps, and Coast Guard who have been or who may hereafter be ordered into active duty."

Mr. MAY. Mr. Chairman, that is an amendment that I offered for the gentleman from Minnesota [Mr. MAAS]. The committee has no objection to it, and I ask that it be adopted.

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection.

The Clerk read as follows:

SEC. 5. All laws and parts of laws in conflict herewith are hereby suspended to the extent that they may be in conflict with any provision hereof.

Mr. RICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RICH: Page 6, line 11, after the word "hereof", strike out the period, insert a colon and add the following: "*Provided*, That this resolution shall not be construed as granting to the President any additional powers not herein specifically granted."

Mr. RICH. Mr. Chairman, on yesterday the chairman of the committee made the statement that by passing this legislation Congress declares an emergency. The gentleman from Pennsylvania [Mr. FADDIS] also said that Congress has made these appropriations, thus giving notice that there is an emergency; and I quote also from George C. Marshall, Chief of Staff of the United States Army, who testified before the committee:

In the present situation we could not even proceed on an emergency basis because we cannot presume an action of Congress.

Let me call your attention to the fact that if an emergency does not exist but by the passing of this bill Congress creates an emergency and that is the word to the world then the Members of Congress are themselves responsible for granting to the President the power to do that. Let me call your attention to Public Law No. 416 of the Seventy-third Congress. I read from section 606:

(c) Upon proclamation by the President that there exists war or a threat of war or a state of public peril or disaster or other national emergency, or in order to preserve the neutrality of the United States, the President may suspend or amend, for such time as he may see fit, the rules and regulations applicable to any or all stations within the jurisdiction of the United States as prescribed by the Commission, and may cause the closing of any station for radio communication and the removal therefrom of its apparatus and equipment, or he may authorize the use or control of any such station and/or its apparatus and equipment by any department of the Government under such regulations as he may prescribe, upon just compensation to the owners.

The point I want to bring out is that if by the passage of this act you create a national emergency then the President can take this country over, take over the broadcasting systems, take over the newspapers, and all public means of transmitting speech and can set himself up as a dictator. You do not want that, neither do I. So why not adopt this amendment and say we are trying to prohibit any such action being taken if there is any possibility that such action might be taken?

I realize that the New Deal Members want to vote on this bill. Over on that side of the House they do not want anything but a dictatorship, and if we get a dictatorship in this country God knows it will come from that side of the House, and the public of this country knows that, too. You fellows over there have been passing such laws in the past 6 or 7 years that we have no other alternative. You can holler "Vote!" all you want, but you have brought this country just about to the edge of dictatorship, and it is time that we stop.

Mr. EBERHARTER. Will the gentleman yield?

Mr. RICH. No; I cannot yield to the gentleman.

This morning's Times-Herald carries an articles by Chesly Manley: "PEPPER accused of asking dictatorship for Roosevelt"—mind you, that is a United States Senator—"WHEELER blasts Florida Senator in battle over conscription bill":

PEPPER ACCUSED OF ASKING DICTATORSHIP FOR ROOSEVELT—WHEELER BLASTS FLORIDA SENATOR IN BATTLE OVER CONSCRIPTION BILL

(By Chesly Manly)

Senator CLAUDE PEPPER (Democrat), of Florida, who has proposed that Congress make President Roosevelt a dictator, argued in the Senate yesterday that it would be thoroughly democratic to invest the President with absolute power over the lives and property of all the people of the United States.

The establishment of such a totalitarian regime would be democratic, the Florida New Dealer maintained, because the same Congress which voted to give the President such powers during an "emergency" could rescind them when it deemed the emergency to have passed.

Just think of a Senator advocating the setting up of a dictator publicly. Well, how many of them might be doing it privately? Gentlemen, we are on the verge of it. This amendment cannot hurt the bill. It only curbs the power granted the President. You have given him too much, and I do not propose to grant any unnecessary powers that Congress should assume. Unless this amendment is adopted I cannot vote for this legislation.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. RICH].

The amendment was rejected.

Mr. VOORHIS of California. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, I hope what I am about to say is not in bad taste. I appreciate the sentiments behind the telegram read by the gentleman from Texas, but——

Mr. MURDOCK of Utah. Will the gentleman yield?

Mr. VOORHIS of California. I yield to the gentleman from Utah.

Mr. MURDOCK of Utah. I think the statement made by General Birkhead, or whatever office he holds, is absolutely uncalled for when he refers to the fact that Congress is fiddling. I think the national-defense program has been put through with all the expedition and speed that General Birkhead or anyone else in the Army could expect, and I resent the statement he made.

Mr. VOORHIS of California. The gentleman has made a large portion of my speech, and I will go on from there. I thank the gentleman.

Mr. MURDOCK of Utah. I beg the gentleman's pardon.

Mr. VOORHIS of California. Mr. Chairman, it appears to me that the Congress of the United States at this moment is confronted with one of the most crucial tasks, I believe the most crucial task, in all the history of this Nation, for we are called upon to put America on a different basis from the standpoint of defense from any that she has ever been put on in all her history. But that is only half our job and the other half is even more difficult. For obviously since our purpose in the defense of democratic principles of equality, fairness, and justice, we are called upon to provide defense without abandoning that democratic way of life, and to do it on the basis of the preservation of those principles for which this Nation stands. Mr. Chairman, this is a difficult task that is going to take the best brains and the best earnestness that all of us are capable of putting forth. We are engaged in attempting to prove that a free people can make themselves strong against attack without losing their freedom; in demonstrating that a people can prepare, if need be, to defend themselves against injustice without becoming unjust to anyone.

The defense program has gone through Congress with the greatest possible speed, it seems to me. To have done it any faster would have meant to give up the very substance of the constitutional government we are seeking to defend.

There are bottlenecks, no doubt, but they certainly are not in Congress.

[Here the gavel fell.]

The CHAIRMAN. Under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker having assumed the chair, Mr. WOODRUM of Virginia, Chairman of the Committee of the Whole House on the state of the Union reported that that Committee, having had under consideration Senate Joint Resolution 286, to strengthen the common defense and to authorize the President to order members and units of reserve components and retired personnel of the Regular Army into active military service, pursuant to House Resolution 567, he reported the same back to the House with sundry amendments agreed to in the Committee of the Whole.

The SPEAKER. Under the rule the previous question is ordered on the bill and amendments to final passage.

Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. SHAFER of Michigan. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. SHAFER of Michigan. Mr. Speaker, I am.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SHAFER of Michigan moves to recommit the bill to the Committee on Military Affairs with instructions to report it back forthwith with the following amendment: On page 5, strike out all of lines 3 to 9, inclusive, and insert:

"(d) Any member of any Reserve component of the Army of the United States shall be discharged upon his own request, made within 20 days of the date of his being ordered into the active military service of the United States."

The SPEAKER. The question is on the motion to recommit.

Mr. SHAFER of Michigan. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were refused.

The question was taken; and on a division (demanded by Mr. SCHAFER of Wisconsin) there were—ayes 40, noes 207.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the joint resolution.

Mr. MAY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 342, nays 34, not voting 54, as follows:

[Roll No. 184]

YEAS—342

Alexander	Bryson	Costello	Eberharter
Allen, La.	Buck	Courtney	Edelstein
Allen, Pa.	Buckler, Minn.	Cox	Edmiston
Andersen, H. Carl	Bulwinkle	Cravens	Elliott
Anderson, Calif.	Burch	Crawford	Ellis
Anderson, Mo.	Burgin	Crosser	Elston
Andrews	Byrne, N. Y.	Crowe	Engel
Angell	Byrns, Tenn.	Crowther	Englebright
Arends	Camp	Culkin	Faddis
Austin	Cannon, Fla.	Cullen	Fay
Ball	Cannon, Mo.	Cummings	Fenton
Barden, N. C.	Carlson	D'Alesandro	Ferguson
Barnes	Carter	Darden, Va.	Fitzpatrick
Barry	Cartwright	Davis	Flaherty
Barton, N. Y.	Case, S. Dak.	Dempsey	Flannagan
Beam	Casey, Mass.	DeRouen	Flannery
Beckworth	Church	Dickstein	Ford, Leland M.
Bell	Clark	Dingell	Ford, Miss.
Bender	Clason	Dirksen	Ford, Thomas F.
Blackney	Claypool	Disney	Fries
Bland	Cluett	Ditter	Fulmer
Boehne	Cochran	Dondero	Gamble
Boland	Coffee, Wash.	Doughton	Gartner
Boren	Cole, Md.	Douglas	Gathings
Boykin	Cole, N. Y.	Doxey	Gavagan
Bradley, Mich.	Collins	Duncan	Gearhart
Brewster	Colmer	Dunn	Gehrmann
Brooks	Cooley	Durham	Gerlach
Brown, Ga.	Cooper	Dworshak	Geyer, Calif.
Brown, Ohio	Corbett	Eaton	Gilchrist
Gillie	Kennedy, Michael	Moser	Shannon
Goodwin	Keogh	Mott	Sheppard
Gore	Kerr	Mouton	Short
Gossett	Kilburn	Mundt	Simpson
Graham	Kilday	Murdock, Ariz.	Smith, Conn.
Grant, Ind.	Kinzer	Murdock, Utah	Smith, Maine
Green	Kirwan	Myers	Smith, Va.
Gregory	Kitchens	Nelson	Smith, Wash.
Griffith	Kleberg	Nichols	Smith, W. Va.
Gross	Knutson	Norrell	Snyder
Gwynne	Kocialkowski	Norton	Somers, N. Y.
Hall, Edwin A.	Kramer	O'Brien	South
Hall, Leonard W.	Kunkel	O'Connor	Spence
Hancock	Landis	Oliver	Starnes, Ala.
Hare	Lanham	O'Toole	Steagall
Harness	Larrabee	Pace	Stearns, N. H.
Harrington	Lea	Patman	Stefan
Hart	Leavy	Patrick	Sumner, Ill.
Harter, N. Y.	LeCompte	Patton	Sumners, Tex.
Harter, Ohio	Lemke	Pearson	Sutphin
Hartley	Lesinski	Peterson, Fla.	Sweet
Havenner	Lewis, Colo.	Peterson, Ga.	Taber
Hawks	Lewis, Ohio	Pfeifer	Talle
Healey	Luce	Pierce	Tarver
Hendricks	Ludlow	Pittenger	Taylor
Hennings	Lynch	Poage	Terry
Hess	McAndrews	Polk	Thomas, N. J.
Hill	McArdle	Powers	Thomas, Tex.
Hinshaw	McCormack	Rabaut	Thomason
Hobbs	McDowell	Ramspeck	Tibbott
Holmes	McGehee	Randolph	Treadway
Horton	McGranery	Rankin	Van Zandt
Houston	McGregor	Rayburn	Vincent, Ky.
Hull	McKeough	Reed, Ill.	Vinson, Ga.
Hunter	McLaughlin	Reed, N. Y.	Voorhis, Calif.
Izac	McLean	Richards	Vorys, Ohio
Jacobsen	McLeod	Robertson	Wadsworth
Jarrett	McMillan, Clara	Robinson, Utah	Walter
Jeffries	McMillan, John L.	Rockfeller	Ward
Jenkins, Ohio	Maas	Rodgers, Pa.	Weaver
Jenks, N. H.	Maciejewski	Rogers, Mass.	Welch
Jennings	Mahon	Rogers, Okla.	West
Jensen	Mansfield	Romjue	Whelchel
Johnson, LutherA.	Marshall	Routzohn	Whittington
Johnson, Lyndon	Martin, Ill.	Rutherford	Wigglesworth
Johnson, Okla.	Martin, Iowa	Ryan	Williams, Del.
Johnson, W. Va.	Martin, Mass.	Sacks	Williams, Mo.
Jones, Tex.	Massingale	Sandager	Wolcott
Kean	May	Sasscer	Wolfenden, Pa.
Kee	Michener	Satterfield	Wolverton, N. J.
Keefe	Miller	Schiffler	Wood
Kefauver	Mills, Ark.	Schuetz	Woodrum, Va.
Keller	Mills, La.	Schulte	Youngdahl
Kelly	Mitchell	Schwert	Zimmerman
Kennedy, Martin	Monkiewicz	Seger	
Kennedy, Md.	Monroney	Shanley	

NAYS—34

Allen, Ill.	Johnson, Ill.	Rees, Kans.	Tenerowicz
Bolles	Johnson, Ind.	Rich	Thill
Burdick	Jones, Ohio	Robsion, Ky.	Thorkelson
Chiperfield	Jonkman	Schafer, Wis.	Tinkham
Evans	Lambertson	Secrest	Wheat
Guyer, Kans.	Marcantonio	Shafer, Mich.	Winter
Halleck	Mason	Smith, Ohio	Woodruff, Mich.
Hoffman	Murray	Springer	
Johns	O'Day	Sweeney	

NOT VOTING—54

Andresen, A. H.	Connery	Hope	Scrugham
Arnold	Creal	Jarman	Seccombe
Bates, Ky.	Curtis	Magnuson	Sheridan
Bates, Mass.	Darrow	Maloney	Smith, Ill.
Bloom	Delaney	Merritt	Sparkman
Bolton	Dies	O'Leary	Sullivan
Bradley, Pa.	Drewry	O'Neal	Tolan
Buckley, N. Y.	Fernandez	Osmers	Vreeland
Byron	Fish	Parsons	Wallgren
Caldwell	Folger	Plumley	Warren
Celler	Garrett	Reece, Tenn.	White, Idaho
Chapman	Gifford	Risk	White, Ohio
Clevenger	Grant, Ala.	Sabath	
Coffee, Nebr.	Hook	Schaefer, Ill.	

So the joint resolution was passed.

The Clerk announced the following pairs:

General pairs:

Mr. Warren with Mr. Reece of Tennessee.
Mr. Garrett with Mr. Gifford.
Mr. Arnold with Mr. Clevenger.
Mr. Coffee of Nebraska with Mr. White of Ohio.
Mr. Drewry with Mr. Hope.
Mr. Byron with Mr. Seccombe.
Mr. Folger with Mr. Bates of Massachusetts.
Mr. Schaefer of Illinois with Mr. Darrow.
Mr. Magnuson with Mr. Bolton.
Mr. O'Neal with Mr. Vreeland.
Mr. Jarman with Mr. August H. Andresen.
Mr. Scrugham with Mr. Fish.
Mr. White of Idaho with Mr. Curtis.
Mr. Sheridan with Mr. Risk.
Mr. Sparkman with Mr. Osmers.
Mr. Chapman with Mr. Plumley.

Mr. Delaney with Mr. Creal.
Mr. Bloom with Mr. Grant of Alabama.
Mr. Parsons with Mr. Hook.
Mr. Tolan with Mr. Merritt.
Mr. Fernandez with Mr. Sullivan.
Mr. Dies with Mr. Bates of Kentucky.

The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

ADJOURNMENT OVER

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourns to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PRIVATE CALENDAR BUSINESS

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that after the call of the Consent Calendar on Monday next it may be in order to call the individual bills on the Private Calendar.

Mr. MICHENER. Reserving the right to object, Mr. Speaker, will the gentleman state what the program for the remainder of next week is, if he knows?

Mr. RAYBURN. It is assumed that the Committee on Banking and Currency will have ready for Tuesday a rule on the bill increasing the capital of the Export-Import Bank. In all probability it will take Tuesday and Wednesday to dispose of that bill. If the Committee on Ways and Means reports the tax bill by Wednesday, that bill will be taken up Thursday.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. GAVAGAN. Mr. Speaker, I announce that my colleagues the gentlemen from New York, Mr. CELLER——

Mr. CANNON of Missouri. Mr. Speaker, I very much regret to have to call attention to the rule against announcement of how another Member would have voted if present.

The SPEAKER. The gentleman from Missouri objects to the announcement of how the colleagues of the gentleman from New York would have voted. Under the rule, such an announcement is not in order.

EXTENSION OF REMARKS

Mr. MAY. Mr. Speaker, I ask unanimous consent that all Members be granted 5 legislative days in which to revise and extend their remarks on the joint resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER. The Chair will state that the Chair will recognize Members only for unanimous-consent requests.

ANNOUNCEMENT

Mr. GAVAGAN. Mr. Speaker, under the right to submit unanimous-consent requests, I wish to announce to the House that my colleagues——

Mr. CANNON of Missouri. I regret that I have to object, Mr. Speaker. The proper method would be for the Member himself to later speak or extend remarks giving his views.

The SPEAKER. The gentleman from Missouri objects to the announcement.

NAVAL AVIATORS

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10030) increasing the number of naval aviators in the line of the Regular Navy and Marine Corps, and for other purposes, with Senate amendments thereto, concur in all the Senate amendments except amendment No. 14, and disagree to amendment No. 14.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Page 1, line 8, strike out "Reserves" and insert "Reserve."
Page 1, line 9, strike out "except as hereinafter provided."
Page 1, line 10, after "of" where it appears the second time, insert "the line of."
Page 1, line 11, after "and", insert "the."
Page 1, line 11, strike out all after "accordingly" over to and including "be:" in line 3, page 2, and insert "These officers shall be appointed to the same grade occupied by them in the Naval or Marine Corps Reserve, as the case may be, at the time of such appointment and shall take precedence in such grade in accordance with the provisions of section 8 (e) of this act."
Page 2, lines 16 and 17, strike out *"And provided"* and insert *"Provided."*
Page 2, line 20, strike out "2 or more years" and insert "not less than 1 year."
Page 2, line 20, strike out "continuous."
Page 2, line 20, after "service", insert "other than training duty."
Page 2, lines 21 and 22, strike out "immediately preceding the date of approval of this act."
Page 3, line 2, after "promoted", insert ": *And provided further,* That in computing the pay of officers appointed under the authority of this act, credit for longevity shall be given them for all service, including service as aviation cadets, with which they have heretofore been credited."
Page 3, line 13, after "officers," where it appears the first time insert "nurses."
Page 3, line 24, after "officers," where it appears the second time insert "nurses."
Page 5, line 4, after "service", insert ": *Provided,* That not more than 50 percent of the authorized number of privates in the Marine Corps shall have the rank of private, first class."
Page 5, line 9, strike out ", page 1177," and insert "of said section."
Page 5, line 12, strike out "adding" and insert "inserting after the word 'days' in line 28, page 1177."
Page 5, line 13, strike out "proviso" and insert "provisos."
Page 5, line 13, strike out *"And provided"* and insert *"Provided."*
Page 5, line 17, after "promotion:" insert *"Provided further,* That all periods during which chief warrant officers have held commissions in the Naval Reserve shall be included in computing their pay as provided in the act of February 16, 1929 (45 Stat. 1186)."
Page 5, line 22, after "line 8," insert "page 1184."
Page 6, line 21, strike out "report" and insert "reporting."

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. SCHAFER of Wisconsin. Reserving the right to object, Mr. Speaker, will the gentleman explain the Senate amendments he is asking the House to approve by unanimous consent?

Mr. VINSON of Georgia. I am pleased to say to the House that these Senate amendments have been gone over with the gentleman from Minnesota [Mr. MAAS], the ranking minority member of the Committee on Naval Affairs, and we have consented to accept all of them except amendment No. 14. They are practically clarifying amendments and do not change the bill in any respect. For instance, the House bill provided—

That officers so appointed shall upon appointment occupy the same grade.

The Senate changed that, and the Senate amendment reads:

These officers shall be appointed to the same grade occupied by them in the Naval or Marine Corps Reserve.

The gentleman from Minnesota and I have gone over these amendments. We have agreed with Senator WALSH that we cannot accept amendment No. 14, and he will recede on that amendment. The bulk of the amendments are clarifying amendments.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Senate amendments Nos. 1 to 13 and 15 to 21 were concurred in.

Senate amendment No. 14 was disagreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein two newspaper clippings.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

OVERTIME IMMIGRATION SERVICES

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 5403) to

provide for the deposit of certain collections for overtime immigration services to the credit of the appropriation chargeable with the payment for such services, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Line 3, strike out "hereafter."
Line 3, after "collected", insert "on or after July 1, 1941."

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. MICHENER. Mr. Speaker, I reserve the right to object. Will the gentleman kindly explain this?

Mr. LESINSKI. Mr. Speaker, this bill has been passed by both the House and the Senate. It is a departmental bill. It would provide for the deposit of certain overtime collections in the Immigration Service to the credit of the proper appropriation to which they are chargeable. This charge was suggested by the Bureau of the Budget, and heretofore the money was deposited in a separate fund, and had to be transferred through an item of legislation. This simplifies the bookkeeping.

Mr. MICHENER. And we simply agree to the Senate amendment?

Mr. LESINSKI. The Senate amendment is "on and after July 1, 1940."

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was agreed to, and a motion to reconsider laid on the table.

RICHARD PAUL REHN

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill, H. R. 5640, to admit Richard Paul Rehn permanently to the United States, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read as follows:

After line 6, insert:
"SEC. 2. Upon the enactment of this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the nonpreference category of the quota during the current year."

The SPEAKER. Is there objection?

Mr. MICHENER. Mr. Speaker, I reserve the right to object. This is an immigration matter. Does it come with the unanimous report of the committee?

Mr. LESINSKI. Yes. This bill was passed by our committee and passed by the House and Senate. The Senate put on the amendment that it be chargeable to the quota of the country the man came from.

Mr. MICHENER. In other words, the bill is the same as it passed the Senate with the exception that it permits one less person to enter the United States during the current year.

Mr. LESINSKI. That is correct.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER. The question is on concurring in the Senate amendment.

The Senate amendment was agreed to.

A motion to reconsider laid on the table.

JOHANN RUDOLF HUENEBERG

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 5641) to admit Johann Rudolf Hueneberg permanently to the United States, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read as follows:

After line 6, insert:
"SEC. 2. Upon the enactment of this act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the nonpreference category of the quota during the current year."

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was agreed to.

A motion to reconsider laid on the table.

SAFETY IN BITUMINOUS AND ANTHRACITE MINES

Mr. KELLER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. KELLER. Mr. Speaker, I call the attention of the House to the fact that there is a new petition on the desk, No. 35. It has to do with the mine-inspection bill that has been pending in the committees of the House and Senate for more than a year.

Mr. RANDOLPH. Mr. Speaker, will the gentleman yield?

Mr. KELLER. Yes.

Mr. RANDOLPH. Is not this the bill that seeks to obtain information as to the health and safety in bituminous and anthracite mines, and also as to occupational diseases?

Mr. KELLER. It is; and since that bill came before the House more men have been killed in mines in the United States than three times the number in the House and the Senate. It is inexcusably delayed, and I hope the Members of the House will remedy that by signing petition No. 35.

Mr. SCHAFER of Wisconsin. Is this a bill under which the Federal Government will admit that the New Deal Governors of West Virginia and Illinois cannot enforce their own inspection laws?

Mr. KELLER. I do not admit any such thing, and the gentleman knows it.

EXTENSION OF REMARKS

Mr. PETERSON of Georgia. Mr. Speaker, on Tuesday of this week the House had under consideration the question of granting the rule (H. R. 8157) to establish a national land policy, and to provide homesteads for actual farm families, known as the Peterson homestead bill. I ask unanimous consent to extend my remarks in the RECORD at this point on this legislation by including therein a copy of the bill, together with an explanation of it as contained in the report and supplemental report.

The SPEAKER. Is there objection?

There was no objection.

The matter referred to is as follows:

A bill to establish a national land policy, and to provide homesteads for actual farm families

Be it enacted, etc., That the purposes of this act are to establish a national land policy based upon inherent human rights, to provide for every family an opportunity to own a home and earn for itself the necessities of life, to encourage private initiative, to protect each citizen in the enjoyment of the fruits of his labor, and to more firmly secure to all people their natural right of pursuit of happiness in freedom and independence.

SEC. 2. (a) The Secretary of the Interior (hereinafter referred to as the "Secretary"), through the General Land Office, is hereby authorized to purchase obligations secured by liens on farm lands, which were in effect on the date of the passage of this act, and pay for the same a price not exceeding the normal value of such lands plus the useful value of the buildings and improvements thereon, and not exceeding in any event the amount of the indebtedness under the lien at the date of purchase.

(b) Upon application of the mortgagor, the Secretary shall release the mortgagor from his liability under the obligation purchased by the Secretary, and cancel the balance of the indebtedness of the mortgagor thereunder, upon the conveyance by the mortgagor to the United States of the title to the lands securing such obligation. In case no such settlement of the obligation is made, nothing in this act shall be construed to affect the rights and liabilities of either party under the terms of the obligation.

SEC. 3. The Secretary of the Interior, through the General Land Office, is further authorized to purchase fee-simple title to farm lands held by a mortgagee or lien holder under a foreclosure concluded after January 1, 1920, and prior to the date of passage of this act, paying for the same not exceeding the normal value of such lands plus the useful value of buildings and improvements thereon, and not exceeding in any event the amount of the indebtedness under the mortgage or other lien at the time of foreclosure.

SEC. 4. All lands acquired by the United States under this act shall become a part of the public domain. The Secretary shall thereupon classify all public lands according to their adaptability for farming purposes, and lands found suitable for farming shall hereafter be disposed of only in accordance with the provisions of

this act. Lands classified as not suited for farming shall be withheld for disposition under any laws otherwise applicable to the public domain, but nothing herein shall affect or interfere with the national parks, national monuments, or other Government reservations or with the operation of the mineral lands laws of the United States.

SEC. 5. The Secretary is authorized and directed to divide all public lands classified as suitable for farm purposes into tracts, to be known as homesteads, of suitable size for the support of a family of average size under normal conditions, taking into consideration the fertility of the soil and general farm conditions and requirements in the section where said lands are located: *Provided*, That no such tract shall contain less than 50 acres nor more than 160 acres.

SEC. 6. The Secretary shall determine, as of the time of the acquisition by him of any real property under this act, the value of such property and the value of the real property in each homestead within the tract acquired. To each such homestead the Secretary shall allocate such portion of the price paid by him for the lien or the tract, as the case may be, as the value of the homestead tract bears to the value of the portion of the tract found suitable for farm purposes.

SEC. 7. Such tracts shall be available for entry under the applicable provisions of the homestead laws, subject, however, to the following terms and conditions:

(a) No person shall be eligible except a citizen of the United States who is the head of a family.

(b) No person shall be eligible who is the owner of farm land.

(c) No person shall be eligible who shall be shown by the records of the General Land Office to have been already granted a homestead, unless he shall prove to the satisfaction of the Secretary that such homestead grant has been relinquished in a legal manner and without fault or negligence on his part.

(d) Preference shall be given to farm families in granting homesteads hereunder: *Provided*, That when application for entry is made by an applicant who is not the head of a farm family, notice of such application shall be posted for at least 90 days at the usual place for posting legal notices in the county seat of the county where such tract is located, and should no qualified applicant who is the head of a farm family make application within this period to enter said tract the original applicant, if otherwise qualified, shall be entitled to entry.

(e) Mortgagors living on encumbered lands at the time of liquidation of indebtedness hereunder shall have a prior right to acquire homesteads within the bounds of such lands: *Provided*, That they make application within 90 days after classification for entry of such lands.

(f) The applicant to whom the homestead privilege is granted and his successors in interest shall pay to the Secretary in equal annual installments the amount of the price allocated to the homestead under section 6 of this act with interest which shall be at a rate not exceeding the rate of interest at which the United States Government may borrow money at the time. Payments shall be made in not more than 40 equal annual installments, as determined by agreement between the Secretary and the individual applicant, and shall be for a period not in excess of 40 years. The whole or any part of any installment may be paid in advance, and in case of unusual and adverse conditions the Secretary may permit a reasonable postponement of payment.

(g) Each patent of homestead hereunder shall be in such form as to provide definite covenants which shall be effective and binding only so long as any portion of the amount owing on said homestead tract under the terms of paragraph (f) of this section remain unpaid and which shall contain specific stipulations, as follows:

(1) Prohibiting the sale, cutting, or removal of timber or other natural resources growing upon or contained within the homestead tract except with the consent of the Secretary, and containing such reasonable stipulations as to upkeep of buildings and fences and fire insurance on buildings as will, in the opinion of the Secretary, provide proper protection of the investment of the United States Government in the property;

(2) Prohibiting the sale or encumbrance or in any manner making such homestead tract subject to any further debt, and any exercise of or attempt to exercise any such power is hereby declared to be void and of no legal effect, except that homestead tracts may be exchanged under regulations promulgated by the Secretary;

(3) Providing for cancelation of the patent of homestead and repossession of the homestead tract by the Secretary upon default of payment of any amount due under paragraph (f) of this section, or in the event the terms of the patent of homestead are not fully complied with, or upon failure of the homesteader to pay any and all taxes or other assessments levied by the United States Government or by the State or political subdivision where the tract is located against said homestead tract or any portion thereof.

SEC. 8. The laws, including those relating to taxation, of the State or political subdivision in which any homestead tract granted hereunder is situated shall be applicable to said homestead tract in the same manner and to the same extent as to other privately owned land.

SEC. 9. There is hereby authorized to be appropriated from time to time such sums as may be necessary to carry out the provisions and intent of this act.

SEC. 10. The amounts expended under this act shall be equitably distributed among the several States and Territories.

ESTABLISHING A NATIONAL LAND POLICY AND PROVIDING HOMESTEADS FOR ACTUAL FARM FAMILIES

Mr. DEROUEN, from the Committee on the Public Lands, submitted the following report to accompany H. R. 8157:

The Committee on the Public Lands, to whom was referred the bill (H. R. 8157) to establish a national land policy and to provide homesteads for actual farm families, having considered the same, report favorably thereon with an amendment and recommend that the bill, as amended, do pass.

The amendment is as follows:

Page 7, line 10, beginning with the word "However", strike out the rest of section 9.

STATEMENT

This legislation does not provide for the creation of any new Federal agency or the appointment of any additional officeholders or employees.

It declares a definite national land policy which may hereafter be put into effect by Congress, and it authorizes the appropriation of such sums as may be deemed necessary or expedient in carrying out its provisions.

The measure is so drawn that, should Congress at any time find the program unsatisfactory, its further operation could easily be discontinued without affecting in any manner any agency of the Government or involving the Federal Government in further expenditures.

However, should its provisions be found satisfactory, this legislation opens up the way for the elimination of many Government agencies and the consequent simplification of our Federal structure.

EXPLANATION OF THE BILL

Under this measure the Nation's traditional homestead laws are amended so as to provide a simple and effective remedy, free of regimentation, with which to meet the present-day problem of farm-home ownership.

In the first place, it provides assistance for farm families who now hold title to the farm homestead upon which they now live and from which they are attempting to earn a livelihood, but who are unable to provide even the bare necessities of life and at the same time meet the obligations of a farm-mortgage debt. In other words, it lends aid to the owner-operator, whose farm homestead is heavily mortgaged, while he is still in possession of his farm homestead rather than waiting until after he is reduced to tenantry.

At the same time, it opens up the pathway to farm homestead ownership for present tenant farmers and for other American citizens who are now without means to provide a livelihood for themselves and their families.

COST OF THIS PROGRAM

The money spent by the Federal Government under this program will not create any new debt. Neither will it increase the total outstanding debt or the total farm-mortgage debt of this country one penny. Furthermore, this money is to be repaid, with interest, to the Government over a period of 40 years, during which time no additional debts can be incurred against the tracts of land involved.

Thus it can be seen that this legislation, instead of increasing the cost of Government, provides a sound method by which the total outstanding debts of this country as well as the total farm-mortgage debts may be gradually reduced. And the permanent relief afforded through this program brings definite hope for reduced Federal expenditures in future years.

BRIEF SUMMARY OF BENEFITS WHICH MAY REASONABLY BE EXPECTED TO RESULT FROM ENACTMENT OF THIS PROGRAM

1. It will tend to check the flood of farm-mortgage foreclosures.

2. It will provide for the orderly liquidation of farm-mortgage debts.

3. It will put at the disposal of the United States a considerable quantity of farm lands available for entry by tenant farmers and other American citizens, under the machinery of the existing Homestead Act, as amended by this act.

4. Through the gradual liquidation of farm-mortgage debts and material reductions in interest and carrying charges on these debts, it will relieve farm income of the burden of such debts, thus restoring the purchasing power of farm income and opening up new consumer markets of vast proportions.

5. Most important of all, it will tend to preserve the family-size farm in this Nation for the use of actual farm families who are willing to live on these farms and earn a livelihood through tilling the soil.

PROVISIONS OF THE BILL IN DETAIL

The Secretary of the Interior, through the General Land Office, is authorized to acquire lands now in private possession through the purchase of outstanding liens and to make such lands so acquired a part of the public domain. The Secretary, however, is specifically prohibited from taking such action except upon application by the owner of the land involved.

Tracts of farm land on which mortgages have been foreclosed any time since January 1, 1920, and which are still in possession of the mortgagee, may also be acquired by the Secretary of the Interior, through payment for such tracts of a sum not exceeding the amount of the lien at the time of foreclosure.

The Secretary of the Interior is directed to classify all lands acquired under this act according to their adaptability for farming purposes.

Lands unsuited for farm purposes are to be withheld from private entry.

Lands suitable for farm purposes are to be divided into tracts, to be known as homesteads, of suitable size for the support of a family of average size under normal conditions, taking into consideration the fertility of the soil and general farm conditions and requirements in the section where said lands are located, provided that no tract shall contain less than 50 acres nor more than 160 acres.

To each homestead tract there shall be allocated such portion of the price paid by the Secretary for the lien as the value of the homestead tract bears to the value of the entire tract acquired.

These tracts are made available for entry under the Homestead Act of 1862, as amended, and subject to the following provisions:

1. Any citizen of the United States who is the head of a family is eligible to apply for a homestead, provided that such citizen is not already the owner of farm land and has not previously been granted a homestead (unless he shall prove that such homestead grant has been relinquished in a legal manner and without fault or negligence on his part).

2. Preference, for a period of 90 days, shall be given to farm families in granting homesteads. If an application for entry is made by an applicant who is not the head of a farm family, 90 days' public notice shall be given; and should no qualified farm family make application within this period to enter said tract, the original applicant shall then be entitled to entry.

3. A mortgagor living on encumbered lands at the time of liquidation of the indebtedness on said land by the Secretary of the Interior shall be given a prior right to acquire a homestead within the bounds of such lands, provided such mortgagor files his application within 90 days after such land is classified for entry.

4. The cost of the homestead tract to the United States shall be repaid by the homesteader in equal annual installments, not exceeding 40, with interest, which shall be at a rate not exceeding the rate of interest at which the United States Government may borrow money at the time.

5. Homesteads granted hereunder shall not be subject to any further debt or encumbrance of any nature, nor to sale, except that they may be exchanged under regulations by the Secretary of the Interior. However, these provisions shall be effective and binding only so long as any portion of the amount owing to the United States on said homestead tract remains unpaid.

6. All lands coming into possession of the United States Government under this act shall be subject to the laws, including those relating to taxation, of the State and political subdivision in which said lands are situated.

7. The amounts expended under this act shall be equitably distributed among the several States and Territories.

NECESSITY FOR THIS LEGISLATION

During his campaign for reelection in 1936, President Roosevelt stated that—

"In all our plans we are guided, and will continue to be guided, by the fundamental belief that the American farmer, living on his own land, remains our ideal of self-reliance and of spiritual balance—the source from which the reservoirs of the Nation's strength are constantly renewed. It is from the men and women of our farms—living close to the soil—that this Nation, like the Greek giant Antaeus, touches Mother Earth and rises with strength renewed a hundredfold. We want to perpetuate that ideal under modern conditions so that man may be strong in the ancient virtues and yet lay hold of the advantages which science and new knowledge offer to a well-rounded life."

On account of the vast amount of free land suitable for farming purposes, it has always, until recent years, been a rather easy matter for a family to own a farm home in America. It is upon this fundamental fact that our fame as the land of opportunity largely rests.

Yet there has been no protection thrown around these farm homestead units by the Federal Government, preserving them for farm families desiring to live on their own land.

So long as there was an ample supply of public domain, available for private entry under our homestead laws, such protection was not absolutely essential. The Nation's free soil of itself safeguarded to a degree the right of the American farmer to live upon his own land.

However, the supply of desirable free soil has become exhausted. There no longer exists in America this haven of safety, this natural fortress for the protection of human liberty and freedom, and as a result America today faces a problem different from any heretofore confronting our people.

Tenantry and farm-mortgage debts on owner-operated farms are rapidly increasing, while the ranks of the independent group of farmers who live on their own land free of debt grow thinner.

In 1930, when the last complete census was taken, there remained, of our total farm population, only 29.4 percent of the farmers who owned their own farms free of debt. Two-thirds of the farmers were either tenants or owners with mortgage debts over their farms (42.4 percent were tenants and 23.8 percent were owners with mortgages on their farms).

LAND POLICY ACT PROVIDING HOMESTEADS FOR ACTUAL FARM FAMILIES

SUPPLEMENTAL REPORT—HEARINGS, SEVENTY-SIXTH CONGRESS, THIRD SESSION, APRIL 18, 1940

The traditional homestead policies of this Nation have been proven to be highly satisfactory in providing opportunities for rural settlers to acquire their own farm homes.

Although such policies have prevailed in this country since early colonial days it has been found necessary to revise them from time to time in order to meet the problems which have naturally arisen as the Nation grew and developed and as conditions changed.

Under this measure it is now proposed to amend and modify the Federal homestead laws so as to make them effective in meeting the present-day problem of farm-home ownership.

Its provisions are simple and easily understood.

It provides two ways by which the Federal Government may acquire farm land, which will again be made available for private entry: First, through the purchase of obligations secured by liens on farm land and acceptance of title to the land from the mortgagor in settlement of the obligation; and, second, through purchase of tracts of farm land on which mortgages have been foreclosed at any time since January 1, 1920, and which are still in the possession of the mortgagee.

The land so acquired is to be divided into homestead tracts of not less than 50 acres or more than 160 acres.

There is to be charged against each homestead tract its pro rata part of the cost to the Government of the entire tract.

Applications for entry upon these homestead tracts are to be made to the General Land Office under the existing homestead laws as amended by this act.

The General Land Office is the logical agency to administer this act. It was created in 1812, and since that time has administered hundreds of thousands of homestead tracts and collected millions of dollars from the sale of farm lands.

There is submitted below a letter from the General Land Office to which is attached definite data regarding these transactions.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, May 21, 1937.

Statistics: Number and area of homesteads to June 30, 1936.

Hon. HUGH PETERSON,
House of Representatives.

MY DEAR MR. PETERSON: Referring to our recent conversation over the telephone there is enclosed a tabulation setting forth the number and area of homesteads originally allowed in the public-land States and Alaska, also the number and acreage embraced in perfected entries including those entries completed under the commutation provision whereby the homesteader pays the Government price of the land after residing thereon the minimum period required by law. This compilation does not include entries of ceded Indian lands. There is also enclosed a diagram showing the acreage entered annually under the homestead laws and the acreage appropriated under cash sales, etc.

A carbon copy of this letter is also enclosed.

Very respectfully,

ANTOINETTE FUNK,
Assistant Commissioner.

Tabulation showing number and acreage embraced in allowed original homestead entries and final homestead entries (including commuted entries, by States, from the passage of the Homestead Act to June 30, 1936

States	Original		Final	
	Number	Acres	Number	Acres
Alabama	76,764	7,924,032	44,965	4,901,878
Arizona	40,025	8,904,623	19,595	3,815,206
Arkansas	146,528	14,981,114	76,216	8,297,864
California	134,421	21,668,914	71,164	10,981,430
Colorado	206,869	42,188,985	111,725	22,462,510
Dakota Territory	116,870	18,072,796	60,672	9,539,454
Florida	55,654	6,366,409	31,275	3,702,707
Idaho	105,810	18,695,495	60,369	9,592,822
Illinois	95	7,392	76	5,865
Indiana	40	2,117	29	1,796
Iowa	14,607	1,408,137	8,947	910,002
Kansas	182,678	26,388,251	110,516	16,214,798
Louisiana	43,660	4,710,080	24,789	2,771,859
Michigan	40,828	4,720,371	21,971	2,570,574
Minnesota	154,224	18,903,068	92,353	11,388,012
Mississippi	46,178	4,617,547	25,482	2,785,560
Missouri	67,135	6,863,283	35,089	3,677,904
Montana	235,921	51,941,172	151,858	31,873,892
Nebraska	203,444	42,106,715	121,071	24,778,173
Nevada	8,576	1,979,818	4,173	667,694
New Mexico	170,039	40,288,417	84,891	18,125,118
North Dakota	183,421	27,274,464	134,662	19,836,006
Ohio	179	12,462	112	7,967
Oklahoma	190,439	27,976,480	111,347	16,589,467
Oregon	122,353	20,576,649	65,537	10,839,138
South Dakota	146,459	23,753,731	100,668	16,108,066
Utah	40,016	9,310,441	16,488	3,330,534
Washington	118,143	15,586,017	64,806	9,398,752
Wisconsin	50,503	5,240,009	31,610	3,350,945
Wyoming	119,256	34,128,247	64,658	16,800,958
General Land Office	1,947	140,520	1,716	149,493
Alaska Territory	1,855	269,402	1,209	129,510
Total	3,024,937	507,007,158	1,750,039	285,605,954

EFFECT OF BOOMS AND DEPRESSIONS ON PUBLIC-LAND APPROPRIATION

THE SEVEN MAJOR DEPRESSIONS OF UNITED STATES HISTORY

Report of Public Lands Commission, 1904: "It would appear that the disposal of the public lands follows much the same course as transactions relating to business generally. During periods of domestic depression public lands of the Government, like those belonging to private owners, do not seem to be in demand, while during periods of great commercial and business activity the demand for public lands keeps pace with the volume of business transacted.

Annual Report (1928) of Department of Public Lands, Queensland, Australia: "In the early days of settlement a family would settle on the land, produce almost all its own requirements, and earn in actual money a very small income, which would be expended on articles which the farm could not produce. To live, rather than to earn or produce for the use of others, was the dominating purpose. Now all this has changed. The modern view is that, unless the income received from the products of the farm can approximate the money that would be earned from similar energies elsewhere, there is no inducement to settle on the land. * * *"

Year and cash sales	*Acres*
Prior to 1800	1,281,860
1800	67,750
1801	497,939
1802	271,080
1803	174,156
1804	398,155
1805	531,971
1806	506,018
1807	320,945
1808	209,167
1809	275,004
1810	285,795
1811	575,067
1812	386,077
1813	505,647
1814	1,176,141
1815	1,306,368
1816	1,742,523
1817	1,886,163
1818	3,491,014
1819	2,968,390
January–June 1820	491,916
July–December 1820	312,063
	[1] 19,399,158

[1] The 19,399,158 acres were sold under a credit system that collapsed in the panic of 1819 reducing the net disposals to 13,642,536 acres for which $27,900,370 was actually received.

Hibbard's History of Public Land Policies. "The first real craze of speculation came just after the War of 1812. * * * The hard times of 1819 were attributed in large measure to speculation in land. * * * The next great period of speculation was that preceding the panic of 1837. * * * There was a decided lull during the early part of the 20 years between 1837 and 1857 with a perfect rage of speculation again during the latter years of this period. * * * The greatest wave of speculation preceded the panic of 1857. * * * On two of these occasions cheap money played a large role in the deals. On the third (1857) it was military scrip (Mexican War warrants) that made speculation unduly easy." (The cheap price of land under the Graduation Act of 1854 also assisted the boom preceding the 1857 panic.)

PANIC OF 1837

Encyclopedia Britannica (vol. 27, p. 699): "The chaos into which a part of American society had been thrown had a marked effect on the financial institutions of the country, which went to pieces before it for a time. It had not been meant to make the public lands of the United States a source of revenue so much as a source of development. The sales had touched their high-water mark during the speculative year 1819, when receipts from them had amounted to $3,274,000; in other years they seldom went above $2,000,000. When the railway set the stream of migration moving faster than ever, and cities began to grow like mushrooms, it was natural that speculation in land should feel the effects. Sales rose to $3,200,000 in 1831, to $4,000,000 in 1833, to $5,000,000 in 1834, to $15,000,000 in 1835, and to $25,000,000 in 1836. In 1835 the President announced to Congress that the public debt was extinguished, and that some way of dealing with the surplus should be found. Calhoun's proposal that after the year 1836 any surplus in excess of $5,000,000 should be divided among the States as a loan, was adopted, as regards the surplus (almost $37,000,000) of that year; and some $28,000,000—still carried on the books of the Treasury as unavailable funds—were actually distributed before the crisis of 1837 put an end to the surplus and the policy. The States had already taken a hand in the general speculation by beginning works of public improvement. Foreign, particularly English, capital was abundant; and States which had been accustomed to think a dozen times over a tax of a hundred thousand dollars now began to negotiate loans of millions of dollars and to appropriate the proceeds to the digging of canals and the construction of railways. Their enterprises were badly conceived and badly managed, and only added to the confusion when the crash came. If the Federal Government and the States felt that they were rich, the imaginations of individuals ran riot. Everyone wanted to buy; prices rose, and everyone was growing richer on paper. The assessed value of real estate in New York City in 1832 was $104,000,000; in 1836 it had grown to $253,000,000. In Mobile the assessed value rose from $1,000,000 to $27,000,000. Fictitious values were the rule.

FORMATION OF UNSOUND, UNREGULATED STATE BANKS

"It was not until after the crash that New York began the system of compelling such deposits as would really secure circulation, which was long afterward developed into the present national bank system. In most of the States banks could be freely organized with or without tangible capital, and their notes could be sent to the West for the purchase of Government lands, which needed to be held but a month or two to gain a handsome profit. 'Wildcat' banks sprang up all over the country; and the 'pet banks,' as those chosen for the deposit of Government revenues were called, went into speculation as eagerly as the banks which hardly pretended to have capital * * *.

"In July 1836, Jackson's Secretary of the Treasury ordered land agents to take nothing in payment for lands except gold and silver * * *. The 'specie circular' turned the tide of paper back East, and when it was presented for payment most of the banks suspended specie payment with hardly a struggle. There was no longer a thought of buying; everyone wanted to sell; and prices ran down with a rapidity even more startling than that with which they had risen. Failures, to an extent and on a scale unprecedented in the United States, made up the 'panic of '37.' (Many States repudiated their debts.) Even the Federal Government felt the strain, for its revenues were locked up in suspended banks. A little more than a year after Congress had authorized the distribution of its surplus revenue among the States Van Buren was forced to call it into special session to provide some relief for the Government itself."

Year	Cash sales, etc. (acres)	Original homesteads (acres)
1821	781,213	
1822	801,226	
1823	653,320	
1824	749,323	
1825	893,462	
1826	848,082	
1827	926,728	
1828	965,600	
1829	1,244,860	
1830	1,929,734	
1831	2,777,857	
1832	2,462,342	
1833	3,856,228	
1834	4,658,219	
1835	12,564,479	
1836	20,074,871	
1837	5,601,103	
1838	3,414,907	
1839	4,976,383	
1840	2,236,890	
1841	1,164,796	
1842	1,129,218	
1843	1,605,264	
1844	1,754,763	
1845	1,843,527	
1846	2,263,731	
1847	2,771,626	
1848	4,176,513	
1849	4,735,422	
1850	3,573,519	
1851 [1]	(1)	(1)
1852	4,870,067	
1853	7,235,282	
1854	10,452,537	
1855	17,075,105	
1856	17,610,359	
1857	10,426,664	
1858	9,607,058	
1859	6,903,281	
1860	6,243,984	
1861	3,483,044	
1862	726,677	
1863	535,240	1,032,872
1864	1,163,092	1,247,171
1865	2,174,360	1,141,443
1866	1,442,540	1,800,848
1867	3,653,453	1,834,513
1868	3,370,363	2,332,151
1869	3,726,248	2,698,482
1870	2,881,550	3,754,203
1871	2,426,862	4,637,355
1872	2,459,153	4,595,435
1873	2,508,874	3,760,200
1874	1,299,828	3,489,570
1875	904,200	2,369,782
1876	643,012	2,867,814
1877	907,985	2,176,257
1878	1,056,958	4,496,855
1879	766,583	5,267,385
1880	1,146,964	6,054,709
1881	1,673,100	5,028,101
1882	3,669,337	6,318,045
1883	5,609,622	8,171,914
1884	6,354,391	7,831,510
1885	3,912,450	7,415,885
1886	3,803,704	9,136,334
1887	5,609,964	7,594,339

[1] Annual year changed to fiscal.

Year	Cash sales, etc. (acres)	Original homesteads (acres)
1888	5,889,017	6,676,616
1889	3,806,548	6,029,230
1890	3,332,596	5,531,679
1891	2,175,000	5,040,394
1892	1,619,959	7,716,062
1893	1,418,787	6,808,792
1894	621,702	8,046,968
1895	422,718	5,009,491
1896	474,106	4,830,915
1897	428,790	4,452,290
1898	638,381	6,206,558
1899	634,422	6,177,587
1900	1,186,907	8,478,409
1901	1,305,587	9,497,275
1902	1,787,234	14,033,246
1903	3,112,393	11,193,120
1904	2,349,349	10,171,266
1905	1,700,090	12,895,572
1906	1,818,330	13,974,932
1907	2,085,147	14,754,585
1908	2,074,812	13,586,348
1909	1,451,029	12,302,146
1910	922,058	18,329,116
1911	930,151	15,189,087
1912	1,018,496	11,246,299
1913	573,552	11,222,053
1914	678,476	12,117,087
1915	747,294	12,437,775
1916	585,798	13,628,107
1917	541,970	12,020,527
1918	562,215	7,419,628
1919	437,240	10,203,966
1920	557,657	13,501,100
1921	566,820	13,661,635
1922	399,653	8,979,792
1923	327,209	5,524,159
1924	234,030	3,984,154
1925	179,135	3,188,685
1926	179,845	3,001,402
1927	148,068	3,359,181
1928	170,125	3,464,774
1929	132,464	4,311,590
1930	109,830	4,912,679
1931	127,399	4,924,045
1932	64,350	4,049,854

The applicant is to have 40 years to repay to the Government its investment in the homestead tract upon which he enters and cannot further encumber the tract until the Government has been repaid in full.

The rate of interest shall be the same as that being paid by the Government.

Any American citizen who is the head of a family may apply for entry. However, prior rights to entry are given to families living on the land at the time of purchase by the General Land Office. (This is in keeping with the principle of preemption which has prevailed in this country for generations.)

Proceedings under this measure are free of the elements of regimentation and are in harmony with the traditional homestead policies of this Nation.

In view of the fact that the applicant for entry upon a homestead tract must either live on the tract or agree to move on it, it is evident that this measure will apply primarily to owner-operated farms which are now mortgaged rather than to mortgaged farms owned by absentee landlords.

The restrictions provided in the bill are such that only those owner-operators who are really in distress and who are threatened with the loss of their farm home through foreclosure are likely to apply for this Federal aid.

There are in the United States, according to figures for 1935 as furnished by the Bureau of the Census, 1,619,165 mortgaged farms in the owner-operated class. This represents 23.8 percent of the entire number of farms in the Nation, and about 69 percent of the mortgaged farms.

There are submitted below tables showing this information.

Number of farms in the United States, by tenure and by mortgage status of specified tenures, 1890, 1900, 1910, 1920, 1925, 1930, and 1935

[Compiled from reports on the Census of Agriculture]

Description	1890	1900	1910	1920	1925	1930	1935
Total	4,564,641	5,739,657	6,361,502	6,448,343	6,371,640	6,288,648	6,812,350
Full owners and part owners	[1] 3,142,746	3,638,403	3,948,722	3,925,090	3,868,332	3,568,394	3,809,091
Free of mortgage debt	2,228,806	2,419,180	2,588,596	2,074,325	[2]	1,976,693	2,279,926
Mortgaged	874,215	1,093,164	1,312,034	1,461,306	[3] 1,395,025	1,591,701	1,619,165
Unknown	39,725	126,059	48,092	389,459	[2]		
Full owners				3,366,510	3,313,490	2,911,644	3,210,224
Free of mortgage debt				1,844,470	[2]	1,679,976	1,940,117
Mortgaged				1,217,234	[3] 1,128,207	1,231,668	1,270,107
Unknown				304,806	[2]		
Part owners				558,580	554,842	656,750	688,867
Free of mortgage debt				229,855	[2]	296,717	339,809
Mortgaged				244,072	266,819	360,033	349,058
Unknown				84,653	[2]		
Tenants and managers						2,720,254	2,913,259
Free of mortgage debt						1,788,732	2,182,111
Mortgaged						931,522	731,148
Managers		59,213	58,104	68,449	40,700	55,889	48,104
Owners and managers	3,269,726	3,660,072	4,006,826	3,993,539	3,909,032	3,624,283	3,947,195
Joint owners and tenants		53,299					
Tenants	1,294,913	2,026,286	2,354,676	2,454,804	2,462,608	2,664,365	2,865,155

[1] Owned farm homes.
[2] Not reported.
[3] Number reporting amount of mortgage debt on farm land and buildings anywhere in the United States.

Percentage of all farms

Description	1890	1900	1910	1920	1925	1930	1935
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Full owners and part owners	[1] 68.8	63.4	62.1	60.9	60.7	56.7	57.2
Free of mortgage debt	48.8	42.2	40.7	32.2		31.4	33.5
Mortgaged	19.2	19.0	20.6	22.7	21.9	25.3	23.8
Unknown	.8	2.2	.8	6.0			
Full owners				52.2	52.0	46.3	47.1
Free of mortgage debt				28.6		26.7	28.5
Mortgaged				18.9	17.7	19.6	18.6
Unknown				4.7			
Part owners				8.7	8.7	10.4	10.1
Free of mortgage debt				3.6		4.7	5.0
Mortgaged				3.8	4.2	5.7	5.1
Unknown				1.3			
Tenants and managers						43.3	42.8
Free of mortgage debt						28.4	32.0
Mortgaged						14.8	10.7
Managers		1.0	.9	1.1	.6	.9	.7
Owners and managers	71.6	63.8	63.0	61.9	61.4	57.6	57.9
Joint owners and tenants		.9					
Tenants	28.4	35.3	37.0	38.1	38.6	42.4	42.1

[1] Owned farm homes.

1935 and 1930 figures supplied by Agricultural Division, Bureau of Census, Mar. 10, 1938.

Under any reasonable administration of this measure it is only logical that those owner-operator farm families who are in greatest distress on account of threatened foreclosure of farm mortgages will receive first consideration.

A definite idea as to the amount of money that will be involved can be gotten by a study of the figures on farm mortgages and on foreclosures that have been submitted by the Federal land banks, the Federal Farm Mortgage Corporation, the Department of Agriculture, and other governmental agencies.

These figures show that in 1935 the average mortgaged debt on the average owner-operated mortgaged farm in the United States was $3,024.

There is submitted below a table giving this and other information. This table appears as table 3 of a pamphlet issued jointly by the Department of Commerce and the Department of Agriculture, designated as farm mortgage indebtedness in the United States, on August 26, 1937.

TABLE 3.—*Number of mortgaged farms with the amount of farm mortgage debt, by tenure of operator, by divisions and States, 1935*

Division and State	Mortgaged farms						Farm mortgage debt					
	Number			Percent mortgaged			Total amount			Average debt per farm		
	All tenures	Owners	Managers and tenants	All tenures	Owners	Managers and tenants	All tenures	Owners	Managers and tenants	All tenures	Owners	Managers and tenants
United States	2,350,313	1,619,165	731,148	34.5	41.5	25.1	$7,645,091,000	$4,895,811,000	$2,749,280,000	$3,253	$3,024	$3,760
Geographic divisions:												
New England	68,633	64,974	3,659	43.4	45.2	25.1	181,952,000	157,138,000	24,814,000	2,651	2,418	6,782
Middle Atlantic	144,876	131,421	13,455	36.4	40.0	19.3	409,730,000	345,438,000	64,292,000	2,828	2,628	4,778
East North Central	416,356	341,605	74,751	38.4	45.1	23.0	1,532,935,000	1,053,876,000	479,059,000	3,682	3,085	6,409
West North Central	495,575	367,098	128,477	42.0	54.7	25.2	2,676,067,000	1,662,989,000	1,013,078,000	5,400	4,530	7,885
South Atlantic	277,609	166,633	110,976	24.2	27.4	20.6	401,946,000	259,254,000	142,692,000	1,448	1,556	1,286
East South Central	325,005	160,351	164,654	28.6	31.4	26.3	348,966,000	208,766,000	140,200,000	1,074	1,302	8516
West South Central	386,166	190,651	195,515	34.0	41.9	28.7	877,537,000	462,206,000	415,331,000	2,272	2,424	2,124
Mountain	102,649	84,576	18,073	37.8	43.1	24.1	462,431,000	278,694,000	183,737,000	4,505	3,295	10,166
Pacific	133,444	111,856	21,588	44.6	49.2	29.9	753,527,000	467,450,000	286,077,000	5,647	4,179	13,252
New England:												
Maine	14,203	13,935	268	33.9	36.0	8.4	31,442,000	28,751,000	2,691,000	2,214	2,063	10,041
New Hampshire	6,822	6,354	468	38.6	39.2	31.3	11,335,000	9,812,000	1,523,000	1,662	1,544	3,254
Vermont	13,250	12,042	1,208	49.0	50.9	35.7	32,288,000	26,799,000	5,489,000	2,437	2,225	4,544
Massachusetts	18,190	17,288	902	51.8	53.8	30.3	53,270,000	45,867,000	7,403,000	2,929	2,653	8,207
Rhode Island	1,425	1,334	91	32.9	36.7	13.2	4,526,000	3,355,000	1,171,000	3,176	2,515	12,868
Connecticut	14,743	14,021	722	45.8	47.8	25.5	49,091,000	42,554,000	6,537,000	3,330	3,035	9,054
Middle Atlantic:												
New York	74,141	67,277	6,864	41.9	45.0	24.8	212,154,000	179,854,000	32,300,000	2,861	2,673	4,706
New Jersey	12,889	11,893	996	43.9	50.4	17.2	49,888,000	41,649,000	8,239,000	3,871	3,502	8,272
Pennsylvania	57,846	52,251	5,595	30.2	33.7	15.5	147,688,000	123,935,000	23,753,000	2,553	2,372	4,245
East North Central:												
Ohio	77,714	63,362	14,352	30.5	35.2	19.1	225,930,000	161,897,000	64,033,000	2,907	2,555	4,462
Indiana	79,115	60,956	18,159	39.4	44.8	28.0	219,096,000	144,299,000	74,797,000	2,769	2,367	4,119
Illinois	71,700	51,902	19,798	31.0	41.0	18.9	471,188,000	246,865,000	224,323,000	6,572	4,756	11,331
Michigan	82,361	72,304	10,057	41.9	45.7	26.2	179,739,000	145,246,000	34,493,000	2,182	2,009	3,430
Wisconsin	105,466	93,081	12,385	52.8	59.2	29.1	436,982,000	355,569,000	81,413,000	4,143	3,820	6,574
West North Central:												
Minnesota	87,763	71,064	16,699	43.2	53.0	24.1	407,888,000	281,631,000	126,257,000	4,648	3,963	7,561
Iowa	96,791	63,718	33,073	43.6	57.8	29.6	809,432,000	472,641,000	336,791,000	8,363	7,418	10,183
Missouri	100,423	76,486	23,937	36.1	45.2	21.9	267,893,000	184,516,000	83,377,000	2,668	2,412	3,483
North Dakota	44,937	35,234	9,703	53.1	68.9	29.0	203,567,000	132,878,000	70,689,000	4,530	3,771	7,285
South Dakota	37,436	27,468	9,968	44.9	64.7	24.4	210,515,000	114,789,000	95,726,000	5,623	4,179	9,603
Nebraska	58,286	40,903	17,383	43.6	61.0	26.1	448,294,000	274,060,000	174,234,000	7,691	6,700	10,023
Kansas	69,939	52,225	17,714	40.1	53.9	22.8	328,476,000	202,474,000	126,004,000	4,697	3,877	7,113
South Atlantic:												
Delaware	2,996	2,322	674	28.9	35.1	17.9	10,452,000	6,268,000	4,184,000	3,489	2,699	6,208
Maryland [1]	13,908	11,217	2,691	31.2	35.6	20.8	46,678,000	32,443,000	14,235,000	3,356	2,892	5,290
Virginia	43,451	32,385	11,066	22.0	23.4	18.6	75,128,000	58,141,000	16,987,000	1,729	1,795	1,535
West Virginia	17,301	14,291	3,010	16.5	18.5	10.9	23,603,000	19,023,000	4,580,000	1,364	1,331	1,522
North Carolina	76,251	44,394	31,857	25.3	28.1	22.3	86,675,000	54,208,000	32,467,000	1,137	1,221	1,019
South Carolina	41,829	21,220	20,609	25.3	34.3	19.9	48,630,000	26,660,000	21,970,000	1,163	1,256	1,066
Georgia	65,354	28,316	37,038	26.1	33.2	22.4	76,975,000	39,487,000	37,488,000	1,178	1,395	1,012
Florida	16,519	12,488	4,031	22.7	25.3	17.2	33,805,000	23,024,000	10,781,000	2,046	1,844	2,675
East South Central:												
Kentucky	65,236	44,405	20,831	23.4	25.4	20.1	101,237,000	72,433,000	28,804,000	1,552	1,631	1,383
Tennessee	64,979	38,926	26,053	23.7	26.5	20.5	83,861,000	54,234,000	29,627,000	1,291	1,393	1,137
Alabama	83,011	38,643	44,368	30.4	40.0	25.1	78,564,000	40,187,000	38,377,000	946	1,040	865
Mississippi	111,779	38,377	73,402	35.9	41.2	33.6	85,304,000	41,912,000	43,392,000	763	1,092	591
West South Central:												
Arkansas	80,734	40,666	40,068	31.9	40.4	26.3	71,155,000	38,398,000	32,757,000	881	944	818
Louisiana	50,447	21,807	28,640	29.6	35.6	26.3	55,225,000	30,228,000	24,997,000	1,095	1,386	873
Oklahoma	78,729	41,401	37,328	36.9	50.6	28.4	196,283,000	97,411,000	98,872,000	2,493	2,353	2,649
Texas	176,256	86,777	89,479	35.2	41.0	30.9	554,874,000	296,169,000	258,705,000	3,148	3,413	2,891
Mountain:												
Montana	21,091	17,741	3,350	41.7	48.9	23.4	99,918,000	58,201,000	41,717,000	4,737	3,281	12,453
Idaho	20,651	17,152	3,499	45.8	53.8	26.4	97,366,000	62,355,000	35,011,000	4,715	3,635	10,006
Wyoming	7,704	6,653	1,051	44.1	51.0	23.6	43,873,000	26,020,000	17,853,000	5,694	3,911	16,987
Colorado	24,979	18,522	6,457	39.2	48.3	25.5	112,504,000	60,320,000	52,184,000	4,504	3,257	8,082
New Mexico	8,216	6,302	1,914	19.9	19.0	23.2	23,692,000	13,617,000	10,075,000	2,884	2,161	5,264
Arizona	5,035	4,309	726	26.8	28.9	18.6	27,045,000	14,770,000	12,275,000	5,371	3,428	16,908
Utah	13,256	12,487	769	43.2	48.2	16.0	43,358,000	33,954,000	9,404,000	3,271	2,719	12,229
Nevada	1,717	1,410	307	46.5	47.8	41.0	14,675,000	9,457,000	5,218,000	8,547	6,707	16,997
Pacific:												
Washington	36,260	31,715	4,545	43.0	47.7	25.4	136,709,000	88,738,000	47,971,000	3,770	2,798	10,555
Oregon	29,740	24,907	4,833	34.9	49.8	32.7	119,670,000	81,662,000	28,008,000	4,024	3,279	7,860
California	67,444	55,234	12,210	44.9	49.8	30.9	497,148,000	297,050,000	200,098,000	7,371	5,378	16,388

[1] District of Columbia figures included with Maryland.

The Farm Credit Administration advises that in 1939 that agency foreclosed on 12,963 farms (voluntary deeds are not included in these figures), containing a total estimated acreage of 3,000,000. This is an average of 231 acres per farm.

There is submitted below a letter from the Farm Credit Administration dated April 8, 1940, in which this information is given.

FARM CREDIT ADMINISTRATION,
Washington, D. C., April 8, 1940.

Hon. HUGH PETERSON,
House of Representatives.

DEAR MR. PETERSON: In compliance with your request by telephone today, there is furnished below the estimated acreage of farms foreclosed by the Federal land banks and the Federal Farm Mortgage Corporation during the calendar year 1939.

Institution	Number of farms upon which foreclosure was completed [1]	Estimated acreage
Federal land banks	7,461	1,800,000
Federal Farm Mortgage Corporation	5,502	1,200,000
Total	12,963	3,000,000

[1] Includes mortgage loans, purchase-money mortgages, and contracts foreclosed.

In connection with the above table it should be pointed out that voluntary deeds are not included. The figure for the Federal land banks will, therefore, vary from the information furnished to you on March 6, which included voluntary deeds since this was the only way in which comparable figures for the entire period 1929 through 1939 could be given. It should also be mentioned that the figures in the above table exclude any duplication with respect to foreclosures as between the Federal land banks and Federal Farm Mortgage Corporation.

With kind personal regards,

Sincerely,

CLIFF WOODWARD,
Special Assistant to the Governor.

There are also submitted herewith two letters from the Farm Credit Administration, one dated March 6, 1940, and one dated April 4, 1940. Attached to these letters are tables giving much valuable data relating to farms mortgaged through this agency of the Government:

FARM CREDIT ADMINISTRATION,
Washington, D. C., March 6, 1940.

Hon. HUGH PETERSON,
House of Representatives.

DEAR MR. PETERSON: In compliance with your request by telephone yesterday, I am pleased to submit the enclosed tables giving latest available data on operation of the Federal land banks and Federal Farm Mortgage Corporation, to supplement information furnished on May 29, 1939.

Data on foreclosures for the year 1938 have been corrected to include voluntary deeds for the period July 1 to December 31, 1938.

With kind personal regards,

Very truly yours,

CLIFF WOODWARD,
Special Assistant to the Governor.

Federal land banks: Loans outstanding, classified according to condition, extensions and delinquent installments, and foreclosures, at selected times

	Total loans outstanding		Loans with all matured installments paid in full		Classified as delinquent (loans with matured installments unpaid and loans with delinquent extensions)		Extensions and delinquent installments	Loans foreclosed during the year	
					Total				
	Number	Amount	Number	Principal amount	Number	Principal amount		Number	Amount
Year ended Dec. 31—									
1918	[1]	$156,213,891.73							
1919	[1]	293,595,395.35							
1920	126,261	349,678,987.71							
1921	151,823	432,523,141.07							
1922	221,778	639,486,434.55							
1923	274,507	790,596,834.78							
1924	313,712	927,567,597.78						1,739	$5,757,455.35
1925	342,804	1,005,684,816.60		$957,565,424.68		$48,119,391.92	$2,654,266.18	2,399	6,938,150.79
1926	366,577	1,077,818,724.32	348,734	1,010,472,980.51	17,843	67,345,743.81	3,341,990.60	2,557	8,171,778.64
1927	392,148	1,157,093,123.86	371,038	1,078,752,089.04	21,110	78,341,034.82	4,179,269.70	2,330	8,024,722.02
1928	404,699	1,194,820,881.24	383,497	1,123,412,547.41	21,202	71,408,333.83	4,321,078.41	2,957	11,264,392.09
1929	409,559	1,198,513,916.52	385,287	1,120,630,083.86	24,272	77,883,832.66	4,913,086.23	3,350	11,629,152.26
1930	410,493	1,189,604,354.13	366,625	1,052,157,107.36	43,868	137,447,246.67	8,199,658.62	4,645	16,866,108.97
1931	407,852	1,167,898,205.49	313,515	862,970,329.90	94,337	304,927,875.59	18,580,753.39	7,386	27,168,645.95
1932	400,537	1,116,691,663.76	220,145	523,098,947.13	180,392	593,592,716.63	47,536,280.48	10,039	40,419,840.29
1933	428,861	1,213,523,313.17	219,696	586,118,886.50	209,165	627,404,426.67	72,307,794.57	6,585	25,801,412.27
1934	606,344	1,596,414,669.40	401,864	1,267,960,790.23	204,480	628,454,079.17	48,024,555.28	4,763	15,244,494.18
1935	643,803	2,070,611,654.20	497,409	1,671,022,212.82	146,394	399,589,441.38	57,101,946.58	11,438	36,209,951.96
1936	639,828	2,064,157,944.16	544,397	1,793,510,792.00	95,431	270,647,152.16	39,351,556.04	13,571	41,994,962.79
1937	635,776	2,035,306,748.05	534,549	1,749,560,636.92	101,227	285,746,111.13	34,027,361.57	9,065	27,642,369.14
1938	628,781	1,982,224,006.67	502,890	1,592,818,560.99	125,891	389,405,445.68	39,207,975.80	7,337	24,393,831.12
1939	618,456	1,904,655,014.10	491,374	1,500,456,517.20	127,082	404,198,496.90	[2] 41,875,848.15	10,567	38,100,220.23

[1] Information not available.
[2] Net extensions and delinquent installments, plus advances, etc.

Farm Credit Administration, Division of Finance and Accounts, Mar. 6, 1940.

Federal land banks: Foreclosures completed, real estate disposed of, farms owned outright, and loans delinquent at selected times

Year	Number of foreclosures completed during year	Amount of foreclosures completed during year	Number of farms owned outright and held subject to redemption at end of year	Number of dispossals of farms and sheriffs' certificates during year		Classified as delinquent (loans with matured installments unpaid and loans with delinquent extensions)
				Whole	Part	
1929	3,350	$11,629,152.26	6,641	2,234	235	$77,883,832.66
1930	4,645	16,866,108.97	8,532	2,826	305	137,447,246.67
1931	7,386	27,168,645.95	12,629	3,729	502	304,927,875.59
1932	10,039	40,419,840.29	18,503	5,360	924	593,592,716.63
1933	6,585	25,801,412.27	21,945	4,128	637	627,404,426.67
1934	4,763	15,244,494.18	22,960	4,858	696	628,454,079.17
1935	11,438	36,209,951.96	27,515	8,423	1,289	399,589,441.38
1936	13,571	41,994,962.79	29,075	13,032	1,989	270,647,152.16
1937	9,065	27,642,369.14	25,838	13,212	2,068	285,746,111.13
1938	7,337	24,393,831.12	24,024	10,186	1,324	389,405,445.68
1939	10,567	38,100,220.23	25,801	9,536	1,040	404,198,496.90

Farm Credit Administration, Division of Finance and Accounts, Mar. 6, 1940.

Number and amount of loans paid in full to the Federal land banks and Land Bank Commissioner

Year	Federal land banks		Land Bank Commissioner		Total	
	Number	Amount	Number	Amount	Number	Amount
1933	2,981	$4,493,596.73	24	$35,000.00	3,005	$4,528,596.73
1934	4,506	8,166,086.58	1,476	2,118,241.63	5,982	10,284,328.21
1935	7,012	14,715,365.98	3,815	5,306,717.05	10,827	20,022,083.03
1936	9,253	18,828,905.67	8,979	11,769,023.59	18,232	30,597,929.26
1937	12,189	27,503,868.05	12,619	16,806,078.37	24,808	44,399,946.42
1938	11,068	25,881,316.44	10,889	13,581,138.45	21,957	39,462,454.89
1939	13,718	34,165,238.80	13,267	15,493,400.79	26,985	49,658,639.59
Total	60,727	133,844,378.25	51,069	65,109,599.88	111,796	198,953,978.13

Farm Credit Administration, Division of Finance and Accounts, Mar. 6, 1940.

Federal land banks and Land Bank Commissioner: Amount of interest maturing during the years 1934 through 1939, and delinquent at the end of such years [1]

Year	Federal land banks		Land Bank Commissioner	
	Interest maturing during year	Interest delinquent at end of year	Interest maturing during year	Interest delinquent at end of year
1934	$64,905,715	$47,810,304	$7,990,342	$1,416,539
1935	75,545,986	18,035,366	31,830,854	5,957,943
1936	71,803,361	8,830,065	39,996,895	9,731,439
1937	71,877,403	7,544,108	37,495,768	10,998,333
1938	70,696,836	10,096,506	31,303,997	8,473,378
1939	68,197,947	9,038,037	28,318,791	5,511,747

[1] Data for years previous to 1934 not available as reports prior to that time to this office did not separate interest and principal maturities.

Farm Credit Administration, Division of Finance and Accounts, Mar. 6, 1940.

Number of foreclosures per 1,000 farms in the United States by all farm mortgage holders, 1926 through 1939 [1]

For the year ended Mar. 15—	
1926–30 (yearly average)	16.7
1931	18.7
1932	28.4
1933	38.8
1934	28.0
1935	21.0
1936	20.3
1937	18.1
1938	14.3
1939	[2] 13.4

[1] Includes loss of title by defaults of contract sales to avoid foreclosure and surrender of title or other transfers to avoid foreclosure.
[2] Preliminary estimate.

Farm Credit Administration, Division of Finance and Accounts, Mar. 6, 1940.

Source: U. S. Department of Agriculture, Bureau of Agricultural Economics.

Federal Farm Mortgage Corporation: Land Bank Commissioner loans closed during 1939 and outstanding, Dec. 31, 1939, by States

District and State	Loans closed during 1939		Loans outstanding Dec. 31, 1939	
	Number	Amount	Number	Amount
District 1:				
Maine	35	$18,000	2,150	$3,532,801
New Hampshire	39	55,900	518	750,873
Vermont	65	86,400	1,172	1,441,017
Massachusetts	141	283,300	2,237	3,897,050
Rhode Island	23	45,200	321	599,300
Connecticut	187	368,300	1,689	3,001,673
New York	578	926,200	8,047	12,984,943
New Jersey	210	414,500	2,456	4,583,639
Total	1,278	2,227,800	18,590	30,791,296
District 2:				
Pennsylvania	177	239,200	5,325	6,907,168
Delaware	15	18,900	273	412,200
Maryland	70	106,800	1,899	3,302,315
Virginia	147	207,200	4,803	6,452,311
West Virginia	72	101,600	2,545	2,586,180
Puerto Rico	58	186,900	618	1,542,467
Total	539	860,600	15,463	21,202,641
District 3:				
North Carolina	633	788,240	12,947	14,810,362
South Carolina	279	353,680	9,011	10,217,695
Georgia	751	843,149	14,633	15,334,301
Florida	166	243,850	5,285	7,593,000
Total	1,829	2,228,919	41,876	47,955,358
District 4:				
Ohio	512	797,800	13,304	19,084,880
Indiana	684	1,018,300	15,493	20,803,775
Kentucky	307	503,900	10,446	13,459,323
Tennessee	494	663,300	10,687	11,880,572
Total	1,997	2,983,300	49,935	65,228,550
District 5:				
Alabama	864	704,100	10,975	8,243,245
Mississippi	489	538,231	10,756	7,607,656
Louisiana	251	352,900	4,732	4,476,837
Total	1,604	1,595,231	26,463	20,327,738
District 6:				
Illinois	874	2,096,700	16,481	37,324,625
Missouri	317	455,700	13,413	18,491,436
Arkansas	183	274,600	6,572	6,431,002
Total	1,374	2,827,000	36,466	62,247,063
District 7:				
Michigan	283	377,500	18,443	21,921,948
Wisconsin	208	325,100	22,659	42,887,206
Minnesota	334	573,500	23,305	42,360,976
North Dakota			17,039	27,863,433
Total	825	1,276,100	81,446	135,033,563
District 8:				
Iowa	845	2,021,500	21,207	52,641,048
South Dakota	122	264,800	10,584	18,550,991
Nebraska	619	1,151,700	15,571	32,721,182
Wyoming	117	276,800	2,829	4,284,850
Total	1,703	3,714,800	50,191	108,198,071
District 9:				
Kansas	695	981,700	20,175	37,034,974
Oklahoma	431	541,400	12,714	15,486,749
Colorado	319	531,800	6,270	9,672,408
New Mexico	129	215,100	1,979	2,776,218
Total	1,574	2,270,000	41,138	64,970,349
District 10: Texas	1,693	2,796,650	31,636	46,095,661
District 11:				
Arizona	102	295,900	1,153	2,323,588
Utah	35	72,200	3,411	5,277,386
Nevada	4	14,300	270	705,257
California	745	1,942,300	19,710	43,768,047
Total	886	2,324,700	24,544	52,074,278
District 12:				
Montana	229	426,650	5,471	10,239,848
Idaho	307	532,750	5,199	8,802,549
Washington	292	707,750	5,473	8,525,426
Oregon	293	645,100	5,185	9,187,420
Total	1,121	2,312,250	21,328	36,755,243
Grand total	16,423	27,417,350	439,076	690,879,811

Federal land banks loans closed during 1939 and outstanding Dec. 31, 1939, by States

District and State	Loans closed during 1939		Loans outstanding, Dec. 31, 1939	
	Number	Amount	Number	Amount
District 1:				
Maine	17	$45,500	3,148	$6,487,555
New Hampshire	27	54,600	750	1,336,323
Vermont	67	141,000	2,130	4,640,916
Massachusetts	96	223,200	3,093	7,094,032
Rhode Island	20	49,000	470	1,208,946
Connecticut	154	469,100	2,592	6,496,124
New York	557	1,593,600	14,268	35,996,592
New Jersey	169	452,100	3,116	9,093,460
Total	1,107	3,028,100	29,567	72,353,948
District 2:				
Pennsylvania	186	551,200	9,199	19,680,892
Delaware	8	19,800	314	830,251
Maryland	63	219,800	2,349	7,945,890
Virginia	154	457,600	11,168	26,629,645
West Virginia	62	196,400	4,623	7,881,134
Puerto Rico	18	120,500	3,747	10,091,701
Total	491	1,565,300	31,400	73,059,513
District 3:				
North Carolina	318	694,400	12,068	18,816,323
South Carolina	134	328,800	6,863	13,409,786
Georgia	336	696,100	12,753	22,255,927
Florida	91	474,700	4,488	9,417,811
Total	879	2,194,000	36,172	63,899,847
District 4:				
Ohio	596	1,791,300	19,144	53,842,672
Indiana	581	1,633,000	25,496	68,136,790
Kentucky	232	836,000	12,735	33,875,157
Tennessee	257	620,000	13,872	28,696,970
Total	1,666	4,880,300	71,247	184,551,589
District 5:				
Alabama	654	1,256,200	20,155	27,691,715
Mississippi	281	1,259,900	16,885	26,280,155
Louisiana	173	736,900	10,432	19,689,449
Total	1,108	3,253,000	47,472	73,661,319
District 6:				
Illinois	1,055	6,050,100	24,822	137,595,459
Missouri	285	842,600	14,215	38,742,997
Arkansas	100	400,900	10,463	16,956,623
Total	1,440	7,293,600	49,500	193,295,079
District 7:				
Michigan	222	642,300	22,337	48,025,573
Wisconsin	197	765,400	23,500	74,963,857
Minnesota	330	1,531,700	29,017	111,779,858
North Dakota			18,679	60,753,448
Total	749	2,939,400	93,533	295,522,736
District 8:				
Iowa	959	5,813,300	33,302	201,556,590
South Dakota	70	269,500	13,556	49,579,204
Nebraska	662	2,745,100	24,738	114,856,633
Wyoming	69	350,100	3,074	9,475,886
Total	1,760	9,178,000	74,670	375,498,313
District 9:				
Kansas	806	2,620,000	26,508	90,316,703
Oklahoma	405	1,124,000	14,481	34,701,614
Colorado	234	792,200	9,432	25,699,057
New Mexico	87	285,100	4,592	8,801,991
Total	1,532	4,821,300	55,013	159,519,365
District 10: Texas	1,318	4,636,500	67,819	194,562,987
District 11:				
Arizona	82	378,100	2,082	8,159,855
Utah	29	139,900	5,581	14,455,111
Nevada	6	20,300	433	2,977,057
California	565	3,482,200	18,361	91,459,883
Total	682	4,020,500	26,457	117,051,906
District 12:				
Montana	138	461,000	5,912	16,711,914
Idaho	263	885,000	9,196	26,654,318
Washington	246	1,285,000	12,132	31,370,478
Oregon	245	1,139,900	8,366	26,941,702
Total	892	3,771,500	35,606	101,678,412
Grand total	13,624	51,581,500	618,456	1,904,655,014

FARM CREDIT ADMINISTRATION,
Washington, D. C., April 4, 1940.

Hon. HUGH PETERSON,
House of Representatives.

DEAR MR. PETERSON: Pursuant to your request by telephone on April 1, 1940, there are enclosed various data with respect to the operations of the Federal Farm Mortgage Corporation to supplement information furnished on March 6, 1940. In table 12 on page 27 of the enclosed Farm Credit Quarterly, as of December 31, 1939, there is furnished the "Estimated number of farm-foreclosure sales per 1,000 farms mortgaged to each type of lender on January 1, 1935, from January 1934 through September 1939."

Since the publication of the Quarterly, the information for the year 1939 and the last quarter of that year have become available and are shown below.

Type of lender	Year 1939	December quarter, 1939
Federal land banks and Land Bank Commissioner	15.3	1.9
Individuals	13.8	3.3
Commercial banks	21.5	4.7
Insurance companies	25.3	4.9
Miscellaneous	8.3	1.2
Total, all lenders	15.0	2.7

There are also enclosed two tables on the operations of the Federal land banks, which represent revisions of similar information furnished to you on March 6. These revisions were necessary in order to make the data comparable over the entire period covered. We shall appreciate your substituting the revised tables for those which we previously sent to you.

With kind personal regards,

Sincerely,

CLIFF WOODWARD,
Special Assistant to the Governor.

Federal land banks: Loans outstanding, classified according to status, 1924–39

	Total loans outstanding		Loans with all matured installments paid in full by borrower		Loans delinquent and/or extended	
	Number	Unpaid principal	Number	Unpaid principal	Number	Unpaid principal
Dec. 31—						
1924	313,712	$927,568,000	298,341	$873,204,000	15,371	$54,364,000
1925	342,804	1,005,685,000	329,974	957,566,000	12,830	48,119,000
1926	366,494	1,077,819,000	348,651	1,010,473,000	17,843	67,346,000
1927	392,148	1,155,644,000	371,038	1,077,303,000	21,110	78,341,000
1928	404,865	1,194,821,000	383,811	1,123,413,000	21,054	71,408,000
1929	409,559	1,198,514,000	385,287	1,120,630,000	24,272	77,884,000
1930	410,493	1,189,604,000	366,625	1,052,157,000	43,868	137,447,000
1931	407,852	1,167,898,000	313,515	862,970,000	94,337	304,928,000
1932	400,537	1,128,565,000	220,145	534,972,000	180,392	[1] 593,593,000
1933	428,861	[2] 1,213,523,000	219,696	[3] 586,119,000	209,165	[2] 627,404,000
1934	606,344	[2] 1,896,415,000	401,864	[2] 1,267,961,000	204,480	[2] 628,454,000
1935	643,803	2,071,925,000	467,752	[3] 1,515,146,000	176,051	[3] 556,779,000
1936	639,828	2,064,158,000	495,959	[3] 1,594,601,000	143,869	[3] 469,557,000
1937	635,776	2,035,307,000	504,652	[3] 1,598,552,000	131,124	[3] 436,755,000
1938	628,781	1,982,224,000	484,959	[3] 1,478,545,000	143,822	[3] 503,679,000
1939	618,456	1,904,655,000	479,087	[3] 1,431,322,000	139,369	[3] 473,333,000

[1] Extensions partially estimated.
[2] Unmatured principal.
[3] Estimated.

Farm Credit Administration, Division of Finance and Accounts, Apr. 4, 1940.
NOTE.—Revision of table furnished on Mar. 6, 1940.

Federal Farm Mortgage Corporation: Loans outstanding, classified according to status, 1934–39

	Total loans outstanding		Loans with all matured installments paid in full by borrower		Loans delinquent and/or extended	
	Number	Unpaid principal	Number	Unpaid principal	Number	Unpaid principal
Dec. 31—						
1934	347,299	$616,825,000	313,893	$551,141,000	33,406	$65,684,000
1935	431,205	794,727,000	355,135	639,943,000	76,070	154,784,000
1936	455,082	836,779,000	370,378	664,935,000	84,704	171,844,000
1937	455,291	812,749,000	350,139	[1] 601,756,000	105,152	[1] 210,993,000
1938	448,080	752,851,000	314,533	[1] 493,608,000	133,547	[1] 259,243,000
1939	439,076	690,880,000	308,525	[1] 454,286,000	130,551	[1] 236,594,000

[1] Estimated.

Farm Credit Administration, Division of Finance and Accounts, Apr. 4, 1940.

Federal land banks: Foreclosures completed, farms owned, real estate disposed of, and loans delinquent and/or extended, 1929–39

Year	Foreclosures completed during year		Number of farms owned outright and held subject to redemption at end of year	Number of disposals of farms and sheriffs' certificates during year		Loans delinquent and/or extended (unpaid principal)
	Number	Amount		Whole	Part	
1929	3,350	$11,629,000	6,641	2,234	235	$77,884,000
1930	4,645	16,866,000	8,532	2,826	305	137,447,000
1931	7,386	27,169,000	12,629	3,729	502	304,928,000
1932	10,039	40,420,000	18,503	5,360	924	[1] 593,593,000
1933	6,585	25,801,000	21,945	4,128	637	[2] 627,404,000
1934	4,763	15,244,000	22,960	4,858	696	[2] 628,454,000
1935	11,438	36,210,000	27,515	8,423	1,289	[3] 556,779,000
1936	13,571	41,995,000	29,075	13,032	1,989	[3] 469,557,000
1937	9,065	27,642,000	25,838	13,212	2,068	[3] 436,755,000
1938	7,337	24,394,000	24,024	10,186	1,324	[3] 503,679,000
1939	10,567	38,100,000	25,801	9,536	1,040	[3] 473,333,000

[1] Extensions partially estimated.
[2] Unmatured principal.
[3] Estimated.

Farm Credit Administration, Division of Finance and Accounts, Apr. 4, 1940.
NOTE.—Revision of table furnished on Mar. 6, 1940.

Federal Farm Mortgage Corporation: Foreclosures completed, farms owned, real estate disposed of, and loans delinquent and/or extended, 1934–39

Year	Foreclosures completed during year		Number of farms owned outright and held subject to redemption at end of year	Number of disposals of farms and sheriffs' certificates during year		Loans delinquent and/or extended (unpaid principal)
	Number	Amount		Whole	Part	
1934	2	$5,000	2	------	------	$65,684,000
1935	213	362,000	236	18	------	154,784,000
1936	2,184	4,103,000	2,379	490	28	171,844,000
1937	3,498	6,647,000	5,107	1,693	154	[1] 210,993,000
1938	5,189	10,530,000	8,245	3,500	265	[1] 259,243,000
1939	5,502	11,539,000	9,625	6,406	424	[1] 236,594,000

[1] Estimated.

Farm Credit Administration, Division of Finance and Accounts, Apr. 4, 1940.

TABLE 12.—***Estimated number of farm foreclosure sales per 1,000 farms mortgaged to each type of lender on Jan. 1, 1935, from January 1934 through September 1939*** [1]

Year and quarter	Federal land banks and Land Bank Commissioner	Individuals	Commercial banks	Insurance companies	Miscellaneous	Total, all lenders
Year:						
1934	4.7	34.3	36.9	92.5	29.7	27.8
1935	11.8	28.5	36.9	67.7	26.7	26.1
1936	15.7	24.5	34.5	49.7	18.5	23.3
1937	13.1	20.0	30.4	34.2	13.2	18.5
1938	13.4	17.3	25.9	29.2	9.8	16.4
Quarter ended:						
1934—March	.4	10.2	9.2	25.5	8.9	7.6
June	1.0	8.4	9.6	25.9	7.8	7.1
September	1.8	6.8	8.4	19.7	6.1	6.1
December	1.5	8.9	9.7	21.4	6.9	7.0
1935—March	2.6	8.1	9.3	19.4	8.1	7.2
June	3.3	7.8	10.0	18.9	6.3	7.0
September	3.0	6.2	8.4	15.3	6.5	6.0
December	2.9	6.4	9.2	14.1	5.8	5.9
1936—March	3.8	6.2	8.0	13.3	6.4	6.1
June	4.6	6.4	9.3	13.8	5.2	6.4
September	3.8	5.6	9.0	9.9	3.6	5.3
December	3.5	6.3	8.2	12.7	3.3	5.5
1937—March	3.2	6.0	9.4	10.7	3.9	5.3
June	3.8	5.0	7.3	9.6	3.8	5.0
September	3.2	4.3	6.7	6.7	2.6	4.0
December	2.9	4.7	7.0	7.2	2.9	4.2
1938—March	3.0	5.1	7.2	9.1	3.3	4.6
June	3.9	4.7	6.5	8.1	2.5	4.5
September	3.4	3.6	6.1	5.3	1.9	3.6
December	3.1	3.9	6.1	6.7	2.1	3.7
1939—March	4.0	4.1	6.4	8.3	3.2	4.5
June	5.2	3.6	5.9	7.3	2.5	4.5
September	4.1	2.8	4.5	4.8	1.4	3.3

[1] Based on reports from counties, including from 22 to 30 percent of the farms in the United States.

Farm Credit Quarterly, Dec. 31, 1939.

From the above figures it can be seen that in 1939 the Farm Credit Administration (Federal land banks and the Federal Farm Mortgage Corporation combined) completed foreclosures on a total

of 16,069 farms, and the total amount involved was $49,639,000, or $3,089 per farm.

The acreage foreclosed, at 231 acres per farm, was 3,711,939 acres.

Under the provisions of this measure the General Land Office could have acquired this entire acreage for not exceeding the above sum of $49,639,000.

Presuming that 100 acres constitute a reasonable average-size homestead unit (it is understood that the size of the average unit now being set up under other agencies is slightly more than this), a total of 37,119 homestead units could have been set up and made available for entry at a reduction in average cost from $3,089 per farm to $1,337 per farm homestead unit.

Thus it would have been possible under this measure to not only help 16,069 farm families retain their farm homes but also to elevate 21,050 families, in addition, to the group of farm-home owners. And while accomplishing these ends the total burden of farm-mortgage debt would not have been increased 1 cent, but would have been materially reduced. At the same time the Government would have made an absolutely sound and secure investment.

In a letter from the Department of Agriculture, dated April 2, 1940, it is estimated that in 1939, foreclosures were made by all lending agencies on a total of 32,550 farms. The letter is submitted herewith.

DEPARTMENT OF AGRICULTURE,
BUREAU OF AGRICULTURAL ECONOMICS,
Washington, D. C., April 2, 1940.

Hon. HUGH PETERSON,
House of Representatives.

DEAR MR. PETERSON: This will reply to your request by telephone for further information on farm-mortgage credit.

With respect to your inquiry as to the total amount of farm-mortgage debt held by the Federal land banks and Land Bank Commissioner, you will find enclosed a current issue of the Agricultural Finance Review summarizing recent developments in the field of farm credit. Table 1 of the appendix, page 88 of this Review, gives data on the total farm-mortgage debt by years, 1910 through 1939, and the amount of farm-mortgage debt held by leading lending agencies, including Federal land banks, Federal Land Bank Commissioner, insurance companies, commercial banks, joint-stock land banks, and others. As of January 1, 1939, the Federal land banks and the Land Bank Commissioner together held 38.5 percent of the total farm-mortgage debt, while the Federal land banks alone held about 28 percent. The amount of farm-mortgage debt outstanding on January 1, 1933–39 for each of the two federally sponsored agencies mentioned is tabulated in table 5, page 89 of the appendix. The total outstanding loans for these two agencies decreased from $2,923,000,000 on January 1, 1939, to $2,584,000,000 on January 1, 1940.

On page 51 of the enclosed Review, loan operations of the Federal land banks and the Land Bank Commissioner during the first 9 months of 1939 are reviewed, including information relative to the percentage of the total farm-mortgage debt held by these agencies as of January 1, 1939. Figure 2, page 54, shows these ratios by States for this date. In order that you may have a comparison of the ratios on January 1, 1939, to an earlier period there is also enclosed, entitled "Figure 1," a comparable ratio, by States, for January 1, 1929. Whereas the percentage of the total farm-mortgage debt held by the Federal land banks and Land Bank Commissioner on January 1. 1939 was 38.5 percent, the amount held by the Federal land banks on January 1, 1929 was only 12.1 percent.

With respect to the amount of total farm-mortgage debt held by life-insurance companies there are also enclosed two charts, one indicating the percentage of the total farm-mortgage debt held by life-insurance companies on January 1, 1929, and the other for January 1, 1939 (figs. 2 and 3). It will be noted that on January 1, 1929, life-insurance companies held 21.9 percent of the total farm-mortgage debt, whereas by January 1, 1939, this had decreased to only 12.5 percent.

With respect to delinquencies for the Federal land banks and Land Bank Commissioner, there are enclosed two charts showing the number of loans delinquent as a percentage of the number of loans outstanding on December 31, 1939. The figure for the Federal Farm Mortgage Corporation refers to Land Bank Commissioner loans. Similar charts are not available for life-insurance companies. However, the delinquencies for life-insurance companies are indicated by the following data based upon the records of 26 of the largest companies as of December 31, 1938. Of the total unpaid principal on farm mortgages of $572,000,000, including foreclosed liens subject to redemption, 14.7 percent were delinquent as to interest for 3 months or more. Nine and three-tenths percent were delinquent as to interest 1 year or more. The amounts delinquent as to interest for 3 months or more were distributed as follows:

	Percent
3 months to 1 year	5.45
1 to 2 years	3.59
2 to 3 years	1.86
Over 3 years	3.81
Total	14.71

With respect to your request for information on the number of loans which were straight Federal land-bank loans, the number which were single Land Bank Commissioner loans and the number which were joint Federal land bank and Land Bank Commissioner loans which were straight Federal land-bank loans, the number closed between May 1, 1933, and December 31, 1939, 14.6 percent were straight Federal land-bank loans, 43.5 percent were single Land Bank Commissioner loans, and the remainder, or 41.9 percent, were joint loans. The amount closed, however, shows a somewhat different pattern; of the $2,389,000,000 loans closed during the aforementioned period, 13.7 percent were straight Federal land-bank loans and 18.6 percent were single Land Bank Commissioner loans, whereas 67.7 percent were joint Federal land-bank and Land Bank Commissioner loans. A tabulation of these data by land-bank districts is also enclosed (table 1). In all cases of joint land-bank and Land Bank Commissioner loans, the land banks hold the senior mortgage and the Land Bank Commissioner holds the junior mortgage. While there are a few cases where the Commissioner holds a junior mortgage on farms where lenders other than the Federal land banks hold the senior mortgage, these are insignificant and amount to probably not more than 0.5 percent of the total number of loans now outstanding.

With respect to the relationship of foreclosures per thousand mortgaged farms and forced transfers per thousand of all farms, it will be noted from the "Real estate situation" enclosed with my letter of March 23 (table 13, p. 32), that the number of farms changing ownership through forced sales and related defaults for 1939 amounted to 16.8 farms per thousand of all farms. As mortgaged farms are probably about one-third of all farms, this would mean that the number of farms changing ownership by forced sales and related defaults was about 50 farms per thousand mortgaged farms. If the number of mortgaged farms is used as 2,350,000, the number of farms transferred because of forced sales or related defaults would be 117,500, whereas it is estimated that about 32,550 farms, or 15 farms per thousand mortgaged farms, were transferred because of foreclosure.

There are no available data which would indicate the number of forced transfers on debt-free farms, and it cannot be concluded from the number of forced transfers of farms expressed as a number per 1,000 of all farms or the number per 1,000 of mortgaged farms, how many involuntary transfers occurred on mortgaged or nonmortgaged farms. The data for forced sales include sales for delinquent taxes which frequently do not result in loss of ownership.

From available data it appears that the number of farms foreclosed by the Federal land banks and Land Bank Commissioner were equal to about 73.4 percent of the number of farms acquired by those agencies during the period 1934–39. This does not mean, however, that 73.4 percent of the farms acquired by the Federal land bank and Land Bank Commissioner were acquired through foreclosure, as a considerable number of the farms foreclosed did not result in the acquirement of the farm. The percentage of farms acquired by these agencies through foreclosure proceedings will therefore be somewhat less than 73.4.

If this office can be of further assistance, feel free to call upon us.

Very truly yours,

NORMAN J. WALL,
Head, Division of Agricultural Finance.

Presuming that 69 percent of these 32,550 foreclosures were on owner-operated farms (no definite figures on this are available, however it is shown that 69 percent of the mortgaged farms are owner-operated) and that the farms were of the same average size as those upon which the Farm Credit Administration foreclosed, viz, 231 acres, foreclosures were made on a total of 22,460 owner-operated farms comprising 5,188,260 acres, and it is reasonable to assume that this group of farm families were either reduced to tenantry or moved away from the farm during 1939.

Under this measure, however, all these farm tracts could have been acquired and refinanced by the General Land Office at a cost of $3,089 per farm tract (taking Farm Credit Administration figures for the average), or a total of $69,378,940.

By dividing the tracts into homestead units of 100 acres average size the farm home of each of these 22,460 families could have been saved from foreclosure and there would have also been made available for other families a total of 29,422 additional farm-homestead units. The debt against each owner would have been reduced from $3,089 to $1,337.

Thus it can be seen that for the sum of only $69,378,940, or $1,337 per homestead unit, it would have been possible through this measure to completely check the increase of tenantry in 1939 insofar as it was brought about through foreclosure of farm-mortgage debts, and place a total of 51,882 families in a safe position as farm-home owners. At the same time the aggregate farm-mortgage debt would not have been increased one penny, and the Government would have made an absolutely sound and secure investment.

A cost of less than $1,400 per family for rehabilitating American families in their own farm homes appears to compare favorably with the present cost to the Government of almost $1,000 annually for every person on relief, especially when it is remembered that the $1,400 will be repaid to the Government.

It is recognized that the calculations made in this report cannot be entirely accurate, but they are sufficiently accurate to conclusively prove the economy of this measure and the soundness of its provisions.

The general provisions of this legislation are explained in the report which has already been submitted by the committee.

Mr. GREEN. Mr. Speaker, I ask unanimous consent to extend in the body of the RECORD my own remarks on the Mediterranean fruit-fly restitution.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. MARCANTONIO. Mr. Speaker, I ask unanimous consent to extend my remarks and include a letter addressed to me by the United Shoe Workers of America.

The SPEAKER. Is there objection?

There was no objection.

Mr. THILL. Mr. Speaker, I ask unanimous consent to extend my remarks and include a short newspaper article.

The SPEAKER. Is there objection?

There was no objection.

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks and include therein an editorial.

The SPEAKER. Is there objection?

There was no objection.

THE LATE HON. JAMES F. HUGHES

Mr. JOHNS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. JOHNS. Mr. Speaker, I rise to announce the death of a former Member of this House, Hon. James F. Hughes, of my own district.

Mr. Hughes was elected to Congress in 1932 and passed away at Rochester, Minn., on August 9, 1940. He was a member of the Democratic State Central Committee of Wisconsin from 1920 to 1924 and was a delegate to the national conventions in 1920 and 1928. For 23 years he was a member of the De Pere Board of Education. He was well known in my district and served the community in which he lived well, and I understand did a very good job while in Congress.

He was not a candidate for reelection in 1934.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. VORYS of Ohio. Mr. Speaker, I ask unanimous consent to extend my remarks by including an address by Catherine Curtis, director of National Woman Investors in America.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I take this minute in order to ask unanimous consent to extend my remarks in the RECORD on the subject New Deal Politics Pays Well and include a brief article by Mr. Joseph Alsop and Mr. Robert Kintner, appearing in the Capitol Parade in the August 13 edition of the Washington Evening Star, with reference to the engineering firm of Mr. "Chip" Robert, secretary of the Democratic National Committee, receiving more than $1,000,000 of fee contracts, under the defense program, from the Navy.

The SPEAKER. Is there objection?

There was no objection.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my remarks and include an address by Wade H. Cooper on the Supreme Court, and a short editorial from the press.

The SPEAKER. Is there objection?

There was no objection.

EXPLANATION OF VOTE

Mr. ENGLEBRIGHT. Mr. Speaker, I ask unanimous consent to proceed for one-half minute to make a short statement.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ENGLEBRIGHT. Mr. Speaker, I am authorized to state that had Mr. ANDRESEN of Minnesota, and Mr. HOPE, of Kansas, been present they would have voted "aye"——

The SPEAKER. The Chair cannot entertain that statement in view of the objection made by the gentleman from Missouri [Mr. CANNON] earlier in the day, to other statements of that sort.

Mr. CANNON of Missouri. Mr. Speaker, it is not a matter of any Member objecting but, under the rules, the Chair is not permitted to recognize Members for that purpose.

Mr. WOLCOTT. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield.

Mr. WOLCOTT. May not the whip or the leader, or whoever is charged with that responsibility obtain a minute to address the House for that purpose by unanimous consent?

Mr. CANNON of Missouri. Unfortunately, the whips, like other Members, are subject to the rules of the House. It is a rule which has been observed for a hundred years, and, like every other rule of the House, there is an excellent reason for its observance.

In the first place, it places a Member on record by proxy. A Member may not be recorded unless present and answering when his name is called and a Member may not vote by proxy. Such announcements in effect nullify both these provisions of the rules and place Members on record on the announcement of a colleague.

In the second place, such announcements flagrantly misrepresent the position of other Members of the House. The clerks pair all absent Members. All Members who fail to answer on roll call are arbitrarily paired without consulting their wishes or inquiring as to their attitude on the question on which the vote is taken, and always without their knowledge or consent as to with whom paired. Then for some Member to rise on the floor at the conclusion of the vote and announce that the Member with whom they are unwittingly paired would have voted in the affirmative or the negative if present, automatically places them on the opposite of the question although they may have been emphatically pledged to their constituency to the contrary. Again, such announcements are a reflection on all Members who, through some unavoidable exigency, failed to vote on the roll call, as they infer less interest in the proceedings and less attention to the question at issue than that exhibited by the Members whose position is announced by an assiduous, if not officious, colleague. If such a practice should become general it would impose on spokesmen for each delegation in the House the nerve-wracking duty of seeing that every Member of his delegation was accounted for in these announcements at the close of every vote thereby contributing immeasurably to the confusion on the floor and the delay in the proceedings of the House every time the roll was called.

Not the least objectionable feature of this violation of the rules is its encouragement of delinquency. When a Member may enter his appearance in and be placed of record in this manner he has less hesitancy in absenting himself from the Chamber and the city. Something like 40 Members were included in a recent announcement of this character, and if it is extended to permit the whips on either side of the aisle to thus round up their charges, it is easy to foresee a situation in which a majority of the membership of the House might leave their vote and their conscience in the keeping of a colleague while they attend to more inviting matters. In fact, so objectionable is the practice that the Chair has held that Members could not be recognized even for the purpose of asking unanimous consent to make such announcements.

Mr. WOLCOTT. Will the gentleman yield further?

Mr. CANNON of Missouri. I yield.

Mr. WOLCOTT. I am merely asking this question to clarify the matter. I can see the gentleman's point, but is this a rule or a tradition?

Mr. CANNON of Missouri. It is a practice of immemorial standing. There are decisions by practically every Speaker of the House since Muhlenberg to the effect that the Chair cannot recognize for that purpose.

Mr. WOLCOTT. It would not be violating any of the rules if the whip on either side, for the purpose of announcing the votes, asked unanimous consent to proceed for 1 minute for that purpose, would it?

Mr. CANNON of Missouri. The Speaker is not authorized to put a unanimous consent request for that purpose. You cannot vitiate the rule by indirection. It is a long-established

rule that you cannot do by indirection anything directly prohibited by the rules.

Mr. WOLCOTT. That is why I asked if it was a rule or simply a practice.

Mr. CANNON of Missouri. Both. The rules do not provide for it and the practice of the House does not permit it.

Mr. WOLCOTT. There is nothing in the written rules of the House to prevent it, as I understand?

Mr. CANNON of Missouri. There is nothing in the written rules of the House to permit it.

Mr. WOLCOTT. But the gentleman is familiar with the rules. Will he advise the House whether there is anything in the written rules which prevents such announcement?

Mr. CANNON of Missouri. The gentleman remembers the statement by the distinguished Member from Ohio, Mr. Longworth, at one time Speaker of the House, in which he said that about half of the law of the House was written and half unwritten, and that frequently the unwritten was the more important of the two. And Speaker Cannon, in passing on a point of order in a proceedings under suspension of the rules, pointed out that the motion not only suspended all rules but included in its scope the unwritten law and practice of the House.

Mr. GAVAGAN. The gentleman concedes that the written rules of the House make no provision for the gentleman's objection to the unanimous-consent request.

Mr. CANNON of Missouri. The written rules of the House make no provision for it. It is not permissible under the rules.

Mr. GAVAGAN. I would like also to call the gentleman's attention to a specific rule of this House which prevents Members from voting standing here in the Well of the House; yet I have seen the gentleman time in and time out violate that rule. From today onward the gentleman will stand at his seat and vote.

Mr. CANNON of Missouri. I would like to have the gentleman cite an occasion when I did so.

Mr. GAVAGAN. I submit that repeatedly the gentleman has stood in the Well of this House and voted.

Mr. CANNON of Missouri. The gentleman is mistaken about that.

Mr. GAVAGAN. Unquestionably the gentleman is not mistaken, and from today onward the gentleman from Missouri will vote from his seat and not the Well.

Mr. CANNON of Missouri. The gentleman's memory is in error. I positively have never violated that rule.

Mr. MARCANTONIO. As I understand the situation now, the gentleman from California asked and did receive unanimous consent to proceed for one-half minute.

Mr. CANNON of Missouri. A Member speaking under unanimous consent cannot violate a rule of the House.

The SPEAKER. The gentleman from California asked unanimous consent to proceed for one-half minute. When he got to the point of stating how certain Members would have voted, the Chair, under the protest made by the gentleman from Missouri [Mr. CANNON], said the Chair could not recognize him for that purpose. There are a number of precedents to sustain the Chair in this ruling.

Mr. MAY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

NATIONAL GUARD BILL

Mr. MAY. The House has just passed Senate Joint Resolution 286. I have received a request from the chairman of the Senate Military Affairs Committee to the effect that it would be desirable to have the Senate resolution as amended by the House printed, so that the conference may be expedited. Can this be done before the bill is messaged to the Senate?

The SPEAKER. Does the gentleman submit a unanimous-consent request that the Clerk be authorized to print the Senate bill with the House amendments numbered?

Mr. MAY. Mr. Speaker, I make that request.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

RULE REGARDING ANNOUNCEMENT OF HOW MEMBER WOULD VOTE

Mr. ENGLEBRIGHT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ENGLEBRIGHT. Did not the Chair previous to my request recognize the gentleman from New York [Mr. GAVAGAN] to make a statement with reference to absent Members? I was under that impression, and with that thought in mind I asked the same privilege.

The SPEAKER. The gentleman from Missouri objected to the gentleman from New York making that statement, and the Chair enforced the same rule against the gentleman from New York. The Chair showed no partiality in enforcing it against the gentleman from California.

Mr. CANNON of Missouri. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANNON of Missouri. Would it be in order for the Speaker to recognize a Member to do by indirection what he could not do by direction?

The SPEAKER. The Chair doubts if that is a proper parliamentary inquiry. It calls for a conclusion on the part of the Chair.

EXTENSION OF REMARKS

Mr. SMITH of Ohio. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include therein some charts prepared by the Department of Commerce. The extension probably exceeds in length that permitted by the rules, but I have an estimate from the Printing Office as to the cost of the excess.

The SPEAKER. Without objection, the charts will be printed, and the request granted.

There was no objection.

Mr. MARSHALL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a newspaper clipping.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. MARSHALL]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent that on Monday next at the conclusion of the legislative business in order for the day I may be permitted to address the House for 15 minutes on the subject When Is a Nation Bankrupt?

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. VOORHIS]?

There was no objection.

Mr. PATRICK. Mr. Speaker, I ask unanimous consent that on next Wednesday after disposition of business on the Speaker's desk and at the conclusion of any special orders heretofore entered, I may address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Alabama [Mr. PATRICK]?

There was no objection.

EXTENSION OF REMARKS

Mr. SHAFER of Michigan. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a study as to the constitutionality of the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. SHAFER]?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I have two unanimous-consent requests: first, to extend my own remarks in the RECORD and to include therein an editorial; and, second, to extend my own remarks in the RECORD and to include therein a newspaper article.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. HOFFMAN]?

There was no objection.

ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly

enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 7826. An act for the relief of R. F. Brazelton;

H. R. 9158. An act to amend the act entitled "An act for the protection of certain enlisted men of the Army," approved August 19, 1937, and for other purposes; and

H. R. 7173. An act for the relief of Walter Chwalek.

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 3954. An act relating to the issuance by the Secretary of the Interior of a patent to the State of Minnesota for certain lands in that State.

ADJOURNMENT

Mr. MAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 19 minutes p. m.), under its previous order, the House adjourned until Monday, August 19, 1940, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1907. A letter from the Acting Secretary of the Treasury, transmitting the Annual Report of the Federal Bureau of Narcotics for the calendar year ended December 31, 1939; to the Committee on Ways and Means.

1908. A letter from the Archivist of the United States, transmitting recommendation for disposition of a list of papers by the Department of the Interior; to the Committee on the Disposition of Executive Papers.

1909. A letter from the Archivist of the United States, transmitting recommendation for disposition of lists of papers by the Department of Agriculture; to the Committee on the Disposition of Executive Papers.

1910. A letter from the Archivist of the United States, transmitting recommendation for disposition of a list of papers by the United States Civil Service Commission; to the Committee on the Disposition of Executive Papers.

1911. A letter from the Archivist of the United States, transmitting recommendation for disposition of lists of papers by the Federal Works Agency, Work Projects Administration; to the Committee on the Disposition of Executive Papers.

1912. A letter from the Archivist of the United States, transmitting recommendation for disposition of a list of papers by the Federal Works Agency, United States Housing Authority; to the Committee on the Disposition of Executive Papers.

1913. A letter from the Acting Secretary of the Interior, transmitting the reclamation report on the Anderson Ranch Reservoir, Boise project, Idaho (H. Doc. No. 916); to the Committee on Irrigation and Reclamation and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. FADDIS: Committee on Military Affairs. H. R. 10339. A bill to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes; with amendment (Rept. No. 2854). Referred to the Committee of the Whole House on the state of the Union.

Mr. STEAGALL: Committee on Banking and Currency. H. R. 10361. A bill to provide for increasing the lending authority of the Export-Import Bank of Washington, and for other purposes; without amendment (Rept. No. 2855). Referred to the Committee of the Whole House on the state of the Union.

Mr. HENDRICKS: Committee on the Post Office and Post Roads. S. 4137. An act relating to transportation of foreign mail by aircraft; without amendment (Rept. No. 2856). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. NICHOLS:

H. R. 10363. A bill providing for attachment of certain portions of the District of Columbia to the Free State of Maryland; to the Committee on the District of Columbia.

By Mr. RANDOLPH:

H. R. 10364. A bill to establish a Department of National Defense, to consolidate therein the Department of War and the Department of the Navy, and for other purposes; to the Committee on Expenditures in the Executive Departments.

By Mr. SUMNERS of Texas:

H. R. 10365. A bill to facilitate preparation for national defense by amending section 3477 of the Revised Statutes; to the Committee on the Judiciary.

By Mr. OSMERS:

H. R. 10366. A bill to establish a Department of National Defense, to consolidate therein the Department of War and the Department of the Navy, and for other purposes; to the Committee on Expenditures in the Executive Departments.

By Mr. MARCANTONIO:

H. J. Res. 593. Joint resolution to enforce the fourteenth and fifteenth amendments; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. KELLER:

H. R. 10367. A bill to admit Friedrich (Fritz) Salomon Israel Hollander, Jacob Ettlinger, Leo Israel Ettlinger, and Erich Israel Diefenbrunner to the United States; to the Committee on Immigration and Naturalization.

H. R. 10368. A bill granting a pension to Charley Corbishley; to the Committee on Pensions.

By Mr. PATRICK:

H. R. 10369. A bill for the admission of Friedrich (Fritz) Salomon Israel Hollander, Jacob Ettlinger, Leo Israel Ettlinger, and Erich Israel Diefenbrunner; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9177. By Mr. THOMAS F. FORD: Resolution of the Council of the City of Los Angeles, soliciting the President of the United States to consider fully the candidacy of a Los Angeles man for appointment to the first available vacancy to the United States Maritime Commission; to the Committee on Merchant Marine and Fisheries.

9178. By Mr. TENEROWICZ: Resolution of the Common Council of the City of Hamtramck, urging that Congress make provision in the National Defense Act for the safeguarding of jobs of all men called for military training; to the Committee on Military Affairs.

9179. By Mr. IZAC: Petition of sundry legal residents and citizens of San Diego County, Calif., offering their suggested amendments to the Burke-Wadsworth bill; to the Committee on Military Affairs.

9180. By the SPEAKER: Petition of Charles Forney, Princess Anne County, Norfolk, Va., petitioning consideration of resolution with reference to Senate Resolution 84 of the Seventy-second Congress and Senate Resolutions 56 and 97 of the Seventy-third Congress; to the Committee on Interstate and Foreign Commerce.